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Legal Education at Michigan, 1859-1959

Elizabeth G. Brown
University of Michigan Law School

LEGAL EDUCATION AT MICHIGAN

1859-1959

PUBLISHED UNDER THE AUSPICES OF THE UNIVERSITY OF MICHIGAN LAW SCHOOL (WHICH, HOWEVER, ASSUMES NO RESPONSIBILITY FOR THE VIEWS EXPRESSED) WITH THE AID OF FUNDS DERIVED FROM GIFTS TO THE UNIVERSITY OF MICHIGAN BY WILLIAM W. COOK

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IN CONSULTATION WITH
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FOUR VOLUMES
ERNST RABEL

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1959 CONFERENCE ON LEGAL EDUCATION

LEGAL EDUCATION AT MICHIGAN
1859-1959

by

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Foreword by

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Ann Arbor
THE UNIVERSITY OF MICHIGAN LAW SCHOOL
1959

Foreword

"The character of the legal profession depends on the character of the law schools. The character of the law schools forecasts the future of America." Thus reads an inscription over the doorway of the State Street entrance of the Lawyers Club in the University of Michigan Law Quadrangle. Legal education is, in truth, a significant part of the total educational effort of the country.

First opening its doors in 1859, the University of Michigan Law School has now accumulated a full century of experience in educating young men and young women for the practice of law. Two years ago, the law faculty, taking note of the approach of the Centennial year, established a research project under the financial auspices of the William W. Cook Endowment Fund, in order to engage in a serious study of all aspects of the school's activities down the years, and to prepare a complete and definitive report on this first century of history. In charge of the project and supervising it throughout has been Professor William Wirt Blume, a long-time member of the law faculty and a legal historian of ripened experience and repute. He was fortunate in obtaining the services of Mrs. Elizabeth Brown, a law graduate who, as the research associate in immediate charge, has displayed great skill and infinite thoroughness in assembling the history, preparing the charts, graphs and statistical compilations, and writing the manuscript for the volume.

Mrs. Brown has explored all of the pertinent records of the school and its activities, and there are at least some records from the very beginning. Her researches have covered the proceedings of the Board of Regents, the minutes of the law faculty (available from 1895 to date), committee reports of the law faculty, annual reports of the Dean to the President and Board of Regents, annual announcements of the Law School from 1883 to date, the catalogue (sometimes called the calendar) of the University of Michigan, 1859 to date, and all of the internal student and other records of the Law School itself from the date of opening the doors in October of 1859. These have served as the basic materials for this volume.

It will be noted that the volume is divided into two principal parts: Part I is the text. This includes discussion of the early history of the school and its administration, the faculty, courses of instruction, techniques of teaching, training for advocacy, enrollment costs, fees and scholarships, admission and graduation requirements, the benefactions of William Wilson Cook, legal research and contributions to legal literature, and the Law Library, the laboratory of the school. It is

descriptive, not anecdotal, in nature; and no attempt has been made to evaluate, either to criticize or to commend. In fact, the only evaluation of the work of the school contained in the entire volume is to be found in Part II, Chapter II: 4, a 1959 report on the school prepared by the inspectors sent out by the Section on Legal Education and Admissions to the Bar of the American Bar Association.

The text is supplemented by Part II, which consists of comprehensive tables, charts, and documents setting forth a wide variety of statistical studies, charts, graphs and reports designed to show the progression of the school and its activities throughout the century. Included are tabulations showing the geographical origin of enrolled students, categories of students, acquisitions of the Law Library, and the curriculum from the beginning in 1859 down to date, thus showing the evolution of the substantive content of legal education at Michigan. Also recorded are the research projects carried on within the school, a list of casebooks and textbooks used throughout the years, and finally, a complete bibliography of the publications of the Michigan law faculty during its first century of scholarly productivity. These charts, tables, and collections of information are complete and accurate, and should constitute a useful source of information to facilitate serious study of legal education.

For all those who are graduates of the Law School of The University of Michigan, this volume of history should prove to be not only informative reading but also ground for pleasure over affiliation with their Alma Mater. It is to be hoped, however, that the volume will have an even wider significance and that all who are concerned with and interested in legal education will find value in this careful historical statement of the first century of experience of one of the country's important educational institutions.

E. Blythe Stason, Dean
The University of Michigan Law School

Ann Arbor, Michigan
June 27, 1959

Preface

Legal Education at Michigan: 1859-1959 was conceived as fulfilling simultaneously three distinct purposes: to provide a definitive history of the Law School, to contribute to a more complete factual knowledge of legal education in the United States between 1859 and 1959, and to suggest a possible format for the accumulation of data by other educational institutions.

Rather than carry forward a number of simultaneous developments in strictly chronological order throughout the hundred year period, the major areas of the School's history have been treated separately in individual chapters in Part I. To prevent the reader from being overwhelmed by a mass of detailed statistics, supporting tables and charts as well as illustrative documents and explanatory notes have been placed in Part II. The text was kept as terse as possible so that the running account in Part I could be read in one or two evenings.

Every effort was made to employ only original source materials. Hearsay or comment was excluded. Facts alone without interpretation were considered suitable for inclusion. Wherever possible, extracts from official reports or records were employed to carry forward the story. No attempt was made to appraise or evaluate developments. Anecodotal or biographical materials were omitted as being extraneous to the history of an institution. However, the Index to Names of Persons accumulates in one place all references to any particular individual.

Dean E. Blythe Stason and every member of the Law Faculty have been unfailingly generous of time and interest in the acquisition of data. Helen Betts, Law School Recorder, answered innumerable questions patiently and accurately. Dr. Lewis G. Vander Velde, the Director of the Michigan Historical Collections and Dr. Clever Bald, the Assistant Director, made available documents deposited in the Collections. During the initial stages of the project, Mrs. Alison Myers assembled data from early Law School records. Walter Adams, Research Assistant, did preliminary work on the notebooks kept by students during the nineteenth century. Assistants in Research John Baumgartner, Alan Haasch, Thomas Hauser, and Rainer Weigel, accumulated basic statistical information. Mrs. Mary H. Dobson typed the major portion of the original manuscript. Assistant Editor Alice J. Russell shepherded the completed manuscript through the editorial process. In the planning of this study and in all stages of its development, Professor William Wirt Blume participated by consultation and

advice. Many of the ideas of arrangement and content originated with him. All these individuals gave unstintingly of their time and effort, and without their assistance the project could never have been completed within the two and a half years allotted to it.

In the end, of course, whatever shortcomings or inadequacies this study may possess must remain of my own responsibility.

ELIZABETH GASPAR BROWN

Ann Arbor, Michigan
June 19, 1959

Chronology of Principal Events

1858. December 22. Committee appointed by Regents to prepare plans for establishing a law department

1859. March 30. "Report on the Establishment of the Law Department" accepted by Regents

March 30. "Law Professors," James V. Campbell, Charles I. Walker, and Thomas M. Cooley, appointed by Regents

October 3. First meeting of the Law Faculty. James V. Campbell elected Dean and Thomas M. Cooley elected Secretary

October 5. First classroom lecture delivered to law students

1863. October. First Law Building completed

1883. June 26. Henry W. Rogers appointed the first full-time professor of law

July 17. Law term extended from six to nine months

1883-1884. Distinct sets of lectures delivered to first- and second-year men

1887-1888. Instruction in case materials instituted. Use of lecturers commenced. Use of textbooks expanded

1889. October 15. Law Faculty authorized to grant degree of Master of Laws

1890-1891. First resident graduate students listed

1890. September 15. Resignation as Dean and Professor of Law of Henry W. Rogers

1890. October 15. Jerome C. Knowlton appointed Acting Dean

1891. June 22. Jerome C. Knowlton appointed Dean

1892. January. First issue of the *Michigan Law Journal*

1893. October 18. Practice Court established by Regents, superseding the Moot Courts.

1894. September 12. Harry B. Hutchins appointed Dean, effective in 1895

1895-1896. Law course extended from two to three years. Regular faculty meetings instituted. Detailed student records commenced

1896. July-August. First summer school

1898. October. Reconstruction of the original law building completed

1902. November. First issue of the *Michigan Law Review*

1908. June 17. Law Faculty authorized to grant degree of Juris Doctor

1910. July 21. Henry M. Bates appointed Dean

1912-1913. One year of college work required for admission

1915. February 1. Law Department renamed Law School by action of Regents

1915-1916. Two years of college work required for admission

1922. April 28. Formal proposal by William W. Cook to erect the Lawyers Club, dedicated in June 1925

1923-1924. Institution of Case Clubs

1925. February 26. Law Faculty authorized to grant degree of Doctor of Juridical Science, later known as Doctor of the Science of Law

1925-1926. First announcement of seminars

1926-1927. Three years of college work required for admission

1928-1929. Graduation from college or combined curriculum required for admission

1929. January 11. Proposal by William W. Cook to erect the Legal Research Building, completed in 1931

April 26. Proposal by William W. Cook to erect the John P. Cook Building, completed in 1930

1930. June 4. Death of William W. Cook. Endowment for Legal Research created

1933. Hutchins Hall completed

1939. April 14. E. Blythe Stason appointed Dean, effective July 1, 1939

1939. June 22-24. First summer institute program

1942. February 27. Position of Director of Legal Research established

1946-1947. Cooley Lectures instituted

1950. July 1. Legal Research Center established

1954. December 14. Grant by Ford Foundation

1956. September 28. Positions of Associate and Assistant Dean established

1957. April 19. Law Faculty authorized to grant degree of Master of Comparative Laws

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THE HISTORY

Chapter I

The Catholepistemiad: Judge Woodward Looks to the Future

With the fall semester of 1959-1960, a second century commenced for the Law School of the University of Michigan. Although the Law Department of the University was not organized as a functioning entity until 1859, legislation directing its establishment had been passed by the state legislature in 1837 and again in 1851.

The Act of 1837, although an early recognition of a state's responsibility to provide higher education in the professions of law and medicine for its citizens, was the second, not the first, reference in a Michigan statute to the teaching of law. Twenty years earlier, an act of the Governor and Judges of the Territory of Michigan had included instruction in law in the curriculum laid out in the statutes for the Catholepistemiad, or University of Michigania.[1] The Act of August 26, 1817, which on May 24, 1929,[2] the Board of Regents held to be the date of the founding of the University of Michigan, is the earliest legislative enactment, state or territorial, which includes law as a subject to be taught in a publicly organized and supported institution of higher learning.[3] For this Act of 1817, one man was responsible, Augustus Brevoort Woodward, Chief Judge of the Territory of Michigan from the organization of the territory in 1805 until 1824, author, land-speculator, city-planner, inquirer into scientific phenomena, and a dreamer of dreams whose wisdom and inherent practicality are only today being accorded a long-delayed recognition.

Throughout Western Europe and the inhabited portions of the United States, the first decades of the nineteenth century saw a sudden outburst of creative activity. A desire for innovation, progress, improvement stimulated inquiry and invention. At the same time, egalitarianism supported the belief that all knowledge should be readily

[1] See Part II, I: 1.

[2] University of Michigan, Board of Regents' Proceedings, 1926-1929, p. 993 [hereafter cited as Regents' Proceedings]. See also Michigan Corrects Its Seal (1930) (reprinted by Detroit alumni, Lambda, Beta Theta Pi).

[3] The Virginia statute, entitled "An act for establishing an University," passed January 25, 1819, stated: "In the said University shall be taught . . . civil government; political economy; the law of nature and nations; municipal law. . . ." For a list of law schools and law professorships established in the United States before 1860, see Part II, I: 2.

available to all men. Learning should not be concealed or kept the exclusive possession of some particular class or trade. Codification of law was urged to end the mysteries surrounding the administration of justice. Logical arrangement of natural phenomena was considered as only the first stage in a systematic presentation of all learning. Thomas Jefferson at Monticello classified all existing human knowledge so his library could be arranged for convenient access. There was a widespread belief that all "the progress and advancement of the human mind" [4] could be set out accurately and precisely, comparable to Linnaeus' botanical classifications. In this way, the proliferating welter of ideas and discoveries could be placed within an orderly and rational system, intelligible to everyone. In 1816, two such attempts at classification were published: one in England, the work of Jeremy Bentham; [5] the other in Philadelphia, the work of Augustus Brevoort Woodward.[6]

Woodward prepared his study, entitled *A System of Universal Science,* with certain specific objectives. First he proposed to trace "the progress and advancement of the human mind throughout man's entire history," and next to collect and set out "all the systems and classifications of knowledge which have [ever] been formed." Having presented the earlier systems, Woodward stated that he proposed to explain his own classification of the sciences and the particular nomenclature which he had devised to describe each with accuracy and precision.

One of the major subdivisions of knowledge which Woodward established, he termed *Ethica* or "human power over the minds of others." Within this, he placed four subgroups or *epistemia: Ethosophia* or the "exercise of the power of man over his own mind," *Themistia, Politarchia,* and *Ethnonomia.* Referring to the latter three as the second, third, and fourth epistemia, he stated:

> The second epistemia . . . has its base in the exercise of the power of man over the minds of other men; in what may be termed merely social relation . . . . They are the *power*

[4] Woodward, A System of Universal Science (Edward Earle, Harrison Hall, Moses Thomas, Philadelphia, 1816), p. 99. See also p. 212 *et seq.*

[5] Bentham, Chrestomathia; being a collection of papers, explanatory of the design of an institution, proposed to be set on foot under the name of the Chrestomathic Day School, or Chrestomathic School, for the extension of the new system of instruction to the higher branches of learning, for the use of the middling and higher ranks in life. (London, 1816.)

[6] Woodward, *supra* note 4.

> *of society* exercised over *individuals* . . . . Moral philosophy inculcates on the individual mind that debts *ought* to be paid, contracts fulfilled; and a variety of other duties performed. Jurisprudence proper, law, the administration of justice, interposes; and *coerces* the performance of certain duties, or redresses the violation of them . . . .
>
> The powers of man, as exercised in the form of perfect political society, constitute the base of the succeeding epistemia . . . .
>
> The law of nations is the fourth and last science, or epistemia, in the order of ethica . . . .[7]

Thus Woodward considered those branches of knowledge which currently are referred to as philosophy, political science, and law, both national and international, to have a close association and to form an integral part of his plan for presenting the achievements of the human mind.

Additional light is thrown on Woodward's conception of material properly to be included within the general area of legal studies by his approving discussion of the earlier proposals made by Thomas Jefferson for professorships to be established at the College of William and Mary. Woodward noted:

> The first [of the professorships proposed by Jefferson] was of ethics; including, moral philosophy, the law of nature, and the law of nations; and fine arts . . . . The second was a professorship of law and police, divided into municipal law and aeconomical law, the first including, common law, equity, law merchant, law maritime, and law ecclesiastical; the second, including politics, and commerce . . . .[8]

Woodward thus had no narrow conception of the scope which instruction in law should include. At a time when most prospective lawyers were satisfied to read law for a year or two in the office of a practicing attorney, when the one existing law school in the United States—the Litchfield Law School founded by Tapping Reeve—held the common law to be the only subject worthy of a law student's concern, Woodward's vision encompassed instruction of a type that the law schools of the mid-twentieth century were only beginning to appreciate and in some instances achieve.

Apparently, the Chief Judge had planned initially to discuss within

[7] *Id.*, p. 330.
[8] *Id.*, p. 223.

his volume the founding of an educational institution on a national scale, for in the concluding paragraph he stated:

> The fourth part of this investigation; relative, principally, to an American National Institute; must necessarily be deferred. The supreme court of the Territory of Michigan commences its annual session on the sixteenth day of September; and there remains barely time for the performance of the journey.[9]

In spite of the obvious care with which Woodward had prepared his *System of Universal Science,* the volume attracted little attention. There is no record of any interest in his suggestion of an American National Institute, in which he had undoubtedly hoped his system would be put into effect. But by the summer of 1817, Woodward was able to put his classification to practical use, although on a more limited scale than originally conceived. On August 26, 1817, the Acting Governor and Judges of the Territory of Michigan signed into law "An act to establish the catholepistemiad, or university of Michigania."

The statute, drawn up by Woodward, provided for an integrated system of higher education, supported by public taxation, throughout the Territory of Michigan. Set out in the act was a curriculum, divided into twelve major areas, or divisions of learning, headed by a thirteenth chair of catholepistemia or universal science. These areas, termed didaxiim, were based on the classifications he had devised for his *System of Universal Science,* and went far beyond the then generally accepted concepts of higher education. And among the other novel subjects Woodward included agriculture, manual arts, fine arts, military science, and medicine, while in the ninth didaxia in conjunction with philosophy and political science appears "law."

Understandably, the Detroit residents of 1817 were unable to appreciate Woodward's foresight in providing an integrated educational system for the territory. Even the most forward-thinking and civic-minded citizens could see no advantage in legal, philosophical, or scientific instruction. The antipathy of the French residents toward any kind of education, however elementary, was just beginning to diminish. Hence, the wide-sweeping curriculum imposed by statute on the Catholepistemiad was ignored in practice; the institution was adapted to the immediate needs of the community. The University of Michigania commenced to function in the fall of 1817 as a primary

[9] *Id.,* p. 371.

school and classical academy, although the formal requirements of the statute were fulfilled by the appointment of John Monteith as president, holding seven of the thirteen didaxiim, and of Gabriel Richard as vice-president, holding the remaining six.

But that Woodward was responsible for the Catholepistemiad, whatever its form, no one in Detroit doubted. The name of the institution was derided, the nomenclature of the curriculum afforded the local citizens opportunity for crude buffoonery, the outlines of the University of Michigania as laid out in the statute were tacitly forgotten, but it was generally conceded that Woodward had not only created the institution but that he had procured whatever financial backing it managed to acquire. The following argument of a pleading question made in 1819 is illustrative of contemporary public opinion:

> Were I to request Judge Woodward to lay out and expend for the Catholepestemead $500, and he were to do so, it would be with this, a case precisely analogous. Now could Judge Woodward recover this money, upon proof only that he had expended it *at my* request? If he could recover in such case, how much money might not be recovered back, which Judge Woodward with so ardent philanthropy solicited the disbursement of?—
>
> For if it be unnecessary, and indeed incompetent, for the plaintiff to prove that which is not stated, it follows that enough is stated in this count to justify a recovery. If enough be stated and proved, then I believe every individual who has contributed to the expense of the Catholepestemead, may recover the whole of such sum of Judge Woodward; for every cent so expended was undoubtedly *at his special instance and request.*[10]

Four years after the passage of the act establishing the Catholepistemiad, on April 30, 1821, the Governor and Judges enacted "An ACT for the establishment of a University," which appointed twenty-one trustees.

> . . . [T]he said trustees and their successors shall, forever hereafter be . . . a body politic and corporate, with perpetual succession in deed and in law, to all intents and purposes whatsoever, by the name, style and title of "The Trustees of the University of Michigan" . . . .

[10] Doty's Reports, MS in the Law Library of The University of Michigan, printed in full in Transactions of the Supreme Court of the Territory of Michigan, 1814-1824, ed. William Wirt Blume, I (1938), 376 at 392-93.

The act further provided that

> . . . all the property, real, personal and mixed, and all rights, credits and debts, granted, given, conveyed, promised, or due to the corporation established by the act, entitled "An act to establish a Catholepistemiad or University of Michigania," shall be vested, and are hereby vested in the corporation established by this act; subject, nevertheless, to the uses, trusts and purposes for which the same property was granted, given, conveyed or promised: *Provided, nevertheless,* That the corporation established by this act, shall be liable to the payment of all the debts which are due, and to the discharge of all the duties incurred by the corporation hereby dissolved.

The last section of the 1821 statute repealed the act establishing the Catholepistemiad "saving all rights accruing under the same."

No further legislation pertaining to the University of Michigan was enacted during the territorial period. With the admission of Michigan as a state, greater popular interest in education began to develop. On March 18, 1837, the state legislature passed "An Act to provide for the organization and government of the 'University of Michigan.'" Section 8 of the statute provided that the university was to consist of three departments: the department of literature, science, and the arts; the department of law; and the department of medicine. Provision was made for specific professorships; there were to be three in the law department: one of natural, international, and constitutional law; one of "common and statute law, and equity"; and one of commercial and maritime law.

At a meeting of the Board of Regents on June 6, 1837, Regent Wilkins of the Committee on Professors and Tutors reported:

> The committee further recommended the appointment of one Professor in the Law Department, whose salary shall be fixed at $2,000; and the commencement of the duties of that professorship, the ensuing winter . . . .
>
> Your Committee therefore believing that this department will immediately command a number of students, who are awaiting the action of this Board, hesitate not to recommend the opening of the Law School the ensuing winter.[11]

The report was laid on the table, whereupon Regent Wilkins submitted a resolution pertaining to the "arrangement of the Professorships" which provided: *"Resolved,* That the Chancellor, in addition

[11] Regents' Proceedings, 1837-1864, pp. 4-5.

to his other duties, shall have the charge of the Department of Law." [12] At an afternoon meeting on the same day, the Regents considered ". . . so much of the report as recommends 'the appointment of one Professor in the Law Department, whose salary shall be fixed at $2,000,' and it was agreed to." [13]

On March 24, 1838, the Regents' Committee on Organization and Government of the University submitted a report to the Board dealing with the division of the University into Colleges and Departments:

> . . . [I]t would . . . best promote the interests of the Institution, and of sound learning, Science, and Literature, to organize each general Department of Instruction as a separate College or Collegiate Department, to be under the literary Government of its own Presiding Officer, so far as the several branches taught therein are concerned, subject, however, to the Laws prescribed by the Regents . . . .
>
> The eighth section prescribes the general Collegiate divisions and the separate Professorships which may be appointed under each, by the Regents, and circumscribes their power within the recited number. It is clear, from a view of this Section, that the Act contemplates a College of Literature, Science, and the Arts, and a College of Surgeons and Physicians, as the two primary Institutions. Subordinate in rank, but at the same time perfectly distinct, are, a Department of Law, a Department of Natural History and Chemistry, and a Department of the Fine Arts, Civil Engineering, and Agriculture. Each of these requires, in our opinion, for its healthy action, a Presiding Officer or Principal to whom shall be committed its local government and management; and to this end, each needs to have appropriate buildings, lecture rooms, books, and apparatus . . . .
>
> . . . Every Professor having an appointment from the Regents should be a member of the Faculty Board. The rules by which this Board is to be governed are properly within the province of the Committee for preparing a Code of Laws.
>
> . . . the Committee respectfully submit the following resolutions:
>
> * * * * *
>
> 3rd. *Resolved,* That the Professor of Common Law shall be the Principal of the Law Department.[14]

[12] *Id.*, p. 5.

[13] *Id.*, p. 7.

[14] *Id.*, pp. 42-43 The complete report appears in Part II, I: 3.

In spite of the directive to establish a department of law, the Regents had not acted by 1851 when the legislature in "An Act to provide for the government of the state university . . ." stated:

> The university shall consist of at least three departments:
> 1. A department of literature, science and the arts.
> 2. A department of law.
> 3. A department of medicine.
> 4. Such other departments may be added as the regents shall deem necessary and the state of the university fund shall allow.

Although the Act of 1851 expressly repealed the state act of 1837, the 1837 statute did not refer to any of the territorial acts. In the course of an opinion delivered in 1856, the Michigan Supreme Court dealt with the question of whether the Regents of the University were the "successors" of the Trustees of the University appointed under the 1821 legislation.[15] The Court considered first the relationship between the territorial acts of 1817 and 1821 and the state act of 1837.

> The consideration of this question requires a somewhat extended examination of the Territorial and State legislation in regard to the University of Michigan. The first Act for the establishment of such an institution, was made and adopted by the Governor and Judges of the Territory, on the 26th of August, 1817, and was entitled, "An Act to establish the Catholepistemiad, or University of Michigan" . . . .
>
> The principal features of this Act, which demand notice as connected with the question involved in this case, are its comprehensiveness as indicated by its style, the broad scope of its objects, and that it was to be supported by a public fund; all showing that it was intended to be a great public institution, embracing the whole Territory, and such a one as would not admit of the existence of any other, similar in its character and purposes . . . the Act itself was repealed by a law adopted April 30, 1821, entitled, "An Act for the establishment of a University" . . . .
>
> By this latter Act certain persons therein named were created a body politic and corporate, by the name, style, and title of the "Trustees of the University of Michigan," . . . All the property, rights and credits belonging to the Corporation, established by the Act of the 26th of August, 1817, were vested in the new Corporation . . . .
>
> No institution corresponding to the idea of a University, as contemplated by the Acts above mentioned, having been

[15] Regents of the University of Michigan v. The Board of Education of the City of Detroit, 4 Mich. 213 (1856).

> organized, the State Legislature in 1837 passed an Act entitled, "An Act to provide for the organization and government of the University of Michigan" . . . .

The Court then considered the question directly before it and observed:

> . . . [W]e must first consider whether the Legislature of 1837 intended to create another and distinct institution from that contemplated by the Act of 1821, or to organize and put in operation the same. An examination of all the legislation relating to a University in Michigan, leaves no doubt upon this question. In every Act it is styled the "University of Michigan," and its objects are the same in all, though expressed in different language. Each of them appropriated all the public property at the disposal of the Legislature, which had been donated or set apart for the support of such an institution, to its support. Its name imports the existence of but one, and it seems clear that the Legislature had in view the establishment of but one. The Act of 1837, which created a Board of Regents for the government of the University, by its own force removed the then existing Trustees, and substituted in their place other Trustees by the name of "The Regents of the University," as their successors in office.
>
> It is true, that the Act of 1837 makes no express reference to that of 1821, but it legislates upon *the same subject,* and the quotation of the words, "University of Michigan," in its title, is not without some significance, if it were otherwise doubtful, as indicating *what* institution was intended to be organized in pursuance of its provisions.

In 1856, the state supreme court recognized that the foundation of the University of Michigan antedated Michigan's existence as a state. This opinion was used in 1929 by the Regents to change the date on the seal of the University, to show that the institution was founded in 1817 rather than in 1837.

The Regents established a department of medicine in 1850 (thus fulfilling the provision of Woodward's statute of 1817 which had listed as the seventh didaxia "Iatrica, or medicine and its related sciences"), but at that time took no action on the third authorized department. Interest in the law department was not allowed to lie completely dormant, however, and on June 23, 1852, the Regents had the matter brought directly to their attention by a memorial presented to them by "Judge Douglass and others in favor of a Law School at the University of Michigan . . . [which] was read and referred to the

Executive Committee." [16] Among the forty-three signers to the document, were James V. Campbell and Charles I. Walker, future members of the first Law Faculty at Michigan, and at least six attorneys who had been admitted to the Michigan bar during the territorial period. These included Benjamin F. H. Witherell, "admitted to the bar of the territorial court in 1819 before Judge Woodward." [17] George Alexander O'Keeffe, admitted in 1821 while Woodward was Chief Judge [18] and Olney Hawkins, George E. Hand, James A. Van Dyke, and David E. Harbaugh.[19]

In the next year, on November 15, 1853, a communication was presented to the Regents relative to "a Law School and the appointment of a Professor of Law, which was also urged by the President in person." No action was taken, however.[20]

At a meeting of the Regents on March 29, 1855, Regent Kingsley presented a memorial from the members of the Detroit Bar, "asking for the appointment of a Professor of Law in the University." [21] The memorial was referred to the Executive Committee of the Regents, which presented a report on June 28, 1855:

> . . . [T]he best interests of the University require that such Professor be appointed as soon as the resources of the University will enable the Board to sustain a competent Professor of Law therein.[22]

The first record of any positive action appears in the Regent's Proceedings for June 25, 1857, where the following resolution was adopted:

> . . . That the President appoint a Committee to ascertain whether Governor Felch and Judge Campbell could be obtained as Lecturers in the Law Department.[23]

Regents Farnsworth and Kingsley were appointed, but if they made a report, it has not been located.

It was not until December 22, 1858, that the Regents appointed a committee ". . . to consider and report a plan for the establishment of a Law Department in the University . . . ." [24]

[16] Regents' Proceedings, 1837-1864, pp. 516-17. See Part II, I:4.
[17] Michigan Pioneer Collections, IV, 108.
[18] Blume, ed., Transactions of the Supreme Court of the Territory of Michigan, 1814-1824, I (1938), 22.
[19] *Id.*, 1825-1836, I, 23.
[20] Regents' Proceedings, 1837-1864, p. 553.
[21] *Id.*, p. 604.
[22] *Id.*, p. 611.
[23] *Id.*, p. 698.
[24] *Id.*, p. 799.

On March 29, 1859, the Committee submitted a "Report on the Establishment of the Law Department" which stated in part:

> . . . [B]y all the Acts of Congress creating and confirming the original trust by the legitimate force and effect of the term university, as used in the said Acts of Congress, by the Acts of the Legislative Council of the Territory of Michigan accepting such trust, by two Constitutions of the State of Michigan recognizing such trust and the obligations it has imposed by three or more Organic Acts of the Legislature of the State of Michigan passed in pursuance of such grant, Constitutions, and Laws, it became, and was and is the duty of the Board of Regents—a duty imperative and inflexible and from which it could not escape if it would—to establish in the University a Law Department. How a Board, looking at the arrangement of these Departments in the Organic Acts could proceed to establish a Medical Department named as the third before that of a Law Department named as the second in each and every one of those Acts is perhaps not a question for the present Board to resolve. However those enactments may have been heretofore executed, it is certain that with the views herein expressed the organization of the Law Department can no longer be postponed.
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> * * * * *
>
> If, then, it be our duty to establish a Law Department . . . all further argument would be out of place . . . . But we may incidentally and not improperly add that if it be desirable for those who intend to devote themselves to the law to have presented to them in logical order the entire body of the Law as it exists at the current moment in succinct and attractive form, giving to every branch its due prominence, going to its roots in the Feudal system and in the Roman institutions just so far as illustration may render needful, directing especial attention to every means of aiding in the practical application of the principles taught . . . then your Committee cannot doubt that the establishment of the Law Department will be hailed with general satisfaction.

The Committee then recommended that the Law Department be established, that it go into operation on October 1, 1859, and that certain professorships be established and certain general subjects be taught. The report proposed that the Law Department

> . . . shall consist of three Professorships.
> 1. A Professorship of Common and Statute Law.
> 2. A Professorship of Pleading, Practice and Evidence.
> 3. A Professorship of Equity, Jurisprudence, Pleading and Practice.

> III. The general subjects of International, Maritime, Civil, Commercial, and Criminal Laws, Medical Jurisprudence, the United States and other branches of law, shall be assigned to the several Professors as may be hereafter determined.[25]

The next day, March 30, 1859, the Regents accepted the report of the Law Committee. They then passed the following resolution:

> *Resolved.* That the Honorable James V. Campbell, Charles I. Walker, and Thomas M. Cooley, Esq., be appointed Law Professors in the University of Michigan at a salary of $1,000 per annum each, the time of service to commence on the first day of October next.[26]

When the Regents met on the afternoon of March 31, two further resolutions pertaining to the Law Department were adopted. On motion of Regent Bishop, it was resolved that:

> . . . the Law Professors be requested to designate one of their own number to deliver an address on the occasion of opening of the Law Department in the University of Michigan.[27]

Then, apparently interested in establishing a department which from its commencement would have a national rather than a local character, the Regents authorized:

> . . . the Committee on the Law Department to cause the opening of the said Law Department to be advertised in Detroit, Chicago, New York, Cincinnati, St. Louis, and Washington, D.C., at an expense of not over $100.[28]

In accordance with the resolution of the Regents, James Valentine Campbell, a member of the Michigan Supreme Court and first Dean of the new department, was selected to deliver the opening address. On October 3, 1859, two days before the first lecture to students was given by Charles Irish Walker, Campbell spoke "On the Study of the Law."[29] While the major portion of his speech dealt with the various branches of the law, and the need for men trained in the law, the desirability of providing formal education for lawyers and the practical merits of such instruction, he commenced his address with a survey of the background lying behind the establishment of the Law Depart-

[25] *Id.*, pp. 843-45.
[26] *Id.*, p. 837.
[27] *Id.*, p. 840.
[28] *Id.*, p. 840. For the text of the Detroit advertisement, see Part II, I: 5.
[29] See Part II, II: 1.

ment. Although Campbell did not identify Augustus Brevoort Woodward as the man responsible for the Catholepistemiad, he did show his awareness of the significance of the institution created by the territorial statute of 1817. Campbell stated in part:

> In pursuance of the plan originally prepared for the organization of the University of Michigan, a Law Department is now created. It has been deemed proper, as an inauguration of this Department, that some explanation should be given of the position it is expected to occupy, and of the particular objects it is designed to accomplish, or aid in accomplishing. As one of the Law Faculty, I have been entrusted with this duty; and I shall ask your attention to a retrospective glance at the origin and design of the University itself, as tending to elucidate it. For, although this Department is now for the first time organized as a working part of the main Institution, its plan is not of recent origin, and it has always been contemplated as necessary to complete the round of University studies.
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> In 1817, an act was passed by the Governor and Judges (then constituting a legislative board), for the incorporation of the Catholepistemiad, or University of Michigania . . . this law . . . was not only a comprehensive and enlightened plan for a University, in its enlarged sense, but was, in many respects, in advance of the times, and in some in advance of our own period. There is nothing in our present legislation which manifests so exalted a sense of the duty of the State to furnish its citizens with the highest, as well as the more common, facilities for education. This University was the predecessor of the present one, which is legally identical with it, but has been modified by subsequent legislation . . . . As a recognition of the duty of the State to support, by its own means, adequate institutions of learning of the highest grades, and as a comprehensive plan of universal education, the law incorporating the University of Michigania will survive the ridicule which may have justly attached to some of its peculiarities, to receive honor and admiration from future ages. Pedantry may be well excused, when it accompanies the enlarged views manifested in this uncouth law.
>
> . . . The original charter was modified in 1821; and in 1837 it was re-modelled again into a shape which has not since been essentially changed, except as regards the construction and election of the Board of Regents, and the enlargement of their authority. The act of 1837 provided more specifically than the previous statutes for the organization of three separate Departments, one of which was to be a Law Department.

> The Department of *"Literature, Science, and the Arts"* was necessarily the first one organized . . . . The Medical Department has also been in successful operation for several years. No one now doubts the necessity or propriety of having both these Departments kept up in the most thorough and efficient manner. A free Law School, however, is something novel, in this country, at least; and therefore it may be desirable to give some reasons why it has been deemed wise and expedient to establish it.[30]

The remainder of Campbell's address dealt with the future. Augustus Brevoort Woodward would have approved, for Woodward himself constantly looked forward with his inherent creativity thrusting out in every direction. When he devised his *System of Universal Science,* he had hoped it would become the basis for an "American National Institute." Thwarted in this, as in so much else, he had formulated a statute to establish within the Territory of Michigan a broad and integrated educational system. In his treatise of 1816 and the statute he drew up in 1817, he had visualized the law as an integral part of all human knowledge and as a science to be taught in conjunction with related disciplines.

In the first hundred years of the law school of the University of Michigan, in the development of a broadly based law curriculum, in the acquisition of a faculty whose interests ranged from the pleading of the medieval English law courts to the legal problems attendant on the use of atomic energy and from drafting and conveyancing to natural and comparative law, at least one of the dreams of Augustus Brevoort Woodward was to be fulfilled. Woodward's concept of legal education was alien to his contemporaries. Yet the wisdom with which the man dreamed is evidenced in the adoption by the greater American law schools of the fundamental premise of his ideas—that a lawyer requires a type of training which will equip him to be more than a practitioner of the law—and in the repeated statements by leaders of the bar of the need for broadly trained young men prepared to view the problems of the law within the framework of the entire social order. Law was never taught within the Catholepistemiad as it existed in fact; yet Woodward's ideas were fulfilled eventually by the establishment in 1859 of the Law Department of the University, which in 1959, as the Michigan Law School, celebrated the completion of its first hundred years.

[30] Campbell, On the Study of the Law: An Address at the Opening of the Law Department of the University of Michigan, October 3d, 1859 (Ann Arbor, 1859), pp. 3-7.

Chapter II

The Law Department: Why, and to What End

The organization of the Law Department at the University of Michigan did not receive unanimous public approval. The Regents were criticized for providing preparation for a particular profession at public expense. It was all very well for the private eastern colleges, such as Harvard and Yale, to organize law schools; the public was not taxed for their benefit. For a "popular" university to set up a law department was another matter. James Campbell, in the address with which he opened the new Law Department on October 3, 1859, may have had such criticism in mind when he stated:

> While the object of founding this Department is chiefly to provide some assistance in the training of good lawyers—an object the importance of which will be referred to presently; yet such is not its only object. When the law student leaves the University, he leaves it to pursue for a lifetime the course which is here commenced. But every year, hundreds of young men leave this place, some to preach the Gospel, some to heal the sick,—all to become citizens, and to take their place as active members of an active community. In whatever sphere they move, and whatever course they pursue, they live under the protection of the Law, and they are governed by the restraints of the Law. It measures their rights, and it redresses their wrongs.[1]

He went on to point out ". . . the propriety of introducing the study of the Law as a part of the University course, and the necessity of an elementary knowledge of it to every one intending or expecting to take any active place in society."

Campbell referred to the need for legal knowledge on the part of specific groups of individuals: the electorate; elected officials, particularly state legislators; business men; farmers; purchasers of real property; anyone with property to devise; physicians. He then observed:

> There is much in every law course which is entirely intelligible to every class of students, and there are many subjects . . . which commend themselves to every intelligent mind as important to be understood by all . . . . If long usage had

[1] For the text of Campbell's address, see Part II, II: 1.

> not blinded us to the appearance of things, it would seem very strange that so many otherwise well educated and intelligent persons, mingling freely in the world, and aware of what is going on around them, should be ignorant of the common principles of law which concern them in their daily acts and familiar interests.
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> * * * * *
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> Even if no provision were made with a view to the education of professional lawyers, a Law Department could not be regarded as foreign to the plan of a University.

In a later part of his address, Campbell discussed his conception of the Law Department's function in training prospective lawyers, noting that the "true study" of the law commenced when a lawyer began to examine real and not imaginary cases. It was the duty of a law school to lay a "sure foundation" in order that the young lawyer might make a "right commencement" in his life's work, to the end that not only would such a young man enjoy a successful career but that the administration of justice would thereby be facilitated. He pointed out the dangers which society faced from untrained lawyers and went on to explain how the law's complexities could be dealt with best by trained minds.

> It is one of the advantages which we have derived from our mother country, that a very large portion of our law is found, not in statute books, but recorded in the decisions of early courts, which express, not the opinions of those tribunals upon what should be law, but their recognition of the established customs of the realm . . . . Here, as in England, many customs have required changing, and many exigencies have arisen, and will arise, requiring statutory intervention; but the main body of our legal principles must always be traced to . . . the Common Law of England . . . .
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> It must be plain to all judgments, that the task of studying out this system of jurisprudence, and harmonizing with it our numerous statutes, can not safely be entrusted to ignorance or inexperience. To an untrained mind, the great body of common law maxims and statutory enactments presents an appearance confused, if not chaotic. When asked to determine the rights of a given case, by reference to this vast treasury of law, the first idea is to hunt for analogies; and when a precedent is found that resembles it in one or more features, a conclusion is jumped at, and the selected rule applied. In many cases it is about as correct as it would be to class together lambs and wolves, because both are quadrupeds. The analogies with which true science deals are real, and not

> delusive; and rest, not in external resemblances, but in substantial identity. The governing rules are not learned from a partial and careless survey, but from a minute comparison of the whole. Any system of law which does not approve itself by its applicability to all the ordinary concerns of life, is defective. But if precedents were not based upon general principles, there could be no such thing as a legal system. The Law exists in as complete a form as human foresight could make it, and is as dependent on general principles as any human science. Like all other sciences, it is capable of enlargement and extension, but, like them, its growth should be by harmonious increase, and not by added excrescences. And no one can assume to have attained any progress in the knowledge of this science, until he has learned to recognize its living and eternal principles, and learned also to apply them to the exigencies of human life.

At the June meeting of 1859, the Regents had provided rules for graduation from the Law Department, applicable only to the first class.[2] On March 23, 1860, the Law Faculty recommended twenty-four men to the Regents as "qualified to graduate with credit to the Law School," [3] and on March 28, 1860 the first graduation exercises were held. Justice I. P. Christiancy of the State Supreme Court delivered an address which so impressed the students that they requested its publication. Christiancy devoted most of his attention to the importance of legal ethics in the practice of law, but he noted with some emphasis "the great advantages of an orderly and systematic course of instruction, such as you have just received here" as compared to "the difficulties and embarrassments attending the acquisition of systematic legal knowledge . . . in the office of some practical lawyer." [4]

For many years the Law Department was in direct competition with the lawyer's office-apprentice system of training. The University Catalogue in 1860, containing the first official announcement of the newly-organized department, stated with some detail the superior training in law offered there, as well as the objectives of such training.

> . . . [T]he student who begins his studies in the department will perhaps be quite as much, if not more, benefited, in the assistance he will receive in giving the proper direction to his reading and investigations at the beginning. Hundreds of the profession throughout the country have felt, through the whole of their professional career, the want of proper train-

[2] Regents' Proceedings, 1837-1864, p. 855.
[3] *Id.*, p. 902.
[4] For the text of Christiancy's address, see Part II, II: 2.

> ing and direction at the outset, as a loss for which nothing could afterwards fully compensate them. The active practitioner, engrossed with the cares of business, cannot—or, at least, as proved by experience, does not—give to the students who place themselves in his charge, that attention and assistance essential to give a correct direction to their reading, and to learn them to apply it usefully and aptly in their subsequent professional life. The reading of a student in a law office is practically the study of the law by himself, and without assistance; and he neither acquires that familiarity with books and that facility of reference which it will be the aim of this department to assist in acquiring, nor does he learn anything of the practical application of legal principles, beyond what he may pick up from observation of the practice of his preceptor. The effort here will be to make, not *theoretical* merely, but *practical* lawyers; not to teach principles merely, but how to apply them . . . .[5]

A good many decades, however, would pass before law schools were the accepted, if not the only, means of preparation for legal practice. As late as the 1905-1906 Announcement, prefatory statements were included from "The Late Chief Justice Waite," "Report of the Committee on Legal Education to the American Bar Association, August 21, 1879," "Professor Bryce, in *'The American Commonwealth,'*" and "Mr. Heron, of Dublin," which emphasized the benefits of preparing for practice in a law school.

The "members of the Law Department" in 1864 were informed by Thomas M. Cooley of the purpose for which the department was founded. According to notes taken by W. O. Balch, on October 3, 1864, Cooley stated:

> . . . this Law School was founded for the purpose of inculcating a thorough knowledge of the principles of the Law, as well as to give forth a plan for the practice of these principles, when the student should go forth to mingle in the active duties of life . . . .[6]

The Law Department earned at an early date a reputation for being a practical law school. As late as 1911-1912 the Announcement specifically noticed this.

> The Faculty have from the first believed that the principal function of the Department of Law was to train men for the practice of law . . . . The Faculty believe, however, that

[5] Catalogue, State University of Michigan, 1860, p. 63.

[6] W. O. Balch, M.S. notebook, 1864-1865, p. 1, on deposit in the Michigan Historical Collections, The University of Michigan.

> students are best trained for the practice of law by studying it not as mere dogma and collections of precedents, but with a broader view of its origin, development and function. While, therefore, particular attention is given to practice, procedure, and the other so-called practical features of the law, strong emphasis is also laid upon the importance of a scholarly grasp of the law as a science . . . .[7]

Here was a precise statement of the nice adjustment required in an institution bearing the responsibility for instruction in a science and preparation for a vocation.

On October 15, 1889, the Regents authorized the Law Faculty to confer the degree of a Master of Laws. According to the 1891-1892 Announcement, ". . . the need of a more thorough knowledge of jurisprudence than can be secured in two years' study is generally appreciated. In recognition of this fact a Post-Graduate Course has been provided." [8]

The prime purpose of this degree was to provide opportunities for a more extended study of law than was possible in the undergraduate program. The same courses were offered to graduate and senior undergraduate students and were almost exclusively "strictly professional work."

The small number of candidates for the master's degree between the date of its institution and the early 1920's caused Dean Henry Bates and the Law Faculty to conclude that relatively few students who studied law as vocational preparation were interested in a fourth year of professional training. In his report to the President for 1923-1924, Dean Bates stated:

> . . . The character of the work . . . seems to us still essentially sound, but the need for supplementing the instruction in fields already touched and of developing our advanced work into some fields not heretofore included in the fourth year work, has become apparent . . . . We are keeping in mind that the graduate work should be so organized and have such content as to be of use to students contemplating the teaching of law and legal scholarship as a career, and also to those who may wish to devote their attention, either in official life or as specialists in active practice, to the highly important and rapidly changing subjects indicated by such titles as Public

[7] University of Michigan, Department of Law, Annual Announcement, 1911-1912, pp. 9-10. (The title of the series varies; in the post-World War II period it was called Law School Announcement. Hereafter the series is cited as Announcement.)

[8] Announcement, 1891-1892, p. 13.

> Utilities Law, Conflict of Laws, Administrative Law, International Law, and some of the most rapidly growing departments of Constitutional Law.[9]

On February 26, 1925, the Dean transmitted to the Regents the Law Faculty's recommendations ". . . for two new groups or types of advanced study, leading in the one case to the degree of Master of Laws, and in the other to the degree of Doctor of the Science of Jurisprudence (S.J.D.). On motion of Regent Murfin, the Board approved the recommendation." [10] The new program for advanced degrees and its underlying rationale were described by Bates in his 1924-1925 report to the President:

> . . . Its central feature is the provision made for two types of advanced work. The first of these is designed primarily for the student who wishes to continue, or who perhaps after a period of practice desires to resume, his study of law, chiefly for the purpose of covering subjects which he was not able to study during his undergraduate law course, or for specializing in certain subjects. This course would interest chiefly those intending to practice law, or perhaps those who wish to enter public life as law officers of one kind or another. This course of study leads to the degree of Master of Laws (LL.M.).
>
> The second scheme is designed primarily for law graduates who desire to do independent and original work, to add to their equipment in legal scholarship, and should be especially valuable to those contemplating teaching as a career. This course leads to the degree of Doctor of Juridical Science (S.J.D.). Students working for this degree are expected to do intensive and original work in a special field of law, chosen with the approval of the Faculty. Little attention will be given to "courses" or "hours of credit," but independent and productive work will be encouraged. During the first year the student is expected to decide upon the subject of dissertation, which dissertation, however, shall not be presented for approval until the end of the second year. This second year of work upon the thesis need not be spent in residence at this School. We believe that this plan will be of the utmost benefit to legal scholarship in developing a few men capable of a high order of critical and creative work.[11]

During the latter part of the nineteen twenties, a substantial number of the Law Faculty were in favor of having certain of their

[9] President's Report, 1923-1924, p. 205.
[10] Regents' Proceedings, 1923-1926, p. 543.
[11] President's Report, 1924-1925, p. 120.

members responsible for undergraduate instruction and others for graduate instruction, representing that since the objectives of the two programs were not identical, it was more suitable to have, in effect, two distinct faculties. Dean Bates touched upon the matter in his 1929-1930 report to the President and dealt more extensively with it the next year:

> I wish to reiterate the opinion expressed in my report for 1929-1939—that no hard and fast lines should be drawn, for the present, at least, between those teaching in the so-called undergraduate, or professional school, and those dealing only with graduate students. Best results, in my judgment, will be obtained from a faculty all of whom are devoting themselves systematically and energetically to research work . . . . Moreover, the needs of graduate students will vary from year to year, and graduate instruction should be conducted by those members of the staff whose subjects are chosen by the students in each year. Arguments for the constitution of separate and distinct faculties for undergraduate and graduate work, in the colleges of arts, are not applicable to a law school which, like this, is upon a graduate basis. To set up such distinct law faculties would inevitably create discontent in the teaching personnel, and would cause administrative and financial difficulties with no compensating gain whatever, except perhaps the gratification of a few individuals who would like to be relieved of the exacting work of undergraduate professional instruction.[12]

The thrust of the graduate program, established in 1925, remained largely unaltered for the next three and a half decades. By 1958-1959, graduate instruction in the Law School had become an accepted and integral part of the over-all educational program.[13]

The graduate program originally had developed out of the undergraduate program, and only over a period of time did the Law Faculty realize that the objectives of graduate instruction were distinct from those of undergraduate instruction. It was easier, however, to determine that there was a difference in these objectives, than to determine the ultimate objectives of legal education. The post-World War I period saw many thoughtful men convinced that existing objectives merited careful reappraisal. Successive reports by the Dean to the President indicated the interest of the Faculty in broadening the

[12] President's Report, 1930-1931, p. 108.

[13] The Graduate Program of the Law School, University of Michigan (pamphlet), p. 3. See Chapter V *infra* for a description of the scope of the graduate program.

scope of legal education so that it should not be devoted primarily to vocational ends.[14] In 1924-1925 Dean Bates in his annual report to the President of the University pointed out:

> . . . the revolutionary change in the methods and objectives of legal education which has been under way for, let us say, twenty-five years, but which is now taking place at greatly accelerated speed, because the developments of the last few years have pointed out more clearly than we could foresee them the fields of greatest usefulness for law schools, under modern conditions.
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> A generation ago law was taught almost everywhere only dogmatically, and chiefly, if not exclusively, with the avowed object only of fitting the student to practice law. Such training, it would be superfluous for me to point out, ignored some fundamental and vital purposes of a true university training, i.e., the development of scholars and of scientific research in the field of law, and the improvement of our jurisprudence and the institutions dependent upon the legal system. Law schools of the older day scarcely had a proper place in a university, and indeed, for the most part, were endured rather than brought into the fraternity of scholarship . . . .[15]

The issue of whether law schools should teach law as a vocation or as a means of social control was debated hotly throughout the 1920's Dean Bates referred to this difference of opinion in his 1928-1929 report[16] and discussed at some length in 1930-1931 his beliefs as to the proper objectives of legal education:

> It is perhaps superfluous to remark that the choice of methods and policies must be determined largely with relation to the objectives of the School and of legal education in general. But as to what these objectives are, there is no dispute. They include: (1) the teaching of law to students, a great majority of whom expect to become legal practitioners; (2) the development of graduate instruction for the purpose of training law teachers and scholars and specialists in various kinds of practice; and (3) the conduct of research in the law and associated bodies of learning, and the publication of the fruits of such research. To say that it is our first duty to teach law is merely to beg the question we are discussing, for our problem is what are the best methods of teaching law. If we add to the

[14] Announcement, 1919-1920, pp. 9-10, which omitted for the first time the statement: "The Faculty have from the first believed that the principal function of the Department of Law was to train men for the practice of law. . . ."

[15] President's Report, 1924-1925, p. 120.

[16] President's Report, 1928-1929, p. 67.

statement just suggested the fact that most of our students are to become practicing lawyers, unquestionably some light is thrown upon the problem. For at least it means that our graduates must go from here equipped as well as the School can equip them to practice law. But again the question arises —what is the best method of training men to practice law? Perhaps we can say that the training given must be such that the student will have an adequate understanding of our legal system as it is, so that he can begin the practice of law, which is certainly not going to be changed overnight, at no great disadvantage by reason of unfamiliarity with present conditions.

But this does not mean that the Law School should rest content with merely teaching the law as it is, uncritically and dogmatically, for such teaching would amount to little more than mere training, as for a trade. The best preparation for the practicing lawyer of today must be found in a liberally conceived teaching of the legal system as it now is, accompanied with critical comment respecting the functioning of the law and its defects, as shown not only by its application to existing conditions, but also as revealed by a study of economics, sociology, and other bodies of knowledge.

* * * * *

. . . Nothing can be more certain than that with the sweeping, and in some cases revolutionary, changes which have affected almost every phase of human life, there must be changes in the law as a scheme of social control. Necessarily, therefore, corresponding modifications must be made in the training of men and women to apply and administer law . . . .[17]

Dean Bates reiterated his views in 1932-1933 when he observed:

. . . Law should not be taught wholly from the point of view of vocation, but rather treated as a means of social control, to be employed not with reference to the interests of the litigants or parties in negotiation exclusively, but, very defi-

[17] President's Report, 1930-1931, pp. 106-107. The change in the designation of the advanced degree of S.J.D. was recommended in a report filed by the Committee on Graduate Work and considered at faculty meetings held on March 6 and March 13, 1936. The committee recommended that the S.J.D. degree "should be granted as 'Scientiae Juris Doctor', to be anglicized in those instances where the translated form is used as 'Doctor of the Science of Law' instead of the present 'Doctor of Juridical Science.' The adoption of this recommendation will thus get rid of the word 'juridical,' which is open to the objection that it has primarily a procedural significance. The suggestion is made after a study of the dictionary meanings of the word 'juridical' and after consultation with Dr. Winter of the Latin Department." Faculty Minutes, 1930-1940, p. 319. For requirements for the S.J.D. degree, see Part II, IX: 17.

> nitely, with a view to using it to harmonize clashing interests, and for the welfare of society as a whole . . . .[18]

Dean Bates' conviction, that law should be taught as a means of social control, was set out in the 1934-1935 Announcement:

> . . . The School is placing increased emphasis upon instruction in the application of law to contemporary life, and upon a consideration of the standards, principles, and rules of law, as constituting the general scheme of social control. This involves consideration of the light thrown upon our legal system by economics, political theory, sociology, and other social sciences, and by psychology, psychiatry, and biology . . . .[19]

These views on the objectives of legal education were carried forward by E. Blythe Stason, appointed the successor to Henry Moore Bates in 1939. Dean Stason, moreover, was always aware of the importance of the fundamentals in legal education and his views were expressed in the first announcement prepared under his supervision. The 1940-1941 Announcement stated:

> . . . Most of the classroom discussion is conducted by means of the free discussion of legal principles, as disclosed in reported cases, statutes, and other legal materials; but frequently, when time is available, excursions are made into related nonlegal materials in order to observe the application of law to society. Thus our legal system is examined as a general scheme of social control with a background of economics, political theory, sociology, and other social sciences, as well as psychology, psychiatry, and biology.[20]

Dean Stason's opinions were reflected further in his annual report for 1945-1946, in which he observed:

> In previous reports we have commented upon certain recent trends in the law that call for new emphases in legal education. At the same time, we have pointed out that, although the law is changing its patterns to keep pace with the progress of a changing world, and although the legal profession and the law schools must keep abreast of these changes, nevertheless the lawyer of the future will have much the same need as the lawyer of the past for most of the fundamentals of legal science. The basic principles of contracts, property, torts, business associations, and procedure continue from year to year, with but gradual evolution to fit new conditions. Indeed, these

[18] President's Report, 1932-1933, p. 44.
[19] Announcement, 1934-1935, p. 7.
[20] Announcement, 1940-1941, p. 7.

> and others of the fundamentals of legal science prevail with remarkable constancy and stability from decade to decade and century to century. It is indeed fortunate that there is an element of stability in the legal structure of a society approaching chaos in some of its aspects. We believe that it is one of the important functions of the Law School to inculcate in future lawyers and statesmen a careful, thorough knowledge of, and respect for, these stable fundamentals of the law. Heavy emphasis has long been placed upon these elements of legal science at the University of Michigan Law School, and there is no doubt but that the thorough training its graduates have received in this regard is one of the reasons for the remarkable success they have enjoyed on the bench and at the bar. It is proposed to continue in this pathway.[21]

In 1951-1952, commenting on the *Law Students' Handbook,* which had been prepared for initial distribution in the fall of 1952, Dean Stason noted:

> . . . This *Handbook* attempts to set forth definitely the philosophy of legal education at Michigan, and it is sufficiently noteworthy to warrant a reasonably complete description. First, the booklet sets forth a careful statement of the general objectives of legal education with which the student should become familiar. It is made clear that much more is expected than the mere acquisition of a working familiarity with the basic rules of law, as important as that is to the prospective lawyer. The student must obtain an understanding of the breadth of the purpose and the scope of the law as a means of social control, and particularly he must master the fundamental processes of the common law method—that is, he must acquire facility in the processes of analysis and of inductive, deductive, and analogical reasoning so characteristic of the profession. Moreover, he must make a long start on the mastery of the more important legal skills, such as interpretive skill, skill in research, verbal skill, and skill in draftsmanship . . . .[22]

Legal Education at Michigan, a pamphlet distributed to law students in 1958-1959, set out the objectives of the Michigan Law School. The accumulated experience and opinions of a hundred years are reflected there: Campbell's century-old view on the importance to society as a whole of well-trained lawyers and the advantage "any intelligent mind" would derive from the study of law, Cooley's statements that the lawyer required a knowledge of fundamental principles, Bates' con-

[21] President's Report, 1945-1946, pp. 101-102.

[22] President's Report, 1951-1952, p. 106.

viction that "law [should be] treated as a means of social control," Stason's considered emphasis on "a careful, thorough knowledge of, and respect for, these stable fundamentals of the law":

> The University of Michigan Law School, founded in 1859, ranks among the distinguished law schools of the country in preparing young men and women for successful careers in all phases of an exciting, dynamic, and challenging profession. This includes not only the private practice of law, but also careers in public service and private industry. Legal education at Michigan likewise provides a solid foundation for participation in the responsibilities of citizenship.
>
> * * * * *
>
> Without undue specialization, the Michigan Law School has shaped its program to give its students a sound and thorough education in the fundamentals of the law, so that its graduates may perform with credit and success in any of these fields of service . . . .
>
> Sound education for the legal profession must equip the student with thorough knowledge of the fundamental legal principles, and in addition must give him an understanding of the role of law in modern society. This is particularly important since the law is ever-changing to meet the changing needs of men and their affairs . . . .
>
> * * * * *
>
> Although the primary function of the Law School is to prepare its students for the practice of law, it is also deemed important to provide for the education of law teachers, scholars and writers . . . .[23]

This approach to the ends of legal education, the realization that the prime objective of the Law School was to train men and women "to engage in some very intricate intellectual processes," to prepare them for the practice of law in a complex and fluid society, was a salient characteristic of the Michigan Law School in 1958-1959.[24]

[23] Legal Education at Michigan (pamphlet, University of Michigan Official Publication, Vol. 57, No. 40, Sept. 30, 1955), pp. 2-6.

[24] For an evaluation of the Law School, made in April 1959 for the American Bar Association, Section on Legal Education, see Part II, II: 4.

CHAPTER III

The Deanship and Increasing Burdens of Administration

Twenty years after the governor and judges of the Territory of Michigan, in "An Act to establish the Catholepistemiad. . ." [1] had made the first legislative provision for higher education in Michigan, the legislature of the State of Michigan, meeting in its first session, passed "An Act to provide for the organization and government of the 'University of Michigan.'" [2]

The territorial act of 1817 had provided for a professor of *eoconomia* to be responsible for the teaching of law, political science, and philosophy. The state act of 1837 made broader provision.

> Sec. 8. The university shall consist of three departments.
> 1st. The department of literature, science and the arts.
> 2d. The department of law.
> 3d. The department of medicine.
> In the several departments there shall be established the following professorships:
> . . . In the department of law, one of natural, international and constitutional law; one of common and statute law and equity; one of commercial and maritime law: . . . *Provided,* That in the first organization of the university, the regents shall so arrange the professorships, as to appoint such a number only as the wants of the institution shall require; and to increase them from time to time, as the income of the fund shall warrant, and the public interests demand: *Provided, always,* That no new professorships shall be established without the consent of the legislature.
> Sec. 9. The immediate government of the several departments, shall be entrusted to their respective faculties; but the regents shall have power to regulate the course of instruction, and prescribe, under the advice of the professorship, the books and authorities to be used in the several departments . . . .

In 1851, the Legislature repealed the Act of March 18, 1837, in a statute which provided for "at least three departments" but did not specify the particular professorships. The section dealing with the administrative organization of the several departments was altered in one

[1] For the text of this statute, see Part II, I: 1.

[2] "An Act to provide for the organization and government of the 'University of Michigan,'" approved March 18, 1837.

important respect; "the immediate government of the several departments shall be entrusted to the president and the respective faculties . . . ." [3]

Two decades were to intervene before the Board of Regents on March 30, 1859, formally established the Department of Law. During these years, proposals to appoint one or more law professors were made, but no definite action was taken. The Regents' Proceedings show, however, that the Board was well aware of its obligation to establish a law department. Consideration was directed not only to the matter of professorial appointments but to the need for departmental organization and to the relationships which should exist between the three departments of the University.[4]

It was not until December 22, 1858, that the Regents felt able to prepare to fulfill the clear directive of the statute. They appointed a committee with instructions to prepare plans for establishing a department of law. When on March 30, 1859, the report was submitted, it was adopted immediately. Under this plan, three professorships were created, and specific duties were assigned to the law professors, including that of lecturing before the senior class in the Literary Department. No attention was given to the administration of the department nor to the relationship which should exist between it and the already existing Literary and Medical Departments. The Regents on the same day appointed James Valentine Campbell, Charles Irish Walker, and Thomas McIntyre Cooley as "Law Professors in the University of Michigan at a salary of $1,000 per annum each . . . ." [5]

While the Regents' Proceedings supply information relative to the establishment of the Law Department, departmental records are uninformative on the details of department organization and administration. Only two kinds have been located: a registry of students admitted during those years, interspersed with recommendations for degrees and the minutes of four or five faculty meetings, and a list of the titles of lectures delivered by the Law Faculty. While both are invaluable, they do not answer many questions relative to the selection and appointment of the Law Faculty, as well as the scope of their duties; as a result, the reports filed by the President of the University with the Regents and

[3] "An Act to provide for the Government of the State University, and to repeal chapter fifty-seven of the Revised Statutes of eighteen hundred and forty-six," approved April 8, 1851.

[4] See Chapter I, *supra*.

[5] Regents' Proceedings, 1837-1864, p. 837. For further details see Part II, III: 1.

the Proceedings of the Board of Regents have been relied upon as major sources of information.

However, the first entry in the "Record of the Department of Law," a record primarily concerned with student registrations and faculty recommendations for degrees; is informative concerning initial departmental organization:

> The Faculty of Law in the University of Michigan convened at their Library Room on Monday October 3, 1859.
>
> Present:
>
> James Valentine Campbell
> Charles Irish Walker
> Thomas McIntyre Cooley
>
> Prof. Campbell was elected Dean of the Faculty & Prof. Cooley Secretary.
>
> The Opening Address "On the Study of the Law" was delivered at 2½ o'clock P.M. before the Class & the Public at the Presbyterian Church by Prof. Campbell.
>
> T. M. COOLEY
> Secretary [6]

The designation of Campbell to deliver the opening address was in compliance with a resolution passed by the Regents on March 31, 1859.[7] In electing its own dean and secretary, the Law Faculty apparently conformed to accepted practice.[8] The *By Laws and Regulations for the Government of the University of Michigan* adopted by the Regents in 1861 provided:

> §40. There shall be elected annually, by the faculty of each department, a Vice President, who shall be termed Dean of the Faculty, whose duty it shall be to preside at the meetings of the department faculty in the absence of the President of the University, and to perform such other duties as shall be prescribed by the general rules and by the by-laws of his department . . . .

[6] Record of the Department of Law in the University of Michigan, MS., p. 1. See also Part II, I:3.

[7] Regents' Proceedings, 1837-1864, p. 840. See Chapter I, *supra*. For the text of Campbell's address, see Part II, II:1.

[8] Note that Sec. 9 of the Act of 1837 provided that the "immediate government of the several departments, shall be entrusted to their respective faculties. . . ."; this provision was modified in 1851 to read "the immediate government of the several departments shall be entrusted to the president and the respective faculties. . . ." For a list of administrative personnel, see Part II, III:2.

In 1864, the Regents ceased to designate such officials as "vice presidents" and called them "deans."

The Department of Law, with part-time professors appointed and paid by the Regents and with elected administrative officers, commenced its active existence with a lecture delivered by Charles Irish Walker on October 5, 1859.[9] Forty years were to pass before the Regents would assume as within their powers the selection of the deans of the several departments. The precise relationship between the Dean of the Law School and the Faculty remained dependent upon the personal character of the Dean, but the generalization may be made that the period between 1859 and 1959 was marked by the development of the office from a purely titular designation to that of an executive with broad powers and the prime responsibility for the internal functioning of the Law School.

When Campbell, Walker, and Cooley were appointed to the Law Faculty in March 1859, all three resided outside of Ann Arbor. Sometime within the next eight months, Cooley moved to Ann Arbor and established his family in a house close to the campus. In residence near the University, even though often away from his home for extended periods, the elected Secretary of the Law Faculty was the logical individual to assume a large number of miscellaneous tasks and duties. It was a sufficient burden for Campbell and Walker to journey to Ann Arbor to deliver their lectures. There is no reason to believe either man was anxious to shoulder the day-by-day petty problems of the Department. Cooley was on hand. He could appear before the Regents and represent the Department.[10] He could order blank books and control the amount of gas used to light the Law Library.[11]

There is no evidence anyone felt that Cooley was overreaching himself. While Campbell had been elected Dean of the Law Faculty at the time of the first recorded faculty meeting, the only instance where he appears to have functioned in this capacity was on the day he delivered the address formally opening the Law Department. When the first candidates for the degree of Bachelor of Laws were recommended to the Regents, the signatures of Cooley, Campbell, and Walker were attached without any identifying titles.[12] No communication to the

[9] For a set of student notes on this lecture, see Part II, VI: 1.

[10] According to the Regents' Proceedings, the first occasion on which Cooley appeared at a Regents' meeting in what might be termed an official capacity, was on December 20, 1859.

[11] For further details, see Part II, III: 3.

[12] Regents' Proceedings, 1837-1864, pp. 902-903. In the text of the recommendations for degrees, the three men are referred to as "Law Professors."

Board of Regents has been located in which Campbell signed himself as Dean of the Law Department or of the Law Faculty, but there are several such communications in which Cooley signed himself as "Secretary of Law Faculty." [13]

On December 20, 1859, Cooley appeared before the Regents and suggested that each of the three law professorships be given identifying names. The idea must have been acceptable, for the Regents at the same meeting proceeded to designate "the several Law Professorships . . . as follows: The Jay Professorship, The Marshall Professorship, The Kent Professorship." [14] A fourth named professorship was established in 1866, in honor of Justice Richard Fletcher of Massachusetts who had donated a substantial portion of his law library to the Law Department.[15] In 1879, a fifth was established, known as the Tappan Professorship.[16] Initially, all appointments of professors of law were made to named professorships, but the practice eventually fell into disuse.[17] The last such appointment was that of Henry Moore Bates to the Tappan Professorship of Law in 1903.[18]

In June 1860, Regent Baxter submitted to the Board a proposal, possibly drafted with Cooley in mind, upon which the Regents took no recorded action.

> *Whereas,* It is deemed important and desirable by many of the Universities and Colleges of both America and Europe, and,
>
> *Whereas,* We believe it would be especially acceptable to a large portion of the people of this State and patrons of our State University, as well as of lasting value to the students themselves, that there should be delivered before the Senior Class of the University, at some time during the graduating year, a Course of Lectures upon Constitutional Law and Constitutional History, and
>
> *Whereas,* It is desirable on behalf of the Law Department of the University that at least one of the Professors of that Department should reside in Ann Arbor and thus permanently represent the University in that Department and,

[13] For example, see the degree recommendations of March 25, 1861, Regents' Proceedings, 1837-1865, p. 960; of March 25, 1862, *id.*, p. 1000; of March 20, 1863, *id.*, p. 1041. On March 24, 1873, Cooley submitted a list of recommendations, signing himself as "Secretary," but the Regents' Proceedings refers to the same document as "the communication from the Dean of the Law Faculty." *Id.*, 1871-1876, p. 256.

[14] Regents' Proceedings, 1837-1864, p. 865.

[15] See Part II, XII: 1.

[16] Regents' Proceedings, 1876-1881, p. 401.

[17] See Part II, III: 4.

[18] Regents' Proceedings, 1901-1906, p. 204. For further details, see Part II, III: 4.

Whereas, The three Professors now appointed did none of them at the time of their appointment reside in this place but were each conducting their professional business to which they looked for their profits and support at their several places of residence, and,

Whereas, It is for the most part undesirable that the resident Law Professor here should very much enter into a course of professional business at and about this University, and

Whereas, It is the unanimous desire and request of the non-resident Law Professors that an additional $500 per annum should be placed at the disposal of the resident Law Professor as a remuneration for his sacrifice of professional business and his increased expenses in thus being made a local representative of this Department, therefore,

Resolved, That the resident Law Professor be required during the vacation of the Law Department to deliver before the Senior Class of the Academical Department a Course of Lectures on Constitutional Law and History, and that he receive therefor an additional salary of $500 *per annum* to be paid at the close of the current year, said salary to commence on the first of October next. Referred to the Law Committee and Academical Faculty.[19]

On September 12, 1860, another resolution was offered:

Resolved, That the resident Law Professor be required to deliver before the Senior Class of the Academical Department a Course of Lectures on Constitutional History, or before the Medical graduating class a Course of Lectures on Medical Jurisprudence, and that he receives therefor an additional salary of $500 *per annum* to be paid at the close of the current year, said salary to commence on the first of October next. Referred to the President and the Academical and Medical Faculties.[20]

President Tappan, on December 19, 1860, recommended the adoption by the Regents of the following resolution:

Resolved, That the title of Professor Cooley's Professorship be hereafter designated as Jay Professor of Law and Lecturer on Constitutional Law and Medical Jurisprudence,

[19] Regents' Proceedings, 1837-1864, pp. 906-907. Although no mention of this fact appears in the Regents' Proceedings, the Law School Record shows that James Valentine Campbell delivered five lectures in 1859-1860 to the medical students. The desire of the Regents to have the "resident" professor responsible for these lectures was probably the major factor in the suggestion and ultimate choice of Cooley rather than Campbell to lecture in the Department of Medicine and Surgery.

[20] *Id.*, p. 918.

> and that in addition to his duties in the Law Department he be appointed to deliver lectures to the Senior Class during the last semester on Constitutional Law and History, and to the Medical class on Medical Jurisprudence, and that this appointment take effect during the next Collegiate Year with a salary of $1,500 *per annum.*[21]

This resolution was accepted and adopted.

No records have been located showing the dates or contents of these lectures, but Cooley's name appears among the Faculty of both the Medical and Literary Departments from 1861 through 1865.

On March 29, 1865, Regent Knight submitted a report to the Regents which recommended:

> . . . [that] Prof. Cooley be excused from his present duties connected with the Literary Department, and that his salary be fixed at the sum of $1000, to take effect from and after the current collegiate year . . . .[22]

This report was adopted.

In 1869, Cooley's salary was increased once more. The Regents, on April 1, 1869, adopted a salary scale which stated in part:

> *Resolved,* That the salaries of the Instructors and Teachers in the University commencing with the next Academical year be fixed as follows, viz:
>
> The salary of the President of the University shall be three thousand dollars per annum, and the use of the house now occupied by him.
>
> The salary of the Professors in the Department of Science, Literature and the Arts, shall be two thousand dollars per annum, and of Assistant Professors thirteen hundred dollars per annum.
>
> The salary of the Acting Professor of Greek shall be fifteen hundred dollars per annum.
>
> The salaries of the Law and Medical Professors shall be thirteen hundred dollars per annum. Prof. Cooley, the sole resident Professor of the Law Faculty, shall receive an additional compensation of three hundred dollars per annum, and the Dean of the Medical Faculty an additional compensation of two hundred dollars per annum.
>
> * * * * *
>
> The salary of the Janitors of the Medical and Literary Departments, and of the Laboratory, shall be five hundred

[21] *Id.*, p. 923.

[22] Regents' Proceedings, 1864-1870, p. 80.

> dollars each, per annum, and of the Law Department four hundred and fifty dollars per annum.[23]

It should be noted that Cooley as "the sole resident Professor of the Law Faculty," and the "Dean of the Medical Faculty" each received additional compensation over the base salary. The Regents clearly recognized that Cooley was performing duties in addition to those usually performed by members of the Law Faculty, but this recognition should not be misinterpreted to indicate that Cooley devoted all his time to the Law Department.

It thus appears clear that Cooley, while scrupulously careful to refer to himself in all communications to the Board of Regents as either "Secretary of the Law Faculty" or "on behalf of the Law Faculty," was in fact assuming most of the duties which a dean in later years would be expected to perform. However the earliest communication to the Board of Regents in which Cooley signed himself "Dean," was made in 1875. As no evidence of a formal election or appointment has been located, it becomes desirable to attempt to determine when and how Cooley came to be considered Dean of the Department.

As stated above, James Campbell was elected Dean by the Law Faculty on October 3, 1859. On October 15, 1890, Jerome Knowlton was appointed by the Regents as Acting Dean of the Law Department.[24] During the forty-one intervening years, there is no conclusive evidence as to the precise manner in which the successive deans of the Law Department were selected. In fact, between 1860 and 1871, there is no affirmative evidence that anyone considered that the Law Department had a dean, let alone identifying that dean as Campbell.

Other than the fact of his election and his identification as Dean on the title page of his opening address, no references to Campbell as Dean have been located. The three sources of information relative to the date on which Cooley may be considered to have become responsible for the duties of the deanship are the University Catalogue, the Proceedings of the Board of Regents, and the reports for the several departments filed intermittently with President James Angell and which Angell incorporated into his annual report to the Regents.

The University Catalogue listed no dean for the Law Department prior to 1871-1872. In that year, Cooley was identified as "Dean." [25]

[23] *Id.*, p. 327.

[24] Regents' Proceeding, 1886-1891, p. 466.

[25] The University Catalogue for 1871-1872 listed Cooley as Dean of the Law Department. A dean for the Medical Faculty had been listed in the 1852-1853 Catalogue

Beginning in 1871-1872, the official publications of the University designated one member of the Law Faculty as Dean.

The Proceedings of the Board of Regents show that Cooley was referred to by the Regents as Dean in 1873.[26] Cooley, however, did not sign as "Dean" in his communications with the Regents until 1875.[27]

The President's Report for 1872 incorporated a report from Professor Sager as "Dean of the Medical Faculty" while the Law Department report appears as a "Report from Prof. Cooley, in behalf of the Law Faculty." In 1873, the President's Report did not include a report from Cooley. In 1874, the President's Report had a report from ". . . Sager, Dean of the Medical Faculty" and another from ". . . T. M. Cooley, Dean of the Law Department."

Thus between 1872 and 1875, the duties which Cooley had performed as "Secretary of the Law Faculty" and as the "resident Professor of Law" had been recognized as the duties of the chief administrative officer of a department, and Cooley was accorded the title of Dean. In the absence of any minutes of the meetings of the Law Faculty for that period, it is impossible to state that he was or was not elected by the Faculty. The Proceedings of the Board of Regents do not show that the Regents appointed him to that office.

There is no evidence of the extent of Cooley's leadership or authority. The Regents' Proceedings, setting out salary increases, appointments, denials of requests by the Law Faculty for assistance in their teaching duties, show the degree of control exercised by the Board of Regents.

A question over the precise degree of authority which the Regents should exercise over appointments to the Law Faculty arose in the summer of 1874. On June 22, 1874, Charles Irish Walker requested a leave of absence for a year, and in his communication to the Regents stated: "At my earnest solicitation, Hon. Wm. P. Wells . . . has consented, with your approval, to fill the Professorship during my absence." [28] The Regents accepted the communication and granted Walker a leave of absence, but "action on the appointment of a person to fill the vacancy . . . was deferred for the present." [29] The following day, Wells was appointed "lecturer to fill the position made vacant by the

and for the Department of Medicine and Surgery in 1869-1870. No dean for this department was listed for 1870-1871, but the practice was resumed in 1871-1872.

[26] Regents' Proceedings, 1871-1876, p. 259.

[27] *Id.*, pp. 419-420.

[28] *Id.*, p. 343.

[29] *Ibid.*

leave of absence granted Prof. C. I. Walker . . ." [30] The next year, Walker was granted a second leave of absence, and the Regents appointed a committee "with power to fill said vacancy by the appointment of a Lecturer for the coming year." [31] On October 15, 1875, the committee reported that Wells had been appointed.[32]

In 1879, the respective positions of Wells and Walker were reversed, with Wells offering his resignation and suggesting Walker as a replacement. The Regents' Proceedings show some degree of concern that their control over faculty appointments might be impinged upon:

> Regent E. C. Walker submitted the following report and resolution:
>
> The Committee on the Law Department to whom was referred the communication of Prof. Wm. P. Wells, stating his present ill health and asking to be relieved from his duties for the present year, or till such time during the year as he shall recover from his illness, respectfully report the following resolution and recommend its passage:
>
> *Resolved,* That the request of Prof. W. P. Wells be granted, and that Chas. I. Walker, Esq., be and is hereby appointed to perform his duties for the current year or till Prof. Wells's health shall be restored; Prof. Walker to receive for the time occupied by him the same salary paid to Prof. Wells, whose salary is in the meantime to cease.
>
> E. C. WALKER,
> B. M. CUTCHEON,
> C. B. GRANT.
>
> At the close of the discussion on Regent E. C. Walker's resolution, it was adopted by the following vote:
>
> Ayes—Regents Grant, E. C. Walker, Climie, Cutcheon, S. S. Walker, Duffield and Maltz.
>
> Not voting—Regent Rynd.
>
> The following resolution was submitted by Regent Rynd:
>
> *Resolved,* That while conceding the eminent fitness of Judge C. I. Walker for the position of a teacher in the Law Department, yet this Board hereby expresses its desire that no definite arrangement shall be made for even the temporary filling of a Chair in any Department of the University without first consulting either the Board of Regents, or such Committee as may be designated by the Board for such purpose.
>
> At the close of the remarks on Regent Rynd's resolution an aye and nay vote was taken with the following result:
>
> Ayes—Regents Rynd and Climie.

[30] *Id.*, p. 378.
[31] *Id.*, p. 452.
[32] *Id.*, p. 474.

> Nays—Grant, S. S. Walker and Maltz.
> Not voting—Regents E. C. Walker, Cutcheon and Duffield.
> The resolution was lost.[33]

While Regent Rynd's resolution was defeated, later resignations of the Law Faculty show that the practice of formally suggesting a replacement fell into disuse. It is, of course, impossible to state to what extent the Law Faculty made informal suggestions or recommendations to individual members of the Board of Regents.

In 1880, Cooley attempted to resign. Nothing in his letter of resignation nor in the report of the Regents' committee refers directly to the deanship.[34] However, when in 1881 he made another effort, he sent the following letter to Regent Cutcheon:

> *My Dear Sir,*—I have made arrangements under which Governor Felch will lecture in my place for the coming law term, to an extent that will sufficiently relieve me there. The Governor's other duties we apportion between us for the time being. I have also a temporary arrangement which relieves me of the bulk of my correspondence and other duties as Dean
> This will enable us to make permanent arrangements with deliberation and care.[35]

Despite these attempts at resignation, Cooley continued to sign the annual recommendation of law degree candidates to the Regents through 1883.[36] He finally resigned from the Law Department in 1884, but the letter of resignation did not refer to the deanship.[37] The President's Report for 1883-1884 stated:

> It is with the deepest regret that we have been obliged to yield to Professor Thomas M. Cooley's desire to be released from his duties in the University. He has been a member of the Law Faculty from the founding of the school in 1859, and most of the time its Dean . . . .[38]

The Proceedings of the Board of Regents do not contain any reference to the appointment of a successor to Cooley, but in a communica-

[33] Regents' Proceedings, 1876-1881, pp. 425-26.

[34] The letter of resignation appears in Regents' Proceedings, 1876-1881, pp. 527-28. The report of the Regents' Committee stated in part: ". . . Your Committee, impressed with the importance of retaining Judge Cooley as Professor in the Law School, and believing that the labors now performed by him are onerous and greater than he should be required to perform. . . ." *Id.*, p. 530.

[35] Regents' Proceedings, 1881-1886, p. 90.

[36] *Id.*, pp. 319-21.

[37] *Id.*, p. 468.

[38] *Id.*, p. 496.

tion to the Regents of December 12, 1883, Charles A. Kent signed himself as "Dean." [39] The University Catalogue for 1883-1884 showed Kent as Dean of the Law Department, and as Dean he submitted to the Regents on March 24, 1884, the annual list of students recommended for the law degree.[44] However, in 1884 and 1885 Henry Wade Rogers as "Secretary" submitted the list of recommendations,[41] although on June 29, 1886, Kent himself signed the list as "Dean." [42]

On July 19, 1886, Kent's resignation was presented to the Regents. The Proceedings show no indication that he resigned as Dean, and no mention of appointing a successor appeared.[43]

Henry Wade Rogers, listed as Dean in the Law School Announcement from 1887-1888 through 1890-1891, apparently became Dean in the same unrecorded manner as his predecessors. In a communication from the Law Faculty submitted to the Regents on October 12, 1886, Roger's name was first among the five signatories, but otherwise there was nothing to distinguish him.[44] However, on June 27, 1887, the annual list of recommendations was signed by Rogers as Dean,[45] a practice followed in 1888 [46] and 1889.[47] While Rogers signed the 1890 recommendations for degrees, he signed without a title.[48]

Prior to 1890 all individuals who held the title of Dean for any of the departments of the University of Michigan were elected by the several faculties. No record of any regential appointment as Dean appears before 1890. The Law Faculty elected a Dean at its first meeting on October 3, 1859, following a practice adhered to by the Medical Faculty.[49] The Literary Faculty likewise selected its chief administrative officer in this manner.[50] Only as the administrative duties of the elected dean became so extensive as to be a matter of concern to the central administration of the University, was the duty of the selection assumed by the Regents.

[39] *Id.*, p. 428.
[40] *Id.*, p. 426[a].
[41] *Id.*, pp. 446, 547-49.
[42] Regents' Proceedings, 1886-1801, p. 18.
[43] *Id.*, p. 38.
[44] *Id.*, p. 69.
[45] *Id.*, p. 108.
[46] *Id.*, p. 225.
[47] *Id.*, p. 313.
[48] *Id.*, p. 407.
[49] See Part II, III: 5, for details relative to selection of deans of the Medical Department.
[50] See Part II, III: 6, for details relative to selection of deans of the Literary Department.

On July 17, 1889, one of the By-Laws of the University was amended by the Regents to provide:

> *Sec. 3.* There shall be elected by the Board of Regents for each Department or School, a Dean, whose duty it shall be to preside at the meeetings of the Faculty, in the absence of the President of the University, and to perform such other duties as shall be prescribed by the general rules and by the regulations of the Department.[51]

A little over a year later, the Regents were faced with the need for replacing Henry Wade Rogers of the Law Faculty, and it is clear that the amended by-law guided their conduct.

The letter of resignation dated September 15, 1890, which Rogers submitted to the Regents read:

> . . . It being my intention to accept the Presidency of the Northwestern University, to which I have been elected recently, I hereby transmit to you [i.e., President Angell], and through you to the Honorable Board of Regents, my resignation as Tappan Professor and Dean of the Department of Law in the University of Michigan.[52]

While Henry Wade Rogers was Dean of the Law Department for a relatively brief period, 1886-1890, he contributed substantially to its development. According to an unpublished manuscript prepared by Professor Edwin C. Goddard during the 1930's,

> Rogers had attended lectures in the Department of Law, though he did not graduate in law, and, therefore, except for Wells, was the first member of the Faculty who had had any law school training . . . . With him came in the text book, recitations, written examinations, division of the classes into sections, extension of the course to two years of nine months each and separate lectures to the Junior and Senior Classes. Dean Rogers was a very able teacher and administrator, and these moderate increases in requirements of the law students seemed revolutionary. He was peculiarly fitted to introduce them. He was a live quiz-master and at once gained a reputa-

[51] Regents' Proceedings, 1886-1891, p. 334. The By Laws as revised in 1958 stated: "*Sec. 5.07. The Deans.* The dean or other administrative head of each school or college shall be appointed by the Board of Regents on recommendation by the President to act as executive officer of the faculty and chairman of its executive committee if one has been established. He shall preside at faculty meetings and, in addition to his professorial duties, shall perform such other duties as may be prescribed by the Board of Regents or by the rules and regulations established by the faculty." By Laws of the Board of Regents (1958), p. 25.

[52] Regents' Proceedings, 1886-1891, pp. 430-31.

> tion for those "tough" quizzes. They were something new in the lives of the law students. He was able and vigorous and, for that day, very progressive. In the short period (1883-1891) that he remained, he did much to set the Law Department on an advance that was overdue.[53]

According to the Regents' Proceedings, "the resignation of Professor Rogers was accepted," and a resolution adopted which stated that the Regents deeply regretted "the departure of Professor Rogers from the Law Department of the University." The Regents' Secretary was then "requested to notify the Law Faculty to nominate an acting Dean for the coming year." [54]

A month later, on October 15, 1890, Jerome C. Knowlton was appointed by the Regents as "Acting Dean of the Law Department for one year, with the salary heretofore paid to Professor Rogers as Dean of the Department." [55] The following June, the Regents appointed Knowlton as "permanent Dean of the Department of Law." [56]

According to Shirley Smith, Knowlton was much more interested in teaching than in fulfilling the duties of the deanship.

> Dean Knowlton's desire to continue administrative work was a minus quantity. He much preferred to give his full time and energy to his teaching—a work he was born to. Seemingly at his own request he was made chairman of a committee to find his successor . . . .[57]

Knowlton resigned in June 1894 and the Regents were faced with the need of replacing him. On June 11, 1894, a committee was appointed to visit "Mr. Benton Hanchett, of Saginaw, and to offer him the Deanship of the Law Department, he to select his own course of

[53] Goddard, MS., p. 109.

[54] Regents' Proceedings, 1886-1891, p. 431.

[55] *Id.*, p. 466.

[56] Regents' Proceedings, 1886-1891, p. 527. The following account of the appointment and resignation of Dean Knowlton, in the handwriting of Elias Finley Johnson, then Secretary to the Law Faculty, appears in the 1895-1901 volume of the minutes of the meetings of the Law Faculty. In states: "Prof. Jerome C. Knowlton who had been dean of the department from November A.D. 1890, resigned in June A.D. 1894. In the fall of 1894 the Board of Regents invited Prof. Harry B. Hutchins, then Professor of Law in the Cornell Law School, to accept the position of the Dean of the department, which he sometime later accepted and in September A.D. 1895 engaged actively in the performance of the duties of said position." Record of the Proceedings of Law Faculty, MS., p. 2.

[57] Shirley Smith, Harry Burns Hutchins and the University of Michigan (1951), p. 63-64.

work." [58] The outcome of this visit, if it was indeed made, is not shown in the Regents' Proceedings.

On September 12, 1894, the Regents discussed another candidate, Harry Burns Hutchins, who had been Jay Professor of Law from 1884 to 1887.

> Regent Butterfield, on the part of the Law Committee, reported to the Board the conditions on which Prof. Harry B. Hutchins, Ph.B., writes that he could accept a professorship in the Law Department and also the Deanship, viz: A salary of $3,000 as Professor and a salary of $1,000 as Dean, the assignment of the same subjects on which he now lectures, the use of a stenographer and an office. He then submitted the following resolution:
>
> *Resolved,* That the President be requested to communicate with Prof. Hutchins, and inform him that his proposition to accept the duties of Professor and Dean of the Law Department is accepted, and request him to begin the work at the beginning of the Second Semester, and to assure him that the Faculty will unanimously aid him in every reasonable way he may require.
>
> The vote on Regent Buterfield's resolution was as follows:
>
> Ayes—Regents Butterfield, Barbour, Cook, Dean, Keifer, and Fletcher.
>
> Nays—None.[59]

Hutchins accepted the appointment, and held the position of Dean until 1910 when, after two interim appointments as Acting President,[60] he was appointed President of the University of Michigan.[61]

When it is recalled that Hutchins had been Dean of the Law Department for only two years when first appointed to act during President Angell's absence, it is evident that the Regents had a high opinion of his capabilities.[62] This opinion was further reflected in the Board's action on June 26, 1902; Hutchins' salary was increased from $4,000 to $5,000,[63] at a period when instructors in the Law Department were receiving $1,200 [64] and assistant professors $1,600.[65]

[58] Regents' Proceedings, 1891-1896, p. 286.

[59] *Id.,* pp. 324-25.

[60] Hutchins served as Acting President during Angell's absence as United States Minister to Turkey 1897-1898 and after the Regents had accepted Angell's resignation as President 1909-1910.

[61] Regents' Proceedings, 1906-1910, pp. 792, 799.

[62] Smith, note 57 *supra,* p. 279.

[63] Regents' Proceedings, 1901-1906, p. 78.

[64] *Id.,* p. 62.

[65] *Id.,* p. 83.

In assessing Hutchins' contributions to legal education at Michigan, it should be remembered that he was the first holder of the deanship who regarded it as involving more than presiding over intermittent faculty meetings and looking after administrative details.[66] While Knowlton was the first dean to have the status of a regential appointment, there is no evidence he was at all interested in exploring the full potential of the office. Hutchins, however, enlarged its scope. Although consistently tactful and considerate, he strove to provide leadership for the Law Faculty. He instituted regular faculty meetings,[67] with Elias Finley Johnson (who had been appointed Secretary of the Law Faculty in 1892) keeping minutes which were hand-written until 1898.[68] For the first time, departmental records of student work were maintained, this duty also falling upon Johnson. As the six to eight hundred individual student records were all prepared by Johnson, without clerical or mechanical assistance, it is apparent his position as Secretary could not be classed as a sinecure.[69]

It cannot be said that the period of Hutchins' administration as Dean of the Law Department was made significant by any startling changes.

[66] Hutchins had one important asset from the beginning of his deanship: the original appointment had included the stipulation that he was to be entitled "to the use of a stenographer and an office." According to Shirley Smith, as late as 1908, the services of one stenographer were divided between six offices: those of the President, the Secretary, the Treasurer, the Director of the Chemical Laboratory, the University Librarian and the Dean of the Law School. Smith, note 57 *supra*, p. 307. The Dean of the Literary Department had been allocated "a stenographer and clerk at a salary of $500," by action of the Regents on September 27, 1907. Regents' Proceedings, 1906-1910, p. 170.

[67] Prior to Hutchins' institution in 1895 of faculty meetings as a part of the administration of the Department, there is no evidence showing that the Law Faculty met formally to transact business with any degree of regularity. The record of the 1859 meeting has already been noted. The "Record of the Department of Law" does contain an entry at the close of each term, reporting the recommendations for degrees made by the Law Faculty. Presumably this involved some kind of consultation, but it may well have been highly informal. There are three entries in the Record of Lectures in the Law Department of Michigan University [MS., 1888-1897] of faculty meetings between 1890 and 1893. On March 27, 1890, the Law Faculty met and ordered inserted in the Record an appreciation of James Valentine Campbell, who had just died. *Id.*, pp. 67-69. On October 7, 1892, the Law Faculty met and recommended to the Regents that a Practice Court be established. *Id.*, p. 146. On September 25, 1893, the faculty voted to assign the work of the Practice Court to Floyd Mechem, who was to be relieved of text-book work. *Id.*, p. 171.

[68] The first typewritten minutes were for the meeting of June 21, 1898, but when Johnson was succeeded by Goddard, the minutes were handwritten again for the months of March through June, 1901. From that time through 1959, the minutes were typed.

[69] No individual records of law students prior to 1895 have been located.

It is true that it was marked by the lengthening of the law course, acceleration in the use of textbooks and case materials, emphasis on appointment of full-time as distinct from part-time professors—but most of these developments had been begun prior to Hutchins' appointment. Yet, unquestionably, Hutchins' efforts laid the foundation upon which Bates and, later, Stason were to build.[70]

As stated earlier, there are relatively few records of the Law Department prior to 1895. When Hutchins became Dean, one of his first innovations was the institution of regular faculty meetings and the minutes of these meetings constitute an invaluable source of information for the activities of the Law Faculty. An examination of the minutes during Hutchins' deanship show that a major portion of the Faculty's time was consumed with the trivia of administration. Students petitioned for admission as special students, for admission to the second or third year class because of prior reading in law or work done elsewhere, for permission to leave school for a semester and then return and take their examinations with their own classes. Students showed a lack of interest in their work.[71] Students misbehaved,[72] stu-

[70] For extracts from the resolutions adopted by the Law Faculty, upon the death of Harry Burns Hutchins, see Part II, III: 7.

[71] In this connection, it should be recalled that when Hutchins became Dean in 1895, it was possible for a high school graduate to secure a bachelor's degree in law in a shorter time than a bachelor's degree from the Literary Department. Hence, a number of students enrolled in the Law Department to acquire a bachelor's degree as quickly as possible and not because of any interest in studying law. On February 22, 1896, the Record of the Proceedings of Law Faculty, p. 34 show that "Upon motion it was decided that Mr. [Richard Roe] was to be called before the Dean to explain what work he is doing in this department." At the same meeting, the motion was passed that seven men were to be called "before the Dean to explain their continued absence from the Department and their classes." *Id.*, p. 36.

It is clear that the Law Faculty were not anxious to force the withdrawal of any student from the Department, unless it became imperative. A student could be asked to withdraw because of poor grades or in one case because he was "doing no good here for himself," but there were several other methods of dealing with the non-studious. Warning came first, next placing on probation, than a warning that unless grades improved a request for withdrawal might be made, and only after these successive steps in the descent, did the Law Faculty formally request withdrawal. See Record of the Proceedings of Law Faculty, p. 33.

[72] The range of student misbehavior outside the classroom during the Hutchins' administration included at least one secret marriage, the not infrequent charge of frequenting saloons and consuming intoxicating beverages, a number of instances of disorderly conduct, two convictions for larceny, and occasional financial irregularities. On two occasions, the Law Faculty had to deal with the removal and mutilation of books from the Law Library. The Minutes show that one student, in 1901, having secured books "by fictitious names . . . without leave of the authorities" and having then mutilated them, was expelled. In 1907, the Faculty took a somewhat more lenient

dents attempted to cheat in examinations, students were brought before the Law Faculty to answer charges of misconduct or be reprimanded. Only occasionally did the minutes show that the Law Faculty discussed what might be termed policy matters.

Why this was true, it is now impossible to ascertain. The minutes show that questions involving departmental policy toward general standards of admission, the graduate program, the combined curriculum, admission to advanced standing, were placed before the Law Faculty, but there is no evidence of any sustained consideration of the issues posed. The answer may lie in the mass of administrative detail with which the entire Law Faculty had to deal.[73]

The first indication that the Law Faculty felt that some delegation of their powers was possible, appeared in the autumn of 1901. On September 26 of that year, "The Dean and Secretary were constituted a committee to pass upon the status of students who had taken examinations for advanced standing." [74] The powers of the Dean and Secretary were extended on November 18, 1901, when Professor Mechem moved that they "be appointed a special committee to pass on all matters that they deem formal, and record their action as that of the Faculty." [75] Mechem's motion was carried unanimously.

A further streamlining of the work taken up at the faculty meetings appeared on February 17, 1902 when the faculty

> . . . decided hereafter to omit from the minutes reports of action on petitions to be excused for absences, and to depend on the file of the petitions for record of action taken.[76]

Even with these efforts, the Law Faculty still had to deal with a large number of administrative questions at each faculty meeting. The bulk of these were routine but it was not until an Executive Committee was appointed on June 1, 1905, that the Law Faculty was relieved from the burden of a separate decision upon each. The minutes of the meeting for that day state:

> It is moved and carried that the Dean appoint a standing Executive Committee of three, of which he shall be Chairman,

---

view, and deprived another student "of the privileges of the Law Library during the present semester," although mutilation had occurred then as well as unauthorized removal.

[73] The meetings of March 2 and 23, 1898, are typical of those held during the early years of the Hutchins' administration. The minutes appear in Part II, III: 8.

[74] University of Michigan, Department of Law, Minutes of Faculty Meetings, 1901-1910, p. 3.

[75] *Id.*, p. 11.

[76] *Id.*, p. 33.

to which shall be referred with power all petitions to the Faculty asking special examinations, elections of work not according to the regular schedule, changes from a special to a regular student, and other matters of a formal nature and not involving the status of the student in the Department.[77]

On February 16, 1906, the powers of the Executive Committee were enlarged. The faculty authorized it

> . . . to substitute an extra elective for third year students with an irregular course when they are deficient in a back subject which would cause a conflict in a programme of work.[78]

There is only one other mention of the Executive Committee in the minutes during the Hutchins administration.[79] However, on May 29, 1906, a resolution creating an Administrative Committee was adopted, which stated:

> There shall be an Administrative Committee of four members, of which the Dean shall be chairman.
>
> To this Committee the semester reports shall be referred, and the Committee shall make inquiry, personal if possible, as to the cause of failure by any student who has failed in two or more subjects. Recommendations for faculty action shall then be made by the Committee to the Faculty, accompanied, if any reasonable excuses are offered by the students, by explanations of the failures. The Committee has authority to warn students, or put them on probation, and its action in these regards shall be final unless special faculty action is taken. All action the effect of which will probably be to postpone or defeat the graduation of any student shall be passed on by the Faculty before becoming final.
>
> The Committee shall keep a special record of all students on whom any action is taken, and shall at the middle of each semester make inquiry as to the progress of weak students, making such recommendations to the Faculty as seem desirable, and in proper cases requiring students to take less work. Students continuously weak shall not be allowed to enter the third year electing full third year work.
>
> The Dean then appointed the following to act as the Administrative Committee:
>
> Professors Goddard, Knowlton and Wilgus.[80]

[77] *Id.*, p. 189. In spite of this, unusual excuses for absences occasionally reached the Faculty, such as the claim of one student in 1909 that he was unable to take any examinations because his bulldog had bitten him. *Id.*, p. 380.

[78] *Id.*, p. 222.

[79] *Id.*, p. 329. On November 13, 1907, Professor Knowlton replaced Professor Sage on the Executive Committee.

[80] *Id.*, pp. 236-37.

The minutes show that this Committee functioned actively throughout the remainder of the Hutchins' period. There is further indication that the Faculty was coming to recognize that many matters, not involving policy questions, could be referred with power to the Dean, or even to an individual professor. With greater academic responsibilities placed upon the Law Faculty, more efficient procedures were essential if the men were to have time for anything but department meetings.

A recurring problem during the Hutchins administration, which continued on into the earlier years of Bates' deanship, concerned cheating during examinations and the development of a policy directed toward its prevention. Prior to the institution of regular faculty meetings, there is no official record of how the Law Faculty dealt with the students accused of cheating. Undoubtedly there had been instances of such offenses, but they were probably handled as the occasion arose. However, on February 22, 1896, the Law Faculty adopted the following resolution:

> Resolved, that the possession by a student of any paper or other aid to any examination in this Department, at the time of said examination, shall be deemed conclusive evidence of an intention to defraud, and shall be punished by expulsion or suspension, in the discretion of the Faculty.[81]

On March 3, 1896, however, judgment concerning six senior students, held "guilty of having had with them, at their examination last semester, papers that might have aided them in such examination," was handed down. The Faculty resolved that they should be "reprimanded by the Dean" and "required to take their examinations over again." [82]

In December 1896, a first year law student, called before the Law Faculty, "admitted that his conduct might be construed to be a violation" of the Faculty rule against cheating in an examination. He was suspended for the remainder of the semester and required to repeat in class the work of the semester.[83] This, however, was the most stringent punishment given for such an offense until 1910. The record shows cheating merited a reprimand by the Dean with occasionally the addition of a "not passed" for the course in question.[84]

[81] Record of the Proceedings of Law Faculty, 1895-1901, p. 38.

[82] *Id.*, p. 39.

[83] *Id.*, p. 91.

[84] University of Michigan, Department of Law, Minutes of Faculty Meetings, 1901-1910, pp. 82, 226-27, 230, 344, 350, 407.

By the spring of 1910, the members of the Faculty had stiffened the earlier attitude toward cheating in examinations,[85] yet it was at this same time that they were approached by the Senior Class requesting adoption "of some form of the honor system in examinations . . . ." [86] The Faculty declined to adopt it; both in 1910 and in 1913.[87]

The increase in admission requirements, first effective for 1912-1913, and the emphasis on the case method of instruction, directed the attention of the Law Faculty to the need for systematizing teaching, grading, and examination procedures.

On May 23, 1911, recommendations relative to case assignments for class were made to the Law Faculty by the Committee on Hours.[88] The system of grading to be used and the number of credit hours required for graduation were considered at a meeting of the Law Faculty on April 1, 1912, when the Committee on Scholarship and Attendance presented a report.[89] On September 12, 1912, the original report, with amendments was adopted. According to the Committee, the objective was to devise "a scheme of marking scholarship and attendance so as to reduce the credit received for mediocre scholarship and irregular attendance." [90] This report instituted the use of letters to show grades, a procedure in effect in 1958-1959. From time to time various revisions in the grading system were made by the Law Faculty and recorded in the minutes of their meetings.[91]

Closely allied with uniform standards of grading was the need for

[85] See *id.*, pp. 430-31, 433.

[86] *Id.*, p. 433.

[87] *Id.*, pp. 441, 443; Faculty Minutes, 1910-1920, p. 556.

[88] The assignment recommendations advised: ". . . the average assignment of lessons in case book work be not more than 12 to 15 pages for First year work, 15 to 18 pages for Second year work, 18 to 25 pages for Third year work; a page 4 x 7, of about 500 words, being taken as the standard. "If the text is used, or text and cases together, the same rule should govern in making assignments." Faculty Minutes, 1910-1920, p. 470.

[89] *Id.*, pp. 512-13.

[90] *Id.*, pp. 529-31.

[91] In 1912, four letters were used to indicate grades: A, B, C, and D. *Id.*, pp. 529-30. The following year, the grading system was revised, using five instead of four letters for grading students "thereby bringing this Department into conformity with the other Departments of the University." *Id.*, pp. 576-78. On November 30, 1923, the Law Faculty rejected the proposal to grade on a numerical rather than on a letter basis. *Id.*, 1920-1930, pp. 115, 131, 139, 178. In 1958-1959 the following system of grading was in force: A — Excellent; B — Very Good; C + — Good; C — Satisfactory; D — Unsatisfactory; E — Failure. Law Students' Handbook, University of Michigan Law School (1957), p. 47.

uniformity in the length of examinations. Attempting to achieve this, the Faculty adopted a number of regulations in 1917.[92]

In 1913, the Law Faculty considered it desirable to stiffen existing regulations pertaining to class attendance; on June 21, 1913, they adopted a scheme requiring compulsory attendance at all class meetings.[93] The rule requiring attendance was repealed during one semester in 1925-1926, but at the end of the semester the rule was re-instated.[94] In spite of intermittent arguments brought before the Law Faculty against this compulsory attendance, substantially the same rule was in effect in 1958-1959, the Faculty declining to alter its fundamental policy.[95]

The problem of student dishonesty in the course of examinations had plagued the Law Faculty throughout the Hutchins' administration. It continued during the early years of the Bates' administration as well. A proposal to adopt the honor system had been rejected in June 1913, but the essential questions of discipline and maintenance of standards remained.[96] Moreover, the increased demands placed upon the students aggravated an already troublesome situation, which became a major topic of faculty discussion at their meetings during the early months of 1915. These discussions culminated in an elaborate set of rules and regulations.[97] These rules were modified and adjusted by faculty action from time to time during the succeeding four decades.[98]

[92] On January 12, 1917, the Faculty adopted a regulation which provided: ". . . the period of examinations be graduated according to the number of hours in the various courses, that is to say, 2 hours with 6 questions, of which 5 must be answered, for a 2 hour course; 3 hours with 8 questions of which 7 must be answered, for a 3 hour course; and 4 hours with 10 questions for a 4 hour course." Faculty Minutes, 1910-1920, p. 700. The following June these regulations were somewhat modified to provide: ". . . there should be five questions in two hour courses and seven questions in three hour courses; and that the examinations in the two hour courses should continue for two hours and a half." *Id.*, p. 736.

[93] *Id.*, p. 560. See also Faculty Minutes, 1920-1930, pp. 150, 152.

[94] Faculty Minutes, 1920-1930, pp. 294, 318.

[95] For attendance regulations in effect in 1958-1959, see Part II, III:9.

[96] The need for preserving student anonymity during examinations had been handled in a recommendation adopted by the Law Faculty on November 26, 1913, which provided: "That in examinations each student shall be given a number by the executive clerk. This shall be put upon his examination book, with the subject and date, but no name or other identifying mark shall be put upon the book or paper. Lists of names and corresponding numbers of the students in the various classes shall be furnished to each of the professors before the examination." Faculty Minutes, 1910-1920, p. 577.

[97] *Id.*, pp. 614, 619, 632-35. The rules adopted in 1915 appear in Part II, III:10.

[98] For the underlying philosophy of the rules existing in 1958-1959 and the rules themselves, see Part II, III:10.

On July 21, 1910, Henry Moore Bates was appointed "Dean of the Department of Law" at a salary of $5,000 per year,[99] in spite of a protest lodged with the Regents by five members of the Law Faculty.[100] At the same meeting, the Regents increased Edwin Goddard's salary to $3,500, as Professor of Law and $500 as Secretary of the Department of Law." [101] Bates, who commenced his service as Dean on August 23, 1910 was to serve until his mandatory retirement in 1939, and to place unmistakably upon the Law School the mark of his personality.

The twenty-nine years of Bates' administration as Dean may be divided into two parts of roughly equal length. During the first decade and a half, he was engaged largely with the routine affairs of a Department and later a School which needed reorganization to adjust to changed and changing standards of legal education. During these years, Bates was faced with problems of decreasing the number of part-time outside lecturers, of improving the general standards of admission and graduation, of student work and conduct, and of beginning to systematize faculty procedures in the handling of routine administrative matters.

And it was during these years, when the Law School and the Law Faculty were crammed into the old Law Building, that the foundations were laid for the tremendous advances which the School under the leadership of Dean Bates, and later Dean Stason, was to make in the following quarter of a century.

While Hutchins had been the first Dean of the Department to have any stenographic assistance supplied by the University, Bates was the first to have full-time clerical help of any kind. The departmental budget of 1909-1910, the last year of Hutchins' administration, had allocated $150, "to provide for stenographic services to the Dean and Secretary of the Department of Law . . ." [102] and the following year, the first of Bates' administration, $300 was provided for the same purpose.[103] As of July 1, 1911, Katherine C. Murray was given the full-time appointment of Clerk in the Law School Office.[104] In 1914, she became "Private Secretary to the Dean," and a stenographer was added to the clerical staff.[105] Miss Murray's title was changed on July 23, 1920, to that

[99] Regents' Proceedings, 1906-1910, p. 805.
[100] See Part II, III: 11.
[101] Regents' Proceedings, 1906-1910, p. 805.
[102] *Id.*, p. 517.
[103] *Id.*, p. 749.
[104] Regents' Proceedings, 1910-1914, p. 239.
[105] *Id.*, p. 1068.

of "Recorder of the Law School," [106] and in October of the same year Helen Gillespie was appointed a stenographer in the Law School Office.[107] Miss Murray and Miss Gillespie, who on July 1, 1927 was given the title of Private Secretary to the Dean, served through the remainder of Dean Bates' administration. Katherine Murray retired in 1956, and was succeeded as Recorder by Helen Betts. Helen Gillespie was Private Secretary to Dean Stason in 1958-1959.

During the first years Bates was dean, while the mechanics of administration were being overhauled and adjusted to changing conditions of legal education, the function and powers of the deanship itself were being modified sharply. It will be recalled that prior to Knowlton, the deans of the Law Department had been elected by the Law Faculty and apparently were regarded and regarded themselves as *primus inter pares.* Though Knowlton had been appointed by the Regents, he apparently had no inclination toward leadership or interest in performing the detailed tasks of administration. When the Regents appointed Hutchins, he was appointed as Professor of Law and Dean of the Law Department, and Hutchins appears to have looked upon himself as a law professor first with the duties of the deanship superimposed. This was not the case with Henry Moore Bates. Bates was above all else the Dean. The minutes of the faculty meetings convey the distinct impression that while Hutchins had presided, Bates was inclined to give direction and to exercise a degree of control. Conscious as Hutchins was of "the dignity of the Department," Bates apparently believed that to achieve the dignity of which Hutchins had spoken it was necessary to supervise meticulously all aspects of the Law School's activities. Hutchins had achieved certain needed improvements, but much remained to be done to better the lax scholarship standards, low admission requirements, a "talk tough and act lenient" policy toward most instances of student misconduct, a faculty often uninterested in adopting new practices such as the case system of instruction, improving their standards of instruction, or engaging in systematic research.

Hutchins had instituted regular faculty meetings and commenced the use of faculty committees. Bates continued both practices. The first mention of standing faculty committees will be found in the minutes of the Law Faculty for a meeting on October 20, 1910.

> The Dean then brought up the question of standing committees for 1910-1911. It was moved and carried that the Library

[106] Regents' Proceedings, 1917-1920, p. 989.
[107] Regents' Proceedings, 1920-1923, p. 28.

> Committee shall consist of the Dean, the Librarian, and three other members to be appointed by the Dean; and that the Thesis Committee shall consist of three members to be appointed by the Dean.[108]

The next mention of standing committees in the Minutes is for the year 1914-1915; this appears on a page annexed to the minutes for a meeting on June 26, 1914, which lists the membership of three committees: executive, administrative, and library.[109]

The existence of the standing committee did not preclude the existence of other committees, some appointed for a special purpose, some for a longer period of time. The minutes for a meeting on November 24, 1916, show that the Dean made appointments to the Law Review Committee, the Committee on Discipline, and the Committee on Examinations, and to the Standing Committees which included the executive, administrative, library, and attendance committees.[110]

The Committee on Discipline was authorized on May 12, 1916, and it continued to function until superseded by a University Committee on Discipline in 1922.[111] Designed to reduce the number of cases of student misconduct brought before the Law Faculty, its institution coincided with a marked reduction in such disciplinary cases.

While Dean Bates continued to use faculty committees for specific purposes during the years between 1920 and 1931, the Faculty Minutes contain no record of standing committees being appointed. They reappear in 1931-1932,[112] are dropped between 1932 and 1934, and were appointed in 1934-1935 and for the succeeding years of the Bates' ad-

[108] Faculty Minutes, 1910-1920, p. 454.

[109] *Id.*, p. 604a. For a list of standing committees see Part II, III: 12.

[110] Faculty Minutes, 1910-1920, p. 695.

[111] The Faculty Minutes for May 12, 1916, state: "It was also moved that the Dean be authorized to appoint a standing committee on discipline consisting of two members besides the Dean, such committee to have full power to make final disposition of all cases of student discipline in the Law School. On motion this matter was made a special order for the next meeting of the faculty." *Id.*, p. 674. On May 19, 1916, Professor Edgar Durfee moved that the resolution be amended to give each student "the right of appeal . . . to the full faculty within a reasonable time." *Id.*, p. 675. The amended motion was adopted. Whether the committee functioned efficiently, whether overt acts on the part of law students declined as their age levels rose, or whether the Law Faculty became less concerned with individual instances of non-academic misconduct, is not shown on the record. The minutes do evidence, however, a sharp decline in the number of students charged with misconduct brought before the Law Faculty. In 1922, a University Committee on discipline was established and relatively few instances of student misconduct appeared thereafter on the faculty record. Many of these involved infraction of the University automobile regulations.

[112] Faculty Minutes, 1930-1940, p. 57.

ministration.[113] In the last year Bates was dean, there were eight listed in the minutes: curriculum, graduate work, law review, library, research, legal aptitude tests, law school alumni relations, and Burkan Memorial.[114] During the first year of Dean Stason's administration, nine standing committees were appointed: administrative, Burkan Memorial, case club, curriculum, graduate work and research, law institute, law aptitude tests, law society, and library.[115] Some indication of the total number of committees which functioned, whether for long or short periods, in the years between 1930 and 1940, can be gauged from the fact that the index to the 1930-1940 Faculty Minutes lists 79 separate committee titles.

The fact that the word "department" was used for a division of the University "devoted to instruction in a single branch" and "Department" was used for "a grand division of the University," tended to cause confusion. At a meeting of the Board of Regents on January 21, 1915, a report recommending changes in the nomenclature then in use at Michigan was considered.

> . . . Dean Henry M. Bates, Counsel to the Board, to whom the question has been referred, expresses the opinion, after careful investigation, that the Board of Regents has the power to make such changes in names of the various parts of the University as it may deem wise . . . .
>
> . . . your committee recommends the adoption of the nomenclature as contained in the definitions quoted below and in particular the nomenclature cited in connection with these definitions.
>
> A. "That the term department be restricted to the various subjects taught in the university; as, for instance, the department of Latin, department of mathematics, department of physics, etc."
>
> B. "That the term course be restricted to the subdivisions of a subject, as, for instance, Course 1 in English."
>
> C. "That the term college be restricted to a part of the university the standard of admission to which is the equivalent of that required by the Carnegie Foundation for the Advancement of Teaching, and which offers instruction for not less than two years' duration leading to a first degree in arts, letters, or sciences." Thus, in particular, we recommend the nomenclature: the College of Literature, Science, and the Arts; the Colleges of Engineering and Architecture; the College of Pharmacy; the College of Dental Surgery.

[113] *Id.*, pp. 196, 279a, 368-69, 427-28, 482-83.
[114] *Id.*, pp. 482-83.
[115] *Id.*, pp. 532-33.

D. "That the term school be restricted to a part of the university the standard of admission to which is not less than the equivalent of two years' work in the college and which offers instruction of not less than two years' duration leading to a technical or professional degree." In particular, we recommend the nomenclature: the Medical School; the Law School; the Homeopathic Medical School; the Graduate School.

E. "That the term group be restricted to a combination of related subjects," as, for instance, the foreign language group, the civil engineering group.

F. "That the term curriculum be restricted to a combination of courses leading to a degree." Thus, in particular, we recommend the nomenclature: the Combined Curriculum in Letters and Law, etc., etc.; the Curricula in Business Administration, in Civil Engineering, in Forestry, etc., etc.

* * * * *

We recommend that these regulations go into effect in the publications appearing after February 1, 1915.[116]

The report was adopted by the Regents, thus changing the name of the Law Department to the Law School.

In 1917, Dean Bates called attention to the fact that he had "worked uninterruptedly" in the School for fourteen years and requested a leave of absence for the year 1917-1918, so he might carry on some special work at Harvard. He suggested that "a change for a year, and especially temporary relief from administrative duties" would be of advantage to him and to the School. The Regents granted this request, and provision was made for an administrative committee of five to serve while Bates was away. Edwin Goddard was Chairman of this committee, Evans Holbrook was Secretary, and Professors Lane, Wilgus, and Sunderland were the other three members.[117]

[116] Regents' Proceedings, 1914-1917, pp. 93-97.

[117] In his letter to the Board of Regents, Bates stated: "I hereby respectfully request leave of absence for the academic year 1917-1918 without salary. As I have informally stated to the Board through the President, I have been invited to carry on some special work in the Harvard Law School next year under exceedingly favorable conditions. I have worked uninterruptedly in this Law School for fourteen years, and think that a change for a year, and especially a temporary relief from administrative duties, would inure to my advantage and ultimately to that of this Law School.

"The details of administration during my absence can, I am satisfied, be easily arranged in consultation with the President and the Law Committee of the Board of Regents. I anticipate that the war will reduce the attendance in this School next year in greater ratio than in any of the other departments of the University because our men are all of military age and they are not exempt by reason of technical qualifications, as are the students of medicine, for example, such as are needed for military

That Dean Bates developed a broadened concept of legal education, that it should be more than the mere dogmatic teaching "of the so-called leading principles to passive students, and then drilling them in the applications of these principles," [118] appears from a report to the President made in 1920-1921. While urging the imperative need for greater financial support for the Law School, Dean Bates stated:

> . . . Our legal and political institutions, to the minds of those who have vision to see necessities not physical in nature, are crying out for a type of research, investigation, and comparative study which have not been appreciated in the past and which we have not had the money or means properly to prosecute.
>
> * * * * *
>
> The task confronting the Law School today is a gigantic one. What we all see in sight as necessary of accomplishment cannot be accomplished until generations of law teachers have devoted themselves unselfishly, and with proper aid, to this work.[119]

The gift of William W. Cook of the Lawyers' Club in 1922 and the assurance of future buildings, did much to reassure Bates that his vision of a greater Law School would be fulfilled. Accordingly, in what may be termed the second half of the Bates' administration, he attempted to improve the work of the School and the qualifications of its Faculty. This involved a constant reassessment and revision of the curriculum, the type and methods of instruction, the standards of admission, the place of research in the activities of the Law Faculty, and the type of man who should be brought into the School as a Professor of Law.

Some indication of the standards Bates applied in the selection of new members of the Law Faculty can be seen in the statement which he included in his report to the President for 1929-1930:

> . . . There is great opportunity . . . for the bringing into the faculty of able men. These men must be not only effective teachers but they must be competent legal scholars in the highest sense of the term. It would be a great mistake to confide legal instruction to what are sometimes called mere teachers. No one can teach adequately in a school like ours unless he is a legal scholar, constantly progressing in his mastery of one or

purposes. Under these circumstances the teaching can next year be carried by the present faculty without me. This would be accomplished by reducing the number of sections in several of the minor subjects." Regents' Proceedings, 1914-1917, pp. 803-804. See also Faculty Minutes, 1910-1920, p. 756-757.

[118] President's Report, 1920-1921, p. 217.

[119] *Ibid.*

> more of the fields of the law and of related subjects. There is no room in the faculty of the strong modern law school for the instructor who would attempt merely to teach on the basis of already acquired knowledge. The teaching of such a man would soon become uninspired and uninspiring, and ultimately almost totally arid. Any proposal, therefore, to draw hard and fast lines between the functions of the professional law teacher, the graduate teacher, and the research worker, should be rejected. It would mean stratification and partial disintegration.[120]

Bates was also concerned over achieving and maintaining a suitable faculty-student ratio, expressed even during the Great Depression when he reported:

> But further enlargement of the faculty is highly important. Some of our classes are already too large, and, as to many of them, it will be impossible to teach a larger number of students in the future, for the very good reason that, with deliberation and appreciation of what it would mean in the future, the lecture and other class rooms in Hutchins Hall were planned and built of moderate size.[121]

This ability to look to the future, to visualize for greatness, was perhaps the quality in Henry Bates which enabled him to make his most lasting contribution to the Law School and to legal education. In the course of his long term as Dean, Bates was instrumental in turning a numerically large Law Department into a graduate school of law in which emphasis was placed upon legal scholarship.[122]

E. Blythe Stason was appointed by the Regents to succeed Henry Moore Bates as Dean of the Law School upon the latter's retirement in 1939. The Regents' Proceedings for April 14, 1939, state:

> The Board formally approved and confirmed the action taken by the Regents in special session on April 5, 1939 . . . as follows:
>
> Present, the President, Regent Beal, Regent Cook, Regent Cram, Regent Crowley, Regent Hemans, Regent Stone, and Regent Lynch. Absent, Regent Shields.
>
> The only business transacted had to do with the appointment of a Dean of the Law School to succeed Dean Henry M. Bates, who retires at the end of the present academic year. After considerable discussion of the needs of the Law School,

[120] President's Report, 1929-1930, pp. 167-68.

[121] President's Report, 1935-1936, p. 92.

[122] For extracts from memorial addresses delivered in honor of Henry Moore Bates, Part II, III: 13.

> the qualifications of various candidates, and the opinions of the members of the staff of the Law School, on motion of Regent Crowley, seconded by Regent Lynch, Professor E. Blythe Stason was appointed to the position.
>
> It was agreed that the details pertaining to the appointment and the selection of an Assistant Dean should be deferred until the consideration of the budget for the year 1939-1940. It was further agreed that the appointment should be given immediate publicity.[123]

In the report filed by Stason with the President, covering his first year as Dean, he indicated that the School was "somewhat short in teaching personnel."

> No permanent appointments to the faculty have been made during the year for which this report is submitted, nor have any members of the regular staff been lost by resignation or otherwise. Being somewhat short in teaching personnel, we have adopted, for an experimental period at least, the policy of inviting one or two men of proved and recognized ability, teaching in other law schools, to accept appointment as visiting professors for a year or a semester as needs indicate. During the year just closed, Professor Frederick Woodbridge, of the University of Cincinnati Law School, has filled such a position. Similar arrangements are being made for the school year 1940-1941, and Professor Oliver S. Rundell, of the University of Wisconsin Law School, and Professor Lee-Carl Overstreet, of the University of Missouri Law School, are being invited as visiting professors for the second semester. We expect to gain in several ways by resorting to the services of visiting professors. The regular faculty of the School benefits by stimulation from ideas of other law teachers and by the insight into new or improved methods of other law schools. The students profit by fresh points of view in the classroom. Teaching loads can be readjusted so that members of our permanent staff can be freed to a limited extent to enable them to carry forward special research projects under the auspices of the William W. Cook Endownment Fund. And finally, it may not be too much to say that legal education generally will be benefited by the interchange of ideas made possible by the arrangement.[124]

Soon after his appointment as Dean, Stason was faced with a series of crises. Selective Service requirements prior to the entry of the

[123] Regents' Proceedings, 1936-1939, p. 901.

[124] President's Report, 1939-1940, p. 109.

United States into World War II, and then the military demands of the war, curtailed enrollment. The remaining students shared the Law Quadrangle with the Judge Advocate General's School.[125] Many of the Law Faculty left the Law School for the duration of hostilities,[126] and those who remained had to handle a course of instruction adjusted to the decreased number of students within the framework of a three-term academic year,[127] assume the main responsibility for contributing articles to the *Law Review*,[128] and attempt to plan for enrollment increases expected to come at the conclusion of the war.[129]

With the end of World War II, the anticipated increase in student population occurred. The Faculty had to readjust the course of instruction to a two-semester University year,[130] to consider the peculiar needs of the more mature veteran student, to deal with late registrations arising because of discharges from the Armed Forces,[131] and to strive to secure a more efficient internal administration of the School.[132]

In his 1946-1947 report to the President, Stason pointed out some

[125] In his report to the President for 1945-1946, Dean Stason noted the conclusion of the use of the Law Quadrangle by the Judge Advocate General's School. He stated in part: "The Judge Advocate General's School, which shared the Law Quadrangle with regular law students during the war years, terminated its program in January, 1946. Between the time of the establishment of the School in the Quadrangle in September, 1942, and the conclusion of the program in 1946, the School graduated a total of 2,684 officers and officer candidates. This number subdivides as follows: officer classes, 27 (graduates, 1,258); contract termination classes, 9 (graduates, 484); officer candidate classes, 15 (graduates, 942)." President's Report, 1945-1946, p. 104.

[126] Faculty Minutes, 1940-1945, p. 160c. In "Some Facts and Questions Concerning the War-Time Program of the Law School," marked "Confidential for the Law Faculty," Stason noted: "The normal faculty consists of nineteen persons. Several of these are engaged more or less extensively in administrative duties. This includes the Dean, the Secretary, the Librarian, the Faculty Editor of the Law Review, and the Secretary of the Lawyers Club. In 1940-41 and prior years, the equivalent of two members were engaged in research. The *equivalent* actual full-time *teaching* faculty totals approximately fifteen.

"For the present year, four members are absent on leave, and the equivalent of three more are engaged in legal research. Our faculty reduction is, therefore, 5/15=33⅓%."

[127] Faculty Minutes, 1940-1945, pp. 127(a), 160(a)-160(c).

[128] *Id.*, p. 156.

[129] *Id.*, p. 215-a.

[130] Faculty Minutes, 1945-1950, p. 21.

[131] *Id.*, p. 31.

[132] *Id.*, p. 34. The minutes for the meeting of November 16, 1945, state: "Dean Stason suggested that, in the interest of conserving time at faculty meetings, the Secretary henceforth should report action take by the Administrative Committee on student petitions, but that no faculty action with respect thereto should be requested unless the faculty should, in any particular case, wish to take specific action. It was the sense of the faculty that this procedure should be followed."

of the short-run personnel needs of the School and called attention to the needs of the future.

> . . . it has proved necessary to add new faculty personnel to help carry the increased teaching load of the postwar years. Experience has demonstrated that the minimum faculty for effective teaching is about one for each thirty students. At the present time we have one faculty member for each fifty students—a ratio far too high, even having in mind the prospective reduction in student enrollment as we recede from the veteran peak during the next two or three years. Moreover, having in mind the prospective early retirement of several older staff members and also the needs of the research program of the Law School, we must plan to add several more well-qualified persons to the upper staff within the next year or two.
>
> In making further additions to the faculty it is most desirable that we engage an experienced and capable professor of international law—preferably someone with practical experience with the United States Department of State or some related service, who will not only do enlightened law teaching in that important field and make substantial contributions to international law literature, but who will also achieve prestige and leadership among the legal profession to the end that the weight of the profession may make itself felt in the international arena. World problems of the future point to international law as one of the important frontiers demanding skilled professional attention, and we propose to do our share.[133]

In a memorandum prepared for the Faculty, dated December 1, 1950, Dean Stason sketched briefly the "principal actions . . . taken in the post-war period, . . . for the purpose of focusing attention on the program for the future." He named seven such actions, discussing each briefly:

> 1. *Handling the greatly increased number of applications for admission.* Since the war we have had nearly three times as many completed applications as in the pre-war years,—three times as many as we have felt could wisely be admitted to the first-year class. "Selective admission" has been a necessity. It is a complex affair. No absolute measuring stick is available. Much experimentation has been required, and the hodge-podge of college education during the war years has enhanced the difficulty. A few mistakes have, of course, been made . . . but at the same time we have worked diligently to eliminate the prospective failures and I believe that we have done well . . . In any event, the system of handling the selective admis-

[133] President's Report, 1946-1947, p. 109.

sion is now working smoothly and further experience with it will permit us to select with increasing effectiveness. We shall continue to work for improvement.

2. *Enlarging the Faculty.* The greatly increased enrollment has found us short of teaching strength. We have adjusted the size of the faculty to the increased size of the student body. To do so we have added ten persons to the staff and we are fortunate in our new members. There is more to be done. Our student-faculty ratio is still too high (about 40 to 1), and further faculty retirements are in prospect. Further faculty additions are soon to be necessary, unless, indeed, a World War III ushers in another catastrophe for legal education like that of World War II.

3. *Systematizing Placement of Graduates.* Systematic placement procedures have become a necessity in these post-war years. We have set up placement of graduates on a sound basis with substantial allocation of faculty time to assure careful attention. The success which has been achieved by the Placement Director in the post-war years is shown by the actual results . . . .

4. *Adjusting the Curriculum.* Overcrowding of the curriculum and insistent changes in the substance of legal activity have necessitated curricular changes. We have adjusted and strengthened the curriculum following the well tried course of "evolution" rather than "revolution." We have increased the emphasis upon the fundamentals of the legal system—civil procedure, property, trusts and estates, as well as on that more recent arrival in the field of fundamentals—public law. We have introduced Preliminary Week with its opportunity for orientation of beginning students by familiarizing them with the Law School, Law Library, the study of law and the general framework of a civil action, thus facilitating the work of the earlier weeks of the regular semester in the first-year fundamental courses. We have also introduced the short course on "Introduction to the Legal System"—history of procedure, forms of action, elementary legal concepts, etc. With plenty of flaws in it at first, three years of experience have moulded this introductory program until it serves a worthy end . . . .

5. *Revising the Academic Regulations.* We have recast our academic regulations instituting a number of improvements each perhaps minor in significance, but in sum, constituting a major accomplishment. The changes in grading, eligibility and absence regulations serve to promote clarity and equity. The general framework of these new regulations is adequate and satisfactory but their administration needs further study and further study is in progress.

6. *Establishing the Integrated Program.* The Arts College

> decided to abandon the old combined curriculum and, indeed, we ourselves decided that it was no longer fully satisfactory. Accordingly, we have arranged for and placed in effect with the College a substituted "integrated program," a 3½—3½ combined curriculum in place of the former 3—3 combination . . . .
>
> 7. *Maturing the Research Program.* After a number of years of experimentation it may fairly be said that the research program is now a matured, going concern, with its "housekeeping" arrangements well organized. With participation of the faculty and under the careful guidance of the Research Committee and Director of Research many eminently worthwhile achievements are being recorded. The list of projects completed and in progress is impressive; our Legal Publications bookshelf is growing, and the fact that one of the publications has just been awarded the distinguished Ames Prize, having been selected as the most outstanding contribution to Anglo-American Legal Literature of the last five years, is not without significance. The newly established Legislative Research Center, which is now in operation, has already rendered important service to members of the faculty and to outside persons. I venture to predict that in due course its services and publications will constitute a major element of value in our research program. The accomplishments of the Research Program to date are highly creditable, but as we acquire more experience and skill we expect them to become even more worthwhile. Continuing attention is needed and will be given.[134]

On October 22, 1954, Dean Stason suggested to the Law Faculty that they commence to "think in terms of objectives to be achieved in the next twenty or thirty years . . . ." [135] This suggestion culminated in the appointment of a Planning Committee, which presented a series of reports dealing with particular aspects of the School between late 1956 and early 1958.

Other Faculty committees which submitted frequent or annual reports during the 1950's were the Curriculum, Research, Personnel, and Scholarship committees. The reports of the Curriculum Committee were particularly voluminous, subjecting all aspects of the curriculum to a constant reassessment. The Research Committee reported annually on the status of all research projects, showing the participating members of the Faculty, objectives, materials, and methods used. The Personnel Committee reports were less lengthy, but they summarized hours of

[134] Faculty Minutes, 1950-1955, pp. 47-49.
[135] *Id.*, p. 586.

work by the members in investigating and reporting upon possible additions to the Faculty.

The Personnel Committee was concrete evidence of Dean Stason's belief that the Law Faculty should assume part of the responsibility in proposing suggestions for future faculty members. He described its function in his report to the President for 1956-1957.

> Coming to grips with the really difficult task of building the faculty to meet the requirements of the increased number of students, and also of the desirability of sharing responsibility in this regard, a Faculty Personnel Committee has been created to screen candidates and make recommendations to the faculty. We have, after careful consideration of our own practices and observation of other law schools, established as a long-range objective of legal education at Michigan a ratio of one faculty member of professorial rank to each twenty-five students in the Law School. We believe that the ratio indicated is one of optimum desirability, when we take into account the need of reasonably close contact and opportunity for consultation between students and faculty members. By the selection and appointment of three staff members during the year, we shall be able very nearly to reach this ratio during the year 1957-58. Experience teaches us that the best results are not obtained in the large, impersonal classrooms. As the School increases in size, we sincerely hope that we shall be able to maintain this ratio between students and faculty. The Faculty Personnel Committee will help meet these needs. It will make for better legal education at Michigan.[136]

In spite of the demands placed upon the Law Faculty by their teaching duties, research investigations, and committee assignments, time was found for a large number of extra-Law School activities. Dean Stason resigned as Provost of the University in 1944,[137] but from time to time accepted some of the many requests made for use of his extensive knowledge of administrative law as well as of his executive and administrative abilities. Between 1939 and 1941, he served as a member of the Attorney General's Committee on Administrative Procedure, and in early 1955 he accepted the managing directorship of the Fund for Peaceful Atomic Development. At a meeting of the Law Faculty on January 20, 1955:

> The Dean stated that he had been asked to accept the managing directorship of the Fund for Peaceful Atomic Development. He described the objectives of the organization, stating

[136] President's Report, 1956-1957, p. 252.

[137] Faculty Minutes, 1940-1945, p. 283.

> that he regards these objectives as highly important and worthy of support, and that, with the approval of the Regents, he had decided to take the directorship, at least for the initial organizing period of the association. He stated that he felt that he could assume this responsibility without impairing his administrative and teaching duties at the School, since the work would be part-time only and several other major outside activities in which he has been engaged during the last year or two have now been terminated.[138]

While Dean Stason was the most conspicuous example of such extra-Law School activities in the post-World War II period, he was not the only member of the Law Faculty so contributing his time and talents. Together with Professors Paul Kauper and Russell Smith, Stason served on the Charter Revision Commission for the City of Ann Arbor. S. Chesterfield Oppenheim was Co-Chairman of the National Survey Committee on Anti-Trust Laws between 1954 and 1958. Charles Joiner was actively engaged in directing research projects in connection with Michigan Procedural Reform. L. Hart Wright in 1956-1957 prepared a monumental set of training materials for Internal Revenue Agents and Office Auditors, receiving in recognition the highest civilian award accorded by the Federal Government.[139]

Yet at the same time that individual members of the Law Faculty were being asked to serve in more and more extensive and demanding extra-Law School activities, their internal responsibilities were increasing. The burden of detail they were being compelled to handle at faculty meetings had increased despite the broadened use of committees vested with accepted powers of recommendation. In spite of Dean Stason's desire to delegate authority wherever feasible, a desire which found expression in the creation in 1942 of the position of Director of Legal Research,[140] that of the Director of the Legislative Research Center in 1951, and that of Admissions Officer in 1952, the burden of administrative detail which he, as well as the Law Faculty, had had to assume was becoming increasingly heavy. By 1956, the Law Faculty had concluded that some assistance in handling various administrative duties was highly desirable, both from the point of view of the Dean

[138] Faculty Minutes, 1950-1955, pp. 619-20.

[139] For additional information regarding such extra-Law School activities, see the annual President's Reports from 1921 to 1959.

[140] For additional information relative to the direction of the research program, see Chapter XI, *infra*. Stason had directed the attention of the Law Faculty to the need for a director of legal research in a memorandum, dated January 23, 1942. A part of this appears in Part II, III: 14.

and of the several members of the faculty. On January 6, 1956, at a meeting of the faculty:

> There was a discussion of problems of Law School administration. Members of the Planning Committee reported that interviews with members of the faculty indicated an almost unanimous belief that there is a need for employing one or more administrative people on a full-time basis in order to relieve the faculty and the Dean of some administrative duties. It was the consensus that this general problem should be referred to the Planning Committee for study and early recommendation.[141]

On January 16, 1956, the Planning Committee submitted a report which recommended the appointment of an Associate and an Assistant Dean.[142] Accordingly, Dean Stason recommended to the Regents that the administrative offices within the Law School be reorganized. On June 15, 1956, Roy F. Proffitt was appointed Associate Professor of Law and Assistant Dean of the Law School.[143] On September 28, 1956, the Regents approved the recommended reorganization and appointed Professor Russell A. Smith as Associate Dean of the Law School.[144] In his report to the President for 1956-1957, the Dean stated:

> We have effectuated an important change in the administrative staff of the School. As a result of the growth of the School and the very heavy increase in administrative duties, the Dean and Secretary have in recent years been overburdened with administrative tasks. Moreover, other members of the faculty have been asked to assume certain administrative responsibilities, thus draining away time and energy at the expense of their research undertakings and other academic pursuits. The faculty Planning Committee, in collaboration with the Dean, has given careful consideration to this problem and has recommended to the faculty the creation of the office of Assistant Dean to be responsible for a considerable number of administrative duties, including those previously performed by the Secretary of the faculty as well as certain duties that in recent years have been performed by other faculty members. It was further recommended that the office of Associate Dean be created to be directly responsible for research in legal education and for alumni relations development, and to have advisory functions in regard to recruitment of faculty personnel and budget problems. These recommendations were approved

[141] Faculty Minutes, 1955—, p. 39.
[142] *Id.*, pp. 77-79. For extracts from this report, see Part II, III: 15.
[143] Regents' Proceedings, 1954-1957, p. 1054.
[144] *Id.*, pp. 1250-51.

> unanimously by the faculty and in turn by the Board of Regents. Professor Russell A. Smith was appointed Associate Dean and Professor Roy F. Proffitt, Assistant Dean. These staff readjustments have worked marvelously well, not only in providing relief for the Dean's office but also, and more importantly in providing for better service for the Law School.[145]

The growth in the duties and responsibilities of the deanship had corresponded with the growth of the Law School itself. As Secretary and later Dean of the Law Department, Cooley had admitted each student personally, as well as caring for all the innumerable trifles of routine administration. In those years, however, the dean had no responsibility for leadership and direction of either the Department or the Faculty. Hutchins expanded the office far beyond the vision of his predecessors, but it was left for Henry Moore Bates to centralize the obligation for leadership and administration and develop the full potential of the office. As the demands placed upon the office of dean multiplied, the burdens of administration grew heavier. In response to this, Dean Stason attempted to broaden the base of responsibility, initially by according faculty committees greater powers of recommendation and later by particular administrative assignments. In 1956 came the appointment by the Regents of an Associate and an Assistant Dean.[146] In 1957-1958, the Faculty Minutes listed a number of "special Faculty Administrative Assignments in addition to the members of standing committees.[147] Throughout these years, as the administrative personnel of the Law School increased, the clerical and stenographic help likewise increased.[148]

The Law School Announcement in 1958-1959, listed the following administrative officers:

E. Blythe Stason, A.B., B.S., J.D., Professor of Law and Dean of the Law School

Russell A. Smith, A.B., J.D., Professor of Law and Associate Dean of the Law School

Roy F. Proffitt, B.S. Bus. Ad., J.D., LL.M., Associate Professor of Law and Assistant Dean of the Law School

Hobart Coffey, A.B., LL.B., J.D., Professor of Law and Director of the Law Library

[145] President's Report, 1956-1957, p. 251.

[146] For a list of administrative personnel, 1859-1959, see Part II, III: 2.

[147] See Part II, III: 12.

[148] In 1958-1959 the clerical personnel of the Law School included one recorder, one managing editor of the Law Review, one business manager of the Law Review, one editorial assistant, and twelve secretaries.

William J. Pierce, A.B., J.D., Professor of Law and Director of the Legislative Research Center

Allan F. Smith, A.B. Ed., LL.B., LL.M., S.J.D., Professor of Law and Director of Legal Research

Roy L. Steinheimer, Jr., A.B., J.D., Professor of Law and Admissions Officer

Helen L. Betts, Recorder

In addition to these specific appointments, substantial burdens of the administrative duties of the School were carried by the several members of the Law Faculty either through Special Administrative Assignments or as members of standing committees.

Chapter IV

The Law Teacher: Professors, Lecturers, Quizmasters, and Instructors

In the period covered by this study, 1859-1959, the persons appointed by the Regents to give instruction in the Law Department, after 1915 the Law School, were designated by a variety of titles, each intended to indicate the appointee's rank and the scope of his duties. All these designations, with the number of appointees in each category, are listed year by year in Part II.[1] A chronological list of the names of persons appointed to each category also appears in Part II.[2] For convenience of discussion this chapter is divided into the following sections: I. Professors, Assistant Professors, Associate Professors; II. Lecturers, Resident and Non-Resident; III. Teachers of Elocution; IV. Assistants, Quizmasters, Assistants in Law; V. Instructors in Law; VI. Instructors in Rhetoric; VII. Summer Session Faculty; and VIII. Visiting Professors.

I. Professors, Assistant Professors, Associate Professors

The plan adopted for a Department of Law by the Regents on March 30, 1859, specified the number and duties of the professors in the contemplated department. The relevant paragraphs stated:

> II. [The Law Department] . . . shall consist of three Professorships
>
> 1. A Professorship of Common and Statute Law.
> 2. A Professorship of Pleading, Practice, and Evidence.
> 3. A Professorship of Equity, Jurisprudence, Pleading, and Practice.
>
> III. The general subjects of International, Maritime, Civil, Commercial, and Criminal Laws, Medical Jurisprudence, the United States and other branches of law, shall be assigned to the several Professors as may be hereafter determined.
>
> * * * * *
>
> VII. The Law Faculty shall devise and recommend a course of study and exercises in detail to be pursued by students during the entire course and submit the same to the Board of Regents; and they shall also submit such modifications of the same from time to time as they may deem expedient. The

[1] See Part II, IV: 1.
[2] See Part II, IV: 2.

course shall be so arranged as far as may be that students may begin with any term.

* * * * *

XI. It shall be the duty of the Professor of Common and Statute Law to deliver Lectures on Law before the Senior Class during their last term . . . .[3]

The three men appointed law professors, James Valentine Campbell, Charles Irish Walker, and Thomas McIntyre Cooley, were all engaged in some type of law business, but that was expected of law teachers in 1859. What was remarkable for the period was the fact that they were to be paid from University funds and were not to be dependent upon student fees for their income.[4]

At the time the Department was established, it was entirely acceptable that a law professor, as well as a medical professor, should be active in the practice of his profession. Fifty years passed before a law professorship at Michigan was thought of as a full-time appointment. In 1959, a law professor, obligated by full-time academic commitments, was sometimes perplexed to determine the proper allocation of time between teaching, research, and administrative responsibilities.

The first three professors in the Law Department relied wholly on the lecture system in teaching their classes. While this method of instruction permits one man to instruct several hundred as easily as several dozen students, by March 1865 the number of students in the Law Department was such that Regent Knight, speaking for the Committee on the Law Department, recommended:

> . . . that Prof. Cooley be excused from his present duties connected with the Literary Department, and that his salary be fixed at the sum of $1000, to take effect from and after the current collegiate year; also, that an additional Professor of Law be appointed, with a salary of $1000, such appointment and salary to commence with the next collegiate year.[5]

[3] Regents' Proceedings, 1837-1864, pp. 845-46.

[4] Regents' Proceedings, 1837-1864, p. 837. The annual salaries of $1,000 were comparable to those paid the Medical Faculty. For the salaries paid to the "Professors, Instructors, and other Officers connected with the University" for the academic year 1859-1860, see Part II, IV: 3. For information relating to the financial support of the University, see "The Financial Support of the University" The University of Michigan: An Encyclopedic Survey (1951), pp. 267-69, which cites two studies by Richard R. Price, The Financial Support of State Universities (Harvard Stud. Ed., Vol. XI), Cambridge, Mass.: Harvard Univ. Press, 1924, and "The Financial Support of the University of Michigan: Its Origin and Development," Harvard Bull. Ed., No. 8 (1923), pp. 1-58.

[5] Regents' Proceedings, 1864-1870, p. 80.

The Regents adopted this recommendation. By June 28, 1865, however, the Committee on the Law Department felt somewhat differently about the proposed fourth professorship. They reported to the Regents that:

> . . . after conference with the members of the Faculty who are in the city, it is not thought indispensable that the proposed additional Professorship of Law be now filled. It is believed that the assistance required for the coming year be secured at an expense not exceeding $500. We therefore recommend that the President and Faculty of the Department of Law be authorized and empowered to make arrangements for such assistance as may be required in that Department for the next Collegiate year, at the rate above mentioned.[6]

A year later, on June 28, 1866, the Regents did create a fourth professorship, the Fletcher Professorship.[7]

Administrative approval of the use of part-time professors of law is indicated by President Haven's statement to the Regents in 1867:

> The Department of Law has been so regularly prosperous as to require but little attention. No changes have been made in the Faculty. Two of its Professors are Justices of the Supreme Court of the State, one Judge of the Third Judicial Circuit of Michigan, and the fourth a practicing Lawyer in Detroit.[8]

The first recorded evidence of any dissatisfaction with a part-time Law Faculty appeared in 1879. On February 7 of that year, Regent Rynd submitted the following resolution:

> *Whereas,* We have reason to believe that the lectures in the Law Department are irregular and frequently omitted by different Professors for many days and even weeks at a time, to the great detriment of that Department; therefore,
>
> *Resolved,* That the Executive Committee be directed to inquire into the facts and report at the next meeting of this Board the extent to which this habit of absenting themselves from duty at the regular lecture hours has been practiced by the professors in the Law Department, and report the delinquency, if any, of each and every Professor in that Department, as near as the same can be ascertained, during the present college year.[9]

[6] *Id.*, p. 99.
[7] *Id.*, p. 154. See Chapter XII, *infra*, and also Part II, XII: 1.
[8] Regents' Proceedings, 1864-1870, p. 226.
[9] Regents' Proceedings, 1876-1881, p. 330.

The resolution was adopted, but the Executive Committee of the Regents did not bring in its report until April 14, 1880. The report, after repeating the original resolution, stated that the members of the Committee:

> . . . [had] endeavored to perform the duty assigned to them to the best of their ability.
>
> That owing to an entire want of specification as to time, extent, or manner or cause of the irregularities referred to in the resolution, and no one having come forward to furnish any specifications, we have been able to prosecute our inquiry only in a general manner.
>
> We have called the attention of the Faculty of the Law Department to the resolution in question, and have received from them the annexed report, marked "Exhibit A," also a schedule of the lectures delivered in the Department during the past two years hereto attached, marked "Exhibit B."
>
> From these schedules and reports, as well as from such other evidence as we have been able to obtain, we are of the opinion that the information, upon which said resolution was based, was erroneous, and that the Faculty of the Law Department have discharged their duty with fidelity in accordance with the understanding at the time they were called into the service of the University.
>
> In this connection we would report that when the Law Department was organized in 1859, Judges Cooley and Campbell were both then, as now, connected with the Supreme Court, and we do not doubt that it was for that reason in part, that they were called as Professors in the infant Law School.
>
> It is unquestionably true that they were called with the distinct understanding that their connection with the Supreme Court was to continue; and that as the sessions of the Supreme Court occurred in October and January of each year, during the sessions of the Law School, it would be necessary for them to be absent for some time during each term of the Law School.
>
> During the entire period of the existence of the Law School extending over a space of twenty years, the practice has been in accordance with this understanding.
>
> That it has worked no serious detriment to the School is evidenced by the fact that within this short period and under these same instructors and largely if not chiefly through their influence, the school has become the largest Law School upon the continent, excepting only Columbia, which is located in the heart of New York city and draws its students chiefly from the law offices of that metropolis; and financially has become not only self-supporting, but it is at the present time yielding

a large revenue for the support of the other Departments of the University.

This arrangement does not deprive the School of any of its regular lectures or instruction, but simply modifies the order of the lectures, which we are satisfied may be done without any injurious effects either to the School or the students.

In closing this report we desire to express our conviction that the distinguished gentlemen who have so successfully conducted the Law School for twenty years, and have done so much to extend and increase the reputation and influence of this University, have been faithful to their duties, and with a genuine affection for the great School they have done so much to build up, they will omit nothing in their power to add to its fame and usefulness in the future.

We submit the following resolution:

Resolved, That it is not advisable to inaugurate any change in the practice which has obtained ever since the organization of the Law School, in retaining the services of members of the Faculty connected with the Supreme Court, and allowing such arrangement of lectures among Professors as will allow them to attend upon the sessions of the Supreme Court occurring during the lecture term.

Respectfully submitted,
J. B. ANGELL,
B. M. CUTCHEON,
GEORGE DUFFIELD,
JAS. SHEARER.[10]

Exhibit "A" illustrates policy toward appointments to the Law Faculty between 1859 and 1879. It stated:

EXHIBIT "A."

LAW DEPARTMENT, MICHIGAN UNIVERSITY,
ANN ARBOR, MARCH 19, 1879.

HON. B. M. CUTCHEON, *Chairman Committee on Law Department, Board of Regents:*

Sir: Referring to your letter calling upon the members of the Faculty of Law for information respecting supposed irregularities in giving instruction in the department within the last two years, the undersigned beg leave to report:

First: There have been no such irregularities whatever. The undersigned have given the regular courses of lectures, and the usual supplementary instruction, and were not aware until after the last meeting of the Board of Regents that the fact was questioned. Reviewing their course at this time, they

[10] *Id.*, pp. 503-505.

believe the suggestion to the contrary to be entirely without foundation in fact.

As your letter does not call attention to any particular supposed delinquencies, it would perhaps be proper for us to conclude the report here. But as the undersigned have been informed that the resolution of the Board of Regents, which was the occasion for your letter was based upon reports of absences from the University of members of this faculty, and certain supposed occasions when a single lecture in a day was delivered instead of two, the undersigned further report.

That it is perfectly true that the members of this Faculty have not regularly at all times remained in Ann Arbor in attendance upon the University during the lecture season. But they say in respect thereto that their attendance has been in exact conformity to the original understanding when the two senior members of the Faculty were appointed: an understanding which they have never been requested to change or depart from. The understanding referred to was that the two members then, as now, connected with the Supreme Court would necessarily be compelled by official duties to be absent from the University for a portion of the College year, and that the several professors should therefore be at liberty to arrange between themselves respecting the time when they severally should lecture, taking care only that at all times one of the professors should be on hand with the class. On no other understanding could Professors Campbell and Cooley have accepted or retained their positions, and probably on no other understanding would the Regents have desired it.

That it is true that on one day during the present session a single lecture only was delivered. The day was the first after Thanksgiving and the reason for delivering but one was that it was found a majority of the students had not returned. It seemed but proper and just under the circumstances to omit the regular lectures, and give one out of the regular course, which was done. The omission was made up on a subsequent College day when, instead of giving a vacation; as was done in the Department of Literature, Science and the Arts, Prof. Kent gave lectures in the course. And it may not be improper in this connection to state that several extra lectures were given last year.

Third. The undersigned beg leave further to say that not during the last two years only, but during the whole time of their connection with the institution, covering with two of them the whole existence of the Department, they have never failed in performing for the Department any thing required of them by the understanding under which they were appointed, and never failed, as they believe, to have the approba-

tion in that regard of the President of the University for the time being. With them it has been a principle to co-operate heartily with that officer in strengthening not their own Department merely, but the University in general, and until they learn from the action of the Board of Regents that the judgment of that body is otherwise, they will continue to believe as they do now, that their general course as instructors has been satisfactory and useful.

All of which is respectfully submitted.

JAMES V. CAMPBELL,
THOMAS M. COOLEY,
C. A. KENT,
WILLIAM P. WELLS.[11]

The resolution, offered by the report of the Executive Committee, which advised against any change in the use of part-time faculty, was adopted unanimously by the Regents. It is not possible to assess precisely the significance of this investigation and the ensuing report. It certainly should not be over-emphasized, either as an indication of existing dissatisfaction with or approval of the existing practice. When Alpheus Felch was appointed Tappan Professor of Law on July 24, 1879, the Regents' Proceedings showed that: ". . . The considerations moving to his appointment were his well-known learning, ability and readiness, and his residence here, so that he could at all times be accessible." [12] However, when Henry Wade Rogers was added to the Law Faculty in 1883, there was no stipulation concerning residence.[13] In 1884, Regent Willett's motion to appoint Harry Burns Hutchins a "Professor in the Law School" was on the proviso that ". . . he resides in Ann Arbor." [14] It is possible that this condition may have been made because of the resignations of both Felch and Cooley a short time previously. The Regents may have desired to assure that there would be one "resident" Law Professor, though no evidence exists to show that Henry Wade Rogers had assumed any duties beyond the Law Department subsequent to his appointment a year previously.[15]

[11] *Id.*, pp. 505-506.

[12] The need for additional instructors in the Law Department had grown increasingly acute but there was widespread knowledge concerning the Regents' lack of funds. These facts may have been responsible for the request by the Law Faculty in October 1878 that Professor C. K. Adams of the Chair of History be assigned to duty to lecture on Constitutional History to the law students. In a report filed October 11, 1878, the Executive Committee of the Regents expressed some doubt on the wisdom of this move. For details leading up to the creation of the Tappan Professorship, see Part II, IV: 4.

[13] Regents' Proceedings, 1881-1886, p. 340.

[14] *Id.*, p. 486.

[15] "The appointment, in 1882, of Henry Wade Rogers as Tappan Professor of Law

Rogers could claim the distinction of being the first full-time professor of law at Michigan, but he was the second, not the first, to have studied law in a law school rather than in a lawyer's office. The first five appointees to the Law Faculty—Campbell, Walker, Cooley, Pond, and Kent—held no law degrees. The sixth appointment was of William P. Wells, a practicing lawyer in Detroit, who had been graduated from Harvard Law School in 1854, and was the first law school graduate to be appointed to the Law Faculty.[16] Rogers, appointed in 1883, had attended the Law Department in 1876-1877, but had not been graduated. Harry Burns Hutchins, appointed Jay Professor of Law in 1884, had been graduated from the Literary Department in 1871 and had practiced law in Mount Clemens for eight years but without benefit of law school training.[17] The majority of men appointed during the Kent, Rogers, and Knowlton deanships did not possess law degrees. They either were or had been active as lawyers or judges.[18]

While enrollment in the Law Department had risen steadily during its first two decades, only two professorships were added to the original three during that period. The Law Faculty informed the Regents of the need for added assistance from time to time, but other than the creation of the Fletcher and Tappan professorships secured no relief from their burdens. In 1878 they tried vainly to secure the appointment of Charles K. Adams of the Literary Department to lecture on Constitutional History to the law students, but the Regents had disapproved this, apparently deeming it unwise from policy considerations.

The Regents, frequently informed by both the Law Faculty and their own Committee on the Law Department of the Department's needs, were presumably unable to do much to improve matters. For example, when in 1880 Cooley attempted to resign, the following report of a special committee was adopted by the Regents, but there is no indication any action was taken upon it:

> The undersigned Committee created by the adoption of a resolution submitted at yesterday morning's session relating to the resignation of Hon. Thomas M. Cooley, would respectfully report:
>
> That in the discharge of the duty imposed upon them, they immediately obtained an interview with Prof. T. M. Cooley,

was the forerunner of radical changes. He was a young man not yet thirty years of age, had had little, if any, practice at the bar, and he came to Michigan as the first full-time Professor of Law. . . ." Goddard, MS., p. 109.

[16] *Id.*, p. 105.

[17] Smith, Harry Burns Hutchins and the University of Michigan (1951), pp. 41-46.

[18] For degrees held by the members of the Law Faculty, see Part II, IV: 2.

and urged him to withdraw his resignation as being of the highest importance to the University.

After a very full examination and discussion of the interests involved, Judge Cooley, while earnestly desiring that his resignation should be accepted and he thus be relieved of the arduous labors of position; in deference to the unanimous wish of the Board of his Regents as expressed in the resolution adopted and also referred to, consented to waive his personal desire and consult only the interests of the University as portrayed by your Committee, and withdrew his resignation. Your Committee, impressed with the importance of retaining Judge Cooley as Professor in the Law School, and believing that the labors now performed by him are onerous and greater than he should be required to perform, respectfully recommend the adoption of the following resolution.

Resolved, That the Committee on the Law Department be and are hereby authorized and directed to make such rearrangement of the work of the Law Department, as they (the faculty of that department) may desire, with full power to put such plans in execution, including the power to employ additional help either in the department of instruction or administration.

All of which is respectfully submitted.

E. O. GROSVENOR,
JAS. SHEARER,
J. J. VAN RIPER,
Committee.[19]

The underlying reasons for Cooley's attempts to resign are unknown. He may have wished to sever his connection with the Law Department or he may have been interested in securing some variation from an established pattern of work he had been following for two decades. However, in 1881 he was appointed "Professor of Constitutional and Administrative Law" in the newly organized "School of Political Science."[20] Thus the Regents were reverting to an earlier practice, the appointment of a law professor to another faculty. In 1883, Charles Kent commenced to perform the duties of the Dean of the Law Department, and in 1884 Cooley resigned all his university appointments, although this did not prove a permanent severance.

Between 1882 and 1886, there was an almost complete turnover of the Law Faculty, and the Regents began to evidence an increased interest in appointing men who would be likely to give more time to their

[19] Regents' Proceedings, 1876-1881, p. 530.

[20] Regents' Proceedings, 1881-1886, p. 73. For details pertaining to the School of Political Science, see Part II, IV: 5.

academic responsibilities. The first man to give all his time to academic responsibilities, Henry Wade Rogers, was appointed in 1883. Harry Burns Hutchins, appointed Jay Professor of Law on August 25, 1884, had his appointment conditioned upon his residing in Ann Arbor.[21] Rogers, first as Tappan Professor of Law and later as Dean, gave his full attention to the Department until his resignation in 1890, although between 1886 and 1891 he lectured to the medical students.[22] Hutchins resigned in 1887 and subsequent appointments to full professorships were without the stipulation of residence until the appointment of Floyd Russell Mechem in 1892.

Mechem was practicing law in Detroit when his name was brought before the Regents, and this fact may have been responsible for the conditions imposed upon his appointment. At a Regents' meeting on December 12, 1892:

> Regent Butterfield moved that F. R. Mechem, of Detroit, be appointed Tappan Professor of Law, in place of Nathan Abbott, resigned, and that his salary be $2,200 per year, provided he does not practice in the Courts, and that he reside in Ann Arbor.
>
> Regent Howard moved to amend the resolution by substituting the name of A. T. McAlvay in place of Mr. Mechem. A call vote was then taken on the amendment which resulted as follows:
>
> Ayes—Regents Cocker, Cook, and Howard.
>
> Nays—Regents Whitman, Butterfield, Hebard, and Barbour.
>
> The amendment was declared lost, and the vote on the original motion resulted as follows:
>
> Ayes—Regents Whitman, Butterfield, Hebard, Cocker, Howard, and Barbour.
>
> Nays—Regent Cook.[23]

In the meantime, however, the Regents on October 13, 1885 had approved the appointment in September of Jerome C. Knowlton as Assistant Professor of Law.[24] The appointment was for a specified period, one year, at a salary of $1,200. As Assistant Professor, Knowlton's chief responsibility was giving textbook instruction to both the Junior

[21] Regents' Proceedings, 1881-1886, p. 486.

[22] Henry Wade Rogers, appointed lecturer in the Medical Department on December 8, 1886, was listed as a member of the Medical Faculty from 1887-1888 through 1890-1891, with the title of "Lecturer on the Law Relating to Physicians."

[23] Regents' Proceedings, 1891-1896, p. 107.

[24] Regents' Proceedings, 1881-1886, p. 588.

and the Senior classes,[25] and this continued during successive re-appointments. In 1888-1889, he gave one lecture course, "Practice in Cases at Law," [26] but it was not until he was promoted to a full professorship in 1889,[27] that he by degrees shifted out of textbook instruction. It should be noted that Knowlton was promoted directly from Assistant Professor of Law to Professor of Law, and this remained customary practice in the Law Department until 1912.[28]

At the opening of the 1895-1896 academic year, the first year of Hutchins' deanship, the trend toward an increased use of resident professors and instructors with full-time obligations to the Department had commenced. There were then six resident professors of law, four resident instructors, four non-resident professors of law, seven lecturers or professors from other departments of the University, and seven non-resident professors. When Hutchins resigned the deanship

[25] "Members of the Junior Class are required to attend daily recitations in the Commentaries of Blackstone and of Kent, under the instruction of Assistant-Professor Knowlton. . . ." Announcement, 1886-1887, p. 11. The following year, the Announcement stated: "In addition to the instruction by lectures will be the instruction by textbooks.

"The members of the Junior Class will be required to attend daily recitations in Cooley's edition of Blackstone's Commentaries, Anson on Contracts, and Schouler on Bailments. This work will be done under the direction of Assistant Professor Knowlton, and will continue throughout the Junior year. The class will meet at 8 o'clock A.M.

"All members of the Senior Class will during the First Semester attend recitations in Gould on Pleading, and such of them as may so elect can attend recitations in Bliss on Code Pleading. Students who come from Code States will be expected to attend regular recitations in this work, and they will find the instruction thus obtained invaluable in their subsequent practice. Students from states where the reformed procedure has not been introduced, may or may not, at their option, attend such recitations. But students from Code States are expected to attend the recitation in Gould on Pleading, as well as in Bliss, inasmuch as the works on common law pleading are not superseded by the codes, and it is thought that a careful study of such works is the best preparation for the pleader whether he practices under the old or the new procedure. In connection with the study of Gould, instruction will be given in the drafting of pleadings. Each student will be required to prepare declarations, demurrers and pleas in the leading forms of action. This work will also be under the direction of Assistant Professor Knowlton. The class will meet at nine o'clock A.M." Announcement, 1887-1888, pp. 11-12.

[26] Announcement, 1888-1889, p. 11.

[27] At a meeting of the Board of Regents on June 25, 1889, they approved the motion made by Regent Blair that "Assistant Professor J. C. Knowlton be made Marshall Professor of Law, at the salary of $2,000, with the understanding that he shall continue his present quiz work, and perform such other duties as the Law Faculty shall assign to him. . . ." Regents' Proceedings, 1886-1891, pp. 326-27.

[28] Edgar N. Durfee, appointed Assistant Professor of Law on June 27, 1911 (Regents' Proceedings, 1910-1914, p. 188) on July 18, 1912, was appointed Junior Professor of Law. (*Id.*, p. 515.)

in 1910 upon his appointment to the presidency, there were no non-resident professors, although there were still fourteen part-time lecturers from without and within the University.

Goddard described Hutchins' approach to Faculty appointments, stating:

> . . . He recognized that the most efficient instruction required the full-time service of most of the Faculty, and yet he believed it was desirable to retain a few active practitioners on the Faculty, men who came to the students fresh from the daily actual problems of the law office and the courts. He brought to the Faculty a number of men who had had long experience as lawyers or judges, and yet most of the men he secured had had little, in a number of cases no, experience in active practice.[29]

That the Regents were in sympathy with Hutchins' interest in building a full-time law faculty, is indicated by their resolution of May 16, 1895:

> That an additional professorship be created for the Law Department, the person to be appointed thereto to be hereafter selected and to reside in Ann Arbor during the time he shall continue to occupy the position; the salary to be hereafter fixed . . . .[30]

Horace LaFayette Wilgus was appointed Acting Professor of Law on September 25, 1895, thus bringing the full-time complement of the Department to six.[31]

John Wayne Champlin, a Detroit lawyer, who had been appointed a Professor of Law in 1891, resigned on May 20, 1896.[32] On the same day the Regents adopted a resolution which provided that Champlin's duties were to be divided among the other law professors, and further stated:

> That . . . the salaries of the Law professors be fixed at the same figure as the professors in the Medical Department, provided they do not engage in practice, and that E. F. Johnson be made assistant professor at a salary of $1,600.[33]

Levi T. Griffin, another Detroit resident, resigned his appointment as Fletcher Professor of Law March 12, 1897. The Regents appointed

[29] Goddard, MS., p. 114.
[30] Regents' Proceedings, 1891-1896, p. 436.
[31] *Id.*, p. 493.
[32] *Id.*, pp. 607-608.
[33] *Id.*, p. 610.

Victor H. Lane "resident Fletcher Professor of Law," and after some other appointments provided, "That the salary of Professor Floyd R. Mechem, A.M., be made $3,000 provided he remain a resident professor." [34]

The following year, at a meeting of the Regents on June 28, 1898, Alexis Angell, a Detroit attorney serving as Professor of Law, submitted his resignation:

> I find that the work of teacher in the Law Department, in addition to my work as a practicing lawyer, is more than I can properly do. For two or three years past I have been more and more conscious of this, and have continued to teach against my own judgment at the earnest wish of the Dean of the Department . . . .[35]

In the same year that Angell resigned, Judge A. V. McAlvay was appointed to the Law Faculty on a permanent basis, having been Acting Professor for the preceding academic year, 1897-1898.[36] The terms of the appointment are of considerable interest, for he was appointed specifically upon a half-time basis.[37] From the time of this appointment onward, the part-time appointee had his time commitments specified and the assumption was that the usual appointment was full-time.

Judge McAlvay resigned in 1903. In 1906, another part-time law professor, Otto Kirchner, submitted a letter of resignation to President Angell:

> The work in the Department of Law is arranged according to a schedule, to which I am unable to conform even approximately. My further connection with the Department will result in serious disarrangement of the schedule unless I abandon the practice of my profession. That I am unwilling to do. My resignation is the only alternative open to me. I therefore resign my chair of Professor of Law in the University of Michigan, to take effect at the expiration of the current year.[38]

Many changes had occurred in University and departmental policy since 1880, when the committee appointed to investigate the teaching schedules of the Law Faculty had recommended "allowing such arrangement of lectures among Professors as will allow them to attend upon

[34] Regents' Proceedings, 1891-1901, p. 66.
[35] Id., p. 252.
[36] *Id.*, p. 66.
[37] *Id.*, p. 259.
[38] Regents' Proceedings, 1901-1906, p. 687.

the sessions of the Supreme Court occurring during the lecture term." [39]

Despite the fact that Hutchins himself had not been graduated from law school, the men he brought to the Law Faculty for full-time instructional positions, with the exception of Horace L. Wilgus, held the degree of Bachelor of Laws. A number of these, however, in marked contrast to earlier custom, had had no experience in actual practice. Elias F. Johnson had served as Assistant in Law and as Instructor in Law prior to his appointment as Professor of Law in 1896. Joseph Drake's initial University appointment had been in the Department of Literature, Science, and the Arts and only by degrees had he shifted over to the Law Department. Edwin C. Goddard had been an instructor in mathematics in the Literary Department prior to his appointment as Assistant Professor of Law in 1900.[40] Edson R. Sunderland had been Instructor in Law prior to his appointment as Assistant Professor in 1904. On the other hand, Henry M. Bates, Robert E. Bunker, Evans Holbrook, and Frank Sage each had had some experience in active practice prior to appointment.

When Bates succeeded Hutchins as Dean in 1910, only one member of the full-time Law Faculty of thirteen professors and four assistant professors did not have a law degree. All comparable appointments made during Bates' administration had at least the degree of Bachelor of Laws and toward the end of his twenty-nine year period of service, the trend was toward the appointment of men holding the degree of Juris Doctor and in some instances that of Doctor of the Science of Law. It was not enough, however, in Dean Bates' opinion that a man be well trained and an able teacher; he wanted a Law Faculty composed of men who were also "competent legal scholars in the highest sense of the term." He explained his views in a report to the President, stating: "No one can teach adequately in a school like ours unless he is a legal scholar, constantly progressing in his mastery of one or more of the fields of law and of related subjects. There is no room in the faculty of the strong modern law school for the instructor who would attempt merely to teach on the basis of already acquired knowledge. The teaching of such a man would soon become uninspired and uninspiring, and ultimately almost totally arid." [41]

In the beginning years of his administration, however, many mem-

[39] Regents' Proceedings, 1876-1881, p. 505.

[40] Regents' Proceedings, 1896-1901, p. 533. Goddard was the second man to hold the rank of Assistant Professor of Law. He was promoted to Professor of Law on June 16, 1903. Regents' Proceedings, 1901-1906, p. 204.

[41] President's Report, 1929-1930, pp. 167-68.

bers of Bates' faculty were highly reluctant to shift away from the lecture or textbook method of instruction. Before he could impress upon them the need for research as a prelude to the successful teaching of law, it was necessary to convince them of the superiority of the case method. He succeeded in this, as he succeeded in so much else, and by 1920 the case system was firmly entrenched at Michigan.[42]

Two appointments to the rank of assistant professor were made in 1911. Victor R. McLucas remained for only one year, but Edgar N. Durfee was a member of the Law Faculty until his retirement in 1951. A year after Durfee's initial appointment, the Regents appointed him as Junior Professor of Law, the first and only man on the Law Faculty to hold this rank.[43] Like the rank of Professor of Law, Junior Professor was considered as a permanent appointment, holding indefinite tenure, in contrast to the rank of Assistant Professor of Law, to which appointments were made for a limited period, usually for three years.[44]

On January 21, 1915, the Committee on Nomenclature recommended to the Regents that there be a change in "titles from Junior Professor and Clinical Professor to Associate Professor. The latter is the term used universally throughout the country and was in use here until 1889. We therefore recommend a return to the original usage." [45] The recommendation was adopted by the Regents.

In the meantime, however, on June 24, 1913, Durfee had been promoted to a Professorship in the Law Department.[46] There were no further appointments to Junior Professors in the Law Department, and the first Associate Professor was not appointed until 1929.[47]

The appointment to an Associate Professorship continued to carry with it indeterminate tenure and in practice the duties of an Associate Professor of Law were substantially identical with those of a Professor of Law.

The custom of making full-time appointments at varying professional ranks to the Law Faculty had become accepted procedure under Dean Hutchins, but Bates broadened the academic activity expected of the

[42] See Part II, IV: 6 for information pertaining to the adoption of the case method.
[43] Regents' Proceedings, 1910-1914, p. 515.
[44] *Id.*, p. 509.
[45] Regents' Proceedings, 1914-1917, p. 96.
[46] Regents' Proceedings, 1910-1914, p. 804.
[47] Regents' Proceedings, 1929-1932, p. 12. At a meeting of the Board of Regents on October 4, 1929, they approved the action of the Executive Committee on August 9, 1929, when Homer F. Carey had been appointed Associate Professor of Law.

professors. In addition to insisting upon the case method of instruction, he expanded the use of committees.[48] In one respect, however, he did decrease the non-teaching burdens of his instructional staff; sometime between 1910 and 1915, the members of the Faculty were relieved of the responsibility for proctoring their examinations and proctors were brought in for that particular purpose, usually young instructors from other departments of the University.[49] This practice was continued through Dean Stason's administration.

One of the accepted obligations of the Law Faculty, clearly established from the time of Dean Hutchins through 1958-1959, and probably in effect during the earlier years of the Department, was that of grading the final examinations given in each course. The only exception to this practice occurred in the case of the preliminary examinations given in first-year courses. These were instituted in 1920,[50] and the Faculty Minutes in 1922 show that these bluebooks were "graded by selected upper classmen, under the supervision of the instructor in charge . . . [with] the reader . . . denied all access to the names corresponding to the numbers on the blue books." [51] In later years, as the numbers of graduate students in the Law School increased, it became customary to use them to grade the so-called "pre-lims" with occasional use made of young lawyers in practice in Ann Arbor.

The entire question of the extent to which the Law Faculty should engage in research as a part of their over-all academic responsibilities, discussed in more detail in Chapter XI, *infra,* was a matter of prime concern at faculty meetings after it became known that Cook had designated operating profits from the Lawyers' Club as a source for financing research activities. Suggestions were made for cooperative research projects, both among the faculty and in conjunction with the faculties of other Schools and Colleges in the University. Individual research projects were brought before the faculty, were discussed, and were subjected to close scrutiny by committees appointed by Dean Bates. A survey was directed to be made of possible research projects. A Legal Research Institute was established and terminated. Through the minutes

[48] See Part II, III: 12.

[49] See, for example, Regents' Proceedings, 1929-1932, pp. 717, 780-81, 814, 843-44, 845-46, 874-75, 888, 898, 911, 918, *id.*, 1932-1936, pp. 66, 306, 465, 758; *id.*, 1939-1942, pp. 111, 475, 800.

[50] Faculty Minutes, 1920-1930, p. 9. For discussion of the preliminary examinations, see Chapter V, *infra.*

[51] Faculty Minutes, 1920-1930, pp. 116-17.

of faculty meetings during the latter part of the 1920's runs the story of a Law Faculty preparing itself to assume added duties in the light of the responsibilities placed upon it by the Cook gifts.

In spite of the added pressure caused by Dean Bates' insistence that the Law Faculty engage actively in legal research, he was equally insistent that the faculty not be divided between research and instructional personnel, feeling strongly that the individual capable of doing and busy with sound research brought to his classes far more than the man who merely taught "on the basis of already acquired knowledge." [52] a feeling which found expression in the policy statement, "It is desirable that all research work should be carried on by or under the immediate direction of the members of the faculty of the Law School . . . ." [53] Moreover, there was no diminution in required committee activity. Hence during the Bates administration, the Law Faculty had the triple responsibility of teaching their courses, conducting research, and partaking through their services on committees in the administrative work of the School and the University.

Demands made upon the Law Faculty from without the University increased too, as the high degree of competence each possessed became recognized. It became more and more usual for individual members to be requested to serve in a variety of capacities, such as members of state bar committees, of procedural reform commissions, of advisory committees of the American Law Institute. From time to time federal, state, and local governmental units sought to make use of their abilities.[54]

During the 1930's, members of the Law Faculty were urged by Dean Bates to incorporate into their courses as much relevant non-legal materials as possible, to emphasize the relationships between law and society.[55] At the same time, legal developments triggered by the New

[52] President's Report, 1929-1930, pp. 167-68.

[53] Faculty Minutes, 1930-1940, p. 297a.

[54] When the newly integrated state bar of Michigan considered securing its secretary from the Law Faculty, the faculty voted on November 22, 1935, that ". . . it was the sense of this faculty that no member of the faculty should withdraw from teaching and research duties to such an extent as would be required should he assume administrative duties connected with the State Bar Association." Faculty Minutes, 1930-1940, pp. 297-98. On November 29, 1935, the faculty voted "that the resolution relating to members of this faculty assuming administrative duties in connection with the State Bar Association be interpreted as referring to the secretaryship of the organization." *Id.*, p. 298.

[55] President's Report, 1937-1938, p. 106. This was not a new idea, for Bates in his 1926-1927 report to the President had noted the concern of the Law Faculty with modifying the curriculum to adjust to changing concepts in the teaching of law, that is, in particular from a "historical and analytical dealing with the rules and doctrines

Deal required the continuing attention of the professors, if the contents of their courses were to prepare students for the practice of law in a changing society. Thus the scope of the investigation needed for course preparation alone was widened and, other academic duties aside, the responsibilities for teaching alone were far heavier than they had been two decades earlier. Yet these increased duties were combined with committee assignments, research and writing, and occasional extra-Law School duties; at the time of Bates' retirement in 1939, the full-time professor of law had a full-time occupation.

When E. Blythe Stason became Dean in 1939, the Law Faculty consisted of fifteen professors, two associate professors, one assistant professor, one visiting professor, and two part-time outside lecturers. In 1958-1959, there were thirty professors, one part-time professor, two associate professors, one assistant professor, one part-time assistant professor, six instructors, one lecturer, and three visiting professors. All these men held at least the degree of Bachelor of Laws and most had had some actual experience in some phase of the practice of law prior to appointment.

In 1939, the Law Faculty was admittedly lower in numbers than a desirable faculty-student ratio would have indicated, arising in large part from the over-all curtailment in University faculty appointments during the Depression of the 1930's. Russell A. Smith was the last professor of law brought in by Dean Bates, having been appointed in 1937. It was not until 1946, after the end of World War II, that any further appointments were made. The rise in enrollment at the end of hostilities required a substantial increase in faculty appointments: nine men had been appointed between 1927 and 1937; none between 1937 and 1946; but between 1946 and 1956 there were twenty-five appointments to the ranks of assistant professor of law, associate professor of law, and professor of law.

On the whole, Dean Stason carried forward the major practices of his predecessor. Most recommendations to the Regent for appointment to the Law Faculty were of men who had some degree of experience in

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of the law to a more comprehensive study of law in its functional aspects. . . . The faculty has given much consideration to the determination of how best to develop this kind of work. It is obvious that there are practical difficulties, but it is even more obvious that there are untold possibilities of benefit to society in the intelligent prosecution of work of this character. We have always known that the law 'is a seamless web,' but we are discovering that the legal web is only a part of the greater fabric of life in general, and that it is scientifically impossible to dissociate it completely from the forces and activities which have produced it, and which in turn it to some extent regulates and moulds." *Id.*, 1926-1927, pp. 111-12.

active practice, yet the high standards of preparation and teaching ability were maintained.

The number of casebooks prepared by the Law Faculty and in use at the School showed a steady increase during the first ten years of Dean Stason's administration, and in his 1950-1951 report he observed:

> One of the significant features of legal education at Michigan has been the fact that in nearly all of the courses in the curriculum the students receive instruction from casebooks prepared by the Michigan faculty. Each casebook is planned in collaboration with other members of the faculty, with the result that the total program is thoroughly integrated, with a minimum of overlapping and with elimination of undesirable gaps in the fundamental subjects of the law. These classroom tools constitute a notable achievement in legal education. Moreover, the volumes are revised to keep abreast of current developments in the law, especially as they are met in active practice.[56]

Like his predecessor, Dean Stason was continually preoccupied with the need for achieving ever higher standards of legal education. In a memorandum to the members of the Faculty in December 1950, he urged them to direct their attention "more specifically to two matters of ever-continuing importance in legal education":

> (1) *In regard to improvement of teaching methods and procedures,* I have in mind, for example, such matters as the improving our understanding of the objectives and possibilities of the classroom, the finding of the most fruitful means of using the case system to develop in the students the requisite powers of analysis and of inductive and deductive reasoning, and the discovery of ways and means of inducing our students to make greater use of the law library, exploring the wealth of materials available therein, and enriching their understanding of the law by reaching far beyond the limits of the casebooks prescribed in the respective courses. The Librarian's reports of recent years clearly reveal the student tendency to minimize the use of the library . . . Furthermore, there is too great a tendency to use canned briefs and outlines. There is too often lacking a really earnest desire to master the professional materials. Can we not discover the causes and improve our performance on these matters? Should we not make greater use of newly prepared mimeographed materials, new types of problems, more extensive hypothetical questions, etc., new stimulation to explore the Law Review and other valuable collateral sources, etc.?

[56] President's Report, 1950-1951, pp. 105-106.

Moreover, assuming that the older members of the faculty have by years of hard experience acquired the science and art of teaching law, is it not possible for those of us who have had less opportunity to learn by experience to learn by transmission of ideas from those who have served longer? . . .

Again, we must always keep in mind that not all legal materials are found in court decisions. Unless I am mistaken there is a great deal that all of us can learn about the best and most effective way to handle statutes and other legal materials. How can the newly established Legislative Research Center render the best assistance?

In short, is this not the appropriate time to tackle the job of making this faculty the very best teaching faculty in the United States? If we agree that there is work to be done along this line, let's give consideration now to the ways and means of accomplishing it.

(2) *Then in regard to faculty scholarship and productivity,* there also is worthwhile progress to be made. Certainly we do not need to feel discontented over our record of achievement during the post-war period. Our casebooks alone, most of them modernized since the termination of World War II, are, in and of themselves, a major accomplishment. But there are others to record, e.g., Grismore on Contracts, Smith on Insurance Trusts, Simes and Basye on the Model Probate Code, not to mention the wealth of periodical articles, all of which testify to faculty scholarly activity. But are we achieving the maximum results of which we are capable? Are we giving the members of our faculty (particularly the younger members) all of the help, encouragement, stimulation and opportunity needed in order that they may best play their part in the productive aspects of the law teaching profession? . . . . Productive scholarship is not only valuable for its own sake but it is a valuable concomitant of classroom work, supporting and strengthening it in no small measure . . . .[57]

That the Law Faculty attempted to follow the advice of Dean Stason in the years immediately following, was evidenced by the increase in research and writing, by constant experimentation with teaching methods, by concern with curriculum adjustment, by a continuing reassessment of the main objectives of legal education. When it is considered that this research and writing, this committee work, was carried on in conjunction with full-time teaching obligations, some appreciation may be had of the extent of the obligations implicit in an appointment to the Law Faculty. Yet in addition to this, it was accepted that from time to

[57] Faculty Minutes, 1950-1955, pp. 50-51.

time the several professors would assume other responsibilities, including University committee assignments, membership on professional committees, and contributions to governmental units.

The Law Faculty did not usually assume academic responsibilities outside the Law School. However, during the administration of Dean Stason, Russell A. Smith in 1957 was appointed Co-Director of the Institute of Labor and Industrial Relations sponsored jointly by the University of Michigan and Wayne State University. L. Hart Wright between September 1954 and June 1956 acted as Professor of Tax Law in the Advanced Training Center of the Internal Revenue Service held at the University of Michigan. Burke Shartel and Marcus Plant lectured in the Medical School on Medical Jurisprudence, the former from 1945 to 1958 and the latter succeeding Shartel in 1958.

Many changes occurred between 1859 and 1959 in the composition, qualifications, and obligations of the Law Faculty. The years in which a law professor needed only to lecture to his classes, and frequently repeat the same lecture delivered on a dozen previous occasions, and then take the railroad cars back to Detroit or Lansing had passed. The law student of 1959, going into the Legal Research Building on a winter evening, was likely to see a score of lighted windows, research offices where law professors were working, evidence of the incessant labor and effort required for the teaching of law during the middle years of the twentieth century.

II. Lecturers, Resident and Non-Resident

On October 12, 1886, the Law Faculty recommended to the Regents, that certain members of the Medical Faculty be appointed to give lectures in the Law Department:

> We make these recommendations after conference with the gentlemen named, and with the assurance upon their part of entire willingness to give the instruction desired in addition to the instruction given by them in the Medical Department. It is intended that this instruction, if authorized by the Board, shall be given at such hours as not to conflict with or in any manner curtail the instruction now being given in this Department.[58]

The Law Faculty also urged the appointment of a "special lecturer on Admiralty Law . . . ." While the Regents postponed consideration of "the part of said communication which recommends appointments

[58] Regents' Proceedings, 1886-1891, p. 68.

and instruction upon other subjects than those previously taught in the Law School . . . ," the delay was temporary. On December 8, 1886, the Regents authorized the use of lecturers in the Law Department in the following resolution:

> *Resolved,* That the recommendations of the Law Faculty submitted to the Board of Regents at the present meeting are hereby approved, and Thomas C. Trueblood be, and he is hereby appointed teacher in elocution in the Law Department for the year 1886-1887 for a period of ten weeks at a compensation of $325 as recommended; that Edward S. Dunster, M.D., be appointed lecturer on Medical Jurisprudence in the Law Department; Victor C. Vaughan, M.D., lecturer on Toxicology in the Law Department; and Chas. H. Stowell, M.D., lecturer on Legal Microscopy in the Law Department, and that Henry Wade Rogers be appointed lecturer in the Medical Department upon such topics as may be desired by that Department; and that these services are to be rendered without additional salary or compensation as it is understood to have been arranged between the two Faculties.[59]

Victor C. Vaughan, later Dean of the Medical School, lectured to law students until 1917-1918. Vaughan was the last man appointed as lecturer from another school or department of the University. Other men, so utilized, included Richard Hudson and Andrew C. McLaughlin. Hudson was appointed on July 29, 1890 "to give a special course of lectures in the Law Department, on Comparative Constitutional Law, without compensation." [60] McLaughlin was "made Professor of American History" on October 21, 1891:

> . . . it being understood that in addition to his work in the Department of Literature, Science and the Arts, he should give instruction in Constitutional Law to the Graduates in the Law Department.[61]

The following list of such appointments to lectureships, made by the Regents on June 29, 1892, is typical.

> Regent Butterfield moved . . . that the following persons be appointed as Lecturers in the Law Department for the ensuing year without compensation:
>
> Andrew C. McLaughlin, A.B., LL.B., on Constitutional Law and Constitutional History.

[59] *Id.*, p. 85.
[60] *Id.*, p. 425.
[61] *Id.*, p. 601.

Victor C. Vaughan, Ph.D., M.D., on Toxicology and its Legal Relations.
Henry C. Adams, Ph.D., on the Rail Road Problem.[62]

A further extension of the use of lecturers, inaugurated in 1886, was made by the Regents on July 9, 1887, when three men from outside the University were appointed to deliver lectures to the law students during 1887-1888. The appointments included:

Melville M. Bigelow, Ph.D., of Boston, Mass. 40 lectures on Equity, at a salary of $1,000.
Wm. G. Hammond, LL.D., of St. Louis, Mo. 15 lectures on "History of Common Law," at a salary of $300.
B. M. Thompson, Esq., of East Saginaw. 40 lectures on "Real Property," at a salary of $1,000.[63]

In 1888 President Angell reported on these appointments:

> The experiment of employing a few non-resident lecturers for more or less extended courses of instruction has been tried with good results . . . . These gentlemen will hereafter continue their lectures.[64]

The practice of using men from outside the Law Faculty as special lecturers was followed for many years.[65] These lecturers, whether resident or non-resident, were not considered as permanent members of the Law Faculty. They were brought in to deal with particular aspects of the course of instruction and were not listed as professors in the annual Law School announcement although they were included as members of the Law Faculty. Their appointments were made annually, though in practice many were appointed year after year. Just at the time more and more of the Law Faculty were functioning as full-time teachers, the use of part-time teachers was continued through these "non-resident lecturers." The maximum number was reached during Hutchins' deanship, for Bates, his successor, was insistent on the need for a full-time Law Faculty.

In the annual Announcement of 1923-1924, there were only three men identified as lecturers, one of these being Sir Paul Vinogradoff, Corpus Professor of Jurisprudence in the University of Oxford.[66] By

[62] Regents' Proceedings, 1891-1896, p. 58.
[63] Regents' Proceedings, 1886-1891, p. 141.
[64] President's Report, 1887-1888, p. 23.
[65] For a list of such appointments, see Part II. IV: 2.
[66] Sir Paul Vinogradoff delivered a series of lectures in General Jurisprudence during the early part of the fall semester 1923-1924. In his report to the President for 1923-1924, Dean Bates stated: "During the first six weeks of the year Sir Paul

1930-1931, the number of non-resident lecturers had increased to five. In 1936-1937, there was one, with two men listed for 1938-1939, the last year of Bates' deanship. Between 1941-1942 and 1947-1948, there were no non-resident lecturers. The sole instance of the title "lecturer" being used in the case of a full-time resident appointment occurred in 1946-1947 when L. Hart Wright was appointed to that rank.

Special lecturers were used in the extra-curricular program of the Law School in 1946-1947 and 1948-1949, and Dean Stason referred at some length to them in his reports to the President.[67] However, lecturers used solely for this purpose were not appointed by the Regents and were not considered as members of the Law Faculty.

Between 1948-1949 and 1958-1959, there were usually two or three men listed as lecturers in the Announcement, individuals brought in to teach a particular course on the basis of their particular qualifications. In 1958-1959, there was one man so listed.

III. Teachers of Elocution

Appointment of an "instructor in Elocution" was recommended by the Law Faculty to the Regents on October 12, 1886, in a communication which stated in part:

> We would also call the attention of the Board to the desirability of making some provision for the training of law students in Forensic Elocution. In some of the Law Schools of the country opportunity is afforded for training of this character, and we cannot prudently neglect providing such instruction here. If an instructor in Elocution should be appointed, he could give instruction both in the Law and Literary Departments . . . .[68]

On December 8, 1886, the Regents appointed "Thomas C. Trueblood . . . teacher in elocution in the Law Department for the year 1886-

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Vinogradoff delivered a course of lectures in General Jurisprudence, to a class of about ninety students. During the same period Sir Paul met a group of about sixteen members of the law and political science faculties and discussed in proseminar form four contemporary jurists. The whole experience was most stimulating and beneficial and the influence of the Vinogradoff lectures was apparent throughout the year, in many of the more thoughtful students. The extraordinary range of Sir Paul's learning, the catholicity of his mind and his mature judgments, made a great impression upon faculty and students alike, and we were much gratified that at the end of his services here the University conferred upon him the honorary degree of Doctor of Laws, at a special Convocation." President's Report, 1923-1924, p. 199.

[67] For extracts from these reports, see Part II, IV:7.

[68] Regents' Proceedings, 1886-1891, pp. 68-69.

1887 for a period of ten weeks at a compensation of $325 as recommended . . . ." [69]

Trueblood's name appeared in the list of the Law Faculty in the annual Announcement from 1886-1887 through 1916-1917, first as "Teacher of Elocution," then as "Assistant Professor of Elocution," and finally as "Professor of Elocution and Oratory." From 1908-1909 through 1914-1915, there was also an "Instructor in Elocution and Oratory."

IV. Assistants, Quizmasters, Assistants in Law

In 1889, another type of instructional personnel in the Law Department was authorized by the Regents. On several prior occasions, the Board had sanctioned "assistance" to relieve the Law Faculty of some of its teaching burden, although no appointments of such "assistance" had ever been made. However, on November 22, 1889, the Regents adopted a resolution permitting the appointment of "two post-graduate students . . . to assist in quizzing classes in the Law Department." [70] The following June a similar resolution was adopted, setting the annual salary at $100.[71] It was not, however, until December 12, 1890, that Rufus H. Bennett and Guy B. Thompson were appointed "Quiz Masters in the Law Department at a salary of $100 each" for one year.[72] In 1891 and in 1892, five quizmasters were appointed, the annual salary remaining unchanged.[73] In 1893, Thomas Hughes and John W. Dwyer were appointed to the position, at an annual salary of $250.[74] No further record of similar appointments has been located.

The same year, 1890, in which quizmasters were first appointed, saw the appointment of four men—Elias F. Johnson, Michael F. Griffin, Rodolphus W. Joslyn, and Samuel H. Goodall—as "Assistants in the Law Department for one year, at a salary of $100 each." [75]

The respective duties of the quizmasters and assistants cannot be allocated precisely, and it is possible that in practice there was some degree of overlapping. The Law Department announcements for the years in question do not list quizmasters, but under the heading of "Assistants to the Professors of Law" appear names of individuals whom

[69] *Id.*, p. 85.
[70] *Id.*, p. 380.
[71] *Id.*, p. 416-17.
[72] *Id.*, p. 483.
[73] *Id.*, p. 601; *id.*, 1891-1896, pp. 111-12.
[74] Regents' Proceedings, 1891-1896, p. 223.
[75] Regents' Proceedings, 1886-1891, pp. 465-66.

the Regents appointed as quizmasters. No record of Regents' appointments as quizmasters or assistants appears after 1893, and the practice cannot be considered as having had any real influence on the development of the Law Faculty. It does indicate an interest in using recent graduates as assistants in the teaching process as a means of more direct contact with the students, but Angell's omission to comment on their use in any of his annual reports suggests that the experiment was not considered particularly successful.

At a meeting of the Regents on November 14, 1930, the action of the Executive Committee of the Board on October 7 of the same year, appointing an Assistant in Law, was approved. The minutes of the Executive Committee stated:

> At the request of Dean Bates, the committee created in the Law School the position of Assistant in Law and appointed Edward S. Stimson to the position for the University year 1930-1931, with compensation of $3,000. No addition to the budget is necessitated by this action as the funds will be provided from the following sources:—
>
> $2,000 originally appropriated for a Research Assistant to the Dean
>
> $600 from the sum of $1,400 allowed for Proctors and Readers
>
> $400 originally appropriated for a Fellow.[76]

Appointments of recent graduates from the School as Assistant in Law were made intermittently between 1930 and 1949, with the main responsibility the reading of the preliminary examinations given to first-year students.

V. Instructors in Law

The first man to hold the rank of Instructor in the Law Department was Elias Finley Johnson. A graduate from the Law Department in the Class of 1890, he had been appointed an assistant for 1890-1891. On October 21, 1891, the Regents' Proceedings show that:

> Regent Willett moved that E. F. Johnson, B.S., LL.B., be appointed instructor in Law for one year, at a salary of $400. His duties shall be to quiz the graduate students upon the special lectures which they shall receive, and also to give them text-book instruction.
>
> This appointment was made . . . .[77]

[76] Regents' Proceedings, 1929-1932, pp. 440-41.

[77] Regents' Proceedings, 1886-1891, p. 602.

From the date of this appointment, Johnson, who also served as Secretary to the Law Faculty from 1891 to 1901, was considered as having full-time obligations to the Department.

At a meeting of the Regents on June 29, 1892, the length of appointment to the rank of instructor and of assistant professor was voted upon, the Board deciding that ". . . hereafter, unless otherwise specified, the appointment of Assistant Professors should be for three years, and of Instructors for one year." [78] At the same meeting, Johnson was reappointed Instructor in Law for another year. He was appointed annually until 1896, when on May 21, the Regents adopted the recommendation that "E. F. Johnson be made assistant professor at a salary of $1,600." [79] The following year, he was appointed Professor of Law.[80]

Relatively few appointments were made to the position of Instructor in the Law Department. Four occurred during Knowlton's administration, and of these only Johnson was promoted to the next rank of Assistant Professor. Six appointments were made upon recommendation of Hutchins; of these, four became Professors of Law: John Rood, Edson R. Sunderland, Evans Holbrook, and Ralph W. Aigler.

During the twenty-nine year administration of Dean Bates, only one appointment as instructor was made, reported in the Regents' Proceedings for July 24, 1914:

> On motion of Regent Bulkley, Grover C. Grismore was appointed Instructor in Conveyancing in the Department of Law for the University year 1914-1915, with salary of $1,200, the sum originally voted for the payment of a number of assistants for the work in Conveyancing.[81]

Grismore was reappointed as Instructor in Conveyancing for 1915-1916 [82] and in 1916 was appointed Instructor in Law.[83] In 1917, he became Assistant Professor of Law.[84]

Four Instructors in Law were appointed for the academic year 1957-1958, to handle the new course in Legal Problems and Research. Dean

[78] Regents' Proceedings, 1891-1896, p. 58.

[79] *Id.*, p. 610.

[80] Regents' Proceedings, 1896-1901, p. 66. It should be noted that Johnson was moved from Assistant Professor to Professor of Law.

[81] Regents' Proceedings, 1910-1914, p. 1039. Grismore had been appointed Assistant in Oratory for the second semester in 1912-1913 and 1913-1914.

[82] Regents' Proceedings, 1914-1917, p. 258.

[83] *Id.*, p. 542.

[84] *Id.*, p. 885.

Stason described their appointment in his 1957-1958 report to the President:

> In the fall of 1957 the Law School initiated a new program requiring all second-year students to do individual work in legal research and writing and in the development of related legal skills. The program was placed under the immediate direction of four instructors in law employed full time for the purpose. They were supervised by Professor Jack R. Pearce who had the assistance of a faculty advisory committee.
>
> The principal aim of the program was to train students to apply legal principles studied in their regular courses to legal problems presented in hypothetical fact situations. During the first semester the students, in groups of 15 to 20, met weekly with the instructors for the purpose of discussing such problems as the drafting of wills, contracts, and forms of business organization, the examination of titles and handling of land transactions, statutory research and interpretation, and the elicitation and analysis of facts. Small groups made possible a large measure of individual participation together with criticism and evaluation of individual work . . .
>
> During the second semester each student was required to engage in individual research in the preparation of a memorandum on some reasonably difficult legal proposition. Instructors met with the students individually during the progress of this work . . . .
>
> Instructors appointed for the year were Robert Casad, Robert Knauss, Michael McNerney, and Jules Perlberg, all formerly members of the Editorial Board of the Michigan Law Review. In future years graduates of other law schools as well as of Michigan are to be considered for employment in this program . . . .[85]

The program was continued in 1958-1959, with four recent graduates appointed as Instructors in Law.

VI. Instructors in Rhetoric

At a meeting of the Board of Regents on June 19, 1906, Thomas E. Rankin, A.M., was "reappointed Instructor in Rhetoric in the Law Department."[86] While Rankin had been appointed Instructor in Rhetoric the preceding year,[87] no reference in the Regents' Proceedings showing an assignment to the Law Department has been located.

[85] President's Report, MS., Dean Stason's Report to the President, pp. 1-2.
[86] Regents' Proceedings, 1901-1906, p. 718.
[87] *Id.*, p. 572.

The Regents' Proceedings for June 13, 1907, state:

> . . . T. E. Rankin, [was appointed] Assistant Professor of Rhetoric . . . it being understood that he is to be transferred from the work in the Law Department to work in the Literary Department.
>
> * * * * *
>
> . . . an instructor in Rhetoric was authorized for work in the Law Department to succeed Mr. Rankin at a salary of $1,200 . . . .[88]

On September 27, 1907, the Regents approved the action of the Executive Committee on September 25, by which "S. L. Wolff was appointed for one year, at the salary of $1,200, Instructor in Rhetoric, to teach in the Law Department in the position vacated by the transfer of Mr. Rankin to the Literary Department." [89] In January 1908, Wolff was transferred to the Engineering Department and Charles E. Skinner was transferred from the Engineering to the Law Department.[90]

Despite the action of the Regents in making these appointments of men in the Department of Rhetoric to instruct in the Law Department, no Instructor in Rhetoric appears among the Law Faculty prior to 1907-1908. Skinner is listed for that year in the Announcement as "Instructor in English." In 1908, Ernest P. Kuhl was appointed "Instructor in Rhetoric in the Department of Law" to take Skinner's place.[91] Kuhl was reappointed through 1910-1911 but was the last man to be so appointed.[92]

VII. Summer Session Faculty

The first summer program was conducted as an independent venture by members of the regular Law Faculty between 1896 and 1903. In 1904, the program was placed under the direct control of the Regents, but only members of the Law Faculty taught in it until after Bates became Dean in 1910. During the Summer Session of 1912, the first outside appointment was made, that of Ernest B. Conant, and thereafter men from other schools of law were invited regularly to join the Summer Session Faculty. In a number of instances, this led to an appointment on the Michigan Law Faculty.[93]

[88] Regents' Proceedings, 1906-1910, p. 99.
[89] *Id.*, p. 161.
[90] *Id.*, p. 221.
[91] *Id.*, p. 373.
[92] *Id.*, p. 759.
[93] For outside appointments to the Summer Session Faculty, see Part II, IV:2.

VIII. Visiting Professors

Visiting Professors of Law were used for the first time in 1939-1940. Dean Stason described the experiment in his 1939-1940 report to the President:

> . . . Being somewhat short in teaching personnel, we have adopted, for an experimental period at least, the policy of inviting one or two men of proved and recognized ability, teaching in other law schools, to accept appointment as visiting professors for a year or a semester as needs indicate . . . . We expect to gain in several ways by resorting to the services of visiting professors. The regular faculty of the School benefits by stimulation from ideas of other law teachers and by the insight into new or improved methods of other law schools. The students profit by fresh points of view in the classroom. Teaching loads can be readjusted so that members of our permanent staff can be freed to a limited extent to enable them to carry forward special research projects under the auspices of the William W. Cook Endowment Fund. And finally, it may not be too much to say that legal education generally will be benefited by the interchange of ideas made possible by the arrangement.[94]

World War II, with the sharp decrease in law students, interrupted the use of visiting professors to supplement the teaching staff. The practice, however, was resumed in the post-war period, and visiting professors from within and without the United States were appointed from time to time.

In his 1956-1957 report to the President, Dean Stason noted that the Law School had had two visiting professors that year, Charles Hamson of the University of Cambridge, England, and Konrad Zweigert of the University of Hamburg, Germany:

> Both visitors proved to be excellent lecturers and promptly gained the respect of their students. Students who attended these courses found their lectures to be a most stimulating and profitable experience. Likewise it was a rewarding and enriching experience for the faculty to have this opportunity to become acquainted with the guest lecturers and to exchange ideas with them. We hope to be able to arrange other such exchanges in future years.[95]

[94] President's Report, 1939-1940, p. 109.
[95] President's Report, 1956-1957, p. 255.

CHAPTER V

The Law Taught and the Course of Instruction

As set out in Chapter II, the objectives of legal education at Michigan were altered and adjusted throughout the hundred-year period in response to changing conditions and needs. Correspondingly, between 1859 and 1959, marked alteration occurred in the means used to realize these objectives, namely curriculum content and instructional techniques. The development of the curriculum taken alone does not show in itself how the Law School adjusted its pattern of activities to meet changing objectives of legal education. And the same can be said of the development of the several methods of instruction set out in Chapter VI, if viewed without reference to the broad objectives and to the course of instruction. Hence, Chapters II, V, and VI complement each other, and should be considered as a unit, designed to describe the means whereby the ends were brought to an attempted fulfillment.

During the years between 1859 and 1959, the members of the Law Faculty were responsible for organizing the course of instruction in the several programs offered. The subjects given in each year, as shown in official publications, appear in Part II.[1] For convenience of discussion, this chapter is divided into the following sections: I. The Two-Year Curriculum, 1859-1896; II. The Three-Year Curriculum, 1896-1959; III. The Graduate Program; IV. The Summer Program; and V. Continuing Legal Education.

I. THE TWO-YEAR CURRICULUM: 1859-1896

The initial plan of organization for the Law Department, adopted by the Regents on March 30, 1859, contained two sections dealing with the subjects to be taught. Section II provided for "at least" three professorships:

1. A Professorship of Common and Statute Law.
2. A Professorship of Pleading, Practice, and Evidence.
3. A Professorship of Equity, Jurisprudence, Pleading, and Practice.

Section III stated:

> The general subjects of International, Maritime, Civil, Commercial, and Criminal Law, Medical Jurisprudence, the

[1] See Part II, V: 1.

Jurisprudence of the United States, and other branches of Law shall be assigned to the several Professors as may hereafter be determined.[2]

The Regents placed no restrictions on the Law Faculty in organizing the curriculum to be offered, within the framework of a two-year course of instruction.[3] The University Catalogue for 1860 set out the prescribed program:

> . . . the course of instruction for the two terms has been carefully arranged, with a view to enable students to enter profitably at any stage of their studies, and at either term.
>
> The design of the department is to give a course of instruction that shall fit young gentlemen for practice in any part of the country. The course will embrace the several branches of Constitutional, International, Maritime, Commercial and Criminal Law, Medical Jurisprudence, and the Jurisprudence of the United States; and will include such instruction in Common Law and Equity Pleading, Evidence and Practice, as will lay a substantial foundation for practice in all departments of the law.
>
> The course will be continued through a period of two years with one term in each year, commencing on the first Monday of October, and continuing until the Law Commencement in the last week of March ensuing. Ten Lectures and examinations will be had each week during the term. For the first year they will embrace the following subjects:
>
> *Professor Campbell.*
>
> The Origin and History of Equity Jurisdiction;
> The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies;
> Criminal Law;
> The Laws of Evidence, and their Application in Legal Proceedings;
>
> *Professor Walker.*
>
> Contracts;
> Title to Personal Property by Gift, Inheritance, Sale, Mortgage Assignment, and by Operation of Law;

[2] Regents' Proceedings, 1837-1864, p. 847.

[3] Special provision was made for certain members of the first year class by action of the Regents on June 30, 1859. The Board resolved "That the students in the Law Department who shall have attended the same for one year, shall have pursued the study of the Law for one year next prior to October 1st, 1859, shall be a graduate of some respectable college or University, and shall be in other respects qualified, shall be entitled to the first degree of that Department, provided, that this resolution shall only apply to the first year of the Law Department." Regents' Proceedings, 1837-1864, p. 855.

Bills of Exchange and Promissory Notes, and Commercial Law generally.

Professor Cooley.

Estates in Real Property;
Easements;
Title to Real Property;
The Domestic Relations;
Wills, their Execution, Revocation, and Construction.

For the second year, the following subjects:

Professor Campbell.

Some Special Heads of Evidence, and Equity Jurisprudence;
Equity Pleading and Practice; Jurisprudence of the United States;
Shipping and Admiralty.

Professor Walker.

Agency; Bailments; The Law of Corporations; Common Law Pleading and Practice.

Professor Cooley.

Constitutional Law; Partnership; Uses and Trusts;
The Administration and Distribution of Estates of Deceased Persons.[4]

The general scheme of the course of instruction, as set out in the 1860 Catalogue, remained substantially unaltered through 1884-1885. All students, whether first- or second-year, attended the same lectures. No electives were offered. The relatively slight variations from year to year in the contents of the course of instruction may be seen from an examination of the subjects lectured upon.[5]

The following sources of information have been examined to ascertain the general nature of the materials included within the course of instruction: (1) the Law School Record, which contains titles of lectures delivered by the law professors during the lecture period, (2) notebooks owned by law students which show something of the contents of the individual law lectures.[6]

The course of instruction covered a two-year period, and the titles of

[4] State University of Michigan, Catalogue of Officers and Students, 1860, pp. 60-61.
[5] See Part II, V: 2.
[6] For information relative to these student notebooks, see Part II, V: 3.

individual lectures delivered in 1873-1875 serve to illustrate the general nature of the contents of the curriculum.[7] A comparison of notes appearing in the student notebooks with the titles of the individual lectures, shows that in certain areas of the law there was a tendency for the professors to repeat substantially the same lecture year after year.

The contents of the courses in Real Property, Equity, Contracts, and Common Law Pleading remained relatively static through the years between 1859 and 1885. Criminal Law in successive years covered the same material, but there were some minor variations. Between 1859-1860 and 1867-1868, Campbell devoted at least one lecture to "Treason." In 1865-1866 and in 1867-1868, he lectured on "Offences against the Law of Nations."

According to the Faculty Record, Torts, initially known as Actionable Wrongs in Cases at Law, was given first in 1868-1869, although the University Catalogue did not list it in the Course of Instruction. Charles A. Kent's eighteen lectures touched on the general principles of torts, their relation to crimes, joint torts, liabilities of officers, torts as connected with husband and wife and parent and child, as well as specific types of torts including assault and battery, false imprisonment, malicious prosecution, libel and slander, injuries to property, nuisance, trespass, and trover.

Between 1859 and 1885, Cooley lectured on Constitutional Law, The Domestic Relations, and Uses and Trusts, as well as on various aspects of the law pertaining to Real Property and to Wills and the Administration of Decedents' Estates. In addition to lectures listed by the University Catalogue, Cooley from time to time delivered unscheduled lectures, including a series on Easements in 1862-1863, on Bailments in 1879-1880, and on Taxation in 1874-1875, 1876-1877, and 1878-1879. This was also true for other professors, and in several instances, these unscheduled lectures were later incorporated into the law course.

During the 1859-1885 period, the lectures on Domestic Relations devoted substantial attention to the status of married women at common law (also discussed in Estates in Real Property) as well as to "Master and Servant" and "Master and Apprentice." The law regulating the rights and duties of masters, mates, and seamen was considered in the course of Admiralty Law.[8] The lectures on Corporations were divided

[7] For the titles of lectures delivered between 1873 and 1875, see Part II, V: 2.

[8] The only set of notes prepared by a member of the Law Faculty which have been located are those by Campbell for his lectures on Admiralty Law. The originals are on deposit in the Burton Historical Collection, Detroit Public Library. Copies are in the Law Library of the University of Michigan.

between public, private, and charitable corporations, and a separate set of lectures on Partnership was delivered, showing the comparative importance at this period of these two forms of business organization.

Procedural courses, supplemented by the Moot Courts, were included regularly within the course of instruction, with Equity Pleading and Practice occupying as important a place as Common Law Pleading and Practice. Intermittently, one or two lectures on "Code Pleading" were delivered.

The several series of lectures, particularly those in Constitutional Law, American Jurisprudence, Estates in Real Property, and Equity Jurisprudence, were commenced with a substantial historical introduction. Cooley, in particular, tended to stress this part of his courses.

It was early recognized that the law term of six months was too short. On March 27, 1883, the Regents took cognizance of this fact, passing two resolutions, that it was "the sense of this Board that the course in Law should be extended so as to embrace . . . two terms of nine months each," and that the Law Faculty be directed to submit "a scheme which shall embody such changes as may be needful to give due effect to the view above expressed." [9]

On the same day, Cooley submitted a report to the Regents:

> The undersigned, Dean of the Department of Law, respectfully reports:
>
> That at a former meeting of the Board the subjects of an extension of the Law course was referred to the Faculty of Law in conjunction with the Committee of this Board on the Law Department, for consideration and report.
>
> That the Faculty met with the Committee in the city of Detroit and exchanged views, without being able to agree in any definite conclusion, though the desirability of an extension of the course seemed to be generally concurred in.
>
> That under the circumstances mentioned the undersigned is not authorized to express in this report the sentiments and opinions of those with whom he consulted, but he deems it not improper, that he should express separately his own views.
>
> That these views are that the Law term should be extended to cover two terms of nine months each, with such changes in the details of instruction and management as shall bring the instructors into more intimate relations with the students and enable them to have more oversight of individual work and investigation than is now possible. What these changes should be the Faculty and the Board should determine, and the under-

[9] Regents' Proceedings, 1881-1886, p. 324.

signed does not deem it either proper or important that he should assume to indicate them.

All of which is respectfully submitted,
T. M. COOLEY

Dated, March 27, 1883.[10]

Precisely what went on within the Law Faculty cannot be ascertained, but there must have been a considerable difference of opinion. In his unpublished history of the Law School, Professor Goddard noted:

> The movement for an extension of the Law Course from six to nine months . . . was approved by Dean Cooley and apparently by no other members of the Faculty. This may have been a chief reason for Cooley's resignation as Dean. His last communication as Dean to the Regents is dated March 27, 1883. Under date of December 12, 1883, C. A. Kent as Dean communicated to the Regents the dire needs of the Law Library . . . . Kent was not apparently one of those approving the extension and changes in the Law Course, and his appointment as Dean might indicate the temporary success of the opposition . . . .[11]

In spite of Kent's election as Dean, the controversy within the Law Faculty continued. A discreetly worded account of the Regents' Proceeding for July 17, 1883, stated:

> Prof. William P. Wells being presented and desiring to address the Board in reference to the extension of the Law term to two years of nine months each. Regent Blair moved that he be now heard. The motion prevailed; and Prof. Wells presented at length the views of the Law Faculty on that subject . . . .
>
> Regent Blair moved that the whole matter be referred to the Committee on Law Department, with instructions to report on it at this or a subsequent meeting of the Board.[12]

On the following day, July 18, 1883, Regent Blair submitted a resolution which was adopted unanimously:

> *Resolved,* That in pursuance of the resolution of the Board adopted March 27, 1883, the course in Law be and the same is hereby extended so as to embrace two terms of nine months each, and that such changes in the details of instruction in the Law Department as may be rendered necessary by this exten-

[10] *Id.*, pp. 330-31.
[11] Goddard, MS. history, pp. 103-104.
[12] Regents' Proceedings, 1881-1886, p. 365.

> sion of the terms will be hereafter made upon such reports from the Law Faculty as shall indicate the changes desirable to be made.[13]

In President Angell's report for 1882-1883, he noted:

> An important and, I believe, a most useful step has been in the lengthening of the course in the Law School to two terms of nine months each . . . . There is much difference of opinion among Professors of Law concerning the best methods of instruction. But there can be no difference of opinion concerning the duty of a University Law School to organize and conduct its work so as to insure a high grade of professional education to its students.[14]

During 1883-1884, the first year in which the law term covered nine instead of six months, there was one change in the course of instruction. Members of the Junior Class were required to attend "daily recitations in the Commentaries of Blackstone and of Kent"—a practice which was continued through 1885-1886.

On October 14, 1885, the Regents made another attempt to institute some alteration in the existing practices of the Law Department. They adopted a resolution which stated:

> *Resolved,* That the Faculty of the Law Department be requested to construct and report to the Board of Regents a plan for such changes in the organization, methods of instruction and work of that Department as they may think calculated to promote its efficiency.[15]

The Law Faculty submitted a report at a meeting of the Regents on March 30, 1886, which apparently stated that any changes in the methods of instruction and course of instruction were "impracticable." [16]

During the next few months, however, certain changes in the composition of the Law Faculty took place, including the resignation of Charles A. Kent which was accepted by the Regents on July 19, 1886.[17] Henry Wade Rogers, who had previously been the Secretary of the Law Faculty, commenced to serve as Dean of the Department during the summer of 1886. On October 12, 1886, the Law Faculty submitted

[13] *Id.*, p. 368.
[14] *Id.*, p. 392.
[15] *Id.*, p. 621.
[16] Regents' Proceedings, 1886-1891, p. 66. See also *id.*, p. 6.
[17] *Id.*, p. 38.

another report to the Regents which, referring to the earlier communication, frankly admitted:

> Since that report was transmitted to the Board, changes have taken place in the Faculty itself, and the present members of that body are now unanimously agreed upon certain very fundamental changes in the course of instruction.
>
> * * * * *
>
> Having reached the conclusion that the above noted changes in the course of instruction would be to the advantage of the Department and should not be postponed, but made applicable to the current College year, the Faculty ventured to open the school on October 1st under a system of instruction embodying the ideas advanced in this communication. We preferred to begin the new year upon the new plan, inasmuch as it would be less difficult to change afterwards from the new system to the old if the Board disapproved this change, than it would be to change from the old to the new after the work of the year had once commenced.
>
> In an appendix hereunto annexed will be found in detail the system of instruction which we are now pursuing.

The report concluded with the following recommendations:

> We cannot conclude our report without calling attention to the desirability of having some instruction given in the Law School on the subject of Medical Jurisprudence. For years the Faculty of Advocates in Scotland has insisted that every gentleman who is called to the Scotch Bar should have studied Forensic Medicine. While this has not been insisted on in this country, it is agreed that a knowledge of the subject is very desirable. We would therefore recommend to the Board that Edward S. Dunster, M.D., be appointed a Lecturer in the Law Department on Special Heads of Medical Jurisprudence, that Victor C. Vaughan, M.D., be appointed a Lecturer in the Law Department on Toxicology; and that Charles H. Stowell, M.D., be appointed a Lecturer in the Law Department on Legal Microscopy.
>
> We make these recommendations after conference with the gentlemen named, and with the assurance upon their part of entire willingness to give the instruction desired in addition to the instruction given by them in the Medical Department. It is intended that this instruction, if authorized by the Board, shall be given at such hours as not to conflict with or in any manner curtail the instruction now being given in this Department.
>
> We would also suggest that it would increase the efficiency

of the Department, if a special lecturer on Admiralty Law could be appointed to deliver a few lectures upon that subject to the Senior class. There is no provision for instruction upon that subject, and it never has been possible to give any adequate instruction therein in the past. A special lecturer might be appointed for that particular subject at very little expense. But we do not urge that any action be taken at this meeting of the Board so far as this appointment is concerned.

We would also call the attention of the Board to the desirability of making some provision for the training of law students in Forensic Elocution. In some of the Law Schools of the country opportunity is afforded for training of this character, and we cannot prudently neglect providing such instruction here. If an instructor in Elocution should be appointed, he could give instruction both in the Law and Literary Departments; but in our judgment his work should be so arranged that he could give at least as much time to the training of the students in this Department as to those in the Literary Department, not only because his classes would be as large in the one Department as they would be in the other, but also because it is more important that law students should receive such training that it is for any other class of students in the University.

All of which is respectfully submitted,
HENRY WADE ROGERS,
H. B. HUTCHINS,
C. I. WALKER,
LEVI T. GRIFFIN,
J. C. KNOWLTON.[18]

The Regents approved

> . . . the action of the Law Faculty in making the changes in the course of instruction in the Law Department, outlined in the communication this day received, and that hereafter instruction in that Department shall proceed according to the plan lately put in operation by the Faculty.

However, they deferred action on ". . . the part of said communication which recommends appointments and instruction upon other subjects than those previously taught in the Law School . . . ." [19]

The delay in appointing the lecturers recommended by the Law Faculty was temporary. On December 8, 1886, the Regents made the recommended appointments. Vaughan, Dunster, and Stowell were appointed to lecture on certain aspects of medicine and Trueblood was appointed

[18] *Id.*, pp. 67-69. For the text of the report see Part II, V:4.
[19] Regents' Proceedings, 1886-1891, p. 71.

"Teacher in Elocution." Notice of these additions to the course of instruction appeared in the 1887-1888 Announcement.

While Vaughan, Dunster, and Stowell were the first men from outside the Law Department to lecture on medical matters, James V. Campbell had stressed the need for cooperation between the Law and Medical faculties in his speech at the opening of the Law Department in 1859 [20] and had attempted to incorporate certain items of information on medical matters into his lectures on criminal law.

The Announcement for 1887-1888 stated:

> It has been thought desirable that students of law should receive instruction in certain branches of Medical Jurisprudence, and arrangements have accordingly been made for the delivery of a course of lectures upon certain Medico-Legal subjects which are of especial interest to the legal profession. These lectures will be delivered during the second semester and to members of the Senior Class only.
>
> Professor Dunster will lecture on some Special Heads of Medical Jurisprudence, including Signs and Symptoms of Pregnancy; Abortion and Premature Labor; Duration of Gestation; Puerperal Insanity; Infanticide; and Rape.
>
> The lectures on Legal Microscopy by Professor Stowell will consist of a discussion of those subjects liable to come before the courts, where the microscope can be employed as an aid at arriving at a correct diagnosis; as in the Detection and Identification of Blood Stains; of Mineral and Vegetable Poisons; of the Complex Tissues; of Hair; of Commercial Fibres etc.
>
> The lectures on Legal Microscopy by Professor Stowell will cover the subjects of Poisons in their medico-legal relations.[21]

Similar announcements were made through 1890-1891. After 1890-1891, Medical Jurisprudence and related lectures were dropped from the "Special Courses" and Medical Jurisprudence was listed in the Course of Instruction.

The new course offerings in Elocution were also noted in the 1887-1888 Announcement:

> Arrangements have been made for the giving of instruction in elocution to the students of law. This instruction will be given to the members of both classes, an advanced course in oratory having been arranged for the members of the Senior Class.[22]

[20] For the text of Campbell's speech, see Part II, II: 1.

[21] Announcement, 1887-1888, p. 12-13.

[22] *Id.*, p. 13.

The following year, 1888-1889, students were informed:

> It is important for those who study the law with the view of becoming advocates, that they should give attention to the subject of forensic eloquence, the better to equip them for the performance of their duties as advocates. It is a mistake to suppose that excellency in speaking is simply a gift of nature, and not the result of patient and persistent labor and study. Instruction in elocution and oratory is therefore necessary to law students. The junior class receive instruction in vocal culture, articulation, and pronunciation; postion and gesture; quality and force of voice. An advanced course in oratory has been arranged for the senior class. Instruction in this subject is given throughout the second semester.[23]

The courses offered in elocution and oratory continued to be optional but the student was warned "when once a course is elected . . . he is required to complete it and failure to do so will affect his standing at graduation." [24] The maximum number of courses offered was four, and after 1915-1916 the practice of giving this type of instruction was discontinued.[25]

The changes instituted by the Law Faculty in 1887-1888 were cumulatively significant. Instruction in the Law Department was "graded," that is, there were separate lectures for both the first- and second-year men. Instruction in textbooks was extended to include the Senior Class. "Instruction in leading cases" was given for the first time. The fifty per cent increase in the amount of time available for instruction meant that a far wider number of subjects could be lectured upon, and this can be seen from an examination of the course of instruction listed for that year in contrast to that offered in 1884-1885.

The lengthening of the law term and the changes in the course of instruction substantially increased the coverage possible in the individual courses, but the Law Faculty, contrary to their pre-1886 attitude, felt that further extension of the course of instruction was desirable. In 1889, they recommended to the Regents that the law course be extended to three years, but the Regents felt that "the time had not yet arrived." [26] By 1894, however, the attitude of the Regents had changed. At a meeting of the Board on April 18, 1894:

> On motion of Regent Barbour, the Law Faculty were requested to prepare a scheme for a three years' course in the

[23] Announcement, 1888-1889, p. 13.
[24] Announcement, 1891-1892, p. 12.
[25] For course offerings in Elocution and Oratory, see Part II, V: 5.
[26] Regents' Proceedings, 1886-1891, p. 326.

> Law Department, together with an estimate of the teaching force necessary to carry the same into effect, and to report the same to the Board at their next meeting for consideration.[27]

On June 11, 1894, Regent Barbour moved and the Board approved that "the Law Faculty prepare a three years' course of instruction to go into effect October 1st, 1895, and report the same to the Board for approval." [28] At a meeting of the Regents on May 16, 1895, a communication from the Law Faculty was presented, setting out a three-year course of study and a schedule of hours, as adopted at a meeting of the Law Faculty on April 4, 1895.[29] The Regents accepted the recommendations, to take effect for the academic year 1896-1897.[30]

II. The Three-Year Curriculum: 1896-1959

The 1896-1897 Announcement stated: "The course of instruction is a graded one, and extends through three years of nine months each." [31] From that year through 1958-1959, the course of instruction required of candidates for the first degree in law continued to be offered within the framework of a three-year period of study. The subjects included in the course of instruction during these years appear in Part II.[32] Texts and casebooks used in the several courses are listed by general course titles in Part II.[33]

A required course in Conveyancing was first offered in 1897-1898, according to the Announcement for that year.

> In order to further extend the practical instruction given in this Department, a course in Conveyancing has recently been established, to which one professor devotes his entire time. It is the purpose of this course to give, by text-books and lectures,

[27] Regents' Proceedings, 1891-1896, p. 266.

[28] *Id.*, pp. 285-86.

[29] *Id.*, pp. 430-36: "At a meeting of the Faculty of the Department of Law, held April 4, 1895, the three years' course of study and the schedule of hours given below were unanimously adopted. The adoption of the scheme, however, was upon the understanding that changes may be made therein from time to time, if its practical working shows them to be desirable. The Faculty also voted that the last week of each semester be set aside for thorough written examinations upon all the work of the semester.

"The scheme does not contemplate any change in the post-graduate work for the next year. And it is proposed that the feature of special non-resident lecturers be retained, at least for the present." *Id.*, p. 430.

[30] *Id.*, p. 436.

[31] Announcement, 1896-1897, p. 15.

[32] See Part II, V: 1.

[33] See Part II, V: 6.

> full and systematic instruction in the substantive law of conveyancing, and also a thorough drill in the actual preparation of all of the more important forms of conveyances, including thereunder not only deeds, mortgages, wills and assignments of various sorts but also all such contracts, agreements, corporate and partnership articles and other instruments as the lawyer in actual practice is likely to be called upon to prepare.
>
> For this purpose, the class is furnished with statements of fact with a requisition for the appropriate conveyance and each student is required to prepare under the direction of the professor in charge of this course, the various forms of instruments in question, and to submit them to such professor for examination and criticism. If not in proper form they are required to be rewritten or corrected. Neatness, accuracy and a lawyer-like method of expression are insisted upon. The correctness of the body of the instrument is not alone attended to, but the variations of form in the execution and acknowledgement where one of the parties is a corporation, a partnership, a married woman, and the like, receive attention.
>
> The work in this course must be satisfactorily completed by each member of the third year class.[34]

Similar information appeared in the annual Announcement through 1913-1914. The 1914-1915 Announcement stated:

> In order to extend the practical instruction of the Department, the course in Property III is accompanied by work in practical conveyancing. It is the purpose of this work to give a thorough drill in the actual preparation of all of the more important forms of conveyances, including thereunder deeds, mortgages, wills and assignments of various sorts.
>
> For this purpose, the class is furnished with statements of fact, with a requisition for the appropriate conveyance, and each student is required to prepare under the direction of the professor in charge the various forms of instruments in question. For criticism of these papers, the class is divided into groups by states, and all papers are drawn and criticised with reference to the law of the state selected by each student.[35]

This statement did not appear in the Announcement after 1915-1916.

The changes instituted in 1896-1897, did not include any elective courses. These made a modest first appearance in 1897-1898, when a third-year student was required to "elect and complete *three* of the following subjects":[36]

[34] Announcement, 1897-1898, p. 23.
[35] Announcement, 1914-1915, p. 31.
[36] Announcement, 1897-1898, p. 17.

Admiralty Law. Lectures. Judge SWAN.
Medical Jurisprudence. Text-book and lectures. Professor JOHNSON.
Insurance. Lectures. Dr. BIGELOW.
Injunctions and Receivers. Lectures. Dr. HIGH.
Mining Law. Lectures. Mr. CLAYBERG.
Patent Law. Lectures. Mr. WALKER.
Copyright Law and Trademarks. Lectures. Mr. REED.
Railway Law. Lectures. Professor KNOWLTON.
Neurology, Electrology and Railway Injuries. Lectures. Dr. HERDMAN.

In 1901-1902, the nine electives offered in 1897-1898 was increased by the addition of Roman Law. This had been a required subject in the graduate program since 1895-1896 and continued to be offered as such. The following year, 1902-1903, the Announcement stated that certain courses in Public Roman Law offered in the Literary Department could be "elected with profit by students in this Department." [37] In 1905-1906, a third-year elective in Spanish Law was added, but was relegated to a special lecture series in 1906-1907. Courses in Roman Law offered in the Literary Department were not recommended for law students after 1908-1909, but Roman Law continued to be offered as an elective through 1912-1913. During the same years, special lectures

[37] Announcement, 1902-1903, p. 26. The Announcement went on to state that any of the Literary Department's course offerings in Private Roman Law ". . . may be taken as a 'senior elective' by seniors of the Law Department. They may be taken by other members of the Department with permission of the Dean." The recommended courses were:

"1. History of Roman Law. . . . A sketch of the development of Roman Private Law and of the relations of Private to Public Law up to the death of Justinian; some account of Roman Law in the Middle Ages; and a discussion of the relations of Roman Law to modern systems of law. . . .

"2. The Elements of Roman Law. . . . An outline of the fundamental principles of Roman Law. Special emphasis will be placed on points of Roman Law which illustrate principles of English Law. . . .

"4. Roman Law in Modern Systems of Law. . . .

"4a. The Elements of Spanish Law. The history of Spanish Law and its relations to Roman Law, with an outline of the most important principles of modern Spanish Law as given in the Spanish Civil Code of 1889, in force in Cuba, Porto Rico, and the Philippines at the time of the American occupation. . . .

"4b. Roman Law in English Law. A study of leading cases in English Law in which Roman Law principles have been borrowed and incorporated in the English system. . . .

"6. Advanced Course in Roman Law. A study of selected titles of the Digest of Justinian. . . . This course is open to students that have completed the other courses in Roman Public and Private Law, who have studied Latin for six years."

on Advanced Roman Law and Spanish Law were delivered to the students.

In 1906-1907, the type of elective course offered to third year students was changed. Instead of being essentially series of lectures, they became the equivalent of the required courses. Lectures, formerly delivered as elective subjects, became "Special courses . . . given at intervals during the year [and] open to members of the second and third year classes." [88] From 1906-1907 through 1910-1911, electives were restricted to third-year students who were required to select and complete each semester one of the following courses:

First Semester

Public Officers and Extraordinary Legal Remedies
Railway Law
Roman Law
Taxation

Second Semester

Bankruptcy and Insolvency
Insurance Law
Jurisprudence, Science of
Medical Jurisprudence

The "special courses" included lectures on:

Admiralty Law
Copyright Law
Trademark Law
Insurance Law
Irrigation Law
Mathematics of Annuities and Insurance
Michigan Statute Law
Mining Law
Neurology, Electrology and Railway Injuries
Patent Law
Spanish Law
Statute Law

In comparing the course of instruction offered in 1896-1897 with that offered in 1910-1911, it is apparent that the major changes had come in the type of elective course open to third-year students. Relatively few changes had occurred in the required courses, although some alteration had been made in their sequence.

Henry Moore Bates succeeded Harry Burns Hutchins as Dean in 1910. The Faculty Minutes show that in the same year the Faculty commenced discussion of possible reorganization of the curriculum. On June 20, 1911, the Committee on Course of Study offered a report which was adopted, after considerable discussion and some objection

[88] Announcement, 1906-1907, p. 20.

on the part of Professors Wilgus and Bunker over the proposed dropping of the thesis requirement for graduation. The report in part stated:

> In recasting the course of study leading to graduation in the Department, it was felt that there should be a material reduction in the number of hours of work and the number of subjects pursued by each student at any one time.
>
> The Committee therefore recommends that the subjects offered be divided into two classes, required and elective; that 48 hours, covering the fundamental subjects of law, and certain subjects that ought to be taken by every student and which might not be elected, be required of all candidates for graduation, and that the remaining subjects be made elective.
>
> It is further recommended that each student be required to complete before graduation 76 hours of work, 48 of which are required and 28 elective. In exceptional cases, in the discretion of the Dean, a student may be allowed to carry at one time as much as 15 hours of work.
>
> Finally, it is recommended that the writing of the thesis be no longer required.[39]

In accordance with the projected curriculum reorganization, a number of changes were made. Some appeared in the 1911-1912 Announcement. First-year students were required to carry four subjects each semester instead of the seven required in 1910-1911. Elementary Law and Property I were combined into one course. English was dropped entirely. Second-year students were given five hours of electives the first semester and six the second. Third-year men had five hours of electives the first and twelve the second semester. A total of twenty-five electives were offered and the "special courses" were continued.[40]

In 1914-1915, a limited number of electives were made available to the first-year students in the second semester. The "special courses" were discontinued after 1917-1918. The number of elective courses offered showed a steady increase between 1911-1912 and 1920-1921, with thirty-eight available in the latter year. The proportion of credit hours required for graduation to be taken in elective courses had shown a comparable increase during the period.

Further revision of the curriculum occurred in 1918. At a meeting of the Law Faculty on July 20 of that year, a revised curriculum was presented for consideration [41] and was adopted at a meeting on July 26.[42]

[39] Faculty Minutes, 1910-1920, p. 472.

[40] See Part II, IX: 11 for credit hour requirements.

[41] Faculty Minutes, 1910-1920, pp. 813-15.

[42] *Id.*, pp. 815-18.

One of its prime innovations was a provision that wherever practicable, courses were to be continued throughout the year, with a single final examination given at the conclusion of the course. In the case of electives, the following rule was established:

> Electives scheduled for both semesters are to be given throughout the year, and no examination is to be given until the end of the year, when the student will be examined on the whole year's work. By special permission students may elect either half of any such combined elective courses, but such students also shall be examined at the end of the year on the part so elected, except in the case of students graduating at the end of the first semester.[43]

It was recognized, however, that to require freshmen to take examinations on a full year of law school work would create unnecessary pressures. Hence, the following provision for preliminary examinations was made:

> A four hour composite examination (two questions in each first year subject) to be given the first Friday after the Christmas recess and to be taken by every student in each course. Any student failing to take this examination shall be excluded from the final examinations unless special permission is given by the attendance committee.[44]

In 1922, the matter of first-year preliminary examinations was again considered by the Law Faculty. The minutes for a meeting of October 13, 1922, state:

> The committee consisting of first year instructors, appointed by the faculty at its meeting of October 6th for the purpose of recommending changes in the scheme of holding trial examinations for the first year class, submitted the following proposals:
>
> 1. That three written tests of one hour's duration each shall be given in each of the first year courses, during the course of the year.
>
> 2. That the tests in the different courses shall be given one course at a time in rotation, the order to be determined by the Secretary by lot; that such tests shall be given at intervals of two weeks, at an hour which will not interfere with the regular class work of the students involved and according to a schedule to be prepared and published by the Secretary in advance.
>
> 3. That the number of questions for a given test shall be left

[43] *Id.*, pp. 817-18.

[44] *Id.*, p. 816. See also *id.*, 1920-1930, p. 9.

to the discretion of the instructor in charge, and that he shall be at liberty to base his questions on any part of the work covered to date.

4. That the tests shall be given in accordance with the usual regulations in regard to seating, marking, blue books, etc.

5. That the blue books shall be graded by selected upper classmen, under the supervision of the instructor in charge; and that they shall be returned to the students with the marks thereon.

6. That the reader shall be denied all access to the names corresponding to the numbers on the blue books.

7. That each instructor shall be allowed to give such weight to the results, in making up his final grade for the course, as he shall see fit.[45]

The use of year-long, rather than semester-length, courses was discussed by Dean Bates in his 1922-1923 report to the President:

For several years we have been treating the more important subjects in courses running throughout the year, with final examinations at the end of the academic year; and during

[45] Faculty Minutes, 1920-1930, pp. 116-17. These regulations were further modified at a meeting of the Law Faculty on October 14, 1927. *Id.*, pp. 393-94. They stated:

"1st. . . . the questions making up the first examination in each course, while designed to test the student's ability to analyze a set of facts and to apply thereto the appropriate legal principles in a lawyer-like way, shall, nevertheless, be relatively simple. Each succeeding set of questions is to be progressively more difficult, so that at least the last of the preliminary examinations in each course may be of the type that may be expected on the final examination.

"2nd. . . . the questions shall be so framed as to admit of satisfactory answers on two pages of average handwriting—approximately one hundred and seventy (170) words to the page.

"3rd. . . . in answering the questions, students should ordinarily confine their writing to two pages, and in no case will an answer exceeding three pages in length be considered. . . .

"4th. . . . each instructor shall post on the bulletin board, or in some appropriate place, what he himself considers a suitable and satisfactory answer to each question.

"5th. . . . the blue book to be used in these preliminary examinations shall consist of four of the yellow pages; these with the back cover will permit of the outside limit of six pages for any one test of two questions.

"6th. . . . after the first five preliminary examinations, any student whose grades thereon fail to attain an average of at least "C" shall be deemed on probation so as to be ineligible for extra-curricular activities. It is understood, however, that these grades, for such probation, shall have no more bearing than heretofore upon the student's final grade in the course."

The subject of preliminary examinations was mentioned intermittently at faculty meetings throughout the remainder of the period. At a meeting of the Law Faculty on April 30, 1954 a report dealing with the function of these examinations and the method of administration was filed by the Teaching Methods Committee. See Faculty Minutes, 1950-1955, pp. 533-35, also *id.*, 1955—, p. 244.

the year under consideration, this process had finally included all of the major subjects. We have now had sufficient opportunity to observe the effects of this policy to justify us in concluding that the plan is a sound one for us. The advantages may be summarized briefly as follows.

First: The break in study and in teaching caused by mid-year examinations has been done away with, thus achieving a material saving of time.

Second: Realizing that there is to be a final examination at the end of the year upon the whole subject, students are unquestionably more thorough in preparation, more careful in developing their notes and in attaining mastery of the subject as a whole, than they are if the course ends with the semester.

Third: The new plan enables us to give the students five or six subjects concurrently, whereas if the subjects were all completed in one semester, the students could carry only a much smaller number concurrently. We are convinced that this is a great advantage in the study of law. Law subjects all being more or less interrelated, much value is derived from the comparisons made by students carrying several subjects at the same time.

It is apparent, however, that the year-long course subjects first year students to a very severe ordeal upon final examinations, for the results of the entire year's work will then depend upon the results obtained upon examinations, which are of a kind with which the first year student has had no familiarity. To obviate this hardship we gave three examinations in each subject to the members of the first year class. First year students take five subjects. They were asked to take a total of fifteen examinations through the year, the intervals being arranged so as to spread the preparation evenly throughout the year. The examinations were given in one-hour periods and were not regarded as final. Here again the results have justified the plan. Students became familiarized with the nature of law examinations and acquired at least some ability to analyze difficult legal problems, before they were subjected to the final test of the year.[46]

At the same time that a more intensive treatment of the basic required subjects was made possible, partly by increasing the number of class hours alloted to them and partly by the use of year-long courses, the number of course offerings had been increased. Far more areas of the law were dealt with in the law curriculum of 1921-1922 than in 1910-1911, and the law student in the early 1920's found it impossible to take all the courses offered by the School within the three-year program.

[46] President's Report, 1922-1923, pp. 215-16.

The course offerings of the early 1920s were, in the main, designed to prepare students for the practice of law. Roman Law and Science of Jurisprudence, offered a third-year electives in 1910-1911 had been placed in the fourth-year program, although Jurisprudence was offered as an undergraduate elective. Private International Law, a required second-year course in 1910-1911, had been renamed Conflict of Laws and in 1921-1922 was an elective. In that year, Edwin Dickinson, appointed Professor of Law in 1919, offered for the first time Law of Nations (Public International Law).[47] There had been a reduction in the number of required courses relating to Equity and Property. Irrigation Law, Mining Law, and Patent Law were two-hour electives, no longer included among the "special courses." First-year students in both years (1910-1911 and 1921-1922) were required to take Common Law Pleading, Contracts, Criminal Law and Procedure, Property I, and Torts, but the 1910-1911 freshman law student also studied Case Study, Elementary Law, English, Sales of Personal Property, Agency, and Domestic Relations.[48]

The Faculty Minutes show that the Law Faculty continued their discussion of the curriculum and its adjustment to the needs of law students and society throughout the 1920's. In his report to the President for 1930-1931, Dean Bates discussed at length their deliberations and past experience with curriculum adjustment:

> The execution of plans for some expansion of the organization and activities of the School having been necessarily deferred for the present, by conditions beyond our control, no decided change in the organization, curriculum, or policies was made during the year. While this delay is a matter for regret, some advantage will undoubtedly accrue from this necessarily lengthened period of consideration of objectives, policies, and methods. Legal education is in an acutely transitional stage, with much division of counsel and opinion in the law schools of the country . . . .
>
> The transition indicated in the foregoing may be described as one toward a more clearly functional approach to legal problems and education, and as likely to result in a more real-

[47] The earliest recorded lectures on International Law were those delivered by Levi Griffin in the spring of 1888. Lectures on Public International Law and the Law of Treaties were delivered by President James Angell as a part of the Graduate Program from 1891-1892 through 1907-1908. Beginning in 1894, Professor Otto Kirchner commenced to teach Private International Law as a part of the regular curriculum. After his resignation in 1906, Judge Victor H. Lane took over the course which was known after 1911-1912 as Conflict of Laws.

[48] For details of the curriculum, see Part II, V:1.

istic legal training, which, in turn, should ultimately contribute to a needed socialization of the law. How far this trend should be given rein, and by what methods it should be aided, are matters about which opinion differs greatly, not only among the leading law schools of the country, but among the individual members of their faculties. We have considered the matter long and earnestly in the Michigan Law Faculty. . . . We were discussing the matter at least . . . [as early as 1920-1921], and have continued to discuss it, and to some extent to experiment with changes, ever since . . . .

During the year now under report, this discussion in our group was carried on very systematically and thoroughly. A committee with Mr. E. N. Durfee as chairman, and a shifting personnel, dependent upon the particular subject-matter under consideration, was appointed and began a thorough examination of the curriculum, for it is the curriculum, of course, which will bear the marks of any changes which may be effected. That committee continues to function at the present time. Mr. Durfee has been relieved of some of his teaching, for the first semester, that he may give to the subject exhaustive study.

Previous reports for the Law School have indicated the general nature of the problem. It has been felt that, in the past, law has been taught too dogmatically by some teachers, at least; that legal instruction has been confined too closely to purely legal materials; and that more attention should be given to how law works and how it may be improved. It is felt that law can be improved, and its functioning really understood, only by continued careful examination of the various fields of extra-legal learning and experience which have contributed, or should contribute, to its composition. It is thought that law cannot be adjusted to modern conditions without the application of lessons to be learned from such disciplines as economics, sociology, biology, and political theory and history . . . .

Nor do any of us question that, even in the undergraduate law courses, it is highly important that the strictly legal subjects be presented to the students in the light which the extra-legal disciplines throw upon the law and its functioning . . . .

But there is, as yet, much division of opinion as to how these subjects are to be levied upon for the benefit of the student. In two or three schools men learned in some of the extra-legal disciplines, but not intensively trained in law, have been made members of the law faculties. Whether the best results can be obtained by the employment of such methods, or by the development of a law faculty saturated with the learning

of appropriate related fields, is a matter of opinion which can be settled only, if at all, by experimentation . . . .

The Faculty have also discussed the possibility and desirability of reshaping the curriculum so that all students may receive instruction in the entire, or approximately the entire, field of law. If this can be done without sacrifice of greater values, obviously it should be accomplished. Opinions differ, however, as to the degree of importance to the prospective lawyer of covering the whole field of law while in school; and there are many who feel that this can be accomplished only by superficial treatment of some topics. This is objected to as tending to develop superficial habits in the student and as giving such meager information and training in these areas of the fields as would be of little or no value. Those who maintain this view feel that the greatest gain to the student comes from as intensive training and as thorough knowledge as can be obtained in the period of law school study. Mastery of legal materials and the development of an effective legal analysis are both deemed more important than a less thorough knowledge of the whole field. For many years the curriculum of this school comprised practically all the subjects of the law and all students were required to complete the entire curriculum for graduation. Gradually, however, the Faculty came to the belief, unanimously held, that this covering of the whole field of law necessarily involved superficial treatment not compensated for by the extent of the area covered. During the years 1908 to 1914, the curriculum was slowly remodeled in order to remove this defect. Fundamental courses, like Contracts and Property, and other courses important for practical or other reasons, were increased in length, thus making it possible to give much more comprehensive information in a subject and more intensive discipline in the handling of legal materials. This necessarily meant the introduction of the elective system, now in force in every good school in the country, to about the same extent as that which obtains here.

There has never been any question, as far as I know, that, on the whole, a greater advance was thus accomplished. It should not, however, be assumed that this experience is conclusive against some method other than the old one, whereby the whole field of law may be covered by all students who complete the curriculum. In the last twenty-five years teaching of law has greatly advanced in all important respects. There is a much larger body of well-trained and able teachers, and there is much better teaching material in the way of case books, law review articles, and treatises.

On the other hand, it is maintained by many legal educators that the traditional legal curriculum of the last few years has

dealt with all topics—the important and the unimportant, the difficult and the easy problems—with the same degree of thoroughness and expenditure of time, and that it should be possible to so rearrange the topics, and particularly to so modify the case and text books, that all important problems may be given as thorough study as at present, and the others treated by less time-consuming methods and with less exhaustiveness . . . . It is apparent that the traditional curricular scheme referred to in the foregoing has been very greatly modified in recent years in our own school and in many others . . . .

A few years ago, an outstanding figure in legal education ironically observed that there were two common fallacies in contemporary discussion of education methods and objectives. The first, he said, was the assumption that no one could be educated in a subject unless he had "taken a course" in it, and the other,—that necessarily one is educated in a subject if he has taken the course. There is sound truth in this caustic antithesis. That the matter is important is seen in the fact that it would require a student five years to take all of the courses offered in this school. There are many possible ways of dealing with the problem indicated. Repeatedly, since at least as early as 1912, we have discussed the wisdom of setting up a required four-year course. To this there are solid objections, both social and economic. There is, moreover, the practical difficulty that no one school alone could afford to take the step.[49]

Progress in revision of the curriculum made during 1931-1932 was reported by Dean Bates to the President:

For several years our faculty have seriously discussed to what extent and by what methods we should modify the policies and the curriculum of this school in order to make the most effective presentation of the modern view of law and its function in society. This discussion was carried on more persistently and systematically during the year 1931-32. The Curriculum Committee, in accordance with our plan, began during the year a program involving the critical consideration of our entire curriculum, on the basis of written synopses of each course, with running commentaries upon every topic and subtopic. In this way the subjects of Contracts, Torts, Criminal Law, Equity, Agency, Partnership and Corporations, a part of the Property courses, a general group of subjects roughly covered by the title "Creditors' Rights," and a large portion of the field of Public Law were brought before the Faculty. Nothing was taken for granted. Every feature of

[49] President's Report, 1930-1931, pp. 103-106.

the courses discussed was challenged. It is our plan to continue this scrutiny of our work until the entire curriculum has been traversed.

While, in general, the study as thus far made has served to confirm us in the belief that, generally speaking, our plans, policies and courses are sound, nevertheless some modifications of real importance have been adopted, and we feel confident will result in a more realistic and effective presentation to students of the curriculum as a whole. These proposed changes include consolidation and genuine fusion of the courses relating to Agency, Partnership, Corporations, and Business Trusts, into an extended course to be called "The Law of Business Associations." So far as we know, the plan adopted differs from any in force elsewhere . . . . Within one or two years, at the latest, we shall have the new plan in relation to this subject in full operation.

The Faculty has approved of an important change in some of the courses in Public Law—changes worked out by Professor E. Blythe Stason. In brief, the plan involves a consolidation and merger of topics from the law of Public Corporations, Administrative Tribunals and Taxation, and the inclusion of recent developments in public law not heretofore treated in law schools. Professor Stason already has made substantial progress in gathering, arranging, and editing material for this realignment of work. We believe that it is a more logical arrangement of topics than has heretofore been employed, and that there will be certain economies in teaching time and effort as a result of its use.

At the time of his death, Professor Evans Holbrook had made some progress in a plan also approved by the Faculty, of rearranging the topics included under the general head of Creditors' Rights and Remedies. Professor Edgar N. Durfee will carry forward this work and will have charge of this subject in the future. He contemplates a general, and rather fundamental, rearrangement of the topics usually taught, and the addition of some legal situations not heretofore covered in the courses upon this subject.[50]

The major areas of the curriculum still under faculty consideration during 1933-1934, were discussed by Dean Bates in his annual report to the President:

There remain for discussion a project for reorganizing the content of the courses in Wills and Administration, Trusts, and Future and Conditional Interests in Property, a consideration of the whole field of public law, and a survey of the sub-

[50] President's Report, 1931-1932, pp. 64-65. See also, *id.*, 1932-1933, pp. 43-44.

jects sometimes (though inaccurately) said to constitute the penumbra of the law, including Legal History, Jurisprudence, Comparative Law, and Roman Law.

With regard to the public law group, we are confident that a better arrangement than the orthodox treatment of those subjects is possible. Modern conditions have made inevitable a great development in what we call "administrative law." The legislation and regulations constituting the so-called "New Deal" have greatly intensified the need for careful study of this whole subject. The term "administrative law" is a somewhat vague one and frequently is used inaccurately. The subject matter cuts across all of the main divisions of Constitutional Law, Public Utility Law, Taxation, Interstate Commerce Law, and presses into every nook and cranny of transportation, agriculture, commerce, and industry. We are seeking to find a scheme of organizing the materials in this vast area of government and law which is at once logical and yet gives sufficient consideration to sound teaching and a proper development of the functional relations of these various topics.

The group of courses called Legal History, Comparative Law, Roman Law, and Jurisprudence, have usually been spoken of as nonprofessional studies. It is the belief of our faculty that this is based upon a mistaken conception of the true purpose and function of such courses. Properly treated, all of the subjects in those courses lend themselves to distinctly practical and useful purposes in the better understanding which they give of the origin, nature, and function of the so-called professional subjects. We believe that the "nonprofessional" courses should be more definitely and thoroughly integrated into our curriculum. Professor Burke Shartel, in a course called Legal Analysis, or Analytical Jurisprudence, has demonstrated that much of value can be accomplished in this way.[51]

The following year, 1934-1935, Dean Bates again reported progress made in the reorganization of the curriculum, stating in his annual report to the President:

> The year under review has been characterized by a continuance of the painstaking consideration of our curriculum and methods of instruction upon which we have been engaged for some years . . . . It was also characterized by the inauguration of important units of a reorganized curriculum. The courses in Business Administration, which include the old courses of Agency, Partnership, Corporations, and other associations, are now well organized and have taken their regular place in the larger scheme.

[51] President's Report, 1933-1934, p. 79.

> Substantial progress has also been made in realizing the plans heretofore agreed upon for merging into one unified group the old courses named Trusts, Wills, and Future Interests. These remodeled courses will be dealt with in courses to be designated as Trusts, and Estates I, II, and III. It is believed that material improvement in logical treatment and in economy of time devoted to the subjects has been made by these two regroupings.
>
> Substantial progress was also made in reorganizing the procedural courses, though the actual putting into effect of the remodeled group begins with the year 1935-36. Very important revision of the group of subjects heretofore dealt with under various heads into courses called Securities and Creditor's Rights, was carried to completion during the year under review.
>
> In the meantime, we have continued discussions of our public-law subjects, and a somewhat revised treatment of Constitutional Law, Taxation, and Administrative Tribunals will be in effect during the year 1935-36.[52]

Revision of the curriculum, accomplished by 1935-1936, was summed up by Dean Bates in his 1935-1936 report to the President. He noted that the Law Faculty had completed its study of the so-called "Public Law" group of courses, i.e., Legislation, Administrative Law, Taxation, Public Utilities, and had concluded that since they dealt with "aspects of our national life which are rapidly changing" it was "best to defer any comprehensive regroupings or other modification of these courses until, on more experience with them, we could plan with greater confidence and wisdom." With regard to the "Private Law" courses, he set out the following changes:

> Criminal Law and Procedure, under Professor Waite's direction, has been subjected to a quite fundamental revision, which is now substituted for the old-time study of the details of crimes at common law. It is a more philosophic and useful approach, which considers the nature, source, and elements of criminal liability, the legal aspects of arrest and of the acquisition of evidence, the powers of the courts, and procedure in relation to juvenile offenders. Definition of crimes by common law and by statutory changes is, of course, dealt with incidentally, but effectively, in treating the topics referred to.
>
> We have now set up a course called Judicial Administration, in the first year, which is an entire reorganization of the first-year work in legal procedure. Instead of separate courses in forms of actions, in pleading, and in other topics, we de-

[52] President's Report, 1934-1935, pp. 88-89.

velop the subject now through historical study of American judicial institutions, the nature and exercise of judicial power, types and distribution of jurisdiction, the organization and operation of courts, parties, and pleading in common law, equity, and code systems. The result, it is believed, will give a more comprehensive and understandable account of our whole procedural scheme.

The courses in Property Law, including Future Interests, together with the courses formerly called Trusts, and Wills and Administration, have been completely reorganized, and the topics formerly treated in those courses are now given in a series as follows:

Property (I), including personal property, fixtures and emblements, and titles to real estate, *inter vivos*.

Property (II), including rights in land, such as easements, public rights, and rents, and covenants and equitable restrictions.

Trusts and Estates (I) involves a study of intestate succession, gifts, the execution of wills, and the creation of trusts.

Trusts and Estates (II), including future interests, powers, restraints on alienation; the rule against perpetuities; indestructible trusts as perpetuities; accumulations, and problems of construction.

The net result of this reorganization of property law and allied subjects has given us a more orderly arrangement of subjects and elimination of some duplication, and the consequent saving of time much needed to devote to new developments in the fields indicated.

The reorganization of the courses formerly called Agency, Partnership, and Corporations is now completed and takes the form of a series of logically related courses, as follows:

Business Associations (I), which deals with the formation of business units (joint adventures, partnerships, joint stock associations, business trusts, and private corporations); the promotion and financing of business units; the nature of the proprietary interests, and the rights and liabilities thereof.

Business Associations (II) treats of the relation of the management to the units and to the proprietary interests; the rights of the proprietary interest and the powers of business units.

Business Associations (III) treats of the expansion of business units; their termination; their business in foreign jurisdictions; the relations of creditors to the unit and the reorganization of the unit.

Corporate Organization and Finance is an advanced course in the business and legal problems of corporate organization, capitalization, financing, and intercorporate relations.

Business Associations I, II, and III include the topics formerly dealt with in Agency, Partnership, Corporations and Business Trusts, and some additional topics of newer origin. This series is not a mere treatment of the topics just mentioned, individually and separately as heretofore, but is based upon a genuine merger or fusion of the topics common to the various types of business associations. The advantages of this reorganization are undeniable. Not merely is there a saving of time by dealing once for all with the elements common to all types of business associations, but the presentation in a completely unitary course of the various types of business associations permits a comparative study of great advantage, both pedagogically and for equipping the student with a basis for selection of methods or types of business associations, when he enters into the practice of law.

The old courses on Bankruptcy, Suretyship, Mortgages, and the topics of Chattel Mortgages and Pledges, have now been combined into two substantial courses, named "Creditors' Rights" and "Securities." Here again we observe gains in the saving of time, in the more logical and more teachable manner of presentation, and finally, in a comparative study of various forms of creditors' rights and of securities, with reference to the two preceding reorganized groups.

During the year the faculty gave much thought, through committee reports and faculty discussion, to the expansion of our courses in Comparative Law, Jurisprudence, and Roman Law, and to such possible collateral aids to legal instruction as legal clinics and student bar associations. In so far as these latter devices have seemed to us to offer values greater than those which might be displaced by engaging in the activities indicated, we have provided for them in one way or another. A further development of the courses in Comparative Law, Roman Law, and Jurisprudence, is still under consideration.[53]

Dean Bates presented his last report to the President in 1937-1938. He noted that during the year past the faculty had continued its study of the curriculum, stating his belief that "a continuing study of the curriculum and of the objectives of any law school must be more or less continuous if the work of the school is to be kept in adjustment to the rapidly changing conditions in the contemporary scene." He added that substantial attention had been devoted to "the possible reorganization of our instruction in public law." [54]

During 1938-1939, the curriculum committee of the Law Faculty held regular weekly meetings. On May 12, 1939, they filed a report,

[53] President's Report, 1935-1936, pp. 89-91.
[54] President's Report, 1937-1938, p. 106.

covering their activities during the past year. It dealt in part with the question: "Have our course offerings been keeping abreast of the newer developments in legal practice, and have the necessary shifts in emphasis been made?" To answer this query, they examined the course offerings over the twenty-five years past and concluded "that there has been a gradual evolution in line with the growth of the law." The report then discussed the curriculum developments of that twenty-five year period, which covered all but the first few years of Henry M. Bates' twenty-nine year period of service as Dean.

> It may be of interest to note that the following new courses or parts of courses have been added to the curriculum during that time: (1) Administrative Tribunals, (2) Admiralty, (3) Appellate Practice, (4) Banking, (5) Comparative Law, (6) Corporate Organization and Finance, (7) Employer-Employee Relations, (8) Fiduciary Administration, (9) International Law, (10) Legal Method, (11) Legislation, (12) Patent Law, (13) Taxation, (14) Trade Regulation, (15) Trusts.
>
> The following courses have been dropped or combined with others, or with new material, as indicated, with a consequent shortening of the time devoted to the subject matter formerly embraced within them:
>
> 1. Agency—Combined with partnership and corporations in the course on Business Associations.
> 2. Bailments—Dropped.
> 3. Bankruptcy—Combined with other new matters in general course on Creditors' Rights.
> 4. Code Pleading—Combined with other pleading courses in course on Judicial Administration.
> 5. Common Law Pleading—Combined with other pleading work in course on Judicial Administration.
> 6. Corporations—Combined with Partnership and agency in course on Business Associations.
> 7. Damages—Dropped as a separate course. Some of the material formerly covered in this course is now included in other courses, such as Contracts and Equity.
> 8. Equity Pleading and Procedure—Dropped. Some of the material formerly covered in this course is included in the courses on Judicial Administration and Equity I and II.
> 9. Irrigation Law—Dropped.
> 10. Judgments—Dropped. Much of the material formerly included in this course is covered in the courses on Judicial Administration and Creditors' Rights.
> 11. Mining Law—Dropped.

12. Mortgages—Combined with suretyship in course on Securities.

13. Partnership—Combined with agency and corporations in course on Business Associations.

14. Public Officers and Extraordinary Legal Remedies —Dropped. Some of the material formerly in this course has been incorporated into the courses in Municipal Corporations, Administrative Tribunals and Judicial Administration.

15. Quasi-Contracts—Combined with other materials in the course in Equity III.

16. Suretyship—Combined with the course on Mortgages in course on Securities.

17. Wills—Combined with trusts and estates in course dealing with the non-commercial transfers of property.[55]

The committee made a number of other recommendations, some of which were accepted by the faculty. Dean Stason, reporting for the last year of his predecessor, in the 1938-1939 report to the President, summed up the work of the committee:

> During the year a vigorous attack was made by the faculty and the Curriculum Committee upon the curricular offerings of the School, to the end that the courses may be properly adjusted to meet present-day needs. At the close of the year action was taken by the faculty to modify the course offerings for the year 1939-40 in the following important particulars:
>
> 1. In recognition of the increasing importance of constitutional law as a study basic to many other specialized fields of the law, the course in constitutional law was transferred from the third to the second year and was made a required course. It will be a prerequisite upon which to build the constitutional specialties in taxation, trade regulation, public utilities, administrative law, municipal corporations, employer and employee relations, etc. The increasing importance of these specialties in modern law practice has resulted in the courses being elected by a major portion of the students in the School. Building them upon the foundation of the course in constitutional law will eliminate duplication and promote integration of the program.
>
> 2. Since the students in the Law School should become as familiar as possible with the basic principles in the interpretation and application of statute law, this important subject was taken from the restricted seminar where it had hitherto been taught and was placed in a general course in legal methods, which in turn was enlarged and so placed in the teaching

[55] Faculty Minutes, 1930-1940, pp. 514-a–514-d.

schedule that the combined program was made available to a large proportion of the students. Statute law is becoming so important a part of practice that this change will have marked practical advantages.

3. In the belief that a course in legal history should be made available in the School, so that students may have the advantages of careful study of early legal institutions and principles, such a course was authorized and approved by the faculty for introduction during the school year 1939-40.

Modern law-school education has two principal objectives: (1) the practical needs of training for the profession; and (2) the somewhat broader needs of training for constructive statesmanship in the law and public service. The Law School is working toward both of these objectives and is developing its program as rapidly as possible to attain the desired ends.[56]

The interest of the Law Faculty in a continuing re-examination of the curriculum did not cease with the retirement of Bates as Dean. On January 26, 1940, the Curriculum Committee presented a report dealing with "the problem of seminars." [57]

In accordance with the recommendations of this report, an increased number of seminars were offered during 1941-1942, but the entry of the United States into World War II delayed any real expansion of seminar offerings. In his report for 1941-1942, Dean Stason noted the curriculum readjustments necessitated by the war:

> To compensate for the decline in student enrollment the faculty has made appropriate readjustments of course offerings, endeavoring to maintain a balanced and satisfactory program without unnecessary use of teaching personnel. To that end the extra sections normally offered in the larger courses have been eliminated; a few of the elective courses have been suspended for the duration, and others are being offered only in alternate years; and several of the seminar courses have been temporarily dropped. At the same time a sound and thorough program has been retained, and no student need feel that, because he has studied in the Michigan Law School in wartime, he has been denied an effective legal education.

He then went on to discuss the changing character of the legal profession and the resulting need to adjust the curriculum:

> . . . the faculty has been giving especial attention to future demands of the profession. We have observed that to an ever-increasing extent the larger corporations are establishing their

[56] President's Report, 1938-1939, pp. 107.

[57] Faculty Minutes, 1930-1940, pp. 556-a–556-b. For extracts from this report, see Chapter VI.

> own legal departments and are employing lawyers to handle the array of necessary contacts with government agencies, as well as many other types of legal questions. We also observe a steady increase in the demands of government for lawyers. More and more we find our graduates interested in legal positions with government agencies and departments. At the same time there is evidence of a reduction in the demand for professional services of the more conventional type, excepting, perhaps private legal services involving taxation and governmental regulation of business. These changes in the character of the professional arena are unmistakable, and they bespeak certain changes in legal education—for example, they indicate an increased emphasis on the legal aspects of accounting, public finance, corporation finance, and certain other phases of corporate and government economics. The law faculty is cognizant of these trends and is continuously taking measures to adjust its curriculum to them.[58]

Dean Stason expanded his discussion of the changing needs of the legal profession and its impact upon the development of the curriculum in his 1942-1943 report to the President:

> With regard to the substance of the law as it affects the practicing lawyer, interesting and notable changes are taking place. Statutory rights and liabilities are replacing many of the principles of the common law; insurance arrangements are replacing direct liability; contracts are not necessarily enforced according to their terms, but frequently they serve merely as a basis of renegotiation; property rights must be interpreted in the light of social legislation; and tax problems are omnipresent. Moreover, there is every reason to believe that the future will bring a much greater demand than in the past for lawyers versed in international law, and in the law and language of other countries, particularly countries in the Western Hemisphere.
>
> These changes, which are almost self-evident, bring with them not only a requirement of changed emphasis in the law curriculum, but also they mark a substantial trend toward professional specialization in the law. They, therefore, present law school curricular problems of major proportions. Not all of our graduates engage in the same kind of professional endeavor, but, except in rare cases, students are unable to foresee their future careers while they are still in Law School. All of them, however, regardless of subsequent specialization, have need of the fundamentals of the law—for example, for the basic principles of contracts, torts, property, and constitu-

[58] President's Report, 1941-1942, p. 114.

> tional law. All of them must have a thorough understanding of the basic methods of the common law, of equity jurisprudence, of public law, of statute law, and for the future we should add international law. All of them will have need, greater in the future than ever before, of the background of the law in political science, economics, and history. These basic precepts must be afforded to all, and they will consume the bulk of the college and law school years. We cannot and should not endeavor to make specialists, but at the same time, toward the close of the program, there must be ample opportunity for specialization to develop individual needs and desires and to provide our graduates with the essentials of the specialties in which they are individually interested. Our task is to impart the fundamentals with careful thoroughness, and to provide at the same time the proper degree of specialization, all in the light of new and rapidly changing conditions.
>
> Our faculty is cognizant of the importance of the task, and a large proportion of its efforts will be expended during the remainder of the war period and in the immediate postwar period in adjusting our curriculum to the new needs.[59]

During the years of World War II, the Law Faculty took advantage of the decreased number of students to concentrate on curricular adjustments considered desirable in the light of changing conditions. In his 1945-1946 report to the President, Dean Stason pointed out that in spite of these changes, "the lawyer of the future will have much the same need as the lawyer of the past for most of the fundamentals of legal science. The basic principles of contracts, property, torts, business associations, and procedure continue from year to year, with but gradual evolution to fit new conditions." He continued:

> At the same time, we are fully conscious of certain changes that are taking place in the legal structure. . . . The program of course offerings is continually studied with a view toward the improvement thereof, and toward improvements in the teaching of the stable as well as of the changeable elements of legal science; no effort is spared to keep our students abreast of the contemporary needs in the practice of the law.

He went on to specify the two curricular innovations for 1946-1947: a first-year introductory course entitled "Introduction to the Legal System" and a course in "Introduction to Civil Law":

> The course in Introduction to the Legal System . . . will be composed of three principal parts: first, a brief survey of the process of the trial of a legal controversy, studying a case

[59] President's Report, 1942-1943, pp. 117-118.

record from the service of the original notice down to the mandate of the Supreme Court, affording a bird's-eye view of the disposition of the controversy and providing a first contact with some of the new terminology of the law; second, a glimpse of legal history, including a fairly careful study of the so-called common law forms of action, together with a survey of equity procedure and modern unified practice; and third, an examination of some of the fundamental judicial and legislative processes and concepts with which the lawyer must learn to live. It is anticipated that this course in Introduction to the Legal System will not only give the first-year students some helpful preliminary information, but also that it will give them the panoramic view and the sense of perspective that they need by way of orientation for law study.

The second curricular innovation authorized for the coming year is a course in Introduction to Civil Law. It is the view of the faculty that, as a part of a well-rounded and comprehensive program of legal education, every student should elect at least one of the several courses falling outside the sphere of "bread and butter" subjects. In this category are such courses as Jurisprudence, International Law, Legal History, and the prospective course in Introduction to the Civil Law. We have hitherto offered a seminar entitled Comparative Law, designed primarily for graduate students in law and dealing with Civil law concepts. We now propose to revise this course, making it acceptable and available to undergraduate law students for the purpose of acquainting such students with the history and present outlines of the Civil law and with the principal points of departure of the Civil law from the common law system . . . An insight into basic juristic patterns developed under this system will serve to extend the student's intellectual horizons, to stimulate his thinking in regard to Anglo-American legal concepts, and generally to create an awareness of the universality of the problems with which the law deals . . . The course, being elective, will probably attract only a limited number of students, but it should, nevertheless, prove to be a valuable addition to our curriculum.[60]

Dean Stason called attention again in 1946-1947 to the need for continued "careful emphasis upon the fundamentals of legal science," warning of the undesirability of too great emphasis on "current new specialties in the law." He described the two curricular innovations planned for 1947-1948, "Preliminary Week" and a course in Drafting and Estate Planning. Preliminary Week was designed for beginning law students, to orient them for the study of law, as a part of the first-

[60] President's Report, 1945-1946, pp. 101-103.

year course on Introduction to the Legal System.[61] Drafting and Estate Planning was described by Dean Stason as

> . . . designed as an advanced study for students who have previously pursued the courses in Trusts and Estates, Future Interests, and Taxation. The new course will be conducted in a unique manner. Instead of working with the conventional materials of the law classroom, namely, cases and statutes, the students will devote attention to drafts of legal instruments. Copies of trusts and wills will be examined and subjected to criticism and redrafting to the extent necessary to eliminate legal errors and to improve the client's tax economy. The new course will not only serve to introduce the students to a new type of legal material and to acquaint them with draftsmanship, but it will also direct their attention to an exceedingly important and practical aspect of the task of the lawyer in the general practice of the law today.[62]

[61] President's Report, 1946-1947, p. 110. "Preliminary Week" was described as follows: "All beginning law students are required to report one week before the regular opening of the first semester. During that week the class is confronted with a series of lectures, assigned readings, and library exercises designed to introduce the beginning students to the study of law. The week's program consists of ten lecture hours and one four-hour library period. Advanced preparation is required for eight of the ten lectures. The week is devoted to three different types of materials. The first of these is a lecture by the Director of the Law Library and a library 'laboratory' exercise. Each student is obliged to execute an extended library problem in the course of which he must use the principal types of library materials. Successive parts of the problem require reference to the American and British court reports, American statutes, law reviews, encyclopedias, dictionaries, Shepard's *Citator,* the several series of annotated cases, and other important materials in the library collection. A second feature of the Preliminary Week is a careful examination of a transcript of record in a case on appeal from the United States District Court for the Western District of Michigan, the purpose of the study being to familiarize the student with the terminology of a lawsuit, and to help him envisage the process that results in the written opinions that he is about to study in careful detail. The remainder of the Preliminary Week is devoted to lectures and readings introducing the class to the fundamentals of legal science, e.g., what is law, what are its sources, what are its purposes and objectives, and what are its methods. In addition to serving to orient the beginning students and to prepare them for the plunge into the solid fundamental courses of Contracts, Property, Torts, and Criminal Law, with which they are confronted during the opening weeks of the first semester, the Preliminary Week becomes a part of the course on Introduction to the Legal System, which continues into the regular first semester—a course which was instituted last year and was described in last year's report." Adjustments in the contents of the lectures and methods employed during "Preliminary Week" were made between the time of its institution and 1958-1959, but the purpose remained the same; to prepare the first-year man in some measure for his studies in a new discipline.

[62] President's Report, 1946-1947, pp. 110-11.

Between 1947 and 1950, the Law Faculty continued to re-examine the curriculum. A detailed report was filed on February 18, 1949,[63] but after some discussion, was recommitted on March 25, 1949, to the Committee for further study.[64] On March 31, 1950, the Committee submitted a new report, accompanied by a number of recommendations.[65] The Faculty Minutes for that date read:

> After discussion, on motion duly made and seconded, the following recommendations of the Committee were adopted without dissent:
>
> (1) That the first-year Property course be expanded to include a treatment of basic rights in land materials and that an additional semester hour be allocated to the Property course for this purpose; this recommendation to become effective as soon as the revised case materials designed for this purpose become available; that the course in Rights in Land be dropped as a separate course in the curriculum, this change to become effective at the same time that the expansion in the property course takes place.
>
> (2) That Civil Procedure III be moved into the first semester of the third year and expanded into a three-hour elective by absorbing the Practice Court program as part of the course; that the present one-hour Practice Court be continued as a required course for students not electing Civil Procedure III and that the present distinction in the Practice Court program based on Case Club participation be continued; this change to become effective at the end of the first semester of the 1950-51 academic year.
>
> (3) That the number of hours allocated to the course in Evidence be reduced from four to three semester hours, effective with the beginning of the fall semester 1950.
>
> (4) That the present course in Conflict of Laws be discontinued; that a separate two-hour course known as "Choice of Law" be offered; that a separate two-hour course to be known as Jurisdiction be approved in principle, with power in the Curriculum Committee to give final approval upon submission of a more detailed outline showing the contents of the proposed course; that these changes become effective with the beginning of the fall semester 1950, unless in the judgment of the administrative officers and the teachers concerned it will not be feasible to put the program into effect at that time.
>
> (5) That the present three-hour elective course in Taxation

[63] Faculty Minutes, 1945-1950, p. 591. For the text of the report, see *id.*, pp. 592-602.
[64] Faculty Minutes, 1945-1950, p. 613. See also, *id.*, pp. 607, 611-12.
[65] For the text of the 1950 report, see Part II, V:7.

be eliminated and that there be substituted in its place Taxation I (income taxation) and Taxation II (excise taxation), each a two-hour course, the former to be offered the second semester of the third year; that these changes become effective with the beginning of the spring semester 1951.

(6) That the course in Constitutional Law be taught on an accelerated basis as a four-hour course during the first semester of the second year, this change to become effective at such time when the Dean and the Secretary shall determine it to be feasible by reference to relevant administrative considerations.[66]

Dean Stason reported on the changes made, stating in his 1949-1950 report to the President:

> . . . on recommendation of the curriculum committee . . . the faculty has decided to add three courses to the previous list of requirements, namely, Civil Procedure II, which deal primarily with jurisdiction, both state and federal, and judgments and their effect, Trusts and Estates I, which covers the subjects of gifts and wills as well as trusts, and a new course called Choice of Law, which is really about half the course hitherto known as Conflict of Laws. In addition, each student is required to elect at least three courses from the so-called public law group, including administrative law, taxation, legislation, municipal corporations, regulation of business, and labor law, thus assuring a reasonable familiarity with the general methods of public law as well as with the specific materials in at least three of the subjects of greatest concern in the active practice of law. One other requirement is being imposed, namely, that each student shall take at least one course from the jurisprudential group of courses, including jurisprudence, comparative law, legal history, international law, and theories of public law. We believe that every student graduating from the Law School should explore at least one of these subjects so that when he enters practice he will have the advantage of broadened horizons obtained therefrom.
>
> Another significant change is one that is being made in the important first-year course in property law. Time devoted to the subject is being extended from seven to eight class hours, and the additional time is to be utilized to cover some of the important materials hitherto included in the elective second-year course known as Rights in Land. These materials include easements and servitudes, riparian rights, covenants running with the land, and the rights of lessors and lessees. We expect that this will strengthen the program in the very important field of property law. Finally, in order to afford

[66] Faculty Minutes, 1945-1950, pp. 789-91.

an opportunity for developing individual skill in legal research, a substantial number of well-planned seminar courses have been added to the list of offerings, with the expectation that many, if not most, of the students will take at least one of them.[67]

The revised course in Property was given for the first time in 1951-1952 and continued as a required first-year course, with four hours each semester, through 1958-1959.[68]

A significant change in the law curriculum took place in 1954-1955 when Equity I was dropped from the list of first-year subjects. From the beginning of the Law Department, instruction in equity had occupied an important part in the course of instruction, but changes in the curriculum philosophy led the Curriculum Committee to re-examine the place of equity courses in the curriculum. On March 14, 1952, they presented a report to the Law Faculty which recommended that Equity I be merged into the course in Contracts with a total of eight semester hours allotted to the expanded Contracts course. The Law Faculty voted to accept the recommendation.[69]

The portion of the report dealing with the merger of Equity I with Contracts stated:

> At present Contracts is given as a seven-hour course in the required first-year curriculum. Equity I which is given during the second semester of the first year is a three hour course.
>
> The problem of damages for breach of contract is dealt with in the Contracts course. Equity I deals with the questions relating to specific performance of contracts. A substantial amount of time is spent at the beginning of the Equity I course on damage problems as a setting and background for the student's appreciation of the specific performance questions.
>
> Dealing as it does with important remedial questions arising out of breach of contract, the Equity I course may properly be regarded as a segment of the overall basic law relating to Contracts. Inclusion of the specific performance materials as part of the Contracts course would result in some distinct advantages. Integration of related subject matter, particularly in the case where they are so closely related as here, gives the student the benefit of a rounded and unified approach and leads to a better appreciation of the interrelationships, contrasts and comparisons. Moreover, the absorption of the specific performance materials into the Contracts course should

[67] President's Report, 1949-1950, pp. 101-102.
[68] Faculty Minutes, 1950-1955, p. 146.
[69] *Id.*, p. 235.

> result in some economy of time since the present arrangement necessarily leads to some duplication of effort and coverage.
>
> The Committee accordingly recommends that Equity I be discontinued as a separate course and that the specific performance problems be dealt with as part of the Contracts course . . . . At present a total of ten hours is allocated to the two separate courses. The economy achieved through elimination of some overlapping areas by means of merger of the two courses plus some further savings in time that may be effected by means of a more economical treatment of some of the areas included in the general subject matter led the Committee to believe that the merger program will permit an adequate and effective study of the basic problems in the contracts area, despite an overall net loss of two semester hours.[69a]

One consequence of this revision of the contents of the course in Contracts, was the need for suitable teaching materials. John P. Dawson and William B. Harvey commenced work on a casebook designed to meet the needs of students under this reorientation of the basic contracts course. Appearing first in lithoprinted form and published in 1959, the Preface shows the change in course content as well as the use of non-decisional legal materials and text comment. It stated in part:

> Some element of novelty is needed to justify an addition to the existing abundance of Contracts casebooks. This book differs from its predecessors mainly in the close attention given to remedies, both legal and equitable. The inclusion of a section on remedies in the basic Contracts course is by no means novel. But here remedies are moved in from the wings to the center of the stage. The authors have found from experience that a remedy-centered study of Contracts offered valuable insights into the functions and impact of contract in our society and sharpens perceptions in the study of specific problems.
>
> A general survey of remedies comes first. For this reason we include more extended editorial comments and other text than are usual in first-year casebooks. The traditional footnotes with lengthy citations of authority have been eliminated. To supply background, we have not hesitated to comment at length on various problems suggested by the cases. Such text, we have found, stimulates closer study of the cases themselves. To enlarge the scope of discussion, we have made wide use of digested cases presenting variations on the problems of the principal cases and alternative or conflicting views. The frequent comments on foreign law solutions contribute, we believe, to the same end.

[69a] *Id.*, p. 237.

Though the book is as long as several casebooks now widely used, and longer than some, we have aimed throughout at economy. The length of the book is mainly due to the inclusion of problems which have commonly been treated in separate courses or in some instances squeezed out of increasingly crowded curricula. The remedial materials cover both damages and specific performance, and in particular include all the essential elements of a standard course on specific performance. Consideration of the legal and equitable remedies in juxtaposition, and particularly, recurrent discussion of them throughout the course wherever relevant, add greatly, we believe, to the understanding of the law of contracts as a whole. We think it important as well to introduce students early to the possibility of restitutionary relief as a backstop to conventional contract remedies and, not infrequently, as an attractive alternative. The restitution materials are intended to suggest, not exhaust, but they provide a minimum introduction for those who do not elect a separate course in Restitution.

A briefer than usual treatment of some subjects has seemed feasible, without loss of content and in certain instances with some gain. Mutual Assent receives somewhat less than the usual attention, in part because we believe it has been overemphasized and in part because of the students' greater facility in dealing with such problems after the introductory study of remedies. Separate collections of cases on Illegality and the Statute of Frauds have not been included. These problems are suggested or examined in connection with cases used for other purposes as well. The heterogeneous problems subsumed under the label of Illegality do not, we believe, lend themselves to unified treatment. Questions as to the permissible outer limits of private agreement-making should be raised throughout the course and the type of judment required for their answer should not be exercised merely on a chapter postponed to the end. The recurrent references to the Statute of Frauds found in the cases are supplemented by an Appendix which we believe adequate to present the essential problems.

A number of cases early in the introductory survey of remedies introduce elementary notions on Conditions, and in the later full chapter we have laid great stress on the subject. Student difficulty with these problems has seemed to call for more extended treatment, as does the fact that it is primarily through Conditions that our courts have introduced needed flexibility and have adjusted contracts to the usages of contemporary life. It is here, we believe, that the integrated study of legal and equitable remedies makes its greatest contribution.

We have also emphasized the statutes that regulate im-

> portant aspects of contract law. We are clear that training in the use, as well as the criticism, of statutes is just as important for the first year student as the use and criticism of cases. We have included numerous provisions of the Uniform Commercial Code, some of which apply directly to problems normally dealt with in the Contracts course and many of which offer most useful and thought-provoking analogies. We have found that attention to statutory solutions adds interest and new lines of attack on the problems considered. Within the group of statutory solutions, and for similar reasons, we include the provisions of modern European codes, which are frequently referred to.[69b]

On November 21, 1952, in accordance with further recommendations of the Curriculum Committee, the faculty voted to discontinue the course in Regulation of Business and offer two new elective courses, "to be known respectively as Federal Antitrust Laws and Unfair Trade Practices and that the first-named course be included in the list of Public Law courses from which minimum elections must be made." [70]

[69b] Dawson and Harvey, Cases and Materials on Contracts and Contract Remedies (Brooklyn, Foundation Press, 1959), p. ix-x.

[70] Faculty Minutes, 1950-1955, p. 310. The committee report stated in part:

"At present we offer a three hour course known as *Regulation of Business.* About two-thirds of this course is devoted to a study of *antitrust legislation,* and the remaining one-third is given over to a study of *unfair trade practices.*

"Since it is desirable that we expand our offerings in this area and since Professor Oppenheim is in a position to teach courses that will give students an opportunity for both a more intensive and more extensive exploration of these problems, the Curriculum Committee at this time proposes that we discontinue the present course in Regulation of Business, and that we offer in its place two separate three hour courses, both electives, which will be known respectively as Federal Antitrust Laws and Unfair Trade Practices.

"The proposed course in Federal Antitrust Laws will deal with national antitrust policy under the Sherman, Federal Trade Commission and Clayton Acts, and the restraints of trade and monopoly problems arising under these statutes. Treatment of these problems will include a study of the following matters: industrial concentration involving mergers, consolidations and integrated operations; individual action and restrictive agreements involving price-fixing, trade association activities, resale price maintenance, delivered price systems, exclusive arrangements and tying devices, trade boycotts, patents and copyrights, foreign commerce; sanctions and remedies.

"The proposed course in Unfair Trade Practices will deal with specific unfair trade practices at common law and under state and federal statutes. Problems studied in the course will include those relating to trade-marks and trade names, appropriation of values created by another, Federal Trade Commission regulation of misrepresentation practices, state Fair Trade Acts and statutes prohibiting sales below cost, price discrimination, and disparagement.

"Respecting the proposed separate course in Federal Antitrust Laws and the alloca-

Further curtailment of the place of equity in the law curriculum took place in 1953, together with some revision of the first-year program. On February 13 of that year, the faculty voted to accept certain recommendations made in a report of the Curriculum Committee,[71] submitted at a meeting on February 6.[72] The report recommended the discontinuance of Equity II in the light of these two considerations:

> . . . (1) the opinion of those who teach the course that it is a polyglot of assorted problems, important and relevant in themselves, but admitting of no unified or integrated treatment, and (2) the conclusion of the Committee that the relevant and important problems in this area can be effectively presented and studied in the context of related problems in other courses, i.e., that these materials admit of the same integration into other courses that we have already recognized with respect to the Equity I materials.[72a]

The report was premised on the assumption that "a genuine effort will be made to integrate the treatment of these questions into other courses as indicated below." Thus while Equity II would no longer be offered, the material heretofore included within it would be allocated to other courses in what appeared to be a more rational manner. The Committee proposed that the Introductory Course assume the responsibility for introducing students "to equity in its historical and institutional phases." Temporarily, the Introductory Course would also deal with injunction against tort, although ultimately this subject would be absorbed into the course in Torts. Since problems respecting the right to jury trial

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tion of three credit hours to it, it should be observed that, while the statutory law in this area is relatively simple and compact, the cases arising under the antitrust laws are extremely complex cases, the study of which involves a careful and thorough consideration of a great mass of factual data respecting business enterprise. Development of the student's capacity for appraisal and appreciation of the relevant data requires more than a cursory statement of the case. It is for this reason that Professor Oppenheim feels that in order to do an adequate job in this course three hours are really needed. It may also be pointed out in this connection that Professor Oppenheim will include in his course coverage of the antitrust materials relating to the problems growing out of the commercial exploitation of patent licenses, so that it will be unnecessary to deal with any of these materials in the Patent Law course. It may also be pointed out that Professor Oppenheim hopes eventually to organize the antitrust course in such a way that one-third of the course will be devoted to work representing student initiative and research in the preparation of special papers on antitrust problems." *Id.*, pp. 312-14.

[71] Faculty Minutes, 1950-1955, p. 340.

[72] *Id.*, p. 322.

[72a] *Id.*, pp. 324-25.

were already treated in Civil Procedure III, it was logical to expand this area to include the use of equitable remedies as they related to the right of jury trial. Civil Procedure I and II were to be taught with an awareness that Equity II no longer would would provide a more intensive treatment of questions of joinder and consolidation of claims and questions of interpleader. Unfair Trade Practices was to incorporate work in the framing, construing, amending and vacating decrees and orders. The need for adequate treatment of balance of convenience and hardship, arising in connection with the use of the injunction against waste, trespass, and nuisance, was recognized by the Committee. The recommendation was that these areas be ultimately absorbed into the first-year course in Property, but in view of then-existing time limitations, the temporary recommendation was that "the balance-of-convenience problem be dealt with, on an interim basis, in the latter part of the Introductory Course. . . ." [72b]

The Committee further recommended that the Crimes course be reduced from four to three semester hours, that Contracts be expanded to eight semester hours, "together with the discontinuance of the Equity I course, changes already approved by the faculty, [to] be made effective beginning with the school year 1953-1954," and that beginning with 1953-1954 the "*Introductory Course* be revised and expanded into a three-hour course to be given two hours the first semester and one hour the second semester, the expanded course to include . . ." an introduction to the history of equity.

In 1955, the Curriculum Committee recommended an alteration in the number of credit hours allotted to the Introductory Course, that it be decreased from three to two hours, and that the hours allotted to the course in Crimes be adjusted. On May 13, 1955, the Law Faculty adopted these recommendations.[73] On February 5, 1958, fresh recommendations relative to Introduction to Law and Equity were made by the Curriculum Committee. A detailed report, setting out the background of the introductory course, the methods of handling it, and the strength and weakness of the then-current approach, was filed with the Law Faculty. On the basis of the report,[74] the faculty on February 28, 1958, adopted the recommendation to alter the thrust of the introductory course to a more distinctly historical approach.[75]

[72b] *Id.*, pp. 325-29.
[73] *Id.*, p. 687. See also *id.*, pp. 696-702.
[74] For the text of this report, see Part II, V:7.
[75] Faculty Minutes, 1955—, p. 587.

Another change in the law curriculum, effective in 1953-1954, was the increase in Taxation I from two to three credit hours.[76] Taxation II remained a two-credit course, devoted primarily to "excise tax problems with major emphasis upon inheritance, estate, and gift taxes.[77] On February 15, 1957, the Curriculum Committee submitted a detailed report dealing with course and seminar work in taxation.[78] The Faculty adopted the following recommendatioins of the Committee:

> 1. That the present Taxation II course, dealing with estate and gift tax problems, be discontinued;
> 2. That a new 2-hour elective Taxation II course be offered to deal with the income tax problems relating distinctively to corporations and partnerships;
> 3. That the present 3-hour elective Taxation I course be modified to permit concentration on problems of individual tax liability, including the treatment of trusts and estate and including an introduction to basic features of the federal estate and gift tax laws;
> 4. That a new seminar be offered to deal distinctively with estate and gift tax problems . . . .[79]

In early 1956, the Curriculum Committee turned its attention to the courses in procedure, and on May 11 of that year submitted a report to

[76] Faculty Minutes, 1950-1955, p. 361. See also *id.*, pp. 365-72.

[77] Announcement, 1954-1955, p. 27.

[78] Faculty Minutes, 1955—, p. 307.

[79] *Id.*, p. 318. The introductory paragraph of the report reviewed the history of the curriculum in respect to the taxation courses. *Id.*, p. 311. It stated in part:

"Until about 1945 the Law School offered only a single 2-hour taxation course which covered the entire field including federal income taxes, federal and state death taxes, and problems relating to jurisdiction of the states respecting tax matters. Only case materials were studied in the course. Then the course was extended to a 3-hour course with more attention to federal income, estate and gift taxes and reduced emphasis on jurisdictional problems. With the introduction of the 3-hour course the course ceased to be strictly a case study and attention was concentrated on the study of the Internal Revenue Code and the regulations. After study was concentrated on the problems arising under the Code, the three-hour course was seen to be inadequate and in 1950 the course was split into two parts and the present pattern of separate Taxation I and Taxation II courses was introduced. Each was a 2-hour course. Taxation I was devoted to study of the federal income tax and Taxation II to the study of federal estate and gift taxes together with some consideration of state death tax laws. The 2 hours allocated to the Taxation II course were adequate but it was soon found that the attempt to deal with all the significant income tax problems within the limits of a 2-hour course was not satisfactory. As a result, the Taxation I was extended in 1953 to a 3-hour course. This brings the picture up-to-date, except that it should also be noted that we are also offering at the present time a taxation seminar given by Professor Wright, which deals on an advanced level with some of the problems for which there is no time in the Taxation I course."

the Law Faculty, which recommended certain drastic changes in the procedural course work.[80] The minutes of a faculty meeting on May 11 state:

> . . . it was moved and seconded, as recommended by the committee:
>
> (1) That the course in *Jurisdiction and Judgments* be given as a required three-hour course in the second semester of the first-year curriculum;
>
> (2) That the course in *Pleading and Joinder,* as revised to include written exercises in pleading, be given as a required three-hour course in the second-year curriculum;
>
> (3) That the separate *Practice Court* course be discontinued.
>
> It was also voted, in accordance with the further recommendations of the committee as follows:
>
> That the names *Civil Procedure I, Civil Procedure II,* and *Civil Procedure III,* as applied to their respective courses, be discontinued; and that the following descriptive titles be substituted in their respective places:
>
> (1) Pleading and Joinder
> (2) Jurisdiction and Judgments
> (3) Trials, Appeals, and Practice Court
>
> That the changes recommended above be made effective with respect to students entering the Law School after the close of the current school year.[81]

A post-World War II development, which essentially was continuation of a program instituted before 1940 and postponed because of the war years, was a great increase in the number of seminar offerings. In 1948-1949, the Announcement listed three seminars. In 1958-1959, there were thirty-nine.

Between 1954 and 1958, the Law Faculty continued to make adjustments in the curriculum as indicated by their appraisal of then-current needs. A course in Labor Standards Legislation was authorized on January 8, 1954.[82] Within the framework of the courses on Business Associations, Professor Alfred Conard instituted in 1957-1958 certain changes in emphasis, giving somewhat more attention to problems relating to Agency and less to Corporations.[83] Accounting for Law

[80] Faculty Minutes, 1955—, p. 154. The introductory paragraphs summarized the status of the procedure courses in 1956. They appear in Part II, V:8.

[81] Faculty Minutes, 1955—, pp. 152-53.

[82] Faculty Minutes, 1950-1955, p. 468. See also *id.*, pp. 469-70.

[83] Faculty Minutes, 1955—, pp. 281-83. Earlier courses in Agency, Corporations and Partnerships were combined to create Business Associations I and II.

Students, recommended by the Curriculum Committee in a report filed on May 3, 1957, was first offered in 1957-1958 as a one-credit course.[84] Another course offered first in 1957-1958 was an elective in Criminal Procedure.[85]

Courses in International Law and Conflict of Laws (initially called Private International Law) had been included within the law curriculum since 1888 and 1894 respectively. In the decades prior to World War II, the practice was to offer three courses: one each in Comparative Law, Conflict of Laws, and International Law. It was not until E. Blythe Stason became Dean in 1939, that any particular effort was devoted to an expansion of the areas of international and comparative law studies. During the post-World War II years, wider student interest was developed, and the number and scope of course offerings were markedly and materially increased, to a total of eleven in 1958-1959. This was in addition to the incorporation of comparative materials into the traditional law courses. Recognizing the substantial progress made following World War II, the Ford Foundation on December 14, 1954, announced a grant of $500,000 to assist the School in further enlarging its program of international legal studies. In his report to the President for 1954-1955, Dean Stason stated:

> . . . The Foundation is especially interested in one of the primary purposes of the Law School's program, namely, the improvement of leadership in American life by giving Americans trained in law, from whose ranks come many of our governmental, business, and community leaders, a better understanding of and competence in international affairs. In making the grant the Foundation stated the following principal objectives: (1) to strengthen the course and seminar program in international and foreign law as an integral part of the undergraduate studies in the Law School; (2) to assist in the training of able young men and women from foreign countries who wish to come to this country to study our law and legal institutions; and (3) to assist in expanding the research program in international and comparative law, together with the training of teachers in the field.
>
> * * * * *
>
> This Ford Foundation grant permits the School in a very significant degree to integrate, expand, and strengthen its existing program in international and comparative law. We shall be able to serve far more satisfactorily than has been possible with the more limited funds hitherto available; and we

[84] *Id.*, p. 375. See also *id.*, pp. 378-88.
[85] *Id.*, p. 404. See also *id.*, pp. 405-407.

> may be assured that the already considerable repute which the School has achieved in this field of specialization will be materially increased as a result. A committee of the law faculty has been at work on the organization and preparation of materials for the expanded program, and we shall embark upon it at the beginning of the fall semester, 1956.[86]

Course and seminar offerings in international legal studies were discussed by Professor William W. Bishop in his report to the Ford Foundation for 1956-1957:

> During 1956-57, we enrolled 200 students and several auditors in our basic three-hour, one-semester course in International Law; about 190 of these were undergraduate law students. Professor Bishop taught two sections of this course and Professor Stein one section. In the International Law Seminar, Professor Bishop enrolled 20 students and 2 auditors. In the seminar in International Organization, Professor Stein had 4 or 5 students and a couple of auditors. These numbers were smaller because of the heavy enrollment in this seminar in the spring of 1956. In the spring of 1957 Professor Stein had 18 students in his seminar in Legal Problems in International Trade, as well as several auditors. Indicative of the student interest in this field is the fact that we had to turn away twice as many applicants as could be accommodated in seminar.
>
> In the comparative law field, we enrolled 25 students in the course in Principles of Comparative Law taught by Professor Zweigert of Hamburg . . . In a course on British and French Legal Methods Compared taught by Professor C. J. Hamson of the University of Cambridge, we enrolled 42 students and 3 auditors. Professors Hamson and Zweigert joined with Professor Paul Kauper and Dean E. Blythe Stason of our faculty in offering a seminar on The Rule of Law, in which 11 students took part. Fourteen students participated in Professor Kauper's seminar in Comparative Constitutional Law. In addition to these formal courses and seminars offered in the field of international legal studies during 1956-57, several American and foreign graduate students, and undergraduate law students, carried on individual research studies in international and comparative law.
>
> Our figures indicate . . . that about 75% of our Law School graduates elect the course in International Law alone. This corroborates other statistical studies we have made in the

[86] President's Report, 1954-1955, p. 193. Indicative of the Law Faculty's interest in comparative law studies, was the fact that the editorial offices of the *American Journal of Comparative Law* were located in the Law Quadrangle from 1951 to the end of the period under investigation.

last year or so, all pointing to the fact that over three quarters of our undergraduate law students will take either the course or a seminar in international law prior to graduation. If the courses in international trade, international organization and the comparative law courses are added to the picture, it is probably safe to assume that at least 85% of our law school undergraduates will receive some formal training in international legal studies while at Michigan. We would like to see an even higher percentage, but we believe that quantitatively we are getting a sufficiently complete coverage so that our efforts for a time should be concentrated upon the quality of the experience received in the international legal studies area rather than attempting to make more intensive efforts toward "blank coverage" of our entire student body. Improvements in quality and especially an increasing diversification of offerings will, however, bring into the area at least a part of the small number of students who now leave international legal studies entirely out of their undergraduate programs.

From the qualitative standpoint, we believe the most important innovation of the year was the seminar in Legal Problems of International Trade. Here, Professor Stein's work combined with the use of visiting lecturers helped to make a highly stimulating experience for those who had the opportunity to take part. Within a year or two we hope that we may be able to develop this seminar into a course for a somewhat larger number of students, and to have one or more additional seminars in the field. In the International Law course, the addition of Professor Stein has made it possible for us to operate in smaller sections, while Professors Stein and Bishop have prepared additional materials to bring in new facets of international law, placing greater emphasis on the United Nations and other international organizations, and keeping up to date more adequately with current developments. A substantial portion of our seminar on Legal Problems of Atomic Energy has been devoted to international problems, using materials assembled by Professor Stein.[87]

The minutes of faculty meetings during 1957-1958 show an increased awareness of the need for inclusion within the curriculum of courses dealing with comparative law. On October 25, 1957, the Faculty discussed as a "special order of business, the role of Comparative Law in the teaching and research program of the Law School." The minutes state:

A basis for the discussion was a statement prepared by Professor C. J. Hamson of Cambridge, England after his ex-

[87] Faculty Minutes, 1955—, pp. 472-74.

perience of teaching in the Law School during the Spring Semester 1957 . . . .

Several suggestions were forthcoming. It was suggested that it would be desirable to have a comparative study of the law in many of our regular courses. But it was pointed out that because many of the Faculty were not proficient in foreign languages it would be necessary to have an expert translation service available. Another possibility of hurdling the language barrier would be intercourse between our Faculty members and legal scholars from other countries . . . .

The thought was also expressed that the School should offer at least one introductory course in Civil Law, perhaps as a second-year elective course, that would equip the students for further comparative research in limited areas . . . .

Professor Yntema observed that in the past, because of the various law schools' preoccupation with training "practicing lawyers", they had overlooked to too great an extent the comparative technique of studying the various subjects. He thought that in addition to the basic introduction to civil law systems, a comparative study of the law in our other subjects would be helpful to the students in their future years. He pointed out that much of the material was written in English, and listed either in Professor Charles Szladits' excellent bibliography of the various works of foreign authors now in English or in the Journal of Comparative Law. Professor Wright added that we should not overlook the advantage of comparative research in limited areas from a functional point of view. A lawyer with some experience in these techniques, and with some knowledge of the foreign materials available will be able to make effective use of foreign law in his practice. . . .[88]

By 1958-59, the Law Faculty had broadened the curriculum to include a number of courses dealing with comparative law studies, such as the seminars on Comparative Constitutional Law, Comparative Criminal Procedure, Comparative Law of Business Associations, English Legal History, International Problems of Criminal Law, and Law of Foreign Trade and Investment.

On December 4, 1957, the Curriculum Committee submitted a "Report and Recommendations of the Curriculum Committee Respecting Courses in the Jurisprudence Area."

> At present the Law School offers two elective courses labeled "Jurisprudence." Both are taught by Professor Shartel. There is no substantial difference between the two

[88] *Id.*, pp. 483-84. See also *id.*, pp. 485-91 for report filed by Hamson.

courses. Both are three-hour courses. Jurisprudence (348) is offered on a regular course basis to undergraduate law students, whereas Jurisprudence (444) is conducted on a seminar basis and is limited to graduate students and to senior students who have special permission to enroll. In both courses a major part of time and attention is directed to what may be called analysis of legal method, as distinguished from either legal philosophy or the sociology of law, although it should be noted that some attention is given at the outset to "Law as a Means of Social Control" and "Legal Policies (Ends)) and Policy-Making." . . . Selected readings are used in both the Jurisprudence course and Seminar as the basis for class discussion.

Professor Shartel will be retiring at the end of the current academic year. The imminency of his retirement requires us to face some basic questions with respect to the courses we shall hereafter offer in what we may describe as the general area of jurisprudential thought.

In our study of these questions we have been aided by the advice and opinions expressed by Dean Stason and Professors Shartel and Harvey. The Committee has also made a summary survey of the courses taught in a number of other law schools.

One conclusion emerges very clearly and that is that no one particular type of course may properly claim an exclusive title to the use of the term "Jurisprudence." We are here dealing with a coat of many colors. Without attempting to define all the possible type of courses that may fit under the "Jurisprudence" rubric, it is probably fair to say that they may be reduced to a possible minimum of three categories:

1. *Legal Method.* This is essentially the kind of course that we have been giving under the title "Jurisprudence." Its basic concern is with an examination of the way in which our legal system operates and a careful scrutiny of the methods and tools that enter into a total operation of the legal process.

2. *Legal Philosophy* or *Philosophy of Law.* This kind of jurisprudence course deals with the various schools of philosophic thought concerned with the nature, source, and objectives of law . . . .

3. *Law and Society* (*Sociology of Law or Legal History*). This kind of jurisprudence course is concerned with law as an instrument of social control, its effectiveness and the limits upon it, and the impact of economic and social forces and underlying conceptions of public policy upon the legal system, whether viewed historically or in the context of contemporary society . . . .

Despite the diversity of the courses in these different cate-

gories, they do have an underlying and common characteristic, namely, a fundamental objective of reaching out beyond description analysis and understanding of the corpus of the law to a view of the legal system as a whole, whether in terms of empiric factors that characterize and condition the operation of the legal process or in terms of philosophic or sociological categories and values that provide frames of reference for a critical examination of the nature, sources and objectives of law. Concentrating as he does on substantive and procedural law courses, the law student is likely to lose sight of the forest because of the trees. A course in jurisprudence fitting into any one of the three categories detailed above is designed to give him the larger perspective and some sense of direction and purpose in respect to the legal system and the profession for which he is preparing himself.

The Committee is satisfied that a law school of our size and standards should not content itself with offering a single course that may be called "Jurisprudence." The variety of courses that may be offered under the heading of "Jurisprudence" or related titles, as evidenced by the course offerings in a number of law schools, leads the Committee to believe that we should offer several types of courses embraced within the jurisprudential area. For this reason we believe that no one member of the faculty should have the sole or even primary responsibility for developing and teaching courses in this area. The teaching of courses of this kind involves probably a larger subjective element than any other type of course. A teacher interested in the philosophic aspects of the law may have little interest in a pragmatic study of the legal system and how it operates. The pragmatist in turn may not think it profitable to spend much time in studying the various schools of legal philosophic thought. On the other hand, the teacher who thinks that the legal system and its basic values are the product of history and social factors is not interested in developing a course that stresses analysis of the legal system or the various schools of legal philosophy.

More specifically, the Committee recommends that the Law School make available at least three courses that may be described as jurisprudential in character and which will represent the three basic categories described earlier in this report. Tentatively at least the three courses may be described as (1) *Legal Methods,* (2) *Legal Philosophy,* and (3) *Law and Society.* The teachers offering these courses may in the end choose what they may feel to be more descriptive titles, but the Committee believes that the formal term "Jurisprudence" should be avoided in the choice of titles . . . .

* * * * *

The Committee accordingly submits the following recommendations:

1. That a three hour elective course or seminar or both having the same general range and objectives as the present *Jurisprudence* course and seminar be continued in the future but with the title of *Legal Method;*

2. That a three hour elective course or seminar or both, tentatively entitled *Legal Philosophy,* be added to the curriculum beginning with the academic year 1958-59;

3. That a three hour elective course or seminar or both, tentatively entitled *Law and Society,* be added to the law curriculum and made available as soon as Professor Kimball is in a position to offer it.

4. That the list of courses from which a student may choose in order to satisfy the "Jurisprudence Group" requirement of the curriculum be amended by deleting the course "Jurisprudence" and adding "Legal Philosophy," "Legal Methods" and "Law and Society". . . .[88a]

This report was discussed at a meeting of the Law Faculty on December 13, 1957. Allan F. Smith proposed that a fifth recommendation be added, to read:

> That one of the instructors in the Jurisprudence area give a separate seminar for the graduate students.

The four original recommendations together with the one offered by Allan Smith were adopted by the faculty.[88b]

In accordance with this action of the Law Faculty, a course and a seminar in Legal Philosophy, taught by William B. Harvey, and a seminar in Law and Society, taught by Spencer Kimball, were offered in 1958-1959.

The increased emphasis on what might be termed humanistic aspects of the law was further evidenced in 1958-1959 by the inclusion within the list of seminar offerings of American Legal History, English Legal History, Theories and Problems of Private Law, and Theories of Public Law.

Concurrently with the faculty's concern with what had been termed the "new frontiers of the law" went a similar concern with the teaching of the "fundamentals of legal science." Under discussion in the faculty meetings of early 1958 was the need for more careful preparation in the techniques of legal analysis. On January 6, 1958, Professor Luke Cooperrider presented a report to the Curriculum Committee. The

[88a] *Id.*, pp. 519-26.

[88b] *Id.*, p. 527.

Committee in turn reported on March 7, and the matter was considered at a meeting of the faculty on March 21. The committee's recommendation was adopted:

> That one of the sections of the 1958-59 fall beginning students be set apart for the purpose of including in their program a special experimental Legal Analysis course, as outlined in this report, for three semester-hours credit, and to be taught in conjunction with the regular Torts course;
>
> That this section be excused from taking the first-year Crimes course but that the students in this group be required to take the two-hour elective course in Criminal Procedure [or the four-hour course in Criminal Law] as part of their second or third year programs in the law school; and
>
> That the course *Introduction to the Legal System* (as revised) be given to this section on a three semester-hour basis.[89]

On May 2, 1958, the faculty concluded that the course in Problems and Research I and II, which had been required in 1957-1958 of second-year students but without credit, should "be included within the curriculum as one-hour credit courses required of second-year students and that customary letter grades be entered for these courses." [90]

The course of instruction offered by the Law School in 1958-1959 and its fundamental objectives were summarized as follows:

> [The preparation of] young men and women for successful careers in all phases of an exciting, dynamic, and challenging profession. This includes not only the private practice of law, but also careers in public service and private industry. Legal education at Michigan likewise provides a solid foundation for participation in the responsibilities of citizenship.
>
> * * * * *
>
> Without undue specialization, the Michigan Law School has shaped its program to give its students a sound and thorough education in the fundamentals of the law, so that its graduates may perform with credit and success in any of these fields of service.[91]

To achieve this end, a wide variety of required courses, electives, and special seminars was offered, covering not only the traditional law school subjects but extending into the newer fields of collective bargaining, comparative criminal procedure, atomic energy, air law, and

[89] *Id.*, pp. 690-91, 713. See also *id.*, pp. 705-21.

[90] *Id.*, p. 742. For material relating to the institution of this program, see Chapter VI.

[91] Legal Education at Michigan (pamphlet, University of Michigan Official Publication, Vol. 55, No. 40, Sept. 30, 1955), pp. 2-3.

foreign trade and investment. This array of courses, beyond the capacity of any one student to take within the limits of the three-year curriculum, designed to prepare students for far more than the private practice of law, was in marked contrast to the modest and rigidly prescribed course of instruction in effect in the Law Department in 1859-1860.

III. The Graduate Program

At the time the Law Department was organized and for many years thereafter, it was essentially an undergraduate department of the University, conferring a bachelor's degree. Some students, however, earned their first degree in the Literary Department prior to enrollment in the law course, and some at least appear to have expressed an interest in securing an advanced degree.

The 1885-1886 Announcement stated:

> The degree of Master of Law is not conferred by this Department. But any graduate of the Department of Literature, Science, and the Arts, who is pursuing professional studies in this Department, may, upon proper application to the Faculty of the Department of Literature, Science, and the Arts, be permitted to become at the same time a candidate for the degree of Master of Arts, Master of Science, or Master of Philosophy, as the case may be, on condition that his term of residence and study covers two years before he can be admitted to an examination for such degree. The privilege thus extended to graduates of this University is also extended to graduates of other colleges who can satisfy the Faculty of the Department of Literature, Science and the Arts, that the courses of study for which they obtained their first degrees are equivalent to the courses of study required for the corresponding degrees at this University.[92]

The substance of this statement appeared in the Announcements through 1889-1890, and the records show that a varying number of students, usually fewer than twenty, was enrolled in the Literary Department.

Graduate study in the Literary Department was open to college graduates enrolled in the Law Department between 1885 and 1908.[93] The Regents on October 15, 1889, authorized the granting of the degree of Master of Laws.[94] Apparently, the Law Faculty did not have time to formulate any specific course of instruction for the new degree and a

[92] Announcement, 1885-1886, pp. 14-15.

[93] Announcement, 1907-1908, p. 33.

[94] Regents' Proceedings, 1886-1891, pp. 345-46.

temporary program was devised.[95] By 1891-1892, the Faculty had prepared a definite program, and the Announcement for that year gave detailed information concerning the "course of study . . . pursued by candidates for the degree of Master of Laws." No electives were permitted, and the prescribed curriculum included a total of seventeen courses, some practical and others primarily jurisprudential in character.[96] Candidates for the degree were examined on the subjects lectured upon, and in addition were required to submit a thesis on some subject approved by the Law Faculty.[97]

By 1896-1897, the number of subjects for which Master's candidates were responsible had been increased to twenty. The next year, 1897-1898, the number of required courses was reduced substantially and a system of electives introduced, according to the Announcement for that year:

> In addition to the foregoing subjects, each graduate student is required to elect at the opening of the university year *three* of the subjects hereinafter named, one of which he shall designate as his *major* subject, and the other two as his *minor* subjects. To the *major* subject the student must give his best energies, making his investigations therein thorough, comprehensive and exhaustive. To the *minor* subjects, he will be expected to give all the attention which his time will permit. His work in the *minor* lines will be of a more general character, and, although it must be thorough as far as prosecuted, it will be less extended than that given to the *major* subject . . . .
>
> The following subjects are offered from which the student may select his *major* and *minor* subjects: Contracts; Torts; Mercantile Law; Public and Private Corporations; Railroad Law; Insurance Law; Private International Law; Real Property; Jurisdiction and Procedure in Equity; Do[mestic] Relations; Taxation; Elections; Public Officers; Admiralty; Roman Law; American Constitutional History; American Constitutional Law; English Constitutional History; Comparative Jurisprudence; Political Science.[98]

These subjects were apparently to be studied by the students under faculty supervision, for the Announcement stated:

> Each graduate student is under the special guidance of the professors in whose departments his subjects lie. From them

[95] For the details of this and the successive requirements for this degree, see Part II, IX: 15.

[96] For course offerings, see Part II, V: 1.

[97] For thesis regulations, see Part II, VI: 2.

[98] Announcement, 1897-1898, pp. 18-19.

> he receives instructions as to the questions to be investigated, and to them he makes regular weekly reports. Upon the coming in of these reports, the work of the student is carefully examined and criticised, and such suggestions made as may be thought necessary. The scheme contemplates independent investigation by the student, along the lines chosen, under the direction and supervision of the Faculty.[99]

It is, of course, impossible to state to what extent this ideal of "independent investigation by the student" was achieved, but the intent was clearly present to make the Master of Laws degree represent something more than the taking of additional subjects in the Law Department. At the same time, the requirement of the thesis was continued:

> Each graduate student is required to prepare a thesis, which must be scholarly and exhaustive in character, upon some topic connected with his *major* subject. The thesis is made a special feature of the graduate work.[100]

Examinations were also required at the end of each semester when each student was "examined both orally and in writing upon all work taken." [101]

The 1902-1903 Announcement recorded a change in the thinking of the Law Faculty toward the entire purpose and thrust of the graduate program. At a meeting of the Law Faculty on October 8, 1901, the advisability of abolishing the post-graduate course had been discussed. Less drastic action was taken, however, the following resolution being adopted:

> The privileges of the graduate course leading to the degree of LL.M. can be extended only to students who have special fitness and aptitude for advanced work. Only those, therefore, who are specially approved by the Faculty will be admitted to the course.[102]

The resolution appeared in the 1902-1903 Announcement,[103] but the entire question of the graduate program continued under discussion by the Faculty.

The minutes of a meeting held on June 16, 1906, show: "It was moved that the Faculty recommend to the Regents that the Graduate School be dropped." [104] Three days later, the Faculty reconsidered

[99] *Id.*, p. 18.
[100] *Id.*, p. 19.
[101] *Ibid.*
[102] Faculty Minutes, 1901-1910, pp. 5-6.
[103] Announcement, 1902-1903, p. 25.
[104] Faculty Minutes, 1901-1910, p. 244.

the question, and according to the minutes, "it was decided to refer the whole question of degrees and entrance requirements to a committee to be named by the Dean." [105]

A little over a year later, on October 17, 1907, the graduate program was again considered. The minutes state:

> In view of the present unsettled condition of the requirements for the graduate course, it was moved and carried until the future course is determined, the Dean shall have authority to fix a course for graduate students in his discretion.[106]

On January 31, 1908, the report of a committee appointed "to suggest new requirements for admission to the Department and to consider the question of continuing the graduate course" was submitted. The minutes show that the following action was taken:

> By a unanimous vote the following was directed to be published in the announcement in lieu of the present statement with reference to the graduate course:
>
> Opportunities for graduate study shall be furnished by the Department to students who show themselves to be specially fitted for such work. No definite announcement is made as to the character and scope of graduate work, but a committee of the Faculty will arrange a course of advanced study for each student who, upon making special application therefor, may be permitted by the Faculty to pursue such work.[107]

The statement so authorized by the Law Faculty appeared in the annual Announcements from 1908-1909 through 1911-1912.

Henry Moore Bates succeeded Harry Burns Hutchins as Dean of the Department in 1910. The question of a fourth year in the law course was raised by Bates at a meeting of the Law Faculty on February 17, 1912, the minutes stating:

> The Dean made some suggestions with reference to providing for a fourth year of work in the Department. It was moved and carried that a committee of five be appointed by the Dean to consider the question and make report to the faculty. The Dean appointed the following:
>
> The Dean and Secretary and Professors Knowlton, Aigler and Wilgus.[108]

The report of the committee was presented by Dean Bates to the Law Faculty on March 13, 1912. After discussion and amendment the re-

[105] *Id.*, p. 245.
[106] *Id.*, p. 326.
[107] *Id.*, p. 333.
[108] Faculty Minutes, 1910-1920, pp. 503-504.

port was adopted.[109] It was submitted to the Regents on March 22, 1912, together with a leter from Dean Bates. The Board approved the recommendations of the Law Faculty,[110] which had provided for the establishment of a fourth year of work, open only to students holding the LL.B., and leading to the degree of LL.M. While a minimum of fifty per cent of the work was to be elected in the Law Department, courses in the Literary Department "directly connected with or collateral to some phase of the law" could be elected. The work was to be under the special supervision "of a committee to consist of the Dean, Secretary and three other members of the faculty to be appointed annually by the Dean with the consent of the Faculty."

The 1912-1913 Announcement informed prospective students that the degree of Master of Laws would be conferred, setting out the various degree requirements.[111] Dean Bates, however, believed that the orthodox three-year law course was inadequate preparation for the practice of law. The question of whether a fourth year should be required for graduation was discussed at a meeting of the Law Faculty on April 9, 1915, and a committee report was presented which was adopted after some discussion in the following form:

> The committee on a four year course in law recommends that, at least for the present, not more than three years be required for graduation but that an optional four year course be offered in which there shall be added to the work required for graduation on the three year course the following: An introductory course, three hours; Roman Law and Comparative Law, three hours; Jurisprudence, three hours; History of the English Law, three hours. The student on this course who earns ninety-six (96) hours of credit, of which not more than twenty-four (24) hours shall be of D grade, shall receive the degree of LL.M. If three fourths or more of his work in hours has been of B grade or better, he shall receive the degree of J.D.
>
> That the present fourth year course leading to the degree of LL.M. be dropped.[112]

Bates presented these recommendations of the Law Faculty to the Regents at a meeting on April 22, 1915.[113] The Regents did not con-

[109] *Id.*, pp. 508-11. See Part II, V:9 for the text of the report.

[110] Regents' Proceedings, 1910-1914, p. 392.

[111] Announcement, 1912-1913, pp. 19, 24.

[112] Faculty Minutes, 1910-1920, pp. 626-27.

[113] Regents' Proceedings, 1914-1917, p. 160. The text of the Law Faculty's communication appears in Part II, V:10.

sider Dean Bates' communication until May 21, 1915, but at that time the suggestions were approved and adopted.[114]

It should be noted that under this arrangement, described as "A New Four Year Curriculum" in the 1915-1916 Announcement, a student could obtain either the Master of Laws or the Juris Doctor degree. The latter previously had been available only to such students as had been graduated from college prior to enrolling in the Law School. This program was in effect between 1915-1916 and 1924-1925.[115]

Dean Bates initially had hoped that the four-year curriculum would attract a substantial number of candidates for the advanced degrees, but this expectation did not materialize.[116] He discussed the state of the graduate program in his report to the President for 1921-1922:

> During the year earnest consideration was given by the faculty to a possible revision of the curriculum. The recent development of comparatively new topics in law, such as those relating to the work of our Public Utilities Commissions, and the enormous expansion of certain other fields of the law in this country, such as Taxation, Administrative Law, and certain phases of Constitutional Law, have presented pressing problems in relation to an already overcrowded curriculum. To meet this problem, at least in part, the faculty in 1912 had organized what is known as the fourth year of law work. This fourth year, perhaps, adequately disposes of the problem for such students as avail themselves of it; but inasmuch as no State in the Union requires a period of study longer than three years for admission to the bar, and as the economic and other pressure upon students to begin to earn a livelihood as soon as possible is almost irresistibly strong, very few students, as a matter of fact, take the fourth year of law work. To some extent the difficulty might be removed by requiring four years of law school work; but until there is a more general agreement among law schools that this is desirable and practicable, it does not seem wise to our faculty to undertake it. Almost certainly, it is but a question of time when the law schools will adopt a compulsory four-year course; but until public opinion is educated to accept such a requirement, and perhaps until the new material has been more thoroughly organized for teaching

[114] *Id.*, pp. 162-64.

[115] There was some discussion of the desirability of retaining the J.D. degree in 1917. See Faculty Minutes, 1910-1920, pp. 774-77. For the requirements under the four-year curriculum, see Part II, IX: 15 and 16. For specific course requirements, see Part II, V: 1.

[116] For degrees of Master of Laws granted, see Part II, IX: 9.

> purposes, an absolute requirement of a fourth year does not recommend itself.[117]

Two years later, in 1923-1924, Bates touched again on the graduate program, stating in his report to the President that the Law Faculty had been giving consideration "to the development of our graduate work." While the over-all character of the program "seems to us still essentially sound," the Law Faculty had concluded that the graduate program should be extended to include some areas of public law, such as "Public Utilities Law, Conflict of Laws, Administrative Law, International Law and some of the most rapidly growing areas of Constitutional Law." [118]

The Regents on February 26, 1925, authorized "two groups of types of advanced study," the LL.M. emphasizing course work and the S.J.D. emphasizing individual investigation.[119] Even in the LL.M. program, however, there was less interest in prescribing all the courses a particular candidate was required to elect than had been the case when the degree was originally instituted in the 1890's. Bates, in his report to the President for 1926-1927, described the type of work required of the S.J.D. candidate:

> We have continued to develop work for advanced students; and as has been indicated in earlier reports, we tend more and more to insist upon independent and original work, under the advice of special committees, rather than upon work in course, for units of credit. We have every reason thus far to believe that the practically complete exclusion of course work from the programs of graduate students is proving highly beneficial. That this policy tends to develop men capable of leadership in legal scholarship is already evidenced by the success of a few men upon whom we have conferred the degree of S.J.D., several of whom are now teaching in other law schools.[120]

While there were relatively few candidates for advanced degrees in law throughout the 1930's, due in part to the economic depression engulfing the United States, the Law Faculty devoted considerable attention to the graduate program. At a meeting on December 10, 1937, the Committee on Graduate Work presented a report, which was "adopted, subject to the understanding that the suggestions contained

[117] President's Report, 1921-1922, p. 227.
[118] President's Report, 1923-1924, p. 205.
[119] Regents' Proceedings, 1923-1926, p. 543.
[120] President's Report, 1926-1927, p. 111.

in the report be possible of accomplishment from the administrative standpoint." [121] The report stated in part:

> The Committee on Graduate Work has proceeded on the assumption that the Law School can make a major contribution to legal education through the extension of its graduate work on broader lines . . . .
>
> *Additional Courses*
>
> In examining the bulletins of leading law schools, it appears that their curricular offerings to graduate students are somewhat more extensive than ours. It is believed that our curriculum would be improved by the addition of some work in the field of legal history. The Committee, therefore, recommends that some arrangement be made whereby graduate students will have an opportunity to take a course in Anglo-American legal history.
>
> In addition, it is desirable that students who come to us from other institutions, where there is no opportunity for law review work or for work of a similar character, should take at least one seminar course. If more of such courses were offered and students in the second and third year were encouraged to elect them, these could also be elected by graduate students.
>
> * * * * *
>
> *Change in Requirements for Graduate Degrees*
>
> In accordance with the suggestions already made, two proposals would seem to be called for by way of modification of the requirements for graduate degrees. The Committee recommends that all graduate students be required to take the course in legal method and comparative law and to elect one other course from a stated list which would include the folllowing: Legal History, Jurisprudence, Administrative Tribunals, Legislation, Labor Law. It is further recommended that the residence requirement for the LL.M. degree be satisfied by three summer terms, on condition that candidates electing this alternative plan undertake a research project and submit a thesis.[122]

The 1938-1939 Announcement summarized the then existing status of graduate work:

> Graduate instruction is offered for those who wish to supplement the three-year curriculum with a study of other

[121] Faculty Minutes, 1930-1940, p. 437.

[122] *Id.*, pp. 443-44.

> branches of law and of legal philosophy, comparative law, and legal history; for members of the bar who desire to specialize in particular branches of the law or to extend their knowledge of the legal field; and for law teachers, and for those who expect to become law teachers, who wish to carry on a program of original research under competent supervision. Two degrees are given: the degree of Master of Laws (LL.M.) and the degree of Doctor of the Science of Law (S.J.D.). While some research is required for each degree, course work and seminars are emphasized for the Master of Laws degree. On the other hand the degree of Doctor of the Science of Law is primarily a research degree for which the preparation and publication of an original study is the most important requirement.[123]

The period of World War II with the decreased student enrollment permitted the Law Faculty to consider in detail certain aspects of the Law School's program, including the graduate work offered. The minutes of a meeting of the Law Faculty on March 28, 1944, state:

> Professor Simes submitted a report on behalf of the Committee on Graduate Work, seting forth the history of graduate work in this School, and a statement of the objectives which the Committee has endeavored to further. The report was discussed at some length . . . It was . . . voted that the report of the Committee be received and placed on file, and that the Committee be requested to file a supplemental report, revising their recommendations in the light of the discussion.[124]

During the 1940's an increased number of foreign students began to be attracted to the Law School. One problem they presented was the extent of their competency in English, discussed at a meeting of the Law Faculty on May 23, 1944.[125] No immediate conclusions were reached by the Faculty, but their concern eventually found expression in the following statement addressed to foreign students:

> It must be stressed that ability to handle English fluently is an absolute necessity for successful study of law. There is no common language of law as there is of mathematics, physics or chemistry, and legal concepts are, in general, intangible and rooted, in expression at least, in the culture and history of the nation. Ability to read American periodicals or ele-

[123] Announcement, 1938-1939, p. 21.

[124] Faculty Minutes, 1940-1945, p. 247. The report and the supplemental report, presented on April 11, 1944, appear in Part II, V: 11.

[125] Faculty Minutes, 1940-1945, p. 260.

> mentary legal treatises, or to carry on non-technical conversations in English is not sufficient.
>
> In most instances a reduced program will be taken in the Law School during the first semester so that language adjustment may more easily be made by the student.[126]

Another problem posed by foreign students was the fact that in most instances they had had a background of training in the civil, rather than in the common law. Hence the graduate program required certain minor adjustments. In his 1952-1953 report to the President, Dean Stason noted:

> For about twelve years the Law School has been carrying on a small but effective program designed to attract outstanding graduate students in law from foreign nations. With the help of Fulbright funds and other State Department grants in aid of intercultural relationships, together with the assistance of a modest grant each year from the trustees of the William W. Cook Endowment Fund, the Law School has been granting a number of foreign fellowships and has enrolled from eight to fifteen well-selected foreign students in each of the last several years. These students are given a series of orientation lectures in American legal institutions, but in other respects they adjust themselves to the regular courses and seminars of the School. Many of them have done outstanding work warranting the awarding of the degree of Master of Laws. Those who fall short of the high degree standards are given certificates testifying to the work which they have completed . . . .[127]

The Ford Foundation grant in 1954 to the Law School, made it possible to expand the number of scholarships granted to foreign graduate students. These students were not, however, encouraged to enroll as candidates for a degree, for the Law Faculty believed:

> . . . that the period of study in the United States will be most profitable if it is devoted to acquiring a good general understanding of the common law plus a thorough study of those aspects of the Anglo-American law in which the student has a particular interest. This can best be accomplished if the program is not complicated by meeting formal degree requirements.
>
> There may be, however, special reasons justifying enrollment in a degree program. The student is originally admitted

[126] Research and Graduate Study for Persons from Other Lands, The University of Michigan Law School (pamphlet), p. 15.

[127] President's Report, 1952-1953, pp. 103-104.

as a graduate student. If circumstances are present to justify a degree, and if the work done by the student is of high quality, he may be admitted to candidacy for an advanced degree after a period of residence. In most cases, he will be admitted as a candidate for the degree Master of Comparative Law (M.C.L.) . . . .

* * * * *

Ordinarily students from foreign countries will not be admitted to candidacy for the S.J.D. degree. Express approval by the Graduate Committee of the Law School is required, and this is given only in rare cases, after the completion of one full year of residence, where the student has shown outstanding capacity for legal research and writing . . . .[128]

By 1958-1959, graduate instruction in the Law School was an accepted and integral part of the over-all educational program. Approximately five per cent of the total student body was enrolled in the graduate program, which was carried on by the regular members of the Law Faculty. The scope of the program was described as follows:

SCOPE OF THE GRADUATE PROGRAM IN LAW

It is somewhat misleading to speak of the graduate "program" at Michigan Law School, because there are in fact several different programs available to those who wish to supplement their regular course of law school study. Indeed, it is the objective of the school to fulfill the needs of any qualified graduate student, and flexibility of program, so essential to the attainment of that objective, is maintained. The graduate program, in other words, is tailored to fit the needs and objectives of the particular student.

While maintaining flexibility in particularizing the program for any one individual, the Law School has established facilities and curriculum to meet a variety of commonly recurring needs.

1. A program for one who wants to prepare himself for a career in law teaching.

2. A program for one already engaged in law teaching who wants to supplement his learning in legal philosophy, comparative law, international legal studies, or wants to carry on advanced study and research in his field of interest.

3. A program for members of the bar who desire to specialize in particular branches of the law or who wish to extend their knowledge of the legal field.

4. A program for recent graduates who wish to pursue an

[128] Research and Graduate Study for Persons from Other Lands, The University of Michigan Law School (pamphlet), p. 7.

additional year of law training, with emphasis on some field of specialization which may or may not include advanced work in a related field of graduate study such as public administration, or business administration.

5. A program for one who is interested in legislative research, or who wishes to combine legislative research with advanced studies in other areas of the law.

6. A program for graduate lawyers from foreign countries who desire to extend their knowledge of the laws of the United States, or who desire to engage in comparative legal research, or both.

* * * * *

The Program for Present and Prospective Law Teachers

A number of fellowships, more fully described below, are available annually to assist law teachers and prospective law teachers to carry out advanced studies. The program here is designed to broaden the perspective of the student as to the nature and functions of the legal system, to provide opportunity for independent research, and to provide opportunity for inter-disciplinary study if it is desired. Courses in Jurisprudence and Comparative Law are normally elected, though not required, and provide an excellent groundwork for advanced study of particular legal problems. A graduate seminar in Legal Education, designed to explore the objectives and methods of law teaching, is normally required. Since most of those admitted under this program will seek the S.J.D. degree, a substantial amount of independent research is expected, and the student devotes the remainder of his time to original research and the preparation of a thesis. With faculty guidance available if needed, the student may select and carry out a project of independent research on an important legal problem. Sometimes the subject may form a part of a broader research project being carried out by a member of the Law School staff. At the beginning of the first semester, a faculty committee of three is appointed to supervise this part of the student's program. The chairman of this committee is ordinarily a faculty member whose chief interest lies in the field of study in which the student proposes to do do his research. A private office or carrell is provided in the Legal Research Building, with direct access to the extensive library materials. Ready access to the metropolitan areas of Detroit, Chicago, Toledo and Cleveland, make it possible to supplement library research with significant field study whenever needed. Moreover, the entire facilities of the University are available if needed. Products of this research form an important seg-

ment of the research program of the Law School, and a number of theses which were prepared in partial fulfillment of the requirements for the S.J.D. degree have been selected for publication in the Michigan Legal Studies. Others have been commercially published or appeared in the *Michigan Law Review,* or other legal publications . . . .

The program also provides opportunity for the student to elect from a wide variety of seminars offered in the Law School, or from cognate courses offered in the graduate departments of other schools and colleges in the University.

It has been customary for the graduate students, including those from foreign countries, to organize informal luncheon meetings to which faculty members from the Law School and other departments of the University are invited. Such meetings provide a splendid forum for getting acquainted with the legal systems and the cultures of foreign nations as well as stimulating inter-disciplinary exchange of ideas.

The Program for Practicing Lawyers or Recent Graduates to Specialize or Extend Their Study

The demands upon the members of the practicing bar have been constantly increasing. Graduates of law schools are presently forced, through the pressure of time, to omit the study of some fields in which competence is expected of the practitioner. To meet such demands, advanced or extended study is required, and a part of the graduate program at Michigan Law School is devoted to fulfilling such needs. The emphasis in the program is upon course study, either in the Law School or in graduate departments of other schools and colleges in the University. In the Law School, for example, seminars in Taxation, Labor Law, Anti-Trust Law, International Law, International Organization, The Institution of Property, Land Utilization, Comparative Corporation Law, Judicial Administration, Theories of Public Law, Constitutional Law, Corporate Reorganization, and others are regularly offered. Cognate courses in the school of graduate studies in economics, political science, sociology, psychology, business administration, public administration, engineering, basic sciences, or in other departments of the University are available in almost unlimited number. Where the particular need of the student cannot be met through course or seminar work, arrangements can be made for independent research, with faculty guidance and assistance.

Graduates students who pursue this program will normally be able to qualify for the Master of Laws degree at the end of two semesters in residence.

The Program in Legislative Research

In addition to what might be termed the regular program of graduate study in law, the Michigan Law School is offering a new program to outstanding law graduates who want to combine employment in our Legislative Research Center with a program of study leading to the LL.M. or S.J.D. degree. The salary for the employee is substantial and, in addition, he may qualify for a scholarship covering his tuition.

The Legislative Research Center, partially supported by funds from the W. W. Cook Endowment Fund, was established for the purpose of furthering legal research in legislative materials. Under faculty guidance, research assistants make studies of important current legislation from all states, and the studies are periodically published in a volume "Current Trends in State Legislation." The Center also performs occasional service functions in drafting legislation or carrying out research for those drafting legislation.

It is our belief that the work done in the Center, accompanied by a program of graduate classroom work, is excellent training for law teaching or for employment with legislative drafting and related service agencies. It is for this reason that we are offering qualified employees an opportunity to combine such work with a program of graduate study.

* * * * *

The Program in International Legal Studies

The graduate program in international legal studies, which commenced in 1919 and has been expanded under the Ford Foundation grant of 1954, is designed for two principal groups of students: (1) foreign students who come to Michigan, with a background of some other legal system, for the purpose of becoming acquainted with the general ideas of American law and engaging in comparative legal studies; and (2) American students interested in international law, comparative law and foreign law, with a view to teaching and research, work for the United States Government in positions involving competence in those fields, or specialized practice dealing with problems of international and foreign law. Students of each of these groups benefit from their close contact and exchange of ideas with the other group as well as with faculty members and research staff working in this area.[129]

[129] The Graduate Program of the Law School, University of Michigan (pamphlet), pp. 3-7.

IV. The Summer Program

The course of instruction in the regular session of the Law Department was lengthened from two to three years beginning with the academic year 1895-1896. At a meeting of the Law Faculty on December 11, 1895, the question was raised whether the "faculty of the department [should] offer a course of instruction for a summer school." [130]

A committee, headed by Professor Bradley Thompson, was appointed, and on January 4, 1896, submitted a report which was adopted by the faculty. It recommended the offering of such a program of instruction, designed to provide:

> A review course of study, covering principally the first two years of the law course in this department, and also special courses, which might . . . be elected by students seeking, primarily, academic instruction.

Subjects were to be assigned to specified members of the Law Faculty, and recommendations were made as to the methods of instruction to be employed:

> Your committee are agreed that all instruction, in the proposed school, ought to be given by the text-book method, and that the text-book used ought to be approved by the Faculty. But any regular professor of the Department should be allowed to use his discretion as to the method of instruction adopted in any subject he may offer. Your committee are inclined to the view that instructors should teach with the aid of some suitable text-book.
>
> There may be courses in which instructors may be compelled to teach by lectures, but the assent of the Faculty to do so should be obtained.
>
> Your committee are conscious of the fact that the students may be required to purchase text-books and that he should not be over burdened, but after careful consideration, we have concluded that nothing unreasonable is required of the student in this particular.

Each student was to pay a flat sum of $35 to the Treasurer of the University, who then was to distribute the receipts among the several professors:

> The total revenue received exclusive of what the university authorities receive should be divided equally between those giving instruction.

[130] Record of the Proceedings of Law Faculty (1895-1901), p. 10.

> In the distribution, the number of courses offered or the number of students taking any course should not be considered.
>
> The amount each professor or instructor should receive ought to be determined by the number of hours assigned to him or offered by him under the above schedule in proportion to the full number of hours assigned to and offered by all persons giving instruction.[131]

It should be noted that the decision to offer a summer school of law was made by the Law Faculty and that it was essentially an independent enterprise carried on with University approval.[132]

The Law Faculty offered a summer program of instruction in 1896, but the first mention of this innovation came in the Announcement for 1897-1898:

> For the summer of 1897, beginning July 5th and continuing for eight weeks, members of the Faculty of the Department of Law, will offer courses of instruction as described below. The work will consist of a thorough review of the leading topics of the law, designed especially to aid those who desire to review work already done for the purpose of preparing themselves to take examinations for admission to the bar, or who wish to secure advanced standing in the regular course of this or other law schools, or who wish to make up back work.
>
> While this review is the primary object of the instruction, many topics will be treated in such a way as to make them desirable for those who wish a knowledge of certain subjects of the law as a part of a liberal education. For such persons the course in Elementary Law, Contracts, Torts, Bills and Notes, and Personal Property, are especially recommended.
>
> * * * * *
>
> The work will consist of daily recitations from textbooks and lectures.
>
> While no examination for admission will be held, it is desired and expected that each applicant will present some evi-

[131] *Id.*, pp. 21-27. It should be noted that this provision for distributing among the Law Faculty the fees received for instruction in the summer program brought the Michigan Law Department close to being a proprietary law school. The 1859 decision of the Regents to pay the law professors a regular salary from the University and not permit them to be dependent upon fees was a most unusual one for that period.

[132] The Regents' Proceedings contain no reference to formal approval by the Board of the summer program offered in 1896. However, the proceedings for a meeting of the Regents on February 14, 1896, state: "The Law Faculty presented their scheme of work for a summer school in that department, with the subjects assigned to each instructor. They also asked to be allowed to spend $300 in advertising the school. On motion of Regent Butterfield, the matter was referred to the Auditing Board, with power," Regents' Proceedings, 1891-1896, p. 585.

> dence showing that he can pursue the work to his advantage, and such as will enable the Faculty to give proper advice as to subjects to be selected, etc. . . .[133]

A similar statement appeared in the 1898-1899 Announcement, with this addition: "Credit on the regular course is, however, not given for work in the Summer School." [134]

The first change in the purely proprietary character of the University's summer schools took place in 1899. The President's Report for 1898-1899 stated in part:

> The Summer School, which has heretofore been conducted by permission of the Board under a voluntary organization of such members of the literary and law faculties as chose to teach, was during the past year, so far as the Literary and Engineering Departments were concerned, placed on a different basis. The Board assumed the direct charge of the school and appointed the instructors. This action was taken at the request of the Literary Faculty. The pecuniary risk, if any, was thus assumed by the Board. Some advantages were gained by this change, and the fees received exceeded by a small sum the expense incurred.[135]

Several years were to pass before the Summer School of Law would be brought under the direct control of the University, but in 1900 the Law Faculty had concluded that there should be some formal recognition of it by the University authorities. Accordingly, at a meeting on March 5, 1900, the faculty adopted recommendations to be communicated to the Board of Regents. Presented at a meeting of the Regents on April 18, 1900, these recommendations were adopted by the Board. The communication stated:

> To the Honorable The Board of Regents:
>
> *Gentlemen:*—
>
> The Law Faculty, deeming it desirable that the Summer Law School should be recognized by your body, and its relation to the University defined, make the following requests:
>
> First. That the Faculty of the Law Department be authorized to maintain a Summer School of Law, to adopt a course

[133] Announcement, 1897-1898, pp. 29-30.

[134] Announcement, 1898-1899, p. 31. See, however, the minutes of a meeting of the Law Faculty on October 2, 1896, where on motion of Professor Knowlton, the Law Faculty adopted the proposal ". . . that each student who has attended the Summer School of Law in this department be referred to the different members of the faculty for credits for the work done upon the subjects covered in the Summer School of Law." Record of the Proceedings of Law Faculty (1895-1901), p. 71.

[135] Regents' Proceedings, 1896-1901, p. 439.

of instruction to be given therein, and to fix the fees to be paid for such instruction.

Second. That the persons who shall give instruction in such summer school shall be designated by the Law Faculty.

Third. The persons so designated by the Law Faculty shall constitute the Faculty of such Law School, and shall elect a chairman and secretary and shall have general charge and direction of the school and shall be personally liable for all expenses incurred on account of the School.

Fourth. The Summer School of Law shall have the use of the Law Building and the Law Library.

Fifth. Every person attending such school shall pay the fee prescribed into the Treasury of the University.

Sixth. The treasurer of the University shall pay out of such fees all expenses incurred for such Summer School of Law, and shall pay over the balance to the several members of the Faculty upon the certificate of the chairman and secretary thereof.

All of which is respectfully submitted.[136]

The question of allowing credit for work in the Summer School was discussed at a meeting of the Law Faculty on February 17, 1902. Certain recommendations were made which were incorporated into the 1902-1903 Announcement.[137] In spite of this change, the Announcement

[136] Record of the Proceedings of Law Faculty, p. 405. Regents' Proceedings, 1896-1901, p. 493.

[137] Faculty Minutes, 1901-1910, pp. 33-34. The minutes state:

"The Summer School Faculty made a recommendation as to the allowance of credit for work done in the Summer Session, which after discussion was adopted as follows:

"CREDIT FOR WORK IN THE SUMMER SCHOOL.

"When the Professor in charge of any subject shall report a student as having passed such subject in the Summer Session, the Secretary shall be authorized to give such student full credit in that subject when he becomes according to the regular rules an applicant for advanced standing therein. When a different instructor from the Professor in charge teaches a subject in the Summer Session, such instructor shall, at the close of the course in the Summer Session, give an examination, for which the Professor in charge of the subject shall furnish the questions, and the papers then written shall be received by the Professor in lieu of the regular examination for advanced standing in September. No subjects shall be taught in the Summer Session except those for which the above provision can be made.

"The following rules as to credit for work in the Summer Session are hereby adopted and their publication authorized:

"Credit in the regular course of the Department of Law for subjects passed in the Summer Session may be granted under the following conditions:

"The student must first present the required credentials and satisfy the Dean as to his right to apply for advanced standing to the second or third Year class. He will then receive credit in subjects passed in the Summer Session in which his credentials

made it clear that attendance in the summer was not to be equated with attendance during the regular session:

> It will be the aim of the work to meet the needs of those desiring to review the subjects taken to prepare for examinations for admission to the bar, to make up back work, or to take examinations for advanced standing in this or any other law school. Many of the courses, however, are desirable for those who wish a practical knowledge of the law as part of a liberal education, and especially for those looking forward to a commercial career. Much of the work is practically the same as that given in the Higher Commercial Courses of the University . . . .
>
> * * * * *
>
> It should be understood that the brief courses offered in the Summer Session are given as review courses intended especially for those who have done previous private study. They are not to be considered as in any sense equivalent to the corresponding courses given in the regular session of the department, and, except to those showing previous study, no further recognition for work in the Summer Session can be given than a certificate showing the work done.[138]

During the following academic year, 1903-1904, the Summer School of the Law School was brought directly under University control. At a meeting of the Regents on December 22, 1903, the chairman of the Special Committee on the Summer School submitted a report, which was adopted by the Board. The report stated:

> *Gentlemen:*—Your committee appointed to consider the advisability of uniting the Summer Sessions held in the Departments of Literature, Science, and the Arts, of Engineering, of Law, and of Medicine and Surgery, under the general direction and control of the Board of Regents, beg to report as follows:
>
> At a meeting of the committee, at which were present the President, Deans Hudson, Vaughan, Hutchins, and Mr. Reed, the question was considered and the committee were unani-

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would entitle him to ask for an examination for advanced standing. For regulations as to admission to advanced standing, see the regular announcement of the Department of Law.

"The rules for admission to the regular course will be so far modified in favor of students of the Summer Session as to make twelve months study, ten under a practicing attorney and two in the Summer Session, the equivalent of the fifteen months study under an attorney required for admission to the examination for second year standing.

"All students of the Summer Session will be entitled to a certificate of attendance."

[138] Announcement, 1902-1903, pp. 34-35.

> mously of the opinion that, providing the details could be satisfactorily arranged, the placing of the various schools now held or to be held in the University of Michigan, during the summer, under the direction and control of the Board of Regents would be of material advantage both to the schools and to the University.
>
> The working out of the details of a practical scheme of administration, hours, salaries, etc., has been entrusted to a committee consisting of Messrs. Reed, Goddard, Huber, and Goulding. This committee has begun work upon the question, and if it be the pleasure of the Board, will have a detailed scheme, duly ratified by the various faculties, ready to submit to the Board at the January meeting.[139]

The committee submitted its report on February 11, 1904, recommending that the work of all the summer schools at the University "be under the direction and control of the Board of Regents, and . . . that they be so operated and controlled under the title of the Summer Session of the University of Michigan."[140] The Board adopted the report, which made provision for placing the work in the Law Department "in charge of the Dean and Secretary," made provision for the selection of instructors and their compensation, and specified certain administrative details.[141]

In his report for 1903-1904, President Angell referred to the reorganization of the Summer Session which had occurred:

> An important change was made this year in the organization of the Summer School of the Medical and Law Departments. They have heretofore been carried on by permission of the Regents through the personal enterprise of some members of the Faculties, as that of the Literary Department was for a time. The teachers who chose to do so offered instruction and received as compensation the fees which were paid. Since it was not at first certain what demand there would be for such instruction the opening of those schools was treated as experimental. But it having been demonstrated by trial that there is a permanent call for these professional schools, it has been deemed best to bring them like the Summer School of the Literary and Engineering Departments under the direct control of the Regents and thus impart to them a certain dignity and stability, which would add to their strength. Accordingly, in all branches of the Summer School alike, the teachers were appointed this year by the Regents on fixed salaries, and the

[139] Regents' Proceedings, 1901-1906, p. 303.

[140] *Id.*, p. 313.

[141] For the full text of this report, see *id.*, pp. 313-15.

fees received were paid into the University treasury. It is believed that this has proved advantageous . . . .[142]

The Announcement for 1905-1906 noted certain changes, designed to facilitate the securing of credit in the regular law course, effective for the summer of 1905.[143] No further alterations in the basic scope of the Summer Session took place until 1910, when a complete reorganization took place.

The question of whether work in the Summer Session should be conducted in the same manner as during the regular session was first considered by the Law Faculty at their meeting on November 30, 1908. While it was agreed that "in the summer of 1909 the work shall be carried on the same as in previous summer sessions . . ." a committee was appointed "charged with devising a plan of work and a scale of salaries for future summer sessions." [144]

The committee submitted a report at a meeting of the Law Faculty on November 30, 1909. After considerable discussion, the Secretary of the Faculty was instructed "for the session of 1910 . . . to work out a plan substantially on the lines of previous summer sessions." [145] Three weeks later, the Law Faculty reversed its action and adopted a plan which looked forward to placing work completed during the Summer Session on a par with that done during the regular session.[146]

[142] *Id.*, p. 404. Among the advantages might be noted the fact, referred to by Hutchins in a communication to the Regents on February 14, 1905, which noted that "the income of the department summer term last summer was about six hundred dollars greater than its cost. Judging from present appearances we shall have a larger attendance during the coming summer and therefore a larger surplus." *Id.*, p. 497.

[143] Announcement, 1905-1906, pp. 37-38. See also University of Michigan, Department of Law, Minutes of Faculty Meetings, 1901-1910, p. 166.

[144] Faculty Minutes, 1901-1910, p. 370.

[145] *Id.*, p. 417.

[146] *Id.*, pp. 421-23. The minutes state:

"The Faculty then considered a further report of the Committee on Summer Session. The Committee recommended that hereafter work done in the summer session be substantially the same as that done in the regular session; that half the subjects of the first and second years of the regular course be given in the even years and the other half in the odd years, and that contracts, and the first semester of torts be given each year; that the summer session be divided into two terms of five weeks each; that each two hour subject of the regular term be given six hours per week for five weeks with an examination of two hours at the close, and other courses be arranged on a similar basis; that each professor teach for five weeks, two courses of six hours per week each, with four hours of examination; a total of sixty-four hours at a compensation of $400.

"The above scheme would call for a salary budget of about $2800 per year, and the compensation offered would be sufficient to enable the Department to secure, whenever desired, some of the strong men from the faculties of other law schools.

An explanation of the changed concept of the work of the Summer Session appeared in the 1910-1911 Announcement:

> The sixteenth annual Summer Session of the Department of Law of the University of Michigan will begin on Tuesday, July 5, 1910, and continue for ten weeks. The session will be divided into two periods of five weeks each, and will be so conducted as to enable those who attend, and who so desire, to earn credit toward a degree in the courses pursued. Hitherto the courses in the Summer Session have been conducted as brief review courses, but in the future the work will be substantially the same as that in the first two years of the regular session . . . Instruction will be given by members of the Faculty of the Department and, for the most part, each subject will be taught by the professor in charge of that subject in the regular session.
>
> While the nature of the work has been changed as above indicated, it will, nevertheless, be conducted with a view to meeting the needs of such students as have hitherto attended the Summer Session. A particular effort will be made to make the courses valuable to those who have studied law privately, and who find it possible in the summer to take thorough instruction, either in the work already studied, or in subjects not before pursued. The Summer Session will also offer an opportunity to those who wish to take a brief study of the law for business purposes, or who are preparing for examinations for admission to the bar . . . .[147]

Summer Session work was placed on the same level as that done during the regular session in 1911, the Announcement stating:

> The work offered in the Summer Session is the same in character and amount as that given in the corresponding courses during the regular session, and full credit toward a degree is given in courses successfully passed during the summer.[148]

"The student would be able to complete the work of any given semester in the first two years of the regular course by attending two summer sessions. He could probably complete a full year's work in three summer sessions and the whole two years' work in six summer sessions. It was moved and carried by a majority vote that the work might be so arranged as to permit the whole of any subject to be given within five weeks, such subjects as contracts, torts, and corporations to be given twelve times per week for five weeks.

"It was then moved and carried that the report as presented should be adopted and recommended to the Board of Regents, to be put into effect for the coming summer session."

[147] Announcement, 1910-1911, p. 34.

[148] Announcement, 1911-1912, p. 34.

The general description of the Summer Session, contained in the 1912-1913 Announcement, remained largely unchanged until after World War II:

> The eighteenth annual Summer Session of the Department of Law of the University of Michigan will begin on Monday, June 24, 1912, and continue for ten weeks. The session will be divided into two periods of five weeks each. The work of the Summer Session is planned so as to offer in any two successive summers all the prescribed courses of the first two years of the work leading to a degree. In addition to these, most of the elective courses will be given every second or third summer in such order as to meet the requirements of those who contemplate taking advantage of the Summer Sessions in working for their law degrees. The fundamental courses in contracts, torts, and pleading are usually offered each summer. Instruction is given for the most part by members of the Faculty of the Department, but a few courses will be given by men of recognized ability from other law schools.
>
> Students who begin their law study with a Summer Session may shorten the time required to complete the work leading to a degree from three calendar years to two regular years and three Summer Sessions. They may thus be able, by beginning the work in June of any summer, to complete the course two years from the following September. The work given in the summer is the same in kind and amount as that given in the corresponding subjects in the regular session, and the completion of any course in the summer gives the student full credit toward a degree in any subject so passed. The Summer Session thus affords those who are unable to attend at other seasons of the year opportunity to enjoy thorough instruction in the law. Many practicing lawyers avail themselves of this opportunity for further study or review. Special effort is made to satisfy the needs of these classes of students.
>
> The Summer Session also offers an excellent opportunity to those who wish a brief study of the law for business purposes, or who are preparing for examinations for admission to the bar, and students who plan to enter the Department upon advanced standing will find it advantageous to take at least one Summer Session as a preparation for further work.[149]

The reference to the value of the Summer Session for practising lawyers did not appear in the Announcement after 1918-1919. The reference to students seeking admission with advanced standing was dropped in 1928-1929. While special students were still admitted, the

[149] Announcement, 1912-1913, pp. 34-35.

Summer Session became more and more geared to the needs of law students who for one reason or another wished to attend school in the summer.[150]

During the years of World War II, when the Law School was operating on a three-term basis, no special reference to the Summer Session appeared in the annual announcements. The 1947-1948 Announcement stated that the two periods, which had previously been five weeks long, had been lengthened to five and a half weeks.[151] In 1951, the scope of the Summer Session was further enlarged, the 1951-1952 Announcement stating:

> . . . Regular classwork of the session will be divided into two successive periods of five and one-half weeks each and in addition several courses will be offered during the first eight-week period, June 18 to August 11, and the last three-week period, August 13 to September 1.[152]

The following general statement for the 1959 Summer Session appeared in the 1959-1960 Announcement:

> The sixty-sixth annual summer session of the Law School of the University of Michigan will begin on June 15, 1959, and will continue until August 28. Regular classwork of the session will extend over eleven weeks. Some courses are for the full period. Others are taught in two successive periods of five and one-half weeks each, and in addition several courses will be offered during the first eight-week period, June 15 to August 10. A few courses are also offered during the final three-week period. Instruction is given for the most part by members of the faculty of this School.
>
> Students who begin their law study with a summer session may shorten, from three calendar years to two regular sessions and three full summer sessions, the time required to complete the work leading to a degree. They may thus be able, by beginning the work in June of any summer, to complete the course in two years from the following September. The work given in the summer is the same in kind and amount as that given in the corresponding subjects in the regular session, and the completion of any course in the summer gives the student full credit in such subjects toward a degree. The summer session thus affords those who are unable to attend at other

[150] For information relative to requirements for admission, see Part II, IX: 1. For information relative to attendance during the successive Summer Sessions, see Part II, VIII: 7.

[151] Announcement, 1947-1948, p. 32.

[152] Announcement, 1951-1952, pp. 41-42.

seasons of the year opportunity to enjoy thorough instruction in the law.[153]

V. Continuing Legal Education

The responsibility of the Law School to contribute to the continuance of legal education was recognized clearly by Dean Stason. In his initial report as Dean to the President, he called attention to the first institute held at the Law School in June 1939:

> In further development of the institute idea of post-graduate education in law, the Law School undertook an experiment on June 22, 23, and 24, 1939, and conducted a Law Institute in Ann Arbor. Practicing lawyers were invited to attend, and the program consisted of three days of six hours each, divided equally among problems in trusts and wills, problems in taxation, and problems in labor law. The Institute was held after Commencement, at which time the Lawyers Club was not occupied by students and could be used for housing the visiting lawyers . . . The attendance at the Institute was most gratifying. There was a total enrollment of 176 members of the bar, including many from such far-distant points as Los Angeles, California, Birmingham, Alabama, and Chattanooga, Tennessee. Some of the lectures of the Institute were given by members of the faculty and some by members of the practicing bar . . . .[154]

The following year, a second institute was held, likewise for three days, "divided equally between the law of restitution, judicial procedure, and certain recent federal legislation." [155]

Plans to offer a third institute in the June of 1941, similar in nature to those held in 1939 and 1940, were prevented by dislocations arising prior to the entry of the United States in World War II. These pre-war institutes were geared to the needs of practicing lawyers and were designed for an entirely different purpose than the so-called Summer Institutes which were initiated by the Law Faculty, under the stimulus of Dean Stason, in the post-war period.[156]

The Summer Institutes were directed toward a comprehensive investigation into a particular legal problem or group of problems, with speakers drawn from within and without the United States. The first

[153] Announcement, 1959-1960, p. 53.
[154] President's Report, 1938-1939, p. 110.
[155] President's Report, 1939-1940, p. 115.
[156] For a list of institutes offered, see Part II, V: 12.

such institute was held in the summer of 1948 and dealt with Current Problems in International Law. In 1949, the second, dealing with Legal Problems of World Trade, was held, with approximately twenty-five speakers appearing on the program. The proceedings of this and most of the succeeding summer institutes were published in a special series under the auspices of the Law School.[157]

A third summer institute was held in 1950, and in his report to the President for 1949-1950, Stason stated:

> The institute held in the summer of 1950 dealt with the subject "The Law and Labor-Management Relations." Under the direction of Professor Russell A. Smith this institute extended from June 26 to July 1, with three to five sessions each day . . . . Altogether some fifty-two speakers were assembled for the program. Every effort was made to present the controversial aspects of labor-management relations in a well-balanced manner. In virtually every session, three points of view, often sharply conflicting, were presented—those of management, labor, and the public. Gilbert H. Montague, a member of the New York bar, and a well-known expert on antitrust law, continued to manifest his interest in the summer institute program by his personal participation and his substantial contribution to its financial support. These summer institutes, devoted in each instance to a thoroughly practical subject of interest to members of the actively practicing bar and, at the same time, focusing upon these subjects the views of scholars both in this country and abroad, are proving to be a very valuable adjunct to the regular program of the School.[158]

The Summer Institutes proving successful, the "bread-and-butter" institute was reactivated in the spring of 1950, with an Institute on Advocacy. Professor Charles Joiner, as Chairman of the Institute Committee, felt that the success of this institute warranted its continuance

[157] Proceedings of the following institutes were published in a special series under the auspices of the Law School:
The Conflict of Laws and International Contracts (1949)
The Law and Labor-Management Relations (1950)
Taxation of Business Enterprise (1951)
Atomic Energy—Industrial and Legal Problems (1952)
Federal Antitrust Laws (1953)
Communications Media—Legal and Policy Problems (1954)
International Law and the United Nations (1955)
Legal Problems of Atomic Energy (1956)
Water Resources and the Law (1957)
Collective Bargaining and the Law (1958)

[158] President's Report, 1949-1950, p. 107.

and an institute dealing with Advocacy became an annual event. In 1951-1952, a second winter institute was offered, dealing with Michigan Land Title Examination. These were both conducted in cooperation with the Michigan Law Institute of the Michigan State Bar, "although all of the administrative work and the selection of the program was the responsibility of the Institute Committee of the Law faculty." [159] By 1952-1953, the scope of that part of the institute program directed to the practicing attorney had been broadened to include four institutes.

One of the most unusual of the summer institutes was offered in 1952, dealing with The Industrial and Legal Problems of Atomic Energy, which Stason described as follows:

> . . . Technical experts, government officials, and industrialists, as well as members of the bar, were drawn together to discuss and confer with respect to the problems arising in this new and important field. Discussion ranged from technical problems of power production and the use of isotopes in industry and medical therapy through a wide variety of legal implications, including the numerous and unique patent problems, problems of tort liability, unusual workmen's compensation problems, the terms of contracts involving atomic energy developments, and other unusual problems including necessary amendments of the Atomic Energy Act—all of which are likely to be found in the grist of law offices in the generation to come.[160]

Between 1952 and 1958, it had become accepted practice for the Law School to offer either four or five institutes every year, dealing with a broad range of subjects. In his annual report to the President for 1957-1958, Stason described the institute program:

> Because of the popularity, the worth, and the success of the special Law Institutes hitherto conducted by the school we have continued this activity during the current year. These offerings have not only proved attractive to the bench, bar and alumni desirous of returning to the campus for the purpose of participating in such affairs, but they have also served to enrich the work of the school by bringing students and faculty into contact with the new and timely problems that constitute the frontiers of the law. During the year, the following institutes were held:
>
> September 4-6, 1957. The Eighth Summer Institute of the Law School. This Institute was devoted to a special Conference on Water Resources and the Law. The

[159] President's Report, 1951-1952, p. 111.
[160] *Id.*, p. 113.

principal objective was to examine the legal rules and devices which a society must adopt in the face of a growing need for water resources that are in short supply. Approximately 125 off-campus guests attended.

February 13 and 14, 1958. An "Institute on Modern Frontiers in Selected Fields of Law." The fields included torts, labor problems, constitutional law and judicial method. Members of the Law School faculty led the discussions. Approximately 150 guests attended.

February 14 and 15, 1958. The Ninth Annual Institute on Advocacy. This Institute dealt with tactics and techniques of trial, including settlement negotiations, discovery, case organization, argument, exhibits, demonstrations, etc. Approximately 1,000 guests attended.

* * * * *

March 6 and 7, 1958. The Fourth Annual Industrial Relations Conference. The subjects of discussion included public issues and practical problems in labor and industrial relations.

March 21 and 22, 1958. The Institute on Practical Property Problems for the General Practitioner. This was a special institute assembled to deal with such matters as sales agreements, land contracts, tax considerations, highway condemnation, federal tax liens and other significant matters. Approximately 450 guests attended.[161]

Another post-World War II development, which had had its origins in pre-war recommendations, was the Thomas M. Cooley Lectureship. Like the several institutes it was designed to broaden the scope of professional training, but unlike the institutes the Cooley Lectures were based upon the research activity of a single individual who was invited by the Law Faculty to deliver a series of "scholarly discussions of timely professional topics." The terms of the lectureship, established with the approval of the Board of Regents and the trustees of the William Cook Endowment Income, prescribed that "the lecturers shall be mature and outstanding legal scholars, thus ensuring valuable contributions to legal science." [162]

Dean Stason described the inauguration of the lectureship in his report to the President for 1945-1946:

> Several years ago, the faculty recommended that there be established under the auspices of the William W. Cook En-

[161] The Law School, Annual Report for the President and the Board of Regents, MS., pp. 3-4.

[162] Announcement, Law School, 1958-1959, p. 41.

dowment Fund a special lectureship in the Law School to be known as the Thomas M. Cooley Lectureship in Law. This lectureship is intended to sponsor in the Law Quadrangle a series of distinguished lectures on phases of jurisprudence of timely interest and value to students, faculty and the legal community . . . . The lectures will be published in the Michigan Legal Series. The advent of the war caused a postponement of the program, but return to peacetime activities has made it possible to embark upon the series . . . .[163]

The following Cooley Lectures were published or scheduled for publication:

1946-47: The Constitution and Socio-Economic Change, by Professor Henry Rottschaefer, of the University of Minnesota Law School

1947-48: Our Legal System and How It Operates, by Professor Burke Shartel, of The University of Michigan Law School

1948-49: Some Difficult Problems of Equity, by Professor Zechariah Chafee, Jr., of the Harvard University Law School

1949-50: Administrative Discretion and Its Control, by Dean E. Blythe Stason, of The University of Michigan Law School

1951-52: Perspectives in Conflicts Law, by Professor Hessel E. Yntema, of The University of Michigan Law School

1952-53: Selected Topics on the Law of Torts, by Professor William Lloyd Prosser, of the University of California School of Law

1953-54: A Common Lawyer Looks at the Civil Law, by Professor Frederick Henry Lawson, University of Oxford; Barrister-at-Law, Gray's Inn

1954-55: Public Policy and the Dead Hand, by Professor Lewis M. Simes, of The University of Michigan Law School

1955-56: Frontiers of Constitutional Liberty, by Professor Paul G. Kauper, of The University of Michigan Law School

1957-58: Use of International Law—A Re-examination, by Professor Philip C. Jessup, of Columbia University Law School

1958-59: Judges: Oracles of the Law, by Professor John P. Dawson, Harvard University Law School

Another series of lectures of special interest to Law students was the William W. Cook Lectures on American Institutions. Cook pro-

[163] President's Report, 1945-1946, p. 107.

vided funds for these lectures, which were inaugurated in 1944-1945 with a series entitled "Freedom and Responsibility in the American Way of Life," delivered by Professor Carl L. Becker of Cornell University. As University lectures they were open to all members of the University community and to the general public.[164] The 1957-1958 series was entitled "Planning for Freedom: The Government of the American Economy," delivered by Dean Eugene Victor Rostow of Yale University School of Law.

[164] The following Cook Lectures have been published in a special series established for the purpose:

1944-45: Freedom and Responsibility in the American Way of Life, by the late Professor Carl L. Becker, Cornell University

1945-46: Total War and the Constitution, by Professor Edward S. Corwin, Princeton University

1946-47: Alternative to Serfdom, by Professor John Maurice Clark, Department of Economics, Columbia University

1947-48: Men and Measures in the Law, by Arthur T. Vanderbilt, Dean of New York University School of Law and Chief Justice of the Supreme Court of New Jersey

1948-49: Characteristically American, by Ralph Barton Perry, Professor Emeritus, Department of Philosophy, Harvard University

1950-51: Democracy and the Economic Challenge, by Robert Morrison MacIver, Department of Government, Columbia University

1951-52: The Pursuit of Happiness, by Howard Mumford Jones, Department of English, Harvard University

1954-55: Law, Politics, and Economy, by Walton H. Hamilton, of the Washington, D. C., bar

1957-58: Planning for Freedom: The Government of the American Economy, by Eugene V. Rostow, Dean of Yale University School of Law

Chapter VI

Teaching Techniques: Problems, Lectures, Texts, and Cases

As set out in Chapter II, the objectives of legal education at Michigan were altered and adjusted throughout the hundred-year period in response to changing conditions and needs. Correspondingly, between 1859 and 1959, marked alteration occurred in the means used to realize these objectives, namely, instructional techniques and curriculum content. The development of a variety of methods of instruction taken alone does not show how the Law School adjusted its pattern of activities to meet changing objectives of legal education. And the same can be said of the development of the curriculum, set out in Chapter V, if viewed by itself without reference to the broad objectives and to instructional techniques. Hence, Chapters II, V, and VI complement each other, and should be considered as a unit, designed to describe the means whereby the ends were brought to an attempted fulfillment.

Between 1859 and 1959, the Law Faculty employed four major methods of instruction: lectures, textbook recitations, case study (later modified by the addition of supplemental materials) and legal writing and research. The last mentioned technique, with strong emphasis upon seminar-type study, using problems, research assignments, the drafting of legal instruments, and the preparation of papers, while employed from time to time throughout the period, received increased attention during the deanship of E. Blythe Stason.[1]

Four periods, each identified with a major type of instruction, are discernible, but actually there was a considerable degree of overlapping. During the "lecture period," students attended Moot Courts, were "examined" on their lectures, were advised to purchase and refer to specified textbooks and cases, and were required to prepare a thesis as a graduation requirement. Toward the close of this first period, there was formal instruction in "leading cases" and recitations on text assignments were held. During the "textbook period," theses were still required and lectures continued to be given, with case materials receiving increased attention. Moot Courts were superseded by the Practice

[1] Although the initial plan for the Law Department's program included "practice," and although Moot Courts were organized during the Department's first term and were visualized as an integral part of the instructional program, Moot Courts and similar instructional devices have been placed in *Training for Advocacy, infra,* to facilitate an integrated presentation of material.

Court in 1894, but the objective of training students for actual practice remained. The case method was the officially recognized method of instruction during the 1920's and 1930's and was still used after World War II. However, in the post-World War II years, it was heavily supplemented by statutes and other non-decisional legal materials as well as by non-legal materials and also by seminars and comparative law study, all in addition to practical experience in training for advocacy and an expanded use of problems and research assignments.

In *Legal Education at Michigan,* a pamphlet distributed to law students in 1958-1959, the prevailing type of instruction was described:

> . . . Free classroom discussion of legal principles, as disclosed in reported cases, statutes, and other legal materials is the core of the program, but various other classroom techniques are utilized where appropriate. Problems are submitted for solution, and legal research and drafting are required. Students explore related materials as time permits, in order, better to understand the application of the law to social problems. To insure that students become familiar with the conduct of litigation, instruction is offered in civil and criminal procedures. This teaching is supplemented . . . by programs of student-managed case clubs, or moot courts.[2]

First Period

The resolution of the Board of Regents, adopted March 29, 1859, establishing the Law Department, provided:

> A system of lectures, study, practice, and examinations shall be pursued in the Law Department. . . . There shall be at least ten lectures and examinations each week during the entire course.[3]

A course of instruction was organized accordingly with two hour-long lectures delivered each day for five days every week. The meaning of the word "examinations" as used in the 1859 resolution is explained by an account of the founding of the Law Department, written by Thomas M. Cooley in 1894. It stated:

> The general course of instruction in the department was to embrace two lectures of an hour each for five days in each week. Upon these lectures the professor who delivered them examined the class afterwards. The plan adopted for the examination was such as to make the exercise quite as much one

[2] Legal Education at Michigan (pamphlet, University of Michigan Official Publication, Vol. 57, No. 40, 1955), p. 5

[3] Regents' Proceedings, 1837-1864, p. 847.

> of instruction for the student as one calculated to draw from him what he had learned from the lecture upon which he was examined, for it was accompanied continuously by explanations, by remarks additional to what had been said before, by the citation of illustrative cases, and by responses to such questions as the students felt inclined to ask, either upon what the professor had said in the lecture or upon the general subject.[4]

The first law lecture was delivered on October 5, 1859, by Professor Charles Walker. For the following quarter of a century, lectures were recognized officially as the predominant method of instruction. Moot courts were utilized as a supplemental device, providing some measure of practical experience in courtroom procedures.

The lecture techniques employed by Professors Walker and Campbell in the early years of the Law Department, were described in 1894 by Cooley:

> Professor Walker was in many respects a model lecturer. He was never in the habit of writing his lectures out, but he spoke from very full notes, presenting the leading principles upon which he proposed to address the class very clearly, though concisely, enlarging upon them as he proceeded, and giving citations to many cases the bearing of which he explained. He had a strong voice. He spoke deliberately, and no one had any difficulty in catching exactly what he said, or in taking copious notes as the lecture proceeded. His general course continued the same so long as he remained in the department. It is almost needless to say that from the very first he was always a favorite with the students, for what he undertook to teach them was clearly and forcibly put, and they could not well fail to understand and retain it. Professor Campbell followed Professor Walker on another lecture day. His course was somewhat different: his notes were more fully written out, and he spoke with great ease and fluency. He covered more ground in a lecture than did his associate who preceded him, and what he said, if written out precisely as delivered, might almost without correction or change have been accepted as a chapter in a standard work upon the subject treated. The writer has often thought that if his lectures upon equity jurisprudence had been taken down exactly as he delivered them, and reproduced in book form, they would have constituted a not inadequate substitute for any work on that subject then in existence. He was not less acceptable to the classes than was

[4] To Wit: Department of Law, University of Michigan, Class of '94 [hereinafter cited as To Wit], p. 102.

> Professor Walker, though they followed him with somewhat more difficulty, and took less copious notes of what he said.[5]

President James B. Angell, also writing in 1894, described Cooley's methods of lecturing:

> As a lecturer on law, he was noted for the sharpness of his analysis, for the clearness with which he stated principles, for the legal learning with which he illustrated and expounded his statements, and for the breadth and soundness of his generalizations. He did not write his lectures. He spoke from brief notes slowly, and with such lucidity and precision of language that the students easily grasped and held his thoughts.[6]

Student note-taking, referred to in Cooley's account of Campbell's and Walker's lectures, constituted an important part of the learning process. A number of handwritten sets of notes, covering the lectures attended, have survived.[7]

When James Campbell delivered a lengthy dissertation at the official opening of the Law Department, he initiated a practice followed during the first decade of the Law Department's existence. Annually some member of the Law Faculty presented an opening address to "all the members of the Law Department." In 1864, Thomas Cooley, according to the notebook owned by W. O. Balch, discussed, among other matters, the place of the lectures in the pattern of instruction.

> . . . [He] urged in the strongest terms, strict *attention* to the lectures to be delivered during the term, and he also said that this Law School was founded for the purpose of inculcating a thorough knowledge of the principles of the Law, as well as to give forth a plan for the practice of these principles, when the student should go forth to mingle in the active duties of life. . . . The use of the Law School is to inculcate investigation, the course adopted is the same as used in all the Law Schools of the United States . . . .[8]

Five years later, in 1869, James Campbell is said to have informed the students:

> The aim of the lectures shall be to explain the law and discuss the principles upon which it is based. The lecturer will aim to be precise, as precision in practice is very essential,

[5] *Id.*, pp. 103-104.

[6] *Id.*, p. 114.

[7] See Part II, V:3.

[8] W. O. Balch, MS. notebook, 1864-1865, pp. 1-2, on deposit in the Michigan Historical Collections, The University of Michigan.

> while conciseness, in as much as it is incompatible with ready comprehension, and in pleading cases before a Jury is not the best manner of making a favorable impression . . . .[9]

Extracts from notes taken on selected classroom lectures, appear in Part II.[10]

Such student notes as have survived contain sufficient detail so that considerable information is available concerning the actual contents of the lectures. This is important because, while the Faculty Records provide a full list of the general topics covered in each lecture between 1859 and 1896, no complete and authoritative text of any lecture has been discovered.[11] Moreover, the care with which these notes were prepared indicates the note-takers did not sit passively through the lectures. The neat and unhurried penmanship appearing in some of the earlier sets makes it likely that the notebooks were prepared outside the lecture room on the basis of notes taken there. The use of shorthand intermittently in some of the later sets suggests an effort to record the lecturers' remarks *verbatim*.

Note-taking was clearly an essential part of the lecture system, but it is impossible to say how many students prepared their own notes. That some, if not many, students relied on notes taken by others is indicated by the fact that a number of sets of printed or mimeographed notes have survived.[12]

The earliest set of such reproduced notes which has been located bears on the title page:

> Lectures on the Law of Real Property including Easements. Delivered by Harry B. Hutchins . . . University of Michigan. From Oct. 6, '86 to May 11, 1887.

Ninety-five pages in length, this purported to be a complete reproduction of Hutchins' lectures for that year. The taking and reproducing of notes in this manner must have been lucrative, for the scope of the operation was soon expanded. By way of example, Henry Jewell, Law '91, owned three volumes, containing twenty-three separate sets of notes on particular lectures, ranging from fifteen to one hundred and thirty pages in length, in most instances with a separate index for each set of lectures.

This note-taking and duplicating activity, with the ultimate objective

[9] H. B. Schwartz, MS. notebooks, 1868-1869, vol. I, p. 1, on deposit in the Michigan Historical Collections.

[10] See Part II, VI: 1.

[11] This fact becomes comprehensible in light of the descriptions of the lecturing methods employed by Campbell, Cooley, and Walker appearing in To Wit.

[12] See Part II, V: 3.

of sale to interested students, apparently came to the attention of the Board of Regents. On November 17, 1893, they passed the following resolution:

> *Resolved,* That in the opinion of the Board, the publication of lectures delivered or to be delivered in the Law Department of this University is injurious to the interest of that Department and its students, and we approve of the efforts of the different Professors whose lectures have been so published for the prevention of their further publication.[13]

While this action of the Regents refers to publication of the "lectures," the lecturers themselves spoke from notes and did not prepare their lectures in such a manner that they would be publishable. The thrust of the Regents' resolution was, no doubt, directed toward attempts by students and others to take down the lectures for unauthorized publication, in an effort to prevent further activity of this character.

What action the several professors took is not known, although reports have persisted that at least one was contemplating legal action against a particular note-taker. The Regents may well have been dissatisfied with the effect of their November resolution, for on June 27, 1894 they took further action.

> *Resolved,* That each student applying for graduation in the Law Department, shall be required to take in his own handwriting notes of the several lectures delivered in the courses required for graduation, in proper book or books, which he shall from time to time, on request, deliver to the several professors for examination.
>
> *Resolved,* That it shall be the duty of the several lecturers in the Law Department to examine from time to time the notes on the lectures delivered by them, and the character of the notes so taken shall be considered in determining the question of graduating students.[14]

These requirements, as set out by the Regents, were never incorporated into the annual Announcement of the Law Department as a part of expressed policy. The number of sets of notes reproduced after 1893-1894, which have survived, suggests rather that the practice continued at an accelerated rate.

[13] Regents' Proceedings, 1891-1896, pp. 228-29.

[14] *Id.*, p. 309.

The minutes for the meeting of the Law Faculty, February 22, 1896, read in part:

> It was moved by Prof. Knowlton and supported by Prof. Champlin, that the rule of the Board of Regents requiring students to take notes of each lecture and that the Professor be required from time to time to call for such notes, be referred to the Board for an interpretation.—*Carried*—[15]

At a meeting of the Law Faculty on October 7, 1897, the matter of unauthorized publication of law lecture notes was discussed. The minutes state:

> Prof. Mechem moved the following resolution:
> That the Faculty is opposed to the taking and publishing of any lectures delivered in this department except by persons submitting to such conditions and supervision as the Faculty or the Dean may impose; and that the Dean be requested to cause all other persons to be excluded from attending upon lectures; which resolution unanimously adopted.[16]

The requirement of the Board of Regents, that the students take notes of the law lectures and submit them to the professors, may not have been rigidly enforced, but the minutes of a faculty meeting of December 15, 1897 show:

> The petition of Mr O. H. Wright to be excused from the necessity of making notes of the lectures was referred to the Dean with power.[17]

The earliest sets of reproduced notes were identified by the name of the lecturer and the period during which the lectures in question were delivered. By 1896, a typical title page read:

> Lectures on Mortgages by Prof. Bradley M. Thompson, M.S.: Notes Taken by a Student/University of Michigan. Law Class of '96. Ann Arbor, 1896.

Two years later appeared the following specimen:

> Lectures on Mining Law by John B. Clayberg, LL.B. Notes taken by A. E. Boynton, University of Michigan. Graduate Law Class of 1898. Edwards Bros.—Publishers, Ann Arbor, 1898.

[15] Record of the Proceedings of Law Faculty, p. 37.
[16] *Id.*, p. 157.
[17] *Id.*, p. 165.

It is impossible to ascertain when the last such set of lecture notes was prepared and reproduced. The latest one located covers lectures delivered in 1903-1904. The sets produced after 1898 often contained not only notes on the lecture itself but lists of questions this lecturer would be likely to ask, final examination questions, and synopses of required readings.[18]

At no time during this early period, however, were students expected to secure all their information from lectures. In the general announcement and program for the Law Department, prepared by the Committee of the Regents on the Law Department, July 1859, students:

> . . . [were] requested and advised to procure for themselves the following elementary works which they will need at their rooms:
> Blackstone's and Kent's Commentaries.
> Parsons on Contracts.
> Adam's Equity.
> And the first volumes of Greenleaf's Evidence and of Bishop on Criminal law.[19]

This announcement appeared in the general catalogue of the University for 1860 and was continued through 1868-1869. In 1869-1870, the specific recommendations were dropped and a more general statement made. This was printed in the University Catalogue annually through 1882-1883 and was included in the first separate announcement for the Law Department in 1883-1884. It informed the students:

> While several copies of each of the leading text-books will be found in the Library, . . . students should supply themselves with such as they may need at their rooms. The professors will lend them aid in making proper selections, and no loss will be incurred, as the books will be found essential in subsequent practice; students will find that it will greatly facilitate their studies to have them at hand at all times.[20]

Information concerning the use students were expected to make of these elementary works and textbooks appeared in Campbell's opening address to the students in 1868, when he advised:

> In reading law, read by topics and complete one subject at a time. Read Blackstone omitting the notes on first reading. In reading Kent after completing the first volume read by the

[18] See James H. Brewster, "A Spurious Law Course," 5 Michigan Law Review 34 (1906).

[19] Regents' Proceedings, 1837-1864, p. 879.

[20] University of Michigan. Catalogue of the Officers and Students for 1869-1870, p. 68.

> second by lectures and in connexion with each lecture some text upon the same subject. Consult authorities upon doubtful points. Do not confine yourselves to legal study entirely, a lawyer more than anyone else should keep pace with the times. . . .[21]

Another instructional device used during the early period of the Law Department was the thesis, required of every candidate for a degree. The University Catalogue for 1860 stated:

> . . . each [candidate for a degree] will be required to prepare and deposit with the Faculty, at least one month before graduation, a dissertation not less than forty folios in length, on some legal subject selected by himself. These theses will be filed and preserved in the Library.[22]

The Law Library of the University has no record of theses being deposited, but some specimens have been located. Illustratively Isaac Henry Clay Royse, Law '68, submitted on March 25, 1868, a thesis entitled "The Mortgagee's Interest." It consisted of forty-eight handwritten pages and did not include any citations to cases, texts, or statutes.

The thesis requirement was modified in 1880-1881. According to the University Catalogue for that year:

> Each candidate for a degree will be required to prepare and deposit with the Faculty, at least one month before graduation, a dissertation, not less than forty folios in length, upon some legal topic selected by himself. The dissertation must be satisfactory in matter, form, and style; and the student presenting it will be examined upon it.[23]

This requirement was unaltered until 1888-1889 when a second paragraph was added, reading:

> . . . the theses shall be printed on a type-writer, or otherwise, and bound, and left with the Department. Special rates can be obtained for doing this work, and two or three dollars will cover the expense of printing and binding. In special cases the Faculty will not insist on this being done, if it should appear to be a burden to a needy student.[24]

[21] H. B. Schwartz, MS. notebooks, vol. I, October 1, 1868, on deposit at Michigan Historical Collections.

[22] State University of Michigan. Catalogue of the Officers and Students for 1860, p. 62.

[23] University of Michigan, Calendar of the Officers and Students for 1880-1881, p. 81. A description of the students' reaction to the thesis requirement appears in History of Law Class of 1883 of Michigan University by Charles I. York, Historian, p. 19.

[24] Announcement, 1888-1889, p. 17.

This second paragraph was omitted in 1892-1893, but its substance was included the following year.

The 1895-1896 Announcement noted several alterations in the thesis requirement. Candidates for the degree of Master of Laws, as well as for the LL.B., were required to present theses, the only difference being in the date of submission. Undergraduates were directed to present their theses at ". . . the beginning of the second semester of the last year of the course," while "the theses of graduate students must be submitted at least two months prior to commencement." The general requirements were modified in two respects: the legal topic selected by the student also had to be "approved by some member of the Faculty," and instead of requiring the student to submit to an examination upon his dissertation, the student was advised that he ". . . must hold himself in readiness to be examined upon the subject." [25]

No significant alterations in the 1895-1896 requirements were made until 1899-1900, when instead of the two paragraphs three pages in the annual Announcement were devoted to the thesis requirement. A faculty committee was given general supervision of the theses required of all candidates for degrees. Each thesis was to be not less than four thousand words in length, to be filed with the committee on or before March 15 of the year in which the degree was to be granted, and to be typed in a prescribed form upon a specified grade of paper. Students were warned to pay attention to their English as well as to their law. These provisions appeared in the Announcement through 1910-1911.[26]

A minor facet of the instructional program related to the method of assigning seats for lectures. The 1884-1885 Announcement stated:

> Students are allowed to select seats in the lecture-room in the order in which they pay their fees to the Treasurer and according to the class they are to enter; and each student is expected to occupy, during the session, the seat selected. The

[25] Announcement, 1895-1896, p. 23. *Res Gestae* (1896, unpaged) included a Senior Class History which stated:

"The summer had taught us many lessons. There was grim determination in nearly every face and good hard work began in earnest. What with cases to digest and lectures and text-books, our hands were full; but then in addition was that bug-bear, the thesis, and the practice court work.

"Many had written their theses during the summer. More had not. There were various ideas on how it should be written. Some thought it should be entirely original and several remarkable specimens of American humor were the result. Others thought it should be 'cribbed' verbatim and dictated direct from the text book to the typewriter. The majority copied the digest or statutes. A few only wrote what purported to be critical papers and these were returned for lack of scholarly treatment."

[26] See Part II, VI: 2.

> senior class, by courtesy, are allowed the privilege of the seats nearest the lecture desk.[27]

A similar statement appeared in the annual Announcement through 1894-1895.

Student behavior during the first law lecture, delivered by Professor Walker, was described by Cooley:

> . . . [The men] were all very naturally in exuberant spirits. . . . when Professor Walker took the lecture stand he was received with a demonstration of noisy exuberance that testified in a very emphatic manner, not only to their good feeling, but also to their satisfaction in coming under his instruction.[28]

Apparently, the students enjoyed this, and the practice:

> . . . was repeated from day to day, and was soon found to have perpetuated itself: the habit of receiving their preceptors with good-natured but noisy demonstrations whenever they took the lecture stand, and of indulging sportively in similar demonstrations, during any little recess between exercises was never abandoned. But it should also be said that the practice never became discourteous to professors, and no instance is recalled in which it failed to yield when a call to order was made by the lecturer for the day.[29]

During this period, lectures were supplemented by post-lecture "examinations," outside readings, required theses, and compulsory Moot Courts; but the members of the Law Faculty were able to give relatively little attention to individual students.

In 1877, President James Angell in his annual report to the Board of Regents, stated:

> It is worthy of consideration whether something may not be done to increase the efficiency of the School. I think it would be gratifying to the Faculty and conducive to the best interests of the School, if another Professor could be appointed, and if more of what we may term classroom work, drilling, quizzing, could thus be secured. . . . The subject of legal education and especially of the best methods of training men in law schools for the legal profession, is receiving large attention just now throughout the country, and we must spare no pains to retain for our School the high reputation it has always enjoyed.[30]

[27] Announcement, 1884-1885, p. 13-14.
[28] To Wit, p. 103.
[29] To Wit, pp. 104-105.
[30] President's Report, 1877, p. 11.

In 1879, Angell noted that a professor had been added to the Law Faculty which would ". . . secure more thorough instruction for the Junior class." [31] The following year he stated that the additional professor had ". . . added greatly to the efficiency and usefulness of this department. An opportunity has thus been afforded to the Law students, especially to those of the first year, for daily class recitations and examinations, in addition to the usual course of lectures." [32]

In discussions which preceded the extension in 1883 of the Law Department's annual term from six to nine months, one of the arguments in its favor was that it would permit:

> . . . such changes in the details of instruction and management as shall bring the instructors into more intimate relations with the students and enable them to have more oversight of individual work and investigation than is now possible.[33]

The Board of Regents extended the law term from six to nine months on July 18, 1883.[34] The first annual Announcement of the Law Department, issued for the academic year 1883-1884, after stating that the course of instruction had been lengthened, noted:

> The extension of the term, and the consequent changes made in the plan of instruction, also enable the instructor to have more oversight of individual work and investigation than has hitherto been found possible, by reason of the limited term allotted to the examination of students upon their reading and upon the lectures delivered. The classes are to be subdivided into sections, for purposes of examination, thereby bringing the students into more intimate relations with their examiner. The student will be closely questioned upon the subjects lectured on, for the purpose of determining to what extent he has comprehended the principles involved, and explanations will be given on such points as remain obscure.[35]

The History of the Class of 1883 described the "examination" sessions:

> Each morning preceding the lecture of Prof. Kent or Wells, we were to examine ourselves to see if we had retained what had been expounded to us by them at a previous lecture, that we might arise boldly, yet reservedly, to the call of our names, which came to some of us at first like a spasm, and that

[31] President's Report, 1879, p. 13.
[32] President's Report, 1880, p. 13.
[33] Regents' Proceedings, 1881-1886, pp. 330-31.
[34] *Id.*, p. 368.
[35] Announcement, 1883-1884, p. 3.

> dignified boldness which we had planned to stand under was carried away upon the loud smiles of our merciful classmates and conceited Juniors from the rear, and left us pale and trembling from the effects of a change as sudden as lightning could bring; but this ceased as soon as all had passed through a like crisis and we then became a fraternity of earnest sympathizers with each other. The entire faculty were to begin a double series of quizzing immediately on the opening of the last semester reaching back to the beginning of our junior year and closing at the end of the entire course, which was more than a movable hill in this field of labor, but an immovable mountain that must stand to be only effected when life shall end. With all of this staring and unavoidable labor before us, we were individually a general at the head of a six months' battle to be fought with the applied power of our brains within the University of Michigan; and there remained no time to participate in popular athletical sports like those recorded of us, when we were deliberate and less oppressed, in that hopeful sphere as Juniors. Therefore, our Senior history is confined principally to our struggles in this celebrated battle of everlasting remembrance, and your historian fails to discover anything, excepting one or two and perhaps three other matters that should shorten the limited space in which to record, for interesting perusal in future years, this close engagement in our first battle upon the unbounded field of human strife.[36]

The 1884 President's Report stated:

> The extension of the term in the Law School to nine months meets with marked favor from the profession and from our students. Time has been gained, not only for more lecturing, but for more thorough quizzing and drilling of students.[37]

The "drilling and quizzing" Angell referred to was undoubtedly the same type of instruction as the "examinations" mentioned in the 1859 resolution of the Board of Regents and discussed by Cooley in 1894. When the Law Faculty stated that classes were to be divided into sections "for purposes of examination" they meant that henceforth there would be more extensive "drilling and quizzing" of the students.

Some insight into the character of these "examination" sessions may be gained from an inspection of the questions and answers which were incorporated in many of the sets of reproduced notes *circa* 1898. If these were fair illustrations of the mastery of the subject required, students were able to satisfy their professors with purely categorical answers to direct questions.

[36] York, History of Law Class of 1883 of Michigan University, pp. 20-21.

[37] President's Report, 1884, p. 9.

For the first two and a half decades of the Law Department's existence, students attended the prescribed lectures and participated in the required Moot Courts. Attendance was compulsory with all students attending the same lectures. No differentiation was made between the first and second year men, and President Angell referred to this somewhat critically in his 1885 report to the Board of Regents:

> I cannot resist the conviction that whenever the teaching force is large enough, it would be highly beneficial to grade the work more carefully, and to teach the classes separately more than is now the practice.[38]

The 1886-1887 Annual Announcement followed the practice of its predecessors and stated:

> The course of instruction for the two years has been carefully arranged, with a view to enable students to enter profitably at any stage of their studies, and it is not important which course of lectures is taken first.[39]

However, the Law Faculty had already taken steps to alter this arrangement of the curriculum.[40] In his 1886 report, Angell noted:

> The demands upon the students in the Law Department have been made, during the past year, more exacting and rigorous than ever before, and the Faculty have decided to introduce the most important change which has been made in the method of the school since its establishment. They have graded the course, and instruction will in the main be given separately to the two classes. Text-book work and the study of leading cases will be combined with instruction by lecture. The training will, we believe, be more thorough and systematic and effective than it has ever before been.[41]

The next year, 1887, Angell reported to the Regents:

> In the Law Department the experiment of grading the course has been successful in a gratifying degree. Both teachers and students heartily approve of it. More thorough, systematic, and efficient work is secured by it . . . .[42]

With the "grading of the course" and the subsequent extension of the law term from six to nine months, material could be presented more systematically and completely than had heretofore been possible. The

[38] President's Report, 1885, p. 15.
[39] Announcement, 1886-1887, p. 10.
[40] See Part II, V:4.
[41] President's Report, 1886, p. 8.
[42] President's Report, 1887, p. 10.

Law Faculty took advantage of this opportunity to increase the use of the textbooks while the "drilling and quizzing" referred to by President Angell began to develop into systematic recitations apart from the lecture program.

Second Period

In spite of the use of the term "lecture period," it is clear that at no time within that period were lectures the sole method of instruction employed by the Law Faculty. It has been noted earlier in this chapter how from 1859-1860 to 1868-1869 students were "requested and advised" to possess certain elementary works. Between 1869-1870 and 1883-1884, no specific texts were recommended by the Law Department, but students were urged to "supply themselves with such as they may need at their rooms."

One of the arguments advanced in favor of adding a professor to the Law Faculty in 1877 was the opportunity for "more of what we may term class-room work." When President Angell reported in 1880 on the use made of this professor, he remarked on the opportunity thus afforded, especially for the first-year law students, to attend "daily class recitations and examinations, in addition to the usual course of lectures." More information of these "daily class recitations" is provided by the report filed with President Angell, by Thomas Cooley, as Dean of the Department of Law, for the academic year 1879-1880:

> The Tappan Professor gave his services through the year to those students who were not applicants for a degree [i.e., the members of the Junior class]. For the more thorough instruction of those students it was found necessary to divide them into two sections; but this was only because of their great number, as each section took the same studies. The special exercises have consisted in systematic instruction in the rudimentary elements of the law, taking as text-books, chiefly the Commentaries of Sir William Blackstone and Chancellor Kent. Portions of these works are regularly assigned for their study, and critical examinations are had upon them by way of recitations. These exercises, moreover, are always accompanied with such oral explanations and instruction as may seem needful to a full comprehension of the subject. As a general rule the young men appreciate the importance to their future progress and success in the profession of a thorough knowledge of the fundamental principles of the law, and as they become interested in these, devote themselves with commendable industry and zeal to acquiring a mastery of them.[43]

[43] President's Report, 1880, p. 60.

Not, however, until 1884-1885, did the Announcement refer to the recitations mentioned by Cooley for 1879-1880. At that time, students were informed:

> It is necessary that students should provide themselves with Blackstone's Commentaries, and the edition edited by Mr. Justice Cooley is preferred. It is also desirable that they be provided with the Commentaries of Chancellor Kent, as students are required to attend recitations in the Commentaries of these writers.[44]

In the same announcement, instead of referring students to the Law Faculty for aid in selecting books to be kept in their rooms, a list of books was included with this explanation:

> The books mentioned in the following list may be used to advantage upon the subject named. As a general thing any one of those mentioned in each department will answer the necessities of the student, and, whenever a preference exists, it is given to the one first in order on the list. But in the department of Constitutional History all the writers named may be read, or consulted, as for the most part covering different periods of time.

Beginning in 1890-1891, students were advised to provide themselves "with a copy of the statutes of their State," [45] as well as with the recommended texts. The lists of recommended reading was continued through 1898-1899,[46] but in 1899-1900 the Announcement stated:

> Text-books and books of reference are very numerous, and students will find the professors ready to lend them aid in making proper selections. While several copies of each of the leading text-books will be found in the library, it is exceedingly desirable that students should supply themselves with such as they may need at their rooms. They will find that it will greatly facilitate their studies to have at hand at all times such of the leading text-books as treat of the more important branches of the law. It is also advisable for them, when able to do so, to provide themselves with a copy of the statutes of their state . . . But the only books students are required to provide themselves with are those used for purposes of text-book instruction. Notice of the books to be so used is given at the opening of the University year.[47]

[44] Announcement, 1884-1885, pp. 18-19.

[45] Announcement, 1890-1891, p. 24.

[46] For the particular books recommended, see Part II, VI: 11.

[47] Announcement, 1899-1900, pp. 31-32.

President Angell commented on the 1884-1885 instructional developments of the Law Department in these words:

> In the Law School more rigorous methods of instruction have to some extent been introduced. Quizzing and careful mastery of certain text books occupy the attention of the student much more than formerly . . . .[48]

In the following year, 1885-1886, according to the Announcement:

> Members of the Junior Class are required to attend daily recitations in the Commentaries of Blackstone and of Kent; and to pass satisfactory written examinations in the subjects considered therein. A record of these recitations and examinations is kept, and those students whose record is satisfactory are at the end of the year admitted into the Senior Class.[49]

A similar requirement appeared in the 1886-1887 Announcement.

In 1887-1888, the scope of textbook instruction was broadened. The Announcement stated: "In addition to the instruction by lectures will be the instruction by text-books." [50] It further specified:

> The members of the Junior Class will be required to attend daily recitations in Cooley's edition of Blackstone's Commentaries, Anson on Contracts, and Schouler on Bailments. This work will . . . continue throughout the Junior year. . . .
>
> All members of the Senior Class will during the First Semester attend recitations in Gould on Pleading, and such of them as may so elect can attend recitations in Bliss on Code Pleading. Students who come from Code States will be expected to attend regular recitations in this work, and they will find the instruction thus obtained invaluable in their subsequent practice. Students from states where the reformed procedure has not been been introduced, may or may not at their option, attend such recitations. But students from Code States are expected to attend the recitation in Gould on Pleading, as well as in Bliss, inasmuch as the works on common law pleading are not superseded by the codes . . . . In connection with the study of Gould, instruction will be given in the drafting of pleadings . . . .[51]

While notes taken by students show that the lectures cited case materials as well as textbooks, there was no official indication that cases

[48] President's Report, 1885, p. 15.
[49] Announcement, 1885-1886, p. 11.
[50] Announcement, 1887-1888, p. 11.
[51] *Id.*, pp. 11-12.

were used directly in the instructional process before 1887-1888. The Announcement for that year stated:

> As much instruction can be derived from proper study of what are known as Leading Cases, and inasmuch as it is desirable that students should be familiar with the more important of these cases, they are requested to purchase "Indermaur's Common Law Cases." They will be expected to make themselves familiar with the cases contained in that work, and they will be examined upon them during the year. This work will be under the direction of Professor Rogers.[52]

This is the first reference to the use at Michigan of a compilation of case materials, and extracts from the Preface and an illustration of a case and the notes thereon appear in Part II.[53]

The Announcements for 1888-1889 and 1889-1890 continued to request students "to purchase 'Indermaur's Common Law Cases.'" In 1890-1891, however, students were informed that instruction in "leading cases" would be given to members of the senior class and that the "textbook" would be announced later. The location of a copy of Indermaur's *Leading Common Law Cases,* owned by George Frederick Sherman, a senior law student in 1890-1891, with the notation "Senior Law" on the flyleaf, indicates the textbook was the same for that year. In 1891-1892, instruction in "leading cases" was shifted to the junior class and no textbook was specified in the Announcement. This practice continued in 1892-1893, 1893-1894, and 1894-1895.

Thus, a marked alteration of instruction methods took place in 1887-1888. Textbook instruction was extended. Instruction based on case materials was commenced. The course of instruction was organized at two levels, the junior and senior classes meeting separately. Lecturers, other than the full-time Law Faculty, were brought in to supplement and enrich the curriculum.

There is no evidence that instruction in "leading cases" was extended between 1887-1888 and 1895-1896, but textbook instruction became progressively more important. In the academic year 1888-1889, seniors were ". . . expected to attend recitations in Hutchinson on Carriers."[54] In the next year the Announcement stated:

> The members of the junior class are required to attend daily recitations in Cooley's edition of Blackstone's Commentaries,

[52] *Id.*, p. 12.
[53] See Part II, VI:3.
[54] Announcement, 1888-1889, p. 12.

> Anson on Contracts, Stephen on Pleading and Lube's Equity Pleading . . . .[55]

All 1889-1890 seniors were expected to ". . . attend recitations in Heard's Criminal Pleadings . . . ." [56] and those from Code states ". . . to attend regular recitations in Bliss on Code Pleading. . . ." [57]

In an effort to supply adequate individual instruction, in 1890-1891 each class was divided into five sections for recitations on textbooks. Three assistants in the Law Department—Michael F. Griffin, Rodolphus W. Joslyn, and Samuel Goodhall—and two quizmasters—Rufus H. Bennett and Guy B. Thompson—were appointed. Quizmasters were appointed for 1891-1892 and for 1892-1893. There is no record of similar appointments during the remainder of the nineteenth century, although the Announcements through 1894-1895 stated that classes were subdivided for purposes of textbook instruction.

President Angell, in his report to the Regents for 1890-1891, summarized the instructional techniques then in use, stating: ". . . Instruction is given to the classes separately by lectures, text-books, the study of leading cases, quizzing, and moot courts." [58] The 1891-1892 Announcement informed students:

> The members of both classes are examined daily throughout the year on the lectures delivered. In addition to this work the classes are divided into sections and required to recite daily upon the lectures, after the manner adopted in the text-book instruction, thereby securing a thorough knowledge of the subjects treated during the year.[59]

While the methods of classroom instruction were being modified, an important shift occurred in the training for practice offered by the Law Department. In 1893-1894, moot courts were dropped from the program and replaced by the Practice Court. This development is discussed in detail in Chapter VII.

The year 1895-1896 was marked by a number of changes in the Law Department. Three years rather than two were required for the LL.B., and it was announced that after 1897-1898, more stringent admission requirements would be in effect. The curriculum was drastically revised. And the methods of instruction were materially altered.

[55] Announcement, 1889-1890, p. 12.
[56] *Ibid.*
[57] *Id.*, p. 13.
[58] President's Report, 1891, p. 17.
[59] Announcement, 1891-1892, p. 12.

Heretofore, the Annual Announcements had carried information relative to "The Lecture Course," "Recitations and Examinations," "Text-Book Instruction," and the "Study of Leading Cases." Greatest emphasis had been placed on the lectures; in spite of increased attention paid to texts and recitations, these were still subordinate methods of instruction. But in the 1895-1896 Announcement, there was a single major heading, "Course of Instruction," prefaced by the following statement:

> The course of instruction is a graded one, and extends through three years of nine months each. The work is not confined to any one system. Realizing that all methods have in them elements of good, the Faculty endeavor to embrace in the course what, in their judgment, are the best features of all. It is believed that they best accomplish by this plan the great object that every law school should constantly have in view, namely, the training of the student for the practical work of the profession. . . .[60]

The Announcement continued:

> As much benefit can be derived from a proper study of what are known as Leading Cases, and as it is desirable that students should be familiar with the more important of these cases, the members of all classes are constantly assigned cases by the lecturers for examination and study. In several of the lecture courses volumes of selected cases upon the subject of the lectures are used as a part of the required work.[61]

Thus rather than dividing the course offerings on the basis of the several methods of instruction employed, the 1895-1896 Course of Instruction listed the different subjects and in most instances stated the type of materials used. An analysis shows that in the undergraduate curriculum instructors employed a variety of types of instructional devices for the several courses:

TEXTBOOK: Criminal Pleading and Procedure, Common Law Pleading, Code Pleading, Extraordinary Legal Remedies.

LECTURES OR TEXTBOOK: Science of Jurisprudence

LECTURES: Criminal Law, Torts (second semester), Domestic Relations, Husband and Wife, Real Property including Fixtures, Easements and Landlord and Tenant, Evidence, Constitutional, Law, Corporations (third year students), Jurisprudence of the United States, Private International Law, Assignments for the Benefit of Creditors and Fraudulent Conveyances, Suretyship and Mortgage

[60] Announcement, 1895-1896, p. 16.
[61] *Id.*, p. 18.

TEXTBOOK ACCOMPANIED BY ORAL EXPOSITION: Elementary Law, Elementary Real Property

TEXTBOOK AND CASES: Contracts and Quasi-Contracts, Torts (first semester), Bills of Exchange and Promissory Notes, Corporations, Evidence

LECTURES AND CASES: Agency, Partnership, Equity Jurisprudence, Damages, Equity Jurisprudence (third year students), Wills and Administration

UNSPECIFIED: Personal Property, Bailments and Carriers, Civil Pleading and Procedure at Common Law, Equity Pleading and Procedure

All the course offerings for graduate students during this year continued to be lectures, with the exception of Public International Law taught by James Angell, President of the University. The Announcement stated that "Theses are required on topics assigned," which suggests that this may have been the first seminar-type course offered in the Law Department.[62]

It should be noted that of the thirty-four separately listed courses for undergraduates in 1895-1896, eleven, or roughly one-third, employed case materials in connection with either lectures or a textbook.[63]

The nature of textbook instruction is illustrated by a handbook prepared by Professor Jerome Knowlton, *circa* 1900. The book, clearly designed for student use, was based on Anson on Contracts, a text used in courses in Contracts at the Law School between 1896 and 1914. Two hundred and forty-three pages in length, Knowlton's book was divided into two sections: "Questions and Answers," and "Leading Cases." The first part, "Questions and Answers," went through Anson's text page by page, providing for each answer the page reference where the full explanation could be found. The second half of the volume contained such cases as Anson considered to be "leading," "abridged, annotated and systematized by the author [i.e., Knowlton]."[64]

However, a pamphlet of questions on Wills and Estates of Deceased Persons, based on Mechem's 1894-1895 lectures, shows a transitional development in the use of case materials and an effort to make students apply principles in the solution of questions.[65]

[62] *Id.*, p. 20.

[63] See Part II, V:6.

[64] See Part II, VI:4 for an extract from the handbook.

[65] For selections from the 235 questions, see Part II, VI:5. *Res Gestae* (1896, unpaged) referred to these questions as follows:

"The examinations at the end of the first semester of this year [i.e., 1895-1896] were

Third Period

Collections of cases pertaining to a single area, as distinguished from collections of so-called leading cases, were first used in 1895-1896. Floyd R. Mechem had prepared two case books, one for Agency and the other for Damages, but in both courses he used the case materials in conjunction with his lectures. In his Preface to *Cases on the Law of Agency* (1893), Mechem stated:

> The following collection of cases has been prepared . . . to accompany the writer's treatise on the law of agency, the purpose being to illustrate the text by object lessons gathered from the reports. Nothing in the way of annotation has been attempted, beyond an occasional reference to similar cases, as it is thought that the text of the treatise supplies all that is nedeed in that direction. To make a selection of cases from the great number upon the subject is a difficult task and one in reference to which opinions will necessarily differ. The attempt here has been to select such as contained clear statements of the principles or furnished striking illustrations of them, and were not too much involved with other matters or too long for reproduction. Some cases which might otherwise have appeared have been omitted because the substance of them has been sufficiently stated in the text or notes of the treatise. . . . . As the volume is intended primarily for the use of students, for whom the making of their own abstracts is a most valuable exercise, the cases are printed without head notes. . . .[66]

Two years later, on the title page of the first edition of Mechem's *Cases on the Law of Damages* (1895), appeared the following brief statement:

> The following cases have been printed at the request of Professor Mechem, of the Law Department of the University of Michigan, for use in connection with his lectures in that law school.

This was expanded into the following note in the second edition published in 1898:

> The following selection of cases in the law of Damages has been made primarily for use in connection with the lectures

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probably the most difficult that '96 has yet had. The system introduced by Professor Mechem, of presenting a list of questions thoroughly covering the subject, and distributing them in advance, was, upon request of '96, generally adopted by members of the faculty. The value of the system was fully demonstrated by the great amount of labor expended in preparation and the general satisfaction by the faculty in the results."

[66] Mechem, Cases on the Law of Agency (1893), p. iii.

> upon that subject given in the Law Department of the University of Michigan. The purpose has been partly to supply illustrations of the application of principles referred to in the lectures, and partly to supplement the lectures by rounding out the view of certain fields not otherwise completely developed. . . .[67]

At least three other collections of case materials were prepared by members of the Law Faculty prior to 1900. Dean Hutchins' *Cases on Equity Jurisprudence* was printed in 1895.[68] Horace Wilgus' *Illustrative Cases on the Law of Evidence* appeared in 1896. Use of the adjective "illustrative" was not uncommon at this period and indicates plainly the use made of case materials, even by such an instructor as Wilgus, who was one of the earliest at Michigan to employ cases and the case method.[69] A similar title, *Illustrative Cases upon the Law of Bills and Notes* (1895), was used by Elias Johnson who stated in the preface:

> Experience as an instructor has taught the undersigned that one of the best methods of impressing a scientific or legal principle upon the mind of the student is to show him a practical application of that principle. To remember abstract propositions, without knowing their exact application, is indeed difficult for the average student. But when the primary principle is once associated, in his mind, with particular facts, illustrating its application, it is more easily retained and more rapidly applied to analogous cases.
>
> It is deemed advisable that the student in the law should be required, during his course, to master, in connection with each general branch of the law, a few well-selected cases which are illustrative of the philosophy of that subject. To require each student to do this in the larger law schools has been found to be impracticable, owing to the lack of a sufficient number of copies of individual cases. The only solution of this difficulty seems to be to place in the hands of each student a volume containing the needed cases.
>
> The following cases have been selected so far as possible from the most recent decisions, and are to be used in connection with Norton's text on "Bills and Notes," for the purpose of illustrating the general topics therein discussed.[70]

Obviously these members of the Law Faculty were using cases to illustrate and to supplement texts or lectures, a practice which continued

[67] Mechem, Cases on the Law of Damages (second edition, 1898), p. iii.
[68] Hutchins, Cases on Equity Jurisprudence (1895).
[69] Conversation with Professor-Emeritus Edgar Durfee, October 2, 1957.
[70] Johnson, Illustrative Cases upon the Law of Bills and Notes (1895), p. iii.

for a number of years. John Rood published in 1909 the second edition of *Leading and Illustrative Cases with Notes on the Law of Judgments, Attachments, Garnishments and Executions.* A second edition of Hutchins' *Cases on Equity Jurisprudence* appeared in 1904, prepared by Hutchins and Bunker and entitled *Illustrative Cases on Equity Jurisprudence.* The Prefatory to Bunker's *Cases on Guaranty and Suretyship* (1902) stated:

> The cases appearing in this volume have been selected for use in connection with the lectures on Suretyship given in the Law Department . . . .
>
> The purpose has been to put into the hands of the students taking the course in Suretyship in this University a limited number of cases which will serve to illustrate and, in some measure to supplement the lectures on that subject. . . . Such a volume as this would not be necessary were it possible for students to consult the reports themselves in season to prepare the work required of them. . . .[71]

While the records show that case materials without either textbooks or lectures were not used until 1899-1900, this does not necessarily mean that the case method as an instructional device may not have been used earlier. The Announcement for that year listed Professor Floyd Mechem's course in Damages as using cases without supporting materials, and this remained the only such course until 1902-1903. In that year, Mr. John Rood began to rely on case materials alone in teaching Execution, Attachment, and Garnishment.

In 1902 Professor Wilgus and 1904 Professor Edwin Goddard each published a collection of cases, designed for use in classes taught by the case method. In the Preface to his *Cases on the General Principles of the Law of Private Corporations Selected and Arranged with Notes* (2 vols., 1902), Wilgus wrote:

> Mr. Justice Swayne said the Common Law is "Reason dealing by the light of experience with human affairs"; and Mr. Justice Holmes says "The life of the law has not been logic; it has been experience." This work is designed to furnish those interested in the study of Corporation Law,—whether practitioner, teacher or student,—such material from the original sources, and in such order, as will show how reason and experience have dealt with the subject. Effort has been made in the selection to secure the best expression of the underlying reason or theory; to place these in such order as to

[71] Bunker, Cases on Guaranty and Suretyship (1902), ii.

develop, in a natural way, the general theory of Corporation Law, set forth in the table of contents; to insert such notes as will present a more comprehensive view of some of the topics; and to furnish, in chronological order, such a list of cases bearing upon the principles as will enable the investigator to make a reasonably complete study of the same.

* * * * *

It is believed that a constant reference by the student to the outline given in the table of contents will be of material service in helping him to understand and appreciate the bearing and relation of the cases to one another and to the general theory of corporation law.[72]

Goddard in the Preface to *Selected Cases on the Law of Bailments and Carriers including the Quasi-Bailment Relations of Carriers of Passengers and Telegraph and Telephone Companies as Carriers* (1904) referred directly to the "case-method":

In making this volume of "Selected Cases on the Law of Bailments and Carriers," the guiding principle has been to secure the clearest and fullest statement and application of every leading principle of the subject within the range of a moderate sized book.

The important cases, especially on the law of Carriers, are so many as to make it impossible to include all the leading cases. . . . Accordingly, an effort has been made to include all the greatest cases, even those of considerable length, and such others as, because of their broad scope, recent date or clear statements of principles, seem to fully cover the subjects of this branch of the law. The Selected Cases are intended to be complete enough to fit the book for use by those who prefer the "case-method" of study exclusively.

* * * * *

In general the opinions are presented in full. . . . The cases are not edited, and but few cross-references are made. Those who wish to find all the material on a given topic can do so by use of the index and of the companion volume, "Outlines of the Law of Bailments and Carriers," which corresponds chapter for chapter to this volume, and contains citations to all the Selected Cases. In this volume no other indication of the subject of any case is given than the general chapter heading. The student will best acquire the power of analysis, and ability to see and grasp the vital points of a case by cultivating independence of extraneous aids. By such a mastery of the cases

[72] Wilgus, Cases on . . . the Law of Private Corporations (1902, 2 vols.), pp. v-vi.

> may be acquired mental power, and that ability to apply abstract principles to concrete cases which is so necessary a part of the equipment of a real lawyer.[73]

Instructional methods in use in the Law Department were described as follows in the Announcement for 1902-1903:

> . . . No one method [of instruction] is exclusively adopted, but, recognizing the advantages and disadvantages of each, the Faculty endeavors so to combine lectures with the use of textbooks, and especially with the careful study of illustrative cases, as to give the student the greatest breadth of view, the soundest scholarship, and the best practicable training for the active work of his profession. The following is a statement of the subjects upon which instruction is given, the time devoted to each subject, and the methods used.[74]

In that year out of forty-five required undergraduate courses, eighteen combined the use of case materials with either lectures or textbooks, two used case materials alone, and twenty-five used no case materials. The elective courses for third-year students were all lectures with the exception of Medical Jurisprudence which used a textbook.

No changes in the method of instruction employed were noted in the Announcements until 1905-1906. In that year, John Rood ceased to rely exclusively on cases in teaching Execution, Attachment, and Garnishment, and added a textbook. However, the proportion of required courses using case materials in addition to textbooks or lectures increased to twenty-five out of forty-six.

In the 1906-1907 Announcement, the following statement prefaced the list of course offerings:

> The work consists for the most part of quiz, accompanied by oral exposition on assigned work in text-books and cases. For all recitations the classes are divided into sections.[75]

Four courses were listed as using case materials alone: Private Corporations, Damages, Domestic Relations, and Taxation. There were forty-two required courses in all, with twenty-four using cases and either a textbook or lectures. Excluding the special lectures on particular topics by outside lecturers, three of the eight elective courses used cases and either lectures or a textbook and one, Taxation, used case materials alone.

At the April 1908 meeting of the Board of Regents, Harry B.

[73] Goddard, Selected Cases on the Law of Bailments and Carriers (1904), pp. iii-iv.
[74] Announcement, 1902-1903, p. 16.
[75] Announcement, 1906-1907, p. 15.

Hutchins as Dean of the Law Faculty submitted a detailed report, dealing primarily with the desirability of requiring a year of work at the college level as a prerequisite for admission to the Law Department.[76] In the course of this report, commenting on the shift away from the lecture system of instruction, he noted:

> I beg to suggest in closing that the large numbers in this Department have for years been a serious embarrassment. The old method of teaching by lecture is no longer followed in this or any other first-class school. The purpose of the modern law teacher is to instruct the student in legal reasoning as well as in legal principles, and this can be accomplished only by close personal work with individual students. With our large sections, which the limited number in our Faculty makes necessary, students feel and rightly feel that they do not receive the personal attention to which they are entitled. It is well known that students have not infrequently chosen other and smaller schools in order that they might have the individual attention that the teacher with smaller sections can give . . . .[77]

No change in the techniques of instruction was noted between 1906-1907 and 1910-1911. The Announcement for 1911-1912, the year after Henry M. Bates became Dean, showed that the use of case materials had been increased. The Faculty's attitude relative to methods of instruction, appearing in this Announcement, stated:

> The Faculty have from the first believed that the principal function of the Department of Law was to train men for the practice of law, and to this end instruction is offered in all the branches of the common law, of equity, the statute law of the United States, the Roman law and some of its modern adaptations, and the science of jurisprudence. The Faculty believe, however, that students are best trained for the practice of law by studying it not as mere dogma and collections of prece-

[76] The question of whether men with college preparation would be taught in separate sections was brought before the Law Faculty at a meeting on March 20, 1907. The minutes (Faculty Minutes, 1901-1910, MS., p. 303) state:

"The question was raised whether the policy might be adopted of putting men with college preparation in a separate section in their work in the Department. The matter was referred to the Committee on Entrance Requirements."

It was not raised again until 1919. The minutes (*id.*, p. 846) for a meeting on May 16, state:

"The Dean gave notice that at a subsequent meeting of the faculty in the near future he would ask for the consideration of a proposal to increase the prelegal educational requirements; or in the alternative that some scheme be worked out whereby men with college degrees will be sectioned separately from those with less preparation."

[77] Regents' Proceedings, 1906-1910, p. 258.

> dents, but with a broader view of its origin, development and function. While, therefore, particular attention is given to practice, procedure, and the other so-called practical features of the law, strong emphasis is also laid upon the importance of a scholarly grasp of the law as a science. The greater part of the instruction is given by means of the free discussion of legal principles as disclosed in reported cases. When, however, the nature of the subject, or other circumstances, require other methods of instruction, they are freely resorted to. This is true particularly of the work in conveyancing and in the practice court, in trial practice and the other procedural courses. Work of this character is confined to the senior year, and is so arranged as not to interfere with the thorough and systematic study of the theory of the law. After years of experimentation with and the development of these courses, results have been obtained which justify the Faculty in believing that this practical work is of value, not only in training students in the procedural part of a lawyer's work, but principally as throwing a clarifying and vivifying light upon the theory of both procedural and substantive law.[78]

This statement appeared in the annual Announcement through 1916-1917.

Out of the seventeen required courses listed for 1911-1912, four relied entirely on cases for instructional materials, and nine used cases and a textbook. None of the remaining four used lectures: Conveyancing used a "textbook and practical work," Trial Practice and the two semesters of Practice Court were designed to provide some familiarity with actual practice to students and did not use texts. Twenty-five electives were listed: eleven used case materials, eight used cases and a textbook, one used cases and lectures, three used textbooks, one used a textbook and lectures, and one did not specify the method of instruction. In addition, twelve "courses of special lectures" were offered "to members of the second and third year classes."

Five years later, in 1916-1917, the undergraduate program listed thirteen required courses: seven used only cases and four used cases and a textbook; the remaining two were the two semesters of Practice Court required of seniors. There were thirty-seven electives offered, with twenty-four using cases, four using cases and other materials, one using a textbook, three unspecified materials, and the remainder special materials. The number of "courses of special lectures" had dropped to eight.

[78] Announcement, 1911-1912, p. 9-10.

The 1917-1918 Announcement reflected the increased use of case materials by the Law Faculty:

> There can be little doubt that the conceded efficiency of the modern law school in our better universities is due in large part to the fact that the instruction has been confined to the main purpose for which law schools are established, viz., the study of law, to the exclusion of all courses and methods which do not admit of dealing with first-hand material and in such way as to require intensive thinking by the student.[79]

In 1918-1919, an insert in the Announcement called attention to the fact that Patent Law would be taught by the case method of instruction.

By 1920-1921, cases were used as teaching materials in all but a small group of courses: Joseph Drake's courses in Roman Law and Jurisprudence, Practice Court, the series of lectures given by non-resident lecturers, and Edson R. Sunderland's Theory and Development of Procedure. While case materials were not used for this latter course, the course description suggests that Professor Sunderland was applying the case method to non-decisional materials.[80] The next year, 1921-1922, saw a discontinuance of the practice of listing with each course the type of teaching materials to be used. Obviously, it was assumed that cases would be used and the case method employed.

The year 1920-1921, the last in which instructional materials were identified by type, saw the re-institution of a practice followed earlier by President James Angell—the presentation of an annual President's Report. These annual reports included the individual reports made by the Deans of the several schools and heads of particular divisions of the University and indicated contemporary appraisals of developments. The report submitted for 1920-1921 by Dean Bates referred to the number of students enrolled in each class as influencing the methods of instruction employed:

> It is to be said, however, that the present attendance is fully large enough for the attainment of best results . . . . [W]hen law classes have grown to such proportions that a large percentage of the members feel that they have no real participation in classroom discussion, there tends to ensue a certain deadening of intellectual interest on the part of the students and a more mechanical response to teaching effort. There is a danger that with the very great emphasis which is put upon final examinations, students will tend to prepare for those examinations by mechanical methods and that they will not be stimu-

[79] Announcement, 1917-1918, p. 10

[80] See Part II, VI:7.

> lated to a sufficiently active and vital interest in the discussion of legal problems during the year. With very large classes the teacher, on his side, tends almost insensibly and almost unavoidably to revert, by degrees, to something not wholly different from the old formal lecture system. . . .[81]

In an effort to provide more intensive instruction in fundamental areas of the law, especially in view of the large classes, the Law Faculty between 1920 and 1923 began to present major subjects in year-long courses with a single final examination at the end of the year. Although there was considerable initial enthusiasm over the advantages of the innovation,[82] by 1958-1959 the advantages were not considered sufficiently important to offset the disadvantages.

The 1925-1926 Announcement contained an innovation. It listed a number of seminar courses, and explained the purpose of this new type of course offering:

> The following seminar courses, planned to provide an opportunity for more intensive and scholarly studies in the fields indicated, are open only to fourth year students who are candidates for the degree of S.J.D. and, by special permission, to a limited number of exceptionally qualified third year students, or fourth year students who are candidates for the degree of LL.M. Inasmuch as certain of these seminar courses may be omitted on occasion, or offered only in alternate years, students who contemplate electing such courses are advised to consult with the Instructor in charge of the course or with the Chairman of the Committee on Graduate Instruction before planning elections.
>
> *Business Associations.*—Professor WILGUS.
> *Constitutional Law.*—Dean BATES.
> *Criminal Law and Criminology.*—Professors SHARTEL and WAITE.
> *Jurisprudence.*—Professors DRAKE and SHARTEL.
> *Legal History.*—Professor DURFEE.
> *Legislation.*—Dean BATES.
> *Maritime Law.*—Professor DICKINSON.
> *Practice and Procedure.*—Professor SUNDERLAND.
> *Conflict of Laws.*—Professor GOODRICH.
> *Public International Law.*—Professor DICKINSON.
> *Public Service Companies.*—Professors GODDARD and STASON.
> *Roman Law.*—Professor DRAKE.[83]

[81] President's Report, 1920-1921, p. 214.
[82] President's Report, 1922-1923, p. 215-16.
[83] Announcement, 1925-1926, pp. 28-29.

These seminar offerings remained almost constant during the remainder of Dean Bates' administration, and it was not until 1940-1941 that the Announcement attempted any description of the seminar content or scope.

As the number of courses increased, in response to demands that instruction in more and more areas of the law be offered, the desirability of employing the case method in its traditional form in every course began to be questioned. In 1930-1931, Dean Bates examined the proposals to abandon the case system, stating:

> . . . it is maintained by many legal educators that the traditional legal curriculum of the last few years has dealt with all topics—the important and the unimportant, the difficult and the easy problems—with the same degree of thoroughness and expenditure of time, and that it should be possible to so rearrange the topics, and particularly to so modify the case and text-books, that all important problems may be given as thorough study as at present, and the others treated by less time-consuming methods and with less exhaustiveness. The substitution of texts for cases is, of course, one of the methods advocated for dealing with the less important matter . . . . It is my opinion, however, that the extremists on both sides are only partially right. It seems not unlikely that the best methods will be found neither by clinging steadfastly to the case books of the older type, nor by rushing into a new and untried scheme which involves the mutilation of the general plan and method which won the admiration of the educational world in all fields of learning, during the period from 1872 to the beginning of the post-war period. Important modifications of treatment already have been made in many case books, including several written by members of our own faculty. More should and certainly will be made in the near future.[84]

The Law School continued to adhere to the case system of instruction, but by 1931-1932 legal materials other than cases within the framework of the case method were being used. The Announcement for that year stated:

> The greater part of the instruction is given by means of the free discussion of legal principles as disclosed in reported cases, statutes, and other legal materials.[85]

This statement of instructional policy was not altered throughout the 1930's, a period which saw no significant changes in the teaching tech-

[84] President's Report, 1930-1931, pp. 105-106.
[85] Announcement, 1931-1932, p. 9.

niques employed at the Law School. However, the discussions and evaluations engaged in during this decade, matured in 1940 and thereafter to produce substantial alterations in certain aspects of the conventional case method.

Fourth Period

During the 1930's, pressures on time available within the traditional three-year program, caused by the developing importance of particular areas of the law; e.g., Administrative Tribunals, Taxation, Labor Law, were aggravated by the torrent of decisional material and the proliferating welter of statutes and administrative regulations. The difficulties posed by a rigid adherence to the customary form of the case system became apparent. At the same time, the Law Faculty were convinced of the need for more intensive study of certain limited areas of the law.

E. Blythe Stason succeeded Henry M. Bates as Dean in the summer of 1939. The faculty immediately began to reconsider the scope of the curriculum and the use of various teaching techniques as a modification of the case method. On January 26, 1940, the Curriculum Committee presented a report dealing with "the problems of seminars." While some seminars had been offered as early as 1925-1926, relatively little attention had been paid to this type of teaching device. This report should be considered as the first concrete step taken toward the development of a seminar program which, though interrupted by World War II and the post-war period of readjustment, offered a total of forty seminars and special courses in 1958-1959, a marked rise from the ten offered in 1940-1941 and the three in 1949-1950. The 1940 report stated in part:

> It should be stated at the outset that the committee is not prepared to define with precision what constitutes a seminar as distinguished from the so-called regular course, nor does it regard as desirable its attempting to do so. The committee has thought of the seminar as a medium of instruction which would normally possess the following attributes:
>
> (1) Instruction would be carried on in small groups.
>
> (2) Emphasis would be placed upon the study of specific problems, rather than upon the development of broad outlines.
>
> (3) Emphasis would be placed upon the doing of individual work, which should normally result in written reports or theses.

I. General Recommendations

> The committee recommends that a program of seminars be offered, and herewith transmits a list of seminars for such offering . . . .
>
> The committee believes that the following useful purposes will be served by such a program:
>
> (1) It will provide some regular and more or less formalized work for graduate students outside their special fields of interest.
>
> (2) It will provide intensive work in selected fields of the law for students who may wish to specialize.
>
> (3) It will provide a means of exploring new methods of teaching and of developing new materials and new types of materials for teaching purposes, including non-legal materials relevant to legal problems.
>
> (4) It will stimulate individual work by students of a kind that demands not only analysis but also synthesis and writing.[86]

It was not only through an increased emphasis on a seminar-type instructional device that the Law Faculty moved to modify the traditional conception of the case system. More attention began to be paid to the development in the student of certain technical skills.

Although for decades Michigan had been known as a "practical law school," this reputation had been based in large part on the courses in practice and procedure. Conveyancing, required of all students between 1898-1899 and 1913-1914, had been incorporated into Property III for 1914-1915 and 1915-1916, and after the latter year had not been offered.[87] Supporters of the case system had considered that legal draftsmanship and conveyancing were skills which the well-trained lawyer could acquire easily while in practice and which did not need to be taught in law schools.

An indication of some reversal of this policy appeared as early as in 1930-1931, When Laylin K. James had included in his course in Corporate Organization a "special study of the legal documents involved."[88] In 1940-1941, Marvin Niehuss offered a seminar in Conveyancing, in which "each student [was] required to draft the papers necessary to the completion of numerous types of real estate transactions,"[89] while in the seminar Estates and Taxation offered by Lewis M. Simes and

[86] Faculty Minutes, 1930-1940, pp. 556-a-556-b.
[87] See Part II, VI: 8.
[88] Announcement, 1930-1931 p. 25.
[89] Announcement, 1940-1941, p. 29.

Paul G. Kauper ". . . drafting of wills and trust agreements [was] required. . . ." [90] There was still, however, no course offerings specifically designed to train students in legal writing at the undergraduate level, which the thesis requirement in effect until 1910-1911 had provided at least in theory, for the case clubs, discussed in Chapter VII, and the Law Review, discussed in Chapter XI, lay outside the scope of the formal curriculum.

While the reinstitution of training in technical skills was important, no essentially new technique was involved. But the requirement contained in the course description of Taxation, offered in 1940-1941 by Paul G. Kauper, was a significant departure from legal instructional devices heretofore employed. Students enrolled in this course ". . . were required to prepare and submit documented solutions to assigned problems." [91] This was an early example of the problem method of instruction which was to become of increasing importance in the post-World War II period.

World War II and the post-war pressure of heavy student enrollment delayed extensive adoption of these teaching techniques, but they were neither forgotten nor abandoned. The post-war years showed increased emphasis on training in technical skills. Drafting and Estate Planning was offered in 1948-1949. In 1952-1953, a course in Drafting of Legal Documents was instituted, followed by Legal Writing in 1953-1954. Conveyancing continued to be offered throughout the 1950's. Students were urged to enroll in at least one seminar to gain experience both in research techniques and legal writing, and as noted elsewhere the number and scope of seminar offerings was markedly broadened. Dean Stason in his 1953-1954 report to the President stated:

> For nearly three generations, and until quite recently, legal education has been predominantly "case" study. The judicial opinion and decision which is thus used as the basis of class discussion (ordinarily used in fairly large classes) is a powerful educational device, but more and more we are coming to realize that legal education will be materially strengthened by insistence upon supplementing the former practices with other teaching methods. Among other useful devices is the seminar, with its opportunity for independent library research and legal writing. An increase in the number of available seminars, so that each student may be enabled to enjoy the benefit of at least one, or perhaps two, such educational experiences while enrolled in the Law School, is greatly to be desired. The seminar

[90] Announcement, 1940-1941, p. 30.
[91] Announcement, 1940-1941, p. 28.

> offers opportunities for independent library study and research, for synthesis of legal ideas, for developing skill in legal writing, and for interchange of views between students and instructors—all virtually impossible in the ordinary Law School classroom program. The strength of education at Oxford, England, depends very largely upon the individual research and writing and the intimate student-instructor contact resulting from its tutorial system. We can achieve the same benefits and even more from properly developed seminars. In fact, we should be offering twenty-five seminars each year instead of eight or ten, as at present. It is a time-consuming form of education, however, and additional faculty will be required for the purpose.[92]

Concurrently with the introduction and broadening of these newer techniques, the case system itself was being subjected to searching scrutiny. The need for preparing students to deal with the increased and increasing amounts of statutory materials was discussed by Dean Stason in his 1948-1949 Report to the President:

> Mention should be made of recent developments in teaching and research in Legislation in the Law School, part of which is in progress, but part is still in the planning stage. Until recent years the common law of commerce and trade has been the principal grist of the law business, and, of course, it being the duty of the law schools to train young men and women to practice law, attention has very properly been concentrated on that field. But times are changing. The statute book and the ever-increasing number of statutory enactments and administrative regulations affecting business, governing industrial and labor relationships, prescribing statutory standards to be followed in almost every walk of human activity, levying taxes and duties, licensing business endeavors, all taken together have materially changed the character of much of the law practice in the United States. We have taken long strides toward the substitution of law written by legislative organs for law developed by judicial decisions. The lawyer of today must know his statute book, and he must know how to use it. Moreover, statute law differs from judge-made law, not only in regard to the source from which it is derived, but more importantly in the manner of handling it to solve day-to-day problems. Different materials and different techniques are resorted to. The lawyer must possess new and different equipment carrying him far from conventional case methods.[93]

[92] President's Report, 1953-1954, p. 101.
[93] President's Report, 1948-1949, p. 96.

Four years later, in 1953-1954, Dean Stason amplified his earlier statements, in reporting to the President:

> . . . I have long maintained that a law school which succeeds in teaching legislation effectively will make as great a contribution to legal education as that of Professor Langdell at Harvard, when in 1870 he designed the case method of law study. Currently, statutes are to an ever-increasing extent invading the domain of the common law and are becoming grist for the lawyer's mill. The subject matter of legislation must be taught not only in the specialized courses and seminars designed for the purpose of imparting statutory and interpretive techniques but also, and perhaps even more importantly, in connection with the cognate case law courses. The task will require careful preparation and revision of teaching materials and a substantial amount of experimentation in methods. Serious attention must, in the years to come, be given to the means of teaching statute law in the Law School.[94]

The Law Faculty thus was faced with the problem of how to retain the best aspects of the older case method while adapting it and supplementing it in the light of current conditions of the law and of society. In an effort to accomplish this, the use of legal drafting, the use of problems, the preparation of research papers were all expanded both in the regular courses and in seminars during the 1940's and the 1950's. Concurrently, there was a widened inclusion of statutory and other non-decisional legal materials. At the same period, the Law Faculty came to the conclusion that certain aspects of the law could be taught effectively without using the case system—thus vindicating the judgment of those members of the Law Faculty who had believed there were advantages to the several methods of instruction. An examination of the casebooks and teaching materials prepared by the Law Faculty during the post-World War II years show a variety of approaches taken toward the recognized objective of modifying and adapting the case method.

For example, the amount of text materials included in casebooks began to increase, as Langdell's premise that only a few important legal principles needed to be taught was swept away in the torrent of twentieth-century decisional and statute law. In the preface to *The Law of Administrative Tribunals: A Collection of Judicial Decisions,*

[94] President's Report, 1953-1954, p. 102. Two years earlier the Legislative Research Center had been established in the Law School as one means of dealing with the increased amounts of statutory materials. See Chapter XI, *infra.*

Statutes, Administrative Rules and Orders and Other Materials (1957), Dean Stason and Professor Frank Cooper stated:

> . . . there have been included the leading cases of the last decade and also frequent references to the report of the Hoover Commission Task Force.
>
> This has necessitated condensation of some of the material in the earlier editions . . . . Much of the condensation has been accomplished by the use of textual notes to provide background material. Such notes have also been used . . . to provide a basis for class discussion of problems thought worthy of group argument . . . .[95]

Another illustration of the use of text material for teaching purposes appeared in Professor Charles Joiner's *Trials and Appeals: Cases, Text, Statutes, Rules, and Forms* (1957). The preface explained:

> . . . Much information is needed by the would-be lawyer. This could be obtained through the hard knocks of personal experience, or through the use of the recorded experience of others. I have attempted in text form, either written specifically for the purpose, or quoted from other materials, to give this information . . . .[96]

Concurrently with the incorporation of text materials into casebooks, more attention was paid to statutes and court rules. Dean Stason had consistently urged that statutory materials be incorporated into the course of instruction, and an inspection of the casebooks produced during the latter part of the 1950's shows that his urgings were heeded.[97]

Moreover, it became apparent that while certain areas of the law are based primarily on judge-made law, others are not. Illustrative of the latter type are International Law and Taxation. Professor William W. Bishop's casebook, *International Law: Cases and Materials* (1953), utilized cases but supplemented them by non-decisional legal materials such as treaties, agreements, and statutes and by non-legal sources such as reports of investigating committees, treatises, and scholarly articles.

[95] Stason and Cooper, The Law of Administrative Tribunals: A Collection of Judicial Decisions, Statutes, Administrative Rules and Orders and Other Materials (1957), p. ix.

[96] Joiner, Trails and Appeals: Cases, Text, Statutes, Rules and Forms (1957), p. vii.

[97] For an illustration of this incorporation of statutory materials, see Dawson and Harvey, Cases on Contracts and Contract Remedies (1959). A part of the Preface appears in Chapter V, *supra*. Harvey and Dawson included substantial extracts from relevant statutes in the body of the casebook while the Appendix contained extracts from the Statute of Frauds and a series of problems based upon its provisions.

The casebook prepared by Professor Paul G. Kauper and L. Hart Wright, *Cases and Materials on Federal Income Taxation,* differed in a number of respects from other casebooks in the area. The rationale underlying the selection of materials was explained in the Preface:

> There are two basic differences between these materials and other volumes which cover the same general subject matter. Both of these differences arose out of the Editors' belief that the students' own preparation for class should be devoted in fairly large part to a careful, painstaking analysis of the statute [i.e., the Internal Revenue Code] itself. Of course, many court decisions have been included. And there are a few administrative rulings aside from the regulations which are in his students tax service. But the statute itself receives more than the usual emphasis, recognition of the fact that it is, after all, the basic datum of study in federal income tax affairs. This emphasis also serves to afford an opportunity to treat this course as a laboratory complementing the general course in legislation.
>
> To this end, the Editors have included much by way of pre-enactment material—i.e., aids to the interpretative process. By and large, this material is in the form of extracts from official reports and hearings, all directed toward the exposition of the considerations and philosophy which led either the Senate Finance Committee or the Committee on Ways and Means to propose a given statutory formula. On the other hand, no attempt has been made to include that part of a committee's report which is devoted to an explanation of the technical details of a proposal. It has seemed to the Editors that this application of the statutory language to concrete situations is properly the work of the student, for only out of such exercises will he acquire skill in dealing with statutory materials.
>
> The text of the statute is not included in this volume but is found in the students tax service.
>
> To aid the student further in determining the sweep and the limitations of a given provision, to apply its philosophy, and to force him to look for and interpret the pivotal words in a given section, a small complementary section entitled "Assignment and Study Guides" has been included.
>
> This latter section includes a great many carefully thought out and properly arranged hypothetical situations, the solution of which before class will have acquainted the student with the more important niceties as well as the general theory of a given provision.
>
> In short then, it is the aim of these materials to bring a

fairly well informed and sophisticated student *into* the classroom.[98]

The use of problems as a teaching technique, first employed in 1940-1941, and mentioned in the extract quoted above, received steadily increasing attention during the 1950's. While problems had been used as the basis for examination questions since the 1920's,[99] the extension of their use to the classroom was noted in the preface to Statson and Cooper's *Administrative Tribunals,* quoted above. In the preface to *Cases and Materials on the Law of Fiduciary Administration* (2d ed., 1956) prepared by Professor Lewis Simes and William Fratcher of the University of Missouri Law School, it was noted ". . . the materials have been definitely shortened. This has been accomplished by condensing materials on probate procedure and by a frequent use of problems instead of reports of decided cases." [100] Even in the case-dominated area of Contracts, problems were utilized in the casebook published in 1959 by Professor William B. Harvey and John Dawson of the Harvard Law School.[101] A number of courses and seminars offered during 1958-1959 utilized problems as a major instructional device, including Pleading and Joinder, the second-year procedural course, Problems and Research I, which, like Pleading and Joinder, was required of all second-year students, William Wirt Blume's seminar in American Legal History, Allan F. Smith's seminar in Conveyancing, Frank Cooper's Legal Writing, William J. Pierce's Legislative Problems, as well as the several courses and seminars in Taxation. Seminars and some smaller classes which did not rely heavily on problems, tended to require preparation of a substantial research project.[102]

[98] Kauper and Wright, Cases and Materials on Federal Income Taxation (1955), Preface.

[99] See Part II, VI:9. For an earlier type of examination, see Part II, VI:6.

[100] Simes and Fratcher, Cases and Materials on the Law of Fiduciary Administration (2d ed., 1956), p. iii.

[101] See note 92a, *supra.*

[102] Illustratively, Paul Kauper's seminar in Comparative Constitutional Law; the Atomic Energy Law Seminar offered by Stason, Estep, Pierce, and Stein; William Bishop's seminar in International Law; and William B. Harvey's course and seminar in Legal Philosophy, all required completion of a substantial research paper.

In the undergraduate course in Legal Philosophy, students selected the following topics and submitted papers thereon during the first semester, 1958-1959:

The Philosophical Basis of Secularism in American Public Schools.

The Patent Law Image of Roscoe Pound's Jurisprudence of Interests.

An Examination and Critical Analysis of Discriminatory Practices Toward Non-White Minorities in the Urban Renewal Program.

Another development during the 1950's was a greater use of non-legal materials. Dean Bates had recognized the contribution they were able to make to legal instruction, and the foreword to Alfred F. Conard's casebook on business organizations described one aspect of their use:

> This book departs from tradition also in directing the student's attention not only to the record of judicial decisions, but also to what has been said off the bench about these same subjects. Even so illuminating an opinion as Cardozo's in *Crowley* v. *Lewis* tells us less about his evaluation of the seal than a commentary about this and other cases in his essays on the judicial process. Justice Holmes' laconic phrases in *Dempsey* v. *Chambers* tell us much less about his appraisal of vicarious liability than is disclosed by Professor Holmes' lectures at Harvard a few years earlier. Such passages as these, as well as many from non-judicial writers, I have raised from the accustomed footnote citation to extensive quotation in full-sized type. I think they merit classroom dissection no less than disquisitions from the bench.[103]

The materials used in two seminars offered in the spring semester of 1958-1959 were further illustrations of the extent to which non-legal materials had been incorporated into the law curriculum. Spencer Kimball's Law and Society listed the following:

> Handlin, *Race and Nationality in American Life*
> Allport, *The Nature of Prejudice*
> Handlin, *The Uprooted*
> Rose, *The Negro in America*

William B. Harvey's seminar in Legal Philosophy utilized a wide variety of materials, including extracts from St. Thomas Aquinas,

---

An Analysis and Critique of Legalized Eugenic Sterilization.
Are Constitutional Due Process Guarantees Needed in Juvenile Court Proceedings?
Judge Learned Hand and the Function of Judicial Review of Legislation.
An Analysis and Evaluation of Certain Views on the Nature of Legal Reasoning.
Plato, Aristotle, and Modern Legal Methods.
The Relation of Law and Morals in the Writings of Justice Holmes.
A Comparison of Some Attitudes Toward Revolution with Particular Attention to Rousseau and the Recent Decisions of the Supreme Court of the United States.
Compulsory Union Membership: Safeguard or Infringement of the Right to Work.
The Right to Work Laws in Historical and Philosophical Perspective.
Some Basic Problems of Punishment.
A Comparison of the Political Philosophies of Thomas Hobbes and Alexander Hamilton.
Stare decisis in Constitutional Law.

[103] Conard, Cases and Materials on the Law of Business Organization: Agency-Employment-Partnership-Joint Enterprises and Ventures (2d ed. 1957), p. xii.

Locke's *Second Treatise on Government,* Hobbes' *Leviathan,* Bentham's *The Theory of Legislation,* Mill's *On Liberty and Utilitarianism,* Ehrlich's *Fundamental Principles of the Sociology of Law,* and Duguit's *Law in the Modern State.*[104]

For a number of years the Law Faculty had been expressing grave concern over the limited number of students receiving adequate training in technical skills and research techniques, in spite of the broadened course offerings which made such training available to the students. Dean Stason had remarked on this need in his 1953-1954 Report to the President:

> . . . Legal education had proved itself to be very effective. Law graduates are well trained and quite capable in handling legal principles. When they go forth to the bar, however, they come into contact almost for the first time with the necessity of acquiring skill in assembling, sifting, analyzing, and utilizing the facts relevant to legal situations. In the law schools little is done with respect to this phase of the lawyer's task. Facts involve field study dealing with human situations as they are found in active life. Such studies are expensive and time-consuming. We do not possess the legal equivalent of the medical clinic. "Legal aid" measures, such as those used by some schools, especially in the large population centers, do not really fill the need. I hope to see the University of Michigan Law School in due course enter this field in such a way that every law graduate will have at least one solid experience in marshaling facts pertinent to a legal controversy. Some considerable ingenuity will be required to devise appropriate ways and means, but the task will become a part of first-class legal education of the future.[105]

The Law Faculty concluded after careful consideration that some device, comparable in efficiency to the training in practice and procedure, was desirable and in response to this, Problems and Research I and II were offered for the first time in 1957-1958.

The Report of the Planning Committee which drafted the main outlines of the program stated:

> . . . [The] proposed course should be designed to accomplish several objectives: Facilitation of the student's introduction into the processes and techniques of law study; enhancement of student interest and perspective with respect to

[104] William B. Harvey's seminar in Legal Philosophy, spring semester, 1958-1959, was organized around an extensive report by a student submitted at each class meeting. For assigned readings see Part II, VI: 12.

[105] President's Report, 1953-1954, p. 102.

> legal problems; development of skills in legal analysis, writing and research. It was the conclusion of the Committee . . . that the proposed course would help to inculcate in the student an interest and enthusiasm which would at least in part alleviate some of the problems of the second and third years.[106]

The two courses, offered in the fall and spring semesters and required of all second-year students, were under the general supervision of Professor Jack Richard Pearce. Four recent graduates of the Law School were appointed Instructors in Law and given the responsibility for the actual conduct of the courses. The second-year students were divided into groups of fourteen or fifteen students, each meeting one hour a week. In the mimeographed material distributed to the students, the content of Problems and Research I was described as follows:

> A series of five problems is presently planned, as listed in the attached schedule. Each problem will run from two to four weeks in length. The problems will be worked out by the students individually outside of class, and the weekly group sessions will be used for elicitation of the facts and assignments of the problems and discussions and critiques of the work completed by the students.
>
> The following factors have guided the preparation of the problems.
>
> 1. *Application of principles of law studied in* other courses . . . .
>
> By having these principles of law applied by the students in a hypothetical situation and setting comparable to that in which the legal problem arises in practice, it is believed that the principles of law may become more meaningful to the students. For example, the fifth problem requires the students to sift and evaluate a complex file of correspondence and memoranda of the client's with respect to principles of "offer and acceptances" in contract law . . . .
>
> 2. *Legal Writing.* A variety of legal writing will be done by the students and individually checked by the Instructors. Present plans include the drafting of provisions of a will and of a statute and the writing of an office memorandum and a letter to a client (evaluating title to realty) . . . .
>
> 3. *Elicitation and marshalling of facts.* In the problems emphasis has been placed on requiring the students to find and marshall the relevant facts from their original sources . . . .
>
> The technique of having the students start "from scratch" and formulate the questions necessary to secure all relevant

[106] Report Number Five of the Planning Committee: Law Associates Program, March 20, 1957. Faculty Minutes, 1955— p. 352.

> facts requires an intelligent appreciation by them of the possible legal problems involved and should reinforce their understanding of the particular area of law involved . . . .
>
> 4. *Legal research.* Original research by the students this fall semester will be very small. . . . However, limited statutory research is planned . . . .[107]

Problems and Research II consisted of a single piece of extensive legal research by each student on a faculty devised problem. Each problem was set in a specific jurisdiction and many "cut across" various legal fields—requiring the type of analysis encountered in the practice of law.

In the 1957-1958 report to the President, Dean Stason described the program as follows:

> In the fall of 1957 the Law School initiated a new program requiring all second-year students to do individual work in legal research and writing and in the development of related legal skills. The program was placed under the immediate direction of four instructors in law employed full time for the purpose. They were supervised by Professor Jack R. Pearce who had the assistance of a faculty advisory committee.
>
> The principal aim of the program was to train students to apply legal principles studied in their regular courses to legal problems presented in hypothetical fact situations. During the first semester the students, in groups of 15 to 20, met weekly with the instructors for the purpose of discussing such problems as the drafting of wills, contracts, and forms of business organization, the examination of titles and handling of land transactions, statutory research and interpretation, and the elicitation and analysis of facts. Small groups made possible a large measure of individual participation together with criticism and evaluation of individual work. It was expected that the program would lend additional meaning to the regular classroom studies and this proved to be the case. Furthermore, it served to provide the students with more direct and personal familiarity with the law library and the research tools of the legal profession.
>
> During the second semester each student was required to engage in individual research in the preparation of a memorandum on some reasonably difficult legal proposition. Instructors met with the students individually during the progress of this work. In effect this phase of the program gave to all members of the second-year class the kind of opportunity that had hitherto been made available only to editors of the Law Review.

[107] Problems and Research I, September 30, 1957, pp. 1-2.

> . . . The program was well received by the students and the educational worth of the task was fully demonstrated to the satisfaction of the faculty.[108] In 1958-1959, Problems and Research I and II were graded in the same manner as other courses, but there was no substantial change in the organization of the program or of the methods employed. During both 1957-1958 and 1958-1959, the four Instructors also conducted in the fall a non-credit course for first-year students, designed to aid their orientation in the study of law. The students were divided into groups of about eighteen each and met for hour-long sessions, on six occasions in 1957-1958 and ten in 1958-1959.

Essentially, of course, every technique used in the Law School was directed toward the same ultimate end, the end set out in the 1958 By Laws of the Board of Regents:

> The Law School shall be maintained for the purpose of providing instruction and conducting research in law and in the science of jurisprudence, comparative jurisprudence, and legislation, to the end that its graduates may become prudent counselors, wise legislators, and useful leaders.[109]

The great strength of the case method lay in the opportunity it gave:

> . . . to master the fundamental processes of the "common law" method, i.e. the processes of analysis and of inductive, deductive, and analogical reasoning so characteristic of the common law and necessary to enable the lawyer to derive the pertinent legal doctrines and apply them intelligently to human situations . . . .[110]

When the student, indoctrinated into the "common law" method, was given an opportunity to apply that method in the solution of particular problems, similar to those he would face in actual practice, a powerful two-pronged instructional method had been evolved. It retained the intellectual training but, in forcing the student to apply that training, acted as a continuous stimulant to the student's interest, which had been observed to falter, once the techniques of the case method itself had been mastered.

That the case method was considered the fundamental instructional method employed at the Law School in 1958-1959 was made clear in the advice given law students in the *Law Students' Handbook*. After setting

[108] The Law School, Annual Report for the President and the Board of Regents, MS., pp. 1-2.

[109] By Laws, Board of Regents (1958), p. 60.

[110] Law Students' Handbook, 1957-1958, p. 9.

out the objectives of legal education, several pages are devoted to a discussion of "What is the law student expected to do?" [111]

The official attitude of the Law Faculty regarding the several techniques of instruction, in use in 1958-1959, was expressed in the Announcement for that year, which stated:

> Most of the instruction in the School is conducted by free discussion of legal principles, as disclosed in reported cases, statutes, and other legal materials; but as frequently as possible, within limitation of time, excursions are made into related nonlegal materials in order to observe more closely the application of law to society. At the same time special care is taken to develop in the students a knowledge of the procedural side of the law, and to that end thorough instruction is offered in judicial administration, trial and appellate practice, evidence, and administrative procedure. This instruction is supplemented by practical exercises in a fully equipped practice court. It is further aided by the voluntary programs of student-managed case clubs or moot courts. As a result the student not only acquires a general working knowledge of remedial forms and methods, but he also learns to co-ordinate the principles of substantive and procedural law in a broadly professional way.
>
> The case system of instruction is used in the Law School, but it is generously supplemented by statutes and problems and by opportunities for individual creative work in several of the courses and on the editorial board of the *Michigan Law Review*. In view of the national character of the School and the fact that its graduates practice law throughout the nation, emphasis on local law is minimized and general principles are emphasized.[112]

[111] See Part II, VI: 10.

[112] Announcement, 1958-1959, p. 9.

Chapter VII

Training for Advocacy: Courts, Clubs and Public Speaking

From the moment of its inception, the Law Department faced the need to provide training in the skills required of an advocate, and the consequent problem of determining what means would best inculcate such skills. The clerk-apprenticeship in the office of a practicing attorney (whatever its other deficiencies) had satisfactorily supplied this portion of the lawyer's preparation for practice, and much thought was given to the problem of how to accomplish the same result within a university. The steps taken to prepare students for the realities of actual practice led to the characterization of Michigan as a "practical" law school. These steps included extensive course work in pleading and procedure, described in Chapter VI, and the establishment of practice tribunals, known originally as Moot Courts and Club Courts and later as Practice Courts and Case Clubs, where students could gain experience in both trial and appellate practice. In addition, between 1887 and 1916, courses in Elocution and Oratory were offered in the Law Department and the annual Announcement noted various oratorical associations and competitions between 1897 and 1927.

The action of the Board of Regents establishing the Law Department provided:

> Moot Courts shall be organized and such other measures adopted by the Law Faculty as may most effectually promote the practical knowledge and application of the principles taught.[1]

The Regents' Committee on the Law Department in July 1859 announced:

> Moot Courts will be held as often as once a week during the term for the argument of cases previously prepared and given out to students designated. They will be presided over by the Professor lecturing for the day who, in conclusion will review the arguments and give his decision upon the points involved. The students will also organize among themselves such Club Courts as they may see fit.[2]

[1] Regents' Proceedings, 1837-1864, p. 847.
[2] *Id.*, p. 879.

Thomas Cooley, one of the original three professors in the Law Department, writing in 1894, described the initial arrangements for the Moot Court:

> It was agreed by the professors at their first meeting that moot courts must be made a special feature of the course, quite beyond what had been customary in law schools, and that the professors must give freely of their time in assisting the students assigned to take part in them in their preparation for the hearings. This understanding was carried out with liberal expenditure of labor, and the moot courts became an attractive feature in the instruction. The students very generally attended them; they were presided over by the lecturer for the day, who made such suggestions as seemed called for as the argument proceeded. At the conclusion he commented upon and criticised the briefs and discussion, if it seemed wise to do so, and then applied the law. By this course he did not simply decide the case that had been discussed, but he gave instruction upon the points involved as well as upon the manner in which the counsel had prepared for and presented them, and made the exercise one of practical value.[3]

Cooley presided over the first Moot Court, held on October 13, 1859. A total of twenty-two such courts were held during the 1859-1860 Law term, with Cooley and Walker each presiding over eleven sessions. Statistics showing the number of Moot Courts held annually and the presiding professor may be found in Part II.[4]

In 1860, the University Catalogue announced:

> A Moot Court is held at least once a week during the term, for the argument of cases previously given out by Professors, to students designated to discuss them. They will be presided over by the Professor lecturing for the day, who, at the conclusion, will review the arguments, and give his decision upon the points involved. Club Courts will also be organized among the students, to be arranged and conducted by themselves, with such assistance from the members of the Faculty as may be desired. These Courts, thus far, have been found both interesting and exceedingly useful.[5]

The rationale underlying the Moot Courts and the Club Courts was described in the same Catalogue:

> . . . The effort here will be to make, not *theoretical* merely, but *practical* lawyers: not to teach principles merely, but how

[3] To Wit: Department of Law, University of Michigan, Class of '94 (1894), [hereinafter cited as To Wit], p. 105.

[4] See Part II, VII: 1.

[5] Catalogue of the Officers and Students for 1860, State University of Michigan, p. 61.

> to apply them. To this end, the Moot Court will be made the forum for the discussion of such practical questions as must frequently arise in a professional career at the bar, and the attention of the Faculty will be directed not less to the application of the points discussed to actual cases, than to the elucidation of the legal questions. An opportunity will be afforded all the students to participate in this Court, and they will at all times have such assistance in their Club Courts as they may find themselves in need of.[6]

In 1866-1867 the original announcement was altered to state:

> An opportunity will be afforded all the senior students to participate in this [i.e., the Moot] Court . . . .[7]

In 1878-1879 the frequency of the courts was changed from "at least once a week during the term" to "from time to time during the term." [8] With these two exceptions, however, the substance of the announcements, as originally stated, remained unchanged until 1883-1884.

Cooley was active in the Moot Courts throughout the period of his full-time connection with the Law Department, and for that reason notes taken by a student in 1864 are of particular interest. In that year, Cooley delivered the opening lecture for the department and stated:

> . . . there would be a Moot Court held once a week for the purpose of discussing such questions as should be given out by the professors, these were to be conducted by Seniors, one upon a side. In a day or two after the discussion the Professor would decide the cause, it was customary to appoint a reporter from among their numbers, to write down the case and its decision and to have it placed in the library for after reference . . . .[9]

Although no copies of Moot Court cases and decisions have been located in the Law Library, a notebook owned by Clement Smith, Law '67, contains copies of the briefs filed by plaintiffs and defendants in two cases, probably dated March 1866, together with the opinion which Thomas Cooley as presiding judge delivered in each. They appear in Part II.[10]

[6] *Id.*, p. 63.

[7] Catalogue of the Officers and Students for 1866-7, University of Michigan, p. 80.

[8] Calendar of the University of Michigan for 1878-9, p. 87.

[9] W. O. Balch, MS. notebook, 1864-1865, pp. 2-3, on deposit in the Michigan Historical Collections, The University of Michigan.

[10] See Part II, VII: 2.

The University Catalogue for 1883-1884 discussed both the Moot Courts and the Club Courts:

> Moot Courts are held from time to time during the term, in which students discuss cases previously assigned them for that purpose by the professors. These Courts are presided over by the professor lecturing for the day, who, at the conclusion, reviews the arguments and gives his decision upon the points involved. The effort here is to make not merely *theoretical,* but *practical* lawyers; not to teach principles merely, but how to apply them. To this end, the Moot Court is made the forum for the discussion of such practical questions as most frequently arise in a professional career at the bar; and the attention of the Faculty is directed not less to the application of the points discussed to actual cases, than to the elucidation of the legal questions. An opportunity is afforded all the senior students to participate in this Court.
>
> Moot Courts are conducted on the theory that certain facts are true, and that the only subject open to discussion is the rule of law to be applied to them. The student having obtained from the Faculty a statement of facts, is required to prepare pleadings, and draw up a brief in which the rules of law are stated under appropriate divisions and sustained by authorities which he proposes to rely upon in his oral argument. The pleadings are submitted to the professor who lectures on the subject of pleading and practice. He calls the attention of the student to such errors as may exist, and gives such other practical information as he may deem advisable.
>
> Club Courts are also organized among the students, to be arranged and conducted by themselves, with such assistance from the members of the Faculty as may be desired. These courts, thus far, have been found alike interesting and useful to those who have participated in them. The Club Courts are open to the members of either the Senior or the Junior class, and students are strongly recommended to connect themselves with some one of these organizations.[11]

Little has been written about the Club Courts, and no systematic account of their activities is possible. However, certain facts have been derived from the 1892 volume of the *Michigan Law Journal* and from yearbooks published by the law classes of 1874, 1883, 1894, 1895, and 1896. These sources supply the names of then-active courts, and, while highly fragmentary, indicate that students joined the several courts on

[11] Calendar of the University of Michigan for 1883-84, pp. 110-11.

the basis of the jurisdiction in which they expected to practice.[12] This confirms the following statements made in *History of the Law Class of 1883:*

> Without delay our class had become classified into some one of the six courts, viz: "Ohio Code," "New York," "Indiana," "Pennsylvania," "Michigan" or "Trans-Mississippi," which were conducted to represent the different localities in which we intend to practice. These courts continued with a constantly increasing interest throughout the entire year, and the advantages that we derived from them are so indelibly impressed upon our minds that they can never be forgotten.[13]

The evidence available shows that when class records were kept, membership in these club courts was considered sufficiently important to be included in the individual biographies appearing in the five available class histories or yearbooks. A comparison of the information contained in the yearbooks for 1894, 1895, and 1896, shows considerable fluctuation in these courts, for out of the total of fifteen listed, only three were in existence for the full three-year period. "Michigan Club Court, No. 1," however, the one court for which records have been located had a seventeen year existence, from 1883-1900.[14]

Club Courts are not mentioned in the Announcement after 1905-1906,[15] but the latest positive evidence of any activity is for an earlier year. The Michigan Club Court No. 1 records show for the last entry an election of officers on January 31, 1900. The decline of the Club Courts paralleled the increased emphasis on jury trials in the Practice Court, and in the case of the Michigan Club Court there was a definite effort to remake the organization into one closely resembling the literary societies, in existence in the Law Department from 1859.

Bradley Thompson, Law '60, later a member of the Law Faculty, stated that his class, the first in the Law Department, had "organized the present Webster Society . . . ." [16] The yearbooks, *Palladium* and *Castelian,* published by the "secret societies" and the "independents"

[12] See Part II, VII: 3.

[13] Charles I. York, History of the Law Class of 1883 (1883), p. 15.

[14] See Part II, VII: 4 for a note on the records of "Michigan Club Court, No. 1."

[15] The Minutes of the Law Faculty for November 21, 1905 state: "The request of the Cooley Case Club was presented and it was decided to inform the Club that the Faculty approve of the general plan, but cannot undertake to select the membership." Minutes 1901-1910, p. 216.

[16] Bradley Thompson, "The First Law Class," 4 Michigan Alumnus 298 at 301 (1898).

from 1859 to 1896, when they merged to form the *Michiganensian,* show that the Webster Society was established in 1859 with 83 members. The Justinian Society was founded in 1860 with 33 members and the Jeffersonian in 1864 with 32 members. The Justinian did not function after 1862-1863. However, the Webster and Jeffersonian Societies remained active. The Jeffersonian was mentioned in the *Michiganensian* for 1913-1914, while the Webster appeared as late as 1916-1917. Four volumes of records of the Jeffersonian Society show a continuous existence between 1864 and 1910. Other societies, formed from time to time, had a much shorter life. In 1894, *To Wit,* the class annual, reported:

> The present year notes no abatement in the cultivation of forensic eloquence, and in many instances a marked improvement is perceptible. The Webster and Jeffersonian Debating Societies—transcendent bodies of their kind—descend to successive classes, like heirlooms, in perpetuation of instructive polemics. Each class brings eager recruits, willing to hazard failure that they may share the prowess of those departed. In these societies is generated an animating breeze to fan the dying embers of the well nigh lost art of speech making. Besides these debating societies there has been organized the Mechem, Griffin and Knowlton debating clubs, each composed of active members. The department has club courts galore, where the principles and knowledge gleaned in the lecture room and from books are practically applied.[17]

The Announcement referred to these societies between 1886-1887 and 1919-1920, but while the earlier announcements stated that they were "for purposes of literary culture," in 1911-1912 this was changed to read "for purposes of securing training in public speaking and debating." [18]

Participation by law students in oratorical events sponsored by the University was not mentioned by the Announcement prior to 1897-1898, but in 1894 *To Wit* stated:

> Oratory has a peculiar charm for the law student. The present class is represented officially in the local Oratorical Association, and in all oratorical and debating contests some of its members have written their names on the dome of excellence.[19]

[17] To Wit, pp. 152-53.

[18] Announcement, 1911-1912, p. 31. See Part II, VII: 5 for information regarding these societies.

[19] To Wit, p. 153.

As late as 1926-1927, the Law School's Announcement devoted several paragraphs to the several oratorical associations and competitions.[20]

The accepted belief during the nineteenth century that a lawyer required extensive training in oratory and in debating, reflected in the student interest in the debating and literary societies, as well as in the Oratorical Association and the Club Courts, was recognized by the Law Faculty in 1887-1888 when Elocution was added to the course of instruction in the Law Department. The 1888-1889 Announcement explained:

> It is important for those who study the law with the view of becoming advocates, that they should give attention to the subject of forensic eloquence, the better to equip them for the performance of their duties as advocates. It is a mistake to suppose that excellency in speaking is simply a gift of nature, and not the result of patient and persistent labor and study. Instruction in elocution and oratory is therefore necessary to law students. The junior class receive instruction in vocal culture, articulation and pronunciation; position and gesture; quality and force of voice. An advanced course in oratory has been arranged for the senior class . . . .[21]

The 1891-1892 Announcement described the course offerings more particularly, observing that though they were optional, once a student had elected one he was required to complete it and a failure to do so would affect his standing at graduation. These courses were offered through 1915-1916. Between 1916-1917 and 1926-1927, students were advised, in view of the importance to the advocate of public speaking, to take appropriate courses as undergraduates.

As mentioned earlier, Moot Courts, providing a school tribunal for the trial of issues of law, had been an integral part of the instructional program of the Law Department from its establishment. The Club Courts, concentrating on the trial of issues of fact, while receiving official approbation, had been entirely extra-curricular.

According to accounts written in 1894 by Professor Floyd Mechem and in 1912 by Professor Edson R. Sunderland, the Law Faculty concluded by 1890 that greater practical training than was afforded either by the Moot Courts or the Club Courts was needed by the students.[22] To achieve this objective, the Moot Courts were subjected to a drastic reorganization in 1890-1891. Instead of concentrating on appellate prac-

[20] See Part II, VII: 6 for information relative to these societies.

[21] Announcement, 1888-1889, p. 13.

[22] Floyd Mechem, "The Practice Court," To Wit, pp. 137-40; Edson R. Sunderland, "The Art of Legal Practice," 18 Michigan Alumnus 252-60 (1912).

tice, the students were expected to master trial practice by conducting a case through the Moot Courts in accordance with the procedural rules of some one particular jurisdiction.[23]

The re-organized Moot Court did not long continue. The following extract from Professor Floyd Mechem's account of the founding of the Practice Court, written in 1894, suggests that the 1890-1891 reorganization of the Moot Court was either conceived as an "experiment" or was not carried out in practice:

> It has often been urged as the chief, if not the only objection to instruction in law schools that their training was, and of necessity must be, purely theoretical and not practical in its character. As to the theoretical side, it has long been conceded that the law school furnished an opportunity to become grounded in legal principles which were furnished no where else; but as to the practical side, it has been insisted that only the law office and the court room could furnish the necessary training . . . . Many a young lawyer has gone out from the law schools well versed in legal principles, only to be nonplussed by the first practical difficulty.
>
> To supply this need as far as possible the law schools have, for many years, adopted the moot court and encouraged the formation of club courts among the students. The difficulty with the former is that they give but little practical training, being chiefly occupied with the argument of pure questions of law, while in the latter, presided over and conducted by the students themselves, there is neither the incentive which comes with required work nor any certainty that their methods or conclusions are correct. There was obviously an imperative need for something better, and this need has led to the establishment, in the Law Department of the University, of the practice court. Experiment had convinced the Faculty that it could be done, and it was accordingly projected upon lines and to an extent not only never before attempted in the history of law schools, but declared elsewhere to be impracticable if not impossible. It is now believed that it is not too much to say that experience has now demonstrated that it is both practicable and possible, and that it supplies the need which has so long been felt.[24]

The Regents on October 18, 1893, had directed the Law Faculty to "organize a Practice Court," [25] and on November 17 the Executive Committee of the Regents was "authorized to appoint a clerk for the

[23] See Part II, VII: 7 for a description of these courts and the techniques employed.
[24] Floyd Mechem, "The Practice Court," To Wit, pp. 137-38.
[25] Regents' Proceedings, 1891-1896, p. 222.

Practice Court in the Law Department, for one year, at a salary not exceeding $100." [26] The Announcement of the Law Department for the same year, 1893-1894, stated:

> The Regents of the University have recently determined to establish within the Department a Practice Court. During the year '93-'94, two courses of instruction will be offered in Practice Court work.
>
> (a) Practice under the Common Law.
>
> (b) Practice under the Code.
>
> Every member of the senior class will be required to elect one of these courses. Practical experience will be given the student in the drawing of papers in a cause, the empanelling of juries, and the examination of witnesses. In fact, every step will be taken from the commencement of a suit to final judgment. Issues of facts will be tried as in actual practice, and the student will be required to do for himself, under the direction of his instructor, the work of the law office and court room. It is believed that the Practice Court will afford the students an opportunity of combining theory and practice under such conditions that he will gain a clearer insight into matters of practice than students ordinarily obtain who study in offices. This work will be under the direction of a member of the Faculty.[27]

Further information relating to the initial organization of the Practice Court is supplied by Mechem's account of its establishment, published in 1894:

> The work has been divided into two courses: First, a course of cases upon statements of facts, prepared and assigned by the Faculty, upon which causes are to be begun, issues of law framed, and arguments had upon the legal points involved as in actual practice. This course embraces not only the practice of the old moot courts, but, in addition, the actual commencement of the action and its prosecution to a judgment upon the issues of law involved. Second, a course of cases upon actual controversies arranged among the students by members of the Faculty, in which the students assigned as attorneys are to collect the evidence, determine the forum and form of action, sue out process and conduct the cause to its termination. These cases are usually tried by jury, and all of the practice of selecting a jury, examining and cross-examining witnesses, arguing questions of law to the court and of fact to the jury, substantially as in actual trials, is obtained. In this course, a jury trial will be found in progress upon substantially every day in the second semester. Each student is required to take part as

[26] *Id.*, p. 229.

[27] Announcement, 1893-1894, p. 16.

attorney in at least one case in each course, besides performing duty as witness, juror, party and officer as required. The practice and procedure in each course are according to that prevailing in the student's own state.

The work devolved upon the Faculty has been very great. Methods of procedure have required to be evolved, rules prepared, and all of the complicated machinery of the court and the clerk's office put in motion. The labor of preparing over seventy-five different statements of fact for the first course has been great, but not so great as that of arranging as many actual controversies for jury trials in the second course. The members of the class have entered into the work with the zest which ensures success. Never before has there been such a generous rivalry in work; such demands upon the library; such a spirit of inquiry and investigation in the air.[28]

Two contemporary student accounts show student reaction to the Practice Court. The 1894 Law Annual, *To Wit,* commented on "The Practice Court, which is hailed with delight by every student as a potent instrument for the making of practical lawyers . . . ." [29] The History of the Class of 1896 stated:

It is with pleasure that I turn to the practice court in whose work '96 has spent so goodly a portion of its time. In the early part of the year there was the practical experience of being thrown out on one's pleadings and the numerous but futile attempts to settle out of court. And woe to the man from Dakota or New Mexico or where not who thought to deceive the judge, for "full of wise saws and modern instances", he knew the law of every State or Territory and could examine a group of four from as many different States, upon the laws of their various jurisdictions. Then there was the law argument, where every attorney staggered under a weight of authorities, where all sorts and conditions of briefs, from the curt statement to the continued story, were presented and where our coming leaders "sawed the air" and advanced arguments from the sublime to the ridiculous.

In the second semester came the jury trials which are progressing even now. These are proving of incalculable benefit, are grounding us in pleading and evidence and in the general method of carrying on a trial. These trials are made as realistic as possible. The crowd of loungers even is not lacking. The jury is of the usual high order of intelligence and the witnesses show evidence of careful coaching.[30]

[28] Floyd Mechem, "The Practice Court," To Wit, pp. 139-140.

[29] To Wit, p. 165.

[30] Res Gestae (1896 Law Annual, unpaged), extract from Senior Class History.

The Law Department's Announcement for 1894-1895, discussing in great detail the work of the Practice Court, pointed out that the purpose of the Court:

> . . . [was] to afford to the student practical instruction in pleading and practice both at law and in equity, under the common law system and the "code" or "reformed" procedure, and actual experience in the commencement and trial of cases through all their stages.[31]

Professor Floyd Mechem's supervision of the Practice Court lasted only for the initial year. On June 26, 1894, the Board of Regents appointed Thomas Bogle ". . . Professor of Law for one year, to have charge of the Practice Court . . . ." [32] In 1901, Edson R. Sunderland commenced his long connection with the Practice Court, working at first with Professor Bogle. In 1910-1911 Sunderland was placed in charge of the Practice Court and carried this responsibility for many years. In 1944 Professor William Wirt Blume, who had worked with Sunderland since 1927, took over the Practice Court until 1948, when Professor Charles Joiner assumed the chief responsibility.

Writing in 1903, two years after commencing his work with the Practice Court, Professor Sunderland set out the purpose of the Practice Court and appraised its work:

> The law department of the University of Michigan has always proceeded upon the theory that the chief function of a law school is to fit men for the practice of the law. An aim to make professional instruction as thoroughly practical as possible is by no means a narrow one, nor is it out of accord with the liberalizing tendencies of university culture . . . .
>
> The men who attend a law school are mostly men who intend to practice law, and the value of the course, therefore, depends upon the adequacy of the preparation it gives them for practice . . . . It is not uncommon for a man to be very well informed about the law, and at the same time be a complete failure as a lawyer . . . .
>
> Of course a thorough knowledge of the substantive law is indispensable. But such a knowledge becomes practically useful only when coupled with a knowledge of the means whereby the principles of the law are applied to particular controversies. This result the "practice court" aims to accomplish.

After discussing certain details of the practical operation of the Practice Court, Sunderland concluded:

[31] Announcement, 1894-1895, p. 17-18. The full text of these paragraphs appears in Part II, VII: 8.

[32] Regents' Proceedings, 1891-1896, p. 306.

> It is believed that this practice court work helps materially in definitizing the theoretical knowledge of the law which the student gets elsewhere in his course. It gives him experience in the application of principles to specific facts. It familiarizes him with the best methods of conducting trials and challenges his attention to the many pitfalls which beset the path of the practitioner . . . .
>
> In his first cases the young attorney is confronted and some what terrified by a host of puzzling questions: . . . . It is to help him through these difficulties that the practice court is maintained . . . . In short, the practice court aims to supplement the textbooks and the lectures by a comprehensive and thorough application of the laboratory method.[33]

The amount of time devoted to instruction in practice and procedure at Michigan, including the Practice Court, was subjected to great adverse criticism. Writing in 1912, Sunderland expounded the belief of the Law Faculty that law students should be prepared for the exigencies of actual practice and defended the inclusion of the Practice Court in the course of instruction. A portion of his statements appears in Part II.[34] He pointed out that despite the values of the case system it did not teach the student how to use the law, and stated that the teaching of practice had been given a prominent place in the Law Department in order to ". . . round out the law school curriculum into a practical as well as a theoretical course, to supplement the case system in making the law concrete, and to develop the study of law as a science which is primarily to be applied to the needs of a complex society . . . ." [35]

According to Professor Charles Joiner, writing in 1953:

> . . . This statement was roundly criticized by leading law teachers of the day—Henry W. Ballentine, then of Wisconsin; Roscoe Pound, of Harvard; Epaphroditus Peck, of Yale. Notwithstanding the criticism of these eminent scholars, Sunderland carried the day and his philosophy became the cornerstone for the teaching of procedure at Michigan and elsewhere.[36]

Despite criticism, the Law Faculty continued to emphasize practical training for advocacy. Courses in practice and procedure were deliberately integrated to provide a unified pattern of instruction. The

[33] Edson R. Sunderland, "The Practice Court," 9 Michigan Alumnus 295-99 (1903).

[34] See Part II, VII:9.

[35] Edson R. Sunderland, "The Art of Legal Practice," 18 Michigan Alumnus 252 at 260 (1912).

[36] Charles Joiner, "Teaching Civil Procedure: The Michigan Plan," 5 J. Legal Ed. 459 at 462 (1953).

Practice Court, as organized by Professor Mechem and developed by Professor Sunderland, remained substantially unchanged until 1923-1924, trying both issues of law and of fact, although jury trials tended to receive proportionately greater emphasis toward the end of this period. It became customary for law students by the early 1920's to stage, in some well-frequented part of the campus, an event involving some overt act which was then used as the basis for a law suit brought in the Practice Court. Students, present at the occurrence of the act in question, served as witnesses; there was considerable politicking over the selection of a jury; and law students tended to look at these trials as opportunities for horseplay and campus notoriety, rather than as training for practice.

Partly to correct this situation, the Practice Court was reorganized in 1923-1924. The students were made responsible for drawing process and pleadings, which were subjected to faculty criticism; after this, questions of law were briefed and argued. Jury trials were eliminated.[37]

The Practice Court was again altered in 1924-1925 but thereafter remained practically unchanged through 1945-1946. During this period, there were no jury trials, the students being furnished with prepared statements of the facts. The 1924-1925 Announcement stated:

> As an essential part of the work in procedure, supplementing the class-room courses offered in pleading and practice, the Law School maintains a Practice Court under the direction and control of members of the faculty. Its purpose is to give the students an opportunity to coordinate their knowledge of procedure and their knowledge of the substantive law in the conduct of an actually litigated controversy. Three features are specially developed and emphasized, namely, the drawing of pleadings, the writing of briefs, and the oral argument of questions of law.
>
> * * * * *
>
> The cases assigned in the Practice Court cover all the principal fields of law and equity. They are litigated in accordance with the usual rules of practice as actual cases of first impression in the several jurisdictions chosen and are decided on the basis of the weight of authority thus carrying the students into a study of the whole body of relevant American and English law.[38]

As noted earlier in this chapter, the Club Courts ceased to function as school tribunals during the last decade of the nineteenth century,

[37] For a description of the reorganized Practice Court see Part II, VII: 10.

[38] Announcement, 1924-1925, pp. 30-31. See also Part II, VII: 11.

about the time the Practice Court was established. Although they did continue to exist with altered functions, and although official notice was taken of the existence of the literary and debating societies, both types of extracurricular organizations became steadily less important. The latest surviving records for a literary society are dated 1910, in spite of the fact that the Announcement as late as 1919-1920 referred to them and for the years 1917-1918 through 1919-1920 noted also that there were ". . . other societies in which the argument of assumed cases of problems of law is the principal work." [39] No information regarding the continued existence of either the literary or the "other societies" after 1919-1920 has been located. Available evidence, however, shows that student interest in this type of activity was dormant, not dead, and that it could be reactivated under favorable conditions.

While the Practice Court was being reorganized in 1923-1924, some law students commenced to show an interest in student organizations or law clubs. The Faculty Minutes for January 25, 1924, record the fact that a committee was appointed ". . . to take under advisement the matter of law clubs . . . ." [40] The Committee reported on February 1, 1924 ". . . in regard to the progress being made in the formation of student clubs." [41]

Somewhat more information concerning these "law clubs" appears in Professor Herbert F. Goodrich's "Revival of Moot Courts at Michigan: Organization and Operation of the Ancient Practice Among Students":

> Moot courts in which law students argue law questions are not new . . . at Michigan, for there have been several organizations in former days in the Law School devoted to the argument of cases among their members. These voluntary societies died out, for one reason or another, some years ago.
>
> * * * * *
>
> Clubs formed for the purpose of argument of moot cases exist in varying numbers at several of the best law schools in the country. From the students of the Law School at Michigan has come a movement for the establishment of such clubs here. The third year class took the initiative and through a committee appointed for that purpose have organized about twenty clubs of first and second year men. Each club is under the direction of a third year man as adviser. Arguments will start in a few days and continue for several weeks, until each member

[39] Announcement, 1917-1918, p. 33.
[40] Faculty Minutes, 1920-1930, p. 191.
[41] *Id.*, p. 194.

> of the various clubs has participated in at least one argument. With this start it is expected that the work can begin without delay at the beginning of the school year next fall, when a more elaborate program can be undertaken. It is hoped that at that time, too, to begin a series of inter-club contests, in addition to arguments between counsel in the same club.[42]

An account of the law clubs between 1923 and 1925 is contained in a mimeographed pamphlet, entitled *Case Club Competition . . . 1938-1939,* apparently distributed to entering students. The first paragraph of the pamphlet, "History of the Organization," stated in part:

> As the Case Club enters upon its sixteenth year of activity it might be well to pause and consider its history . . . The first records available are for the years 1923 and 1924. At that time Paul Leidy was the senior adviser for the Cooley Club, which appears to have been the only club in existence, and hence the nucleus around which the present competition has been built. If there were others they had a separate organization and their records have not survived. The cases, during the first few years, were argued before juries of students; the questions of fact being argued, as well as questions of law . . . In the Cooley Club there were sixteen members—as compared with the 330 members in the five first-year and four second-year clubs today. In 1924 the membership increased to twenty-four. And in 1925 the case club system, as it exists today, was formally organized by Professors Holbrook, Stason, and Durfee. In that year the Marshall, Kent, Story, and Holmes Clubs were organized. In a statement recorded in 1925 it was written: "The purpose of these clubs is to furnish an extra-curricular opportunity for the preparation of and argument of concrete law cases, and it is the thought of those behind them that they would someday supplant the course in Practice Court." The program adopted called for intra-club arguments between the freshmen members, and for inter-club arguments between the junior members, each team to be composed of two men . . . .[43]

It is possible that without faculty encouragement, the law clubs would have not survived. On April 3, 1925, Professor Durfee reported to the Law Faculty:

> . . . to the effect that the clubs have been disintegrating. He suggested a new form of organization, based upon the fraternities and the Lawyers' Club. It was resolved that it is

[42] Herbert Goodrich, "Revival of Moot Courts at Michigan," 30 Michigan Alumnus 725-26 (1924).

[43] Case Club Competition, (undated) p. 1.

> the sense of the faculty that the present form of organization of clubs be continued, if possible, except that the board of student advisers should be appointed by the faculty, and that the presiding judges at the meetings of the club should be members of the faculty or practicing members of the Bar. It was voted that the matter be referred to the Committee on the case clubs for the purpose of formulating a report on the basis of the foregoing resolution.[44]

While the report from the case club committee was being prepared, a report on the Practice Court was presented to the faculty. From the initial organization of the Case Clubs, Professor E. Blythe Stason and other members of the faculty had hoped that eventually the Case Clubs would take over the functions of the Practice Court, thus combining the two school tribunals. The Committee took cognizance of this and their reported recommendations included a resolution, adopted by the faculty on October 2, 1925:

> First: That Practice Court shall be continued as a required third year course, as at present, unless and until the case clubs develop further than they have up to the present time.[45]

On October 9, 1925, Professor Durfee submitted a report dealing directly with the Case Clubs. Adopted by the faculty, it stated in part:

> In our opinion, the situation justified an attempt to operate case clubs this year.
>
> * * * * *
>
> Our aim should be fewer and better clubs. Unless the response exceeds our expectations four clubs would be enough. If there should be a waiting list of men who desired to join, it would have a wholesome effect. In no case should the number of clubs exceed six.[46]

The students, thus encouraged, continued to participate in Case Club work, and in 1928 Professor E. Blythe Stason described the operation of the Clubs in the *Michigan Alumnus:*

> At the present time there are four case clubs in the Law School. Each club consists of about twenty-four first-year students, eight second-year students, and one third-year student who acts as the club adviser. There is also a faculty member assigned to each club as adviser, and there is a special committee of the Law faculty which acts in a general advisory capacity for all clubs . . . .
>
> * * * * *

[44] Faculty Minutes, 1920-1930, pp. 249-50.
[45] *Id.*, p. 274.
[46] *Id.*, p. 276.

> The members of the faculty select disputable legal propositions from recent judicial decisions, and prepare statements of fact which involve these legal propositions. Each group is given one of the statements of fact as its case. By selecting legal propositions which have a lively significance in connection with the actual trial of cases it has been possible to give an element of vital interest and punch to the club work that is so often lacking in moot court exercises.[47]

It should be noted that the Case Clubs, as distinguished from the nineteenth century Club Courts, furnished participants with statements of fact, prepared by the Law Faculty, with the students responsible for looking up and arguing the applicable law. They resembled the Club Courts in being voluntary student organizations. They were, however, better organized and better articulated with the instructional program of the Law School.

The work of the Case Clubs was described by Henry M. Bates in his 1933-1934 report to the President. He referred to them as "Club Courts" and stated:

> Mention should be made here of the splendid development of our Club Courts and the work which they are carrying on. This work might well be considered a part of the regular curriculum of the School, though it is organized upon the basis of voluntary participation by the students. The number of those electing to take part in this work increased greatly over that of the preceding year, and the work of the Club Courts was developed and improved under the general supervision of a committee of the faculty, with the able and devoted assistance of four senior students, who themselves were the finalists in a two-year competition in which they had participated during their first and second years in the School. The work of these student advisers has increased in importance as the number of Club Courts has increased, and as the work on this course has been perfected and developed. It is only fair to say that these students are rendering distinctly important service in the work of instruction. The extent of the work which they perform has grown to formidable proportions, and it could not possibly be carried by the faculty without their aid. They have given a very considerable amount of time and have brought to their work high ability, the results of their own experience, and the sympathetic understanding which they have with student problems.[48]

[47] E. Blythe Stason, "The Law School Case Clubs," 35 Michigan Alumnus 250 (1928).

[48] President's Report, 1933-1934, p. 81.

While initial faculty reports on the Case Clubs had anticipated the Clubs would supersede the Practice Court as then organized, eight years passed without any step in that direction being made. It was not until 1933 that the Law Faculty recognized officially that the Practice Court and the Case Clubs overlapped in function and activity. Accordingly, on May 26, 1933:

> Upon recommendation of the special committee appointed to consider the Case Clubs it was voted that (1) all members of the third-year class be required to elect the course in Practice Court; (2) that those members of the third-year class who have completed the work of the Case Clubs in satisfactory fashion for the first two years shall be excused from that portion of the Practice Court course which relates to the preparation of brief and oral argument and shall be required to elect only that portion which relates to the preparation and criticism of pleadings; (3) as to members of the present second-year class who shall be editors of the Law Review next year it shall be required that they, too, shall complete the Practice Court work except for preparation of law briefs and oral argument.[49]

These two divisions of the Practice Court became known respectively as the "Short Term" and the "Long Term," and as the number of students taking part in Case Clubs increased, the number enrolled in the "Long Term" of the Practice Court proportionately decreased.

By 1940-1941, Case Clubs were a recognized though voluntary part of the Law School's program of training for advocacy. Student participation had continued to show a steady increase. E. Blythe Stason described the work of the Clubs in his 1940-1941 report to the President, noting in particular one of the most valuable portions of the training:

> . . . By reason of their participation in the case clubs, law students are at an early stage in their professional study compelled to make practical use of the Law Library in a manner quite like that of the practicing lawyer preparing a case for argument . . . . [The case clubs] are an admirable supplement to the program of formal classroom courses, and they demonstrate the value of self-education in a practical and useful way.[50]

Dean Stason, it should be remembered, was one of the strongest supporters of the Case Clubs at the time of their organization. His keen interest in the Clubs and his conviction of their importance in training for advocacy, was put to a severe test during World War II. As en-

[49] Faculty Minutes, 1930-1940, pp. 124-25.

[50] President's Report, 1940-1941, pp. 103-104.

rollment dwindled, so did Case Club participation. The minutes of the Advisory Committee for the Clubs during these years show the scarcity of members and how great were the obstacles to keeping even a rudimentary organization functioning. Yet the Case Clubs survived, and the Dean's report to the President for 1946-1947 stated:

> The student Case Clubs of the Law School . . . deserve especial mention because of the splendid work which they have been doing in recent years. The Case Clubs were first established about 1924. From the start they have been a voluntary, noncredit, extracurricular student activity, the object of which has been to furnish law students an opportunity for the preparation and argument of law cases based on specified facts. Participants in the arguments are first-year and second-year students. The program is administered by a committee of senior students, selected each year by the faculty and appointed student assistants, with modest stipends for services rendered.
>
> The students are divided into clubs, the number of clubs depending upon the number of students participating each year. From one-half to two-thirds of the members of the first-year class regularly take advantage of the opportunity afforded. The second-year students participate previously as first-year students but carry on a second year for additional training and experience. At the present time there are nine first-year clubs, each bearing the name of a distinguished American jurist: Marshall, Taney, Cooley, Story, Brandeis, Hughes, Holmes, Cardozo, and Stone. Then there are four second-year clubs bearing important English names: Blackstone, Coke, Mansfield, and Littleton. The students in each club are divided into groups of four, each group being divided into two teams of two each. Statements of fact are handed to the separate groups—facts raising legal issues which the participants brief and then argue orally as they would in an appellate court.
>
> The two best performers in each first-year club are selected by the senior advisers in charge to be the recipients of winners' awards in the form of subscriptions to the *Michigan Law Review*. The second-year clubs carry on a pyramided series of interclub arguments, so arranged that as a culmination of the year's work there are semifinal contests followed by a final argument, which comes as one of the major events at the close of the school year. Both the winners and the losers in the final argument are awarded cash prizes . . . .
>
> The law faculty regards the work of the Case Clubs as a distinctive and valuable part of the training of law students. The experience which the participants obtain in the use of the law library, the briefing of cases, and the presentation of oral

> arguments is a valuable supplement to the regular classroom work of the School . . . .[51]

The plans for Case Club organization, as adopted by the Law Faculty in 1925, had placed a faculty member in charge of every argument, with the recommendation that outside lawyers should be brought in as judges for the finals and semi-finals. In 1958-1959, the By-Laws and Rules provided:

> Freshman Fall Term cases shall be heard by a court presided by the Senior Judge of the Club, and further composed of the junior advisor, the third member of the court being a senior Law Student selected by the Senior Judge.
>
> * * * * *
>
> Junior Fall Term cases shall be heard by a Court of a neutral Club, presided over by a member of the Faculty, and further composed of the Senior Judge of that Club and the advisor appointed by said judge.
>
> * * * * *
>
> Freshman Spring Term cases shall be heard by a court of a neutral Club to be presided over by the Senior Judge of that Club, and further composed of the advisor appointed by said Judge, the third member of the Court being a senior Law Student selected by the Senior Judge.[52]

The Campbell Competition, which culminated the series of junior arguments, originated under the terms of a gift from the firm of Campbell, Bulkley and Ledyard of Detroit, in memory of their former partner, Henry M. Campbell, '78. The income from the gift was used after 1925 to reward wining counsel in the Campbell Competition, although no record of the names of the winners has been located prior to 1927.[53] In the course of the annual competition, eight teams, each composed of two second-year students, competed for the Henry M. Campbell Memorial Prize.

> Eligibility to participate in Campbell Competition shall be determined on the basis of numerical scores earned by counsel in the argument of the Freshman and Junior cases, the sixteen highest standing members enjoying priority.[54]

[51] President's Report, 1946-1947, pp. 107-108.

[52] By-Laws and Rules of the Case Clubs of the Law School of the University of Michigan, pp. 7-8.

[53] Case Club Competition . . . 1938-1939, p. 1. The income from this gift was supplemented in 1952, 1953, and 1954 by the successor to the original donor's firm, known in 1958-1959 as Dickinson, Wright, Davis, McKean, & Cudlip.

[54] By-Laws and Rules of the Case Clubs of the Law School of the University of Michigan, p. 8.

Although the prestige of participating in the Campbell Competition was limited to sixteen juniors out of a total membership in 1958-1959 of 323 first-year and 57 second-year students, the advantage of Case Club work accrued to all participants. A number of students each year, however, questioned whether the program was worth the requisite time and energy. As a voluntary organization, students could be urged but not compelled to participate, and many freshmen, deeply concerned whether their grades would permit them to stay in Law School, wondered if it would not be safer to concentrate on getting themselves through the crucial first year. Statistics, however, showed:

> . . . that members of the Case Clubs have significantly better success in their academic standing than do non-members. The opportunity for the member to talk to Junior and Senior members of his club, to analyze developing areas of the law, and to marshal both his oral and written expressions has contributed to this success . . . .[55]

While a number of freshmen students dropped out of the Case Clubs during the course of each year, most of those completing the first-year and practically all participating in the second-year program were convinced of the immediate as well as the long-term merits.

The values to be derived from Case Club work were set out in the description of the Case Club program:

> The value of Case Club work is best indicated by the fact that it takes the place in the Law School curriculum of the usual Law School courses in brief writing, legal research, and argumentation.
>
> Case Club work also teaches the use of the law library. Experience in quickly and accurately collecting the law on a troublesome point is of great benefit to the young attorney. They, the Case Clubs, afford an opportunity to learn some very practical aspects of the practice of law that are not encountered in the normal law school curriculum. The student takes an actual set of facts, looks up the law, writes his brief, and argues his case orally before judges who ask him questions and criticize his performance.
>
> In addition to achieving competence in brief-writing, persuasiveness in argument, and skill in research, the Case Clubs also help to make the study of law more realistic. In representing the interests of a client, counsel become acutely aware of, and responsible for, all the arguments which can be made in his behalf.

[55] Form letter sent to entering freshmen, 1957.

> Moreover, Case Club participation affords valuable experience in the opportunities it presents for actual judging of cases. Each year, the sixteen top-ranking juniors from all clubs are chosen to be members of the Executive Committee of the Case Clubs, each of them in turn being in charge of a Club as a Senior Judge. Other members of the Junior and Senior class are chosen to sit as Associate Judges in the hearing of cases.[56]

As the Case Clubs came to occupy an increasingly important place in the preparation for advocacy offered by the Law School, it was questioned whether the Practice Court would not serve a more useful function if it were directed toward the trial of issues of fact rather than of law.

The re-introduction of jury trials in the Practice Court program was recorded in the 1949-1950 Announcement. According to Professor Charles Joiner, writing in 1949, the Law Faculty had been dissatisfied with a method of teaching trial procedure which failed to give students experience in the trial of issues of fact, yet to use either agreed facts or a staged event as the basis for a jury trial had proved unsatisfactory at an earlier period:

> The members of the faculty . . . concluded that some procedure was necessary to allow the student to fit together the jigsaw puzzle of substantive and procedural law in true-to-life litigation. Dean E. Blythe Stason visualized the possibility of the use of motion pictures in this connection, and at his suggestion a plan was developed pursuant to which pictures are used as the means through which witnesses and clients can learn of the facts constituting the basis of later litigation.[57]

By using motion pictures to present the facts of the case to those persons who had earlier agreed to act as witnesses, trials, offering experiences similar to those likely to be encountered in actual practice, became possible. Dean Stason in his 1947-1948 report to the President discussed:

> . . . [the] noteworthy innovation of the current year . . . the use of motion pictures in Practice Court cases. Motion picture sequences are used to reveal to the witnesses the scenes

[56] Training for Advocacy: Suggestions and Rules for Case Club Work (2nd ed., 1957), pp. 1-2. In 1957-1958 and 1958-1959, there were eighteen case clubs. Each one had a Senior Judge, so that, with the Presiding Judge, there was a total of nineteen judges. Introduction to Advocacy (1958), p. 1.

[57] Charles Joiner, "Motion Pictures and Practice Litigation: Michigan Law School Introduces New Technique," 35 A. B. A. J. 185 at 186 (1949).

concerning which they testify. In the past the testimony of witnesses has been one of the most difficult phases of the work of the Practice Court . . . Last year under the supervision of Assistant Professor Charles W. Joiner, who is in charge of the work of the Practice Court, motion pictures were used as the basis of moot court jury trials. Through cooperation of Play Production and the Audio-Visual Education Center of the University, skilled and properly coached students of dramatics enacted before motion picture cameras the scenes that constituted the facts of the law suit.

In the initial experiment, a young laboring man with his dinner bucket in his hand was crossing Monroe Street on his way to work on a murky and slippery winter morning. Seeing a girl friend down the street he withdrew his attention from the crossway to wave an affectionate greeting. This young man became the plaintiff in the lawsuit. Unfortunately, at the same moment that the plaintiff entered the crossway, the defendant, driving his car at a high rate of speed, with a chatting companion in the front seat, was traveling along Monroe Street, and he too, at the same critical moment, waved to a friend on the sidewalk. The car struck the plaintiff. The ambulance took the "injured" man to the hospital. The police measured the skid tracks and took the names of witnesses. All the while cameras recorded the events from the various positions of the witnesses, and the facts of the lawsuit were reduced to 16 mm film. Thereafter, the film was shown to the parties and the witnesses, each seeing only the part of the film he would have seen had he been actually "on location." The attorneys were senior law students, two on each side. Attorneys obtained the facts from their clients and witnesses. The trial proceeded in realistic fashion, but (also realistically) the jury on the first trial disagreed. It was an illuminating experiment that comes as close as can be to reproducing the atmosphere of a real jury trial.

During the coming year we shall repeat with this year's film, and shall make at least one and possibly two additional scenarios. So far we are using only silent films. In the near future, if all goes well, we shall experiment with sound track, which will, of course, permit using conversation and sound effects as evidence. Gradually, a film library will be accumulated. Since the acting is by "experts" rather than novices, and is accurately controlled by coaching to produce the desired effects, and since the film may be reused year after year, the experiment promises to be a valuable addition to the Practice Court . . . .[58]

[58] President's Report, 1947-1948, pp. 100-102.

With increased law student participation in the Case Clubs, the Law Faculty concluded that the third-year procedural courses could be profitably reorganized. Accordingly, on March 31, 1950, they adopted certain recommendations, including the following:

> That Civil Procedure III be moved into the first semester of the third year and expanded into a three-hour elective by absorbing the Practice Court program as part of the course; that the present one-hour Practice Court be continued as a required course for students not electing Civil Procedure III and that the present distinction in the Practice Court program based on Case Club participation be continued; this change to become effective at the end of the first semester of the 1950-51 academic year.[59]

By degrees, the organization of the third-year course work in procedure was modified. In 1957-1958, the Announcement described the Practice Court and Civil Procedure III as two separate courses, one of which was required of each senior, with actual trial practice coming in Civil Procedure III, not in Practice Court.[60] A further reorganization took place for 1958-1959, with the Practice Court operated in conjunction with the third-year course in procedure, the new course being entitled Trials and Appeals and Practice Court.[61] This course was designed so that each student participated in a full length trial practice case.

Thus the Law School in 1958-1959 was continuing a program designed to overcome the objection of a "purely theoretical and not practical" training. Instruction was offered in civil and criminal procedures, supplemented by ". . . especially realistic work in the practice court, and by programs of student-managed case clubs . . . ." [62] to the end that the Michigan graduate would have ". . . the necessary sound theoretical background and an adequate practical training. Although he will not be a polished advocate—and that cannot be expected until after many years of practice—neither he nor his clients need ever be embarrassed as a result of his actions." [63]

[59] Faculty Minutes, 1945-1950, pp. 789-90.

[60] See Part II, VII: 12 for descriptions of these two courses.

[61] See Part II, VII: 13 for a description of this course.

[62] Legal Education at Michigan (pamphlet, University of Michigan Official Publication, Vol. 57, No. 40, Sept. 30, 1955), p. 5.

[63] Charles Joiner, "Teaching Civil Procedure: The Michigan Plan," 5 J. Legal Ed. 459 at 461 (1953).

CHAPTER VIII

A National Law School: Enrollment, Costs, Fees, and Scholarships

In *Legal Education at Michigan*, a pamphlet distributed toward the close of the first century, appeared the following statements:

> Michigan is a "national" law school, drawing its students from most states of the Union and from many foreign countries.
>
> * * * * *
>
> Because the School draws its students from all states and also from foreign countries, general principles of the law are emphasized in preference to local law.[1]

This statement about conditions at Michigan would have been accurate at any time during the century, for the evidence shows that from the beginning the Regents never proposed to limit attendance to students from Michigan.

Scarcely had the establishment of the Law Department been authorized when, on March 31, 1859, the Regents resolved:

> That the Committee on the Law Department be authorized to cause the opening of the Law Department to be advertised in Detroit, Chicago, New York, Cincinnati, St. Louis, and Washington, D.C., at an expense of not over $100.[2]

The advertisements may or may not have been responsible, but the fact remains that out of the ninety students enrolled in 1859-1860, sixty-four were from Michigan and the remaining twenty-six had the following geographic origins:

Illinois	10	Indiana	1
Ohio	7	Iowa	1
New York	2	Kentucky	1
Wisconsin	2	Rhode Island	1
Canada	1		

It is perhaps noteworthy that the first class had one member from a state west of the Mississippi, Iowa, and another from a foreign country, Canada.

[1] Legal Education at Michigan (pamphlet, University of Michigan Official Publication, Vol. 57, No. 40, Sept. 30, 1955), pp. 3, 5.

[2] Regents' Proceedings, 1837-1864, p. 840.

To present full information concerning the geographic origins of the law students, two sets of tables have been prepared.[3] They show the foreign countries and the states and territories of the United States represented in the student body at Michigan between 1859 and 1959. An examination of these geographic origins show that the Law Department and later the Law School was always a "national" law school. Another table and a chart show total enrollment between 1859 and 1959 with a breakdown into the percentages of Michigan, out-of-state, and foreign students.[4] A third table and accompanying chart are designed to show enrollment by classes, with appropriate breakdowns into student classification, number of women enrolled, total number of foreign students, etc.[5] An examination of this data will show the increase in number of students throughout the years covered, the proportion enrolled at any given time in the several classes, and the development of the graduate program in terms of the number of students enrolled.

The number of out-of-state students was sufficient to cause some Michigan residents, as early as 1867, to protest against the appropriation of funds by the legislature for the University. In the President's Report for 1867, President Haven pointed out that, in addition to the the intangible benefits accruing from their presence:

> . . . Even now, but for them, our Departments of Medicine and Law could not be sustained. Higher charges would induce some of our young men to seek their education elsewhere.[6]

Popular discussion of out-of-state students was overshadowed for a few years by a heated argument whether or not women should be admitted to the University. While President Haven had at first opposed the idea, setting forth his views in the President's Report for 1867, he eventually altered his opinions. In the report filed by the Acting President, Henry Frieze, for 1870-1871, Frieze noted:

> By virtue of the resolution of the Board [of Regents], opening the University to women, one young lady was admitted to the Academic Department at the close of the first semester of last year. At the beginning of the present year women were received for the first time into all the departments of the institution. The whole number of female students registered is thirty-four; two in the Law Department . . . .

[3] See Part II, VIII: 1, 2.
[4] See Part II, VIII: 3, 4.
[5] See Part II, VIII: 5, 6.
[6] President's Report, 1867, p. 8.

> One has already graduated in law . . . [i.e., Sarah Killgore from Crawfordsville, Indiana] . . . .
>
> Those who have entered the Medical Department . . . have formed a class by themselves, both in lectures and in the dissecting rooms. In the other departments there has been no discrimination in any respect, and no special arrangements have been found necessary . . . .
>
> * * * * *
>
> The Law Department encountered no difficulty in the admission of women to the courses of lectures, already organized for men. No separate lecture course is found necessary, or desirable . . . .[7]

In the President's Annual Report for the next few years, data concerning the number of women and the number of out-of-state students was recorded, but it was not until 1879 that President James Angell dealt directly with the admission of out-of-state students. He stated:

> Exception has sometimes been taken in our own State to our opening our doors on so easy terms to students from other States. It should be remembered in the first place, that a discrimination against students from abroad is made in our fees . . . In the second place, in the professional schools, where by far the larger proportion of students from abroad are found, the cost of instruction is only slightly increased by the admission of them, so that the sum received from them may be reckoned as almost a clear gain to our resources . . . In the Law School the figures are yet more striking [than in the Department of Medicine and Surgery]. The cost of instruction in that school was $6,400. Now the receipts from non-resident students were $12,000, that is, $5,600 more than the salaries of all the Professors, while the fees from Michigan students in that school were only $3,960. In passing I may direct attention to the fact that the total receipts of the Law School are nearly ten thousand dollars more than the expenses . . . .[8]

The President adverted to the matter in a similar vein in 1885:

> Furthermore, it is understood by very few outside of the University, that when instruction is given by lectures, as it is mainly in the Professional Schools . . . the attendance of the non-resident students adds little or nothing to the expense of instruction, and therefore the fees received from them are almost clear gain to the Treasury. One may lecture to four hundred students from several States as easily as to one hundred from Michigan alone. During a large part of the

[7] President's Report, 1871, pp. 5-6, 18.

[8] President's Report, 1879, p. 8.

> history of the Law School the fees from non-resident students alone in that school have more than paid the current expenses of it . . . .[9]

The feeling was expressed that while the heavy out-of-state enrollments in the Law Department in its early years could be explained by a lack of facilities for legal education west of the Alleghenies, enrollment would decline as more law schools were opened. This did not occur. Law department enrollment, both in-state and out-of-state continued to mount.[10] When admission requirements were raised and it became more difficult to qualify for admission, some diminution in enrollment did occur temporarily, but contrary to expectations within a very few years enrollments again began to rise.[11]

Although by 1899-1900, there were 818 students enrolled in the Law Department, the number of women enrolled to that time had never exceeded five in any one year. In his report to the Regents for 1899-1900, President Angell stated:

> The number of women in the Law School is always small. Of those who graduate only a few engage much in practice in court. Some study the profession for the express purpose of assisting their fathers in office work. A few have taken the course in whole or in part with a belief that a knowledge of law would enable them to be more efficient teachers of political economy, civil government, and history in academies, high schools, or colleges. It seems improbable that any considerable number of women will find it congenial or remunerative to follow the profession of the law.[12]

There is no evidence that at any time the Faculty tended to emphasize Michigan law to the exclusion of training in general legal principles. This was markedly true during the twentieth century, but an examination of the cases cited in the law lectures between 1859 and 1900 shows no preponderant reference to Michigan decisions.

With the increased reliance on the case method of instruction the per capita cost of legal education mounted, despite the high levels of enrollment in the Law School. Out-of-state students in the twentieth century could no longer be justified on a strictly monetary basis, and while it could be argued that their admission enabled the Law School

[9] President's Report, 1885, p. 8.

[10] See Part II, VIII: 3, 4.

[11] See Part II, VII: 3 for a list of student courts which appear to have been organized on the basis of the state or area in which the students anticipated practicing.

[12] President's Report, 1900, p. 6.

to operate at a profit, Dean Bates was keenly aware of the intangible benefits they conferred. In his Report to the President for 1924-1925 he stated:

> . . . The Law School continues to draw its attendance from nearly every part of the United States and its possessions, and last year students from six foreign countries were among the membership . . . We cannot state too often or too emphatically the great importance to the School of continuance of this national and cosmopolitan character. Educators have frequently spoken of the great benefit derived from the association with each other of students from different parts of the world and of diverse educational experience, but it should be pointed out that in the Law School, in addition, there is a very great advantage to be derived from the study of the jurisprudence of all the states of our country, and something of the legal systems of the other countries represented, which, naturally and almost inevitably, will follow in a school so constituted.[13]

He dealt with the subject again in 1930-1931 when he remarked:

> Despite the marked improvement during the last decade in law schools in several of the states from which we have drawn heavily in the past, our school continues to be pre-eminently a national school, whether judged by the number of states and foreign countries from which its students come, or by the number of other colleges and universities which send students to us. It is to be hoped that we shall not lose this characteristic, for it makes for cosmopolitanism and for a more thorough comparative study of law than a largely local school could maintain.[14]

Again in 1937-1938 Dean Bates noted:

> . . . Throughout the greater part of the history of the School, the attendance has been national in character and representative of nearly all of the stronger colleges and universities of the country. The first-year class alone represented about ninety colleges, and the student body as a whole represented about one hundred and forty colleges and universities of the United States and foreign nations. While this cosmopolitan character of the School has always been noteworthy, I believe that during the year covered the student body was the most cosmopolitan in our history. The value of this from an

[13] President's Report, 1924-1925, pp. 114-15.
[14] President's Report, 1930-1931, p. 110.

> educational and a broadly social point of view must be apparent.[15]

Ten years later, in 1947-1948, two hundred and eleven institutions were represented among the students who came from forty-seven states and territories and three foreign countries. In 1957-1958, two hundred and thirty institutions were represented, while students came from forty-six states and territories and twenty-two foreign countries. Mississippi, Nevada, New Mexico, South Carolina, and Texas were the only states not represented, while the following nations sent students:

Austria	1	India	4
Belgium	1	Italy	2
Canada	2	Japan	4
China	2	Pakistan	2
Colombia	1	Philippine Islands	3
Cuba	1	Scotland	1
Egypt	2	Switzerland	1
England	2	Syria	1
France	2	Thailand	2
Germany	8	Turkey	1
Greece	1	Yugoslavia	1

Although the number of students from outside of the United States was small in comparison with the total enrollment, foreign students were attracted to the Law School throughout the century. In earlier years, they were often candidates for the LL.B.; toward the end of the 1950's they were more frequently enrolled as graduate students. In his 1952-1953 annual report, Dean Stason noted:

> For about twelve years the Law School has been carrying on a small but effective program designed to attract outstanding graduate students in law from foreign nations . . . . [T]he Law School . . . has enrolled from eight to fifteen well-selected foreign students in each of the last several years. These students are given a series of orientation lectures in American legal institutions, but in other respects they adjust themselves to the regular courses and seminars of the School. Many of them have done outstanding work warranting the awarding of the degree of Master of Laws. Those who fall short of the high degree standards are given certificates testifying to the work which they have completed. Since 1941 we have enrolled 124 such foreign students, forty-two from Latin-American countries, thirty-four from Germany, eight from Switzerland,

[15] President's Report, 1937-1938, p. 109.

> seven from Japan, six each from China and the Philippines, five from France, four from Finland, two each from Sweden, India, Italy, England, and Korea, and one each from the Netherlands and Iraq. These students make a unique and interesting contribution to the life of the School. By intermingling with American students, they broaden the horizons of those who are being trained primarily for the practice of law in this country. In consultation with members of the faculty, they teach us much concerning legal institutions in various other parts of the civilized world. Returning to their own countries, they carry with them a knowledge of the institutions of this country and of the laws under which we live, thus promoting international understanding and good will . . . .[16]

During the nineteenth century the prime objection raised to the admission of out-of-state students to the University was based on the reluctance of taxpayers to spend money educating non-residents. At no time during the hundred year period was this sentiment entirely absent, but in the years after the end of World War II, when law school enrollments rose in the entire United States, pressure for admission steadily increased. In some quarters, the feeling was expressed that applicants from Michigan should not be rejected when out-of-state applicants were accepted. The reaction of the Law Faculty was that to adopt such a policy would be contrary to the entire course of development of the Law School and would be detrimental to the best interests of legal education at Michigan.[17]

President Angell could defend the admission of out-of-state students because they produced income in excess of expenditures, and could allude in passing to the fact that the Law Department was making a substantial profit for the University. Later presidents, however, were in a less favorable position, as the over-all costs of operation steadily rose with the adoption of the case method. No longer could one professor lecture to four hundred students as effectively as to one hundred; the case system made this impossible.

The University Catalogue for 1860, referring to students in all departments, announced:

> The only charge of the Institution (from whatever part of the country the student may come) is an admission fee of ten

[16] President's Report, 1952-1953, pp. 103-104.

[17] Report filed by Planning Committee, March 7, 1958. An extract from this report appears in Part II, VIII: 8.

dollars, and an annual payment of five dollars. The fee of ten dollars entitles the student to the privileges of permanent membership in any department of the University.

* * * * *

Board and lodging ranges from two dollars to three and a half per week.

Including board, washing, and books, the necessary expenses of a student for a year will not vary from one hundred and twenty-five to one hundred and fifty dollars.[18]

In 1958-1959 the Law School Announcement stated:

Semester Fees. For Michigan residents the fee is $175 for each semester; for nonresidents, $350 for each semester . . .

Special Materials Fee. In addition to the above fees, each student must pay a special materials fee of $5.00 each semester . . . .

Books. Case books for class work cost on the average about $75 a year.[19]

Insofar as living accommodations were concerned, prospective students were informed that for 1958-1959 prices for rooms in the Lawyers Club ranged:

. . . from $117.50 to $182.50 per semester. The board rate is currently $13 for lunch and dinner six days a week and dinner on Sunday. Special cafeteria service is available for breakfast . . . .

Single men students who do not live at the Lawyers Club find accommodations in rooming houses, fraternities, etc., in and around Ann Arbor. Prices for rooms currently range from $6.00 to $8.00 a week.[20]

Except for summer sessions held from 1896 through 1900, all tuition and other fees collected from law students were paid into the general fund of the University, from which fund, or other funds controlled by the University as a whole, were paid the costs of legal education. The Law Department, and later the Law School, kept no financial records, and such records as were kept by the University did not apportion the costs of University administration among the various colleges and schools.

Between 1841 and 1863 the annual financial statements of the Uni-

[18] University Catalogue, 1860, p. 69.

[19] Announcement, 1958-1959, p. 43.

[20] *Id.*, p. 42.

versity contained little more than a general statement of receipts and a list of warrants showing the expenditures made for the departments of the University. It is only by checking the list of warrants for the fiscal year 1859-1860 that any estimate can be made of the cost of operating the Law Department during the first year of its existence. The list for that year contains the following items identifiable as legal education costs.

1859-60

No.	*Date*	*To Whom Paid*	*Object*	*Amount*
		* * * * *		
972	Oct. 28	D. McIntyre, Law Library		$1,000.00
		* * * * *		
1020	Dec. 22	J. V. Campbell, Half of Salary.		250.00
1021	Dec. 22	J. V. Campbell, Bal. of Salary..		250.00
1022	Dec. 22	C. I. Walker, Half of Salary...		250.00
1023	Dec. 22	C. I. Walker, Bal. of Salary...		250.00
1024	Dec. 22	T. M. Cooley, Half of Salary..		250.00
1025	Dec. 22	T. M. Cooley, Bal. of Salary...		250.00
		* * * * *		
1048	Dec. 22	D. McIntyre, Law [Library]..		200.00
		* * * * *		
1052	Dec. 22	H. P. Tappan, Diploma Plate..		150.00[21]
		* * * * *		
1102	Mar. 29	J. V. Campbell, Half of Salary.		250.00
1103	Mar. 29	J. V. Campbell, Bal. of Salary..		250.00
1104	Mar. 29	C. I. Walker, Half of Salary..		250.00
1105	Mar. 29	C. I. Walker, Bal. of Salary...		250.00
1106	Mar. 29	T. M. Cooley, Half of Salary..		250.00
1107	Mar. 29	T. M. Cooley, Bal. of Salary...		250.00[22]
		* * * * *		

That this list of vouchers did not include all the expenses of operating the Law Department is clear from a careful reading of the proceedings of the Regents. For example, on October 5, 1859, Cooley was authorized to secure blank books for the Law Department with a warrant to be issued to him to cover this expense. On December 20, the Finance Committee of the Regents was authorized to "perfect insurance . . . on the Law Library." While it is probable that voucher No. 1134, issued

[21] On December 20, 1859, President Tappan was authorized by the Board of Regents to secure a diploma plate for the Law Department and $150 was appropriated for that purpose. Regents' Proceedings, 1837-1864, p. 865.

[22] From complete list of warrants, *id.*, 939 at 940-42.

on March 29, 1860, to Cooley for "Bill of Printing Paper . . . $15.00" refers to the blank books Cooley was authorized to secure, this cannot be established with certainty. Nor is there any indication of which of the several vouchers issued for "insurance," was for the coverage of the Law Library. Moreover, no attempt was made to break down the costs of administration among the University's three departments.[23] No allocation was made of such expenses as heat, light, maintenance of the building in which the Law Department was housed, and the expenses of the Regents.

From 1859 to 1865 the total amount of fees received from law students was not recorded separately, and it is only by multiplying the number of students enrolled by the fees announced in the annual University catalogue that the University's income from this source can be estimated.

Between 1865 and 1896 very few items identifiable as Law Department expenses appear in the annual financial reports submitted to the Regents. In 1881-1882, when the report contained more details than usual, these items were included:

Receipts.

* * * * *

From Students' Fees, Laboratory Deposits, etc., as follows:

* * * * *

In Department of Law..... $19,495.00

* * * * *

Disbursements.

* * * * *

Paid Vouchers on Law Library 231.18

* * * * *

" " " Advertising Law Department. 76.00[24]

There was no segregation among the departments of the University of the total expenditures for salaries, for alteration and repair of buildings, for fuel and light, or for other items such as care of grounds, insurance, postage, ventilation, building construction, furniture and fixtures. Since the salaries of the University's administrative officers were placed in

[23] The administrative officers for 1859-1860, as listed in the University Catalogue included Henry P. Tappan, President; D. L. Wood, Secretary; Henry W. Welles, Treasurer; John H. Burleson, Steward. State University of Michigan. Catalogue . . . for 1860, p. [3].

[24] Regents' Proceedings, 1881-1886, p. 285 at 286-87.

the general category of salaries paid, it is impossible to determine what they amounted to in total, let alone what portion was properly allocable to any particular department.

Beginning in 1896, there was a tendency to include in the annual reports more information than had previously been the case. At most, however, only the current running expenses directly incurred by the Law Department were shown, together with the total of student fees. The 1896 report stated:

GENERAL FUND
Receipts to the General Fund.

* * * * *

From Students' fees and deposits as follows:

* * * * *

Law Department $30,785.00

* * * * *

Disbursements from the General Fund.

* * * * *

To Law Department, Pay Roll		$27,537.50
" " "	Books	949.42
" " "	Miscellaneous	596.48 [25]

This type of record continued to omit general University overhead, such as administrative costs, grounds and building maintenance, insurance, light and heat. When in 1898 and 1899 the state paid outstanding vouchers for the remodeling of the Law Building, this was handled under the heading of *"Special Fund Accounts"* and not under the general headings of "Receipts" and "Disbursements."

It should be noted that by not counting many of the expenses which should properly have been figured into the cost of legal education, the total receipts from student fees and the total disbursements for "Payroll," "Books," and "Miscellaneous" were very close to each other in 1896, with income slightly in excess of expenditures. Prior to 1890, income from student fees had been in excess of such expenditures as were shown. Between 1890 and 1905, these totals tended to approximate each other. From 1905 to 1959, the specified costs of legal education at Michigan, such as "payroll, books, and miscellaneous," exceeded in varying amounts the receipts from student fees.

Beginning in 1916-1917, the Treasurer's reports contained still more details. The report for 1923-1924 is typical of those in the 1916-1959 period. It included the following information:

[25] Regents' Proceedings, 1891-1896, pp. 682-83.

INCOME FROM LAW STUDENTS
TUITION AND OTHER COLLEGE AND SCHOOL FEES

	Regular Session	*Summer Session*
Matriculation	$ 1,255.00	$
Annual	42,945.50	6,009.10
Library	868.00	
Out-door Physical Education	3,226.50	
Palmer Field	12.00	
Health Service	2,604.00	248.40
Michigan Union	2,580.00	319.20
Women's League	4.00	3.00
Totals	53,495.00	6,579.70
Refunds	1,680.25	308.10
Net Receipts	51,814.75	6,271.60

EXPENSES CLASSIFIED

	Law School	*Law Library*
Salaries: Teachers and Research	$98,330.00	$
Salaries: Officers and Superintendents	2,000.00	
Salaries: Clerks and Stenographers	3,422.75	5,437.20
Labor and Unclassified Service	956.00	
Communication Service	254.67	
Stationery and Office Supplies		
Publications and Printing	3,840.41	
Travelling Expenses	700.27	
Freight, Express, and Drayage	30.56	
Equipment Repairs	14.41	
General Supplies	153.31	
Rents, Assessments, Insurance, Sundry Expenses	40.00	
Totals	$110.649.41	$ 5,437.20

EXPENDITURES FOR EQUIPMENT CLASSIFIED

	Law School	*Law Library*
Apparatus	$ 4.50	$
Furniture and Office Equipment	256.03	
Books	34.00	16,883.05
Totals	294.53	16.883.05 [26]

[26] Financial Report of the University of Michigan for the year ending June 30, 1924. Schedules 4, 7, and 8.

While this type of report obviously provided more information concerning specified expenditures than those of an earlier period, there was no attempt to break down general headings of expenditures for "Administration and General," "Business Departments," "Operation and Maintenance of the Physical Plant," and so on into the proportion which should properly be charged against the cost of operating each school or college. This practice of supplying factual data which gave only part of the complete costs of legal education was continued by the financial officers of the University through 1958-1959. Hence it has been impossible to provide any account of total costs of legal education at Michigan from 1859-1959 as distinguished from specified expenditures.

As the costs of legal education rose,[27] and as, in spite of increased appropriations from the state legislature, it became necessary to raise student fees, the burden on the law student and his family became heavier. In his 1936-1937 report, Dean Bates, who had earlier dealt with the need for scholarships and fellowships for graduate students [28] stated:

> The fact that some of the stronger endowed universities are offering great numbers of scholarships may well raise a serious problem for the state universities in their efforts to maintain a high quality of personnel in the student bodies. One law school awarded about one hundred and fifty scholarships. The avowed and perfectly natural purpose in offering these scholarships is to obtain from every section of the country students much above the average in ability. Should this practice be continued and developed, and should the state institutions be unable to meet the competition thus established, undesirable effects are certain to be produced. Good scholarship should, of course, be encouraged and stimulated by appropriate methods, including, doubtless, the award of scholarships. Needy students of ability ought to be financially helped; however, should there be concentration, in undue proportion, of very able students at a few schools, the result can scarcely be desirable for the country.[29]

In the first annual report filed by Dean Stason, he discussed the same subject:

> In connection with student problems, a word should be said concerning the scholarship needs of the School. To those of

[27] See Part II, VIII: 9.

[28] See President's Report 1922-1923, p. 220; *id.*, 1923-1924, p. 205; *id.*, 1924-1925, p. 121; *id.*, 1925-1926, p. 83; *id.*, 1930-1931, p. 167.

[29] President's Report, 1936-1937, p. 108.

> us in close contact with the students no single need is more apparent and no single benefaction seems more likely to produce useful results than an adequate number of scholarships to assist worthy students in financial distress. At the present time, with a student body of over six hundred, we have only five scholarships available for distribution . . . .
>
> It is true that the situation with us is relieved to a substantial extent by loan funds, but these funds are available only to second- and third-year students. Also, many students take advantage of the numerous opportunities for partial self-support by outside work. However, it is no longer as easy as it formerly was for a student to support himself and still do justice to the study of law. Any substantial amount of outside work inevitably impairs the achievement of the main objective. Many worthy students simply cannot enter the School and carry on without some assistance other than loans and outside work opportunities. The School would benefit greatly by a more adequate number of scholarships. During the last year two new scholarships have become available—the Samuel J. Platt Award and the Henry M. Bates Award. If, as time goes on, the scholarship list can be expanded, great good would be accomplished.[30]

The next year, 1940-1941, Dean Stason reported that:

> . . . during the past year two new scholarship funds have become available, one established by the Class of 1904 Law and the other established by the Class of 1908 Law. In each instance the establishment of the fund and the soliciting of contributions have been the work of enthusiastic and interested alumni . . . .[31]

In spite of the decreased enrollment during the period of the second World War, Dean Stason continued to look toward a period when increased numbers of students would need financial assistance. He mentioned the matter briefly in his report for 1942-1943,[32] but in 1944-1945 he discussed it in more detail:

> Another veteran student problem of major proportion will be that of housing and financial support. Ann Arbor is not built to take care of the very large number of married students who will be seeking living accommodations during the years that the veterans are in residence. Moreover, the benefits afforded by the so-called "G.I. Bill of Rights" (Public Act No. 346) are inadequate to cover the expenses of the law students,

[30] President's Report, 1939-1940, pp. 110-11.
[31] President's Report, 1940-1941, p. 98.
[32] President's Report, 1942-1943, p. 119.

> their wives, and in many instances their children . . . . In this connection the gradually increasing scholarship funds available for law students will prove of enormous advantage. In recent years the Law School has been especially favored by several important bequests of law scholarship funds, and by funds established by several of the law classes . . . .[33]

A report filed by the Scholarship Committee of the Law Faculty on May 2, 1944, called attention to the fact that the good of the Law School rather than the direct welfare of the recipient might under some circumstances be the purpose of scholarship awards. The pertinent paragraph of the report stated:

> More over, as was previously proposed, we believe that scholarship awards should be disseminated over as wide a geographical area as possible, with preference given to students from the more distant states. Here again the purpose of the award would be definitely and primarily the good of the Law School rather than the specific benefit of the recipient. This Law School has always prided itself on its national rather than state character. That superior position can be maintained only through continuance and, indeed, through increase in the number of students drawn from a distance. The committee believes that inasmuch as it is desirable to maintain this reputation, so it is desirable to encourage and facilitate in every practical way the influx of out-of-state students. To this end an increase in the number of out-of-state scholarships would be highly valuable.[34]

Another aspect of the need for scholarship funds was mentioned by Dean Stason in his 1946-1947 report:

> . . . Although the total number of students in the Law School is at the moment unduly large, nevertheless, we find cause for concern in the fact that we are losing a considerable number of the better applicants to other law schools, very largely because those schools are able to offer their students either a more generous "line" of scholarships or lower tuition levels than those available at Michigan.
>
> * * * * *
>
> . . . It would be most helpful if, through endowments or otherwise, Michigan could offer at least one hundred undergraduate scholarships to offset its ever-increasing living and tuition costs. It would assure for the future the continuance of

[33] President's Report, 1944-1945, p. 70.

[34] Report of Scholarship Committee, John B. Waite, Chairman (filed May 2, 1944), p. 3.

> the stream of unusually competent young men and women from all parts of the country—men and women of the type that make Michigan law alumni the leaders of today.[35]

The following year, 1947-1948, Dean Stason announced:

> . . . Fortunately, Michigan's scholarship need is being recognized by alumni and others interested in the School, and from time to time we are receiving generous endowments for the purpose [of scholarships] by will and gift from outside sources. In addition, the Board of Regents has recently taken account of the high living and tuition costs of the present day and has made rather substantial provision for scholarships in the Law School as well as in other units of the University. We now have about fifty scholarships available for law students, and they go far toward filling the need. It is highly desirable, however, that the number be increased still further, especially to meet the contingencies that will be presented by the high cost of education for those who do not have the GI Bill of Rights benefits provided for former members of the armed services.[36]

Forms of student aid other than scholarships were being developed at the Law School. In 1950-1951, Dean Stason pointed out that in addition to scholarships, there were long-term and short-term loans as well as prize awards. While he considered that the funds available for such purposes were still inadequate and below the corresponding funds for the principal Eastern law schools, he stated:

> . . . As soon as the Fred E. Leckie estate becomes available, however, with its principal sum of approximately $1,200,000, we shall be in a far better relative position, although even then we shall have a considerable distance to go to meet the very real needs we anticipate for the future . . . .[37]

The income from the Frederick L. Leckie bequest became available for distribution for the first time during 1952-1953. According to Dean Stason:

> . . . [this] made it possible for the Law School Scholarship Committee to relieve much hardship among the students in the School. The cost of legal education has become a severe burden, and especially in view of the fact that a very large number of our students are compelled to rely on their own resources to meet their law school expenses, the availability of a substantial number of scholarships and other forms of aid has

[35] President's Report, 1946-1947, pp. 106-107.
[36] President's Report, 1947-1948, p. 98.
[37] President's Report, 1950-1951, p. 102.

> proved a very valuable asset to the School. During the summer session of 1952 and the academic year 1952-53, the Scholarship Committee approved . . . 124 total grants . . . [with a] total amount [of] $37,860.
>
> The Leckie scholarships are especially interesting because of the provision inserted by the testator in his will to the effect that all such scholarships shall carry a moral though not a legal obligation to repay the grant when the recipient becomes able to do so . . . . Mr. Leckie has conferred much good upon future students at his alma mater, and as a continual reminder of his generosity, Room 236 of Hutchins Hall, a large seminar and faculty meeting room, has been named the Frederick L. Leckie Room in his honor, with a handsome portrait of the donor mounted on the wall.[38]

The funds available for scholarships, grant-in-aid, and loans continued to rise. In 1955-1956 the Scholarship Committee disbursed approximately $70,000, but to quote from Dean Stason's report, "If twice that sum had been available, it would still have fallen short of the serious needs." During that year, however, another step was taken to procure funds:

> . . . for needy but worthy intending lawyers . . . we cooperated with the Michigan Development Council in establishing a Law School Alumni Scholarship Fund, a fund to which law alumni are asked to contribute on an annual basis according to their abilities and interests. As a result of initial activities in promoting this fund, several thousands of additional dollars are now available for new scholarships and grants-in-aid during the first semester, 1956-57. Eventually, it is hoped that virtually all graduates of the School of more than ten years' standing will be interested in making small annual contributions to the Fund.[39]

The amount of funds expended in student aid increased further in 1956-1957, when the Dean reported that scholarship awards had totalled $72,170, in addition to $45,546 in student loan funds. Slightly under 20% of the law students, 171 in number, received scholarship assistance, and approximately 15%, 137 in number, received assistance in the form of loans. Yet the need for greater funds continued and the Dean concluded this portion of his report by stating:

> . . . the really pressing needs are only half served; and, as I have said on many other occasions, the ever-increasing cost of legal education makes the availability of further funds for

[38] President's Report, 1952-1953, pp. 102-103.

[39] President's Report, 1955-1956, p. 139.

grants and loans in aid of law students one of the most insistent needs of the School.[40]

The Law Students' Handbook, distributed to students in 1958-1959, set out the then-existing pattern of scholarships and loan funds, showing the major sources of funds available to United States and foreign students.[41]

Beginning in 1955, the Ford Foundation Program in international legal studies enabled the Law Faculty to offer more scholarships to foreign students. A report on the first six months of operation of the program pointed out:

> Through the combination of the Ford Foundation grant, the use of Cook funds, the special Ford Japanese program, and those financed from other sources such as U. S. Government funds, we have a total of 30 foreign graduate students in residence this year. 13 of them are under the general Ford Foundation grant and 4 under the special Ford program for Japanese studies . . . . While some of them are here primarily to engage in special research projects or other individualized studies, most of them are taking a course for foreign students on "Survey of American Law." . . .[42]

The report on the Ford program for 1956-1957 and again in 1957-1958 showed that the Ford grant had enabled "us to increase the number of our foreign students and to improve our work with them."[43] The 1957-1958 report noted:

> As a result of Professor George's trip to the Far East last summer in connection with his Fulbright grant in Japan, the quality of our students and fellows from that part of the world has substantially improved. We have decided to concentrate our fellowships as much as possible on junior members of faculties with some teaching experience. We found that persons drawn from this group profit considerably more from study with us than the younger group of recent graduates from local schools without any experience and career direction.
>
> . . . Of this year's foreign group, eight received the degree of Master of Law and eight received the degree of Master of Comparative Law. The total foreign student group in the Law School was 34.[44]

[40] President's Report, 1956-1957, pp. 261-62.

[41] For scholarships and financial aid available in 1958-1959, see Part II, VIII: 10.

[42] Faculty Minutes, 1955—, p. 40.

[43] *Id.*, p. 474. Report to the Ford Foundation for the period from July 1, 1957 through June 30, 1958, p. 4.

[44] Report to the Ford Foundation for the period from July 1, 1957, through June 30, 1958, p. 5.

The Ford grant also made possible grants to American students for further studies in international and comparative law, both in the United States and abroad.[45]

The DeWitt Scholarship Fund, derived from moneys provided under the will of Clyde A. DeWitt, of Manila, Philippine Islands, and New York City, first became available in 1958-1959. Scholarships were given to several Filipino students for study at the Law School.

In 1956-1957 the Law Faculty instituted a Research Fellowship in honor of Edson R. Sunderland. Designed for "a mature scholar for the purpose of encouraging research," the fellowship was first awarded in 1957-1958 to Edwin W. Briggs, Professor of Law at Montana University.[46]

During the latter part of the nineteenth century and the early decades of the twentieth, whenever attempts were made by organized bar groups to raise the standards of admission to law schools, or to foster a lengthening of the course of instruction, the argument was invariably raised that the poor but ambitious lad should not be kept by artificial barriers from a study of the law.

In 1913, the Carnegie Foundation for the Advancement of Teaching sponsored the preparation of a report dealing with *Training for the Public Profession of the Law.* Published in 1921, it included the following statement:

> . . . Humanitarian and political considerations unite in leading us to approve the efforts to widen the circle of those who are able to study law. The organization of educational machinery especially designed to abolish economic handicaps—intended to place the poor boy, so far as possible, on an equal footing with the rich—constitutes one of America's fundamental ideals. It is particularly important that the opportunity to exercise an essentially governmental function should be open to the mass of our citizens . . . .[47]

It would appear that in developing its program of scholarships and financial aid, Michigan was making it possible to extend financial assistance to many who would not otherwise have been able to afford a legal education. By awarding this assistance on the basis of need and potential or demonstrated legal ability, Michigan was able to attract and welcome both in-state and out-of-state students, thus continuing to be a "national" law school.

[45] *Id.*

[46] Faculty Minutes, 1955—, p. 325.

[47] Reed, A. Z., Training for the Public Profession of the Law, Carnegie Foundation for the Advancement of Teaching, 1921, p. 398.

Chapter IX

The Law Student: Terms of Admission and Graduation

Admission to First Year

Among the recommendations contained in the *Report on the Establishment of the Law Department,* submitted on March 29, 1859, to the Regents, was the following standard for admission:

> To entitle an applicant to admission in the Law Department he shall present to the President satisfactory evidence of good moral character and shall pay the usual matriculation and incidental fee.[1]

The Report was adopted, but the announcement and program of instruction, outlined by the Committee on the Law Department in July 1859, stated only that "No student will be received under eighteen years of age . . . ." [2]

The University Catalogue for 1860 set out the "Terms of Admission" to the Law Department, terms which were to remain unchanged for seventeen years. Between 1860 and 1877-1878 the following statement appeared:

> The sole requisites for admission are that the candidate should be eighteen years of age, and be furnished with certificates giving satisfactory evidence of good moral character. No previous course of reading is required . . . .[3]

A suggestion of some dissatisfaction with the level of preparation appeared in the resolution adopted by the Regents on June 6, 1872, which directed the Professors of the Law and Medical Schools to "make such inquiries of the applicants for admission into their respective Departments for the coming year, as will enable them to report understandingly upon the actual extent of preliminary education possessed by such applicants for admission." [4] In the same year, Thomas McIntyre Cooley, "on Behalf of the Law Faculty," submitted a report to President James Burrill Angell which noted ". . . some improvement in the

[1] Regents' Proceedings, 1837-1864, p. 842 at 846.
[2] *Id.*, p. 879. For admission requirements, 1859-1959, see Part II, IX: 1.
[3] University Catalogue, 1860, p. 60.
[4] Regents' Proceedings, 1871-1876, p. 238.

average preparation of those who seek instruction here." [5] The next year, 1873, Angell incorporated into his report to the Board of Regents the following observation:

> . . . The old question, what requirement, if any, shall be made for admission to [our professional schools] . . . , is still unanswered, or is practically answered by making no requirement of intellectual attainment. It is a difficult question in view of the fact that practically no requirement is made elsewhere in the country. I am inclined to believe that the most we can at present easily do is to ask for a substantial knowledge of the fundamental elements of an English education . . . .[6]

While Cooley, submitting a report as Dean of the Law Department in 1874, observed that ". . . we think we notice, also, a gradual and very satisfactory improvement in the preliminary preparation," [7] additional standards for admission were being urged by President Angell. In the President's Report for the year ending June 30, 1877, he stated:

> . . . While pains have been taken to raise the requirements for admission and for graduation in the Literary and Medical Departments, and to lengthen the term of study in the Medical Schools, the whole scheme of labor in the Law School has remained unchanged. It is worthy of consideration whether something may not be done to increase the efficiency of the School . . . . It is also my own conviction that there should be some test of admission to the School, or at any rate of admission to the senior class . . . .[8]

It is possible that the statement in the University Calendar for 1877-1878, reflected the views Angell had expressed in 1873, when it informed prospective students that ". . . it is expected that all students will be well grounded in at least a good English education, and capable of making use of the English language with accuracy and propriety." [9] It is also possible there was some connection between the President's Report of 1877 and the statement in the 1880-1881 University Calendar that:

> All candidates are examined in order to ascertain whether their education is such as fairly to warrant their admission. The examination for admission will begin one week prior to

[5] Report attached to President's Report, 1871-1872, p. 19.
[6] President's Report, 1872-1873, pp. 12-13.
[7] Report attached to President's Report, 1873-1874, p. 22.
[8] President's Report, 1876-1877, p. 11.
[9] Calendar of the University of Michigan for 1877-78, p. 113.

the opening of the Department, and continue from day to day as candidates present themselves.[10]

As this examination was oral and somewhat extemporaneous in nature, its effectiveness has been questioned.[11]

In 1881, Henry S. Frieze, Acting President, presented to the Regents a detailed analysis of the state's educational system, with particular reference to its organization. In part, his report dealt with the standards of admission to professional schools. While he was not prepared to recommend that a full four years of college be demanded as a prerequisite to admission, he felt strongly that two years of college work should be required:

> . . . what an immense advantage would be secured to our public instruction, if . . . [the professional schools] were to require all candidates for professional degrees to complete some one of the four plans of required studies in the High School and University, generally embracing the first two years of study in the Literary Department, before entering upon the work of the technical or professional school. Our system would then be complete and systematic. The professional education would then stand where it ought to have been placed at the first, on the same level of intellectual attainment as that of the Literary Department. Whether prepared in the classical or non-classical courses of study, the students of all Departments of the University would have passed through the same period in preliminary training, completing some form of secondary education, and, at the end of their university work, would have reached a degree of attainment equal in amount, however different in kind.
>
> If this amount of attainment, and this only, were required, no injustice or hardship could possibly be complained of on the part of candidates for the professional degrees. Such a requirement would be entirely reasonable . . . To demand more than this, that is, to require of the professional student a preparation of four years in "college," after the work of the grammar and high schools, I think, would be injustice and hardship.
>
> . . . The German youth regularly enter upon their professional studies in the University at the age of eighteen or nineteen. How, then, can our Michigan student be expected to wait until he is twenty-four? But this would be the case, if he were not permitted to take up the study of Law or Medi-

[10] Calendar of the University of Michigan for 1880-81, p. 79.

[11] Goddard, MS. history, pp. 171-72. For examination requirements for admission, see Part II, IX:2.

cine before the completion of the four years of college work preliminary to the Bachelor's degree. The American student, particularly the western student, of average means and opportunities, could not comply with such a requirement, if it existed. Medical and Law Schools cannot justly demand it . . . Hence, a large majority of the students in our professional schools, and especially in our western schools, are admitted either with very slight academic preparation or without any preparation whatever. The professional schools cannot be excused for admitting students without respectable preparation. They should insist, at least, upon that afforded by the High School; but they cannot be censured for not requiring a preparation of four years in addition to that of the High School.

* * * * *

I believe also that it would best promote the interests of the higher education and of the University, if the requirements for admission to the professional schools should gradually and as rapidly as possible be advanced, so that not only the complete High School training, but that of the first two years of the Literary Department, or an equivalent, be made a condition for admission to those schools. Of course, this must be a work of time; but it should be the ultimate and determined aim of the Board of Regents and the Faculties. Indeed, such advanced preparation is already demanded by the School of Engineering. For, preliminary to the special work of this School, the student is required to complete the first two years, or the prescribed studies of the so-called Scientific Course. Is there any reason why an engineer should have a more extended and more complete preliminary training than a student in law or medicine? Does the profession of the engineer call for a higher grade of education than that of the lawyer or doctor? And is it any more difficult for the lawyer or doctor to comply with rigid conditions of graduation, than for the engineer?

It will be perceived that the general plan of preparation for all the higher and professional degrees, as here recommended, contemplates two distinct objects: one is the limitation of the requirements for examination in the literary degrees to such a period as shall not be extravagant nor incompatible with the educational circumstances of the State, nor discouraging to the youth of the State who aspire to the attainment of them; the other is, on the contrary, the raising of the requirements for the professional degrees by following out the course which the professional Faculties have already initiated, in exacting more thorough preparation, until the training of the candidates, both in the preliminary courses, and in the professional courses, shall be equal in extent and

> thoroughness to that of candidates for the higher degrees in the Literary Department.
>
> Thus the education for the professions and for the higher literary degrees will be built upon a common foundation, and will be reared to a common height of attainment; and thus unity and symmetry will be given to the education afforded by the University in all its departments and schools and courses of study.[12]

A good many years went by before the recommendation of Acting President Frieze, that two years of college work be required for entrance to the Law Department, was put into effect. In the next year, 1881-1882, the examination requirement was limited to such students who could not submit a ". . . College diploma or a diploma from any State Normal School, or from the Michigan Agricultural College, or any educational institution of a corresponding grade." [13]

Some question as to the standards of these examinations is aroused by the following extract appearing in *The Chronicle,* a newssheet published at the University, for March 17, 1883:

> Apropos of the Law Commencement which is near at hand we have to announce a long-wished-for change in that course. It has been decided to lengthen the attendance in that department to nine months. This is a move in the right direction which is acknowledged by none more readily than the Laws themselves. It is useless to discuss the fact that a thorough knowledge of law can not be obtained in two years study of six months each. Every one acknowledges it. This step we hope is only preparatory to lengthening the course to three years, and requiring a diploma or a thorough examination for entrance. Then we can have a Law department to be proud of instead of it being a reproach. We certainly have as fine a law faculty as there is in the country, and with a strict examination for entrance to the Law School, we would soon have little improvement to wish for. The students themselves acknowledge that the examination is a mere farce, and many persons are admitted who could not enter a grammar school. The first step is taken, however, and we hope soon to see the Law department on a plane with all others of the University.[14]

Beginning in 1884-1885, and continuing thereafter, such examinations as were required, were written. In the same year, the subjects upon which candidates for admission, other than graduates of colleges

[12] President's Report, 1880-1881, pp. 6-18.

[13] Calendar of the University of Michigan for 1881-82, p. 100.

[14] *The Chronicle,* Vol. XIV, No. XI, March 17, 1883.

or from academies, or high schools, were to be examined, were set out in the Announcement of the Law Department. They included ". . . Arithmetic, Geography, Orthography, English Composition, and the outlines of the History of the United States, and of England." Moreover, "the papers submitted by the applicant must evince a competent knowledge of English Grammar." A more reassuring addition to the requirement was the following statement:

> Inasmuch as many present themselves a long time after completing their school education, it may be said that the examination will not be technical. The object is not to ascertain the amount of technical school book knowledge which the candidate possesses, but the aim is to ascertain the results of his previous training, and his present practical capacity and ability to appreciate the technical study of law.[15]

Insofar as admission to the first-year class was concerned, these basic requirements remained unchanged until 1911-1912: high school graduates as well as college matriculates and college graduates were admitted without prior examination. In his report to the Regents for 1890, President Angell discussed some of the difficulties encountered in attempting to raise the standards of admission to the Law Department.

> The Law School has had an attendance, which is altogether unprecedented, 533 students. It is becoming a serious question whether it will not soon be necessary to provide ampler accommodations than the Law Building affords, or reduce the number of students by increasing materially the requirements for admission. It must be admitted that the question of what policy a Law School in this part of the country should adopt in fixing the requirements for admission and the requirements for graduation is not so simple as it might at first seem. In Michigan and in several other western States students are admitted to the bar on so easy conditions that if a Law School sets up very high standards the great mass of students may go to the bar after brief and perfunctory study in offices and with very little systematic training. It may be argued that the School thus misses its aim of improving the bar, and that it would better accomplish its legitimate end by receiving even illiterate men, who will at any rate find their way into the profession, and by giving them the best training they are capable of receiving. This argument is not without plausibility. But if applied logically to the whole work of the University, it would lead to the lowering of our requirements for admission and

[15] Announcement, 1884-1885, p. 13.

> for graduation to those of the weaker institutions in the west. . . .[16]

In 1892-1893, applicants for admission who had not been graduated from a college or university were required to pass an examination in specified parts of Blackstone's Commentaries. This requirement presumably developed out of a recommendation, made between 1880-1881 and 1891-1892, that entering students should have read "at least the Commentaries of Blackstone." President Angell noted this development with approval in his 1892 report:

> An additional requirement, of parts of Blackstone's Commentaries for admission, was made last year. I am of the opinion that still larger requirements might well be made for entrance. Though they should be different from those of the Medical Department [i.e., ". . . a grade of preparation equal to that for admission to the scientific course in most colleges."], they might still represent an equal amount of school training and discipline.[17]

However, the Blackstone requirement lasted only through 1894-1895.

Discussion of standards of admission to the Law Department continued, and in the *Res Gestae* for 1895, Professor Floyd Mechem observed:

> . . . What should be the kind and amount of general culture required before the student shall be permitted to enter upon the study of the law? Opinions do and perhaps must differ upon this question, but the tide of opinion seems to me to be setting so steadily and irresistibly in one direction that there can be no doubt about the outcome. If the matter is to be determined even by the standard of mere individual success, there can be no doubt that the conditions of the day require that only those who appear to have some natural fitness for the work and whose minds have been disciplined by thorough training, should enter the profession. It is true, of course, that a man of native vigor but little preliminary training may and often does succeed preeminently, but his success is in spite of his deficiencies and not because of them. It is admitted, too, that the study and practice of the law furnish, in themselves, a most effective means of discipline, sharpening and clearing the intellect in a remarkable degree; but still what a pitiable sight it is to see a man attempting to succeed in this profession whose grasp of ideas is limited, whose logic is lame, whose vocabulary is small, and whose tongue stumbles

[16] President's Report, 1891-1892, p. 20.
[17] *Id.*, p. 18.

> in every utterance over all of the rules which the science of grammar has laid down for the guidance of human speech.
>
> It is objected that the requirement of a higher preliminary training would result in excluding the men of vigorous native intellect whose means and condition would not permit them to acquire the necessary qualifications; but this is not admitted. Such would be the very men who *would* acquire them, to their own great satisfaction and advantage and to the greater profit of the community; but even if occasionally one should fail, the general result must more than compensate.[18]

Harry Burns Hutchins was appointed Dean of the Law Department in 1895, his appointment coinciding with the lengthening of the course from two to three years. In *Res Gestae* for 1896, the new Dean discussed the problems posed by the differing degrees of preparation for legal study. It had been a matter for some concern under the old lecture system,

> . . . [but] under one which involves daily examination upon topics previously assigned and the discussion by the student of legal principles and adjudicated cases, it is fatal to a high grade of work. The presence of any considerable number of poorly equipped men must inevitably make the best results impossible . . . . The solution of the problem does not and cannot, under existing conditions, rest with the schools alone. This is not generally appreciated and I wish to make it emphatic. If every candidate for the Bar were compelled to seek the schools for his professional training, the matter of preliminary training would be exclusively in their hands. Under such circumstances there would, I am sure, be no hesitation on the part of law school authorities in at once advancing the standard. The same result would undoubtedly be realized if the statutes governing admission provided for a substantial educational qualification. But the embarrassment of the schools must be appreciated when it is remembered that in the great majority of states there is absolutely no requirement as to general qualifications. The schools must lead, but they cannot, in the nature of things, be very much in advance of the opinions of the public and of the profession. The Schools, the public, and the profession have a common duty to perform. They should act together. In no other way can the difficulties of the situation be fully met. Opportunities for education are now so general that substantial requirements by the state as a prerequisite to legal study wherever pursued, could rarely work a hardship. In a few of the states the experiment has been tried and with most satisfactory results.

[18] Res Gestae, 1895, unpaged.

> Until such requirements become general, the work of the schools must be hampered by serious limitations.[19]

The first tangible results of Hutchins' interest in raising the amount of preparation required for admission to the Law Department appeared in 1897-1898 when a more precise course of study was prescribed for high school graduates and more exacting standards were set up for the examinations required of non-high school graduates. Moreover, it was announced that in 1900 and thereafter:

> . . . all applicants, *if candidates for a degree,* except those who are exempt as above explained, will be required to pass an examination equivalent to that required for admission to the Department of Literature, Science, and the Arts . . .[20]

The combined curriculum in letters and law, discussed later in this chapter, was inaugurated in 1903-1904.[21]

Although high school and academy graduates continued to be admitted to the Law Department without examination, the 1906-1907 Announcement explained:

> . . . A diploma will not be accepted as evidence of the completion of such a course [i.e., in a high school or academy], but each applicant must present to the Dean of the Department a certificate of graduation and a recommendation for admission to the Department signed by the principal of the school. The certificate should show the length of time each subject was pursued and the grade secured.[22]

In the latter part of 1907, Dean Hutchins appointed a special committee of the Law Faculty, headed by Professor Wilgus, to examine and report on the subject of increased requirements for admission. On the basis of this report the Law Faculty on January 31, 1908, reached two decisions, which on April 24, 1908, were submitted, together with a detailed report, to the Regents by Dean Hutchins. The faculty recommended that the age requirements for admission be raised, so that applicants for admission to the first-year class would be at least nineteen years of age, and that an additional year of preparatory work beyond the high school level be required of all applicants for admission.

The Regents were unwilling to accept the faculty recommendation relative to increasing the preparatory requirements and delayed its consideration "until the next meeting." They did, however, adopt

[19] Res Gestae, 1896.

[20] Announcement, 1897-1898, p. 13.

[21] For admission requirements to the several combined curricula, see Part II, IX: 3.

[22] Announcement, 1906-1907, p. 12.

unanimously "the paragraph fixing the age for admission." This report was prepared with obvious care and supplies substantial information concerning the general status of legal education at Michigan with particular reference to the problem of admission requirements.[23]

President Angell, in his report for the year ending September 24, 1908, stated:

> On the recommendation of the Law Faculty the matriculates must hereafter have reached the age of nineteen years on entering the Department. It is thought that students at an earlier age have not generally attained to the mental maturity, which fits them for the most successful study of the law. The Faculty are very desirous of securing ampler preparation of young men than many of them now possess. The better Law Schools all have this feeling. They are to some extent handicapped in raising their requirements for admission and for graduation by the fact that in several states the courts admit to the bar applicants with a very slender outfit of legal learning. This laxness is defended by the plea that if the young lawyer is not well trained or lacks ability, he will do no great harm and will soon be compelled to take to some other pursuit to gain a livelihood. Unhappily he may do serious harm by his ignorance in giving bad advice to his client, and he may keep a place at a bar made up in good part of men as ill-instructed as himself. The Law Schools richly deserve the support of the courts in their efforts to raise the standing of the American bar.[24]

In James Burrill Angell's final Report as President, for the year ending September 28, 1909, he referred again to the standards for admission to the Law Department:

> . . . A larger preliminary requirement for the law students cannot long be deferred if we are to retain the high reputation of the Law Department.
>
> * * * * *
>
> The new requirement of two years' work in the Literary Department for admission to the Department of Medicine and Surgery may be expected to reduce for a time the number of students. But a similar step has to be taken by every medical school which keeps its place in the rank of the best schools in the country. Of course it raises the grade of medical education throughout the land. We could not afford to be behind our compeers, and peril the preeminence which our school has always maintained.

[23] The report appears in Part II, IX: 4.

[24] Regents' Proceedings, 1906-1910, pp. 342-43.

> Similar conditions will require us soon to raise the requirements for admission to the Law School, as the Faculty of that Department have recommended. Some reduction in the attendance for a time would be the result, especially while the courts in many states are so lax in the admission of men to the bar. But apparently, if the attainments of the members of the American bar are to be raised, the result must be accomplished by the Law Schools, which seem destined henceforth to furnish the professional education of the great body of competent lawyers.[25]

In spite of these representations no immediate action was taken to raise the academic admission requirements. The Announcement for 1910-1911 did institute one additional requirement for admission:

> . . . Every applicant for admission, whether as a regular or as a special student, must present a certificate of character. This may be in the form of a certificate of graduation, or of honorable dismissal from the school with which the applicant was last connected, or, in the case of special students who cannot present these, in the form of a general letter as to character.[26]

This additional requirement, substantially unchanged, appeared in the annual Announcement through 1939-1940.

Upon the retirement of James Burrill Angell as President of the University, Harry Burns Hutchins was elected Acting President by the Regents, his duties to commence on October 1, 1910. In June of 1911, the Regents elected him to the Presidency and he held that office until June of 1919. Henry Moore Bates, Professor of Law, was appointed as Hutchins' successor as Dean of the Law Department. On March 4, 1910, the Regents, on motion of Regent Knappen:

> . . . adopted the two following resolutions as recommended by the Faculty of the Department of Law:—
>
> *Resolved,* That in the year 1912 and thereafter until further notice, an additional year of preparatory work shall be required of those who apply for admission to the Department of Law as candidates for a degree; that the new requirement may be met by presenting the equivalent of an academical or high school course of four years, as under the present requirements for admission, and one year of university or college credit in a university or college approved by the Faculty of the Department or its equivalent; that the Faculty of said Department is permitted to announce that

[25] President's Report in Regents' Proceedings, 1906-1910, pp. 544, 547-48.

[26] Announcement, 1910-1911, p. 10.

> within a reasonable time after 1912 it may be expected that a a second year of university or college work will be added to the requirements for admission of those who apply as candidates for a degree.
>
> To meet the case of mature students who, although lacking the technical preparation required for admission as candidates for the degree, are, by reason of natural gifts, previous training or experience in practical affairs, specially fitted for the study and practice of the law, the Faculty will, upon special application, permit an applicant, who comes within the class described, and who has attended the Department for a period of two years as a special student, to become a candidate for the degree without the technical preparatory training hereinbefore described, *but only when such applicant has maintained throughout his two years of residence a record of exceptional excellence in all the subjects pursued.* It should be understood that this privilege will be confined strictly within the provisions herein set forth.[27]

As Shirley Smith, former Vice President and Secretary of the University of Michigan, phrased the matter in his biography of Hutchins:

> . . . As in so many other cases he who sowed did not reap. But in this case, Henry M. Bates, the reaper, had not only himself broadcast much of the seed, but he used the harvest to the vast benefit of the School and the profession.[28]

The Announcement for 1910-1911 stated:

> In the year 1912, and thereafter until further notice, the requirements for admission to the Department will be increased by the addition to the high school course now required of a year of university or college work. In 1912, and thereafter, candidates must present a certificate showing the completion of one year of university or college work in an institution approved by the Faculty of the Department, or its equivalent. Within a reasonable time after 1912, it may be expected that a second year of university or college work will be added to the requirements for admission to the Department as candidate for a degree.[29]

Concurrently with the interest of the Faculty in a general rise in admission standards and levels of instruction, so apparent after Henry Bates became Dean in 1910, the Law Faculty concluded that the pre-

[27] Regents' Proceedings, 1906-1910, p. 676.

[28] Shirley Smith, Harry Burns Hutchins and the University of Michigan (1951), p. 106.

[29] Announcement, 1910-1911, p. 14.

vailing system whereby graduates of Michigan law schools were enabled to secure admission to the Michigan Bar upon presentation of their diplomas, had certain undesirable features. Accordingly, on January 5, 1911, they passed the following resolution:

> *Resolved,* That it is the sense of this Faculty that the statute admitting graduates of law schools of this state to the Michigan Bar without examination by the State Board of Examiners should be amended so as to abolish such exemption.

The report of the Law Faculty, contained in a letter to the Regents, signed by Dean Bates, continued:

> The Faculty is of the opinion that the abolition of this exemption will tend toward better scholarship in the Department of Law and will aid its officers and the State Board of Law Examiners, and others interested in improving conditions at the Bar, in maintaining a higher standard of admission. Our graduates are abundantly qualified to pass the state examinations. They are subjected in our department to more thorough and searching examinations than can possibly be given, under present conditions, by any state board. Nevertheless, we feel that it will be a stimulus to Michigan students to know that they must pass the state bar examinations as well as our own, and that it will strengthen the hands of the State Board of Examiners by making their position and functions of greater importance and dignity.[30]

The Regents approved the action of the Law Faculty and the subcommittee on legislature was instructed to prepare a bill which the state legislature passed in 1913.[31]

The new requirements went into effect for the academic year 1912-1913, and shortly after the commencement of the first semester, Dean Bates submitted a report to the Board of Regents, which was incorporated into the minutes of the Regents' meeting for November 15, 1912.

> Our new entrance requirement of one year of college work went into effect this fall, and I wish to report briefly to your Board concerning its effect and operation. I may say in the first place that I endeavored to administer this entrance requirement with discretion and yet with sufficient rigidity to keep out undesirable students. A large number of applications from students whose work nominally included one year of

[30] Regents' Proceedings, 1910-1914, pp. 74-75.

[31] For a list of Michigan statutes pertaining to the "diploma privilege," see Part II, IX: 5.

college work, but which in reality was not the fair equivalent of such work, or who came from colleges whose standards were so poor that we could not recognize them, were excluded. It would have been very easy to keep nominally within our rule and yet have had a much larger class.

One hundred and sixty students were admitted on this basis to the first year class as candidates for a degree. Last year the number of first year men admitted was two hundred and eighty-one. This shows a falling off of one hundred and twenty-one, much less than I had anticipated . . . . This loss will probably be made up gradually by increasing numbers each year. The effect of the new requirement, in my judgment, has been wholly good. I call your attention to the following facts:

* * * * *

2. All of our faculty who are teaching first year classes report that it is unquestionably the best prepared and ablest class we have had. This has permitted a raising of the standard of class room discussion and consequently has improved the mental disciplinary processes which our students are subjected to.

3. The class, in the matter of attention and earnestness, is exceptionally good.

4. The fact that practically all of the leading law schools had increased their entrance requirements before we did, was beginning to draw college graduates to those schools and away from us. A great many dull and superficial students survive a high school course, but most of these are cut out by the college year required. Consequently our present class is almost totally lacking in the dull, unintelligent students who do so much to depress standards of class room work and to drive to other law schools bright, well trained and ambitious students.

5. While from one point of view a decrease of attendance is regrettable, yet it is to be said that our classes have been too large, and that the reduction in size of the first year class is resulting in more efficient instruction.

6. The history of every good law school, in which the requirements for admission have been advanced with discretion, shows that professional students appreciate merit and quality and in large numbers seek the school in which they find these things. The fact that the Harvard Law School now leads all first class schools in attendance is undoubtedly due to the fact that it early increased its entrance requirements and its standards of work. We are already finding evidence that our increase in entrance requirements is attracting to us a strong type of students.

Finally, I feel positive that this law school will achieve the best results, including reputation, numbers and power for good, not only in the profession, but in the community, by

> catering to students capable of strong work and of leadership at the bar rather than by seeking large numbers of students through low standards of admission. There is every evidence that our present student body is appreciative of these facts and heartily approves of the advance in requirements. Numerous letters from alumni bring messages to the same effect.[32]

The new admission requirements had been in effect for less than a year, when the Law Faculty at a meeting on March 15, 1913, discussed the advisability of increasing the admission requirements to two full years of college work. The Law Faculty, on April 14, 1913, unanimously resolved to recommend this increase to the Board of Regents, effective in the fall of 1915-1916. A detailed report from Dean Bates, embodying the recommendation and discussing the underlying rationale, was presented to the Regents at their meeting on April 24, 1913.[33] The Regents on motion of Regent Bulkley ". . . directed that beginning with the University year 1915-1916 two years of college work should be required for entrance to the Department of Law, in accordance with the recommendation of the Faculty." [34]

Accordingly, the 1913-1914 Announcement stated:

> Beginning with the academic year 1915-1916 only such persons as have completed two years of college work in an approved college or university will be admited as candidates for a degree.[35]

These requirements went into effect as scheduled. They remained unchanged for a number of years, for it was not until January 24, 1924, that the Regents, on motion of Regent Murfin:

> . . . adopted the recommendation of the Faculty of the Law School that beginning with the fall of 1926, the satisfactory completion of a minimum of three years of work in an approved college or university in addition to an academic or high school course of four years, be required of all students as a prerequisite to admission to the Law School as candidates for a degree.
>
> Beginning with the fall of 1928, the following persons only will be admitted to the Law School as candidates for a degree:—
>
> First, persons who have graduated from an approved college or university with the degree of Bachelor of Arts or its equivalent.

[32] Regents' Proceedings, 1910-1914, pp. 580-82.
[33] The report appears in Part II, IX: 6.
[34] Regents' Proceedings, 1910-1914, p. 711.
[35] Announcement, 1913-1914, p. 14.

> Second, students who have been admitted to the combined curriculum in Letters and Law at the University of Michigan, or to the similar combined curriculum of any approved university or college which makes provision for such a curriculum, provided it be administered on substantially the same plan and with the same restrictions as that of the University of Michigan.[36]

In the annual report filed by the Dean of the Law School with the President of the University, Bates in 1923-1924 noted:

> The figures and other data relating to student attendance . . . reveal, further, that an increasing percentage of our students have been inclined to take more than the two years of college work required for admission to the Law School. Thus the ratio of those who have had three years of college work and those who have obtained the A.B. degree or its equivalent, to the whole body of students, is growing. So we shall enter, by gradual transition, into the higher entrance requirements which will go into effect in the fall of 1926 and the fall of 1928, as announced in our official bulletins.[37]

In 1924-1925, Dean Bates stated: "We again note a continued increase in the percentage of the student body who have completed three or more years of college work prior to entering the Law School." [38]

For the academic year, 1926-1927, the first in which the admission requirements of three full years of college in addition to a high school course were imposed, the Dean reported eight fewer students than in the preceding year and explained:

> . . . This decrease was due entirely to the application, for the first time, of the requirement of the completion of three years of college work for admission, the first-year class having numbered 207 as compared with an entering class of 240 for the preceding year. The falling off was much smaller than had been anticipated, and at the close of the year under review it was already apparent, from applications on file, that the entering class for the year 1927-1928 would show a large increase.[39]

The admission requirements were unchanged for 1927-1928, but in 1928-1929 the Announcement stated:

> In accordance with the regulations at present in force the following persons only are eligible for admission to this School as candidates for degrees:

[36] Regents' Proceedings, 1923-1926, pp. 163-64.
[37] President's Report, 1923-1924, p. 201.
[38] President's Report, 1924-1925, p. 115.
[39] President's Report, 1926-1927, p. 107.

> First, persons who have graduated from an approved university or college with the A.B. degree or its equivalent.
>
> Second, students who have been admitted to the Combined Curriculum in Letters and Law of this University . . . or to the similar combined curriculum of any other approved university or college which maintains such a curriculum, provided it is administered on substantially the same plan and with the same restrictions as that of this University.[40]

In 1929-1930, it was further required that candidates were to have had as undergraduates "a uniformly satisfactory record of scholarship." [41]

For 1927-1928, Dean Bates reported:

> At the end of the year under consideration our entrance requirements were advanced to a level which makes this, in effect, a graduate law school. Since July 1, 1928, applicants to be admitted must be graduates of approved colleges, or they must have completed the liberal arts work in the combined arts-law curriculum in this University, or in other universities maintaining combined courses upon substantially the same basis as that here . . .[42]

The basic requirement of graduation from an approved university or college with a "uniformly satisfactory record of scholarship" or, until 1957-1958, participation in the combined curriculum remained unaltered through 1958-1959. However, the formal entrance requirements were administered in an increasingly selective manner, as was noted in Dean Bates' report for 1935-1936.[43]

In the report filed by E. Blythe Stason, as Dean of the Law School for 1939-1940, the method of administering the admission requirements and the underlying reasons for such administration were discussed in considerable detail:

> In recent years the steadily increasing severity of bar admission requirements coupled with the desire to maintain our established position of leadership among law schools has made the task of proper selection of students for admission to the School an increasingly important and difficult one. Success at the bar depends upon more than mere knowledge of principles of law. It depends in large measure upon vigorous mental powers coupled with qualities of good judgment and personality. The School regulations require that a candidate for ad-

[40] Announcement, 1928-1929, pp. 14-15. For statistics showing the number of students holding degrees enrolled in the Law School from 1859 through 1928, see Part II, IX:7.

[41] Announcement, 1929-1930, p. 15.

[42] President's Report, 1927-1928, pp. 112-13.

[43] President's Report, 1935-1936, p. 92.

mission present "a Bachelor of Arts degree or its equivalent, with a uniformly satisfactory record" of achievement in college. As interpreted and applied to specific cases this standard limits the privilege of entry to the first-year class to those who show, not only from their college scholastic records, but also from recommendations of college instructors, personal interviews, and other tests, that there is a reasonable likelihood of success in the Law School and ultimate admission to and success at the bar. Experience over the years indicates clearly that in a very high percentage of those students whose college records are barely passing, who just qualify for the bachelor's degree and no more, will not succeed in the Law School, especially when handicapped by reason of inferior personality or otherwise; and if they were permitted to pass through the Law School, they could not pass the bar examinations and be admitted to the practice of law. As a consequence, in order to prevent the disappointments and save the economic waste, we have rejected a considerable percentage of the candidates presenting the less satisfactory qualifications. Even so, we find that a considerable number of those who are admitted fail to maintain the standards set for the first year of the Law School and are asked to withdraw at the close of the year. We might feel that our standards are set higher than need be, were it not for our knowledge of the difficulty of passing the bar examinations and succeeding in the practice of law in the more important states to which our men go for the practice of law. Though the intensity of the training given in the Law School has steadily increased and the success of our graduates in the bar examinations is at least as high as that of any other law school in the country, nevertheless we find that about 10 per cent of our graduates fail on the first attempt to pass the increasingly difficult bar examinations in such states as Michigan, Ohio, New York, and Illinois. As a consequence of this situation we feel keenly the importance of the task of making proper selection of students for admission to the Law School, and we have been devoting serious efforts to establishing wise standards and methods of selection. During the last year we have amplified the practices of preceding years by making more liberal use of aptitude tests, by insisting upon personal interviews to explore the ability and personality of doubtful candidates, and by careful study of the college records, letters of recommendation, and the colleges from which the applicants come. In addition, we have advised many applicants in the doubtful range to attend the summer session prior to entrance to the first-year class and thus to give us the benefit of the summer's performance to assist in gauging the aptitude for the law. As time goes on we hope to improve our methods still

further so that we may reduce to a minimum the percentage of failures among those admitted to the School. The formulation of the standards of admission and the methods of applying them is one of the important tasks facing us.[44]

The outbreak of the Second World War caused a decline in applicants for admission to the Law School, but the Dean and the Law Faculty saw no reason to lower the basic standards for admission. They were, however, concerned with the problem of the returning veteran, and in 1943-1944 Dean Stason reported to the President:

> Enrollment in the Law School is still confined largely to men in the 4-F draft classification and women, although a limited number of discharged veterans are returning to complete their education. Prospects indicate an upturn in enrollment in the school year 1944-45, with a veritable flood of students as soon as demobilization begins in earnest. It is reasonable to anticipate that the immediate postwar years will bring more students to the law schools than can properly be accommodated. The Eastern law schools are establishing definite limits on enrollments. We hope that such measures will not be necessary at Michigan and that we shall be able to admit all who desire to enroll and who give promise of becoming good lawyers.
>
> Especially careful consideration has been given the problem of returning veterans who may desire to study law. The faculty recognizes that young men who have served for a considerable period in the Armed Forces, and particularly those who see active service in the battle areas, not only will have lost valuable years in the service of their country, but also will be matured beyond their years. They will be understandably anxious to complete their professional education without unnecessary delay. This they should be enabled to do, so far as it can be done without unduly impairing the essentials of professional education requisite to passing state bar examinations and properly serving the public. To this end the faculty has recommended, and the Board of Regents has approved, in favor of veterans, a relaxation of the regular Law School admission requirement of the Bachelor of Arts degree or its equivalent, with an academic record substantially above the passing minimum. It is now provided that:
>
> > A veteran of the present World War having a year or more of military service will be admitted to the Law School if he has had three or more academic years of undergraduate study in an approved institution (which may include not to exceed fifteen credit hours of approved Armed Forces Insti-

[44] President's Report, 1939-1940, pp. 109-10.

> stute credit earned off campus), provided the Committee on Admissions finds: (1) that the scholastic record of the applicant has been the approximate equivalent of that prescribed for the combined curriculum; (2) that his military service has produced a maturity the reasonable equivalent of that obtainable during the fourth college year normally required for admission; and (3) that his entire record, academic and otherwise, has been such as reasonably to indicate success in the Law School.
>
> A reasonably generous interpretation of this amended admission regulation, having regard for the individual circumstances in each case, will, we believe, help many veterans to accelerate their professional education and achieve a competent self-supporting status at the bar earlier than would be possible under standard requirements.[45]

The special provision for veterans of World War II, first appearing in the 1944-1945 Announcement, was continued substantially unchanged through 1952-1953.

In the 1944-1945 annual report, Dean Stason returned again to the admission problems posed by the anticipated postwar enrollment increase:

> All indications point to a large postwar enrollment . . . Advance correspondence and applications from men in the armed services clearly indicate that the enrollment will exceed the prewar maximum if all of the qualified applicants are admitted. Nevertheless, we must make every effort to accommodate all who possess the qualifications necessary to success at the bar . . . If returning veterans wish to study law at Michigan they deserve every possible assistance to permit them to achieve their desires, and we must extend our facilities to the utmost to accommodate them. This we shall do.
>
> The returning veterans are bringing with them some rather difficult problems—problems that will require special attention from the faculty and marked patience and perseverance on the part of all concerned.
>
> * * * * *
>
> Another veterans' problem will arise from their deficiency in prelegal education. Normally the Law School requires either the Bachelor of Arts degree or its equivalent for admission. The complexity of modern economic, social, and political affairs necessitates a broad background of general education for members of the bar, and four prelaw years are none too many. In behalf of the veterans, however, and taking account

[45] President's Report, 1943-1944, pp. 102-103.

> of their increased maturity, as well as the time they have lost while in the armed services, veterans are being admitted to the Law School with three years of college level work, provided that their academic achievement in college reveals the superior intellectual capacity necessary to success at the bar. Moreover, a part of the required three years of college work may be taken in the form of special training courses pursued while in the armed services. This relaxation of our entrance requirements will result in many of the veteran law students being definitely handicapped by virtue of lack of proper background in economics, political science, history, and other pertinent subjects. Especial effort must be expended to supply the deficiency during the Law School years.[46]

The decline in requests for admission during the period of the second World War enabled the Law Faculty to consider one aspect of the entire admissions problem which had never been resolved to their entire satisfaction: how to determine in advance of entry to Law School what were the chances of success in Law School. It will be recalled that the avowed intention of the examination required of certain applicants for admission was ". . . to ascertain the results of his previous training, and his present practical capacity and ability to appreciate the technical study of law." [47] There is no evidence that this examination was ever administered as other than a device to determine whether the applicant had mastered certain minimal educational skills, but the idea of a pre-admission examination reappeared in the 1944-1945 Announcement:

> . . . It is recommended that applicants write the so-called "Graduate Record Examination" if they can conveniently do so, and submit the results thereof as a part of their credentials. In cases of doubtful academic qualifications this examination may be required . . . .[48]

In 1947-1948, this regulation was modified to offer, in cases of doubtful academic qualifications, as an alternative to the Graduate Record Examination, an interview with the applicant and the writing of the Law School Aptitude Test. In 1948-1949, the Announcement stated:

> In any case in which the applicant's credentials raise a question as to his academic qualification for the study of law in this School, the applicant may be required either to take the Nationwide Law School Admission Test given by the College Entrance Examination Board or to appear for an interview

[46] President's Report, 1944-1945, pp. 69-70.
[47] Announcement, 1884-1885, p.13.
[48] Announcement, 1944-1945, 1945-1946, p. 14.

and the writing of the University of Michigan Legal Aptitude Test.[49]

The correlation between the scores given in tests of this sort and the grades received in the Law School were such that in 1949-1950 all applicants were informed that they were ". . . expected to take the Law School Admission Test given by the Educational Testing Service . . . Princeton, New Jersey . . . ." [50] This policy remained unchanged through 1958-1959, although in practice there was considerable flexibility in the utilization of the test scores, every effort being made to use them as a device showing predictability in conjunction with other evidence rather than as an infallible guide to be depended upon to the exclusion of all other information and relevant facts.

As the century closed, the question of admission requirements was under careful study. A Report of the Planning Committee, filed on March 5, 1958, devoted considerable attention to the problems involved.[51]

Admission with Advanced Standing

The varying requirements for admission with advanced standing to the Law School should be examined to grasp all the details of the evolutionary development. However, from 1859-1860 through 1916-1917, licensed attorneys were admitted to the Law Department with advanced standing as candidates for the Bachelor of Laws degree.[52]

It will be recalled that at the time the Law Department was established, the idea of legal education pursued outside the office of a practicing attorney was not widely accepted. Moreover, the standards for admission to the bar in effect in most states were negligible. Hence, during the first century of the Law Department's existence, a number of men, already licensed to practice law, were admitted as candidates for the LL.B. These were not the only persons eligible for advanced standing, for the qualifications at different times included study in a lawyer's office for a specified period as well as satisfactory work in an approved law school. But the nineteenth century saw nothing unusual for a man to study in a law school after admission to the bar, and the 1860 University Catalogue reflected this attitude when it stated:

> The Degree of Bachelor of Laws will be conferred . . . on those who . . . [having] practiced law for one year under

[49] Announcement, 1948-1949, pp. 11-12.
[50] Announcement, 1949-1950, p. 12.
[51] For an extract from this report, see Part II, IX: 8.
[52] For the requirements for admission with advanced standing, see Part II, IX: 1.

> a license from the highest Court of general jurisdiction in any State, shall also pursue one year's course in this department, and pass [an approved] . . . examination.[53]

An additional qualification for an attorney seeking advanced standing was imposed in 1881-1882: the applicant must have been licensed from the "highest court of general jurisdiction in any State, where the requirements for admission to the bar are equal to those in Michigan."

In 1885-1886, new standards for admission were prescribed. All applicants for advanced standing were required to pass an examination, but the qualifications for admission to such examination included the practice of law for one year in another state having the same bar admission standards as Michigan. In 1892-1893, however, the examination requirement was dropped for individuals who had been admitted to the bar of any state, and this method of admission to the second-year class was continued until 1896-1897. In 1897-1898, the requirement was modified and limited to attorneys from states which required bar examinations. This requirement remained in effect until 1901-1902.

With the inauguration of the three-year law course in 1896-1897, it was considered desirable to provide for admission with advanced standing to the third-year class. Accordingly, among those individuals made eligible for admission to the third-year class without examination were those who had passed the Michigan bar examinations after January 1, 1898, and those who had passed bar examinations of other states which were equal in difficulty to those of Michigan.

The requirements for advanced standing were revised in 1902-1903. The Announcement for that year stated that only specified classes of persons were eligible to the examination for admission to advanced standing. Among those eligible to be examined for entrance to the second-year class were members of the bar of another state requiring examinations for admission. This provision remained in effect until 1916-1917. Among those eligible to be examined for admission to the third-year class, between 1902-1903 and 1908-1909, were those who had passed the Michigan bar examination after January 1, 1898, and those who had passed bar examinations in other states having standards equal to those in Michigan.

After 1916-1917, no provision relative to the admission of licensed attorneys to advanced standing appeared in the Law School's annual announcement.

Between 1917-1918 and 1922-1923, all applicants for advanced stand-

[53] Catalogue, 1860, p. 62.

ing were examined to determine the amount and extent of work hitherto completed. From 1923-1924 to 1958-1959, admission to advanced standing became subject to progressively higher standards, and was limited to students transferring from other approved law schools who had completed a year's work at such institutions with a scholastic record satisfactory to the admissions officer.

Admission to the Graduate Program

The initial requirement for admission to the graduate program, appearing in the 1891-1892 Announcement, was graduation from the Law Department or from another Law School. In 1912-1913, a prospective applicant was informed that he was required to have "maintained a high standard of scholarship in the law school from which he obtained his degree." From 1929-1930 through 1958-1959, graduation from an approved college or university, in addition to the undergraduate law degree from an approved law school, was required for admission to the graduate program.[54]

Admission of Foreign Students

As is apparent from the data presented in Chapter VIII, students from outside the United States attended the Law School from its establishment. The earliest reference to the problems posed by their admission appears in the 1926-1927 Announcement:

> Students from foreign countries should have their entrance credentials officially approved by the University before they may secure their passport visas from the American consul in their native countries. Upon the approval of the credentials, the University will send to the applicant an admission card, which will enable him to secure the proper papers for immigration to the United States. On his arrival in this country, the student must report immediately to the University for registration and enrollment.[55]

In 1947-1948, the foreign student was also advised:

> . . . Foreign students desiring to enter the Law School on the basis of legal education in civil law schools should write for special qualifications applicable to such cases. . . . A foreign student, before being admitted to regular class work

[54] The requirements for admission to the graduate program appear in Part II, IX: 1. For the development of the graduate program, see Chapter V, *supra*.

[55] Announcement, 1926-1927, p. 13.

in the Law School, is required to pass a test in written and oral English.[56]

The next year, 1948-1949, the following statement was added:

> While the same scholastic standards for admission to graduate study apply to foreign students as to those whose study has been in schools in the United States, yet, because of the wide divergence in foreign educational systems, it is necessary in each case to determine whether the applicant presents the equivalent of the specific requirements which have previously been stated. In determining this equivalence the following rules will be applied to applicants whose undergraduate work has been in civil law rather than in the Anglo-American system. The applicant will be deemed to have the equivalent of the scholastic requirements already stated in this bulletin for admission to graduate study, if (*a*) he has completed the formal education required for a license to practice law in the country in which the undergraduate law studies were pursued, (*b*) his scholarship in law school has been outstanding, and (*c*) he is capable of carrying on graduate work in this Law School as demonstrated by such further evidence as the admitting officer may require.[57]

A further qualification on the admission of foreign students as candidates for advanced degrees was added in the Announcement for 1952-1953:

> When the training of the applicant has been chiefly in the civil law, he will ordinarily be admitted as a special student for a preliminary period of one semester or term; and his residence during that period will not be counted toward the residence requirement for a graduate degree.[58]

This 1952-1953 addition was dropped from the 1958-1959 Announcement, which returned to the 1948-1949 statement.

Admission of Special Students

In the first years of the Law Department, the members of the Law Faculty were aware that many students enrolled in the Department, with no intention of seeking the LL.B. degree. No differentiation was made, however, between the prospective candidates for a degree and the other

[56] Announcement, 1947-1948, p. 15.
[57] Announcement, 1948-1949, p. 16.
[58] Announcement, 1952-1953, pp. 17-18.

applicants for admission until 1881-1882. The University Calendar for that year stated:

> Any person is at liberty to matriculate in this Department, and have a seat assigned him for attendance upon the lectures.
>
> If, however, the person applying for admission intends to be a candidate for a degree at the end of his course, he must be . . . .[59]

This statement appeared for the last time in the 1891-1892 Announcement.

In 1895-1896 an age requirement of nineteen years for special students was instituted, and the following statement appeared in the Announcement:

> As students come to the University who have been reading law for a considerable period before making application for admission to the Department, but whose reading, or preliminary preparation, has not been sufficiently extensive to bring them within the rules for admission to any class, it has been thought best to allow such students, in exceptional cases, to become special students, with the privilege of pursuing a selected course of study, but without the privilege of being enrolled as candidates for a degree. They are allowed, under the guidance of the Faculty, to select subjects from the different courses. They must, however, satisfy the professors giving instruction in the subjects selected, that they are qualified to pursue the work with profit to themselves.[60]

Two years later, in 1897-1898, the following paragraph was added:

> A like privilege is extended to persons who have not read law before applying for admission, and whose preliminary preparation is not such as to entitle them to enter as candidates for a degree.[61]

In 1900-1901, instead of having special students satisfying the particular professors that they were "qualified to pursue the work with profit to themselves," it became necessary to "satisfy the Dean . . . ."

The age requirement was raised in 1904-1905 to twenty-one years, partly in order to discourage students who, unable to meet the requirements for admission to the first-year class, attempted to be admitted as special students in the hope of eventual admission as candidates for a

[59] Calendar, 1881-1882, p. 100.
[60] Announcement, 1895-1896, p. 15.
[61] Announcement, 1897-1898, p. 14.

degree. According to a manuscript history of the Law School, prepared by Professor Edwin C. Goddard:

> . . . If an applicant could not meet the gradually advancing entrance requirements for admission as a regular student he might, and in many cases did, enroll as a special student. There was a chance that he might later be transferred to the regular list if his record in law studies reached a satisfactory standard. A careful study of the records made by these special students over a period of years showed such a high percentage of failure that after 1904 students under twenty-one years of age were not admitted as special students . . . .[62]

One of the changes made soon after Henry M. Bates became Dean of the Law Department in 1910 was reflected in the 1911-1912 Announcement:

> Persons who are more than twenty-one years of age, but whose preliminary training has not been sufficiently extensive to satisfy the requirements for admission as regular students, may, in exceptional cases, be admitted as special students. They must first, however, file with the Dean recommendations as to character and ability which satisfy him that they are qualified to pursue work in the Department with profit to themselves, and they will be required to pursue and complete the courses to which they are admitted with the same thoroughness as regular students. The entry of special students is not encouraged. Applicants for admission under this rule must submit to the Dean evidence of the possession of maturity, experience, and exceptional ability that may be considered a fair equivalent of the formal preliminary requirements made in the case of regular students.
>
> Persons who have been reading law for a considerable period before applying for admission to the Department, but who are unable to satisfy the rules for admission to advanced classes, may under the guidance of the Dean select subjects from the different courses of instruction.[63]

The second paragraph, quoted above, appeared only for the one year. With its disappearance came the end of any reference in the Law Department's Announcement to what had once been the customary method of preparation for legal practice, "reading law." The remainder of the statement was substantially unchanged through 1941-1942, although the minimum age was raised to twenty-five in 1922-1923. In 1920-

[62] Goddard, MS. history, p. 173-74.

[63] Announcement, 1911-1912, pp. 19-20.

1921 and thereafter, the Announcement stated unequivocally that special students were not being admitted as "candidates for degrees."

No mention of admission requirements for special students appears in the annual announcements after 1941-1942. Quoting again from the Goddard manuscript:

> . . . In time special students almost disappeared. Experience over many years had shown that their chance of success was not high and their presence in the classes was a hindrance to the effectiveness of the work of the whole class. The lack of opportunity to take pre-legal work had disappeared. There were now many high schools and colleges everywhere, and all who had ability and determination could find a way to acquire this added equipment for successful pursuit of a law course.[64]

Only in requirements for admission to the summer session, where provision was made for students who did not intend to work for a law degree, was any reference made to the special student after 1941-1942.

Admission to the Summer Session

The Law Department held its first summer session[65] in 1896. The 1897-1898 Announcement stated:

> For the summer of 1897, . . . members of the Faculty of the Department of Law, will offer courses of instruction as described below. The work will consist of a thorough review of the leading topics of the law, designed especially to aid those who desire to review work already done for the purpose of preparing themselves to take examinations for admission to the bar, or who wish to secure advanced standing in the regular course of this or other law schools, or who wish to make up back work.
>
> While this review is the primary object of the instruction, many topics will be treated in such a way as to make them desirable for those who wish a knowledge of certain subjects of the law as a part of a liberal education . . . .[66]

Since the summer session was designed for these purposes, it is understandable that admission requirements were not particularly rigorous. The Announcement informed prospective students that:

> While no examination for admission will be held, it is desired and expected that each applicant will present some evi-

[64] Goddard, MS. history, p. 174. See in this connection Part II, VIII: 5, which shows the number of special students enrolled.

[65] See Chapter V, *supra*, for an account of the development of the summer session.

[66] Announcement, 1897-1898, p. 29.

> dence showing that he can pursue the work to his advantage, and such as will enable the Faculty to give proper advice as to subjects to be selected, etc. . . .[67]

Prior to 1919-1920, there were no formal requirements for admission to the summer session. Students intending to enroll in the regular session could defer examination of their credentials until the fall term or present them when enrolling for the summer. However, the Announcement for 1919-1920 stated:

> Students intending to enter the summer session, for the purpose of pursuing work therein towards a degree, must present proof that they meet the entrance requirements of the regular session . . . .
>
> Students who do not intend to work for a law degree, but who desire to take special work for review, or as supplementary to study in other fields, or for other purposes, may, in special cases, be admitted to the summer session on presenting to the Dean evidence of possessing the amount of education and other qualifications necessary to pursue such work to advantage . . . .[68]

Substantially the same information appeared in the 1958-1959 Announcement, although there had been substantial changes in the basic requirements for admission to the Law School in the intervening years.

Admission to the Combined Curricula

While certain aspects of the combined curriculum program, later known as the "integrated program," are related to the development of the curriculum, as a road of entrance to the Law Department and then to the Law School, it logically may be treated as a part of the admissions story.[69]

It will be recalled that earlier in this chapter it was pointed out that at the beginning of the twentieth century, graduates of high schools were eligible for admission to the Law Department. At least some students enrolled in the Law Department to get a Bachelor's degree in as short a time as possible, and the Faculty found it difficult to impress upon applicants the need for greater preparation than expressed in the formal requirements. In an effort to offer some practical inducement to students to acquire the A.B. degree prior to enrolling in the Law Department, the Law Faculty during the first decade of the twentieth century

[67] *Id.*, p. 30.

[68] Announcement, 1919-1920, pp. 41-42.

[69] For data relating to admission to the combined curricula, see Part II, IX:3.

took two positive steps: a combined curriculum in law and letters was instituted in 1903-1904 and the J.D. or Doctor of Laws degree in 1909-1910. The latter degree was conferred upon students, who having graduated from college, had completed their undergraduate work in the Law Department. Its development is discussed later in this chapter.

The combined curriculum in *Law and Letters* offered the prospective law student the opportunity to get two degrees in six years instead of the usual seven as well as giving him a better preparation for his legal studies.

The Law School Announcement for 1903-1904 stated:

> Under an arrangement entered into by the faculties of the two departments, it is now possible for a student to carry on, to some extent and under certain conditions, collegiate studies and studies in law at the same time . . . .
>
> In order that the collegiate work and the work in law may be successfully combined, it is necessary that a student enrolled in the Department of Literature, Science, and the Arts, should complete, before the close of his fourth year of residence, the following courses offered in that Department . . . .[70]

A list of the required and recommended courses followed.

In 1908-1909, the Announcement stated:

> The marked tendency of the day is toward an increasingly thorough equipment for every profession. In no profession has the standard of proficiency more rapidly advanced than in the law. Accordingly every student expecting to enter this Department is urged to take as thorough and complete a collegiate course as his circumstances will permit. All who can do so are, therefore, urged to consider the combined course in collegiate and law studies, more fully described below. It is the aim of this course to provide a broad collegiate training with a thorough technical preparation for the practice of the law.
>
> The Combined Course in Collegiate and Law Studies enables those who complete it to shorten from seven to six years the time required to earn the degrees of A.B. and LL.B. It is open only to students who during the first three years maintain a uniform record of good scholarship . . . .
>
> During the first three years the student is enrolled in the Department of Literature, Science, and the Arts alone. If at the end of this time he has a uniformly good record for scholarship, and has ninety or more hours to his credit, he may for the fourth year register in the Department of Law also, pursuing in the former Department sufficient work to give him a

[70] Announcement, 1903-1904, p. 32.

> total of ninety-six hours of literary work, and in the Department of Law all the subjects in the first year of the law course, for which he will be allowed twenty-four hours credit toward the one hundred and twenty hours required for the A.B. degree.[71]

After a list of required courses, the Announcement continued:

> The last two years of the six-year course are devoted to completing the required work in the Department of Law.
>
> Students from other institutions entering this University upon advanced standing may take advantage of the Combined Course, provided they are registered in the Department of Literature, Science, and the Arts for at least one year before taking up law courses, and earn in that Department at least thirty hours before entering upon the law work.[72]

The basic requirements contained in this statement remained substantially unchanged through 1949-1950, although after 1911-1912 the J.D. as well as the LL.B. degree was awarded through the combined curriculum in law and collegiate subjects.

In 1930-1931, a combined curriculum in *Engineering and Law* was offered:

> The Combined Curriculum in Engineering and Law (open only to students enrolled in the College of Engineering of this University) is designed, primarily, for students who expect to enter certain highly specialized fields (e.g., patent law, public utilities) or who intend to become affiliated with the legal departments of large industrial organizations or with law firms numbering such organizations among their clients. In six years students enrolled upon this Combined Curriculum may earn the degrees of Bachelor of Science and Bachelor of Laws (or, if their scholastic record in the Law School is sufficiently high, Doctor of Law—Juris Doctor) . . . .[73]

This statement remained substantially unchanged through 1945-1946, the last year in which the program was offered.

In 1931-1932, a third type of combined curriculum was made available, *Letters—Business Administration—Law.* The Announcement described the program in the following terms:

> As a direct result of the magnitude and complexity of modern business operations and relationships, many law firms now limit their practice almost exclusively to the law as it

[71] Announcement, 1908-1909, pp. 12-13.

[72] *Id.*, p. 14.

[73] Announcement, 1930-1931, p. 20.

> impinges upon business. A most logical training for the law student whose practice will be of this nature will consist in a combined program of letters, business administration, and law. To obtain separately the degrees of Bachelor of Arts, Master of Business Administration, and Bachelor of Laws (or Juris Doctor) would require, respectively, four years, two years, and three years—a total of nine years. However, it is possible to reduce the time required to secure the three degrees. The College of Literature, Science, and the Arts and the School of Business Administration offer a Combined Curriculum in Letters and Business. The curriculum of the School of Business Administration permits of the election of some few hours of credit in the Law School. Therefore, a student who meets the requirements of the combined curriculum in letters and business administration and who observes the set sequence of courses in business administration and law can meet the successive degree requirements of the three University departments named in seven years and two summer sessions . . . .[74]

This program was in effect through 1939-1940, was discontinued until 1947-1948 when it was again placed in operation, only to be dropped after 1953-1954.

In 1947-1948, certain changes in the combined curriculum programs were made. Students considering the combined curriculum in *Law and Letters* were informed:

> Similar combined curriculum arrangements have been made with the following Michigan institutions:
>
> Albion College
> Alma College
> Calvin College
> Hope College
> Michigan State College
> Olivet College
> Wayne University
> Western Michigan College of Education[75]

In addition to re-instituting the combined curriculum in *Letters—Business Administration—Law,* a program entitled *Business Administration and Law* was offered for the first time. This was limited to students who had already completed their undergraduate work and was in existence through 1956-1957, enabling students to acquire the degrees of Master of Business Administration and Bachelor of Laws (or Juris Doctor).

The combined curriculum in *Letters and Law* was offered for the last time in 1949-1950. In the years since its institution in 1903-1904, the A.B. degree had come to be accepted preparation for entrance into

[74] Announcement, 1931-1932, pp. 18-19.
[75] Announcement, 1947-1948, p. 12.

law school. Instead of the combined curriculum program of six years providing an inducement to secure more education, it had become a means whereby students could shorten by a year the time required to secure the undergraduate degrees in letters and in law.

In Dean Stason's report to the President for 1949-1950, he discussed the discontinuance of the six-year combined curriculum in Letters and Law:

> Reference should be made to the new integrated seven-year program which has been developed in cooperation with the College of Literature, Science, and the Arts. The College has recently decided to abandon the so-called combined six-year curriculum which has been in effect for so many years, and, indeed, the law faculty also has felt that, under postwar conditions, that program is no longer fully satisfactory, notwithstanding the fact that in the past it has served well as the pathway to legal education for many of our ablest graduates. Accordingly, we have with Regents' approval placed in effect with the college a new "integrated program"—a "3½-3½" (or seven-year) curriculum substituted in place of the former "3-3" (or six-year) combination. Pursuant to this plan a student may enter the Law School at the end of his third college year and for one year must devote all of his time to the regular first-year fundamental law courses. Thereafter, he must enroll for three additional years, of which the equivalent of one semester must be devoted to advanced Literary College and Graduate School study in fields cognate to law, and the remainder to courses in the Law School. Accordingly, the new plan will bring into the Law School a substantial number of students who will require three and one-half law school years to satisfy the requirements for the degree. These students will find their legal training greatly enriched, and, as to them, the ever-present problem of getting all desired out of an overcrowded curriculum will be solved. This new integrated program does not affect in any way the standard method of admission on a Bachelor of Arts degree or its equivalent. It merely provides a supplementary route to the Law School . . . . With its adoption, the old combined six-year curriculum is abandoned with respect to all students entering upon college study in September of 1950 and thereafter.[76]

Admission to the integrated program was limited to students who had spent their third year in undergraduate school at Michigan and to those who had maintained a certain scholastic average.

[76] President's Report, 1949-1950, p. 102.

In spite of the fact that the grade records of participants in the integrated program were relatively higher than those not participating, relatively few students were attracted to the program. It was available for the last time in 1957-1958.

Degree Requirements

The over-all plan for the organization of the Law Department, adopted by the Regents on March 29, 1859, provided:

> The Degree of Bachelor of Laws shall be conferred upon those who shall pursue the full course of two years, pass an approved examination, and be recommended by the Law Faculty.[77]

However, on June 30, 1859, they enacted a special set of regulations to be in force for only one year, which provided:

> . . . the students in the Law Department who shall have attended the same for one year, shall have pursued the study of the Law for one year next prior to October 1st, 1859, shall be a graduate of some respectable college or University, and shall be in other respects qualified, shall be entitled to the first degree of that Department, provided, that this resolution shall only apply to the first year of the Law Department.[78]

Of the twenty-four recipients of the LL.B. degree in 1860, twelve were graduates of a college or university. Professor Bradley Thompson, Law '60, writing in 1898 in the *Michigan Alumnus,* stated:

> The class of '60 numbered twenty-four . . . . They entered in October, '59, having had some previous reading in the law, not enough, however, to embarrass their progress, and

[77] Regents' Proceedings, 1837-1864, p. 847.

[78] Regents' Proceedings, 1837-1864, p. 855. See also *id.*, at 470, where the *"Rules for the Government of the Medical College,"* adopted by the Regents on July 17, 1850 are given. They stated in part:

"2nd. In order that a student may be recommended for the degree of Doctor of Medicine he shall exhibit evidence of having pursued the study of Medicine and Surgery for three years with some respectable practitioner of Medicine, must have attended two Courses of Lectures, the last in the Medical Department of the University of Michigan, must have submitted to the Faculty an original thesis on some Medical subject, have passed an examination held at the close of the second course, satisfactory to the Faculty."

"3rd. An allowance of one year from the term of study may be made in favor of graduates of the Department of Science and Arts and of other respectable Literary Colleges; and respectable practitioners of four years' standing, may be admitted to the degree of M.D. by attendance upon one Course of Lectures, on passing the requisite examination."

> they took their degree in March following, making a record that has never been broken in the department . . . .[79]

This statement is confirmed by an observation made by Justice Isaac Christiancy in his address to the 1860 graduating class:

> Each of you, as I am informed, had already spent some time in the same study [i.e., of the law], in the office of some practical lawyer, and some of you had already entered upon the practice of the law . . . .[80]

Initially, the Law Department offered only the degree of Bachelor of Laws.[81] The class loads carried by law students were expressed in terms of lecture hours per week through 1910-1911 and in terms of credit hours per semester from 1911-1912 through 1958-1959. The required number of hours of classroom attendance per week or the credit hours by semesters for this degree are set in tables in Part II.[82] No attempt is made in these tables to include required extra-classroom work, such as participation in Moot Courts during the earlier period or the Problems and Research program instituted for second-year men in 1957-1958. Prior to 1942-1943, the annual Law School Announcement did not refer to the grade averages necessary to secure the LL.B. degree, simply stating that the required work had to be completed "satisfactorily." Beginning in 1942-1943, students were informed that "An average grade of C or better must be maintained." [83]

For half a century after the establishment of the Law Department, the Bachelor of Laws was the only undergraduate degree offered. On June 17, 1908, a second undergraduate degree was authorized by the Regents, who voted ". . . to establish in the Department of Law the degree of Juris Doctor (J.D.), said degree to be conferred upon such graduates of approved universities and colleges as complete the full three years law course in said Department and are recommended therefor by the Faculty of said Department." [84] One reason for establishing this new undergraduate degree was to encourage prospective students to attend college prior to enrolling in the Law Department.

When first instituted, the degree of Doctor of Law or Juris Doctor

[79] Bradley Thompson, "The First Law Class," 4 Michigan Alumnus 298 at 301 (1898).

[80] For the full text of this speech, see Part II, II:2.

[81] See Part II, IX:10 for the general graduation requirements for the Bachelor of Laws. For graduation requirements in effect in 1958-1959, see Part II, IX:14.

[82] See Part II, IX:11.

[83] For the grading system in effect in 1958-1959, see Part II, IX:12.

[84] Regents' Proceedings, 1906-1910, pp. 311-12.

had the same requirements for graduation *within* the Law Department as did the degree of Bachelor of Laws. The sole difference lay in the preparation a student had *before* admission to the department. It was only later, after graduation from college prior to admission to the Law School became the accepted practice, that the J.D. degree came to signify superior scholarship demonstrated within the Law School. The credit hour requirements for the two undergraduate degrees, however, were the same throughout the period.[85] As noted above the grade average necessary to obtain the J.D. was formalized in 1923-1924, when a grade average of B was instituted, whereas the grade average for the LL.B. did not appear in the Law School Announcement until 1942-1943.

In 1889-1890, the Regents for the first time authorized the Law Faculty to confer a graduate degree—the degree of Master of Laws.[86]

Between 1915-1916 and 1924-1925, the degree of Juris Doctor was conferred in both the three-year and the four-year curriculum, the latter being considered a graduate program.[87]

A second graduate degree—the degree of Doctor of Juridical Science later known as Doctor of the Science of Law—was authorized by the Regents in 1925-1926.[88] Finally, on April 19, 1957, the degree of Master of Comparative Law was made available.[89]

An analysis of the degree requirements will show the changes which took place throughout the century. These changes reflected the changing concepts of legal education and the rise in the standards of professional competence. The requirements for the several degrees, set out in the annual announcements in so much detail, were never considered as static finalities; rather they were shaped and reshaped by the Law Faculty in an effort to prepare law students to employ their legal training—whether as practicing attorneys, in government service, or as teachers of law—in the interests of a society builded and grounded on a government, not of men, but of law.

[85] See Part II, IX: 11 for general credit hour requirements. For the requirements for the degree of Juris Doctor, see Part II, IX: 13. For graduation requirements in 1958-1959, see Part II, IX: 14.

[86] For the requirements for the Master of Laws degree, see Part II, IX: 15.

[87] For the requirements for the degree of Juris Doctor in the four-year curriculum, see Part II, IX: 16.

[88] For the requirements for the degree of Doctor of the Science of Law (Doctor of Juridical Science), see Part II, IX: 17.

[89] For the requirements for the degree of Master of Comparative Law, see Part II, IX: 18. See also Regents' Proceedings, 1954-1957, p. 1508.

Chapter X

The Law School and Mr. Cook

In 1958-1959 the name of William W. Cook was associated closely, almost automatically, with that of the Law School. His gifts had made possible the erection of the entire group of buildings known as the Law Quadrangle. The legal research program of the school had been stimulated to greater activity by the endowment he created. In a very real sense, the dream of Augustus Brevoort Woodward of an educational institution which would embrace all areas of man's knowledge, was matched in breadth of vision by Cook's conviction that the Law School could become ". . . a great center of legal education and of jurisprudence for the good of the public . . . ." A century apart, these two men thought in terms of great institutions. But whereas Woodward's dream found its immediate, and only, fulfillment in a statute and a grammar school, Cook's belief was metamorphosed into the stone and glass and oak of the Law Quadrangle and in the products of legal research under the Cook Endowment.

When the Regents organized the Law Department, it was housed originally "in the old chapel, which then included the space on the ground floor between the north and south halls in the north wing of the main building." [1]

The unexpectedly large enrollment in the new department made the initial quarters inadequate. On October 4, 1859, the Regents appointed:

> . . . a Special Committee to devise, if possible, the ways and means by which a suitable building may be erected for the accommodation of the Law Department and to inquire into the expediency of the same; that said Committee examine as to the best locality for the same and that they prepare and present a general plan for the building and report to the Board at their earliest convenience.[2]

Plans for "a building for the Law Department" were adopted on June 27, 1861 [3] and at the December 1861 meeting the Regents appointed a Special Building Committee, directed the new law building to be placed "in the space north or south of the present College Buildings as may be designated by the Committee," instructed the Committee to advertise

[1] Bradley M. Thompson, The First Law Class, 4 Michigan Alumnus 298 at 299 (1898). For a view of the University in 1858, see Plate I.

[2] Regents' Proceedings, 1837-1864, p. 860.

[3] *Id.*, p. 963.

for bids, with the building to be completed by September 20, 1862, and hopefully directed the Committee "to collect any private subscriptions that have been or may be obtained . . . ."[4]

Although the Regents had hoped to secure contributions from interested citizens in Ann Arbor and Detroit, they were unsuccessful and the cost of erecting the building, $15,000, came from University funds. When completed, the new building, located in the northwest corner of the campus, gave the Law Department a lecture room, a small room for the Law Library, and some office space. The Law Building also housed the University Chapel until 1873 and the University Library until 1884. The law lecture hall was dedicated in October 1863 with an address by Thomas M. Cooley. The University Catalogue for that year stated:

> A new and spacious building has been erected for . . . [the Law Department's] accommodation, with ample debating and society rooms, and in every respect the conveniences of the Department are now unsurpassed.[5]

As enrollments continued to rise, the available space in the Law Building became inadequate, in spite of the removal of the University Chapel in 1873. Thomas Cooley, as Dean of the Law Department, filed a report with President Angell, covering the year 1878-1879 in which he stated:

> . . . Every year the Department feels more and more the necessity for increased facilities for doing its work, and especially for increased library and reading room accommodations. How imperative this want is can scarcely be understood by any one unless the crowded lecture rooms and reading rooms are visited and inspected in person. That the accommodations are much less than those provided for any other Department or School is well known and understood, and it is earnestly hoped that speedy provision may be made for increasing them. The whole building where the Department gives instruction was erected for its use, but it has up to this time given accommodation to the General Library, much to its own inconvenience, and somewhat no doubt to its detriment. This whole building should as speedily as possible be given up for the use of those for whom it was erected.[6]

Angell referred to the needs of the Law Department in his Report to the Regents in 1879 and again in 1880.[7]

Despite these representations, and the inescapable fact of increasing

[4] *Id.*, pp. 972-73.
[5] Catalogue, 1863, p. 54. See Plate II.
[6] President's Report, 1878-1879, p. 13.
[7] For Cooley's Report for 1879-1880, see Part II, X:1.

enrollments in the Law Department, the Regents took no action for several years. It was not until November 22, 1884 that the "new Library Building was ready for occupation" [8] and the Law Department Building was turned over to the exclusive use of the Law Department in accordance with a resolution by the Regents on July 18, 1883.[9] In 1886, Angell reported to the Regents:

> Perhaps the most important improvements completed this year have been in the Law Building. The reconstruction of the Law Library room will attract particular attention. The better lighting gained by the opening of new windows, the hard wood flooring, the re-arrangement of the books in new cases easily accessible, adapt the room admirable to its purposes.[10]

There had been some expectation that when the law term was lengthened from six to nine months in 1887, the number of students enrolled would decrease. The reverse was true and in 1890, President Angell reported to the Regents:

> The Law School had had an attendance, which is altogether unprecedented, 533 students. It is becoming a serious question whether it will not soon be necessary to provide ampler accommodations than the Law Building affords, or reduce the number of students by increasing materially the requirements for admission.[11]

In response to the Department's need, the Regents on April 17, 1891, authorized the construction of an addition to the Law Building, which was completed in 1892. The President's Report for that year stated:

> . . . The Law Building has been nearly doubled in size. Space has thus been gained for the enlargement of the library room and for the addition of quiz rooms and lecture rooms.[12]

The 1892 addition proved inadequate, for the anticipated decrease in enrollment after the course of instruction was lengthened from two to three years did not materialize. In 1897 Angell's Report stated:

> . . . With three large classes in attendance, the accommodations for this Department, as this Board well understands, are entirely inadequate. The failure of the Legislature at its last session to make an appropriation for an addition to the build-

[8] Regents' Proceedings, 1881-1886, p. 507.
[9] *Id.*, p. 369.
[10] President's Report, 1885-1886, p. 9.
[11] President's Report, 1889-1890, p. 20.
[12] President's Report, 1891-1892, p. 11.

> ing, made it necessary for us to resort to some temporary arrangement for the accommodation of the increasing numbers. The old chapel in the central building has been temporarily assigned to this Department, and is now in constant use for law classes. But the expedient is far from satisfactory. The room was not designed for lecture purposes; with reference to the Law Department it is inconveniently located, and it is much needed at times for exercises of the Literary Department. . . . With the increased attendance the library accommodations of the Department are far from adequate. I am well aware of the fact that the Board understands fully the necessity for an addition to the building of this Department and that the needed improvement will be made as soon as the means therefor are available.[13]

On October 30, 1897, the Regents authorized the Building Committee to "procure plans for an addition to the Law Building, costing $50,000 [14] and plans for the addition were accepted on February 18, 1898.[15] President Angell's 1898 Report to the Regents described the building as follows:

> The Law Department is now housed in a fine building, fitted with modern conveniences, and having ample accommodations for one thousand students. In 1892, the growth of the Department had been such that the original building had become inadequate, and a large addition was constructed. In 1895, a third year was added to the course, and soon thereafter the requirements for admission were materially increased. It was thought by some that these changes would result in a decrease in the attendance, but instead of this there has been a marked increase. The enrollment of last year was seven hundred and sixty-seven, an increase of one hundred and eighty-one over the enrollment of the year previous. Enlarged accommodations became a necessity, and during the year the Board discussed and finally adopted plans that involved practically the reconstruction of the old building and an addition thereto that would more than double its capacity. The plans were so made and have been so carried out that the old building is completely lost in the present structure, which presents the appearance of an entirely new edifice. The new building has a frontage of 208 feet, and its extreme width is 120 feet. It is three stories high with a basement. The material of the basement and first story is cut stone and of the other two stories pressed brick with stone trimmings. The

[13] President's Report, 1896-1897, pp. 14-15.
[14] Regents' Proceedings, 1896-1901, p. 118.
[15] *Id.*, p. 191.

> building is substantial and dignified in appearance, solid in structure, and gives the department a housing that for commodiousness and convenience is second to that of no law school in the United States. Three large lecture rooms, capable of accommodating upwards of three hundred students each, are provided, while six smaller ones, each of half that capacity, furnish ample room for the sections into which classes are divided for recitation purposes. The office of the Board of Regents, the offices of administration, the offices of the several resident professors and four lecture rooms are upon the first floor. The capacious and well lighted reading room that contains the law library is upon the second floor, and clustered around this are seminary, consultation and private study rooms for the use of the students and the Faculty. Near the library and upon the same floor are the court room and the offices of the practice court. There are also three lecture rooms on the second floor. Upon the third floor are two lecture rooms, ample debating and society rooms and the office of the instructors. The building is provided with a fan system of heating and ventilation and is lighted by electricity. For the money expended, about $65,000 including the furnishing, the results are more than could reasonably have been expected at the time the work was undertaken.[16]

In 1900, President Angell reported to the Regents that "the capacity of the new building is already found not to be in excess of the demands." [17] Eighteen years later, in 1920-1921, the needs of the Law School were again brought to the attention of the Board of Regents. In that year, Dean Bates reported:

> The Law School building has now fully reached the limit of its capacity to respond to the growing needs of the School .... Our lecture rooms are still adequate, but the library years ago outgrew its present quarters, and of far more importance is the disquieting fact that the library quarters are not fireproof and that, therefore, one of the most valuable collections of law books in the country may be destroyed by fire. Moreover, it has been necessary to place some thousands of useful books in rooms not designed for library purposes and not capable of any organic association with the original stack and reading rooms. This is a condition which must not be tolerated longer than is absolutely necessary. The present situation is so unsatisfactory and disquieting that it is worth repeating that our library,

[16] President's Report, 1897-1898, pp. 10-11. See Plate III for a photograph of this building which housed the Law School until the completion of the Law Quadrangle in 1933.

[17] President's Report, 1899-1900, p. 9.

which contains many books which could not be replaced at any price, and hundreds of others which have become rare and very valuable, may be destroyed over night. At least twenty per cent of our volumes are now necessarily placed where they are practically unavailable for use and our reading room is far too small to accommodate even the present study body.

Moreover, conditions call for a very different arrangement of offices and studies for the members of the faculty. At present only two offices are on the same floor with the library, and this means that most of us are obliged to go a long distance from our offices to obtain books needed for our work, and we have no suitable place for study in the library rooms themselves. If aid from some generous alumnus or other friend of the School is not forthcoming at once it can be demonstrated that the Legislature of our State could render no more fundamental and far-reaching service to the people and their political and legal institutions than to make proper provision for the work of training future members of the bar, future judges, and other officers of the State.[18]

In 1921-1922, Dean Bates noted again the needs of the Law School and in his 1922-1923 report, after reiterating the substance of much of his 1920-1921 report, he added:

. . . The present building was erected when the methods of legal education were totally different from those which obtain today; and while the building has received some inexpensive remodeling from time to time, it is wholly inadequate in size and most ill-adapted to the kind of legal education now in use. The lecture rooms, though pleasant in appearance, are without any effective ventilation and could not be more poorly arranged with reference to lighting. Our Library long ago outgrew the rooms designed for its housing and use . . . .

* * * * *

The hallways throughout the building are narrow, dark and forbidding in appearance. Congestion on the ground floor when some of the larger classes are being dismissed is almost intolerable, and in the case of sudden fire or panic would prove dangerous to life. We have no coatrooms, no lockers and no proper or safe place in which hats and coats and books may be kept. These necessary possessions must therefore be kept unguarded in the public hallways, or piled on top of our bookshelves in an unsightly and unsafe way. All of this is particularly annoying in a law school, as the students are obliged to make use of very large and heavy books. The consequence

[18] President's Report, 1920-1921, p. 216.

> of this is that every year there are numerous thefts and losses of books and clothing.[19]

Dean Bates' annual reports continued for a number of years to stress the need for classroom space and adequate quarters for the Law Library. However, the Dean had been aware since 1920 that there was good reason to anticipate some degree of financial assistance from William W. Cook.[20]

It is not possible to discover all the details surrounding the Cook donations to the University and to the Law School. There is no record which shows when or where William Cook first conceived the idea of facilitating legal education at the University of Michigan. Dean Henry Bates suggested that:

> . . . it is highly probable that if not in his student days, at least early thereafter, Mr. Cook developed the desire and the intention of aiding the School and the profession which it served.[21]

According to Dean Bates, the first clear indication of Cook's interest in making a material contribution to the Law School was shown about 1908 when:

> . . . [he] informed the then Dean, and later President, Harry B. Hutchins, that he had provided in his will a fund for the salary of a professor of the law of corporations in this School . . . . The sum was a generous one, the income from which would have paid a handsome salary, for those days, to the occupant of the proposed chair.[22]

While this endowed chair would have involved a substantial gift to the Law School, Cook obviously began to think in larger terms. On February 10, 1914, Cook wrote to the Board of Regents offering to build a women's dormitory in memory of his mother.[23] The building was completed by the beginning of the school year of 1915-1916 at a cost of $260,000. In 1918, Hutchins, then President of the University, interested Cook in the idea of erecting a dormitory for freshmen students. A tentative agreement was achieved when certain difficulties were encountered and the plan was dropped, probably in 1919.

[19] For a biographical note, see Part II, X:2.

[20] President's Report, 1922-1923, p. 219.

[21] Bates, "Evolution of the Quadrangle," A Book of the Law Quadrangle, p. 23.

[22] *Ibid.*

[23] Regents' Proceedings, 1910-1914, p. 96. Shirley Smith discussed the background of this gift in Harry Burns Hutchins and the University of Michigan (1951), pp. 225-27.

A little later, President Hutchins suggested to Cook that the Law School badly needed a new building and increased equipment. Cook was immediately interested and stated that he would give careful consideration to any ideas proposed by the University. In 1921, Dean Bates submitted to President Hutchins a detailed memorandum, which Hutchins in turn laid before Mr. Cook.

> . . . This plan contemplated, at first, the erection of two buildings—a Law School building, to include the library, and a dormitory, to be erected adjacent to the Law School building. The plan also included a proposal of an endowment, the income from which was to be used for the development of legal research and graduate work.[24]

Upon receipt of the memorandum, Mr. Cook suggested that President Hutchins and Dean Bates call upon him in New York to discuss possibilities inherent in the proposed plan. The illness of Harry Hutchins, who in the meantime had retired from the Presidency and had been given the title of President-Emeritus, made it necessary for Dean Bates to go alone to New York.

Dean Bates spent three days with Mr. Cook, occupied with negotiations and discussions out of which developed the outline of a fairly complete plan. Mr. Cook during the conference agreed to a four-building project and to a much more extensive development of the plans for research and graduate work than had been contemplated originally. The agreement which resulted from the conference was written out and at the end of the discussion two typed copies were prepared, one to be kept by William Cook and the other, initialled by him, was handed to Dean Bates.

> It was this memorandum which, almost word for word, became that part of Mr. Cook's will, drawn in 1920, which made provision for the University. That will, including the plan for the Law School, was subsequently modified somewhat by Mr. Cook, but the general plan, and in fact, some of the details, . . . [were] carried through his successive wills . . . .[25]

Throughout the latter part of 1920 and the first half of 1921, there was extensive correspondence between President-Emeritus Hutchins, Dean Bates, and Mr. Cook. Dean Bates visted New York to confer with Mr. Cook and the architects chosen by him. Despite Cook's gener-

[24] Bates, *supra* note 21 at 24.
[25] *Id.*, p. 25.

osity and obvious good-will toward the Law School, these meetings required Dean Bates to exercise both tact and patience. Nevertheless, on September 19, 1921, at a meeting of the Regents' Committee on the Comprehensive Building Program:

> President Hutchins appeared and outlined to the committee confidential correspondence which he had had with an alumnus of New York City indicating a purpose on the part of this alumnus to erect a new Law building and a residence hall or residence halls for law students on condition that the Regents secure sites therefore on South University Avenue. On motion of Regent Clements, seconded by Mr. Smith, the following resolution was adopted:
>
> *Resolved,* That this committee strongly recommends to the Board of Regents that the Board at its meeting called for September 30 take proceedings to make land available for sites for a Law building and for Lawyers Club buildings in accordance with correspondence between Mr. ..... and President H. B. Hutchins.[26]

The proceedings of the Board of Regents for September 30, 1921, show that they took the recommended proceedings relative to the acquisition of land, thus clearing the way for William Cook to make them an official offer.

It was not, however, until April 28, 1922, that a letter from Cook, still identified only as "an alumnus of this University," was laid before the Board of Regents. The proposal made by Cook evidenced the development of a new concept in legal education, one which recognized research in the law as an indispensable adjunct to instruction in the law. It is impossible, and in a very real sense immaterial, to know whether Cook developed this concept by himself or whether his close association with Hutchins and Bates contributed to its evolution. Cook's genuine interest in aiding the Law School and in fostering legal research is indisputable, but it is quite possible that Bates and Hutchins made many unrecognized contributions to the over-all plan as it finally developed in the course of the preliminary conferences and the final negotiations. Whatever the sources of Cook's ideas, his proposal visualized that the Law School of the University of Michigan was deliberately to encourage organized and systematic research in the law, supported by funds set apart for that purpose, and under the general direction and coordination of the Law School itself.

[26] Regents' Proceedings, 1920-1923, p. 274.

The letter addressed to the Regents stated:

Dear Sirs:

If agreeable to you, I will erect on the two blocks on South University Avenue, between South State Street and Tappan Avenue, a law students' combined club and dormitory building, with the same advantages as you have extended to other buildings, namely, the University to furnish free heat, light, and power. The building is to be known as "The Lawyers' Club," to be governed by five Governors, consisting of the Dean of the Law Faculty (who shall be President), and four other Governors to be selected by the Board of Regents from the Law Faculty. All members of the Law School are to be eligible to membership in the proposed Club, subject to such conditions as the Club authorities may prescribe. All lawyers whether residing in the State or not, and whether previously connected with the University or not, shall be eligible to membership, subject to being elected by the Governors. All occupants of the building shall be members of the Club and shall pay such annual dues as the Governors may determine, and are to selected by the Dean of the Law School from the senior law class. Members of the Club not living in the building shall also pay such annual dues as the Governors may determine. Going prices shall be charged for rooms and board.

The proposed building will furnish sleeping and study rooms for one hundred and fifty law students and dining accommodations for three hundred.

All dues and all profit from the operation of the building shall be used exclusively for legal research work, to be expended from time to time as the Governors may deem best. This legal research work will render possible the study of comparative jurisprudence and legislation, national and state, and also of foreign countries, ancient and modern. Such work should be of use in proposed legislation, and, besides leading to the production of reliable law treatises and studies, would help to systematize the law as a science. The European plan of giving leisure time to professors to pursue their studies and produce original works, may well be applied in America to professors of law, who at present are absorbed too exclusively in class-room work. A legal research fund could be used to pay part of their salaries, thus giving them time for original research.

The character of the legal profession depends largely on the character of the law schools. Real lawyers were never needed more than now, and they have grave responsibilities. There never was a time when they had so much power as now.

> It will be for the lawyers to hold this great republic together, without sacrifice of its democratic institutions.[27]

The Regents accepted the proposal made by Cook:

> *Resolved,* That the proposal of Mr. . . . . , an alumnus of this University, as set forth in his communication to this Board dated April 25, 1922, to erect a law students' combined club and dormitory building, be and that the same is hereby accepted.
>
> And, as a part of its resolution of acceptance, the Board extends to the donor its sincere thanks for his generous provision and assures him of its grateful appreciation of his act and of the spirit and vision that prompted it. The Board, moreover, expresses its unqualified approval of the plan submitted, providing as it does not only for a building of striking architectural merit but also for the accumulation of a fund for legal research. Such a fund, wisely expended, will, in the opinion of the Board, bring results in the field of legal education that will be significant and far-reaching in influence.[28]

Work on the Lawyers Club commenced as soon as the site could be acquired and existing buildings cleared away. At the meeting of the Board of Regents on May 28, 1924, the first Board of Governors was appointed in accordance with a communication from Dean Bates, consisting of Professors Edwin C. Goddard, Ralph W. Aigler, Grover C. Grismore, and Herbert F. Goodrich, with Dean Bates *ex officio* as President.[29] In 1925 and 1926, two changes were made in the composition of the Board of Governors, in both instances with Cook's consent.

In June 1925, the dedicatory exercises of the Lawyers Club took place, with the dedicatory address delivered by James Parker Hall, Dean of the University of Chicago Law School. William Cook was not present, but a letter from him was read in the course of the exercises, in which he reiterated his conviction that the legal profession was of paramount importance to the future of the United States.[30]

The Lawyers Club was considered an American adaptation of the English Inns of Court, and Grover Grismore discussed this aspect of the Club in an article, published in 1928, in which he stated:

> Anyone at all familiar with the educational process, so far as the law is concerned at any rate, knows that one of the greatest

[27] *Id.,* pp. 447-48.

[28] *Id.,* pp. 448-49.

[29] Regents' Proceedings, 1923-1926, p. 308. For organizational details, see The Lawyers Club, University of Michigan (1958).

[30] See Part II, X:3 for extracts from Cook's letter and Hall's speech and Part II, X:4 for a description of the Lawyers Club. See Plate IV for a photograph of the Law Quadrangle with the Lawyers Club at the lower left.

aids in the acquisition of a knowledge of the law is the opportunity for the discussion of legal problems with other persons interested in the subject and competent to deal with it. The Lawyers' Club, through the activities which it encourages, affords unusual opportunities along this line. The constant association of a large number of men engaged in a common pursuit naturally fosters a wide exchange of ideas . . . .

One of the objects which the founder of the Club had in mind was to provide an opportunity for contacts between the students of the Law and those engaged in its practice. It was hoped that in this way there might be supplied that element in legal education which seemed destined to be lost when the function of educating young lawyers was taken over by the law schools from the law offices. The pupil lawyer who received his training under the tutelage of an active practitioner and who was daily in close personal contact with him received something of value, if his tutor was of the right sort, which the modern law school with its large numbers cannot, in the nature of things, hope completely to duplicate. However, the Lawyers' Club provides a means for supplying to some degree this deficiency, if it be one, in modern legal education. Opportunities are constantly being afforded for lawyers and judges to form contacts with the students through the medium of the club. The number of lawyers and judges who avail themselves of these opportunities is each year growing larger. Not only does the student in this way learn something of the practical problems which confront the lawyer and judge—problems which he will have to face when he has passed through his period of training—but the latter are also enabled to keep in touch with the Law School and with the work which it is doing . . . .

One reflects that here among the beautiful surroundings provided by the donor of the club buildings traditions are now being developed which will exert a lasting influence for good upon the lives of all who pass through these halls and consequently upon the profession of the law as a whole. In this way the Lawyers' Club will come to resemble its protypes, the Inns of Court in England.[31]

Cook's initial letter to the Board of Regents had stipulated that "all dues and all profit from the operation of the building shall be used exclusively for legal research work . . . ." [32] Dean Bates referred to this arrangement in his speech at the dedication of the Lawyers Club when he stated:

[31] Grover Grismore, "The Lawyers' Club," 35 Michigan Alumnus 247 at 248 (1928).
[32] Regents' Proceedings, 1920-1923, p. 448.

. . . Beautiful and satisfying as are the buildings which he has erected, still more important and still more likely to produce good results for law and the administration of justice, is the plan into which he has put so much thought.

Perhaps the outstanding feature of that plan is the provision which it makes for a large continuing income, to be devoted exclusively to the purposes of advanced legal research and publication. This is not the time to dwell upon the details of that plan, the outlines which have been made known through our publications. Wisely executed, that plan will be influential in the opening of a new era in legal education and scholarship. Not only has the last word not been said as to the objectives of law schools, but I venture to say we are in the early stages of their work. The possibilities of researches in law have scarcely been touched. Only a small part of the field has been cultivated . . . .

* * * * *

This is no work for children, or for men chiefly engrossed in other occupations, however closely they may appear to be related. The teaching and study of law very definitely have become a part of university scholarship, which must be pursued in the broadest and most scientific spirit. To its service men who would succeed and who would be really useful must devote their every effort—in fact, their entire lives . . . . The able and successful at the Bar and upon the bench are so overwhelmed with the tasks devolving upon them that they have neither the time nor the vitality to pursue legal scholarship into its more distant retreats . . . they are turning in despair to the law teacher and the legal scholar, for help. This is no tribute to innate superiority on the part of the legal scholar. It is merely a realistic recognition of the fact that legal scholarship, like practice at the Bar, or like any other highly developed profession, is the work of the expert who can command the time and has the training and the technique of work indeed to explore and cultivate the field of law. Specifically, this must mean, for the law schools, continual pressing on along scholarly lines, which have characterized the better institutions during the last few decades, the establishment of genuine and worth while graduate work in the stronger of these law schools, the creation of fellowships and scholarships, and the study not only of our own legal system, but of those of other nations and civilizations.

Mr. Cook's great gift promises much for the future of this school in the prosecution of this work, so vital to the well being of the human race . . . .

. . . it is true, as he has said, that the permanence and the excellence of American institutions must always depend

> largely upon that scheme of law which holds them together and enables them to function with as little friction and as little danger as possible. Only through sound legal scholarship and effective training of the stream of young men and women coming into the law can our legal scheme be maintained upon a sound basis. It is not too much to say, then, that this great gift and this wise plan of Mr. Cook's will continue, for generations to come, to contribute spendidly to the safety, the prosperity and the happiness of the American people.[33]

In the 1934 publication, *A Book of the Law Quadrangle of the University of Michigan,* details concerning the membership and internal organization of the Lawyers Club are set out. There were three classes of members: Honorary, Lawyer, and Student.

> The Justices of the Supreme Court of Michigan, The Regents of The University of Michigan, The President of The University and the members of the Law Faculty of the University, The Federal Judges of Michigan, and all the Circuit Judges of Michigan are honorary members, ex officio. Other honorary members may be elected by the Board of Governors.
>
> Any member of the bar in good standing, whether or not he be a graduate of the University of Michigan, who has been vouched for by two Honorary or Lawyer members of the Club is eligible for Lawyer membership.
>
> Any student in the Law School of The University of Michigan who is in good standing in the Law School is eligible for Student membership.[34]

A Student Council, elected by the student members was in charge of the social life of the Club, and a number of social events were held there annually.[35]

While the development of research under the funds derived from the operation of the Lawyers Club as well as from other gifts made by William Cook, are discussed in detail in Chapter XI, it must be emphasized again that the Lawyers Club was far more than a dormitory for law students. By providing a meeting place with the consequent opportunity for discussion with members of the bench and bar and by providing the basis for the support of legal research on a systematic and organized basis, William Cook had interjected new concepts into legal

[33] "The Dedication of the Lawyers' Club," 31 Michigan Alumnus 754 at 757 (1925).

[34] A Book of the Law Quadrangle (1934), p. 62.

[35] For a number of years, a Founder's Day dinner was held in late April. See A Book of the Law Quadrangle . . . (1934), p. 63. For a list of Founder's Day speakers, see Part II, X:5.

education at Michigan which were to have a profound impact upon the subsequent development of the Law School.

It will be recalled that the memorandum of the Cook-Bates discussions in 1920 had called for a group of four buildings. On January 11, 1929, at a special meeting of the Board of Regents, a letter from William Cook was read which stated in part:

> If agreeable to you I will erect on the "Law Quadrangle" (being land already acquired or to be acquired by you) a "Legal Research" building, in accordance with plans submitted herewith.
>
> Inasmuch as a law library building comes within the category of usual University buildings and will take the place of the present law library building of your Law School, I assume that you will furnish as at present a law librarian and sufficient attendants to give good service, and from time to time the usual additional law books, and that you will hereafter keep the building in repair and the grounds in good order and furnish heat, light, and power; in other words, meet all running expenses the same as if you had erected the building yourselves. This will include the grading, furnishing soil, and planting trees and shrubs. As in the case of the Lawyers' Club Building I will furnish the trees and shrubs and a competent man to lay out the grounds and superintend the planting, the cost of labor, etc., to be defrayed by you. The grounds are subsequently to be maintained by you . . . .[36]

The Regents accepted the offer "with profound gratitude," and work on the Legal Research Building commenced in short order, the gift being announced in the *Michigan Alumnus* for January 19, 1929.

> At the regular January 1929 meeting of the Board of Regents:
>
> Regent Murfin presented a letter from Mr. William W. Cook, addressed to the Lawyers Club, as follows:
>
> Dear Sirs:—
>
> When your building was designed I caused spaces to be provided for tapestries to be taken from my city house and placed on your walls. I have concluded to give to you these tapestries now instead of waiting until after my death. I have accordingly caused The Hayden Company to see to the packing, shipping, and hanging of them in your building . . . I am also sending you a number of prints (34 in all) . . . .
>
> The tapestries are three in number and are choice, valuable, and picturesque. Two of them are of the Renaissance period, while the third (the smallest and choicest) is Gothic and much

[36] Regents' Proceedings, 1926-1929, p. 849-850.

> older. The Hayden Company's representative will talk with you about protecting and taking care of them. You have something worth while . . . .[37]

On April 26, 1929, another letter from Cook which was read at the Regents' meeting stated in part:

> If agreeable to you I will erect a dormitory wing on Tappan Avenue, adjacent to the Lawyers' Club Building, in accordance with plans submitted herewith, on the same terms and conditions as set forth in my letter to you of April 25, 1922, offering to build the Lawyers' Club Building . . . .
>
> I would ask that this dormitory wing be called the John P. Cook Building, in memory of my father, who in his day was prominent in the Territory and later the State of Michigan.
>
> When the larger dormitory building is built on the southeast corner of the Law Quadrangle I would wish it to be called the Thomas M. Cooley Building.[38]

The resolution of the Regents accepting this offer included an expression of "our gratitude for this splendid new exemplification of his continuing generosity to this University and to the Law School in particular." [39]

Cook's gifts to this date had been lavish, but the Law Faculty anticipated even greater benefits. They were aware that Cook's will contained provisions which would give the bulk of his estate in trust for the Law School. The corpus was estimated to be in excess of several million, and the income was to be used for legal research. The manner of handling these sums was brought up and considered at a number of faculty meetings. An account of these discussions appears in Chapter IX. The Law Faculty, therefore, were not unprepared for the responsibilities which faced them upon Cook's death, which occurred on June 4, 1930. Regent Murfin, as well as the Vice President and Secretary of the University, attended the funeral on June 6, as the official University representatives. On June 20, at a meeting of the Regents were filed:

> . . . a copy of Mr. Cook's will and also a copy of the agreement by which Mr. Cook had some years ago established a trust fund for the construction of the Legal Research Building, the John P. Cook Dormitory, and other structures upon the Law Quadrangle.
>
> In view of the outstanding character and extent of Mr. Cook's benefactions to the University during his lifetime and by his will, the Regents directed that the Legal Research Build-

[37] *Id.*, p. 859-860. See Part II, X:4 for a description of these tapestries.

[38] Regents' Proceedings, 1926-1929, p. 949.

[39] *Id.*, p. 950. For a description of the John P. Cook Building, see Part II, X:6.

ing, which will always be the commanding structure of the entire Law School group, be named the "William W. Cook Legal Research Library." [40]

The pertinent portions of Cook's will, which provided for the construction of additional buildings for the Law School and which established the William W. Cook Endowment for Legal Research, follow:

> Believing, as I do, that American institutions are of more consequence than the wealth or power of the country; and believing that the preservation and development of these institutions have been, are, and will continue to be under the leadership of the legal profession; and believing also that the future of America depends largely on that profession; and believing that the character of the law schools determines the character of the legal profession, I wish to aid in enlarging the scope and improving the standards of the law schools by aiding the one from which I graduated, namely, the Law School of the University of Michigan.
>
> Therefore, in order to accomplish this purpose, I give, devise and bequeath unto my executors and trustees hereinafter named, and their successors, all the rest, residue and remainder of my estate, real, personal or mixed, of every nature, kind and description, wheresoever situate, and however held, to have and to hold the same forever, in trust, nevertheless, to hold, manage, invest, reinvest, and administer the same; to collect and receive the income therefrom, in perpetuity, and to expend the net amount of such income in aiding and promoting Legal Education throughout the United States in the manner hereinafter set forth.
>
> In the expectation (not condition) that the Law School of the University of Michigan will continue to be maintained by the Regents of said University, (out of funds supplied by the State and/or others substantially as great as at present) upon standards of efficiency and excellence, which correspond generally to those of the best law schools of the country, I direct that the net income of said trust shall be devoted by the trustees hereunder to aiding and developing the said Law School of the University of Michigan by expending the same for one or more of such of the following purposes as may from time to time be agreed upon by my said trustees and the Regents of the said University of Michigan; that is to say:
>
> *a:* To construct and equip at the said University of Michigan, upon land to be furnished for that purpose by the Regents of said University, in the same general style and character of architecture as that of the Lawyers Club Building, such of the

[40] Regents' Proceedings, 1929-1932, p. 273-274.

following buildings as may not be completed at the time of my death, first utilizing any trust funds that I may have set aside for that purpose in my lifetime:

1: A Legal research building.

2: Additional dormitories for students.

3: A class room and administration building on the southwest corner of the "Law Quadrangle."

4: Such other dormitories and buildings outside of said "Law Quadrangle" as may be deemed advisable by my said Trustees and the Regents of said University for the accommodation of said law students and said Law School.

All dormitories constructed and equipped pursuant to the provisions of this subdivision shall be controlled and operated by the Lawyers Club of said University for its purposes, and shall be furnished by the said University with heat, light and power free of charge.

b: To establish and maintain in said University one or more departments for one or more of the following purposes:

1: To formulate and state all branches of the law in a form intelligible to law students and lawyers and laymen.

2: To study and advocate (orally and by publication) improvements in criminal and civil procedure and other branches of law. To prepare and publish legal articles, pamphlets and text-books on important questions of the day, bringing to bear the jurisprudence and experiments in America and Europe; to study and write, historically, critically and analytically, on constitutional law, and judicial, executive, administrative and legislative problems and proposals.

3: To pay the salaries of research professors and their assistants, and the latter may be in whole or in part by fellowships.

4: To pay the incidental expenses of such Research Department.

5: To purchase books for the Law Library, other than books the University will continue to purchase as heretofore.

6: To publish productions of said department or departments, and also publish and sell at printer's cost my book on *American Institutions and Their Preservation.*

7: To engage eminent jurists and lawyers to deliver lectures at Ann Arbor, and to publish such lectures when desirable.

8: To pay higher salaries to professors in the Law Department generally so as to retain and obtain the highest class of professors.

9: To establish new law professorships and also fellowships.

10: To inaugurate a professorship of or annual lecture courses on American Institutions and Their Preservation,

> either in the law department or literary department, or jointly for both, and to pay the salary of the professor thereof. This provision No. 10 to be mandatory.
>
> 11: To assist the American Law Institute so far as its work is done at the University of Michigan.
>
> *c:* To aid and improve the said Law School of said University in such other manner as my said trustees and the Regents of said University shall determine, so as to produce superior lawyers, judges, legislators and executives; in other words, intellectual and reliable leaders.
>
> I trust that this gift of my residuary estate may cause others to realize that the University can no longer be extended in its main developments by state taxation alone, and that if its standards of scholarship and mental discipline, and its service to the state and nation, are to be maintained and advanced, they should be generous in their financial support. That University is and should be the pride of the State of Michigan.[41]

Cook's will was admitted to probate, and after certain minor bequests had been paid and certain settlements arrived at, the residuary estate was turned over to the trustees as he had directed. The estate, however, proved to be worth far less than the more than ten millions which earlier estimates had attached to it. The stock-market crash of 1929 and the depression of the nineteen-thirties operated to curtail sharply the amount eventually turned over for the benefit of the Law School to be utilized for legal research. As of June 30, 1958, the Financial Report of The University of Michigan stated that the principal amounted to $2,112,032.57. This amount was over and above the investment in the buildings and equipment in the Law Quadrangle, for Cook had made separate provision for the uncompleted buildings prior to his death.

No interruption in the work on the John P. Cook and Legal Research Buildings was occasioned by Cook's death. The John P. Cook Building was ready for occupancy by October 1930, so that there were at that date two completed buildings in the Law Quadrangle. In June 1931, the Legal Research Building was completed, leaving only the classrooms and administrative offices still housed in the old Law Building.

The Legal Research Building was designed to hold not only the law library itself, but also reading room facilities, carrels, and office space for research work. The most striking building of the Quadrangle group, it is described in Part II.[42] The reading room, capable of seating over five hundred persons, was lined with long narrow alcoves, containing sections of shelves.

[41] Copy of the will of William W. Cook in Law School files.

[42] See Part II, X:7 and Plate X.

> . . . [T]he books on these, together with those on the open shelving of the main reading room number twenty thousand volumes and consist of statutes, reports, digests, encyclopedias, and dictionaries to which the students have immediate access. All the other books are in the stacks at the rear and are dispensed to those in the reading room through the central desk. The stack portion of the building is of separate construction in the rear of the main building . . . .
>
> Located in the stacks are . . . carrels and . . . offices for those doing research and special work, thus putting the scholar in the midst of his material and eliminating the necessity of calling for stack books through the central desk.
>
> The floor immediately above the reading room is devoted to . . . offices for the use of visiting lawyers, members of the faculty and other research workers. It also contains a few rooms used for special purposes. One of these houses the private library of Mr. William W. Cook, and is as nearly as possible the exact replica of the library of his New York home; it contains the original furniture and decorations, in addition to his valuable private collection of books.[43]

At the time of Cook's death, no final plans for the fourth and final building of the Law Quadrangle, destined to house the classrooms and administrative offices, had been drawn. Funds for its completion were provided in Cook's will, but the curtailed principal caused certain economies to be exercised in the interior of this building not necessary in the three constructed earlier. Moreover, high classroom ceilings and the large windows considered necessary to light the rooms imposed architectural restrictions. As a result, while the exterior of Hutchins Hall, as the building was named, was designed to harmonize with the other buildings in the group, the interior emphasized utility and practicality more than the others.[44] Classrooms occupied the first two floors while the third floor held the administrative offices, faculty offices, and a small faculty library. The fourth floor provided additional office space where the American Judicature Society was located between 1933 and 1954, and where the *Michigan Law Review* was published from well-arranged quarters.

Thus by 1933, Cook's initial plans for a four-building Law Quadrangle had been fulfilled. All the buildings were designed by one firm of architects, York and Sawyer of New York, and this contributed to

[43] A Book of the Law Quadrangle (1934), p. 40-41.

[44] See Part II, X:8.

the resulting harmony of the Quadrangle as an architectural entity. According to *The University of Michigan: An Encyclopedic Survey:*

> . . . The final value of the various buildings of the Law Quadrangle, including equipment and books, is $8,643,370. This is exclusive of the endowment and other gifts given by Mr. Cook to the University.[45]

The construction cost of each of the original four buildings was as follows: Lawyers' Club, $1,444,086.73; John P. Cook Building, $550,769.00; Legal Research Building, $1,600,830.59; and Hutchins Hall, $1,191,074.29.[46]

While within a single decade, Cook's building plans had been translated into the Law Quadrangle with conspicuous success, it required more time to formulate a practical and productive research program for the Law School. The development of the Law School's research activities is discussed in Chapter XI, but there is no doubt that Cook's gifts had a tremendous impact on that program.[47]

During the nineteen thirties, the facilities of the Legal Research Building were adequate both for the library itself and for non-library personnel engaged in research work in the several offices and carrels. This was also true during the World War II period, for the sharp drop in attendance provided a breathing space, but during the post-war years the growth in the amount of printed materials and a consequent increase in the library staff, as well as in the number of those engaged in legal research, made adequate space almost impossible to find. Provision for an addition to the stack levels of the Legal Research Building had been made in the original plans, and the Law Faculty attempted to finance such an addition by putting aside for that purpose funds which were not used for research during the war and immediate post-war periods. The sky-rocketting costs of building, however, made these inadequate, and the Legislature, impressed with the Law Faculty's attempt to help themselves, made an additional special appropriation for this particular purpose. York and Sawyer, the same firm of architects responsible for the original four buildings, drafted plans for the stack addition which was completed in 1955 at a cost of $687,283.72. The original stack section of the Legal Research Building had been six levels in height, and had contained some research office and carrel facilities as well as space for the library's order and catalogue departments. The four levels which

[45] The University of Michigan: An Encyclopedic Survey (1956), p. 1674.

[46] Figures supplied from office of University Achitect, December 1957.

[47] See Part II, XI: 5 for a list of faculty research projects from 1920 through 1959.

were added not only increased the stack capacities but provided needed space for research activities.

One particular feature of the new addition was peculiarly convenient to members of the Law Faculty and others having offices in the Legal Research Building. To facilitate movement between the two buildings, a flying bridge connecting the third floor of Hutchins Hall with the seventh level of the Legal Research Building was constructed.

The Law Quadrangle constituted a memorial to the generosity and foresight of William Cook, but the part which Henry Bates played in channelling Cook's initial impulses to benefit the Michigan Law School into the final form of the four magnificent buildings and into the William Cook Endowment Income, with its long-run benefits to the legal profession and to the United States, should not be underestimated. Nor should there be any minimization of the efforts of all those who contributed to the Michigan Law School. Augustus Brevoort Woodward had the first vision. Campbell and Cooley laid the foundations in the formative years. Hutchins converted a part-time law faculty into a group of men giving all their time to their instructional obligations. Bates became dean of a middle-western law department housed in one cramped building; he retired from a national Law School housed in the Law Quadrangle. Stason, building on the work of his predecessors, guided the faculty and School through the difficult years of World War II and the post-war adjustments, enlarged the concept of the function of the School, broadened the scope of the curriculum, added to the buildings of the Quadrangle, and strengthened the depth and perspective of legal education at Michigan.

It is unfortunate that William Cook was unable to visit Ann Arbor to see the buildings he had contributed. The reality might have shattered his dream, but it is difficult to see how this could have been true. No man, during the first century of legal education at Michigan, dreamed so tremendously or contributed so much of material wealth to any Michigan institution as did William Cook to the Law School of The University of Michigan.

Chapter XI

Legal Research and Contributions to Legal Literature

A program of timely, constructive research on legal problems is an integral part of the work of the Law School. Faculty members, undergraduate students, graduate students both foreign and American, and visiting scholars participate in the research program. The late William W. Cook, '82 L, a distinguished and generous alumnus of the Law School, established the W. W. Cook Endowment Fund, a substantial sum of money set aside in trust with the provision that the income shall be used for legal research at Michigan. The research program is carried on under the direction of a faculty Graduate and Research Committee.[1]

This thumb-nail sketch of the 1958-1959 status of legal research activity, reveals little of the background story. The student, then enrolled in the Law School, if he gave the matter any particular consideration, might reasonably have assumed that the Law Faculty's concern with research, the existence of a research staff, the productive nature of the research itself, had always been an integral and typical part of legal education at Michigan. Knowing vaguely of the Cook gifts, he might have considered them solely in terms of the financial support they provided for research activity. It is unlikely he would have realized their influence in metamorphosing the somewhat sporadic writing carried on by the Law Faculty in their spare hours into a research program conceived to be an essential part of the Law School's activities and supported by funds earmarked for that special purpose.

To facilitate the presentation of data relative to legal research and to provide a definitive bibliography, a list of contributions to legal literature made by the Law Faculty and others associated with the Law School in the period 1859-1959 has been prepared.[2]

Though handicapped by lack of library facilities and burdened with many duties, the Law Faculty of the first half century did a surprising amount of writing. James Valentine Campbell prepared two histories of Michigan; one, the *Outlines of the Political History of Michigan,* was published in 1876; the other, the *Judicial History of Michigan,*

[1] Legal Education at Michigan (pamphlet, University of Michigan Official Publication, Vol. 57, No. 40, Sept. 30, 1955), p. 10.

[2] See Part II, XI: 6.

exists only in manuscript form. The latter, apparently designed as a companion volume to the *Political History,* is dated March 1886. A member of the state supreme court from 1858 to 1888, Campbell's opinions appear in over sixty volumes of the Michigan Reports and were widely cited by the courts of other states.

Thomas McIntyre Cooley, in addition to writing numerous state supreme court opinions between 1864 and 1885, edited the Commentaries of Blackstone (1871) and Story (1873) and prepared the widely-recognized *Treatise on the Constitutional Limitations which Rest Upon the Legislative Power of the States of the American Union* (1868) and a treatise on *Taxation* (1876). His *General Principles of Constitutional Law* (1880) was widely used as a college textbook. His edition of Blackstone was the text for the so-called textbook instruction required of Michigan law students between 1883 and 1894 and for the course in Elementary Real Property between 1896 and 1910. Cooley himself considered his treatise on *Torts* (1879) to be his best work. From the long-run viewpoint, his preparation of the *Reports of the Interstate Commerce Commission,* covering the period between 1887 and 1891, may have been his most important contribution to legal literature. As chairman of that Commission, he had done much to shape its policies and to reduce to order what had heretofore been chaos. Hence, his account of its formative period is invaluable.

In early 1892, a pamphlet, announcing the forthcoming publication of a new periodical, the *Michigan Law Journal,* was circulated. It stated in part:

> The first number of the *Michigan Law Journal,* a new publication to be published at the University of Michigan Law School, will make its appearance during the first week of February. The Faculty of the Law School have endorsed the *Journal,* and will give it their hearty support.
>
> * * * * *
>
> It is the aim of the editors to make the Journal not only of interest to the student and alumnus, but of practical value to the practicing lawyer.
>
> ARE YOU AN ALUMNUS?
>
> If you are, you owe the *Journal* your hearty support. You will find in every number something that will interest you. The articles upon legal subjects, particularly those by the specialists, a number of whom we have on our list of contributors, will be of service to you if you are in actual practice.

ARE YOU A STUDENT?

If you are, there will be nothing in the *Journal* that will not be of great value to you as a means of instruction. There will be interesting articles by every member of the Law Faculty, and you will have the benefit of the rich experience of the leading and successful lawyers, jurists and judges of the country. The important points brought out in the lectures will be preserved. There will also be a directory of the club courts and law societies, and other features of especial interest to students.

ARE YOU A PRACTITIONER?

If you are, we are confident that you will find the *Journal* of considerable practical value to you. Besides the treatises upon legal subjects, there will be notes upon leading and recent decisions of the courts of last resort . . . .

Ralph Stone, Law '92, was editor and business manager and Harry D. Jewell and Eli R. Sutton, Quizmasters on the Law Faculty in 1891-1892, were listed as managing editors.

The *Michigan Law Journal's* first issue was published in January 1892; the last issue which has been located was published in January 1898. Volume 1 was "Published monthly, at the Department of Law, University of Michigan, Ann Arbor, Michigan," but the later volumes were published in Grand Rapids and later in Detroit. In 1893, the *Journal* was identified as the "Official Publication—Michigan State Bar Association." In 1896 the cover stated that it was also the "Representative Publication, University of Michigan Law School." Contributions from the Law Faculty appeared in all the volumes, but its association with the University grew increasingly tenuous.

An intensified interest in scholarly investigation and writing was evident among the Law Faculty during the last decade of the nineteenth century. John Rood was doing extensive work in real property, while Floyd Russell Mechem was developing his interest in damages and agency. Horace Lafayette Wilgus was preparing a collection of case materials for the teaching of torts.

In 1901, Edson R. Sunderland was appointed to the Law Faculty. Made responsible for the Practice Court, he commenced what was to prove a life-long concern with the problems of practice and procedure in civil actions. Painstaking and meticulous, Sunderland's interest in the details of legal procedure was to earn him national recognition.

In the fall of 1901, Gustavus Ohlinger, Law '02, went to Dean Harry Burns Hutchins with a collection of material he felt would be suited to

a professional publication by the Law Department in a law journal. Hutchins was sufficiently impressed to invite Ohlinger to attend a faculty meeting and present his ideas. The Law Faculty approved Ohlinger's proposal and the Board of Regents on November 26, 1901,[3] authorized an advance of $800 against prospective earnings of the proposed journal. On December 3, 1901, the Law Faculty adopted a report setting out an editorial policy.[4]

The President's Report for the year ending September 30, 1902 stated:

> The Law Faculty have given a signal proof of their devotion to the interests of the school by establishing a law journal, which most creditably represents the Department. Although heavily burdened by their regular work as teachers, they have undertaken this task without any compensation. The proceeds of the Journal are to be appropriated to the increase of the Law Library. It is to be hoped that our Law Alumni will heartily co-operate with them in the maintenance of this magazine.[5]

The first issue of the *Michigan Law Review* appeared in November 1902. The Announcement on the editorial page set out the basic plan for the *Review,* adhered to consistently for the next fifty-seven years:

> For many years there has been felt the need of a law journal to be conducted under the auspices of the Department of Law of the University of Michigan. Various causes, however, have conspired to postpone the undertaking until the present time. Plans have been now matured for the establishment of such a magazine, and with this issue the MICHIGAN LAW REVIEW enters upon a career which it is hoped may prove to be one of usefulness and success. The purpose is to give expression to the legal scholarship of the University, and to serve the profession and the public by timely discussion of legal problems, and by calling attention to the most important developments in the field of jurisprudence.
>
> There are, of course, several excellent legal journals already in the field, but no one of them serves quite the purpose which is the aim of this one. There is, moreover, in the great northwest, a field essentially unoccupied, while in the alumni of this department, now numbering considerably over six thousand members, there exists a loyal and influential constituency to whom, it is hoped, such a journal will prove especially attractive.

[3] Regents' Proceedings, 1901-1906, p. 3.
[4] See Part II, XI: 1.
[5] President's Report, 1901-1902, p. 7.

> The magazine will be made up of four chief departments: *fiirst,* leading articles upon important and interesting legal subjects; *second,* notes and comment upon current topics and significant occurrences in the legal world; *third,* abstracts and digests of the most important recent cases; and *fourth,* reviews of books and comments on legal literature.
>
> In the first department, it is the hope to give such discussions of the legal problems of the day as will prove useful, reliable and scholarly. In the second, may be expected interesting and profitable notes and comments upon legal events. In the third, an especial effort will be made not to refer to every case, but to give such critical and helpful analysis of the most important recent cases as will serve to show their real effect upon the development of the law. In the department of book reviews, it will be the aim to give honest, impartial and competent estimates of the newest books, and helpful reviews of the current legal literature. All articles and book reviews will appear over the signatures of the writers.
>
> It will be the aim to make the journal practical without usurping the functions of the text-book or the digest, and scholarly without becoming so academic in its character as to be out of touch with the needs and aims of the lawyer of today. It will not be local in its character or be confined to the discussion of law-school problems.
>
> The magazine will be under the editorial management of a member of the faculty, assisted by an Advisory Board, but all of the other members of the faculty will co-operate in conducting it. Articles from members of other faculties in the University upon subjects of legal interest may also be expected, and contributions from outside sources will frequently appear.
>
> The magazine will contain about eighty pages in each issue, and will regularly appear on the first of each month in the college year, exclusive of October.
>
> This enterprise is in no sense undertaken for the pecuniary benefit of its projectors, or any of them. All profits, if any, which may accrue, will be devoted to the improvement of the magazine, and to the promotion of the welfare of the Law Department.
>
> Founded in this spirit, the projectors make bold to appeal for support to the alumni and friends of this Law School, and to the members of the legal profession in general.[6]

Over the years, the Law Faculty tended to turn over more and more of the editorial work of the *Review* to the student editors, with a Faculty Advisory Board and a managing editor. Dean E. Blythe Stason

[6] 1 Mich. L. Rev. 58-59 (1902).

in his report to the President in 1951-1952 noted the fiftieth anniversary of continuous publication of the *Review* as follows:

> . . . The *Michigan Law Review* has now completed fifty years of existence, and the final issue of Volume 50, published in June of this year, was used to commemorate the first half century of continuous publication. It is appropriate to take note of the *Review* and its accomplishments throughout its fifty-year life. From the date of the first issue in 1902, the content of the *Review* has followed a consistently uniform plan. There are four sections—Leading Articles, Notes and Comments, Recent Decisions, and Recent Legal Literature. These several subdivisions have contained many a legal nugget of practical value to the profession. With gratifying frequency the editors have received word that a case has been won or a conference concluded favorably because counsel has been helped to a better understanding of the applicable law by perusing the pages of the *Review*. Furthermore, those areas of the law that change most rapidly to meet new contemporary conditions are and always have been of special interest to *Law Review* writers, and the pages of the *Review* throughout the years clearly reflect these frontiers of the law.
>
> No commentary on the first fifty years would be complete if it failed to include a most complimentary reference to the work of the student editors who have served so effectively and contributed so generously. The sections on Notes and Comments and Recent Decisions have been largely written by student editors, and, in addition, they have contributed a substantial number of leading articles in the *Review*. Selected from among the high-ranking members of the senior class (in general, B-average students or better), the editors have at all times had important responsibility for the quality of the *Review*. Especially during the last ten years and a little more, students have taken over a much larger share of the total responsibility, with the faculty serving primarily in an advisory capacity. The student editor-in-chief and five associate editors now comprise a supervisory editorial committee which devotes most of its time to critical supervision of the work of some thirty senior editors and fifty junior tryouts, the latter being selected each year to compete for the prized senior editorships. The results speak for themselves, and they are gratifying.
>
> Many hundreds of members of the bench and bar read the *Review* (perhaps several of the leading reviews) just to keep abreast of professional developments. They find there a large measure of the horizon-broadening material that they are seeking. The service to the profession is considerable. Furthermore, the fact that the pages of the *Review* are always open to receive contributions, both from members of the

> faculty and from practicing members of the profession, has served as a stimulus to constructive research and writing that has resulted in the recording of more than a few worth-while legal ideas that otherwise would never have reached the light of day.
>
> And finally no appraisal should overlook the great value of the *Review* as a contributing factor in legal education. Students who are the editors gain invaluable experience in legal research, using the wealth of materials in the Law Library in learning by practice the habits of careful synthesis and accurate expression of legal ideas in well-written English, and, indeed, those who participate find it one of the really great experiences of their law school years. The fact that *Law Review* editors have so uniformly made good in professional life is significant, and it is a fact that editors are in top demand for positions in law offices and corporate legal departments. In a very practical way this indicates the appraisal of the *Law Review* editorship by the profession itself.[7]

In 1958-1959, Professor Carl Hawkins was chairman of the Faculty Advisory Board and Ruth Gray was Managing Editor. A list of the editors-in-chief, the chairmen of the Faculty Advisory Board, and the managing editors appears in Part II.[8]

Floyd Mechem left Michigan in 1903 and James Brewster replaced him as editor of the *Michigan Law Review*. As Dean Hutchins was called upon with increasing frequency to undertake administrative duties for the University, the Law Faculty tended to pursue its individual writing and research projects without any particular attention or coordination. Joseph Drake wrote extensively on Roman Law, his chief interest. Sunderland continued his exhaustive work in civil procedure. Edwin Goddard was laying the foundation for his later work in bailments and carriers. It was not, however, until Henry Moore Bates became Dean in 1910, that the Law Faculty received any encouragement to engage in systematic research.

Bates' appointment in itself, however, could not relieve the overcrowded Law Building or provide relief from teaching loads. The lack of financial support still persisted and while isolated members of the Law Faculty were productive scholars, there was little agreement on what constituted legal research and scant, if any, consideration devoted to the relationship of legal research to legal education.

In the first annual report submitted by Bates, after President Marion

[7] President's Report, 1951-1952, pp. 114-15.

[8] See Part II, XI: 2.

Burton in 1921 had re-instituted the practice of requesting such reports from the Deans of the several schools and colleges, he stated:

> The naive, not to say primitive, conception of law teaching as merely the teaching, dogmatically, of the so-called leading principles to passive students, and then drilling them in the application of the principles, has long since become outworn and discarded by those at all well informed regarding legal education. Today the legal scholar and the law teacher must study and teach law not only as it is but also with the historical viewpoint and analytically. Further than that, he must today study and teach law functionally. He must ascertain and show how law is actually working. He must, to do this successfully, make a comparative study of our system of law with other systems; and the results of all this labor must be brought before the law student body, if our law is to develop and improve. The application of law, curiously enough supposed by some persons to be simple, is in fact today a great problem and a most difficult, subtle, and at times baffling one, as the decisions of our courts and the differences of opinion between great lawyers clearly enough show.
>
> The task confronting the Law School today is a gigantic one. What we all see in sight as necessary of accomplishment cannot be accomplished until generations of law teachers have devoted themselves unselfishly, and with proper aid, to this work. All of this means that in our library equipment, in the strength and size of our faculty, and the opportunities afforded it for research and study, we need not only more but a very great deal more help than we have ever had in the past.[9]

What would have been the course of legal research at Michigan had William Cook not made his gifts to the Law School, and thus provided the help of which Bates had spoken, it is impossible to conjecture. It is clear that when Cook proposed to erect a dormitory, to be known as the Lawyers Club, with operating profits to be used for legal research, he introduced a new concept into American legal education.[10] In effect, Cook declared that research in law was an indispensable adjunct to education in law. A firm believer in the value of American institutions, he was convinced that the future of these institutions depended on the lawyers of the United States. In his first letter he declared:

[9] President's Report, 1920-1921, p. 217.

[10] For an account of the Cook gifts, see Chapter X, *supra*.

> The character of the legal profession depends largely on the character of the law schools. Real lawyers were never needed more than now, and they have grave responsibilities . . . .[11]

Cook repeated this belief on other occasions, coupling it with assertions that legal research was an essential part of the process of legal education.

It is not entirely clear what Cook meant by the term "legal research." Two available documents throw light on his interpretation of the phrase but do not completely resolve the enigma. One is a letter from Cook addressed to the Lawyers Club, written for the 1929 Founder's Day.[12] The other was Cook's will, an extract of which appears in Chapter X. On the whole, it was fortunate for the Law School that Cook neither defined the term nor placed conditions or restrictions on the use of research funds. Thus the Law Faculty was given great freedom and full responsibility for determining what was meant by "legal research work" and for devising methods of administering the funds to the best possible advantage. This responsibility became more pressing after Cook's death in 1930, when, under his will, additional funds for research purposes became available over and above the income from the operation of the Lawyers Club.

Increasing the burden on the Law Faculty was the fact that in 1922, when Cook first proposed the Lawyers Club, none of them could define precisely what "legal research" meant. With the exception of Edson R. Sunderland and John Waite, no one then on the Law Faculty had had much research experience. The Law Faculty had been appointed to give instruction in law, not to be trail-blazers initiating a research program and setting up necessary administrative devices. It is not surprising that a period intervened between the time when the first research funds became available and the time when the research program might be said to have reached maturity. Quite literally, the Law Faculty had to think through the problem of what to do with the Cook money, what should be the objectives of a research program, and how a research program should be administered. These were not questions to be solved by off-hand decisions.

One of the first matters facing the Faculty was the development of criteria for legal research: what it was, who should or could engage in it; could it be done in cooperation with the faculties of other law schools or with scholars in other disciplines, could it be a group project or did it have to be a one-man effort? And having established, or tried

[11] Regents' Proceedings, 1920-1923, p. 448.

[12] See Part II, XI: 3.

to establish, a working concept of legal research, they then had to set up the standards to be used for allocating Cook funds between competing projects, to work out the administrative methods of organizing and supervising research effort, and finally to resolve the most important and fundamental issue of all, the relationship between legal research and the orthodox conception of legal education, that is the teaching of law as preparation for a vocation or profession.

It has never been possible to draft a neat blueprint which precisely specified the optimum relationship between teaching and research in any discipline. This is more apparent in the social than in the physical sciences and is peculiarly apparent in legal education. A law school exists to equip students to practice law. Is there any advantage to such students if a law school maintains a legal research program? Are they better lawyers because of this? Does society as a whole benefit? Cook, of course, believed these questions should be answered in the affirmative and his gifts were based on that conviction.

In the years that followed the initial Cook gift, it was expected that instructors in the Michigan Law School should demonstrate their ability to engage in legal research as a prerequisite to instruction in the law and should continue to engage in legal research as an adjunct to effective teaching of law. By 1958-1959 support had developed for the allied concept that law students should have training in legal research.

Once the Cook gifts were accepted, the Law School became committed to the premise that legal research and legal education were inseparably associated and that legal research should be viewed as an indispensable adjunct to the legal education. Once, however, it was conceded that legal research should have this status, other questions arose: What was meant by adjunct? Should legal research be limited to research professors and research personnel? Should professors whose major occupation was the teaching of law be given a lighter teaching load from time to time to afford opportunity for research? Should research and teaching programs be completely separate, coordinate institutions in the same University, or should the research program be a part of the law school with professors expected both to teach and to engage in scholarly research? Should students be expected to accept training in research techniques, on the graduate level in directed independent research and on the undergraduate level through seminars and work on law review?

Development of satisfactory answers to these questions was a slow and sometimes painful process. The period of experimentation, and of trial and error, of policy formulation and establishment, continued

at the Law School for a number of years. The research program, as it existed at the close of the Law School's first century, had been produced by thoughtful deliberations, from cross-fertilization of ideas, out of experience gained through experimentation.

To attempt simultaneously to analyze the administrative problems posed by the Cook gift and to trace the development of the research program made possible by the Cook gift would tend to confusion. Therefore, it has seemed desirable to treat each of these separately. The remainder of this chapter is divided into two parts: the first dealing with the evolution of administrative techniques to handle the Cook funds and the second with the over-all development of legal research with use of Cook funds.

Cook Funds and Their Administration

Acceptance in 1922 by the Regents of Cook's proposal to erect the Lawyers Club was followed by commencement of the actual construction work. As the Faculty anticipated that within a short time the operating profits of the Club would support a research program on a systematic and sustained basis, there was considerable discussion on how best to use the money. A variety of suggestions and proposals were made, some of which were laid before the Regents and others of which were discussed at faculty meetings.

On May 28, 1924, Dean Bates requested the Regents to appoint "an additional professor of law whose salary would be paid out of Lawyers' Club earnings," but the request was referred back to him "for a more detailed outline of the plan involved." [13] On June 13, 1924, Dean Bates proposed:

> . . . [that] the Regents authorize the President or the Executive Committee to make an appointment during the summer, if a suitable incumbent could be found, of a Research Professor of Law, with the understanding that the salary . . . should be paid out of expected income accruing from the operation of the Lawyers' Club during the ensuing five years . . . .[14]

Despite this clarification, the Regents took no action.

One of the problems arising out of the Cook gift was that of selecting research projects which were considered desirable of support. Another was to persuade some members of the faculty to engage in research now

[13] Regents' Proceedings, 1923-1926, p. 308.
[14] *Id.*, p. 324.

that funds for its support were available. Intermittent discussions of criteria to be applied in the selection of research projects took place at faculty meetings between 1925 and 1930. Suggestions for specific projects were offered, particularly by Professor John Waite. At one point, Waite urged that all members of the faculty cooperate in a research project involving criminal law. Matters of organization and administration were also discussed.

In 1926, an important organizational question was raised: the character of the relationship which should exist between the Law School itself and such agencies or institutions as might be set up to foster research in law. On November 5, 1926, a special committee was appointed to make recommendations relative to the status of legal research in the University and the appointment of a research professor. On November 26, 1926, the committee submitted a report in the form of a resolution which stated in part:

> Be it resolved, that it is the sense of the law faculty of the University of Michigan that all agencies for promoting research in law at the University or under the University's patronage, whether organized as committees, bureaus, research professorships, or otherwise, should be an integral part of the Law School, under the administration and control of its Dean and faculty, and that appointments to such committees, bureaus, research professorships, or other agencies for research in the Law School, should be made only upon the nomination of its Dean and faculty.

This resolution was adopted and forwarded to the President and Board of Regents after defeat of a motion to strike out the words "Dean and" wherever used.[15] Here appeared the first indication that certain faculty members felt that the Law Faculty should control the research program although they were willing to leave the Dean and Law Faculty in control of the general affairs of the Law School. The issue actually raised here was whether the research program was to be considered on a par with other Law School activities, with the Dean at its head, or whether it should be put in a special and coordinated category, with no particular responsibility for it vested in the Dean. As noted, the Law Faculty rejected the proposed change, continuing to place the responsibility for the research program on the Dean and the faculty.

Although the committee had recommended the appointment of Edson R. Sunderland as Research Professor, that portion of the resolution was left on the table until December 13, 1926, when it was adopted

[15] Faculty Records, 1920-1930, pp. 339-40.

unanimously.[16] On March 2, 1927, the Executive Committee of the Board of Regents appointed Sunderland in accordance with the Law Faculty's recommendation, and on March 25, 1926, by action of the full Board:

> . . . Professor Edson R. Sunderland [was appointed] to be Research Professor on the Lawyers' Club Foundation, at the same time retaining his professorship in law and a portion of his instructional duties in the Law School. Professor Sunderland's title is to be "Professor of Law and of Legal Research," and his salary is to be paid in part from the general funds of the University and in part from the research funds provided by the Lawyers' Club in such proportion as shall be appropriate to the division of his duties.[17]

It was understood that:

> Professor Sunderland's proposed research work is to be in general upon English and American judicial tribunals and legal procedure.
>
> Reasonable funds for current expenses incidental to these researches are to be furnished from the research funds of the Lawyers' Club . . . .[18]

The first appointment of a research assistant was made on July 29, 1927, when by action of the Executive Committee, confirmed by the Board of Regents on September 30, 1927:

> The committee appointed, at the request of Dean Bates, Mr. William W. Blume as Research Assistant to Professor E. R. Sunderland for the period from September 1, 1927 to June 30, 1928 . . . . It is understood that the salary of Mr. Blume will be paid each month from funds turned over to the University by the Lawyers' Club for the promotion of legal research.

At the same meeting the Board voted:

> . . . that the salary of Professor Edson R. Sunderland should be paid for the present year on the basis of one-half from the University general funds and one-half from funds supplied by the Lawyers' Club.[19]

As brought out in Chapter X, the cramped office space and inconveniently arranged library of the old Law Building were a sub-

[16] *Id.*, p. 343.
[17] Regents' Proceedings, 1926-1929, p. 168.
[18] *Id.*, p. 169.
[19] *Id.*, pp. 317, 353.

stantial handicap to research activity. In January 1929, William Cook offered to erect a building for legal research purposes as a part of the Law Quadrangle, thus recognizing the need and making available the needed physical facilities. In April 1929, he offered to add a dormitory wing adjacent to the Lawyers Club, to be known as the John P. Cook Building, to be operated on the same terms and conditions as the Lawyers Club. Both these offers were accepted by the Regents.

By June 1929, research activity, supported by funds derived from the Lawyers Club, was accepted as a part of the Law School's activities. William Wirt Blume, although appointed Assistant Professor of Law, part-time, for 1928-1929,[20] continued to hold also the appointment of Research Assistant to Professor Sunderland for the same period.[21] At the meeting of the Board of Regents on June 14, 1929, the Executive Committee submitted the following report of a meeting held on June 6, 1929:

> Dean H. M. Bates of the Law School recommended the appropriation for 1929-1930 of $18,000 for the continuation of the legal research program of Professor E. R. Sunderland and the appropriation for 1929-1930 of $6,000 to defray the expenses of research on criminal appeals, to be directed by Professor J. B. Waite.
>
> Each recommendation was accompanied by a budget which specifies the purposes of the expenditures intended, and the appropriations are asked for with the understanding that the sums mentioned will be transferred to the Treasurer of the University by the Board of Governors of the Lawyers' Club from the accumulated reserve of the club.
>
> The plans have the express approval of Regents Murfin and Gore, who have inspected them. The Executive Committee authorized the appropriations under the conditions stated and in accordance with the budgets presented.[22]

By early 1930, the Law Faculty knew that the will of William Cook had made substantial provision for an endowment fund which would increase greatly the income available for legal research. It was questioned whether the Law School organization was suited to handling an enlarged research program and a Legal Research Institute was suggested to administer the anticipated work.

The minutes of the faculty meeting of January 21, 1930, called particularly to "act upon suggestions for the organization of the Legal

[20] *Id.*, p. 555.

[21] *Id.*, p. 578. For a list of research personnel, see Part II, XI: 4.

[22] Regents' Proceedings, 1926-1929, pp. 1000-1001.

Research Institute," contain the first reference in the Faculty Record to the institution. No details concerning the proposed organization appear in the minutes themselves. Apparently, certain "suggestions" were laid before the Law Faculty, who voted unanimously to approve:

> . . . in principle the "Suggestions" above mentioned, with the distinct understanding, however, that any Institute so founded shall be an integral part of the Law School in every sense of the word and not an independent coordinate institution.[23]

Again the Law Faculty had been faced with the organizational problem: the relationship of the proposed institute to the Law School as a whole. Implicit in the administrative question raised was the broader issue: the relationship of legal research to the other activities of the Law School. In the expression, "an integral part of the Law School," the Law Faculty had reiterated their adherence to a policy that legal research was a part of the process of legal education, not a parallel separate development.

Less than a month later, on February 7, 1930, the Regents established the Legal Research Institute, by adopting the following resolution:

> *Resolved,*
>
> 1. That the Legal Research Institute, which is hereby created, shall be a part of the Law School
>
> 2. That it shall be developed as rapidly as funds may be available for its support
>
> 3. That the staff of the Institute shall consist of a director and such other full-time or part-time members as may be appointed, and that the director may carry such part-time teaching as the work of the Institute may permit
>
> 4. That the duties of the director shall be:
>
> (a) To recommend what research projects shall be carried on
>
> (b) To select the members of the research staff and recommend them to the Board of Regents for appointment, provided, however, that no teaching member of the Faculty of this Law School shall be so recommended for appointment for full-time or part-time work on the research staff except at such times and under such conditions as shall be approved by the Dean of the Law School
>
> (c) To prepare the budget for the Institute and to approve all expenditures in connection with the work of the Institute

[23] Faculty Records, 1920-1930, p. 482.

(d) To recommend what publications shall be undertaken by the Institute and to supervise the same
(e) To make such reports as the Board of Regents shall direct

5. That the research work shall be under the direction, management, and control of the director

6. That all the expenses of every nature incident to the Legal Research Institute shall be met by funds provided from time to time from the income of the Lawyers' Club.[24]

After the adoption of the resolution, Professor Sunderland was appointed Director.[25]

In May 1930, the Regents made additional appointments to the staff of the Institute on the express condition that funds be provided and expenditures approved by the Board of Governors of the Lawyers Club.[26] At the same meeting, the Regents specified the following equivalents in rank of members of the staff of the Institute:

Professor of Law in Research equivalent in rank to Professor of Law in the Law School

Associate Professor of Law in Research equivalent in rank to Associate Professor of Law in the Law School

Assistant Professor of Law in Research equivalent in rank to Assistant Professor of Law in the Law School

Research Associate in Law equivalent in rank to Instructor in Law in the Law School [27]

On June 20, 1930, the Regents adopted a budget for the Legal Research Institute for the 1930-1931 fiscal year, on condition that the Lawyers Club release requisite funds. Edson R. Sunderland, the Director, also held the half-time appointment of Research Professor. Assistant Professor William Wirt Blume was to devote half his time to the Institute both in the summer and throughout the regular academic year. Two research associates were appointed for the full year and two more for the summer alone. A full-time secretary was provided, and an allocation made for current expenses.[28]

One of the Research Associates was George Ragland, Jr. The product of his research entitled *Discovery Before Trial* appeared in 1932. The title page showed that it was published by the Legal Research Institute

[24] Regents' Proceedings, 1929-1932, pp. 167-68.
[25] *Id.*, p. 168.
[26] *Id.*, p. 261.
[27] *Ibid.*
[28] *Id.*, pp. 347-48.

of the University of Michigan. It constituted the only publication of the Institute.

On June 4, 1930, about two weeks before the above action by the Regents, William Cook had died. Two days later, Dean Bates called a meeting of the Law Faculty, at which there was an extended discussion of proposals for reorganizing the Law School to utilize more effectively the funds anticipated under the Cook will. While the operation of the Lawyers Club had provided a regular though limited income for legal research, this appeared insignificant in comparison to the money expected to come from the endowment for legal research created by Cook's will. The sharp decline in stock and bond prices during the Great Depression drastically curtailed the amount actually turned over to the Law School for the Cook Endowment, but the Financial Report of the University for 1957-1958 gave the principal of the Cook Endowment as $2,112,032.57.[29]

At the June 4, 1930, meeting of the Law Faculty:

> The Dean suggested consideration of the appointment of a faculty committee to consider plans for the development of the Law School, with special reference to recommendations which this faculty should make to the President and Board of Regents in connection with expenditures from the funds which will be made available from the estate of Mr. W. W. Cook.
>
> After discussion it was moved, seconded and carried unanimously that such a Committee be appointed; that it should consist of five members, viz., the Dean, Professor Sunderland, and three members of the faculty to be selected by the Dean; that the members of the faculty should submit memoranda containing suggestions, to this Committee; and that the Committee report back, from time to time, to the faculty.[30]

During the summer of 1930, the mechanics of putting the Legal Research Institute into actual operation presumably went on. Some question over the method of disbursements from the Legal Research Fund must have arisen, for on September 26, 1930, the Regents directed:

> . . . that the disbursements from the Legal Research Fund shall be made under the same general terms and conditions as apply to the disbursement of other trust funds of the University. This action of the Regents was specifically stated to be merely a statement or an interpretation of the original intent of the Regents when this fund was established.[31]

[29] Financial Report of the University of Michigan, for the year ended June 30, 1958.
[30] Faculty Records, 1920-1930, p. 498.
[31] Regents' Proceedings, 1929-1932, pp. 430-31.

During the early fall of 1930, Dean Bates reported to the Faculty that progress was being made by the committee charged with reporting on plans for the development of the Law School. Finally, on November 6, 1930, the committee submitted its report. A substantial difference of opinion had developed within the committee over the question of how far power to direct and control all aspects of the activities of the Law School, particularly the newly-created Legal Research Institute, should be vested in the Dean. Hence, a majority and a minority report were submitted.

Both reports were alike in that they proposed that three administrative divisions of the Law School be created to consist of:

(a) Professional Studies—the present school with the exception of the Research Institute and graduate work
(b) Graduate Studies
(c) Legal Research Institute [32]

The majority report recommended that the head of each division, to be known as "Director" was to be responsible to the Dean who would approve all "actions and conclusions, with the exception of those that are simply the carrying out of plans and programs already reported and approved . . . ." [33]

The Dean and the three divisional heads were to constitute an Executive Council. In all matters pertaining to the Law School, the Dean was to consult with either the Executive Council or the Law Faculty "so far as may be practicable." [34]

The minority report recommended that the Dean be the executive head of the Department of Professional Studies and that he, together with the Director of Graduate Studies and the Director of the Legal Research Institute, were to constitute an Executive Committee "which was to administer the affairs of the Law School . . . . All action taken by the Committee shall, so far as practicable, be subject to the approval of the faculty." [35]

Had the minority report been adopted, control of the Law School would have rested in the Executive Committee and the Law Faculty. The heads of the three proposed divisions would have possessed equal authority. The Legal Research Institute, the School of Professional Studies, and the School of Graduate Studies would have been separate co-ordinate institutions.

[32] Faculty Records, 1930-1940, pp. 12a, 12e.
[33] *Id.*, p. 12b.
[34] *Ibid.*
[35] *Id.*, p. 12e.

In rejecting the minority report, the Law Faculty followed the principle laid down at the meeting of January 21, 1930, "that any Institute so founded shall be an integral part of the Law School in every sense of the word and not an independent coordinate institution." [36]

As authorized, Bates forwarded the majority report, with certain minor changes to the Board of Regents. The records of the Board for December 12, 1930, show:

> A report embodying a proposed plan for adapting the organization of the Law School to the benefactions of the late Mr. William W. Cook was referred to a committee consisting of the President, Regent Murfin, and Vice-President Smith for consideration . . . .[37]

On January 23, 1931, the committee brought in its report:

> On recommendation of the President and of Regent Murfin the following resolution was adopted:—
>
> *Resolved,* That the Regents see no occasion at the present time to change the present organization and operation of the Law School.[38]

No explanation of the Regents' rejection of the proposed changes in the organization of the Law School appears in the formal account of their meetings. It is probable, however, that they were aware of the differences of opinion which existed among the Law Faculty; and rather than adopt the majority viewpoint in preference to the outspoken views of the minority, they felt that the best interests of the Law School would be served by retaining the status quo.

The expressed views of the Regents that no change in the organization of the Law School was desirable, was evidenced further in their adoption of two resolutions on May 29, 1931:

> *Resolved,* That the resolution of February 7, 1930 [i.e., creating the Legal Research Institute] be, and it is, hereby rescinded.
>
> *Resolved,* further, That Professor Edson R. Sunderland shall continue as Research Professor, under the conditions existing prior to the adoption of such resolution of February 7, 1930, and that the work of research shall be conducted as prior to that date.[39]

This resolution of May 29, 1931, abolishing the Legal Research Institute, placed all responsibility for legal research in the hands of the

[36] Faculty Records, 1920-1930, p. 482.
[37] Regents' Proceedings, 1929-1932, p. 498.
[38] *Id.*, p. 530.
[39] *Id.*, p. 616.

Dean and the Law Faculty. It established that legal research was to be a part of the over-all Law School activities and not to be a separate co-ordinate entity, administered by a separate administrative agency.

In accordance with this action of the Regents, the duty of preparing and submitting the annual research budget was removed from the Director of the Institute, and lodged in the Secretary of the Board of Governors of the Lawyers Club. Accordingly, Professor Grover C. Grismore submitted the 1931-1932 research budget to the Executive Committee of the Board of Regents on July 15, 1931.

As approved by the Regents on September 25, 1931, the budget provided that Professor Sunderland and Assistant Professor Blume were to devote half-time to legal research and half-time to teaching. Thus the practice became established that the professorial staff was to combine teaching and research and that the two aspects of legal education were not to be separated. Two full-time research assistants were appointed, and funds were set aside for the publication of research studies, secretarial assistance, field work, and travelling expenses. Money was also allocated for the purchase of books for the Legal Research Library.

The annual budget was submitted in this manner for the next four fiscal years. After 1935, as the moneys made available to the Law School under the Cook will began to produce income for research purposes, the annual research budget was submitted as approved by the Law Faculty and by the trustees of the William Cook Endowment Income, the title of the trust fund created by the Cook will. From 1935 on, the William Cook Endowment Income was to produce a relatively greater proportion of research funds than that originating in the operating profits of the Lawyers Club and the John P. Cook Building.

The abolition of the Legal Research Institute did not bring legal research to a halt. Nevertheless, the increasing amount of income arising from the Cook Endowment and the developing scope of research activity, indicated that a more definite organization of the research program would be desirable—not only to lighten the administrative burden placed on the Dean but to contribute to greater integration and efficiency. In early 1942, Dean E. Blythe Stason prepared a confidential memorandum relating to the research program which was discussed at the faculty meeting on February 2, 1942. After thorough discussion, the Law Faculty voted that "the Dean be authorized to appoint a member of the law faculty to act as Director of Research . . . ." [40]

[40] Faculty Records, 1940-1945, p. 112.

On February 27, 1942:

> The Board [of Regents] created in the Law School the position of Director of Legal Research, with the responsibility, subject to the Faculty and the Dean of the Law School, of developing and supervising the program of research now carried on under the auspices of the W. W. Cook Endowment Fund. To this position Professor Lewis M. Simes was appointed . . . .[41]

Professor Simes served as Director of Legal Research until 1954, when he was succeeded by Professor Allan F. Smith.

Although in no way altering the ultimate responsibility of the Dean and the Law Faculty for the program of legal research, the appointment of a Director of Legal Research tended to discourage haphazard research projects and to stimulate greater research activity. By giving the Director control of the administrative details of the program, with the Law Faculty retaining full freedom in the selection of individual projects and over-all approval by the Dean and Law Faculty a general requirement, great flexibility with centralization of administrative responsibility was achieved.

A further subdivision of administrative responsibility for the research program took place in 1950 with the establishment of the Legislative Research Center under the direction of Professor Samuel D. Estep, who was made director of the Center in 1951, with William J. Pierce as Associate Director. Professor Pierce was appointed Director in 1957.

The Director of Legal Research was charged with the duty of preparing the annual research budget. About five months before the end of a given fiscal year, faculty members were asked to make known their requests for grants to support proposed or continuing research projects. These requests were the basis for a budget which was then submitted to the Graduate and Research Committee, of which the Director of Legal Research was the chairman. The budget as approved by this committee, was then laid before the Dean and the Law Faculty. If approved by them, the budget was then submitted to the trustees of the Cook Endowment Fund and finally to the Board of Regents. All appointments to the research staff were in the hands of the Board of Regents upon nomination by the Dean and the Law Faculty.

At the end of each fiscal year, those members of the Law Faculty who had received grants for particular research projects filed reports with the

[41] Regents' Proceedings, 1939-1942, p. 873.

Director of Legal Research, showing the progress made during the past year. The Director then prepared a report for the Dean of the Law School, the salient points of which were incorporated eventually into the annual report of the President, thus providing a convenient summary of each year's accomplishments.

This simple organization of the research program, under the directorship first of Lewis Simes and later of Allan Smith, was designed to insure that the professorial staff and other research personnel devoted their time to research, and not to the filling out of innumerable forms. Once the Law Faculty had formulated the fundamental premise—that legal research was an integral part of, an indispensable adjunct to, legal education, both on the part of the faculty and the students—administrative problems proved manageable. The evolution of this concept which was to underlie all research activity at the Law School, taken in conjunction with the character of those engaging in such activity, provided for orderly development within the existing framework.

Legal Research Under the Cook Funds

The foregoing account of the gift of the Cook funds and the evolution of administrative procedure to facilitate their use is a background to the legal research these funds made possible. To discuss each separate research project in the text would produce a welter of confusing detail, and therefore the individual research projects are set out in Part II.[42] Hence discussion here is limited to a general account of the over-all development of legal research under the Cook Endowment, with brief reference to a few particular research projects selected as illustrations of the type of research conducted at the Law School.

Prior to the fourth decade of the twentieth century, there are only sporadic references to research activity on the part of the Law Faculty. Sunderland's work in procedure has already been noted. In the early nineteen-twenties, John Barker Waite's work in criminal law and Burke Shartel's interest in jurisprudence were beginning to develop. These men were aware of the possibilities for productive research in their particular areas, but were hampered by lack of time and money. The funds made available by Cook were to enable them to do far more intensive and extensive work than would have been otherwise possible.

As funds became available from the operating profits of the Lawyers Club, the Faculty began to think in terms of research activity. It is understandable, however, that the men required some time to adjust

[42] See Part II, XI: 5.

themselves before they were able to make full use of the funds available, and it is not surprising that it was not until 1930-1931 that the President's Report mentioned any amount of research activity. The report for that year stated ". . . such work went on apace . . ." and observed that ". . . sound teaching and research are inseparably associated . . . ."[43]

By the next year, 1931-1932, the President's Report was able to state:

> Research . . . was carried on more extensively than at any prior time in our history. Professors Durfee, Stason, James, Dawson, and, in fact, nearly all of the members of the Faculty are at work upon some project . . . .[44]

This report contained the first mention of the work of William Wirt Blume with the records of the Supreme Court of the Territory of Michigan. The files and bound volumes of records of this court had been discovered at Lansing, and Dean Bates had been impressed immediately with the tremendous significance in the area of procedural development. Blume had worked with Sunderland in civil procedure, and was uniquely equipped to deal with the intricacies of common law pleading and practice as well as the multitudinous details of historio-legal research posed by these documents. He commenced to edit and report the records, a work which consumed the next eight years and culminated in the publication of a six volume series entitled *Transactions of the Supreme Court of the Territory of Michigan, 1805-1836.* Moneys available from the Cook Fund enabled the Law School to place Professor Blume on a reduced teaching schedule for a part of this period, thus permitting him to complete the volumes in the most thorough and scholarly manner possible.

The annual reports for 1931-1932, 1932-1933, and 1933-1934 show how the reduction in income caused by the depression curtailed legal research. However, in 1934-1935, the report noted:

> Although the income from the fund given by Mr. William W. Cook to the University for the benefit of the Law School had not become available for research purposes, research activities of the School were vigorous and comprehensive in scope.[45]

In 1936-1937 Dean Bates reported:

> With the aid afforded by the Cook Research Fund the faculty were able to carry on a much greater volume of re-

[43] President's Report, 1930-1931, pp. 108, 109.
[44] President's Report, 1931-1932, p. 65.
[45] President's Report, 1934-1935, p. 89.

search work than at any previous time in the history of the Law School. Every member of the faculty was engaged in research . . . .[46]

The report for 1937-1938 stated:

> . . . the research work of the School was broadened in scope and in the volume of the work carried on. The number of research assistants giving part or full time to the work was materially increased. Every member of the faculty was engaged in definite research projects, though most of these were not designed for immediate publication . . . .[47]

Throughout 1938-1939, the legal research program continued its steady development. According to Dean Bates:

> Both under the auspices of the William W. Cook Foundation and independently thereof, research programs have been carried forward by the faculty during the year along numerous lines . . . .
>
> Professor Edgar N. Durfee has been working for the American Law Institute in the restatement of the law of torts, writing those portions of the restatement dealing with use of the injunction against torts. He has also been continuing his studies in Equity jurisprudence . . . .
>
> Professor Lewis M. Simes has been continuing his productive work in the fields of trusts, wills, and future interests. Three years ago he published a treatise on Future Interests, and this year he followed it with the publication, by Callaghan & Company, of a classroom tool called *Cases on Future Interests* . . . .
>
> Professor E. R. Sunderland has been able to reduce to writing during the year many of the results of his long study of rules of procedure, and particularly the results of his service on the United States Supreme Court Committee in drafting the new Federal Court Rules . . . .
>
> Professor John E. Tracy has for several years been engaged in productive work in the Law of Evidence, and during the year he published a volume entitled *Cases and Materials on the Law of Evidence.*
>
> Professor John B. Waite has served as reporter for the American Law Institute Project for Corrective Treatment of Youthful Offenders and as draftsman of a model statute on correction treatment instead of the imposition of penalties for delinquent persons under twenty-one.[47a]

[46] President's Report, 1936-1937, p. 106.
[47] President's Report, 1937-1938, p. 108.
[47a] President's Report, 1938-1939, pp. 108-109.

The Report for 1939-1940 attempted to sum up the work of the prior years as follows:

> During the year just closed especial efforts have been devoted to placing the research program of the Law School on a firm foundation. The William W. Cook Endowment Fund has now been available for several years. Much experimentation has been needed, and much splendid progress has been made. Many years are required to build a research program and to bring forth tangible results. It has now become apparent that the period of fruition is arriving, and as time goes on the University of Michigan Law School can confidently expect to take its place as a leader in legal research. Some of the specific activities of the members of the faculty engaged in our several research projects are as follows:
>
> Professor William W. Blume has completed his monumental task of collecting, compiling, and editing the *Transactions of the Supreme Court of the Territory of Michigan, 1805-1836.* The *Transactions* are now published in six volumes . . . .
>
> Professor John P. Dawson has been engaged for several years . . . in research in the field of comparative law and European legal history. These studies are beginning to bear fruit . . . .
>
> Associate Professor Paul G. Kauper has been pursuing his study of the municipal charter provisions of the principal cities of the country relative to public utility franchises . . . .
>
> Assistant Professor Russell A. Smith has continued his work organizing and studying the voluminous and important materials in modern labor law . . . .
>
> Professor E. B. Stason has been spending a substantial amount of his time during the year on the work of the attorney general's committee on administrative procedure. This committee was appointed in March, 1939, upon an executive order of the President. It was directed to survey federal administrative law and procedure and to recommend improvements in case deficiencies [if such] were found to exist . . . .
>
> Professor Hessel E. Yntema has been engaged during the year in the preliminary studies for the preparation of a series of monographs on various phases of the law relating to financial and commercial intercourse between the United States and other countries in the Western Hemisphere. Professor Yntema has been appointed by the Secretary of State as the United States member of the Permanent Committee of Habana, established pursuant to resolutions of the Sixth International Conference of American States, held at Habana, Cuba, in January, 1928. Professor Yntema's committee is commissioned to consider and recommend comparative legisla-

tion and unification of legislation between the various participants in the conference . . . ." [48]

The Report for 1940-1941 showed research projects were continued or inaugurated by most members of the Law Faculty. In 1941-1942 the Report noted:

> . . . Still another important project has been carried on by Dr. Ernst Rabel, formerly Director of the Kaiser Wilhelm Institut für ausländisches und internationales Privatrecht at Berlin. Dr. Rabel has been a research associate under the general supervision and guidance of Professor Yntema. The project contemplates the publication of an extended treatise on conflict of laws, not only in Anglo-American jurisprudence, but also with comprehensive reference to principles and rules applied under European codes. From September of 1939 to April of 1942 Dr. Rabel, whose prominence as a leader in comparative legal study is internationally recognized, has been at work on the project under the auspices of the American Law Institute; but in April the Law School assumed responsibility for the completion of this important study . . . .
>
> The most ambitious program going forward under the auspices of the W. W. Cook Endowment for legal research is the research project in inter-American law, under the direction of Professor Yntema . . . .[49]

During 1941-1942, Professor Simes commenced his notable work on the preparation of a model probate code, Professor Sunderland continued his work with the Judicial Council of Michigan, Professor Yntema supervised the continuing research project in inter-American law with eight monographs in preparation by various research fellows, and other members of the Law Faculty worked on particular projects.

The 1943-1944 Report, after listing the work done on several research projects noted:

> The practical character of these and other research projects (including numerous contributions to law reviews) being completed by and under the guidance of the law faculty, and with the financial assistance of the William W. Cook Endowment Fund, gives assurance that the objective which Mr. Cook had in mind is being achieved. He wished his endowment for legal research to be of real and practical benefit to the bench and bar of the country. The projects are directed toward that end. The fact that such realistic agencies as the American Bar Association, the Judicial Council of Michigan, and the United

[48] President's Report, 1939-1940, pp. 112-15.
[49] President's Report, 1941-1942, pp. 117-18.

> States Department of State are co-operating, both fiscally and intellectually, is significant . . . . We hope that in the future we shall be able to maintain this realistic approach to legal research and to that end we expect to co-operate even more closely with the professional organizations and agencies of the country.[50]

In spite of the disruption caused by World War II, research activity was continued by those members of the faculty remaining at the Law School. Illustratively, Professor Sunderland, retired from active teaching, devoted increased amounts of time to additional investigation in procedure; Professor Yntema continued his work in supervising the research in inter-American law; Professor Simes pursued his efforts in the drafting of a model probate code.

Reconversion from war to peace brought a heavy influx of veterans into the Law School which increased the teaching load. Yet research went on, and the newer members of the Law Faculty, appointed after the war, began to develop their own particular areas of interest and to make positive contributions. The President's Report for 1948-1949 noted:

> Although the professorial staff is confronted with oversize postwar classes, substantial progress has nevertheless been made during the year 1948-49 on the legal research program of the School . . . .
>
> Specific attention should be called to the number of research projects carried on during the current year at the suggestion of state and national bar organizations and members of the Michigan Legislature. The project on Metropolitan Courts in the Detroit Area, about to result in the publication of Mrs. Maxine Virtue's monograph, was requested by and carried on in co-operation with the Section of Judicial Administration of the American Bar Association. Three smaller legislative projects were carried on at the suggestion of Senator John Martin, of the Michigan State Senate, to assist in connection with bills currently pending in Lansing. In addition, Professor L. Hart Wright prepared an extensive study of estate and gift taxation, culminating in a draft of a proposed Estate and Gift Tax Act for Michigan. This task was undertaken at the joint request of the Taxation Committee of the State Bar of Michigan, and the Michigan Department of Revenue . . . .[51]

The 1949-1950 report contained two matters of particular significance, as well as a general discussion of particular research projects. The

[50] President's Report, 1943-1944, p. 106.

[51] President's Report, 1948-1949, pp. 97-98.

treatise produced by Dr. Ernst Rabel, entitled *Conflict of Laws: A Comparative Study* was awarded the Ames prize by the Harvard Law Faculty, as being the most meritorious legal publication in the English language during the preceding five-year period.[52] The William Cook Endowment Income had made possible Dr. Rabel's work on this treatise from 1942 until his death and its subsequent completion by others. Various members of the Law Faculty, including Professors Hobart Coffey, Lewis M. Simes, and Hessel Yntema had cooperated in assisting Dr. Rabel. Adequate research assistance had been provided, and the four-volume product of this effort was characterized as a legal classic of monumental proportions.

The other development noted for 1949-1950, marked a commencement rather than a termination. It will be recalled that when William Cook made his initial offer to the Board of Regents, he mentioned the desirability of research in statute law. To a considerable extent legal research in common law jurisdictions has tended to concentrate on case law and to ignore the statutory materials. In an attempt to create a more desirable balance of research activity, especially in view of the increasing importance of statute law, the Legislative Research Center was established under the auspices of the William W. Cook Endowment Fund and under the general supervision of Assistant Professor Samuel D. Estep. In the President's Report for 1950-1951, the following description of the Center and its activities appeared:

> . . . In the last year's report I set forth the objectives of this Center, stating that it is designed to promote teaching, research, and service in written law, including not only statute law but also administrative regulations, ordinances, and state constitutions and their interpretation. The program is under the general supervision of Associate Professor Samuel D. Estep as Director, with a small research staff in immediate charge of Assistant Professor [William] Pierce as Assistant Director. One of the current projects undertaken by the Center is the publication of biennial volumes to be entitled *Current Trends in State Legislation.* Each volume will contain ten or a dozen studies of new or timely features of state statute law describing and analyzing recently adopted state statutes and discussing their merits and demerits . . . .
>
> During the year the Legislative Research Center has prepared for members of the law faculty approximately 200 memoranda on various phases of statute law related to their respective fields of specialization. This service facilitates the

[52] Harvard University Law School Catalogue for 1958-1959, p. 128.

> task of keeping the Law School courses up to date with respect to current statutory developments . . . .
>
> In addition to the foregoing, a substantial amount of service has been rendered by the Legal Research Center to outside agencies . . . .[53]

The first volume of *Current Trends in State Legislation* appeared in 1952.

In 1951-1952, a group of five members of the Law Faculty headed by Dean E. Blythe Stason, began work on an examination of the legal problems posed by the peace-time use of atomic energy:

> . . . The project . . . deals not only with the law as it is found at the present time, but also with what it is likely to be and what it should be in the future . . . .[54]

The post-war development of the Legislative Research Center, involving a varying number of research personnel, did not curtail the separate research projects of the several members of the Law Faculty. The annual reports made by Dean Stason to the President showed the extent to which each member of the faculty was contributing to the over-all research activity of the Law School, aided by an expanding staff of research associates and assistants.

Moreover, the greater interest in non-doctrinal legal research had created the opportunity for inexperienced students to be employed under supervision in the preliminary work of collecting data and preparing it for faculty utilization. Grants made to members of the Faculty by the Cook Fund made such student employment possible.

The following legal studies were published by the Michigan Law School as part of its research program and in connection with its sponsorship of selected scholarly publications, including the Cooley lectures:

Discovery Before Trial, George Ragland, Jr. (1932)
Transactions of the Supreme Court of the Territory of Michigan 1805-1836, William W. Blume (6 vols. 1935-40)
Ratification of the Twenty-first Amendment of the Constitution of the United States, Everett S. Brown (1938)
Torts in the Conflict of Laws, Moffatt Hancock (1942)
The Amending of the Federal Constitution, Lester B. Orfield (1942)
Review of Administrative Acts, Armin Uhler (1942)
The Prevention of Repeated Crime, John B. Waite (1943)
The Conflict of Laws: A Comparative Study, Ernst Rabel (4 vols., 1945-1958) (Vol. I, 2nd ed., 1958)

[53] President's Report, 1950-1951, pp. 106-108.
[54] President's Report, 1951-1952, p. 113.

Unreported Opinions of the Supreme Court of Michigan, 1836-1843, William W. Blume (1945)
Problems in Probate Law: Model Probate Code, Lewis M. Simes and Paul E. Basye (1946)
The Constitution and Socio-Economic Change, Henry Rottschaefer (1948)
Soviet Civil Law, Vladimir Gsovski (2 vols., 1948-49)
Survey of Metropolitan Courts: Detroit Area, Maxine B. Virtue (1950)
Some Problems of Equity, Zechariah Chafee, Jr. (1950)
Administrative Agencies and the Courts, Frank E. Cooper (1951)
Our Legal System and How it Operates, Burke Shartel (1951)
Conflict of Laws and International Contracts, Proceedings of 1949 Summer Institute (1951)
The Law and Labor-Management Relations, Proceedings of 1950 Summer Institute (1952)
Taxation of Business Enterprise, Proceedings of 1951 Summer Institute (1952)
Current Trends in State Legislation, 1952, Legislative Research Center (1952)
Current Trends in State Legislation, 1953-1954, Legislative Research Center (1955)
Current Trends in State Legislation, 1955-1956, Legislative Research Center (1957)
Atomic Energy: Industrial and Legal Problems, Proceedings of 1952 Summer Institute (1952)
Retroactive Legislation Affecting Interests in Land, John Scurlock (1953)
Selected Topics on the Law of Torts, William L. Prosser (1953)
Perpetuities and Other Restraints, William F. Fratcher (1954)
Federal Antitrust Laws, Proceedings of 1953 Summer Institute (1954)
Communications Media—Legal and Policy Problems, Proceeedings of 1954 Summer Institute (1954)
Integration of Public Utility Holding Companies, Robert F. Ritchie (1955)
A Common Lawyer Looks at the Civil Law, Frederick H. Lawson (1955)
Public Policy and the Dead Hand, Lewis M. Simes (1955)
International Law and the United Nations, Proceedings of the 1955 Summer Institute (1955)
Atomic Energy Workshop, 1956 Summer Institute (1956)

Aims and Methods of Legal Research, ed. by Alfred Conard (1957)
Foreign Personal Representatives, Banks McDowell (1957)
Nonprofit Corporation Statutes, Ralph E. Boyer (1957)
Frontiers of Constitutional Liberty, Paul G. Kauper (1957)
Water Resources and the Law, Legislative Research Center (1958)
The Use of International Law, Philip C. Jessup (1959)
Collective Bargaining and the Law, Proceedings of 1958 Summer Institute (1959)
The Law Schools Look Ahead, Proceedings of 1959 Summer Institute (1959)
Constitutional Uniformity and Equality in State Taxation, Wade J. Newhouse, Jr. (1959)
Fraud on the Widow's Share, William D. Macdonald (1959)
Legal Education at Michigan, Elizabeth Gaspar Brown (1959)
Atoms and the Law, E. Blythe Stason, Samuel D. Estep, William J. Pierce (1959)
The Improvement of Conveyancing by Legislation, Lewis M. Simes (1959)

If a survey of legal research activity at Michigan had been made in 1908-1909, it would have shown the several professors at work on a number of individual projects, engaged in largely on their own initiative and directed toward publication as treatises, casebooks, or law review articles. A survey of research activity in progress or recently completed in 1958-1959, would have shown a greatly enlarged concept of research. While some members of the faculty were engaged in individual research, others were working on group research projects. While the Cook Endowment Income supported most research activity, the Aemrican Bar Fund and the Section of Real Property, Probate, and Trust Law of the American Bar Association were cooperating with the Law School in supporting a major project by Lewis Simes directed toward conveyancing procedures and the marketability of land titles in the United States. The Department of Internal Revenue of the United States Treasury had sponsored L. Hart Wright in his preparation of training materials for revenue agents and auditors. Dean E. Blythe Stason headed the significant and pioneering work in the problems posed by the use of atomic energy.

At one point, William Cook had discussed his understanding of the scope of legal research.[55] But at no time did he attempt to restrict the Law Faculty to his views. By providing the funds for research activity

[55] See Part II, XI:3.

and by permitting the Law Faculty to evolve their own conception of the scope and function of legal research, with its resulting contributions to legal literature, William Cook through the Cook Endowment materially assisted the Law School to fulfill the major reason for its existence—to provide for its students a superior legal education—yet with full awareness of the implications underlying the words of William Cook:

> Believing as I do that American institutions are of more consequence than the wealth or power of the country; and believing that the preservation and development of these institutions have been, are, and will continue to be under the leadership of the legal profession; and believing also that the future of America depends largely on that profession; and believing that the character of the law schools determines the character of the legal profession, I wish to aid in enlarging the scope and improving the standards of the law schools by aiding the one from which I graduated, namely, the Law School of the University of Michigan.[56]

[56] Extract from will of William W. Cook.

Chapter XII

The Law Library: Books, Serials, and Manuscripts

The Law Library, housed in the Legal Research Building, is administered by a member of the faculty who serves as director, assisted by a staff of specialists in modern library methods, linguists, and experts in foreign law and jurisprudence. In recent years the Library has became one of the outstanding collections in the world. It is an important center of legal research, not only for the faculty and students of the Law School but for lawyers, judges, and scholars from other institutions in American and foreign countries.

On July 1, [1958] the Library contained 283,775 bound volumes, in addition to large numbers of pamphlets, reprints, and documents, which are not included in the statistics of accessions. The collection includes all of the published reports of the American federal and state courts and, in addition, the court reports of Great Britain, her dominions and colonies, and of the principal European and South American countries. The constitutions, codes, and statutes of most foreign countries, as well as of the American states, are kept up to date in the collection. A large section of the Library is devoted to treatises on all phases of law and legal science, and there are extensive special collections in the fields of Roman law, international law, criminology, trials, briefs and transcripts, biography, and legal bibliography. The Library contains nearly complete files of the leading legal periodicals published throughout the world.

Although intended primarily to serve the research needs of the Law School, the Library is open to all persons having need for legal materials. Special office facilities are provided for visiting lawyers and judges whose needs require such service.[1]

This description of the Law Library as it existed in 1958-1959 should be contrasted with another description for 1859-1860. Writing in 1898, Bradley M. Thompson, a member of the first law class and Professor of Law from 1888 to 1911, stated:

> . . . The law library occupied a room covering what is now the east half of Major Soule's office.[2] The first law

[1] Announcement, 1959-1960, p. 11.

[2] "This room was in the old South Wing of University Hall, though it was a decade and a half later before the Hall itself was built." Shirley Smith, Harry Burns Hutchins and the University of Michigan (1951), p. 275.

> librarian was a raw youth who had come to work his way through the department as so many have done since that time, Isaac Marston, of the class of '61 . . . . The library contained about three hundred and fifty volumes and included the Michigan Reports, some ten volumes, the New York Common Law and Chancery Reports, Pennsylvania Reports and the Reports of some of the New England States. The library room was furnished with a rough deal table, a few wooden chairs, and was heated by a box stove. Marston's principal duty as librarian was to feed the stove and sweep the floor.[3]

Although the Department of Law was authorized and a Law Faculty selected in March of 1859, it was not until June 28, 1859 that the Regents instructed the Committee on the Law Department:

> . . . [to] purchase not exceeding $2,000 worth of law books for said Department; provided that such purchase can be made on the following terms, to wit: the payment of $1,000 on the delivery of the books at the University, and the balance of $1,000 one year thereafter.[4]

Two days later the same committee:

> . . . [was] directed to make necessary and suitable preparations for the Law Library and the Law Department and a sum not exceeding $100 be and is hereby authorized to be expended for that purpose.[5]

Whether any books were actually purchased before the Department opened, cannot be ascertained. The advertisement announcing the opening of the Law Department stated:

> . . . Students will have access to the University Law Library, which is to be immediately procured, but in view of the purely nominal charges to which they will be subject, they are expected to provide for themselves the ordinary textbooks which they will have occasion to use at their rooms.[6]

The Regents' Proceedings, for October 4, 1859, show that Thomas McIntyre Cooley offered to donate some books to the Law Library which were accepted with "the thanks of the Board." [7]

[3] Bradley M. Thompson, "The First Law Class," 4 Michigan Alumnus 298 at 300 (1898).

[4] Regents' Proceedings, 1837-1864, p. 850.

[5] *Id.*, p. 853.

[6] Detroit Weekly Tribune, July 5, 1859.

[7] Regents' Proceedings, 1837-1864, p. 860. No list of these books has been preserved in the Cooley Papers, located in the Michigan Historical Collections, University of Michigan, although Lewis VanderVelde, Director of the Collections, states that it would have been characteristic of Cooley to have made and preserved such a list.

Other than the statement made by Bradley M. Thompson in 1898, there is little evidence concerning the contents of the Law Library in 1859. The University Catalogue for 1860 stated:

> While several copies of each of the leading textbooks will be found in the Library, it is exceedingly desirable that students should supply themselves with such as they may need at their rooms . . . .[8]

Some indication of the value placed on the books themselves may be derived from the fact that on December 20, 1859, the Finance Committee of the Regents was authorized ". . . to perfect insurance in the sum of $1,500 on the Law Library." [9]

To provide necessary care for the Law Library, the Law Faculty was directed by the Regents on October 5, 1859:

> . . . to employ one of the Law Students to act as Librarian in the care of the Law Library and authorized to remit to the Law Student so employed the entire of his fees to the University as compensation for such service.[10]

The next year, the Regents appropriated fifteen dollars ". . . to pay for the services of the Law Librarian." [11] On March 29, 1864, this annual salary was increased to thirty dollars [12] and on March 28, 1865, to one hundred dollars.[13] This remuneration, scanty even for that period, may explain why in 1862, the Regents were concerned over "securing the books in the Law Library," and thereupon requested the "Law Professors . . . to present . . . some suitable plan . . . ." [14] In the afternoon of the same day:

> A communication was received from the Law Faculty in reply to a resolution of the Board containing a plan for the security of the books in the Law Library.
>
> On motion of Regent Baxter, the communication was accepted, said plan adopted, and Professor Cooley authorized to see the same carried into effect.[15]

The Regents' Proceedings, however, contain no details of this "plan."

While the Regents were able to provide some degree of custodial care

[8] Catalogue, State University of Michigan, 1860, p. 62.
[9] Regents' Proceedings, 1837-1864, p. 866.
[10] *Id.*, p. 863.
[11] *Id.*, p. 925.
[12] Regents' Proceedings, 1864-1870, p. 31.
[13] *Id.*, p. 79.
[14] Regents' Proceedings, 1837-1864, p. 993.
[15] *Id.*, p. 994.

for the Law Library, the problem of procuring books was less easy to resolve. The University Catalogue for 1860 gave a description of the Law Library:

> A well selected and very useful Law Library has been purchased and arranged for the use of students, and which will be open for consultation at all reasonable hours. The rooms of the Professors adjoin the Library, and they will be ready at all times to furnish to students such aid in their studies and investigations as they may desire.[16]

The Law Faculty, however, apparently did not share the Administration's favorable opinion of the contents of the Library or the reading room facilities. On March 27, 1860, a communication from the Law Professors was received by the Regents in which, after recommending twenty-four students for graduation and making certain observations on the events of the preceding year, the Faculty stated:

> Permit us however to suggest that we have been considerably inconvenienced by want of room for library and reading purposes for the students. They are altogether too much crowded in their present quarters. It is also highly desirable that all should be done which is possible to increase the Library. In addition to what can be done with your own means we beg leave to suggest the propriety of an appeal to the members of the Bar, throughout the State to furnish such books from their private Law Libraries as they can spare for our collection. We think much can be accomplished in this way if the project receives your sanction.[17]

The Regents agreed to the request and appropriated a sum "not to exceed $10 . . . for the publication of a circular from the Law Faculty requesting a donation of law books, etc., to the Law Library of the University." [18]

When the Law Building was erected in 1863, the Law Library was removed to facilities described as follows:

> . . . a spacious and comfortable room adjoining the Lecture Hall in the same building. This Library is open to students ten hours each day, under such regulations as render it a convenient and suitable place, not only for consultation, but also for regular study, to those who see fit to make use of it for that purpose.[19]

[16] Catalogue, State University of Michigan, 1860, pp. 61-62.
[17] Regents' Proceedings, 1837-1864, p. 903.
[18] *Id.*, p. 896.
[19] *Id.*, p. 1073.

In 1866 the Law Library received its second substantial gift of books, the first having been made by Cooley in 1859. Richard Fletcher, a former Justice of the Massachusetts Supreme Court, presented about eight hundred volumes of his law library to the Law Department. The Board of Regents accepted "with profound thanks, the liberal donation . . ." [20] and established the Fletcher Professorship of Law in acknowledgment of the gift.[21]

The 1866-1867 University Catalogue, called attention to the Fletcher gift:

> Within the last year the Hon. Richard Fletcher, one of the Justices of the Supreme Court of Massachusetts, has generously donated to the Department his valuable law Library, and the principal portion of it will soon be in the building and open to the use of students.[22]

Eleven years after the opening of the Law Department, and three years after the Fletcher donation, the inadequacies of the Law Library were such that Acting President Henry S. Frieze called attention to them in the President's Report for 1869-1870:

> The increase of the Law Library, and especially some improvement in the arrangements by which this library may be rendered at once more accessible and safe, are at the present moment so important that I would suggest the propriety of referring the subject to a special committee. The Law Library is emphatically its *apparatus*. It should always be borne in mind, that while large expenditures are frequently and necessarily made for instruments and material appliances of every kind in our various technological and medical courses, the Law Department absolutely needs, and justly claims, a proportionate outlay for its indispensable and only apparatus of books. Nor should it be forgotten that the limited number of the Law Faculty, renders this Department far less expensive than the others in the matter of salaries.[23]

The next year, Frieze expressed this hope:

> . . . The enlargement of the law library, which is the pressing want of this department, I trust will be brought about by the negotiations now pending for the purchase of a large and valuable private collection.[24]

[20] Regents' Proceedings, 1864-1870, pp. 129, 132, 139. More details concerning the Fletcher gift appear in Part II, XII: 1.

[21] *Id.*, p. 154.

[22] Catalogue, 1866-1867, p. 78.

[23] Regents' Proceedings, 1870-1876, p. 72.

[24] *Id.*, p. 127.

These negotiations were terminated, however, when the Regents on July 11, 1871, concluded that they were unable to purchase the library in question "on account of the stringent financial condition of the University." [25]

In his 1871-1872 Report, Frieze continued to emphasize the needs of the Law Library:

> I venture to commend the needs of the Law Library to the consideration of all who are interested in the highest success of our flourishing Law Department. This Library is the only apparatus which this department asks to be supplied with for its large and important work. As no other department brings so large pecuniary return to the University in proportion to the expense it entails, it is but just that the library be supplied with liberality. The deficiencies upon its shelves are serious.[26]

These deficiencies, referred to by Frieze, may account for the scarcity of information in the University records concerning the number and kinds of volumes in the Law Library.[27] It was said in 1898 that there had been about 350 volumes in the library when the Department opened.[28] By 1867-1868, after the Fletcher gift, there were said to be about 3,000 volumes.[29] On September 30, 1884, the University Librarian reported that the General Library had been removed from the Law Building and that the Law Library, numbering 4,500 volumes:

[25] *Id.*, p. 133.

[26] *Id.*, p. 202. See also Regents' Proceedings, 1881-1886, pp. 427-28 for a letter, written on December 12, 1883 to the Regents by Charles A. Kent, Dean of the Law Department, which stated in part:

"For some time past it has seemed to the Faculty of Law to be highly desirable that a considerable addition of books should be made to the Library of this Department, in order that it may be placed more nearly on an equality with the libraries of law schools of equal rank, and to the end that our students may have such facilities for individual research and investigation as will enable them to prosecute their studies with advantages equal to those afforded elsewhere. At the beginning of the year, so urgent were our necessities in this respect, that arrangements were made to partially meet our wants by the purchase of some much needed text-books, and of a set of the American Decisions. We were also compelled to expend about one hundred dollars in rebinding some of the books, which had been in constant use in the Library for years. In this way an indebtedness has been incurred of two hundred and fifteen dollars over and above the sum of five hundred dollars appropriated by the Board at its meeting on November 7th, 1883 . . . .

"The funds placed at our disposal have made it impossible for us to continue our set of the English Appellate Reports. It is very desirable that the set should be completed by purchasing the Reports from the year 1875 to the present time. . . ."

[27] For information showing total books and additions for the Law Library, insofar as available, see Part II, XII: 2.

> . . . was placed in the room made vacant by the removal of the General Library as soon as that could be prepared for its reception. Readers were admitted about the middle of January. There is now an abundance of room, both for the books and for those who wish to consult them; and, in the few visits that I have been able to make, I was led to the conclusion that the collection is under much more efficient management than it has ever been before. The Assistant in charge of it, Mr. Vance, has a care for the books, is full of ingenious devices for their preservation, and devotes to his work an amount of time and painstaking that is quite out of proportion to his compensation.[30]
>
> * * * * *
>
> Two hundred and thirty-five (235) volumes of Text Books Reports, Digests, and Statutes have been added.
>
> * * * * *
>
> Eight Journals are taken, three of which are sent gratuitously.
>
> I would recommend that as soon as possible something be done for the greater security and better accommodation of the Fletcher Library . . . .[31]

It was fortunate that the Law Library had somewhat better physical accommodations after the removal of the General Library from the Law Building, for the number of volumes in it was almost doubled in February 1885 when Christian Buhl of Detroit presented his collection of law books.

According to Jerome C. Knowlton, who was appointed Assistant Professor of Law in 1885:

> Mr. Buhl had collected this library for the benefit of the citizens of Detroit. He was not a lawyer, but some of the leading members of the Detroit bar were his personal friends and daily associates. Their needs were made known to him. Actuated by that generous public spirit, which guided him throughout his life, he caused to be carefully selected a complete library of English and American text-books and reports. This collec-

[28] Thompson, *supra* note 3.

[29] Gertrude E. Woodard, MS. in Law Library, University of Michigan. See also University of Michigan Catalogue, 1867-1868, p. 83.

[30] Joseph W. Vance, on November 8, 1883, was "appointed Assistant Librarian to have charge of the Law Library, at a salary of two hundred and fifty dollars per year." Regents' Proceedings, 1881-1886, p. 417. On July 16, 1884, the Regents accepted the recommendation of the Committee on Salaries to increase the salary of the Law Librarian from $250 to $400 per year. *Id.*, p. 467.

[31] *Id.*, pp. 509-10.

tion became his pet. He enjoyed seeing it grow. Its care was his diversion.

In 1884 certain changes were made in Detroit which deprived the Buhl library of its original field of usefulness. Mr. Buhl was troubled to know what to do with it. It was valued at $15,000 although much more had been spent in collecting it. He was besieged by book agents who were anxious to sell it for him. Many publishing houses offered to purchase it. For six months he considered the subject and finally determined that it should not be sold. He did not relish the idea of witnessing the breaking up of what he had taken so much pains in collecting. To one of his friends he said: "I will place that library where it will be forever preserved. I will give it to the University of Michigan." [32]

The Regents accepted the Buhl gift at their March 24, 1885 meeting and ordered the correspondence relating to the gift to be included in the Proceedings.[33]

The condition of the Law Library at the time Buhl presented his collection is indicated by the following extract from President James Angell's letter to Buhl:

Allow me to thank you most heartily for your generous offer of by far the largest gift which our Law Library has ever received . . . .

To show you that it will be of great use to us, I may say that it will fill many sad gaps in our Law Library. How serious these gaps are I almost hesitate to say. But the truth is that although we have law students from all over the Union, there are thirty States and Territories which are absolutely unrepresented by a single volume of Reports. The Canadian Reports and the Irish Reports are wanting, and our English Reports and U. S. Circuit Court Reports are very defective. More text-books are also needed. Many other serious wants might be specified.

We have only 4,400 volumes in all. The Harvard Law Library numbers 25,000 volumes. The students in the law schools in Boston, New York, Albany, Cincinnati, Chicago and St. Louis have access to the large collections in those cities.

The only considerable donation the Law Library ever received was that of the late Judge Fletcher, which numbered about 700 volumes, and it has been possible for the Regents with the funds at their disposal to increase the Library only at

[32] Jerome Knowlton, "Christian Buhl," To Wit (1894), p. 124.

[33] Regents' Proceedings, 1881-1886, p. 539. The correspondence between Buhl, the Regents, the Law Faculty, and the law students, as well as the resolutions of the Regents, appears in Part II, XII: 3.

> a very slow rate. It is obvious that our collection has been altogether inadequate to the real and pressing needs of a Law School, which usually has from 300 to 400 students, which is in fact one of the most important in the country, and which gathers its students from all parts of the United States and from the British Provinces.
>
> You may, then, be assured that your gift, which at once more than doubles the size of our Law Library, and furnishes the kind of works we especially need, is most welcome to us . . . .[34]

In spite of the Buhl gift, the Law Library still had serious gaps in its basic collection, as pointed out in a letter of March 24, 1885 from the Law Faculty to the Regents, which stated in part:

> The Law Library, with the additions so munificently made to it by Mr. Christian H. Buhl, of Detroit, now contains the reports of all the States in the Union with the exception of the States of Arkansas, Nebraska, North Carolina, South Carolina, and Texas. The reports of the State of Kentucky, however, are quite incomplete . . . .[35]

A second letter, dated June 23, 1885, was presented to the Regents:

> The Faculty of Law desire to call the attention of the Board to the condition of the Law Library, and to the importance of making a sufficient appropriation to secure the current reports for the ensuing year. The State Reports, so generously presented to the Library by the Honorable C. H. Buhl of Detroit, for the most part only come down to the year 1882, and it is very desirable to obtain the reports which have been issued since that time . . . .[36]

In spite of these representations, less than 2,000 volumes were added to the Law Library between 1885-1886 and 1892-1893. It was not until

[34] *Id.*, pp. 540-41.

[35] *Id.*, pp. 536-37.

[36] *Id.*, p. 553. Further evidence on the state of the Law Library appears in the report of the University Librarian for 1885-1886 in which he stated: ". . . During the last part of last year it was represented to me by students that the statutes of the different States were not possessed by the Law Library, and that there was frequent need of them. It occurred to me that some of them might be given, on application, and I accordingly wrote in the vacation to most of the State governments, asking for copies of their Revised Statutes and Session Laws passed after the last revision, for our Law Library, if they were accustomed, on solicitation, to send them to the libraries of Law Schools. To about one-quarter of my applications there have been favorable responses, and in reply to nearly all the others have come expressions of regret that no law existed which made compliance possible. As the matter stands, the Revised Statutes and Session Laws of Ohio, Pennsylvania, Missouri, New Hampshire, and Illinois, Nevada and Rhode Island, have been received. Those of Maine and Massachusetts are promised." Regents' Proceedings, 1886-1891, pp. 63-64.

a bequest of $10,000 under the will of Christian Buhl was received that any substantial additions were made.[37] Some of the selections made with the funds derived from this bequest appear in the report of Raymond Davis, University Librarian, for 1896-1897, in which he stated:

> There were added to the Law Library 1,785 volumes. This large increase over the acquisitions of former years is due to purchases made with the Buhl bequest of $10,000.00, of which about $8,000.00 were expended. Inasmuch as these purchases have been largely in the line of rare books and sets of books that are of great value and interest I desired Mr. Vance, the Law Librarian, to make a brief report in regard to them. He reports as follows:
>
> "During the past year important and valuable additions have been made to the Law Library. These additions have consisted of such English, Irish, and Canadian reports as were necessary to make the respective sets complete; also of a full set each of the New Brunswick and Nova Scotia reports, and a very full collection of the Scotch reports. These additions have made the library so far complete that almost the whole body of the case law may be found upon any given point from the earliest time to the present—from the Year Books to the current decisions of the English courts. The Library also contains practically complete sets of the decisions of the Courts of all the states, the reports of the Supreme Court of the United States of which there are the official edition, and the Lawyers' Co-operative edition, and also the reports of the other courts of the United States as reported in official editions, and in the 'Federal Cases,' and in the Federal Reporter.
>
> ["]This statement shows that the library provides the means necessary for original investigation, and assures the student that he will find everything in the shape of case law that he seeks."
>
> This state of completeness of the collection to which Mr. Vance refers, results, as I have already said, from the expenditure of the Buhl bequest. A very careful study of the needs of the library was made, and these it was found possible to supply to a great extent.[38]

[37] At a meeting of the Board of Regents on November 24, 1895, the following resolution was adopted: "That a committee of four consisting of the Dean of the Law Department, the Librarian of the University and Professors Kirchner and Mechem be appointed to select and purchase books, from time to time, for the Law Library with the fund derived from the bequest of $10,000 by C. H. Buhl, of Detroit." Regents' Proceedings, 1891-1896, p. 557.

[38] Regents' Proceedings, 1896-1901, pp. 125-26.

In 1898, the Law Library was moved to the second floor of the Law Building, after the structure itself had been rebuilt.[39]

On July 11, 1899, the Regents appointed Victor H. Lane, then Fletcher Professor of Law, as Law Librarian.[40] This was in addition to his instructional duties, to which Lane continued to devote most of his attention.[41] On October 11, 1899 Joseph H. Vance's title was changed to Assistant Law Librarian.[42] Originally appointed in 1883 with an annual salary of $250,[43] his salary was increased by degrees until in 1893 he received $1200.[44] In the meantime, however, the Regents had resolved on September 29, 1889:

> That it is hereby made a part of the duties of the Law Librarian to render such assistance as may be required by the Law Faculty, to the Dean of the Law Department, in the matter of the correspondence of that Department, and to the Law Faculty in connection with the Moot Court Cases.[45]

Apparently, Vance had no assistance of any kind until 1894, when the Regents appropriated $100 for "Assistants in the Law Library." [46] He died in December 1900 [47] and on January 17, 1901, Gertrude E. Woodard was appointed Assistant Law Librarian.[48]

[39] See Chapter X, *supra*.

[40] Regents' Proceedings, 1896-1901, p. 392.

[41] Hobart Coffey, "The Law Library," The University of Michigan: An Encyclopedic Survey (1956), p. 1399.

[42] Regents' Proceedings, 1896-1901, p. 433.

[43] Regents' Proceedings, 1881-1886, p. 417.

[44] Regents' Proceedings, 1891-1896, p. 222.

[45] Regents' Proceedings, 1886-1891, p. 339.

[46] Regents' Proceedings, 1891-1896, p. 377.

[47] Regents' Proceedings, 1896-1901, p. 715. In the annual report of the University Librarian for 1900-1901, appeared the following: "It seems proper in this place to allude to the death in December, 1900, of Joseph H. Vance, who was for so many years connected with the Law Library, and who in the earlier years of the University had rendered other service. He was ignorant of library economy and its multitudinous details, but he was the model reference librarian. Professor Knowlton, in his sketch of him in the *Alumnus* for February, says 'In my judgment, he answered more questions in law and regarding books of law than any other man ever connected with our department.' I have heard repeatedly similar statements from law students. And this effective aid that he rendered was rendered with a kindliness that was an incentive to a man to learn. I am glad that there has been on all hands a recognition of his worth."

[48] Gertrude Woodard was the first trained librarian employed by the Law Library. According to Raymond Davis, the University Librarian, Victor Lane, the Law Librarian, reported in 1901 that the "skillful and intelligent work" of Miss Woodard "is always to be commended." Regents' Proceedings, 1896-1901, p. 715. Hobart Coffey, "The Law Library," The University of Michigan: An Encyclopedic Survey (1956), p. 1399, stated that Miss Woodard was "a woman of unusual ability and tireless energy. She started an accurate record of accessions—the first the Library had ever had; she

Although Victor Lane took little active part in the administration of the Law Library, Gertrude Woodard until her departure in 1915 did much to offset Lane's preoccupation with other matters. In 1910 Henry Moore Bates was appointed Dean, and began to evidence a genuine concern with the library and its development. According to Hobart Coffey, Director of the Law Library at the close of the period 1859-1959:

> A large part of the credit for the development of the Library during this period [i.e., that of Lane's appointment as Law Librarian] must go to Dean Henry M. Bates, who had been at one time librarian to the Chicago Law Institute, and who brought to Michigan a genuine appreciation of the value of research material in a library. Although his own time was, of necessity, given largely to teaching and to the administration of the Law School, he showed from the beginning a keen personal interest in the development of the law collection, and saw to it that his colleagues obtained the materials necessary for their research.[49]

A major step forward in Bates' plans for a great law library was made in 1925 when Hobart Coffey was appointed Assistant Law Librarian. In 1926, Coffey was made Law Librarian and in 1927 Professor of Law and Law Librarian. In 1944, he was made Director of the Law Library. Since the Law Library moved ahead at a rapid rate in the post-1925 period, a summary of its development prior to that time seems desirable. According to Coffey:

> During the early period of development of most American law libraries litle attention seems to have been given to the importance of statutory material. Judicial decisions were regarded as law, but the same could hardly be said for the acts of legislatures. At Michigan no effort to collect statutes seems to have been made before 1886. In that year the Dean was able to secure as gifts the latest compilations of statutes for about one-fourth of the states. No organized effort was made to secure the early statutes or session laws of the states until almost twenty years later. By that time many of the old laws had become very scarce, and copies could be acquired only at considerable cost in effort and money. The accession records for the period show, however, that all statutory material was

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also began work on the Library's first catalogue. In addition to those duties Miss Woodard did all of the ordering, assisted in the selection of materials, and worked at times at the reference desk."

[49] Hobart Coffey, *supra* note 41 at 1399.

selected with the greatest care and discrimination. One may regret that more money could not have been provided for staff and books in those early days, but at the same time one must admit that somehow the foundations were laid for a truly great collection.

Although Harvard began to collect foreign law materials as early as 1841, our Law Library seems to have had few, if any, books dealing with foreign law until about 1897, when part of the Buhl bequest is said to have been used for the purchase of foreign material. The accession records, which began in 1900, reveal that the "foreign material" referred to was books (principally statutes and court decisions) for England and her colonies. Because of the common-law background of most British possessions we should today scarcely regard their legal materials as "foreign." No works on German, French, or Italian law appear in our accession records until the first two decades of the twentieth century, and there were very few of those. Even as late as 1920 the foreign law collection occupied only a few shelves in the workroom of the order department.

Between 1920 and 1925 three large foreign libraries were purchased: the Star Hunt Collection of Spanish and Mexican Law; the Heinrich Lammasch Collection, devoted largely to international law; and the Viollet Collection, which for the most part related to French law and legal history . . . .

No attempt seems to have been made to acquire an international law section until about 1919, when Edwin DeWitt Dickinson was added to the staff of the Law School. Professor Dickinson, whose main interest had been public and private international law, immediately recognized the inadequacy or, in fact, the almost total lack of books and documents in his field. He prepared bibliographies and want lists and was instrumental in helping the Library to acquire many of the important and fundamental source materials in international law and relations. The systematic effort begun in 1919 has been continued through succeeding years and has resulted in the University's having the most complete collection to be found west of the Atlantic seaboard. It has attracted scholars not only from this country but from many other parts of the world.

Professor Joseph Horace Drake, a member of the Law School faculty from 1907 to 1930, had a lively interest in both Roman and Comparative Law. In 1923-24, while on a leave of absence in Europe, spent principally in Germany and France, he helped the Library to acquire its first important materials from those countries . . . .[50]

[50] *Id.*, pp. 1400-01.

Beginning in 1920-1921, the annual reports filed by Dean Bates with the President deal specifically with the Law Library and its affairs, a practice followed by E. Blythe Stason when he succeeded Dean Bates in 1939. These provide a year-by-year record of the development of the library, showing the increase in the number of books, the extension into new areas of specialization, and the changes in the physical housing of the library itself.

It should be recalled that in 1925 the Law Building, later known as Haven Hall, housed the classrooms, library, and administrative offices of the Law School. Although alterations and additions had been made, the nucleus and greater portion of the building had been erected in 1863. It was not fireproof and was supported almost entirely on wooden beams and joists. In his 1924-1925 report, Bates noted:

> . . . I need not labor the point that this situation brings danger of a most serious character to the lives of the occupants of the building and to our very valuable library.
>
> Our books are now scattered through four floors of the building and in ten different rooms, most of which have been converted from lecture rooms, debating society rooms, and attic space, into quarters that cannot be dignified with the name of library rooms. They are at best but poor stack rooms, inadequately lighted, separated by flights of stairs and long lengths of hall; and many of them we could not possibly reach in case of fire. This situation makes anything like either a logical or a convenient arrangement of the books impossible, and many thousand volumes are now, to all intents and purposes unavailable either for students or for members of the Faculty. The present shelf space is occupied to its limit and only by putting shelves in rooms heretofore deemed too dark and otherwise ill-adapted can we provide for the normal increase of our library for the next year and a half or two years, at the most. With the books thus scattered and with no elevator or dummy lift, the labor of transferring books from the stacks to the places of use is arduous and expensive.
>
> We have not adequate quarters for our small library staff and there is urgent need of increasing the staff at once. We are unable to keep pace in cataloguing our accessions and are now several thousands of volumes in arrears in that respect. We have been forced gradually to encroach upon the one reading room of our library by installing stacks to take care of our books. This has cut our accommodations for students far below a tolerable limit.
>
> We have no safe place in which to keep our rare and valuable books, of which we have many hundreds. In short, the whole library is at the mercy of the first fire started; and not only

would the financial loss in such case be very great, but several hundreds of our volumes are either absolutely irreplaceable, or could only be replaced at a prohibitory cost.[51]

Improvement in the housing of the Law Library did not occur for several years, but the advantages accruing from the appointment of Hobart Coffey as Law Librarian were commented upon in Bates' 1926-1927 report when he stated:

> For the first time the Law School has had the benefit of the services of one giving his full time to the development of the Library. The Library staff was also increased by the addition of trained librarians. The great benefit to the whole School by reason of this reorganization of the Library staff became apparent at once. With a smaller Library staff it had been found impossible to do much more than catalogue the routine books. We were years behind in this respect, as to our foreign books, of which we had acquired great numbers during recent years. This work has now been brought up nearly to date. Other improvements, as in equipment, service rendered in the Library, and the more economical purchase of books, have all become apparent.[52]

With adequate staffing of the Law Library, the Librarian was able to consider the long-run objectives of the collection. In the 1927-1928 report to the President, Bates noted:

> Considerable progress was made during the past year in completing our collection of early American statute law, and the reports of public utilities commissions, and in building up our collection of foreign statutes, reports, and periodicals. The Librarian spent three months in Europe during the early summer, buying material in the field of international and comparative law.
>
> The broadening conception of the objectives of the Law School and of the methods of instruction, calls for a corresponding development of the library. Specifically, this will mean, among other things, a very large increase in our collection of books upon foreign law, administrative law, international law, criminology, and statute law. While our library has been considerably augmented in all of these fields, during the last few years, it should be said that the leading schools throughout the country have very greatly increased the rate

[51] President's Report, 1924-1925, p. 118. It should be noted that the old Law Building, renamed Haven Hall and used by several departments of the College of Literature, Science, and the Arts, was destroyed by fire on June 6, 1950.

[52] President's Report, 1926-1927, pp. 110-11.

> at which they are developing their libraries, and we have not more than kept pace with such schools . . . .[53]

As described in Chapters X and XI, in 1929 William W. Cook announced his intention of erecting a Legal Research Building for the Law School. Work was commenced thereon, but it was not until Bates' report to the President for 1930-1931 that he was able to state:

> During the last days of the academic year our great collection of law books was moved into the magnificent, new Legal Research Library, given to the University by Mr. Cook. The work was smoothly and effectively performed by Mr. Hobart R. Coffey, Librarian, and his efficient staff. The completion of the new library building and the moving of our books into it are causes of great relief, for thus an end was put to the stalking fear of fire, which might easily have destroyed the whole collection in the old building. Moreover, 30 to 40 per cent of the collection was unavailable for use in the old building, which was altogether too small to house the collection . . . .
>
> The change gave immediate impetus to the work of all the departments of the School . . . .
>
> It is believed that the plan of this building embodies every desirable provision for the work of a law school. Much of the satisfactory arrangement and detail is due to the capable and conscientious supervision of Mr. Stason, who has represented the Law Faculty in the work of planning.
>
> * * * * *
>
> We now have, including unaccessioned material, between ninety and one hundred thousand volumes and, in addition, several thousand pamphlets and many duplicate volumes which are being held for exchange or as replacements. This indicates a very large increase in the number of volumes over the figure given in my last report. This is due to the fact that it has been our policy not to count as part of our collection any material not accessioned and catalogued. Thousands of volumes had accumulated in the old building which we were unable to dispose of in this way.[54]

The story of the development of a library has many aspects. In order to touch upon as many as possible in the years between the removal to the Legal Research Building and the end of the 1859-1959 period illustrative extracts have been selected from reports made by Hobart Coffey, Director of the Law Library, or by the Dean of the Law School.

[53] President's Report, 1927-1928, p. 112.

[54] President's Report, 1930-1931, pp. 110-11.

In 1935-1936, Dean Bates included in his annual report to the President "substantially all of Librarian Coffey's report to me":

> On July 1, 1936, the Law Library contained 123,989 volumes. Accessions for the year amounted to 6,473. 229 volumes were withdrawn, making our net accessions 6,244. This represents an increase of 730 volumes over the number accessioned in 1934-35.
>
> Of the 6,244 volumes added, 4,972 were purchased, 346 were gifts, 73 were exchanges, and 1,082 were bound.
>
> The total attendance in the reading room was 225,239, an increase of 25,459 over the previous year. During the past five years our reading room attendance has more than doubled.
>
> The open shelf and desk circulation for 1935-36 was 196,899, a decrease of 5,823 over the preceding year. The decrease may partly be accounted for by the fact that we now have more books such as law reviews, etc., on the open shelves. Students, after using these, return them to the shelves, and they are hence not counted in our books used.
>
> In the field of American law, we have kept up to date with the statutes, digests, reports, and the principal treatises. As in the past we have continued to strengthen our holdings in the field of American statute law. We were particularly fortunate in securing some early laws of Arkansas, California, and Colorado; a long run of Connecticut Acts; seven volumes of early Delaware laws; the Massachusetts Acts of 1746, 1747, and 1748; Acts of New Jersey, 1777, 1778, 1779, and 1806; and Acts of New Hampshire, 1801, 1804, 1816, and 1823. Our collection of attorneys'-general reports, bar association proceedings, and reports of public utility commissions, are now not far from complete.
>
> In the Canadian field we added the laws of Nova Scotia, 1854-57, 1869, and the Revised Statutes of 1859; and the session laws of Lower Canada of 1795. Important accessions of British Colonial material were the following: Cape of Good Hope, Eastern District Reports, 22 vols., 1897-1910; West Griqualand Reports, 5 vols., 1910-33.
>
> Our purchasing in the field of foreign law was very much restricted because of the low value of the dollar on the foreign exchange market. Some purchases were made, however, in those countries where the exchange was not too much against us. In view of the recent revaluation of certain European currencies we shall be able again to buy foreign material at reasonable prices.
>
> The outstanding acquisition of the year was the library of Francesco Carrera, sometime Professor of Law in the University of Pisa. This library, comprising more than 1,400 volumes, is largely devoted to legal history, public law, and

criminal law. Included are many early editions of the works of Italian jurists and also many works of early French, Spanish, and Dutch writers. The collection as a whole is excellently bound and well preserved. Its acquisition has enriched our collection to an extraordinary degree.

Through a New York dealer the Library last year secured one item to add to our incunabula: Antonius Archiepa Florentii: *Incipit tractatus notabilis.* Florence, 1474.

The Law Library at present receives 650 periodicals. Among the serial publications added to the Library during the past year are the following:

Camerino. Universita. Annali dell' Universita di Camerino. 1926-1935. 9 vols.
Lackawanna legal news. 1895-1903. 8 vols.
Leipziger zeitschrift für deutsches recht. 1907-1930. 24 vols.
Nagpur law journal (India). 1918-1933. 17 vols.
New South Wales weekly notes. 1884-1934. 51 in 25 vols.
Oudh weekly notes. 1922-1934. 13 in 12 vols.
Société d'histoire du droit normand. Bibliothèque. 1910-1931, 11 vols.
Revista de derecho privado. 1913-1934. 21 vols.
Travancore law journal. 1911-1934. 24 vols.

Two items for which we had been searching for years turned up last year and were bought at very reasonable prices. They were:

Livermore, Samuel. Dissertations on the questions which arise from the contrariety of the positive laws of different states and nations. New Orleans, 1828.
Malynes, Gerard. Consuetudo vel lex mercatoria. London, 1636.

We were fortunate in being able to add a number of important items to our collection of Russian material dealing with the history and law of the Empire. Among these items are the proceedings of the State Duma; the reports of the Council of State; and a nearly complete collection of the various editions of the Russian Codes. One item of importance dealing with the law of the new regime was secured: the official journal of the Soviet Commissariat of Justice.

We have secured a complete file of the proceedings of the various state conventions which ratified the Twenty-First Amendment to the Federal Constitution. The importance of this material seems to have been generally overlooked. In many instances the proceedings had not been printed, and in some cases state officials reported that the record had disappeared. Eventually we were able to procure typed or photostat copies of all the proceedings. Our set is probably the only complete one in America.

> Our collection of British government documents has been enriched by the addition of all the British Royal Commission reports dealing with legal questions, and by a great number of official documents relating to the new Indian constitution.
>
> The completed cataloging for 1935-36 amounts to 3,676 titles representing 7,835 volumes. This does not take into account some 400 items from the Carrera library purchase, which require more time for painstaking research than the staff, as at present constituted, has been able to award them, although the initial work has been done, making the volumes available on the shelves.
>
> During the year twelve exhibits of legal material were prepared by Miss Esther Betz, Assistant Law Librarian. These exhibits, which are placed in the reading room and the lower corridor of the Library, have attracted a great deal of attention from our own students, as well as from students and faculty in other departments of the University.[55]

With the outbreak of the war in Europe, shipments of legal materials diminished and then ceased. Some books continued to arrive from the British Dominions and Colonies, but in the light of world conditions increased attention began to be paid to acquisitions in the field of South American law. Writing in 1939-1940, Dean Stason reported:

> . . . We have been fortunate in securing several valuable sets of laws, decisions, and periodicals of certain South American countries which hitherto have not been available to us. We hope to continue developing this field. Ours is the only library outside of those on the Atlantic seaboard possessing any considerable collection of South American legal materials. Especially in view of the growing interest in Western Hemisphere affairs and in view of our research activities in Latin-American law, the need of expanding this part of the library collection is apparent.[56]

In the same vein, he noted in 1943-1944:

> . . . Visiting scholars from certain South American countries now report that our holdings are frequently more complete than those in their own libraries at home.[57]

While the library staff was curtailed during the war, its activity continued. In 1943-1944, Stason stated:

> Although accessions increased by nearly one-third, the work of the library was accomplished with a reduced staff of senior

[55] President's Report, 1935-1936, pp. 93-95.
[56] President's Report, 1939-1940, p. 116.
[57] President's Report, 1943-1944, p. 106.

employees and with immature and inexperienced student help. It goes without saying that, while the most essential work was taken care of, many important activities had to be put aside.

* * * * *

Considerable progress has been made in selecting material and preparing want lists against the day when the European market will again be open. Much more work of this character needs to be done, because the opening of the European sources of supply will bring with it severe competition for the materials available. The supply is bound to be greatly restricted because of the wholesale destruction of English and European libraries and book houses.

The library continued during the year to provide space for the Judge Advocate General's School, and accommodations in the reading room for servicemen in Japanese language courses.[58]

Four years later, in 1947-1948, while the Law School was coping with the post-war enrollment increase, Dean Stason noted the rise in the number of users, the problems faced by the staff, and then dealt with the accessions purchased with appropriations from the Lawyers Club of the University:

. . . Pursuant to a condition in the deed of gift to the effect that the net income of the Club shall be devoted to legal research, the Board of Governors of the Club appropriates from time to time substantial sums of money for the purchase of books for the Law Library for use primarily in furtherance of the research program. Such purchases supplement in valuable measure the part of the collection purchased from general funds provided by the Board of Regents for the regular maintenance of the working collection of the library. To illustrate the type of purchases made possible through this means during the year 1947-48, the Lawyers Club appropriation, consisting of $10,000, together with about $3,000 of "carry-over" from the preceding year, has been utilized to acquire a number of valuable items for our already notable collection of early American session laws, several volumes for our practically complete collection of early American constitutional convention reports, a considerable list of valuable early monographs and treatises, including three early editions of Blackstone's *Commentaries* to add to our already numerous editions of that famous work, a substantial number of early English reports and digests not hitherto available in our

[58] *Id.*, pp. 106-107.

> library, and a sizable group of several hundred items obtained from the European market in the field of international, Roman, and comparative law. Furthermore, important additions were made to our collection of foreign codes and statute laws and foreign periodicals. All of these items are of use primarily (but by no means exclusively) to the legal research staff, and for that reason they conform with the expressed intention of W. W. Cook, the donor of the Law Quadrangle, when he stipulated that the net proceeds of the Lawyers Club should be devoted to legal research at Michigan.[59]

In the same year, Stason commented on the work of the book selection division of the library and its relation to the long-run objectives of the Law Library:

> . . . The work of our book selection division deserves special mention. This has now been systematized and perfected in charge of one member of the staff, who devotes her full time to the task. We can now say with assurance that the coverage and selection of new accessions for the library is decidedly superior, and, after all, the merit of any great collection of books depends on the care and thought which has gone into the original selection. There are, and probably always will be, larger collections of law books than our own. It may be said with due modesty, however, that there is no law collection in the country which contains a larger amount of useful materials more readily available.[60]

The policy of acquiring of materials dealing with "anthropological jurisprudence," was touched on by Stason in 1950-1951:

> More than twenty-five years ago Sir Paul Vinogradoff of Oxford University, a leading authority on jurisprudence and legal history, who spent some time with us as a visiting lecturer, urged us to pay particular attention to works which might be called "anthropological jurisprudence," that is, the laws, customs, and usages of primitive peoples who are fast disappearing from the earth. He felt that much could be learned from these people, much that would explain the origin and development of law. Following this counsel we have bought a considerable quantity of such material from all parts of the world, and in our own country we have concentrated seriously on the laws of the American Indian tribes, assembling a collection that is so nearly complete that new items turn up only at rare intervals. This year, however, we have

[59] President's Report, 1947-1948, p. 104.
[60] *Id.*, p. 105.

> been successful in obtaining several valuable additions to the collection, including some rare and interesting items dealing with the early history and laws of the Cherokees, Chickasaws, Choctaws, and the Creek and Stockbridge nations.[61]

Other types of legal materials acquired by the Law Library were touched upon in Stason's report for the succeeding year, 1951-1952:

> In the field of foreign common law we have purchased a few valuable items which add considerably to the richness of our collection of British Commonwealth material. They are reports of cases decided in years gone by in the Bahamas, British Guiana, Ceylon, New Guinea, and also a very interesting collection from Scotland—the *Exechequer Rolls of Scotland, 1264-1908*. This last item consists of twenty-three volumes.
>
> In the field of civil law we have also made some notable additions during the year. Altogether, we have obtained approximately 350 volumes of fundamental legal source materials for Yugoslavia, a country hitherto almost unrepresented in our Library. We have also purchased some items for Bosnia, Serbia, and Finland, as well as a few on the laws of Hungary. It has seemed desirable to buy Slavic materials wherever we can discover them on the market because of the fact that the Iron Curtain regulations make it extremely difficult to import such materials, and it is certain that in the future, whether we are at war or in peace, we will have dealings with the Soviets and their satellite countries. Turkey is another country that has been almost completely lacking in representation in our Library until the present year. This year we succeeded in purchasing, through a dealer in Amsterdam, *The Compilation of the Laws of the Turkish Republic* beginning with the day of the proclamation—1923—and continuing to the present time. This set includes thirty-one volumes.[62]

The remaining years of the 1859-1959 period saw the Law Library continue its systematic growth under the directorship of Hobart Coffey. The stack addition in 1955, described in Chapter X, relieved the overcrowding of stacks and office and carrel space and also provided needed facilities for the Library staff. It was, however, estimated that should accessions continue at the rate in progress in 1958-1959, adequate stack space would be exhausted by 1967.

In an account of the Law Library, written in 1954, Coffey, after recognizing the importance of financial support to the Library's de-

[61] President's Report, 1950-1951, p. 108.
[62] President's Report, 1951-1952, p. 116.

velopment and after noting the significant contributions made by the members of the Library staff,[63] stated:

> The achievements of a library can rarely be attributed solely to the wisdom and competence of the director. Without generous support from the administration and without a competent staff most libraries would make little progress. Although the Law Library was never well supported during the first sixty years of its history, appropriations for books and staff over the past thirty years have been reasonably adequate. A small amount of support from trust funds has supplemented the regular University appropriations. Dean E. Blythe Stason has continued the wise policies of his predecessor, Dean Henry M. Bates, and has seen to it that the Library has received its fair share of the funds available to the School.
>
> No sketch of the Library would be complete without some mention of the staff members who, while working quietly behind the scenes, have contributed so much to the achievements of the Library. Of these staff members, Gertrude E. Woodard, already mentioned, was outstanding. She was succeeded as Assistant Law Librarian by Elizabeth Beal Steere ('10, A.M.L.S. '30) who served until 1918. Miss Steere was followed by Blanche E. Harroun who occupied the position until 1924, when she was succeeded by H. Rebecca Wilson ('21, A.M.L.S. '28). She served until 1927. In 1928 Esther Betz ('15, A.M.L.S. Mich. '29) was appointed Assistant Law Librarian and has continued in that position until the present time. Bessie Margaret Johnson (Park College '17), Chief Reference Librarian, has served since 1929; H. Rebecca Wilson returned as Chief Order Librarian in 1931. Catherine Maria Campbell ('15, A.M. '24), Chief Catalogue Librarian began her work in the Library in 1924 [and was succeeded in 1957 by George K. Boyce (Ph.D. '33, A.B.L.S. '37)].[64]

While the Law Library in 1959 was a part of the University Library system, it was operated as a part of the Law School, with its own administration and staff. The Director was a member of the Law Faculty and reported directly to the Dean and the Law Faculty. He was aided by a committee of the Law Faculty and by a staff of technically trained assistants.

[63] For a list of senior staff members of the Law Library, see Part II, XII:4. In 1958-1959, the staff included the following positions: Director, Assistant Director, 5 catalog librarians, 3 circulation librarians, 5 order librarians, 1 reference librarian, 1 documents librarian, 1 serials librarian, 2 bibliographers, 2 library assistants, 1 secretary, 2 clerks, 2 typist clerks.

[64] Coffey, *supra* note 41 at 1401.

The *Law Students' Handbook,* distributed in 1958-1959, set out the place of the Law Library in the law student's education. It informed the student:

> Finally, you will want to *become familiar with the Law Library,* which in a very real sense is the lawyer's laboratory. Learn to use the law reviews and the index to legal periodicals, the encyclopedias, the Digest System for finding cases, the annotated cases, the statutes, and the other useful tools of the law student and lawyer . . . . Do a reasonable amount of collateral reading of law reviews and other items as suggested by the instructors in your courses and by the notes in your casebook. However, don't turn to the Law Library until you have worked with the casebook material yourself, doing what you can to put the cases together so that they "make sense." Then go to the Law Library to see what others make out of that area of the law. Trying to "tie in" such reading with the ideas you develop from your cases and classwork and discussion with other students will make it much more valuable to you. Moreover, if you can possibly find the time, get into the habit of doing at least a little reading in legal fields not required in connection with your courses. Spend at least a little time on legal biography, on books or articles regarding the relationship of law to government, or politics, or history, or business and economic life, or psychology, or philosophy, or any of the other fields outside the strict law itself. Such semi-recreational reading in the Law Library's vast stock of materials will prove of interest and value, and help to correlate what you are learning in Law School with your prior studies in college and with the world outside the law.[65]

One of the lesser known aspects of the Law Library's development has been the steady acquisition of significant legal incunabula. As of January 1, 1959, there were fifty-seven such volumes listed in the Library's catalogue.

The earliest record of any periodicals received by the Law Library appeared in the report for 1883-1884 filed with the Board of Regents by the University Librarian. He stated: "Eight Journals are taken, three of which are sent gratuitously." [66] The number of periodicals received did not increase appreciably for many years, and by 1900-1901 only eighteen were taken. In 1922-1923, just prior to Hobart Coffey's appointment as Law Librarian, the Library received seventy. Twelve

[65] Law Students' Handbook (1957), p. 15.
[66] Regents' Proceedings, 1881-1885, p. 510.

years later, the number had increased to six hundred and six. In 1943-1944, the last year in which the periodicals were distinguished from serials, the Library records show that 1,078 were received, while in 1957-1958, a total of 3,848 serials was listed.

Faced with the constant problem of pressure on stack space and the increasing volume of legal publications, the Law Library turned to microfilm as a partial solution in a limited number of situations. The first microfilm reader was acquired in the latter part of the nineteen thirties. The microfilm collection, including records and briefs of the federal courts, copies of rare books, or of manuscript collections, proved useful to the Law Faculty and to graduate students pursuing independent research. The reading equipment and most of the microfilm reels were housed in a specially equipped room in the Legal Research Building.

The foundation of the Law Library's manuscript collection was laid in 1932 when the Michigan Supreme Court ordered its files and bound volumes of records during the territorial and early statehood period turned over to the Michigan Historical Commission which then deposited them with William Wirt Blume in the Legal Research Building. In 1933 by a similar arrangement with the Wayne County Circuit Court, the records of the courts of Common Pleas and Quarter Sessions, held in Wayne County between 1796 and 1805 were deposited with Professor Blume as well as other court records for Wayne County prior to 1836. The collection was further increased by the deposit in 1941 of the few surviving original records of the court of the "additional judge for the territory of Michigan" sitting at Michilimackinac and by photoduplications of the transactions of the same court sitting at Green Bay and at Prairie du Chien and Mineral Point. In 1942 microfilm copies of the files and bound volumes of the Circuit Court of Wayne County, Territory of Michigan, prior to 1837, were added. In 1958, photostat copies of the files and bound volumes of the Probate Court of Wayne County between 1796 and 1817 were acquired. These photographic duplications were made possible by grants made under the William Cook Endowment Income.

In 1956, on petition of the Michigan Historical Commission, Ira B. Jayne, Presiding Judge of the Circuit Court for Wayne County, ordered the depository for such court records as had originated in Wayne County, changed from Blume to the Law Library of the University of Michigan. The entire collection, including the original records, photostats, microfilms, indices, card catalogues, and miscellaneous additional

information accumulated by Blume, were housed in the Archives Room in one of the towers of the Legal Research Building.[67]

During the latter months of 1957, the Planning Committee of the Law Faculty requested Hobart Coffey to prepare memoranda dealing with the probable development of the Law Library for the following ten to fifteen years. Because Coffey's reports throw considerable light on procedures and policies of the Library at the close of the 1859-1959 period, certain extracts have been selected for incorporation.

The first memorandum, dealing with library holdings, annual accessions, and stack capacity, stated:

> Herewith the information requested by your chairman:
>
> 1. Library holdings as of November 1, 1957, 278,802. These are actual, honest-to-God volumes. All books withdrawn because they are obsolete or worn out are deducted from the final count.
>
> 2. Our stack capacity (reading room and Hutchins Hall included) is estimated to be about 360,000 volumes. If all space could be filled—an impossibility except in a dead collection—the stacks might hold 370,000 or more.
>
> 3. Our annual accessions range from about 8,000 to 10,000. For the next two or three years I estimate that the annual growth will be around 8,000. Thereafter, if funds are available, annual accessions will go up, probably to around 9,000.
>
> 4. We estimate six law volumes to the running foot. Actually, we get more than six in certain collections. A fair estimate is six and one-half. Thus we use up from 1,200 to 1,500 running feet per year. In terms of sections or ranges we actually spread out over more than 1,500 feet because some shelves have to be left vacant—sometimes whole sections—to permit expansion without having to shift a whole stack level.
>
> 5. We probably have space left for approximately 80,000 volumes . . . .[68]

In the second memorandum, Coffey touched upon other matters and then dealt with the policy of the Law Library in the development of its foreign law collection:

> I estimate that accessions which fall outside the field of Anglo-American Law now account for at least 55 per cent of our annual additions, and that these cost us about 40 per cent of the annual budget. Foreign books, by and large, cost us

[67] See Part II, XII: 5 for a list of these archives.

[68] Attachment No. 6, Nov. 20, 1957, Report of the Planning Committee, March 5, 1958, accepted March 21, 1958.

somewhat less per volume than American and British materials.

We are now acquiring materials for all countries of Western Civilization, and some materials for countries outside of that category. Our aim has been to acquire the basic materials for every country. The easy work has all been done, and we are now engaged, in the difficult and the impossible. It is reasonable to suppose that each succeeding year will show a somewhat larger percentage of our accessions devoted to countries outside the United States and the British Commonwealth; and with this will come a somewhat higher percentage of the book fund spent on materials outside the common law orbit.

To insure that there is no misunderstanding on one point, let me say that the development of the foreign law collection has not been the result of a whim or caprice on the part of the director. The decision to go outside the common law area was made as early as 1924. The responsibility for the decision rested with Dean Henry M. Bates and his advisers. The policy laid down at that early time has had the support of the present dean and the few members of the faculty actively interested in the foreign and international law fields. To say that the program has had the approval or support of all members of the faculty would be an exaggeration. It is only fair, however, to say that the program has met with no active opposition on the part of faculty members. I can also say that the Regents and University administration have been aware of our program and have supported it generously.

This is not the time or place to enter into a detailed exposition or analysis of what we have thus far accomplished in the development of our collection of foreign materials. A brief statement will have to suffice. For each country we have entered, we have tried to acquire first of all the basic materials—constitutions, statutes, codes, commentaries on the codes, court reports, leading periodicals, the publications of learned societies, and important treatises. We began with the larger and more important countries of Western Civilization—Germany, France, Switzerland, Italy, Spain, Belgium, and Holland. Later we started to build collections for the Scandanavian countries. Beginning about 1938 we pushed into the South American and Central American field. Russia, the Balkan countries, and the states of the Near, Middle, and Far East have not been entirely neglected, but the materials we have for those countries are often sparse and incomplete. If we continue with our foreign law acquisitions program, our next areas of concentration must be Russia, the Balkans, and

the Orient. It is hardly necessary to speak here of the difficulties that confront us even in ascertaining what has been published in countries such as Albania or Iran, for example. The difficulties of evaluating materials and securing them once we know what we want are enormous, particularly in those countries where the export book trade is poorly organized or even non-existent. Fortunately for us the materials which we still lack are probably of far less importance than those we have already secured.

There is no very exact standard by which our collection can be measured against the half-dozen other similar collections in the world. Numbers of volumes are only one criterion, and probably not the most important one. Completeness and usability are important considerations. Harvard and the Library of Congress are undoubtedly superior to Michigan. I suspect that Michigan may be ahead of Yale and Columbia in some respects, but certainly not all. The Los Angeles County Bar library is outstanding, at least in the West. There are no other libraries of consequence so far as foreign law is concerned.

It is doubtful that any library in England, or any library on the continent has anything to compare with the Michigan collection, though certain foreign libraries are strong in the holdings of their own countries and in certain special fields. Without being unduly immodest, I think we are safe in saying that Michigan is one of the three or four great law libraries of the world. Foreign scholars who have worked here have been unanimous in their praise. I am told that it is a commonplace among scholars in Brazil that the best place to study Brazilian law is not Rio, but Ann Arbor, Michigan.

Our Michigan foreign law program for undergraduate and graduate students appears still to be in an amorphous state. I think it is likely to remain that way for a long time to come. While this may be regrettable from many points of view, I do not think it is very important from the standpoint of library development. Our foreign collection—and much of the Anglo-American collection as well—has been acquired for research purposes, for the aid of the scholar rather than for ordinary classroom needs. Indeed, our type of library could never be justified if our only purpose or our main purpose were to serve the student body. I have no doubt whatever that institutions such as Virginia, Iowa, and Oklahoma serve their undergraduates quite as satisfactorily as Michigan. They may even do a better job. Still, what makes a library great is not the possession of the books which everyone else will have. It is the ownership of the volume which is called for only once in ten

> years—the volume which will be found in the top-ranking library, but probably nowhere else.[69]

When William Cook offered to erect a Legal Research Building, to house the Law Library and to provide facilities for legal research, he altered the course of development of the Michigan Law Library. The Law Faculty were able to look beyond the immediate needs of the undergraduate law student and to think in terms of scholarly research and the materials this demanded.

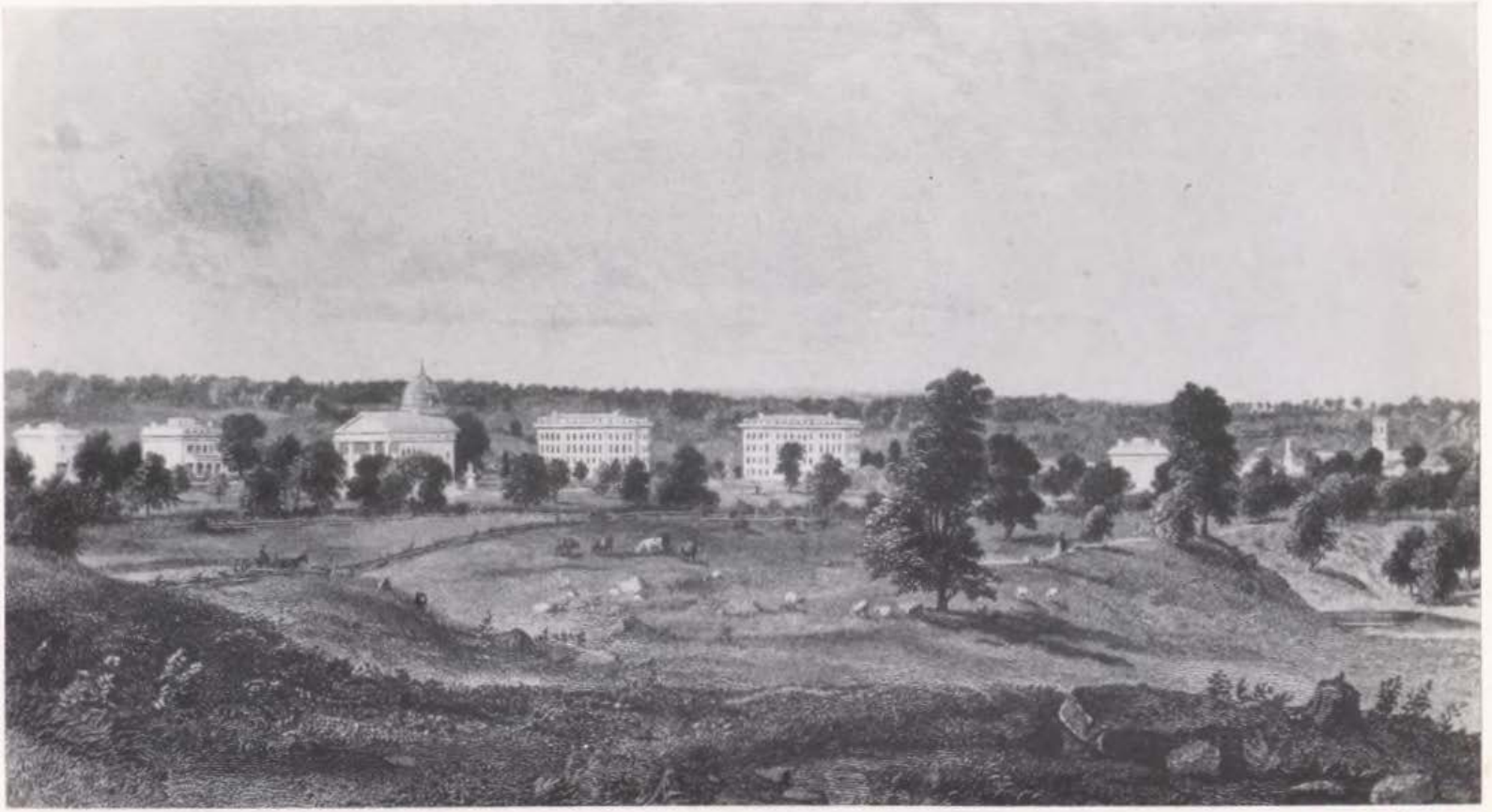
In *A Book of the Law Quadrangle,* published in 1934, this statement appeared:

> It is hoped eventually to have a collection of law books which will permit scholars to do research work in any field of law, regardless of country or period.[70]

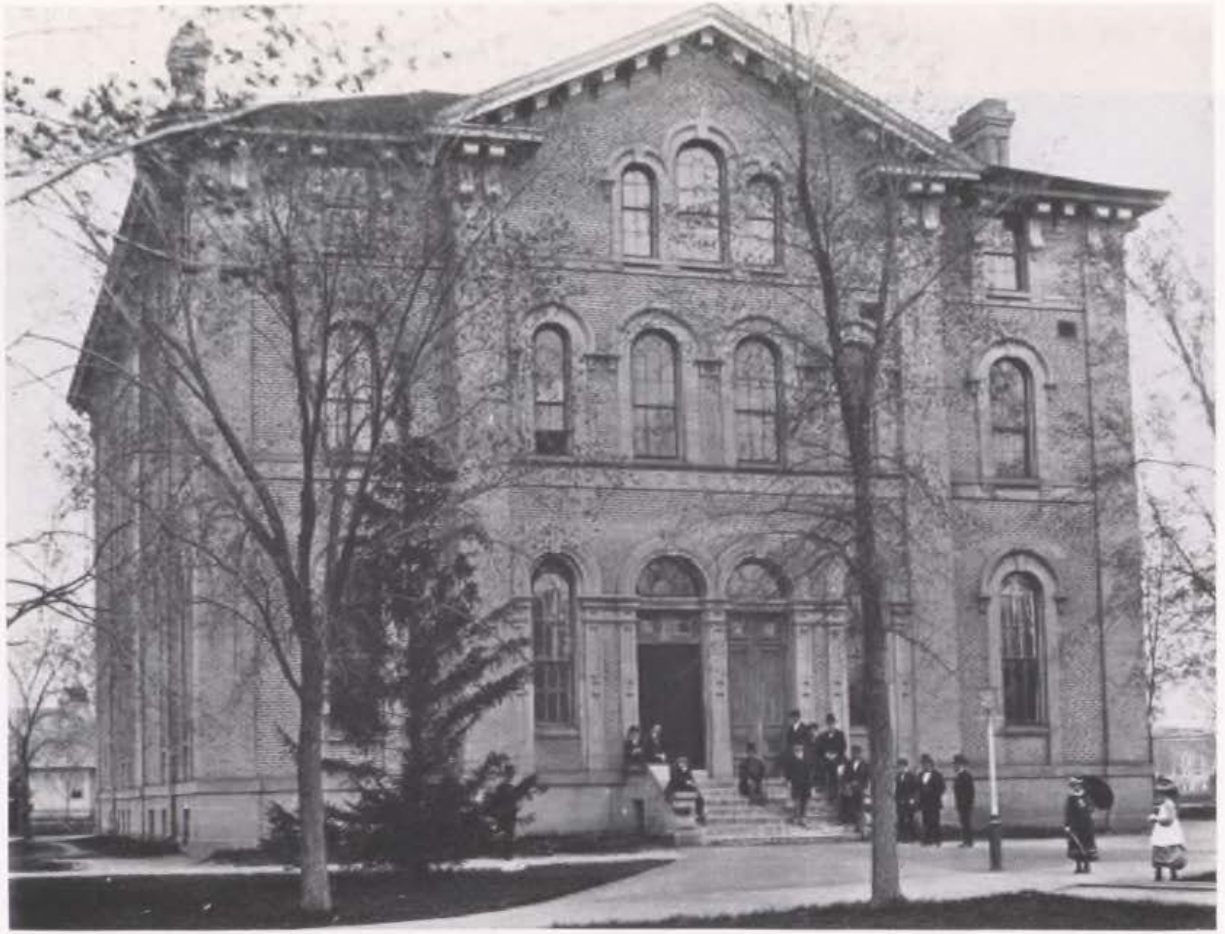
At the close of the 1859-1959 period much had been done toward attaining that objective.

[69] Attachment No. 7, Dec. 5, Report of the Planning Committee (1958).
[70] A Book of the Law Quadrangle (1934), p. 43.

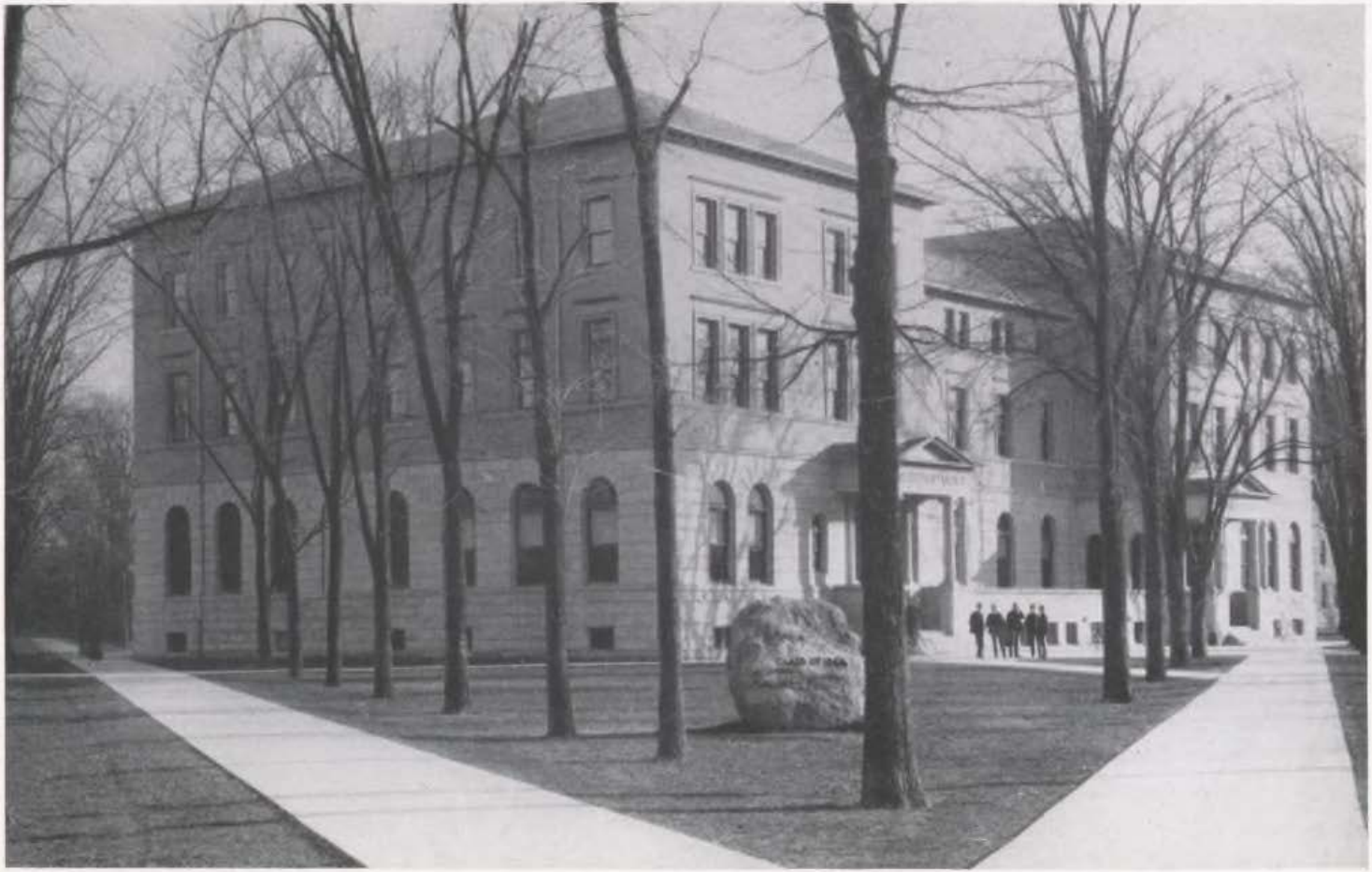
PLATES



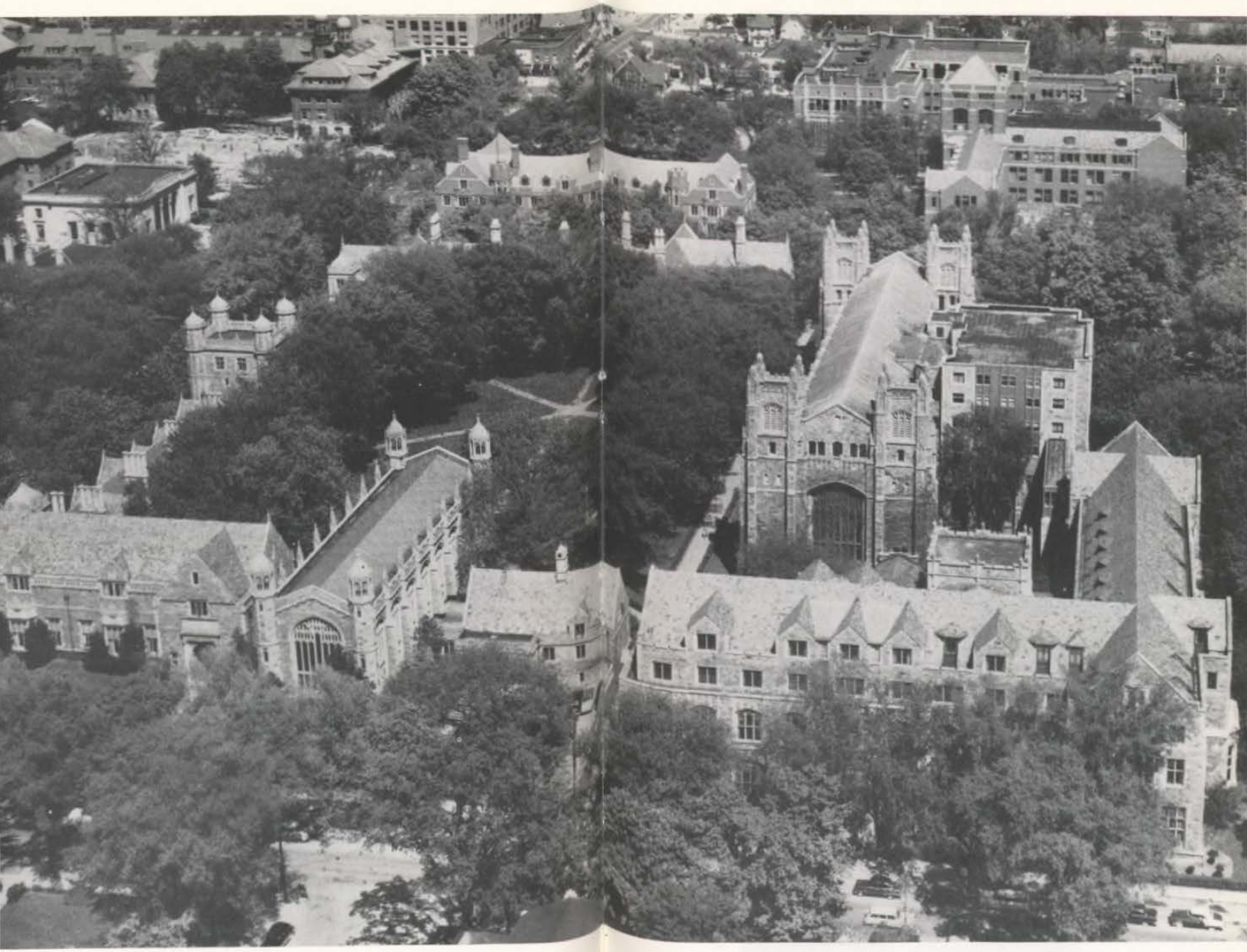
THE UNIVERSITY OF MICHIGAN: 1859



THE LAW BUILDING: COMPLETED IN 1863



THE LAW BUILDING: RECONSTRUCTED IN 1897

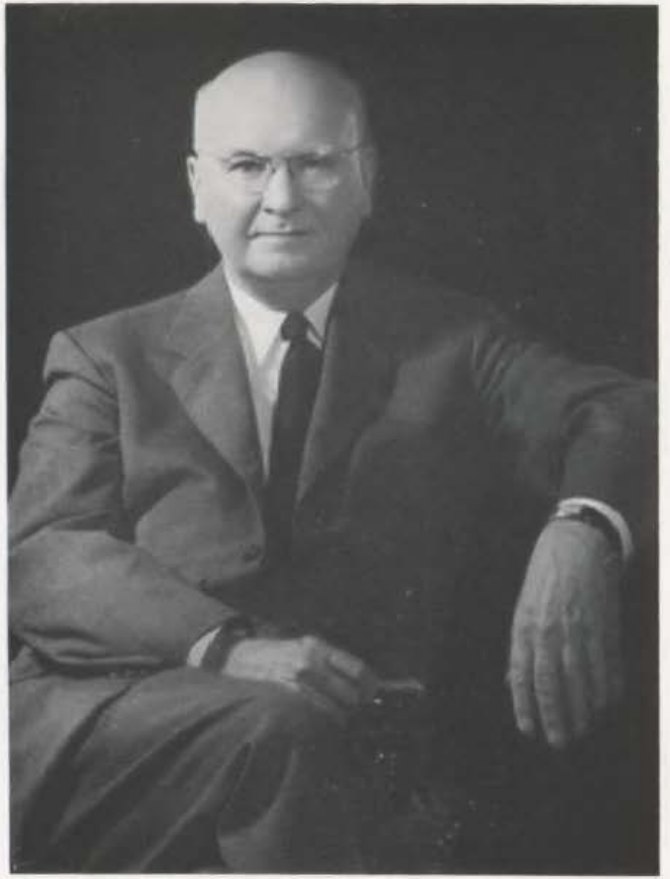


THE LAW QUADRANGLE: 1959

John P. Cook Building

Legal Research Building

HARRY BURNS HUTCHINS
Dean, 1895-1911



E. BLYTHE STASON
Dean, 1939—

HENRY M. BATES
Dean, 1911-1939

THE LAW FACULTY: 1959

THE PRACTICE COURT: 1959

PART II

TABLES, CHARTS, AND DOCUMENTS

Chapter I

The Catholepistemiad: Judge Woodward Looks to the Future

I:1. "An Act to Establish the Catholepistemiad, or University of Michigania" August 26, 1817

Be it enacted by the Governor and the Judges of the Territory of Michigan, That there shall be in the said Territory a *catholepistemiad,* or university, denominated the *catholepistemiad* or university of Michigania. The *catholepistemiad* or university of Michigania shall be composed of thirteen *didaxiim* or professorships: first a *didaxia* or professorship of *catholepistemia,* or universal science, the *didactor* or professor of which shall be president of the institution; second, a *didaxia* or professorship of *anthropoglossica* or literature, embracing all the *epistemiim* or sciences relative to language; third a *didaxia* or professorship of mathematica or *mathematics;* fourth a *didaxia* or professorship of *physiognostica* or natural history; fifth, a *didaxia* or professorship of *physiosophica* or natural philosophy; sixth, a *didaxia* or professorship of *astronomia* or astronomy; seventh, a *didaxia* or professorship of *chymia* or chemistry; eighth, a *didaxia* or professorship of *iatuca* or medical sciences; ninth, a *didaxia* or professorship of *oeconomia* or economical sciences; tenth, a *didaxia* or professorship of *ethica* or ethical sciences; eleventh, a *didaxia* or professorship of *polemitactica* or military sciences; twelfth, a *didiaxa* or professorship of *diegetica* or historical sciences, and thirteenth, a *didax* a or professorship of *ennoeica* or intellectual sciences, embracing all the *epistemiim* or sciences relative to the minds of animals, to the human mind, to spiritual existence, to the Deity, and to religion; the *didactor* or professor of which shall be vice president of the institution. The *didactors* or professors shall be appointed and commissioned by the Governor. There shall be paid from the treasury of Michigan, in quarterly payments, to the president of the institution, and to each *didactor* or professor, an annual salary, to be from time to time ascertained by law. More than one *didaxia* or professorship may be conferred upon the same person. The president and *didactors* or professors, or a majority of them assembled, shall have power to regulate all the concerns of the institution, to enact laws for that purpose, to sue, to be sued, to acquire, to hold and to alien property, real, mixed and personal, to make, to use and to alter a seal, to establish colleges, academies, schools, libraries, musaeums, athenoeums, botanic gardens, laboratories, and other useful literary and scientific institutions, consonant to the laws of the United States of America, and of Michigan, and to appoint officers, instructors and instructri, in, among and throughout the various counties, cities, towns, townships, and other geographical divisions of Michigan. Their names and style as a corporation shall be 'The *Catholepistemiad* or University of Michigania.' To every subordinate instructor and instruxtrix, appointed by the *catholepistemiad*

or university, there shall be paid from the treasury of Michigan, in quarterly payments, an annual salary, to be from time to time ascertained by law. The existing public taxes are hereby increased fifteen per cent.; and from the proceeds of the present and all future public taxes, fifteen per cent. are appropriated for the benefit of the *catholepistemiad* or university. The Treasurer of Michigan shall keep a separate account of the university fund. The *catholepistemiad* or university may prepare and draw four successive lotteries, deducting from the prizes in the same fifteen per cent. for the benefit of the institution. The proceeds of the preceding sources of revenue, and of all subsequent, shall be applied, in the first instance, to the acquisition of suitable lands and buildings, and books, libraries and apparatus, and afterwards to such purposes as shall be from time to time by law directed. The *honararium* for a course of lectures shall not exceed fifteen dollars; for classical instruction, ten dollars a quarter, and for ordinary instruction, six dollars a quarter. If the judges of the court of any county, or a majority of them, shall certify that the parent or guardian of any person has not adequate means to defray the expense of suitable instruction, and that the same ought to be a public charge, the *honararium* shall be paid from the treasury of Michigan. An annual report of the state, concerns, and transactions of the institution shall be laid before the legislative power for the time being. This law, or any part of it, may be repealed by the legislative power for the time being.

Made, adopted, and published from the laws of seven of the original States, to wit: the States of Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Virginia, so far as necessary and suitable to the circumstances of Michigan, at Detroit, on Tuesday, the 26th day of August, in the year of our Lord one thousand eight hundred and seventeen.

WILLIAM WOODBRIDGE,
Secretary of Michigan, and at present Acting Governor thereof.
A. B. WOODWARD,
Presiding Judge of the Supreme Court of the Territory of Michigan.
JOHN GRIFFIN,
One of the Judges of the Territory of Michigan.

I:2. LAW SCHOOLS ESTABLISHED PRIOR TO 1860 IN THE UNITED STATES

SOURCE: Arthur Z. Reed, *Training for the Public Profession of the Law* (1921), pp. 423-24

A. CHRONOLOGICAL LIST OF INSTITUTIONS OFFERING RESIDENTIAL INSTRUCTION IN PROFESSIONAL LAW, OMITTING PRIVATE LAW SCHOOLS NOT CONFERRING DEGREES

In the case of many schools connected with a college or university the connection is so slight that it would be misleading to draw a hard and fast line between such institutions and those that are avowedly independent. Moreover, the organic status of a law school is apt to vary at different periods in its history. This list accordingly purports to include, in addition

to all college or university law schools, all independent institutions that claim, by conferring law degrees, to be doing substantially university work.

The dates are those of actual operation, ignoring a few instances of temporary suspension of activities during the War with Germany. When the school or department is a continuation of a private institution not conferring degrees, the dates of operation under these earlier conditions are given, when ascertainable, in parentheses. Names of defunct institutions, names of live institutions that do not now maintain residential law departments, and names not now in use, are in *italics*.

William and Mary College, Williamsburg, Virginia. 1779-1861; 1920-
University of Pennsylvania (*College of Philadelphia*), Philadelphia, Pennsylvania. 1790-92; 1817-18; 1850-
Columbia University, New York City, New York. 1794-98; 1824-26; 1858-
Transylrania University (*Kentucky University*), Lexington, Kentucky. 1799-1861; 1865-79; 1892-95; 1905-12.
Harvard University, Cambridge, Massachusetts. 1817-
University of Maryland, Baltimore, Maryland. 1823-32; 1870-
Yale University, New Haven, Connecticut. (*Staples-Hitchcock school;* affiliated) 1824-
University of Virginia, Charlottesville, Virginia. February, 1826-
George Washington University (*Columbian College*), Washington, District of Columbia. 1826-27; 1865-
Dickinson College, Carlisle, Pennsylvania. 1834-50; 1862-82; 1890-
University of Cincinnati, Cincinnati, Ohio. (Cincinnati Law School, 1833; affiliated with *Cincinnati College,* 1835; separate school started by the University, 1896; the two merged, 1897; connection with the University broken, 1910; reestablished 1918) 1835-41; 1842-
New York University, New York City, New York. 1838-39; 1858-
Lafayette College, Easton, Pennsylvania. 1841-52; 1875-84.
Indiana University, Bloomington, Indiana. 1842-77; 1889-
St. Louis University, St. Louis, Missouri. 1842-47; 1908-
University of Georgia, Athens, Georgia. (*Lumpkin Law School,* 1843; affiliated) 1843-61; 1865-
University of North Carolina, Chapel Hill, North Carolina. (*Battle School,* 1843; affiliated) 1845-68; 1877-
University of Alabama, Tuscaloosa, Alabama. 1845-46; 1873-
University of Louisville, Louisville, Kentucky. 1846-
Princeton University (*College of New Jersey*), Princeton, New Jersey. 1846-52.
Tulane University (*University of Louisiana*), New Orleans, Louisiana. 1847-62; 1865-
Cumberland University, Lebanon, Tennessee. 1847-61; 1866-
Albany Law School (*University of Albany,* Union University), Albany, New York. (1851; affiliated with Union College, 1873) 1851-
University of Nashville, Nashville, Tennessee. 1854-55; 1870-72.
University of Mississippi, Oxford, Mississippi. 1854-61; 1867-70; 1871-74; 1877-

De Pauw University (*Indiana Asbury University*), Greencastle, Indiana. 1854-62; 1884-94.
Hamilton College (*Maynard Law School*), Clinton, New York. 1855-87.
Baylor University, Independence, Texas. 1857-59; 1865-72; Waco, Texas, 1920-
Northwestern University, Chicago, Illinois. (*University of Chicago,* 1859; Union College of Law affiliated with both universities, 1873-86; incorporated 1888; control assumed by Northwestern 1891) 1859
University of Michigan, Ann Arbor, Michigan. 1859-

I:3. REPORT OF REGENTS' COMMITTEE ON ORGANIZATION AND GOVERNMENT OF THE UNIVERSITY, MARCH 24, 1838

SOURCE: *Regents' Proceedings, 1837-1864,* pp. 42-43

The Committee on the Organization and Government of the University, to whom was referred the Regents' resolution of the 3rd instant, have had the same under consideration and beg leave to report: That it would in their view best promote the interests of the Institution, and of sound learning, Science, and Literature, to organize each general Department of Instruction as a separate College or Collegiate Department, to be under the literary Government of its own Presiding Officer, so far as the several branches taught therein are concerned, subject, however, to the Laws prescribed by the Regents. Such a sub-division of local government and responsibility of action is not only deemed wise in principle, but the course is rendered imperative by the ninth section of the Organic Act, which declares that "the immediate government of the several Departments shall be intrusted to their respective Faculties."

The eighth section prescribes the general Collegiate divisions and the separate Professorships which may be appointed under each, by the Regents, and circumscribes their power within the recited number. It is clear, from a view of this Section, that the Act contemplates a College of Literature, Science, and the Arts, and a College of Surgeons and Physicians, as the two primary Institutions. Subordinate in rank, but at the same time perfectly distinct, are, a Department of Law, a Department of Natural History and Chemistry, and a Department of Fine Arts, Civil Engineering, and Agriculture. Each of these requires, in our opinion, for its healthy action, a Presiding Officer or Principal to whom shall be committed its local government and management; and to this end, each needs to have appropriate buildings, lecture rooms, books, and apparatus. The Committee do not wish to trench on the Professorships Committee by expressing an opinion on the number of Professors to be appointed, or the grouping of their duties; but they deem it essential that whatever the number be, their respective duties should be independently performed. This is believed to be the principle of excellence in literary labours. It appeals at once to the highest motives, to intellectual exertion, and secures to its fullest extent, individual accountability.

Such a distribution of powers would leave the Chancellor to perform the

duties of a civil and moral governor of the whole Institution. He would preside over the deliberations of the Faculty and be responsible to the Regents for the due administration of the prescribed laws, and for the internal polity and general prosperity of the University. To these duties it is deemed proper to add the delivery of occasional lectures, at his own pleasure as to time and topic. Every Professor having an appointment from the Regents should be a member of the Faculty Board. The rules by which this Board is to be governed are properly within the province of the Committee for preparing a Code of Laws.

It is believed that the buildings for the Medical and Surgical College could be most beneficially located at Detroit; but the graduation exercises would take place, and the degrees be conferred, at the Mother Institution. The reasons for this recommendation are founded wholly on the advantages for Anatomical and Clinical lectures which are possessed by this place and which, from its commercial growth and importance, it must continue to enjoy over any other in the State. Under these general views, the Committee respectfully submit the following resolutions:

1st. *Resolved,* That the Professor of Moral Philosophy shall be *ex officio,* President of the College of Literature, Science, and the Arts.

2nd. *Resolved,* That the Professor of the Theory and Practice of Medicine shall be *ex officio,* President of the College of Surgeons and Physicians.

3rd. *Resolved,* That the Professor of Common Law shall be the Principal of the Law Department.

4th. *Resolved,* That the Professor of Geology and Mineralogy shall be the Principal of the Department of Natural History and Chemistry.

5th. *Resolved,* That the Professor of Civil Engineering shall be the Principal of the Department of the Fine Arts, Civil Engineering, and Architecture.

6th. *Resolved,* That the Chancellor shall execute the duties of a civil and moral Governor of the University; that he shall preside over the Faculty, and, with its aid, be responsible for the administration of the Laws and Regulations; and for the superintendence of its internal polity and general welfare; and that he shall, furthermore, be a lecturer *ad libitum.*

7th. *Resolved,* That the buildings required for the College of Surgeons and Physicians shall be erected at the City of Detroit.

Adopted in Committee, March 17th, 1838.

(Signed) HENRY R. SCHOOLCRAFT, *Chr.*

I:4. MEMORIAL TO THE REGENTS, JUNE 1, 1852

LOCATION: *Michigan Historical Collections, University of Michigan*

To the Regents of the University of Michigan:

The undersigned citizens of said state, feeling deeply interested in the welfare and usefulness of the University and believing that measures should be taken to extend its usefulness as widely and as speedily as possible, beg leave to present to your honorable body this memorial and petition.

From the foundation of the University the organic law of that institution has provided for three departments of study, viz:

1. The department of literature, science and the arts;
2. The department of law;
3. The department of medicine.

The first of these departments has been in full operation from the beginning of the existence of the University proper, and has been completely organized in such a manner as to provide for a full collegiate education. The department of medicine, although more recently established, has become already a most efficient and successful institution. The faculty of that branch of the University are enabled, as the professorships are now filled and arranged, to qualify students for the successful practice of both medicine and surgery.

No provision has yet been made, however, for any instruction in the department of law. And it is in relation to this subject, which your petitioners believe is of no slight importance, that they beg leave to address you.

Your petitioners are aware that the funds of the University will not allow the immediate establishment of a law school in all its parts, and the necessary library for that purpose. That a law school should be completely organized as soon as possible, when the means in your hands will permit, they believe is very important. But it is by no means necessary that legal instruction should be deferred until an efficient law school can be supported. Although the education of lawyers may be a very important part of the design of a law department, it cannot be that the course of legal instruction laid down in the plan of the university was meant to be confined to that.

The professorships provided are

1. International law.
2. Common law and equity.
3. Constitutional and statute law.
4. Commercial and maritime law.
5. Jurisprudence.

These subjects combined form the substance of complete legal knowledge. But there are portions of the course, which no man of any pretence to sound learning can afford to be ignorant of. And such branches of legal knowledge as are most needed by the community, whether as statesmen, legislators, magistrates, men of business, or private citizens, should be provided for at once, as essential to that usefulness in life which it is the aim of all true education to produce.

It is well known to the Board, that the admirable commentaries of Blackstone, which have become the basis of legal education wherever the common law is known, were written and delivered in the form of lectures, in the University of Oxford, as a part of the collegiate course. In the introductory lecture on the study of the law the illustrious commentator has furnished irresistible reasons why no education can be considered complete, without an acquaintance with the general rules of law. He refers to the fact that in Scotland and on the continent of Europe a knowledge of

legal principles and of municipal law is always deemed an essential part of a liberal education. And he argues that in England, as elsewhere, the private citizen should obtain this knowledge that he may know his rights and duties, the landholder that he may understand the disposition of his estate by deed or will, the juryman that he may the better appreciate the bearing of the legal propositions laid down by the courts, the magistrate that he may decide justly. He speaks with much severity of the ignorance on this subject manifested by many legislators; and attributes the mischiefs which have arisen from inconsiderate legislation to the defective education of members of the national legislature.

Chancellor Kent's Commentaries, which are to American law what Blackstone's are to English, were delivered at Columbia College in the general course. The opinions and the practice of two such men are worthy of highest consideration.

In this country every man is called upon periodically to decide by his vote upon questions involving Constitutional, municipal, and sometimes international law. Every man is eligible as a juryman, and in that capacity passes upon all manner of rights and contracts; every man may become a magistrate, and in that office is guardian of the lives and security, as well as the property, of the community; every man may aspire to a place in the general or local legislature, and there above all, should know what the law is, before he seeks to alter or repeal it. And while every office is thus open to all men, and they are therefore bound if possible to become qualified for its due exercise, there are few citizens who are not actively engaged in the business of life, as farmers, mechanics, merchants, or professional men. Ignorance of the ordinary incidents of his business marks a man at once as contemptible; and yet it is not often remembered that the legal incidents of various contracts and dealings are as inseparably connected with the right management of affairs as what are called their practical elements. It is notwithstanding a notorious fact, that a large majority of litigation arises out of ignorance of the simplest legal rules affecting the ordinary business of the community.

This can and should be remedied. Even if a law school should never be established, such branches of law should be taught as will fit men for the common duties of life, and for their responsibilities as citizens of a representative republic. They should understand our legal relationships with other nations; they should be acquainted with their own constitutional rights and their legal duties. The principles of commercial law, which have been drawn entirely from the light of commercial experience, lie at the foundation of all our prosperity. There is not a graduate of the University, nor a student there, who would not be greatly benefitted by instruction upon these subjects.

So long as the instruction in this department is not extended to a full legal course, it may be imparted by one or more professors, as means will justify. Chancellor Kent's lectures embrace every branch of law, and are equally profound and instructive upon all. Blackstone's Commentaries embrace the principles of all the laws of England. As the number of professors

increases, each branch of law may be more fully elaborated. But, a single professor can, in the meantime, deliver instruction upon all branches of law which are most necessary for the general student; and his services will be as useful as those of any professor in the University.

The intention of all our public state institutions is to prepare those who enter them to do service to the state, as good citizens, in whatever sphere or occupation they may be found. It is to make them sound practical men, fitted for their duties, and understanding the importance of their due performance.

Your petitioners therefore pray, that the first moneys in the treasury which can be spared from the current expenses of the university as now organized, may be devoted to the establishment of one or more law professorships.

And your petitioners will ever pray, etc.
Dated June 1, 1852.

WILLIAM HOWARD
D. A. HOLBROOK
AND. T. M. REYNOLDS
WILLIAM HALE
ROBT. P. TOMS
CHARLES S. COLE
ROBT. H. BROWN
H. H. WELLS
JAMES V. CAMPBELL
JAMES A. VAN DYKE
GEORGE A. O'KEEFFE
HENRY D. A. WARD
LOTHROP & DUFFIELD
I. W. WATERMAN
D. E. HARBAUGH
E. V. WILLING
WILLIAM GRAY
THOS. C. MILLER
JAMES B. WITHERELL
SAMUEL T. DOUGLASS
GEORGE SEDGWICK
A. PRATT
A. D. MASON
ALEX DAVIDSON
LEVI BISHOP
H. T. MEDARIS
G. P. SHELDON
THOS. W. LUKEWOOD
WM. T. YOUNG
J. VAN RENSSELAER
O. BARSTOW
THOS. H. HARTWELL
C. I. WALKER
HUNT & NEWBERRY
B. F. H. WITHERELL
GEO. SUMNER
GEO. G. BULL
GEO. E. HAND
SIDNEY D. MILLER
O. HAWKINS
D. JOHNSON
JAS. M. WALKER

I:5. ADVERTISEMENT OF THE OPENING OF THE LAW DEPARTMENT: 1859

SOURCE: *Detroit Weekly Tribune*, July 5, 12, 19, 26; August 2, 9, 1859

Law Department of the University of Michigan

The Board of Regents of the University of Michigan, in March 1859, established a law department therein, and appointed the following professors, viz:

Hon. James V. Campbell,
Hon. Charles I. Walker,
Hon. Thomas M. Cooley

To the various Professors are assigned the various branches of the Law, in all its departments, including Constitutional, International, Maritime, Commercial, and Criminal Law, Medical Jurisprudence and the Jurisprudence of the United States.

Instruction is given by Lectures, Recitations, Examinations, Moot and Club Courts, and by other methods best calculated to attain full, exact, and practical knowledge of the subject.

The course extends through a period of two years, each term commencing the first of October, and closing the last week in March following.

Students may enter at any time, but are strongly advised to enter at the commencement of the term. Students will have access to the University Law Library, which is to be immediately procured, but in view of the merely nominal charges to which they will be subject, they are expected to provide for themselves the ordinary text books which they will have occasion to use at their rooms.

The charges are $10 Matriculation fee, and $5 annually for incidentals.

The degree of Bachelor of Laws will be conferred on those who complete the course and pass an approved examination.

Any further information will be given on application to either of the Professors at Detroit, or to the President of the University at Ann Arbor, or to any member of the Board of Regents.

The Board of Regents confidently expect, from the eminence and practical skill of the professors, the trifling amount of the charges, and the fine spirit with which the establishment of the Department seems to be everywhere greeted by the public—that the Law Department will at once take position with the older Institutions of the country.

By order of the Board of Regents

J. EASTMAN JOHNSON }
B. L. BAXTER } Law Committee
D. MCINTYRE

June 21, 1859

CHAPTER II

The Law Department: Why and to What End

II:1. CAMPBELL'S ADDRESS AT THE OPENING OF THE LAW DEPARTMENT: OCTOBER 3, 1859

SOURCE: Campbell, *On the Study of the Law: An Address at the Opening of the Law Department* . . . (Ann Arbor, 1859)

In pursuance of the plan originally prepared for the organization of the University of Michigan, a Law Department is now created. It has been deemed proper, as an inauguration of this Department, that some explanation should be given of the position it is expected to occupy, and of the particular objects it is designed to accomplish, or aid in accomplishing. As one of the Law Faculty, I have been entrusted with this duty; and I shall ask your attention to a retrospective glance at the origin and design of the University itself, as tending to elucidate it. For, although this Department is now for the first time organized as a working part of the main Institution, its plan is not of recent origin, and it has always been contemplated as necessary to complete the round of University studies.

This State is a part of that territory which belonged to the old Confederation, before the American Congress received power to legislate on any subject within the States themselves; and before the Constitution had defined the relative positions of the States and the General Government. The original territories were the only places subject to the local jurisdiction of the Confederated Congress. Having just recovered independence, they were disposed to act with great liberality towards a region which, under their fostering care, was expected to become a nursery of independent States, fit for union with the old colonies which had earned their freedom so hardly. The necessity of enlightenment was recognized as of the first importance, and liberal provision was made for it. One section of land in each township was sacredly set apart for the use of schools; and in the Ordinance of 1787 it is declared that "Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

As soon as the system of public surveys was completed, and before the lands were actually surveyed and brought into market, an additional appropriation of one township of land was made, for the support of a seminary of learning within this Peninsula. The mode of disposition of this land was left to be provided for, whenever the local authorities should establish the Institution.

In 1817, an act was passed by the Governor and Judges (then constituting a legislative board), for the incorporation of the Catholepistemiad, or University of Michigania—an act containing provisions for organizing many didaxiae, or professorships, under very uncouth names, and dis-

figured by a barbarous pedantry which has brought ridicule upon the whole scheme. There was, however, nothing ridiculous in the substance of this law, which was not only a comprehensive and enlighted plan for a University, in its enlarged sense, but was, in many respects, in advance of the times, and in some in advance of our own period. There is nothing in our present legislation which manifests so exalted a sense of the duty of the State to furnish its citizens with the highest, as well as the more common, facilities for education. This University was the predecessor of the present one, which is legally identical with it, but has been modified by subsequent legislation. It was formally recognized as a part of the Government itself. Its Professors received commissions under the great seal, and their salaries were paid out of the treasury. It was to be supported by a fund raised by general tax, amounting to fifteen per cent. of the whole territorial taxes, which was to be kept as a separate fund in the treasury, and augmented by monies raised from lotteries, as well as by the original government appropriation of land. The tuition fees were hardly more than nominal; and those unable to pay this small expense were entitled to free admission, upon evidence of such inability. The University was made the real as well as nominal head of the school system, with power to establish inferior colleges, seminaries, and schools, at pleasure. The branches taught were to comprehend all the departments of knowledge usually embraced within the limits of the most enlarged and exalted systems of education. As a recognition of the duty of the State to support, by its own means, adequate institutions of learning of the highest grades, and as a comprehensive plan of universal education, the law incorporating the University of Michigania will survive the ridicule which may have justly attached to some of its peculiarities, to receive honor and admiration from future ages. Pedantry may be well excused, when it accompanies the enlarged views manifested in this uncouth law.

In the same year in which this law was adopted, an appropriation was made of certain lands to the new University, by an Indian treaty, the chiefs who made it anticipating that some of their young men might desire a college education. Other donations were made from time to time; and, in 1826, Congress increased its appropriation to an amount of land sufficient to make up two townships. This Congressional fund forms the principal source of revenue of the present University. The original charter was modified in 1821; and in 1837 it was re-modelled again into a shape which has not since been essentially changed, except as regards the construction and election of the Board of Regents, and the enlargement of their authority. The act of 1837 provided more specifically than the previous statutes for the organization of three separate Departments, one of which was to be a Law Department.

The Department of *"Literature, Science, and the Arts"* was necessarily the first one organized, as embracing the course of studies required for general culture, and, so far as it was confined to undergraduates, containing the whole scheme of ordinary scholastic instruction. The Medical Department has also been in successful operation for several years. No one now

doubts the necessity or propriety of having both these Departments kept up in the most thorough and efficient manner. A free Law School, however, is something novel, in this country, at least; and therefore it may be desirable to give some reasons why it has been deemed wise and expedient to establish it.

The fact that the University has been designed from the outset to furnish facilities for complete education, and that the Law Department entered into that design, would be a sufficient reply to any questions on this matter; for good faith would carry out such a trust, without reference to any notions of its original expediency. But the plan rests upon well founded merits of its own, and originated in the wisest views of public utility. The principles which lie at the foundation of all teaching, from the earliest rudiments to the highest attainments of science, are as applicable to this as to other branches of knowledge; whether we regard those principles which enter into the work of imparting knowledge, or those which justify its utility.

The propriety of encouraging any branch of education is dependent upon the practical results which will flow from it. The first question to be put in every case is, What substantial result can this accomplish? and the second is, By what method can this be made best to attain that result? Education is not an idle and aimless work in any sense. It is always carried on with a design; and the differences which arise among men concerning the value of different systems are not always, or often, differences concerning the end, but are generally confined to the means.

The object of a University, which embraces within its sphere every department of knowledge, is to afford opportunity for training in all things which go to make a perfect scholar. And, were its means unlimited, such would undoubtedly be the aim of this Institution. Up to a certain point, in our lower schools, every pupil must go through the same routine. The rules of language, and the elements of mathematics and mechanics, are essential to every one, whatever may be his destination in life. But as education progresses, the lines of study diverge; and the further the student proceeds, the more necessary it is for him to direct his especial attention to those branches which will best fit him to attain success in the chosen sphere he has determined to fill. True wisdom will dictate that the foundation should be made broad, and that the preparation for any special department should be general and liberal. But when this general preparation is complete—so far as teaching can complete it—the attention must be devoted still more earnestly, and with the aid acquired from previous discipline, to those studies which bear more directly upon the pursuit which is to occupy maturer life.

There are many pursuits, advancement in which can not be attained by any mere teaching or study. In the mechanical departments, nothing can be taught outside of the factory except the general principles of mechanics; the further lessons must be had where the work itself is carried on. In Agriculture, the bounds of outside study and preparation are similarly limited; and the farmer must learn the practical application of his chemical, or other knowledge, upon the land which he tills. In other pursuits, how-

ever, and especially in Law and Medicine, although skill and advancement must, in like manner, be obtained from actual practice, yet a longer preparation is needed of reading and study, than in the rest. Although both are practical pursuits, relating to the most important human interests, they rest upon principles of more subtle application than those, and demand a different kind and a longer course of preliminary mental discipline. And for this reason, although lawyers and physicians frequently receive their professional instruction from private teaching, yet their teaching is substantially the same as in schools; and schools have always existed for teaching those sciences. An apprenticeship is necessary for complete education in any art or science; and this is but a part of that apprenticeship.

There are persons who deny the necessity of any high standard of general or professional education, and seek to prove their correctness by referring to the numerous instances of eminent success attained by those whose education has been more limited. That such instances exist, and that they are by no means few in number, is true; and every sensible man must rejoice to see them. Were it not so, the men of past generations must have been far behind the present; for the means of obtaining a liberal education are not even now as free as they should be, and but a few years ago none but the comparatively affluent could compass them. But the fact that these successful men are found most actively engaged in promoting everywhere the advancement of education, in its highest and broadest sense, is the best evidence of their own views of its utility. They have not attained their success without hard labor and stern discipline; and in most instances they have added to it by the resources of minds more than usually active, and by strong wills not yielding to difficulties or discouragement. But it must be remembered that the world is not made up of uncommonly wise or uncommonly strong men. The design of education is to enable every one to use such faculties as he possesses to the best advantage. And it is only by looking at the influence of sound and thorough training upon average abilities, that we can determine its true value.

When we leave the higher ranks of any profession, or any business, and examine into the condition of those who, with respectable talents and ordinary industry, make up the great body of useful citizens, we have no difficulty whatever in recognizing the value of training and discipline. The well trained lawyer, when a point is presented to him, naturally and habitually refers it to its place within general rules and established principles, and detects and exposes sophisms by a natural and easy process, suggesting itself, and not requiring much labor to elucidate it. He presents his views, whether forcibly or not, in a methodical and easy manner, and the Court can readily apprehend his drift. His work is performed with no immoderate labor, and his judgment is not apt to be wayward or capricious. He tries questions by general principles, and is not easily led astray by sophistic parallelisms and inapplicable analogies.

An untrained lawyer, of merely moderate ability, has a very difficult task to accomplish; and it is not until he has gone through a practical course, longer and more tedious than any preparatory one, that he can achieve

success, or even moderate respectability, in his profession. Such men are generally in great danger of becoming case-lawyers, unable to test the correctness of any question except by some decision which they conceive to be precisely parallel, and unable to extract the principle on which the parallel case was decided. As two precisely similar cases can not easily arise, it happens, of course, that very often the difference in facts should produce a difference in result. To a sound lawyer, the principle to be deduced from a decision is its only value, unless—which seldom happens—it is a merely arbitrary precedent. And any one who has had experience in courts and practice will acknowledge, that there is no more crying evil in the Law than the misapplication of precedents, and no greater nuisance to the administration of justice than a mind incapable of deducing legal principles. Rightly applied, the decisions of able courts have built up the Law on a sure and sound foundation, to the prosperity of commerce, industry, and property, and to the safety of every well ordered community. Wrongly applied, and wrested from their true meaning, the best decisions have been used by pettifogging villains as texts for every species of tyranny and injustice. But if they could not find honest and well meaning men, unable readily to analyze these precedents, and thus easily deceived by their sophistry, very little mischief could ensue. It is not, however, in this way only, that an untrained lawyer is debarred of success. His chief obstacle is found in a want of method and order in thinking and in expressing his thoughts. This renders it very difficult for him to attain knowledge, and disqualifies him for success in the conflicts of the bar, where readiness and clearness are of the first importance. In appellate courts, where preparation may be longer and more deliberate, this difficulty of slowness in preparation is not so embarrassing, perhaps; but a lawyer who can not make his way in the ordinary trials of causes, will not be apt to obtain opportunities to argue them on review, and will not, if he obtains such opportunities, contribute much to the success of his client, or materially relieve the Court in its investigations.

Habits of mind must be formed; and they can only be formed by some regular and continued training. And it must either be the generous and easy training of early life, when the faculties are pliant, and the mind, free from care, is able to act without bias or obstacle; or it must be the rugged and dangerous training of professional labor, where every advance is at the cost of infinite toil, attended often with mortifying mistakes and painful exposures, which render the life of the aspirant anything but a pleasant one. And not the least of his trials is the sight of those who excel him neither in talent nor in energy, advancing rapidly beyond him, with no greater labor, but with the advantages of a better training, and a more entire command of their faculties. No man can succeed in life without great and constant toil; but the success of any effort depends very much on the skill with which every exertion is made available.

It not only concerns the State that every one should have all reasonable facilities for preparing himself for any honest position in life to which he may aspire, but it also concerns the community that the Law should be

taught and understood. The general studies pursued in the University are mainly designed as preparatives, and are not expected to supply the mind of the student with knowledge to satisfy him for life. They are meant to teach him how to acquire and use learning, and to give him the habit of study, and of thought and reasoning. With the habits acquired, he may forget much that he has learned, and yet retain the best part of his education. But in the study of the Law, as in that of the other applied sciences, it becomes more important to retain what is learned; and training is not the only advantage to be derived from it. The principles of the Law become to its future study and practice what the alphabet is to reading, or what the elementary rules of mathematics are to its advanced branches. The principles must be mastered, and the student must learn to apply them to the exigencies of human affairs, and the guidance of human conduct. But, unlike the conventional rules which supply the elements of other knowledge, the principles of the Law are generally based either on moral laws, or on rules of expediency, deduced from the wisdom and experience of ages. And, while some rules are not easily referred to their origin, all, whether conventional or not in their nature, derive interest and importance from their relation to human conduct. For if that which is merely speculative in philosophy is regarded as invested with the dignity of the immortal faculties with which it is concerned, we can not look down upon a science which deals directly with the welfare of the State, and regulates all the external duties of its people. It would seem to require little reasoning to show the importance of some knowledge of these principles to every one who is able to acquire it.

While the object of founding this Department is chiefly to provide some assistance in the training of good lawyers—an object the importance of which will be referred to presently; yet such is not its only object. When the law student leaves the University, he leaves it to pursue for a lifetime the course which is here commenced. But every year, hundreds of young men leave this place, some to preach the Gospel, some to heal the sick,—all to become citizens, and to take their place as active members of an active community. In whatever sphere they move, and whatever course they pursue, they live under the protection of the Law, and they are governed by the restraints of the Law. It measures their rights, and it redresses their wrongs.

Sir WILLIAM BLACKSTONE, when commencing his career as Vinerian Professor at Oxford, delivered an opening discourse upon the Study of the Law, which is one of the most complete essays on that subject to be found in the English language. Its design was to impress upon the young gentlemen of that University the propriety of introducing the study of the Law as a part of the University course, and the necessity of an elementary knowledge of it to every one intending or expecting to take any active place in society. With a beauty of style and clearness of expression which can not be surpassed, he shows with invincible reasoning how unwise it was for those who, by birth and position, were to be the legislators, jurors, and justices of the Kingdom, and who had estates to

dispose of, and large interests to manage, to be ignorant of the laws they were to act upon and administer, and under which their property was to be conveyed or devised. A more beautiful vindication of this science has never been written; and it is worthy of the perusal of every scholar.

But the reasons which apply in favor of introducing the study of the Law among the scholars of an English University, have much greater force applied here. Every man here who inherits the condition of citizenship, takes with it the right of voting for every elective officer in the State or National administration, from the school district and township officers to the Presidential electors. Every one is liable to perform jury and military duty. Every one is eligible to office, judicial, legislative, and executive, of every grade. There is not an office in the State in which serious legal inquiries may not frequently arise. The inspectors of elections are called upon to decide upon the right of suffrage of each voter. The whole financial interests of the State depend upon the correct action of the township officers. Local boards set in motion proceedings involving the very highest prerogative of sovereignty,—the taking of private property for public use. The justices of the peace, in addition to important criminal powers, decide all controversies of small pecuniary amount, involving frequently the most difficult and complicated legal investigations. The county boards exercise extensive legislative and judicial functions without appeal. In all of these matters, public and private rights are constantly involved and discussed, and ignorance of the Law has frequently led to results deplorable and alarming. In the administration of criminal law by ignorant officials, there is room for more immediate and visible evils; and in the history of this State, in more than one instance, that ignorance has led to unlawful violence, and the shedding of innocent blood.

The brief tenure of our legislative bodies multiplies greatly the number of those who are called upon to participate in the duty of forming our body of statutes. General intelligence and good sense have been found, by sad experience, not to compose all the elements necessary for sound legislation. As every man is called upon to vote for or against each statute which is before the legislature, every man should understand and fully appreciate the effect of what he votes upon. It was never the intention of our Government that the responsibility and duty of legislation should fall on a minority of the members—still less upon an unknown minority; and yet such is frequently the case. Laws are passed without a knowledge of existing legislation on the same subject. Laws are passed in ignorance of the legal effect of the language used. And, what is worse, it is a rare occurrence for a session to take place without the enactment of provisions rendered void by some express clause of the Constitution. This could never be done, if each member acted intelligently and deliberately, upon every law and every part of a law, with the most ordinary knowledge of the elements of legal interpretation. It is undoubtedly true that other difficulties beyond ignorance of the Law embarrass legislative bodies; but an elementary knowledge of it would tend not only to make more perfect the laws actually

passed, but to restrain action upon any law until its effect is fully appreciated.

But, apart from the participation in public duties, the condition of our people renders some knowledge of the Law necessary in their private concerns. There are few men in the country who are not in the habit of making bargains of various kinds, without the intervention or aid of legal advisers. These bargains embrace every variety of transactions, including contracts executed and contracts executory, upon all subjects, and referring to all kinds of labor and property. In such matters the shrewd business man, who knows precisely the legal effect of his agreements, has a great advantage over his less informed associate; and a great majority of the litigated actions which burden our courts, and vex our citizens, spring from honest misapprehension on one side, and often on both sides, of the real rights and liabilities of the parties litigant. Where parties, distrustful of their own skill, seek aid from the neighboring magistrates, the same difficulties occur with not much less frequency.

Some of the most unfortunate difficulties which arise, relate to the transfer and enjoyment of real estate. Although our laws have wisely removed all obstructions to the free disposition of lands, yet there are incidents to this species of property which render it much more important than personal property. Apart from pecuniary value (and its permanent character renders it the most stable representative of wealth), its very use is so associated with all of our best interests and enjoyments, that no one can disturb the title of an old homestead without exciting a degree of sorrow and indignation, aroused by no other encroachments on the rights of property. The facility of dealing in lands has rendered it easy for every one to procure some interest in the soil; and the great bulk of our country population own the title to the farms they occupy. And yet every farmer of much experience knows of many instances in which the titles of these occupants are invalid; and the invalidity is of such a nature that a very moderate degree of skill, in the persons who drew the papers or examined the title, would have prevented any such difficulty. Our land laws are simple enough, but they require accuracy in their administration; and those who are not very familiar with them are very apt to fall into grievous mistakes.

Commercial Law had its origin in the increasing claims of mercantile affairs to importance and consideration. It has grown up with little aid or regulation from statutes, and is, like the early Common Law, mostly unwritten, and found only in decisions and text books. Its general principles are derived from the necessities of Commerce in its broadest sense, and its arbitrary rules had a similar origin. In the present condition of things, when business is not confined to local traffic, but extends into sister States and foreign countries quite as generally, no one can be regarded as fit to undertake a responsible commercial charge without some knowledge of the laws which regulate it. This knowledge can not be obtained in the counting-room. The forms and relations of business are so rapidly changed and

modified by the new discoveries in science, and the enlarged means of communication, that, unless already possessed of a competent knowledge of general principles, the merchant must either fall behind the times, or learn by a very expensive course of lessons from experience. Commercial colleges have become a recognized and important means of preparation in mercantile habits; but, unless they provide for a thorough training in the laws of business, they omit a most important branch of instruction, which is not compensated by any routine training. Mercantile law is as necessary to be understood by a thorough business man, as navigation by a shipmaster. It is very true that merchants can find legal advisers in case of doubt, but the most serious difficulties often arise where none were anticipated, and when advice comes too late.

The laws applicable to Wills and Descents have been much simplified; and every one should have some knowledge of them. Wills are often drawn in terms which would never have been used if the testator had been rightly informed. It is a very common thing for those who desire to dispose of their affairs themselves, to ascertain the necessary formalities, and then draw their own wills. These instruments often prove abortive, so far as the real design is concerned, and yet stand in the law because having a clear and legal meaning. Sometimes they avail in part, but fail where perhaps a failure would have been most dreaded. There is a disposition manifested by many persons to confide in their counsel, in preparing their wills, no more than they themselves deem essential; and no advice avails to draw out any further information. This is one of those unaccountable weaknesses which every practitioner sometimes encounters, and which render legal services of little avail. It seems to be without remedy, and its ill effects can only be avoided by more general familiarity with the Law; which is the more important in this class of cases, because the death of the testator puts all his mistakes beyond the reach of correction. Those purchasing estates from the supposed heirs of intestates are liable to the most serious errors as to the amount and the extent of their rights. In all cases where the title falls through collateral lines—in spite of the plain provisions of our statutes—experience has shown the most singular carelessness to prevail. Floating notions obtained from the laws and customs of the States from which they emigrated, or ridiculous fables which have circulated among wondering gossips until their origin becomes inscrutable, are acted upon by our citizens, intelligent as well as stupid, with the most implicit confidence. There is but one means of extirpating these evils. The foundation of true notions must be laid with early education, and the first views received upon such subjects must be correct ones. Village oracles are always supposed to know more on all subjects than those whose lives are devoted to their study; and until the general sentiment is corrected, by early information, men will rush into ruinous mistakes, and blame any thing and every thing for their misfortunes, sooner than trace them to their true cause.

There is much in every law course which is entirely intelligible to every class of students, and there are many subjects (of which those alluded to are specimens) which commend themselves to every intelligent mind as

important to be understood by all. The Constitutions which form our common safeguards from illegal encroachments,—the laws affecting trade and ordinary contracts, the laws regulating the enjoyment and transmission of estates, and the penal code—are all of general and individual concern. It is no ground of relief in a court of justice, to assert that an act has been done under a mistake of law. The contract, which has been made with a knowledge of all the facts bearing upon it, will be enforced, notwithstanding such mistake. It is no defence to a criminal charge that the accused did not know that his act was made penal by the law of the land. If he has done wilfully and intentionally a forbidden act, he is not shielded because he did not know it to have been forbidden. And this rule of law is not an unreasonable one. Society could not exist without it. The well disposed can not have their lives and property left to the uncertain tenure of another's ignorance.

If long usage had not blinded us to the appearance of things, it would seem very strange that so many otherwise well educated and intelligent persons, mingling freely in the world, and aware of what is going on around them, should be ignorant of the common principles of law which concern them in their daily acts and familiar interests. The student is presumed to know the distinguishing features of all Governments, and especially the great characteristics of British and American institutions. He is expected to be able to form an intelligent judgment upon the merits of the various questions which have given rise to great movements and revolutions. And yet when the same questions arise in our midst, and the great principles of legal right are invoked by our own citizens, no thought springs up suggested by that old experience, and the profoundest principles pass unheeded. Our legal duties and privileges, an assurance of which should form a part of our very being, always suggesting the rule whenever the rule applies, are not learned at all—much less indelibly written in our hearts.

This is not the rule which we apply to other matters. An empiric who attempts to minister to the diseases which assail our bodies, without a careful preparation of diligent study, can not escape the well merited contempt of the community. The workman who, without some apprenticeship, undertakes to pursue the calling of a skilled mechanic, is disgraced as an ignorant pretender. We employ for our aid, in supplying the common necessities of life, those who are qualified by something more than natural gifts to execute the work entrusted to them. But that which is our only safeguard against wrong and oppression,—that which determines the temporal welfare and prosperity of ourselves and our children—that which defines the boundaries between the law-abiding citizen and him who disregards the laws—is left to be learned piecemeal and hap-hazard, and in many things not learned at all. The citizen may be ignorant of the Constitution which governs the State, and which received its force from his vote. The legislator may be ignorant of the laws he attempts to amend, and of the legal effect of those he is actually voting upon. It is not wonderful that laws are passed which go utterly disregarded; but it is wonderful that, with such anomalies, in a free popular government, provision has not long since been made for a more

complete elementary training in legal principles, in every academy in the land.

In recognizing and establishing a legal course as a proper supplement to a general University course, the authorities of this State have introduced no system foreign to the rest. The duties of a citizen can never be too fully inculcated. Practical education is designed to make men fit for their duties. It should, so far as may be, fit them for all their duties. Having passed through the preliminary stages of study, and received that mental training which a literary and scientific course is so well adapted to give, the young men will be able, with speed and discernment, to master such of the branches of the Law as are necessary to their information as prudent citizens; and the time which is spared for this purpose will not in after life be considered as unwisely spent.

To another Department of the University the facilities for obtaining some legal instruction will be of great utility. The subject of Medical Jurisprudence is one which may be regarded as common ground for the Law and Medical schools. No lawyer can instruct law students in the strictly medical part of that science, and few physicians or surgeons can teach medical students in the legal branches of it. With the two faculties working side by side, the two classes of students can obtain much useful information; and if a plan can be devised for parallel and joint instruction, to some extent, in the particular subdivision of legal medicine, the advantages will be greatly increased. The advance of science has done much, and is doing more, to aid the Law by its discoveries. In criminal law, the fearful increase of death by subtle poisons has been the occasion of calling the attention of the medical profession to perfecting new and more accurate tests for the detection of the deleterious substances employed; and the celebrated case of the murderer PALMER has excited fresh investigations, which have led to very satisfactory results. But in civil, as well as criminal cases, medical testimony is often of the utmost importance. The whole subject of insanity, and its kindred topics, is, to a great extent, connected with medical science. The temporary as well as permanent effects of peculiar disorders and remedies upon the reasoning powers, are often governing facts in the decision of important causes. It can not have escaped attention, however, that many medical witnesses, in giving their testimony, are exposed to serious annoyances, owing as much to their inadvertent disregard of the legal rules of evidence, as to any want of courtesy in their examiners. The rules which determine when opinions may be received, and when they must be excluded, and those which apply to hearsay testimony, are, to the uninitiated, serious stumbling blocks. Every one sees the propriety of demanding the sanction of an oath or judicial affirmation to every statement which affects the property or interests of a party litigant; but every one does not, unless his attention is rigidly turned to it, distinguish in his statements between those things which he has heard from what he deems reliable sources, and those things which he has seen or knows from the evidence of his own senses. Nor does he, in expressing opinions, always reflect that there may enter into the grounds of those opinions disputed facts

and unsupported assumptions. Medical testimony has had much discredit thrown upon it by the somewhat reckless way in which careless witnesses have given opinions on imperfect grounds; and the blame has sometimes been as indiscriminating as the obnoxious evidence. But when clear headed and accurate medical witnesses appear upon the witness-stand, and testify with care and precision, they have always been regarded as important, if not governing witnesses, upon the matters to which their attention is turned. There can be no sort of doubt that an intelligent physician, by a little time spent in studying such of the rules of evidence as are most likely to apply to medical testimony, will not only qualify himself to testify intelligibly and accurately, but may become of great public service in aiding the correct administration of justice. He sees what no other disinterested observer can see, and understands what to those around him may be entirely unintelligible. There are rules of evidence, the study of which will aid him much in knowing how and what to observe. For that which is sufficient for his use as a physician, is not all that an acute observer can see, in those instances where the seeds of litigation are sown. And when he learns to look at circumstances with the observation of a lawyer as well as of a man of science, his eyes may be opened to see through many mysteries. It often happens, in farming districts, that a physician, who sees the urgent necessity that a sick or wounded person should settle his worldly affairs without delay, ascertains that no competent assistance can be obtained for that purpose before it is too late. Most men are apt to put off these arrangements too long. Unless the medical attendant can properly frame a will, the estate must often be diverted from its intended objects; and in many cases the results are deplorable. If he has competent skill, he can perform the task more perfectly than any other; for he knows all the symptoms of waning reason and strength, and is not likely to wait beyond the period when the testator passes the line between competency and incompetency, and ceases to have the disposing mind which the law requires for a testamentary act. A physician, too, is frequently more thoroughly acquainted with the family affairs of his patient than the most intimate legal adviser; and the knowledge obtained in this relation is of great value, in enabling suggestions to be made, which relieve the anxiety of the dying man, and save from over-exertion faculties which have become enfeebled and sluggish.

Even if no provision were made with a view to the education of professional lawyers, a Law Department could not be regarded as foreign to the plan of a University. To the considerations already mentioned, many more could be added; but it is unnecessary to dwell any longer upon this view of the subject.

Very few intelligent persons dispute the necessity of having in every country a body of men whose lives are devoted to the practice of the Law. There are some who decry the profession as an evil; but when they get into difficulty they are generally glad enough to resort to counsel for aid in their troubles; and if they fail to do so, they are likely to repent it. The folly of these senseless prejudices is sufficiently betrayed by the common experience of mankind.

If the Law were designed to enforce in every case what an enlarged morality requires as the duty of man to man, and if we could find for its ministers perfect beings who could read the hearts of men, and do unerring justice, there would be no need of a legal profession, or of courts of law. We should need neither statutes nor commentaries. But to entrust judges with the power of administering justice according to their own notions, would be worse than restoring pure despotism. SELDEN, although wrong in his views concerning the real power of Courts of Equity, very quaintly and forcibly expresses the evils of entrusting any court with such plenary powers. "Tis all one as if they should make the standard for measure the Chancellor's foot. What an uncertain measure would this be. One Chancellor has a long foot; another a short foot; a third an indifferent foot. It is the same thing with the Chancellor's conscience." It would be well for those who sometimes find fault with decisions, because they fail to do justice in a given case, to ponder the consequences which would follow, if judges were relieved of the duty now laid upon them of deciding according to what the law is, and not what in their view it ought to be. There is a strong temptation at times, where unjust consequences will follow from enforcing the law, to assume the prerogative of doing what is supposed to be abstract justice. But every such act, however meritorious it may seem at first, is culpable and unjustifiable. The making of laws is not entrusted to the judiciary. And so long as a rule stands as settled law, any wilful violation of it, from whatever motive, is just as much an act of tyranny as if an executive officer should nullify the statutes, and assume arbitrary prerogative.

It was long ago declared that, wherever the law is vague or uncertain, the people are in miserable slavery. They can not tell, when they do an act or make an agreement, whether they are violating the law, or assuring to themselves any rights. They can not even tell under whose judgment their condition is to be determined; for the magistrate of to-day, when the act is done, may not be the one of hereafter, when it is judged; and that which is based upon the enlightened wisdom of a MANSFIELD, may not commend itself to a JEFFRIES or a SCROGGS. The law must be so settled that every man may know his rights and obligations, and make his contracts accordingly. Such has been the rule laid down by the wisdom of ages; and so just is it, that in those cases where, under supposed peculiar hardships, courts have sometimes interfered by crossing this line, in a great majority of instances they have done actual as well as legal injustice.

It is one of the advantages which we have derived from our mother country, that a very large portion of our law is found, not in statute books, but recorded in the decisions of early courts, which express, not the opinions of those tribunals upon what should be law, but their recognition of the established customs of the realm. Those customs were the embodiment of old and simple legal principles, as modified and applied by the general experience of the people. They embraced no crude theories, and no impracticable conditions. And, having their origin in the approval of popular experience, obedience was not irksome, and duty was easily known and understood. All of those rules or customs were required to be reasonable,

general, and ancient. And the wisdom of man never has devised, and never can devise, a written code, which can mould itself to the popular wants, or adapt itself to the growth of expanding civilization, like the slow and spontaneous product of the common will, as it grew into the Common Law. Here, as in England, many customs have required changing, and many exigencies have arisen, and will arise, requiring statutory intervention; but the main body of our legal principles must always be traced to the free and manly elements of the Common Law of England. Its time-honored principles were the vindication of our Revolution; and when we depart from these principles we shall not be advancing towards truer freedom.

It must be plain to all judgments, that the task of studying out this system of jurisprudence, and harmonizing with it our numerous statutes, can not safely be entrusted to ignorance or inexperience. To an untrained mind, the great body of common law maxims and statutory enactments presents an appearance confused, if not chaotic. When asked to determine the rights of a given case, by reference to this vast treasury of law, the first idea is to hunt for analogies; and when a precedent is found that resembles it in one or more features, a conclusion is jumped at, and the selected rule applied. In many cases it is about as correct as it would be to class together lambs and wolves, because both are quadrupeds. The analogies with which true science deals are real, and not delusive; and rest, not in external resemblances, but in substantial identity. The governing rules are not learned from a partial and careless survey, but from a minute comparison of the whole. Any system of law which does not approve itself by its applicability to all the ordinary concerns of life, is defective. But if precedents were not based upon general principles, there could be no such thing as a legal system. An offence which did not square in all circumstances with one already recorded and punished, must go scot-free. An agreement not anticipated in the past, would be unprovided for. The rights and duties of men would never be thoroughly defined until the race is extinguished. Our rights and obligations depend on no such absurdities. The Law exists in as complete a form as human foresight could make it, and is as dependent on general principles as any human science. Like all other sciences, it is capable of enlargement and extension, but, like them, its growth should be by harmonious increase, and not by added excrescences. And no one can assume to have attained any progress in the knowledge of this science, until he has learned to recognize its living and eternal principles, and learned also to apply them to the exigencies of human life. And when we pause to consider the immensity of the field occupied by it, and the great and serious interests with which it deals, we should regard no labor as too irksome, and no training too severe, in the preparation for this study. I say in the preparation for this study, for the true study begins when actual, and not imaginary, cases call for the application of legal rules; and it may be profitably pursued through a lifetime.

The nature and carefulness of the preliminary study of any subject, should bear some relation to the magnitude and importance of the ultimate pursuit. And it is safe to say that, after the subjects which concern the

eternal future, there is no department of human study which deals with more important interests than the Law. It is the binding principle of all organized society, and the only true upholder of every government. When individuals rebel against society, and seek to impair the private security or public peace, it is the law of the land which judges them, and it is through the legal tribunals that justice is asserted. When the public infringes upon the rights of the subject, every constitutional government gives him redress through the courts against the unlawful usurpation. When the life, liberty, property, or domestic rights of one citizen, are invaded or denied by another, the law furnishes protection and redress. Where there is no law there is no freedom.

All persons who assume the position of legal practitioners, assume the right and the duty of asserting the principles of the law against any public or private violation of individual privileges. They stand between the criminal and his pursuers, to oppose any unlawful condemnation. They stand up for the public, to see that the criminal shall not escape on any unlawful subterfuge. They are bound to know every rule which applies either to condemn or to save him. In all the ramifications of evidence, as well as on the general principles of criminal law, the counsel engaged must be prompt to detect every violation of established rules, and to vindicate every rule unjustly assailed. And this he must do at once, as the question arises. The rule itself must be deduced and enforced from the laws which common experience has drawn from human conduct. And the trial of a single important criminal cause, on complex circumstantial evidence, illustrates more of the laws of mind, and calls for a knowledge of more of those laws, than would occur to a cloistered student in a lifetime.

In trying the validity of a contested will, there is an equally important field of investigation, in applying the law to human conduct. The probabilities of the adoption of one course or another, from the habits and affections of the deceased—the extent of mental capacity, and the probabilities of capability or incapability, sanity or unsoundness, at a particular time—the lingering paternal love for undutiful children, or the capricious and brutal rejection of the dutiful,—the secret history of domestic life revealed or skilfully inferred,—the effect of sickness, and the remedies applied to alleviate it, or of baneful drugs administered for dishonest ends—these, and many other kindred matters, are brought into view; and the counsel who tries, and the judge who decided the cause, must apply to the solution of the difficulties they suggest great insight into very important and difficult questions, or the truth can never be reached.

The trial of Patent Cases involves an accurate knowledge of mechanical principles, as well as of the law applying to inventions. In Admiralty causes, besides curious revelations of human nature, there are questions of currents and counter-currents, winds and waves, with their forces and combinations, the seaworthiness of ships, and the choice of probabilities, depending upon so many elements, that there is need of great knowledge, fertile imagination, and strong reasoning powers, to deduce from the chaos of facts a true result, and apply to that result the legal consequences. There is no

subject whatever that may not enter into the inquiries of a law suit, and its possibilities are only limited by the limits of human ingenuity and human interests.

If there is any profession or pursuit which demands the strongest exertions of all the intellectual faculties, it is the Law. They are greatly mistaken who suppose that a little reading of law books will qualify one for this practice. The old system adopted in most States required seven years' study before admission to the bar, four years of which might have been devoted to classical or similar studies. In this State, a three years' law course was required in all cases. A bill has recently been introduced into Parliament by Lord CAMPBELL, to allow those who have received university degrees to be admitted as attorneys and solicitors on a shortened apprenticeship. This term was not prescribed merely for the amount of legal knowledge which might be acquired in it, for then a measure of acquisitions would have been adopted. The reason for requiring this measure of time was to ensure habits of study and discipline, which must always be a work of years. Habits long formed are easily kept up, and the mind becomes enabled to act spontaneously, and without sensible effort, in the paths thus worn for it. And those whose attention has been called to the effect of our present system, which requires no particular period of study before admission, are not favorably impressed with the result. It is not very difficult to acquire enough law to bear a tolerable examination, without any real fitness for the bar. And, as a general rule, those who rush through a short course, and obtain admission, do not reach a respectable position any sooner than if they had followed the old course. They become bewildered in the rapid movements of trials, and lose their coolness and self-reliance. Unless possessed of more than ordinary energy, they become tempted to depend upon other counsel; and fall back, and remain in the position of mere attorneys. The ranks of the bar, properly so called, are not increased as rapidly as formerly, in comparison with the numbers admitted to practice law.

It is to be hoped that the time allotted to the completion of a full course in this Law Department, will aid those who avail themselves of it, in systematic study and learning, and direct them into such a way as may lead to a due appreciation of the legal profession, and its duties and responsibilities. No school is capable of imparting, and no mind is capable of learning, the whole science of the Law, so as to exhaust it. Practice, and careful study, in connection with practice, must complete the work. But success at the bar is mainly dependent on a right commencement; and the patience and diligence expended in laying a sure foundation, will never be regretted.

It is not a requisite of admission here that a college course should have been pursued first; but it is a matter of congratulation that, by making this school a part of the University, the propriety and utility of that preparation is recognized. A full acquaintance with the structure and derivation of language will lead to accuracy in its use; and accuracy is greatly essential in the law. A thorough grounding in mathematical studies will lead to method and attention; and the intricacies of law suits require unwearied

patience in following every clue, and tracing every connection. The art of reasoning forcibly and correctly, and adorning and elucidating argument by choice and fitting language, can nowhere be acquired more completely than in the seats of elegant learning.

No acquisitions can be too extensive, and no study too complete, to prepare one for all the duties of the bar. There is no kind of knowledge which may not be turned to account in the practice of the Law. Controversies arise upon every imaginable subject, and evidence is introduced, and inquiries are set up on every variety of questions, from theological tenets through the whole realms of art and nature. When a scientific witness is examined, the examining or cross-examining counsel must fail in getting out the whole truth, unless he has at least knowledge enough to direct his investigations. And so, upon all other ranges of inquiry, there is the same necessity for counsel to be informed. If universal knowledge were attainable, every lawyer should seek to attain it.

But while this completeness of knowledge is out of the question, it is nevertheless a plain dictate of common sense that the sound lawyer should be prepared, whenever the occasion arises, to master so much of any branch of knowledge as his case demands. And this necessity shows how desirable it is that every faculty should be trained to work promptly and thoroughly. And the moral is not to be divorced from the intellectual. Above and beyond all other similar pursuits, the profession of the Law deals with the acts and motives of mankind. In most legal inquiries, the design to be derived from the facts proved is the principal, if not the only thing in controversy. The rules of law are based upon human conduct; and no one who has not patiently studied, and has not a reasonable knowledge of, human nature, can hope for success at the bar. And this knowledge can never be thoroughly acquired without honesty of purpose, and a healthy state of morals. There are many vile men who have sounded the depths of diseased natures, and are familiar with all the turnings and expedients of the depraved. But their cunning forsakes them when they deal with the frank and the virtuous; for GOD has wisely ordered that wicked craft can never attain the heights of wisdom. And those who have steadily watched the career of brilliant knaves, will bear witness that their judgment is rarely enlarged by experience, and that, as time wears on, their inward treachery becomes so apparent in their outward features, that the subtlety which once could entrap the most wary, is at last unavailing to ensnare the simple.

Neither are those to be followed who would shut out the lawyer from liberal and polite knowledge. The Law deals with men as they are; and he who denies to any of his faculties the exercise which is most fitting for them, deprives himself of weapons which he can not wisely spare. The Law must not be neglected for other pursuits. But the study of Law is not the study of law books alone. And when we compare the dry-brained sages who have decried all other knowledge, with those who have added elegant attainments to legal lore, their fame sinks into nothingness. Within the last century the Law has advanced into greater completeness and more rational progress than was ever dreamed of before. Law reform in this

country has not always been wise or consistent. But here it has not generally been the work of our sound lawyers, and its defects are not chargeable to the profession. In England it has been the work of lawyers alone. Sir WILLIAM JONES, MANSFIELD, BROUGHAM, ROMILLY, MACKINTOSH, TALFOURD, and a host of other worthies, living and dead, have reaped laurels as poets, historians, philosophers, and statesmen, and raised the standard of legal science to a position worthy of its character as the regulator and preserver of the great interests of society. The men who have changed Law from a technical art to an enlarged and noble science, have always been men of liberal minds and broad views. And no one who compares the scholastic narrowness of some of the ancient legal pedants with the profound wisdom of MARSHALL, could wish that the measure of our liberties should have fallen into other hands.

Let every one come to the study of the Law with a proper sense of its dignity and importance. To such as seek to pursue it with the desire of aiding justice, and honorably advancing the welfare of society, it is a study full of interest, and well worthy of ambition. But those who approach it with the mean desire of using their knowledge to aid cunning and rapacity, will fail to fathom its deepest mysteries; and sooner or later will reap a deserved harvest of scorn and dishonor.

II:2. Christiancy's Address to the First Graduating Class of the Law Department

Source: *Address of the Hon. I. P. Christiancy to the First Graduating Class of the Law Department of the University of Michigan, March 28, 1860.* (Detroit, 1860)

Gentlemen of the Graduating Class:

I congratulate you upon the advantages you have enjoyed here, the zeal with which you have availed yourselves of those advantages, the successful progress you have made, and the substantial evidence of that success you are now about to receive.

Each of you, as I am informed, had already spent some time in the same study, in the office of some practical lawyer, and some of you had already entered upon the practice of the law. You can, therefore, appreciate the difficulties and embarrassments attending the acquisition of systematic legal knowledge in that way, and the great advantages of an orderly and systematic course of instruction, such as you have just received here.

The law, like every other science, has its rudiments and its more advanced stages, its general principles and special departments, and hence a progressive system or order of development; and without due regard to some proper system of development, much of the time of the student is lost, and many of his strongest efforts rendered abortive.

While study in an office is essential to the acquisition of ready, practical skill in the application of legal principles, and should therefore form a part of a practical legal education; yet the time and attention of the lawyer in

active practice is generally, from necessity, occupied in so desultory a manner, to meet the exigencies of the various cases and business transactions thrown upon his hands, that he has little time to aid the student in any orderly course of instruction. The most he can generally do is to recommend a certain course of reading, and occasionally to inspect his progress. The student is therefore left mostly to himself in the pursuit of legal principles, and especially in their classification. And, though many do obtain a systematic knowledge of legal principles in this way, yet it is at the expense of much more time, and much greater effort; and, too often, the result is to make the student look upon the law as an art, rather than a science; to give a kind of a mechanical dexterity in the management of some of its machinery, than a broad scientific view of its principles. The dry rules of law, without reference to their reasons, are too apt to be mistaken for the law itself. The abstract rules of law, without reference to the reasons upon which they are founded, are merely arbitrary and technical. They are but the dry bones of the law, and represent the law about as faithfully as the dry, bony skeletons, to be found in another department of this institution, represent the living man.

There is a strong tendency in the human mind, especially among those who do not like the labor of intense thought and close investigation, and who find it easier to resort to the stores of memory than to the reasoning powers, to mistake the mere scaffolding or the machinery of a science for the science itself; and the mode in which the study of the law is pursued in an office is not sufficiently calculated to check this tendency. The student is set to copying legal papers from drafts furnished him, or to drawing from, or merely filling up, printed forms, before he has sufficiently acquired and classified the legal principles which govern them. He is too apt to take it for granted that there is some mysterious potency in certain forms of words. He does not stop, and generally has not time, to analyze them, and to apply the principles of law which alone give them efficiency. The result is, that he often misapplies them; and when a pleading or other paper is to be drawn, for which he can find no form at all applicable, he is at once in the clouds. The same habit of mind leads him to stretch the application of abstract rules to cases not within their spirit, and which, upon principle, should constitute exceptions or qualifications; and when a question is presented for his opinion, to look for a precedent, rather than the principles which should govern its solution. If the case or the question, calling for his action, happen to fall strictly within some established legal formula, or to conform, in all respects, to some decided case, he feels strong. In preparing his case for trial, he hunts up his precedents and authorities with reference to a supposed state of facts; and if these facts come out as anticipated, it is all very well. But such is the perversity of human conduct, that most of it fails to proceed in straight lines, or in true curves, or at any regular or definite angles, and can not therefore be estimated by any geometrical lines or figures whatever. And cases are constantly thrusting themselves forward for decision, whose features exhibit a contemptuous disregard of all legal formulas, and which evidently never attempted to shape themselves

upon the model of any decided case—cases in which the various ingredients of human conduct, rights and wrongs, and legal principles, are curiously mixed and blended together; the combined result of which presents a new compound, for which the chemistry of the law has yet established no fixed rule or formula, and which requires a new and independent analysis, to be framed from first principles. And these novel features and strange complications often present themselves, for the first time, upon the trial. The man of cases and precedents is then at fault, and gropes his way in darkness; for, though the principle which might illuminate his case, and guide him out of his difficulties, may glimmer feebly in the distance, his base of observation, his intellectual orbit, is too contracted to enable him to obtain a parallax, to determine its true position or his own, or to distinguish it from a thousand other twinkling luminaries which he sees scattered over the firmament.

Case lawyers are like pilots unskilled in the science of navigation, who succeed well enough while they hug the coast and keep the headlands in view, but are always in danger of being lost when they are driven beyond the sight of land. While he whose mind is well stored with the principles and reasons of the law—who, when a question is presented, instead of seeking first for a case, recurs at once to his own internal resources, determines what, upon principle, the law must be, and resorts to cases only for illustration and proof—such a man is ready for any emergency, and is never disconcerted when his case suddenly assumes a new phase. He finds, in the resources of his own mind, compass and quadrant, chart and chronometer, calculates his place, takes boldly to the open sea, and strikes directly for his destination.

Broad as is the field of legal science, he who aspires to eminence in his profession must not confine his attention to legal knowledge alone. The broader his field of observation, the more extensive his acquaintance with other branches of knowledge, the greater his prospects of success at the bar. Every science, every species of information, is more or less frequently brought into requisition. No other profession requires so extensive an acquaintance with the whole cyclopedia of human knowledge. It is therefore peculiarly appropriate that instruction in this science should be connected with the University, where the other sciences also are taught.

Nor is there any profession, the successful practice of which, so imperatively requires a man's qualifications to come fully up to his pretensions; nor, in which it is so difficult, I may say impossible, to get a reputation for qualifications which he does not possess. The medical profession offers much greater facilities for quackery and imposture; but the truly scientific physician grapples with imposture under much greater disadvantages than the lawyer.

The professional duties of the physician are not generally performed in the presence, and much less under the scrutiny, of competent judges, and never under the eyes of those especially employed to expose his errors. And when, by chance or otherwise, the blunders of the incompetent, come to the knowledge of the scientific physician, he finds it perilous to expose

them; for if the imposter have a fair exterior, a plausible address and a good share of tact, he will often, if not generally, succeed in persuading the majority to attribute to professional jealousy every attempt to expose his ignorance.

But there is no room for successful quackery in the practice of the law. Every effort of the lawyer, in the management of his cause, is subject to the closest scrutiny of competent judges. The eager eyes of opposite counsel are upon him, intent upon the discovery and exposure of his blunders. No base metal passes current here; groundless pretensions are unmasked; and, if the client has suffered by the errors of his counsel, the public are sure to know it. The quack physician may sometimes rely upon the discreet silence of the dead; but the quack lawyer can place no such reliance upon the discretion of the living.

It is quite a common opinion among the ignorant, that the practice of the legal profession is inconsistent with the obligations of conscience, or, that its tendency is unfavorable to strict integrity of character. I advert to this, not for the purpose of vindicating the profession from so groundless a charge, but to put you upon your guard against a class of men who sometimes disgrace the profession. There is a class of men who, without any love for, and mostly without any knowledge of the law, as a science, betake themselves to the law as gamblers do to cards, as a convenient means of filching a dishonest living; who either wantonly, or, which is nearly as reprehensible, by lending themselves to the worst passions of irritated litigants, stimulate and encourage litigation for the sake of a fee. They are generally men whose talents are admirably fitted for getting men into difficulties, but wholly unfitted for getting them out. Such men, happily rare among those admitted to the bar, are essentially knaves and pettifoggers, who, like the same class outside of the profession delight in neighborhood quarrels, and render litigation epidemic and malignant wherever they appear.

There are, also, occasionally to be found, I regret to say, men of rare talent and high attainments, but without moral principle, and recognizing no obligation which the law does not enforce, who resort to the law as hypocrites resort to the church, to perpetrate iniquity with less suspicion and greater success.

Both these classes, if they had not taken to the profession, as a cover for their villainies, would probably have taken to crime under a less respectable disguise.

The whole tendency of the study of the law, as a science, is to elevate and purify the mind, to give it acuteness and discrimination in the discovery of right and wrong, to inspire a love of justice and equity, a hatred of wrong, injustice and oppression.

The science of the law is mainly the science of doing unto others, as we would that others should do unto us. Its chief aim is to enforce this principle of human conduct. True, it does not always perfectly attain this object. The aim of all men is happiness; but it is never fully attained in this world. The reason of the failure is the same in both cases. Man is an imperfect being, and all his laws, and all his efforts, will partake of his im-

perfections. There are shades and gradations of wrong which no human laws can undertake to redress; because these laws must be administered by men, and through the aid of human testimony. Nothing short of Omniscience can see the truth and the bearings of human transactions precisely as they are; nor judge, with certainty, all the motives of men. And he who acknowledges no higher obligation than human laws, proclaims himself a villain at heart, who, but for those laws, would not hesitate to commit the foulest crimes.

He who loves the law, as a science, keeping in view its ultimate object, will naturally, and almost necessarily, be an honest man. He will see, as all respectable members of the profession do see, that there is nothing, and can be nothing, in the duties of his profession, in any respect, inconsistent with the strict observance of truth and honesty, with the performance of every duty he owes to God, to society, or to any of his fellow men; that he is no more at liberty to violate any of these duties than other men; that there can be no such thing as inconsistent duties; that his duties to his clients are subordinate to the great cardinal duties he owes to God and to society; that his mission is to secure the triumph of justice, to detect, expose and crush iniquity; that knowingly to aid a client in the perpetration of a fraud, or the consummation of any wrong or injustice, is to make himself equally guilty with the client, and a little more contemptible; since he becomes a mere hireling in wickedness. He will spurn every attempt to secure his aid in the prosecution of a claim, or the maintenance of a defence, which he knows to be fraudulent or unjust; and if, in the course of a cause, he discovers that he has been unwittingly entrapped into such a position, he will refuse to proceed, and leave the client the responsibility of selecting less scrupulous counsel.

Counsel are, no doubt, often deceived by the false statements of clients, and induced to believe the client an honest and injured man, when he is but a designing knave. Such clients will seldom be induced to reveal their nefarious schemes to respectable counsel, as they can not hope to enlist his sympathies in their behalf.

But the strong sympathy which counsel will naturally feel for those who seek his aid and his zeal to protect them from injustice, doubtless have a tendency to make him slow to believe anything to his client's prejudice, and to look upon all testimony against him as false or suspicious, when it does not appear in the same light to others. In this way, his zeal for the right may sometimes make him an unconscious instrument of wrong.

Compelled, as counsel generally are, to get their first ideas of a case from the statements of their respective clients, opposing counsel, in the great majority of cases, do sincerely believe their respective clients in the right, and the opposite party in the wrong. Each of the opposing parties, also, not unfrequently thinks himself in the right; while it is evident one must be mistaken, and perhaps both; for many law-suits originate in honest mistake: and self-interest blinds the eyes of parties, as zeal and sympathy do the eyes of counsel. And if it be true, that zeal for a client, and a natural pride of success, will sometimes lead even respectable counsel, in the heat

of conflict, to pass the line of perfect rectitude, and, for the moment, to think more of the success than of the justice of his cause—a fault more common with the young than with more experienced counsel—this is only to say, that lawyers are not exempt from the ordinary frailties of man; and like other men, no doubt, they repent of such errors when the heat of the conflict is passed, and reflection has taken the place of excitement.

The first duty of the professional lawyer is that of a peacemaker, to calm the excited passions, to check the vindictive feelings of clients, and to bring them back to reflection. Every experienced member of the profession knows that the amount of litigation would be doubled, often the peace of families, sometimes of neighborhoods and whole communities, disturbed, and a state of intestine warfare kept up, by a general neglect of this duty—by counsel simply lending themselves to the dishonest schemes and exasperated passions of clients. No urging would be needed; simply following is enough to produce this result.

No honorable lawyer will ever advise litigation where substantial justice can be obtained without it. He will never try a cause till every reasonable effort for settlement has been exhausted; nor will he ever advise a client to insist upon the utmost strictness of his legal rights; he will rather advise him to forego some portion even of his equitable rights for the sake of peace.

If we were at liberty to consider this question without any reference to duty or to morals, as a simple question of personal policy, it would still be found that this course of practice will, in the end, be most advantageous to the practitioner. It will inspire confidence, and secure the best class of business. He might not make money so rapidly at the outset. Doubtless money may be more rapidly obtained, for a time, by larceny or highway robbery, than by honest means; but this mode of making money is not likely to succeed long, nor to become permanently profitable. Few crimes are more injurious to society than that of encouraging wanton litigation. And he who can nowhere find professional employment, without encouraging litigation, may safely conclude that he has mistaken his vocation, that society does not need his professional aid, and that he had better turn his attention to some other means of support.

But no man is at liberty to regulate his professional conduct by considerations of profit and loss only.

Every individual, all classes of men, in all the relations of life, have duties to perform, duties to each other and to the society in which they live; and the duties of every individual, and of every class, are in exact proportion to the power and influence of the individual or the class. Every augmentation of power or influence brings with it the additional and corresponding duties. And, as the legal profession possess more power over the whole field of litigation than any other class, so are they under a corresponding obligation to exert that power for the good of society. And the same may be said of the influence which, as a class, they possess in moulding and improving the laws and institutions of the country in which they live.

I shall not undertake to enumerate all the various duties and obligations

of the profession; they are well understood, and, I am glad to believe, generally observed by the reputable members of the profession. But, as all these duties and obligations grow out of the position occupied by the profession with reference to the society at large, it may not be amiss to consider what that position is.

The only just, philosophical view which can be taken of this subject is this: that the profession constitutes one of the great departments of human labor for the common good.

Every branch of knowledge, as well as every variety of physical labor, is brought into requisition for the supply of human wants, and the promotion of the social welfare. But, as in physical labor, no one individual can ever acquire sufficient dexterity in every variety of occupation, and a division of labor enables each to attain greater practical skill in his particular department, and thus increases the aggregate product; so in the field of mental labor, it is impossible for any individual to acquire that complete familiarity with every branch of knowledge, and that practical skill in its application, which are necessary to any high degree of success; and hence the necessity of a division of mental labor.

Thus, for illustration: the human body is a complicated and delicately constructed piece of mechanism, liable to numberless derangements known as diseases, almost infinitely varying in type and intensity, and often approaching and blending with each other. To cure these diseases, the peculiar characteristics of each disease and, to some extent, of each individual constitution, must be studied; and the effects of the various kinds of medicines, and other curative agencies, must be ascertained. Here is the study of a lifetime, a demand for the knowledge which has only been acquired through the accumulated observation and experience of successive generations, and the safe, practical application of which necessarily becomes a specialty. This is the province of the physician.

To correct, by persuasion, by appeals to the judgment and better feelings of men, the natural tendency of the passions to excess, to soften their asperities, to purify and elevate the affections, to teach us to love justice and mercy for their own sake, to make us better in all the relations of life, and to alleviate the afflictions incident to our condition, with the hope of a better life hereafter—these objects require special qualifications and discipline. Here is the province of the clergyman.

But such is the tendency of the human passions and propensities to run to excess, and in default, as well as in defiance of moral and religious teaching, to resort to wrong and violence; and so liable are men, even with the best intentions, to misapprehend each other, and to understand, in a different light, the same transaction, that every community, as it emerges from barbarism, where force alone decides, must have fixed laws for the protection of right, and the redress of wrong.

And, as in civilized society, business transactions, social relations and duties, become almost infinitely various and complicated, and the more so, the more civilization advances—so, in corresponding ratio, must the laws which apply to and regulate them, become various and complicated also.

To ascertain the nature of these various transactions and duties, their relations to each other, the principles involved in, and the laws applicable to each—to acquire that thorough knowledge and accurate discrimination necessary to a ready, practical application of those laws, in such a manner as to secure the rights of parties and the public welfare—to accomplish this requires years of careful study and preparation. This is the province of the lawyer.

All these professions or departments of mental labor, and many others, are necessary to the full development of civilized life, and, when properly directed, all work harmoniously together for the common good.

It is this tendency which must always determine their legitimacy, and measure their utility.

All these professions, like all other departments of labor, and all the faculties of the mind, are liable to abuse. Should the physician, to gratify his own or another's malice, or to acquire or give to others the means of perpetrating some other crime, poison or drug his patient instead of curing him—should the lawyer make use of his professional talents to promote schemes of robbery and fraud, on his own or another's account, or stir up litigations for the sake of business or a fee—should the clergyman become a wolf in sheep's clothing, and for selfish or mercenary ends, countenance vice, because it is popular, sanction and encourage injustice or oppression, because it is strong, and spurn its victim because he is weak, take advantage of the confidence his position inspires, to sap the morals of his flock, and lure the unsuspecting into crime, or inculcate hatred and bitterness, instead of kindness, mercy, peace and good will to men—then, in these several cases, the physician, the lawyer, the clergyman, equally perverts the end and object of his profession, and, instead of performing its duties, abuses its privileges.

The present might be deemed a proper occasion to indulge in some words of practical advice to those who are preparing to enter upon the practice of the profession for the first time. But the forty minutes which I had prescribed to myself are so nearly expired, that I shall not be able to say much upon this head. And if I had the time, yet knowing the qualifications, the experience and fidelity of your Professors, I should enter this field with the greatest diffidence. But there are two considerations, generally considered of minor consequence, but which I deem of so much practical importance, that at the risk of repeating what may already have been said, and better said, by your Professors, I will take the liberty of suggesting them.

Most of you, who have not yet entered upon the practice, will probably, before doing so, spend some time in the office of some practicing lawyer. While so employed, and afterward, when you engage in the practice for yourselves, let me caution you against falling into the habit of trusting too much to printed forms or precedents, or, to any forms prepared by others. It will be much better to accustom yourselves to the drawing of pleadings and every kind of legal instrument, entirely from your knowledge of legal principles. After having completed the paper in this way, if not entirely

certain of its sufficiency, then, for the first time, consult some approved form. This will furnish suggestions, and serve to test your accuracy. Let this process be repeated until fully satisfied of entire correctness. This course will seem slow and laborious at first, but it will become easier at every attempt; and it is the only course which can ever give ready practical skill in this department of the profession. It compels and keeps up familiarity with legal principles and the modes of their application, induces the habit of looking to the substance, rather than the forms of things, and makes a scientific lawyer rather than a legal mechanic.

Many young men of good talent have settled down into third-rate lawyers, because they found it so much easier, at first, to avail themselves of forms ready drawn, than to go through the necessary labor and thought of preparing them. In yielding to this seductive habit, they have saved labor, but dwarfed the intellect. They have relied upon crutches till they are unable to walk alone.

It is hardly necessary to say, that when you have once acquired a ready facility in drafting legal papers, you may safely resort to printed forms as occasion may require.

Another very common error with the young man, just commencing the practice of the law, is his anxiety to do too much business at the outset. His motto, at this stage of his professional life, should be, to make haste slowly. He is just beginning to apply his store of legal principles to actual practice, to real transactions, as they arise. He has already acquired, perhaps, the dextrous use of the foils, and the highest skill in feigned combats; but he is now to enter the earnest conflict, to wield and to ward the naked steel. The utmost circumspection is necessary, and his progress at first must be slow and cautious. He should see clearly the bearings of every question in the case or transaction he undertakes, and of all the legal principles involved, arranging and classifying everything in its proper place.

Every succeeding case, every item of business done in this thorough and methodical way, will increase his facility, and he will find himself progressing with accelerated speed. But if he take upon himself, at once, more than he can thus thoroughly and systematically perform, his store of legal principles may become confused and disarranged before he has acquired a reasonable facility in their use; his mind may become bewildered, and he may find himself forgetting rather than improving. To use terms borrowed from the printing office, his stock of legal principles may be thrown into pi before they are well locked in the form.

One suit thoroughly and ably managed is worth more to the young practitioner than ten carelessly conducted; not only for the reasons already stated, but because much of his reputation and prospects may depend upon his early efforts. It may take some time to overcome the effects of a false step in this stage of his career. The public sometimes decide too hastily, and do not always make sufficient allowance in such cases.

But I must hasten to a conclusion.

That there is, to-day, a graduating class in the law department, shows that a second important epoch in the history of the University has, at length,

been inaugurated. The medical department had already proved a complete success, and its beneficial effects have, for years, been felt by that profession and the public.

As the laws upon which man's physical health and physical existence, as an individual, depend, seem naturally to take precedence of those which regulate his rights and duties in relation to others and to society, it was, perhaps, fitting that the establishment of the medical, should precede that of the legal department.

But the law department has now, also, become a fact accomplished; and, contrary to the common experience of such institutions, it has had no infancy, no childhood. It sprung at once into complete efficiency and vigorous manhood. This, to some, has been a matter of surprise: but for myself, I thought it had become a public want: I knew your Professors, and I anticipated the result.

To all who feel an interest in the advancement of science and the dissemination of knowledge in our State, as well as to the Regents, and the Professors in this institution, and to you, gentlemen, it must be a matter of congratulation, to see the University of Michigan rapidly becoming what its name imports, and what the public interest requires, an institution which shall afford, within itself, full and complete instruction in every branch of human knowledge. But to none can this be more gratifying than to the able, zealous and efficient officer who presides over this institution, who has for years so patiently and perseveringly, through good and through evil report, and in the face of all discouragements, labored with so much success to bring about this result. When assailed he did not reply: when reviled he reviled not again; but his works have spoken for him.

II:3. By-Laws of the Board of Regents Pertaining to the Law School

Source: *By-Laws of the Board of Regents,* 1861-1958

1861

By-Laws of the Law Department

The Faculty.

Sec. 1. There shall be at least three professors in this department, to be denominated the Law Faculty, to whom shall be assigned the several branches of law, including Constitutional, International, Maritime, Civil, Commercial and Criminal Law, Medical Jurisprudence, and the Jurisprudence of the United States, as shall be determined by resolution of the Board of Regents.

Sec. 2. The immediate government of this department shall be vested in the Law Faculty, who shall advise, direct and instruct the students in the several branches of learning taught in the department.

Sec. 3. General meetings may be held as the faculty shall direct, and the Dean may call special meetings when he shall deem it necessary, or on the application of any two professors.

Sec. 4. A majority of all the members of the faculty shall constitute a quorum, and the presiding officer shall always be entitled to a vote.

Sec. 5. The faculty shall annually appoint one of their number Secretary, who shall keep a record of all their proceedings, and submit the same to the Regents at the annual meeting. He shall also keep a book in which shall be registered the name, age, and place of residence of each student, with the time he entered, and the time he leaves the Law department.

Sec. 6. The faculty shall present at the annual meeting of the Regents in each year, a report upon the past operations, present condition, and future prospects of the department, with such recommendations as they may think proper to make for its improvement.

Of Admission.

Sec. 7. No student shall be admitted to this department who has not attained the age of eighteen years.

Terms and Hours of Instruction.

Sec. 8. There shall be one law term each year, commencing on the first day of October, and continuing until the Law commencement.

Sec. 9. A system of lectures, study, practice and examinations, shall be pursued in the Law department, and shall extend through a period of two years.

Sec. 10. There shall be at least ten lectures and examinations each week during the entire course.

Sec. 11. The law faculty shall devise and recommend a course of study and exercise in detail, to be pursued by students during the entire course, and submit the same to the Board of Regents. And they shall also submit such modifications of the same, from time to time, as they may deem expedient. The course shall be so arranged, as far as may be, that students may begin with any term.

Sec. 12. Moot courts shall be organized, and such other measures adopted by the Law Faculty as may most effectually promote the practical knowledge and application of the principles taught.

Sec. 13. The text books to be used may be selected by the faculty, subject to the control of the Regents, from the whole range of a full law library.

Degrees.

Sec. 14. The degree of Bachelor of Laws may be conferred upon those who shall pursue the full course of two years, pass an approved examination, and be recommended by the Law Faculty.

Sec. 15. That degree may also be conferred upon those who shall have attended other law schools for a period equal to one year of our course, or shall have practiced law one year under a license from the highest court of general jurisdiction in any State, and shall also have pursued one year's course in the Law department of this University, shall pass an approved examination and be recommended by the faculty.

Sec. 16. Candidates for graduation must announce themselves as such, in writing, to the Dean of the Law Faculty, at least three months before the commencement at which they wish to graduate.

Sec. 17. Each candidate for graduation must be twenty-one years of age, and must sustain a good moral character. He must also have written and deposited with the law faculty, at least one month before graduation, a dissertation on some legal subject, of not less than forty folios in length.

1864

BY-LAWS OF THE LAW DEPARTMENT

The Faculty.

Sec. 1. There shall be at least three professors in this department, to be denominated the Law Faculty, to whom shall be assigned the several branches of law, including Constitutional, International, Maritime, Civil, Commercial and Criminal Law, Medical Jurisprudence, and the Jurisprudence of the United States, as shall be determined by resolution of the Board of Regents.

Sec. 2. The immediate government of this department shall be vested in the Law Faculty, who shall advise, direct and instruct the students in the several branches of learning taught in this department.

Sec. 3. General meetings may be held as the faculty shall direct, and the Dean may call special meetings when he shall deem it necessary, or on the application of any two professors.

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Sec. 6. The faculty shall present at the annual meeting of the Regents in each year, a report upon the past operations, present condition, and future prospects of the department, with such recommendations as they may think proper to make for its improvement.

Of Admission.

Sec. 7. No student shall be admitted to this department who has not attained the age of eighteen years, nor until he shall have presented to the faculty satisfactory evidence of good moral character.

Terms and Hours of Instruction.

Sec. 8. There shall be one law term each year, commencing on the first day of October, and continuing until the Law commencement.

Sec. 9. A system of lectures, study, practice and examinations, shall be

pursued in the Law department, and shall extend through a period of two years.

Sec. 10. There shall be at least ten lectures and examinations each week during the entire course.

Sec. 11. The law faculty shall devise and recommend a course of study and exercise in detail, to be pursued by students during the entire course, and submit the same to the Board of Regents. And they shall also submit such modifications of the same, from time to time, as they may deem expedient. The course shall be so arranged, as far as may be, that students may begin with any term.

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Sec. 16. Candidates for graduation must announce themselves as such, in writing, to the Dean of the faculty, at least three months before the commencement at which they wish to graduate.

Sec. 17. Each candidate for graduation must be twenty-one years of age, and must sustain a good moral character. He must also have written and deposited with the faculty, at least one month before graduation, a dissertation on some legal subject, of not less than forty folios in length.

1883

BY-LAWS OF THE LAW DEPARTMENT

The Instruction.

Sec. 1. The Professors in this Department shall give instruction in the several branches of the law.

Method of Instruction.

Sec. 2. Instruction in the Law Department shall be by lectures and examinations, and one or more of the professors will have general supervision

of the reading of students and will guide and direct them therein. There will be lectures on five days of each week and at least two lectures each day.

Moot Courts.

Sec. 3. For instruction in practice there will be frequent moot courts, and students will be aided in the preparation of pleadings and briefs.

Length of Course.

Sec. 4. The law course is completed in two years. The course of instruction is so arranged that students at their option can begin with any term.

Requirements for Graduation

Sec. 5. Any person paying the prescribed fees shall be at liberty to attend the law lectures and be enrolled as a student, but no person will be received as a candidate for a degree until he has passed such an examination as satisfies the Faculty that he has such education as will fairly justify his entering upon the practice of law after his legal studies are completed.

Sec. 6. Applicants for admission to the graduating class, in addition to the evidence of preliminary education, must show either: (1) That they have attended for one term in this department or some other law college of approved standing, or (2) That they are licensed practitioners in the highest court of law and equity in this or some other state. And if the license emanates from a state whose rules for admission to the bar do not require attainments corresponding to those demanded in the States generally, the applicant will be subjected to an oral examination in order to test his fitness for advanced standing.

1922

THE LAW SCHOOL

(Established as a Department in October, 1859)

AIMS Section 1. The Law School shall give instruction in the history and development of jurisprudence, the principles on which laws are founded and the procedure by which they are administered, to the end that its students may become prudent counsellors, wise legislators, and useful leaders.

RESEARCH Sec. 2. Research shall be encouraged in this School, in the study among other things of "comparative jurisprudence and legislation, national and state, and of foreign countries, ancient and modern."

REQUIREMENTS FOR ADMISSION Sec. 3. In order to maintain a high standard of intellectual attainment among the students of this School, the requirements for admission shall include certain preliminary studies, the amount and character of which may from time to

time be determined by the University authorities (*Cf. supra,* Preamble), and made public through the usual channels. (*Cf. supra,* Chap. VI.)

LOANS OF BOOKS Sec. 4. The University Librarian, if requested by the Dean of the Law School, may authorize the loan of books from the Law Library to local attorneys, for a period of not more than three days, provided said books shall not be removed from Ann Arbor, and that their absence shall not conflict with the needs of the students or Faculty of the Law School.

1940

LAW SCHOOL

Sec. 13.01. General Purpose. The Law School shall be maintained for the purpose of providing instruction and conducting research in law and in the science of jurisprudence, comparative jurisprudence, and legislation, to the end that its graduates may become prudent counselors, wise legislators, and useful leaders. (Chap. XI, Sections 1 and 2, B.L., 1923, revised.)

Sec. 13.02. Powers of the Governing Faculty. The governing faculty of the Law School shall be in charge of the affairs of the school. It shall provide the necessary courses of instruction. It shall prepare suitable requirements for admission, proper curriculums, and appropriate requirements for graduation, which shall become effective upon approval by the Board of Regents. It shall recommend to the Board candidates for degrees. It shall exercise such other powers as are ordinarily exercised by school or college governing faculties.

(Chap. XI, Sec. 3, B.L., 1923 revised.)

Sec. 13.03. The Dean. The executive functions of the Law School shall be performed by the Dean.

Sec. 13.04. The Lawyers Club. The Lawyers Club shall be maintained for the purpose of providing a residence hall, dining hall, and club for law students, law faculty, and visiting lawyers. It shall assist in promoting and supporting legal research and in promoting the interests of the legal profession, the welfare of the law students, and the study and advancement of the law. The management of the Club and its affairs shall be vested in a Board of Governors.

Sec. 13.05. Law Institute. The Law School may maintain a Law Institute for the purpose of discussing timely topics of the law with and for members of the bar and for interchange of ideas with respect thereto. The times at which such institutes shall be held, the subject matter to be discussed, and the speakers to be engaged shall be as determined from time to time by the governing faculty of the Law School.

1945

LAW SCHOOL

[Substantially the same as for 1940.]

1948

LAW SCHOOL

[Substantially the same as for 1940.]

1958

LAW SCHOOL

[Substantially the same as for 1940.]

II:4 THE UNIVERSITY OF MICHIGAN LAW SCHOOL—AN EVALUATION: 1959

SOURCE: Report of an evaluation made on April 23-24, 1959, by William B. Lockhart, Dean of the University of Minnesota Law School, and Charles B. Nutting, Director, Buhl Foundation, Pittsburgh

NOTE: The mimeographed report, prepared for the American Bar Association, Section on Legal Education, is reproduced in its entirety, including the "few minor qualifications" referred to in the first paragraph, with the exception of budgetary information.

1. GENERAL OBSERVATIONS

The University of Michigan Law School, now in its hundredth year of operation, is generally recognized as one of the outstanding institutions of its kind in the United States. The University, of which it is a part, likewise is regarded highly and is certainly one of the best tax-supported institutions in the nation. The enrollment in the Law School varies between 850 and 900. The students come from every section of the United States and from twenty other countries. Less than fifty per cent are residents of Michigan. The graduates are similarly distributed. There is, of course, no question that the School complies fully with all of the requirements and standards of the American Bar Association and the Association of American Law Schools. As will appear in greater detail later, subject to a few minor qualifications, the faculty, physical plant, curriculum, admissions policies and academic standards are more than satisfactory.

2. GENERAL FINANCIAL INFORMATION

The Law School is well supported by the University. The salaries of faculty members, as far as we are informed, rank favorably with those paid in any law school. . . .

The University of Michigan does not have a maximum salary. The general policy, followed throughout the University as well as in the Law School, is to pay what is necessary to attract and retain capable faculty

members. We understand that there is a greater concentration of high salaries in the Law School than in other areas of the University with the possible exception of medicine, where comparison is difficult owing in part to varying arrangements regarding the extent to which private practice is permitted.

It should be noted here that most of the support of the Law School comes from general University funds. As far as we are aware there is no policy that support of the School is dependent on tuition receipts. Funds from the Cook Endowment are used chiefly for research and have no effect on the salary structure except that in some cases a faculty member may spend part or (temporarily) full time on a research project, in which case the appropriate portion of his salary is paid from research funds.

Salaries of individual faculty members are determined by the Dean in consultation with the Dean of the Faculties of the University. He also determines the amount of salary increases in the same way.

At the time of our visit, the state of Michigan was undergoing a severe financial crisis due in part to the business recession and in part to political complications arising between the governor and the legislature. Although this has occasioned some uneasiness in the University as a whole, officials seem confident of the outcome and the Law School apparently has not as yet suffered because of the situation. Michigan, we might add, has a long standing tradition of encouraging higher education. There seems to be no reason to suppose that this will be abandoned except that as problems of expansion arise, there may be increased pressure to limit the number of out-of-state students. This pressure will be resisted by the administration, although fees for these students may be increased so that they will be required to bear a greater proportion of the total cost of their education.

3. University Relations

The University is relatively decentralized, considering its very large size. The Dean of the Law School reports as to academic matters to the Vice President and Dean of Faculties, who, incidentally, holds the title of Professor of Law, although he is not at present actively engaged in teaching. We have the impression that relations between the Law School and the central administration are most cordial. The Dean was at one time Provost of the University and it is obvious that his wisdom and judgment are relied on not only in connection with Law School matters but in broader fields as well.

There is, of course, central financial control. In general, a group of administrative officers allocates the available funds to the respective schools, taking into consideration the budget recommendations of the deans. On the basis of a rather lengthy conversation with the Dean of Faculties we have the impression that within the general allocation the Dean of the Law School has almost complete freedom with respect to individual cases, although, as has been said, his recommendations are subject to review and possible discussion.

4. FACULTY

The Michigan Law School, ever since the time of Judge Cooley, has had a distinguished faculty. Partly because of a change in the times and partly because of a series of retirements over the last dozen years, the eminence of the faculty in the eyes of those who were law students thirty or more years ago, has somewhat declined. However, it is fair to say that the present faculty includes some persons of recognized status and many others who show great promise. Generally speaking, the faculty is relatively young, energetic, imaginative and capable. We visited as many classes as time would permit and were, on the whole, impressed with the level of teaching. It is clear that there is a definite interest in legal research. Most of all, it appeared to us that the faculty as a body is seriously concerned with the problems of legal education and is giving thoughtful consideration to the future of the school.

Two questions seem to be worth raising. . . . The first is that, among the thirty-six faculty members as to whom information was available from this source, nineteen received their first law degree from Michigan, ten received advanced degrees in law from Michigan, and three obtained both the first and advanced degrees from Michigan. Only ten faculty members had no previous relationship with the institution. This is not necessarily a disadvantage, since the pattern is probably typical among high-ranking schools. However, the School may wish to consider the possibility of recruiting a greater proportion of future faculty members from those who represent a wider variety of experience.

The second question has to do with the age level of the faculty. A rather high proportion of the members is in the age bracket of the early forties. This means that in the future the School will be faced with the task of replacing, within a relatively short time, a large number of those who will reach retirement. It may be that in the future the recruitment of men within a wider age range may be desirable in order to obtain greater continuity of faculty personnel, and to avoid the disruption which may result from wholesale changes.

Apart from these relatively minor matters, the faculty situation seems excellent. It is clear that the faculty has control of academic policy and of its own membership. This is well illustrated by our experience at a faculty meeting which we were invited to attend. It was pointed out that the Dean will retire at the end of the next academic year. We were told that the faculty has elected a panel of twelve members from which seven will be selected to advise the administration regarding his successor. At the same meeting, the selection of a faculty member was discussed. The committee on faculty personnel made a recommendation which was adopted by the whole group after a completely full and uninhibited discussion. We were impressed by the freedom with which these matters were debated, and are convinced that the democratic process was fully operative.

With a large faculty such as this, a committee system is necessary. There appears to be an adequate committee structure . . . . In addition, faculty members have individual administrative assignments . . . .

Under the rules of the University, professors and associate professors receive tenure upon appointment. Assistant professors receive a three-year appointment. In general, promotion is rapid, it being the policy of the School to employ assistant professors for a three-year term, and associate professors for three to four years before advancing them to full professorial rank.

5. Students

Admissions

Admission to the Law School for the first degree in law is limited to graduates of approved colleges, "whose scholastic records and other evidences of ability indicate, in the judgment of the Committee on Admissions, a reasonable probability of success in the Law School." The Committee on Admissions, under the leadership of Professor Roy L. Steinheimer, admissions officer, seeks carefully to adhere to the above standard. After careful scrutiny of each applicant's college record, his Law School Admission Test score, and other available evidence, an effort is made to reach a fair judgment on whether the applicant is likely to be successful at Michigan. The Committee considers, as it should, whether an applicant will probably be successful at Michigan, with its high scholastic standards and its large student body that precludes the personal attention and coaching possible for slower students at smaller law schools. The rejection of an applicant does not mean the Committee has concluded he will not be successful in some other school, but only that he is not likely to be successful at Michigan.

The Committee on Admissions uses as a rough rule of thumb standard a requirement of a 2.5 grade point average in college (on a four-point scale) and a 500 Law School Admission Test score. An applicant of good character who meets both of these standards is admitted without further consideration. If an applicant falls below both of these standards, he is automatically excluded unless he is a close borderline case with other offsetting factors of promise. Those who meet one of these standards but not the other are considered individually. A careful look is taken at the college record to see the character of courses taken and whether there was improvement in his scholastic achievement in the later years of college. On occasion, some consideration is given to the scholastic standards of the particular college from which the applicant comes. A high college record is permitted to offset a lower Law School Admission Test score, and occasionally a high Admission Test score is permitted to offset a lower college record, but with considerable more hesitation. On occasion, personal interviews are used to make a decision in close cases, and some use is made of careful letters of recommendation.

The faculty of the Law School has now launched a detailed study of student records back to 1946. One purpose is to see what information of help on admission can be gleaned from the data. The faculty had before it a year ago a suggestion for a minor increase in the college grade point average and Admission Test score required for automatic admission, but

decided to take no action until the detailed study of past records is completed. The faculty hopes that this study will provide a solid basis for future changes in admission policy.

In the past four years, 22% to 26% of all applicants have been denied admission. This disregards, of course, the large number of prospective applicants who do not apply because they know their records do not meet the normal admission requirements.

The evaluators are satisfied that the Law School is maintaining highly satisfactory admissions standards. This does not mean that there is no room for improvement, and the Michigan faculty recognizes the need for revision of admission policies so as to avoid, if possible, the still rather high attrition rate in the first year.

Scholastic Standards and Exclusions

The Law School uses the following grading system:

Grade	Rating	Honor Points Per Credit Hour
A	Excellent	4
B	Very Good	3
C plus	Good	2.5
C	Satisfactory	2
D	Unsatisfactory	1
E	Failure	0

A student's scholastic standing is determined by his honor point average on all work taken in the school. A student is excluded if he fails to attain a 1.7 average on his first year's work, or if he thereafter falls below a 1.7 average, except that he may complete the balance of a session or term in which the grade report comes out and may remain thereafter if he achieves a 1.7 over-all average at the end of that session or term.

Exclusions for failure to make this required 1.7 average were as follows in the past three academic years:

Year	First Year Number	First Year Percentage	Second Year Number	Second Year Percentage
1955-56	48	14.8%	7	3.2%
1956-57	62	17.7%	8	3.5%
1957-58	63		10	

The foregoing figures must be reduced by the students who were readmitted upon petition, after the faculty had individually considered their cases. The readmissions were as follows:

Year	After First Year	After Second Year
1956-57	8	3
1957-58	12	2
1958-59	11	1

Those readmitted did not come exclusively from those excluded in the preceding year, for occasionally a student will be readmitted who has been out of school for a year or more. But these figures are roughly comparable, and show that 16% to 19% of those who fail to make the necessary average in the first year are presently readmitted to continue into the second year. These petitions are passed on initially by the Administrative Committee, consisting of the Dean, Associate Dean, Assistant Dean, and Admissions Officer. They are then submitted to the faculty for approval, and on petitions of this kind there is careful faculty scrutiny and discussion.

The evaluators are satisfied that the faculty is exercising careful and sound judgment in its action on these petitions seeking exceptions to the exclusion policy. The petitions are only granted if the faculty is satisfied that the scholastic performance of the student does not represent adequately the faculty's judgment concerning his capability for successful work, and that the reason for his inadequate work no longer exists. A number of the first year cases were students who got a low grade in one of the two eight-semester hour courses, Property or Contracts. Courses carrying such a heavy percentage of the total first-year work give perhaps excessive weight to the judgment of a single professor, but this risk is softened by consideration of this factor in passing on petitions for readmission.

In appraising these exceptions to the exclusion rule, it should be borne in mind that students who are readmitted must raise their over-all grade point average to 1.7. This means they must do better than a 1.7 average to stay in school the year after their readmission. A substantial majority of those readmitted succeed in raising their average and ultimately achieving the LL.B. degree. These results indicate to the evaluators that the petition system is working satisfactorily, and does not in any sense jeopardize the scholastic standing of the Michigan student body.

One rather peculiar feature of the Michigan system is that while a grade point average of 2 or "C" is required for all work offered for the degree, seniors with less than a "C" average on their first three years' work may continue in school so long as they do not fall below a 1.7 average. They may continue to take courses until they have enough courses in which they have a "C" average to meet the degree requirements, even though their over-all average is substantially below a "C."

The Michigan faculty is re-examining its grading standards and scholastic requirements, just as it is re-examining its admission standards. It is giving consideration to the features of its present system mentioned above. The evaluators are satisfied that with a strong faculty seeking improvement in student work and a higher standard of performance, there is every reason to be satisfied that the scholastic standards at Michigan will continue to be high.

Counseling and Guidance

Despite its size, the Law School seeks to establish personal relations between faculty and students. Each student is assigned to a faculty member as his advisor to whom he may go for consultation on any problem, whether related to the Law School or not. Of course, the students are free to consult

with any professor, but the assignment of advisors during the current year has encouraged greater consultation. The Assistant Dean, Associate Dean, and Dean are also readily available for advice and counsel.

The Law School furnishes to each student an excellent Law Students' Handbook, which is designed to inform the student on a great many matters of interest and importance to him. These include instructions on the objectives of legal education and how to study law; guidance in planning a law program and making choices among electives; the Law School rules and regulations on such matters as grading standards; and an explanation of intramural activities. This Handbook is the best thing of its kind that has come to the attention of the evaluators.

Financial Aid to Students

During this current year, Michigan granted 151 scholarships to its 862 students. In the undergraduate student body, 16.6% received scholarships which averaged $532. About two-thirds of the scholarships carry a moral obligation to repay without interest when the student is able to do so.

During the period from February 1958 to February 1959, the Law School also made 271 loans to 184 students, totalling $46,660. Of these 65 also had scholarship assistance. It thus appears that a total of 376 of Michigan's 862 students are currently receiving financial assistance from the Law School, either in the form of scholarships or loans. The total expenditure for the year's period in scholarships and loans was $137,675.

In addition to scholarships and loans, approximately 12 fellowships are awarded to graduate students totalling around $50,000.

These student aid funds come mostly from endowments. The University supplies $14,000 in free tuition scholarships, and the Law School received $8,600 in current expendable gifts.

Scholarship grants are administered by a Scholarship Awards Committee, which carefully restricts them to students with financial need. One practice followed by the Scholarship Awards Committee is to require that a student help himself by some part-time employment in order to qualify for a scholarship. The evaluators question whether this is a sound policy, uniformly applied. Law Review editors in financial need could certainly do better with their class work and Law Review work if not expected also to work fifteen hours a week or so doing additional research for pay. Of course, research work, if available, is also a form of legal education, but this practice raises the question as to whether Law Review men in need of financial aid are not expected to spread themselves too thin. Further, there is some doubt generally as to the soundness of a policy that encourages students to take part-time employment as a condition of obtaining financial aid. When the goal of the Law School should be that the student devote his maximum effort to the study of law, is a system desirable that encourages students not to devote their full working time to study?

Outside Work

The Law School keeps no record of outside employment by students, but seeks to keep the hours of outside employment reasonable through generous financial aid. In case of students who must work long hours, the policy is to encourage the reduction of the course load so as to extend the three-year program beyond three years. The Law School administrators do not believe the School has a serious problem of outside work.

Records

Student records have been maintained continuously in the Law School since 1895. They are presently in charge of a recorder. Individual folders are maintained for each student. The material includes the student's application, a photograph (obtained after the application has been accepted), all correspondence with the individual, and a cumulative record of grades. The files seem to be meticulously kept, and are completely satisfactory.

Placement

The Law School maintains an efficient and useful Placement Office for its students. The details of its operation are unimportant for the purpose of this report. It is sufficient to say that placements are handled on a national basis, and that increasing effort is made to encourage prospective employers to come to Ann Arbor for interviews.

Michigan Law Review

The Michigan Law Review is one of the top Law Reviews in the country. Students with a "B" average are eligible to try out for the Review, and those who handle their assignments competently are elected to the editorial board. As is true elsewhere in the country, the Law Review is moving toward greater student independence.

Case Clubs

The Case Clubs appear to be modeled on the traditional Harvard Ames Competition program, with minor alterations. Each first-year student may participate in two briefs and arguments on a voluntary basis. Approximately 90% participate in the first round, dropping to around 40% to 50% in the second round. In the second year an elimination competition takes place, with the finalists going into a fourth round. It is unfortunate that such a large percentage of the students drop out after the first round in the first year. One of the principal values of this experience is lost when the student does not follow up with a second brief and argument in which he has an opportunity to correct some of the errors made the first time. The program would be improved substantially if some means of encouraging continuance into the second round could be devised.

Student Bar Association

The Student Bar Association is made up of the entire student body, with the Board of Directors consisting of elected officers of the Association, the Presidents of the senior, junior, and freshman classes, and the heads of the other student activities. The Bar Association engages in the usual activities customary for such organizations, and appears to be an active and useful organization. For example, it was the Bar Association that stimulated the establishment by the Law School this past year of the system of faculty advisors for each student.

6. Curriculum

The Law School has a well-balanced and generous curriculum, which insures that the students will be well-grounded in the fundamentals and can specialize to some degree in the areas of their interests. While all of the first year and a part of the second year is required, there is a wide choice of electives. The School offers ten to twelve seminars each semester, insuring one or more seminars for those students interested in individual and group work. Unfortunately, the School has not felt that it could require all students to take at least one seminar as a degree requirement, because of the large number of students. There is talk of such a requirement within the faculty, and an expectation that with further increase of the faculty it may be possible to establish such a requirement.

The Curriculum Committee has been engaged in recent years in a rather leisurely look at the curriculum, which has thus far produced minor changes. For example, two or three years ago, a second year legal writing and research program was established that is producing good results. Next year an experimental one-third of the second year class will participate in the first semester "Integrated Program in Procedure." These students will take simultaneously Pleading and Joinder, Trials and Appeals, Evidence, Administrative Tribunals, and Taxation, culminating in eight-hour integrated seminars in which the content of the various courses will be brought into focus on problems. Other innovations in curriculum are under consideration.

The evaluators find that the Michigan faculty is not satisfied to rest on past achievements and is beginning to seethe with inquiry and self-criticism as it starts to re-examine its teaching program. Out of this is certain to come further improvement in the curriculum, both in content and in teaching method.

7. Library

The library is completely autonomous from the general University. It is under the direction of a faculty member. He is the only member of the staff who has faculty status, and he has teaching responsibilities in addition to his library duties. The 1958-59 budget showed twenty professional staff members and seven secretarial positions. . . .

The library includes about 300,000 bound volumes in addition to a great number of pamphlets and unbound periodicals. Approximately forty per cent of the collection is composed of material from non Anglo-American sources. Only faculty members, law review members, and graduate students have access to the stacks. However, about 30,000 volumes on open shelves are available to the students. These include a complete set of reports, digests, citators, and other books which would be regarded as the elements of a working library. As far as we could determine, the library is used by many students throughout the day and evening. A minor problem, as to which there is probably no effective solution, is the occupation of the library by students from other areas of the University. Some of these invaders represent scholastic and others, biological interests.

The physical aspects of the library are considered in the section of this report dealing with the Physical Plant.

8. Special Programs

In addition to the regular undergraduate law instruction, certain special activities of the Law School should be noted.

Research

The Law School has a very ambitious and well-financed program of research. For the year 1959-60 it has a "research budget" totalling $291,820. About $90,000 of this is non-recurring in nature, but roughly $200,000 is available annually and is budgeted on the basis of recommendations of the Law School Graduate and Research Committee, subject to faculty approval. Most of these funds are income from the Cook Endowment, but for next year $14,500 comes from the Lawyers Club Research Fund, which is contributed by alumni in the form of dues to the Lawyers Club.

The budget for 1959-60 is a good indication of the tremendous value of the research funds as an aid to research. Approximately $50,000 is used to pay professors. Some of these regularly devote part time to research duties. Others are relieved of teaching duties for a portion of the regular academic year and paid from these funds in order to go forward on a research project. Approximately $40,000 is used for regularly employed research assistants at various levels, ranging from genuine research workers to secretaries, and another $50,000 goes for fellowships to graduate students.

Grants in aid to professors to advance their research in various ways amount to $116,000 for 1959-60. This pays for such matters as additional stenographic work, research assistants, travel and any other expenses that may be required for the particular project. These projects are outlined in advance to the Committee, and the amount that can be made available for the particular project is then included in the proposed budget, finally approved by the faculty.

The value of such research funds as an aid and encouragement to research cannot be overstated. This is one of the truly great strengths of

Michigan. When funds can be provided to give a professor the aid he needs in carrying forward a research project, or even to free his time for a semester when needed, the impetus to research is bound to be great. Of course, funds without the incentive and ability are futile, but the Michigan faculty has both the incentive and the ability.

The Research Committee now publishes an annual summary of progress in research by its faculty. This lists every research project upon which its faculty members have been working, and briefly indicates the progress made. A glance over the impressive record for the year ending June 1958 satisfies the evaluators that the research funds are being well used, and that the Michigan faculty ranks high in productive research.

Graduate Program

The Law School offers a number of programs for graduate students leading to the degrees Master of Law and Doctor of the Science of Law. The requirements for these degrees are similar to those of other law schools offering graduate work. Generally speaking, emphasis is placed on the preparation of law teachers, although programs are available for lawyers wishing to specialize in specific areas. As noted below, special arrangements for students from other countries have been made.

The heavy emphasis placed on research as noted above and the generous support which has been made possible through the Cook Endowment create an excellent environment in which graduate work may be carried on. We did not make a detailed study of the program, but our general impression is favorable. The School is experiencing some difficulty in attracting graduate students of high caliber partly, at least, because of the many employment opportunities now available to persons who have obtained their first law degree. This situation is not unusual.

Legislation

The Law School operates a Legislative Research Center, which is becoming increasingly effective. At present, several graduate students, working under the direction of a faculty member, are engaged in projects involving research and legislative drafting. It is now the policy to undertake one principal program every two years. The current investigation has to do with metropolitan problems. A previous one dealt with water resources. The projects are inter-disciplinary in nature, and involve intensive investigation not only of the law but of the political, economic, and social considerations involved in the particular program. Services are also available for special projects. In addition, all state statutes are received shortly after passage and are made available to faculty members whose fields are affected.

Foreign Students

The Law School has a substantial number of students from other countries. As a rule, they are not encouraged to become candidates for the

LL.B. The degree of Master of Comparative Law is available for students whose basic training has been in civil law systems. Qualified students may also become candidates for the degree of Doctor of the Science of Law, which is described as primarily a research degree. The program for foreign students might well be considered at length, but for the purposes of this report an extensive discussion seems unnecessary.

Continuing Legal Education

The Law School conducts a number of conferences and institutes primarily for the benefit of members of the Michigan Bar. The number of participants has ranged from about two hundred to more than a thousand. Among others, the following topics have been discussed; Civil Procedure, Practical Property Problems, The Internal Revenue Code, and Advocacy. We understand that although the Law School will continue its interest in the field, it is felt that in the future the major responsibility for activities of this type should be assumed by the Bar Association.

9. "Outcomes"

The Law School does not keep formal records regarding its graduates. Such information as is available indicates that the institution has a good record as far as Bar examinations are concerned. We were informed that in the period from October 1954 to March 1957 92.9% of the Michigan graduates taking the California Bar passed. In the state of Michigan, 68 passed and 12 failed in April 1957 while 68 passed and 17 failed in September 1958.

It is said that about 40% of the alumni remain in Michigan, while the remainder go elsewhere. The 1950 alumni directory shows the following distribution:

Michigan	2745
California	640
District of Columbia	480
Illinois	1696
Indiana	832
Missouri	480
New York	1056
Ohio	1760
Pennsylvania	704*

* Editor's note. The 1950 alumni directory shows these additional figures:

Other States	1724
Territories	3
Foreign Nations	66

A study prepared some fifteen years ago indicated that about two thirds of Michigan graduates go into private practice, about 12% into government service, and about 10% into corporate employment, while the remainder

take up miscellaneous occupations. It is believed that the present percentage going into corporate work may be somewhat higher.

10. Physical Plant

The Law School is housed in the W. W. Cook Law Quadrangle. Completed in 1933, the Quadrangle includes Hutchins Hall, containing classrooms and offices, the Legal Research Building, the Lawyers Club, and the John P. Cook Building. The two latter structures afford living accommodations for about 350 students. Since about half of the present student body is married, most of the remainder can be accommodated in the Quadrangle.

The buildings are Jacobean Gothic in style. If they had been erected twenty years later, a more functional type of architecture might have been selected. As it is they seem to be quite satisfactory at the moment, and probably for the next five or ten years, depending upon the rate of expansion in enrollment which may be decided upon. Two minor criticisms were noted. In at least some of the classrooms, painting which was done after World War II interfered with the acoustical treatment of the walls and ceilings. Steps are being taken to remedy this situation. The lighting in the library constitutes a difficult problem due to the high, vaulted ceiling in the main reading room. We were informed, however, that twenty-five candle power is available at table surface where fluorescent lighting comes from lamps on the tables. This seems sufficient except in the intervals between the lamps where some difficulty was noted. Again, this matter is under consideration.

A Faculty Planning Committee has reviewed the physical facilities and has made recommendations for expansion should this become necessary.

CHAPTER III

The Deanship and Increasing Burdens of Administration

III:1. PRESIDENT TAPPAN'S ACCOUNT OF THE ESTABLISHMENT OF THE LAW DEPARTMENT: 1864

According to President Tappan, the Regents made the initial appointments to the Law Faculty on their own initiative.[1] Tappan was removed as President of the University on June 25, 1863.[2] He left the United States and took up residence in Berlin, Germany. While there, he prepared a review of his administration which was included in the Proceedings of the Board of Regents. In this statement, Tappan dealt with a number of matters and at one point, touched on the establishment of the Law Department and the selection of the first faculty.[3] He stated:

> The establishment of a Law Department was frequently discussed by this Board [i.e., the Board of Regents elected in 1852]. At one time the Board proceeded so far as to appoint Judge Kingsley and myself a committee to look out for two Law Professors. After the remission of the interest on the debt had been granted by two Legislatures in succession, and its permanent remission had become probable, I urged the immediate establishment of this department, and argued that the very fact of its existence would constitute an additional claim upon the State, which had, from the beginning, ordained that Law should form one of the departments of the University. The Regents, however, deemed it more prudent to wait for further legislation; and the matter was delayed until the next Board came into office.
>
> In selecting professors for this Department, I conceived, that while we should not pass by our own State in all the appointments, we should seek to associate with it, at least one man of national reputation, wherever he might be found. We had sought for our other professors in various directions; and I could see no reason why, in this case, we should deviate from a policy based upon consideration of the highest merit in the individual, and of securing for the University the highest reputation and success.

In an unpublished history of the Law School, by Professor Edwin C. Goddard, the following statement appears:

> . . . As previously stated, Chancellor Tappan would have gone outside the State of Michigan for well-known lawyers whose fame would attract students to Michigan. We find that the Regents did not consult him. From a private letter written long

[1] Regents' Proceedings, 1837-1864, p. 1165.

[2] *Id.*, p. 1054.

[3] *Id.*, pp. 1130-31.

> afterwards by Regent Baxter, we learn that Regent Johnson suggested the appointment of Judge Campbell, Regent McIntyre named Charles I. Walker and Regent Baxter nominated Thomas M. Cooley . . . .[4]

[4] Goddard, MS. history, p. 81.

III:2. Administrative Personnel: 1859-1959

DEAN

Campbell, James Valentine (1859-?)
Cooley, Thomas McIntyre (1871?-1883)
Kent, Charles A. (1883-1886)
Rogers, Henry W. (1886-1890)
Knowlton, Jerome C. (1891-1895)
Hutchins, Harry Burns (1895-1910)
Bates, Henry Moore (1910-1939)
Stason, E. Blythe (1939—)

ACTING DEAN

Knowlton, Jerome C. (1890-1891)

ASSOCIATE DEAN

Smith, Russell A. (1956—)

ASSISTANT DEAN

Proffitt, Roy F. (1956—)

SECRETARY

Cooley, Thomas M. (1859-?)
Rogers, Henry W. (1883?-1886?)
Johnson, Elias F. (1891-1901)
Goddard, Edwin C. (1901-1917)
Holbrook, Evans (1917-1922)
Grismore, Grover C. (1922-1926)
Leidy, Paul A. (1926-1945)
Smith, Russell A. (1945-1956)

ACTING SECRETARY

Aigler, Ralph W. (1918-1919)
Grismore, Grover C. (1942-1945)

DIRECTOR OF LEGAL RESEARCH

Simes, Lewis M. (1942-1954)
Smith, Allan F. (1954—)

DIRECTOR OF THE LAW LIBRARY

Coffey, Hobart (1944—)

DIRECTOR OF LEGISLATIVE RESEARCH CENTER

Estep, Samuel D. (1950-1957)
Pierce, William J. (1957—)

ADMISSIONS OFFICER

Harvey, William B. (1952-1955)
Steinheimer, Roy L. (1955—)

RECORDER

Katherine C. Murray (1920-1956)
Helen L. Betts (1956—)

III:3. Administrative Activities of Thomas M. Cooley: 1859-1862

Source: *Regents' Proceedings, 1837-1864*

The Regents utilized Cooley's services in a variety of ways. For example, at a meeting of the Board of Regents on October 5, 1859, it was resolved:

> That Professor Cooley be authorized to procure what blank books may be necessary for the use of the Law Department and a warrant be issued to him for the expense of the same.[1]

On June 27, 1860, the Regents instructed the Chairman of the Finance Committee "to retain Professor Cooley to look after the interests of the

[1] Regents' Proceedings, 1837-1864, p. 862.

University in the suit now pending in the Supreme Court of this State between the Young Men's Society and the City of Detroit in this matter." [2]

At the December meeting for the same year, the Regents' Proceedings show that:

> On motion of Regent McIntyre, the gas bills for the Law Library, and Medical College were ordered to be paid by the University and that Professor Cooley have direction of the amount of gas to be used at the Law Library, Professor Ford at the Medical College, and Professor Douglass at the Chemical Laboratory, and see that only a reasonable amount be used. [3]

When in March 1862, the Regents were concerned over the "security of the books in the Law Library," and the Law Faculty submitted a communication on the subject, Cooley was authorized to see that the plan contained in the communication was "carried into effect." [4]

[2] *Id.*, p. 909.
[3] *Id.*, pp. 923-24.
[4] *Id.*, p. 994.

III:4. "Named Professorship": 1859-1903

For information pertaining to the several holders of the several named professorships, see Part II, IV:2. The initial and final appointments to the five named professorships were as follows:

PROFESSORSHIP	INITIAL APPOINTMENT	FINAL APPOINTMENT
Jay	Thomas M. Cooley-1859	Bradley M. Thompson-1888
Marshall	James V. Campbell-1859	Jerome Knowlton-1889
Kent	Charles I. Walker-1859	William P. Wells-1887 [1]
Fletcher	Ashley Pond-1866	Victor H. Lane-1897
Tappan	Alpheus Felch-1879	Henry M. Bates-1903

These "named professorships" should not be confused with the "distinguished professorships" created by the Regents on June 13, 1946. On that day, Lewis Mallalieu Simes, then Professor of Law, was appointed "Floyd Russell Mechem University Professor of Law." [2]

Although Henry Moore Bates was the last man appointed to a named professorship, subsequent to his appointment the question arose as to whether additional named professorships should be created. The minutes of a faculty meeting on June 15, 1903, state:

> The Dean and Professors Bunker and Knowlton were made a committee to consider naming professorships in this Department for Judges Cooley, Campbell and such others as might seem proper, this committee to report to the Faculty next fall.[3]

[1] Wells was appointed Kent Professor of Law in 1876 but resigned in 1885. He was reappointed in 1887.
[2] Regents' Proceedings, 1945-1948, pp. 818-19.
[3] Faculty Minutes, 1901-1910, p. 100.

No further faculty interest in the matter appeared until 1919, when on February 28, the minutes show that the following action was taken:

> The question of naming professorships was made a special order for a meeting two weeks hence, the secretary in the meantime to examine into and report on the history of the matter.[4]

The minutes for March 14, 1919, state:

> It was moved that this faculty recommend to the honorable Board of Regents that the special designation of professorships be dropped. This motion having been seconded, it was laid on the table until the meeting of March 28, at which time its consideration should be a special order.[5]

No further discussion of the matter appears in the minutes of the meetings of the Law Faculty, nor do the Proceedings of the Board of Regents, 1917-1920, contain any reference to the recommendation which presumably was made.

[4] Faculty Minutes, 1910-1920, p. 841.
[5] *Id.*, p. 842.

III:5. Selection of Deans of the Medical Department: 1849-1878

Source: "The Medical School," *The University of Michigan: An Encyclopedic Survey* (1951), pp. 776-77

At the meeting of the Board of Regents in January, 1849, Dr. Zina Pitcher, as chairman of a special committee, presented a report embodying regulations for the organization of the Medical Department. On July 17, 1850, the same report, somewhat amended and designated as *Rules for the Government of the Medical College,* was adopted.

In the report it was specified that one of the professors was to be appointed annually by the faculty as president and one as secretary of the medical faculty. This was in line with the practice of the faculty of the Department of Literature, Science, and the Arts, which, since 1845, had designated its presiding officer as president.

The minutes of the medical faculty record the election of presidents in 1850-53 inclusive, and in 1855. Apparently, following the election of Dr. Henry Philip Tappan as President of the University, in 1852, there was a transitional period in the use of the term "president" by the faculty. It is noteworthy, however, that the *Catalogue* of 1852-53 lists Dr. Samuel Denton as Dean, though he was elected president. This is probably the earliest recorded usage of that title in the University. In the minutes, however, the earliest references to the dean appear in November and December, 1853; and in March, 1854, Silas H. Douglass was elected Dean.

The deans continued to be elected annually by the faculty until 1891. The rotating principle was at first adopted, but not for long, as can be seen from the following list of elective deans . . . .

With the growth of the University, it became apparent that the election of deans by the various faculties should be centralized and, accordingly, the rules of the Board of Regents were amended on July 17, 1889, making the deans thereafter Board appointees. By this action the deans received a status which was recognized in all University publications. The elective deans had not been given this recognition in the University *Calendar* or *Catalogue,* and, at times, their names were not even in the *Announcement* of the Department. Dr. Ford was the last of the elective deans, and upon his resignation Dr. Victor C. Vaughan was appointed Dean by the Board of Regents.

* * * * *

The *Rules* of 1850 provided that "the Faculty shall annually appoint one of their number Secretary." This rule was observed literally for a number of years, but on March 28, 1865, the Regents received a communication from the medical faculty asking the appointment of Douglass as dean and secretary with additional salary. An appropriation of $200 was made for this purpose, but no official appointment was made, since that was probably considered to be a faculty matter.

His successor, Dr. Abram Sager, likewise held the two positions from 1868 to 1875, when he resigned. It is probable that Dr. Alonzo B. Palmer, who followed as Dean, also acted as secretary, but as the faculty minutes for 1875 to 1878 are missing, this cannot be verified . . . .

III:6. Selection of Deans of the Literary Department: 1869-1897

Source: "The Administration and Curriculums of the College of Literature, Science, and the Arts," *The University of Michigan: An Encyclopedic Survey* (1951), p. 428

The office of dean [of the College of Literature, Science, and the Arts] apparently evolved from the presidency of the literary faculty, which had existed before the time of President Tappan. This office, however, since it was elective within each faculty, was not recognized in the earliest catalogues. The deanship of the medical faculty was first mentioned there in 1869, when held by Abram Sager, and that of the law faculty two years later, when held by Thomas M. Cooley. In the Department of Literature, Science, and the Arts, it was not until 1875 that the annual catalogue . . . gave the title of Dean of the Faculty to Professor Henry S. Frieze. This position he held until his death in 1889, except for his two years of service as Acting President (1880-82), when Professors C. K. Adams and Edward Olney each served as Dean for one year. When Martin L. D'Ooge, Professor of Greek Language and Literature, was chosen by the faculty and officially appointed by the executive committee of the Regents, in 1890, the title was changed to dean of the Department of Literature, Science, and the Arts. Reappointed annually, he was, in effect, an assistant to the president in administrative matters pertaining to the Department of Literature, Sci-

ence, and the Arts. The functions of the office were limited, in the main, to the admission of students from high school and also of those applying for admission with advanced standing. Richard Hudson, Professor of History, was appointed by the Regents in 1897, without nomination by the faculty, to succeed Dean D'Ooge. The responsibilities with which Dean Hudson was charged became more manifold as the University grew and the administrative problems increased in difficulty. These new and complex problems became so numerous toward the end of President Angell's term of office that the President gave up any active participation in the affairs of the Literary Department except as presiding officer at faculty meetings . . . .

III:7. Law Faculty Resolutions on the Death of Harry Burns Hutchins: 1930

Source: *Faculty Minutes, 1930-1940,* pp. 19a-19d

The resolutions adopted by the Law Faculty, upon the death of Harry Burns Hutchins in January 1930, stated in part:

". . . When he came to the law school as Dean it was in transition from a two year to a three year school; from a lecture system of instruction to the use of text books and later of the case system; from a school open to all without regard for previous preparation for professional study to a school requiring as a prerequisite to admission a high school course and later a year of college work; from an unruly mass of students notorious for their rough-house ways to a group of studious men of gentlemanly behavior and serious purpose. He made the "dignity of the Department" a descriptive phrase which all his students instinctively associate with the law school of his day. He did not accomplish this single-handed for he had that genius of leadership that secured the hearty cooperation of faculty and students.

"Personally he was a man of impressive dignity, of jovial sociability, of loyal friendship, of scholarly tastes, of wise and firm leadership and of transparent and outspoken honesty. His genial camaraderie made his faculty meetings a family gathering. He was deeply interested in his faculty and their advancement, he freely and frankly promised them such support as he felt he could justify, and he kept his promises. This he was the better able to do because the confidence of the Regents in his judgments made them welcome his recommendations.

"On the side of productive scholarship his arduous administrative duties necessarily set limits . . . .

"As a teacher Dean Hutchins continued his work until he accepted the presidency of the University. He readily adapted himself to the lecture, the use of a text book, and the case method. Essentially conservative by nature he, nevertheless, welcomed many changes, and sympathetically supported further and more extensive changes under his successor as Dean . . . ."

III:8. Minutes of Meetings of Law Faculty: 1898

Source: *Record . . . of Law Faculty* [1895-1901], pp. 182-85

Thursday March 3rd A. D. 1898
Regular Faculty Present:—
Prof. B. M. Thompson, Chairman,
" F. R. Mechem,
" V. H. Lane,
" T. A. Bogle,
and E. F. Johnson, Secretary.

The consideration of the reports of the examination for the 1st Semester was then taken up.

The following members of the 3rd year class were warned on account of poor scholarship:—

Warned. [———,
———,
———,
———.]

Mr ———'s standing was referred to the Dean.

[Later. The Dean permitted Mr ——— to take examination on the subjects of the 1st and 2d years.]

Mr ———'s standing was referred to the Dean.

[Later. The Dean permitted him to continue as an applicant for a degree and to pass off back subjects.

The petition of Mr Leslie Shanahan to be permitted to take the course in extraordinary Legal remedies was considered and granted.

The request of Mr C. E. Theobalt for further time in which to finish his Thesis was considered and granted.

The petition of E. E. Gilbert to have his notes in Wills accepted was referred to Prof. Mechem.

The request of Mr Sigmund Sanger to be permitted to take Public Corporations with the Seniors was granted. He also requested to be permitted to take Assignments which was granted.

The request of Mr Loyd C. Whitman for further time in which to complete his Thesis was granted.

The petition of Mr ——— for credit in Equity Pleading and Bailments for the work done in the Summer School of Law was denied.

The request of Mr J. M. Barr to take Medical Jurisprudence was granted.

The request of Mr Harold H. Emmons to take Private International Law was granted.

The request of Mr Robert E. Hyde to take Public Corporations was granted.

The request of Mr Alphonse C. Wood to take Public Corporations was granted.

The petition of Mr R. B. Upham was laid upon the table until the next meeting.

Adjourned.

E. FINLEY JOHNSON
Secretary.

Wednesday March, 23rd A.D. 1898.
Regular Faculty meeting.

Present:—

Professor H. B. Hutchins, Dean,
" B. M. Thompson,
" F. R. Mechem,
" T. A. Bogle,
" V. H. Lane,
" H. L. Wilgus,
and E. F. Johnson, Secretary.

Mr Marl Murray of the 1st class was excused for the balance of this college year to attend to his duties as a clerk in the Michigan Legislature. [Later. He returned to college April 26 '98 and resumed his studies.]

Mr ——— of the 2d year class and Mr ——— appeared before the faculty and made certain charges reflecting upon the moral standing of Mr ——— of the 3rd year class. The Dean was directed to write Mr ——— concerning the same.

Mr ——— was called before the faculty to answer for his deportment. After hearing his statement he was placed upon probation until the spring vacation.

Mr Colson P. Campbell, a special, appeared before the faculty to explain his petition requesting admission to the senior or 3rd year class. The further consideration of this petition was postponed for the present.

The faculty then took up the consideration of the recommendations of the Deans of the various Departments concerning the examinations and requirements for admission to the different Departments of the University.

Professor Mechem moved that it is the sense of this Faculty that a general University examination applicable to this Department as well as to all the others is advisable. Adopted.

Professor Lane moved that a committee be appointed for the purpose of considering the general requirements for admission to this Department. The following committee was appointed:

Lane
Mechem
Wilgus. The Dean was also made a member of this committee.

Adjourned.

E. FINLEY JOHNSON
Secretary.

III:9. ATTENDANCE REGULATIONS: 1958-1959

SOURCE: *Law Students' Handbook* (1957), pp. 49-50

This is a subject which often inspires spirited debate. On the one side, it can be said that students at the professional level, being mature, need not and should not be subjected to close control as to their class attendance; presumably they are here to invest their time profitably toward the acquisition of their most valuable professional asset, namely, the intellectual equipment which they will need. Hence, they will need no compulsion except their own self-interest to insure class attendance. On the other side, it may be noted that the Law School is under the necessity of certifying to the Bar Examiners of the various states the *fact* that the student has faithfully pursued his law studies for the requisite period of time, so that the School, in good conscience, must have a record of student attendance as the basis for a discharge of its responsibilities with respect to such certification. In addition, the existence in many cases of multiple sections and multiple instructors in courses creates a practical problem which requires that some method be used to insure that students assigned to particular sections and instructors will appear at the proper place and time. Finally, the "facts of life" suggest that for some students (fortunately, a minority), the "prop" of required attendance is needed.

After much consideration of this problem, and with due regard to the merits of opposing views, the faculty determined upon a policy of required attendance. As stated in the Academic Regulations, the rule is as follows:

> "Bar admission rules as well as good educational standards require regular attendance in assigned classes. Absences for good cause may be excused if the assigned work is made up. Requests for excuse shall be presented in writing at the Recorder's Office, accompanied by appropriate supporting evidence. Excessive unexcused absences may result in reduction of credit hours, or dismissal from the class or from School."

In the administration of this rule, the Administrative Committee ordinarily applies the following policies:

(1) *Excuses.* Requests for the excuse of class absences will not be considered unless filed within ten days after the day on which the absence occurred, or within ten days after the student returns to school from a period of absence covering two or more successive days. Requests for excuse of absence must be filed on forms available in the Administrative Offices, and, in the case of illness, where the student has consulted the Health Service or a private physician, a statement from the physician or Health Service must be attached to the form.

(2) *Tardiness.* Tardiness as well as absence may be considered a violation of the attendance regulations. Therefore, the Administrative Committee will not readjust the absence reports of instructors, on the basis that some or all absences reported were actually cases of tardiness.

(3) *Penalties.* The following system of penalties will be applied:

(a) A student who has had at least sixty (60) unexcused absences during a semester will either be excluded from the School, or will be barred from all final examinations in courses taken during the semester, receiving no residence or other credit for the semester.

(b) A student who has at least ten (10) unexcused absences in a two-hour course, or fifteen (15) unexcused absences in a three-hour course, or twenty (20) unexcused absences in a four-hour course, will not be permitted to take the final examination in such course and will receive no residence or other credit in the course.

(c) For every fifteen (15) unexcused absences not taken into account under rules (a) or (b) above, one (1) credit hour will be deducted from the student's record for the semester.

(4) *Records.* At the end of each semester or term, the student's attendance record will be reviewed, and, if action is to be taken under the rules set forth above, he will be notified promptly. Attendance records in the office are not necessarily complete as of any given date during a semester or term, since they are not always kept currently posted, and since certain instructors do not turn in absence reports regularly. *It is presumed that students keep a record of their absences.* Information concerning students' attendance records will not be made available to students during the semester.

III:10. Examination Rules: 1915, 1958-1959

RULES ADOPTED IN 1915

Source: *Faculty Minutes, 1910-1920,* pp. 632-35

Your committee respectfully recommends that the examination scheme as proposed and executed for the last semester be continued for the future, subject to the following changes:

(1) That each student be required to hand in at the office of the Clerk of the Law School on either the Friday or Saturday preceding the first day of examinations in any semester or term as many blue books (each book containing 40 pages, of standard size, about 6 x 9¼ inches) as he may have examinations; that the blue books be given a secret distinguishing mark by the clerk, and that from these, blue books for each examination together with scratch paper to be furnished by the Law School, be distributed at the beginning of each examination by the professor in charge.

(2) That the proctors engaged to assist in the examination and to act in the halls and corridors be instructed that their duties require watchfulness in order to note violations of the examination rules of the school, and are of such nature as to be inconsistent with reading or studying.

(3) That the janitor be directed to remove the doors from the water closets and to keep same off during the examination period.

(4) That a leaflet entitled "Instructions for Those Taking Examinations" be printed and a copy thereof be handed to each student on or before the first day of each examination period, and that such leaflet contain the following matter:

(a) On the Friday or Saturday preceding the first day of examinations in any semester or term, each student shall hand to the Clerk of the Law School as many blue books (each containing 40 pages of standard size, about 6 x 9¼ inches) as he may have examinations for that semester or term. Blue books and scratch paper (to be furnished by the Law School) for each examination will be distributed by the instructor in charge at the beginning thereof and no blue books or scratch paper of any sort shall be brought to the examination room by students.

(b) Every student will be given an examination number to be used throughout the examinations for a semester or term. These numbers will be announced on the bulletin boards at some time in advance of the first examination for each semester or term. Each student taking an examination shall write on the cover of his blue book the number assigned him and the subject and date of the particular examination written. Nothing further by way of identification (as seat number, name, etc.) shall be written on or in the blue book. Lists of names and numbers will be posted in each room, and students are requested to verify their numbers when handing in their blue books at the close of an examination.

(c) There shall be no communication for any purpose between those writing an examination, except where the consent of the instructor in charge has first been obtained, nor shall anyone writing an examination leave the room before he has finished his examination and handed in his book except with the consent of the instructor in charge. Students are requested not to ask permission to leave the room at any time unless absence therefrom is necessary. Those leaving the room before they have finished writing an examination are requested to give their names to the instructor in charge, who will note the time of leaving and returning.

(d) Students who are writing an examination shall not leave the building or enter the library before they have finished the examination. Students who are not writing examinations and those who have finished their examinations are requested not to loiter in the halls or basement of the law building and not to converse with those who have not finished an examination which is being held.

(e) Unless otherwise announced, all examinations will continue for four hours, and everyone writing the examination who shall not have handed in his blue book before the end of the fourth hour shall do so promptly at its close. Students should be careful to allot a proportionate amount of time to each question, as all questions which are not answered will receive a zero grade.

(f) Write legibly in ink on both sides of the leaves of the blue book and leave a margin at the left of each page. Do not repeat the question or any portion thereof. Write only the answers, and number and letter them in the margin to correspond to the

question or subdivision of the question answered. Answers should appear in the order of the questions, and if for any reason an answer appears out of this order a reference thereto should be inserted at the proper place. Leave a space between the answers to each question and each subdivision thereof. If for any reason a question or portion thereof should not be answered the number of the question, or a letter indicating the portion omitted, should be placed in the margin of the blue book and a blank space left to indicate the omission.

(g) Answers should be specific, and as concise as is consistent with a full statement of the reasoning involved in the problem. Students should state the principles and give the reasons on which their solution of the problem rests. No credit will be given for the answer "yes" or "no", or for a mere decision of a case, or for answers merely stating that there is a conflict of authority regarding the rule of law involved, unaccompanied by a statement of the conflicting rules and the reasons underlying each.

(h) Students are requested not to tear leaves from their blue books. If a mistake is made in writing the answer to a question, a line should be drawn through the incorrect portion. All scratch paper used by a student during an examination should be placed inside his blue book and handed in with it when he has finished such examination.

GORDON STONER
EDGAR N. DURFEE
G. C. GRISMORE

RULES IN FORCE IN 1958-1959

SOURCE: These rules were modified and adjusted from time to time during the following four and a half decades. In the *Law Students' Handbook* (1957, pp. 48-49), the philosophy underlying the rules in effect in 1958-1959 was set out.

The student's grade for a course is normally measured solely by his achievement on the final examination in the course. It goes without saying that complete integrity and honesty should prevail with respect to examinations on the part of both faculty and students. To safeguard any possibility of prejudice or unfair treatment on the part of the faculty, examination books are graded anonymously. The student is assigned a number, and this number, rather than his name, appears on his examination papers.

To assure fairness and honesty on the part of the student, certain rules concerning the taking of examinations are specified and rigidly adhered to. A few law schools have the so-called "honor system" with respect to examinations, leaving the problem of policing for the students themselves. The various alternative methods of achieving the desired results have been considered at Michigan, with the result that the School itself has assumed the responsibility for dealing with examination dishonesty, a policy which the students on the whole appear to believe is preferable. The faculty is

glad to say that instances of infraction of the examination rules have been rare and infrequent, but when they occur, they are dealt with severely. The rules themselves are posted on the bulletin boards at examination time and should be noted carefully by each student.

INSTRUCTIONS FOR THOSE TAKING EXAMINATIONS: 1958-1959

Academic Regulations (Excerpt)

1. *General.* Written final examinations normally will be given at the end of each regular session and summer term in courses completed during the session or term. Except as provided in subsection 2 of this section, a student who has elected and pursued a course to completion will be required to take the regularly scheduled examination in the course. Failure to hand in an examination paper will result in a failing grade for the course.

2. *Illness or Other Emergency.* A student may defer his scheduled final examination in a course and take a subsequent regular final examination therein upon establishing to the satisfaction of the Secretary (a) that his absence from the scheduled examination was occasioned by illness or some other contingency beyond his control or (b) that after beginning the scheduled examination he failed to hand in his examination paper because of illness or other emergency.

3. *Preliminary Examinations.* Preliminary examinations will be given in first year courses. Grades received in these examinations may be taken into account in determining final grades.

Bluebooks and Examination Numbers

1. *Bluebooks for Examinations.* Each student will bring one or two bluebooks (each book containing 28 pages of standard size) to each examination, unless he wishes to typewrite his examinations, in which case paper will be supplied in the typing room. Scratch paper will be furnished in each examination room.

2. *Examination Numbers.* Each student taking an examination shall write on the cover of his examination paper, *his student number, the subject, the name of the instructor,* and *the date of the examination.* Nothing further by way of identification shall be written on or in the examination paper. Lists of names and numbers will be posted in each room, and students are requested to verify their numbers when handing in their examination papers.

Conduct During Examinations

Examinations should reveal fairly the knowledge and ability of each individual member of the class. Accordingly students will be expected to observe proper standards of conduct during examinations. The following rules in particular must be scrupulously observed:

1. No books or papers other than those expressly authorized shall be

taken into the examination rooms unless they are left in the custody of the proctor at the beginning of the period.

2. There shall be no communication *for any purpose* between those writing an examination or with others unless the consent of the proctor has first been obtained. This applies not only in the examination room but also during necessary absences.

3. Students are expected to remain in the examination room until finishing the examination unless absence therefrom is necessary. During the examination, only one student shall be absent from the room at one time; students leaving the room before finishing the examination are requested to give their names to the instructor in charge, and to note the time of leaving and returning.

4. Students who are writing an examination shall not leave the building, enter the library or go to the entrances of the building before finishing the examination. Smoking privileges during this period are restricted to the rest rooms, and students are requested not to loiter in the halls.

Any student who violates any of these rules, or otherwise comports himself improperly during an examination will be subject to disciplinary action.
December 19, 1955.

E. BLYTHE STASON
Dean

III:11. APPOINTMENT OF HENRY MOORE BATES AS DEAN: 1910

SOURCE: Shirley Smith, *Harry Burns Hutchins and the University of Michigan* (1951), pp. 125-26

Shirley Smith, for many years Vice President and Secretary of the University, provided the following account of the appointment of Henry Moore Bates as Dean of the Law Department:

> The first thing that *had* to be done [upon Hutchins' accession to the Presidency], a duty that could not wait, was to provide the Department of Law with a dean of its own to give it his undivided attention . . . .
>
> There could be no question that the overwhelming choice for the deanship was Professor Henry Moore Bates. For seven years, as Tappan Professor of Law, he had distinguished himself as a teacher and as a forward-looking scholar in the law. But he knew that he did not have the undivided support of the faculty, and he had not then acquired the patience that in later years experience brought him—at least to a far greater degree than in his earlier academic period. He announced his purpose to retire from teaching and to return to practice. He formed a partnership with Frank E. Robson, of the Law Class of 1883, one of Michigan's leading attorneys, and was already commuting back and forth between Ann Arbor and Detroit. This step only increased the determination of men who knew the Department needed him more than any other man in sight.
>
> Assistance came to them from an unexpected quarter. The

volunteers of this aid had no idea they were contributing it; their purpose was quite the contrary. There was filed with the Regents at their meeting of July 21, 1910, a document signed by five members of the law faculty protesting against the appointment which they had heard was being considered. The signatures to this paper were those of Professors Thompson, Rood, Bunker, Bogle, and Wilgus. The first three were members of the "Old Guard," and their signatures caused no surprise, except the natural unexpectedness of such a communication from anybody. The other two names, those of Professors Wilgus and Bogle, were genuine sources of wonder. The document was restrained in its language —the verb "protest" was the strongest word used, but the Regents directed that it be not printed in the minutes; the secretary was instructed to note only that a communication was presented and read by the President. Immediately after this entry, the *Proceedings* records: "Regent Codd offered the following resolution:

"Resolved, That Henry M. Bates be elected Dean of the Department of Law, to assume his duties August 1, 1910, at a salary of $5,000 per year."

This was in the morning session, and after the motion was seconded by Regent Beal, Action on it was postponed "pending telephonic communication with Professor Bates in Detroit." The first action at the afternoon session was the adoption of Regent Codd's motion by a unanimous call vote. Not only had the "protest" roused the fighting blood of the Regents, but there can be no doubt from conversations with Henry Bates himself that he regarded the protest as a challenge that he could not do otherwise than accept. It is to the everlasting credit of all concerned that the matter having once been settled, the controversy was dropped, and it stayed where it fell. The Dean and the professors lived happily together, as faculties go, to the termination of their several tenures in regular routine. Only men who basically respect one another can do that. No understanding friend of the Law School, as it soon came to be designated, ever regretted the appointment of Henry M. Bates as Dean, and whether he would have accepted it, had he not been challenged, must always be in doubt . . . ."

Bates had submitted his resignation at a meeting of the Regents on June 28, 1910, but it was "laid on the table." (Regents' Proceedings, 1906-1910, p. 761.)

III: 12. STANDING COMMITTEES AND SPECIAL FACULTY ADMINISTRATIVE ASSIGNMENTS: 1914-1959

NOTE: The Law Faculty Minutes show the existence of standing committees between 1914 and 1959. Specific page references appear below. These committees, special faculty administrative assignments, and such chairmen as were designated appear in the following lists.

SOURCE: *Faculty Minutes* for the following years: 1910-1920, pp. 604a, 695, 759-60, 826, 856; 1920-1930, pp. 4, 111, 226, 334-35; 1930-1940, pp. 57-58, 99, 196, 279a, 368-69, 427-28, 482-83, 532-33; 1940-1945, pp. 7a, 82-83, 161, 235; 1945-1950, pp. 33a, 351, 503, 725a; 1950-1955, pp. 20, 179a, 577; 1955—, pp. 32, 235, 461, 886.

STANDING COMMITTEES

EXECUTIVE: 1914-1915 (Bates), 1916-1917
ADMINISTRATIVE: 1914-1915 (Bates), 1916-1917, 1918-1921, 1922-1923 (Bates), 1924-1925 (Bates), 1926-1927, 1931-1933, 1934-1937, 1937-1938 (Leidy), 1939-1943 (Stason), 1944-1945, 1945-1946 (Stason), 1947-1952 (Stason), 1954-1959 (Stason)
LIBRARY: 1914-1915 (Bates), 1916-1921, 1922-1923 (Lane), 1924-1925 (Lane), 1926-1927, 1931-1933, 1934-1943 (Coffey), 1944-1945, 1945-1946 (Coffey), 1947-1952 (Coffey), 1954-1957 (Coffey)
ATTENDANCE: 1916-1921, 1922-1923 (Bates), 1924-1925 (Bates), 1926-1927, 1931-1933, 1934-1937, 1937-1938 (Leidy)
LAW REVIEW: 1917-1918, 1919-1920, 1922-1923 (Bates), 1937-1938 (Aigler), 1938-1939 (Shartel)
CURRICULUM: 1919-1921, 1922-1923 (Bates), 1924-1925 (Bates), 1926-1927, 1931-1933, 1934-1935 (Durfee), 1935-1936 (Grismore), 1936-1938 (Stason), 1938-1941 (Grismore), 1941-1942 (Dawson), 1942-1943 (Grismore), 1945-1946 (Kauper), 1947-1952 (Kauper), 1954-1959 (Kauper)
STUDENT AFFAIRS: 1920-1921
PRE-LEGAL STUDIES: 1922-1923 (Bates)
CLUB COURTS: 1924-1925
CASE CLUBS: 1926-1927, 1934-1938 (Waite), 1939-1943 (Waite), 1944-1945, 1945-1946 (Waite), 1947-1948 (Waite), 1948-1952 (James)
GRADUATE WORK: 1931-1933, 1935-1939 (Simes)
RESEARCH: 1931-1933, 1935-1936 (Simes), 1936-1937 (Sunderland), 1937-1939 (Grismore)
UNIVERSITY COUNCIL: 1934-1935 (Shartel)
COOLEY MEMORIAL: 1934-1935
LAW REVIEW ADVISORY BOARD: 1935-1937, 1954-1957 (Cooperrider)
ALUMNI ASSOCIATION AND EXTERNAL RELATIONS: 1936-1937 (Aigler)
LEGAL APTITUDE TESTS: 1937-1939 (Tracy)
BURKAN MEMORIAL: 1937-1943 (Waite)
LAW SCHOOL ALUMNI RELATIONS: 1937-1939 (Aigler)
GRADUATE WORK AND RESEARCH: 1939-1940 (Simes)
LAW INSTITUTE: 1939-1940 (Tracy), 1941-1943 (Tracy)
LAW APTITUDE TESTS: 1939-1943 (Tracy)
LAW SOCIETY: 1939-1940 (Aigler)
RELATIONS WITH ALUMNI AND THE BAR: 1940-1942 (Aigler)
LAW REVIEW BOARD: 1940-1941 (Kauper)

LAW SERIES EDITORIAL BOARD: 1940-1942 (Yntema)
GRADUATE AND RESEARCH: 1940-1943 (Simes), 1944-1945, 1945-1946 (Simes), 1947-1952 (Simes), 1954-1955 (Smith, A. F.)
LAW REVIEW: 1941-1942 (Kauper), 1942-1943 (Blume)
EDITORIAL BOARD: 1942-1943 (Yntema), 1944-1945, 1945-1946 (Yntema), 1947-1949 (Yntema)
LAW REVIEW FACULTY ADVISORY BOARD: 1944-1945, 1945-1946 (Blume), 1947-1950 (Plant)
ALUMNI AND THE BAR: 1945-1946 (Leidy)
SCHOLARSHIP: 1945-1946 (Smith, R. A.), 1949-1952 (Wright), 1954-1955 (Wright)
ALUMNI RELATIONS: 1947-1949 (Leidy), 1949-1952 (James), 1955-1956 (Stason), 1956-1957 (Smith, R. A.)
STUDENT RELATIONS: 1947-1951 (Neumann), 1951-1952 (Smith, A. F.), 1954-1956 (Estep), 1956-1957 (Proffitt)
HONORARY DEGREES: 1948-1951 (Aigler), 1951-1952 (Stason)
FACULTY ADDITIONS: 1949-1950 (Stason)
INSTITUTES: 1948-1952 (James), 1954-1957 (Joiner)
EDITORIAL: 1949-1952 (Yntema), 1954-1957 (Yntema)
LAW REVIEW BOARD: 1950-1952 (Plant)
TEACHING METHODS: 1951-1952 (Bishop), 1954-1955 (Bishop)
FACULTY PERSONNEL: 1951-1952 (Stason), 1954-1955 (Stason), 1956-1959 (Smith, R. A.)
COUNSELLORS IN STUDENT ELECTIONS: 1951-1952 (Smith, R. A.)
COUNSELLING IN STUDENT ELECTIONS: 1954-1957 (Plant)
ALUMNI RELATIONS AND HONORARY DEGREES: 1954-1955 (Stason)
PLACEMENT COUNSELLING: 1954-1955 (Wellman)
PRIZE ESSAY: 1954-1955 (Wright), 1955-1957 (Cooperrider)
FORD FOUNDATION GRANT: 1955-1957 (Bishop)
GRADUATE: 1955-1959 (Smith, A. F.)
100TH ANNIVERSARY: 1955-1959 (Plant)
PLANNING: 1955-1956 (Smith, R. A.), 1956-1957 (Kauper), 1957-1959 (Joiner)
SCHOLARSHIPS: 1955-1956 (Wright), 1956-1957 (Proffitt)
SCHOLARSHIP AWARDS: 1957-1959 (Proffitt)
LAW REVIEW EDITORIAL: 1957-1959 (Hawkins)

SPECIAL FACULTY ADMINISTRATIVE ASSIGNMENTS

SECRETARY-TREASURER, LAWYERS CLUB: 1957-1959 (Reed)
EDITORIAL: 1957-1959 (Pierce)
COUNSELLING IN STUDENT ELECTIONS: 1957-1959 (Plant)
PRIZE ESSAY PROGRAM: 1957-1959 (Cooperrider)
INSTITUTES: 1957-1959 (Joiner)
ADMISSIONS: 1957-1959 (Steinheimer)
FORD PROGRAM DIRECTORS: 1957-1959 (Bishop and Stein)

STUDENT WRITING PROGRAM: 1957-1958 (Pearce)
PLACEMENT COUNSELLING: 1957-1959 (James)
FOREIGN STUDENT ADVISOR: 1957-1959 (George)
PROBLEMS AND RESEARCH AND FRESHMAN GROUP PROGRAM: 1958-1959 (Pearce)

III:13. MEMORIAL ADDRESSES IN HONOR OF HENRY MOORE BATES: 1949

SOURCE: "Henry Moore Bates," 47 *Michigan Law Review* 1049 at 1050-51, 1059-60 (1949)

Roscoe Pound, in the course of an address in honor of Dean Bates, made the following statements:

Dean Bates deserves to be remembered in the history of legal education . . . . He saw clearly that a university law school had to develop legal education beyond the mere training in use of the tools of the lawyer's art which was the aim of the apprentice type of school. He saw that law must be thought of as a specialized form of social control and studied in relation to all the agencies of social control, the ends of social control, and the means of attaining those ends. Hence there was increased need of research and of publication and of a broader legal scholarship. What he achieved in this direction you well know.

* * * * *

Those who may some day write the history of American law in what I venture to think they will recognize as a new formative era, namely, the twentieth century, are not unlikely to go only upon what was printed in the beginnings of that era and so miss a great influence which was felt rather than heard. For Dean Bates' output in print will appear meagre to them. They will not realize that the first dozen years of his deanship were taken up with a heavy task of reconstruction in addition to the normal load of administrative work which kept most of the law school deans of that time from the publishing they would have liked to do and many would have been able to do otherwise. Then nine years, 1922-1931, were taken up by planning and supervising the magnificent group of buildings made possible by the gift of Mr. Cook . . . . Then followed eight years of organizing and planning the research he had foreseen and Mr. Cook's munificence had made possible . . . .

Another memorial address honoring Dean Bates, prepared by Paul A. Leidy, Grover C. Grismore, and Ralph W. Aigler, stated in part:

In 1910, when Mr. Bates assumed the deanship, the Law School was in a transitional stage so far as educational policies and methods were concerned. Though some American law schools had determined that the then traditional type of instruction—largely informational in character—was not effective, and had abandoned the notion that the law student must cover

the whole field of law during the period of his formal legal training, this School had made but little progress in that direction. Very early in his administration, Dean Bates and his colleagues gave consideration to the matter of revision of the curriculum and to changes in methods of instruction. Courses were reclassified, some as required and others as electives, and the student was left free to choose the content of over half of his program. Emphasis was placed upon real intellectual effort, rather than upon the mere acquisition of information. It was the conviction of the new dean that the development of capabilities was of far greater importance than was a detailed and necessarily superficial acquaintance with the entire field of the law.

Standards of admission, too, were raised. The School had been content to admit students upon the completion of a high school course, a fact which tended to cause prospective applicants with college training to enroll in law schools with higher admission requirements. Soon after Mr. Bates became Dean, one year of college work was required; a few years later the requirement was stepped up to two years, and not long thereafter, the academic degree (except as to entrants upon a combined curriculum arrangement) was required.

III: 14. Need for a Director of Legal Research: 1942

Source: *Faculty Minutes, 1940-1945,* p. 112-e

Extract from Dean Stason's memorandum to the Law Faculty, January 23, 1942.

(2) *To plan effectively and to carry out the plan, we should have a more effective and positive organization of our research program, and I believe that we need a director of research on whom the immediate administrative responsibility can be placed.* He should be some member of the present faculty who would be willing to devote about one-third of his time to the research program. He should be assisted by the Research Committee, and of course should act subject to the superior authority of the faculty and administration of the Law School. The present procedure for the formulation of the research budget and its approval by the faculty should remain unchanged. The Dean should be a member of the Research Committee as at present, and, for the sake of orderly administration of the School, all plans that affect teaching personnel or programs should be subject to approval by the Dean or the faculty. The director should be responsible for the present duties of the chairman of the Research Committee, and in addition he should undertake such essential tasks as studying the possibilities of legal research in various branches of the law, learning what is being done elsewhere in legal research, getting acquainted with available legal research personnel, generating research projects for consideration by the Research Committee and the faculty, and supervising the administration of the research program (without, however, interfering with the immediate

prosecution of any project under the supervision of a faculty member). The thorough and continuous performance of these functions is essential to the wise development of our research program, and they cannot be performed without proper organization for the purpose. I believe that the School will be well served by such a director of research.

III:15. Recommendation for Administrative Organization of the Law School: 1956

Source: *Faculty Minutes, 1955—*, pp. 77-79

Extract from Planning Committee report, January 16, 1956.

Administrative duties now performed by members of the faculty cut substantially into time available for performance of tasks, such as research and preparation for teaching, which lie nearer the core of a teacher's responsibility. From responses to the Planning Committee's inquiries as to the School's opportunities and problems, it is clear that many of our colleagues favor the early appointment of an administrative assistant to take principal responsibility for many extracurricular jobs now done by teachers. A study of these tasks indicates that there is more than enough for one man to do, but it does not seem expedient to seek the initial appointment of two such assistants in one budget year. Accordingly, one assistant—who would be called assistant dean . . .—should be appointed as soon as possible, and should be charged with such of the following duties as he may be able to discharge:

- Office management
- Hutchins Hall management
- General Law School correspondence not requiring other personal attention
- Law School special events
- Scheduling of classes (after determination of teaching loads) and examinations
- Preparation of the School's informational publications
- Registration and classification
- Scholarship administration
- Student activities, e.g., S.B.A., Case Clubs. Responsibility for academic and non-academic discipline within established policy, subject to Administrative Committee review; preparation of file for Administrative Committee in all other cases.
- Some aspects of Law Review administration
- Some general University assignments
- Assistance to the Dean in the preparation of reports and responses to questionnaires.

It will be noted that among the duties not listed are:
Admissions
Placement
Institutes
Lawyers Club
Scholarly publications

The Committee takes the position that these should be left where they are now lodged, at least until such time as a second assistant dean might be appointed or until it should prove feasible to add some duties to the list for the one assistant dean.

Among the duties to be transferred to an assistant dean are most of those performed now by the Secretary of the Law School. There would no longer be need for the Secretaryship as we now know it, although there should be a secretary to the faculty, to keep faculty minutes.

All the foregoing relates principally to relieving the faculty of some of its peripheral duties. None of it offers substantial relief to the Dean, and the abolition of the Secretary's post even removes the counsel hitherto available there. The School is growing, its program is becoming more complex and its auxiliary activities more extensive. We believe that aid to the Dean is needed quite as much as assistance to the faculty. Also, the Dean carries in his head many details which would be lost to the School in the event of his death through accident or sudden illness. Still further, the appointment of only an assistant dean, presumably young and of limited experience . . . might be construed by our public as appointment of a second in command and of doubtful wisdom. Therefore, the Committee recommends the appointment of an Associate Dean, who, in addition to teaching approximately half time (six to eight hours per year), would be charged with the following responsibilities:

A. Initial responsibility under the Dean and Faculty for
   1. Development and planning of educational ideas and policies.
   2. Alumni relations development.
B. Consultative or advisory responsibility for
   1. Selection of faculty personnel.
   2. Control of budget, promotions, salary adjustments, etc.

In addition the Associate Dean would

C. Be available for general counsel and advice to the Dean on matters pertaining generally to the administration of the School.
D. Serve as Vice-Dean, to act in the stead of the Dean in his absence.

It is contemplated that such a position would be filled from among the present faculty. Further, Mr. Stason would insist, as does this Committee, that it be understood beyond any chance for mistake that the appointment is not in any respect or degree the selection of a person to be groomed for the deanship upon Mr. Stason's retirement some years hence. Of the several ways in which the selection might be made, the Committee feels that the

nature of the relationship between the Dean and the Associate Dean indicates the wisdom of permitting the Dean, after consultation with the faculty, to recommend the appointment.

Recommendations

The Planning Committee, therefore, recommends:

1. That the Dean be asked to take the steps necessary for the appointment of an Associate Dean;
2. That the Dean be asked to take the steps necessary for the appointment of an Assistant Dean;
3. That the office of Secretary of the Law School be abolished effective at such time as both new positions are filled; and
4. That upon abolition of the Secretaryship, the faculty select one of its members to serve as secretary of the faculty, for the keeping of faculty minutes.

CHAPTER IV

The Law Teacher: Professors, Lecturers, Quizmasters, and Instructors

IV:1. INSTRUCTIONAL STAFF: 1859-1959

SOURCES: *Regents' Proceedings, University Catalogues, Annual Announcements*

Academic Year	Professor of Law			Assistant Professor of Law		Lecturer in Law			Teacher (Professor) of Elocution (Part-time Resident)	Assistant in Law Department (Part-time Resident)	Quizmaster in Law Department (Part-time Resident)	Instructor in Law		Instructor in English (Full-time Resident)	Instructor in Oratory (Part-time Resident)	Junior Professor of Law (Full-time Resident)	Associate Professor of Law (Full-time Resident)	Assistant in Law		Visiting Professor of Law		Visiting Assistant Professor of Law (Full-time Resident)
	Part-time Resident	Part-time Non-Resident	Full-time Resident	Full-time Resident	Part-time Resident	Part-time Resident	Part-time Non-Resident	Full-time Resident				Full-time Resident	Part-time Resident					Full-time Resident	Part-time Resident	Full-time Resident	Part-time Resident	
1859-1860	1	2																				
1860-1861	1	2																				
1861-1862	1	2																				
1862-1863	1	2																				
1863-1864	1	2																				
1864-1865	1	2																				
1865-1866	1	2																				
1866-1867	1	3																				
1867-1868	1	3																				
1868-1869	1	3																				
1869-1870	1	3																				
1870-1871	1	3																				
1871-1872	1	3																				
1872-1873	1	3																				
1873-1874	1	3																				
1874-1875	1	4																				
1875-1876	1	4																				
1876-1877	1	3																				
1877-1878	1	3																				
1878-1879	1	3																				
1879-1880	2	4																				
1880-1881	2	4																				
1881-1882	2	4																				
1882-1883	2	3																				
1883-1884	2	3																				
1884-1885		3	2																			
1885-1886		3	2																			
1886-1887		2	3																			
1887-1888		2	2	1		4	1		1													
1888-1889		2	1	1		4	4		1													
1889-1890		2	3			2	3		1													
1890-1891		2	3			2	2		1	4	2											
1891-1892		2	2			4	10		1		5											
1892-1893		3	3			6	8		1		5	1										
1893-1894		3	3			5	9		1		2	1										
1894-1895		4	3			5	7		1			1										
1895-1896		3	5			6	7		1			4										
1896-1897		4	6			6	6		1			4										
1897-1898		3	9			7	6		1			3										
1898-1899		2	9			7	6		1			3										
1899-1900		2	9			6	5		1			3										

Academic Year	Professor of Law			Assistant Professor of Law		Lecturer in Law			Teacher (Professor) of Elocution	Assistant in Law Department	Quizmaster in Law Department	Instructor in Law		Instructor in English	Instructor in Oratory	Junior Professor of Law	Associate Professor of Law	Assistant in Law		Visiting Professor of Law		Visiting Assistant Professor of Law
	Part-time Resident	Part-time Non-Resident	Full-time Resident	Full-time Resident	Part-time Resident	Part-time Resident	Part-time Non-Resident	Full-time Resident	(Part-time Resident)	(Part-time Resident)	(Part-time Resident)	Full-time Resident	Part-time Resident	(Full-time Resident)	(Part-time Resident)	(Full-time Resident)	(Full-time Resident)	Full-time Resident	Part-time Resident	Full-time Resident	Part-time Resident	(Full-time Resident)
1900–1901		2	9			6	6		1			3										
1901–1902		2	10	1		6	6		1			3										
1902–1903		2	9	2		9	5		1			3										
1903–1904		1	10	1		8	6		1			4										
1904–1905		1	11	2		7	6		1			2										
1905–1906		1	11	2		8	7		1			1										
1906–1907			14			5	8		1			1										
1907–1908			13	1		5	7		1			1										
1908–1909			13	1		4	7		1			2										
1909–1910			13	1		4	7		1			2		1								
1910–1911			13	4		1	8		1						1							
1911–1912			13	4		1	8		1						1							
1912–1913			14	1		1	7		1						1							
1913–1914			14	1		1	7		1						1	1						
1914–1915			16			1	6		1			1			1							
1915–1916			16			1	6					1										
1916–1917			16	1		1	6															
1917–1918			15				1															
1918–1919			13	1			2															
1919–1920			13			1	7															
1920–1921			14			1	6															
1921–1922			15			1	6															
1922–1923			15			1	6															
1923–1924			15			1	2															
1924–1925			15				2															
1925–1926			15				3															
1926–1927			16	1			4															
1927–1928			17	1			4															
1928–1929			16	2			4															
1929–1930			15	2			5															
1930–1931			15	1			4															
1931–1932			15	1			4															
1932–1933			15				4															
1933–1934			14				4															
1934–1935			15				3															
1935–1936			14	1																		
1936–1937			16	1			2															
1937–1938			16	2		1	2															
1938–1939			16	2			2															
1939–1940			15	1			2															
1940–1941			15																			
1941–1942			15																			
1942–1943			15																			
1943–1944			15																			
1944–1945			15																			
1945–1946			15																			
1946–1947			17	4				1														
1947–1948			17	6			2															
1948–1949			18	6			2															
1949–1950			18	4		1	1															
1950–1951			17	1		1																
1951–1952			17	2		1																
1952–1953		1	15	4	1		1															
1953–1954		1	21	3	1		1															
1954–1955		1	23	3	1		1															
1955–1956		1	22	2	1		1															
1956–1957		1	23	3	1		1															
1957–1958		1	26	2	1		1					4								2		
1958–1959		1	30	1	1		1					4	2							3		1

Note: The two following categories were excluded: (1) professors emeriti and (2) "teaching fellows" who were paid from funds derived from the William W. Cook Endowment Income and whose duties were primarily in the area of legal research.

IV:2. Instructional Personnel: 1859-1959
Source: *Regents' Proceedings*

PROFESSORS, ASSOCIATE PROFESSORS, ASSISTANT PROFESSORS

Campbell, James V., (Marshall Professor of Law), 1859-1885, b. 1832
Walker, Charles I., (Kent Professor of Law), 1859-1887, b. 1814
Cooley, Thomas M., (Jay Professor of Law), 1859-1884, b. 1824
Pond, Ashley, (Fletcher Professor of Law), 1866-1868, b. 1827
Kent, Charles A., (Fletcher Professor of Law), 1868-1886, b. 1834
Wells, William P., LL.B., (Kent Professor of Law), 1874-1891, b. 1831
Felch, Alpheus, (Tappan Professor of Law), 1879-1883, b. 1806
Rogers, Henry Wade, (Tappan Professor of Law), 1883-1890, b. 1853
Hutchins, Harry B., A.B., LL.D., (Jay Professor of Law), 1884-1887, 1895-1910, b. 1847
Knowlton, Jerome C., A.B., LL.B., (Marshall Professor of Law), 1885-1916, b. 1850
Kirchner, Otto, A.M., 1886, 1894-1906, b. 1845
Griffin, Levi T., A.M., (Fletcher Professor of Law), 1886-1897, b. 1837
Thompson, Bradley M., M.S., LL.B., (Jay Professor of Law), 1888-1911, b. 1835
Abbott, Nathan, A.B., LL.B., (Tappan Professor of Law), 1891-1892, b. 1854
Champlin, John W., LL.D., 1891-1896, b. 1831
Conely, Edwin F., 1891-1893
Mechem, Floyd R., A.M., (Tappan Professor of Law), 1892-1903, b. 1858
Angell, Alexis C., A.B., LL.B., 1893-1898, b. 1856
Bogle, Thomas, LL.B., 1894-1917, b. 1852
Wilgus, Horace Lafayette, M.S., 1895-1929, b. 1859
Johnson, Elias Finley, B.S., LL.M., 1896-1901, b. 1861
Lane, Victor H., C.E., LL.B., (Fletcher Professor of Law), 1897-1928, b. 1852
Brewster, James H., Ph.B., LL.B., 1897-1917, b. 1856
McAlvay, Aaron V., A.B., LL.B., 1898-1903, b. 1847
Goddard, Edwin C., Ph.B., L.L.B., 1900-1935, b. 1865
Bunker, Robert E., A.M., LL.B., 1901-1918, b. 1848
Sage, Frank L., B.S., LL.B., 1902-1907, b. 1867
Bates, Henry M., Ph.B., LL.B., (Tappan Professor of Law), 1903-1939, b. 1869
Rood, John R., LL.B., 1904-1918, b. 1868
Sunderland, Edson R., A.M., LL.B., LL.D., 1904-1944, b. 1874
Drake, Joseph H., Ph.D., LL.B., 1906-1930, b. 1860
Holbrook, Evans, A.B., LL.B., 1907-1932, b. 1875
Stoner, W. Gordon, A.B., LL.B., 1910-1919. b. 1880
Aigler, Ralph W., LL.B., 1910-1954, b. 1885
Clark, George L., A.B., LL.B., 1909-1912, b. 1877
McLucas, Victor R., A.B., LL.B., 1911-1912
Durfee, Edgar Noble, A.B., J.D., 1911-1951, b. 1882
Waite, John B., A.B., LL.B., 1912-1951, b. 1882
Barbour, Willard T., A.M., LL.B., 1912-1919, b. 1884
Grismore, Grover C., A.B., J.D., S.J.D., 1914-1951, b. 1888
Dickinson, Edwin D., Ph.D., J.D., 1919-1933, b. 1887
Shartel, Burke W., A.B., J.D., S.J.D., Jur. D. (hon.), 1920-1959, b. 1889
Goodrich, Herbert F., A.B., LL.B., 1922-1929, b. 1889
Stason, E. Blythe, A.B., B.S., J.D., 1924—, b. 1891
Coffey, Hobart R., A.B., LL.B., J.D., 1926—, b. 1896

LEIDY, PAUL A., A.M., J.D., 1926-1952, b. 1888
DAWSON, JOHN P., A.B., J.D., 1927-1958, b. 1902
BLUME, WILLIAM WIRT, A.B., LL.B., S.J.D., 1928—, b. 1893
JAMES, LAYLIN K., A.B., J.D., 1929—, b. 1893
CAREY, HOMER F., 1929-1932, b. 1894
TRACY, JOHN E., A.B., LL.B., LL.D., 1930-1950, b. 1880
SIMES, LEWIS M., A.B., J.D., J.S.D., LL.D., (Floyd Russell Mechem Professor of Law, 1947-1959), 1932-1959, b. 1889
NIEHUSS, MARVIN L., A.B., LL.B., 1933—, b. 1903
YNTEMA, HESSEL E., Ph.D., S.J.D., 1934-1947, 1948—, b. 1891
KAUPER, PAUL G., A.B., J.D., LL.D., 1936—, b. 1907
SMITH, RUSSELL A., A.B., J.D., 1937—, b. 1906
COX, KENNETH A., A.B., LL.B., LL.M., 1946-1948, b. 1916
NEUMANN, ALBERT F., LL.B., LL.M., 1946-1951, b. 1914
PALMER, GEORGE E., A.B., J.D., LL.M., 1946—, b. 1908
PLANT, MARCUS L., B.A., M.A., J.D., 1946—, b. 1911
JOINER, CHARLES W., B.A., J.D., 1947—, b. 1916
SMITH, ALLAN F., A.B.Ed., LL.B., LL.M., S.J.D., 1947—, b. 1911
WRIGHT, L. HART, A.B., LL.B., LL.M., 1947—, b. 1917
ESTEP, SAMUEL D., A.B., J.D., 1948—, b. 1919
BISHOP, WILLIAM W., JR., A.B., J.D., 1949—, b. 1906
REED, JOHN W., A.B., LL.B., LL.M., J.S.D., 1949—, b. 1918
STEINHEIMER, ROY L., JR., A.B., J.D., 1950—, b. 1916
HARVEY, WILLIAM B., A.B., J.D., 1951—, b. 1922
PIERCE, WILLIAM J., A.B., J.D., 1951—, b. 1921
COOPER, FRANK E., A.B., J.D., 1952—, b. 1910
COOPERRIDER, LUKE K., B.S., J.D., 1952—, b. 1918
DEVINE, EDMOND F., A.B., J.D., LL.M., 1952—, b. 1916
GEORGE, B. JAMES, JR., A.B., J.D., 1952—, b. 1925
OPPENHEIM, S. CHESTERFIELD, A.B., A.M., J.D., S.J.D., 1952—, b. 1897
BROWDER, OLIN L., JR., A.B., LL.B., S.J.D., 1953—, b. 1913
CONARD, ALFRED F., A.B., LL.B., LL.M., J.S.D., 1954—, b. 1911
WELLMAN, RICHARD V., A.B., J.D., 1954—, b. 1922
PEARCE, JACK R., A.B., LL.B., 1955—, b. 1918
STEIN, ERIC, J.U.D., J.D., 1955—, b. 1913
PROFFITT, ROY F., B.S. Bus. Ad., J.D., LL.M., 1956—, b. 1918
BIANCHI, RINALDO L., A.B., A.M., Dr. Jur., J.D., 1956-1957, b. 1924
HAWKINS, CARL S., A.B., LL.B., 1957—, b. 1926
KIMBALL, SPENCER L., B.S., B.C.L. (Oxon.), 1957—, b. 1918
POLASKY, ALAN N., B.S.C., J.D., 1957—, b. 1923

LECTURERS

NOTE: * denotes Non-resident Lecturer.

VAUGHAN, VICTOR, M.D., 1886-1917
STOWELL, CHARLES H., M.D., 1886-1889
DUNSTER, EDWARD S., M.D., 1886-1889
THOMPSON, BRADLEY M., M.S., LL.B., 1887-1888
*HAMMOND, WILLIAM G., LL.D., 1887-1893
*BIGELOW, MELVILLE M., Ph.D., 1887-1903
BROWN, HENRY B., LL.D., 1888-1897

COOLEY, THOMAS M., LL.D., 1889-1898
HOWELL, WILLIAM H., M.D., Ph.D., 1890-1892
*MAXWELL, SAMUEL, 1890-1893
*HIGH, JAMES L., LL.D., 1890-1898
*EWELL, MARSHALL D., LL.D., 1890-1896
HUDSON, RICHARD, A.M., 1890-1910
*CLAYBERG, JOHN B., LL.D., 1890-1912
*LOTHROP, GEORGE H., Ph.B., 1891-1895
ANGELL, ALEXIS, A.B., 1891
MCLAUGHLIN, ANDREW C., A.B., LL.B., 1891-1903
ADAMS, HENRY C., Ph.D., 1891-1910
*KIRCHNER, OTTO, A.M., 1891-1892, 1907-1908
*SWAN, HENRY H., A.M., 1893-1910
MEADER, CLARENCE L., A.B., 1894-1896
*REED, FRANK F., A.B., 1895-1920
*WALKER, ALBERT H., LL.B., 1896-1914
HERDMAN, WILLIAM J., M.D., 1897-1906
DRAKE, JOSEPH H., A.B., 1898-1903
*BOUDEMAN, DALLAS, M.S., 1899-1920
DAVOCK, HARLOW P., C.E., 1901-1905
GLOVER, JAMES W., Ph.D., 1903-1909
*ROGERS, EDWARD S., LL.B., 1905-1920, 1926-1929
VAN TYNE, CLAUDE H., Ph.D., 1906-1910
*MAXWELL, LAWRENCE, A.M., LL.D., 1910-1920
*LIGHTNER, CLARENCE, A.B., 1911–1920
*CANFIELD, GEORGE L., A.B., 1911-1920
*KALES, ALBERT M., 1916
*ZANE, JOHN M., 1916
*PRUSSING, EUGENE E., 1916
*DOBYNS, FLETCHER, 1916
*VEASEY, JAMES A., LL.B., 1919-1930
FAUST, WILLIAM H., LL.B., 1920-1923
*RYALL, ARTHUR H., LL.B., 1922-1930
VINOGRADOFF, Sir PAUL, F.B.A., 1923
*HOWARD, DAVID C., A.B., A.M., LL.B., 1925-1930
OHLINGER, GUSTAVUS A., 1933-1934
GAWNE, SAMUEL E., A.B., J.D., 1937-1938
WRIGHT, L. HART, LL.M., 1947
*HARVEY, WILLIAM B., A.B., J.D., 1948-1949
*COOPER, FRANK E., A.B., J.D., 1947-1948
DEVINE, EDMOND F., A.B., J.D., LL.M., 1949-1950
*SMITH, ARTHUR M., A.B., LL.B., 1952—

TEACHER (PROFESSOR) OF ELOCUTION (ORATORY)

TRUEBLOOD, THOMAS C., A.M., 1886-1916

INSTRUCTORS IN ELOCUTION (ORATORY)

HOLLISTER, RICHARD D. T., A.M., 1908-1912
IMMEL, RAY K., A.B., A.M., 1912-1913

ASSISTANTS IN LAW DEPARTMENT

Goodhall, Samuel H., LL.B., 1890-1891
Griffin, Michael F., LL.B., 1890-1891
Johnson, Elias F., LL.B., 1890-1891
Joslyn, Rodolphus W., LL.B., 1890-1891

QUIZMASTERS IN LAW DEPARTMENT

Bennett, Rufus H., LL.B., 1890-1891
Thompson, Guy B., LL.B., 1890-1891
Gormley, Austin C., LL.B., 1891-1892
Hughes, Thomas W., LL.B., 1891-1892, 1893-1894
Jewell, Harry D., LL.B., 1891-1892
Middlecoff, Jehu B., LL.B., 1891-1892
Sutton, Eli R., LL.B., 1891-1892
Dwyer, John W., LL.B., 1892-1894
Kendig, Maris T., LL.B., 1892-1893
Sheldon, Fred A., LL.B., 1892-1893
Thompson, Robert F., LL.B., 1892-1893
Wells, Frank M., LL.B., 1892-1893

ASSISTANTS IN LAW

Stimson, Edward, A.B., B.S., A.M., J.D., 1930-1931
Culp, Maurice S., A.B., A.M., LL.B., 1932-1935
Mueller, Joseph H., A.B., LL.B., 1935-1937
Hartwig, Lawrence E., A.B., J.D., 1937-1938
Hodgman, Daniel, A.B., J.D., 1938-1939
Pennell, John S., J.D., 1940-1941
DeVine, Edmond F., A.B., J.D., LL.M., 1946-1949
Dobson, John S., A.B., J.D., 1946-1951
Andrews, Louis C., Jr., A.B., LL.B., 1948-1949
Tripp, Edward S., A.B., J.D., 1949-1951

INSTRUCTORS IN LAW

Johnson, Elias F., LL.M., 1891-1896
Dwyer, John W., LL.M., 1894-1905
Hughes, Thomas W., LL.M., 1894-1898
Smith, Walter D., LL.B., 1894-1897
Farrah, Albert J., LL.B., 1897-1900
Rood, John R., LL.B., 1898-1904
Sunderland, Edson R., A.M., LL.B., 1901-1904
Stein, Gustav, LL.B., 1903-1905
Holbrook, Evans, A.B., LL.B., 1905-1907
Aigler, Ralph W., LL.B., 1908-1910
Casad, Robert C., A.B., M.A., J.D., 1957-1958
Knauss, Robert L., A.B., J.D., 1957-1958
McNerney, Michael A., A.B., J.D., 1957-1958
Perlberg, Jules M., B.B.A., J.D., 1957-1958
Bernini, Giorgio, Laurea in Law, LL.M., 1958
Gorske, Robert H., A.B., LL.B., 1958-1959

HUTCHISON, THEODORE M., B.A., J.D., LL.M., 1958-1959
MUIR, WILLIAM K., JR., B.A., J.D., 1958-1959
POCK, MAX A., J.D., 1958-1959
YOCCA, NICK E., A.B., J.D., 1958-1959

INSTRUCTORS IN RHETORIC

RANKIN, THOMAS E., 1906-1907
WOLFF, SAMUEL L., 1907-1908
SKINNER, CHARLES E., 1908
KUHL, ERNEST P., 1908-1910

SUMMER SESSION FACULTY

NOTE: This list includes individuals not members of the Michigan Law Faculty during the period of appointment.

CONANT, ERNEST B., 1912
MCGOVNEY, DUDLEY O., 1912, 1924
BALLANTINE, HENRY W., 1913
COCKLEY, WILLIAM B., 1913
HUDSON, MANLEY O., 1914
TUTTLE, ALONZO H., 1914
POUND, ROSCOE, 1915
WOODWARD, FREDERIC C., 1915
HOHFELD, WESLEY N., 1916
PAGE, WILLIAM HERBERT, 1916
RICHARDS, HARRY S., 1916
CORBIN, ARTHUR L., 1917
MERRITT, WALLE E., 1917
WELLS, GEORGE F., 1917
THOMPSON, GEORGE J., 1920
SMITH, HOWARD L., 1920
MCMURRAY, ORRIN K., 1920
DICKINSON, EDMUND C., 1920
GOODRICH, HERBERT F., 1921
HORACK, HUGO C., 1922
FLETCHER, HENRY J., 1922
COSTIGAN, GEORGE P., JR., 1922, 1925, 1926
BINGHAM, JOSEPH W., 1923
PHILBRICK, FRANCIS S., 1923
LANGMAID, STEPHEN I., 1924
ATKINSON, THOMAS E., 1924, 1931, 1935, 1938
VANVLECK, WILLIAM C., 1924, 1929
WRIGHT, AUSTIN T., 1924
DIBELL, HOMER B., 1925
SCHNEBLY, MERRILL I., 1926
PERKINS, ROLLIN M., 1926
PARKS, JAMES L., 1926, 1927
KENT, ARTHUR H., 1926
JAMES, LAYLIN K., 1928
VAN HECKE, MAURICE T., 1928
BRECKENRIDGE, MILLARD S., 1929
DOBIE, ARMISTEAD M., 1929
HALE, WILLIAM G., 1929
LATTIN, NORMAN D., 1929, 1933, 1936, 1940, 1952
WICKEM, JOHN D., 1930
ROTTSCHAEFER, HENRY, 1930
MECHEM, PHILIP, 1930
KULP, VICTOR H., 1930
ARANT, HERSCHEL W., 1930
KIRKWOOD, MARION R., 1931
JACOBS, ALBERT C., 1931, 1932, 1933, 1934, 1937
OHLINGER, GUSTAV A., 1932, 1933, 1934, 1935, 1936, 1937
MATHEWS, ROBERT E., 1932
ORFIELD, LESTER B., 1935, 1939
VANNEMAN, H. W., 1935, 1936, 1950
EDWARDS, BASIL D., 1935
FEINSINGER, NATHAN P., 1936
CASNER, ANDREW J., 1937
MARTIN, ARTHUR T., 1937
PHILLIPS, O. L., 1938
RAY, R. R. 1939
PROSSER, WILLIAM L., 1940
OVERSTREET, LEE-CARL, 1941
STRONG, FRANK R., 1941
GREEN, MILTON D., 1941
FERRALL, VICTOR E. 1941
MCDONALD, ROY W., 1942
CALLAHAN, ROY H., 1945
SMITH, ALLAN F., 1946
HANCOCK, M., 1946
EVANS, ALVIN E., 1946
RITCHIE, R. F., 1946
LUCE, KENNETH K., 1947, 1948
HANCOX, R. O., 1947
PIRSIG, MAYNARD E., 1947
DOW, DAVID, 1947

PREUSS, LAWRENCE, 1948
NUTTING, H. LEG., 1948
ELLIOTT, SHELDON D., 1948
BRIERLY, JAMES L., 1948
THURMAN, SAMUEL D., 1949
OPPENHEIM, S. CHESTERFIELD, 1950
DEVINE, EDMOND F., 1950, 1951, 1952
CURTISS, A. B., 1950
DOBSON, JOHN S., 1950, 1951, 1952
BROWDER, OLIN L., JR., 1950
RANSMEIER, JOSEPH S., 1952
SHESTACK, JEROME J., 1952
FRATCHER, WILLIAM F., 1952
CONARD, ALFRED F., 1953
KIMBALL, SPENCER, 1955, 1957
RUDOLPH, ERNEST G., 1955
WRIGHT, CHARLES A., 1956
SPARKS, BERTEL M., 1956
GALVIN, CHARLES O., 1957
SELL, WILLIAM E., 1957
FARNSWORTH, E. ALLAN, 1958
DAVIS, WYLIE H., 1958

VISITING PROFESSORS OF LAW

YNTEMA, HESSEL E., 1933-1934, 1947-1948
LAUN, RUDOLF, 1935
WOODBRIDGE, FREDERICK, 1939-1940
OVERSTREET, LEE-CARL, 1941
RUNDELL, OLIVER S., 1941
RHEINSTEIN, MAX, 1947-1948
COOPER, FRANK E., 1948-1949, 1950-1951
HAMSON, CHARLES J., 1957
ZWEIGERT, KONRAD E., 1957
DAINOW, JOSEPH, 1958
FEINSINGER, NATHAN P., 1958
ULMER, EUGEN RICHARD, 1958
KENNEDY, FRANK R., 1958-1959
MEISENHOLDER, ROBERT, 1958-1959
GORLA, LUIGI, 1958-1959

IV: 3. SALARIES PAID BY THE UNIVERSITY OF MICHIGAN (1859-1860)

SOURCE: *Proceedings of the Board of Regents, 1837-1864,* p. 928

Rev. HENRY P. TAPPAN, D.D., LL.D., President of the University, and Professor of Intellectual and Moral Philosophy, salary, $2,500.
Rev. GEO. P. WILLIAMS, LL.D., Professor of Mathematics, salary, $1,500.
ABRAM SAGER, A.M., M.D., Professor of Obstetrics and Physiology, salary, $1,000.
SILAS H. DOUGLASS, A.M., M.D., Professor of Chemistry and Mineralogy, Pharmacy, and Toxicology, salary, $1,500.
LOUIS FASQUELLE, LL.D., Professor of Modern Languages and Literature, salary, $1,500.
MOSES GUNN, A.M., M.D., Professor of Surgery, salary, $1,000.
SAMUEL DENTON, M.D., Professor of the Theory and Practice of Medicine and of Pathology, salary, $1,000.
JAMES R. BOISE, A.M., Professor of the Greek Language and Literature, salary, $1,500.
ALONZO B. PALMER, A.M., M.D., Professor of Materia Medica, Therapeutics and Diseases of Women and Children, salary, $1,000.
ALEXANDER WINCHELL, A.M., Professor of Geology, Zoology, and Botany, salary, $1,500.
FRANCIS BRÜNNOW, Ph.D., Director of the Observatory, not on duty, no salary.
CORYDON L. FORD, M.D., Professor of Anatomy, salary, $1,000.
HENRY S. FRIEZE, A.M., Professor of the Latin Language and Literature, salary, $1,500.
JOHN L. TAPPAN, A.M., Librarian, salary, $600.
ALFRED DUBOIS, A.M., Assistant Professor of Chemistry, salary, $1,000.

DATUS CHASE BROOKS, A.M., Assistant Professor of Rhetoric and English Literature, salary, $1,000.
ANDREW D. WHITE, A.M., Professor of History and English Literature, salary, $1,500.
Hon. JAMES V. CAMPBELL, Marshall Professor of Law, salary, $1,000.
Hon. CHARLES I. WALKER, Kent Professor of Law, salary, $1,000.
Hon. THOMAS M. COOLEY, Jay Professor of Law, salary, $1,000.
DEVOLSON WOOD, M.S., C.E., Professor of Physics and Civil Engineering, salary, $1,000.
JAMES C. WATSON, A.M., Professor of Astronomy and Instructor in Mathematics, salary, $1,000.
A. K. SPENCE, A.B., Instructor in Greek and French, salary, $500.
F. R. WILLIAMS, A.B., Instructor in Latin, salary, $500.
WILLIAM LEWITT, M.D., Demonstrator of Anatomy, salary, $250.
CLEVELAND ABBE, A.G., Instructor in Physics and Civil Engineering, salary, $250.
HENRY W. WELLES, Treasurer, salary, $200.
D. L. WOOD, A.M., Secretary, salary, $200.
J. H. BURLESON, Steward, salary, $400.

IV:4. THE TAPPAN PROFESSORSHIP

The report of the Executive Committee of the Regents, filed October 11, 1878, stated in part:

> We are somewhat doubtful of the policy of permanently dividing the duties of a professor between the two schools. And after consideration your Committee think it a better way to secure a Lecturer on Constitutional History for the Law Department, rather than to disturb the present efficient work in History in the Department of Literature, Science and the Arts.
>
> * * * * *
>
> The Committee therefore report and recommend the adoption of the following resolutions:
>
> * * * * *
>
> 4. That the Executive Committee, in conjunction with the Dean of the Law Faculty, be and are hereby authorized to secure the services of a Lecturer on Constitutional History, for the Law Department, for the current year, at a salary not exceeding a thousand dollars.[1]

The resolution was adopted but no appointment was made in 1878. On June 24, 1879, Cooley submitted a communication to the Regents urging the appointment of "two assistants for the coming year. . . . The sum alluded to . . . is $2000, which could be used without making appointments in the Faculty."[2] A preamble and resolution were presented to the Regents, appropriating the money, which stated:

> WHEREAS, The large and increasing attendance upon the Law School demands increased assistance in that school; and

[1] Regents' Proceedings, 1876-1881, p. 318.
[2] *Id.*, p. 370.

> WHEREAS, The income of that school is largely in excess of its expenses; and
> WHEREAS, The Faculty of said school have requested that the gross sum of $2000 be appropriated for the purpose of procuring such assistance in said Department; therefore,
> *Resolved,* That the sum of $2000 or so much thereof as may be necessary be appropriated for the purpose of procuring additional assistance for the Law School, and that the committee on Law Department report to the next meeting of this Board, a plan for such additional work, with names of persons recommended for such assistants.[3]

The Regents' Proceedings for July 25, 1879, show that a letter was received from the Law Faculty which stated:

> In a consultation of the members of the Faculty of Law, after full consideration, it was decided to request the Regents to appoint Hon. Alpheus Felch to do the work in that Department for which provision was made at the last meeting of the Board. The considerations moving to his appointment were his well-known learning, ability and readiness, and his residence here, so that he could at all times be accessible. He would be expected to devote to instruction the time that would have been given by two, had two been appointed, and should have the same salary with the other Professors.[4]

The Regents then adopted the following resolution:

> *Resolved,* That a new Professorship, to be known as the Tappan Professorship, be and is hereby established in the Department of Law; and that the Hon. Alpheus Felch be and is hereby appointed to said Professorship, with salary of $1500 per annum.[5]

[3] *Id.*, p. 371.
[4] *Id.*, pp. 400-401.
[5] *Id.*, p. 401.

IV: 5. THE SCHOOL OF POLITICAL SCIENCE

NOTE: The School of Political Science was organized in the Department of Literature, Science, and the Arts in 1881. *Regents' Proceedings,* 1881-1886, pp. 66-70. Charles Kendall Adams, Professor of History, was appointed the first Dean. On August 25, 1885, Cooley was "elected Professor of History and Dean of the School of Political Science." *Id.*, p. 578. The following account appears in "The Department of Political Science," *The University of Michigan: An Encyclopedic Survey* (1951), pp. 703-704.

. . . As announced in the University *Calendar,* "the aim of the School is to afford exceptional opportunities for students interested in public questions to specialize in History, Political Economy, International Law, and kindred subjects under guidance of their instructors." The students were

required to complete two years in the University before being eligible for admission to the School. The work of the School of Political Science was organized within the Department of Literature, Science, and the Arts, but was not limited to the undergraduate years. . . .

The curriculum of the School of Political Science brought together the courses offered by Adams in American, British, and Continental European governments, Cooley's Taxation and the Growth of Cities, and Angell's International Law and Diplomacy, to which were added courses in political economy, social science, sanitary science, and forestry administration. Cooley added to the curriculum in 1883-84 a course on comparative administrative law, with special reference to local government.

It is probable that the example set by Columbia University in organizing a school of political science was in the minds of Cooley, Frieze, and Adams when they undertook to organize the School of Political Science at the University of Michigan, although it was an awkward arrangement. A School of Political Science, with a dean, established within the Department of Literature, Science, and the Arts, gave rise to many difficulties of administration and control, especially as the teaching personnel of the School continued to give instruction in various fields outside of the School of Political Science. Notwithstanding the administrative difficulties, an increasing number of literary students was enrolled in the School, and the curriculum, with minor changes, continued to be announced annually through 1887-1888. The University *Calendar* for 1888-89 noted: "It has been found unnecessary to retain an independent School of Political Science, under the form of organization described in calendars of previous years," and afterward the announcement of the curriculum disappeared from the *Calendar*. There is no record that the School was ever formally abolished by action of the Regents.

IV:6. The Adoption of the Case Method

Writing in 1949, one of Bates' former students stated:

> In 1903, when Mr. Bates joined the faculty, the law school was at the beginning of a period of slow transition. Inheritor of a great tradition, it had been content to rest on its inheritance during a time when two or three other schools were shaking themselves loose from purely informational instruction and were successfully turning to the development of a new approach in teaching—an approach which emphasized the development of the capabilities of students rather than their capacity to absorb and remember information. The law school had able men on its faculty in those days and they were led by an able dean; but to those of us who were then in attendance it subsequently became apparent that if the methods and purposes of instruction had not been changed when they were changed, the school might have dropped into the ranks of third or fourth rate law schools. Certainly it was not then a great law school except in virtue of the tradition which it had inherited from such men as Judge Cooley.
>
> Dean Hutchins, an able administrator and an excellent teacher in

an earlier tradition, was raised to the presidency of the university and Mr. Bates was appointed to the deanship of the law school. . . .

With the aid of his colleagues, and with the tolerant encouragement of President Hutchins, revision of the curriculum and the methods and materials of instruction in the law school began under the leadership of the new dean, and, within a very few years, the law school of the University of Michigan took rank as one of the best law schools in the United States. . . .[1]

The part played by one individual member of the Law Faculty, Evans Holbrook, in the adoption of the case system, is indicated in the Memorial adopted in 1932 by the Faculty, which stated in part:

Evans contributed in large measure to the development of this school in the last quarter century. The first half of this period saw the abandonment of text-books in one course after another. The records of the school show how slow this process was, and are suggestive of the resistance which had to be overcome. But the records tell nothing of the long struggle to establish new ideals and attitudes on the part of the student body, and even on the part of the faculty, some of whom did not understand the case-method. Many factors contributed to the solution of this problem. On the one hand, we had wise and effective leadership. On the other hand, credit must be given to outstanding students who in their several generations gave tone to the undergraduate body. Between these forces, and constituting our shock-troops, were those members of the faculty who saw the light. Among these, Evans Holbrook was conspicuous. He steadily refused to feed his students a corpus juris of "prevailing rules," nor was he content to develop a logically self-sufficient system of jural concepts. He was always more interested in the practical working of law and he constantly looked at it from without, developing the view point of the man on whom the law acted. With particular zest he tilted against mere words, and it was no accident that he coined the happy phrase "epithetical jurisprudence." For all this, he paid the inevitable penalty. In the earlier years he was commonly rated by the students as an indifferent teacher. In course of time, as superficial teaching was eliminated and the student body was educated to higher levels, Evans was progressively more appreciated. In the last years of his life, he stood second to none.[2]

[1] Clark Herbert W., "Henry Moore Bates," 47 Michigan Law Review 1049 at 1053-1054 (1949).

[2] Faculty Minutes, 1930-1940, pp. 100b-100c.

IV:7. Use of Outside Lecturers: 1946-1949

In Dean Stason's report to the President for 1946-1947, he stated:

During the year several other outside lecturers contributed to the extra-curricular program of the School. Mr. Edward S. Rogers, a distinguished member of the New York bar, and a national authority on the law of trade-marks and copyrights, de-

livered a series of three lectures on the subject of his specialty. Mr. Rogers has been a nonresident lecturer in the Law School for many years. Another nonresident lecturer was Mr. D. Hale Brake, State Treasurer of Michigan, who talked on the subject of "The Lawyer in Public Service." Mr. Brake, a member of the Class of 1922 Law, has for many years been a practicing lawyer in Stanton, Michigan, and for several terms was a member of the Michigan State Senate, until he was elected state treasurer, which post he has held for the past five years. Another special lecture was delivered by Mr. Laurent K. Varnum, President of the State Bar of Michigan, who talked on the subject, "The Organized Bar and the Obligations of the Legal Profession." Mr. Varnum is a member of the Class of 1927 Law, a practicing lawyer in Grand Rapids, Michigan, as a member of the firm of Travis, Merrick, Riddering and Varnum.[1]

Two years later, Dean Stason reported to the President:

> The law faculty has also been enriching the school program by a series of special lectures dealing with problems of legal interest and related affairs not covered by the regular course program of the School. Such lectures are valuable in many respects. They serve not only to bring before the students in the Law School and other interested persons in the community subject matter not otherwise covered in the curriculum, but they bring many distinguished lecturers and members of the bench and bar into contact with students and faculty. The program for the year was as follows:

Date	*Subject*	*Lecturers*
October 21, 1948	The Greek Dilemma	John P. Dawson, University of Michigan Law School
November 18, 1948	Law Office Management and Operation	Paul M. Trigg, of the Detroit bar
February 10, 1949	The Collective Bargaining Process	John S. Bugas Industrial Relations Director, Ford Motor Car Company
March 7, 1949	Distinctive Provisions of Wills and Trust Agreements	Gilbert T. Stephenson, director, Trust Research Department, Graduate School of Banking, American Bankers Association
March 17, 1949	Behind the Curtain in the Michigan Supreme Court	George E. Bushnell, Justice Michigan Supreme Court
March 25, 1949	The Labor Lawyer's Approach to Collective Bargaining	David Previant, of the Milwaukee bar
April 14, 1949	Recent Developments in English Administrative Law	William A. Robson, London School of Economics[2]

[1] President's Report, 1946-1947, pp. 116-17.

[2] President's Report, 1948-1949, p. 95.

CHAPTER V

The Law Taught and the Course of Instruction

V: 1. THE LAW CURRICULUM: 1859-1959.
(1) LECTURE SUBJECTS: 1859-1895

SOURCE: *Catalogues of the University* (1860-1882)
Law Department Announcements (1883-1895)
Record of the Department of Law in the University of Michigan (MS.) (1859-1895)

NOTE: The several topics included within the Course of Instruction between 1859 and 1895 were listed annually in the *University Catalogue* or in the *Announcement of the Law Department.* The lists of subjects lectured upon were prepared from this data.

Between 1859 and 1895, it was customary for members of the Law Faculty to record in the *Record of the Department of Law* the title of each lecture and the date delivered. Hence, it was possible to determine the number of lectures so recorded in a particular year upon each general topic and this information is included in the following lists. However, in some years, the *Record* contains no information concerning lectures upon a particular topic, although such a topic was included in the official Course of Instruction. Such subjects have been designated by an asterisk (*). Contrariwise, in some years, lectures were delivered upon subjects not listed in the official publications. Such unlisted lectures have been designated by a dagger (†).

1859–1860

The Origin and History of Equity Jurisdiction. 19 lectures. Campbell.
The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 12 lectures. Campbell.
Criminal Law. 28 lectures. Campbell.
The Laws of Evidence, and their Application in Legal Proceedings. 8 lectures. Campbell.
Contracts. 30 lectures. Walker.
Title to Personal Property by Gift, Inheritance, Sale, Mortgage Assignment and by Operation of Law. 23 lectures. Walker.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 15 lectures. Walker.
Estates in Real Property. 44 lectures. Cooley.
Title to Real Property. 23 lectures. Cooley.
Wills, their Execution, Revocation, and Construction. 10 lectures. Cooley.

Easements. 4 lectures. Cooley.
The Domestic Relations. 21 lectures. Cooley.
†Common Law Pleading and Practice. 4 lectures. Cooley.

1860–1861

*Some Special Heads of Evidence, and Equity Jurisprudence. Campbell.
Equity Pleading and Practice. 33 lectures. Campbell.
Jurisprudence of the United States. 31 lectures. Campbell.
Shipping and Admiralty. 4 lectures. Campbell.
Agency. 17 lectures. Walker.
*Bailments. Walker.
The Law of Corporations. 31 lectures. Walker.
Common Law Pleading and Practice. 22 lectures. Walker.
Constitutional Law. 37 lectures. Cooley.
Partnership. 13 lectures. Cooley.
Uses and Trusts. 4 lectures. Cooley.
The Administration and Distribution of Estates of Deceased Persons. 6 lectures. Cooley.
†Wills, their Execution, Revocation, and Construction. 6 lectures. Cooley.

1861–1862

The Origin and History of Equity Jurisdiction. 33 lectures. Campbell.
The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 36 lectures. Campbell.
Criminal Law. 30 lectures. Campbell.
The Laws of Evidence, and their Application in Legal Proceedings. 9 lectures. Campbell.
Contracts. 31 lectures. Walker.
Title to Personal Property by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 23 lectures. Walker.
*Bailments. Walker.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 16 lectures. Walker.
Estates in Real Property. 36 lectures. Cooley.
Title to Real Property. 18 lectures. Cooley.
Easements. 7 lectures. Cooley.
The Domestic Relations. 15 lectures. Cooley.

1862–1863

*Some Special Heads of Evidence, and Equity Jurisprudence. Campbell.
Equity Pleading and Practice. 31 lectures. Campbell.
Jurisprudence of the United States. 28 lectures. Campbell.
Shipping and Admiralty. 7 lectures. Campbell.
Agency. 21 lectures. Walker.
The Law of Corporations. 16 lectures. Walker.
Common Law Pleading and Practice. 18 lectures. Walker.
Constitutional Law. 30 lectures. Cooley.
Partnership. 12 lectures. Cooley.

Uses and Trusts. 10 lectures. Cooley.
Wills, their Execution, Revocation, and Construction. 6 lectures. Cooley
The Administration and Distribution of Estates of Deceased Persons. 9 lectures. Cooley.
†Easements. 2 lectures. Cooley.

1863–1864

The Origin and History of Equity Jurisdiction. 22 lectures. Campbell.
The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 26 lectures. Campbell
Criminal Law. 40 lectures. Campbell.
The Laws of Evidence, and their Application in Legal Proceedings. 8 lectures. Campbell.
Contracts. 32 lectures. Walker.
Title to Personal Property, by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 24 lectures. Walker.
*Bailments. Walker.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 10 lectures. Walker.
Estates in Real Property. 36 lectures. Cooley.
Title to Real Property. 17 lectures. Cooley.
Easements. 6 lectures. Cooley.
The Domestic Relations. 14 lectures. Cooley.

1864–1865

*Some Special Heads of Evidence, and Equity Jurisprudence. Campbell.
Equity Pleading and Practice. 34 lectures. Campbell.
Jurisprudence of the United States. 30 lectures. Campbell.
Shipping and Admiralty. 8 lectures. Campbell.
Agency. 19 lectures. Walker.
The Law of Corporations. 21 lectures. Walker.
Common Law Pleading and Practice. 25 lectures. Walker.
Constitutional Law. 34 lectures. Cooley.
Partnership. 12 lectures. Cooley.
Uses and Trusts. 6 lectures. Cooley.
Wills, their Execution, Revocation and Construction. 7 lectures. Cooley.
The Administration and Distribution of Estates of Deceased Persons. 9 lectures. Cooley.

1865–1866

The Origin and History of Equity Jurisdiction. 15 lectures. Campbell.
The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 19 lectures. Campbell.
Criminal Law. 43 lectures. Campbell.
The Laws of Evidence, and their Application to Legal Proceedings. 7 lectures. Pond.

Contracts. 36 lectures. Walker.
Title to Personal Property, by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 29 lectures. Pond.
Bailments. 10 lectures. Pond.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 16 lectures. Walker.
Estates in Real Property. 31 lectures. Cooley.
Title to Real Property. 5 lectures. Cooley.
Easements. 3 lectures. Cooley.
The Domestic Relations. 14 lectures. Cooley.

1866–1867

Some Special Heads of Evidence, and Equity Jurisprudence. 12 lectures. Pond.
Equity Pleading and Practice. 24 lectures. Campbell.
Jurisprudence of the United States. 30 lectures. Campbell.
*Shipping and Admiralty.
Agency. 22 lectures. Walker.
The Law of Corporations. 27 lectures. Walker.
Common Law Pleading and Practice. 38 lectures. Pond.
Constitutional Law. 24 lectures. Cooley.
Partnership. 7 lectures. Walker.
Uses and Trusts. 3 lectures. Cooley.
Wills, their Execution, Revocation and Construction. 7 lectures. Cooley.
The Administration and Distribution of Estates of Deceased Persons. 8 lectures. Cooley.

1867–1868

The Origin and History of Equity Jurisprudence. 20 lectures. Campbell.
The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 28 lectures. Campbell.
Criminal Law. 30 lectures. Campbell.
*The Laws of Evidence, and their Application to Legal Proceedings.
Contracts. 31 lectures. Walker.
*Title to Personal Property, by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law.
Bailments. 15 lectures. Pond.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 14 lectures. Walker.
Estates in Real Property. 26 lectures. Cooley.
Title to Real Property. 16 lectures. Cooley.
*Easements.
The Domestic Relations. 8 lectures. Cooley.
†Shipping and Admiralty. 4 lectures. Campbell.
†Pleading in Particular Actions. 33 lectures. Pond.

1868–1869

Some Special Heads of Evidence, and Equity Jurisprudence. 26 lectures. Kent.
Equity Pleading and Practice. 27 lectures. Campbell.
Jurisprudence of the United States. 27 lectures. Campbell.
*Shipping and Admiralty. Campbell.
Agency. 18 lectures. Walker.
The Law of Corporations. 24 lectures. Walker.
*Common Law Pleading and Practice.
Constitutional Law. 37 lectures. Cooley.
Partnership. 8 lectures. Walker.
Uses and Trusts. 8 lectures. Cooley.
Wills, their Execution, Revocation and Construction. 6 lectures. Cooley.
The Administration and Distribution of Estates of Deceased Persons. 4 lectures. Cooley.
†Easements. 10 lectures. Kent.
†Actionable Wrongs in Cases of Law. 18 lectures. Kent.

1869–1870

The Origin and History of Equity Jurisprudence. 22 lectures. Campbell
The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 30 lectures. Campbell.
Criminal Law. 32 lectures. Campbell.
The Laws of Evidence, and their application to Legal Proceedings. 8 lectures. Campbell.
Contracts. 16 lectures. Walker.
*Title to Personal Property, by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law.
Bailments. 4 lectures. Kent.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 13 lectures. Cooley.
Estates in Real Property. 27 lectures. Cooley.
Title to Real Property. 13 lectures. Cooley.
*Easements.
The Domestic Relations. 8 lectures. Cooley.
†Common Law Pleading and Practice. 68 lectures. Kent.

1870–1871

Some Special Heads of Evidence, and Equity Jurisprudence. 25 lectures. Kent.
Equity Pleading and Practice. 26 lectures. Campbell.
Jurisprudence of the United States. 28 lectures. Campbell.
*Shipping and Admiralty.
Agency. 18 lectures. Walker.
The Law of Corporations. 28 lectures. Walker.
*Common Law Pleading and Practice.

Constitutional Law. 40 lectures. Cooley.
Partnership. 6 lectures. Walker; 8 lectures. Cooley.
Uses and Trusts. 6 lectures. Cooley.
Wills, their Execution, Revocation, and Construction. 8 lectures. Cooley.
*The Administration and Distribution of Estates of Deceased Persons.
†Easements. 9 lectures. Kent.
†Actionable Wrongs in Cases of Law. 17 lectures. Kent.

1871–1872

The Origin and History of Equity Jurisprudence. 21 lectures. Campbell.
The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 24 lectures. Campbell.
Criminal Law. 32 lectures. Campbell.
*The Laws of Evidence, and their application to Legal Proceedings.
Contracts. 32 lectures. Walker.
Title to Personal Property, by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 3 lectures. Walker.
*Bailments.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 15 lectures. Walker.
Estates in Real Property. 27 lectures. Cooley.
*Easements.
Title to Real Property. 14 lectures. Cooley.
The Domestic Relations. 13 lectures. Cooley.
†Common Law Pleading and Practice. 54 lectures. Kent.

1872–1873

Some Special Heads of Evidence, and Equity Jurisprudence. 26 lectures. Kent.
Equity Pleading and Practice. 28 lectures. Campbell.
Jurisprudence of the United States. 28 lectures. Campbell.
*Shipping and Admiralty.
Agency. 21 lectures. Walker.
The Law of Corporations. 27 lectures. Walker.
*Common Law Pleading and Practice.
Constitutional Law. 36 lectures. Cooley.
Partnership. 6 lectures. Walker.
Uses and Trusts. 2 lectures. Cooley.
Wills, their Execution, Revocation, and Construction. 8 lectures. Cooley.
*The Administration and Distribution of Estates of Deceased Persons.
†Easements. 10 lectures. Kent.
†Actionable Wrongs in Cases of Law. 20 lectures. Kent.

1873–1874

The Origin and History of Equity Jurisprudence. 21 lectures. Campbell.

The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 26 lectures. Campbell.
Criminal Law. 30 lectures. Campbell.
*The Laws of Evidence, and their application to Legal Proceedings.
Contracts. 30 lectures. Walker.
Title to Personal Property, by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 4 lectures. Walker.
*Bailments.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 13 lectures. Walker.
Estates in Real Property. 25 lectures. Cooley.
*Easements.
Title to Real Property. 9 lectures. Cooley
The Domestic Relations. 17 lectures. Cooley.
†Common Law Pleading and Practice. 54 lectures. Kent.

1874–1875

Some Special Heads of Evidence, and Equity Jurisprudence. 20 lectures. Kent.
Equity Pleading and Practice. 25 lectures. Campbell.
Jurisprudence of the United States. 33 lectures. Campbell.
*Shipping and Admiralty.
Agency. 11 lectures. Wells.
The Law of Corporations. 30 lectures. Wells.
*Common Law Pleading and Practice.
Constitutional Law. 28 lectures. Cooley.
Partnership. 7 lectures. Wells.
Uses and Trusts. 6 lectures. Cooley.
Wills, their Execution, Revocation, and Construction. 11 lectures. Cooley.
The Administration and Distribution of Estates of Deceased Persons. 7 lectures. Cooley.
†Taxation. 4 lectures. Cooley.
†Easements. 10 lectures. Kent.
†Actionable Wrongs in Cases of Law. 19 lectures. Kent.
†Bailments. 5 lectures. Kent.

1875–1876

The Origin and History of Equity Jurisprudence. 21 lectures. Campbell.
The General Heads of Equity Procedure, and Nature and Forms of Equitable Remedies. 26 lectures. Campbell.
*The Laws of Evidence, and their application to Legal Proceedings.
Contracts. 32 lectures. Wells.
Title to Personal Property, by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 4 lectures. Wells.
*Bailments.

Bills of Exchange and Promissory Notes, and Commercial Law generally. 20 lectures. Wells.
Estates in Real Property. 24 lectures. Cooley.
*Easements.
Title to Real Property. 12 lectures. Cooley.
The Domestic Relations. 18 lectures. Cooley.
†Common Law Pleading and Practice. 52 lectures. Kent.

1876–1877

Some Special Heads of Evidence, and Equity Jurisprudence. 22 lectures. Kent; 3 lectures. Campbell.
Equity Pleading and Practice. 25 lectures. Campbell.
Jurisprudence of the United States. 29 lectures. Campbell.
*Shipping and Admiralty.
Agency. 20 lectures. Wells.
The Law of Corporations. 28 lectures. Wells.
*Common Law Pleading and Practice.
Constitutional Law. 28 lectures. Cooley.
Partnership. 6 lectures. Wells.
Uses and Trusts. 6 lectures. Cooley.
Wills, their Execution, Revocation, and Construction. 8 lectures. Cooley.
The Administration and Distribution of Estates of Deceased Persons. 6 lectures. Cooley.
†Taxation. 4 lectures. Cooley.
†Easements. 9 lectures. Kent.
†Actionable Wrongs in Cases of Law. 17 lectures. Kent.
†Bailments. 6 lectures. Kent.

1877–1878

The Origin and History of Equity Jurisprudence. 21 lectures. Campbell.
The General Heads of Equity Procedure and Nature and Forms of Equitable Remedies. 28 lectures. Campbell.
Criminal Law, and Medical Questions bearing on it. 32 lectures. Campbell.
*The Laws of Evidence, and their application to Legal Proceedings.
Contracts. 30 lectures. Wells.
Title to Personal Property by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 6 lectures. Wells.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 20 lectures. Wells.
Estates in Real Property. 24 lectures. Cooley.
*Easements.
Title to Real Property. 12 lectures. Cooley.
Domestic Relations. 17 lectures. Cooley.
†Common Law Pleading and Practice. 53 lectures. Kent.

1878–1879

Some Special Heads of Evidence, and Equity Jurisprudence. 25 lectures. Kent.
Equity Pleadings and Practice. 24 lectures. Campbell.
Jurisprudence of the United States. 32 lectures. Campbell.
*Shipping and Admiralty.
*Bailments.
Agency. 15 lectures. Wells.
The Law of Corporations. 29 lectures. Wells.
*Common Law Pleading and Practice.
Constitutional Law. 32 lectures. Cooley.
Partnership. 8 lectures. Wells.
Uses and Trusts. 9 lectures. Cooley.
Wills, their Execution, Revocation, and Construction. 8 lectures. Cooley.
The Administration and Distribution of Estates of Deceased Persons. 5 lectures. Cooley.
†Taxation. 2 lectures. Cooley.
†Easements. 9 lectures. Kent.
†Actionable Wrongs in Cases of Law. 20 lectures. Kent.

1879–1880

The Origin and History of Equity Jurisprudence. 22 lectures. Campbell.
The General Heads of Equity Procedure and Nature and Forms of Equitable Remedies. 28 lectures. Campbell.
Criminal Law, and Medical Questions bearing on it. 28 lectures. Campbell.
*The Laws of Evidence, and their application to Legal Proceedings.
Contracts. 29 lectures. Walker.
Title to Personal Property by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 6 lectures. Walker.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 19 lectures. Walker.
Estates in Real Property. 22 lectures. Cooley.
*Easements.
Title to Real Property. 11 lectures. Cooley.
Domestic Relations. 15 lectures. Cooley.
†Bailments. 2 lectures. Cooley.
†Common Law Pleading and Practice. 52 lectures. Kent.

1880–1881

Some Special Heads of Evidence, and of Equity Jurisprudence. 20 lectures. Kent.
Equity Pleading and Practice. 23 lectures. Campbell.
Jurisprudence of the United States. 27 lectures. Campbell.
Bailments. 4 lectures. Cooley.
*Shipping and Admiralty.

Agency. 18 lectures. Walker.
The Law of Corporations. 26 lectures. Walker.
*Common Law Pleading and Practice.
Constitutional Law. 24 lectures. Cooley.
Partnership. 8 lectures. Walker.
Uses and Trusts. 6 lectures. Cooley.
Wills, their Execution, Revocation, and Construction. 8 lectures. Cooley.
The Administration and Distribution of Estates of Deceased Persons. 4 lectures. Cooley
†Easements. 10 lectures. Kent.
†Actionable Wrongs in Cases of Law. 18 lectures. Kent.

1881–1882

The Origin and History of Equity Jurisprudence. 22 lectures. Campbell.
The General Heads of Equity Procedure, and the Nature and Forms of Equitable Remedies. 30 lectures. Campbell.
Criminal Law, and Medical Questions bearing on it. 30 lectures. Campbell.
*The Laws of Evidence, and their application to Legal Proceedings.
Contracts. 28 lectures. Walker.
Title to Personal Property by Gift, Inheritance, Sale, Mortgage, Assignment, and by Operation of Law. 8 lectures. Wells.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 18 lectures. Wells.
Estates in Real Property, and Titles thereto. 32 lectures. Felch.
Domestic Relations. 14 lectures. Cooley.
*Easements.
†Common Law Pleading and Practice. 54 lectures. Kent.

1882–1883

Jurisprudence of the United States. 31 lectures. Campbell.
*Bailments.
*Shipping and Admiralty.
Agency. 21 lectures. Wells; 2 lectures. Kent.
The Law of Corporations. 30 lectures. Wells.
*Common Law Pleading and Practice.
Constitutional Law. 26 lectures. Cooley.
Partnership. 7 lectures. Wells.
Uses and Trusts. 9 lectures. Felch.
Wills, their Execution, Revocation, and Construction. 9 lectures. Felch.
The Administration and Distribution of Estates of Deceased Persons. 10 lectures. Felch.
Some Special Heads of Evidence, and of Equity Jurisprudence. 22 lectures. Kent.
Equity Pleading and Practice. 10 lectures. Campbell.
†Nature and Forms of Equitable Remedies. 2 lectures. Cooley.

†Easements. 10 lectures. Kent.
†Actionable Wrongs in Cases of Law. 28 lectures. Kent.

1883–1884

The Origin and History of Equity Jurisprudence. 29 lectures. Campbell.
The General Heads of Equity Procedure, and the Nature and Forms of Equitable Remedies. 14 lectures. Campbell.
Criminal Law, and Medical Questions bearing on it. 32 lectures. Campbell.
Contracts, including Bailments. 32 lectures. Wells.
Common Law Pleading and Practice. 54 lectures. Kent.
Title to Personal Property by Gift, Sale, Mortgage and Assignment. 28 lectures. Wells.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 16 lectures. Wells.
Estates in Real Property, and Titles thereto. 24 lectures. Cooley.
The Law of the Domestic Relations. 38 lectures. Rogers.
*Actionable Wrongs.
*Easements and Servitudes.
†Evidence. 6 lectures. Campbell.
†Uses and Trusts. 2 lectures. Cooley.
†Rights. 12 lectures. Cooley.
†Bailments, including Carriers. 28 lectures. Kent.

1884–1885

*Constitutional Law. Campbell.
*International Law. Campbell.
Jurisprudence of the United States. 52 lectures. Campbell.
Equity Pleading and Procedure. 46 lectures. Hutchins.
*Some Special Heads of Equity Jurisprudence. Campbell.
Evidence. 28 lectures. Kent.
Torts. 26 lectures. Kent.
Insurance. 19 lectures. Kent.
Corporations. 41 lectures. Wells.
Agency. 24 lectures. Wells.
Partnership. 22 lectures. Wells.
Wills, their Execution, Revocation and Construction. 15 lectures. Rogers.
The Administration and Distribution of Estates of Deceased Persons. 29 lectures. Rogers.
*Uses and Trusts.
*Shipping and Admiralty.
Easements and Servitudes. 9 lectures. Kent.
*Taxation.

1885–1886

Criminal Law, and Medical Questions bearing on it. 34 lectures. Rogers.

Equity Jurisprudence. 31 lectures. Hutchins.
Pleading and Practice in Cases at Law. 52 lectures. Kent.
Bailments, including the Law of Common Carriers. 22 lectures. Kent.
Contracts. 24 lectures. Wells.
Bills of Exchange and Promissory Notes, and Commercial Law generally. 18 lectures. Kirchner.
Personal Property and Title thereto by Gift, Sale, Mortgage and Assignment. 35 lectures. Kirchner.
The Law of Domestic Relations. 42 lectures. Rogers; 2 lectures. Kent.
Estates in Real Property, and Titles thereto. 26 lectures. Hutchins.
Uses and Trusts. 23 lectures. Hutchins.

1886–1887

FIRST SEMESTER

Evidence. 38 lectures. Griffin.
*Insurance.
Wills, their Execution, Revocation and Construction. 10 lectures. Rogers.
The Administration and Distribution of Estates of Deceased Persons. 12 lectures. Rogers.
*Easements.
Equity Pleading and Procedure. 14 lectures. Hutchins.
Agency. 9 lectures. Walker.
Partnership. 9 lectures. Walker.

SECOND SEMESTER

Jurisprudence of the United States. 21 lectures. Griffin.
*International Law.
Torts. 12 lectures. Rogers.
*Taxation.
Equity Pleading and Procedure. 12 lectures. Hutchins.
*Code Pleading.
Private and Municipal Corporations. 10 lectures. Walker.
†Contracts. 8 lectures. Walker.
†Personal Property. . . . 8 lectures. Walker.
†Criminal Law, and Medical Questions bearing on it. 25 lectures. Rogers.
†Estates in Real Property, and Titles thereto. 33 lectures. Hutchins.
†Medical Jurisprudence. Number unavailable. Dunster.
†Toxicology in its Legal Relations. Number unavailable. Vaughan.
†Legal Microscopy. Number unavailable. Stowell.

1887–1888

JUNIOR CLASS

Criminal Law, and Medical Questions bearing on it. 22 lectures. Rogers.
Torts. 14 lectures. Rogers.
*The Law of Real Property.

*Easements.
The Origin, History and Nature of Equity Jurisprudence, and the Maxims of Equity. 38 lectures. Bigelow.
Contracts. 17 lectures. Wells.
Agency. 12 lectures. Wells.
Partnership. 10 lectures. Wells.
Evidence. 25 lectures. Griffin.
Common Law Pleading and Practice in Cases at Law. 4 lectures. Knowlton.

SENIOR CLASS

Constitutional Law. 10 lectures. Wells.
*The Law of Taxation.
The Law of Domestic Relations. 20 lectures. Rogers.
Wills, their Execution, Revocation and Construction. 7 lectures. Rogers.
The Administration and Distribution of Estates of Deceased Persons. 10 lectures. Rogers.
*Equity Jurisprudence, and Equity Pleading, and Procedure.
Personal Property and Title thereto by Gift, Sale, Mortgage and Assignment. 15 lectures. Griffin.
Bills and Notes, and Commercial Law generally. 12 lectures. Wells.
The Law of Private and Municipal Corporations. 21 lectures. Wells.
Jurisprudence of the United States. 19 lectures. Griffin.
International Law. 10 lectures. Griffin.
Admiralty Law. 12 lectures. Brown.
*Special Heads of Medical Jurisprudence.
*Toxicology in its Legal Relations.
*Legal Microscopy.
†Mining Law. 11 lectures. Griffin.
†History of the Common Law. 15 lectures. Hammond.

In addition to the lectures, "The Study of Leading Cases" was listed as a required subject. The *Announcement* stated further:

> In addition to the instruction by lectures will be the instruction by text-books.
>
> The members of the Junior Class will be required to attend daily recitations in Cooley's edition of Blackstone's Commentaries, Anson on Contracts, and Schouler on Bailments. This work will be done under the direction of Assistant Professor Knowlton, and will continue throughout the Junior year. . . .
>
> All members of the Senior Class will during the First Semester attend recitations in Gould on Pleading, and such of them as may so elect can attend recitations in Bliss on Code Pleading. Students who come from Code States will be expected to attend regular recitations in this work, and they will find the instruction thus obtained invaluable in their subsequent practice. Students from states where the reformed procedure has not been introduced, may or may not, at their option, attend such recitation. But students from Code States are expected to attend the recitation in

Gould on Pleading, as well as in Bliss, inasmuch as the works on common law pleading are not superseded by the codes. . . .

1888–1889

JUNIOR CLASS

*Criminal Law, and Medical Questions bearing on it.
Torts. 13 lectures. Rogers.
Evidence. 3 lectures. Griffin.
Personal Property and Title thereto, by Gift, Sale, Mortgage, and Assignment. 12 lectures. Griffin.
Contracts. 11 lectures. Wells.
Agency. 9 lectures. Thompson.
Partnership. 8 lectures. Wells.
The Law of Real Property. 13 lectures. Thompson.
Easements. 16 lectures. Thompson.

SENIOR CLASS

The Law of the Domestic Relations. 30 lectures. Rogers.
Wills, their Execution, Revocation, and Construction. 8 lectures. Rogers.
The Administration and Distribution of Estates of Deceased Persons. 10 lectures. Rogers.
Jurisprudence of the United States. 18 lectures. Griffin.
*International Law.
*Mining Law.
Constitutional Law. 14 lectures. Wells.
Bills and Notes, and Commercial Law generally. 12 lectures. Wells.
The Law of Private and Municipal Corporations. 26 lectures. Wells.
Practice in Cases at Law. 38 lectures. Griffin.
Equity Jurisprudence, and Equity Pleading and Procedure. 35 lectures. Thompson.
Admiralty. 8 lectures. Brown.
*History of the Common Law.
*Special Heads of Medical Jurisprudence.
*Toxicology in its Legal Relations.
*Legal Microscopy.

In addition to the lectures, "The Study of Leading Cases" was given as a required subject. The *Announcement* further stated:

In addition to the instruction by lectures is the instruction by text-books. The members of the junior class are required to attend daily recitations in Cooley's edition of Blackstone's Commentaries, Anson on Contracts, and Stephen on Pleading.

Students who come from Code States are also expected to attend regular recitations in Bliss on Code Pleading, and they will find the instruction thus obtained invaluable in their subsequent practice. Students from States where the reformed procedure has not been introduced, may or may not, at their option, attend such recitations. But students from Code States are expected to attend the recitations in Stephen on Pleading, as well as in Bliss. . . .

The members of the senior class are expected to attend recitations in Hutchinson on Carriers.

1889–1890

JUNIOR CLASS

The Law of the Domestic Relations. 20 lectures. Rogers.
Torts. 12 lectures. Rogers.
*Private International Law.
Pleading and Practice. 19 lectures. Griffin.
Personal Property and Title thereto, by Gift, Sale, Mortgage, and Assignment. 14 lectures. Griffin.
Agency. 12 lectures. Wells.
Partnership. 11 lectures. Wells.
Private Corporations. 15 lectures. Wells.
*Real Property Law, including Fixtures and Easements.
Equity Pleading and Procedure. 40 lectures. Thompson.
Bailments. 6 lectures. Knowlton.
*Contracts.

SENIOR CLASS

Criminal Law, and Medical Questions bearing on it. 20 lectures. Rogers.
Wills, their Execution, Revocation, and Construction. 7 lectures. Rogers.
The Administration and Distribution of Estates of Deceased Persons. 10 lectures. Rogers.
Jurisprudence of the United States. 13 lectures. Griffin.
Evidence. 25 lectures. Griffin.
The Law of Municipal Corporations. 11 lectures. Wells.
Bills and Notes, and Commercial Law generally. 12 lectures. Wells.
Constitutional Law. 17 lectures. Wells.
*Landlord and Tenant.
Equity Jurisprudence. 19 lectures. Thompson.
*Mining Law.
Law of Carriers. 5 lectures. Knowlton.
Admiralty Law. 10 lectures. Brown.
*History of the Common Law.
*Special Heads of Medical Jurisprudence.
*Toxicology in its Legal Relations.
*Legal Microscopy.
†Titles Unspecified. 4 lectures. Knowlton.
†Fixtures and Easements. 19 lectures. Thompson.
†Interstate Commerce. Number unavailable. Cooley.

In addition to the lectures, "The Study of Leading Cases" was given as a required subject. The *Announcement* further stated:

In addition to the instruction by lectures is the instruction by text-books. The members of the junior class are required to attend daily recitations

in Cooley's edition of Blackstone's Commentaries, Anson on Contracts, Stephen on Pleading and Lube's Equity Pleading.

The following portions of Blackstone's Commentaries will be studied by the class: Sections 2 and 3 of the Introduction; chapters 1, 7 and 10 of Book one; all of Book two, with the exception of chapters 18, 22, 27 and 28; chapters 1, 2, 3, 4, 7 and 14 of Book three. The other portions of the Commentaries will be omitted on the grounds that they are either covered by the lectures delivered in the Department, or are of no especial importance.

Members of the senior class who come from Code States are expected to attend regular recitations in Bliss on Code Pleading. . . . Students from States where the reformed procedure has not been introduced, may or may not, at their option, attend such recitations.

Members of the senior class will also attend recitations in Heard's Criminal Pleadings.

But during the year 1889-90 the senior class will attend recitations in Stephen on Pleading, in the place of Bliss on Code Pleading, which work that class has already completed.

1890–1891

JUNIOR CLASS

*The Law of the Domestic Relations.
Torts. 20 lectures. Bigelow.
*Private International Law.
Pleading and Practice. 18 lectures. Griffin.
Personal Property and Title thereto, by Gift, Sale, Mortgage, and Assignment. 19 lectures. Griffin.
Agency. 11 lectures. Wells.
Partnership. 9 lectures. Wells.
Private Corporations. 14 lectures. Kirchner.
Fixtures and Easements. 16 lectures. Thompson.
Equity Pleading and Procedure. 19 lectures. Thompson.
Bailments. 3 lectures. Knowlton.
*Contracts.

SENIOR CLASS

*Criminal Law, and Medical Questions bearing on it.
Wills, their Execution, Revocation, and Construction. 21 lectures. Bigelow.
*The Administration and Distribution of Estates of Deceased Persons.
Jurisprudence of the United States. 12 lectures. Griffin.
Evidence. 25 lectures. Griffin.
Bills and Notes, and Commercial Law generally. 10 lectures. Wells.
The Law of Municipal Corporations. 9 lectures. Wells.
Constitutional Law. 15 lectures. A. C. Angell.
Real Property, including Landlord and Tenant. 18 lectures. Thompson.
Equity Jurisprudence. 19 lectures. Thompson.
Mining Law. Number unavailable. Clayberg.
Law of Carriers. 3 lectures. Knowlton.
Insurance Law. 7 lectures. Bigelow.

Admiralty Law. 10 lectures. Brown.
Special Heads of Medical Jurisprudence. Number unavailable. Ewell.
*Toxicology in its Legal Relations.
Legal Microscopy. 4 lectures. Howell.
†Railway Law. Number unavailable. Knowlton.
†Titles Unspecified. 3 lectures. Knowlton.
†Code Pleading and Practice. 13 lectures. Maxwell.
†Injunctions and Receivers. 10 lectures. High.
†Patent Law. Number unavailable. Lothrop.
†Interstate Commerce. Number unavailable. Cooley.

In addition to the lectures, "The Study of Leading Cases" was given as a required subject. The *Announcement* further stated:

> In addition to the instruction by lectures is the instruction by text-books.
>
> The members of the junior class are required to attend daily recitations in Cooley's edition of Blackstone's Commentaries, Anson on Contracts, Stephen on Pleading, and Lube's Equity Pleading.
>
> The following portions of Blackstone's Commentaries are studied by the class: Sections 2 and 3 of the Introduction; chapters 1, 7, and 10 of Book I; all of Book II, with the exception of chapters 18, 22, 27, and 28; chapters 1, 2, 3, 4, 7, and 14 of Book III. The other portions of the Commentaries are omitted on the ground that they are either covered by the lectures delivered in the Department, or are of no especial importance.
>
> Members of the senior class who come from Code States are expected to attend regular recitations in Bliss on Code Pleading. . . . Students from States where the reformed procedure has not been introduced, may or may not, at their option, attend such recitations.

1891–1892

JUNIOR CLASS

Pleading and Practice at Common Law. 23 lectures. Griffin.
Personal Property and Title thereto, by Gift, Sale, Mortgage, and Assignment. 15 lectures. Griffin.
Agency. 8 lectures. Conely.
Private Corporations. 14 lectures. Champlin.
Partnership. 7 lectures. Conely.
Fixtures and Easements. 17 lectures. Thompson.
Equity Pleading and Practice. 16 lectures. Thompson.
Bailments. 5 lectures. Knowlton.
Contracts. 2 lectures. Knowlton.
The Law of the Domestic Relations. 20 lectures. Abbott.
Torts. 20 lectures. Champlin.

SENIOR CLASS

Jurisprudence of the United States. 12 lectures. Griffin.
Evidence. 27 lectures. Griffin.
The Law of Municipal Corporations. 6 lectures. Champlin.
*Bills and Notes, and Commercial Law generally.
Constitutional Law. 15 lectures. Conely.

Real Property Law, including Landlord and Tenant. 24 lectures. Thompson.
Equity Jurisprudence. 20 lectures. Thompson.
Law of Carriers. 14 lectures. Knowlton.
Criminal Law, and Medical Questions bearing on it. 12 lectures. Knowlton.
Wills, their Execution, Revocation, and Construction. 15 lectures. Abbott.
The Administration and Distribution of Estates of Deceased Persons. 4 lectures. Abbott.
†Conflict of Laws. 1 lecture. Abbott.
†Railroad Problems. Number unavailable. Adams.

In addition to the lectures, "The Study of Leading Cases" was given as a required subject. The *Announcement* further stated:

> In addition to the instruction by lectures is the instruction by text-books. The members of the Junior class are required to attend daily recitations in Cooley's edition of Blackstone's Commentaries, Anson on Contracts, Stephen's Rules on Pleading, and Lube's Equity.
>
> The following portions of Blackstone's Commentaries are studied by the class: Sections 2 and 3 of the Introduction; Chapters 1, 7, and 10 of Book I; all of Book II, with the exception of Chapters 18, 22, 27, and 28; Chapters 1, 2, 3, 4, 7, and 14 of Book III. The other portions of the Commentaries are omitted on the ground that they are either covered by the lectures delivered in the Department, or are of no especial importance.
>
> Members of the senior class are required to attend recitations in Heard's Criminal Pleading, and those who come from Code States are expected to attend regular recitations in Bliss on Code Pleading. . . . Students from States where the reformed procedure has not been introduced, may or may not, at their option, attend such recitations.

POST GRADUATE CLASS

Public International Law. Number unavailable. J. B. Angell.
Private International Law. n/u. Rogers.
History of Modern Law. n/u. Rogers.
Advanced Course in Constitutional Law and Constitutional History. n/u. Wells.
History of Real Property Law. n/u. Thompson.
The Law of Railways. n/u. Knowlton.
The Law of Inter-State Commerce. n/u. Cooley.
Admiralty. n/u. Brown.
Codes and Code Practice. n/u. Maxwell.
The Law of Insurance. n/u. Bigelow.
Injunctions and Receivers. n/u. High.
Comparative Constitutional Law. n/u. Hudson.
Toxicology in its Legal Relations. n/u. Vaughan.
Special Heads of Medical Jurisprudence. n/u. Ewell.
Medico-Legal Microscopy. n/u. Howell.

Mining Law. n/u. Clayberg.
Patent Law. n/u. Lothrop.

1892–1893

JUNIOR CLASS

Pleading and Practice. 22 lectures. Griffin.
Personal Property and Title thereto, by Gift, Sale, Mortgage, and Assignment. 16 lectures. Griffin.
Fixtures and Easements. 18 lectures. Thompson.
Equity Pleading and Procedure. 22 lectures. Thompson.
Bailments. 13 lectures. Knowlton.
Contracts. 3 lectures. Knowlton.
The Law of the Domestic Relations. 22 lectures. Mechem.
Torts. 20 lectures. Champlin.
Agency. 9 lectures. Conely.
Partnership. 10 lectures. Conely.

SENIOR CLASS

Jurisprudence of the United States. 15 lectures. Griffin.
Evidence. 25 lectures. Griffin.
Real Property Law, including Landlord and Tenant. 21 lectures. Thompson.
Equity Jurisprudence. 14 lectures. Thompson.
Criminal Law. 16 lectures. Knowlton.
*Statutory Crimes.
Wills, their Execution, Revocation. 10 lectures. Mechem.
The Administration and Distribution of Estates of Deceased Persons. 7 lectures. Mechem.
Private Corporations. 19 lectures. Champlin.
Constitutional Law. 19 lectures. Conely.

In addition to the lectures, "The Study of Leading Cases" was given as a required subject. The *Announcement* further stated:

> In addition to the instruction by lectures is the instruction by text-book. The members of the junior class are required to attend daily recitations in Cooley's edition of Blackstone's Commentaries (Book II), and in Anson on Contracts, under Professor Knowlton; in Stephen's Rules of Pleading, under Professor Griffin; in Lube's Equity Pleading, under Professor Thompson; and in Chalmer's Bills and Notes, under Professor Abbott.
>
> Members of the senior class are required to attend recitations in Heard's Criminal Pleading, under Mr. Jewell; and those who come from Code States are expected to attend regular recitations in Bliss on Code Pleading, under Mr. Johnson. Students from States where the reformed procedure has not been introduced may or may not, at their option, attend such recitations.

POST GRADUATE CLASS

Public International Law. Number unavailable. J. B. Angell.
History of Treaties. n/u. J. B. Angell.
History of Real Property Law. n/u. Thompson.

The Law of Railways. n/u. Knowlton.
The Science of Jurisprudence. n/u. Abbott.
The Railroad Problem. n/u. Adams.
Comparative Constitutional Law. n/u. Hudson.
Advanced Course in Constitutional Law and Constitutional History. n/u. McLaughlin.
Writs of Mandamus, Quo Warranto, Prohibition, Certiorari, and Habeas Corpus. n/u. Johnson.
The Inter-State Commerce Act. n/u. Cooley.
Admiralty Law. n/u. Brown.
The Law of Insurance. n/u. Bigelow.
Medical Jurisprudence. n/u. Ewell.
Code Pleading and Practice. n/u. Maxwell.
Injunctions and Receivers. n/u. High.
Toxicology in its Legal Relations. n/u. Vaughan.
Mining Law. n/u. Clayberg.
*Legal Microscopy.
Patent Law. n/u. Lothrop.
History of the Common Law. n/u. Hammond.

1893–1894

JUNIOR CLASS

Pleading and Practice. 24 lectures. Griffin.
Personal Property and Title thereto, by Gift, Sale, Mortgage, and Assignment. 16 lectures. Griffin.
Fixtures and Easements. 18 lectures. Thompson.
Equity Pleading and Procedure. 16 lectures. Thompson.
Bailments and Carriers. 2 lectures. Knowlton.
Contracts. 1 lecture. Knowlton.
The Law of Domestic Relations. 20 lectures. A. C. Angell.
Torts. 20 lectures. Champlin.
Agency. 13 lectures. Mechem.
Partnership. 7 lectures. Mechem; 1 lecture. Thompson.

SENIOR CLASS

Jurisprudence of the United States. 13 lectures. Griffin.
Evidence. 25 lectures. Griffin.
Real Property Law, including Landlord and Tenant. 22 lectures. Thompson.
Equity Jurisprudence. 14 lectures. Thompson.
Criminal Law. 3 lectures. Knowlton.
*Criminal Procedure.
Wills, their Execution and Revocation. 12 lectures. Mechem.
The Administration and Distribution of Estates of Deceased Persons. 8 lectures. Mechem.
Public and Private Corporations. 20 lectures. Champlin.
Constitutional Law. 19 lectures. A. C. Angell.

†Private International Law. 20 lectures. Kirchner.
†The Law of Husband and Wife. 20 lectures. Kirchner.

In addition to the lectures, "The Study of Leading Cases" was given as a required subject. The *Announcement* further stated:

> In addition to the instruction by lectures is the instruction by text-book. The members of the junior class are required to attend daily recitations in Cooley's edition of Blackstone's Commentaries (Book II), and in Anson on Contracts, under Professor Knowlton; in Stephen's Rules on Pleading, under Professor Griffin; in Lube's Equity Pleading, under Professor Thompson; and in Bills and Notes, under Professor Mechem.
>
> Members of the senior class are required to attend recitations in Heard's Criminal Pleading, and those who come from Code States are expected to attend regular recitations in Maxwell on Code Pleading, under Mr. Johnson. . . . Students from States where the reformed procedure has not been introduced may or may not, at their option, attend such recitations.

POST GRADUATE CLASS

Public International Law. Number unavailable. J. B. Angell.
History of Treaties. n/u. J. B. Angell.
History of Real Property Law. n/u. Thompson.
The Law of Railways. n/u. Knowlton.
*The Science of Jurisprudence.
*Election and the Appointment and Removal of Public Officers.
The Railroad Problem. n/u. Adams.
Comparative Constitutional Law. n/u. Hudson.
Advanced Course in Constitutional Law and Constitutional History. n/u. McLaughlin.
Writs of Mandamus, Quo Warranto, Prohibition, Certiorari, and Habeas Corpus. n/u. Johnson.
The Inter-State Commerce Act. n/u. Cooley.
Admiralty. n/u. Brown; n/u. Swan.
The Law of Insurance. n/u. Bigelow.
Medical Jurisprudence. n/u. Ewell.
Code Pleading and Practice. n/u. Maxwell.
Injunctions and Receivers. n/u. High.
Toxicology in its Legal Relations. n/u. Vaughan.
Mining Law. n/u. Clayberg.
Patent Law. n/u. Lothrop.
History of the Common Law. n/u. Hammond.

1894–1895

JUNIOR CLASS

Pleading and Practice. 22 lectures. Griffin.
Personal Property and Title thereto, by Gift, Sale, Mortgage, and Assignment. 11 lectures. Griffin.
Fixtures and Easements. 20 lectures. Thompson.
Equity Pleading and Procedure. 15 lectures. Thompson.
Bailments and Carriers. Number unavailable. Knowlton.

Contracts. Number unavailable. Knowlton.
Torts. 20 lectures. Champlin.
Agency. 16 lectures. Mechem.
Partnerships. 10 lectures. Mechem.
The Law of Domestic Relations. 20 lectures. A. C. Angell.
The Law of Husband and Wife. 20 lectures. Kirchner.

SENIOR CLASS

Jurisprudence of the United States. 8 lectures. Griffin.
Evidence. 25 lectures. Griffin.
Real Property Law, including Landlord and Tenant. 20 lectures. Thompson.
Equity Jurisprudence. 17 lectures. Thompson.
Criminal Law. Number unavailable. Knowlton.
Public and Private Corporations. 20 lectures. Champlin.
Wills, their Execution and Revocation. 14 lectures. Mechem.
The Administration and Distribution of Estates of Deceased Persons. 8 lectures. Mechem.
Constitutional Law. 20 lectures. A. C. Angell.
Private International Law. 20 lectures. Kirchner.
†Surety. 1 lecture. Thompson.

In addition to the lectures, "The Study of Leading Cases" was given as a required subject. The *Announcement* further stated:

> In addition to the instruction by lectures is the instruction by text-book. The members of the Junior class are required to attend daily recitations in Cooley's edition of Blackstone's Commentaries (Book II), and in Anson on Contracts, under Professor Knowlton; in Stephen's Rules on Pleading, under Professor Griffin; in Lube's Equity Pleading, under Professor Thompson; and in Bills and Notes, under Mr. Johnson.
>
> Members of the Senior class are required to attend recitations in Heard's Criminal Pleading, and those who come from Code States are expected to attend regular recitations on Code Pleading, under Mr. Johnson; . . . Students from States where the reformed procedure has not been introduced may or may not, at their option, attend such recitations.

POST GRADUATE CLASS

Public International Law. Number unavailable. J. B. Angell.
History of Treaties. n/u. J. B. Angell.
History of Real Property Law. n/u. Thompson.
The Law of Railways. n/u. Knowlton.
The Science of Jurisprudence. n/u. Mechem.
Elections and the Appointment and Removal of Public Officers. n/u. Mechem.
The Railroad Problem. n/u. Adams.
Comparative Constitutional Law. n/u. Hudson.
Advanced Course in Constitutional Law and Constitutional History. n/u. McLaughlin.

Writs of Mandamus, Quo Warranto, Prohibition, Certiorari, and Habeas Corpus. n/u. Johnson.
The Inter-State Commerce Act. n/u. Cooley.
Admiralty Law. n/u. Swan.
The Law of Insurance. n/u. Bigelow.
Medical Jurisprudence. n/u. Ewell.
Code Pleading and Practice. n/u. Maxwell.
Injunctions and Receivers. n/u. High.
Toxicology in its Legal Relations. n/u. Vaughan.
Mining Law. n/u. Clayberg.
Patent Law. n/u. Lothrop.
Roman Law. n/u. Meader.
*Taxation.
*Judicial Sales.
Damages. 16 lectures. Mechem.
*Suretyship and Mortgage.

(2) SUBJECTS OF INSTRUCTION: 1895-1959

SOURCE: *Law Department Announcements* (1895-1915)
Law School Announcements (1915-1959)

NOTE: Rather than list all subjects included within the curriculum for every year between 1895 and 1959, the following table is limited to course offerings in every fifth year, including summer sessions, specifically 1895-1896, 1900-1901, 1905-1906, 1910-1911, 1915-1916, 1920-1921, 1925-1926, 1930-1931, 1935-1936, 1940-1941, 1945-1946, 1950-1951, 1955-1956, 1958-1959. The data includes the number of class hours, the instructors, the text or casebook, whenever this could be identified. Bibliographical information relative to texts and casebooks appears in Part II, V:6.
Explanation of symbols:

* Seminar
[1] Required first-year course
[2] Required second-year course
[3] Required third-year course
[4] Required fourth-year course

1895 SUMMER SESSION

Criminal Law, and Medical Questions Bearing on It.
Equity Jurisprudence.
Pleading and Practice in Cases at Law.
Contracts. (Anson, Text.)
Bills of Exchange and Promissory Notes, and Commercial Law Generally.
Personal Property and Title Thereto by Gift, Sale, Mortgage, and Assignment.

The Law of Domestic Relations.
Estates in Real Property, and Titles Thereto.
Uses and Trusts.

1895–1896

Elementary Law.[1] 30 hours. Wilgus.
Elementary Real Property.[1] 30 hours. Hutchins.
Contracts and Quasi-Contracts.[1] 90 hours. Knowlton.
Criminal Law and Procedure.[1] 60 hours. Knowlton and Johnson.
Torts.[1] 60 hours. Wilgus and Champlin.
Domestic Relations.[1] 30 hours. Angell.
Husband and Wife.[1] 30 hours. Kirchner.
Personal Property.[1] 30 hours. Griffin.
Common Law Pleading.[1] 15 hours. Johnson(?).
Agency.[2] 30 hours. Mechem.
Partnership.[2] 30 hours. Mechem.
Bills of Exchange and Promissory Notes.[2] 30 hours. Johnson.
Bailments and Carriers.[2] 30 hours. Knowlton.
Civil Pleading and Procedure at Common Law.[2] 30 hours. Griffin.
Code Pleading.[2] 30 hours. Johnson.
Real Property, including Fixtures, Easements and Landlord and Tenant.[2] 60 hours. Thompson.
Equity Jurisprudence.[2] 30 hours. Hutchins.
Equity Pleading and Procedure.[2] 30 hours. Thompson.
Corporations.[2] 30 hours. Wilgus.
Evidence.[2] 30 hours. Griffin.
Constitutional Law.[3] 30 hours. Angell.
Corporations.[3] 30 hours. Champlin.
Jurisprudence of the United States.[3] 30 hours. Griffin.
Damages.[3] 30 hours. Mechem.
Extraordinary Legal Remedies.[3] 30 hours. Johnson.
Equity Jurisprudence.[3] 60 hours. Hutchins.
Wills and Administration.[3] 30 hours. Mechem.
Private International Law.[3] 30 hours. Kirchner.
Evidence.[3] 15 hours. Griffin.
Assignments for the Benefit of Creditors and Fraudulent Conveyances.[3] 15 hours. Knowlton.
Suretyship and Mortgage.[3] 30 hours. Thompson.
The Science of Jurisprudence.[3] 30 hours. Mechem.
Public International Law.[4] J. B. Angell.
History of Treaties.[4] J. B. Angell.
History of Real Property Law.[4] Thompson.
The Law of Railways.[4] Knowlton.
Elections and the Appointment and Removal of Public Officers.[4] Mechem.
The Railroad Problem.[4] Adams.
Comparative Constitutional Law.[4] Hudson.

Advanced Course in Constitutional Law and Constitutional History.[4] McLaughlin.
The Inter-State Commerce Act.[4] Cooley.
Admiralty Law.[4] Swan.
The Law of Insurance.[4] Bigelow.
Medical Jurisprudence.[4] Ewell.
Injunctions and Receivers.[4] High.
Toxicology in its Legal Relations.[4] Vaughan.
Mining Law.[4] Clayberg.
Patent Law.[4] Lothrop.
Roman Law.[4] Meader.
Taxation.[4] Mechem.
Judicial Sales.[4] Knowlton.

1900 SUMMER SESSION

Agency. 10 hours. Dwyer.
Bills and Notes. 15 hours. Bogle. (Johnson, Text.)
Common Law Pleading and Practice. 20 hours. Bogle. (Perry, Cases.)
Common Carriers. 10 hours. Dwyer.
Contracts. 15 hours. Knowlton. (Anson, Text.)
Criminal Law. 10 hours. Dwyer.
Domestic Relations. 20 hours. Farrah.
Elementary Law. 15 hours. Rood. (Blackstone, Text.)
Elementary Real Property. 15 hours. Brewster. (Blackstone, Text.)
Equity Jurisprudence. 15 hours. Farrah.
Equity Pleading and Practice. 10 hours. Dwyer. (Thompson, Cases.)
Partnership. 10 hours. Rood.
Personal Property and Sales. 20 hours. Lane.
Private Corporations. 15 hours. Wilgus.
Real Property. 15 hours. Thompson.
Torts. 15 hours. Wilgus. (Cooley, Text.)

1900–1901

Elementary Law.[1] 30 hours. Wilgus. (Cooley, Text.)
Elementary Real Property.[1] 30 hours. Hutchins. (Cooley, Text.)
Contracts and Quasi-Contracts.[1] 75 hours. Knowlton. (Huffcut and Woodruff, Cases.)
Criminal Law and Procedure.[1] 60 hours. Knowlton and Johnson. (Clark, Text.)
Torts.[1] 60 hours. Wilgus and Thompson. (Cooley, Text.)
Domestic Relations.[1] 30 hours. McAlvay. (Woodruff, Cases.)
Husband and Wife.[1] 30 hours. Kirchner.
Personal Property, including Sales.[1] 30 hours. Lane.
Agency.[1] 30 hours. Mechem. (Mechem, Text.)
Partnership.[2] 30 hours. Mechem. (Mechem, Text.)
Damages.[2] 30 hours. Mechem. (Mechem, Text.)
Bills of Exchange and Promissory Notes.[2] 30 hours. Johnson. (Johnson, Text.)

Bailments and Carriers.[2] 30 hours. Lane. (Hale, Cases.)
Civil Pleading and Procedure at Common Law.[2] 30 hours. Bogle. (Perry, Cases.)
Code Pleading.[2] 30 hours. Johnson. (Johnson, Cases.)
Real Property.[2] 60 hours. Thompson.
Equity Jurisprudence.[2] 30 hours. Hutchins. (Pattee, Text.)
Private Corporations.[2] 45 hours. Wilgus. (Elliott, Text.)
Equity Pleading and Procedure.[2] 30 hours. Thompson. (Thompson, Text.)
Evidence.[2] 30 hours. Lane.
The Peculiar Jurisdiction and Practice of the Federal Courts.[2] 15 hours. Lane.
Constitutional Law.[3] 30 hours. Mechem. (Boyd, Cases.)
Public Corporations.[3] 15 hours. Knowlton. (Elliott, Text.)
Extraordinary Legal Remedies.[3] 15 hours. Lane.
Equity Jurisprudence.[3] 45 hours. Hutchins.
Wills and Administration.[3] 30 hours. McAlvay.
Private International Law.[3] 30 hours. Kirchner. (Dwyer, Cases.)
Conveyancing.[3] 60 hours. Brewster.
Assignments for the Benefit of Creditors and Fraudulent Conveyances.[3] 15 hours. Thompson.
Suretyship and Mortgages.[3] 30 hours. Thompson.
The Science of Jurisprudence.[3] 15 hours. Mechem. (Holland, Text.)
Practice Court.[3] 30 hours. Bogle.
Public Officers.[3] 15 hours. Mechem. (Mechem, Text.)
Taxation.[3] 30 hours. Mechem. (Cooley, Text.)
Practical Instruction Concerning the Preparation, Trial, and Argument of Causes.[3] 15 hours. Lane.
Execution, Attachment and Garnishment.[3] 15 hours. Rood.
Admiralty. Swan.
Medical Jurisprudence. Johnson.
Insurance. Bigelow.
Mining Law. Clayberg.
Patent Law. Walker.
Copyright Law and Trademarks. Reed.
Railway Law. Knowlton.
Statute Law. Boudeman.
Neurology, Electrology, and Railway Injuries. Dr. Herdman.

1905 SUMMER SESSION

Agency. 15 hours. Goddard. (Mechem, Text.)
Bailments and Carriers. 15 hours. Goddard. (Goddard, Cases.)
Bills and Notes. 15 hours. Bunker. (Bigelow, Text.)
Code Pleading. 15 hours. Bogle. (Pomeroy, Text.)
Common Law Pleading. 15 hours. Bogle. (Perry, Cases.)
Contracts. 20 hours. Knowlton. (Anson, Cases.)
Corporations, Public and Private. 15 hours. Bates.
Criminal Law. 10 hours. Knowlton. (Clark, Text.)

Criminal Procedure. 10 hours. Bunker. (Clark, Text.)
Damages. 15 hours. Sage. (Mechem, Cases.)
Domestic Relations. 15 hours. Sage. (Tiffany, Cases.)
Elementary Law. 15 hours. Goddard.
Equity Jurisprudence. 15 hours. Lane. (Bispham, Cases.)
Equity Pleading. 10 hours. Bunker. (Thompson, Text.)
Evidence. 15 hours. Lane. (Greenleaf, Text.)
Partnership. 15 hours. Sage. (Mechem, Cases.)
Quasi-Contracts. 10 hours. Knowlton.
Real Property (Elementary). 15 hours. Drake. (Blackstone, Text.)
Real Property. 15 hours. Bates.
Sales. 15 hours. Bates. (Tiffany, Text.)
Torts. 15 hours. Bogle. (Cooley, Text.)

1905–1906

Contracts.[1] 75 hours. Knowlton. (Anson, Cases.)
Criminal Law.[1] 30 hours. Rood. (Clark, Text.)
Elementary Law.[1] 30 hours. Goddard. (Cooley, Text.)
Husband and Wife.[1] 30 hours. Kirchner and Dwyer. (Dwyer and Farrah, Cases.)
Sales, including Personal Property.[1] 30 hours. Bates. (Williston, Cases.)
Torts.[1] 60 hours. Wilgus. (Ames and Smith, Cases; Cooley, Cases.)
Agency.[1] 30 hours. Goddard. (Mechem, Text and Cases.)
Criminal Procedure.[1] 30 hours. Bunker. (Clark, Text.)
Domestic Relations.[1] 15 hours. Sage. (Woodruff, Cases.)
Real Property, Elementary.[1] 45 hours. Rood. (Tiffany, Text.)
Bailments and Carriers.[2] 30 hours. Goddard. (Goddard, Cases.)
Bills of Exchange and Promissory Notes.[2] 30 hours. Bunker. (Bigelow, Cases.)
Common Law Pleading.[2] 30 hours. Bogle. (Perry, Cases.)
Corporations, Private.[2] 60 hours. Wilgus. (Wilgus, Cases.)
Equity Jurisprudence.[2] 45 hours. Hutchins. (Bispham, Cases.)
Partnership.[2] 30 hours. Sage. (Mechem, Cases.)
Real Property, including Easements and Estates.[2] 30 hours. Thompson. (Cooley, Cases.)
Code Pleading.[2] 30 hours. Bogle. (Pomeroy, Cases.)
Damages.[2] 30 hours. Sage. (Mechem, Cases.)
Equity Pleading and Procedure.[2] 30 hours. Thompson. (Thompson, Cases.)
Evidence.[2] 45 hours. Lane. (Wilgus, Text.)
Quasi-Contracts.[2] 30 hours. Knowlton. (Woodruff, Cases.)
Real Property, Advanced.[2] 30 hours. Thompson. (Tiedman, Cases.)
Constitutional Law.[3] 30 hours. Lane. (Boyd, Cases.)
Conveyancing.[3] 60 hours. Brewster and Stein. (Brewster, Cases.)
Execution, Attachment and Garnishment.[3] 60 hours. Rood.
Mortgages.[3] 30 hours. Thompson. (Tiffany, Text.)

Practical Instruction, including Legal Ethics, and the Preparation, Trial and Argument of Causes.[3] 15 hours. Lane and Dwyer.
Practice Court.[3] 45 hours. Bogle and Sunderland.
Private International Law.[3] 30 hours. Kirchner and Dwyer. (Dwyer, Cases.)
Public Officers, including the Extraordinary Legal Remedies applicable thereto.[3] 15 hours. Bates. (Mechem, Text.)
Suretyship.[3] 15 hours. Bunker and Dwyer. (Bunker, Cases.)
Taxation.[3] 15 hours. Sage. (Goodnow, Cases.)
Assignments for the Benefit of Creditors, Fraudulent Conveyances, and Practice under the Bankruptcy Act.[3] 15 hours. Thompson, Dwyer, and Davock.
Corporations, Public.[3] 15 hours. Bates. (Abbott, Cases.)
Equity Jurisprudence.[3] 30 hours. Hutchins. (Bispham, Cases.)
Federal Practice.[3] 15 hours. Lane. (Hughes, Cases.)
The Science of Jurisprudence.[3] 15 hours. Bogle. (Holland, Text.)
Railway Law.[3] 30 hours. Goddard. (Baldwin, Cases.)
Specific Performance.[3] 30 hours. Bunker. (Hutchins and Bunker, Cases.)
Wills and Administration.[3] 30 hours. Bates. (Mechem, Cases.)
Admiralty Law. Swan.
Copyright Law and Trade-marks. Reed.
Insurance. Bigelow. (Vance, Cases.)
Irrigation Law. Clayberg.
Mathematics of Annuities and Insurance. Glover.
Medical Jurisprudence. Dr. Vaughan and Hutchins.
Michigan Statute Law. Boudeman.
Mining Law. Clayberg.
Neurology, Electrology, and Railway Injuries. Dr. Herdman.
Patent Law. Walker.
Roman Law. Drake.
Spanish Law. Drake.
Statutory Law (Construction). Boudeman.

1910 SUMMER SESSION

Agency.[1] 30 hours. Goddard. (Mechem, Text.)
Contracts.[1] 60 hours. Knowlton. (Huffcut and Woodruff, Cases.)
Criminal Law.[1] 30 hours. Rood. (Rood, Cases.)
Domestic Relations.[1] 30 hours. Holbrook. (Woodruff, Cases.)
Real Property.[1] 30 hours. Rood. (Cooley's Blackstone and Rood, Cases.)
Torts.[1] 30 hours. Sunderland. (Burdick, Cases.)
Bailments and Carriers. 30 hours. Goddard. (Goddard, Cases.)
Code Pleading. 30 hours. Bogle. (Pomeroy, Text.)
Common Law Pleading. 30 hours. Bogle. (Ames, Cases.)
Equity Jurisprudence. 45 hours. Clark. (Hutchins and Bunker, Cases.)

Equity Pleading. 30 hours. Sunderland. (Thompson, Cases.)
Quasi-Contracts. 30 hours. Knowlton. (Woodruff, Cases.)

1910–1911

Case Study.[1] 15 hours. Holbrook. (Cooley, Text.)
Contracts.[1] 75 hours. Knowlton. (Huffcut and Woodruff, Cases.)
Criminal Law.[1] 30 hours. Rood. (Rood, Cases.)
Elementary Law.[1] 30 hours. Drake. (Cooley, Cases.)
English.[1] 30 hours. Kuhl. (Denny, Text.)
Sales of Personal Property.[1] 30 hours. Bates. (Gray, Cases.)
Torts.[1] 60 hours. Wilgus. (Burdick, Cases.)
Agency.[1] 30 hours. Goddard. (Mechem, Cases.)
Common Law Pleading.[1] 15 hours. Bogle. (Ames, Cases.)
Criminal Procedure.[1] 30 hours. Bunker. (Clark, Text.)
Domestic Relations.[1] 30 hours. Holbrook. (Woodruff, Cases.)
Real Property I.[1] 45 hours. Rood. (Finch, Cases.)
Bailments and Carriers.[2] 30 hours. Goddard. (Goddard, Cases.)
Bills of Exchange and Promissory Notes.[2] 30 hours. Bunker. (Bunker, Cases.)
Common Law Pleading.[2] 30 hours. Bogle. (Ames, Cases.)
Corporations. Private.[2] 60 hours. Wilgus. (Wilgus, Cases.)
Equity Jurisprudence I.[2] 45 hours. Hutchins. (Hutchins and Bunker, Cases; Eaton, Text.)
Partnership.[2] 30 hours. Drake. (Mechem, Text.)
Real Property II.[2] 30 hours. Thompson. (Gray, Cases.)
Code Pleading.[2] 30 hours. Bogle. (Pomeroy, Cases.)
Damages.[2] 30 hours. Drake. (Mechem and Gilbert, Cases.)
Equity Pleading and Procedure.[2] 30 hours. Thompson. (Thompson, Text.)
Evidence.[2] 45 hours. Lane. (Wigmore, Cases.)
Quasi-Contracts.[2] 30 hours. Knowlton. (Woodruff, Cases.)
Real Property III.[2] 30 hours. Thompson.
Constitutional Law.[3] 30 hours. Lane. (Boyd, Cases.)
Conveyancing.[3] 45 hours. Brewster, Holbrook, and Aigler. (Brewster, Text.)
Federal Courts.[3] 15 hours. Bunker.
Judgments.[3] 30 hours. Rood. (Rood, Cases.)
Practice Court.[3] 45 hours. Sunderland and Stoner.
Practice.[3] 15 hours. Bogle.
Private International Law.[3] 30 hours. Lane. (Lorenzen, Cases.)
Real Property IV.[3] 30 hours. Thompson.
Suretyship.[3] 15 hours. Bunker. (Bunker, Cases.)
Corporations, Public.[3] 15 hours. Bates. (Abbott, Cases.)
Equity Jurisprudence II.[3] 30 hours. Hutchins. (Hutchins and Bunker, Cases; Eaton, Text.)
Equity Jurisprudence III.[3] 30 hours. Bunker.
Insurance Law.[3] 30 hours. Lane. (Vance, Text.)

Wills and Administration.[3] 45 hours. Bates. (Gray, Cases.)
Bankruptcy and Insolvency. 30 hours. Holbrook. (Williston, Cases.)
Medical Jurisprudence. 30 hours. Hutchins and Vaughan. (Bell, Text.)
Roman Law. 30 hours. Drake.
Taxation. 30 hours. Brewster. (Goodnow, Cases.)
Jurisprudence, Science of. 30 hours. Drake. (Holland, Text.)
Public Officers and Extraordinary Legal Remedies. 30 hours. Bates. (Goodnow, Cases; Roberts, Cases.)
Railway Law. 30 hours. Goddard. (Baldwin, Cases; Baldwin, Text.)

1915 SUMMER SESSION

Contracts.[1] 45 hours. Woodward. (Williston, Cases; Anson, Text.)
Property I.[1] 45 hours. Drake. (Gray, Cases.)
Common Law Pleading.[1] 45 hours. Stoner. (Sunderland, Cases.)
Criminal Law and Procedure.[1] 45 hours. Durfee. (Beale, Text; Mikell, Cases.)
Bills and Notes. 30 hours. Bunker. (Bunker, Cases.)
Constitutional Law. 90 hours. Bates. (Hall, Cases.)
Corporations, Municipal. 30 hours. Stoner.
Corporations, Private. 60 hours. Wilgus. (Wilgus, Cases.)
Damages. 30 hours. Drake. (Mechem and Gilbert, Cases.)
Equity Jurisprudence. 45 hours. Pound.
Evidence. 60 hours. Sunderland. (Wigmore, Cases.)
Quasi Contracts. 30 hours. Woodward. (Woodward, Cases.)
Sales. 45 hours. Woodward. (Williston, Cases.)
Suretyship. 30 hours. Bunker. (Bunker, Cases.)

1915–1916

Contracts.[1] 90 hours. Knowlton. (Williston, Cases.)
Criminal Law and Procedure.[1] 45 hours. Durfee. (Rood, Cases.)
Property.[1] 90 hours. Drake and Aigler. (Gray, Cases; Aigler, Cases.)
Torts.[1] 60 hours. Wilgus. (Bohlen, Cases.)
Common Law Pleading.[1] 45 hours. Bogle. (Perry, Text; Sunderland, Cases.)
Trusts.[2] 60 hours. Bogle. (Ames, Cases.)
Property III.[2] 60 hours. Aigler and Grismore. (Gray, Cases.)
Evidence.[2] 60 hours. Lane. (Wigmore, Cases.)
Practice Court.[3] 2 credit hours. Sunderland, Stoner, Waite, Durfee, and Grismore.
Trial Practice.[3] 30 hours. Sunderland.
Agency. 45 hours. Goddard. (Goddard, Cases.)
Bailments and Carriers. 30 hours. Goddard. (Goddard, Cases.)
Bankruptcy and Insolvency. 30 hours. Holbrook. (Holbrook and Aigler, Cases.)
Bills of Exchange and Promissory Notes. 30 hours. Bunker. (Bunker, Cases.)
Code Pleading. 30 hours. Sunderland. (Sunderland, Cases.)

Conflict of Laws. 45 hours. Lane. (Lorenzen, Cases.)
Constitutional Law. 45 hours. Bates. (Hall, Cases.)
Constitutional Law II. 45 hours. Bates. (Hall, Cases.)
Corporations, Private. 60 hours. Wilgus. (Wilgus, Cases.)
Corporations, Municipal. 30 hours. Stoner.
Damages. 30 hours. Drake. (Mechem, Cases.)
Domestic Relations. 30 hours. Holbrook. (Woodruff, Cases.)
Equitable Remedies. 45 hours. Bunker. (Hutchins and Bunker, Cases.)
Equity. 45 hours. Barbour.
Equity Pleading and Procedure. 30 hours. Bunker. (Thompson, Cases.)
Federal Courts. 30 hours. Bunker. (Rose, Text.)
Insurance Law. 30 hours. Lane. (Wambaugh, Cases.)
Judgments. 30 hours. Rood. (Rood, Cases.)
Jurisprudence. 30 hours. Drake. (Salmond, Text.)
Mining and Irrigation Law. 45 hours. Holbrook. (Costigan, Cases.)
Mortgages. 30 hours. Durfee. (Durfee, Cases.)
Partnership. 30 hours. Drake. (Ames, Cases.)
Patent Law. 30 hours. Waite.
Procedural Reform. 30 hours. Sunderland.
Property IV. 60 hours. Rood.
Public International Law. 45 hours. Reeves. [Prof. College Lit., Sci., & Arts.]
Public Officers and Extraordinary Legal Remedies. 30 hours. Stoner. (Roberts, Cases.)
Public Service Companies. 30 hours. Goddard. (Wyman, Cases.)
Quasi-Contracts. 30 hours. Durfee.
Roman Law. 30 hours. Drake.
Sales of Personal Property. 45 hours. Waite.
Suretyship. 30 hours. Bunker. (Bunker, Cases.)
Theory and Practice of Legislation. 45 hours. Reeves. [Prof. College Lit., Sci., & Arts.]
Wills and Administration. 45 hours. Rood.

1920 SUMMER SESSION

Common Law Pleading.[1] 60 hours. Grismore. (Sunderland, Cases.)
Contracts.[1] 90 hours. Aigler. (Williston, Cases.)
Torts.[1] 75 hours. Dickinson. (Ames and Smith, Cases.)
Bailments and Carriers. 30 hours. Drake. (Goddard, Cases.)
Bills and Notes. 45 hours. Smith. (Smith and Moore, Cases.)
Conflict of Laws. 45 hours. McMurray. (Lorenzen, Cases.)
Damages. 30 hours. Drake. (Mechem and Gilbert, Cases.)
Domestic Relations. 30 hours. Holbrook. (Woodruff, Cases.)
Evidence. 60 hours. Lane. (Wigmore, Cases.)
Equity II. 45 hours. Smith. (Ames, Cases.)
Mortgages. 30 hours. Durfee. (Durfee, Cases.)
Trusts. 60 hours. Dickinson. (Scott, Cases.)

1920–1921

Common Law Pleading.[1] 60 hours. Sunderland. (Sunderland, Cases.)
Contracts.[1] 90 hours. Grismore. (Williston, Cases.)
Criminal Law.[1] 45 hours. Waite. (Rood, Cases.)
Property.[1] 90 hours. Drake and Aigler. (Bigelow, Cases; Aigler, Cases.)
Torts.[1] 75 hours. Bates and Wilgus. (Hepburn, Cases.)
Equity.[2] 90 hours. Durfee.
Evidence.[2] 60 hours. Lane. (Hinton, Cases.)
Practice Court.[3] 2 credit hours. Sunderland, Waite, and Grismore.
Trial Practice.[3] 30 hours. Sunderland.
Agency. 45 hours. Goddard. (Goddard, Cases.)
Bailments and Carriers. 30 hours. Goddard. (Goddard, Cases.)
Conflict of Laws. 45 hours. Lane. (Lorenzen, Cases.)
Constitutional Law. 90 hours. Bates. (Hall, Cases.)
Corporations, Municipal. 30 hours. Holbrook. (Beale, Cases.)
Equity I. 45 hours. Durfee.
Equity II. 45 hours. Durfee.
Insurance Law. 30 hours. Lane. (Vance, Cases.)
Irrigation Law. 30 hours. Holbrook. (Bingham, Cases.)
Medical Jurisprudence. (No credit.) Lecture by member of Detroit bar.
Partnership. 45 hours. Drake. (Ames, Cases.)
Property III. 60 hours. Aigler. (Aigler, Cases.)
Property IV. 60 hours. Goddard. (Kales, Cases.)
Public International Law. 60 hours. Dickinson. (Scott, Cases.)
Sales. 45 hours. Waite. (Williston, Cases.)
Suretyship. 30 hours. Durfee. (Ames, Cases.)
Trusts. 60 hours. Dickinson. (Scott, Cases.)
Bankruptcy. 30 hours. Aigler. (Holbrook and Aigler, Cases.)
Bills of Exchange and Promissory Notes. 45 hours. Waite. (Smith and Moore, Cases.)
Code Pleading. 30 hours. Sunderland. (Sunderland, Cases.)
Corporations, Private. 60 hours. Wilgus. (Wilgus, Cases.)
Damages. 30 hours. Drake. (Mechem and Gilbert, Cases.)
Domestic Relations. 30 hours. Holbrook. (Kale, Cases.)
Jurisprudence. 30 hours. Drake. (Pound (Harvard Law Review).)
Mining Law. 30 hours. Holbrook. (Costigan, Cases.)
Mortgages. 30 hours. Durfee. (Durfee, Cases.)
Patent Law. 30 hours. Waite.
Procedure, Theory and Development of. 30 hours. Sunderland.
Public Officers and Extraordinary Legal Remedies. 30 hours. Holbrook. (Goodnow, Cases.)
Public Service Companies. 30 hours. Goddard. (Burdick, Cases.)
Quasi-Contracts. 30 hours. Durfee. (Thurston, Cases.)
Roman Law. 30 hours. Drake.
Wills and Administration. 45 hours. Goddard. (Costigan, Cases.)

1925 SUMMER SESSION

Contracts.[1] 90 hours. Costigan. (Williston, Cases.)
Conflict of Laws. 60 hours. Goodrich. (Lorenzen, Cases.)
Evidence. 60 hours. Lane and Waite. (Thayer, Cases.)
Mortgages. 30 hours. Dibell. (Durfee, Cases.)
Municipal Corporations. 30 hours. Stason. (Beale, Cases.)
Partnership. 30 hours. Drake. (Ames, Cases.)
Pleading.[1] 60 hours. Sunderland. (Sunderland, Cases.)
Property (Future interests). 60 hours. Goddard. (Kales, Cases.)
Property (Rights in Land). 30 hours. Shartel. (Bigelow, Cases.)
Property (Wills and Administration). 30 hours. Shartel. (Costigan, Cases.)
Public Utilities. 30 hours. Stason. (Burdick, Cases.)
Trusts. 60 hours. Durfee. (Scott, Cases.)

1925–1926

Contracts.[1] 120 hours. Grismore. (Williston, Cases.)
Criminal Law and Procedure.[1] 45 hours. Waite. (Rood, Cases.)
Equity I.[1] 30 hours. Durfee.
Pleading.[1] 75 hours. Stason. (Sunderland, Cases.)
Property.[1] 105 hours. Aigler and Holbrook. (Aigler, Cases; Bigelow, Cases.)
Torts.[1] 75 hours. Wilgus and Goodrich. (Bohlen, Cases.)
Equity II.[2] 45 hours. Durfee.
Evidence.[2] 30 hours. Lane. (Thayer, Cases.)
Practice Court.[3] 1 credit hour. Sunderland.
Administrative Tribunals. 30 hours. Stason.
Admiralty. 30 hours. Dickinson. (Dickinson, Cases.)
Agency. 45 hours. Holbrook. (Goddard, Cases.)
Bailments and Public Utilities. 45 hours. Goddard. (Willis, Cases.)
Bankruptcy. 30 hours. Holbrook. (Holbrook and Aigler, Cases.)
Bills of Exchange and Promissory Notes. 45 hours. Aigler. (Britton, Cases.)
*Business Associations. 30 hours. Wilgus.
Conflict of Laws. 60 hours. Goodrich. (Lorenzen, Cases.)
*Conflict of Laws. 30 hours. Goodrich.
Constitutional Law. 90 hours. Bates. (Hall, Cases.)
*Constitutional Law. 30 hours. Bates.
Corporations, Private. 60 hours. Wilgus. (Richards, Cases.)
Criminal Law and Enforcement. 30 hours. Waite.
*Criminal Law and Criminology. 30 hours. Shartel and Waite.
Damages. 30 hours. Drake. (Mechem and Gilbert, Cases.)
Domestic Relations. 30 hours. Holbrook. (Kale, Cases.)
Equity III. 45 hours. Shartel.
Insurance Law. 30 hours. Lane. (Vance, Cases.)
International Law. 30 hours. Dickinson.
Irrigation Law. 30 hours. Holbrook. (Bingham, Cases.)

Jurisprudence. 30 hours. Drake. (Pound (Harvard Law Review).)
*Jurisprudence. 30 hours. Drake and Shartel.
Legal Analysis. 30 hours. Shartel.
*Legal History. 30 hours. Durfee.
*Legislation. 30 hours. Bates.
*Maritime Law. 30 hours. Dickinson.
Mining Law. 30 hours. Holbrook. (Costigan, Cases.)
Mortgages. 30 hours. Durfee. (Durfee, Cases.)
Municipal Corporations. 30 hours. Holbrook. (Beale, Cases.)
Obligations, The Law of. 30 hours. Drake.
Partnership. 45 hours. Drake. (Ames, Cases.)
Patent Law. 30 hours. Waite.
The Philosophy of Law. 30 hours. Drake.
*Practice and Procedure. 30 hours. Sunderland.
Property (Rights in Land). 45 hours. Shartel. (Bigelow, Cases.)
Property (Wills and Administration). 45 hours. Goddard. (Costigan, Cases.)
Property (Future Interests). 60 hours. Goddard. (Kales, Cases.)
*Public International Law. 30 hours. Dickinson.
*Public Service Companies. 30 hours. Goddard and Stason.
Roman and Comparative Law. 30 hours. Drake.
*Roman Law. 30 hours. Drake.
Sales. 45 hours. Waite. (Woodward, Cases.)
Suretyship. 30 hours. Durfee. (Durfee, Cases.)
Taxation. 30 hours. Goodrich. (Beale, Cases.)
Trial and Appellate Practice. 60 hours. Sunderland. (Sunderland, Cases.)
Trusts. 60 hours. Dickinson. (Scott, Cases.)

1930 SUMMER SESSION

Bills and Notes. 60 hours. Arant. (Smith and Moore, Cases.)
Corporations. 60 hours. James. (Warren, Cases.)
Criminal Law. 60 hours. Shartel. (Mikell, Cases.)
Equity III. 30 hours. Dawson. (Cook, Cases.)
Evidence. 60 hours. Wickhem. (Thayer, Cases.)
Municipal Corporations. 30 hours. Stason. (Stason, Cases.)
Oil and Gas. 30 hours. Kulp. (Kulp, Cases.)
Taxation. 30 hours. Rottschaefer. (Rottschaefer, Cases.)
Torts. 60 hours. Leidy. (Wilson, Cases.)
Trade Regulations. 30 hours. Grismore. (Grismore, Cases.)
Trusts. 60 hours. Carey. (Scott, Cases.)
Wills. 30 hours. Mechem. (Mechem and Atkinson, Cases.)

1930–1931

Contracts.[1] 105 hours. Grismore. (Grismore, Cases.)
Criminal Law and Procedure.[1] 45 hours. Waite and Shartel. (Waite, Cases.)
Equity I.[1] 45 hours. Durfee.

Pleading.[1] 75 hours. Sunderland and Blume. (Sunderland, Cases.)
Property.[1] 105 hours. Aigler, Holbrook, Shartel, and Carey. (Aigler, Cases; Bigelow, Cases.)
Torts.[1] 75 hours. Stason and Leidy. (Beale, Cases.)
Equity II.[2] 45 hours. Durfee.
Evidence.[2] 60 hours. Holbrook. (Hinton, Cases.)
Practice Court.[3] 1 credit hour. Sunderland and Blume.
Administrative Tribunals. 30 hours. Stason. (Stason, Cases.)
Admiralty. 30 hours. Dickinson. (Sayre, Cases.)
Agency. 45 hours. Leidy. (Seavey, Cases.)
Bailments and Public Utilities. 45 hours. Goddard. (Goddard, Cases.)
Bankruptcy. 30 hours. Holbrook. (Holbrook and Aigler, Cases.)
Bills of Exchange and Promissory Notes. 45 hours. Aigler and James. (Britton, Cases.)
*Business Associations. 30 hours. James.
Conflict of Laws. 60 hours. Dickinson. (Beale, Cases.)
*Conflict of Laws. 30 hours. Dickinson.
Constitutional Law. 90 hours. Bates. (Hall, Cases.)
*Constitutional Law. 30 hours. Bates.
Corporate Organization. 30 hours. James. (Warren, Cases.)
Corporations, Private. 60 hours. James. (Warren, Cases.)
Criminal Law Enforcement. 30 hours. Waite.
*Criminal Law and Criminology. 30 hours. Shartel and Waite.
Damages. 30 hours. Drake. (Crane, Cases.)
Domestic Relations. 30 hours. Dawson. (McCurdy, Cases.)
Equity III, including Quasi-Contracts. 45 hours. Dawson.
Insurance Law. 30 hours. Leidy. (Vance, Cases.)
International Law. 60 hours. Dickinson. (Dickinson, Cases.)
Irrigation Law. 15 hours. Holbrook. (Bingham, Cases.)
*Jurisprudence. 30 hours. Drake and Shartel.
*Legal History. 30 hours. Durfee.
*Legislation. 30 hours. Bates.
*Maritime Law. 30 hours. Dickinson.
Mining Law. 15 hours. Holbrook. (Costigan, Cases.)
Mortgages. 30 hours. Durfee. (Campbell, Cases.)
Municipal Corporations. 30 hours. Stason. (Tooke, Cases.)
Obligations, The Law of. 30 hours. Drake.
Partnership. 45 hours. Drake. (Mechem, Cases.)
Patent Law. 30 hours. Waite.
The Philosophy of Law. 30 hours. Drake.
*Practice and Procedure. 30 hours. Sunderland.
Property (Future Interests). 60 hours. Goddard. (Powell and Simes, Cases.)
Property (Rights in Land). 45 hours. Shartel. (Bigelow, Cases.)
Property (Wills and Administration). 45 hours. Goddard. (Costigan, Cases.)
*Public International Law. 30 hours. Dickinson.

*Public Service Companies. 30 hours. Goddard and Stason.
Roman and Comparative Law. 30 hours. Drake.
*Roman Law. 30 hours. Drake.
Sales. 45 hours. Waite. (Woodward, Cases.)
Suretyship. 30 hours. Durfee. (Ames, Cases.)
Taxation. 30 hours. Stason. (Rottschaefer, Cases.)
Trade Restraints. 30 hours. Grismore.
Trial and Appellate Practice. 60 hours. Sunderland. (Sunderland, Cases.)
Trusts. 60 hours. Carey and Dawson. (Carey, Cases.)

1935 SUMMER SESSION

Administrative Tribunals. 30 hours. Stason. (Stason, Cases.)
Business Associations I and II. 60 hours. Atkinson. (James, Cases.)
Evidence. 60 hours. Atkinson. (Hinton, Cases.)
Equity II. 60 hours. Durfee and Dawson.
Equity III. 30 hours. Orfield.
Federal Jurisdiction and Procedure. 30 hours. Ohlinger. (Dobie, Cases.)
Pleading.[1] 60 hours. Blume. (Sunderland, Cases.)
Rights in Land. 30 hours. Shartel. (Bigelow and Madden, Cases.)
Sales. 30 hours. Edwards. (Williston and McCurdy, Cases.)
Trusts. 60 hours. Vanneman. (Scott, Cases.)
Torts.[1] 60 hours. Grismore and Leidy. (Leidy, Cases.)
Wills. 30 hours. Simes. (Mechem and Atkinson, Cases.)

1935–1936

Contracts.[1] 105 hours. Grismore. (Grismore, Cases.)
Criminal Law and Procedure.[1] 60 hours. Waite. (Waite, Cases.)
Equity I.[1] 45 hours. Dawson and Durfee.
Pleading.[1] 30 hours. Sunderland. (Sunderland, Cases.)
Property.[1] 105 hours. Aigler and Simes. (Bigelow, Cases.)
Torts.[1] 75 hours. Leidy. (Leidy, Cases.)
Equity II.[2] 45 hours. Durfee and Dawson.
Evidence.[2] 60 hours. Tracy. (Hinton, Cases.)
Practice Court.[3] 1 credit hour. Sunderland, Blume, and Tracy.
The Profession of Law.[3] 1 credit hour. Tracy.
Administrative Tribunals. 30 hours. Stason. (Stason, Cases.)
Admiralty. 30 hours. Coffey. (Lord and Sprague, Cases.)
Bailments and Public Utilities. 45 hours. Goddard. (Goddard, Cases.)
Bills of Exchange and Promissory Notes. 45 hours. Aigler. (Britton, Cases.)
Business Associations I. 45 hours. James. (James, Cases.)
Business Associations II. 45 hours. James. (James, Cases.)
Business Associations III. 30 hours. James. (James, Cases.)
*Business Associations. 30 hours. James.
Comparative Law. 60 hours. Dawson and Yntema.
*Comparative Law. 30 hours. Dawson and Yntema.

Conflict of Laws. 60 hours. Yntema. (Lorenzen, Cases.)
Constitutional Law. 90 hours. Bates. (Dodd, Cases.)
*Constitutional Law. 30 hours. Bates.
Corporate Organization. 30 hours. Tracy.
Creditor's Rights. 45 hours. Durfee. (Hanna, Cases.)
*Criminal Law and Criminology. 30 hours. Shartel and Waite.
Domestic Relations. 30 hours. Dawson. (Jacobs, Cases.)
Equity III, including Quasi-Contracts. 45 hours. Dawson.
Insurance Law. 30 hours. Leidy. (Vance, Cases.)
International Law. 60 hours. Bishop. (Dickinson, Cases.)
Jurisprudence I. 30 hours. Shartel. (Pound (Harvard Law Review).)
Jurisprudence II. 30 hours. Shartel.
*Jurisprudence III. 30 hours. Shartel.
Legislation. 30 hours. Stason.
*Legislation. 30 hours. Bates and Stason.
Municipal Corporations. 30 hours. Stason.
Patent Law. 30 hours. Waite. (Waite, Cases.)
*Practice and Procedure. 30 hours. Sunderland.
Property (Future Interests). 30 hours. Goddard. (Powell, Cases.)
Property (Rights in Land). 45 hours. Shartel and Culp. (Bigelow and Madden, Cases.)
Property (Wills and Administration). 30 hours. Goddard. (Mechem and Atkinson, Cases.)
Public Service Companies. 30 hours. Goddard and Stason.
Sales. 45 hours. Waite. (Williston and McCurdy, Cases.)
Securities. 45 hours. Durfee.
Taxation. 30 hours. Stason. (Rottschaefer, Cases.)
Trade Restraints. 30 hours. Grismore. (Oliphant, Cases.)
Trial and Appellate Practice. 60 hours. Blume. (Sunderland, Cases.)
Trusts. 45 hours. Simes and Dawson. (Scott, Cases.)

1940 SUMMER SESSION

Administrative Tribunals. 30 hours. Smith. (Stason, Cases.)
Business Associations I. 30 hours. Lattin. (James, Cases.)
Business Associations II. 30 hours. Lattin. (James, Cases.)
Domestic Relations. 30 hours. Niehuss. (Jacobs, Cases.)
Employer-Employee Relations. 30 hours. Smith. (Smith, Cases.)
Equity III. 30 hours. Dawson.
Evidence. 60 hours. Blume. (Tracy, Cases.)
Judicial Administration.[1] 60 hours. Sunderland. (Sunderland, Cases.)
Landlord and Tenant. 30 hours. Niehuss. (Jacobs, Cases.)
Municipal Corporations. 30 hours. Tracy. (Stason, Cases.)
Public Utilities. 30 hours. Kauper. (Welch, Cases.)
Taxation. 30 hours. Kauper. (Magill and Maguire, Cases.)
Torts.[1] 60 hours. Leidy. (Leidy, Cases.)
Trusts and Estates II. 60 hours. Simes. (Simes, Cases.)

1940–1941

Contracts.[1] 105 hours. Grismore. (Grismore, Cases.)
Criminal Law and Procedure.[1] 60 hours. Waite and Shartel. (Waite, Cases.)
Equity I.[1] 45 hours. Dawson and Durfee. (Durfee and Dawson, Cases.)
Judicial Administration.[1] 60 hours. Sunderland. (Sunderland, Cases.)
Property.[1] 105 hours. Aigler and Niehuss. (Bigelow, Cases; Aigler, Cases.)
Torts.[1] 75 hours. Leidy. (Leidy, Cases.)
Constitutional Law.[2] 60 hours. Kauper. (Dowling, Cases.)
Equity II.[2] 30 hours. Dawson and Durfee. (Durfee and Dawson, Cases.)
Evidence.[3] 45 hours. Tracy. (Tracy, Cases.)
Practice Court.[3] 1 credit hour. Sunderland, Blume, and Tracy.
Administrative Tribunals. 30 hours. Stason. (Stason, Cases.)
Admiralty. 30 hours. Coffey.
*American Legal History. 30 hours. Blume.
Bills of Exchange and Promissory Notes. 45 hours. Aigler. (Aigler, Cases.)
Business Associations I. 45 hours. James. (James, Cases.)
Business Associations II. 45 hours. James. (James, Cases.)
Business Associations III. 30 hours. James. (James, Cases.)
Comparative Law. 30 hours. Dawson.
Conflict of Laws. 60 hours. Yntema. (Lorenzen, Cases.)
*Contemporary Legislation. 30 hours. Stason.
*Conveyancing. 30 hours. Niehuss.
*Corporate Arrangements and Reorganization. 30 hours. James.
Corporate Organization and Finance. 30 hours. Tracy and James.
Creditors' Rights. 45 hours. Durfee and Smith. (Durfee, Cases.)
Domestic Relations. 30 hours. Niehuss. (Jacobs, Cases.)
Employer-Employee Relations. 30 hours. Smith. (Smith, Cases.)
*Estates and Taxation. 30 hours. Simes and Kauper.
*Fair Labor Standards Act of 1938. 30 hours. Smith.
*Federal Rules of Civil Procedure. 30 hours. Sunderland.
Fiduciary Administration. 30 hours. Simes. (Simes, Cases.)
Insurance Law. 30 hours. Woodbridge. (Vance, Cases.)
International Law. 30 hours. Yntema. (Hudson, Cases.)
Jurisprudence. 30 hours. Shartel.
Legal History. 30 hours. Dawson.
*Legal History. 30 hours. Dawson.
Municipal Corporations. 30 hours. Tracy. (Stason, Cases.)
Patent Law. 30 hours. Waite.
*Problems in Private International Law. 30 hours. Yntema.
Property (Rights in Land). 45 hours. Shartel. (Rundell, Cases.)
Public Utilities. 30 hours. Kauper. (Welch, Cases.)

Restitution, Including Quasi-Contracts. 45 hours. Dawson.
Sales. 45 hours. Waite. (Bogert and Britton, Cases.)
Securities. 45 hours. Durfee and Smith. (Durfee, Cases.)
Taxation. 30 hours. Kauper and Woodbridge. (Magill and Maguire, Cases.)
The Legal Process. 45 hours. Shartel.
*Theories of Public Law. 30 hours. Yntema.
Trade Regulation. 30 hours. Grismore. (Handler, Cases.)
Trial and Appellate Practice. 45 hours. Blume. (Sunderland, Cases.)
Trusts and Estates I. 45 hours. Simes. (Simes, Cases.)
Trusts and Estates II. 30 hours. Simes. (Simes, Cases on Future Interests.)

1945 SUMMER SESSION

[Due to World War II, no separate list of courses was published.]

1944–1945—1945–1946

Contracts.[1] 105 hours. Grismore. (Grismore, Cases.)
Criminal Law and Procedure.[1] 60 hours. Waite. (Waite, Cases.)
Equity I.[1] 45 hours. Durfee. (Durfee and Dawson, Cases on Remedies.)
Judicial Administration.[1] 60 hours. Blume. (Sunderland, Cases.)
Property.[1] 90 hours. Aigler. (Bigelow, Cases; Aigler, Cases.)
Torts.[1] 75 hours. Grismore. (Leidy, Cases.)
Constitutional Law.[2] 60 hours. Shartel. (Dowling, Cases.)
Equity II.[2] 30 hours. Durfee. (Durfee and Dawson, Cases.)
Evidence.[3] 60 hours. Tracy. (Tracy, Cases.)
Practice Court.[3] 1 credit hour. Blume.
Administrative Tribunals. 30 hours. Stason. (Stason, Cases.)
Admiralty. 30 hours. Coffey. (Lord and Sprague, Cases.)
*American Legal History. 30 hours. Blume.
Bills of Exchange and Promissory Notes. 45 hours. Aigler. (Aigler, Cases.)
Business Associations I. 45 hours. Tracy. (James, Cases.)
Business Associations II. 45 hours. Niehuss. (James, Cases.)
Business Associations III. 30 hours. (Omitted 1944-45.)
Comparative Law. 45 hours. (Omitted 1944-45.)
Conflict of Laws. 60 hours. Yntema. (Lorenzen, Cases.)
*Contemporary Legislation. 30 hours. Stason.
*Conveyancing. 30 hours. Niehuss.
*Corporate Arrangements and Reorganization. 30 hours. Tracy.
Corporate Organization and Finance. 30 hours. (Omitted 1944-45.)
Creditors' Rights. 45 hours. Tracy. (Durfee and Smith, Cases.)
Domestic Relations. 30 hours. Coffey. (Madden and Compton, Cases.)
*Estates and Taxation. 30 hours. Simes.
*Federal Rules of Civil Procedure. 30 hours. Blume.
Fiduciary Administration. 30 hours. Simes. (Simes, Cases.)

Insurance Law. 30 hours. Grismore. (Grismore, Cases.)
International Law. 60 hours. Yntema. (Hudson, Cases.)
Jurisprudence. 45 hours. Shartel.
Labor Law. 30 hours. Tracy. (Handler, Cases.)
Legal History. 30 hours. (Omitted 1944-45.)
*Legal History. 30 hours. (Omitted 1944-45.)
Municipal Corporations. 30 hours. Shartel. (Stason, Cases.)
Patent Law. 30 hours. Waite.
*Problems in Private International Law. 30 hours. Yntema.
Property (Rights in Land). 45 hours. Aigler. (Bigelow and Madden, Cases.)
Public Utilities. 30 hours. Kauper. (Omitted 1944-45.)
Restitution. 45 hours. Blume. (Durfee and Dawson, Cases.)
Sales. 45 hours. Waite. (Williston and McCurdy, Cases.)
Securities. 45 hours. Durfee. (Durfee, Cases.)
Taxation. 45 hours. Stason. (Griswold, Cases; Treasury Regulations, No. 111, No. 105, and No. 108.)
*Theories of Public Law. 30 hours. Yntema.
Trade Regulations. 30 hours. Waite. (Oppenheim, Cases.)
Trial and Appellate Practice. 45 hours. Blume.
Trusts and Estates I. 45 hours. Simes. (Simes, Cases.)
Trusts and Estates II. 60 hours. Simes. (Simes, Cases on Future Interests.)

1950 SUMMER SESSION

Business Associations I. 35 hours. Neumann. (James, Cases.)
Business Associations II. 35 hours. James. (James, Cases.)
Civil Procedure II. 50 hours. Joiner. (Blume and Joiner, Cases.)
Constitutional Law. 66 hours. Estep. (Kauper, Cases.)
Creditors' Rights. 50 hours. Wright. (Durfee and Smith, Cases.)
Criminal Law. 66 hours. Curtiss. (Waite, Cases.)
Domestic Relations. 35 hours. Coffey. (Madden and Compton, Cases.)
*Drafting Legal Documents. 35 hours. Devine and Dobson.
Equity II. 35 hours. Dawson. (Durfee and Dawson, Cases.)
Evidence. 50 hours. Blume. (Tracy, Cases.)
Fiduciary Administration. 35 hours. Simes. (Simes, Cases.)
Labor Law. 50 hours. R. A. Smith. (Smith, Cases.)
Municipal Corporations. 35 hours. A. F. Smith. (Stason, Cases.)
Regulation of Business. 35 hours. Oppenheim. (Handler, Cases.)
Securities. 35 hours. A. F. Smith. (Durfee, Cases.)
Taxation. 35 hours. Kauper.
*Trial Practice. 35 hours. Joiner.
Trusts and Estates I. 50 hours. Palmer. (Simes, Cases.)
Trusts and Estates II. 50 hours. Browder. (Simes, Cases.)

1950–1951

Civil Procedure I.[1] 45 hours. Stason and Blume. (Stason and Blume, Cases on Pleading and Joinder.)

Contracts.[1] 105 hours. Grismore and Neumann. (Grismore, Cases.)
Criminal Law and Its Enforcement.[1] 60 hours. Waite and Shartel. (Waite, Cases.)
Equity I.[1] 45 hours. Durfee and Dawson. (Durfee and Dawson, Cases.)
Introduction to the Legal System.[1] 15 hours. Stason, Shartel, Coffey, and Joiner.
Property.[1] 105 hours. Aigler and A. F. Smith. (Bigelow, Cases; Aigler, Cases.)
Torts.[1] 75 hours. Leidy and Plant. (Leidy and Plant, Cases.)
Constitutional Law.[2] 60 hours. Kauper and Estep. (Dowling, Cases.)
Equity II.[2] 30 hours. Durfee, Dawson, and Wright. (Durfee and Dawson, Cases on Remedies.)
Evidence.[3] 45 hours. Joiner and Reed. (Tracy, Cases.)
Practice Court.[3] 1 credit hour. Joiner and Blume.
*Accounting. 30 hours. Schmidt. [Prof. School of Bus. Ad.]
Administrative Tribunals. 30 hours. Stason and Cooper. (Stason, Cases.)
Admiralty. 30 hours. Coffey. (Lord and Sprague, Cases.)
*American Legal History. 30 hours. Blume.
Bills of Exchange and Promissory Notes. 45 hours. Aigler and Palmer. (Aigler, Cases on Negotiable Paper.)
Business Associations I. 45 hours. James. (James, Cases.)
Business Associations II. 45 hours. James. (James, Cases.)
Business Associations III. 30 hours. Neumann. (Neumann, Cases.)
Civil Procedure II. 45 hours. Blume and Joiner. (Blume and Joiner, Cases on Jurisdiction and Judgments.)
Civil Procedure III. 30 hours. Joiner. (Sunderland, Cases.)
Comparative Law. 45 hours. Dawson.
*Comparative Law. 30 hours. Dawson.
*Comparative Legislation. 30 hours. Stason and Estep.
Conflict of Laws. 45 hours. Yntema and Bishop. (Lorenzen, Cases; Cheatham, Dowling, Goodrich, and Griswold, Cases.)
*Conflict of Laws. 30 hours. Yntema.
*Constitutional Law. 30 hours. Kauper.
*Conveyancing. 30 hours. A. Smith.
Corporate Organization and Finance. 30 hours. James and Plant.
Creditors' Rights. 45 hours. Durfee and Wright. (Durfee and Smith, Cases.)
Domestic Relations. 30 hours. Coffey. (Madden and Compton, Cases.)
Drafting and Estate Planning. 15 hours. Simes and Kauper. (Simes, Materials; Shattuck, Estate Planner's Handbook.)
*Drafting of Legal Documents. 30 hours. Cooper.
*English Legal History. 30 hours. Dawson.
Fiduciary Administration. 30 hours. Simes. (Simes, Cases.)
Insurance Law. 30 hours. Grismore. (Grismore, Cases.)
International Law. 45 hours. Bishop. (Bishop, Cases.)

*International Law. 30 hours. Bishop.
*International Organization. 30 hours. Bishop.
Jurisprudence. 45 hours. Shartel.
*Jurisprudence. 30 hours. Shartel.
Labor Law. 45 hours. R. A. Smith. (Smith, Cases.)
*Labor Law. 30 hours. R. A. Smith.
*Land Utilization.
Legislation. 45 hours. Estep. (Reed and McDonald, Cases.)
*Michigan Taxation. 30 hours. Wright.
Municipal Corporations. 30 hours. A. F. Smith. (Stason, Cases.)
*Oil and Gas. 30 hours. Wright.
Patent Law. 30 hours. Waite. (Waite, Cases.)
Property (Rights in Land). 45 hours. Palmer. (Bigelow, Cases.)
Regulation of Business. 45 hours. R. A. Smith. (Handler, Cases.)
*Regulation of Business. 30 hours. R. A. Smith.
Restitution. 45 hours. Dawson. (Durfee and Dawson, Cases on Remedies.)
Sales. 30 hours. Waite. (Williston and McCurdy, Cases.)
Securities. 45 hours. Durfee and Estep. (Durfee, Cases.)
Taxation. 45 hours. Kauper and Wright. (Kauper, Cases; Prentice-Hall, Students Tax Service.)
*Taxation. 30 hours. Kauper.
*The Institution of Property. 30 hours. Simes.
*Theories of Public Law. 30 hours. Yntema.
Trusts and Estates I. 45 hours. Simes and Palmer. (Simes, Cases.)
Trusts and Estates II. 45 hours. Simes. (Simes, Cases on Future Interests.)

1955 SUMMER SESSION

Business Associations I. 30 hours. James. (James, Cases.)
Business Associations II. 31¼ hours. Plant. (James, Cases.)
Civil Procedure II.[2] 47½ hours. Steinheimer. (Blume and Joiner, Jurisdiction and Judgments.)
Conveyancing and Drafting. 15 hours. A. F. Smith.
Criminal Law.[1] 45 hours. DeVine. (Michael and Wechsler, Criminal Law.)
Domestic Relations. 28½ hours. Coffey. (Compton, Cases.)
Evidence.[3] 47½ hours. Reed. (Ladd, Cases.)
Insurance. 31¼ hours. Kimball. (Patterson, Cases.)
Introduction to Law and Equity.[1] 30 hours. Blume. (Stason, Shartel, and Reed, Introduction to Law; Shartel, Our Legal System.)
Judicial Administration and the Legal Profession. 15 hours. Joiner. (Cheatham, Cases on the Legal Profession.)
Municipal Corporations. 30 hours. A. F. Smith. (Stason, Cases.)
Oil and Gas. 15 hours. Wright. (Kulp, Cases.)
Sales. 31½ hours. Wellman. (Honnold, Cases.)
Securities. 47½ hours. Rudolph. (Durfee, Cases.)

Taxation II. 47½ hours. Wright. (Kauper and Wright, Cases on Estate Taxation; Prentice-Hall, Students Tax Law.)
Torts.[1] 60 hours. Cooperrider. (Plant, Cases.)
Trusts and Estates I.[2] 47½ hours. Browder. (Simes, Cases.)
Trusts and Estates II. 45 hours. Palmer. (Simes, Cases on Future Interests.)

1955–1956

Civil Procedure I.[1] 45 hours. Blume and Reed. (Blume and Reed, Cases.)
Contracts.[1] 120 hours. Dawson, Harvey, and Conard. (Dawson and Harvey, Cases.)
Criminal Law.[1] 45 hours. George and DeVine.
Introduction to Law and Equity.[1] 90 hours. Stason, Shartel, Blume, Coffey, Plant, Joiner, Reed, and Steinheimer. (Coffey, Problems in the Use of the Law Library; Coffey, Guide to Materials; Stason, Shartel, and Reed, Introduction to Law; Blume and Reed, Cases on Civil Procedure; Shartel, Our Legal System.)
Property.[1] 120 hours. A. F. Smith, Browder, and Wellman. (Aigler, Bigelow, and Powell, Cases.)
Torts.[1] 75 hours. Plant and Cooperrider. (Plant, Cases.)
Civil Procedure II.[2] 45 hours. Blume and Joiner. (Blume and Joiner, Cases.)
Constitutional Law.[2] 60 hours. Kauper and Estep. (Kauper, Cases.)
Trusts and Estates I.[2] 45 hours. Simes, Palmer, and Cooperrider. (Simes, Cases.)
Civil Procedure III.[3] 45 hours. Joiner.
Evidence.[3] 45 hours. Blume and Reed. (Ladd, Cases.)
Practice Court.[3] 1 credit hour. Joiner.
*Accounting. 30 hours. Dixon. [Prof. School of Bus. Ad.]
*Administration of the Criminal Law. 30 hours. George.
Administrative Tribunals. 30 hours. Stason and Cooper. (Stason, Cases.)
Admiralty. 30 hours. Coffey or Bishop. (Sprague and Healy, Cases.)
*American Legal History. 30 hours. Blume.
Bills of Exchange and Promissory Notes. 45 hours. Plant and Steinheimer. (Aigler, Cases.)
Business Associations I. 45 hours. James. (James, Cases.)
Business Associations II. 45 hours. James. (James, Cases.)
Business Associations III. 30 hours. Steinheimer. (Neumann, Cases.)
Comparative Law. 45 hours. Dawson.
*Comparative Legislation. 30 hours. Stason and Estep.
Conflict of Laws. 45 hours. Yntema and Bishop.
*Conflict of Laws, 30 hours. Yntema.
*Constitutional Law. 30 hours. Kauper.
*Conveyancing. 30 hours. A. F. Smith.
Corporate Organization and Finance. 30 hours. James.

Creditors' Rights. 45 hours. R. A. Smith and Wright. (Durfee and Smith, Cases.)
Domestic Relations. 30 hours. Coffey. (Compton, Cases.)
*English Legal History. 30 hours.
Federal Antitrust Laws. 45 hours. Oppenheim. (Oppenheim, Cases.)
*Federal Antitrust Laws. 30 hours. Oppenheim.
Fiduciary Administration. 30 hours. Simes. (Simes, Cases.)
Insurance Law. 30 hours. Harvey. (Patterson, Cases.)
International Law. 45 hours. Bishop. (Bishop, Cases.)
*International Law. 30 hours. Bishop.
*International Organization. 30 hours. Bishop.
Jurisprudence. 45 hours. Shartel. (Shartel, Readings.)
*Jurisprudence. 45 hours. Shartel.
*Labor Law. 30 hours. R. A. Smith.
Labor Relations Law. 45 hours. R. A. Smith. (Smith, Cases.)
Labor Standards Legislation. 30 hours. R. A. Smith. (Riesenfeld and Maxwell, Modern Social Legislation.)
*Land Utilization. 30 hours. Palmer.
*Legal Writing. 30 hours. Cooper.
Legislation. 45 hours. Estep. (Reed and McDonald, Cases.)
*Legislative Problems. 30 hours. Pierce.
Municipal Corporations. 30 hours. A. F. Smith. (Stason, Cases.)
*Oil and Gas. 30 hours. Wright.
Patent Law. 30 hours. A. M. Smith. (Smith, Cases.)
Restitution. 45 hours. Dawson, Palmer, and Cooperrider. (Durfee and Dawson, Cases on Remedies.)
Sales. 30 hours. Steinheimer and Joiner. (Honnold, Cases.)
Securities. 45 hours. Estep, George, and Plant. (Durfee, Cases.)
Taxation I. 45 hours. Kauper and Wright. (Kauper and Wright, Cases on Federal Income Taxation; Prentice-Hall, Students Tax Law.)
Taxation II. 30 hours. Kauper and Wright. (Kauper and Wright, Cases on Estate Taxation; Prentice-Hall, Students Tax Law.)
*The Institution of Property. 30 hours. Simes.
*Theories of Public Law. 30 hours. Yntema.
Trusts and Estates II. 45 hours. Simes and Palmer. (Simes, Cases on Future Interests.)
Unfair Trade Practices. 45 hours. Oppenheim. (Oppenheim, Cases.)
*Unfair Trade Practice. 30 hours. Oppenheim.

1958 SUMMER SESSION

Accounting for Law Students. 14½ hours. Polasky.
Banking. 30 hours. Steinheimer.
Bills and Notes. 47½ hours. Farnsworth. (Farnsworth, Cases.)
Business Associations I. 30 hours. James. (James, Cases.)
Business Associations II. 30 hours. Plant. (James, Cases.)
Criminal Law.[1] 47½ hours. George. (Michael and Wechsler, Criminal Law and Its Administration.)

Domestic Relations. 30 hours. Coffey. (Compton, Cases.)
*Estate Planning. 30 hours. Polasky.
Evidence.[3] 47½ hours. Reed. (McCormick, Cases.)
Insurance Law. 30 hours. Davis. (Patterson, Cases.)
Introduction to Law and Equity.[1] 30 hours. Blume. (Stason, Shartel, and Reed, Introduction to Law; Blume and Reed, Cases on Pleading and Joinder.)
Law Office Problems. 15 hours. DeVine. (Tracy, The Successful Practice of Law.)
Municipal Corporations. 30 hours. Kauper. (Stason, Cases; Horack and Nolan, Land Use Controls.)
Restitution. 47½ hours. Cooperrider. (Dawson and Palmer, Cases.)
Sales. 30 hours. Harvey. (Honnold, Cases.)
Securities. 47½ hours. Estep. (Durfee, Cases.)
Taxation II. 30 hours. Wright. (Wright, Cases on Federal Income Taxation of Corporations; Prentice-Hall, Students Tax Law; Commerce Clearing House, Federal Taxation.)
Torts.[1] 60 hours. Hawkins. (Plant, Cases.)
Trusts and Estates I.[2] 47½ hours. Wellman. (Simes, Cases.)
Trusts and Estates II. 47½ hours. Browder. (Simes, Cases on Future Interests.)

1958–1959

Contracts.[1] 120 hours. Harvey, Kimball, and Pearce. (Dawson and Harvey, Cases.)
Criminal Law.[1] 60 hours. DeVine and Proffitt. (Michael and Wechsler, Cases; Harno, Cases.)
Introduction to the Legal System.[1] 30 hours. Blume. (Stason, Shartel and Reed, Introduction; Coffey, Problems in the Use of the Law Library; Blume and Reed, Cases.)
Introduction to the Legal System (A).[1] 45 hours. Kimball. (Stason, Shartel and Reed, Introduction; Coffey, Problems in the Use of the Law Library.)
Jurisdictions and Judgments.[1] 45 hours. Blume, Hawkins and Joiner. (Blume and Joiner, Cases.)
Property.[1] 120 hours. Browder, A. F. Smith, and Wellman. (Aigler, Bigelow and Powell, Cases.)
Torts.[1] 75 hours. Hawkins and Plant. (Plant, Cases.)
Torts (A).[1] 120 hours. Cooperrider. (Plant, Cases; Fryer and Benson, Cases.)
Constitutional Law.[2] 60 hours. Estep, Kauper, and Kennedy. (Kauper, Cases.)
Pleading and Joinder.[2] 45 hours. Blume, Joiner and Reed. (Blume and Joiner, Cases; Blume, American Civil Procedure.)
Evidence.[3] 45 hours. Polasky and Reed. (McCormick, Cases.)
Trusts and Estates I.[2] Palmer and Wellman. (Palmer and Wellman, Cases.)
Accounting for Law Students. 15 hours. Polasky.

Administrative Tribunals. 30 hours. Cooper and Stason. (Stason, Cases.)
*Administrative Tribunals. 30 hours. Cooper.
Admiralty. 30 hours. Bishop. (Sprague and Healy, Cases.)
*American Legal History. 30 hours. Blume.
*Atomic Energy Law. 30 hours. Estep, Pierce, Stason, and Stein.
Bills and Notes. 45 hours. Plant and Steinheimer. (Aigler, Cases.)
Business Associations I. 45 hours. James and Meisenholder. (James, Cases; Conard, Cases; Stevens and Larson, Cases.)
Business Associations II. 45 hours. James and Meisenholder. (James, Cases; Stevens and Larson, Cases.)
*Commercial Transactions. 30 hours. Steinheimer.
*Comparative Law. 30 hours. Bernini and Gorla.
Conflict of Laws. 45 hours. Bishop and Yntema. (Cheatham, Goodrich, Griswold, and Reese, Cases.)
*Constitutional Law. 30 hours. Kauper.
Conveyancing and Drafting. 30 hours. A. F. Smith.
Corporate Organization. 30 hours. James.
Creditors' Rights. 45 hours. Kennedy and Pierce. (Moore, Cases; Durfee and Smith, Cases.)
Criminal Procedure. 30 hours. George. (Keedy and Knowlton, Cases.)
Domestic Relations. 30 hours. Coffey. (Compton, Cases.)
Estate Planning. 30 hours. Polasky.
*Estate Planning. 30 hours. Polasky.
Federal Antitrust Laws. 45 hours. Oppenheim. (Oppenheim, Cases.)
*Federal Tax Problems. 30 hours. Wright.
Fiduciary Administration. 30 hours. Polasky. (Simes, Cases.)
Financial Reorganization of Corporations. 30 hours. Meisenholder.
Insurance Law. 30 hours. Kimball. (Patterson, Cases.)
International Law. 45 hours. Bishop and Stein. (Bishop, Cases.)
*International Law. 30 hours. Bishop. (Jessup, Text.)
*International Organizations. 30 hours. Stein. (Sohn, Documents.)
*International Organizations (European). 30 hours. Stein.
*International Problems of Criminal Law. 30 hours. Bishop and George.
Labor Arbitration. 30 hours. Gorske. (Shulman and Chamberlain, Cases.)
*Labor Law. 30 hours. R. A. Smith.
Labor Relations Law. 45 hours. R. A. Smith. (Smith, Cases.)
Labor Standards Legislation. 30 hours. Gorske and Pierce. (Riesenfeld and Maxwell, Cases.)
*Land Utilization. 30 hours. A. F. Smith. (Haar, Cases.)
*Law and Society. 30 hours. Kimball.
*Law of Foreign Trade and Investments. 30 hours. Stein and Wright.
*Legal Education. 15 hours. Reed and Wellman.
Legal Method. 45 hours. George. (Shartel and George, Readings.)
Legal Philosophy. 45 hours. Harvey. (Cohn and Cohn, Readings.)

*Legal Philosophy. 30 hours. Harvey.
Legal Writing. 30 hours. Cooper. (Cooper, Text.)
Legislation. 45 hours. Estep. (Read, MacDonald, and Fordham, Cases.)
*Legislative Problems. 30 hours. Pierce. (Dickerson, Text.)
Municipal Corporations. 30 hours. Meisenholder. (Seasongood, Cases.)
Patent Law. 30 hours. A. M. Smith. (Smith, Cases.)
Principles of Comparative Law. 45 hours. Bernini and Gorla.
Problems and Research I. 15 hours. Hutchison, Muir, Pock, and Yocca.
Restitution. 45 hours. Cooperrider and Palmer. (Dawson and Palmer, Cases.)
Sales. 30 hours. Steinheimer. (Bogert and Britton, Cases.)
*Restitution. 30 hours. Palmer.
Securities. 45 hours. Estep, George, and Plant. (Durfee, Cases.)
Taxation I. 45 hours. Wright, Polasky, and Reed. (Kauper and Wright, Cases; Bittker, Cases; Prentice-Hall, Law Students Tax Service; Commerce Clearing House, Tax Service.)
Taxation II. 30 hours. Wright.
*Theories and Problems of Private Law. 30 hours. Yntema.
Trusts and Estates I. 45 hours. Palmer and Wellman. (Palmer and Wellman, Cases.)
Trusts and Estates II. 45 hours. Browder and Wellman. (Simes, Cases).
*Selected Problems in the Law of Trusts. 30 hours. Palmer.
Unfair Trade Practices. 45 hours. Oppenheim. (Oppenheim, Cases.)
Constitutional Law Survey (special for foreign students. 30 hours. Kauper. (Kauper, Cases.)
Survey of American Law (special for foreign students). 45 hours. Bishop.
Torts (special for foreign students). 30 hours. Hawkins. (Plant, Cases.)

V:2. Lecture Titles: 1873-1875

Note: Between 1859 and 1896, members of the Law Faculty entered the titles of their several lectures in the *Record* of the Law Department. These titles (exactly as they were written) have been placed under the subjects included within the Course of Instruction as set out in the *University Catalogue* for the 1873-1875 period. These two years were selected as typical of the years between 1859 and 1886 when the course of instruction was "ungraded," that is, all students attended the same lectures.

THE ORIGIN AND HISTORY OF EQUITY JURISPRUDENCE

1873–1874

Nature of Equity.
Nature of Equity.
Ancillary Jurisdiction. Discovery.
Obtaining testimony de bene ipse and in perpetuam rei memoriam and other auxiliary proceedings.
Discovery.
Taking testimony conditionally and for perpetuation.
Specific Performance.
Specific Performance applied.
Performance of Contracts as to chattels and realty.
Compensation and damages.
Mortgages.
Trusts.
Trusts contd.
Trusts. Charities. Trusts in personalty.
Implied Trusts.
Accident and Mistake.
Correction of Instruments.
Suppression of inequitable claims, etc. Fraud.
Actual Fraud.
Constructive Fraud.
Constructive Fraud. Fraud conveyances, etc.

THE GENERAL HEADS OF EQUITY PROCEDURE AND NATURE AND FORMS OF EQUITABLE REMEDIES

1873–1874

Injunctions and Ne Exeat.
Interpleader. Quia Timet.
Bills of Peace. Dower Partition.
Account. Sureties.
Partnership.

CRIMINAL LAW

1873–1874

Introductory; Place of Criminal Law in Jurisprudence.
General views of Criminal Law in its outline.
Sources of Criminal Law and its modification.
Sources of Criminal Law and its modification.
Power of Criminal Legislation and its limits and conditions.
Interpretations.
Special questions of construction.
Criminal Capacity.
Capacity. Infancy. Coverture Official and Corporate Exemptions.
Insanity.
Insanity.
Insanity.
Criminal Intent.
Criminal Intent.
The Criminal Act.
Locality of Crimes.
Locality of Crimes contd.
Special Jurisdiction questions. Principals in the Defence.
Principals in degree and accessories.
Homicide. Law and Evidence.
Homicide contd.
Medical Testimony.
Medical questions in Homicide.
Crimes against the Person and Habitation.
Burglary. Larceny. Robbery.
Other Offences against Property.
Offences and Public Justice.
Offences against the Peace and against Govt.
Criminal Procedure.
Criminal Procedure.

CONTRACTS

1873–1874

Contracts. Definition.
Classification, etc.
Simple Contracts.
Statute of Frauds.
Contracts. Statute of Frauds.
Contracts. Statute of Frauds.
Contracts. Statute of Frauds contd.
Contracts. Statute of Frauds contd.
Contracts. Statute of Frauds completed.
Consideration.
Consideration of contracts.
Consideration of contracts.
Illegal Contracts.
Illegal Contracts.
Illegal Contracts.
Illegal Contracts.
Parties to contracts.
Parties to contracts.
Duress.
Contracts by Corporations.
Contracts by Agents.
Assent.
Contracts for sale and lease of real estate.
Warranty of personal property.
Warranty.
Guaranty.
Surety. When discharged.
Hiring of service.
Interpretation of contracts.
Interpretation of contracts.

TITLE TO PERSONAL PROPERTY, BY GIFT, INHERITANCE, SALE, MORTGAGE, ASSIGNMENT, AND BY OPERATIONS OF LAW

1873–1874

Personal Property—What?
Sales.
Sales and Stoppages in Transitu.
Chattel Mortgages.

BILLS OF EXCHANGE AND PROMISSORY NOTES, AND COMMERCIAL LAW GENERALLY

1873–1874

Promissory Notes. Introduction.
Definition.
Promissory Notes—Parties.
Transfer of Notes.
Endorsement.
Demand.
Promissory Notes. Demand.
Notice.
Promissory Notes—Notice.
Action Payment.
Promissory Notes—Defences.
Promissory Notes—Defences.
Bills of Exchange.

ESTATES IN REAL PROPERTY

1873–1874

Introduction to the Law of real estate.
Feudal tenures.
What constitutes real estate.
What constitutes real estate.
Freehold estates.
Freehold estates.
Life estates.
Estates in Dower.
Estates in Dower.
Estates in Dower.
Estates by the Curtesy.
Estates for Years.
Estates for Years.
Estates at Will.
Estates upon condition.
Estates upon condition.

Mortgages of Lands: What they are.
The parts of a mortgage.
Rights of the Mortgagee before the foreclosure.
Assignment of Mortgages.
Foreclosure of mortgages.
Foreclosure of mortgages.
Redemption of Mortgages.
Merger of estates.
Joint estates.

TITLE TO REAL PROPERTY

1873–1874

Conveyances of lands.
Conveyances of lands.
Covenants in Deeds.
Title by Estoppel.
Title under sales on execution.
Title under proceedings in attachment.
Title under tax sales.
Title under sales for delinquent taxes.
Title under sales for delinquent taxes.

THE DOMESTIC RELATIONS

1873–1874

Infants. Their rights and powers.
Infants. Their privileges and exemptions.
Guardians. Their apportionments and powers.
Guardians. Their apportionments and powers.
The relation of parent and child.
The relation of parent and child.
Master and Servant.
The Law of Marriage.
The Law of Marriage.
The rights of the husband acquired by the marriage.
The disabilities of the wife imposed by the marriage.
The separate estate of the wife.
The wife contracts in Equity.
Jurisdiction in cases of Divorce.
The causes for divorce and the proceedings to obtain the same.
The consequences and incidents of Divorce.

COMMON LAW PLEADING AND PRACTICE

1873–1874

Introductory.
Courts of England and Michigan, etc.
Forms of Actions.
Parties to Actions.
Parties to Actions.
Parties to Actions.
Ways of beginning suit.
Ways of beginning suit.
Beginning suits in Michigan.
Beginning suits in Michigan.
General Principles of Pleading.
General Principles of Pleading.
Declarations in Assumpsit.
Declarations in Assumpsit.
Declarations in Assumpsit.
Common Counts.
Common Counts contd.
Declarations in Debt and Covenant.
Declarations in actions of Tort.
Declarations in actions of Tort.
Defences, Imparlances, etc.
Bills of Particulars, etc.
Pleas in Abatement.
Pleas in Abatement.
Pleas in Abatement concluded.
General issue in pleas in bar.
Pleas in Bar contd.
Pleas in Bar contd.
Special pleas in bar.
Replications, etc.

Replications contd.
Demurrers.
Defects in Pleading. How cured.
Changes made by the New York Code.
Proceedings after issue and before trial.
Proceedings after issue and before trial contd.
Motions for continuance.
Challenges and exceptions.
Charges by the concluding arguments, etc.
Proceedings after verdict and before judgement.
New Trials.
New Trials.
New Trials contd.
Bills of Exception.
Writs of Error.
Assignments of Error.
Writs of certiorari.
Costs executions.
Executions.
Executions contd.
Executions concluded.
Change of Venue, Consolidation of Action.
Mandamus.
Quo Warranto. Habeas Corpus.

SOME SPECIAL HEADS OF EVIDENCE, AND EQUITY JURISPRUDENCE

1874–1875

Evidence. Methods of Trial.
Definitions. Judicial Knowledge.
Presumptions.
Rules of Evidence.
Rules of Evidence.
Rules of Evidence contd.
Hearsay.
Hearsay contd.
Admissions.
Confessions.
Evidence excluded on grounds of Public Policy.
Admissibility of parol evidence as to written instruments.
Methods of securing witnesses, etc.
Competency of witnesses.
Examination of witnesses.
Examination of witnesses.
Impeachment of witnesses.
Proof of records.
Admissibility of judgements, etc.
Private writings.

EQUITY PLEADING AND PRACTICE

1874–1875

Division of Remedies.
Equitable proceedings and the persons entitled to enforce them.
Proceedings before suit.
General hints as to case to be made by complainants.
Consideration as to complainants and defendants titles and liabilities.
Multifariousness.
Scandal and Impertinence.
Frame of Bills.
Frame of Bills.
Frame of Bills.
Rules of Certainty.
Parties.
Preparation and filing Bill and process.
Proceedings in the early part of a suit.
Appearance and defence.
Demurrers.
Pleas.
Disclaimer and answers.
Answers contd.
Proceedings after Answer.
Issues on Pleadings and Proofs.
Proceedings at and after Hearing.
Decrees.
Proceedings after Decree. Appeals and Rehearings.
Bills not original. Motions and Petitions.

JURISPRUDENCE OF THE UNITED STATES

1874–1875

Introductory view of U.S. Jurisprudence.
Introductory view of U.S. Jurisprudence and its gains before the Revolution.
Congress before the Confederation.
Congress up to 1787.
Principles of construction of U.S. Constitution.
Principles of construction of U.S. Constitution.
General purpose of Const. U.S.
Manner of restricting States by U.S. Constitution.
State restrictions contd. Treaties and agreements. Comity and Tenders.
State restrictions contd. Treaties and agreements. Comity and Tenders. Contracts and their immunity.
Protection of Contracts.
Various Inter-State obligations.
Under what circumstances an act may be declared unconstitutional.
Municipal Corporations in constitutional Law.
State Judgements—Rights of Citizens in different States. Systems for justice.
Sources of U.S. Law. Common Law. Constitutions and Treaties.
Statutes of U.S. Laws of Nations.
Laws of Nations contd.
International Law.
International Law.
International Law concluded.
Places subject to local jurisdiction of U.S.
Taxation as affected by U.S. Constitution in Congress and States.
Regulation of Commerce.
Naturalization and Bankruptcy.
Copyright.
Copyright.
Patents.
Patents.
Patents.
Patents concluded.
Judicial system of U.S.
The Judicial Power.

AGENCY

1874–1875

Agency. Introduction. Who may be principals and who agents?
General and special Agency.
Authority—how conferred. Ratification.
Extent of Authority.
Factors, Brokers, Cashiers, Auctioneers, etc.
Factors, Brokers, Cashiers, Auctioneers, etc.
Authority. How executed. Liabilities to Principals.
Liabilities to Third Persons.
Liabilities of Principals to third persons.
Liabilities of Principals to third persons.
Termination of Agency.

THE LAW OF CORPORATIONS

1874–1875

Corporations—Introductory and Definitions.
Corporations as "Persons" and "Citizens."
Corporations: The several Kinds.
History of Private Corporations.
Private Corporations: How created.
Acceptance of Charters: Constitution: Organization.
Constitution. Organization contd.
Incidental Powers generally. Power of perpetual succession.

Powers of perpetual succession contd. Election of officers. Meetings.
Powers in respect to Property.
Common Seal and Modes of Contracting.
Common Seal and Modes of Contracting.
By-Laws.
Suits by and against corporations.
Stock: its nature and transfers.
Powers of Corporations: Acts and Contracts ultra vires.
Liabilities of members and Officers.
Dissolution of Corporations.
Public Corporations: Their several classes.
Historical sketch of Municipalities.
School Districts.
Towns.
Towns.
Counties.
Cities, Incorporated Towns and Villages. General considerations, Legislative power over.
Cities: Their Powers.
Cities: Their Powers.
Cities—Powers.
Cities—Liabilities.
Cities—Liabilities.
Cities—Liabilities.

CONSTITUTIONAL LAW

1874–1875

Introduction to Constitutional Law.
Growth of Constitutional principles and their establishment in America.
The formation and amendment of state constitutions.
The general framework of a Constitution.
Apportionment of the powers of government.
The checks and balances established by Constitutions.
Interpretation and construction of Constitutional provisions.
Interpretation and construction of Constitutional provisions.
Implied limitations upon the power of the legislature.
Expressed limitations upon the power of the legislature.
The enactment of laws.
The forms made necessary by constitutional provisions.
Under what circumstances an act may be declared unconstitutional.
Municipal Corporations in Constitutional Law.
Municipal Corporations in Constitutional Law.
Constitutional protections to personal liberty.
The securities attending Jury Trial.
The securities attending Jury Trial.
The writ of Habeas Corpus.
Constitutional protections to property.
Constitutional protections to property.
The Eminent Domain. The principle on which it rests.
The Eminent Domain. The principle on which it rests.
The Eminent Domain: What constitutes a taking of property.
Compensation for property taken.

PARTNERSHIP

1874–1875

Partnership. General exposition. Definitions.
Rights and Powers of Partners between themselves.
Rights and Powers of Partners between themselves.
Rights, Powers and Remedies of Partners inter sese contd.

Remedies of Partners against third Persons and of third persons against Partnership.
Remedies of Third Persons vs. Partnership contd. Partnership Real Estate.
Dissolution and its consequences.

USES AND TRUSTS

1874–1875

Uses and Trusts before the Statute of Uses.
The Statute of Uses and Equitable Estates since.
Express Trusts since the Statute of Uses.
Implied, Resulting and Constructive Trusts.
Powers.

WILLS, THEIR EXECUTION, REVOCATION AND CONSTRUCTION

1874–1875

Introductory.
Wills. What they are.
Forms and execution of wills.
Revocation of wills.
Republication of Wills.
Construction of Wills.
Construction of Wills.
Fraud and undue influence in case of wills.
Letters testamentary.
Frame of Wills.
Frame of Wills.

THE ADMINISTRATION AND DISTRIBUTION OF ESTATES OF DECEASED PERSONS

1874–1875

Estates of Deceased Persons.
Administration and who entitled.
Collection of assets and payment of debts.
Classification of Legacies.
Abatement of Legacies.
Payment of debts and legacies.
Closing administration.

TAXATION

1874–1875

The Constitutional principle governing taxation.
Valuation and Assessment for Taxation.
Remedies for the collection of taxes.
Municipal Taxation.
Special Assessments.

EASEMENTS

1874–1875

Easements, etc. Functions, etc.
Easements, etc. Functions, etc.
Easements by prescription and Custom.
Easements by dedication.
Easements in Water.
Easements in Water contd.
Rights of Fishery.
Support of Land.
Easements of Light and Air.
Abandonment of Easements, etc.

ACTIONABLE WRONGS IN CASES OF LAW

1874–1875

Torts. General Principles.
Distinguished Contracts and Crimes.
Negligence.
Assault, Battery and False Imprisonment.
Malicious Prosecution.
Libel and Slander.
Libel and Slander contd.
Slander and Libel.
Injuries to property. General Principles.
Nuisance.
Trademarks.
Trespass.
Trover.
Damages in Trespass and Trover.
Waste.
Liability of Officers for their Acts.
Joint Tenants, etc. Joint Torts.
Husband and wife, etc.
Master and Servant.

BAILMENTS

1874–1875

Bailments.
Pledges.
Warehousemen, etc.
Innkeepers.
Common Carriers.

V:3. Law Lecture Notes: 1859-1893

The Regents on June 27, 1894, passed the following resolution:

> *Resolved,* That each student applying for graduation in the Law Department, shall be required to take in his own handwriting notes of the several lectures delivered in the courses required for graduation, in proper book or books, which he shall from time to time, on request, deliver to the several professors for examination.
>
> *Resolved,* That it shall be the duty of the several lecturers in the Law Department to examine from time to time the notes on the lectures delivered by them, and the character of the notes so taken shall be considered in determining the question of graduating students.[1]

There is no evidence that the Law Faculty had made a similar requirement at an earlier date.

On June 30, 1958, twenty-three notebooks or sets of notebooks, originally owned by students in the Law Department, containing handwritten notes on law lectures delivered between 1859 and 1893, were on deposit at the University of Michigan.

As early as 1886, notes on faculty lectures were being reproduced commercially in Ann Arbor by a crude form of mimeographing. To judge from the number of specimens which have survived, most if not all the lectures delivered by individual professors were reproduced in this manner. Each set of reproduced notes covered a single series of lectures, such as

[1] Regents' Proceedings, 1891-1896, p. 309.

Cooley on Interstate Commerce, Hutchins on Real Property, Knowlton on Public Corporations. Many students apparently acquired sets of notes on most or all of the lectures delivered in the Law Department and had them bound together in one or more volumes. No systematic investigation was made of these reproduced notes, but the dates on those examined show the practice existed until at least 1904. A number of these reproduced notes, in the form of either individual copies of notes on the lectures of one professor or bound into substantial volumes, are on deposit in the Michigan Historical Collections of the University.

Walter Adams, an assistant in research in 1958, examined the twenty-three sets of lecture notes located. He prepared an index based on the lecture titles appearing in the Law School *Record*. It is possible to determine the major points covered in a particular lecture by referring to the student notebooks containing notes taken thereon. This index is on deposit in the Michigan Historical Collections. Using this index, Alan Haasch, an assistant in research, commenced in 1958 to prepare brief summaries of the actual contents of individual lectures. This project was discontinued after several months, but not until sufficient work had been accomplished to show its feasibility and to throw light on the lecture contents. These summaries also are on deposit in the Michigan Historical Collections.

Adams prepared a report on his investigation into the lecture notes covering the 1859-1893 period. He stated in part:

> During the first ten years, the majority of notes taken were of lectures given by Professors Walker, Cooley, and Campbell. Most of the notes appear to have been taken by the students themselves in the course of the lectures. However, a few of the notebooks appear to be copies of either the professor's written lectures or a copy of notes taken by someone else (e.g., Fisher has two notebooks on Criminal Law and Equity Pleading and Practice which were clearly not taken in class). Generally, the notes are taken in a manner which indicates that the lecture style must have been directed toward the stating of legal rules and principles and then a listing of citations to support these principles. The notes follow the pattern of one rule being stated, followed by citations, and then another rule, followed by citations in the same manner. There is considerable reference made to outside text material, and it may be assumed that the students were responsible for the citations and outside material referred to. There seems to have been great student concern for the rules as stated by the professors and little evidence of recording the rationale behind such principles. In a few notebooks of this period, there is some concern with the reasoning behind the problems. This, when found, was generally in the lectures delivered by Campbell.
>
> During the latter part of the period, there is some evidence that the rules were allowed to develop out of factual situations presented to students. This seems to be the forerunner of the case method. While I would hesitate to state that the older method of rule plus citation was abandoned, inroads were made upon it.

A list of the twenty-three sets of handwritten student notebooks follows.

STUDENT NOTEBOOKS

NOTE: This list does not purport to include all surviving student notebooks kept during the "lecture period." It includes only such notebooks as in 1958 were on deposit in the Michigan Historical Collections, The University of Michigan.

Years Covered	Student Owner: Name and Class	Number of Notebooks	Number of Pages
1859–1861	Fisher, James L., '61	3	
1861	Bagley, David		178
1862–1864	Johnson, Francis Marion, '64	2	
1863–1864	Smith, H. D.		381
1863–1864	Gray, Gordon Y., '64		243
1864–[1866]	Balch, Walter O., '66	3	
1864–1866	Kilpatrick, William M., '66	4	
1864–1866	Smoyer, Levi, '66		751
1865–1866	Smith, Clement McDonald, '67	2	
1865–1866	Taggart, Moses		180
1866–1868	Royse, Isaac Henry Clay, '68	5	
1866–1868	Ewell, Marshall D., '68	3	
1868–1869	Ames, Herbert Thomas, '69		174
1871–1872	Schwartz, Hiram B., '72	3	
1871–1873	Paine, DeForest, '73		382
1879–1880	Hovey, Howard		269
1880–1881	Hamilton, Alexander, Jr., '82		583
1883–1884	Chamberlain, W. B.		unpaged
1885–1887	Kuhne, Charles W., '87	13	
1886–[1888]	Burke, Dan R., '88	2	
1886–1888	Vestal, Meade, '88	17	
1888–1890	Johnson, Elias Finley, '90		unpaged
1892–1893	Tuttle, Arthur J., '95		unpaged

V:4. REPORT OF THE LAW FACULTY TO THE BOARD OF REGENTS (1886)

NOTE: The following report was submitted by the Law Faculty to the Board of Regents at a meeting of the Regents on October 12, 1886. *Regents' Proceedings, 1886-1891,* pp. 66-71.

To the Honorable the Board of Regents:

Gentlemen: At a meeting of the Board held on Oct. 14th, 1885, a resolution was adopted, calling on the Faculty of Law to consider whether certain changes might not be made with advantage in the course of instruction pursued in the Law Department. The Faculty having taken the matter into consideration, found themselves unable to agree on any fundamental changes in the system pursued, owing to certain differences of opinion

among themselves, and they accordingly reported to the Board at a meeting in March, 1885, that any change in the methods of instruction was, in their judgment, at that time impracticable.

Since that report was transmitted to the Board, changes have taken place in the Faculty itself, and the present members of that body are now unanimously agreed upon certain very fundamental changes in the course of instruction.

(1). We deem it advisable that the course of instruction should be a graded one, and the lectures delivered to the two classes separately, the more elementary subjects to be assigned to the junior year, and the more complicated postponed to the senior year.

This change exacts much more labor from the Professors, requiring them in one year to deliver the lectures formerly delivered in two years. But they are willing to take upon themselves the additional labor in the hope of thereby promoting the efficiency of the Department, and of enhancing the reputation of the University itself.

(2). The system of instruction by text-books has proved very satisfactory, and while we are not at all of the opinion that instruction by lectures should be supplanted by the use of text-books, we are firmly persuaded that it would be a great misfortune to the Department if the text-book instruction were to be abandoned. We therefore have thought that this system of instruction should be continued with the Junior class as heretofore, and also that it should be extended to the Senior class during the second Semester. The extension of the system to the Senior class will devolve on the Assistant Professor a largely increased amount of labor, which he is very cheerfully prepared to render.

(3). As much instruction can be derived from a proper study of leading cases, the Faculty have thought it well that such a study should be made a feature of the instruction given during the Senior year. Such instruction has been given in other law schools of the country, and has been found to be of very great benefit to the students. We hope and believe that similarly happy results will attend its introduction into our course.

Having reached the conclusion that the above noted changes in the course of instruction would be to the advantage of the Department and should not be postponed, but made applicable to the current College year, the Faculty ventured to open the school on October 1st under a system of instruction embodying the ideas advanced in this communication. We preferred to begin the new year upon the new plan, inasmuch as it would be less difficult to change afterwards from the new system to the old if the Board disapproved this change, than it would be to change from the old to the new after the work of the year had once commenced.

In an appendix hereunto annexed will be found in detail the system of instruction which we are now pursuing.

We hereby respectfully submit our action in the matter to the consideration of the Board, hoping that it may meet with cordial approval, and at the same time we desire to express our willingness to conform to the wishes

of the Board, if in your opinion it is wise to modify in any way the plan we are now pursuing.

We cannot conclude our report without calling attention to the desirability of having some instruction given in the Law School on the subject of Medical Jurisprudence. For years the Faculty of Advocates in Scotland has insisted that every gentleman who is called to the Scotch Bar should have studied Forensic Medicine. While this has not been insisted on in this country, it is agreed that a knowledge of the subject is very desirable. We would therefore recommend to the Board that Edward S. Dunster, M.D., be appointed a Lecturer in the Law Department on Special Heads of Medical Jurisprudence, that Victor C. Vaughan, M.D., be appointed a Lecturer in the Law Department on Toxicology; and that Charles H. Stowell, M.D., be appointed a Lecturer in the Law Department on Legal Microscopy.

We make these recommendations after conference with the gentlemen named, and with the assurance upon their part of entire willingness to give the instruction desired in addition to the instruction given by them in the Medical Department. It is intended that this instruction, if authorized by the Board, shall be given at such hours as not to conflict with or in any manner curtail the instruction now being given in this Department.

We would also suggest that it would increase the efficiency of the Department, if a special lecturer on Admiralty Law could be appointed to deliver a few lectures upon that subject to the Senior class. There is no provision for instruction upon that subject, and it never has been possible to give any adequate instruction therein in the past. A special lecturer might be appointed for that particular subject at very little expense. But we do not urge that any action be taken at this meeting of the Board so far as this appointment is concerned.

We would also call the attention of the Board to the desirability of making some provision for the training of law students in Forensic Elocution. In some of the Law Schools of the country opportunity is afforded for training of this character, and we cannot prudently neglect providing such instruction here. If an instructor in Elocution should be appointed, he could give instruction both in the Law and Literary Departments; but in our judgment his work should be so arranged that he could give at least as much time to the training of the students in this Department as to those in the Literary Department, not only because his classes would be as large in the one Department as they would be in the other, but also because it is more important that law students should receive such training than it is for any other class of students in the University.

All of which is respectfully submitted,

HENRY WADE ROGERS.
H. B. HUTCHINS.
C. I. WALKER.
LEVI T. GRIFFIN.
J. C. KNOWLTON.

APPENDIX.

In the Lecture Course the assignment of topics is made as follows:

JUNIOR YEAR.

Criminal Law	Professor Rogers.
Torts	
Real Estate	Professor Hutchins.
Easements	
The Origin, History and Nature of Equity Jurisprudence	
The Maxims of Equity	
Contracts	Professor Walker.
Agency	
Partnership	
Evidence	Professor Griffin.
Common Law Pleading and Practice in Cases at Law	

SENIOR YEAR.

Constitutional Law	Professor Cooley.
Domestic Relations	Professor Rogers.
Wills	
The Administration and Distribution of Estates	
Equity Jurisprudence	Professor Hutchins.
Equity Pleading and Procedure	
Personal Property	Professor Walker.
Bills and Notes, and Commercial Law Generally	
Private and Municipal Corporations	
Jurisprudence of the United States	Professor Griffin.
International Law	

As to Text Book instruction the arrangement is as follows:

The members of the Junior class will be required to attend daily recitations in Cooley's edition of Blackstone's Commentaries, Anson on Contracts, and Schouler on Bailments. This work will be done under the direction of Assistant Professor Knowlton, and will continue throughout the Junior year. The class will meet at 8 o'clock A.M.

All members of the Senior class will during the second semester attend recitations in Gould on Pleading, and such of them as may so elect can attend recitations in Pomeroy on Remedies and Remedial Rights (Code Pleading). Students who come from Code States will be expected to attend regular recitations in this work, and they will find the instruction thus obtained invaluable in their subsequent practice. Students from States where the reformed procedure has not been introduced, may or may not, at their option, attend such recitations. But students from Code States are expected to attend the recitations in Gould on Pleading, as well as in Pomeroy, inasmuch as the works on common law pleading are not superseded by the codes, and it is thought that a careful study of such works is the best preparation for the pleader whether he practices under the old or the new

procedure. This work will also be under the direction of Assistant Professor Knowlton. The class will meet at nine o'clock A.M.

As to the instruction in Leading Cases, the following announcement has been made:

THE STUDY OF LEADING CASES.

As much instruction can be derived from a proper study of what are known as Leading Cases, and inasmuch as it is desirable that students should be familiar with the more important of these cases, they are requested to purchase "Indermaur's Common Law Cases." They will be expected to make themselves familiar with the cases contained in that work, and they will be examined upon them during the year by one or more of the professors at such times as shall be hereafter announced.

And upon the subject of Examinations the following announcement has been made:

EXAMINATIONS.

At the end of the year the members of the Junior and Senior classes will be subjected to an oral and written examination both upon the lectures and the text-book work.

The members of the Junior class will be required to pass these examinations as a condition precedent of their admission into the Senior class.

V: 5. COURSE OFFERINGS IN ORATORY AND ELOCUTION: 1887-1916

SOURCE: *Annual Announcements,* 1887-1888—1915-1916

1887–1888

Arrangements have been made for the giving of instruction in elocution to the students of law. This instruction will be given to the members of both classes, an advanced course in oratory having been arranged for the members of the Senior Class.

1888–1889—1890–1891

. . . The junior class receive instruction in vocal culture, articulation and pronunciation; position and gesture; quality and force of voice. An advanced course in oratory has been arranged for the senior class. . . .

1891–1892—1900–1901

The following courses are given. . . .

JUNIOR CLASS.

COURSE 1. ELOCUTION. Exercises in vocal culture, breathing, position and gesture; elements of quality and force of voice, with their application to choice passages from the orators.

COURSE 2. ELOCUTION. Exercises in vocal culture, continued; principles of action; elements of pitch and time, and emphasis, with their application to representative selections.

SENIOR CLASS.

COURSE 3. STUDY OF FORENSIC ORATORS AND ORATORY. Lectures on methods of public address and sources of power of the orator; study of representative orations.

COURSE 4. ORAL DISCUSSIONS. Designed to develop readiness of extemporization. Practical application of the principles of formal logic. Leading questions of the day debated in class. Lectures on argumentation and persuasion.

1901–1902—1904–1905

Same as 1891-1892—1900-1901 except that in Course 4 there is the addition: "Preparation of briefs."

1905–1906—1907–1908

Same as 1901-1902—1904-1905, except that title of Course 4 is changed to *"Debating."*

1908–1909—1909–1910

Course 1 and Course 2, same as 1891-1892.

[COURSE] 3. DEBATING. Study and application of the principles of argumentation. Preparation of briefs. Leading questions of the day debated in class. The aim is to develop readiness in extempore speaking, to give freedom and ease on the platform, and to cultivate the logical processes of analysis and discrimination. All who expect to enter the debating contests should take this course. . . .

[COURSE] 4. DEBATING. Continuation of Course 3.

1910–1911—1913–1914

Same as 1908-1909—1909-1910, except Course 2:

[COURSE] 2. PUBLIC SPEAKING. A study of the principles that underlie good public speaking, with the preparation and delivery of short original speeches. . . .

1914–1915—1915–1916

Same as 1910-1911—1913-1914, except Course 4 had been dropped.

V:6. TEXTS AND CASEBOOKS: 1896-1959.

NOTE: The following lists of instructional materials include texts and casebooks used in the several courses between 1896 and 1959. From 1896 through 1929, titles were taken from the Law School's *Annual Announcements.* From 1930 through 1959, the *Law School Schedule of Work* for each semester and summer session was referred to for the titles of texts and casebooks used in the courses offered. Mimeographed materials were not included. These lists are designed to complement the curriculum lists covering the same period, to give as detailed and definitive a picture as possible of the content of the several courses.

The publications are arranged under the several area titles in order of their initial usage and show the academic year or years used. The following code was employed:

I—first semester
II—second semester
SS—summer session

ADMINISTRATIVE LAW

Ernest Freund, Cases on Administrative Law, Selected from Decisions of English and American Courts. (1911)

1914–15 (I) 1925–26 (II)

ADMINISTRATIVE TRIBUNALS

E. Blythe Stason, Cases Concerning Administrative Tribunals. (1928)

1927–28 (II) 1928–29 (II) 1930–31 (II)
1928 (SS) 1929 (SS) 1931 (SS)
1929–30 (II)

E. Blythe Stason, Cases on Administrative Tribunals. (mimeo) (1932)

1931–32 (I) 1938–39 (I) 1944 (SS)
1932–33 (I) 1939–40 (I) 1945 (SS)
1933–34 (I) 1940 (SS) 1945–46 (II)
1934–35 (I) 1940–41 (I) 1946–47 (II)
1935 (SS) 1941–42 (I) 1947–48 (I)
1935–36 (I) 1942 (SS) 1948–49 (I)
1936–37 (I) 1942–43 (II) 1949–50 (I)
1937 (SS) 1943–44 (I) 1950–51 (I)
1937–38 (I) 1951–52 (I)

E. Blythe Stason, The Law of Administrative Tribunals; A Collection of Judicial Decisions, Statutes, Administrative Rules and Orders and Other Materials. 2d ed. (1947)

1952–53 (I) 1954–55 (I) (II) 1955–56 (I)
1953–54 (I) (II) 1956–57 (I) (II)

E. Blythe Stason and Frank E. Cooper, The Law of Administrative Tribunals: A Collection of Judicial Decisions, Statutes, Administrative Rules and Orders and Other Materials. 3d ed. (1957)

1957–58 (I) (II) 1958–59 (I) (II)

ADMIRALTY

James Barr Ames, A Selection of Cases on the Law of Admiralty, with Notes and Citations. (1901)

1922–23 (II) 1923–24 (II)

Edwin D. Dickinson, A Selection of Cases and Other Authorities on the Law of Admiralty. (1924)

1924–25 (I) 1926–27 (I) 1928–29 (II)

Francis Bowes Sayre, A Selection of Cases on the Law of Admiralty. (1929)

1929–30 (II) 1930–31 (II) 1932–33 (II)
1931–32 (II)

George deForest Lord and George C. Sprague, Cases on the Law of Admiralty, Selected from Decisions of English and American Courts. (1926)

1933–34 (II) 1946 (SS) 1948–49 (II)
1935–36 (II) 1946–47 (II) 1949–50 (II)
1944 (SS) 1948 (SS) 1950–51 (II)

George C. Sprague and Nicholas J. Healy, Cases on the Law of Admiralty, Selected from Decisions of American and English Courts. (1950)

1951–52 (II) 1954–55 (II) 1956–57 (II)
1952–53 (II) 1955–56 (II) 1957–58 (II)
1953–54 (II) 1958–59 (II)

AGENCY

Ernest W. Huffcut, Elements of the Law of Agency. (1895)

1896 (SS) 1897 (SS) 1898 (SS)

Floyd R. Mechem, Cases on the Law of Agency. (1893)

1897–98 (II) 1905 (SS) 1908–09 (II)
1898–99 (II) 1905–06 (II) 1909 (SS)
1899–1900 (II) 1906 (SS) 1909–10 (II)
1903 (SS) 1906–07 (II) 1910 (SS)
1903–04 (II) 1907 (SS) 1910–11 (II)
1904 (SS) 1907–08 (II) 1911–12 (II)
1904–05 (II) 1908 (SS) 1912–13 (II)

Floyd R. Mechem, Outlines of the Law of Agency. (1901)

1900–01 (II) 1901 (SS) 1902 (SS)
1901–02 (II)

Floyd R. Mechem, Outlines of the Law of Agency. 2d ed. (1903)

1902–03 (II) 1905–06 (II) 1909 (SS)
1903 (SS) 1906 (SS) 1909–10 (II)
1903–04 (II) 1906–07 (II) 1910 (SS)
1904 (SS) 1907 (SS) 1910–11 (II)
1904–05 (II) 1907–08 (II) 1911–12 (II)
1905 (SS) 1908 (SS) 1912–13 (II)
1908–09 (II)

Edwin C. Goddard, Cases on Principal and Agent, Selected from Decisions of English and American Courts. (1914)

1913–14 (II)
1914 (SS)
1914–15 (II)
1915–16 (II)
1916 (SS)
1916–17 (II)
1917–18 (II)
1918–19 (II)
1919–20 (I)
1920–21 (I) (II)
1921–22 (I) (II)
1922 (SS)
1924 (SS)
1924–25 (II)
1925–26 (II)
1926–27 (II)
1927 (SS)
1927–28 (II)
1928–29 (II)
1929–30 (II)
1931–32 (I) (II)
1932–33 (II)

Eugene Wambaugh, A Selection of Cases on the Law of Agency. (1896)

1922–23 (I)

Edwin R. Keedy, Cases on the Law of Agency (c. 1924)

1926 (SS)

Floyd R. Mechem, Selected Cases on the Law of Agency. 2d ed. by Warren A. Seavey. (1925)

1930–31 (II)

BAILMENTS AND CARRIERS

William B. Hale, Handbook on the Law of Bailments and Carriers. (1896)

1900–01 (I)
1901–02 (I)
1902–03 (I)

Edwin C. Goddard, Outlines of the Law of Bailments and Carriers. (1904)

1903–04 (I)
1904 (SS)
1904–05 (I)
1905 (SS)
1905–06 (I)
1906 (SS)
1906–07 (I)
1907 (SS)
1907–08 (I)
1908 (SS)
1908–09 (I)
1909 (SS)
1909–10 (I)
1910 (SS)
1910–11 (I)
1911 (SS)
1911–12 (I)
1912 (SS)
1912–13 (I)
1913–14 (I)
1914 (SS)
1914–15 (I)
1915–16 (I)
1916 (SS)
1918–19 (1st qtr.)
1919–20 (I)
1920 (SS)

Edwin C. Goddard, Selected Cases on the Law of Bailments and Carriers, Including the Quasi-Bailment Relations of Carriers of Passengers and Telegraph and Telephone Companies as Carriers. (1904)

1903–04 (I)
1904 (SS)
1904–05 (I)
1905 (SS)
1905–06 (I)
1906 (SS)
1906–07 (I)
1907 (SS)
1907–08 (I)
1908 (SS)
1908–09 (I)
1909 (SS)
1909–10 (I)
1910 (SS)
1910–11 (I)
1911 (SS)
1911–12 (I)
1912 (SS)
1912–13 (I)
1913–14 (I)
1914 (SS)
1914–15 (I)
1915–16 (I)
1916 (SS)

1918–19 (1st qtr.) 1920–21 (I) 1922–23 (I)
1919–20 (I) 1921–22 (I) 1923–24 (I)
1920 (SS) 1924–25 (I)

Hugh Evander Willis, Cases on Bailments, Carriers and Public Callings. (1913)

1916–17 (I) 1917–18 (I)

BAILMENTS AND PUBLIC UTILITIES

Hugh Evander Willis, Cases on Bailments and Public Callings, with Especial Reference to Common Carriers. (1923)

1925–26 (I) 1926–27 (I)

Robert L. Hale, Cases on the Law of Public Utilities by Young B. Smith and Noel T. Dowling . . . Including Cases and Readings on Rates. (1926)

1927–28 (I)

Edwin C. Goddard, Cases on the Law of Bailments and Carriers and of Service by Public Utilities. 2d ed. (1928)

1928–29 (I) 1930–31 (I) 1933–34 (I)
1929–30 (I) 1931–32 (I) 1934–35 (I)
1932–33 (I)

BANKING

Ralph W. Aigler, Cases on the Law of Negotiable Paper and Banking. (1937)

1938–39 (II)

Ralph W. Aigler, Cases on Banking. (1947)

1951–52 (II)

BANKING LAW

Ralph W. Aigler, Cases on the Law of Negotiable Paper and Banking. (1937)

1946 (SS)

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1919 (SS) 1923–24 (II) 1928–29 (II)
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1942-43 (I) (II)
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1916 (SS)	1919–20 (I) (II)	1923–24 (I) (II)
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1919 (SS)
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1929 (SS)
1929-30 (II)
1930-31 (II)
1931-32 (II)
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1932-33 (II)
1933-34 (II)
1934 (SS)
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1935 (SS)
1935-36 (II)
1936 (SS)
1936-37 (II)
1937-38 (II)
1938 (SS)
1938-39 (II)
1939-40 (II)
1941-42 (II)
1942-43 (II)
1943-44 (I)
1944-45 (II)
1945-46 (I) (II)
1946-47 (II)
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1949-50 (II)
1950-51 (II)
1951-52 (II)
1952 (SS)
1952-53 (II)
1953-54 (II)

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1955 (SS)
1955-56 (II)
1956-57 (I) (II)
1957 (SS)
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1958 (SS)
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1910-11 (I)

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Edgar N. Durfee, Cases on Security. Vol. II (1951)

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1952–53 (I) (II)
1953–54 (II)
1954–55 (I) (II)
1955–56 (I) (II)
1956 (SS)
1956–57 (I) (II)
1957 (SS)
1957–58 (I) (II)
1958 (SS)
1958–59 (I) (II)

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1903–04 (II)
1904–05 (II)
1905–06 (II)
1906–07 (II)
1907–08 (II)
1908–09 (II)
1909–10 (II)
1910–11 (II)

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Robert E. Bunker, Cases on Guaranty and Suretyship. (1902)

1903–04 (I)
1904–05 (I)
1905–06 (I)
1906–07 (I)
1907–08 (I)
1908–09 (I)
1909–10 (I)

Robert E. Bunker, Cases on Suretyship. (1910)

1910–11 (I)
1911–12 (I)
1912–13 (I)
1913 (SS)
1913–14 (I)
1914–15 (I)
1915 (SS)
1915–16 (I)
1917 (SS)
1917–18 (I)

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1918–19 (1) qtr.
1919 (SS)
1919–20 (I)
1920–21 (I)
1921–22 (I)
1923–24 (I)
1924–25 (I)
1926 (SS)
1926–27 (I)
1927–28 (I)
1928 (SS)
1928–29 (I)
1929–30 (I)
1930–31 (I)
1931–32 (I)

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1897–98 (II)
1898–99 (II)
1899–1900 (II)
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1902–03 (II)
1903–04 (I)
1904–05 (I)

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1905–06 (I)
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1907–08 (II)
1908–09 (II)
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1923–24 (II)
1924–25 (II)
1925–26 (I)
1926 (SS)
1926–27 (I)
1927 (SS)
1927–28 (I)
1928 (SS)
1928–29 (I)

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1929-30 (I)	1930-31 (I)	1932 (SS)
1930 (SS)	1931-32 (II)	1932-33 (II)

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1933-34 (II)	1934-35 (II)	1936 (SS)
	1935-36 (II)	

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1936-37 (II)	1938 (SS)	1938-39 (II)
1937-38 (II)		1939-40 (II)

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John MacArthur Maguire and Roswell Magill, Cases on the Law of Taxation. 3d ed. (1940)

1940 (SS)	1941-42 (I)	1943 (SS)
1940-41 (II)	1942-43 (I)	1943-44 (II)
1941 (SS)		1944-45 (I) (II)

Edwin N. Griswold, Cases and Materials on Federal Taxation. (1940)

1945-46 (I)	1946 (SS)

Commerce Clearing House, Income, Estate and Gift Tax Provisions of the Internal Revenue Code, as Amended. (1940)

1946 (SS)

Prentice-Hall Law Students Tax Service, with Current Matter. (1946)

1946-47 (I) (II)	1950-51 (I) (II)	1955 (SS)
1947 (SS)	1951-52 (I) (II)	1955-56 (I) (II)
1947-48 (I)	1952 (SS)	1956 (SS)
1948 (SS)	1952-53 (I) (II)	1956-57 (I) (II)
1948-49 (I)	1953 (SS)	1957-58 (I) (II)
1949 (SS)	1953-54 (II)	1957 (SS)
1949-50 (I)	1954 (SS)	1958 (SS)
1950 (SS)	1954-55 (I) (II)	1958-59 (II)

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Paul G. Kauper, Cases and Materials on Taxation, Prepared for the Use of Students in the University of Michigan Law School. (1948)

1948-49 (I)	1949-50 (I)	1950-51 (I)
1949 (SS)	1950 (SS)	1951-52 (I)

Paul G. Kauper and L. Hart Wright, Cases and Materials on Federal Income Taxation, Prepared for the Use of Students in the University of Michigan Law School. (1951)

1950–51 (II) 1951–52 (II) 1952–53 (II)
1952 (SS)

Paul G. Kauper and L. Hart Wright, Taxation II, Suplementary Cases. (1951)

1951 (SS) 1951–52 (I)

Paul G. Kauper and L. Hart Wright, Cases and Materials on Estate, Inheritance and Gift Taxation. (1952)

1951–52 (II) 1953 (SS) 1954 (SS)
1952–53 (I) (II) 1953–54 (II) 1954–55 (II)

Stanley S. Surrey and William C. Warren, Federal Income Taxation, Cases and Materials. (1953)

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Paul G. Kauper and L. Hart Wright, Cases and Materials on Federal Income Taxation. (1954)

1953–54 (II) 1954–55 (II)

Paul G. Kauper and L. Hart Wright, Cases and Materials on Estate, Inheritance and Gift Taxation. Rev. ed. (1955)

1955 (SS) 1956 (SS) 1957 (SS)
1955–56 (II) 1956–57 (I) (II) 1957–58 (I) (II)

L. Hart Wright, Cases on Federal Income Taxation of Corporations and Partnerships. (mimeo)

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Paul G. Kauper and L. Hart Wright, Cases and Materials on Federal Income Taxation. (litho)

1958–59 (I)

Commerce Clearing House, Federal Tax Service. (1957)

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Boris I. Bittker, Cases on Federal Income Taxation, Estate and Gift Taxation. 2d ed. (1958)

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Ralph W. Aigler, Cases and Materials on the Law of Titles to Real Property, Acquired Originally and by Transfer Inter Vivos. 3d ed. (1942)

1946 (SS)

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Sir Frederick Pollock, A Treatise on the Law of Torts in Obligations Arising from Civil Wrongs in the Common Law. (1894)

1896 (SS)

Thomas M. Cooley, The Elements of Torts. (1895)

1897	(SS)	1900-01	(I)	1903-04	(I) (II)
1897-98	(I)	1901-02	(I)	1904	(SS)
1898	(SS)	1902	(SS)	1904-05	(I) (II)
1898-99	(I)	1902-03	(I)	1905	(SS)
1899	(SS)	1903	(SS)	1906	(SS)
1900	(SS)			1907	(SS)

George Chase, Leading Cases upon the Law of Torts. (1904)

1903-04	(I) (II)	1904-05	(I) (II)

James Barr Ames and Jeremiah Smith, A Selection of Cases on the Law of Torts. (1900)

1905-06	(I) (II)	1906-07	(I) (II)	1914	(SS)
		1907-08	(I) (II)		

Francis M. Burdick, Cases on Torts; A Concise Treatise on the Civil Liability at Common Law and Under Modern Statutes for Actionable Wrongs to Person and Property. 2d ed. (1908)

1908-09	(I) (II)	1910-11	(I) (II)	1912-13	(I)
1909-10	(I) (II)	1911	(SS)	1913	(SS)
1910	(SS)	1911-12	(I)	1913-14	(I)

Francis M. Burdick, Cases on Torts. 3d ed. (1908)

1908-09	(I) (II)	1910-11	(I) (II)	1912-13	(I)
1909-10	(I) (II)	1911	(SS)	1913	(SS)
1910	(SS)	1911-12	(I)	1913-14	(I)

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1909 (SS)

Francis H. Bohlen, Cases on the Law of Torts. (1915)

1914-15	(I)	1915-16	(I)	1916	(SS)

Roscoe Pound, A Selection of Cases on the Law of Torts, by James Barr Ames and Jeremiah Smith. (1916-17)

1916-17	(I)	1918	(SS)	1918-19	(II)
1917-18	(I)	1918-19	(1, 2, 3, 4, qtrs.)	1919	(SS)

Charles M. Hepburn, Cases on the Law of Torts, Selected from Decisions of English and American Courts. (1915)

1917	(SS)	1919-20	(I) (II)	1920-21	(I)

Roscoe Pound, A Selection of Cases on the Law of Torts, by James Barr Ames and Jeremiah Smith. New ed. (1919)

1919-20 (I)	1921-22 (I) (II)	1924 (SS)
1921 (SS)	1922-23 (I) (II)	1924-25 (I) (II)
	1923-24 (I) (II)	

Lyman Perl Wilson, Cases on the Law of Torts. (1928)

1930 (SS)

Francis H. Bohlen, Cases on the Law of Torts. 2d ed. (1925)

1925-26 (I) (II)	1927-28 (I) (II)	1928-29 (I) (II)
1926-27 (I) (II)		1929-30 (I) (II)

Roscoe Pound, A Selection of Cases on the Law of Torts by James Barr Ames and Jeremiah Smith. Vol. I, "Second Impression," rev. by Joseph H. Beale. (1929)

1930-31 (I) (II)	1931-32 (I) (II)

Francis H. Bohlen, Cases on Torts. 3d ed. (1930)

1932 (SS)	1933 (SS)	1934 (SS)
1932-33 (I) (II)	1933-34 (I) (II)	1934-35 (I) (II)

Paul A. Leidy, Cases on Torts. (1935)

1935 (SS)	1935-36 (I) (II)	1936 (SS)

Paul A. Leidy, Cases on Torts. 2d ed. (1937)

1936-37 (I) (II)	1939-40 (I) (II)	1942-43 (I) (II)
1937-38 (I) (II)	1940 (SS)	1943 (SS)
1938 (SS)	1940-41 (I) (II)	1944-45 (I)
1938-39 (I) (II)	1941 (SS)	1945 (SS)
1939 (SS)	1941-42 (I) (II)	1945-46 (I)
	1942 (SS)	

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1943-44 (II)

Paul A. Leidy, Cases on Torts. 3d ed. (1946)

1945-46 (II)	1947-48 (I) (II)	1949-50 (I) (II)
1946 (SS)	1948 (SS)	1950 (SS)
1946-47 (I) (II)	1949 (SS)	1950-51 (I) (II)
1947 (SS)		1951-52 (I) (II)

Paul A. Leidy and Marcus L. Plant, Cases on Torts. (1949)

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Marcus L. Plant, Cases on the Law of Torts. (1953)

1952-53 (I) (II)
1953 (SS)
1953-54 (I) (II)
1954 (SS)
1954-55 (I) (II)
1955 (SS)
1955-56 (I) (II)
1956 (SS)
1956-57 (I) (II)
1957 (SS)
1957-58 (I) (II)
1958 (SS)
1958-59 (I) (II)

William T. Fryer and Carville D. Benson, Cases on Legal Method. (1949)

1958-59 (I) (II)

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Herman Oliphant, Cases on Trade Regulation, Selected from Decisions of English and American Courts. (1923)

1926-27 (II)

Milton Handler, Cases and Other Materials on Trade Regulation. (1937)

1938-39 (II)
1940-41 (I)
1941-42 (I)
1942 (SS)
1942-43 (II)
1944-45 (I)
1945 (SS)

S. Chesterfield Oppenheim, Cases on Trade Regulation. (1936)

1939-40 (II)
1945-46 (II)
1946-47 (I)

S. Chesterfield Oppenheim, Recent Price Control Laws, Supplement to Oppenheim, Cases on Trade Regulation.

1945-46 (II)
1946-47 (I)

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S. Chesterfield Oppenheim, Cases on Trade Regulation. (1933-34)

1934-35 (II)

S. Chesterfield Oppenheim, Cases on Trade Regulation. (1936)

1935-36 (II)
1936-37 (II)

Milton Handler, Cases and Other Materials on Trade Regulation. (1937)

1941 (SS)

TRIAL PRACTICE

Edson R. Sunderland, Cases on Procedure, Annotated, Trial Practice. (1912)

1912-13 (I)
1913-14 (I)
1914-15 (I)
1915-16 (I)
1916-17 (I)
1917-18 (I)
1918-19 (1, 2, qtrs.)
(II)
1919-20 (I)
1920-21 (I)
1921-22 (I)
1922-23 (I)

Francis X. Busch, Law and Tactics in Jury Trial; The Art of Jury Persuasion, Tested Court Procedures. Students' ed. (1950)

1950 (SS)

TRIAL AND APPELLATE PRACTICE

Edson R. Sunderland, Cases on Procedure, Annotated, Trial and Appellate Practice. (1924)

1923–24 (II)
1924–25 (II)
1925–26 (I)
1926 (SS)
1926–27 (I) (II)
1927–28 (I) (II)
1928–29 (I) (II)
1929–30 (I) (II)
1930–31 (I) (II)
1931–32 (I) (II)
1932–33 (I) (II)
1933 (SS)
1933–34 (I) (II)
1934 (SS)
1934–35 (I) (II)
1935–36 (I) (II)
1936–37 (II)
1937 (SS)
1937–38 (II)
1938–39 (II)
1939 (SS)
1939–40 (I) (II)
1940–41 (II)
1941 (SS)

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1941–42 (II)
1942 (SS)
1942–43 (II)
1943–44 (II)
1944–45 (I)
1946 (SS)
1946–47 (I) (II)
1947 (SS)
1947–48 (I) (II)
1949 (SS)

Rules of Civil Procedure. U. S. Codes. Title 28

1949 (SS)

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James Barr Ames, A Selection of Cases on the Law of Trusts, with Notes and Citations. 2d ed. (1893)

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1916 (SS)
1916–17 (I)
1917–18 (I)
1918–19 (1, 2, 3 qtrs.)
(II)

Austin Wakeman Scott, A Selection of Cases on Resulting and Constructive Trusts. (1915)

1917–18 (I)

Austin Wakeman Scott, Select Cases and Other Materials on the Law of Trusts. (1919)

1919–20 (I) (II)
1920 (SS)
1920–21 (I) (II)
1921–22 (I) (II)
1922 (SS)
1922–23 (I) (II)
1923 (SS)
1923–24 (I) (II)
1924–25 (I) (II)
1925 (SS)
1925–26 (I)
1926 (SS)
1926–27 (I) (II)
1928–29 (I) (II)
1929–30 (I) (II)
1930 (SS)
1932–33 (I) (II)
1933 (SS)
1933–34 (I) (II)
1934–35 (I) (II)
1935 (SS)

George P. Costigan, Jr., Select Cases on the Law of Trusts, Selected from Decisions of English and American Courts. (1925)

1927–28 (I) (II)

Homer F. Carey, Cases on the Law of Trusts. (1931)

1930–31 (I) (II)
1931 (SS)
1931–32 (I) (II)

TRUSTS AND ESTATES

Richard R. Powell, Cases on Future Interests. 2d ed. (1937)

1937 (SS)

Lewis M. Simes, Cases and Materials on the Law of Future Interests. (1939)

1940 (SS)
1941–42 (I) (II)
1942 (SS)
1942–43 (II)
1943–44 (I)
1944–45 (II)
1945–46 (II)
1946–47 (I) (II)
1947 (SS)
1947–48 (II)
1948 (SS)
1948–49 (I)
1949 (SS)
1949–50 (I) (II)
1950 (SS)
1950–51 (I) (II)
1951–52 (I)

Lewis M. Simes, Cases and Materials on Trusts and Succession. (1942)

1943 (SS)
1944–45 (I)
1945–46 (I)
1946 (SS)
1946–47 (I)
1947–48 (I) (II)
1948–49 (I) (II)
1949–50 (I)
1950 (SS)
1950–51 (I) (II)
1951 (SS)
1951–52 (I)
1952 (SS)
1952–53 (I) (II)
1953–54 (I)
1954–55 (I) (II)
1955 (SS)
1955–56 (I) (II)
1956 (SS)
1956–57 (I)
1957 (SS)
1957–58 (I)
1958 (SS)
1958–59 (I)

Lewis M. Simes, Cases and Materials on the Law of Future Interests. 2d ed. (1951)

1952–53 (I) (II)
1953 (SS)
1953–54 (I) (II)
1954 (SS)
1954–55 (I) (II)
1955 (SS)
1955–56 (I) (II)
1956 (SS)
1956–57 (I) (II)
1957 (SS)
1957–58 (I) (II)
1958 (SS)
1958–59 (I) (II)

TRUSTS AND ESTATES AND FIDUCIARY ADMINISTRATION

Lewis M. Simes, Cases and Materials on the Law of Fiduciary Administration. (1941)

Lewis M. Simes, Cases and Materials on Trusts and Succession. (1942)

1942–43 (I)

UNFAIR TRADE PRACTICES

S. Chesterfield Oppenheim, Unfair Trade Practices, Cases, Comments and Materials; Trade Regulation. (1950)

1952–53 (II)
1953–54 (I)
1954–55 (II)
1955–56 (II)
1956–57 (II)
1957–58 (II)
1958–59 (II)

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Floyd R. Mechem, Cases on the Law of Succession to Property After the Death of the Owner. (1895)

1897–98 (I)
1898–99 (II)
1899–1900 (II)
1900–01 (II)

John Chipman Gray, Select Cases and Other Authorities on the Law of Property. 2d ed. Vol. IV (1906-07)

1910-11 (I)
1911-12 (II)
1912-13 (I)
1913-14 (I)
1914 (SS)
1914-15 (I)
1915-16 (I)
1916 (SS)
1916-17 (I)
1917-18 (II)
1918 (SS)
1918-19 (1, 2 qtrs.) (II)
1919-20 (II)
1924 (SS)

George P. Costigan, Jr., Wills, Descent, and Administration. (1917)

1920-21 (I) (II)
1921-22 (II)
1923-24 (II)
1924-25 (II)
1925-26 (II)
1926-27 (II)
1927 (SS)
1927-28 (II)
1928-29 (II)
1929-30 (II)
1930-31 (II)
1931-32 (II)
1932-33 (II)
1933 (SS)
1933-34 (II)
1934 (SS)

Philip Mechem and Thomas E. Atkinson, Cases and Other Materials on the Law of Wills and Administration. (1928)

1932 (SS)
1934-35 (II)
1935 (SS)
1936 (SS)

WILLS AND ADMINISTRATION

Floyd R. Mechem, Cases on the Law of Succession to Property After the Death of the Owner. (1895)

1901-02 (II)
1902-03 (II)
1903-04 (II)
1904-05 (II)
1905-06 (II)
1906-07 (II)

John R. Rood, A Treatise on the Law of Wills; Including Also Gifts Causa Mortis and a Summary of the Law of Descent, Distribution and Administration. (1904)

1903-04 (II)
1904-05 (II)
1905-06 (II)
1906-07 (II)
1907-08 (II)

John Chipman Gray, Select Cases and Other Authorities on the Law of Property. 2d ed. Vol. IV (1906-08)

1907-08 (II)
1908-09 (II)
1909-10 (II)

WORKMEN'S COMPENSATION

Richard C. Maxwell and Stefan Albrecht Riesenfeld, Modern Social Legislation. (1950)

1954 (SS)

V:7. REPORTS OF THE CURRICULUM COMMITTEE: 1950, 1958.

NOTE: Two reports of the Curriculum Committee, considered of particular importance by the Curriculum Committee in 1958-1959, have been included here. They serve to show (1) two significant milestones in the development of the Law Cur-

riculum during the 1950-1959 period and (2) the processes whereby the Curriculum Committee reached the decisions which were embodied in recommendations to the Law Faculty.

1. REPORT AND RECOMMENDATIONS OF THE CURRICULUM COMMITTEE: March 29, 1950

SOURCE: *Faculty Minutes, 1945-1950,* pp. 792-823

INTRODUCTION

Under date of February 18, 1949, the Curriculum Committee submitted to the faculty a report and recommendations respecting the elimination of required courses in the second and third years, the substitution of a schedule of recommended courses, and the inauguration of a student counselling program. After extended discussion of this report . . . the Committee was requested to report back to the faculty during the course of the next academic year.

The Committee at this time is submitting a new report accompanied by a series of recommendations. This report consists of three parts. The first part consists of a summary statement of objectives in curriculum planning. The second part deals with a series of specific course changes accompanied by recommendations for faculty action. The third part deals with the general problem of giving more definite guidance to the second and third year students with respect to their course programs and presents a series of recommendations. A complete recapitulation of the specific recommendations stated in Parts II and III appears in the conclusion.

PART I

A STATEMENT OF OBJECTIVES

The statement that appears below was jointly prepared by the Dean and the Chairman of the Curriculum Committee to serve as a general criterion with respect to our thinking in regard to curriculum matters. The Committee agrees with the general ideas expressed in this statement. The Committee recognizes that the specific recommendations included in the second and third parts of this report do not by any means carry us forward all the way to the achievement of ultimate goals indicated in this statement of objectives . . . .

The Committee also recognizes that apart from any other considerations that may stand in the way of immediate implementation of ultimate conceptions respecting curricular objectives, no clear-cut answers are indicated on the many questions involved in translating general ideas into a program of course offerings. The questions we face admit of no scientific answers. Even if we all start with the same premises, we must recognize that the questions of application open up large areas of opinion and judgment.

And, in conceding this, we must concede also that there is room for honest diversity of judgment.

In submitting as part of its report the statement that appears below, the Committee, therefore, has no thought of recommending it as a definitive statement for adoption by the faculty. It is submitted . . . as a means of evoking the critical thinking of the faculty on these questions generally.

A Summary Statement of Objectives in Curriculum Planning

Any attempt to design a curricular program rests on some presupposition respecting the objectives of legal education. Without an adequate frame of reference stated in terms of purpose and objectives, the task of designing a curriculum is doomed to end in nothing more than futile groping and improvisation. We realize, of course, that a sound and adequate conception of objectives goes to the center of all the problems in legal education and must give direction to our thinking on such matters as teaching methods and course materials as well as curriculum questions. These are all interrelated segments of the whole problem and task of legal education. But in this memorandum we are concerned with the statement of objectives as a means of challenging our thinking on matters of curriculum.

We state as a basic premise that the central concern of legal education is to train men in preparation for a professional career, namely, the practice of law. We realize that this statement is subject to challenge on several grounds. We are told that many students who graduate from the law school engage in professions and occupations other than law practice. Some go into business, others into public service, some into politics. Moreover, we are reminded that the practice of law is in itself a wide and ambiguous term that connotes many possibilities. There is the general practitioner who is a jack of all trades in the legal profession. On the other hand we have the specialists in labor law, taxation, admiralty and other specialized fields. Moreover, law practice in the small town varies from law practice in the big city.

Mindful of these questions and objections we still believe that preparation for the practice of law constitutes the central purpose of legal education. It seems clear to us that the law school program cannot be envisaged in terms of preparation for careers in specialized phases of the law or for careers in related fields such as business, government service or politics. We do recognize that the law school program should within limits offer a student opportunity for pursuit of his special interests. In any event, however, the law school's central purpose should be conceived with sufficient breadth that the program it offers its students will lay a foundation for the practice of law on a high professional level—whether it be general practice or specialized practice and whether it be in the large city or in the smaller community.

We emphasize the practice of law on a high professional level. In thinking through its purpose and objectives a university law school should not be satisfied with anything less than this. It is possible to take the narrower

view of the law school's function that it is a trade school designed to help equip men with the tools of their trade in order that they may do a competent craftsmanlike job. Certainly no law school can ignore the vocational or utilitarian aspect of its function. It is helping to train men for professional careers that will determine their livelihood. But a law school that operates on a graduate level, which requires a college degree of those matriculating in it, should have a concern also that the men it graduates develop a professional view in regard to their work. By this we mean that the law school program should have sufficient breadth and depth to give our graduates an appreciation of the Anglo-American legal tradition, an awareness of the function of law in the ordering of our society, a consciousness of the lawyer's role and a sense of professional pride and responsibility.

Assuming then our basic premise that the law school's central concern is to train men in preparation for practice of the law on the professional level, what are its implications in terms of more specific objectives, particularly as they affect the problem of curriculum planning?

It seems to us that two principal objectives are indicated. The first may be stated in terms of promoting knowledge and understanding. The second we state in terms of evoking and stimulating intellectual skills and aptitudes basic to professional competence. The lawyer's art is a compounding of an informed understanding which draws upon a rich stock of concepts and ideas with intellectual skills reflected in analytical, imaginative and verbal faculties.

1. The Promotion of Knowledge and Understanding

The kind of knowledge and understanding that the law school should promote may be treated under two headings. First, is the knowledge and understanding derived from an interior view of the legal system under which we operate. Secondly, is the knowledge and understanding derived from an exterior view—seeing the system in its social context and its comparative aspects. We elaborate upon both of these.

a. *Knowledge and understanding of the legal system*

The legal system represents, on the one hand, a body of concepts and ideas that constitute the central core of the legal tradition, and, on the other, a body of institutions and processes that constitute the formal aspects of the legal order. Legal education should promote knowledge and understanding with respect to both phases of the system. It should be concerned with both the fundamental concepts and ideas that inform the corpus of our substantive law and the institutions and processes that shape our adjective law.

We should make clear that in speaking of the student's knowledge and understanding of both substantive and procedural law, we are not concerned about his learning and memorizing a great body of legal rules or simply assimilating a large mass of descriptive facts. Likewise we are not concerned about having our students learn or get an introduction to all the

law. It is much too large and complex a body for any student to master. Most of it would be forgotten anyhow before a law student completed his legal education. Rather our concern is with the fundamentals of the law—fundamentals expressed in terms of basic concepts and ideas. But these fundamentals should not be viewed solely in terms of the common law tradition. The prodigious increase in statutory law, particularly in the areas of public law impinging upon private right and interest, requires attention to and emphasis upon the fundamental concepts and processes observable in this area also. A system of legal education that shunts public law to the periphery gives our students only an imperfect view of the legal system.

The emphasis given above with respect to the fundamentals of the law should not preclude opportunity for a student to delve more intensely into general areas of the law in which he has a special interest. A student's special or preferred interest may derive from several sources. It may be utilitarian in character based on his intention to engage in a certain kind of practice. Or a special interest may reflect a sense of intellectual curiosity generated by law school study and thinking and not related to any specific professional objective. In some cases a special interest may find its inspiration in the particular instructor teaching the course and the resulting intellectual stimulation that the student may derive from it. In any event the law school program should offer the student some opportunity to browse among the specialties of the law. For this reason the law school curriculum should feature a good number of courses which may not in themselves be regarded as necessary to knowledge and understanding of the fundamentals of the law, and in turn the student should have sufficient opportunity in the choice of so-called free electives to satisfy his predilections and special interests.

b. *Knowledge and understanding of the place of law in the social order*

Under this heading we are concerned with what we previously called an exterior view of the legal system. We regard it as a necessary element of law training on the graduate level (i.e. the training of students who are college graduates) that they develop some appreciation of the role of law in the social order, of the universality of law and of the limitations upon the legal process. The added breadth of view and perspective derived from courses such as Jurisprudence, Comparative Law, Legal History, or Civil Law should be a matter of concern to a university law school.

2. The Evocation and Stimulation of Skills

The second large objective of legal training is the stimulation and development of those intellectual skills which constitute in the lawyer's hands the instruments for the expression and implementation of his knowledge and understanding. For purposes of convenience these skills may be classified and very briefly described as follows:

a. *Analytical skill*

This has reference to the skill developed in the analysis of legal situations for the purpose of determining and identifying the legally operative facts and appraising their order of significance. We may include under this heading both the inductive and deductive processes that are characteristic of the common law and the case method of study as well as the related mental process of reasoning by analogy to reach legal conclusions from common law materials.

b. *Interpretative skill*

This is the process of determining the meaning of words, phrases, clauses, statutes, etc., to reach conclusions respecting their legal significance. This kind of skill is cultivated in the treatment of all courses which involve statutory materials or documents like wills and trusts, and, of course, receives special emphasis in the course formally devoted to the study of legislation.

c. *Verbal skill*

This involves the expression of legal ideas in concise and accurate English. It is a basic part of a lawyer's equipment if he is to do an effective job in drafting deeds, trusts, wills, contracts, corporate articles and minutes, pleadings, briefs, etc.

d. *Imaginative faculty*

An important part of a lawyer's business is to counsel with his client with respect to the future. What is the best way of handling his business enterprise? Which is the preferred method of handling a given transaction and what questions in respect to it should be anticipated? What policy as well as legal factors should a client take into account in planning the disposition of his estate? A lawyer is an engineer in that he plans and constructs, and for this reason legal education should make some contribution in the evocation and stimulation of the creative and imaginative faculties.

e. *Skill in research and documentation*

For a competent presentation of his case, whether it involve a legal memorandum or brief, the lawyer must develop a skill in the use of authoritative legal materials, in the marshalling, interpretation and presentation of factual materials and other elements of proof, in the organization and synthesis of ideas and arguments.

Conclusions

In accordance with the objectives stated above, the following conclusions are indicated:

1. It should be a part of every law student's program that he take courses which contribute (a) to his knowledge and understanding of the fundamentals of the legal system in both its substantive and procedural aspects, (b) to knowledge and understanding of the legal order in its jurisprudential aspects, and (c) to the evocation and stimulation of intellectual skills related to professional competence.

2. It is important that every student have the opportunity to cultivate his special interests and that the curriculum should be so ordered as to permit cultivation of such special interests consistent with the requisite program indicated under paragraph one above.

E. Blythe Stason
Paul G. Kauper

PART II

Specific Course Changes

The Committee recommends changes affecting the following courses: Property, Rights in Land, Civil Procedure III, Practice Court, Evidence, Conflicts, and Taxation. Specific discussion of these changes follows below in the order indicated.

(A) *The First-Year Property Course and the Rights in Land Course*

At present we give seven hours to the first-year Property course. The course in Rights in Land is a three-hour elective course open to second and third-year students. Normally about 75% of our students elect the Rights in Land course.

The Property course consists of two parts, Personal Property and Real Property. The major part of the first semester is devoted to Personal Property questions, and the remainder of the year is devoted to the study of Real Property. More specifically, about 37 hours are allocated to Personal Property and 67 hours to Real Property.

The two casebooks used in the Property course at present are Bigelow's *Cases on Personal Property* and Aigler's *Cases on Titles*. Bigelow's *Cases on Rights in Land* is used in the Rights in Land course.

The Property course in its general reach and scope deals with fundamentals of the law. Likewise it may be said that a substantial part of the course in Rights in Land deals with some fundamental aspects of property law that should be a part of every student's legal education. This is true of such matters as easements and profits, covenants running with the land, and agreements running between landlord and tenant. On the other hand, we have never felt that the course in all its features was so basic as to warrant making it a required course.

The problem we are here concerned with is whether it is feasible to eliminate the present course in Rights in Land, extract from it what we regard as the basic elements and make them a required part of the law student's education through some reorganization of the first-year Property course.

Obviously it is not practicable for a number of reasons to think of simply adding three hours to the Property course as a means of achieving this objective. A more feasible solution is to determine whether by a process of selection and combination respecting both the present Property course and the basic elements of the Rights in Land course, we may construct a composite first-year Property course which can be kept within reasonable limits so far as allocation of hours is concerned.

That something can be gained from such a telescoping process is evident from an examination of a two-volume casebook set apparently designed for just such a purpose. Reference is made to the set prepared jointly by Professors Aigler, Bigelow and Powell entitled *Cases on Property*. The cases included in this two-volume set include treatment of the basic rights in land materials in addition to the subject matters presently taught in our first-year Property course.

Professor Aigler is of the opinion that with the addition of a semester hour to the Property course it may be possible to give satisfactory coverage to the basic rights in land materials. Work has already begun on a revision of the two volume casebook set referred to above in order to make it serve its purpose more satisfactorily. At present it is hoped that the revision will be completed in time to permit use of the revised materials by the beginning of the fall semester, 1951.

The Committee is of the opinion that the revision and expansion of the Property course so as to include the basic rights in land materials will be an important step forward in helping to attain our curricular objectives. Such a revision of the Property course will justify dropping the separate rights in land course from the curriculum and thereby saving three hours in the whole curricular picture.

We realize that the proposed reorganization of the first-year Property course will mean adding a semester hour at the expense of one of the other first-year courses. The Committee is not prepared at this time to make a recommendation with respect to the source of the additional hour for the Property course. Inasmuch as the revised property course will not be offered at the earliest until the fall of 1951 when it is hoped the new casebook materials will be available, it is not urgent at this time to consider the collateral question of where to find the additional hour.

In concluding its discussion of this matter, the Committee wishes to add two further observations. Even though the separate course in Rights in Land will be dropped out of the curriculum in the event the Committee's recommendations are adopted, opportunity will be offered at least on a restricted basis for a specialized study of some rights in land questions through the seminar in Land Utilization which Professor Palmer has indicated a readiness to offer.

A second observation is that in the event the Committee's recommendation is adopted, serious consideration should be given to the possibility of giving two examinations in the first-year Property course, one at the end of each semester.

The Committee's formal recommendation with respect to this matter is as

follows: *that the first-year Property course be expanded to include a treatment of basic rights in land materials and that an additional semester hour be allocated to the Property course for this purpose; this recommendation to become effective as soon as the revised case materials designed for this purpose become available; that the course in Rights in Land be dropped as a separate course in the curriculum, this change to become effective at the same time that the expansion in the Property course takes place.*

(B) *Civil Procedure III and Practice Court*

At present Civil Procedure III is offered as a two hour elective course in the second semester of the second year. It deals with the principles and techniques employed in the trial and review of cases.

Practice Court is a one-hour required course beginning the first semester of the third year and running through part of the second semester. Practice Court work is divided into the long and short term programs. Students who have had two years of Case Club work are required to take only the short term program which does not include briefs and arguments on the substantive law questions.

Professor Joiner is of the opinion that the course in Civil Procedure III can be taught more effectively if integrated with Practice Court work which would then serve as the laboratory phase of the course. The plan he proposes is that Civil Procedure III absorb Practice Court and become a three-hour course offered the first semester of the third year. The course materials would be taught three hours a week for the first ten weeks and the remainder of the time would be devoted to laboratory experience in Practice Court. It is not proposed that the expanded Civil Procedure III be a required course.

In order that all students would have the benefit at least of the Practice Court work, a one-hour Practice Court course would continue to be required of all students not electing Civil Procedure III. Moreover, in order to continue the present incentive given to Case Club work, a distinction would continue to be observed in the Practice Court program based on Case Club participation.

The Committee is of the opinion that the proposal submitted is a sound one and it recommends the same to the faculty for adoption.

The Committee's formal recommendation is as follows: *that Civil Procedure III be moved into the first semester of the third year and expanded into a three hour elective by absorbing our Practice Court program as part of the course; that the present one hour Practice Court course be continued as a required course for students not electing Civil Procedure III and that the present distinction in the Practice Court program based on Case Club participation be continued; this change to become effective at the end of the first semester of the 1950-1951 academic year.*

(C) *Evidence*

Until this year Evidence has been taught as a four-hour course. During the current academic year, the course has been given on an experimental

basis as a three-hour course. The teachers in charge are satisfied to have it continue on this basis. This change meets with the approval of the Committee. In order that formal faculty approval of this change, already effected on an experimental basis, appear on the records, the Committee recommends: *that the number of hours allocated to the course in Evidence be reduced from four to three semester hours, effective with the beginning of the fall semester, 1950.*

(D) *Conflict of Laws*

The faculty will recall that for some years the Conflict course was taught as a four-hour course, running two hours per semester through the entire third year. Two years ago, as part of a program of course compression, the course was reduced to a three-hour, single semester course. Professor Yntema feels that this has resulted in too much compression and that it is not working out satisfactorily. Recognizing the problems created by the former four-hour course, he has proposed that the subject matter of the present course be divided into its two principal components, each of which would then be a separate two-hour course offered in the third year. The one would deal with choice of law problems. The other would deal with problems of jurisdiction.

The Committee are all agreed that it would serve a useful purpose to offer a separate two-hour course in the choice of law problems. Indeed, the Committee is prepared to recommend in the following part of this report that such a two-hour course, known as Choice of Law be made a required course for all students.

The proposal with respect to a separate two-hour course devoted to problems of jurisdiction presents more questions. The chief question relates to the overlapping of the treatment of jurisdiction in the present Conflicts course and also in the proposed two-hour course in Jurisdiction with the treatment of jurisdictional problems in the course in Civil Procedure II. Civil Procedure II, which is a three-hour course offered during the second year, presently elective but one which the Committee in the last part of this report recommends as a required course, deals with basic questions of jurisdiction of courts over the subject matter and person, the special problems of federal jurisdiction, and questions respecting the control and effects of judgments. The Committee's study of the treatment of jurisdictional problems in the Civil Procedure II and in the present Conflicts course as well as in the projected two-hour course in Jurisdiction indicates an overlapping in subject matter and case material study amounting to about seven or eight hours of class work.

The majority of the Committee are of the opinion that it would be appropriate for the school to offer an elective two-hour course in problems of jurisdiction even though it be conceded that such a course would in terms of some of the problems and case materials studied, overlap the present course in Civil Procedure II. In Civil Procedure II the problems are studied with respect to the basic question of the jurisdiction of the Court in connection with the commencement of a law action. In the proposed two-

hour course in Jurisdiction some of the same materials would be studied as part of an over-all consideration of the problem of jurisdiction in its related aspects. The proposed two-hour course in Jurisdiction would be an elective course, and it is not anticipated that all or even a majority of students would elect the course. The majority of the Committee therefore approve the proposal for such a course. The Committee feels though that in the development of this course an attempt should be made to minimize as much as possible the duplication of materials with the Civil Procedure II course and that a more detailed outline of the course should be submitted to the Committee for its consideration before the course is finally approved.

In submitting the formal recommendation below with respect to the two-hour Choice of Law course as a required course for all students, the Committee feels that it should be understood that if this recommendation is adopted the course should be offered in enough sections so that the total number of students in any section will not exceed 75. The Choice of Law problems and materials require careful analysis and discussion, and it is believed that large-size classes which tend to force the instructor to fall back in large part on the lecture method of instruction will tend to defeat the general value and usefulness of the course.

The Committee's formal recommendation is as follows: *that the present course in Conflict of Laws be discontinued, that a separate two-hour course known as "Choice of Law" be offered; that a separate two-hour course to be known as Jurisdiction be approved in principle with power in the Committee to give final approval upon submission of a more detailed outline showing the contents of the proposed course; that these changes become effective with the beginning of the fall semester, 1950, unless in the judgment of the administrative committee and the teachers concerned, it will not be feasible to put the program into effect at that time.*

(E) *Taxation*

For some years now Taxation has been offered as a three-hour elective course during the first semester of the third year. Nearly all of our students take the course. Almost the entire emphasis in the course is placed on federal estate gift and income taxation. Roughly, about two-fifths of the course is devoted to a consideration of estate and gift taxes, and the remaining time is occupied with consideration of the income tax. Extensive use is made of the Internal Revenue Code and Treasury Regulations as well as of interpretative case materials. Considerable emphasis is placed on problem work which requires a substantial expenditure of time and effort by the students.

It is clear that we have already crowded as much as we can into the present three-hour course, but even so, time is lacking for treatment of some important tax problems of a procedural and remedial character; furthermore, the course completely ignores some excise taxes, both federal and state, to which students should have at least some introduction; it also fails to deal with some important questions of tax jurisdiction relevant to both federal and state taxation.

There is considerable justification for allowing an additional semester hour in order to give opportunity for treatment of these additional tax problems. Indeed, a survey of the offerings in taxation at other law schools indicates that a proposal to add one additional semester hour to our taxation offerings is a modest one. A questionnaire survey of courses of taxation in Association law schools conducted by the Association's Round Table Council on Taxation indicates that of the 24 major law schools that were surveyed on this matter which offered a combined course on federal income, estate and gift taxes, over half devoted a total of course hours ranging from 69 to 96 hours as contrasted with our present 45-hour course. Moreover, eleven of the 24 schools offer separate courses in the federal income tax with a semester allocation ranging from 28 to 48 hours and a separate course in federal estate and gift taxes which in the majority of cases was allocated a total semester hours ranging from 30 to 48 hours.

Conceding that there is a justifiable basis for adding at least one semester hour to the time allocated to the study of taxation problems, we do not believe it would be advisable to expand the present course into a four-hour, single semester course. In the first place, this would introduce some third-year scheduling problems. A more important objection, however, is that a four-hour taxation course making intensive use of statutory materials and requiring a considerable expenditure of time and effort in problem work would make undue demands on the students at the expense of other course work. The Committee accordingly is recommending that the taxation course be broken up into two separate courses to be known as Taxation I and Taxation II respectively. Taxation I would deal with income taxation and would also give an introduction to the important procedural and remedial questions referred to above. Taxation II would deal primarily with excise taxation, including death and gift taxes, and some important questions on tax jurisdiction. Neither would be a required course, although Taxaton I is included in the public law area offerings from which minimum elections must be made in accordance with the program recommended in the third part of this report. Taxation I would be a pre-requisite to taking Taxation II but the student taking Taxation I would not be required to take Taxation II.

It is part of the recommendation that Taxation I be offered in the second semester of the second year and that Taxation II be offered in the second semester of the third year. This arrangement offers some concrete advantages. Introduction into the second year curriculum of a course involving intensive use of statutory materials and work on problems would introduce some variety into the case method of study and instruction which presently characterizes the second-year work. It will be advantageous in turn to offer Taxation II in the second semester of the third year, after students have had the opportunity to study future interests in Trusts and Estates II and at a time when some of them will be taking the course in Drafting and Estate Planning. There are also some over-all advantages in the suggested timing and spacing of these two proposed courses. The problem work with its substantial demands on the student's time and efforts will

be spread over a longer period. Furthermore, elimination of the tax course from the first semester of the third year will make it more feasible to shift Civil Procedure III to the third year as proposed above.

The Committee's formal recommendation is as follows: *that the present three-hour course in Taxation be eliminated and that there be substituted in its place Taxation I (income taxation)* and *Taxation II (excise taxes), each a two-hour course, the former to be offered the second semester of the second year and the latter to be offered the second semester of the third year, these changes to become effective with the beginning of the spring semester, 1951.*

(F) *Constitutional Law*

Constitutional Law is a required four-hour course which at the present time is taken by the regular second-year students on the basis of two hours per week through the year. The teachers in charge of the course as well as students generally believe that it would be a distinct improvement to teach the course on an accelerated basis in a single semester. The course was taught during the war period on an accelerated basis. It has also been taught during the last few years on an accelerated basis to students who began their work in the summer session. This experience indicates that this is an area in which adequate absorption and understanding of the course materials is not prejudiced by acceleration. The first semester of the second year would appear to offer the proper stage in the curriculum for giving the course on an accelerated basis, and the Committee so recommends. It is recognized that in order to make this change effective, it may be necessary to make some changes in the scheduling of other second-year courses. The matter of distribution of the teaching load will also have to be taken into account.

The committee's formal recommendation follows: *that the course in Constitutional Law be taught on an accelerated basis as a four-hour course during the first semester of the second-year, this change to become effective at such time when the Dean and the Secretary shall determine it to be feasible by reference to general administrative considerations.*

PART III

Guidance to Students with Respect to Second and Third-Year Courses

The general subject matter of this part of the report will serve to recall the report and recommendations submitted by the Curriculum Committee in February, 1949. It will be remembered that the Committee in its earlier report recommended the elimination of all required courses for second and third-year students and the substitution of a program of recommended courses and recommended areas together with a proposal for setting up of a faculty counselling system to give advice to students with respect to their choice of courses. In view of the ultimate action in recommitting the

report to the Committee, no definitive conclusions can be drawn from the action taken with respect to that report. However, a consideration of the discussion by the faculty of various parts of that report would seem to indicate quite definitely that the faculty did not approve of the complete abandonment of required courses for the second and third year, that it did look with favor upon some kind of program of area elections and that it was well-disposed to the general program of a student counselling service. It is on the basis of these conclusions that the Committee has submitted a revised four-point program at this time. The four-point program consists of the following:

(A) A revised list of the specifically required courses;
(B) A program of required minimum area elections;
(C) A proposal in respect to the preparation of memoranda or syllabi designed to give students some practical advice in regard to their choice of courses, and
(D) Establishment of a student counselling service.

These matters are taken up in the order indicated.

(A) *Revision of required course list*

At the present the following second and third year courses are required of all students:

Constitutional Law	4 hours
Equity II	2 hours
Evidence	3 hours
Practice Court	1 hour

The Committee recommends that the list of courses required of second and third-year students be revised to include the following:

Constitutional Law	4 hours
Civil Procedure II	3 hours
Evidence	3 hours
Trusts and Estates I	3 hours
Choice of Law	2 hours
Practice Court	1 hour

With respect to the foregoing list not much need be said about Constitutional Law, Evidence or Practice Court. These courses are on the required course list at the present time. We believe that they are all important in the training of the law student and have to do with basic matters. This seemed to be the consensus at the faculty meetings last year when the matter of required courses was under consideration.

The course in Civil Procedure II which deals with questions of jurisdiction, in both their constitutional and statutory aspects, and with questions relating to judgments, also deals with basic matters and requires no extended justification for its inclusion in the required course list. Indeed at the time that the faculty approved the reorganization of the procedure

courses and the creation of the new Civil Procedure II course, it committed itself in principle to putting this course on the required list.

The course in Trusts and Estates I deals with questions relating to the creation, interpretation and administration of Trusts. An understanding of the trust concept and of the basic problems arising from the trust device should be considered essential to the training of a law student.

The inclusion of Choice of Law as a two-hour course on the required list assumes faculty approval of the recommendation in the preceding part of this report that such a course be created. The Choice of Law materials deal with questions of unusual significance to American lawyers. They present a good many difficult questions and problems to which every law student should at least have some introduction while in law school and with respect to which a systematic introduction and analysis while in law school would be particularly helpful. This is an area of the law where a student cannot as readily dig out for himself the relevant issues and concepts.

(B) *Required area elections*

(1) *Public Law*

The Committee recommends that each student be required to elect a minimum of three courses from the following group:

Administrative Tribunals	2 hours
Municipal Corporations	2 hours
Labor Law	3 hours
Regulation of Business	3 hours
Taxation I	2 hours

In this area of the law we think it more important that the student get an introduction to current concepts of legislative policy and the use of the administrative tribunal as a vehicle for implementation of legislative policies rather than that he be required to take certain specific courses in this area. It is true at the present time that nearly all of our students take at least one or two hours in the list given above. However, students in general are inclined to minimize elections in this area in order to elect what they consider to be "bread and butter" courses. For this reason we feel that minimum area elections should be required in order to insure a fair introduction to each student with respect to the principles and techniques in this general area.

(2) *Jurisprudential courses*

The Committee recommends that each student be required to elect at least one course from the following group:

Comparative Law	3 hours
Jurisprudence	3 hours
Legal History	2 hours
International Law	3 hours
Theories of Public Law	2 hours

It is the Committee's opinion that every student should take at least one course designed to broaden his legal horizons and to give him some feel or appreciation for law as a science. Here again is an area that students are likely to neglect because of absorption with bread and butter courses. We feel that every student should be able to afford during the course of his law school career at least two or three hours of study of a kind that gets him outside of the analytical study of the legal system and gives him something of an exterior view of the law and legal institutions. A question may be raised about the inclusion of International Law in this group. An argument may be made that the course does not belong in this group but rather in the public law group or perhaps should even be treated as a private law course because a good deal of conventional international law materials have to do with rights and duties of individuals under either accepted usages of international law or statutes or treaties. We believe, however, that there is some justification for including the course in this list of jurisprudential courses. A study of international law does have somewhat the same effect in getting students to see beyond the horizons of his own legal system and in learning to appreciate the significance of non-conventional materials in the fashioning and development of the law.

Although confining its recommendations to the areas referred to above, the Committee before concluding its report on this matter takes this opportunity to express its view on the desirability of extending the number of courses that offer the student opportunity to develop his capacities for legal research and writing and for legal draftsmanship. We agree that the evocation and stimulation of the skills involved in legal research and writing, in the planning of legal transactions and in the drafting of legal documents should be considered important objectives in our program of legal education. Seminars serve as excellent vehicles for student research and writing. Courses such as Corporate Organization and Drafting and Estate Planning serve excellent purposes as media for stimulating the imaginative faculty and introducing the student to the disciplined thinking and use of words that characterize the draftsman's skill. At present we do not offer enough of either the seminar type of course or the type that features planning and draftsmanship to warrant a requirement in terms of area elections. It is our hope that we can see our way clear to such an increase in the number offered of both such types of courses that it will be feasible to give such a proposal serious consideration.

(C) *Preparation of Course Syllabi or Memoranda*

Although the recommended revision of the required course list and adoption of the recommended program of minimum area elections mark considerable progress in the matter of giving more definite guidance to students with respect to the second and third-year courses, the Committee feels there is still considerable room for further advice and assistance to students in the matter of course elections. Even with the adoption of the above recommended proposals, there will still be considerable opportunity for students to make course elections, and in making such elections they will

be guided by available sources of advice. The tradition of law student elections carried over from one generation of law students to another is itself one important factor in the pattern of student elections. Some students solicit the informal advice of faculty men with respect to course elections. One difficulty students have in making choices is that they are not always well-informed of the nature of the courses that are open to them for election and not in a position to appreciate the function or utility of the course. The Committee believes that much good could be accomplished through the preparation of a statement, possibly in a mimeographed form, to be distributed to students during the registration period, designed to give them some practical advice and information in respect to course elections. Such a statement could include at the outset some general observations and advice in matters to be considered in choice elections, followed by a statement in detail with respect to each of the elective courses, giving some more detailed picture of the contents of the course than that afforded by the brief statement that appears in the Law School Bulletin and also appraising its usefulness and value by reference to various factors that a student may consider important. At least we feel that such a statement offers enough promise of concrete helpfulness to students that it would be well worth making the effort. We therefore submit the following recommendation: *that the faculty authorize the preparation by the administrative officers acting jointly with the Curriculum Committee of a statement intended for distribution to students and designed to furnish concrete and helpful suggestions on the matter of course elections, including a specific and detailed statement with respect to each of the elective courses.*

(D) *Faculty Counselling*

The Committee repeats the conclusion set forth in its report last year that some program of academic counselling should be inaugurated in order to systematize the informal aid presently given by the faculty to the students with respect to their curricular programs.

It would be the function of the counsellor to check the elections of the second and third-year students both in regard to observance of the specifically required course and minimum area election programs and in regard to the student's choice of free electives. As previously noted, individual faculty members do give advice to students on occasion when such advice is sought but this assistance is of a sporadic and informal character. It is our proposal that prior to registration each semester the Dean appoint from the faculty a group of counsellors who would be freely accessible to students at stated times and places during the registration period and who would be charged with the responsibility of checking the student's program and counselling him with respect thereto. This task could be rotated among faculty members so as to insure an equitable distribution of the burden on the faculty.

The adoption of the proposal under (C) above with respect to the preparation of a curricular statement to be offered to the students would con-

siderably facilitate and simplify the work of the faculty counsellors by giving them some basis for advice and opinion that could be said to represent a consensus of faculty thought. In turn the persons serving as counsellors from year to year would be in a position on the basis of their experience in dealing with student inquiries to suggest revisions in the official statement which would tend to make it more helpful to the students. The Committee recommends therefore: *that a faculty counselling service as briefly outlined and described above be made available for second and third-year students beginning with the 1950 fall semester.*

Conclusion

By way of recapitulation of the specific proposals set forth in Parts II and III of this report, the Committee herewith submits to the faculty the following recommendations:

(1) That the first-year Property course be expanded to include a treatment of basic rights in land materials and that an additional semester hour be allocated to the Property course for this purpose; this recommendation to become effective as soon as the revised case materials designed for this purpose become available; that the course in Rights in Land be dropped as a separate course in the curriculum, this change to become effective at the same time that the expansion in the Property course takes place.

(2) That Civil Procedure III be moved into the first semester of the third year and expanded into a three-hour elective by absorbing the Practice Court program as part of the course; that the present one-hour Practice Court be continued as a required course for students not electing Civil Procedure III and that the present distinction in the Practice Court program based on Case Club participation be continued; this change to become effective at the end of the first semester of the 1950-51 academic year.

(3) That the number of hours allocated to the course in Evidence be reduced from four to three semester hours, effective with the beginning of the fall semester, 1950.

(4) That the present course in Conflict of Laws be discontinued; that a separate two-hour course known as "Choice of Law" be offered; that a separate two-hour course to be known as Jurisdiction be approved in principle, with power in the Curriculum Committee to give final approval upon submission of a more detailed outline showing the contents of the proposed course; that these changes become effective with the beginning of the fall semester, 1950, unless in the judgment of the administrative officers and the teachers concerned, it will not be feasible to put the program into effect at that time.

(5) That the present three-hour elective course in Taxation be eliminated and that there be substituted in its place Taxation I (income taxation) and Taxation II (excise taxation), each a two-hour course, the former to be offered the second semester of the second year and the latter to be offered the second semester of the third year; that these changes become effective with the beginning of the spring semester, 1951.

(6) That the course in Constitutional Law be taught on an accelerated basis as a four-hour course during the first semester of the second year, this change to become effective at such time when the Dean and the Secretary shall determine it to be feasible by reference to relevant administrative considerations.

(7) That the list of courses required of second and third-year students be revised to include the following: Constitutional Law, Civil Procedure II, Evidence, Trusts and Estates I, Choice of Law, Practice Court.

(8) That each student be required to elect a minimum of three courses from the following group: Administrative Tribunals, Municipal Corporations, Labor Law, Regulation of Business, Taxation I.

(9) That each student be required to elect at least one course from the following group: Comparative Law, Jurisprudence, Legal History, Theories of Public Law, International Law.

(10) That the faculty authorize the preparation by the administrative officers acting jointly with the Curriculum Committee of a statement intended for distribution to students and designed to furnish concrete and helpful suggestions on the matter of course elections, including a specific and detailed statement with respect to each of the elective courses.

(11) That a faculty counselling service as briefly outlined and described in Part III-(D) of this report be made available for second and third-year students beginning with the 1950 fall semester.

March 29, 1950

Respectfully submitted,
RALPH W. AIGLER
JOHN P. DAWSON
SAMUEL D. ESTEP
MARCUS L. PLANT
LEWIS M. SIMES
PAUL G. KAUPER, Chairman

2. REPORT AND RECOMMENDATION OF THE CURRICULUM COMMITTEE RESPECTING REVISION OF THE FIRST-YEAR COURSE, INTRODUCTION TO LAW AND EQUITY: FEBRUARY 5, 1958

SOURCE: *Faculty Minutes, 1955—*, pp. 570-82.

The present introductory course entitled *Introduction to Law and Equity* is a two-hour credit course that extends through the first semester of the first year. About 36 class hours are devoted to the course which consists of three principal parts: (1) history of the common law with emphasis on the development of the writ system and a rather intensive case treatment of the common law forms of action; (2) the rise and development of equity jurisdiction followed by a rather intensive case treatment of injunction against tort; (3) underlying features of our legal system based on the study of some of the materials included in Shartel's *Our Legal System and How It Operates.* It is sufficiently accurate to say that 10 to 12 class hours are devoted to each of these three subject matters although there appear to be

substantial variations on the time allocated to each part depending on the instructor who teaches the course.

The Curriculum Committee has given a good deal of attention to this course with the thought in mind of recommending substantial revisions. . . . Before discussing the problems raised by the course as presently given, it may be worthwhile to summarize briefly the rather extended and uncertain history of the course since its inception in 1946. This is the case of a course with a short life but a long history.

In 1945 Dean Stason submitted a memorandum to the Curriculum Committee suggesting the introduction of an introductory first-year course on the legal system and giving a proposed outline of topics to be dealt with in such a course. As Dean Stason stated in his memorandum the objectives of the proposed course should be: "(a) *orientation* rather than *information;* (b) *stimulation* by developing interesting subject matter rather than *penetrating analysis* of legal problems; (c) presentation of certain *general features* of the legal system rather than *close examination* of a given period of the law." The Committee at that time gave the matter extended study on the basis of the Dean's memorandum and submitted a report to the faculty dated January 18, 1946 in which it recommended that a two-hour introductory course be incorporated into the first semester of the first year of the law school curriculum, having as its general purpose the objectives stated in the Committee's report, and recommending that the content of the proposed course conform in a substantial way to the outline attached to the Committee's statement. The Committee report stated that the course proposed by it would serve briefly to acquaint the student with the general features of our legal system, the historical development of the common law, methods and significance of case study, the nature of the legislative process and the techniques of handling legal materials generally.

The faculty adopted the Committee's recommendation and the introductory course, known at that time as *Introduction to the Legal System* was given for the first time during the 1946 fall semester. When the course was first offered, it consisted of 24 class hours of which about two-thirds were concerned with the historical development of the common law, including a study of the formulary system, organization of courts and steps in a civil action. The remaining one third was devoted to materials of a jurisprudential character having to do with the ends of law, creation and types of legal norms, binding force of legal norms, and the application and interpretation of norms. No credit was given for the course at that time. Actually the course did not displace any other semester hour in the first-year program, since the 24 class hours were gained at the expense of the various first-year courses given during the first semester, that is, these courses were asked to contribute pro rata from their assigned hours in order to allow opportunity for the presentation of the introductory materials.

In its report of February 4, 1947 the Committee again dealt with the introductory course. On the basis of recommendations made by Dean Stason and Professor Shartel who taught the course when it was first given,

the Committee submitted further recommendations in regard to the same. It was thought that the 24 hours allocated to the introductory course were not completely adequate for the other subject matters which should be treated in the course exclusive of instruction in the use of library and the reading of cases. The Committee accordingly proposed that a substantial part of the time available for first-year students during registration week be utilized for purposes associated with the introductory course. Part of this time would be used in making beginners acquainted with the library and its use. Part of it would be used for lectures on the reading and briefing of cases, and part of it for class meetings to consider such matters as steps in a civil action and some other preliminary matters of a fairly simple and practical nature. Accordingly the Committee recommended that the introductory course be expanded to a total of 35 hours, including 10 hours to be used during registration week for instruction in the use of library and for presentation of materials on steps in a civil action. The remaining 25 hours would then consist of the materials already developed at the time the course was first taught, with a breakdown roughly as follows: legal history, 12 hours; legal profession and legal ethics, 3 hours; the judicial process etc., 10 hours. Under the plan as recommended the course following registration week was to continue one hour per week through the first semester and the 10 additional hours were to be taken during the first two weeks of the regular semester from the standard first-year courses. A further change made at that time was to recommend that a one-hour credit be allowed for the course. This was made possible since the course in Judicial Administration was at that time reduced from four to three hours.

As modified in 1947, the introductory course continued unchanged until the beginning of the academic year 1953-1954. The course came up for further extended consideration again in 1952. In his discussions with the Committee at that time Professor Shartel stated that more time was needed for the development of the jurisprudential materials dealt with in the introductory course. He felt too that the course should definitely have a status as a two-hour credit course. In addition to giving consideration to Professor Shartel's suggestions, the Committee also gave considerable thought at that time to the idea that an introductory course in the first year should serve as a good medium for introducing students to the problems of legislation. Accordingly, the Committee in its report dated March 13, 1952, as part of a series of recommendations that related to other courses as well, recommended a substantial expansion of the time allocated to the introductory course in order to permit more class hours for the study of legal methods materials as well as allow 15 class hours for study of workmen's compensation legislation. This recommendation received extensive faculty consideration and was withdrawn after various objections were voiced to the plan as proposed.

The introductory course received further consideration in the Curriculum Committee's report of February 5, 1953. At that time the Committee recommended that the introductory course be expanded into a three-hour course, running two hours per week during the first semester and two hours

a week during the first half of the second semester. The purposes of the expansion were (1) to allow additional time for consideration of the legal methods materials and (2) to permit an extended treatment of equity materials, including materials dealing with the problem of injunction against tort. This latter element was introduced into the course to compensate for the fact that the Committee was at that time recommending that the course in Equity II be discontinued. The allocation of time for the various subjects to be included in the introductory course as then proposed to be amended was as follows:

Common law forms of action—10 hours
Introduction to equity—10 hours
Legal methods—25 hours

The faculty approved the recommended changes. The course as so modified was designated *Introduction to Law and Equity.*

It may be mentioned that the expansion of the course to give three credit hours was made possible both because of the integration of Equity I and the Contracts course and a reduction of the Crimes course from four to three hours, a reduction which had previously been approved by the faculty but which did not become effective until the fall semester of 1953.

Finally, the introductory course again came before the faculty in 1955. At that time the Committee proposed further changes in the course on the basis of views submitted to it by instructors who had been teaching the three-hour course. It was felt that the time allotted to the legal methods materials could be reduced some. Moreover, the instructors teaching the Crimes course felt that the course was suffering from the class hour contraction that became effective in 1953. Accordingly, the Committee recommended that the introductory course be reduced to a 36 class hour course, carrying a two hour credit, with hours to be allocated to the three principal subjects as follows:

Forms of action—14 hours
Equity—8 hours
Legal methods—14 hours

In turn, it was proposed that the nine hours thus saved from the introductory course be added to the Crimes course, thereby giving this course a total of 54 class hours. For purposes of Law School bookkeeping it was recommended that the Crimes course then be listed as a four hour credit course. This proposal was adopted by the faculty and became effective beginning with the school year 1955-56. This is the arrangement presently in effect.

This extended survey of the history of the introductory course demonstrates that we have experimented a good deal in attempting to work out a satisfactory introductory course, that we have not been clear in our objectives, and that we have improvised at the expense of unity and coherence in order to make the introductory course serve curricular needs not otherwise provided for but irrelevant to the central purpose of an introductory course. Thus, upon the elimination of the Equity II course, it was thought

desirable to continue to give the students some materials on problems relating to injunction against torts, and for this reason this material was added to the introductory course. The result of the several changes and improvisations has been that the course as it has evolved to date lacks a unifying purpose and coherent content.

We come then to a consideration of specific features of the present course and proposals for revision. First of all, there is general agreement that an introductory course, whatever other purpose it may serve, is not the proper vehicle for attempting to deal with the general subject of injunction against torts. It is recognized of course that a historical development of equity jurisdiction properly fits into a conception of an introductory course, but the attempt to use the course as a means of dealing with the problems peculiar to injunction against torts seems inappropriate both because the discussion of the problem at this level of the student's legal education is premature and because the introductory course should not be utilized as a means of dealing with substantive law problems. It was pointed out above that the reason for injecting injunction against tort into the introductory course was to compensate at least in part for the elimination of the Equity II course. Moreover, there seems to be a pretty general agreement that the introductory course should not be used as a vehicle for any extended treatment of jurisprudential materials. Here, again, it is recognized that it is appropriate in an introductory course to introduce the student to some basic features of the operation of the legal system, to understand the function of the common law system, the significance of the judicial law-making method, the significance of stare decisis, what is meant by the holding of the case, etc. On the other hand, the student is not far enough advanced when he takes the introductory course to warrant any extensive or intensive exploration of jurisprudential problems.

Some question has been raised also as to the inclusion of any treatment at length of common law forms of action. Here again, it is agreed that an introductory course properly serves the function of a historical introduction to our legal system and that some development of the common law forms of action is indispensable as part of the history of the common law as well as to furnish some necessary background and information for the student's guidance in dealing with the law school courses. Precisely how much attention should be given to the forms of action and in what detail they should be examined is a matter in which there probably cannot be any general agreement.

What then should be the purpose and function of the introductory course, and what should be its contents? This question presupposes the desirability of some kind of an introductory course, and the Committee is satisfied that we should continue to have such a course. We believe that it should be a course designed to serve as an introduction to our legal system and that this introduction should be historical in its orientation. In our opinion an emphasis on history is warranted because the student should have the depth and background that enables him to see how our present institutions originated and evolved, to develop some awareness of the impact of histori-

cal forces in helping to fashion the legal system, and to understand with greater perceptiveness the ideas and processes which as modified and adapted continue to play a central part in the operation of our legal system.

So far as the specific contents of such a course are concerned, we must naturally leave a fair amount of freedom to the instructor in respect to fashioning of the course, the particular elements to be stressed, and the kinds of materials to be used. We do believe, however, that such a course should place considerable attention upon at least the following elements: (1) the development of the common law system, including treatment of the development of the court system, the writ system and forms of action; (2) the rise and development of equity jurisdiction although not attempting to use this part as a means of concentrating on the substantive treatment of any particular equity problems; (3) the American reception of the English law and law making processes; (4) the legislative method of law making and of dealing with legal problems. Respecting the inclusion of the fourth item, namely, the legislative method of law making, it should be emphasized that it is not intended to make the course serve the purpose of an introduction to legislative problems generally, but rather to create a student awareness and appreciation of the legislative method in the total development of law making process. Here the emphasis could be either upon the legislative movement in our country beginning in the last century or perhaps even upon the civil law code system with its roots in Roman law. In any event some treatment of legislation cannot be ignored in any historical introduction to the legal system.

It will be noted that the foregoing suggested breakdown of the principal subjects of a proposed historical development does not include any systematic analysis and description of the operation of our legal system. If one desirable purpose of an introductory course is to acquaint the student with some elementary ideas and principles in regard to the common law method, the significance of the case system in the development of law, stare decisis, etc., it may appear that such a purpose is sacrificed if we adopt a course that centers the student's introduction to the legal system in terms of history rather than in terms of ideas and methods basic to the operation of the system. The Committee believes however that these objectives in regard to the operation of a legal system can very well be incorporated in the context of a historical development. Thus in the treatment of the materials relating to the rise and history of the English common law system opportunity is presented for an examination of the nature of the judicial power, limitations on its use, the doctrine of precedent. The Committee is concerned that these elementary matters, important to first-year students, receive some treatment as part of the introductory course, and we believe that the instructors developing the course on a historical basis will find adequate opportunity for doing so.

The Committee recommends that the present allotment of time for the introductory course, namely 36 hours, be retained. It is probable that a satisfactory development of a course of this kind will in the end require

more hours, but at this point the Committee is not prepared to make any recommendations that will open up additional hours in the first-year curriculum. In giving a title to the course as herein proposed to be revised, we believe it will be appropriate to restore the title originally used, namely, *Introduction to the Legal System.*

As indicated above, while the general objectives of the course and the principal matters to be dealt with are properly a matter for faculty determination and approval, much discretion must necessarily be accorded to the instructors who teach the course in regard to points of emphasis, teaching methods, and types of materials to be used.

This report leaves a major question unanswered. The elimination from the introductory course of the present treatment of the problem of injunction against tort will mean that students will not have any introduction to these questions as part of the law school curriculum. At this time the Committee has no recommendations to make for the solution of this problem, although we recognize that it exists and have given the matter considerable thought. At present the Committee's thinking is that these materials will be best incorporated into the first-year Torts course, although additional hours will have to be allocated to this course if this is to be done. An alternative may be to revive a separate course in Equitable Remedies, although the Committee's thinking does not point in this direction. We are concerned with the question and do expect to come before the faculty some time in the future with a further recommendation respecting the treatment of equity problems which presently go unattended so far as the law curriculum is concerned.

A further problem is presented regarding the time when the recommended revision of the introductory course becomes effective. The Committee would like to have the revised course taught beginning with the fall semester of the 1958-1959 academic year. But since the teaching of the revised course will mean shifts in teaching loads and present some new problems in respect to faculty personnel, it may not prove feasible to attempt to make the revision of the introductory course effective at the beginning of the next school year. Accordingly, what we propose is that the recommended revision become effective beginning with the academic year 1958-59, provided that the problems of teaching personnel generated by this recommendation are solved by that time. It is implicit in this proposal that the present introductory course will be continued until we are in a position to start teaching the revised course.

Recommendation

The Committee accordingly submits the following recommendation:

That the first-year introductory course, now known as *Introduction to Law and Equity,* be revised in order to serve the purpose of a historical introduction to our legal system, in accordance with the views set forth in this report, that the course as revised be designated *Introduction to the Legal System,* and that the revision become effective with the academic

year 1958-59, provided that a satisfactory solution of the teaching personnel problem is reached by that time.

Respectfully submitted,
The Curriculum Committee
OLIN L. BROWDER, JR.
LUKE K. COOPERRIDER
SPENCER L. KIMBALL
S. CHESTERFIELD OPPENHEIM
PAUL G. KAUPER, Chairman

February 5, 1958

V:8. REPORT OF THE CURRICULUM COMMITTEE: 1956

SOURCE: *Faculty Minutes, 1955—*, pp. 154-55.

(1) *Civil Procedure I.* This course is part of the required first-year curriculum. It is a three-hour course taught during the second semester. The course may properly be called a course on Pleading and Joinder. As taught at present, the course is almost completely a course that involves the case method of study. It is substantially accurate to say that about one-half of the course is spent on a study of the problems of joinder (the scope of a cause of action) and about one-third is devoted to a study of pleading. There is some reference to statutory materials, and the students in one of the sections are required to do some written work. But on the whole the course follows a case method of instruction.

(2) *Civil Procedure II.* This is a required three-hour course which is taken by students during the second year. Normally it is offered in the first semester of the second year. The course may properly be labeled as a course in Jurisdiction and Judgments. This title is adequate to give some picture of the materials dealt with in the course, namely the basic concepts relating to jurisdiction of courts over persons and subject matter in civil proceedings (including the special problems of federal jurisdiction), and problems with respect to the control and effect of judgments. The case method of study is followed in this course.

(3) *Civil Procedure III.* This course is offered on an elective basis to third-year students. It is a three-hour course. This course for descriptive purposes may be entitled Trials and Appeals (or, as pointed out later, Trials, Appeals and Practice Court). It deals with a number of specific civil procedural questions as they arise in the conduct of a trial and the taking of an appeal. Although case materials are used as part of the study materials in this course, a large part of the students' time is given over to what is described as practice laboratory work or practice court work which involves the students in problems having to do with the preparation and trial of a case. An extra assignment is given to students who have not successfully completed two years of Case Club work. It is not strictly accurate to say that the course is elective since under present rules the student must elect either this course or the separate Practice Court course.

(4) *Practice Court.* This is a one-hour credit course required of all

students who do not elect Civil Procedure III. This is essentially a course in the preparation of pleadings, and again there is an extra assignment for students who have not successfully completed two years of Case Club work. The pleadings prepared by the student in the Practice Court course are examined and criticized by assistants from the local Bar. Faculty members do not read or criticize the pleadings.

(5) *Evidence.* This is a required three-hour course given during the third year. The report is not concerned in any way with the course in Evidence, but the course is listed here in order to complete the introductory picture of the procedure courses.

V:9. Report of the Law Faculty on the Graduate Program: 1912

Source: *Faculty Minutes, 1910-1920,* pp. 509-11.

Your Committee appointed at the meeting held February 17, 1912, to consider the advisability of an optional fourth year leading to the degree of Master of Laws, and to present a tentative plan for such a year, reports as follows:

I.

The Committee is convinced that there is sufficient demand for such a course, and that it will be of sufficient advantage to those taking it to amply justify its establishment. Several members of the present senior class have already expressed their desire to take such a course, and there are many requests for it from graduates of other law schools. The great development of the old subjects in law and the growth of new subjects, or at least of new phases of old subjects, has made it practically impossible to cover the field of law in three years. While it is not vital that well prepared and capable students should cover in class every topic of law, yet there is some advantage in their doing this. But the proposed fourth year is of particular advantage to students who have had only our minimum entrance requirements, and who, in addition to the information acquired from the courses given in the fourth year, would benefit greatly by the additional year of mental discipline and training.

II.

The Committee makes the following recommendations as to admission to the fourth year and as to work to be pursued in it:

(1) The course shall be open to persons holding the degree of LL.B. granted by this University, or by any approved Law School, provided that the applicant has maintained a high standard of scholarship in the law school from which he obtained his degree. Those who have received their degrees from other law schools must present certificates from such schools showing in detail the courses taken and the scholarship grades obtained in each course, and must, in addition, present a statement from the Dean or other officer of such school to the effect that the applicant is qualified to

pursue further work in law and is recommended therefor. This may be in a separate communication, or in the certificate above referred to. Graduates of the Department of Law of the University of Michigan will be admitted as candidates for the degree of LL.M. only upon obtaining permission of the Dean. It is proposed to admit to the course only those students whose records indicate that they are above mediocrity and will derive genuine benefit from further law work.

The degree of LL.M. will be conferred upon those students who shall have completed the course as prescribed by the faculty.

(2) Candidates for the degree of LL.M. shall take not less than ten (10) nor more than twelve (12) hours of work each semester. This work shall be elected

(a) from courses given in this Department for which the candidate has not already received credit, if he be a graduate of this Department, nor of which he has not had the equivalent, if he be a graduate of any other law school. All candidates for this degree shall be required to take the courses in Roman Law and in the Science of Jurisprudence, provided they have not received credit for said courses or their equivalents. And

(b) from courses offered by the Department of Literature, Science and the Arts directly connected with or collateral to some phase of the law. Such courses as the two in Public International Law (six hours), Constitutional History of England (six hours), Constitutional History of the United States (six hours) and certain courses in Political Economy are of the types preferred.

A least fifty per cent of the work must be elected from courses given in this Department, provided, however, that in special cases permission of the faculty may be granted to vary from this requirement.

III.

The work of this fourth year shall be under the special supervision of a committee to consist of the Dean, Secretary and three other members of the faculty to be appointed annually by the Dean with the consent of the faculty.

(signed) HENRY M. BATES
JEROME C. KNOWLTON,
EDWIN C. GODDARD,
HORACE L. WILGUS,
W. GORDON STONER.
Committee.

V: 10. COMMUNICATION OF LAW FACULTY TO THE REGENTS: 1915

SOURCE: *Regents' Proceedings, 1914-1917,* pp. 162-64

TO THE HONORABLE BOARD OF REGENTS:—

Your attention is invited to the following, for consideration if possible at your meeting called for April 22, 1915.

The enormously expanding volume of law during the last quarter

century, the almost totally new fields, especially in public law, and the more intensive and thorough methods of legal instruction required under modern conditions have made a problem in the framing of law curricula which law faculties have found it difficult to solve. This may best be indicated briefly by the statement that the Law School of this University is now offering strictly professional work, which taken at the normal rate would require a student to remain in the Law School about five years, and including such collateral subjects as Roman Law, Jurisprudence and History of Law would keep a student here quite six years. It is not important that every student take all of these subjects, but it is important that all students take more of these subjects than can be obtained in a three years' curriculum. The elective system has only partially met the difficulty.

This problem has been discussed at different times during several years by this faculty, and some months ago a committee of five was appointed for the purpose of considering and reporting with reference to the matter. The report of that committee was presented to the faculty at a meeting held April 9, 1915, and after careful discussion was adopted. In substance the faculty action based upon this report is as follows:—

First. The faculty recommends that in view of the rapid raising of entrance requirements and of standards of work during the last few years we should not make a four years' course obligatory at once.

Second. The faculty does recommend that from the courses already offered we construct a graded and logically arranged four-year course, and that said course should include, besides the work already prescribed in the three-year course, the following required subjects: Roman Law and Comparative Law, three hours; Jurisprudence, three hours; History of English Law, three or four hours.

Third. The faculty recommends that students on the four years' course be required to earn at least ninety-six (96) hours of credit in order to obtain a degree.

Fourth. That students on the four years' course who maintain an exceptionally high standard of work in three-fourths of their subjects, computed on the hour basis, shall be granted the degree of Juris Doctor (J.D.), and that those students who complete this course with satisfactory scholarship, but not of the exceptionally high standard required of those who receive the degree of J.D. shall be given the degree of Master of Laws (LL.M.).

It will be noted that the recommendation is that those students taking two years in college and four years in the Law School be put on the same basis, so far as degrees are concerned, as those who take three years in college and three years in the Law School. Of course those who take but two years in college will not under this arrangement receive any college degree.

I may add that I have given a great deal of thought to this subject and am firmly convinced that the proposed move is in the right direction and that it will mark the next big step in advance taken in legal education. I

have reason to know that at least three other schools are seriously considering making such a course as is above outlined.

The Carnegie Foundation for the Advancement of Teaching has been making a comprehensive study of legal education and admission to the bar during the last two years. As a part of this study, Professor Redlich, of Vienna, Austria, was invited to this country to consider the subject of instruction in law schools. Professor Redlich's report was made public April 5, and I note that it includes among its three recommendations the adoption of a four-year course for all law students.

The organization of this optional four-year course will not involve any additional expense. We are now offering all of the work we shall need for such a course, and the slight additional amount of teaching time and the additional class room space can be provided for from our present equipment.

I respectfully request, therefore, on behalf of the faculty of law that the proposed optional four-year course in law be approved and authorized, and that the granting of the degrees of LL.M. and J.D. to those who complete this course also be authorized by your Board.

The reasons for offering such course I have set out at greater length than would be proper for an official communication of this kind in the April number of *The Alumnus,* copies of which will be mailed to the members of your Board before its next meeting.

HENRY M. BATES
Dean of the Law School

April 14, 1915

V: 11. COMMITTEE REPORT ON GRADUATE WORK: 1944

SOURCE: *Faculty Minutes, 1940-1945,* pp. 249a-49j

To the Members of the Law Faculty:

According to the best information obtainable, the University of Michigan has awarded 194 LL.M. degrees and 32 S.J.D. degrees. The first Master of Laws degrees were given in 1890; the first Doctor of the Science of Law degree in 1927. It would seem that, although the number of graduate degrees in law is small compared with the number of undergraduate law degrees awarded over the same period of time, it has been sufficient to justify some taking of stock on the basis of our experience and some restatement of our objectives. Moreover, since the beginning of the present war, the character and extent of our graduate work has changed; and without doubt further changes may be anticipated when the war closes. These changes, actual and prospective, furnish additional reasons for the presentation of the report which follows.

In brief, three questions are proposed to be considered in the light of our experience: (1) What should be the objectives of the graduate student in pursuing a course of graduate study? (2) How are these objectives attained in the present graduate curriculum? (3) Is our graduate work to be justified solely for its contribution to our research program? Or does it have in-

dependent importance as a part of our organization for legal education? . . .

On page 17 of the current Law School announcement, the following statement of the objectives of students in undertaking graduate study is made: "Such instruction [i.e. graduate instruction in law] is especially valuable for members of the bar who desire to specialize in particular branches of the law or who wish to extend their knowledge of the legal field; for law teachers and prospective law teachers who wish to carry on advanced study and original research under faculty supervision; for members of the bar in foreign countries who desire to extend their knowledge of the laws of the United States and to engage in comparative legal research; and for recent graduates who wish to pursue an additional year of law training with emphasis on some field of specialization which may or may not include advanced work in a related field of graduate study such as public administration or business administration." It is believed that this still provides a fairly adequate statement of meritorious student objectives in taking graduate work. First it tells us that graduate instruction is offered for four classes of persons—law teachers, actual or prospective; members of the bar; members of the bar of foreign countries; recent law graduates. Why should each of these classes of persons take graduate instruction? The law teacher's objective is clear. He wants the broadening effect of courses in Jurisprudence and Comparative Law; and, if he is without much experience, he also hopes to derive benefit from specialization and from training and supervision in legal research. These things should make him a better teacher. Persons of the second class, members of the bar of the several states, in past experience seldom have enrolled for graduate instruction unless there was a desire to enter the law teaching profession. However, it is believed that one of this class of persons might well be justified in taking graduate work for either of two purposes—to specialize in a particular field of law, or to supplement an inadequate legal education obtained in a second-rate law school. . . . The third class of persons indicated for graduate instruction consists of members of the bar of foreign countries. . . . Without doubt, if Inter-American relations continue to grow closer, training in comparative law and in the Anglo-American legal system will become more valuable to Latin-American lawyers. To be a pioneer school in adapting graduate work to the needs of this class of persons is believed to be of distinct importance in our scheme of legal education. The fourth person for whom graduate work is offered is the recent graduate. His objective may be either to specialize, or to take courses in public administration or business administration, because he believes a fourth year of law will better fit him to practice or to enter government service; or, if he is a graduate of some reputable law school which does not offer a course quite equal to that given in the best educational institutions, his objective may be to supplement a somewhat inadequate undergraduate law course.

While the objectives named cover the ground fairly well, it is believed that two objectives, included within these, deserve further emphasis. First, the number of our graduate and undergraduate students who enter the field

of government service is increasing. A graduate year can add greatly to the student's fitness to enter certain lines of government employment. Second, it is believed that a fourth year of law leading to the LL.M., rather than refresher courses, may in some instances be desirable for returned soldiers and sailors who have been in the armed services for a considerable time and who have lost touch with legal work.

Our second question is: Does the graduate curriculum attain the objectives named? Two degrees are offered. The S.J.D. is primarily for the law teacher or prospective law teacher. Emphasis is upon the thesis. This must be a worthy piece of legal research. It cannot be completed within the year of residence. The LL.M. would seem to be the preferable degree for other classes of persons. It ordinarily includes some research; but the extent of this research is ordinarily less and the extent of course work more than for the S.J.D. Indeed, in particular cases the LL.M. degree may be given merely for a fourth year of course work and without any research. The LL.M. is ordinarily given at the end of one graduate year. It is also given at the end of one year to candidates for the S.J.D. degree who have met certain requirements. For a complete statement of the requirements for these graduate degrees, see pages 21 to 23 of the current Law School announcement. As therein appears, the curriculum is extremely flexible for both degrees. Jurisprudence and Comparative Law are ordinarily taken by candidates for the S.J.D. degree. No specific courses are required for the LL.M. degree. For either degree, seminars in the law school may be elected as well as advanced courses; and some election in other colleges on the campus is permitted. Thus, it would seem that our graduate curriculum is adequate for student objectives to the extent that the law school and the other colleges on the campus offer seminars and other elective courses adapted to the needs of the students.

Our third question relates, not to the objective of the student, but to the objective of the law school. Is our graduate work to be justified solely for its contribution to our research program? Or is it justified as graduate instruction? It is, of course, possible to take the position that graduate instruction will be tolerated only to the extent that it produces worthwhile research which can be published. Even viewed from that standpoint . . . a considerable amount of legal research by graduate students has been published. Four of the five volumes of the Michigan Legal Studies which have appeared are essentially the Doctor's theses of four graduate students. And the number of graduate theses, or parts of theses, which have appeared in the Michigan Law Review in the past ten years is quite considerable. Nevertheless, it must be conceded that a student's first major attempt at legal research, while it may be creditable, is seldom noteworthy. And unless our graduate students have had some experience in legal writing before they come to us, their theses are not likely to become legal classics.

It is believed, however, that graduate work can be justified for its own sake, both because of the relation of a graduate student body and a graduate curriculum to any scheme of legal education and also because of the record of our own graduate work. First of all, it would seem that the offering of

an adequate course leading to the S.J.D. degree has become the mark of a member of the top group of law schools in the United States. Law teachers expect the "big four" schools to offer graduate work leading to the doctor's degree in law. Moreover, the sending out, year after year, of law teachers with our graduate degree adds to our influence throughout the law schools of the country. But entirely aside from mere prestige—and certainly a graduate curriculum could not be justified for that reason alone—the very fact that mature scholars come here year after year and that advanced courses are prepared by our faculty for them, would seem to have some important influence upon the scholastic atmosphere of the institution. A school is often known in part by its specialists; and while these specialists may develop without any graduate courses, such courses may well stimulate the development and recognition of specialists. But most important of all, graduate instruction is believed to serve an important function in making better law teachers and better governmental servants, and better practicing lawyers.

Turning to the personnel of our graduate student body, it can scarcely be denied that, to some extent, at least, we have been performing the functions and attaining the objectives outlined herein. It is true, some of our graduate students have fallen into oblivion (or remained there), but the same can be said of some recipients of our LL.B. and J.D. degrees. On the other hand, since the time when the S.J.D. degree was first offered (1925) seventeen teachers of law schools which are members of the Association of American Law Schools have taken graduate work in this institution . . . .

Although your committee believes that our graduate program has significance for its own sake and not merely as an aid to research, it also believes that, whenever it can be done without impairing the quality or efficiency of the graduate work, the graduate program should be related to the research program. . . . It might in some cases, after the close of the war, be desirable to bring persons here in the first instance as part-time research assistants, allowing them at the same time to carry on graduate work on a part-time basis. In conclusion, your committee submits this report primarily to provoke helpful discussion and suggestions. While we believe that the graduate work of the law school is valuable entirely aside from the research program, our only recommendation is that wherever possible, the graduate program should be integrated with the research program. Not only will this improve the quality of research, but it is also likely to result in better training of graduate students.

SUPPLEMENTAL REPORT BY THE COMMITTEE ON GRADUATE WORK: APRIL 11, 1944:

NOTE: The Law Faculty voted to approve the report as presented.

At a meeting of the law faculty on March 28, 1944, it was agreed that the general policy of requiring graduate fellows without considerable experience in legal research to work in connection with some research project is desirable. Your Committee was requested to prepare a supplemental

report indicating the manner in which this policy would be carried out. Pursuant to this request, the following is presented for approval of the law faculty:

1. Fellowships shall hereafter be of two kinds: research fellowships and graduate fellowships. The holder of a research fellowship will be assigned by the graduate committee to work in connection with a particular research project conducted by some member of the faculty, and will be required to present a graduate thesis on some subject related to the research project which is selected by the faculty member in charge. The holder of a graduate fellowship will be allowed to select his own subject for a graduate thesis, provided it is approved by his supervising committee. In general, graduate fellowships will be awarded only to persons who have had considerable experience in legal research subsequent to graduation from law school, and who have definite ideas as to the subject for a graduate thesis.

2. A research fellow will ordinarily be expected to become a candidate for a graduate degree just as a graduate fellow. If he submits a thesis for a graduate degree, that thesis should be his own work, and should be signed by him; though the plan herein outlined will necessarily call for rather close supervision by the supervising faculty member. A monograph produced jointly by a fellow and a member of the faculty, or by a fellow and any other person, will not be acceptable as a graduate thesis in compliance with requirements for a degree.

3. With the approval of the chairman of the graduate committee, research fellows will be permitted to elect courses and seminars in fields of law other than that which embraces the thesis subject assigned. But such elections should not be permitted to interfere with the assigned research.

It may be pointed out that the plan here proposed is quite as advantageous to the student as to the Law School. Not only will more research of significance be published, but inexperienced students will receive the benefit of much closer faculty supervision than is ordinarily given when the subject of research is unrelated to any major research project.

Respectfully submitted,

COMMITTEE ON GRADUATE WORK
LEWIS M. SIMES, Chairman

V: 12. LAW INSTITUTE PROGRAM

NOTE: The Institute Program at the University of Michigan Law School commenced in 1939. In 1948 the Annual Summer Institutes began and in 1950 the Annual Advocacy Institutes were initiated. The following is a list of the programs that have been presented:

1939:	
June 22-24:	Taxation, Wills and Trusts, Labor Relations
1940:	
June 20-22:	Restitution, Procedure and Recent Federal Legislation of Importance to the Practitioner

1941:	
July 17-22:	Round Table Discussions on the History of Anglo-American Legal Systems*
1942:	
January 10:	Judicial Review in Michigan of Decisions Rendered by Administrative Agencies**
January 24:	Liability of a Retailer on Resale of Manufactured Goods
February 2:	State Barriers to Commerce
February 21:	What are Proper Trust Investments in Michigan?
March 7:	Problems under the Fair Labor Standards Act
March 21:	What is the Weight of a Precedent?
April 4:	What Contract Limitations Can Lawfully Be Imposed Under Patent Licensing Agreements?
1943:	[Note: Due to World War II no institutes were held until 1947.]
1947:	
December 1-6:	Community Property Institute
1948:	
July 15-23:	First Annual Summer Institute—A Forum on Current Problems in International Law
1949:	
February 1-4:	Oil and Gas Law
August 5-21:	Second Annual Summer Institute—Legal Problems of World Trade
1950:	
February 17-18:	First Annual Advocacy Institute
June 26-July 1:	Third Annual Summer Institute—The Law and Labor Management Relations
1951:	
March 16-17:	Second Annual Advocacy Institute—Preparation and Proof
June 25-28:	Fourth Annual Summer Institute—Taxation of Business Enterprises
1952:	
February 15-16:	Third Annual Advocacy Institute—Techniques in the Presentation and Argument of Evidence
March 27-28:	Michigan Land Title Examination
June 26-28:	Fifth Annual Summer Institute—Atomic Energy-Industrial and Legal Problems

* This was a series of discussions that were held in connection with the general Summer Session program of the University. The general theme of the Summer Session program was "Latin American Summer School" and was held July 1 through August 22, 1941.

** The 1942 institute was a little out of the general pattern of the yearly scheduled one or two-day program. It consisted of a number of round tables conducted on a two-day basis and practitioners could sit in on the round tables as their schedules permitted.

1953:	
February 13-14:	Fourth Annual Advocacy Institute
March 27-28:	Michigan Probate Practice and Procedure
June 17-19:	Sixth Annual Summer Institute: Federal Antitrust Laws—Current Problems and Policy Questions
July 30:	New Business Receipts Tax
1954:	
February 12-13:	Fifth Annual Advocacy Institute
March 26-27:	Creditors' Remedies
June 16-18:	Seventh Annual Summer Institute—Communications Media—Legal and Policy Problems
August 20:	Improving the Method of Judicial Selection in Michigan
November 1-2:	Changes Caused by Internal Revenue Code of 1954
December 10-11:	The Arbitration Process
1955:	
February 11-12:	Sixth Annual Advocacy Institute—Problems of Trial Evidence
June 23-28:	Eighth Annual Summer Institute—International Law and the United Nations
November 4-5:	Aims and Methods of Legal Research
1956:	
February 10-11:	Seventh Annual Advocacy Institute—Trial Evidence, A Refresher
April 13-14:	Michigan Land Title Problems
September 13-15:	Workshop on Legal Problems of Atomic Energy
1957:	
March 22-23:	Eighth Annual Advocacy Institute—Selling Your Case to the Jury
September 4-6:	Tenth Annual Summer Institute—Water Resources and the Law
1958:	
February 13-14:	Modern Frontiers in Selected Fields of Law
February 14-15:	Ninth Annual Advocacy Institute—Tactics and Techniques
March 21-22:	Practical Property Problems for the General Practitioner
July 31-August 2:	Eleventh Annual Summer Institute—Collective Bargaining and the Law
1959:	
February 20-21:	Tenth Annual Advocacy Institute—Making the Argument Effective
March 20-21:	Proposed New Michigan Rules of Civil Procedure
June 15-18:	Conference on Legal Education—The Law Schools Look Ahead

CHAPTER VI

Teaching Techniques: Problems, Lectures, Texts, and Cases

VI: 1. SELECTED STUDENT LECTURE NOTES, ON DEPOSIT IN THE MICHIGAN HISTORICAL COLLECTIONS

1. FIRST CLASSROOM LECTURE IN LAW DEPARTMENT: 1859

SOURCE: *Notebook owned by James L. Fisher, '61*

Lecture by Prof Walker — Wednesday 5 October 1859

Personal Property 1st Chattels real and 2 Chattels personal See 2 Blks 384—2 Kent 340—9 Vesey 407—See Millers v. Tailor 4 Burrows 234—2 Blks 386—2 Kent 343—15 Pick 156 reported case of Rogers v—Woodbury—Walker v. Sherman 2 Wendell 636—12 New Hampshire Reports 232—Snediker versus Waring 2 Kernan 170—2 Smiths Leading Cases 215—Middlbrook v. Corwin 15 Wendell 170—Williams Pers Prop 65—Redfield on Railways 38—2 Blks 394

Note: Records of the lectures appearing in Fisher's notebooks throughout the 1859-1860 law term follow the pattern of this specimen. For the next year, the notes are summaries of statements made by each professor, with far fewer references, either to cases or textbooks.

2. LECTURE ON SCIENTIFIC EVIDENCE AS IT APPLIES TO MANSLAUGHTER: 1869

SOURCE: *Notebook owned by Herbert Thomas Ames, '69*

. . . The main question to be solved is whether the person ~~kil~~ who is dead, died a natural death or by criminal means. One one of the most dificult questions whether the marks upon the body was the cause of the death or made after the death and for concealing the crime. Most common means of endevoring to conceal~~ing~~ the crime by putting the body upon the R. R track. But generally a carefull~~y~~ examination will reveal the mode of killing. But generally the greatest difference is between the wounds inflicted before death and those inflicted before death. Some case where the person stupefied or poisoned before being placed upon the Rail Road tracts and is often a dificult~~y~~ to discover such a crime but in most cases a close scientific examination will in most cases reveal the truth. . . . [March 23, 1869.]

3. LECTURE ON BILLS AND NOTES: 1888

SOURCE: *Notebook owned by Elias Finley Johnson, '90*

ESSENTIALS OF PROMISSORY NOTES

1. A promissory note must be for the payment of money. A contract for the future delivery of things not money, as goods and chattels, contracts to

perform some other act and also pay money, or contracts in the alternative to do something or pay moneys—are not promissory notes and are not entitled to any privileges as such.

In England this rule was applied with great strictness, it even being held that promises to pay in Bank of England notes were not promises to pay money. In this country the rule is not applied with equal strictness—

Mass. and New York early relaxed the rule. Thus in the 9 Johns. it was held that instruments payable in ~~New~~ York State bills was a good note. 9 Johns holds that an instrument payable in bank notes current in the city of New York was a good note. That would not have been sustained in England. It was decided otherwise in Penn. upon this very point. 27 Mich. is a good case citing all previous authorities. . . . A few cases in this country have differed from this rule but as a general thing there is far more laxity in this country than in England.

VI:2. THESIS REQUIREMENTS: 1899-1900

SOURCE: *Announcement, 1899-1900,* pp. 26-28

The general supervision of thesis writing in this Department is confided to a committee of the Faculty known as the Committee on Theses.

Each candidate for a degree is required to prepare and present a satisfactory thesis in accordance with the following regulations:

1. Each thesis must be upon some narrow subject, upon which the law is unsettled, disputed, or in a formative condition, and must consist of a thorough and intelligent comparison and discussion of the English and American cases pertaining to the subject. It must not be a mere condensation of existing text-books, or a repetition of work previously done by others, but must be derived directly from the cases, and must represent the original and independent study and investigation of the student.

2. A list of appropriate subjects will be published annually by the committee and all thesis subjects must be selected from such list. The committee will, however, approve and place upon the list any appropriate subject suggested by students desiring to write upon it. As soon as a student selects his subject, he must file notice of it with the secretary of the committee.

3. Each thesis must be prefaced by a statement of the position maintained or proposition contended for by it. It must also contain an analytical outline of its contents, with references to the pages, and, in its arrangement, must follow such outline. It must also contain an alphabetical list of the cases cited in it, giving their respective dates, and with a reference to the page of the thesis whereon they are cited. Cases must be cited by name and volume, with the date of the decision added. When cases are cited from series of selected cases or from the "reporters," the citation of the official report must also be given, *e.g.,* Jones v. Smith (1890), 12 Johns. (N.Y.), 156, 5 Am. Dec., 86. Where an opinion is quoted or discussed, the name of the judge writing it should be given. The thesis must also state the period for which the cases have been examined, and it should exhaust the cases during that period and down to and including the latest accessible cases upon the subject. Before the thesis is handed in, all the citations must be carefully verified.

4. Theses must be neatly and accurately typewritten, in lines 5½ inches long, with double spaces, upon Swan linen paper of sixteen pounds to the ream, on sheets of a uniform size of 8½ x 11 inches. A clear margin of at least 1½ inches should be left at the top and bottom of the printed matter. The thesis should then be enclosed in a thick paper cover. The student submitting the thesis must be responsible for the accuracy and neatness of the typewriting; and defaced, interlined or carelessly written work will not be accepted. Where two or more copies are made, the original or ribbon copy must be the one handed in.

5. When the thesis is completed, it must be delivered to the Committee on Theses. If not correct in form, it will be returned for correction. When correct in form, it will be assigned by the committee to some member of the Faculty for examination. The writer will be informed of this assignment, and he must obtain from the member of the Faculty to whom it has been so assigned, his approval of the thesis, both as to form and substance, to be endorsed upon it. When so approved, the thesis must be presented to and filed with the Secretary of the Committee for credit. The theses so approved will be arranged and bound under the direction of the committee.

6. The thesis must be not less than four thousand words in length, and must be filed with the committee on or before March 15 of the year in which the degree is to be granted.

7. The thesis bulletin-board is adopted as the medium of communication with the students upon all matters relating to theses, and students must take notice of announcements thereby made.

The following are also suggested as—

General Directions.

When the student has determined upon his subject, he should then proceed to collect his material for the thesis. For this purpose, he may go either directly to the reports themselves, ignoring the digests, or he may search the digests for the names of cases apparently bearing upon his subject. There is no objection to obtaining from a text-book the names of the cases cited by it, and supplementing that list by an examination of the digests or reports to date. Having obtained his list of cases, he should then examine each case carefully in the original reports, making such notes and abstracts from it as will serve his purpose. When he has examined all of the cases (including those referred to in the opinions but not originally on his list), he should then proceed to arrange and analyze his material in its logical order, reconciling conflicts when possible, and making note of characteristic, peculiar or exceptional cases. After the material has been thus sifted and arranged, the student should extract from it the propositions or conclusions which he deems warranted by it and which are to furnish the text of his thesis. He is then prepared to write the thesis, and should proceed to do so, marshalling his authorities, illustrating with the leading cases, quoting significant passages, contrasting conflicting conclusions, until he has exhausted his material. A careful examination of the authorities, and the reaching of a conclusion fairly warranted by them, are the points to be insisted upon.

Conciseness of expression, clearness of style and accuracy of statement are especially to be cultivated. The judicial attitude is to be preferred to that of the advocate, and conservatism and sobriety of thought and utterance should characterize the work rather than attempts at extravagant statements or extreme conclusions.

The student must also pay attention to his English as well as to his law.

VI:3. Extracts from Indermaur's Common Law Cases (1882)

Note: The fifth edition of John Indermaur's *An Epitome of Leading Common Law Cases; with some short notes thereon: chiefly intended as a guide to "Smith's Leading Cases"* was used as the basis for the American edition prepared by Charles A. Bucknam and Bordman Hall of Boston. The American edition was copyrighted in 1882.

Preface.

The Compiler of this small volume while reading for his Final Examination, devoted some time to the study of Leading Cases, and it long ago occurred to him that—many articled clerks not having sufficient time to fully peruse the large volumes of "Leading Cases"—a short Epitome, giving those decisions most important to be read and remembered, would be very useful to them. . . . This Epitome professes to nothing particularly original, for it is indeed but an abridgment of the chief decisions in "Smith's Leading Cases," with some few additional ones, and some short notes bearing directly on the different decisions. The facts of the different cases are given when they could be shortly stated, and when they seemed to be of a character likely to serve to impress the decision on the student's memory.

Preface to the American Edition.

The favor with which Mr. Indermaur's Epitome is received in England has induced the Editors of this edition to undertake to adapt the work to the needs of the American student. In so doing they have sought to briefly illustrate the rules laid down, citing American authorities, and, in a few instances, have extended the notes by stating additional matter and citations.

ROE v. TRANMAR.

(S. L. C. Vol. II. p. 416.)

(Willes, 682.)

Here it was held that a deed which could not operate as a release, as it attempted to convey a freehold *in futuro,* should nevertheless operate as a covenant to stand seized.

Notes.—The principle which this case carries out is one of great importance, forming, indeed, one of the first rules of construction of all

written instruments, viz., "The construction shall be liberal; words ought to serve the intention, not contrarywise."

It appears convenient here to give some of the chief rules for the construction of deeds:—

1. A deed is to be expounded according to the intention, where that intention is clear, rather than according to the precise words used, for *"verba intentioni debent in servire,"* and *"qui haeret in litera, haerat in cortice."*

2. To explain an ambiguity apparent on the face of a deed, no evidence *dehors* the deed itself is admissible.

3. The construction of a deed should be made upon the entire instrument, and so as to give effect, as far as possible, to every word that it contains.

4. The construction should be favorable, and such that *"res magis valeat quam pereat."*

5. When any thing is granted, the means necessary for its enjoyment are also granted by implication; for it is a maxim that *"cuicunque aliquid conceditur, conceditur et id sine quo res ipsa non esse potuit."*

6. If there be two clauses in a deed so totally repugnant to each other that they cannot stand together, the first shall be received and the latter rejected.

7. Ambiguous words shall be taken most strongly against the grantor, and in favor of the grantee. *"Verba fortius accipiuntur contra preferentem."* But this being a rule of some strictness and rigor, is the last to be resorted to, and is never to be relied upon but when all other rules of exposition fail; and it does not apply to a grant by the Crown at the suit of the grantee. (Stephen's "Commentaries," 8th ed. vol. 1, pp. 497-499.)

[In an important case in point with the principal case, it was decided that a deed made to take effect *in futuro* (at the grantor's death) is good as a covenant to stand seised to the grantee's use, notwithstanding the absence of any relationship between them by blood or marriage, the deed reciting a valuable consideration. (*Trafton* v. *Hawes,* 102 Mass. 533.) And in a recent case it was held that a deed made to take effect at the grantor's death, if the grantee should survive him, but not to be operative should there be no survival of the grantee, would create a feoffment to take effect *in futuro,* the recording of the deed operating in the same manner as livery of seisin at the grantor's death. (Barrows, J., in *Abbott* v. *Holway,* Sup. Jud. Ct. Maine, June, 1881.)] [Indermaur, p. 84.]

VI:4. Extracts from Knowlton's Edition of Anson on Contracts: c. 1890

A Man Cannot Incur Liabilities, Etc.

Can A by paying X's debts unasked, make X his debtor?

He cannot; a man cannot by his own will pay another man's debts without his consent and thereby convert himself into a creditor. 209

Can A and M by entering into a contract impose liabilities upon X?

No, they cannot. 210

A the defendant employs X, a firm of brokers, to transport a quantity of cocoa from London to Amsterdam. X agreed with Y to put the whole contract of the transport into his hands. Y did the work and sued A for his expenses and commission. Was A liable and why.

He was not, because there was no privacy of contract between A and Y, and a contract cannot impose liabilities and confer rights upon a third party. 210

Can a contract impose the burden of an obligation upon one who is not a party to it?

It cannot. 210

What does the contract do in regard to this?

A contract imposes a *duty,* upon persons extraneous to the obligation, not to interfere with its due performance. 210

How is the term duty used in this sense?

It is used as signifying that necessity which rests upon all alike to respect the rights which the law sanctions. 210

For what is the term obligation reserved?

For the special tie which binds together definite and assignable members of the community. 210

What were the facts in the case of Lumley vs. Gye?

See Chapter on Leading Cases, Anson 211.

The relation of master and servant involves what right on the part of the master?

It involves the right on the part of the master, to bring an action against any one who entices away his servant. 211 [Knowlton, Anson on Contracts, n.d. p. 94]

LUMLEY vs. GYE.

Decided in England in 1853, 2 E. & B. 216; Anson 210.

PRINCIPLE.—A rule of law holding that an action will lie against any third person who induces a servant to leave the services of his master.

CASE IN BRIEF.

The very remarkable decision in this case was rendered in 1853, and from that time it stood alone in legal history without a parallel, until 1881, when another case came before the Court of Appeals, offering precisely the same points for decision.

Benjamin Lumley, the plaintiff, was the manager of her Majesty's The Queen's Theater, in London, and in 1853 he journeyed to the city of Berlin, Germany, where he secured the services of the talented German singer, Miss Johanna Wagner, a *prima donna* who at that time was captivating the music-loving world by her charming voice. By the terms of the agreement, Miss Wagner was to sing in Lumley's Theater for a period of three months, from April 15th to July 15th; and during this interval she was not to use her talents or sing elsewhere without written authority from Lumley. For a time the terms of the contract were fully complied with, until the defendant in this case caused the agreement to be broken. Frederic Gye, the defendant,

was the manager of the Covent Garden, a rival theater, and with a knowledge of the agreement which bound Miss Wagner, he persuaded her to quit the service of Lumley before the expiration of her time and enter upon an engagement at the Covent Garden Theater, at a greatly increased salary. The conduct of Miss Wagner caused Lumley great financial losses and he at once commenced an action against Gye to recover damages for losses sustained in the enticing away of his actress. Lumley based his right of action upon the ground that an action will lie against any person who procures the breach of any kind of a contract; but if that were not so, an action would certainly lie for inducing a servant to quit the services of his master. Accordingly the Court was called upon to answer two questions: "1. Does an action lie for procuring the breach of any contract? 2. If not, then does the exceptional rule applicable to the contract of master and servant apply to the manager of a theater and the actors whom he engages to perform?" With one exception (Justice Coleridge dissenting) the Court answered both these questions in the affirmative. Judgment was therefore rendered in favor of Lumley, awarding him damages for the losses sustained.

ENGLISH RULE.

An action lies for the malicious procuration of a breach of contract to give exclusive personal service for a certain time; equally whether the employment has commenced, or is only *in fieri* (in process of formation), provided the procurement be during the subsistence of the contract and then produces damages, and to sustain such an action it is not necessary that the employer and the employee should stand in the strict relation of master and servant. As the act would lie for the malicious procuration of the breach of any contract, though not for personal services, if by the procuration, damages were intended to result and did result to the plaintiff. Brown vs. Hall, 6 Q.B.D. 339.

AMERICAN RULE.

There is no controversy over the proposition that an action will lie for wrongfully enticing away another's servants or apprentices. Woodward vs. Washburn, 3 Denio, 269. The same reasons as those given in Lumley vs. Gye apply to every case where one person maliciously persuades another to break *any* kind of a contract with a third person. It is not confined to contracts of *personal services*. Jones vs. Stanley, 76 N.C. 355. A man may advise another to break a contract, if it be not a contract for *personal services*. He may use any lawful influences or means to make his advices prevail. Heywood vs. Tillson, 73 Me. (Latest decision 1883.) [*Id.*, pp. 201-203]

VI: 5. QUESTIONS ON WILLS AND ESTATES OF DECEASED PERSONS: 1894-1895

SOURCE: *Questions on Wills and Estates of Deceased Persons. Based upon Mr. Mechem's Lectures and Cases Cited* (1894-95)

This sixteen page pamphlet includes 235 questions. Ten have been selected as illustrative specimens. A note addressed to the students, appearing at the end of the questions reads: "When any of the foregoing questions require the stating of a case in Reeves' Cases, it will be deemed a sufficient compliance if the answer states the question raised in the case and the decision upon it, without detailing the facts."

3. Of what two kinds are gifts? How do they differ? Define a gift *causa mortis.* State the essential elements of it.
4. In what ways may a gift *causa mortis* be revoked? State the case of Merchant vs. Merchant, 2 Bradf. Sur., 432, Reeves 127.
5. Is it indispensable that the donor die of the particular disease or peril contemplated? State the case of Ridden vs. Thrall, 125 N.Y., 572, Reeves 130.

198. What power has the representative to compromise or arbitrate? State the case of Parker vs. Steamship Co., 17 R.I., 376, Reeves 170.
199. What is the measure of his duty in dealing with the assets? What is meant by a *devastavit?*
200. What is his liability for commingling his funds with those of the estate? What liability does he incur by speculating with the funds?
203. What contracts of the deceased should he perform?
230. In the early part of his will A says, "I give and devise lot M to B, his heir and assigns, forever." In a later clause, he says, "I give and devise lot M to C, his heirs and assigns, forever." Who takes lot M? What case in Reeves' supports your answer?
231. A is a passenger upon a steamer which is wrecked, and all passengers are supposed to have perished. Proceeding upon the presumption of A's death, an administrator of his estate is appointed, who applies for and obtains license to sell A's real estate to pay his debts. The sale is made to B, the administrator accounts and the estate is closed. As a matter of fact, A was living when the license to sell was granted, but he died before the sale was made and confirmed, though this was not known at the time. Does B get a good title? Why?
235. A, by will, provided as follows in the early part of his will: "I give and devise all of my estate, both real and personal, to my wife, B, to use and dispose of as she may deem fit." In a later clause, he provided that, "Whatever of my estate shall remain undisposed of at the death of my wife B, I give and devise to our children or their issue." B sold all of the real estate in fee simple to H, and used up all of the personal property, and died, leaving children of herself and A. Did H get a good title?

VI:6. EXAMINATION IN CONTRACTS: c. 1890

1. (a) Define a contract.
   (b) Give its sources.
   (c) Define a judgment and give its characteristics.

2. (a) At what moment of time is contract by correspondence formed?
   (b) What effect if letter of acceptance is never received?
   (c) When does a letter revoking an offer take effect?
3. (a) Give 4th sec. of the Statute of Frauds.
   (b) Give five rules relating to the note or memorandum.
4. (a) Define consideration.
   (b) Define past consideration.
   (c) Give 3 exceptions to rule that past consideration will not support a promise (previous request, voluntary doing, promise of import).
5. (a) Are following contracts void or voidable (a) of infants (b) married women (c) may infant avoid all contracts during minority—Illustrate.
6. (a) Distinguish misrepresentation from fraud.
   (b) What are the essential features of fraud?
7. (a) Can vendor recover purchase price of goods sold when he knows that buyer intends to make illegal use of same?
   (b) When is sale for future delivery a gambling contract?
   (c) Give Eng. and Am. rule.
8. (a) Distinguish negotiability from assignability?
9. (a) In what 5 ways may a contract be discharged?
   (b) In what cases may an anticipatory breach be regarded as a discharge of a contract.
10. What rules of law determined in following cases: Household Ins. Co. vs Grant; Wain vs Warlters; Foster vs McKinnon; Donellan vs Read; Ward vs Hobbs.

NOTE: As all five cases referred to in the examination are included in the "Leading Cases" portion of Knowlton's handbook on Anson's text on Contracts, quoted in Part II, VI:4; and as the latest of these five cases, *Ward vs. Hobbs,* was decided on December 7, 1887, it is possible to place the date of the examination at sometime after January 1, 1888.

VI:7. THEORY AND DEVELOPMENT OF PROCEDURE: 1920-1921

SOURCE: *Announcement, 1920-1921,* p. 29

A critical study of the fundamental problems of remedial law, with the purpose of determining their essential scope and meaning and the possibilities open for their solution. The subjects taken up for investigation will include the jurisdiction and organization of courts, with a comparative study of American, English and Continental court systems, service of process, venue and appearance, problems relating to the use of the jury, simplification of pleadings, parties to actions, methods of raising points of law, control of the court over the proceedings in the cause, discovery, references and agreed case, settlement after action brought, declaratory judgments, summary judgments, special verdicts, interrogatories and findings, new trials, judgment notwithstanding a contrary verdict, appeal and error. The material used will

consist largely of selected statutes and court rules taken from many jurisdictions, both American and British, with a view to exhibiting the best and most important modern methods for dealing with the procedural problems here indicated. A proper historical perspective will be preserved by a constant comparison of the newer methods with those employed by the common law and chancery practice. . . .

VI:8. CONVEYANCING: 1898-1899

SOURCE: *Announcement, 1898-1899,* p. 25

In order to further extend the practical instruction given in this Department, a course in Conveyancing has recently been established, to which one professor devotes his entire time. It is the purpose of this course to give by text-books and lectures, full and systematic instruction in the substantive law of conveyancing, and also a thorough drill in the actual preparation of all of the more important forms of conveyances, including thereunder not only deeds, mortgages, wills and assignments of various sorts but also all such contracts, agreements, corporate and partnership articles and other instruments as the lawyer in actual practice is likely to be called upon to prepare.

For this purpose, the class is furnished with statements of fact, with a requisition for the appropriate conveyance and each student is required to prepare under the direction of the professor in charge of this course, the various forms of instruments in question, and to submit them to such professor for examination and criticism. If not in proper form they are required to be rewritten or corrected. Neatness, accuracy and a lawyer-like method of expression are insisted upon. The correctness of the body of the instrument is not alone attended to, but the variations of form in the execution and acknowledgment where one of the parties is a corporation, a partnership, a married woman, and the like, receive attention.

VI:9. ILLUSTRATIVE EXAMINATION QUESTIONS: 1903-1957

NOTE: The evolution of the problem type of law school examination is worth extended consideration in itself. An illustration of the direct question and answer type of examination, given sometime after January 1, 1888, appears in Part II, VI:6. Extracts from the following specimens are included to show the changing methods of examination throughout the half century.

BILLS AND NOTES (FEBRUARY 5, 1903):

NOTE: Sixteen questions were included in the examination with students required to answer all of them. The first eight appear below.

1. Give an account of the origin and development of the law merchant.

2. Name the distinguishing characteristics of contracts of the law merchant and discuss each.

3. A. What parties to negotiable instruments are: a. primarily liable? b. secondarily liable?

B. a. State the steps necessary to be taken to fix the liability of secondary parties and describe the manner of taking each step.

b. May the secondary party be held though some or all of the said steps are not taken? Explain.

4.

$500 Chicago, Ill., January 15, 1903.

Thirty days after date, pay to the order of John Davis Five Hundred Dollars. Value received and charge to the account of (Signed) Ernest Eimer.

To Alonzo Fargo, Detroit, Mich.

a. What kind of a bill is this? Why?

b. Make a proper acceptance by the drawee.

c. State under what circumstances, if any Eimer would be liable without notice of dishonor.

d. Could an action be maintained on this bill against the drawee if he should refuse to accept?

e. Must this bill be presented for acceptance? Why?

5. (a)

$456.34 Ann Arbor, Mich., February 1, 1903.

At sight, pay to the order of Enos Pixley Four Hundred Fifty-six and 34-100ths Dollars. Value received and charge to earnings on my bank stock. (Signed) Michael Quay.

To Edgar Robbins, Detroit, Mich.

(b)

$300 Detroit, Mich., January 30, 1903.

On demand, pay to the order of Solon Smith Three Hundred Dollars out of the rents of the Aetna Building. Value received and charge to the account of (Signed) Seth Thomas.

To Samuel Updike, Detroit, Mich.

a. Is "a" a good bill? Why?

b. Is "b" a good bill? Why?

c. Must either be presented for acceptance? If so, which? Why?

d. Must either be protested for dishonor? If so, which? Why?

6.

$1000.00 Detroit, Mich., July 1, 1890.

Fifteen years after date, I promise to pay to the order of Levi Beardsley One Thousand Dollars. Value received with interest at 6 per cent. per annum payable annually. (Signed) John Adams.

July 15, 1890, Beardsley indorsed the foregoing note over to George T. Clark without qualification, Clark is, and since July 15, 1890, has been a holder in due course. No interest has ever been paid on said note, and no notice has ever been given to Beardsley of default

in the payment of interest. Clark now sues Beardsley for the interest due.

a. State the method of computing interest on the note and do enough of the work of computation to illustrate the method.

b. Can Clark maintain his action against Beardsley? Why? Authority?

c. Can Clark recover from any one any part or all the interest now due? Why? Authority?

7. Otis is the fourth in order of six several holders of a promissory note payable to bearer. a. Is he subject to any liability on the note? b. If so in what way and to whom? c. How, if at all, does the liability of Otis differ from the liability of one who should negotiate by qualified endorsement?

8.

$400.00 Ann Arbor, Mich., July 15, 1902.

On demand after date, I promise to pay to the order of George Green Four Hundred Dollars at First National Bank, Ann Arbor, Mich. Value received. (Signed) Ira Hoyt.

Lewis Irving, the indorsee, under qualified indorsement made December 15, 1902, brings suit on this note against the maker. Three hundred dollars was paid on the note December 10, 1902, but the fact was unknown to Irving. Maker, payee and indorsee all live in Ann Arbor, and each is personally known to the other.

a. Can the plaintiff recover at all? If so, for what amount? Why? Authority?

b. From what time would interest run on this note?

c. When would the statute of limitations begin to run?

BILLS AND NOTES (JUNE 1, 1922):

NOTE: Although seven questions were included in the examination, only the first four appear below.

NOTICE: Questions should be answered primarily without application of the Uniform Negotiable Instruments Law. If that Act has affected your primary conclusion, such fact should be stated, together with the reasons.

I.

A note was in the following form:

"Ann Arbor, Mich., 6/7/20.

One year after date I promise to pay
John Doe ..... or order
One thousand ..... Dollars, $1000.00.
Value Received. This note is to be due and
payable in case I sell my farm.
No ..... as per contract. Richard Smith."

On the back thereof, over the signature of John Doe, appeared the following: "I hereby transfer and assign all my rights to the within note to Richard Roe. Roe now brings action on the instrument. He proves the handwriting of Smith and Doe, and, after introducing the paper in evidence, rested. Is he entitled to judgment?

II.

A note was in the following form:

"The Bethlehem Steel Co.,
Bethlehem, Pa., 5/20/22

One year after date we promise to pay to
John Doe ..... or order
Five thousand ..... Dollars $5,000.00
Value received with interest at 6% per annum.
Chas M. Schwab, Pres."

If action were brought on this instrument against Mr. Schwab personally, what should be the result?

III.

Using the name of John Robinson, one Smith wrote to P, asking for a loan of $5,000, offering to give as security a mortgage on land. Through an attorney living in the city from which Smith wrote, P learned that John Robinson was a well known, reputable business man and the owner, so far as the records disclosed, of the premises offered as security. Accordingly, P notified Smith, when the latter telephoned, that the loan would be made. A note and mortgage were prepared and signed by Smith in the name of Robinson and delivered to P by messenger. P handed to the messenger in return a check on Def. Bank for $5,000.00 payable to "John Robinson." Upon endorsement by Smith in that name (Robinson) the check was cashed. On discovery of the fraud P sues D Bank for the $5,000.00. What result?

IV.

After endorsement of a bill of exchange, the holder presented the instrument to the drawee, who accepted. The bill being dishonored, the holder sued the acceptor, who defended on the ground that he had received no consideration for such acceptance, nor had the plaintiff given up anything therefor. Is the defense good? If not, how far would the defendant need to go to make out a defense?

CONTRACTS (JUNE 5, 1922):

NOTE: A total of twelve questions were included in this examination. Students who had taken the course throughout the year were required to answer the first ten while students who had taken the course during the second semester were required to

answer the last six. Questions five, six, and seven appear below.

V.

D, a lecturer on applied psychology, who was seeking to arouse interest and confidence in himself and his project, publicly advertised that he would repay anyone making proof of the fact that he had lost money in any of D's previous ventures, the amount of such loss. P produced an unpaid note for $1200, endorsed by D, which had been given for money invested in one of D's previous ventures. It was admitted by D that the note had never been paid, and P claimed payment as advertised. D refused to pay. P now sues for breach of contract. How should the case be decided? Discuss fully all possible defenses.

VI.

D contracted in writing with P to box with M ten rounds "to a no decision" at P's boxing arena, for which he was to receive 25 per cent of the gross receipts. It was stipulated that the contest should be governed by the Queensbury rules as interpreted by the referee. The contest began and in the second round D struck M a blow below the belt which incapacitated him. The referee thereupon called the contest off. The contract may be assumed to be legal. P sues D for breach of contract. D wishes to know (1) whether he has any defense to P's action. (2) whether he has a valid counterclaim. Give reasons fully.

VII.

P contracted in writing to sell and convey Blackacre to D for $10000, the conveyance to be made and the purchase price to be paid on June 1, 1922. At the time the contract was made there was, to the knowledge of both parties, an outstanding mortgage on the land for $2000. It was stipulated in the contract that P should remove the mortgage and should convey the land free from all encumbrances. Thereafter in consideration that P orally agreed to remit $2100 of the purchase price, D orally promised to take the land subject to the mortgage. On June 1, 1922 P tendered to D a deed of the land subject to the mortgage as agreed. D refused to accept it. What are the rights of the parties at the present time?

BILLS AND NOTES (JUNE 5, 1956):

NOTE: This examination included seven questions. Numbers three, five, and six appear below.

III.

F.H.A. modernization loans may be made in the following fashion: Homeowner signs (1) an agreement with the contractor for the work to be done on the home, (2) an application for F.H.A. credit from a bank and

(3) a modernization note payable to the order of the contractor. The F.H.A. regulations forbid an insured bank to discount a modernization note under an F.H.A. credit arrangement until it has first obtained a completion certificate signed by the homeowner indicating satisfactory completion of the job by the contractor. With this brief introduction, consider these facts.

Shortly after the death of her husband, widow Graves decided to modernize and remodel the kitchen in her home. She obtained an estimate of $2,000 for the job from Sink, a contractor. Sink told her she could finance the job through an F.H.A. insured loan. Sink regularly worked with the Guardian Bank on F.H.A. jobs and Guardian Bank regularly furnished Sink with its own printed forms for F.H.A. loans. These forms included (1) F.H.A. Credit Application (2) Modernization Note and (3) Borrower's Completion Certificate. Widow Graves told Sink she wanted him to do the job and he produced certain papers which he said it was necessary for her to sign. She glanced at these papers and signed. Although Sink had simply described these papers as being a contract with him to do the job of modernizing the kitchen for $2000 and an application to the Guardian Bank for credit (Form (1) above), she had, in fact, also signed a Modernization Note (Form (2) above) without realizing it. By the terms of this note she promised to pay $2000 "to the order of Sink at the office of Guardian Bank." Sink never did the work for widow Graves but, nevertheless, he forged her name to a completion certificate (Form (3) above) and delivered the forged certificate and the modernization note she had signed to the Guardian Bank. Unaware of the forgery, the Bank purchased the note for value from Sink. Sink had indorsed the note in blank. At maturity, widow Graves refused to pay the modernization note upon presentment by the Guardian Bank. The Bank then transferred the note to the U.S. Government in return for satisfaction by the F.H.A. of its insurer's liability. The Government now sues widow Graves on the note. What result?

V

B delivered his check for $5000 drawn on X Bank and payable to the order of Kelly Tire Company to be credited against monies owing to Kelly Tire Company for tires purchased. Kelly, president of Kelly Tire Company, indorsed the check on behalf of the company as he was authorized to do ("Kelly Tire Co. by Kelly, President") and followed this with his individual indorsement ("Kelly"). He then took the check to Y Bank, which handled both the accounts of Kelly Tire Company and of Kelly, and asked that the proceeds of the check be credited to his personal account. Y Bank credited Kelly's account in the sum of $5000 and stamped the check in such a way as to indicate deposit of the proceeds to Kelly's account. Y Bank then forwarded the check to Z Bank for collection. Z Bank collected the check from X Bank and remitted to Y Bank. The trustee in bankruptcy of Kelly Tire Company now asserts that B's debt to the company in the amount of $5000 remains unpaid. B demands that X Bank reinstate his account in the amount of $5000. Your client, X Bank, consults you for advice as to (a) whether

it should reinstate the account of B, and (b) if it does so, whether it can recover from Y Bank.

VI

G had a general checking account with the First National Bank. On April 17th he drew a check for $850 against his account payable to the order of M and V, and took it to the Bank for certification. The Bank certified the check and, in doing so, charged G's account and credited the $850 to its certified check account. The certified check was then redelivered to G, who delivered it to M and V in connection with the purchase of certain real estate by G from M. V was M's wife and, for that reason alone, was made a payee of the check. Later, on the same day, M and V negotiated the check back to G for full value paid by G. Prior to delivery of the check by G to M and V, a garnishment was served on the Bank at the instance of X (the divorced wife of M) to subject any money or effects in the hands of the Bank belonging to M to satisfaction of a judgment for $1,840 recovered by X against M. At the time of delivery of the check by G to M and V, and also when the check was negotiated back to G, G had actual knowledge of the issuance and service of said writ of garnishment. G then presented the check to the Bank for payment. The Bank declined payment because it did not know who, as between the payees (M and V), the garnisher (X) and the drawer (G), was entitled to the fund represented by said check.

Thereafter, the Bank filed its bill of interpleader against M, V, X and G and deposited the $850 in court. The trial court decreed that said sum was subject to X's garnishment and that G was "not entitled to recover on said certified check nor to the $850 fund held by the court or any part thereof." G prosecutes this appeal from that decree.

(a) What result?

(b) Would the result be different if G had not known of the garnishment until he sought payment of the check from the Bank?

CONTRACTS (JANUARY 30, 1956):

NOTE: A total of six questions were included in this examination. Students were required to answer all six questions. Question I appears below.

I

Pauline Perkins operated a beauty shop in Marysville, a town of 40,000 population, from 1946 to 1954. On July 10, 1954 she contracted in writing with Blanche Brown to sell Blanche the business, including all fixtures and equipment and with an assignment of Pauline's lease of the beauty shop premises which had 10 years yet to run. At the signing of the contract, Blanche paid $6,000 of the $12,000 purchase price and in the contract she promised to pay the $6,000 balance in four annual installments of $1500 plus 5% interest. The contract included this clause: "Since this sale is intended to transfer also the good will of the business, Pauline Perkins

(seller) hereby promises not to engage in any kind of work in any beauty shop within the city of Marysville for a period of four years from the date of this agreement; and since the loss that would be caused by any breach of this promise not to engage in beauty shop work would be impossible to calculate it is hereby agreed between the parties that if the said Pauline does violate this promise she will forfeit any claim to such part of the purchase price as remains unpaid at the time of such violation." You should assume that the promise not to engage in beauty shop work is not illegal as a restriction on competition. Blanche has just finished telling you, with considerable emotion, that in breach of her promise Pauline has just opened another beauty shop only two blocks away from the shop she sold to Blanche, though the four year period will not expire until July 10, 1958. Can Blanche enforce through equity decree Pauline's promise not to engage in beauty shop work?

CONTRACTS (JUNE 7, 1956):

NOTE: A total of six questions were included in this examination. Students were required to answer all six questions. Questions I and IV appear below.

I

The D Improvement Corp. is a corporation organized under a special statute of the state of X, empowered to purchase land and to erect and maintain housing for low-income groups and for the purpose of slum clearance. The special statute in question provided that bonds duly issued by the D Co. for its corporate purposes would be guaranteed by the general credit of X state. D Co. issued and sold to investors bonds in a total amount of $150,000 (it should be assumed that they conformed to the statutory requirements), and commenced the purchase of land in the City of Z in an area 10 city blocks long and 20 city blocks wide. Written contracts of purchase were signed by D Co. with 245 land owners scattered through the area. At this point the supreme court of the state held that the statutory provision authorizing a guaranty by the state of D Co.'s bonds was in conflict with a clause of the state constitution so that the guaranty provision (not the rest of the statute) was void. After this decision D's board of directors decided that the higher rate of interest they would have to pay if they did not have the state's guaranty would make them unable to cover the costs of purchase, construction and maintenance for a housing project of any size in the City of Z. They voted to stop all new purchases of land and have notified all sellers that they would make no payments on existing contracts already signed. One of these sellers is P, who can show that the abandonment of the project has brought a sharp decline in the value of land in the area and his land is now worth less than the price that D Co. agreed to pay. He wants to know whether he can recover from D Co. by suit for damages at law or for specific performance in equity. What would you advise?

IV

Empire Manufacturing Company owned ten presses which it wished to convert for use in manufacturing a new type of product. After studying the presses and Empire's new operation specifications, Republic Machinery, Inc., signed an agreement with Empire in which Republic promised to convert the ten presses, "and to fit them with all necessary dies, punches and devices, so that such presses will automatically perform the operation required by Empire specified in this agreement." Empire promised to pay $60,000 for the work.

Subsequently, after starting the work, Republic first discovered certain structural defects which had developed in the presses as well as certain details of their original construction which prevented Republic from converting the presses according to the design of alteration which Republic had intended to use. Accordingly, new structural changes, with additional parts, would be necessary in order to meet the operating specifications contained in the agreement.

Republic informs Empire of these facts and stated that although Republic had originally estimated the cost of conversion at approximately $47,000, it now estimated the cost at between $57,000 and $80,000. Republic suggested that in view of these unexpected circumstances the parties change the agreement from the $60,000 price to a cost price basis, stating that Republic was willing to perform the job on the basis of the actual cost to Republic, without any profit, even if the costs should turn out to be less than the original contract price of $60,000.

A new document was then signed by both companies which varied from the first one only in the substitution of a cost price basis of payment in place of a fixed price of $60,000, and by the inclusion of a clause stating that "our prior agreement is hereby cancelled." Republic completed the conversion job at a total cost of $78,000, for which amount it requested payment. Empire paid Republic only $60,000, and refused to pay more, informing Republic that Empire believed that it was not bound by the second document signed by the two companies.

As counsel for Republic, do you believe that Republic has any valid claim against Empire?

VI: 10. "WHAT IS THE LAW STUDENT EXPECTED TO DO?" 1957

SOURCE: *Law Students' Handbook* (1957), pp. 12-14

Individual study habits and efficiency vary, but law students in general find that an average of three hours of time outside the classroom is necessary for each classroom hour—probably more in the first few months. This includes the time required for reading and studying the cases assigned, briefing the cases, comparing the various cases contained in each assignment, going over notes after class, the preparation of outlines of each course, and discussion with other law students.

The first task is to *read* the cases assigned, carefully and understandingly.

If words are unfamiliar, use the law dictionary. Try to visualize the situation discussed in each case, to see what happened, what procedural steps were taken, what arguments were made, why the court decided as it did, and what the case means when considered against the background of other decisions. In reading any case you will want to make sure that you understand at least the following points: (1) What did the plaintiff seek in bringing the case to the trial court? (2) What did defendant want, and how did the case come to an issue? (3) What did the trial court do; what was the trial court's judgment? (4) What actions of the trial court were complained of by the party appealing to the court whose opinion you are reading? (5) Who won on appeal? (6) What were the facts of the case as assumed by the court, and what "issues" did they present? (7) What were the legal questions involved, and how did the court rule on each of them? (8) How did the court reason in arriving at the rulings? (9) What was the decision in the case? In studying the facts of the case, try to figure out what degree of generalization in expressing each fact is proper; often this can only be done after comparison with the other cases in the assignment.

Then it is desirable to *think about* each case, and the assignment as a whole, paying particular attention to what each case adds to what you have already learned and to the interrelationship of the cases in the assignment. Consider variations on the facts, and try to estimate the probable decisions which the court would render if those variations occurred. Only in this way are you able to see how broad or narrow the holding of the case may be. It is often useful in examining the facts of a case to try to determine from an advocate's standpoint the maximum value of the case as a precedent in your favor, and also the narrowest limits to which you could confine it as a case cited against you.

So as to have a convenient summary record of the case, you should digest or brief the important points of the case. This will be helpful for discussion in class, and essential when it comes to review. Furthermore, it is the actual making of your own brief of each case that develops essential skill in use of judicial precedents and aids you to master the common law technique of handling decisions. Briefing your own cases will teach you far more than merely reading someone else's briefs—whether they be those of a classmate or "canned briefs" on which you have wasted good money. No champion swimmer ever developed his stroke and endurance by riding along in a motorboat and watching somebody else swim several miles a day!

Some students brief cases on gummed paper which is pasted into the appropriate place in their notes; others write the brief on part of a larger page, leaving room to take class notes and to add to them when going over the class discussion afterwards. From the mechanical standpoint any system is satisfactory if it enables you to have conveniently at hand the brief you have made of each case and the notes concerning it. After you have mastered the fundamentals of briefing in your first year or two, you *may* feel that it is safe to leave some things out of your briefs, or to resort to underlinings and marginal notes in your casebook. However, you should not try

this until you are very sure that you have learned all you can by careful briefing, and that you can rely on such abbreviated notes and your memory to take the place of such briefing.

The content of the brief is suggested above in mentioning the points to be looked for in reading a case. Individual ideas will differ, but at the start you would do well to include:

(1) The name and page of the case in your casebook for easy reference.

(2) The court and the date, to orient the case in the law.

(3) The facts of the case, stated briefly but including all those relevant to the decision.

(4) What relief plantiff asked for in the lower court.

(5) What defendant asked the lower court to do.

(6) What the lower court did.

(7) What action of the lower court was complained of by the party appealing.

(8) The specific disposition of the appeal.

(9) The legal question or "issues" involved.

(10) The "holding" of the court, preferably phrased in substantially the court's own language.

(11) Some indication of the line of reasoning and argument by which the court reached its conclusions, distinguishing between holding and dictum, and also observing dissenting opinions.

So much for preparation before class. Instructors will differ *in what is done during the classroom hour,* but one of the main objectives in the first year will be to help you master the case system. To that end the instructor will quiz you concerning the principles derivable from the cases, ask you to apply the rules to hypothetical cases, or relate the cases one to another, to show how you would use the cases in advising a client or in argument before a court, and in various ways to show that you have mastered the small segment of the law represented by the day's assignment taken both by itself and in relation to all that you have previously studied. Only if you have studied the cases beforehand, have thought about them, and have asked yourself these questions, will you be ready and able to profit by the classroom discussion. Occasionally the instructor will fill in gaps by lecture or will summarize the principles developed. During the classroom hour you have two principal tasks: (a) following the discussion, taking actual part in it when called upon or when you have something worthwhile to volunteer, and participating mentally regardless of whether you are talking at the moment; and (b) writing suitable notes. DON'T try to prepare a longhand or shorthand transcript of everything that is said. Make your notes brief and thoughtful. Taking notes in this fashion is harder than just copying down everything that is said, but such notes represent thought on your part and they will have far more value, especially for reviewing purposes.

As soon as practicable after class, and in any event while the discussion is fresh in your mind, go over the class notes. Make sure that they represent what you think are the important points developed. Try to integrate your notes with the work you did before class; e.g., how far were you correct in

the answers which you would have given to the various hypothetical cases you thought about? Try continuously to apply what you are learning by discussion with your fellow students; group discussions are likely to raise many questions and problems which would never occur to any single student.

Most students, if not all, find it desirable to build up *outlines* of principles in each of the law courses. Don't just copy out your class notes and briefs of cases, but try to arrange the ideas systematically as if you were preparing your own textbook. The making of such an outline will help you see how the cases fit together, and will help reveal any points where you are uncertain as to the law. When you are working up your outline it may be desirable to go to the texts and law review articles in the library to see how well your conclusions coincide with those of the writers. "Canned outlines," whether prepared by other students or outsiders, will be of little, if any, value; it is the work of making your own that will be most helpful to you, and then if you want to check your outline against the ideas of another, use textbooks and law review articles.

VI: 11. Recommended Readings: 1884-1899

Note: The 1884-1885 *Announcement* of the Law Department stated:

> Text books and books of reference are very numerous, and students will find the professors ready to lend them aid in making proper selections. While several copies of each of the leading text-books will be found in the Library, it is exceedingly desirable that students should supply themselves with such as they may need at their rooms. They will find that it will greatly facilitate their studies to have at hand at all times such of the leading text-books as treat of the more important branches of the law. By so doing no loss will be incurred as the books will be found essential in subsequent practice.
>
> It is necessary that students should provide themselves with Blackstone's Commentaries, and the edition edited by Mr. Justice Cooley is preferred. It is also desirable that they be provided with the Commentaries of Chancellor Kent, as students are required to attend recitations in the Commentaries of these writers.
>
> The books mentioned in the following list may be used to advantage upon the subjects named. As a general thing any one of those mentioned in each department will answer the necessities of the student, and, whenever a preference exists, it is given to the one first in order on the list. But in the department of Constitutional History all the writers named may be read, or consulted, as for the most part covering different period of time.

Substantially the same information appeared through 1898-1899. Books so recommended are listed below. Bibliographical information has been added wherever possible.

CONSTITUTIONAL HISTORY

HALLAM, HENRY. Constitutional History of England from the Ascension of Henry VII to the Death of George II. 5th ed., 1846.

MAY, SIR THOMAS. Constitutional History of England Since the Ascension of George the Third. 1861.

YONGE, CHARLES DUKE. The Constitutional History of England from 1760-1860. 1882.

STUBBS, WILLIAM. The Constitutional History of England in Its Origin and Development. 1887.

BAGEHOT, WALTER. The English Constitution and Other Political Essays. 1901.

FISCHEL, EDUARD. The English Constitution. 1863.

COX, HOMERSHAM. The British Commonwealth; or A Commentary on the Institutions and Principles of English Government. 1854.

CURTIS, GEORGE TIRKSHAM. History of the Origin, Formation, and Adoption of the Constitution of the United States. 1854.

BANCROFT, GEORGE. History of the Formation of the Constitution of the United States. 1882.

HOLST, DR. HERMANN VON. Democracy and Constitution of the United States (The Constitutional Law of the United States). 1887.

HOLST, DR. HERMANN VON. The Constitutional and Political History of the United States. 1876.

CONSTITUTIONAL AND STATUTE LAWS

COOLEY, THOMAS M. The General Principles of Constitutional Law in the United States. 1880.

COOLEY, THOMAS M. A Treatise on the Constitutional Limitations Which Rest Upon the Legislative Power of the States of the American Union. 1868.

STORY, JOSEPH. Commentaries on the Constitution of the United States; with a Preliminary Review of the Constitutional History of the Colonies and States before the Adoption of the Constitution. 1833.

SEDGWICK, THEODORE. A Treatise on Rules which Govern the Interpretation and Application of Statutory and Constitutional Law. 1857.

JAMESON, JOHN ALEXANDER. The Constitutional Convention; Its History, Powers, and Modes of Proceeding. 1867.

BISHOP, JOEL PRENTISS. Commentaries on the Written Laws and their Interpretation. 1882.

MAXWELL, SIR PETER BENSON. On the Interpretation of Statutes. 1835.

DICEY, ALBERT VENN. Lectures Introductory to the Study of the Law of the Constitution. 1886.

SUTHERLAND, JABEZ GRIDLEY. Statutes and Statutory Construction, Including A Discussion of Legislative Powers, Constitutional Regulation Relative to the Furnishing of Legislation and to Legislative Procedure, Together with an Exposition at Length of the Principles of Interpretation and Cognate Topics. 1891.

JURISPRUDENCE

HOLLAND, SIR THOMAS ERSKINE. The Elements of Jurisprudence. 1882.

AUSTIN, JOHN. Lectures on Jurisprudence: Of the Philosophy of Positive Law. 1861.

LORIMER, JAMES. The Institution of Law; A Treatise on the Principles of Jurisprudence as Determined by Nature. 2d ed., 1880.

AMOS, SHELDON. Science of Law. 1874.

INTERNATIONAL LAW

WHEATON, HENRY. Elements of International Law; With a Sketch of the History of the Science. 1836.

PHILLIMORE, SIR ROBERT JOSEPH. Commentaries upon International Law. 1854.

WOOLSEY, THEODORE DWIGHT. Introduction to the Study of International Law, Designed as an Aid in Teaching and in Historical studies. 1860.

HALL, WILLIAM EDWARD. International Law. 1880.

STORY, JOSEPH. Commentaries on the Conflict of Laws, Foreign and Domestic in Regard to Contracts, Rights, and Remedies, and Especially in Regard to Marriages, Divorces, Wills, Successions, and Judgments. 1834.

WHARTON, FRANCIS. A Treatise on the Conflict of Laws, or Private International Law, Including a Comparative View of Anglo-American, Roman, German, and French Jurisprudence. 1872.

ROMAN LAW

HADLEY, JAMES. Introduction to Roman Law, in Twelve Academical Lectures. 1896.

MACKELEDEY, FERDINAND. Compendium of Modern Civil Law. 1845.

MACKENZIE, LORD THOMAS MACKENZIE. Studies in Roman Law with Comparative Views of the Laws of France, England and Scotland. 4th ed., 1876.

MOREY, WILLIAM CAREY. Outlines of Roman Law Comprising its Historical Growth and General Principles. 1894.

CHAMBERS. Manual of Roman Law. [As originally printed in *Announcement.*]

HAMMOND, WILLIAM GARDINER. The Institute of Justinian; with English Introduction, Translation, and Notes. 1876.

CONTRACTS

ANSON, SIR WILLIAM REYNALL. Principles of the Law of Contracts. 1880.

METCALF, THERON. Principles of the Law of Contracts as Applied by Courts of Law. 1867.

POLLOCK, SIR FREDERICK. Principles of Contract in Law and in Equity; Being a Treatise on the General Principles Concerning the Validity of Agreements, with a Special View to the Comparison of Law and Equity with Reference to the Indian Contract Act, and Occasionally to Roman, American, and Continental Law. 2d ed., 1878.

PARSONS, THEOPHILUS. The Law of Contracts. 6th ed., 1873.

BISHOP, JOEL PRENTISS. Commentaries on the Law of Contracts upon a New and Condensed Method. 1887.

. . . . The Doctrines of the Law of Contracts in their Principal Outlines, Stated, Illustrated and Condensed. 1878.

LEAKE, STEPHEN MARTIN. An Elementary Digest of the Law of Contracts. 1878.

LAWSON, JOHN DAVISON. The Principles of the American Law of Contracts in Law and in Equity. 1893.

BAILMENTS

SCHOULER, JAMES. A Treatise on the Law of Bailments, Including Carriers, Innkeepers, and Pledges. 1880.

EDWARDS, ISAAC. A Treatise on the Law of Bailments, Contracts Connected with the Custody and Possession of Personal Property. 2d ed., 1878.

STORY, JOSEPH. Commentaries on the Law of Bailments with Illustrations from the Civil and Foreign Law. 1832.

SALES

BENJAMIN, JUDAH PHILIP. A Treatise on the Law of Sale of Personal Property; with References to the American Decisions and to the French Codes and Civil Law. 2d Ed., 1873.

BAKER, JOHN FREEMAN. A Treatise on the Law of Sales of Goods, Wares, and Merchandise as Affected by the Statute of Frauds. 1887.

TIEDEMAN, CHRISTOPHER GUSTAVUS. A Treatise on the Law of Sales and Personal Property, Including the Law of Chattel Mortgages. 1891.

BURDICK, FRANCIS MARION. The Law of Sales of Personal Property. 1897.

DOMESTIC RELATIONS

SCHOULER, JAMES. A Treatise on the Law of the Domestic Relations; Embracing Husband and Wife, Parent and Child, Guardian and Ward, Infancy, and Master and Servant. 1870.

SCHOULER, JAMES. A Treatise on the Law of Husband and Wife. 1882.
BISHOP, JOEL PRENTISS. Commentaries on the Law of Marriage and Divorce, and Evidence in Matrimonial Suits. 1852.
MACDONELL, SIR JOHN. The Law of Master and Servant. 1883.
SIMPSON, ARCHIBALD HENRY. A Treatise on the Law and Practice Relating to Infants. 1875.
CORD, WILLIAM N. A Treatise on the Legal and Equitable Rights of Married Women; as Well in Respect to their Property and Persons down to their Children. 2d ed., 1885.
REEVE, TAPPING. The Law of Baron and Femme; Of Parent and Child; Of Guardian and Ward; Of Master and Servant; and of the Powers of the Courts of Chancery. 1816.
BISHOP, JOEL PRENTISS. Commentaries on the Law of Married Women Under the Statute of the Several States, and in Common Law and in Equity. 1871.
BROWNE, IRVING. Elements of the Law of Domestic Relations and of Employer and Employed. 1898.

CORPORATIONS

ANGELL, JOSEPH KINNICUT AND AMES, SAMUEL. A Treatise on the Law of Private Corporations Aggregate. 1832.
FIELD, GEORGE WASHINGTON. A Treatise on the Law of Private Corporations. 1877.
MORAWETZ, VICTOR. A Treatise on the Law of Private Corporations other than Charitable. 1882.
DILLON, JOHN FORREST. A Treatise on the Law of Municipal Corporations. 1872.
THOMPSON, SEYMOUR DWIGHT. A Treatise on the Liability of Stockholders in Corporations. 1879.
TAYLOR, HENRY ASBORN. A Treatise on the Law of Private Corporations having Capital Stock. 1884.
BEACH, CHARLES FISH. Commentary on the Law of Private Corporations, either with or without Capital Stock, also of Joint-Stock Companies and of all the Various Voluntary Unincorporated Associations Organized for Pecuniary Profit or Mutual Benefit. 1891.
COOK, WILLIAM W. A Treatise on the Law of Stocks and Stockholders as Applicable to Railroads, Banking, Insurance, Manufacturing, Commercial Business, Turnpike, Bridge, Canal and other Private Corporations. 1887.
THOMPSON, SEYMOUR DWIGHT. Commentaries on the Law of Private Corporations. 1894.

BILLS AND NOTES

BYLES, SIR JOHN BARNARD. A Practical Treatise on the Law of Bills and Exchanges, Promissory Notes, Bank Notes, Bankers' Cash-Notes and Checks. 1837.

NORTON, CHARLES PHELPS. Hand-Book of the Law of Bills and Notes, Designed Especially for the Use of Instructors and Students in Law Schools. 1893.

DANIEL, JOHN WARWICK. A Treatise on the Law of Negotiable Instruments, Including Bills of Exchange; Promissory Notes; Negotiable Bonds and Coupons; Checks; Bank Notes; Certificates of Deposit; Certificates of Stock, Bills of Credit; Bills of Lading; Guarantees; Rights of Credit, and Circular Notes. 1876.

CHALMERS, SIR MACKENZIE DIEZELL EDWIN STEWART. A Digest of the Law of Bills of Exchange, Promissory Notes, and Checks. 1881.

TIEDEMAN, CHRISTOPHER GUSTAVUS. A Treatise on the Law of Commercial Papers, Including all Species of Instruments of Indebtedness, whether Negotiable or Assignable, which are used in the Commerce of the World. 1889.

PARSONS, THEOPHILUS. A Treatise on the Law of Promissory Notes and Bills of Exchange. 1863.

BIGELOW, MELVILLE. Elements of the Law of Bills, Notes, and Cheques and the English Bills of Exchange Act . . . 1893.

JOHNSON, ELIAS FINLEY. Elements of the Law of Negotiable Contracts. 1898.

HUFFCUT, ERNEST WILSON. The Law of Negotiable Instruments; Statutes, Cases and Authorities. 1898.

TORTS

COOLEY, THOMAS MCINTYRE. A Treatise on the Law of Torts, or the Wrongs which Arise Independent of Contract. 1879.

BIGELOW, MELVILLE MADISON. Elements of the Law of Torts; A Text Book for Students. 1889.

ADDISON, CHARLES GREENSTREET. Wrongs and their Remedies, Being a Treatise on the Law of Torts. 3d ed., 1870.

POLLOCK, SIR FREDERICK. The Law of Torts. A Treatise on the Principles of Obligations Arising from Civil Wrongs in the Common Law. 1887.

BISHOP, JOEL PRENTISS. Commentaries on the Non-Contract Law and Especially as to Common Affairs not of Contract of the Everyday Rights and Torts. 1889.

EVIDENCE

BEST, WILLIAM MAWDESLEY. A Treatise on the Principles of Evidence and Practice as to Proofs in Courts of Common Law; with Elementary Rules for Conducting the Examination and Cross Examination of Witnesses. 1849.

STEPHEN, SIR JAMES FITZJAMES. A Digest of the Law of Evidence. 2d ed. 1876.

GREENLEAF, SIMON. A Treatise on the Law of Evidence. 2d ed., 1848.

WHARTON, FRANCIS. A Commentary on the Law of Evidence in Civil Issues. 1877.
STARKIE, THOMAS. A Practical Treatise on the Law of Evidence, and Digest of Proofs, in Civil and Criminal Proceedings. 1826.
ROGERS, HENRY WADE. The Law of Expert Testimony. 1883.
TAYLOR, PITT (i.e., John Pitt). A Treatise on the Law of Evidence, as Administered in England and Ireland; with Illustrations from the American and other Foreign Laws. 3d ed., 1858.

REAL PROPERTY

WILLIAMS, JOSHUA. Principles of the Law of Real Property. 2d ed., 1857.
WASHBURN, EMORY. A Treatise on the American Law of Real Property. 1860.
TIEDEMAN, CHRISTOPHER GUSTAVUS. An Elementary Treatise on the American Law of Real Property. 1884.
BOONE, CHARLES THEODORE. A Manual of the Law of Real Property. Including also, General Rules of Law Relating to the Purchase and Sale of Real Property, or Law of Vendor and Purchaser. 1883.
WILLIAMS, JOSHUA. Principles of the Law of Real Property, Intended as a First Book for the use of Students in Conveyancing. 17th ed., 1894.

PARTNERSHIP

LINDLEY, BARON NATHANIEL LINDLEY. A Treatise on the Law of Partnerships, Including its Application to Joint-Stock and other Companies. 1860.
PARSONS, THEOPHILUS. A Treatise on the Law of Partnerships. 1867.
BATES, CLEMENT. The Law of Partnerships. 1888.
MECHEM, FLOYD RUSSELL. Lectures on the Law of Partnership, Delivered to the Junior Class of the Law Department of the University of Michigan. 1893.
. . . . Elements of the Law of Partnerships. 1896.
. . . . Cases on the Law of Partnerships. 1896.

WILLS AND THE ADMINISTRATION OF ESTATES

REDFIELD, ISAAC FLETCHER. The Law of Wills, Embracing also the Jurisprudence of Insanity; the Effect of Intrinsic Evidence; the Creation and Construction of Trusts, so far as Applicable to Wills; with Forms and Instructions for Proper Wills. 1864.
JARMAN, THOMAS. A Treatise on Wills. 1849.
WILLIAMS, SIR EDWARD VAUGHAN. A Treatise on the Law of Executors and Administrators. 1832.
JARMAN, THOMAS. A Treatise on Wills. 5th ed., 1881.
HAWKINS, FRANCIS VAUGHAN. A Concise Treatise on the Construction of Wills. 1872.

WOERNER, JOHN GABRIEL. A Treatise on the American Law of Administration. 1889.

CROSWELL, SIMON GREENLEAF. A Treatise on the Law Relating to Executors and Administrators. 1889.

SCHOULER, JAMES. A Treatise on the Law of Wills. 1887.

CHAPLIN, STEWART. Principles of the Law of Wills. 1892.

SCHOULER, JAMES. A Treatise on the Law of Executors and Administrators. 1883.

COMMON CARRIERS

HUTCHINSON, ROBERT. A Treatise on the Law of Carriers as Administered in the Courts of the United States and England. 1880.

THOMPSON, SEYMOUR DWIGHT. The Law of Carriers of Passengers. 1880.

REDFIELD, ISAAC FLETCHER. A Practical Treatise upon the Law of Railways. 2d ed., 1858.

PIERCE, EDWARD LILLE. A Treatise on American Railroad Law. 1857.

WHEELER, EVERETT PEPPERRELL. The Modern Law of Carriers; or The Limitation of the Common Law of Liability of Common Carriers under the Law, Merchant, Statutes and Special Contracts. 1890.

WOOD, HOWARD GRAY. A Treatise on the Law of Railways. 1885.

RORER, DAVID. A Treatise on the Law of Railways. 1884.

MINING LAW

WEEKS, EDWARD P. [AND GEORGE A. BLANCHARD]. The Law of Mines, Minerals and Mining Water Rights. 1877.

PUBLIC OFFICERS AND OFFICE

MECHEM, FLOYD RUSSELL. A Treatise on the Law of Public Offices and Officers. 1890.

EQUITY

BISPHAM, GEORGE TUCKER. The Principles of Equity: A Treatise on the System of Justice Administered in the Courts of Chancery. 2d ed., 1878.

ADAMS, JOHN. A Treatise on the Law of Equity: being a Commentary on the Law as Administered by the Court of Chancery. 1850.

POMEROY, JOHN NORTON. A Treatise on Equity Jurisprudence as Administered in the United States of America; Adopted for all the States, and to the Understanding of Legal and Equitable Remedies Under the Reformed Procedure. 1881.

STORY, JOSEPH. Commentaries on Equity Jurisprudence, as Administered in England and America. 1836.

SNELL, EDWARD HENRY TURNER. The Principles of Equity, Intended for the use of Students and the Professors. 1868.

TIEDEMAN, CHRISTOPHER GUSTAVUS. A Treatise on Equity Jurisprudence; With Particular Reference to the Present Conditions of Jurisprudence in the United States. 1893.

MERWIN, ELIAS. The Principles of Equity and Equity Pleading. 1895.

CRIMINAL LAW

BISHOP, JOEL PRENTISS. Commentaries on the Law of Criminal Procedure; or, Pleading, Evidence and Practice in Criminal Cases. 1866.

WHARTON, FRANCIS. A Treatise on the Criminal Law of the United States: Comprising a Digest of the Penal Statutes and Cases Arising upon those Statutes, and a General View of the Criminal Jurisprudence of the Common and Civil Law. 2d ed., 1852.

MAY, JOHN WILDER. The Law of Crimes. 1881.

HARRIS, SEYMOURE FREDERICK. Principles of Criminal Law. Third ed., 1885.

WASHBURN, EMORY. A Manual of Criminal Law, Including the Mode of Procedure by Which it is Enforced. 1878.

STEPHEN, SIR JAMES FITZJAMES. A Digest of the Criminal Law (Crimes and Punishments). 1877.

STEPHEN, SIR JAMES FITZJAMES. A History of the Criminal Law of England. 1883.

McLAIN, Criminal Law. [As originally printed in *Announcement.*]

PLEADING

STEPHEN, HENRY JOHN. A Treatise on the Principles of Pleading in Civil Actions; Comprising A Summary View of the Whole Proceedings in a Suit at Law. 1824.

GOULD, JAMES. A Treatise on the Principles of Pleading in Civil Actions. 1832.

CHITTY, JOSEPH. A Practical Treatise on Pleading and on the Parties to Actions, and the Forms of Actions. 1809.

BLISS, PHILEMON. A Treatise on the Laws of Pleading Under the Acts of Civil Procedure in the States of New York, Ohio, Indiana, Kentucky, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Kansas, Nebraska, California, Nevada, Oregon, Colorado, North Carolina, South Carolina, and the Territories of the Dakotas, Wyoming, Montana, Idaho. 1879.

STORY, JOSEPH. Commentaries on Equity Pleadings, and Incidents Thereto, According to the Practice of the Courts of Equity of England and America. 1838.

HEARD, FRANKLIN FISKE. Precedents of Equity Pleading. 1884.

POMEROY, JOHN NORTON. Remedies and Remedial Rights by Civil Action, According to the Reformed American Procedure. 1876.

MAXWELL, SAMUEL. A Treatise on Pleading and Practice Under the Codes of Civil Procedure, with Appropriate Forms. 1880.

AGENCY

EVANS, WILLIAM. A Treatise Upon the Law or Principal and Agent in Contract Law and Tort. 1879.

STORY, JOSEPH. Commentaries on the Law of Agency, as a Branch of Commercial and Maritime Jurisprudence, with Occasional Illustrations from the Civil and Foreign Law. 1839.

WHARTON, FRANCIS. Commentary on the Law of Agency and Agents. 1876.

MECHEM, FLOYD RUSSELL.

. . . . A Treatise on the Law of Agency Including not only a Discussion of the General Subject but also Special Chapters on Attorneys, Auctioneers, Brokers and Factors. 1889.

. . . . Cases on the Law of Agency. 1893.

DAMAGES

SUTHERLAND, JABEZ GRIDLEY. A Treatise on the Law of Damages, Embracing Elementary Exposition of the Law and also its Application to Particular Subjects of Contract and Tort. 1884.

SEDGWICK, THEODORE. A Treatise on the Measure of Damages or An Inquiry into the Principles which Govern the Amount of Compensation Recovered in Suits at Law. 1847.

MAYNE, JOHN DAWSON. A Treatise on the Law of Damages: Comprising their Measure, the Mode in which they are Assessed and Reviewed, the Practice of Granting a New Trial, and the Law of Set-Off, and Compensation Under the Lands Clause Act. 1856.

FIELD, GEORGE WASHINGTON. A Treatise on the Law of Damages. 1876.

MORTGAGES

JONES, LEONARD AUGUSTUS. A Treatise on the Law of Mortgages of Personal Property. 1881. 2d ed. 1883. 4th ed. 1894.

PINGREY, DARIUS HARLAN. A Treatise on the Law of Chattel Mortgages. 1891.

. . . . A Treatise on the Law of Mortgages of Real Property. 1893.

INSURANCE

MAY, JOHN WILDER. The Law of Insurance, as Applied to Fire, Life, Accident, Guarantee, and other Non-Maritime Risks. 2nd ed. 1882.

BLISS, GEORGE. The Law of Life Insurance with a Chapter on Accident Insurance. 2d ed., 1874.

WOOD, HORACE GRAY. A Treatise on the Law of Fire Insurance, Adopted by the Present States of Law, English and American with Copious Notes and Illustrations. 1878.

ARNOULD, SIR JOSEPH. A Treatise on the Law of Marine Insurance and Averages: With References to the American Cases and the Later Continental Authorities. 2d ed., 1850.

SHIPPING AND ADMIRALTY

ABBOTT, CHARLES. A Treatise on the Law Relative to Merchant Ships, and Seamen: In Four Parts: I. of the Owners of Merchant Ships; II. of the Persons Employed in the Navigation Thereof; III. of the Carriage of Goods Therein; IV. of the Wages of Merchant Seamen. 1802.

CONKLING, ALFRED. The Jurisdiction, Law, Practice of the Courts of the United States in Admiralty and Maritime Causes, Including those of Quasi Admiralty Jurisdiction Arising under the Act of February 26, 1845. 1848.

DESTY, ROBERT. Shipping and Admiralty. 1879.

PARSONS, THEOPHILUS. A Treatise on the Law of Shipping and the Law and Practice of Admiralty. 1869.

MACLACHLAN, DAVID. A Treatise on the Law of Merchant Shipping. 1862.

EASEMENTS

GODDARD, JOHN LEYBOURN. A Treatise on the Law of Easements. 1880.

WASHBURN, EMORY. A Treatise on the American Law of Easements and Servitudes. 1863.

TAXATION

COOLEY, THOMAS MCINTYRE. A Treatise on the Law of Taxation, Including the Law of Local Assessments. 1876.

BURROUGHS, W. H. Treatise on the Law of Taxation. 1877.

DESTY, ROBERT. American Law of Taxation, as Determined in the Courts of Last Resort in the United States. 1884.

VI: 12. SEMINAR IN LEGAL PHILOSOPHY: 1959

NOTE: Students enrolled in William B. Harvey's Seminar in Legal Philosophy, offered in the spring semester of 1959, were responsible for certain assigned readings. Suggestions for further readings were included, but have been omitted here. The following extracts were taken from the assignment sheets:

I

REPORT ON: St. Thomas Aquinas, *Treatise on Law* (Being Questions 90-108 of the *Summa Theologica*), Pegis, *Basic Writings of St. Thomas Aquinas*, pp. 742-978. ASSIGNED READING: 1) Friedmann, *Legal Theory*, pp. 17-24. 2) Wild, *Plato's Modern Enemies and the Theory of Natural Law*, pp. 114-116. 3) Holmes, "Natural Law," 32 Harv. L. Rev. 40 (1918). 4) Brecht, "The Myth of Is and Ought," 54 Harv. L. Rev. 811-813 (1941). 5) Friedmann, *Legal Theory*, pp. 30-33.

II

REPORT ON: Locke, *The Second Treatise of Government*. ASSIGNED READING: 1) Locke, *The Second Treatise of Government*, Chaps. II, V, VII (87-89), VIII (95-

99), IX. 2) Adkins v. Children's Hospital, 261 U. S. 525 (1923). 3) Hamilton, "Property—According to Locke," 41 Yale L. Jour. 864 (1932). 4) Rochen v. California, 342 U. S. 165 (1952).

III

REPORT ON: Hobbes, *Leviathan,* Parts I and II. ASSIGNED READING: 1) Hobbes, *Leviathan,* pp. 104-120, 139-147, 179-180. 2) Friedmann, *Legal Theory,* pp. 41-43. 3) Allied Control Commission Law No. 10 of Dec. 20, 1945. 4) Note, 64 Harv. L. Rev. 1005 (1951).

IV

REPORT ON: Austin, *The Province of Jurisprudence Determined.* ASSIGNED READING: 1) Brown, *Austinian Theory of Law,* pp. 1-95. 2) Stone, *The Province and Function of Law,* pp. 55-73.

V

REPORT ON: Kelsen, *General Theory of Law and The State.* ASSIGNED READING: 1) Kelsen, "The Pure Theory of Law," 50 Law Q. Rev. 474 and 51 Law Q. Rev. 517. 2) Stone, *The Province and Function of Law,* pp. 91-111.

VI

REPORT ON: Gray, *The Nature and Sources of the Law* (2d ed.). ASSIGNED READING: 1) Gray, *The Nature and Sources of The Law,* Chap. IV, XIII. 2) Holmes, "The Path of the Law," 10 Harv. L. Rev. 457 (1897).

VII

REPORT ON: Frank, *Law and The Modern Mind* and *Courts on Trial.* ASSIGNED READING: 1) Fuller, "American Legal Realism," 82 U. of Pa. L. Rev. 429 (1934). 2) Llewellyn, "Some Realism About Realism," 44 Harv. L. Rev. 1222 (1931).

VIII

REPORT ON: Hohfeld, *Fundamental Legal Conceptions as Applied in Judicial Reasoning.* ASSIGNED READING: 1) Corbin, "Legal Analysis and Terminology," 29 Yale Law Jour. 163 (1919). 2) Stone, *The Province and Function of Law,* pp. 115-134. 3) Hart, "Definition and Theory in Jurisprudence," 70 L. Q. R. 37 (1953).

IX

REPORT ON: Bentham, *The Theory of Legislation* (Including Principles of Legislation, Principles of the Civil Code and Principles of the Penal Code.) ASSIGNED READING: 1) Bentham, *The Theory of Legislation,* Chaps. I-IV, VI-X of Principles of Legislation. 2) Stone, *The Province and Function of Law,* pp. 267-296.

X

REPORT ON: Mill, *On Liberty* and *Utilitarianism.* ASSIGNED READING: 1) Mill, *On Liberty,* Chap. IV. 2) Mill, *Utilitarianism,* Chap. V. 3) Friedmann, *Legal Theory,* pp. 219-221. 4) *An Introduction to Reflective Thinking,* Chap. XI.

XI

REPORT ON: Von Jhering, *Der Zweck im Recht,* trans. by Husik as *Law as a Means to an End.* ASSIGNED READING: 1) Stone, *The Province and Function of Law,* pp. 299-314. 2) Pound, "A Survey of Social Interests," 57 Harv. L. Rev. 1 (1943).

XII

REPORT ON: Kohler, *Philosophy of Law.* ASSIGNED READING: 1) Kohler, *Philosophy of Law,* Chap. III. 2) Stone, *The Province and Function of Law,* pp. 331-340. 3) Hocking, *Present Status of the Philosopy of Law and of Rights,* Chaps. III and IV.

XIII

REPORT ON: Ehrlich, *Fundamental Principles of the Sociology of Law.* ASSIGNED READING: 1) Ehrlich, "The Sociology of Law," 36 Harv. L. Rev. 130 (1922). 2) Ehrlich, *Fundamental Principles of the Sociology of Law,* Chaps. XX and XXI.

XIV

REPORT ON: Duguit, *Law in the Modern State* and *Objective Law Anterior to the State.* ASSIGNED READING: 1) Duguit, *Theory of Objective Law Anterior to the State,* §§186-190. 2) Stone, *The Province and Function of Law,* Chap. XIV. 3) Friedmann, *Legal Theory,* Chap. 16.

XV

REPORT ON: Radbruck, *Lehrbuch der Rechtsphilosophie,* trans. in *Legal Philosophies of Lask, Radbruck and Dabin.* ASSIGNED READING: 1) Radbruck, *Legal Philosophy,* Secs. 2, 9, and 10. 2) Bodenheimer, "Significant Developments in German Legal Philosophy Since 1945," 3 Amer. Jour. of Com. Law 379 (1954).

CHAPTER VII

Training for Advocacy: Courts, Clubs, and Public Speaking

VII:1. MOOT COURTS AND THE PRESIDING PROFESSORS: 1859-1893

SOURCE: *Law School Record, 1859-1893*

Moot Courts 1859–1893 Professor Presiding	Year	1859–1860	1860–1861	1861–1862	1862–1863	1863–1864	1864–1865	1865–1866	1866–1867	1867–1868	1868–1869	1869–1870	1870–1871	1871–1872	1872–1873	1873–1874	1874–1875	1875–1876	1876–1877	1877–1878	1878–1879	1879–1880	1880–1881	1881–1882	1882–1883	1883–1884	1884–1885	1885–1886	1886–1887	1887–1888	1888–1889	1889–1890	1890–1891	1891–1892	1892–1893	Total for Professor
Campbell				1									3	13	9	8	12	10	4	11	15	8	6	7	10	9	7								133
Walker		11	5	6	6	6	9	6	4	3	11		6	7	6	5						10	6	9				13							129
Cooley		11	7	6	5	8	11	11	18	20	14	14	14	9	9	13	11	11	11	16	23	16	5	10		6									279
Pond								1	4	7																									12
Kent											6	14	2	7	4	3	2	7	9	9	6	6	2	6	8	5	9	9							114
Wells																	8	12		7	8				6	6	9	6		11	9	12	4		98
Felch																								10	2										12
Rogers																										2									2
Hutchins																											4	2	10						16
Knowlton																															1				1
Kirchner																													3						3
Griffin																													6	13	8	11	5	11	20	74
Thompson																															13			4		17
Abbott																																		4		4
Champlin																																			12	12
Conely																																			5	5
Mechem																																			4	4
Annual Total		22	12	13	11	14	20	18	26	30	31	28	25	36	28	29	33	40	24	43	52	40	19	42	26	28	29	17	32	24	30	24	9	19	41	915

VII: 2. Two Moot Court Cases: 1866

SOURCE: These cases appear in a notebook owned by Clement Smith, Law '67, on deposit in the Michigan Historical Collections.

Copy of Moot Court case
University moot court
Hon Thomas M. Cooley Judge

John Owen
ver.
James Jones

W. A. Martin Reporter
Chaffe and Foster for Plaintiff
Barber and Shaud for Defendants

Statement of case.

John Owen in all respects qualified as an elector in this state of the city of Jackson, in this state, whose parents are dead, came to the University at Ann Arbor in the fall of 1855 and at the election for President in 1856 returned to the city of Jackson and tendered his vote which was refused by the Inspectors the defendant being one of those inspectors—on the ground that not being a man of family, or property, he had nothing to attach him to Jackson and consequently had lost his residence in that place by leaving the same. This decision was given in good faith, the inspectors believing it to be founded on law.

Whereupon Owen brings a special action on the case against the defendant as one of the inspectors for refusing to receive his vote.

Can he recover?

Plaintiff's Brief

Owen was entitled to vote under the constitution and Statutes of Michigan.

Const. of Mich. Art. VII Sec I & V.

Comp. laws Page 107. Sec. 23 & 33.

Inspectors act in a ministerial capacity, except in matter of colored voters, and are liable when they overstep their power.

Betts ver. Dimon 3 Conn. 109
Tompkins ver. Sand 8 Wen. 462
Gordon ver. Farrow 2 Doug (Mich) 414
} Stratford ver. Sanford 9 Conn, 282
} Percival ver. Jones 2 John's cases 43
} Blanchard ver. Straus 3 Met. 298

An action on the case lies against inspectors for refusing to receive the vote of a qualified elector, though not chargeable with malice.

Ashley ver. White 1 Smith's leading cases 343&5, 353&6, 360&8.
Lincoln ver. Hapgood 11 Mass 350&6.
Thacker ver. Haret 11 Ohio 398
} Jeffries ver. Ankery 11 Ohio 372
} Caper ver. Foster 12 Pick. 485

Geo. D. Chaffe
G. A. Foster
} Attorneys

Defendants Brief

We claim that the defendant as one of the inspectors of the election acted in a judiciary capacity; and that a person so acting is not liable in an action on the case, for a wrong committed through mistake of the law, or by mere error in judgment, if acting in good faith and without malice.

Hamden ver. Tappender et al. 11 Johns 114 } Drew ver. Calton 1 East 565
Cunningham ver. Bucklin 8 Cow. 187 } Gordon ver. Farrer 2 Doug (Mich) 411
Wheeler ver. Patterson 1 N.H. 88 } Jenkins et al. ver. Waldrow 1 East 555

Charles E. Barker } Defendants
Alexander Shand } Attorneys

The duties of inspectors of elections in receiving the vote of a person challenged as a non-resident are minsterial and not judicial, since they exercise no judgment or discretion of their own, but are bound to tender the oath prescribed by law and to receive the vote if the oath shall be taken.

And where the inspectors when a qualified voter was challenged for this cause, instead of tendering the proper oath took upon themselves to decide that the elector was not qualified and to reject the vote.—Held—that the elector might sustain an action on the case against them for rejecting it.

University Moot Court
John Owen
ver.
James Jones

Cooley Judge.

The duties of inspectors of elections under our statutes are partly judicial and partly ministerial in their character. In passing upon the qualifications of electors so far as they are authorized to do so, in deciding upon counting or rejecting informal votes, and in adjudging persons guilty of disorderly behavior at the polls, and imposing punishments therefor, they are clearly acting in a judicial capacity, and can only be made liable in a civil action when they have acted from malicious or corrupt motives. But in receiving votes under such circumstances that the law permits the exercise of no judgment or discretion on their part, it is impossible to class their duties among those of a judicial character. When the law unequivocally commands them to receive a vote and fixes a test or qualification which they are not at liberty to dispute, it would be a perversion of terms to say that they act otherwise than ministerially. This was precisely the position of the defendant in this case.

The inspectors of elections were directed when the person offering to vote was challenged as non-resident, to tender him the proper oath and to receive his vote in case he should take the oath. They had no discretion and were to exercise no judgment in the matter. Their duties were plainly and unequivocally pointed out. They were indeed to administer an oath, but the administering of an oath is of itself a ministerial act, and if it were not

so in ordinary cases that could make no difference here in as much as they are not permitted to judge of the truth or sufficiency, but to take it as made and receive the vote upon it.

It is said by counsel that the case does not show that Plaintiff offered to take the proper oath. The statement indeed is a little obscure, but it sufficiently appears from it that Plaintiff offered to vote, that his vote was objected to on the ground of nonresidence, and that the inspectors then instead of tendering to him the proper oath as the statute requires took upon themselves to decide that if taken the oath could not be true, and so reject the vote accordingly.

They undertook to change their ministerial functions into judicial, and I think the case as prepared fairly raises the question whether they were justified in so doing.

In my opinion they were not and plaintiff must have judgment.

John Confield
ver.
Oliver Carlisle

Plaintiff's Brief

The words "value rec'd" in a promissory note or even in a special contract imports a consideration and throws the burden of proof upon the deft to show want of consideration.

Jerome ver. Whitney 7 Johns 321
Townsend ver. Derby 3 Met. 363
Haladay ver. Atkinson 5 B & C 360
Sloan ver. Gibson 4 Missouri 35
Story on bills of exchange 86
2 Parsons on contracts 298 note
Douglas ver. Howland 24 Wen. 35
Story on contracts Sec. 428
Jackson ver. Alexander 3 Johns 484
Watson ver. McLane 19 Wen. 557
Lapham ver. Barrett 1 Vt. 247
Whitney ver. Stevens 4 Shipley 394
Chitty on bills 17 Note.
Chitty on contracts 52 note
1 Parsons 351
3 Kent 172 note.

R. E. Frazer
McKinley
Plfts. Attorneys

John Confield
ver.
Oliver Carlisle

Deft's Brief.

I

This instrument is not a promissory note therefore entitled to none of the privileges of negotiable instruments.

Story on bills Sec. 43
Edwards on bills 211
Harbrook ver. Palmer 2 McLane 10
Carleton ver. Brooks 14 N. H. 149
Walkers American laws 435
3 Kent 76
Coolidge ver. Ruggles 15 Mass. 387
Rhodes ver. Lindley 3 Ohio 51

II

It amounts to a simple contract for the delivery of brick; and in declaring upon it the consideration must be averred and proved.

Chitty on Bills 51
1 Bacons Abr. 445
Bender ver. Manning 2 N. H. 289
1 Philips on evidence 851
15 U.S. digest 459-7
Drown ver. Smith 3 N. H. 299 Ed. on bills 211

III

The words "value rec'd" in a simple contract (not negotiable) do not dispense with the necessity of averment and proof of consideration.

* * * [Citation of cases omitted.]

Chas. Shire
Geo. C. Gordon } Dft's Attornies.

In declaring upon a note for a certain amount payable in specific chattels and which on its face purports to be for value rec'd, it is sufficient to allege the consideration as set out in the note and the note itself is sufficient proof of this allegation.

University Moot Court
John Confield
ver.
Oliver Carlisle

Cooley—Judge

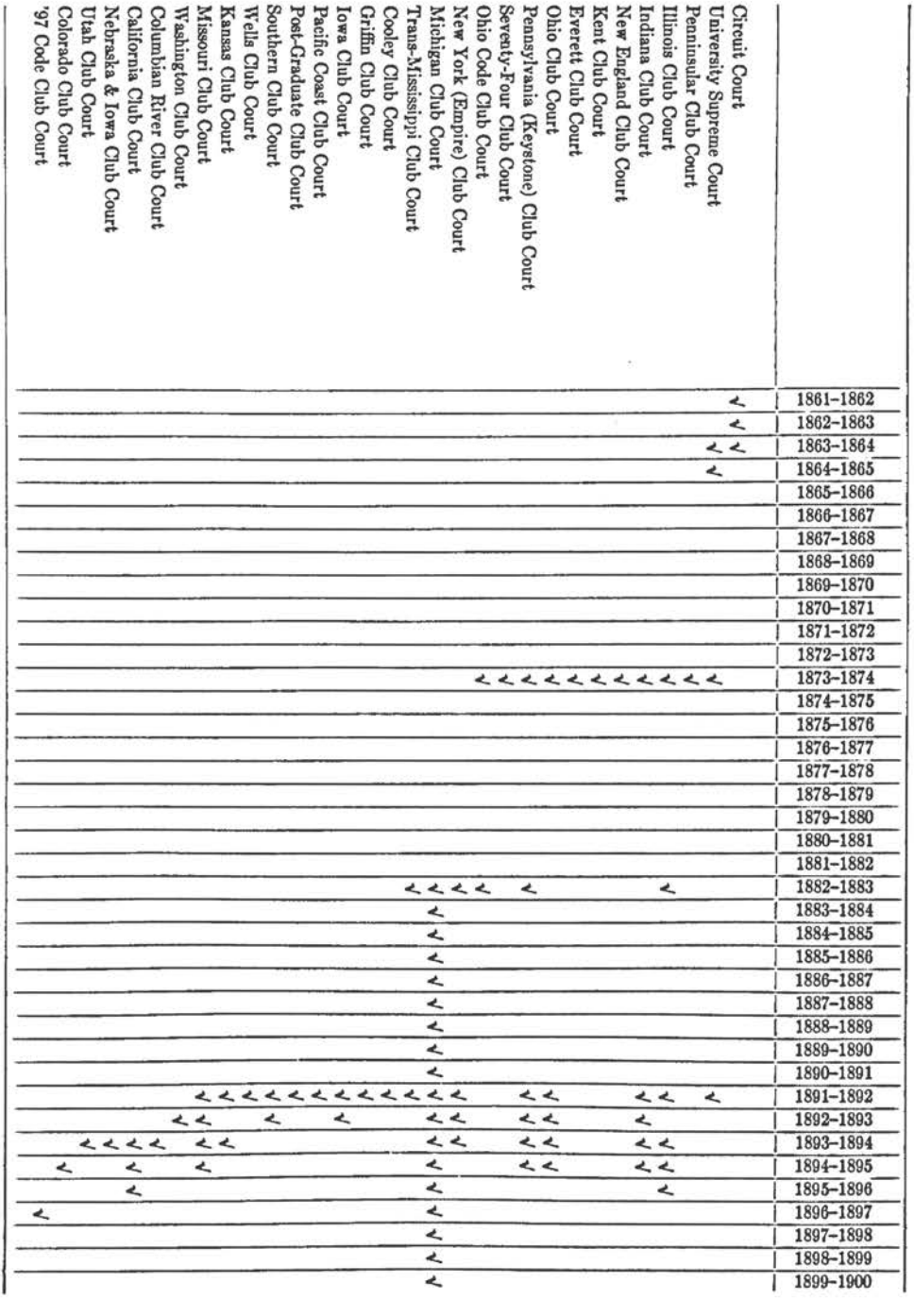
The instrument in question is not a promissory note and in accordance with general principles the plft. is bound to aver and prove a consideration. He has averred that the note was made for value rec'd and he supports this averment by introducing the instrument which on its face purports to be given for value rec'd.

I do not deem it necessary to go into a full discussion of the authorities which have been so successfully collected by counsel, but I think there can be no question that the weight of authority is with the plft. The cases referred to in New York are admitted to be in point and to be recognized as law by the elementary writers. They are strongly supported by Smith vs. Smith 2 John's 235, Crandall vs. Bradley 7 Wendell 311, and Dugan vs. Campbell 1 Ohio 115, and I do not think they are opposed to any sound principle. So far from that I think it good policy to permit the parties to incorporate in their contracts the necessary proofs to sustain them; and where nothing appears to show that this is not done deliberately the courts ought to hesitate in requiring proof to support an admission made apparently for no other purpose than to dispense with proof. Cases of guaranty under statutes requiring the consideration to be stated are analogous.

A new trial is ordered with costs to abide the event.

VII: 3. Student Courts: 1861-1900

Note: These courts are arranged in order of their establishment, as ascertained from available evidence. Academic years checked indicate some degree of activity by the particular organization.



VII: 4. CONSTITUTION AND BY-LAWS OF THE MICHIGAN CLUB COURT: October 7, 1884

Records of one of the Club Courts are located in the Law Library of the University, consisting of two partially filled handwritten volumes, with the title page of the first bearing the notation:

PROPERTY OF THE MICHIGAN CLUB COURT
NOV., 23RD 1883.

The earliest dated entry in the first volume is November 21, 1883. The latest dated entry in the second is October 6, 1900. There are, however, very few entries after 1898.

The "Constitution and By-Laws of the Michigan Club Court" appear on pages seven to twelve of the first volume, bearing the date of October 7, 1884. The provisions show that the original members of this Club Court envisaged an organization which would make a definite contribution to their legal training, complementing the Moot Court by providing a student court for the argument of questions of fact, and there is no reason to doubt that this was the initial purpose of all such organizations. Moreover, the records of the proceedings of this particular club court show that the purpose was fulfilled in practice. An extract from the original constitution of the Michigan Club Court follows:

Preamble. We the undersigned members of the Law Dep't. of the University of Michigan in order to form a court for the trial of issues of law and fact, do establish the following Constitution and By Laws.

Art. 1

Sec. 1 This Society shall be known as the Michigan Club Court of the University of Michigan, ~~and shall be a permanent organization~~.

Sec. 2 The officers of this Court shall consist of a Circuit Judge; Associate Circuit Judge; ~~Prosecuting Attorney;~~ Stenographer; ~~Delegate to the Supreme Court;~~ Clerk; and Sheriff. They shall hold their offices until the expiration of the term of court for which they were elected, and until their successors shall be installed.

Sec. 3 It shall be the duty of the Circuit Judge or the Associate Circuit Judge, to preside at all ~~(meetings)~~ or sessions of the Court, and with the assistance of the Sheriff to preserve order; to hear all cases brought for trial, and decide the same according to the law and the evidence,—Except when a jury is called, and then he shall instruct the jury in regard to the law. He shall appoint Attorneys for the trial of cases. . . .

Sec. 4 It shall be the duty of the Clerk to keep the necessary books; file and preserve all necessary papers pertaining to the trial of cases; issue all required writs by order of Court; administer such oaths as may be required; Keep brief minutes of the proceedings of each session; Keep a roll of members. . . .

When the scope of the Moot Courts was expanded in 1890-1891, to include both questions of fact and of law, and when the Practice Court was established in 1893 to provide experience in

> . . . every step . . . from the commencement of a suit to final judgment with issues of fact . . . tried as in actual practice. . . .

the prime *raison d'etre* for the Club Courts ceased to exist. It is not surprising that the entries of trial proceedings in the record of this one Club Court grew fewer after 1893 and ceased several years before the latest dated entry, which dealt with the election of officers in 1900.

Light is thrown on why this particular Club Court remained a functioning entity, although with modified objectives, by an amendment to the original constitution, adopted January 31, 1890, which provided in part:

> The proceedings of the court shall comprise essays on subjects of Law, reading of Law anecdotes, extemporaneous opinions on statements of fact presented by the presiding justice, trial of causes and discussion of Michigan Statute law—
>
> 1. Essays shall not consume more than ten minutes.
> 2. Readings, not more than five.
> 3. One statement of facts shall be presented by the justice at each session.
>
> After discussion the opinion of the court as to the Law on the facts shall be taken by vote.
>
> Discussions shall not occupy more than twenty minutes.
>
> No more than twenty minutes shall be given to the discussion of Statutory questions.
>
> The statutory question shall be presented by the judge presiding one week previous to its discussion.

VII: 5. Literary and Debating Societies: 1859-1917

Note: These societies are arranged in order of their establishment as far as can be ascertained from available records. The number of members for each society is available from 1859 to 1877 and is included. After 1876-1877, the records are incomplete and in many instances unavailable; hence, no attempt has been made to list the number of members between 1877-1878, 1913-1914 and 1916-1917, the last years in which the *Michiganensian* referred to the Jeffersonian and Webster societies respectively.

Societies \ Year	1859–1860	1860–1861	1861–1862	1862–1863	1863–1864	1864–1865	1865–1866	1866–1867	1867–1868	1868–1869	1869–1870	1870–1871	1871–1872	1872–1873	1873–1874	1874–1875	1875–1876	1876–1877	1877–1878	1878–1879	1879–1880	1880–1881
Webster	83	66	51	52	76	50	56	58	69	64	61	81	60	36	47	59	60	37	69	50	45	50
Justinian		33	44	42																		
Jeffersonian					32	39	48	41	36	44	42	36	38	44	26	18	27	39	27	53	60	63
Douglas							34	30	30	28												
Clay							39															
Lincoln								32	30	28	19											
The Forum								20														
Independent Debating Club								15	15	20	19											
Omega								16	14	15	6	8	9									
Ye Mystic Nine									9													
Fletcher										23												
Junior Independent Society											45	80	72	43								
Cliosophian												15										
Law Literary Society															54	40	35	45				
Philomathian															12							
Cooley Club																	70					

VII : 6. Oratorical Associations and Contests : 1897-1898—1926-1927

Note: The University Oratorical Association, first noted in the 1897-1898 *Announcement*, is described in the 1898-1899 *Announcement* as follows:

"The University Oratorical Association was organized by students of the Department of Literature, Science, and the Arts, and of the Department of Law, under the guidance of the Professor of Elocution and Oratory, to foster an interest in oratory and debate, and also to take part in the annual contests of the Northern Oratorical League and of the Central Debating League." [*Announcement,* 1898-1899, p. 22]

Between 1897-1898 and 1902-1903, all law students were eligible for the debates but from 1903-1904 to 1913-1914 "degree men [were] barred from the oratorical contests." From 1914-1915 to 1926-1927, some contests were open to all law students but some were restricted to those who had not completed four years of college work.

Considerable campus prestige was attached to participation in these various contests; and in the earlier years of these three decades, law students were active in representing the University. The various medals and cash prizes offered provided an added incentive for participation.

INTER-UNIVERSITY COMPETITIONS OPEN TO LAW STUDENTS

Oratorical Competitions 1897–1898 to 1926–1927	1897–1898	1898–1899	1899–1900	1900–1901	1901–1902	1902–1903	1903–1904	1904–1905	1905–1906	1906–1907	1907–1908	1908–1909	1909–1910	1910–1911	1911–1912	1912–1913	1913–1914	1914–1915	1915–1916	1916–1917	1917–1918	1918–1919	1919–1920	1920–1921	1921–1922	1922–1923	1923–1924	1924–1925	1925–1926	1926–1927
Northern Oratorical League	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
Central Debating League		×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×									
Pennsylvania-Michigan Contest			×	×	×	×	×																							
Hamilton Oratorical Contest									×	×	×	×						×												
Michigan-Wisconsin Debates									×	×																				
Cup Debate									×	×	×	×	×	×	×	×	×	×	×	×	×									
Interstate Peace Contest													×	×	×	×														
National Peace Contest																	×	×	×	×	×									
Midwest Debating League																			×	×	×	×	×	×	×	×	×	×	×	×

VII:7. MOOT COURT ORGANIZATION: 1890-1891

SOURCE: *Announcement, 1890-1891,* pp. 19-20. Briefer but substantially similar statements appeared in the *Announcement* for 1891-1892 and 1892-1893.

The fact is recognized that it is desirable to combine theory and practice in the regular work of the Department, and such a course is pursued in so far as it has appeared practicable. The effort to make not merely theoretical but practical lawyers may be illustrated by a reference to the course pursued in conducting the Moot Court cases. The class is divided into sections of four each, and each section is required to conduct a case through all its stages, from the commencement of the action to the entry of the judgment, two in each section acting as attorneys for the plaintiff on the one hand and two for the defendant on the other. For these actions statements of fact are prepared which, in the aggregate, involve questions in every branch of jurisprudence, and necessitate the use of every form of pleading. These statements of fact involve not only questions of pleading and procedure, but also questions of law, and success is made to depend upon skill in pleading, combined with knowledge of law. In causes where students from the State of Michigan appear as attorneys the proceedings are governed by the rules of the Circuit Courts of this State; in those cases where the attorneys are students from other States, the proceedings are governed by the rules of the United States Courts, or by the practice of a Code State if the attorneys

come from such a State, and so prefer. There is a Clerk of the Court, and the records are carefully and systematically kept, and all the proceedings made to conform strictly to like proceedings and causes in actual practice.

It is believed that a student who conducts a case through a Moot Court in accordance with the practice here adopted will gain a clearer insight into matters of practice than students ordinarily obtain who study in offices.

VII:8. Practice Court: 1894-1895

Source: *Announcement, 1894-1895*, pp. 17-18

It has been an objection frequently urged against the completeness of the training given in law schools that the student acquired no knowledge of actual practice. This objection has been entirely removed by the introduction of the Practice Court recently established in this Department. The Practice Court is a part of the Department and is presided over by members of the Faculty, who coöperate in conducting it. Its work is divided into three parts, that of the law term, that of the jury term, and that of appellate jurisdiction. The court is provided with a full corps of officers including the member of the Faculty who may sit from time to time as presiding judge, the full bench of judges sitting as a Supreme Court, a clerk, sheriff, and the necessary deputies. Ample and commodious rooms have been provided for the use of the court, including a large court room fitted up with all of the furniture and fittings necessary for the trial of jury cases, jury rooms, and a clerk's office. The latter is provided with all the books and records used in actual practice and a fully supply of the blanks in common use in the several States.

The purpose of the court is to afford to the student practical instruction in pleading and practice both at law and in equity, under the common law system and the "code" or "reformed" procedure, and actual experience in the commencement and trial of cases through all their stages. In commencing the actions, the students assigned to the case are permitted to select the State in which the action shall be supposed to be brought, thus enabling the student to acquire the practice as prevailing in his own State. All questions of practice, pleading, and procedure are governed by the law of the State in which the action is so laid, but questions of substantive law are determined according to the weight of authority.

Two classes of cases are presented:

First. Cases arising upon given statements of fact, prepared and assigned by the Faculty, upon which process is to be issued, pleadings framed, and the cause conducted to an issue, when it is argued and disposed of as a question of law upon the facts admitted. This class of cases affords the student practical experience in the commencement of suits, and the preparation of pleadings and the argument of the questions of law arising upon the facts. The practice and pleadings are under the common law or the code procedure as the students may elect. The questions arising upon the pleading and practice, and the issue of law arising upon the pleadings, are argued and disposed of at a regular session of the court presided over by that member

of the Faculty who has charge of the instruction upon the subjects involved. When the issues so arising have been satisfactorily disposed of the student is given credit for the first course.

Second. Actual controversies are arranged and assigned for trial as issues of fact. The course will include the entire conduct of an actual case from its beginning to a final judgment in the Supreme Court. This involves the issue of proper process, the preparation and filing of appropriate pleadings, the subpoenaing of the witnesses, the impanelling of a jury, the examination and cross-examination of witnesses, the arguments to the court and jury, and all the other incidents of a contested trial.

For the purposes of this work the class is divided into sections, and the work of attorneys, witnesses, jurors and the like is performed by the students. A member of the Faculty presides at these trials, which are conducted with all the dignity and decorum of actual practice. Upon the satisfactory completion of the course, credit is given for it.

Every member of the Senior Class who is a candidate for a degree will be expected to take part in both courses, and to perform all the incidental duties which may be required of him. Satisfactory completion of both courses will be a condition precedent to a degree.

The Practice Court supersedes the Moot Courts formerly conducted in the Department.

VII:9. SUNDERLAND, "THE ART OF LEGAL PRACTICE," MICHIGAN ALUMNUS: 1912

SOURCE: *18 Michigan Alumnus* 252-60 (1912)

Only two reasons suggest themselves for excluding practice from the law school course. One is that it is practically impossible to teach it. This may be dismissed with the remark that it has been done and is now being done with unquestioned success. The other is that practice has no proper place in a law school.

If practice ought not to appear as one of the features of legal instruction it is either because it is of no importance in itself or because it would diminish the time available for other more important subjects. Both of these reasons have been given; they are equally invalid.

* * * * *

There is no essential difference in the relation which practice bears to the study of law and that which composition bears to the study of literary style. . . . A knowledge of rhetoric will never make a writer; a knowledge of the principles of law will never make a lawyer.

The case system is, indeed, a half-way point in the development of legal teaching. It carries the student out of the abstractions of the text-book into the realm of concrete litigation. But it merely instructs him as to how others applied the law, without allowing him any opportunity to apply it for himself. . . . The case system admits that law is more than a science of jurisprudence that it lives not in abstract propositions but in the shifting interrelation of facts and principles. It admits that the law must be studied as an

applied science, but it stops short of the position which has become axiomatic in regard to every other phase of practical life, viz., that the only way to really learn how to do a thing is to actually do it.

If the aim of the law school is to make legal scholars perhaps the study of cases is enough. . . . But one can never become proficient in doing anything by merely watching others do it. . . .

The aim of the law schools ought to be to develop good lawyers so far as their means will allow. The lawyer is essentially a practitioner, and the schools must therefore aim to do what they can to prepare men for practice. . . . It should teach [the student] the elementary principles of the law; it should go further, and show him, by the study of cases how the great lawyers wrestled with and solved the problems of the law; and it should, finally, give him problems to solve for himself, and should watch, direct and criticise through all the stages of the case, helping him to appreciate and understand the difficulties, and teaching him, by actual experience, how to avoid pitfalls and reach the desired results.

The mere scholar is disheartened over the uncertainties of the law. For him they mark imperfection and incompleteness, and he looks forward to the time when legal standards will be so far perfected that the answers to legal problems may be worked out with accuracy and precision. He would apply the close logic of the mathematician to the facts and law of the case, and would have the correct result follow invariably from correct premises. The lawyer knows better. He understands that there is no absolute standard possible; that reversed cases and dissenting opinions only emphasize the human element in legal controversies; that two judges may differ diametrically and neither be wrong; that right and wrong, as applied to the solution of legal problems, are purely relative terms.

* * * * *

The lawyer . . . is a professional man with whom knowledge is but a means to a practical end. If he cannot use his knowledge it is of no value to him. He can never appreciate what he knows until he learns how to use it; he can never know how to acquire knowledge until he understands how his knowledge is to be employed. It is to round out the law school curriculum into a practical as well as a theoretical course, to supplement the case system in making the law concrete, and to develop the study of law as a science which is primarily to be applied to the needs of a complex society, that the teaching of practice has taken a prominent place in the Law Department of the University of Michigan.

VII: 10. Practice Court: 1923-1924

Source: *Announcement, 1923-1924,* pp. 32-34

It has been an objection frequently urged against the completeness of the training given in law schools that the students acquire no knowledge of actual practice. This objection has been largely removed by the introduction into this School of comprehensive courses in pleading, practice, and procedure, and of the Practice Court. The Practice Court is a part of the

School and is presided over by the Professors of Practice, while the other members of the Faculty co-operate in conducting it. The court is provided with a full corps of officers, including the members of the Faculty who may sit from time to time as presiding judges, the full bench of judges sitting as a Supreme Court, a clerk, a sheriff, and the necessary deputies.

The purpose of the court is to afford to the student practical instruction in pleading and practice, both at law and in equity, under the common law system and the code of reformed procedure. In commencing the action, the students assigned to the case are permitted to select the state in which the action shall be supposed to be brought, thus enabling the student to acquire a knowledge of the practice prevailing in his own state. All questions of practice, pleading, and procedure are governed by the law of the state in which the action is so laid, but questions of substantive law are determined according to the weight of authority.

Cases arising upon given statements of fact are prepared and assigned by the Professors of Practice, and upon them process is to be issued, pleadings are to be framed, and the cause conducted to an issue, when it is argued and disposed of as a question of law upon the facts submitted. This class of cases affords the student practical experience in the commencement of suits, the preparation of pleadings, and the argument of the question of law arising upon the facts. The practice and pleadings are under the common law or the code procedure, as the student may elect. There are three public hearings in this course. *a.* The questions arising upon the pleadings are argued and disposed of at a regular session of the court presided over by the Professors of Practice. *b.* After the case is at issue the pleadings are carefully examined by one of the Professors of Practice, and are discussed and criticized in detail with the men who drew them, and amendments are required whenever deemed advisable. *c.* After the pleadings have been approved, the case is set down for a separate hearing upon the questions of law. This argument is heard by some member of the Faculty to whom an exhaustive brief on the law of the case must at the same time be submitted.

For the purpose of this work, the class is divided into groups of four, two students acting as attorneys for the plaintiff and two as attorneys for the defendant in the case assigned to the group.

VII: 11. PRACTICE COURT: 1924-1925

SOURCE: *Announcement, 1924-1925*, pp. 30-31

For carrying on the work of the Court the third year students are divided into groups of four, two in each group representing the plaintiff and two the defendant. Each group is allowed to choose the jurisdiction in which the case to which it is assigned is supposed to be brought, and all matters touching procedure are determined in accordance with the law of that jurisdiction. To each group is given a statement of facts involving both difficult questions of pleading and debatable principles of law. Process and pleadings are prepared by the members of the group who carry the case to a final issue. Interlocutory hearings on motions and formal demurrers are held

each week on regular motion days, and the students are required to draw the proper orders to be made thereon. After the case has reached final issue on the pleadings, the group meets with one of the professors in charge of the Court for a thorough and critical examination of the pleadings and proceedings in the case. As a result of this criticism the pleadings are frequently required to be redrawn or radically amended. The case is then ready to be set down for argument before some member of the faculty. At the time of the argument of the case the students representing each side are required to present to the presiding judge a complete and adequate brief on the law involved, prepared in accordance with approved legal practice and showing evidence of diligent and intelligent use of the resources of the library. It is expected that the authorities bearing upon the case will be exhaustively studied and effectively presented. The oral argument covers the same scope as the briefs, and the students participating are expected to show a ready familiarity with all the important authorities relating to the questions to be discussed, without too frequent use of briefs, memoranda, or books.

VII: 12. Civil Procedure III and Practice Court: 1957-1958

Source: *Announcement, 1957-1958,* pp. 29-30

As an essential part of the work in procedure, supplementing the classroom courses in pleading and practice, the Law School maintains a Practice Court under the direction and control of members of the faculty. Its purpose is to give the students an opportunity to co-ordinate their knowledge of procedure with their knowledge of the substantive law in the conduct of actually litigated controversies. Features that are specially developed and emphasized are: investigation of a case, instruction in drawing pleadings, preparation of trial briefs on fact and law, trial practice, preparation of instructions, and preparation and presentation of motions for new trial. . . .

Civil Procedure III (225). 3 hours.

This course consists of two parts. First, thirty class hours are spent in learning about the problems, laws, rules, and techniques of preparing, trying, and appealing a lawsuit. Second, a student puts into practice that which he has learned in the course and relates it to his other procedure courses and the substantive law in Practice Laboratory. Students are divided into groups of four, two in each group representing the plaintiff and two, the defendant. Each group is allowed to choose the jurisdiction in which the case to which it is assigned is assumed to be brought, and all matters touching procedure are determined in accordance with the law of that jurisdiction. To give realism to the trials, motion pictures of events that normally would result in litigation are shown to the prospective witnesses to acquaint them with the facts. The student lawyer must investigate the case carefully before preparing it for trial. Process and pleadings are prepared by the members of the group who carry the case to a final issue. Interlocutory hearings, on

motions and formal demurrers, are held each week on regular motion days, and the students are required to draw the proper orders to be entered therein. After the case has reached final issue the students prepare trial briefs of the facts in a generally accepted form, thus gaining experience in marshaling the evidence to support the contentions made by the pleadings. After the trial briefs are prepared the group meets with the professors in charge of the court for a thorough and critical examination of the pleadings and proceedings in the case. As a result of this criticism the pleadings or fact briefs are frequently required to be redrawn or radically amended. At the trial the procedure of the jurisdiction selected is followed as closely as possible, with the students examining witnesses, preparing and submitting drafts of instructions, and taking all the other steps normally taken during a trial. A critique is held on the trial procedure with the use of sound recordings made during the trial. Those students who have not successfully completed two years of Case Club work continue with the Practice Laboratory work as follows: A jury verdict having been rendered by a jury selected by the student lawyers, the losing team prepares a motion for a new trial, in accordance with the practice in the jurisdiction chosen. Written briefs of law are prepared and submitted on the issues thus raised, and the motion for new trial is argued before the court. In preparing the brief and argument on the motion for new trial, the students are expected to show evidence of diligent and intelligent use of the resources of the library. It is expected that the authorities bearing upon the case will be exhaustively studied and effectively presented. The oral argument covers the same scope as the briefs, and the students participating are expected to show a ready familiarity with all the important authorities relating to the questions to be discussed, without too frequent use of briefs, memoranda, or books. . . .

Practice Court (220). 1 hour.

Unlike Civil Procedure III, no formal instruction is given in this course. Students prepare cases for trial and are criticized as in Civil Procedure III, except that the fact situations used are developed in the minds of the students rather than through the use of motion pictures. Students do not actually try cases in Practice Court. Persons who have not successfully completed two years of Case Club must continue with the work through the motion for new trial, the brief and argument thereon.

The cases assigned in the Practice Court cover all the principal fields of law. They are litigated in accordance with the usual rules of practice as cases of first impression in the several jurisdictions and are decided on the basis of the applicable law of the particular jurisdiction chosen, thus giving the students experience in searching out and applying the procedural and substantive law of a single jurisdiction in the same manner a practitioner would present his case to a trial court.

VII: 13. TRIALS, APPEALS AND PRACTICE COURT: 1958-1959

SOURCE: *Law Students' Handbook* (1957), (1958 printing), p. 39

The objectives of this course are three-fold: 1. to acquaint the student with the basic problems faced by lawyers in the trial of cases to judges and juries, together with the problems arising on the appeal of cases; 2. through a study of statutes, rules, cases, text and problems, to assist the student in reaching solutions to these problems as they would be presented in the United States' courts, the courts of a state of the student's choice, and generally throughout the United States; 3. through the practice court to give the student practice in the investigation, preparation and trial of cases. This practice is made possible with the use of motion pictures of fact situations developed for this purpose.

The following is a brief sketch of the scope of the problems covered. 1. The preparation of a case for trial, techniques of fact investigation, with and without the judicial process, and the pre-trial conference procedure. 2. The problems of jury selection, including the right to jury trial, the qualifications of jurors and the methods and techniques of examining, selecting and challenging jurors. 3. All of the problems that arise during the trial of a case with the exception of the admissibility of evidence, but including motions for continuance, the opening statement, etc., motions for directed verdict, etc., conduct of counsel and the judges, the final argument, instructions, the verdict, motions for new trial. 4. The problems faced by the lawyer in attempting to get review of his case in an appellate court including the techniques in the preparation of the records, assignment of error, preparation of briefs, together with a discussion of all other problems faced by the law in such circumstances.

A major effort is made both during the teaching and the practice phase of this course, to acquaint the student not only with the theoretical problems involved, but also with the practical side of trial practice and to give him experience in the techniques used by good trial lawyers. . . .

CHAPTER VIII

A National Law School: Enrollment, Costs, Fees, and Scholarships

VIII:1. GEOGRAPHIC ORIGINS OF STUDENTS IN REGULAR SESSION BY DECADES: 1859-1959

ATTENDANCE FROM STATES AND TERRITORIES OF THE UNITED STATES: 1859–1959

	1859-1860—1868-1869	1869-1870—1878-1879	1879-1880—1888-1889	1889-1890—1898-1899	1899-1900—1908-1909	1909-1910—1918-1919	1919-1920—1928-1929	1929-1930—1938-1939	1939-1940—1948-1949	1949-1950—1958-1959	Total
Alabama				3	3	15	3	1	11	13	49
Arizona			1	5	23	18	14	15	7	11	94
Arkansas		19	10	19	32	39	21	6	5	7	158
California	3	29	65	158	136	79	35	50	49	38	642
Connecticut	9	6	7	1	28	21	11	36	54	99	272
Colorado		7	42	84	108	81	43	27	45	25	462
Delaware	3	4	4	6		2		6	1	16	42
Florida	1	1		6	9	12	7	8	12	62	118
Georgia		1		5	11	14	5	6	9	16	67
Idaho			13	16	43	28	12	6	9	8	135
Illinois	389	493	368	825	1,034	529	407	429	414	623	5,511
Indiana	230	221	261	392	522	299	247	238	192	221	2,868
Iowa	60	60	113	267	344	176	98	72	82	109	1,381
Kansas	3	51	71	153	125	140	71	96	88	79	877
Kentucky	25	49	70	88	108	97	46	48	49	33	613
Louisiana					2	12	6	10	10	6	46
Maine	5	23	18	6	10	1	3	11	18	10	105
Maryland	4	4	11	15	12	5	5	3	21	17	97
Massachusetts	7	15	21	27	27	10	10	17	53	84	271
Michigan	825	1,179	1,017	2,189	3,180	1,907	2,205	2,731	2,814	4,137	22,184
Minnesota	19	63	121	61	80	88	49	40	46	60	627
Mississippi		11	15	7	9	9	18	6	9	5	89
Missouri	41	59	80	235	196	139	72	105	123	175	1,225
Montana		1	7	62	76	118	29	20	14	24	351
Nebraska	3	13	50	125	81	80	55	45	111	69	632

ATTENDANCE FROM STATES AND TERRITORIES OF THE UNITED STATES: 1859–1959—*Continued*

	1859-1860—1868-1869	1869-1870—1878-1879	1879-1880—1888-1889	1889-1890—1898-1899	1899-1900—1908-1909	1909-1910—1918-1919	1919-1920—1928-1929	1929-1930—1938-1939	1939-1940—1948-1949	1949-1950—1958-1959	Total
Nevada		3	6	3	3	15	4	5	3	5	47
New Hampshire	8	15	18	15	21	7	5	17	15	32	153
New Jersey	12	22	7	4	16	9	34	38	59	161	362
New Mexico			2	8	22		10	16	7	1	66
New York	107	140	101	118	201		128	221	282	517	1,815
North Carolina	2		4	5	10	4	3	6	7	7	48
North Dakota			20	32	25	17	25	28	20	33	200
Ohio	368	447	414	547	780	492	545	579	655	786	5,613
Oklahoma			5	8	34	46	49	39	52	32	265
Oregon		16	18	53	69	36	15	12	4	27	250
Pennsylvania	80	155	201	381	460	353	179	289	195	340	2,633
Rhode Island	3	2	5	3	25	12		15	6	9	80
South Carolina			8	7	10	6		1	19	12	63
South Dakota				26	46	60	25	22	22	27	228
Tennessee	7	14	4	17	24	19	17	19	22	19	162
Texas	1	8	11	37	10	13	19	21	29	29	178
Utah		7	24	103	93	30	25	16	14	15	327
Vermont	19	18	18	32	26	18	1	4	6	8	150
Virginia	1	1	5	5	6	13	13	4	12	30	90
Washington		1	10	71	81	62	26	13	37	15	316
West Virginia	1	14	10	24	21	16	14	8	35	27	170
Wisconsin	91	72	49	80	128	83	29	68	71	147	818
Wyoming		1	1	16	31	14	13	11	14	11	112
Alaska								2		4	6
District of Columbia	3		1	2	12	20	9	13	15	38	113
Hawaii					11	10	8	17	65	108	219
Indian Territory				7	7						14
Philippines					13	17	16	3	1		50
Puerto Rico					15			1	3	4	23
Canal Zone								1			1

ATTENDANCE FROM FOREIGN STATES: 1859–1959

	1859-1860—1868-1869	1869-1870—1878-1879	1879-1880—1888-1889	1889-1890—1898-1899	1899-1900—1908-1909	1909-1910—1918-1919	1919-1920—1928-1929	1929-1930—1938-1939	1939-1940—1948-1949	1949-1950—1958-1959	Total
Argentina									5	1	6
Australia										1	1
Austria										1	1
Belgium										2	2
Bermuda				3							3
Brazil									7	2	9
Burma										2	2
Canada	26	29	67	69	17	13	17	8	6	11	263
Chile									2	2	4
China					2	13	25	9	4	7	60
Colombia									2	2	4
Cuba									2	1	3
Cyprus						1					1
Czechoslovakia										3	3
Denmark										1	1
Dominican Rep.									2		2
Egypt								1		4	5
England	2			1						9	12
Ethiopia										3	3
Finland										4	4
Formosa										1	1
France						1				8	9
Germany					2			2		51	55
Greece										1	1
Guatemala			2							1	3
Haiti									1		1
Hawaii		1	12	3							16
India										11	11

ATTENDANCE FROM FOREIGN STATES: 1859–1959—*Continued*

	1859-1860—1868-1869	1869-1870—1878-1879	1879-1880—1888-1889	1889-1890—1898-1899	1899-1900—1908-1909	1909-1910—1918-1919	1919-1920—1928-1929	1929-1930—1938-1939	1939-1940—1948-1949	1949-1950—1958-1959	Total
Iran									1	2	3
Iraq										8	8
Ireland				1		2					3
Italy				2			1			5	8
Japan		3	29	41	7	3				24	107
Korea										2	2
Mexico		1		1	4		2		1	3	12
Netherlands										4	4
New Zealand										2	2
Norway										2	2
Pakistan										7	7
Palestine								3			3
Panama									1		1
Paraguay									4		4
Peru									3		3
Philippines										21	21
Russia								2			2
Scotland		1								2	3
South Africa		2			6		1				9
Spain										1	1
Sweden								1		3	4
Switzerland					1					11	12
Syria								1		1	2
Thailand										4	4
Turkey										2	2
Venezuela									5		5
West Indies								1	3		4
Yugoslavia										1	1

VIII:2. Geographic Origins of Students in Summer Session by Decades: 1896-1958

Attendance from States and Territories of the United States: 1896-1958

	1896-1898	1899-1908	1909-1918	1919-1928	1929-1938	1939-1948	1949-1958	Total
Alabama	1	4	21	6	1	6	5	44
Arizona		1	5	7	7	4	4	28
Arkansas		14	31	12	1	2	5	65
California	4	16	16	10	20	23	23	112
Colorado		10	16	8	3	23	10	70
Connecticut		3	6	2	10	13	26	60
Delaware					1	1	3	5
Florida		5	15	5	4	9	42	80
Georgia		5	33	14	4	8	10	74
Idaho		3	5	2	2		2	14
Illinois	8	66	112	110	98	202	230	826
Indiana	5	37	55	82	52	108	62	401
Iowa	2	28	43	39	17	35	27	191
Kansas		9	21	23	26	44	27	150
Kentucky	2	27	34	16	17	28	12	136
Louisiana	1	13	15	12	4	3	8	56
Maine		5			3	7	8	23
Maryland	1	4	7		6	10	2	30
Massachusetts		1	4	3	4	23	32	67
Michigan	36	248	393	660	832	1222	1428	4819
Minnesota		16	19	27	20	18	22	122
Mississippi		8	28	21	5	8		70
Missouri		16	56	49	34	54	59	268
Montana		9	23	6	3	6	8	55
Nebraska	1	8	32	14	18	59	22	154
Nevada			4	2			1	7
New Hampshire		4	2	2	9	12	17	46
New Jersey		2	1	13	6	21	53	96

ATTENDANCE FROM STATES AND TERRITORIES OF THE UNITED STATES: 1896–1958—*Continued*

	1896-1898	1899-1908	1909-1918	1919-1928	1929-1938	1939-1948	1949-1958	Total
New Mexico		3	11	3	2	11	1	31
New York	1	17	30	32	45	111	187	423
North Carolina		2	1	3	5	3	6	20
North Dakota	1	3	2	1	4	8	4	23
Ohio	11	101	152	213	191	309	249	1226
Oklahoma		3	11	28	14	18	10	84
Oregon		5	14	2	2	6	8	37
Pennsylvania	4	51	138	80	85	86	107	551
Rhode Island			4			4	6	14
South Carolina		2	1	1	2	12	4	22
South Dakota		4	7	9	11	7	11	49
Tennessee		9	11	6	9	16	8	59
Texas	4	11	17	27	15	11	10	95
Utah	3	22	4	6	3	5	11	54
Vermont		2	1		2	6	6	17
Virginia	1	1	14	9	2	13	3	43
Washington	1	5	18	11	1	19	5	60
West Virginia		7	9	15	11	17	13	72
Wisconsin	3	25	14	12	18	34	42	148
Wyoming		1	5	3	3	7	3	22
Alaska	1							1
Canal Zone								
Dist. of Col.		5	6		2	10	11	34
Guam								
Hawaii		2	10	5	12	35	60	124
Indian Terr.								
Philippines		7	10	7				24
Puerto Rico				1		1	9	11

ATTENDANCE FROM FOREIGN STATES: 1896–1958

	1896-1898	1899-1908	1909-1918	1919-1928	1929-1938	1939-1948	1949-1958	Total
Argentina				3	1	2		6
Australia							1	1
Belgium							1	1
Brazil						4		4
Canada	1	3	2		2	3	3	14
Chile						6	1	7
China			12	6	5	1	4	28
Colombia						2	1	3
Costa Rica			1					1
Cuba						2		2
Cyprus			3					3
Czechoslovakia							1	1
Dominican Republic						2		2
Ecuador						8		8
Egypt					1		3	4
England			1				1	2
Ethiopia							1	1
Finland							2	2
France				1			5	6
Germany			1		1		19	21
Guatemala							1	1
India							2	2
Italy				1			2	3
Iran							2	2
Iraq							2	2
Japan	1		1				4	6
Korea							1	1
Latvia							2	2
Mexico				1		2	1	4
New Zealand							2	2
Pakistan							2	2
Palestine					1			1
Panama						2		2
Paraguay						5		5
Peru						2	1	3
Philippines							4	4
Ryukyus							1	1
Switzerland							2	2
Thailand							1	1
Venezuela						3		3

VIII:3. TOTAL ENROLLMENT WITH PERCENTAGES OF MICHIGAN, OUT-OF-STATE, AND FOREIGN STUDENTS: 1859-1959

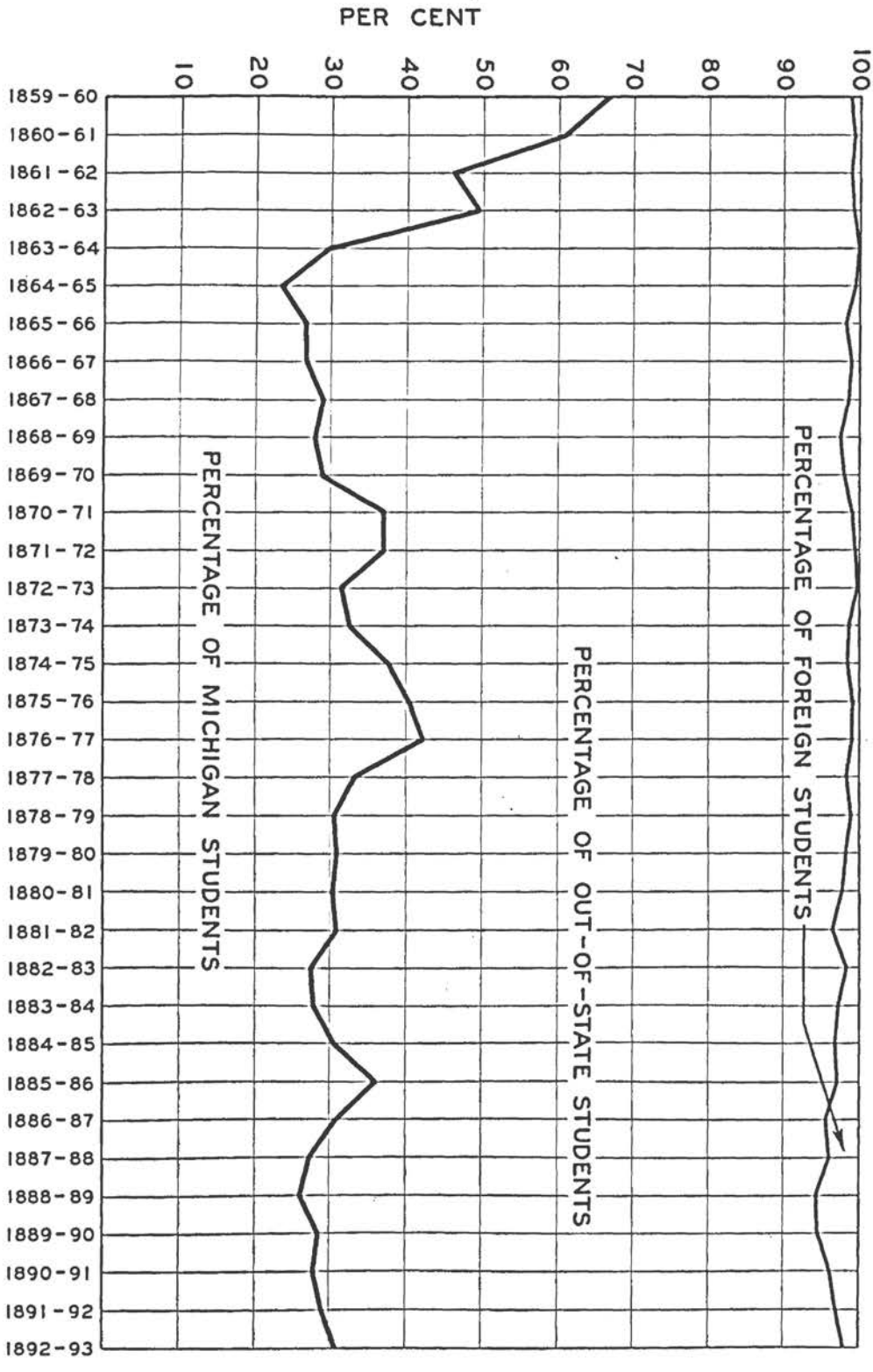
	Student Enrollment				Percentage of Total Enrollment		
	United States			*Foreign Country*	*United States*		*Foreign Country*
Year	Total	Michigan	Out-of-State		Michigan	Out-of-State	
1859-1860	90	60	29	1	66.67%	32.22%	1.11%
1860-1861	159	97	61	1	61.01	38.36	.63
1861-1862	129	60	68	1	46.51	52.71	.78
1862-1863	134	66	67	1	49.25	50.00	.75
1863-1864	221	66	155		29.86	70.14	
1864-1865	260	61	198	1	23.46	76.15	.39
1865-1866	385	102	277	6	26.49	71.95	1.56
1866-1867	395	105	286	4	26.58	72.41	1.01
1867-1868	387	112	270	5	28.94	69.77	1.29
1868-1869	343	96	239	8	27.99	69.68	2.33
1869-1870	308	89	213	6	28.9	69.16	1.95
1870-1871	307	114	190	3	37.13	61.89	.98
1871-1872	348	129	217	2	37.07	62.36	.57
1872-1873	331	104	226	1	31.42	68.28	.3
1873-1874	314	102	208	4	32.48	66.24	1.28
1874-1875	345	129	211	5	37.39	61.16	1.45
1875-1876	321	129	189	3	40.19	58.88	.93
1876-1877	309	130	176	3	42.07	56.96	.97
1877-1878	384	129	249	6	33.59	64.84	1.57
1878-1879	406	124	278	4	30.54	68.47	.99
1879-1880	395	121	267	7	30.63	67.6	1.77
1880-1881	371	112	251	8	30.19	67.65	2.16
1881-1882	395	121	260	14	30.63	65.82	3.55
1882-1883	333	92	236	5	27.63	70.87	1.5
1883-1884	305	85	212	8	27.87	69.51	2.62
1884-1885	262	80	174	8	30.53	66.41	3.06
1885-1886	286	103	175	8	36.01	61.19	2.8
1886-1887	338	105	218	15	31.06	64.5	4.44
1887-1888	341	93	234	14	27.27	68.62	4.11
1888-1889	400	105	272	23	26.25	68.00	5.75
1889-1890	522	148	345	29	28.35	66.09	5.56
1890-1891	581	162	396	23	27.88	68.16	3.96
1891-1892	651	188	444	19	28.88	68.2	2.92

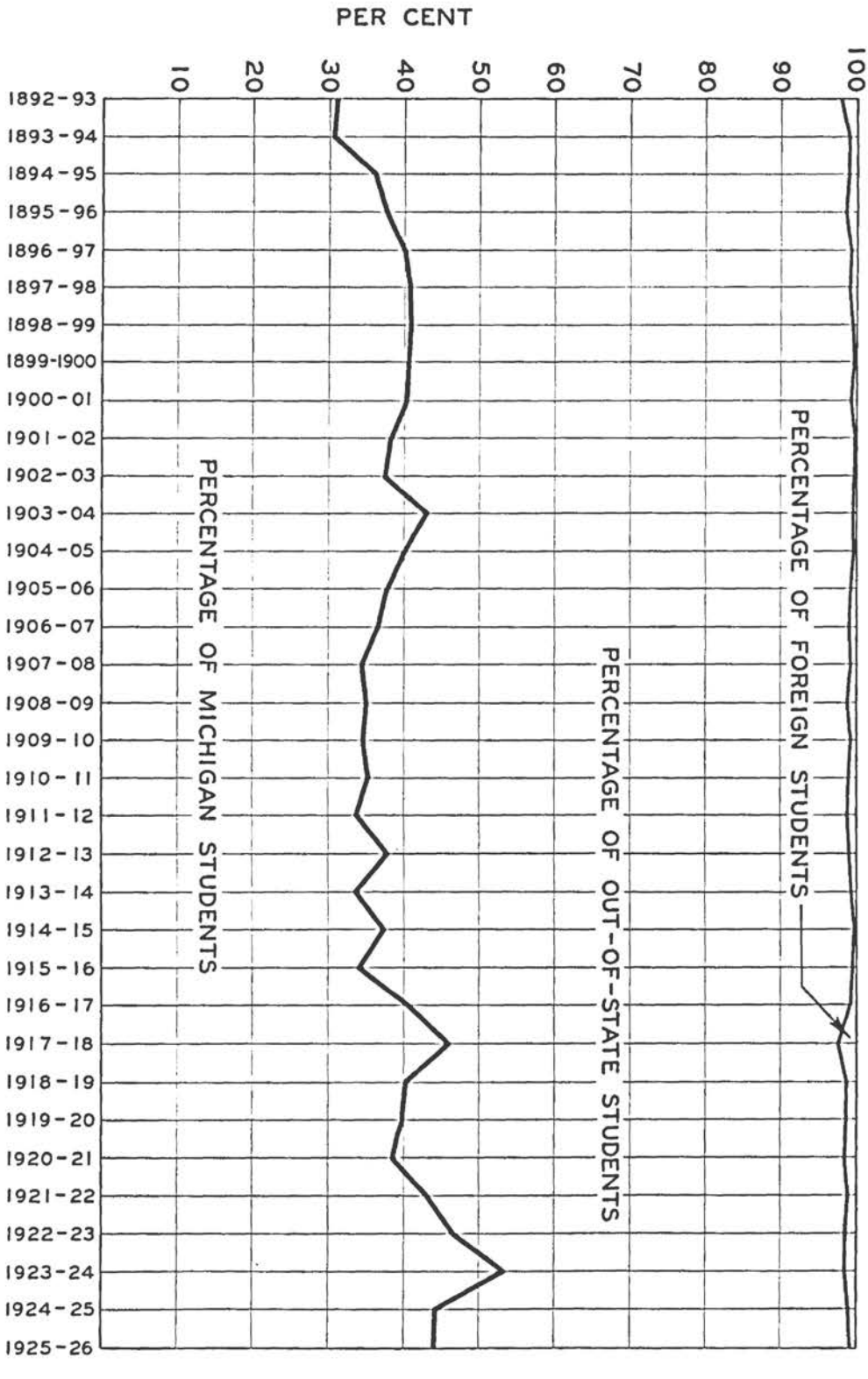
Year	Student Enrollment—*Continued*				Percentage of Total Enrollment—*Continued*		
		United States		*Foreign Country*	*United States*		*Foreign Country*
	Total	Michigan	Out-of-State		Michigan	Out-of-State	
1892-1893	625	192	420	13	30.72	67.20	2.08
1893-1894	597	182	409	6	30.48	68.51	1.01
1894-1895	649	233	409	7	35.9	63.02	1.08
1895-1896	660	248	403	9	37.58	61.06	1.36
1896-1897	578	231	342	5	39.97	59.17	.86
1897-1898	745	303	435	7	40.67	58.39	.94
1898-1899	739	302	434	3	40.86	58.73	.41
1899-1900	818	331	484	3	40.46	59.17	.37
1900-1901	830	334	489	7	40.24	58.92	.84
1901-1902	827	317	507	3	38.33	61.31	.36
1902-1903	871	327	543	1	37.54	62.34	.12
1903-1904	862	370	488	4	42.93	56.61	.46
1904-1905	869	348	518	3	40.05	59.61	.34
1905-1906	896	340	552	4	37.94	61.61	.45
1906-1907	763	279	479	5	36.57	62.78	.65
1907-1908	776	267	505	4	34.41	65.08	.51
1908-1909	763	267	488	8	34.99	63.96	1.05
1909-1910	809	280	525	4	34.62	64.89	.49
1910-1911	761	267	489	5	35.08	64.26	.66
1911-1912	750	253	490	7	33.73	65.33	.94
1912-1913	627	237	386	4	37.8	61.56	.64
1913-1914	579	196	380	3	33.85	65.63	.52
1914-1915	526	196	329	1	37.26	62.55	.19
1915-1916	444	153	290	1	34.46	65.31	.23
1916-1917	401	164	235	2	40.9	58.6	.5
1917-1918	188	86	98	4	45.74	52.13	2.13
1918-1919	183	75	106	2	40.98	57.92	1.1
1919-1920	378	150	224	4	39.68	59.26	1.06
1920-1921	357	138	214	5	38.65	59.94	1.41
1921-1922	388	167	217	4	43.04	55.93	1.03
1922-1923	423	197	220	6	46.57	52.01	1.42
1923-1924	484	258	220	6	53.31	45.45	1.24
1924-1925	532	237	290	5	44.55	54.51	.94

	Student Enrollment—*Continued*				Percentage of Total Enrollment—*Continued*		
		United States		*Foreign Country*	*United States*		*Foreign Country*
Year	Total	Michigan	Out-of-State		Michigan	Out-of-State	
1925-1926	571	253	313	5	44.31	54.82	.87
1926-1927	544	262	281	1	48.16	51.66	.18
1927-1928	569	274	291	4	48.15	51.14	.71
1928-1929	563	268	289	6	47.6	51.33	1.07
1929-1930	573	284	285	4	49.56	49.74	.7
1930-1931	537	284	248	5	52.89	46.18	.93
1931-1932	520	264	252	4	50.77	48.46	.77
1932-1933	506	268	236	2	52.96	46.64	.4
1933-1934	513	256	256	1	49.9	49.9	.2
1934-1935	542	270	269	3	49.82	49.63	.55
1935-1936	589	294	294	1	49.92	49.92	.16
1936-1937	612	294	315	3	48.04	51.47	.49
1937-1938	545	245	299	1	44.95	54.86	.19
1938-1939	612	272	336	4	44.44	54.9	.66
1939-1940	633	285	346	2	45.02	54.66	.32
1940-1941	641	282	357	2	43.99	55.7	.31
1941-1942	411	179	230	2	43.55	55.96	.49
*1942-1943	174	87	81	6	50.00	46.55	3.45
*1943-1944	108	54	43	11	50.00	39.81	10.19
*1944-1945	127	67	49	11	52.76	38.58	8.66
*1945-1946	728	332	389	7	45.6	53.40	.96
1946-1947	964	483	479	2	50.1	49.69	.21
1947-1948	1,113	528	584	1	47.44	52.47	.09
1948-1949	1,066	517	544	5	48.5	51.03	.47
1949-1950	1,054	503	533	18	47.72	50.57	1.71
1950-1951	978	482	483	13	49.28	49.39	1.33
1951-1952	865	436	400	29	50.41	46.24	3.35
1952-1953	760	394	347	19	51.84	45.66	2.50
1953-1954	706	374	320	12	52.97	45.33	1.7
1954-1955	733	392	331	10	53.48	45.16	1.36
1955-1956	853	404	413	36	47.36	48.42	4.22
1956-1957	925	422	475	28	45.62	51.35	3.03
1957-1958	891	371	481	39	41.63	53.98	4.39
1958-1959	861	359	473	29	41.7	54.94	3.36

* For enrollment by classes during these years, see Part II, VIII:5.

VIII:4. GRAPH SHOWING TOTAL ENROLLMENT WITH PERCENTAGES OF MICHIGAN, OUT-OF-STATE, AND FOREIGN STUDENTS: 1859-1959




PER CENT
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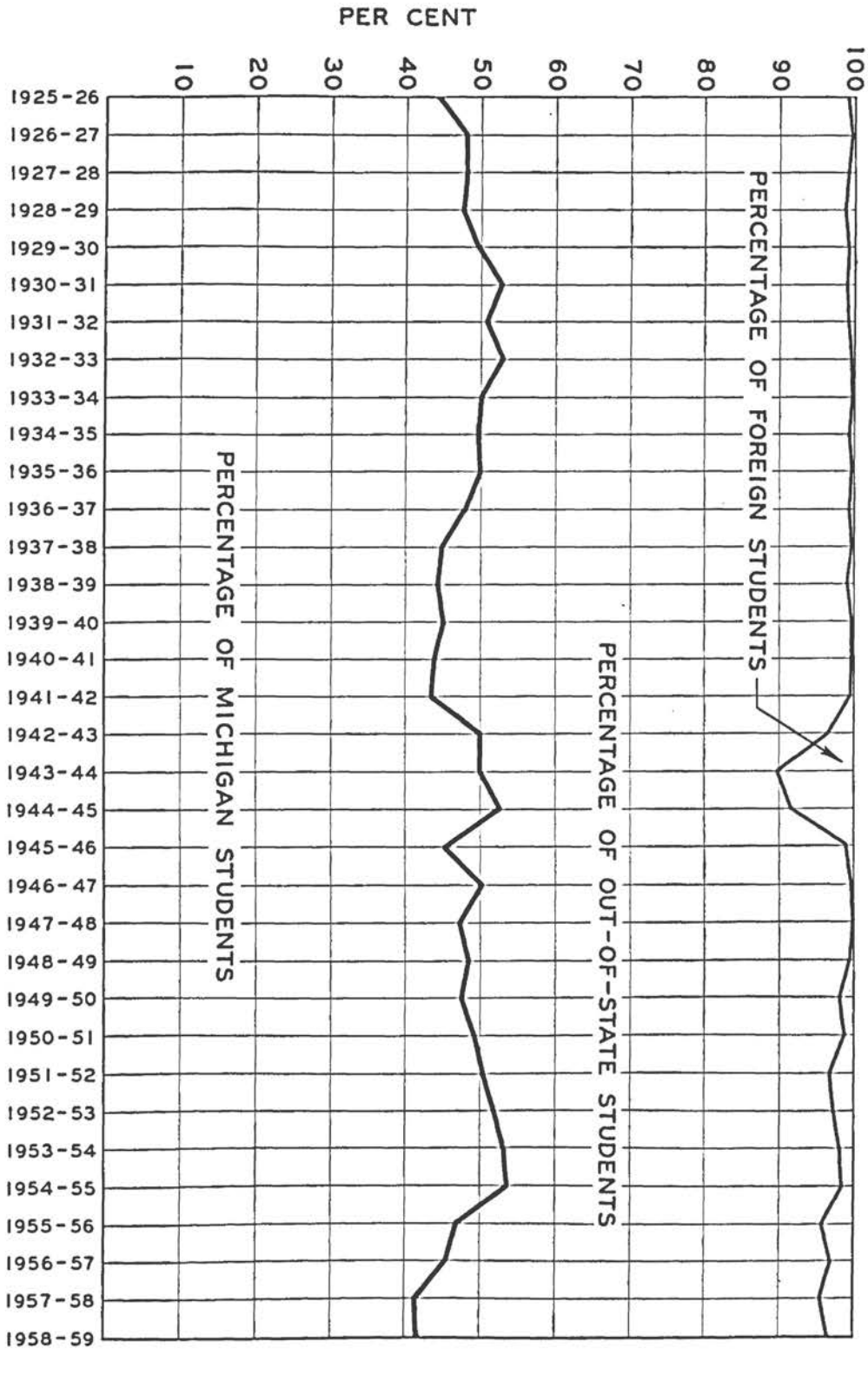
1925-26
PERCENTAGE OF MICHIGAN STUDENTS
PERCENTAGE OF OUT-OF-STATE STUDENTS
PERCENTAGE OF FOREIGN STUDENTS


PER CENT
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1958-59
PERCENTAGE OF FOREIGN STUDENTS
PERCENTAGE OF OUT-OF-STATE STUDENTS
PERCENTAGE OF MICHIGAN STUDENTS

VIII: 5. ENROLLMENT BY CLASSES: 1859-1959

SOURCE: *University Catalogue* (1859-1883), *Annual Announcements* (1884-1920), *President's Reports* (1921-1959)

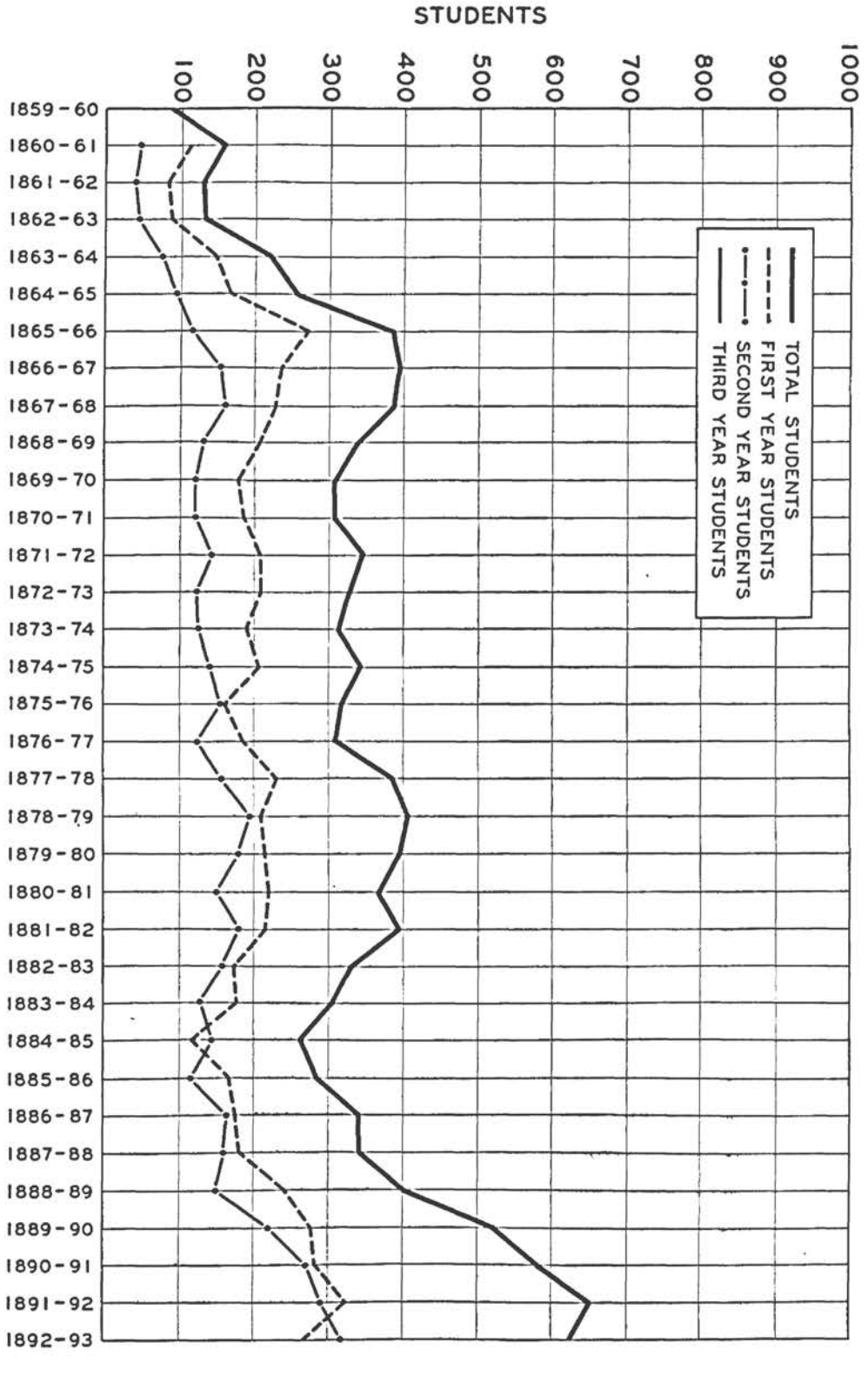
Year	Total	First Year	Second Year	Third Year	Graduate	Special	Women
1859-1860	90						
1860-1861	159	113	46		1		
1861-1862	129	85	43		2		
1862-1863	134	87	45				
1863-1864	221	147	74				
1864-1865	260	168	92				
1865-1866	385	271	114				
1866-1867	395	242	153				
1867-1868	387	228	159				
1868-1869	343	208	134				
1869-1870	308	180	120				
1870-1871	307	186	121				2
1871-1872	348	206	142				3
1872-1873	331	209	122				4
1873-1874	314	190	124				5
1874-1875	345	204	141				2
1875-1876	321	164	157				2
1876-1877	309	185	124				2
1877-1878	384	229	155				2
1878-1879	406	211	195				3
1879-1880	395	215	180				4
1880-1881	371	221	150				3
1881-1882	395	216	179				2
1882-1883	333	175	158				3
1883-1884	305	177	128				1
1884-1885	262	119	143				2
1885-1886	286	168	118				6
1886-1887	338	176	162				7
1887-1888	341	181	154			6	2
1888-1889	400	243	149			8	3
1889-1890	522	277	219		5	21	2
1890-1891	581	283	270		15	13	2
1891-1892	651	234	290		22	15	3
1892-1893	625	270	319		24	12	2

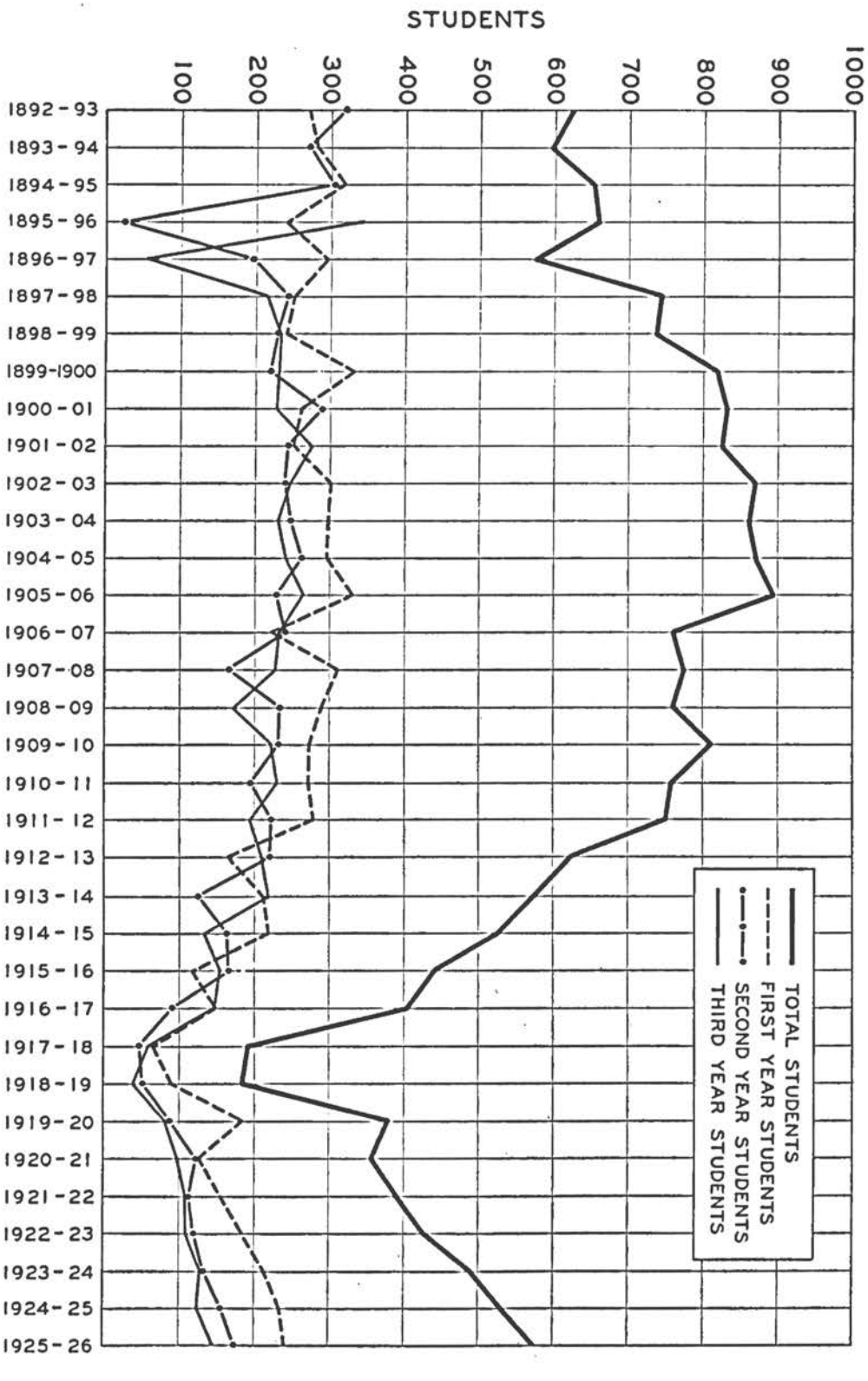
Year	Total	First Year	Second Year	Third Year	Graduate	Special	Women
1893-1894	597	283	273		20	21	5
1894-1895	649	321	307		12	21	3
1895-1896	660	246	23	344	26	21	5
1896-1897	578	294	198	52	12	22	6
1897-1898	745	252	244	213	4	32	5
1898-1899	739	244	230	234	3	28	5
1899-1900	818	331	220	228	1	38	5
1900-1901	830	266	289	228	5	42	5
1901-1902	827	250	246	276	3	52	5
1902-1903	871	300	241	247	5	78	6
1903-1904	862	299	247	230	3	82	4
1904-1905	869	298	263	241	1	66	1
1905-1906	896	332	230	266	2	66	2
1906-1907	763	244	241	232	1	65	
1907-1908	776	308	167	228	2	71	1
1908-1909	763	293	235	172	1	62	3
1909-1910	809	274	233	223		79	2
1910-1911	761	274	195	229		63	4
1911-1912	750	281	221	195		53	2
1912-1913	627	166	220	209	5	27	1
1913-1914	579	212	125	218		24	2
1914-1915	526	219	162	135	2	8	2
1915-1916	444	119	165	155		5	3
1916-1917	401	148	92	148		13	2
1917-1918	188	66	48	65	1	8	6
1918-1919	183	88	50	41		4	4
1919-1920	378	183	88	87		6	6
1920-1921	357	125	123	98	5	6	5
1921-1922	388	154	114	109	5	6	3
1922-1923	423	183	120	110	4	6	3
1923-1924	484	212	133	132	4	3	4
1924-1925	532	235	156	127	4	10	11
1925-1926	571	239	175	144	7	6	13
1926-1927	544	207	174	156	1	6	17

Year	Total	First Year	Second Year	Third Year	Graduate	Special	Women
1927-1928	569	256	148	153	5	7	19
1928-1929	563	222	183	142	9	7	18
1929-1930	573	225	158	175	8	7	20
1930-1931	537	215	154	155	5	8	16
1931-1932	520	207	141	155	5	12	13
1932-1933	506	224	138	128	2	14	15
1933-1934	513	216	166	127	2	7	13
1934-1935	542	245	151	144	1	4	16
1935-1936	589	271	169	149	2	5	12
1936-1937	612	254	186	159	5	10	15
1937-1938	545	196	177	164	5	6	14
1938-1939	612	283	146	170	15	4	13
1939-1940	633	280	190	153	10	5	15
1940-1941	641	248	178	196	11	10	13
1941-1942	411	126	122	153	8	5	12
*1942-1943	321	79	86	122	9	25	9
*1943-1944	203	66	42	51	15	29	12
*1944-1945	246	101	67	43	6	29	15
*1945-1946	1,030	639	208	141	13	29	21
1946-1947	964	474	341	142	8		19
1947-1948	1,113	440	253	405	8	7	27
1948-1949	1,066	436	281	336	10	2	24
1949-1950	1,054	424	280	328	20	2	32
1950-1951	978	378	277	295	24	3	34
1951-1952	865	286	240	302	35	2	29
1952-1953	760	271	191	272	23	3	19
1953-1954	706	279	179	229	17	2	20
1954-1955	733	318	184	204	19	8	21
1955-1956	853	371	213	227	40	2	19
1956-1957	925	399	218	262	45	1	11
1957-1958	869	322	233	268	46		13
1958-1959	862	342	206	269	45		8

* During the period of World War II, students attended Law School on a three-semester basis. The above figures have been used to show total class enrollments during these four years. For statistics dealing with total enrollments, see Part II, VIII : 3.

VIII:6. GRAPH SHOWING ENROLLMENT BY CLASSES: 1859-1959




STUDENTS
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1892-93
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1894-95
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1902-03
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1920-21
1921-22
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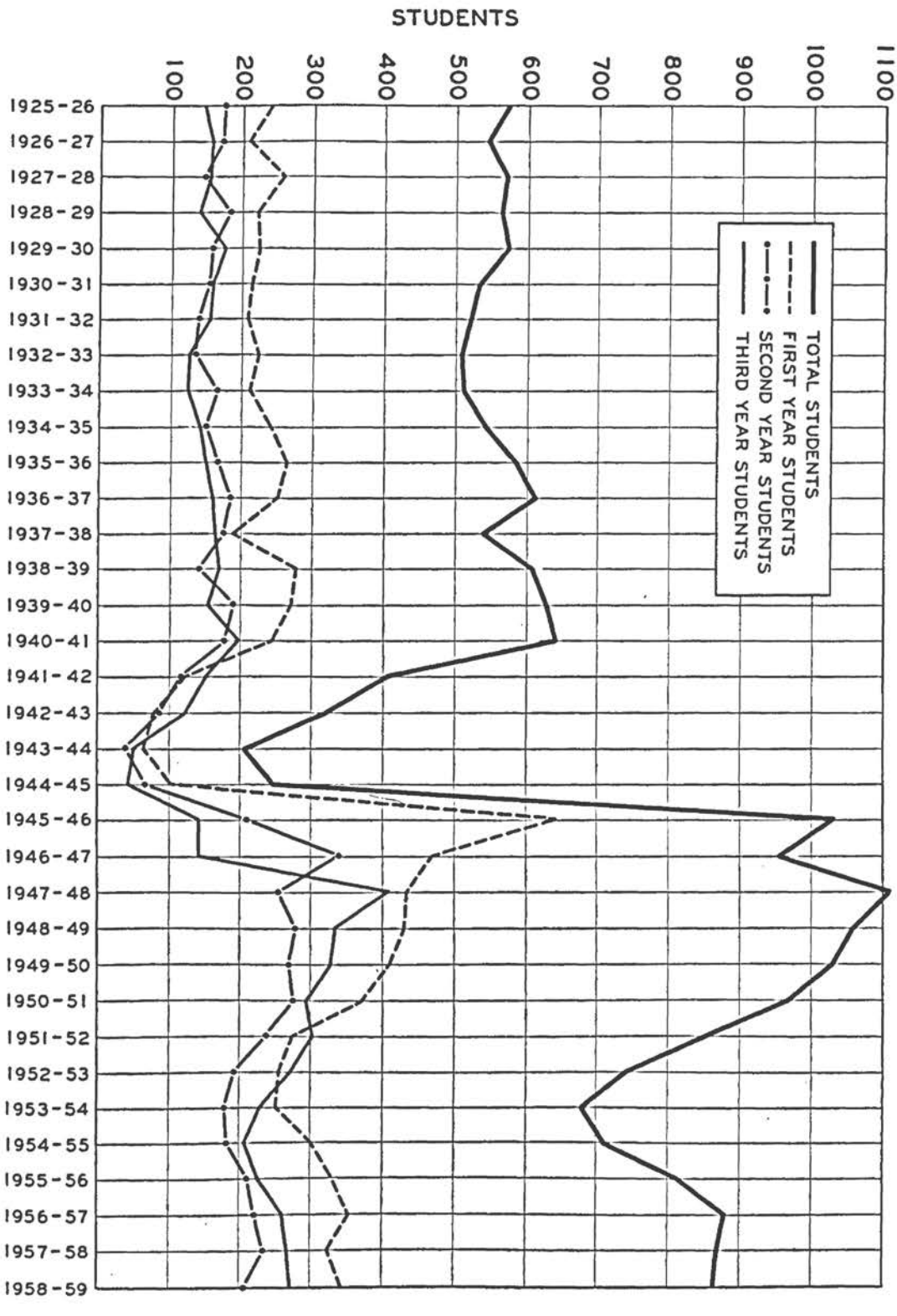
1925-26
TOTAL STUDENTS
FIRST YEAR STUDENTS
SECOND YEAR STUDENTS
THIRD YEAR STUDENTS


STUDENTS
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1953-54
1954-55
1955-56
1956-57
1957-58
1958-59
TOTAL STUDENTS
FIRST YEAR STUDENTS
SECOND YEAR STUDENTS
THIRD YEAR STUDENTS

VIII:7. Summer Session Enrollment: 1896-1958

Source: Annual *Announcements* (1896-1920), *President's Reports* (1921-1958)

Summer Session	Enrollment	Summer Session	Enrollment	Summer Session	Enrollment
1896	25	1917	86	1938	175
1897	40	1918	38	1939	184
1898	31	1919	210	1940	229
1899	45	1920	142	1941	183
1900	53	1921	152	1942*	11
1901	56	1922	184	1943*	1
1902	44	1923	164	1944*	
1903	74	1924	157	1945*	
1904	88	1925	149	1946	631
1905	103	1926	164	1947	660
1906	142	1927	155	1948	613
1907	122	1928	160	1949	456
1908	119	1929	151	1950	359
1909	149	1930	164	1951	344
1910	131	1931	171	1952	243
1911	153	1932	155	1953	210
1912	177	1933	163	1954	258
1913	195	1934	165	1955	280
1914	215	1935	181	1956	291
1915	190	1936	167	1957	287
1916	181	1937	167	1958	283

* In 1942, 11 students were enrolled in the Summer Session and 122 in the Summer Term, a total of 133. In 1943, there was one student in the Summer Session, 60 enrolled in the Summer Term, a total of 61. In 1944, no one enrolled in the Summer Session, but 66 enrolled in the Summer Term. In 1945, no one enrolled in the Summer Session, but 86 enrolled in the Summer Term.

VIII:8. Report of the Planning Committee: 1958

Note: Submitted March 5, 1958; approved April 1958.

. . . A decision to limit size will almost surely force the school to restrict non-resident enrollment, whether by an outright ceiling, by a greater tuition differential, by an admissions standards differential, or by some combination of these. A persuasive program of public relations emphasizing the superiority of this law school and indicating its value to the state may allow us to apply higher standards and charge higher tuition to residents and non-residents alike. But at some point, this breaks down and pressures—especially from the state legislature—make retention of a high percentage of non-resident enrollment very difficult, if not impossible.

There is no unanimity on the question of how important it is to have a student body with wide geographic distribution. All of us take pride in

Michigan's status as a national law school, but it is difficult to prove that the school is a better school because its students come from (currently) forty-five states and twenty-one foreign countries rather than from Michigan alone. What values flow from this heterogeneity of source?

For one thing, students with varying points of view can contribute to more vital class discussions in matters where sectional attitudes differ. And each student is benefited by association with classmates from a multitude of backgrounds. This is a part of the process of becoming an educated man and is no less important in law school than in college. Beardsley Ruml's comment is particularly apt here: "The present tendency is towards barriers against the flow of students from state to state, tending to the balkanization of education at the higher levels, which is obviously contrary to the national interest."

Another value is that a national student body and a national alumni group enhance prestige and turn toward Ann Arbor many outstanding students who otherwise would attend schools closer home or with more national "standing." It is clear beyond peradventure that the quality of a law school cannot rise much above the quality of its student body. Through the years the high standing of Michigan has attested to the high order of its students. It is a simple fact that the non-resident group has furnished at least its share of the superior students within a good student body. Over the Michigan Law Review's half-century approximately fifty-nine percent of its editors have come from outside Michigan. The January 1958 issue lists thirty-four editors, of whom only twelve identify themselves as Michigan residents. The editor-in-chief and the six associate editors are all from other states.* That the loss of a national constituency might cause the Law School to decline in the quality of its student body and, therefore, in its overall quality is suggested by the difficult experience of a sister professional school within the university which, upon limiting its enrollment largely to residents, suffered a decline in national standing and, apparently, in quality. Still another value is the fact that a national school avoids the excessive interest in local law that so often besets a state school, and this seems important to the recruitment of a superior faculty as well as to the breadth of the legal education offered.

Even selfishly from the state's point of view, Michigan will benefit from the services and citizenship of those who come from afar, study here, and remain to practice law. Indeed, this is necessary to offset some of the intellectual loss to other states via the reverse process, as where students from Grand Rapids and Grosse Pointe go to Harvard and enter practice in New York.

There are, concededly, at least two countervailing arguments. Diverse origins are less important in an era when communications, military service, travel and population mobility make all our people more cosmopolitan. A

* The figures on Law Review personnel were obtained by examining the mastheads of the final issue in every fifth volume, beginning with Volume 1. In the eleven volumes thus tallied, there were 216 editors, of whom 89 were from Michigan.

student body drawn solely from this state might not be demonstrably inferior to our present student body, given the same academic qualifications. Second, there are law schools of high standing which have very heavy concentrations of in-state students. Included among these are California, Columbia, Cornell, Illinois, and Texas.

The establishment of new law schools or the strengthening of existing ones may (as in the case of higher admissions standards) reduce the growth pressures on us in Ann Arbor and postpone for a time the necessity for further growth. But if the University of Michigan Law School improves its position of eminence, even the availability of other state law schools for rejected applicants will not eliminate the heavy pressures to admit residents who, but for the enrollment pressures created by men from Montana, Missouri and Maryland with slightly better credentials, would probably be admitted here.

On the whole, the Committee believes that the values in retaining the school's national character overweigh and that a size limitation which materially alters this character would be unwise.

VIII:9. LAW STUDENT FEES: 1859-1959

Academic Year	Matriculation Fee (Paid only upon admission) Res.	Non-res.	Annual Fee Res.	Non-res.	Diploma Fee (Paid only upon graduation)	Semester Fee Res.	Non-res.
1859-1860	$10	$10					
1860-1861	10	10	$5	$5			
1861-1862	10	10	5	5			
1862-1863	10	10	5	5			
1863-1864	10	10	5	5			
1864-1865	10	20	5	5			
1865-1866	10	20	5	5			
1866-1867	10	25	10	10			
1867-1868	10	25	10	10			
1868-1869	10	25	10	10			
1869-1870	10	25	10	10			
1870-1871	10	25	10	10			
1871-1872	10	25	10	10			
1872-1873	10	25	10	10			
1873-1874	10	25	10	10			
1874-1875	10	25	15	20			
1875-1876	10	25	15	20			
1876-1877	10	25	15	20			
1877-1878	10	25	20	25			
1878-1879	10	25	20	25	$10		
1879-1880	10	25	20	25	10		
1880-1881	10	25	20	25	10		
1881-1882	10	25	30	50	10		
1882-1883	10	25	25	35	10		

Academic Year	Matriculation Fee (Paid only upon admission) Res.	Non-res.	Annual Fee Res.	Non-res.	Diploma Fee (Paid only upon graduation)	Semester Fee Res.	Non-res.
1883–1884	$10	$25	$25	$35	$10		
1884-1885	10	25	25	35	10		
1885-1886	10	25	25	35	10		
1886-1887	10	25	25	35	10		
1887-1888	10	25	25	35	10		
1888-1889	10	25	25	35	10		
1889-1890	10	25	25	35	10		
1890-1891	10	25	25	35	10		
1891-1892	10	25	25	35	10		
1892-1893	10	25	25	35	10		
1893-1894	10	25	25	35	10		
1894-1895	10	25	30	40	10		
1895-1896	10	25	30	40	10		
1896-1897	10	25	35	45	10		
1897-1898	10	25	35	45	10		
1898-1899	10	25	35	45	10		
1899-1900	10	25	35	45	10		
1900-1901	10	25	35	45	10		
1901-1902	10	25	35	45	10		
1902-1903	10	25	35	45	10		
1903-1904	10	25	35	45	10		
1904-1905	10	25	37	47	10		
1905-1906	10	25	37	47	10		
1906-1907	10	25	45	55	10		
1907-1908	10	25	55	65	10		
1908-1909	10	25	55	65	10		
1909-1910	10	25	55	65	10		
1910-1911	10	25	55	65	10		
1911-1912	10	25	55	65	10		
1912-1913	10	25	60	70	10		
1913-1914	10	25	65	75	10		
1914-1915	10	25	67	77	10		
1915-1916	10	25	67	77	10		
1916-1917	10	25	67	77	10		
1917-1918	10	25	69	79	10		
1918-1919	10	25	69	79	10		
1919-1920	10	25	72	82	10		
1920-1921	10	25	105	125	10		
1921-1922	10	25	105	125	10		
1922-1923	10	25	107	122	10		
1923-1924	10	25	110	130	10		
1924-1925	10	25	110	130	10		
1925-1926	10	25	110	130	10		

Academic Year	Matriculation Fee (Paid only upon admission) Res.	Non-res.	Annual Fee Res.	Non-res.	Diploma Fee (Paid only upon graduation)	Semester Fee Res.	Non-res.
1926-1927	$10	$25	$110	$130	$10		
1927-1928	10	25	118	138	10		
1928-1929	10	25	118	138	10		
1929-1930	10	25	118	138	10		
1930-1931	10	25	123	143	10		
1931-1932	10	25	123	143	10		
1932-1933	10	25	123	143	10		
1933-1934	10	25	123	143	10		
1934-1935	10	25			10	$62	$72
1935-1936						62	72
1936-1937						70	100
1937-1938						70	100
1938-1939						70	100
1939-1940						70	100
1940-1941						80	125
1941-1942						80	125
1942-1943						80	125
1943-1944						80	125
1944-1945						80	125
1945-1946						90	140
1946-1947						100	175
1947-1948						100	175
1948-1949						100	200
1949-1950						105	225
1950-1951						105	225
1951-1952						105	225
1952-1953						105	225
1953-1954						125	250
1954-1955						125	250
1955-1956						125	250
1956-1957						140	275
1957-1958						175	350
1958-1959						175	350

Note: In the following years, women were charged an annual fee which differed from that charged the men.

Year	*Annual Fee* *Res.*	*Non-res.*	*Year*	*Annual Fee* *Res.*	*Non-res.*
1920-1921	$101	$121	1925-1926	$105	$125
1921-1922	101	121	1926-1927	105	125
1922-1923	102	122	1927-1928	109	129
1923-1924	105	125	1932-1933	128	148
1924-1925	105	125			

VIII: 10. Scholarships and Financial Aid: 1958-1959

Source: *Law Students' Handbook* (1957), pp. 63-67

Six different types of financial assistance have been made available to law students, partly through the generosity of alumni and other friends of the school, and partly through appropriations made by the Board of Regents of the University in recognition of the fact that scholarship funds serve a worthy purpose by assisting in the education of persons of superior ability but limited means. The different types of financial assistance in addition to graduate and research fellowships include scholarships for beginning law students, scholarships for students entering their second or third years in Law School, prize awards to second- and third-year students, short term loans, and long term loans.

Scholarships for the First Year of Law Study

A number of scholarships covering full tuition for the academic year are awarded to applicants for admission to the first-year class who, on the basis of their undergraduate records and scores on the Law School Admission Test, show a probability of superior scholarship in the Law School and who demonstrate need of financial assistance in order to pursue legal education at Michigan. Some of these scholarships are in the nature of gifts, and others are awarded from the Frederick L. Leckie fund, which is more fully described in the following section. . . .

Scholarships for the Second and Third Years

Two different types of scholarships are available to students entering the second and third years of law study.

a) Scholarships of the first type, in the nature of gifts, have been provided for by the Board of Regents, the Aldrich Fund, the Standish Backus Memorial Scholarship Fund, the Grant L. Cook Memorial Scholarship Fund, the Edwin C. Goddard Loan and Scholarship Fund, the John H. King Law Scholarship, the Law School Alumni Scholarship Fund, the Herbert Watson Clark Scholarship Fund, the Wendell Thomas Fitzgerald Scholarship Fund, the William Lawson Holloway Scholarship Fund, the Charles Coolidge Kreis Scholarship Fund, the Harry Helfman Law Student Aid Fund, the Laurie O. Telfer Law Student Aid Fund, the Beverly B. Vedder Memorial Scholarship Fund, the McCormick Memorial Fund, and by class scholarship funds which have been established by the classes of 1902, 1904, 1907, 1908, 1912, 1914, 1916, 1924, and 1929. Scholarly work and need are combined in determining eligibility for a scholarship from one of the foregoing funds.

With respect to the factor of scholarship, account is taken of the student's grade average and of the prospect that as a student he will make a contribution to legal literature. Grade averages for the purpose of determining eligibility are computed as of the close of the spring semester of the freshman year and of the fall semester of the junior year, and the

awards are limited to those needy students who have superior grade averages. The prospect that the applicant will as a student make a contribution to legal literature may be satisfied, in the case of applicants seeking awards covering the second year, by showing an intent to fulfill the "try-out" requirements of the *Law Review,* or, in the case of scholarship covering the third year, by showing an intent to serve as a member of the editorial board of the Law Review.

Students who have received a scholarship on entering the Law School must comply with the foregoing provisions in order to secure a renewal.

b) A second type of scholarship is available to second- or third-year students from funds provided by the late Frederick L. Leckie of Cleveland, Ohio. Awards from this fund are made to needy students who have maintained a satisfactory grade average in the School. With respect to awards from this fund, the will of the donor expresses the hope that "such students when they become able will pay back to the Law School such financial assistance as they may have received to help establish a revolving fund which the Law School can continue to use for similar aid to future students of said School."

The proceeds from a fund provided by the late Clyde A. DeWitt of Manila, Philippine Islands and New York City, are available for scholarships of both type one (gifts) and type two (moral obligation grants-in-aid).

Prize Awards

Barristers Award. Each year the Barristers Society of the University of Michigan Law School makes this prize award to the senior law student who has compiled a fine scholastic record while also making, through part-time employment, one of the most substantial contributions toward his own legal education.

Henry M. Bates Memorial Scholarships. A substantial cash award is made each year to one or more outstanding seniors in the Law School, account being taken of scholarship in both undergraduate and legal studies, personality, character, extracurricular interests, and promise of a distinguished career. These awards are paid from the income derived from a fund established by alumni and friends of the Law School in memory of the late Dean Henry M. Bates.

Nathan Burkan Memorial Competition. Each year the American Society of Composers, Authors and Publishers invites the students of the University of Michigan Law School to compete in the Nathan Burkan Memorial Competition. This competition, which was inaugurated in 1938, is designed to stimulate interest in the study of copyright law. A first prize of $150 and a second prize of $50 will be awarded to the two students of this School whose papers are selected by the committee as worthy of the awards.

International Order Prize Competition. Offered by the Institute for International Order, New York, N.Y., to stimulate original thinking among law students about peace. A subject is assigned each year in this

general area. A first prize of $200 and a second prize of $100 will be awarded to winning essays submitted at each participating law school. First prize winners in each law school will be considered for national awards of $500 for first prize and $300 for second prize.

Henry M. Campbell Memorial Prize. One of the distinctive and valuable features of the Law School work is that of the Case Clubs, which have been organized by the students for the purpose of self-improvement in the art of preparing and presenting legal arguments. Each Club consists of a number of first-year and second-year students under the supervision of a third-year student as adviser. The work of the Club consists of pyramided series of arguments with two men on each side, so arranged that as a culmination of each year's work final contests are held and prizes awarded winning counsel.

Some years ago, in memory of its senior partner, Henry M. Campbell, '78 Law, the firm then known as Campbell, Bulkley, and Ledyard, of Detroit, gave the sum of $4,000 to the Law School for the use of the Case Clubs. The income from this gift (supplemented from time to time by the present successor to the original donor's firm) is utilized for the purpose of rewarding winning counsel.

Class of 1908 Memorial Scholarship. This award is available through the generosity of Judge Guy B. Findley, of the Class of 1908 Law, who has contributed the sum of $2,500 for the purpose of establishing a scholarship in honor of his class. The income from this fund is awarded at the beginning of each school year to the senior student who has attained the highest scholastic average.

Howard B. Coblentz Prize. In 1921 Mr. and Mrs. George W. Coblentz, of Erie, Pennsylvania, established this prize by the gift of $1,000 in memory of their son, Howard B. Coblentz, a member of the Law Class of 1918, who enlisted while a student and lost his life in World War I. The income from this fund is awarded at the end of each year to that student member of the *Michigan Law Review* editorial staff whose work on the *Review* during the year has been the most satisfactory.

Foorman L. Mueller Patent Law Scholarship. A cash award of $550, given by Mr. Foorman L. Mueller, A.B., University of Michigan, 1927, of the firm of Mueller and Aichele, Chicago, Illinois, to be given each year to a deserving law student possessing an engineering or physics background, and who has a sincere interest in becoming a patent lawyer. The recipient of this award will be chosen from the eligible students by the Law School Scholarship Committee.

Samuel J. Platt Scholarship. This substantial cash award is made to a high-ranking senior law student who has contributed something to his own support and maintenance and who will be enabled by the award "to more happily and effectively pursue his or her studies." This award is made biennially, and is paid from the income derived from a $10,000 fund established by Ursula L. Platt in memory of her son, Samuel J. Platt, A.B. 1883; LL.B. 1885.

Jerome S. Freud Memorial Scholarship. This award is made to a high-ranking senior law student who has demonstrated superior scholarship while at the same time contributing, because of need, to his own support and maintenance. This award is paid from the income derived from a fund established by the late Jerome S. Freud, an alumnus of the University of Michigan and formerly a distinguished member of the Detroit Bar. The recipient is selected by Mr. Oscar A. Markus, the trustee of the estate, account being taken of the recommendation of the faculty.

Clarence M. Burton Memorial Scholarships. These substantial cash awards are made to three seniors in the Law School who have exhibited superior scholarship while engaging in significant extra-curricular activities and substantially contributing to their own support through part-time employment. These three awards of $625 each have been made available, beginning with the 1953-54 academic year, through the generosity of the Clarence M. Burton Memorial Foundation, of Detroit, Michigan.

Lawyers Title Insurance Corporation Prize. This prize award of $100 has been made available beginning with the academic year 1954-55 through the generosity of the Lawyers Title Insurance Corporation. The award is made to the student who receives the highest grades in real property courses. Account is taken of the grades in the following courses: First-year Real Property, Trusts and Estates I, Trusts and Estates II, Fiduciary Administration, Securities, and Conveyancing and Drafting. In the event of a tie, the difficulty will be resolved by reference to the scholastic averages in other courses.

Daniel H. Grady Prize Award. This is given to the senior law student who has attained the highest standing in his or her class.

General Academic Prizes. Awards in an amount not exceeding $200 are made to a select number of top-ranking students entering the senior class. For the purpose of determining the recipients of these awards, grade averages are computed as of the close of the preceding spring semester. Should two or more students tie for an award, the amount is divided between them. These awards are made only to those eligible students who have not been given scholarships or prizes in a substantial amount covering the same period.

Loans

Any student in the Law School with a grade average sufficiently high to be entitled to readmission is eligible for an interest-bearing loan on making a proper showing of need. Loans for relatively short terms are available from general University loan funds. Long-term loans are available from special funds provided by alumni and friends of the Law School. These funds include:

1899 Law Class Hutchins Loan Fund
Class of 1900 Law Scholarship Loan Fund
Class of 1913 Law Memorial Loan Fund

Ralph Smith Hirth Memorial Scholarship Loan Fund
Frederick L. Leckie Fund
Ray M. Mann Loan Fund for Law Students
H. H. Servis Loan Fund for Law Students
Special Law Student Aid Fund

Amortization of long-term loans commences within a reasonable time after graduation. The formula for repayment will generally be designed to meet the peculiar needs of each applicant.

CHAPTER IX

The Law Student: Terms of Admission and Graduation

IX: 1. ADMISSION REQUIREMENTS: 1859-1959

SOURCE: *University Catalogue* (1860-1883), Annual *Announcements* (1884-1959)

REQUIREMENTS FOR ADMISSION

FIRST YEAR CLASS

Years in Effect	*Requirements*
1859-1860 (a)	a. Good moral character
1860-1861—1879-1880 (a b)	b. Eighteen years of age
1880-1881 (a b c)	c. Pass general examination
1881-1882 (a b d)	d. College or normal school diploma *or* pass examination
1882-1883 (b d)	
1883-1884—1884-1885 (b e)	e. High school or academy diploma *or* pass examination in specified "English branches"
1885-1886—1891-1892 (b f)	f. High school, academy, or college diploma *or* pass examination in specified "English branches"
1892-1893—1894-1895 (b g)	g. College diploma *or* high school or academy diploma and pass examination in specified parts of Blackstone *or* pass examination in specified "English branches" and specified parts of Blackstone
1895-1896—1904-1905 (b f)	
1905-1906 (b f h)	h. Unless college graduate, pass examination in English
1906-1907—1909-1910 (b f)	
1910-1911—1911-1912 (a f i)	i. Nineteen years of age
1912-1913—1914-1915 (a i j)	j. High school or academy graduation plus year of work in approved college or university
1915-1916—1918-1919 (a i k)	k. High school or academy graduation plus two years of work in approved college or university
1919-1920—1925-1926 (a k)	
1926-1927—1927-1928 (a l)	l. High school or academy graduation plus three years of work in approved college or university
1928-1929 (a m)	m. Graduation from approved college or university *or* participation in combined curriculum of law and letters
1929-1930—1939-1940 (a n)	
1940-1941—1943-1944 (n)	n. Graduation from approved college or university with uniformly satisfactory scholastic record *or* participation in combined curriculum of law and letters
1944-1945—1948-1949 (n *or* o)	o. Service in armed forces and three years of undergraduate study in approved college or university with satisfactory scholastic record
1949-1950—1952-1953 (p n *or* o)	
1953-1954—1957-1958 (n p)	p. Law School Admission Test
1958-1959 (p q)	q. Graduation from approved college or university with uniformly satisfactory scholastic record

ADVANCED STANDING

Years in Effect	*Requirements*
1859-1860 (a)	a. Good moral character b. Eighteen years of age
1860-1861—1879-1880 (a b c)	c. One year of law school *or* practice of law for one year under license from highest court in another state
1880-1881 (a b d)	d. One year of law school *or* practice of law for one year under license from "highest court of general jurisdiction in any State, where the requirements for admission to the bar are equal to those in Michigan"
1881-1882 (a d)	
1882-1883 (d)	e. One year of law school *or* practice of law for one year under license from "highest court of general jurisdiction in any State, where the requirements for admission to the bar are equal to those in Michigan" *or* reading in a law office for a "considerable period"
1883-1884—1884-1885 (e)	
1885-1886—1892-1893 (f g)	f. Examination * in legal subjects and one of the following alternatives (1) One year law school (2) Practice law for one year under license from "highest court of general jurisdiction in any State, where the requirements for admission to the bar are equal to those in Michigan" (3) Reading in law office for a "considerable period"
1893-1894 (g h)	g. Examination * in general subjects unless exempt under regulations applicable to first-year students h. Two alternative methods for admission (1) Examination * in legal subjects *and* either (a) one year of law school or (b) reading law for 18 months (2) Admission to practice as attorney at bar of another state (no examination required)
1894-1895 (g i)	i. Alternative methods of admission to second-year class (1) One year's work in another law school: 1893-1894—1900-1901 (2) Attorney at law in another state: 1893-1894—1896-1897 (3) Examination * in legal subjects and 18 months office study: 1893-1894—1894-1895 (4) Examination * in legal subjects and 15 months office study: 1895-1896—1901-1902 (5) Attorneys at law in state requiring bar examination: 1897-1898—1901-1902
1895-1896 (g i j k)	j. Nineteen years of age for entrance to second-year class k. Twenty years of age for entrance to third-year class
1896-1897—1901-1902 (g i j k l)	l. Alternative methods of admission to third-year class (1) LL.B. from two-year law school: 1896-1897—1900-1901 (2) Two years successful work at three-year law school: 1896-1897—1900-1901 (3) Examination * in legal subjects and two and a half years office study: 1896-1897—1901-1902 (4) Persons passing Michigan state bar examinations after 1-1-1898: 1896-1897—1901-1902
1902-1903—1909-1910 (j k m n)	m. Examination * in legal subjects and one of the following alternatives for admission to second-year class (1) Fifteen months office study: 1902-1903—1910-1911

Years in Effect	*Requirements*
	(2) One year's successful work in approved law school: 1902-1903—1911-1912
	(3) Membership in bar of state requiring examination for admission: 1902-1903—1916-1917
	(4) Completion of comparable work in approved law school: 1912-1913—1916-1917
	n. Examination * in legal subjects and one of following alternatives for admission to third-year class
	(1) Passing Michigan state bar examination after 1-1-1898: 1902-1903—1908-1909
	(2) Passing bar examination in any state having standards equal to those of Michigan: 1902-1903—1908-1909
	(3) Holders of LL.B. from approved two-year law school: 1902-1903—1911-1912
	(4) Successful completion of two years' work in approved three-year law school: 1902-1903—1911-1912
	(5) Completion of comparable work in approved law school: 1912-1913—1916-1917
1910-1911—1916-1917 (a m n o p)	o. Twenty years of age for admsision to second-year class
	p. Twenty-one years of age for entrance to third-year class
1917-1918—1922-1923 (a o p q)	q. Examination to show extent of work completed
1923-1924—1930-1931 (a o p r)	r. Completion of satisfactory work in approved law school and other required qualifications for admission to first-year class
1931-1932 (a o p s)	s. Completion of satisfactory work in approved law school and other required qualifications for admission to first-year class: maximum of one year's credit granted
1932-1933—1939-1940 (a s)	
1940-1941—1947-1948 (s)	t. Completion of satisfactory work in approved law school with "substantially the same entrance standards as those in effect at this Law School" and have the other required qualifications for admission to first-year class: maximum of one year's credit granted
1948-1949—1952-1953 (t)	
	u. Completion "with superior scholarship work in approved law schools" and have other required qualifications for admission to first-year class: maximum of one year's credit granted
1953-1954—1957-1958 (u)	
	v. Completion with "superior scholarship, work in an approved law school" after receiving a degree from an approved college: maximum of one year's credit granted
1958-1959 (v)	

GRADUATE PROGRAM

Years in Effect	*Requirements*
1891-1892—1894-1895 (a)	a. LL.B. from approved two-year law school
1895-1896—1897-1898 (b c)	b. Twenty years of age
1898-1899—1907-1908 (c d)	c. LL.B. from approved three-year law school
1908-1909—1911-1912 (d)	d. Twenty-one years of age
1912-1913—1914-1915 (c d)	
1915-1916—1923-1924 (d)	

Years in Effect	*Requirements*
1924-1925—1925-1926 (d e)	e. LL.B. or equivalent with high rank from approved three-year law school
1926-1927—1928-1929 (d f)	f. J.D. or LL.B. with high rank from approved three-year law school
1929-1930—1931-1932 (d g)	g. A.B. from approved college or university *and* J.D. or LL.B. with high rank from approved three-year law school
1932-1933—1947-1948 (g)	
1948-1949—1958-1959 (g *or* h)	h. Interpretation of formal requirements for admission to graduate program applicable to foreign students: applicant deemed to have equivalent if he (a) has completed formal education required for license to practice law in country where his undergraduate law studies were pursued; (b) has had outstanding scholarship in law school; and (c) is capable of carrying on graduate work at Michigan as demonstrated by whatever evidence the admitting officer may require

SPECIAL STUDENTS

Years in Effect	*Requirements*
1895-1896—1899-1900 (a b)	a. Nineteen years of age b. Permission of Law Faculty to take desired courses
1900-1901—1903-1904 (a c)	c. Permission of Dean to take desired courses
1904-1905—1906-1907 (c d)	d. Twenty-one years of age
1907-1908—1921-1922 (d e)	e. Satisfy Dean of capacities
1922-1923—1941-1942 (e f)	f. Twenty-five years of age

SUMMER SESSION

Years in Effect	*Requirements*
1897-1898—1918-1919 (a)	a. Evidence showing applicant can pursue work to advantage
1919-1920—1958-1959 (b *or* c)	b. Where work pursued by candidate for degree, proof of meeting entrance requirements of regular session c. Where no degree sought, evidence of qualifications necessary to pursue work to advantage

* See Part II, IX:2, relative to examinations for admission.

IX:2. EXAMINATION REQUIREMENTS FOR ADMISSION: 1880-1913

SOURCE: *University Catalogue* (1880-1883), Annual *Announcements* (1884-1913)

EXAMINATIONS FOR ADMISSION

TO FIRST YEAR CLASS

Years in Effect	*Scope of Examination*
1880-1881 (a)	a. ". . . to ascertain whether their education is such as fairly to warrant their admission"
1881-1882—1882-1883 (b)	b. ". . . general education"

Years in Effect	*Requirements*
1883-1884—1891-1892 (c)	c. ". . . Arithmetic, Geography, Orthography, English Composition, and the outlines of the History of the United States, and of England. The examination will be conducted in writing, and the papers submitted by the applicant must evince a competent knowledge of English grammar."
1892-1893—1894-1895 (c d)	d. "The following portions of Blackstone's Commentaries (exclusive of editor's notes): Book I (exclusive of Chapters 3, 4, 5, 6, 8, and 11); Book III (exclusive of Chapters 5, 6, 15, 16, and 17); Book IV . . . The Faculty recommends the study of Judge Cooley's edition. . ."
1895-1896—1896-1897 (c)	e. *"Geography, English Language, Composition, and Rhetoric.*—The applicant will be required to write an essay of not less than two pages (foolscap), correct in spelling, punctuation, capital letters, grammar, and paragraphing. The topics for the essays, which will be such as the applicant is likely to be familiar with and from which he may make a selection, will be given at the time of the examination."
1897-1898—1899-1900 (e f g h i)	f. *"English Literature*— . . ."
	g. *"Mathematics—Algebra*—To Quadratic Equations. *Plane Geometry.* As given in Olney's New Elementary Geometry, Beman and Smith's Plane and Solid Geometry, or an equivalent in other authors."
	h. *"History.* Meyer's General History, or an equivalent, Johnston's or McLaughlin's, History of the United States, or an equivalent, and Ransome's History of England, or an equivalent."
	i. *"Civil Government*—Fiske's Civil Government, Hinsdale's American Government (Parts I and II, especially the large print), or an equivalent."
	j. *"Geography.*—Political geography."
1900-1901—1904-1905 (f g h i j k l m n)	k. *"English Grammar.*—Selections for analysis and parsing will be set, arranged to test the applicant's knowledge of the leading facts of English Grammar."
	l. *"Composition and Rhetoric.*—The applicant will be required to write an essay of not less than two pages (foolscap), correct in spelling, punctuation, capital letters, grammar, and paragraphing. The topics for the essays, which will be such as the applicant is likely to be familiar with and from which he may make a selection, will be given at the time of the examination."
	m. *"Foreign Language.*—The requirement in foreign language may be satisfied by two years of study in any foreign language or by one year in each of any two foreign languages. . ."
1905-1906 (f g h i j k l m n o)	n. *"Sciences.*—Any two of the following sciences as given in a high school course of four years: *Physics, Botany, Chemistry, Physical Geography, Physiology, Astronomy,* or *Geology."*
1906-1907—1911-1912 (f g h l m n)	
1949-1950—1958-1959 (p)	o. English for all non-college graduates
	p. Law School Admission Test

To Advanced Standing

Years in Effect	*Scope of Examination*
1885-1886—1901-1902 (a b)	a. General subjects unless exempt under regulations pertaining to first-year students
1902-1903—1916-1917 (b)	b. Legal subjects
1917-1918—1922-1923 (c)	c. To show extent of work completed elsewhere

IX:3. Combined Curricula: 1903-1958

Source: Annual *Announcements*

Note: The following table shows course and credit requirements for participation in the several combined curricula offered between 1903-1904 and 1957-1958, together with the years in which they were in effect.

Law and Letters

1903–1904—1907–1908

. . . a student enrolled in the Department of Literature, Science, and the Arts, should complete, before the close of his fourth year of residence, the following courses offered in that Department: Course 19 in History (Constitutional Law and Political Institutions of the United States); and any two of the following courses: Course I in International Law; Course 15 in Philosophy (Political Philosophy); Course 27 in History (Comparative Administrative Law); and Course 8 in Latin (Roman Law); and at least *twenty hours* of work selected from the following courses, all of which, however, are strongly recommended as a desirable preparation for the study of law:—

In History: Courses 3, 4, 11, 14, 15, 21, 22, 28, and 31, embracing the constitutional history of England, the political and constitutional history of the United States, English political institutions, present day problems, state and local administration, and comparative constitutional law.

In Political Economy and Sociology: Courses 3, 4, 5, 9, and 22, embracing the history of the development of industrial society, problems in political economy, principles of the science of finance, money and banking, and principles and problems in sociology.

In Philosophy: Courses 1, 2*a*, 2*b*, embracing the elements of logic and psychology.

From the courses above enumerated the Faculty of the Department of Law will accept an amount represented by *ten hours* of credit as a substitute for the law courses in Elementary Law, Domestic Relations, Constitutional Law, Private International Law, and the Science of Jurisprudence. All the remaining subjects of the regular law course must be taken by the student before his graduation from the Department of Law.

It is furthermore necessary for the student in the Department of Literature, Science, and the Arts to complete before the close of his fourth year of residence, the courses offered in the Department of Law in the subjects of Contracts, Torts, Elementary Real Property, Sales and Agency. On the completion of these courses credit toward graduation to the extent of *fifteen hours* will be given in the Department of Literature, Science, and the Arts.

1908–1909—1935–1936

During the first three years the student is enrolled in the Department of Literature, Science, and the Arts alone. If at the end of this time he has

a uniformly good record for scholarship, and has ninety or more hours to his credit, he may for the fourth year register in the Department of Law also, pursuing in the former Department sufficient work to give him a total of ninety-six hours of literary work, and in the Department of Law all the subjects in the first year of the law course, for which he will be allowed twenty-four hours credit toward the one hundred and twenty hours required for the A.B. degree.

To be entitled to the above privilege the student must include in his work the following courses as described in the Announcement of the Department of Literature, Science, and the Arts: Rhetoric, Courses 1, 2, 3, 3*a*, 4, and 4*a*; Mathematics, or a science with laboratory work, eight hours; Latin, eight hours, or French, German or Spanish, eight hours; English History, eight hours; English Literature, six hours; a total of forty-two hours. Though other languages may be substituted, Latin is strongly urged as desirable for every student preparing to study law.

In addition to the required courses above enumerated the student is advised to elect at least forty hours from the following subjects: Latin, eight hours, Courses 3 and 4*c*; French, German or Spanish, sixteen hours; History, fourteen hours, including Courses 14 and 15; International Law, four hours; Economics, sixteen hours, including Courses 1, 6, 9, 9*a*, 15 and 38; Government, six hours; Elocution, four hours; Philosophy, seven hours, including Logic or Psychology, and Political Philosophy or Ethics; Mathematics, two hours, Course 51.

The last two years of the six-year course are devoted to completing the required work in the Department of Law.

1936–1937—1949–1950

The Combined Curriculum is open only to students who have obtained 90 hours of credit in the College of Literature, Science, and the Arts, with a uniformly good record of scholarship . . . . During the first three years the student is enrolled only in the College of Literature, Science, and the Arts; during the fourth year he registers both in the College of Literature, Science, and the Arts and in the Law School pursuing all the subjects in the first year of the law curriculum. Upon the satisfactory completion of one year of work in the Law School, he will be recommended for the degree of Bachelor of Arts.

To be entitled to the above privilege the student must meet the group requirements for graduation from the College of Literature, Science, and the Arts and include certain prescribed additional work as indicated in the Announcement of the College of Literature, Science, and the Arts.

1950–1951—1957–1958

The Law School and the College of Literature, Science, and the Arts offer an integrated program which provides an opportunity to enter the Law School at the end of the third college year, and, by pursuing a combination

program for four additional years, to earn both the Bachelor of Arts and the Bachelor of Laws (or Juris Doctor) degrees. In this program, the student first completes ninety credit hours of work in the College of Literature, Science, and the Arts, which must satisfy the distribution requirements and include courses which meet the requirements for admission to a field of concentration in the College. At least the third academic year (thirty credit hours) must have been earned while in residence at the University of Michigan. After completing the three college years, the student, if he has attained the requisite superior scholastic average, enters the first-year courses in the Law School. Upon successful completion of this year he fulfills the remaining requirements for the Bachelor of Arts degree by offering an additional thirty credit hours consisting of a minimum of thirteen hours from certain specified Law School courses, together with a minimum of fifteen credit hours of courses closely related to the field of law, offered in the College of Literature, Science, and the Arts. He must also complete a total of eighty hours of Law School courses, exclusive of those offered for the degree in liberal arts, to satisfy the requirements for the law degree. The thirteen hours of Law School courses offered for the Bachelor of Arts degree must be selected from the following list: International Law, Administrative Law, Legislation, Taxation, Comparative Law, Jurisprudence, Labor Law, Regulation of Business, Seminar in Legal History, and Seminar in Theories of Public Law. For the list from which to select the additional fifteen hours of college courses, see the College *Announcement.*

Engineering and Law

1930–1931—1945–1946

. . . This curriculum is open only to those students who have obtained a total of 111 hours of credit in the College of Engineering, with a uniformly good scholarship record. Specific course requirements, for the three years of residence in the College of Engineering, will be found in the Announcement issued by that College. The requirements include, of course, all of the fundamental engineering courses.

Letters—Business Administration—Law

1931–1932—1939–1940

As a direct result of the magnitude and complexity of modern business operations and relationships, many law firms now limit their practice almost exclusively to the law as it impinges upon business. A most logical training for the law student whose practice will be of this nature will consist in a combined program of letters, business administration, and law. To obtain separately the degrees of Bachelor of Arts, Master of Business Administration, and Bachelor of Laws (or Juris Doctor) would require, respectively, four years, two years, and three years—a total of nine years. However, it is

possible to reduce the time required to secure the three degrees. The College of Literature, Science, and the Arts and the School of Business Administration offer a Combined Curriculum in Letters and Business. The curriculum of the School of Business Administration permits of the election of some few hours of credit in the Law School. Therefore, a student who meets the requirements of the combined curriculum in letters and business administration and who observes the set sequence of courses in business administration and law can meet the successive degree requirements of the three University departments named in seven years and two summer sessions.

1947–1948—1953–1954

A student may, by meeting the necessary requirements, enter the School of Business Administration as a candidate for the degree of Master of Business Administration, after completing 90 credit hours in the College of Literature, Science, and the Arts on the combined curriculum between the College and the School of Business Administration. Upon completing two semesters of work in the School of Business Administration he will be recommended for the degree of Bachelor of Arts, and, upon completing such further period in the School of Business Administration as may be prescribed for his case, he may be admitted to the Law School. The School of Business Administration will thereafter grant a maximum of 15 hours of credit toward the Master of Business Administration degree for the satisfactory completion of certain Law School courses closely related to business. The student should be enrolled in the School of Business Administration as long as he is a candidate for the Master of Business Administration degree and all specific requirements for that degree and for the law degree (Bachelor of Laws or Juris Doctor) must be met. By following this program the student may substantially shorten the period normally required to complete the work for the degrees of Bachelor of Arts, Master of Business Administration, and Bachelor of Laws (or Juris Doctor).

Business Administration and Law

1940–1941—1956–1957

This curriculum leads to the degrees of Master of Business Administration and Bachelor of Laws (or Juris Doctor) and is available to any student who has been admitted to the graduate curriculum of the School of Business Administration on the basis of a Bachelor of Arts or Bachelor of Business Administration degree. Upon completion by any such student of the minimum period in residence prescribed for his case by the School of Business Administration, he may be recommended for admission to the Law School. The School of Business Administration will thereafter grant a maximum of 15 hours of credit toward the Master of Business Ad-

ministration degree for the satisfactory completion of certain Law School courses closely related to business, as in the case of the combined curriculum in Letters, Business Administration, and Law. Students must be enrolled in the School of Business Administration as long as they are candidates for the Master of Business Administration degree and all specific requirements for that degree and for the law degree must be met.

IX:4. Report of Action of Law Faculty Concerning Admission Requirements: 1908

Source: *Regents' Proceedings, 1906-1910,* pp. 250-58

Dean Hutchins presented a report of the action of the Law Faculty concerning the requirements for admission to the Law Department. The paragraph fixing the age for admission was adopted unanimously, and consideration of the rest of the report was deferred until the next meeting.

To the Honorable, the Board of Regents of the University of Michigan:

Gentlemen—At a meeting of the Faculty of the Department of Law, held January 31, 1908, it was unanimously decided that the age requirements for admission to the Department should be changed so as to read as follows:

Applicants for admission to the first year class of the Department of Law must be at least nineteen years of age; to the second year class, twenty; and to the third year class, twenty-one. Applicants for admission to the graduate class of said Department and as special students must be at least twenty-one years of age.

In behalf of the Law Faculty, I respectfully ask that this action be confirmed by this honorable Board. For the guidance of the Board, I should state that the present age requirements are as follows: For the first year class, eighteen years; the second year class, nineteen, and the third year class, twenty, and that the proposed change would not affect applicants for graduate work or applicants for admission as special students, as the age requirement now for such applicants is twenty-one years.

At the same meeting, the following was, after full discussion, adopted without a dissenting vote:

In the year 1910 and thereafter, until further notice, an additional year of preparatory work will be required of those who apply for admission to the Department of Law as candidates for the degree of Bachelor of Laws. The new requirements may be met by presenting the equivalent of an academical or high-school course of four years as under the present requirements for admission (see pp. 11-12 inclusive of the Announcement) and one year of university or college credit in a university or college approved by the Faculty of the Department; *or* by presenting nineteen units of work done in an approved high school or academy. This work may be selected from the following subjects or their substantial equivalents: English Language, English Literature, Foreign Language, History (Ancient, Mediaeval,

Modern, English and United States), Mathematics (Algebra, Plane and Solid Geometry and Trigonometry) and the following science: Astronomy, Botany, Chemistry, Geology, Physical Geography, Physics and Zoology.

A unit of work, as the term is here used, is defined as work in a subject covering a school year of not less than thirty-six weeks with at least five recitation periods each week. Under the new requirements, then, the additional year of preparatory work may be taken in an approved university or college, and this the Faculty advises whenever it is practicable for the student so to do, or in an approved academy or high school that offers the requisite facilities. Certificates will be received as at present, in lieu of examinations, provided they come from approved universities, colleges, academies, or high schools, and contain, in addition to a recommendation for admission to the Department, detailed statements showing the length of the time each subject has been pursued and that the standing of the applicant has been satisfactory. Blank certificates, of the form desired, will be furnished upon application to the Secretary of the Department.

To meet the case of mature students who, although lacking the technical preparation required for admission as candidates for the degree, are, by reason of natural gifts, previous training or experience in practical affairs, specially fitted for the study and practice of the law, the Faculty will, upon special application, permit an applicant, who comes within the class described, and who has attended the Department for a period of two years as a special student, to become a candidate for the degree without the technical preparatory training hereinbefore described, *but only when such applicant has maintained throughout his two years of residence a record of exceptional excellence in all the subjects pursued.* It should be understood that this privilege will be confined strictly within the provisions herein set forth.

In behalf of the Law Faculty, I respectfully ask that this action be confirmed by this honorable Board, and that the increased requirements, as above set forth, be authorized.

* * * * *

That the members of the Board may understand fully the reasons for the changes that they are asked to authorize and the results that may probably be expected to follow such changes, I submit, with the approval of the Law Faculty, the following statement:

I should suggest first, that the conclusion of the Faculty in regard to the matter in issue was a deliberate one, reached only after a most careful and thorough consideration of the whole subject of preparatory training for the study of the law and with full knowledge of the experience of law schools that have already increased their preparatory requirements by the addition of one or more years of college or university work. In their deliberations the members were aided materially by an exhaustive compilation of facts relating to legal education in the United States, made by Professor Wilgus, the chairman of a special committee appointed by the Dean

of the Department several months ago to examine and report upon the subject of increased requirements for admission. A copy of this compilation is in the hands of the chairman of the Law Committee of your Board. An examination of it reveals at once the fact that it is a distinct contribution to the history of legal education.

Briefly stated, the reasons for the changes proposed are: First, that in the judgment of the Faculty, the average high-school graduate has but an indifferent equipment for legal study, particularly if he goes at once from the high school to the law school without an intervening period of study or of business training, and, secondly, that the best law schools of the country, including several of our neighboring state university schools, are requiring, or are about to require, one or more years of university or college training of candidates for the law degree.

It goes without saying, of course, that some men are fitted by nature for the study and practice of the law, and that with such men the matter of preliminary training is of minor importance. The intellectual grasp and the attendant power of lucid and logical statement that thorough and systematic and extended preliminary training is supposed to give, are with such men natural endowments. And so it is that not infrequently we find among the best men in our law classes some who have come to us directly from the high school. Furthermore, even the high school graduate of moderate ability, whose training has been of the rigorous kind and who comes to his law studies with habits of industry and with an earnest purpose to make the most of his opportunities, may, and he often does, outrank the indifferent college graduate. But cases like the foregoing are exceptional. It is a fact, and it is one that is constantly brought to the attention of the law teacher, that, as a rule, the strongest students in law are those who have had more than the high school training. It stands to reason that this should be so. The law is an intensely intellectual profession, and the successful study of our jurisprudence requires the mastery and control of one's intellectual processes and the development of one's reasoning faculties to a degree that is ordinarily attained only after long and systematic disciplinary study. The person who attempts the work with an indifferent preliminary training must find himself constantly handicapped. The training of a complete undergraduate course is none too much. But while the Faculty feel this to be so, they are of the opinion that such a requirement, at the present time, and under existing conditions, would be premature and unwise. They are very confident, however, that the time has come for the first step in that direction, and therefore they report for your approval the action hereinbefore set forth.

That the law schools of several other universities, and particularly of some of our neighboring state universities, are requiring additional preparatory work of the college grade, is a significant fact that we cannot disregard. . . . While the work of our Law Department is undoubtedly as strenuous as that of any law school in the country, and while the standard

of legal scholarship that the student must reach and maintain in order to pass the examinations of the Department, is probably quite as high as that of any other school, it is nevertheless true . . . that we are materially behind many of the schools in this matter of preliminary requirements. In view of what her neighbors are doing and of her recognized policy of leadership, can Michigan afford to run the risk of putting her Law Department among schools of the second rank by neglecting to take the suggested step in advance?

I beg to call the attention of the Board to the fact that the authorizing of the suggested additional requirements will be simply another step in the carrying out of a policy that was inaugurated at the time of the reorganization of the Department thirteen years ago, namely, to add to the quantity and improve the quality of the work required for graduation and to increase gradually the requirements for admission. In pursuance of this policy the course of study in 1895 was extended to three years and additional entrance requirements were announced to go into effect in 1897. The subjects added by this action were algebra to quadratics, plane geometry, general history and civil government. In 1898 it was announced that in September, 1900, and thereafter, until further notice, all applicants for admission to the Department, if candidates for the degree, must have a preliminary education equivalent to that required for admission to the Department of Literature, Science, and the Arts. This resulted in the addition of two years of foreign language, two sciences and quadratics, and made the requirements for admission a high-school course of four years, or its equivalent, and this has continued to be the requirement for the past seven years. Not only have the requirements for admission been gradually increased as indicated, but since the course was extended to three years the standard of scholarship in the Department has been materially advanced.

It should be noted, moreover, that the additional requirements asked, are of a kind that in many communities may be secured in the high school; that special students are to be received, as is the case at present, without examination, provided they are twenty-one years of age and can satisfy the Dean that they are qualified to carry law work, and that the special student of exceptional ability and industry may, by permission of the Faculty, secure the degree, even though lacking the technical preparation prescribed. It cannot, therefore, be said that by the conditions imposed none can enter the Department excepting those who are able to take a year of preparatory work at some university or college, or that the doors of the Department will be closed to the worthy and industrious student who cannot secure a thorough preparatory training.

While the Faculty strenuously urge affirmative action in regard to the matters hereinbefore set forth, they feel that the members of the Board before acting should understand fully the probable results if the proposed changes are made. And they beg to suggest, first, that one result will undoubtedly be a marked general improvement in the equipment of the

students who come to us. The preparation of the students as a whole for the difficult work of the course will certainly be of a higher grade and more nearly the same, and thus the embarrassment that must always exist in teaching classes made up of those whose preliminary training has been unequal in amount and quality will in a measure disappear.

But while a noticeable advance in the training of the general student body and in the character of the work that can be accomplished, may be expected from the measure proposed, it will, if adopted, undoubtedly result in a material falling off in attendance. Judging from the experience of other schools in this regard and from the general situation that confronts us, the writer is of the opinion that we must expect, if we take this step, a decrease of from twenty to thirty per cent. in our numbers, and he is inclined to think that the latter per cent. will be found to be the more nearly correct and further that the loss will be a permanent one. But it should be said in this connection that many, and probably a majority, of the Law Faculty feel that the per cent. that he suggests is too large and that we would soon recover from any loss in numbers that we might suffer through the change. There are some facts, however, that bear significantly upon the situation and that probably tend to support the judgment of the writer. So far as the experiment of imposing college or university work as a condition for admission to law schools has been tried, it has, with a single exception, resulted in a material falling off in attendance, and as yet, with a single exception, there has been little if any increase in numbers under the new regime. The exception to which reference is made is Harvard, but this can hardly be regarded as an exception, as the most of the students in attendance there when the change was made, were college graduates, so that the requiring of a college degree would naturally affect attendance but little. . . .

The general law school situation is such that in the judgment of the writer, we must expect a material falling off in attendance with increased requirements of the college grade. The number who seek the path of least resistance is always large, and there are many who have neither the time nor money for extended preparatory work. These will naturally drift to the numerous schools on every side of us whose entrance requirements are less exacting than are ours. We must not lose sight of the opportunities for law study that are now offered within the territory from which we draw the majority of our students. In 1860, there were within that territory three law schools, in 1870, seven, in 1880, thirteen, in 1890, twenty, and in 1907, forty-seven. It is a matter of surprise to those understanding the competition that we are obliged to meet, that our attendance, even under present conditions, is so large. And when we call to mind that a majority of these schools exact simply a high school preparation and will probably for some time to come and that some require even less, it will be quite apparent that the prospective law student, with limited preparation, will find little difficulty in selecting a school whose requirements he can easily meet. More-

over, we must reckon with the correspondence schools that are each year becoming more numerous, and we must not lose sight of the fact that there is an easy road to the bar through the law office and the state examining board. The law schools are differently situated from the medical schools. In practically every state at the present time before one can be admitted to an examination for a license to practice medicine, he must show to the examining board that he has been graduated from some reputable medical college, while graduation from a law school is not a prerequisite to an examination for admission to the bar in any state. The medical schools, therefore, are a necessary part of the legal machinery governing admission to the practice of medicine, but the law schools are not a necessary part of the machinery governing admission to the bar. The medical schools may advance their standards and students must meet the advance or stay out of the profession, but no such result follows the raising of law school standards, for the way to the bar through the office and examining board remains open. As a matter of fact the leading law schools of the country are, in their standards, very much in advance of the profession and the examining boards. It is not an unusual occurrence for a student who has been dropped from this Department to pass the tests of a state examining board very soon thereafter and without an opportunity for further preparation. Until the profession generally can be induced to secure a change in the laws so that our state examining boards must advance their requirements both preliminary and professional until they are equal to those of our leading schools, such schools must necessarily suffer a falling off in attendance whenever a step in advance is made.

But notwithstanding the fact that we must expect a very material decrease in our numbers, if the suggested changes are made, there should not in our judgment be any hesitation on the part of this Board in authorizing the changes proposed. We must take the step or become a second-class school and a dumping ground, so to speak, for poorly prepared students who cannot enter schools of the first grade. The movement for increased preliminary requirements is a movement that we must ultimately join and the longer we delay the more difficult will become the adjustment. The school making the higher requirement will naturally attract the better prepared students. We hope the time has not come and that it will never come when the authorities of this University will feel that they must sacrifice high standards to mere numbers. Seven years have passed since the last advance in our entrance requirements, and if the policy that was declared by this Board at the time of the reorganization of the Department thirteen years ago is to be carried out, it is high time that the next step, which is the one proposed, should be taken. It should be noted that the movement is in the direction of what according to the general consensus of opinion among the teachers in professional schools should be the minimum preparation for professional study, namely, a college or university course of at least two years.

I beg to suggest in closing that the large numbers in this Department have

for years been a serious embarrassment. The old method of teaching by lecture is no longer followed in this or any other first-class school. The purpose of the modern law teacher is to instruct the student in legal reasoning as well as in legal principles, and this can be accomplished only by close personal work with individual students. With our large sections, which the limited number in our Faculty makes necessary, students feel and rightly feel that they do not receive the personal attention to which they are entitled. It is well known that students have not infrequently chosen other and smaller schools in order that they might have the individual attention that the teacher with smaller sections can give. With our present teaching force, the school ought not to number more than five hundred students.

We respectfully ask that this communication may be made a part of the records of this Board.

For the Law Faculty
By H. B. Hutchins, Dean

IX:5. MICHIGAN STATUTES PERTAINING TO THE "DIPLOMA PRIVILEGE": 1849-1913

Act of March 31, 1849, in effect at the date the Law Department was opened, permitted "any circuit court [to] grant to any citizen of this state, of good moral character, and of the age of twenty-one years, a license to practice . . . upon an examination at any regular term of such court, in the presence of the circuit judge, in open court, when satisfied that the applicant possesses sufficient legal learning and ability to discharge the duties of such office."

Act of March 20, 1863, provided "That such examination shall in no case be required when said circuit court shall be satisfied, by the production of his diploma, or otherwise, that said applicant is a graduate of the law school of the Michigan State University."

Act of May 10, 1881, repealed the Act of March 20, 1863 and re-instituted the examination requirement.

Act of May 24, 1895, reinstituted the "diploma privilege" for graduates of the "law department of the University of Michigan."

Act of April 28, 1897, extended the "diploma privilege" to graduates of the Detroit College of Law.

Act of May 2, 1913, abolished the "diploma privilege."

IX:6. REPORT OF LAW FACULTY CONCERNING ADMISSION REQUIREMENTS: 1913

SOURCE: *Regents' Proceedings, 1910-1914,* pp. 711-15

To the Honorable Board of Regents:

Your attention is invited to the following, for consideration if possible at your meeting called for April 24, 1913.

At a meeting of the faculty of the Department of Law held March 15,

1913, the matter of increasing the requirements for admission to the Department to include two years of college work was discussed. I quote from the minutes of that meeting the following action:

> "Dean Bates presented the matter of making announcement of of an increase in our entrance requirements to two years of college work. After a general discussion of this subject, it was moved by Professor Lane that the faculty recommend to the Board of Regents that beginning with the fall of 1915 two years of college work be required for admission to the Department of candidates for the degree."

Under the rules of our faculty pertaining to important changes in the Department, this resolution was laid on the table to be taken up at a subsequent meeting. At the meeting of the faculty held April 4, 1913, the resolution was taken from the table and after further discussion was passed without dissenting vote.

I earnestly request that your Board take action in accordance with this recommendation of the faculty. The proposed action would be merely carrying out the policy announced by the Board of Regents in 1910 favorably acting upon the faculty's recommendation that the entrance requirements be increased to include one year of college work beginning in 1912

> "and that the faculty of said Department be permitted to announce that within a reasonable time after 1912 it may be expected that a second year of University or college work will be added to the requirements of admission of those who apply as candidates for a degree."

The reasons for the change to one year of college work were set forth in a communication by Dean Hutchins to the Board of Regents presented at the meeting of the Board held in March 1910. The reasons therein set forth apply with greater force now than at that time, and some additional reasons for the increase to two years of college work are herein stated:

(1) We have been entirely pleased with the results obtained by the requirement of one year of college work which went into force in 1912. The beneficial effects of that action are set forth in another communication presented to the Regents at their November 1912 meeting.

(2) With two or three exceptions every leading law school in the United States now requires two or more years of college work. . . .

(3) Unquestionably the school with reasonably high requirements makes a strong appeal to college-trained men. Undoubtedly therefore, if Michigan wishes to draw such men into its law school, it must at least keep pace with other leading institutions. I have known of a number of students who would naturally have come to our Department of Law, who, however, went to other schools because of the better preliminary training of the students therein.

(4) There can be no possible question that a distinctly superior standard of work can be and is maintained in those schools requiring reasonably high entrance requirements to that which can be maintained in those admitting students with only high school training. The records of our De-

partment show that the great majority of bad failures are among those students who have had the minimum requirement. The statistics for the ten years during which our *Law Review* has been in existence show that the college-trained man has a four times better chance to secure election to the *Law Review* board than the non-college trained man.

Undoubtedly the increased entrance requirements will temporarily reduce the number of students in attendance in the Department. The present first year class contains about one hundred sixty candidates for degrees. Approximately two thirds of these men could have qualified under the two-years' requirement. It is quite certain, however, that the new requirement announced in advance, as we now propose, would not cut down our attendance one third, as these figures might at first seem to indicate. With the announcement thus made in ample time, the majority of that third of the present first year class who would now be excluded by the two years rule would have qualified for the extra year. Northwestern and Illinois are the only schools requiring one year or less of college work that compete at all with us for students. With both of these schools advancing their requirements in accordance with announcements already made, we shall not drive students to them by raising our own requirements. I have little doubt that after the first reduction in our numbers, we shall begin at once to draw steadily increasing numbers of students, and, of course, much better prepared students.

But a university law school, in my opinion, should not be greatly influenced by the desire to have a large number of students. It is certainly the function of a university law school to prepare leaders for the bar, men qualified to hold their own in these days of keen competition. It does no good to itself and renders no service to the community or the individual students when it turns out men ill prepared, the majority of whom under present conditions must sink below mediocrity or withdraw altogether from the bar. The demand for *good* lawyers is greater than ever before, but throughout the country the bar is overcrowded with poor lawyers, poor in a majority of cases because they have not had sufficient general training and scientific legal training. The United States census shows that the number of lawyers has increased far more rapidly than the population of the country during the past fifty years. A conservative estimate is that the law schools of the country are annually turning out nearly three times as many graduates as can hope to make a fair living at the bar. In addition to law school graduates, at least as many more men are annually drawn to the bar after private study or study in correspondence schools. This last class is rapidly diminishing as law schools have increased in efficiency and as examinations for the bar by state boards have improved in character. But at the best, it is obvious that the profession of law is overcrowded. It therefore seems to me that we should undertake to turn out only thoroughly qualified, competent men, and while occasionally a man of great talent may succeed without the normal general and legal education, these are exceptional cases and their number is rapidly diminishing under modern conditions. Moreover, the complete answer to the suggestion that the rule we propose would shut

out bright but financially poor men, is that under conditions any young man really capable of attaining eminence at the bar can get all the education, preliminary and legal, which our proposed rule contemplates.

The Carnegie Foundation for the Advancement of Teaching has announced that it will immediately make a study of law schools, admission to the bar, and legal education generally, similar to the study of medical education which it conducted some years ago and which has had such helpful results. Undoubtedly the effect of this study will be to strengthen the hands of those schools maintaining high standards of admission and high standards of law work, and it will criticise and weaken the already inferior schools. The undersigned, as president of the Association of American Law Schools, acting under the direction of the executive committee of that Association, presented the request to President Pritchett, of the Carnegie Foundation, to make the study of legal education. The remarks made by President Pritchett during our interview indicate that the Foundation will take strong ground against law schools with low entrance requirements.

In this connection it may be added that in accordance with the policy of the faculty of this Department, early in the year I drafted a bill relating to admission to the bar in this state, which was introduced into the Senate by Senator Verne C. Amberson, a graduate of our Department with the class of 1907. This bill, with some minor modifications, has been passed by the Senate and is now pending in the House of Representatives. Its main features are as follows:

(1) The requirement of at least a four-years' high school course or its equivalent prior to admission to the bar;

(2) Graduation from a reputable three-years' law school, or in lieu of that the completion of four years of study in an office or under a preceptor;

(3) Provisions carefully regulating the admission of attorneys from other states with specific requirements as to their education, experience and character, designed to prevent the recurrence of abuses which have sometimes caused scandal in the state;

(4) Carefully framed provisions, designed to assure so far as such assurance can be had, that only persons of good moral character shall be admitted to the bar.

I believe that the chances are favorable to the passage of this bill by the House of Representatives. It is not ideal in its character, but a bill incorporating all that we might desire would have little chance of passage. This bill, if it shall become law, will be a great improvement upon the present scheme of admissions to the bar in this state.

In conclusion, I believe that the proposed increased entrance requirements will, if adopted, redound to the good name and reputation of this Department of Law and will serve the best interests of the profession, and of the state and nation.

HENRY M. BATES,
Dean.

April 12, 1913.

IX:7. LAW STUDENTS HOLDING DEGREES SECURED PRIOR TO ENROLLMENT: 1859-1928

SOURCE: *University Catalogue* (1860-1883), Annual *Announcements* (1884-1928)

Year	Total Enrollment	Number Holding Degrees	Percentage of Total Enrollment Holding Degrees
1859-1860	90	15	16.7
1860-1861	159	5	3.1
1861-1862	129	16	12.4
1862-1863	134	21	15.7
1863-1864	221	26	11.8
1864-1865	260	48	18.5
1865-1866	385	59	15.3
1866-1867	395	*	—
1867-1868	387	*	—
1868-1869	343	43	12.5
1869-1870	308	35	11.4
1870-1871	307	40	13.0
1871-1872	348	61	17.5
1872-1873	331	52	15.7
1873-1874	314	39	12.4
1874-1875	345	48	13.9
1875-1876	321	37	11.5
1876-1877	309	47	15.2
1877-1878	384	74	19.3
1878-1879	406	52	12.8
1879-1880	395	62	15.7
1880-1881	371	53	14.3
1881-1882	395	60	15.2
1882-1883	333	57	17.1
1883-1884	305	57	18.7
1884-1885	262	40	15.3
1885-1886	286	41	14.3
1886-1887	338	45	13.3
1887-1888	341	58	17.0
1888-1889	400	56	14.0
1889-1890	522	74	14.2
1890-1891	581	76	13.1
1891-1892	651	67	10.3
1892-1893	625	97	15.5
1893-1894	597	99	16.6
1894-1895	649	96	14.8
1895-1896	660	71	10.8
1896-1897	578	69	11.9
1897-1898	745	83	11.1
1898-1899	739	100	13.5

Year	Total Enrollment	Number Holding Degrees	Percentage of Total Enrollment Holding Degrees
1899-1900	818	110	13.4
1900-1901	830	100	12.0
1901-1902	827	106	12.8
1902-1903	871	129	14.8
1903-1904	862	140	16.2
1904-1905	869	129	14.8
1905-1906	896	118	13.2
1906-1907	763	98	12.8
1907-1908	776	95	12.2
1908-1909	763	106	13.9
1909-1910	809	133	16.4
1910-1911	761	135	17.7
1911-1912	750	138	18.4
1912-1913	627	152	24.2
1913-1914	579	141	24.4
1914-1915	526	140	26.6
1915-1916	444	143	32.2
1916-1917	401	130	32.4
1917-1918	188	74	39.4
1918-1919	183	57	31.2
1919-1920	378	119	31.5
1920-1921	357	133	37.2
1921-1922	388	115	29.6
1922-1923	423	138	32.6
1923-1924	484	169	34.7
1924-1925	532	210	39.5
1925-1926	571	246	43.0
1926-1927	544	272	50.0
1927-1928	569	337	59.2

* Data unavailable.

IX:8. Report of Planning Committee: 1958

Note: Submitted March 5, 1958; approved April 1958

. . . Stiffening entrance requirements, undoubtedly strikes a responsive chord in every member of the faculty, and may even find popular favor in the current concern over intellectual mediocrity. Here again, the Committee believes that admission standards . . . deserve separate study in the months ahead . . . .

All of us dream of the day when admissions evaluation will weed out the potential failures and every freshman is assured of successful completion of

his Law School career.* However alluring this Yaletopia it must be recognized for the dream that it is. The best we can do is to work with others in trying to evolve more and more reliable predictors from the data obtainable. Despite the great amount of work already done, there are many relationships unexplored, and those acquainted with developments in admissions testing express optimism that better criteria will be discovered.

At the moment, we may or may not be making maximum practical use of the tests available. However, our statement of the minimum acceptable record is as high as that at any school . . . . Nevertheless, we could raise the minimum pre-law average; we could insist on a higher score on the Law School Admission Test; we might insist on personal interviews conducted by faculty here or alumni elsewhere. These steps would decrease, in some measure, the size of the list of failing students and would temporarily alleviate the pressure of applications for admission. This raises the questions as to what kind of student body we want—are we to be a school for the elite or to train a wider range of those preparing for the bar? The University of Michigan academic traditions seem to support the preference for quality over quantity. Indeed the University's continued eminence probably depends on insistence upon superiority, leaving to others the growth race . . . .

* This assumes that we weed out also all with insufficient motivation to keep working for three years without the threat of failure.

IX:9. DEGREES GRANTED: 1860-1958

SOURCE: *Regents' Proceedings* (1860-1920); *President's Reports* (1921-1958)

Academic Year	PARTICULAR DEGREES CONFERRED				
	LL.B.	LL.M.	J.D.	S.J.D.	M.C.L.
1859-1860	24				
1860-1861	43				
1861-1862	44				
1862-1863	48				
1863-1864	71				
1864-1865	80				
1865-1866	108				
1866-1867	146				
1867-1868	153				
1868-1869	129				
1869-1870	120				
1870-1871	118				
1871-1872	142				
1872-1873	124				
1873-1874	126				

PARTICULAR DEGREES CONFERRED—*Continued*

Academic Year	LL.B.	LL.M.	J.D.	S.J.D.	M.C.L.
1874-1875	136				
1875-1876	159				
1876-1877	123				
1877-1878	147				
1878-1879	193				
1879-1880	175				
1880-1881	146				
1881-1882	170				
1882-1883	155				
1883-1884	133				
1884-1885	136				
1885-1886	116				
1886-1887	154				
1887-1888	146				
1888-1889	147				
1889-1890	211	6			
1890-1891	265	15			
1891-1892	294	20			
1892-1893	237	18			
1893-1894	280	21			
1894-1895	302	9			
1895-1896	324	20			
1896-1897	54	10			
1897-1898	221	4			
1898-1899	220	2			
1899-1900	227	1			
1900-1901	217	4			
1901-1902	261	1			
1902-1903	240	5			
1903-1904	237	1			
1904-1905	232				
1905-1906	258	1			
1906-1907	223	2			
1907-1908	218	1			
1908-1909	163	1			
1909-1910	191		27		
1910-1911	188		29		
1911-1912	155		30		
1912-1913	176	3	22		
1913-1914	118		16		
1914-1915	103	1	18		
1915-1916	129		23		

PARTICULAR DEGREES CONFERRED—*Continued*

Academic Year	LL.B.	LL.M.	J.D.	S.J.D.	M.C.L.
1916-1917	99		16		
1917-1918	55		10		
1918-1919	18		8		
1919-1920	74		16		
1920-1921	71		18		
1921-1922	94		22		
1922-1923	77	2	23		
1923-1924	110	2	14		
1924-1925	101	4	17		
1925-1926	112	2	20		
1926-1927	122	1	29	1	
1927-1928	130		25	2	
1928-1929	107	2	28	3	
1929-1930	132	1	36	5	
1930-1931	105	1	36	5	
1931-1932	112		32	3	
1932-1933	104		31	4	
1933-1934	76	1	36	1	
1934-1935	114	1	27		
1935-1936	103		33		
1936-1937	112		46		
1937-1938	124		39		
1938-1939	113		44	3	
1939-1940	98	4	35	2	
1940-1941	154	11	41	2	
1941-1942	133	6	35	2	
1942-1943	42	4	11	1	
1943-1944	25	3	7		
1944-1945	14	7	4		
1945-1946	45	5	7	1	
1946-1947	85	6	33		
1947-1948	275	10	54	1	
1948-1949	310	6	55		
1949-1950	265	19	43	2	
1950-1951	277	10	42	5	
1951-1952	252	12	46	1	
1952-1953	216	9	51	4	
1953-1954	182	13	33	1	
1954-1955	173	18	29	4	
1955-1956	182	7	34	4	
1956-1957	201	14	37	1	8
1957-1958	215	14	48	7	8

IX: 10. GENERAL GRADUATION REQUIREMENTS FOR THE DEGREE OF BACHELOR OF LAWS: 1859-1959

SOURCE: *University Catalogue* (1860-1883); Annual *Announcements* (1883-1959)

1859–1860

. . . [T]he students in the Law Department who shall have attended the same for one year, shall have pursued the study of the Law for one year next prior to October 1st, 1859, shall be a graduate of some respectable college or University, and shall be in other respects qualified, shall be entitled to the first degree of that Department, provided, that this resolution shall only apply to the first year of the Law Department.

1860–1861—1874–1875

The Degree of Bachelor of Laws will be conferred upon such students as shall pursue the full course of two years in this Department, and pass an approved examination . . . .

Candidates for Degrees . . . must be twenty-one years of age, and each will be required to prepare and deposit with the Faculty . . . a dissertation not less than forty folios in length, on some legal subject selected by himself. . . .

1875–1876—1882–1883

[Same, except for the age requirement which was omitted.]

1883–1884—1894–1895

[Same, except that the examination is described as ". . . an approved oral and written examination."]

1895–1896—1912–1913

Students who have received the full course of instruction, performed all required exercises, and passed the regular examinations, are admitted to the degree of Bachelor of Laws.

1913–1914—1941–1942

The degree of Bachelor of Laws is conferred upon those students . . . who have met the entrance requirements for candidates for the degree . . . and who have satisfactorily completed the three years course, in accordance with the regulations established by the faculty. . . .

1942–1943—1948–1949

[Same, except for addition of statement that "An average grade of C or better must be maintained."]

1949–1950—1958–1959

[Same, except statement relative to grades, changed to read: "An average grade of C or better must be maintained in all work offered for the degree."]

IX: 11. Credit Hours or Class Attendance Per Week Required for Undergraduate Degrees

Source: *University Catalogue* (1860-1883); Annual *Announcements* (1884-1959)

In Terms of Class Attendance: 1859-1860—1910-1911

Years in Effect	First Year Class	Second Year Class	Third Year Class
1859-1860—1882-1883	10 lectures and examinations	10 lectures and examinations	
1883-1884—1886-1887	10 lectures *and* daily recitations in specified texts	10 lectures	
1887-1888—1894-1895	10 lectures and daily recitations in specified texts	10 lectures and recitations in specified texts	
1895-1896—1896-1897	First Semester: 12 hours lecture and text work and 2 hours quiz work with instructors Second Semester: 13 hours lecture and text work and 2 hours quiz work with instructors	12 hours lecture and text work and 2 hours quiz work with instructors	12 hours lecture and text work and 2 hours quiz work with instructors
1897-1898—1899-1900	[Unchanged]	13 hours lecture and text work and 2 hours quiz work with instructors	12 hours lecture and text work and 2 hours quiz work with instructors and 3 electives
1900-1901—1901-1902	[Unchanged]	First Semester: 12 hours lecture and text work and 2 hours quiz work with instructors Second Semester: 14 hours lecture and text work and 2 hours quiz work with instructors	13 hours lecture and text work and 2 hours quiz work with instructors and 3 electives
1902-1903	13 hours in lecture and recitation work during first semester and 12 hours during second and frequent quiz work with instructors	12 hours in lecture and recitation work during first semester and 14 during second and quiz work with instructors	15 hours in lecture and recitation work during first semester and 14 during second and quiz work with instructors and 3 electives
1903-1904	13 hours in lecture and recitation work and frequent quiz work with instructors	14 hours in lecture and recitation work during first semester and 15 during second and quiz work with instructors	[Unchanged]

Years in Effect	First Year Class	Second Year Class	Third Year Class
1904-1905	12 hours in lecture and recitation work and frequent quiz work with instructors	14 hours lecture and recitation work and quiz work with instructors	16 hours lecture and recitation work during first semester and 15 during second and quiz work with instructors and 3 electives
1905-1906	13 hours lecture and recitation work during first semester and 12 during second and frequent quiz work with instructors	15 hours lecture and recitation work	[Unchanged]
1906-1907	13 hours recitation and quiz work	15 hours recitation and quiz work	15 hours recitation and quiz work first semester and 18 during second
1907-1908—1909-1910	[Unchanged]	[Unchanged]	16 hours recitation and quiz work first semester and 15 during second
1910-1911	14 hours recitation and quiz work	[Unchanged]	[Unchanged]
1911-1912	13 hours class work first semester and 12 hours during second	13 hours class work	13 hours class work

IN TERMS OF CREDIT HOURS: 1911-1912—1958-1959

Years in Effect	Credit Hours Per Week	Total Credit Hours	Credit Hours in Elective Courses
1911-1912	Thirteen, except 2d semester of 1st year when 12 required	76	
1912-1913	"Without special permission of the Faculty, not more than 13 hours . . ."	76	28
1913-1914	[Unchanged]	72	24-28
1914-1915—1918-1919	[Unchanged]	72	34
1919-1920	[Unchanged]	72	36
1920-1921	"Without special permission of the Faculty, not more than 13 hours . . . in any semester after the first semester of the first year . . ."	76	34
1921-1922	[Unchanged]	76	38-42
1922-1923	"Without special permission of the Faculty, not more than 13 hours . . . in any semester after the first year . . ."	76	38-42
1923-1924—1925-1926	[Unchanged]	76	37-41
1926-1927	[Unchanged]	76	40-44
1927-1928—1934-1935	[Unchanged]	76	40-45
1935-1936—1939-1940	". . . not more than 14 hours after the first year . . ."	80	41-47
1940-1941—1941-1942	[Unchanged]	80	38-46
1942-1943—1943-1944	[Unchanged]	80	20-28
1944-1945—1945-1946	". . . not more than 14 hours or less than 12 . . ."	80	24-28
1946-1947—1949-1950	[Unchanged]	80	38
1950-1951	". . . not more than 15 hours or less than 12 . . ."	80	40
1951-1952—1954-1955	[Unchanged]	80	36
1955-1956—1958-1959	[Unchanged]	80	34-36

IX: 12. THE GRADING SYSTEM: 1958-1959

SOURCE: *Law Students' Handbook* (1957), p. 47

Students are graded in each course according to the following system of rating:

Grade	Rating	Value in Honor Points Per Credit Hour
A	Excellent	4
B	Very Good	3
C+	Good	2.5
C	Satisfactory	2
D	Unsatisfactory	1
E	Failure	0

A student's scholastic standing in the School is determined by his *honor point average* on all work taken in the School. The term "honor

point average" means the total honor points earned by the student divided by the total hours of work which he has carried or for which he has taken examinations (including any repeat courses and examinations). Courses completed in some other law school for which credit is given towards the degree at Michigan have no effect in determining the student's honor point average.

Repetition of examinations or courses is not permitted except as follows: (a) If a student has received a grade of "E" in a first-year course, he may take one repeat examination in the course, at a regularly scheduled examination time, without repeating the course, provided he has received a grade of "C" or better in each of the other first-year courses; (b) a student may repeat, once, any specifically required course in which he has received a grade of "E"; and (c) a student who has been excluded from the School on academic grounds may be entitled to take repeat examinations for the purpose of obtaining reinstatement (see "Academic Eligibility to Continue in Residence," infra.).

IX: 13. Graduation Requirements for the Degree of Juris Doctor (Three-Year Curriculum): 1909-1959

Source: Annual *Announcements* (1909-1959)

1909–1910—1911–1912

The degree of Juris Doctor (J.D.) will be conferred upon such graduates of approved universities and colleges as complete the full three years law course in the Department and are recommended therefor by the Faculty.

1912–1913—1922–1923

The degree of Doctor of Law is conferred upon students who have obtained the degree of Bachelor of Arts, or a substantially equivalent degree, either in the Department of Literature, Science, and the Arts of this University, or in some other approved college or university, and who have pursued the study of Law in this Department for three university years, or in any approved law school for one year, and in this Department for at least two years, and who have maintained an exceptionally high standard of scholarship in at least three-fourths of their law work, computed on the basis of hours of credit . . . .

1923–1924—1951–1952

The degree of Doctor of Law is conferred upon students who have obtained the degree of Bachelor of Arts, or a substantially equivalent degree, either in the College of Literature, Science, and the Arts of this University, or in some other approved college or university, and who have pursued the study of law in this school for three University years, or in any approved law school for one year and in this school for at least two years, and who have completed 48 hours of work in addition to the courses prescribed for the first year, and have maintained an average grade of B. . . .

[Changed in 1925-1926 to read ". . . who have maintained an average grade of B or better. . . ."]
[Changed in 1935-1936 to read ". . . who have completed 50 hours of work in addition to the courses prescribed for the first year. . . ."]

1952–1953—1958–1959

The degree of Juris Doctor is conferred upon students who have (1) met the course and academic requirements prescribed for the Bachelor of Laws degree . . ., (2) earned the Bachelor of Arts degree or its equivalent, and (3) maintained an average grade of B or better in all work carried after entering the Law School.

IX: 14. Graduation Requirements: 1958-1959

Source: *Law Students' Handbook* (1957), pp. 45-46

The requirements for graduation . . . are recapitulated below.

Section I. The following requirements must be met by all students:

1. Completion of all first year courses.
*2. Completion of the following additional courses:

	Hours
Constitutional Law	4
Evidence	3
*Pleading and Joinder	3
Problems and Research I and II (See Section II, Paragraph 2, below)	
Trusts and Estates I	3

3. Completion of three courses from the following Public Law Group:

Administrative Tribunals	2
Federal Antitrust Laws	3
Labor Relations Law	3
Labor Standards Legislation	3
Legislation	3
Municipal Corporations	2
Taxation I	3
Taxation II	2
Unfair Trade Practices	3

4. Completion of one course from the following Jurisprudential Group:

Comparative Law	3
Jurisprudence	3
International Law	3
Any seminar	2

*Applicable to students entering the Law School for the first time during and after the 1956 Summer Session. Students previously enrolled in the Law School will be required to complete Pleading and Joinder (formerly Civil Procedure I), Jurisdiction and Judgments (formerly Civil Procedure II), and either Practice Court (one hour) or Civil Procedure III (three hours).

A course shall be deemed to be completed if a student has officially taken such course and the examination therein.

SECTION II. In addition to the requirements specified in Section I, students . . . must meet the following requirements:

1. Full time residence in Law School for at least three academic years (six semesters or their equivalent in regular sessions and summer terms), of which at least two years, including the final year, have been spent in this School. Full time residence in a regular session consists of a minimum of 12 credit hours of work carried throughout the session. Full time residence in a summer term consists of a minimum of two courses carried throughout the term, except as otherwise expressly determined in connection with a particular summer term.
2. 50 credit hours in addition to hours of credit allocated to first year courses. Students who enter the Law School in either February or June are required to earn a total of 79 credit hours—this normally means 51 credit hours in addition to the credit hours allocated to first year courses. Also, each student must satisfactorily complete the work in Problems and Research I and II.
3. For LL.B.—an honor point average of at least 2.0 on the minimum credit hours which may be offered for the degree.
4. For J.D.—an honor point average of at least 3.0 on all work carried.

IX:15. GRADUATION REQUIREMENTS FOR THE DEGREE OF MASTER OF LAWS: 1889-1959

SOURCE: Annual *Announcements* (1889-1959)

GENERAL REQUIREMENTS

1889–1890

In accordance with the action thus taken the Law Faculty decided that candidates for the degree of Master of Laws might select not less than three subjects from among certain enumerated subjects, to which they should devote their attention, under the direction of the Faculty, during the year 1889-90. The candidates for this degree are required, from time to time, to report upon their work and to submit to such examinations as are deemed necessary to determine the thoroughness with which their studies are pursued. The plan thus agreed upon was adopted simply for the year above mentioned . . . . Students are not allowed to pursue the course *in absentia*. Before graduation every candidate for the degree of Master of Laws is required to submit to the Faculty a thesis on some approved subject.

1890–1891—1891–1892

[A course of study was prescribed for the "post graduate course" and "all candidates for the degree will be examined on the subjects so lectured on."]

In addition . . . the student will be required to prepare a thesis on some subject to be approved by the Faculty. . . .

1892–1893—1893–1894

The degree of Master of Laws is conferred on any graduate of this Department, who pursues the study of Law in this University for one year after graduation, and who completes to the satisfaction of the Law Faculty such a course of study as may be required; and the privilege thus extended to graduates of this Department is also extended to graduates of other Law Schools, who can satisfy the Faculty of this Department that the course of study for which they obtained their degree was equivalent to the course of study required for the corresponding degree in this Department.

[The thesis requirement was continued.]

1894–1895—1907–1908

The degree of Master of Laws is conferred on any graduate of this Department, who pursues the study of Law in this University for one year after graduation, and who completes to the satisfaction of the Law Faculty such course of study as may be required; and the privilege thus extended to graduates of this Department is also extended to the graduates of other Law Schools, who are entitled under the foregoing rules to admission to advanced standing as members of the post-graduate class.

[The thesis requirement was continued.]

1912–1913—1915–1916; 1919–1920—1923–1924

The degree of Master of Laws is conferred upon persons holding the degree of LL.B., granted by this University or by any approved Law School, provided that the applicant has maintained a high standard of scholarship in the law school from which he obtained his degree, and has completed a fourth year of law study as prescribed by the Faculty.

1915–1916—1923–1924

Students who meet the entrance requirement of two years of college work and enter upon the four year curriculum may receive the degree of Master of Laws (LL.M.) or the degree of Juris Doctor (J.D.) according to the standard of scholarship maintained by them in the Law School . . . .

The degree of Master of Laws is conferred upon those students who have completed the four year curriculum, as above set forth, and who have maintained a satisfactory standard of scholarship throughout, but not the exceptionally high standard required of those who receive the degree of J.D.

1924–1925

The degree of Master of Laws (LL.M.) or the degree of Doctor of Law (J.D.), depending upon the standard of scholarship maintained, is conferred upon persons holding the degree of LL.B., granted by this Uni-

versity or by any approved Law School, provided the applicant has maintained a high standard of scholarship in the law school from which he obtained his degree, and has completed a fourth year of law study in this School as prescribed by the Faculty . . . .

1925–1926—1933–1934

The degree of Master of Laws is conferred upon students who have completed with high rank the curriculum prescribed for the degree of Bachelor of Laws or Doctor of Law in this or any other approved law school, and who have thereafter pursued an approved programme of study in this school for a fourth year, completing at least 24 hours of work or the equivalent, and maintaining an average grade of B or better. In general no course of study for this degree will be approved which does not provide for a substantial measure of specialization in some selected subject.

1934–1935—1937–1938

The degree of Master of Laws is conferred upon students who have been graduated from an approved college or university, with the degree of A.B. or its equivalent, who have completed with high rank the curriculum prescribed for the degree of Bachelor of Laws or Doctor of Law in this or any other approved law school, and who have thereafter pursued a program of study in this School for a fourth year, approved by the Committee on Graduate Law Instruction. In general no course of study for this degree will be approved which does not provide for a substantial measure of specialization in some selected subject.

1938–1939—1939–1940

The degree of Master of Laws will be conferred upon students who, having been duly admitted as candidates for such degree, have completed with an average grade of "B" or better a program of study, approved by the Committee on Graduate Work, in this School for one year, or, in the alternative, for three summer sessions. All students are required to take the courses in Legal Method and Comparative Law, and to elect one other course from a list which will include the following: Jurisprudence, Legal History, Administrative Tribunals, Legislation, Employer-Employee Law. In general, no course of study for the degree will be approved which does not provide for a substantial measure of specialization in some selected subject, or group of subjects, and for individual research under the direction of a member of the Faculty.

1940–1941

The degree of Master of Laws is conferred upon students who, having been duly admitted as candidates for such degree, have completed a year of residence with an average grade of B or better in a program of work approved by the committee on graduate study in this School. All students are required to elect the courses in legal method and comparative law, and such further courses and seminars as shall be prescribed by the committee on

graduate study. In general, no course of study for the degree will be approved which does not provide for a substantial measure of specialization in some selected subject, or group of subjects, and for individual research under the direction of a member of the faculty.

1941–1942

The degree of Master of Laws is conferred upon students who, having been duly admitted as candidates for such degree, have completed a year of residence with a superior scholarship record. The program of study may consist, either of regular courses and seminars in the Law School; or partly of such courses and seminars and partly (but not exceeding 50 per cent) of courses in the Graduate School; or partly of regular courses and seminars and partly of individual research. The program of each student must be approved by the Dean of the Law School or, if so designated, by the committee on graduate study. Normally, the program will be expected, although not required, to include the courses in The Legal Process and Comparative Law.

The degree of Master of Laws is also conferred upon students who are duly admitted to candidacy for the degree of Doctor of the Science of Law; who have satisfactorily completed the one-year residence requirement for that degree; and who also have satisfactorily completed a substantial portion, or a preliminary draft, of the thesis required for the degree.

1942–1943—1950–1951

[Same, except for substitution of *Jurisprudence* for *Legal Process.*]

1951–1952—1957–1958

The degree of Master of Laws is conferred upon students who, having been admitted to graduate study, have completed two semesters of residence (or such additional periods as may be required in the case of students from civil law countries) with a superior scholastic record . . . [Remainder substantially the same as 1941-1942 requirements.]

1958–1959

The degree Master of Laws is conferred upon students who, having been admitted to graduate study, have completed two semesters of residence and a minimum of twenty-four semester hours of credit with a superior scholarship record. The program of study may consist (*a*) of regular courses and seminars in the Law School, or (*b*) partly of such courses and seminars and partly (but not exceeding 50 per cent) of courses in the Graduate School of the University of Michigan, or (*c*) partly of regular courses and seminars and partly of individual research. The program of each student must be approved by the Dean of the Law School or, if so designated, by the Chairman of the Committee on Graduate Study. Normally, the program will be expected, although not required, to include the courses in jurisprudence and comparative law.

The degree Master of Laws is also conferred upon students who are

duly admitted to candidacy for the degree of Doctor of the Science of Law when they have satisfactorily completed the two-semester residence requirement for that degree and have also satisfactorily completed a substantial part, or a preliminary draft, of the thesis required for the degree.

The degree Master of Laws is also conferred upon an appointee of the Legislative Research Center who, in addition to performing the regular services as Research Assistant, has:

1. Completed a program of classroom work prescribed by the Graduate Committee with a superior scholarship record. (This would normally be three courses, one each semester and one in the summer.)

2. Prepared and published a research paper (or papers) approved by the Graduate Committee demonstrating his capacity for independent legal research. This research would normally be that which is accomplished in the course of his employment with the Legislative Research Center, and opportunity is available for publication in the periodic publication, "Current Trends in State Legislation."

CREDIT HOUR REQUIREMENTS

Years in Effect	Total Credit Hours	Number In Required Courses
1912-1913—1914-1915	20-24	4
1915-1916—1919-1920	96*	47*
1920-1921	100*	48*
1921-1922	20-24	6
1922-1923—1923-1924	101*	38-45*
1924-1925	20-24	6
1925-1926—1933-1934	24	Not specified
1934-1935—1937-1938	Not specified	Not specified
1938-1939—1940-1941	Not specified	4
1941-1942—1957-1958	Not specified	Not specified
1958-1959	24	Not specified

* Based on the four-year curriculum and includes undergraduate requirements.

IX: 16. GRADUATION REQUIREMENTS FOR THE DEGREE OF JURIS DOCTOR (FOUR-YEAR CURRICULUM): 1915-1925

SOURCE: Annual *Announcements* (1915-1925)

GENERAL REQUIREMENTS

1915–1916—1923–1924

Students who meet the entrance requirement of two years of college work and enter upon the four year curriculum may receive the degree of Master of Laws (LL.M.) or the degree of Juris Doctor (J.D.) according to the standard of scholarship maintained by them in the Law School. The degree of Doctor of Law is conferred upon those students who have pursued the study of law for four years in any approved law school, of which at least two years, including the final year, must be taken in this School, and who

have maintained an exceptionally high standard of scholarship in at least three-fourths of their law work, computed on the basis of hours of credit.

The degree of Master of Laws is conferred upon those students who have completed the four year curriculum, as above set forth, and who have maintained a satisfactory standard of scholarship throughout, but not the exceptionally high standard required of those who receive the degree of J.D.

1924–1925

The degree of Master of Laws (LL.M.) or the degree of Doctor of Law (J.D.), depending upon the standard of scholarship maintained, is conferred upon persons holding the degree of LL.B., granted by this University or by any approved Law School, provided the applicant has maintained a high standard of scholarship in the law school from which he obtained his degree, and has completed a fourth year of law study in this School as prescribed by the Faculty. . . .

CREDIT HOUR REQUIREMENTS

Years in Effect	Total Credit Hours	Number in Elective Courses
1915-1916—1919-1920	96	49
1920-1921—1921-1922	100	52
1922-1923—1923-1924	101	56-62
1924-1925	Undergraduate requirements *and* 20-24 hours work	14-18

IX: 17. GRADUATION REQUIREMENTS FOR THE DEGREE OF DOCTOR OF THE SCIENCE OF LAW (DOCTOR OF JURIDICAL SCIENCE): 1925-1959

SOURCE: Annual *Announcements* (1925-1959)

1925–1926—1935–1936

The degree of Doctor of Juridical Science is conferred upon students who have completed with high rank the curriculum prescribed for the degree of Bachelor of Laws or Doctor of Law in this or any other approved law school; who have thereafter pursued an approved programme of graduate study in this school for at least one year, with distinction; and who have demonstrated their capacity for independent research in law by completing and preparing for publication an approved original study upon some subject chosen after consultation with the instructor in charge and the Committee on Graduate Instruction. The original study may be submitted at any time within two years after the completion of the required year of resident graduate study. In general only fourth-year seminar courses will be approved for the programme of resident study for this degree.

1936–1937—1937–1938

The degree of Doctor of Juridical Science is conferred upon students who have been graduated from an approved college or university with the degree of A.B. or its equivalent, and who have completed with high rank the curriculum prescribed for the degree of Bachelor of Laws or Doctor of Law in this or any other approved law school; who have thereafter pursued an approved program of graduate study in this School for at least one year, with distinction; and who have demonstrated their capacity for independent research in law by completing and preparing for publication an approved original study upon some subject chosen after consultation with the instructor in charge and the Committee on Graduate Law Instruction. The original study may be submitted at any time within one to five years after the completion of the required year of resident graduate study. In general only fourth-year seminar courses will be approved for the program of resident study for this degree.

1938–1939—1939–1940

The degree of Doctor of the Science of Law will be conferred upon students who, having been duly admitted as candidates for the degree, have—

a) Completed in a year of residence in this School a course of study prescribed by the Committee on Graduate Work, and secured an average grade of "B" or better in such courses as they shall have been requested by such Committee to elect; such courses shall include courses in Legal Method, Comparative Law, and one selected from a list which will include the following: Jurisprudence, Legal History, Administrative Tribunals, Legislation, and Employer-Employee Law;

b) Demonstrated their capacity for independent research in law by the publication of an original study upon some subject chosen after consultation with the instructor in charge and approved by the Committee on Graduate Work; and

c) Satisfactorily passed an oral examination by a special Committee of the Faculty appointed for the purpose, such examination to cover both the program of graduate study and the original research submitted.

The original study required for the degree may be submitted and the oral examination held at any time within five years after the completion of the required year of resident graduate study. Normally the degree will not be recommended until at least two years shall have elapsed after the beginning of the graduate course.

1940–1941—1941–1942

The degree of Doctor of the Science of Law is conferred upon students who, having been duly admitted as candidates for the degree, have:

1. Completed a year of residence with an average grade of B or better in a program of work approved by the committee on graduate study, all candidates being required to elect courses in legal method, comparative law,

and such further courses and seminars as shall be prescribed by the committee on graduate study;

2. Demonstrated their capacity for independent research in law by the preparation and publication of an original study upon a subject chosen after consultation with the member or members of the faculty in charge and approved by the committee on graduate study; and

3. Satisfactorily passed an oral examination by a special committee of the faculty appointed for the purpose, such examination to cover both the program of graduate study and the original research submitted.

The original study required for the degree may be submitted and the oral examination held at any time within five years after the completion of the required year of resident graduate study. Normally the degree will not be recommended until at least two years shall have elapsed after the beginning of the graduate course.

1942–1943—1957–1958

The degree of Doctor of the Science of Law is conferred upon students who, having been duly admitted as candidates for the degree, have:

1. Completed two terms of residence with an average grade of B or better in a program of work approved by the committee on graduate study, all candidates being required to elect a minimum of six credit hours of courses and seminars as shall be prescribed by the committee on graduate study. Normally, the program will be expected, although not required, to include the courses in Jurisprudence and Comparative Law. Graduates of foreign law schools in civil law countries should ordinarily expect to be in residence at least an additional year in order to acquire an adequate understanding of the common-law system.

2. Demonstrated their capacity for independent research in law by the preparation and publication of an original study upon a subject chosen after consultation with the member or members of the faculty in charge and approved by the committee on graduate study.

3. Satisfactorily passed an oral examination by a special committee of the faculty appointed for the purpose, such examination to cover both the program of graduate study and the original research submitted.

The original study required for the degree may be submitted and the oral examination held at any time within five years after the completion of the required resident graduate study. Normally the degree will not be recommended until at least two years shall have elapsed after the beginning of the graduate course. Students from foreign countries will ordinarily find it desirable to complete the requirements while in residence.

1958–1959

The degree Doctor of the Science of Law is conferred upon students who, having been admitted to graduate study, have:

1. Completed two semesters of residence with an average grade of B or better in a program of work approved by the Committee on Graduate Study; all candidates are required to elect a minimum of six credit hours of such courses and seminars as shall be prescribed by the Committee on

Graduate Study. Normally, the program will be expected, although not required, to include the courses in jurisprudence and comparative law. Students who plan to teach will be expected to elect the seminar in legal education. Graduates of foreign law schools in civil law countries should ordinarily expect to be in residence at least an additional year in order to acquire an adequate understanding of the common law system.

2. Demonstrated their capacity for independent research in law by the preparation and publication of an original study upon a subject chosen after consultation with the member or members of the faculty in charge and approved by the Committee on Graduate Study.

3. Satisfactorily passed an oral examination by a special committee of the faculty appointed for the purpose, such examination to cover both the program of graduate study and the original research submitted.

The original study required for the degree may be submitted and the oral examination held at any time within five years after the completion of the required resident graduate study. Publication of the thesis ordinarily should be made after the oral examination. Normally, the degree will not be recommended until at least two years have elapsed after the beginning of the graduate course. Students from foreign countries will ordinarily find it desirable to complete the requirements while in residence.

The degree Doctor of the Science of Law is also conferred upon an appointee of the Legislative Research Center who, in addition to performing the regular services as research assistant for a period of two years, has:

1. Completed a program of classroom work to be prescribed by the Graduate Committee with a scholastic average of B or better. (This would normally include the courses in jurisprudence, comparative law, and legal education, plus one additional seminar. Additional courses may be authorized or required in particular cases by the Graduate Committee.)

2. Prepared and published a research paper (or papers), approved by the Graduate Committee, demonstrating his capacity for independent legal research. This research would normally be that which is accomplished in the course of his employment with the Legislative Research Center, and opportunity is available for publication in the periodic publication, "Current Trends in State Legislation." Candidates for the S.J.D. will be expected to complete at least one major research project.

3. Satisfactorily passed such oral examination as may be required, covering both the classroom work and the original research.

IX: 18. Graduation Requirements for the Degree of Master of Comparative Law: 1958-1959

Source: *Announcement, 1958-1959*

The degree of Master of Comparative Law is conferred upon students who, having been admitted to graduate study, have completed with a superior scholarship record at least two semesters of residence and a minimum of twenty hours of credit in courses and seminars approved by the Committee on Graduate Study. The requirements will include the completion of an independent research project.

CHAPTER X

The Law School and Mr. Cook

X:1. REPORT BY THOMAS M. COOLEY: 1879-1880

SOURCE: *President's Report, 1879-1880,* pp. 60-61

The Faculty of Law in reporting upon the work of the last year have only to report general prosperity and satisfactory progress. Unfortunately, the health of Professor Wells failed before the beginning of the college year, and it became necessary to secure some one to take his place while his disability continued. Our former associate, Professor Charles I. Walker, LL.D., on being applied to, kindly consented to give the Department the benefit of his services, and remained with us during the year. The attendance of students was large, being in all 395, of whom 175 received the degree of Bachelor of Laws at the annual commencement in March.

The Tappan Professor gave his services through the year to those students who were not applicants for a degree. For the more thorough instruction of those students it was found necessary to divide them into two sections; but this was only because of their great number, as each section took the same studies. The special exercises have consisted in systematic instruction in the rudimentary elements of the law, taking as text-books, chiefly the Commentaries of Sir William Blackstone and Chancellor Kent. Portions of these works are regularly assigned for their study, and critical examinations are had upon them by way of recitations. These exercises, moreover, are always accompanied with such oral explanations and instruction as may seem needful to a full comprehension of the subject. As a general rule the young men appreciate the importance to their future progress and success in the profession of a thorough knowledge of the fundamental principles of the law, and as they become interested in these, devote themselves with commendable industry and zeal to acquiring a mastery of them.

The Faculty of Law deem it their duty to press upon the attention of the Regents, at this time more than ever before, their special wants and necessities. It is well known to you, as it is to others connected with the University, that two important interests have long suffered from comparative neglect when University funds were being appropriated. One of these is the University Library, which has now for some fifteen years been imperfectly accommodated with what was intended to be, and should have been, only temporary quarters, in the Law Building. No one better than yourself can explain to the Regents how inconvenient this has been, but they can easily see for themselves if they will visit the room at almost any time during the college year. As the number of students who are pursuing post-graduate courses increases, the inconvenience is felt much more severely, and it will be greater and greater every year.

The other interest is that of the Law Department. If the University

Library were removed from our building, we should not have a foot of space in it which would not be needed for our purposes. Instruction suffers now for want of room, and it is quite impossible to subdivide our classes for examinations, as they need to be subdivided. The present Law Library room is also wholly inadequate.

The Faculty of Law have witnessed with pleasure and without a murmur the additional accommodations which from year to year have been provided for the Medical Schools, and the School of Pharmacy, and rejoice in those schools being able, by the aid thereof, to do full justice to all who come for instruction therein. They have not been disposed to push their own wants to the detriment of the schools named, or indeed to the detriment of any other school, or of any general interest. When the University has had means, their invariable desire has been that they should be so expended as best to subserve the common interest. Their disposition in this regard has probably led to their own needs being sometimes overlooked, and discriminated against, and this has seemed especially plain to them during the last two or three years.

The great and paramount need of the University at this time, in our opinion, is better accommodations for the University Library. For this purpose a building specially designed for the Library is required. Its erection would accommodate and advantage every professor and every student in every school of the University, and would enable the library to be protected and increased. But its erection would accommodate the Law School specially, because it would give to it the room it imperatively needs, and which of right belongs to it. It cannot be just that this Department should any longer give up half the available space in its building for the accommodation of all the other schools, when it has not a foot to spare, and is suffering for the want of the whole building for its exclusive use.

The Faculty most respectfully requests that you urge this great need upon the attention of the Regents. You can remind them at the same time of a fact to which we have already called their attention, that within our present limited quarters we can neither increase the number of our books, nor protect those we already have.

T. M. COOLEY

X:2. William Wilson Cook: 1858-1930

SOURCE: "William Wilson Cook," *A Book of the Law Quadrangle of the University of Michigan* (1934), pp. 11-12.

WILLIAM WILSON COOK was a native of Michigan, having been born in Hillsdale on April 16, 1858. He was the son of John Poller Cook and Martha Wolford Cook and was descended, in the ninth generation, from the famous William Bradford, governor and historian of the Plymouth colony. Mr. Cook's early education was received in the public schools of Hillsdale, Michigan, and in the preparatory department of Hillsdale college. In 1876 he entered the University of Michigan and in 1880 received his Bachelor's degree. Two years later he was graduated from the Law School. From Law School Mr. Cook entered the office of William B.

Coudert and was admitted to the New York bar in 1883, gradually rising to be one of its ablest and most influential members. For many years prior to his retirement he was general counsel for the Commercial Cable and Postal Telegraph Company. In 1921 Mr. Cook retired from active practice to devote himself to writing and study. He died June 4, 1930 at Port Chester, New York.

William Wilson Cook is known to every Michigan man for his generous gifts to the University and his untiring interest in its affairs. His gifts to his Alma Mater during his lifetime and under his will total nearly $16,000,000, thus making him the largest private benefactor of the University of Michigan. His most widely known gift is, of course, the Law Quadrangle. Second only to the Law Quadrangle was his generous donation of the Martha Cook dormitory for women, which he named in honor of his mother. Of his other benefactions perhaps the most outstanding was the establishment of a trust fund of $200,000 to found a chair in American Institutions at this University.

Mr. Cook was not only a prominent lawyer but also a prolific writer. His greatest work and one that is known to every lawyer is his "Cook on Corporations," which is now in its eighth edition. In 1924 he published "Principles of Corporation Law," a summary of his longer work for the use of law students. In 1922 Mr. Cook's "Power and Responsibility of the American Bar" made its appearance. In this book is set forth his belief in the importance of the lawyer as a leader in American democracy and the consequent necessity of maintaining a high level of intelligence and integrity in the Legal profession. Mr. Cook's last book, "American Institutions and Their Preservation," in which he set forth his views on a subject in which he was passionately interested throughout his life, was published privately in 1927.

X:3. Dedication of the Lawyers' Club: 1925

(1) William W. Cook. "A Letter to the Lawyers' Club," 24 *Michigan Law Review* 34 (1925)

I believe there can be no higher public service in this country than to aid in the improvement of the law schools. That leads to the improvement of the American Bar and that means the preservation and improvement of American institutions. The bar always has been and still is the leader of the people. In fact, a democracy always trusts the lawyer.

Now, the improvement to my mind of the law schools can be brought about only by raising the standards of admission, scholarship and character; especially character, and by that I mean strong personality with intelligence and principle. How can this be done at the University of Michigan?

First, by high qualifications for admission. The Regents have recently raised them and might well raise them still higher. All I can do is to help to attract enough applicants to allow elimination and selection, but after all the only reliable attraction is the character of your law school itself. I would make admission a privilege and a prize.

Secondly, by the best of surroundings and associations. This means a club house, which you now have; a library building; a law building; dormitories; research rooms; the presence of distinguished jurists, judges, members of the bar and visitors; able professors. A separate library building will give quiet, seclusion and the studious atmosphere, necessary to investigation and research. The next two dormitories should contain ample quarters, not only for selected law students from your law school, but also for judges, jurists and distinguished guests of the University, and also for selected literary students who intend to study law. The attendance of practicing attorneys and of judges still on the bench, and of jurists generally, will influence the law students and raise their standards and ideals. Judge Cooley was Dean of your law school when I attended it, and Judge Campbell was one of his associates. Both were at that time judges in your Supreme Court. The law students themselves were a somewhat tumultuous gathering, but the influence of the character, learning and dignity of the law faculty taught us more than the books. However, law students are no longer a mere aggregation and a law school is now something more than a mere opportunity to learn. Requirements are higher and should be made higher and higher still. I would have a selected body of law students, just as Oxford and Cambridge have a superior class of young men. The goal sought is the character of the law students, to be reflected later in the character of the bar. When the University graduates law students unsurpassed anywhere in character and scholarship, the effect on the bar and the country will be very great, especially throughout the West. The Lawyers' Club Building now finished is of no consequence except to forward that purpose. If I were wealthy enough I would offer to do for Harvard, Yale and a law school on the Pacific Coast that which I propose doing for the law school of the University of Michigan, and thereby influencing other law schools.

Thirdly, the school should be endowed so that the best professors and jurists may be obtained and retained and liberally paid. Lecturing can unite with creative work. Jurists are not plentiful but the law schools can get them.

I do not think the American people realize the value and importance of the law schools. The general impression is that a law school needs only a library and a few professors and that applicants should be admitted without much preparation and that the course should be neither long nor severe . . . .

The public expends hundreds of millions annually on common schools, high schools, colleges and universities. This is the American system and has revolutionized society, but in the higher education the requirements are unformed, crude and insufficient to winnow the wheat from the chaff. Emerson writing over fifty years ago on "Education" pointed out the futility of educating together the quick and the dead, and yet his warning is not heeded. Moreover, the overcrowding of the great universities renders it imperative that a more drastic selection be made. This applies to the law schools, because the law schools make the lawyers and the lawyers weave the fabric of our government . . . .

America is still in the making but in the domain of law is no longer dependent on England. On the contrary it is working out a jurisprudence of its own. Here, too, the law schools must furnish the men to do the work. Law students will be the law makers, law expounders and law systematizers of the future. They should be a finished product—the brightest and the best. Republican institutions in America have not yet fully demonstrated that self government is enduring in a vast diversified country . . . . The mission of America is to demonstrate that a great people can govern itself. Republican institutions are still on trial and it is for the law schools to marshal the forces and train the recruits. Our government always has been and will continue to be a government by the legal profession.

. . . "The law is no profession for the stupid, the indolent or the ignorant." In Emerson's forceful language, it is "a profession which never admits a fool." Its successes are earned and its activities many-sided. It leads into all other occupations; no other occupations lead into it. There are few who tread its hot and dusty highway from end to end, but those few mould public opinion instead of following it. But as an "intellectual aristocracy," it has not always led the way towards higher standards of life. It is competent to do so and hence I do not think I exaggerate when I say that the law schools are of supreme importance in this respect to the future institutions, beliefs and conduct of life in America. The power of the American Bar is unorganized and unseen, but upon it depends the continuity of constitutional government and the perpetuity of the republic itself.

Another thing. There is an imperative demand that the legal profession do something to condense, simplify, clarify and develop the law. I am not one of those who bemoan the multiplicity of American decisions and statutes. From the chaos there is evolving a new jurisprudence, with the courts and legislatures of forty-eight states and of the federal government experimenting on a vast scale. The time has come, however, to formulate and consolidate the law. This will have to be done for the most part at the law schools by jurists and law professors. It requires leisure to study; time to think and write. This involves expense and that expense is provided for by this Lawyers Club, where all profits and dues are to be used for that purpose and that purpose alone. The success of the plan, however, will depend on the wisdom with which that fund is administered. If real jurists are obtained and retained from the bench, the bar, and law professors, we shall be far on the road towards making the law clear, concise and understandable. The Encyclopedia Brittanica in describing the characteristics of a great university names six, the last being as follows:

> "6. Publication is one of the duties of a professor. He owes it not only to his reputation but also to his science, to his colleagues, to the public, to put together and set forth, for the information and criticism of the world, the results of his inquiries, discoveries, reflections and investigations."

The whole plan now has a start in your Lawyers Club Building. That provides a nucleus and a substantial income. By persistent and intelligent

effort the work should move forward; first, to attract to the University jurists and those capable of writing law; secondly, to insist on creative work in condensing, simplifying and clarifying the law . . . . This is a difficult but rich field. The road is wide and open to all. In constructive legal work no one is in the lead. Judge Cooley of your law school showed what can be done. The legal needs today are different from the legal needs in his time, but the public demand that the legal profession justify its existence is a trumpet call to every law student who is true to his profession.

Can your law school be made a great centre of legal education and of jurisprudence for the good of the public? I believe it can and in that belief shall press on.

(2) James P. Hall, "The Next Task of the Law School." 24 *Michigan Law Review* 42 (1925)

When, last December, I first saw these beautiful buildings, I could only exclaim: "It is a dream—a wonderful dream come true!" There was nothing original about this exclamation. You have all said or thought the same thing every time you have approached this quadrangle. . . . And now, when I am privileged to return and to share in the dedication to the high service of man of this miracle of the builder's art, it still seems to me a dream—realized materially for the moment in stone and steel and paneled oak, but even more a symbol and a promise of a fuller realization yet to come in the lives of men. Happy he who dreams such dreams as did the giver of these buildings; happy he who is spared to see his vision enshrined in the enduring stone that today we dedicate; but happiest of all he who knows, as Mr. Cook may do, that from his dream "the best is yet to come." And it is to that dream yet unfulfilled, to that best that yet may come, that I would devote the part allotted to me in these exercises.

There is a new spirit stirring among lawyers today. A change is taking place in the conception of the proper function of a university law school. Until very lately it was conceived almost wholly as a high-grade professional training school, employing, it was true, scholarly methods and exacting standards of study and achievement, but only indirectly seeking to improve the substance and administration of our law. The law, it was assumed, was what the courts and legislatures made it, and the task of the law school was to analyze, comprehend, and classify this product, and to pass on to students a similar power of analysis, comprehension, and classification, as regards at least the principal topics of the law, so as to enable them worthily and successfully to play their parts as judges and lawyers in the lists of future litigation.

Nor was this for the time being an inadequate or unworthy end. An immense amount of ground-breaking work had to be done to escape from traditional conceptions of legal history, of legal doctrine, of methods of legal reasoning, and of the function and end of law itself, which for years fettered legal scholarship and held it in bondage to a seventeenth and

eighteenth century philosophy of law, ill-fitted for an age of conscious experiment and development. Until there had been trained up a considerable body of practitioners familiar with the theories and processes of the newer methods of legal education, and somewhat emancipated from the too rigid legal formulae of the past, there was small opportunity to do much to improve the content of the common law itself . . . . The law is administered and largely made by lawyers and judges in the course of, and as incidental to, litigation, in which the lawyers are necessarily partisan and the judges usually elected by popular vote (to say nothing of direct primaries). Without a well-trained bar the resulting product of law cannot be creditable, and this is why no task of a law school can ever be more important than that of giving the best possible legal education to those who will be the practitioners and judges of the next generation, and also why it must precede all other tasks.

But the efforts of the past thirty years to improve legal education in America have been measurably successful . . . . The battle for fair educational standards for the legal profession is in the way of being won. The task that remains is of a different sort.

In almost every branch of our law the last thirty years have witnessed a rapidly increasing complexity and uncertainty, often accompanied by a rigidity unresponsive to changing social needs. The causes have been obvious. Fifty different domestic jurisdictions, complex and rapidly changing social conditions, a great volume of litigation, an ill-trained bar, an elective and often rather mediocre judiciary, and the Anglo-American system of law-making by judicial precedent have resulted in a nation-wide complexity and uncertainty about a host of legal doctrines, which occasion constant expense, delay, and irritation in nearly every legal relationship. Some legal complexities are natural because they correspond to the complexities of life, and some uncertainties are inevitable where there exist arguable differences of opinion about substantial matters of policy; but a large part of all litigation is due to disputes that involve no important questions of policy but only a consideration of conflicting decisions and dicta, or of conflicting analogies.

Few states have a jurisprudence of their own so comprehensive and so well-settled that it is seldom necessary to venture outside the covers of their own reports and statutes in order to find the law on any topic. In most states the judges willingly and necessarily listen to citations from many other jurisdictions upon legal questions where there are gaps in the serried array of their own decisions which the accidents of litigation have never chanced to fill. . . . It is inevitable, then, at least as regards the substantive law and to a lesser extent as regards procedure, that the search for the law of a single state should cover an ever-increasing territory and that judicial borrowings by one state from the decisions of others should be of undiminishing frequency. This, though sometimes deplored, has very real advantages. The richer and fuller legal experience of the older states is placed at the disposal of the newer ones, and briefs and decisions upon novel questions anywhere in the country are at once made available to all for

use in similar situations. A state with a wealth of judicial experience to draw upon, whether its own or that of its neighbors, is much more likely to be able adequately to consider all phases of a controverted question than can a state without such assistance. Everyone knows how much more helpful a few actual cases are, as a basis for discussion, than the same amount of abstract argument. What we should deplore is not the bulk and variety of our legal material—that in itself is not an evil and has some notable advantages—but that today there often exists no adequate means for its proper appraisal and utilization.

* * * * *

So it all too frequently happens that the advantages of richness and variety of judicial material are quite neutralized by the lack of time and specialized knowledge necessary properly to work over the quarry and to separate the nuggets from the dross. If this valuable but unwieldy and often conflicting mass of decisions could be explored and sifted and set in order by a body of competent experts in each state, acting along common lines but adapting their work in each state to its particular needs, there would speedily result a marked improvement in the content and administration of our law. What individual lawyers and courts, in the exigencies of partisan litigation, now do poorly and haphazardly, could be done expertly and comprehensively by the faculties of our university law schools, if they were organized with this as one of their major objects—and the benefit to their communities would be very great.

* * * * *

The next task of our better law schools, then, should be to provide for skilled research in the principal topics of the law, the development of capable experts in these fields, and the publication of the results of such research so as to be readily available to the profession. In the larger state university schools the work will be organized to serve two different but co-operating purposes: 1) It will make an intensive study of the law of its own state for the benefit of the local bench and bar; and 2) it will make a similar study of appropriate parts of the law of the whole country . . . . An effective organization to do this will require a substantial increase in the present size of law school faculties, a diminution in the hours of teaching, and the deliberate making of productive legal scholarship a larger end of law school effort than it is at present. It will involve the encouragement of true graduate work in law—not merely in the sense of prescribing extra courses but in the more vital sense of training legal scholars—and the establishment of seminars in the more important legal topics or problems. It will involve larger law libraries and a considerably increased expenditure for law schools. It will involve wide-spread and harmonious co-operation with the bench and bar, in order that the social rewards of such endeavors may be realized to the fullest extent. And it will involve a certain period of faith in the wisdom of the undertaking while awaiting the fruits that cannot be immediately garnered.

Here at Ann Arbor such work may be now initiated and carried on under an extraordinarily favorable set of conditions: You have an old and well-

established law school, for many of its earlier years without a serious rival in this part of the country; you have a large and loyal body of alumni widely distributed throughout the nation; you are a part of one of our greatest universities, supported by the resources of a rich, populous, and progressive state; you are to have (and in part dedicate today) one of the most beautiful and useful groups of buildings devoted to professional education in the world; you have one of the great law libraries of America; you have an able and enthusiastic faculty, most of whom have their best years yet before them; in Dean Bates you have a leader, wise, energetic, and persuasive, who is happily of an age when he, too, may hope to enter the promised land, instead of merely gazing upon it from Mt. Pisgah; in the Michigan Law Review, with its connections with the state bar association, you have an adequate organ of publicity ready to your hand; and, from private endowment as well as public taxation, you are likely to have the resources necessary to undertake a fitting share in the great public task of clarifying our law and adapting it better to the needs of our time.

And so, as we dedicate today the Lawyers Club, the initial realization of that beautiful quadrangle of law whose remaining buildings will soon take shape, we stand on the threshold of a fine and worthy adventure for the betterment of our ancient profession. The temple reared by human hands is before us. It remains for it to be possessed by the spirit of human service for which these cloisters are a fitting habitation. Into it will be poured the labors of devoted teachers and scholars, the efforts of students, the support of alumni, and the co-operation of the profession; and out of it will come, in the fullness of time, an influence that will work mightily for the improvement of our law and its administration in the state and in the nation. Its mission will be conceived in no narrow spirit. It will teach students. It will train scholars. It will hold up high ideals for the profession. It will inspire and help other schools to follow its example. And above all it will labor to simplify and clarify the law, to fashion it to our changing needs, and to keep it the flexible instrument of social progress that is the difficult and crowning achievement of human institutions. To no purposes less high and noble can this beautiful gift be dedicated. And, with the generous and far-sighted giver, it is to the future that we chiefly look . . . . And because the dream that these buildings shadow forth is one that must appeal to youth—to the able, well-trained, hopeful youth that will pass here some of their choicest years and will receive here the indelible impress of this school—we may well feel that in their hands the ideals of the giver are safe and will prevail.

X:4. LAWYERS' CLUB: 1924, 1929

(1) Description

SOURCE: "The Lawyers' Club, a Gift to Posterity," 31 *Michigan Alumnus* 99 at 101 (1924)

The present group [of buildings] consists of a club building with rooms for eight guests, a dining hall having a total seating capacity of 300,

a fully equipped kitchen building and a dormitory accommodating a total of 163 students.

The dining hall, which is thirty-four feet wide, one hundred thirty-eight feet, six inches long and forty-nine feet high, is in the collegiate Gothic style. It is built of solid masonry construction of the most permanent character. The exterior wall is laid up with seam-faced granite of varied colors from the Weymouth quarries in Massachusetts and is trimmed with Indiana limestone. The interior has an oak paneled wainscot ten feet, six inches high and the wall above is limestone. The roof is supported by nine structural oak trusses which are appropriately decorated with carvings of eminent jurists. The floor is laid in a design of gray Missouri and Tennessee marble. The large Gothic windows are filled with amber colored cathedral glass, imported from England, which gives the room a very pleasing soft sunlight effect.

The club building is designed in a more domestic style of the later transitional period. The exterior walls are also built of seam-faced granite, trimmed with limestone, forming part of one harmonious group. The roof of the club is covered with a heavy slate, of varied sizes and colors, from the quarries of Vermont.

One of the chief features of the club building is the large lounging room on the first floor, which is thirty-four feet wide and eighty-four feet long. This room has a plaster vaulted ceiling with an over-all design in flat relief. It has an oak paneled wainscot eleven feet, six inches high. The carved mantel is carried out in a consistent style and further charm is given the room by the circular bay window, with its metal casements and cathedral glass. It is furnished with comfortable and appropriate furniture, in keeping with the general character of the room.

Eight special rooms with connecting bath rooms are provided for in the second story of the club for visiting club members. The rooms are finished with rough plaster walls and ceilings and are attractively furnished. An oak paneled writing room and library are also provided for in the second story.

The dormitories are laid out in a unit system, each unit having a separate stair and a variety of rooms for thirteen students, with toilet and bath room facilities located on the second floor consisting of two showers, two water closets and one wash basin. The first floor of each unit has five large-sized single rooms. The second floor has two suites, each consisting of a study with two bed rooms. The study is of liberal dimensions, being fifteen feet wide and sixteen feet long, with a stone fireplace on one side. On the third floor there are four single rooms. The total capacity is 163 students. All of the rooms in the dormitory have a rough plaster finish on the walls and ceilings and a cement floor, which is covered with an appropriate rug. A separate wash basin with hot and cold water is located in each room, making it as convenient as possible for the student.

The walls of the stairs and stair halls are of an old gold Roman brick and the floors of Welsh tile.

The roof of the dining hall as well as the towers in the dormitory are covered with heavy lead. The flashing, gutters, and leaders are also of

lead. The buildings are of a most permanent nature, all materials used in connection with them being of the most substantial and durable character.

(2) Tapestries in the Lawyers' Club

SOURCE: "University Receives Gift of Tapestries and Prints," 35 *Michigan Alumnus* 358, 1929

A rare collection of tapestries and English prints from the home of W. W. Cook, '80, '82l, is the latest gift of Mr. Cook . . . . The collection consists of three tapestries and twenty-eight prints, which are valued at approximately $60,000.

The most valuable of the tapestries is an example of Gothic art and depicts a huntsman with a falcon perched on his wrist as illustrated . . . . The other two pieces . . . are of the Renaissance period. These latter tapestries portray woodland scenes and the figures are wild animals. Despite the fact that they were probably woven about the time of the great Crusades, they have lost little, if any of their brilliancy of color . . . .

The collection of old English prints . . . are mostly sporting scenes. They will be hung in the basement lounges of the Lawyers' Club.

X:5. FOUNDER'S DAY SPEAKERS: 1926-1957

1926—Marvin B. Rosenberry
1927—Rousseau A. Burch
1928—Silas Strawn
1929—Louis H. Fead
1930—Frank J. Loesch
1931—Arthur C. Denison
1932—Henry M. Butzel
1933—Samuel Seabury
1934—Rush C. Butler
1935—Gilbert H. Montague
1936—William D. Mitchell
1937—Burton K. Wheeler
1938—Orie L. Phillips
1939—Charles P. Megan
1940—Alfred McCormack
1941—Henry P. Chandler
1942—Robert Ramspeck
1946—William H. Davis
1947—Kim Sigler
1948—Howard L. Barkdull
1949—Senator Wayne Morse
1950—Joseph C. Hutcheson, Jr.
1951—John J. Parker
1952—Gordon Dean
1953—Charles E. Clark
1954—Felix Frankfurter
1955—Wilber M. Brucker
1956—Arthur Larson
1957—David F. Maxwell

X:6. JOHN P. COOK BUILDING: 1930

SOURCE: "John P. Cook Dormitory Completed," 37 *Michigan Alumnus* 5, 1930

An artist's dream of a magnificent English-Gothic Law Quadrangle as envisioned in the mind of William W. Cook approaches more closely to reality on the Michigan Campus with the completion of the John P. Cook dormitory at the eastern edge of what will some day be a quadrangle monument to the study of law.

First evidence of Mr. Cook's vision stands majestically on South University as the original unit. The new dormitory, to be occupied for the

first time this semester, is the second of the structures to take its place on the Campus. Soon, a third addition to the Quadrangle will be ready for Michigan Law students in the form of the Legal Research Library. The Law School building itself will come soon.

* * * * *

All in all, this new section includes ninety-seven rooms, some single and others arranged in suites. Every room has running water, well chosen furnishings, and ample room for rest and study. There are twenty-seven rooms with fireplaces and every room in the dormitory seems to exhale that same atmosphere of dignified ease which has been so evident in the first section of the Lawyers Club, completed several years ago . . . .

Every modern convenience which has become known to architects and engineers since the construction of the first unit has been embodied in this latest structure. A typical suite of rooms for two students includes two bedrooms flanking a large center living room and study all furnished with richly appointed chairs, tables, desks, dressers, drapes and curtains. Sufficient closet space is found in three large closets, one in each room. Showers of the latest type are found in the bathrooms in each section of the new dormitory. Each room has an outside view and the typical suite has several large windows in each room allowing the sunlight to flood the apartments with light and cheer. In such surroundings as these the Michigan law student now has the opportunity to live and study and to be justly inspired by the things for which John Cook stood.

* * * * *

X:7. LEGAL RESEARCH BUILDING: 1931

SOURCE: "World's Finest Educational Building," 37 *Michigan Alumnus* 465, 1931

As the finishing touches are applied, the nearly completed William W. Cook Legal Research Library looms upward impressively from its position at the southern border of the Law Quadrangle.

This firmly buttressed English-Gothic addition to the Cook legal center, facing northward towards the original Lawyers Club unit, South University Avenue and the Campus, impels all who pass to stop and admire. For, from its foundation to the very pinnacles of its ninety-foot towers, the new structure seems to effuse a power and a beauty of rare proportions.

Following the general architectural scheme of the entire quadrangle, this third unit combines all of the artistry of Gothic design with all of the conveniences of modern construction. As it rapidly approaches completion this new edifice, dedicated to research and study of the law, fits appropriately into the magnificent legal "city" which lacks only erection of Hutchins Hall, the classroom building, to become transformed from a dream in the mind of William W. Cook, '80, '82l, to a physical reality.

Placed conspicuously on the four towers are seals of the forty-eight states of the Union. On the face of the northwest tower is a large hand-wrought electrical clock which can be seen from any part of the quadrangle

and balancing this on the northeast tower is an equally large seal of the University. High arched stained glass windows, upon which are emblazoned the shields and seals of 172 educational institutions located in all parts of the world, lend a tone of dignified solidarity to the entire exterior. Midway between the two north towers is the main entrance to the building, through specially carved stone doorways above which are the inscriptions "Learned and Cultured Lawyers Are Safeguards of the Republic" and "Law Embodies the Wisdom of the Ages—Progress Comes Slowly."

Entering through either doorway, the visitor finds himself in a severely chapel-like vaulted lobby of Gothic simplicity leading to the Main Reading Room or to the ground floor cloak rooms and wash rooms. Stone carvings in this lobby and in other parts of the building were done by the John Donnelley Company, the foremost concern of its kind in this country.

The Reading Room itself is one of the wonders of the building. Rare wainscoting of an imported English pollard oak borders the lower portions of the fifty-foot walls, which are capped by a panelled roof decorated with colorful medallions and supported with massive beams. The room is effectively lighted by twenty-two hand-fashioned candelabra-chandeliers of a silver hue with a slightly evident gold trimming, and by lamps placed conveniently at the study tables. Indirectly lighted exhibition cases for displays of rare and interesting publications and manuscripts are provided in the room and in the alcoves.

The peaceful grandeur of a church is created in this tremendous room by the heavily beamed ceiling, the long stained glass windows through which pours the sunlight, and the muffling of footsteps accomplished by the cork flooring which has been laid here and throughout the building. Nothing has been spared in the endeavor to make this and all other sections of the structure as beautiful as possible. Even the specially wrought metal handrails leading up into the Reading Room are in themselves works of art.

In the alcoves skirting this central room are bookcases and tables of the same pollard oak. Plaster beams on the alcove ceilings have been covered with a specially painted canvas which matches to perfection the wainscoting and cabinet work of genuine oak. All of the windows are blended harmoniously with colorful college and university seals. . . . The Reading Room is two hundred and two feet long and forty-five feet wide and will have a seating capacity of four hundred and fifty.

For the convenience of those who may be disturbed by conversation in the Reading Room, consultation rooms, containing eight chairs each, have been situated in the towers. Students who want to work together will have the use of four of these consultation chambers immediately, with four more available when Hutchins Hall is completed.

The principal purpose of the building, legal research, is most adequately cared for on the top floor where thirty-two research rooms, a duplicate library and two special libraries are available for delving faculty members and special investigators. The duplicate library, with a capacity of almost 13,000 volumes, will house any books desired for individual research projects which are undertaken.

One of the two special libraries will be the new home of Mr. Cook's private library which, at present, is at his former residence in New York. These books are of general cultural interest rather than of limited legal application . . . . Books for the research workers may be carried from any of the six levels of stacks by dumb-waiters.

At a convenient location near the center of the building are two spacious "buzzer-operated" passenger elevators running from the basement to the top floor. Twelve additional research rooms are scattered throughout the building. For extreme privacy, faculty members will have the use of forty-eight carrels built near the stacks. Study in these carrels will be far less difficult than in other libraries because of the fact that even the floors of the stacks are cork-covered, insuring absolute quiet.

The stacks themselves are of a recent and most useful design. In every second section is a shelf which may be drawn out and used as a temporary resting place for volumes which are being examined. Ventilators are built into the ends of the stacks to eliminate any possible waste of space. A few of the rows of stacks have been closed off by strong, metal screened doorways, entrance to which may be effected only with the master key which is in the possession of the Librarian. These stacks will house unusually valuable books and pamphlets which are frequently in use and which therefore should be made readily accessible, although well guarded against theft at the same time.

Six levels of stacks have an absolute capacity of approximately 205,000 volumes. This, with the addition of the space available in special stacks in the basement, in the Main Reading Room and on the research floor, brings the total capacity of the library well up beyond 275,000, although permanent possession of more than about 200,000 volumes would lead to crowding and rearrangements on the shelves. When the complete Law School Library is moved into its new home in June, about 90,000 volumes will be placed in the stacks for immediate use while new writings in many languages, which are constantly being ordered under the supervision of Professor Coffey, will supplement the present collection very soon.

Among the other physical features of the interior are unique, hand-wrought railings along all of the stairways, bits of ornamental grillwork and carefully selected furnishings in excellent taste which combine qualities of beauty and practicability. Floors of the research section are of a terrazzo which is poured between borders of an unusually beautiful Levanto marble which has been imported from Italy. Wainscoting on the top floor and on the stairways is of a Hautville marble which has been brought from France. An American marble from Missouri, known as Napoleon grey, is used also in several parts of the building. The library is fully equipped with telephones.

* * * * *

According to the original plans the Legal Research Library was to be the last unit of the Quadrangle to be constructed for some time but the present unemployment situation has prompted the executors of Mr. Cook's estate to undertake immediate construction of the classroom building at the

corner of Monroe and State Streets which is the southwest corner of the Quadrangle. With workmen already on the scene, the Hutchins Hall addition will be ready for the opening of the fall semester in 1932, thus rounding out the complete new legal unit on the Campus.

X:8. HUTCHINS HALL: 1933

SOURCE: *Legal Education at Michigan* (pamphlet, University of Michigan Official Publication, Vol. 57, No. 40, Sept. 30, 1955), pp. 20-21

Classrooms and faculty offices are located in Hutchins Hall, a large four-story building, the last of the Law Quadrangle units to be completed. It was named in honor of Harry B. Hutchins, Dean of the Law School from 1895 to 1910 and President of the University from 1910 to 1920.

Hutchins Hall contains nine classrooms, with seating capacities ranging from 50 to 250 students, and four seminar rooms used for meetings of small groups. There is also a large reading room with adjoining stacks for a small reference library. Classrooms are constructed for maximum comfort and convenience, with student tables and chairs arranged in amphitheater form on tiers rising toward the rear of the room. An unusually attractive Practice Court room is also included.

Faculty and administrative offices of the Law School are on the third and fourth floors of Hutchins Hall. The third floor also has a faculty library with a capacity of 25,000 volumes. Headquarters of the *Michigan Law Review* are on the fourth floor.

A unique alumni room is a special feature of the first floor. It is furnished with leather easy chairs, and contains numerous items of special interest to former students re-visiting their Alma Mater. Class pictures, beginning with the Class of 1873, are conveniently displayed.

Among the notable architectural features of Hutchins Hall are the many inscriptions of a legal character—quotations, mottoes, and the like—some carved in stone and others worked into the windows in stained glass and lead. Colored glass cartoons depicting legal situations have been set in the windows of the first floor corridors. On the outside of the building are carved the seals of the State of Michigan and the University as well as such well-known symbols of the law as the quill and scales of justice. Among practical features of the building are the rubber tile floors and acoustical plaster in classrooms.

CHAPTER XI

Legal Research and Contributions to Legal Literature

XI: 1. LAW FACULTY RECORD, DECEMBER 3, 1901

SOURCE: *Law Faculty Record: 1901-1910,* pp. 14-17

Resolved:

I. That this Faculty undertake the publication of a Law Magazine, to be under the management and control of the Faculty and designed to represent the legal scholarship of the University.

II. Said magazine or journal shall be issued monthly during the months of November, December, January, February, March, April, May, and June of each year.

III. Said journal shall have four general departments—one devoted to leading articles upon legal subjects; one to notes upon the Law School, current events and important cases; one devoted to digests, abstracts and notes of recent cases; and one to book reviews and legal literature.

IV. For the purpose of supplying materials for such journal each resident member of the Faculty agrees to supply the editor one article before October 1st, 1902. Thereafter each resident member undertakes to furnish at least two articles suitable for the first department of said journal during each year. Each article to be supplied upon sixty days notice from the editor in chief. Each member of the Faculty also agrees to furnish to the editor for each number of the journal notes upon, and abstracts of the recent cases in his subjects, suitable for the second and third departments of said journal. Each resident member of the Faculty also undertakes to furnish within sixty days reviews of such books as may be received and assigned to him for review by the editor-in-chief. Each member of the Faculty also undertakes to promptly read and correct the proofs of all matter supplied by him.

V. Said journal shall be called—"The Michigan Law Review." Upon the title and on the cover page it shall appear that the journal is published by or under the auspices of the Law Department of the University of Michigan.

The general size and style shall be determined by the Editor and Advisory Board, and it shall contain an average of eighty pages of matter in each issue.

VI. The general supervision and direction of said journal shall be confided to an editor-in-chief to be chosen by the Faculty, to hold said office during the pleasure of the Faculty. There shall also be an Advisory Board of editors, composed of the Dean and two members of the Faculty appointed annually by the Faculty upon the nomination of the editor-in-chief. Said

advisory board shall cooperate with and advise the editor-in-chief in the conduct of said journal.

VII. The business management of said journal shall be under the direction and control of the editor and advisory board. They may appoint a business manager and a treasurer, and employ such clerical help as may be necessary; they may make contracts for the printing and publishing of said journal; receive and publish advertisements, and fix rates therefor; receive and collect all subscription and other dues; obtain necessary supplies; pay all debts and expenses; and agree upon suitable exchange lists; provide for the sale of bound volumes and single copies; and do all the other acts necessary for the conduct of the business of the journal. They shall audit all accounts and shall report the financial condition of the business to the Faculty at least once in each year, and as much oftener as the Faculty shall require.

VIII. No salaries or compensation shall be received by any member of the Faculty for any service connected with said journal, except upon the unanimous vote of the Faculty.

All books received for review shall become the property of the Law library. All profits accruing from the publication of said journal shall be for the benefit of the Law library, unless the Faculty shall agree to otherwise dispose of them.

IX. The subscription price of said journal shall be $2.50 per year but the editor and advisory board may make such reductions to students as they shall deem wise.

X. The editor and the advisory board may arrange for the selection from the senior class of a board of student assistants, and may agree that such service shall be received in lieu of thesis writing.

Theses approved by the editor and advisory board may be published as leading articles in said journal.

XI. Articles or other matter contributed to said journal by others than members of the Faculty shall not be paid for unless in exceptional cases the editor and advisory board shall deem it desirable.

All articles and book reviews shall be published over the signatures of the writers thereof.

Copyright of the journal shall be taken by the editor in trust for the Faculty.

XII. Contributions of articles from members of other Faculties in the University may be received, if upon subjects of legal interest. The special lecturers in the Law Department shall also be urged to contribute at least one article each year in the line of their respective subjects.

XIII. The editor and advisory board may receive an advance of money from the Regents for the purpose of launching this enterprise, which shall be repaid as soon as possible out of the proceeds of said journal.

XIV. The editor and advisory board shall issue a prospectus of said magazine and solicit subscriptions thereto. The first number of said magazine shall be issued in June 1902.

XV. The members of the Faculty whose names are hereto subscribed

jointly agree that they will, to the extent of Eight hundred dollars, indemnify the editor and advisory board against personal loss or liability incurred in the conduct of said enterprise; but any member of the Faculty may relieve himself from any future liability by giving notice at any regular Faculty meeting that he will no longer be so liable.

NAMES

H. B. HUTCHINS
B. M. THOMPSON
J. C. KNOWLTON
T. A. BOGLE
JOHN W. DWYER
JOHN R. ROOD
E. R. SUNDERLAND
H. L. WILGUS
JAMES H. BREWSTER
ROBT. E. BUNKER
V. H. LANE
FLOYD R. MECHEM
E. C. GODDARD

XI: 2. MICHIGAN LAW REVIEW: 1902-1959

FACULTY EDITORS AND EDITORS IN CHIEF

1902-1903	Floyd R. Mechem, Editor
1903-1904—1906-1907	James H. Brewster, Editor
1907	Joseph H. Drake, Acting Editor
1907-1908—1901-1910	James H. Brewster, Editor
1910-1911—1911-1912	James H. Brewster, Editor, and Evans Holbrook, Acting Editor
1912-1913—1915-1916	Evans Holbrook, Editor
1917	Gordon Stoner, Editor in Chief
1918-1919—1920-1921	Ralph W. Aigler, Editor in Chief
1921-1922—1930-1931	John B. Waite, Editor in Chief
1931-1932—1937-1938	Burke Shartel, Editor in Chief
1938-1939—1939-1940	Paul Kauper, Editor in Chief

STUDENT EDITOR IN CHIEF

1940-1941	William Herbert Hillier
1941-1942	David Gordon Laing
1942	Samuel D. Estep
1942-1943	Humphrey Marshall Peter
1943	Malcolm MacNiven Davisson
1943	Katherine Kempfer (Acting Editor in Chief)
1943-1944—1944-1945	Katherine Loomis (Acting Editor in Chief)
1945-1946	Mary Jane Plumer (Acting Editor in Chief)
1946-1947	John Albert Huston
1947-1948	John Richard Swenson
1948-1949	William J. Schrenk, Jr.
1949-1950	Donald D. Davis
1950-1951	Theodore Sachs
1951-1952	Allan Neef
1952-1953	Richard D. Rohr
1953-1954	Theodore J. St. Antoine

1954-1955	Robert B. Olsen
1955-1956	Paul R. Haerle
1956-1957	Whitmore Gray
1957-1958	Robert J. Hoerner
1958-1959	Jerome B. Libin

MANAGING EDITORS

1940-1941—1942-1943	Katherine Kempfer
1943-1944—1944-1945	Katherine Loomis
1945-1946—1948-1949	Mary Jane Plumer
1949	Claire Sherman
1949-1950—	Ruth Gray

CHAIRMEN: FACULTY ADVISORY BOARD

1940-1941—1941-1942	Paul G. Kauper
1942-1943—1946-1947	William W. Blume
1947-1948—1951-1952	Marcus L. Plant
1952-1953—1956-1957	Luke K. Cooperrider
1957-1958—1958-1959	Carl S. Hawkins

XI:3. LETTER FROM WILLIAM W. COOK: APRIL 24, 1929

SOURCE: 35 *Michigan Alumnus* 626 (1929)

74 Trinity Place, New York, April 24th, 1929.

To the Lawyers Club, University of Michigan, Ann Arbor, Michigan:

The scope and purposes of the law schools will, in my opinion, rapidly expand. And the first expansion will be the inauguration of legal research. You have led the way. You have the first and so far the only research professorship. Professor Sunderland has blazed the trail and is hewing a road through the wilderness. And I think he is laying out the right route.

* * * * *

But I wish to utter a word of warning. A few years ago it was the fashion to attack the Constitution, decry American historical characters, and undermine American ideas. The purpose was to change our institutions and social organization. The government was to have a free hand with less constitutional limitations and the Supreme Court was to be shorn of its power. Due process of law and validity of contracts were to be weakened. Some of these theories crept into the law schools. That is no place for them. Our law has been built up by the centuries, based on a few fundamentals, such as individual liberty, private property, the family, and limitations on government. If it is proposed to enlarge the functions of government, we are doing that rapidly enough already, and our method is the Anglo-Saxon plan of experiment, compromise, a practical solution of practical problems as they arise, and a distrust of metaphysical theories. There are forces and influences enough criticising our institutions and jurisprudence, without the legal profession joining in the attack. Radicalism is worse than ultra conservatism. The legal profession should avoid both.

The Lawyers' Club at Ann Arbor has not stopped to discuss, but has leaped headlong into action. No sooner was Professor Sunderland appointed Research Professor than the State itself requisitioned him to take the laboring oar in a statutory commission to consider procedure and formulate new methods. No one in the country is better qualified. I have read his address before the Bar Association of Lansing a few days ago, and it shows what a tremendous field legal research covers and how that field has been neglected. His description of research in every department of life except law is brilliant. That address should be published as a comprehensive contribution to the subject.

The chief obstacle to legal research is lack of funds . . . . But assuming that the University of Michigan may have a large endowment fund for legal research, the question will at once arise—what is legal research and in what directions should the work be pursued? Legal research is a new and, in fact, a very recent term. To my mind, it means the study and statement of the law; also the study and statement of the influences which are changing or should change the law. All this involves—

(1) A comprehensive statement of all of the law. That is a colossal and never-ending undertaking. No wonder that the American Law Institute shied at it. And yet it is the only way of stating American jurisprudence. Some day it will be undertaken, the same as was done for England by Lord Halsbury. Heretofore we have left that work to encyclopaedias, and the results are not satisfactory. I discussed that in May, 1927, in the *American Bar Association Journal,* and hence merely refer to it here.

(2) Study and advocacy (oral and printed) of improvement in criminal and civil procedure. This includes a comparison of procedure in the different states and foreign countries. Quick and sure justice has been a dream ever since Magna Charta. It is a very bad dream in the United States today.

(3) Legal articles, pamphlets and text books on important questions of the day, bringing to bear the jurisprudence and experiments of all the states.

(4) Commissions and their gradual absorption of minor legislative, executive and even judicial functions.

(5) Free confidential legal advice to judges, high and low, when requested in difficult cases. . . . The assistance of a disinterested, learned, and highly intelligent research staff would be acceptable and appreciated. Many a judge would be glad to avail himself of such advice, if given willingly, cheerfully, confidentially, and without charge. This is new and capable of great development and will be very useful if (as is hoped) the judges go to Ann Arbor to work out difficult decisions at the new Legal Research Building, which will have ample research rooms for them, with convenient access to the books . . . .

(6) When we come to *investigations* of economic problems with a view to finding solutions, there is a limit to such a wide field. The Yale Law School a few weeks ago announced that it will investigate the social and economic causes of business failures and the effects thereof and how to pre-

vent them. This is highly commendable, but can it be called *legal* research? To my mind, legal research, for the present at least, might better be limited to the five fields mentioned above. Those are plenty broad enough to tax the time, study, resources and energies of the law schools, law professors, and the profession generally, without sweeping out too far into the limitless domain of the other sciences . . . .

This is all very well, but I place the fundamentals—individual liberty, private property, the family, and limitations on government—ahead of economics. The world is getting enough of economics without subjecting government to them. Economics already has too much instead of too little power. In fact, one of the great problems of today is how to control economics. Here the legal profession is invaluable and the research professor much needed. I have no patience with the idea that legal research shall undermine our Constitution, the Supreme Court, due process of law, and the prohibition against impairing the obligation of contracts. During the past ten years we have had too much of that kind of talk. Better no legal research at all than research for socialistic purposes. The bar is and should be conservative. Changes in governmental structure are certainly going on, especially in the creation of commissions and new departments of government, but whether this is being done wisely depends chiefly on the legal profession, and that in turn on the leadership and learning inculcated by the law schools.

Grave responsibilities rest on you. You soon will have to take the laboring oar. My idea is to organize the machinery, not merely for the present, but to turn out year by year law graduates who will furnish the leadership and learning required by this great country of ours.

. . . To my mind, there are three great things for the law schools to accomplish: (1) to furnish leaders for this Republic; (2) to produce competent, honest lawyers; (3) to state American jurisprudence. Leadership I place ahead of everything. By leadership I mean character, force and broad views. First of these, please take notice, I put character.

(Signed) WILLIAM W. COOK.

XI:4. RESEARCH PERSONNEL: 1925-1959

SOURCE: *Regents' Proceedings* (1925-1959)

DIRECTOR OF LEGAL RESEARCH INSTITUTE

1930–1931 Edson R. Sunderland

DIRECTOR OF LEGAL RESEARCH

1942–1954 Lewis M. Simes

1954— Allan F. Smith

DIRECTOR OF LEGISLATIVE RESEARCH CENTER

1951–1957 Samuel D. Estep

1957— William J. Pierce

LEGAL RESEARCH FELLOW

1929–1930 William Wirt Blume

1929 Stuart W. Hill

Research Associates in Law

1930	Roy R. Ray
1930–1931	George Ragland, Jr.
1942–1950	Ernst Rabel
1943–1944	Paul E. Bayse
1943–1945	Vladimir Gsovski
1946–1947	Kenneth A. Cox
1946–1947	Hugo M. Bunge-Guerrico
1946–1947	Albert F. Neumann
1946–1947	Allan F. Smith
1946–1949	Eleanor C. Kimball
1947–1948	Paul G. Kauper
1948–1949	William S. Barnes
1948–1949, 1958	Maxine Boord Virtue
1950–1951	William J. Pierce
1951–1952	Curtis Wright
1952—	Vera Bolgar
1953–1954	William Fratcher
1953–1954	Dietrich Schinder
1954–1955	David L. Howe
1955–1956	Ulrich Drobnig
1956–1957	Juan G. Matus-Valencia
1957–1958	George Mack
1957–1958	Giuseppe Bisconti
1957—	Elizabeth G. Brown
1958—	Lee M. Hydeman (also Lecturer in Atomic Energy)
1958—	William H. Berman (also Lecturer in Atomic Energy)

Research Assistants

1925–1926	Robert F. Cornell
1926–1927	S. Chesterfield Oppenheim
1927–1928	William Wirt Blume
1929–1933	Howard E. Wahrenbrock
1930–1931	Marvin L. Niehuss
1931–1932	John S. Tennant, Jr.
1931–1935	William W. Bishop, Jr.
1932–1933	Paul G. Kauper
1932–1933	Edward O. Curran
1937–1938	Armin Uhler
1938–1939	Albert F. Neumann
1940–1941	John J. Adams
1940–1941	Paul B. DeWitt
1940–1941	William F. Fratcher
1940–1941	Hermann Marcuse
1940–1941	Paul Oberst
1940–1943	Katherine Kemper
1940–1945	Lilly M. Roberts
1941–1942	Reid J. Hatfield
1941–1942	Charles D. Sands
1941–1945	Elizabeth Durfee
1942–1943	Chester J. Antieau
1942–1943	Hugo M. Bunge-Guerrico
1942–1943	Morse D. Campbell
1942–1943	Kenneth A. Miller
1942–1943	Roberta Moore
1942–1943	Ruth Roemer
1942–1943	Marion McPhee Warner
1942–1945	Dorothy E. Karl
1942–1945	Katherine Loomis
1943–1944	Paul E. Bayse
1943–1944	Ruth L. Conzelman
1943–1944	Dorothy McI. Davis
1943–1944	Florence R. Jane
1943–1945	Roberta M. Garner
1944–1945	Thelma G. Brown
1944–1945	Elizabeth Hancock
1944–1945	Esther Kinoshita
1944–1945	Dario Ramirez
1944–1945	Edward A. Smith
1944–1945	Anita Uvick
1944–1946	Alice Kramer
1944–1947	Leonor L. Midthun
1945–1946	Dorothy del Siena
1945–1946	Virginia Taylor
1945–1947	Harriet E. Fishel
1945–1949	Dorothy D. Bray
1945–1949	Mary Jane Plumer
1946–1947	Nona B. Cox
1946–1948	Marion P. Frazao
1946–1947	Leo W. Leary
1946–1947	Dorothy D. Voegelin
1946–1947	L. Hart Wright
1946–1949	Madeline D. Knapp
1947–1948	Virginia S. Addington
1947–1948	Alice K. Griep
1947–1948	Margareta A. Kelley
1947–1949	Dolores M. Tewell
1948–1949	Hazel B. Tulecke
1948–1951	Suzanne P. Corty
1949–1950	William J. Pierce
1949–1952	Vera Bolgar
1950–1951	Dorothy D. Bray
1950–1951	Donald H. Remmers
1950–1951	Wolf D. Von Otterstedt
1951–1952	Janine Bonassies

1951–1952	Wade Newhouse, Jr.	1955–1956	Sanford B. Hertz
1951–1952	John Perry	1955–1956	Robert Liberman
1951–1952	William H. Yager	1955–1956	William L. Moldoff
1951–1953	David L. Howe	1955–1957	James W. Beatty
1951–1953	Forest Shaw	1955–1957	Gust A. Ledakis
1951–1957	Elizabeth G. Brown	1956–1957	Wade J. Newhouse, Jr.
1952–1953	Scott H. Elder	1956–1958	Ray A. Geddes
1952–1953	Eileen L. Strang	1956–1958	Oscar J. Miller
1952–1953	Sonia Shaw	1956–1958	Wilbert L. Ziegler
1952–1954	Raymond F. Clevenger	1956–1959	Dominic B. King
1953–1954	John G. Lees	1956–1959	Theodore E. Lauer, Jr.
1953–1954	Robert N. Hammond	1957–1958	Horace W. Dewey
1953–1955	William A. Beckett	1957–1958	Roderick D. Hayes
1953–1955	John J. Namenye	1957–1958	Mimica Janez
1953–1955	Wade J. Newhouse, Jr.	1957–1958	Lawrence P. King
1954–1955	Howard A. Cole	1957–1958	Charles D. Olmsted
1954–1955	Jerome S. Fanger	1957–1959	Neil O. Littlefield
1954–1955	John J. Quinn	1957–1959	Clarence B. Taylor
1954–1955	Ivor L. M. Richardson	1958–1959	Theodore M. Hutchison
1954–1955	Hugh A. Ross	1958–1959	Roger A. Needham
1954–1955	Myron M. Sheinfeld	1958–1959	Beverley J. Pooley
1954–1955	Robert P. Weeks	1958–1959	Frank S. Sengstock
1954–1956	William L. Velman	1958–1959	John M. Winters

Research and Editorial Assistants

1949–1950	Claire E. Sherman	1951–1952	Marion V. Bates

Research Fellow

1957, 1958 Maxine Boord Virtue

Assistant Editors

1953–1954	Gloria T. Chasson	1956–1959	Virginia Ruland
1954–1956	Evelyn Bianchi	1958—	Alice J. Russell

Editorial Assistants

1955–1956	Alison T. Myers	1955–1956	Ruth M. Taylor

Teaching Fellows

1938–1939	Harold F. Lusk	1941–1942	Rudolph Heitz
1938–1939	Frederick Woodbridge	1951–1952	B. James George, Jr.
1940–1941	Lee-Carl Overstreet		

XI: 5. Research Projects: 1920-1959

Note: There are no records of research projects undertaken by members of the Law Faculty prior to 1920. Between 1920 and 1930, very few records were kept. From approximately 1930 through 1959, the Law Faculty developed a method whereby increasingly extensive records were maintained of contemplated projects and work accomplished.

The following lists, divided in accordance with major areas of investigation, are compiled from reports filed by the Director of Legal Research with the Dean, by the Dean with the President, and by the President with the Board of Regents, as well as the annual research budgets of the School. It includes all projects so listed, including those financed by the William W. Cook Endowment Income and the Ford Foundation. Individual conferences with present members of the Law Faculty were held wherever possible in an attempt to ascertain such research projects as did not appear in these reports, but it is probable that some isolated instances of research activity on the part of former faculty members have been omitted because they were unrecorded.

Subject Headings of Research Projects

Administrative Law
Admiralty
Air Law
Antitrust and Trade Regulation Law
Atomic Energy
Business Associations
Commercial Transactions
Comparative Law
Conflict of Laws
Constitutional Law
Contracts
Corporations
Creditors' Remedies
Criminal Law
Domestic Relations
Equity
Evidence
Insurance
International Law
Introductory Course
Judicial Administration
Jurisprudence
Labor Law
Legal Analysis
Legal History
Legal Writing
Legislation
Legislative Research Center
Municipal Corporations
Negotiable Instruments
Patent Law
Personal Property
Procedure
Property
Public Utilities
Real Property
Regulation of Business
Restitution
Sales
Securities
Survey of American Law
Taxation
Torts
Transportation
Trusts and Estates

Administrative Law

Stason, E. Blythe	1936–1937	Preparation of casebook and other materials pertaining to administrative law
Stason, E. Blythe	1937–1942	Collection of materials and publication of monographs pertaining to administrative tribunals in Europe

Stason, E. Blythe	1939–1941	Work as member of the Attorney-General's Committee on administrative procedure
Stason, E. Blythe	1945–1956	Preparation of treatise on administrative law and procedure
Stason, E. Blythe	1949–1951	Preparation of Cooley lectures for delivery and editing for publication
Stason, E. Blythe	1950–1951	Work on Model State Administrative Procedure Act
Stason, E. Blythe	1952–1953	Chairman of committee of National Conference of Commissioners on Uniform State Laws to draft act for disposing of unclaimed property
Stason, E. Blythe	1952–1953	Studies of pre-trial procedures for federal administrative agencies
Stason, E. Blythe	1952–1955	Collection of materials for third edition of Stason's *Cases on Administrative Tribunals*
Stason, E. Blythe	1952–1955	Prosecution of studies of quasi-legislative and quasi-judicial functions of the Atomic Energy Commission
Stason, E. Blythe and Frank E. Cooper	1955–1957	Completed revision of Stason's *Cases and Materials on Administrative Tribunals*
Stason, E. Blythe	1956–1957	Participated in drafting revision of Federal Administrative Procedures Act
Cooper, Frank E.	1956–1957	Completed study of *The Lawyer and Administrative Agencies*
Cooper, Frank E.	1956–1957	Study completed concerning rules of evidence in administrative proceedings
Cooper, Frank E.	1957–1958	Study directed toward administrative powers of investigation
Cooper, Frank E.	1957–1958	Research relative to several aspects of administrative law necessary to prepare two speeches, three articles, and a treatise entitled *Living the Law*
Joiner, Charles W.	1957–1958	Preparation of memorandum on appeals in Public Service Commission cases
Cooper, Frank E.	1958–1959	Study directed toward revision of the model state administrative procedure act

ADMIRALTY

Coffey, Hobart R.	1936–1940	Work in sources of admiralty law
Coffey, Hobart R.	1937–1938	Investigation of maritime liens
Coffey, Hobart R.	1937–1938	Investigation of Carriage of Goods by Sea Act

AIR LAW

Brown, Elizabeth G. in consultation with William B. Harvey	1954–1955	Preliminary investigation
Brown, Elizabeth G. in consultation with William B. Harvey	1954–1959	Preparation of digests of state statutes pertaining to aeronautics
Harvey, William B. with Elizabeth G. Brown	1956–1958	Preparation of materials for seminar in airport creation and operation
Brown, Elizabeth G. in consultation with William B. Harvey	1956–1959	Investigation of jurisdiction over Crimes committed in airspace
Harvey, William B. with Elizabeth G. Brown	1957–1958	Preparation of paper on recent developments in American air law for presentation to Fifth International Congress on Comparative Law, Brussels, 1958

ANTITRUST AND TRADE REGULATION LAW

Oppenheim, S. Chesterfield	1952–1953	Preparation of case book and text commentaries on antitrust law
Oppenheim, S. Chesterfield	1953–1959	Investigation of economic and legal bases of anti-trust laws
Oppenheim, S. Chesterfield	1953–1955	Co-chairman of Attorney-General's National Commission to Study the Anti-Trust Laws, study attendant thereto, and Final Report
Oppenheim, S. Chesterfield	1954–1958	Revision of casebook in antitrust law
Oppenheim, S. Chesterfield	1955–1959	Edited three volumes in the *Trade Regulation Series*
Oppenheim, S. Chesterfield	1958–1959	Revision of Unfair Trade Practices—Cases, Comments, and Materials
Oppenheim, S. Chesterfield	1958–1959	Annual developments in antitrust during the past year

ATOMIC ENERGY

Stason, E. Blythe, Samuel D. Estep, and William J. Pierce	1951–1957	Detailed study of unusual legal problems posed by peacetime uses of atomic energy culminating in preparation and completion of *Atoms and the Law*
Stason, E. Blythe	1954–1959	Research into peacetime uses of atomic energy as Executive Director of the Fund for Peaceful Development of Atomic Energy
Stason, E. Blythe, Samuel D. Estep, and William J. Pierce	1957–1958	Research on insurance law problems posed by use of atomic energy
Stason, E. Blythe, Samuel D. Estep, and William J. Pierce	1957–1958	Preparation of Model State Atomic Energy Law and study of existing state regulations of atomic energy
Stein, Eric	1955	Assisted in drafting new International Atomic Energy Agency statute

Stason, E. Blythe, Samuel D. Estep, and William J. Pierce	1955–1957	Investigation of legal problems of atomic energy and preparation of studies with particular attention to (1) State Regulation of Atomic Energy and (2) Atomic Energy Technology for Lawyers. Research done in areas of tort liability, workmen's compensation, administrative law, public utility holding company act problems
Stason, E. Blythe, Samuel D. Estep, William J. Pierce, and Eric Stein	1956–1958	Preparation of teaching materials for seminar dealing with Legal Problems of Atomic Energy
Stason, E. Blythe, Samuel D. Estep, William J. Pierce, and Eric Stein	1957–1959	Continuing work on preparation of *Atoms and the Law.* Investigation of legal problems of atomic energy with particular reference to (1) State Regulation of Atomic Energy and (2) Atomic Energy Technology for Lawyers. Research done in areas of tort liability, workmen's compensation, administrative law, state regulation of atomic energy, public utility holding company act problems. Thorough study of constitutional problems connected with state health and safety regulations pertaining to atomic energy. Consideration of international legal problems.
Berman, William H. and Lee M. Hydeman in consultation with Executive Committee, E. Blythe Stason, chairman	1958—	Investigation into state-federal relationships in atomic energy
Berman, William H. and Lee M. Hydeman in consultation with Executive Committee, E. Blythe Stason, chairman	1958—	Investigation into problems relative to radiation protection on the sea

BUSINESS ASSOCIATIONS

James, Laylin K.	1931–1937	Detailed and continuing investigation in the several phases of the law of corporations, agency, and partnerships
James, Laylin K.	1932–1933	Investigation of non-cumulative preferred stock, its conditions of issue, and market operations
James, Laylin K.	1937–1938	Revision of *Cases and Materials on Business Associations*
James, Laylin K.	1939–1940	Preparation of casebook
James, Laylin K.	1940–1941	Draftsman of the Corporation Code of Michigan

James, Laylin K.	1941–1942	Preparation of recommended legislation to clarify Michigan law pertaining to cooperative and non-profit corporations
Neumann, Albert	1947–1948	Preparation of *Cases and Materials on the Law of Corporate Expansion, Termination, and Reorganization*
Conard, Alfred F.	1957–1958	Investigation of current law review comments and articles relative to agency and partnership
Conard, Alfred F.	1956–1957	Preparation of second edition of *Cases on Business Organization*
Conard, Alfred F.	1957–1958	As chairman of the American Bar Association Committee on Simplification of Security Transfers, prepared a draft statute
COMMERCIAL TRANSACTIONS		
Steinheimer, Roy L.	1954—	A study of the law of commercial transactions in Michigan as related to the Uniform Commercial Code
COMPARATIVE LAW		
Dawson, John P. with William W. Bishop	1933–1935	Preparation of comparative law teaching materials (French, German, and Roman law)
Yntema, Hessel E.	1934–1935	Investigation into foreign judgments and other phases of comparative law
Dawson, John P.	1934–1935	Investigation of legal devices used by United States and German courts in dealing with problems posed by inflation
Yntema, Hessel E. and John P. Dawson	1935–1936	Investigation of comparative law in general
Dawson, John P.	1936–1937	Investigation into "The Fair Exchange in French and German Law"
Yntema, Hessel E.	1937–1938	Investigation into "Interaction of Roman and English Law from the Viewpoint of the United States"
Dawson, John P.	1938–1939	Preparation of German and French legal materials
Yntema, Hessel E.	1939–1941	Preliminary survey on various phases of law relating to financial and commercial intercourse between United States and other Western Hemisphere countries
Yntema, Hessel E.	1941–1959	Collection and publication of comparative statements of legal relationships between the United States and Latin American countries on various phases of financial and commercial activities

Yntema, Hessel E.	1941–1959	Preparation of parallel concordance of laws relating to commercial instruments in the several countries of the Western Hemisphere
Gsovski, Vladimir in consultation with Hessel E. Yntema	1943–1945	Translation and preparation for publication of the *Soviet Civil Code*
Perdomo, Escobar in consultation with Hessel E. Yntema	1944–1945	Preparation of index to Inter-American legal publications
Roberts, Lilly M. in consultation with Hessel E. Yntema	1944–1945	Bibliographical research in European law
Dawson, John P.	1946–1948	Revision of teaching materials for course in comparative law
Yntema, Hessel E.	1950–1951	Preparation for establishment of *American Journal of Comparative Law*
Yntema, Hessel E. with Vera Bolgar as Executive Secretary	1951–1959	Organization and establishment of *American Journal of Comparative Law.* Work as editor in chief of the *American Journal of Comparative Law*
Yntema, Hessel E.	1955–1959	Continuing research in comparative law
Stein, Eric	1956–1957	Preparation of materials for seminar in law of foreign trade and investment
George, B. James	1957–1958	Preparation of materials on the post-war legal system of Japan, with emphasis on criminal procedure
Oppenheim, S. Chesterfield	1957–1958	Investigation of some comparative materials in South American law relating to trade secrets
Conard, Alfred F.	1957–1958	Preparation of French and German materials for seminar in comparative law of business associations
Stein, Eric, L. Hart Wright, Alfred F. Conard, and Alan Polasky	1957–1959	Detailed investigation of legal problems attendant upon doing business in Europe in the light of the treaty establishing the European Economic Community (Common Market).
Bishop, William W.	1957	Preparation of materials for comparative law course with Professor Konrad Zweigert of Hamburg, Germany

CONFLICT OF LAWS

Rabel, Ernst in consultation with Hessel E. Yntema, Lewis M. Simes, and Hobart Coffey	1941–1958	Preparation of four volume treatise on conflict of laws
Bishop, William W.	1950	Research into conflict of laws pertaining to divorce
Macdonald, William D. in consultation with Hessel E. Yntema	1950–1951	Investigation into the conflict of laws pertaining to divorce

Yntema, Hessel E.	1958–1959	Editorial work on second edition of Rabel treatise and final work on preparation of fourth volume
CONSTITUTIONAL LAW		
Kauper, Paul G.	1947–1954	Preparation and completion of *Cases and Other Materials on Constitutional Law*
Kauper, Paul G.	1948–1949	Investigation of certain aspects of constitutional amendment in Michigan
Kauper, Paul G.	1952–1953	Preparation of treatise on constitutional rights
Kauper, Paul G.	1954–1958	Continuing revision of *Cases and Other Materials on Constitutional Law*
Kauper, Paul G.	1955–1959	Research in the area of church-state relationships
Kauper, Paul G.	1956–1957	Preparation of the Cooley lectures
Kauper, Paul G.	1956–1959	Study of Michigan condemnation statutes on behalf of the State Bar Special Committee on Condemnation
Kauper, Paul G.	1957–1958	Research necessary to prepare lecture on "The Supreme Court of the United States—Its Recent Decisions and Its Impact on the Lawyer and Society"
CONTRACTS		
Grismore, Grover C.	1930–1931	Completion of casebook projects in contracts
Grismore, Grover C.	1932–1934	Annotation of the American Law Institute's *Restatement of the Law of Contracts*, with reference to existing contract law in Michigan
Grismore, Grover C.	1934–1935	Preparation of contracts casebook
Dawson, John P.	1934–1935	Investigation of the impact of Gold Clause decisions on the value clauses contained in private contracts
Dawson, John P.	1937–1938	Investigation into the recission of contracts and restitution in law and equity
Grismore, Grover C.	1945–1946	Revision of casebook *Law of Contracts*
Grismore, Grover C.	1945–1947	Preparation of treatise on *Law of Contracts*
Dawson, John P. and William B. Harvey	1952–1957	Preparation of *Cases on Contracts and Contract Remedies* and publication in preliminary edition
Harvey, William B.	1957–1959	Completion of first edition of *Cases on Contracts and Contract Remedies*, in conjunction with John P. Dawson, Professor of Law, Harvard University School of Law

Harvey, William B.	1958–1959	Work with a committee of the Association of American Law Schools in connection with the preparation of a new edition of *Selected Readings on the Law of Contracts*

CORPORATIONS

Note: See *Business Associations*

CREDITORS' REMEDIES

Holbrook, Evans	1927–1928	Preparation for treatise dealing with law of bankruptcy
Holbrook, Evans	1931–1932	Investigation of topics included within general head of Creditors' Rights and Remedies with view to rearrangement. Carried on by Durfee after Holbrook's death
Durfee, Edgar N.	1932–1934	Preparation of casebook pertaining to Creditors' Rights
Durfee, Edgar N.	1939–1940	Investigation into the operation of the Federal Bankruptcy Law
Durfee, Edgar N. and Russell A. Smith	1940–1941	Preparation of casebook in creditors' rights
James, Laylin K.	1939–1940	Collection of cases decided under 77, 77B, and Ch. X of the Bankruptcy Act
Durfee, Edgar N. and Russell A. Smith	1945–1947	Preparation of casebooks in creditors' rights
James, Laylin K.	1946–1947	Research in the area of bankruptcy orders and corporate reorganization

CRIMINAL LAW

Waite, John B.	1930–1931	Continued investigation of problems connected with the work of police officers
Waite, John B.	1932–1934	Investigation of the code of criminal procedure drafted by the American Law Institute with particular reference to Michigan Law
Waite, John B.	1934–1935	Preparation of *The Criminal Law in Action*
Waite, John B.	1936–1937	Revision of book pertaining to crimes
Waite, John B.	1937–1938	Publication of casebook on criminal law
Waite, John B.	1938–1940	Investigation relative to the prevention of repeated crime
Waite, John B.	1938–1941	Work on model youth correction legislation in connection with the American Law Institute
Waite, John B.	1939–1940	Investigation of correctional methods in use in the several states

Waite, John B.	1940–1943	Work as committee member in connection with drafting rules of criminal procedure for the United States Supreme Court
Waite, John B.	1940–1942	Research relative to treatment of known criminals
Waite, John B.	1942–1943	Completion and publication of *Prevention of Repeated Crime*
Waite, John B.	1946–1947	Preparation of revised edition of *Criminal Law and Its Enforcement*
Waite, John B.	1946–1948	Investigation of time elements in the prosecution of criminal cases in Michigan
Waite, John B.	1948–1949	Investigation of Michigan statutes relative to juvenile delinquents and to the powers of Humane Society agents
George, B. James	1953–1959	Preparation of teaching materials relative to criminal procedure and administration of criminal law
George, B. James	1953–1955	Preparation of Fite manuscript dealing with the extradition of criminals
George, B. James	1957–1958	Investigation into comparative sentencing techniques
George, B. James	1957–1958	Investigations directed toward the comparative law of criminal procedure
George, B. James	1957–1958	Preparation of paper in area of "Scientific Investigation and Defendants' Rights" for use at the Brussels Comparative Law Conference, 1958
George, B. James	1958–1959	Investigation of problem of disparity of sentences

DOMESTIC RELATIONS

Coffey, Hobart R.	1950–1951	Preparation of teaching materials
Coffey, Hobart R.	1957–1958	Investigation of separation agreements facilitating divorce

EQUITY

Durfee, Edgar N. and John P. Dawson	1932–1934	Making studies and gathering materials for equity casebooks
Durfee, Edgar N.	1936–1939	Work with the American Law Institute as Co-Reporter for the chapter Injunction Against Tort in the *Restatement of Torts*
Durfee, Edgar N.	1938–1939	Continuing studies in equity jurisprudence
Dawson, John P.	1940–1941	Investigation of the attack upon the English Chancery in 1616
Durfee, Edgar N.	1942–1947	Preparation of treatise dealing with injunction against tort and crime

Dawson, John P. and William B. Harvey	1952–1957	Preparation of *Cases on Contracts and Contract Remedies* and publication of preliminary edition
Harvey, William B.	1957–1959	Completion of first edition of *Cases on Contracts and Contract Remedies* in conjunction with John P. Dawson, Professor of Law, Harvard University School of Law

EVIDENCE

Tracy, John E.	1936–1937	Preparation of source book for classroom use
Tracy, John E.	1937–1939	Preparation and publication of *Cases and Materials on the Law of Evidence*
Tracy, John E.	1939–1940	Investigation of Michigan decisions on the law of evidence
Joiner, Charles W.	1951–1953	Preliminary examination of materials for the preparation of treatise
Reed, John W.	1955–1958	Preparation of teaching materials
Reed, John W.	1956–1957	Comparison of Uniform Rules of Evidence with Michigan law
Joiner, Charles W.	1957–1958	Research into applicability of Uniform Rules of Evidence to the Federal court system
Joiner, Charles W.	1957–1958	Investigation into the use of scientific evidence
George, B. James	1957–1958	Investigation into the comparative law of evidence

INSURANCE

Smith, Allan F.	1947–1949	Preparation of treatise dealing with personal life insurance trusts
Smith, Allan F.	1955–1956	Preparation of materials pertaining to insurance trusts
Kimball, Spencer L.	1957–1958	Completion of insurance project dealing with insurance law and social policy
Kimball, Spencer L.	1957–1958	Investigation of regulatory activities of the Utah Insurance Commission
Kimball, Spencer L.	1957–1958	Investigation into rate regulation in the insurance field
Kimball, Spencer L.	1957–1959	Extensive project involving (1) an attempt to state the contemporary law pertaining to insurance and to some extent the history of that law, in terms of the changing attitudes and objectives of society, and (2) investigation of the process of insurance regulation in the United States

INTERNATIONAL LAW

Dickinson, Edwin D.	1927–1929	Preparation of teaching materials, culminating in publication of *The Law of Nations* (1929)
Dickinson, Edwin D.	1928–1931	Recognition and effects of non-recognition; publication of various articles
Dickinson, Edwin D.	1930–1931	Studies in various phases of international law, particularly as developed in national courts, culminating in lectures at the Hague Academy of International Law on "L'interprétation et l'application du droit international dans les pays anglo-américains."
Dickinson, Edwin D. and William W. Bishop, Jr.	1931–1934	Preparation of digests of international law decisions by tribunals in Western Hemisphere for publication in *Annual Digest of Public International Law Cases*
Dickinson, Edwin D. and William W. Bishop, Jr.	1932–1934	Jurisdiction with respect to Crime; service as Reporter on this topic for Research in International Law under auspices of Harvard Law School
Bishop, William W., Jr.	1948–1950, 1954–1955, 1958–1959	Various studies on the law of treaties and preparation of seminar materials
Bishop, William W., Jr.	1948–1952, 1954–1956, 1958	Participation in preparation of report of Committee on Territorial Waters and Fisheries, American Bar Association Section on International and Comparative Law
Bishop, William W., Jr.	1948–1953	Preparation of teaching materials culminating in publication of *International Law Cases and Materials*
Bishop, William W., Jr.	1948–1955, 1957–1958	Preparation of digests of current cases for *American Journal of International Law*
Bishop, William W., Jr.	1948–1959	Served as an editor of *American Journal of International Law* (editor-in-chief, 1953-1955)
Bishop, William W., Jr.	1948–1959	Preparation of seminar materials in international law
Bishop, William W., Jr.	1949–1951, 1958	Tidelands dispute, consultant to State of Texas
Bishop, William W., Jr.	1952–1955	Studies in state immunity, published in part in articles and in report of Committee on State Immunity, American Branch, International Law Association

Bishop, William W., Jr.	1953, 1958	Preparation of reports on Current Trends in International Law, from United States viewpoint for American Society of International Law and the University of Michigan
Bishop, William W., Jr.	1953–1955	Preparation of report of Committee on International and Comparative Law, State Bar of Istanbul, on Bricker Amendment; participation in various discussions on Bricker Amendment
Bishop, William W., Jr.	1953–1959	Studies, writing, and consultation with United States Government, fishing industry, and School of Natural Resources, University of Michigan, on international law and conservation of natural resources
Bishop, William W., Jr.	1954–1955	Preparation of report of Committee on International Law in Courts of the United States, American Bar Association Section of International and Comparative Law
Bishop, William W., Jr.	1954–1955	Preparation of report to Department of State on draft convention on Territorial Waters and High Seas Fisheries prepared by Inter-American Juridical Committee
Bishop, William W., Jr.	1955–1957	Activities in connection with report of Committee on Continental Shelf, Inter-American Bar Association
Bishop, William W., Jr.	1955–1959	Participation in work on state responsibility for injury to aliens, under auspices of Harvard Law School and United Nations
Bishop, William W., Jr.	1956–1957	Studies and lecturing on Suez Canal crisis
Stein, Eric	1956–1957	Study for Carnegie Endowment on consequences of recent enlargement of United Nations membership
Stein, Eric	1956–1957	Development of materials for seminar in international organization
Bishop, William W., Jr. and B. James George, Jr.	1956, 1959	Preparation of materials for seminar in International Criminal Law
Bishop, William W., Jr.	1956–1959	Advisory Committee, Foreign Relations Law project of American Law Institute
Bishop, William W., Jr.	1957–1959	Revision of teaching materials for new edition of casebook
Stein, Eric	1957–1958	Development of materials for seminar in legal problems of the new European organizations

Stein, Eric	1957–1958	Revision of materials for seminar in law of foreign trade and investment
Stein, Eric	1957–1958	Research for and preparation of three articles dealing with certain aspects of selected international organizations
Bishop, William W., Jr.	1958	Preparation of report on Individuals in International Law for the University of Istanbul

INTRODUCTORY COURSE

Stason, E. Blythe, Burke Shartel, and John W. Reed	1953–1954	Preparation of course materials for *Introduction to Law and Equity*

JUDICIAL ADMINISTRATION

Sunderland, Edson R.	1920–1921	Methods of relieving appellate courts from growing burden of appeals
Sunderland, Edson R.	1931–1932	Investigation into rules of court in administration of justice
Sunderland, Edson R. and William W. Blume	1934–1935	Consideration of revision of United States court rules
Sunderland, Edson R. and William W. Blume	1934–1935	Preparation of statistics on Michigan courts
Dawson, John P.	1934–1935	Investigation of "Friend of the Court" in Detroit
Sunderland, Edson R.	1936–1937	Preparation of casebook on Judicial Administration
Sunderland, Edson R.	1936–1937	Continued investigation relative to court rules
Yntema, Hessel E.	1937–1938	Preparation of result of statistical studies of Ohio courts
Blume, William W.	1939-1940	Acted as technical advisor to director of a comprehensive survey of judicial procedure conducted under National Conference of Judicial Councils
Blume, William W.	1940–1941	Examination of statutes of all states with view to discovering defects in administration of justice in connection with the American Bar Association Special Committee on Improving the Administration of Justice
Sunderland, Edson R.	1940–1949	Investigation directed to the courts of inferior jurisdiction in cooperation with the Junior Bar Conference of the American Bar Association
Sunderland, Edson R.	1940–1941	Preparation of second edition of *Cases and Materials on Trial and Appellate Practice*

Sunderland, Edson R.	1941–1948	Study of the Michigan probate practice relating to the commitment of insane persons
Sunderland, Edson R.	1942–1948	Compilation of statistics for the Judicial Council of Michigan
Joiner, Charles W.	1947–1948	Economic survey of the Michigan Bar
Virtue, Maxine B. in consultation with Edson R. Sunderland	1947–1950	Survey of metropolitan courts, Detroit area
Joiner, Charles W.	1953–1955	Preparation of report for American Bar Association Committee on Specialization and Specialized Legal Education, on the place of specialization at the bar
Joiner, Charles W.	1956–1957	Completion of casebook and text book on Trials and Appeals
Joiner, Charles W.	1957–1958	Investigation into pattern of costs charged for various services in field of judicial administration in Michigan
Virtue, Maxine B. in consultation with Lewis M. Simes and Charles W. Joiner	1957–1958	Survey of metropolitan courts
Conard, Alfred F.	1957–1959	Investigation into the economics of injury litigation
JURISPRUDENCE		
Shartel, Burke	1928–1929	Studies in analytical jurisprudence
Shartel, Burke	1936–1941	Continuation of studies in analytical jurisprudence or legal method and preparation of casebook
Shartel, Burke	1940–1947	Continuing research in jurisprudence and preparation of readings on the legal process. Completion of treatise
Shartel, Burke	1945–1954	Research in area of medical jurisprudence
Harvey, William B.	1955–1956	Research in legal philosophy in residence at University of Heidelberg, Germany
Harvey, William B.	1958–1959	Research in legal philosophy in organizing teaching materials for course and seminar
Shartel, Burke and B. James George, Jr.	1958–1959	Research and preparation of materials for Legal Method
LABOR LAW		
Smith, Russell A.	1938–1940	Systematic classification of materials dealing with employer-employee relations
Smith, Russell A.	1939–1941	Preparation of teaching materials and monographs

Smith, Russell A.	1946–1947	Completion of *Cases and Materials on Labor Law*
Smith, Russell A.	1947–1954	Continuing revision of casebook
Smith, Russell A.	1949–1950	Study of labor arbitration
Smith, Russell A.	1953–1954	Preparation of second volume of *Cases and Materials on Labor Law*
Smith, Russell A.	1958–1959	Revision of *Cases and Materials on Labor Law*
Legal Analysis		
Cooperrider, Luke K.	1957–1959	Preparation of materials for an experimental course to be integrated with the course in Torts for one section of the first-year class
Legal History		
Blume, William W.	1932–1940	Collection of original materials for and preparation of *Transactions of the Supreme Court of the Territory of Michigan,* 1805-1836 (6 vols.)
Dawson, John P.	1937–1938	Investigation of English chancery decrees during the sixteenth century
Goddard, Edwin C.	1937–1940	Collection of materials for a history of the Michigan Law School
Dawson, John P.	1939–1940	Preparation of materials for seminar in legal history
Dawson, John P.	1939–1940	Investigation into the codification of French customs
Blume, William W. with Elizabeth G. Brown	1939–1942	Collection and preliminary preparation of photoduplicated copies of the records of the court of the "additional judge for the territory of Michigan"
Dawson, John P.	1940–1941	Continuation of investigation into the English chancery
Blume, William W. with Elizabeth G. Brown	1940–1942	Preparation of a bibliography in American Legal History
Blume, William W.	1944–1945	Preparation of *Unreported Opinions of the Supreme Court of Michigan (1836-1843)*
Blume, William W.	1945–1948	Continuation of work on the records of the court of the "additional judge"
Blume, William W. and Elizabeth G. Brown	1954–1955	Preparation of digests of acts of Congress pertaining to the territories covering these topics: laws in force, judicial administration, legislation, civil and religious liberty
Blume, William W.	1955–1956	Investigation into the records of the courts of Wayne County, 1796-1836

Blume, William W. and Elizabeth G. Brown	1955–1956	Preparation of digest of territorial statutes covering the laws in force in the territories of the United States
Brown, Elizabeth G. in consultation with William W. Blume	1955–1957	Investigation into British statutes in force in the United States without re-enactment
Blume, William W. and Elizabeth G. Brown	1955–1957	Preparation of teaching materials for seminar in American legal history
Blume, William W.	1956–1958	Study of original records of Court of Common Pleas of Wayne County, 1796–1805
Brown, Elizabeth G. in consultation with William W. Blume	1956–1959	Accumulation of materials for and preparation of *Legal Education at Michigan: 1859-1959*
Blume, William W.	1957–1958	Preparation of set of readings in English legal history for use in introductory course
Kimball, Spencer L.	1957–1958	Preparation of historical materials for introductory course
Blume, William W.	1957–1959	Study encompassing criminal procedure on the American frontier
Blume, William W.	1958–1959	Study encompassing the probate court in Wayne County, 1796–1817
LEGAL WRITING		
Cooper, Frank	1956–1957	Comparison of statement of issues involved at various stages in a law suit
Cooper, Frank	1956–1957	Work on and completion of *Effective Legal Writing*
LEGISLATION		
Stason, E. Blythe	1934–1935	Research in legislation
Stason, E. Blythe	1936–1937	Aided in drafting bills introduced into Michigan Legislature relating to the taxation of intangible property and to the Neuropsychiatric Institute of Michigan
Stason, E. Blythe	1948–1949	Investigation in connection with proposed constitutional revision
Durfee, Edgar N.	1948–1949	Investigation relative to legislation for the Michigan Milk Producers
Durfee, Edgar N.	1948–1949	Investigation relative to the Michigan Chattel Mortgage Act
Palmer, George E.	1949–1950	Study of the negotiable instruments portion of the proposed Uniform Commercial Code
Palmer, George E.	1951	Research on the law of "power-over" trusts and preparation of a recommended statute
Estep, Samuel D.	1951–1953	Preparation of teaching materials

LEGISLATIVE RESEARCH CENTER

Stason, E. Blythe, Samuel D. Estep, and L. Hart Wright	1949–1950	Extent of public institutional activity in state legislative matters, the report on which contributed to the creation of the Legislative Research Center and to a proposal for the creation of a Law Revision Commission for Michigan
Estep, Samuel D., William J. Pierce, and research assistants	1950–1957	Work on detailed investigations of specific statutory problems for inclusion in *Current Trends in State Legislation* (1952), (1953-1954), (1955-1956)
Estep, Samuel D., William J. Pierce, and research assistants	1950–1957	Preparation of memoranda on statute law related to fields of faculty members in respective areas of specialization. Service work in research and legislative drafting for public agencies and individuals outside the Law School. Preparation of state constitutional studies, including lengthy study dealing with tax clauses in state constitutions.
Newhouse, Wade, Jr.	1951–1952, 1953, 1954, 1955, 1956	Continuation of study of tax clauses in state constitutions
Estep, Samuel D., William J. Pierce, and research assistants	1956–1957	Study of water resources and the law pertaining thereto, as well as the drafting of a model state water use statute
Pierce, William J., and research assistants	1957–1959	Preparation of memoranda on statute law related to fields of faculty members in respective areas of specialization. Service work in research and legislative drafting for public agencies and individuals outside the Law School.
Pierce, William J., and research assistants	1957–1959	Completion of project dealing with water resources and the law, culminating in publication of *Water Resources and the Law*
Pierce, William J., and research assistants	1957–1959	Detailed investigation of the legal problems of metropolitan areas

MUNICIPAL CORPORATIONS

Stason, E. Blythe	1935–1937	Preparation of casebook in municipal corporations
Stason, E. Blythe and John E. Tracy	1945–1946	Revision and preparation of Stason's *Cases and Materials on Municipal Corporations*

Kauper, Paul G.	1958–1959	Work on the revision of Stason's *Cases and Materials on Municipal Corporations*

NEGOTIABLE INSTRUMENTS

Aigler, Ralph W.	1936–1937	Preparation of substantial addition to *Cases on Negotiable Paper and Banking*
Aigler, Ralph W. and Roy L. Steinheimer	1953–1954	Revision of casebook in preparation for publication of second edition
Aigler, Ralph W. and Roy L. Steinheimer	1955–1956	Completed revision of casebook in preparation for publication of third edition
Steinheimer, Roy L.	1955–1956	Preparation of teaching material for course in Banking

PATENT LAW

Waite, John B.	1947–1948	Preparation of casebook
Smith, Arthur M.	1953–1958	Investigation into various aspects of patent law
Oppenheim, S. Chesterfield	1956–1957	Advisor in research to the Patent, Trade-Mark, and Copyright Journal of Research and Education, George Washington University

PERSONAL PROPERTY

Note: See *Property*

PROCEDURE

Sunderland, Edson R.	1925–1931	Studies of procedure with particular emphasis on comparing English and American procedure
Sunderland, Edson R.	1930–1932	Investigation of disclosure and discovery before trial
Sunderland, Edson R.	1932–1934	Studies continued with particular emphasis on preparing codes of procedure for Illinois and Michigan
Sunderland, Edson R.	1934–1935	Revision of books and courses in procedure
Sunderland, Edson R.	1935–1936	Continuation of studies in procedure
Sunderland, Edson R.	1936–1937	Reorganization of greater part of procedural work at Law School
Sunderland, Edson R.	1937–1943	Investigation of procedural problems as part of work of Michigan Judicial Council
Sunderland, Edson R.	1939–1940	Revised *Cases and Materials on Code Pleading*
Sunderland, Edson R.	1944–1948	Preparation of treatise on Michigan practice at law and in equity
Tracy, John E.	1946–1947	Completion of study *The Successful Practice of Law*

Blume, William W.	1946–1948	Analysis of procedural statutes for use as teaching materials
Stason, E. Blythe and William W. Blume	1946–1948	Preparation of course materials on Pleading
Blume, William W. and Charles W. Joiner	1949–1950	Preparation of casebook *Jurisdiction and Judgments* (Civil Procedure II)
Blume, William W. and B. James George	1950–1951	Analysis of all provisions of state statutes of limitations
Joiner, Charles W.	1950–1951	Preparation of teaching materials for Civil Procedure III
Blume, William W. and John W. Reed	1950–1952	Preparation of course materials on Pleading and Joinder
Blume William W.	1952–1954	Preparation of *American Civil Procedure*
Brown, Elizabeth G. in consultation with William W. Blume	1952–1954	Preparation of *Digest of Procedural Statutes and Court Rules*
Joiner, Charles W.	1952–1955	Re-editing teaching materials for Civil Procedure III
Joiner, Charles W.	1955–1959	Continuing studies in the area of Michigan procedural reform, designed to make possible a thorough revision of Michigan Judicature Act and Court Rules, including the drafting of rules and statutes
Shartel, Burke	1957–1958	Investigation of recent developments in the law of precedent
Joiner, Charles W.	1957–1958	Investigation of procedures for testing the validity of public bond issues
Joiner, Charles W.	1957–1958	Research into the status of no progress calendar of the State of Michigan and preparation of draft no progress rule which was adopted by the State Supreme Court
Joiner, Charles W.	1957–1958	Comparison of various methods of solving problems posed by filing of counterclaim in inferior court in excess of jurisdiction
Joiner, Charles W. and John W. Reed	1957–1958	Preparation of memorandum designed to serve as basis for abolition of Dead Man Statute
Joiner, Charles W.	1957–1958	A study of Judicial Administration at the appellate level in Michigan with recommendations as to ways for its improvement

PROPERTY

Aigler, Ralph W.	1930–1931	Revision of casebook
Simes, Lewis M.	1932–1934	Advisor to the American Law Institute in drafting *Restatement of the Law of Future Interests in Property*

Simes, Lewis M.	1932–1936	Preparation of treatise *Law of Future Interests in Property*
Aigler, Ralph W.	1937–1938	Work done for the American Law Institute relative to the *Restatement of the Law of Property*
Aigler, Ralph W.	1937–1939	Investigation of the Torrens System of Land Registration in Australia
Niehuss, Marvin L.	1938–1939	Collection of materials relative to title by adverse possession
Niehuss, Marvin L.	1940–1943	Preparation of treatise on law of landlord and tenant
Aigler, Ralph W.	1942–1943	Completion of *Cases on the Law of Property*
Aigler, Ralph W. and Allan F. Smith	1949–1950	Preparation of *Cases and Materials on the Law of Property*
Smith, Allan F.	1952–1953	Preparation of materials dealing with aspects of conveyancing for use in seminar
Palmer, George E.	1952–1954	Preparation of teaching materials for seminar in Land Utilization
Smith, Allan F.	1953–1954	Preparation of *Eliminating the Straw Man*
Smith, Allan F.	1954–1955	Research for and preparation of *Concurrent Ownership of Land in Michigan*
Browder, Olin L.	1954–1958	Detailed investigation into law pertaining to real estate boundaries
Smith, Allan F.	1955–1956	Preparation of additional teaching materials relative to seminar in conveyancing
Simes, Lewis M. and Allan F. Smith	1955–1956	Complete revision of *Law of Future Interests*
Smith, Allan F.	1956–1958	Research and writing in the area of personal property
Simes, Lewis M.	1956–1959	Research project involving methods for improving conveyancing procedure and promoting marketability of land titles in the United States, including the preparation of model statutes for the improvement of conveyancing, a model draft of title standards, and monographic treatment of the various problems in the field
Simes, Lewis M. and Allan F. Smith	1957–1958	Preparation and publication of pocket supplement to *Law of Future Interests*
Browder, Olin L.	1957–1958	Revision of teaching materials relative to future interests
Simes, Lewis M.	1957–1958	Work in connection with the preparation of the *Legislator's Handbook*

Smith, Allan F.	1957–1958	Prepared paper on "What the Busy General Practitioner Should Know about the Law of Future Interests," presented at an Institute on Real Property held in Ann Arbor, March, 1958
Smith, Allan F., Olin L. Browder, and Richard Wellman	1958—	Preparation of one volume teaching materials in property

PUBLIC UTILITIES

Kauper, Paul G.	1938–1952	Study of public utility law with particular reference to the rate base and public utility franchises, including preparation of course materials

REAL PROPERTY

Note: See *Property*

REGULATION OF BUSINESS

Grismore, Grover C.	1938–1939	Preparation of new set of teaching materials pertaining to trade regulation
Kauper, Paul G. and Russell A. Smith	1942–1943	Investigation and preparation of teaching materials relative to projected course in public regulation of business
Smith, Russell A.	1946–1949	Preparation of teaching materials for public regulation of business

RESTITUTION

Dawson, John P.	1937–1938	Rearranged materials dealing with the recision of contracts and restitution at law and in equity
Durfee, Edgar N. and John P. Dawson	1938–1939	Preparation and publication of *Cases on Restitution*
Dawson, John P.	1941–1943	Collection of materials and preparation of casebook
Dawson, John P.	1946–1953	Collection of materials and preparation of casebook
Palmer, George E.	1957–1958	Preparation of revision of *Cases on Remedies* by Durfee and Dawson, published as *Cases on Restitution* by Dawson and Palmer
Palmer, George E.	1957–1958	Preparation of teaching materials for seminar in *Restitution*

SALES

Waite, John B.	1936–1938	Preparation of treatise on sales

SECURITIES

Durfee, Edgar N.	1934–1953	Preparation of casebook

SURVEY OF AMERICAN LAW

Dawson, John P., William W. Bishop, Jr., and Alfred F. Conard	1955–1958	Preparation of teaching materials for foreign students in the Law School

TAXATION

Kauper, Paul G., and L. Hart Wright	1946–1948	Federal tax affairs, a continuing study leading to the preparation and periodic revision of materials now used in a law school course
Wright, L. Hart	1947, 1959	State death duties, leading to a proposed estate and gift tax act for Michigan
Wright, L. Hart	1947–1956	A chronological study of the evolutionary changes in the judicial concept of income, leading in part to the publication of 3 articles
Wright, L. Hart	1950	State taxes on personal property used in industrial processing, a study for the Taxation Committee of the Michigan Senate
Wright, L. Hart	1950	Techniques to combat avoidance of state cigarette taxes, leading to an amendment of the Michigan cigarette tax act
Wright, L. Hart	1950–1959	Research on topics prepared for delivery before Tax Institutes, a sampling of which follows: (1) Tax planning with respect to participation in small business enterprises; (2) Tax planning with respect to the transfer of modest estates; (3) Tax treatment and tax planning regarding payments arising out of divorce and separation; (4) Title Examinations in Michigan as affected by the federal income, estate, and gift tax liens; (5) Recent judicial and administrative developments regarding federal tax affairs; (6) A review of the practical significance of current federal tax legislation; (7) Tax implications of corporate contractions and reorganizations;

		(8) Tax planning with respect to real estate affairs; (9) Internal Revenue Service Technicians: today and tomorrow; and (10) Reflections on estate planning as it affects a client's trade or business
Kauper, Paul G., and L. Hart Wright	1951	State franchise taxes, leading to a comparative study for submission to the Taxation Committee of the Michigan Senate
Wright, L. Hart	1952	State tax lien provisions, a study for the Michigan Department of Revenue
Kauper, Paul G., and L. Hart Wright, William J. Pierce, Alan N. Polasky	1953, 1959	State income taxes, leading to a proposed income tax act for Michigan
Wright, L. Hart	1953–1956	Federal tax liens, leading to the presentation of 2 papers, 3 articles, a report to a committee of the Michigan legislature, and to the adoption in Michigan of the Uniform Federal Tax Lien Registration Act
Wright, L. Hart	1954–1959	Current problems in federal tax affairs, a continuing study leading to the preparation and periodic revision of materials used in a law school seminar
Kauper, Paul G., and L. Hart Wright	1954–1959	Federal estate and gift taxes, a continuing study leading to the preparation and revision of materials now used in a law school course
Wright, L. Hart	1955	Preparation of materials bearing on interpretation of tax statutes, for use in a school conducted in Ann Arbor for 100 Group Supervisors of the Internal Revenue Service
Wright, L. Hart, and Samuel D. Estep	1955	Retroactive reciprocal state tax legislation, leading to an amendment of the state inheritance tax act
Wright, L. Hart	1956	A study for the federal Commissioner of Internal Revenue relating to the backgrounds and technical qualifications of Internal Revenue Agents; his adoption of the consequent report and its 31 recommendations led to the establishment of a substantial new training program for agents of various grades

Wright, L. Hart	1956	Tax implications of transfer of joint property in contemplation of death, leading to a request for statutory revision of the federal tax law and and to the publication of one article
Wright, L. Hart	1956–1957	A federal income tax law course, published in two volumes, for immediate use in the training program administered by the Internal Revenue Service for Internal Revenue Agents and later adopted for use in a similar program for Technicians associated with the Tax Rulings Division and the Technical Planning Division
Wright, L. Hart	1957	A field study for the Commissioner of Internal Revenue relating to the effectiveness of the newly adopted training program for Internal Revenue Agents
Wright, L. Hart	1957	Corporate income tax planning, a continuing study leading to the preparation and revision of materials now used in a law school course
Wright, L. Hart	1957–1959	Materials regarding federal income taxes, prepared for use in personally conducting an annual school in Washington for instructors of the Internal Revenue Service Schools
Wright, L. Hart	1957–1959	Tax implications of international trade, a continuing study leading to the preparation and revision of materials now used in a joint seminar on international trade
Wright, L. Hart	1958–1959	Tax problems of American industry doing business in the newly formed European Economic Community, leading to a joint publication with several others (not yet complete)
Wright, L. Hart	1958–1959	The overall effect on modest enterprises of the Technical Amendments Act of 1958, leading to the presentation of two papers and the publication of one article
Wright, L. Hart	1959	A study for the Commissioner of Internal Revenue of the procedures followed by those offices in the national headquarters of the Internal Revenue Service charged with the resolution of technical tax questions (not yet complete)

TORTS

Leidy, Paul A.	1932–1937	Exhaustive study of torts and preparation of casebook
Plant, Marcus L.	1952–1953	Preparation of casebook
Plant, Marcus L. and Luke K. Cooperrider	1955–1958	Revision of casebook
Shartel, Burke and Marcus L. Plant	1955–1959	Preparation of treatise in area of medical jurisprudence
Cooperrider, Luke K.	1957–1958	Investigation of tort liability between parent and child
Cooperrider, Luke K.	1957–1958	Investigation into implications of accident liability

TRANSPORTATION

Stason, E. Blythe	1932–1935	Study of motor transport industry, including laws of the several states, with particular reference to licensing, taxation, and regulation

TRUSTS AND ESTATES

Carey, Homer F.	1930–1931	Completion of various casebook projects
Simes, Lewis M.	1937–1938	Investigation of law pertaining to decedents' estates
Simes, Lewis M.	1937–1959	Continuing study of probate law and administration
Simes, Lewis M.	1939–1941	Preparation of *Cases and Materials on the Law of Fiduciary Administration*
Simes, Lewis M.	1941–1942	Investigation of statutes and cognate materials in the fields of intestate succession, wills, and trusts, to prepare teaching materials
Simes, Lewis M., Paul Basye, and Elizabeth Durfee	1942–1946	Preparation of draft of the Model Probate Code
Simes, Lewis M.	1946–1947	Preparation of *Model Probate Code* (Michigan Legal Studies)
Simes, Lewis M.	1949–1951	Preparation of Model Small Estates Act
Simes, Lewis M.	1955–1956	Completed revision of *Cases on Fiduciary Administration*
Palmer, George E. and Richard V. Wellman	1957–1959	Preparation of new casebook for required course *Trusts and Estates I*

XI:6. CONTRIBUTIONS TO LEGAL LITERATURE: 1859-1959

MAJOR SOURCES: *Index to Legal Periodicals* (1908-1959)
University of Michigan. Publications by the Faculty (1906-1957)
International Index to Periodicals (1907-1908)
Poole's Index and Supplements (1859-1907)

NOTE: This bibliography is designed to include all contributions to legal literature (other than book notes and published opinions of members of the judiciary) made by individuals holding regential appointments during the period of connection with the Law School. Mimeographed materials are not listed, nor are unpublished speeches. In one instance, an article, based on a speech, was printed without permission of the author and is omitted. Non-legal writings or writings published before or after the period of connection are not included.

The separate publications are arranged under major subject headings with subdivisions to show the contributions made by each individual. These subdivisions and the publications themselves are in chronological order. Where a particular item falls into more than one area of the law, duplicate entries avoid the need for cross-references.

A number of individuals have contributed generously of their time and thought to the preparation of this bibliography. Mrs. Alice Sunderland Weathey prepared a list of the many publications of Edson R. Sunderland. Mrs. Edgar N. Durfee and Mrs. Elizabeth Durfee Oberst verified the publications of Edgar N. Durfee. B. Margaret Johnson, Chief Reference Librarian of the Law Library, and other members of the Law Library staff assisted materially in running down fragmentary references to the writings of members of the Law Faculty prior to 1900. Janet White, Reference Librarian of the University Library, was most helpful in discovering the location of legal writings for the same period which appeared in non-legal periodicals. Assistants in Research John Baumgartner, Thomas Hauser, and Victoria Roemele bore the brunt of the tedious task of accumulating data and checking the multitudinous details.

CONTRIBUTIONS TO LEGAL LITERATURE

Administrative Law (including Interstate Commerce)
Admiralty (including Shipping)
Agency
Air Law
Antitrust (including Monopoly, Unfair Competition, Trade Regulation)
Atomic Energy
Banking
Biographical Sketches
Business Organizations (including Corporations, Partnerships)
Civil Law
Comparative Law
Conflict of Laws
Constitutional Law
Contracts (including Quasi-Contracts, Restitution)
Creditors Rights (including Bankruptcy)
Criminal Law (including Criminal Procedure)
Domestic Relations
Equity
Evidence
Insurance
International Law
Jurisprudence
Labor Law
Law in General
Legal Education

Legal History
Legislation
Municipal Corporations
Negotiable Instruments
Patents and Copyrights
Personal Property (including Sales, Bailments)
Practice and Procedure (including Damages, Judicial Administration)
Public Officers
Public Utilities
Real Property (including Mortgages)
Suretyship
Taxation
Torts
Transportation
Trusts and Estates
Will and Estates (including Probate, Administration of Estates)

ADMINISTRATIVE LAW

COOLEY, THOMAS M. (1859-1884)

"Railroad Commissions; the Importance of an Umpire Between Common Carriers and the Public; the View of Judge Cooley," *Missouri Report of Railroad Commissioners* 29-34 (1882); *Bullion* (January, 1883); 23 *Railway Review* 71-72 (February, 1883).

"The Interstate Commerce Act—Pooling and Combinations Which Affect Its Operation" (addresses delivered at the annual banquet of the Boston Merchant's Association, January 8, 1889) Boston: Robinson and Stephenson, pp. 59-70 (1889).

The American Railway: Its Construction, Development, Management, and Appliances, Thomas C. Clarke and John Bogart (introduction by Thomas M. Cooley) New York: C. Scribner's Sons (1889).

"The Railway Problem Defined" (address, reprinted from *Proceedings of National Convention of Railroad Commissioners,* Washington, March, 1891) (in *Compendium of Transportation Theories,* Charles C. McCain) Washington: Kensington Publishing Co., pp. 7-9 (1893).

ADAMS, HENRY C. (1891-1910)

"Third Report on the Statistics of Railways in the United States to the Interstate Commerce Commission. Review." 3 *National Geographic Magazine* 255-256 (1891).

"Statistical Division of the Interstate Commerce Commission," 1 *Citizen* 203 (1896).

"Decade of Federal Railway Regulation," 66 *Nation* 219-20 (March, 1898). 81 *Atlantic Monthly* 433-43 (April, 1898).

"Federal Taxation of Interstate Commerce," 19 *Review of Reviews* 193-98 (February, 1899).

U.S. Interstate Commerce Commission Intercorporate Relationships of Railways in the United States as of June 30, 1906. Prepared by the division of statistics and accounts, Washington: Government Printing Office, 516 pp. (1908).

WILGUS, HORACE L. (1895-1929)

"Valuing Property and Franchises of Public Service Corporations for Fixing Rates," 7 *Michigan Law Review* 412-17 (March, 1909).

"State Regulations of Interstate Commerce," 8 *Michigan Law Review* 656-60 (June, 1910).

"What is Interstate Commerce?" 8 *Michigan Law Review* 662-64 (June, 1910).

GODDARD, EDWIN C. (1900-1935)

Review. *The Law of Railroad Rate Regulation,* Joseph H. Beale, Jr. and Bruce Wyman, 5 *Michigan Law Review* 152-53 (December, 1906).

"Intrastate Rates," 16 *Michigan Law Review* 379-82 (1918).

Review. *Selection of Cases under the Interstate Commerce Act,* Felix Frankfurter, 2nd ed., 21 *Michigan Law Review* 360-61 (January, 1923).

Review. *Interstate Commerce Act, Cumulative Edition,* 22 *Michigan Law Review* 182 (December, 1923).

Review. *The Interstate Commerce Commission: A Study in Administrative Law and Procedure* (1931) I. L. Sharfman, 18 *Virginia Law Review* 217-18 (December, 1931).

SUNDERLAND, EDSON R. (1901-1944)

"The Passing of State Control over Railway Rates," 9 *Michigan Law Review* 702-04 (1911).

BATES, HENRY M. (1903-1939)

Review. *Regulation of Commerce under the Federal Constitution,* Thomas H. Calvert, 6 *Michigan Law Review* 190-92 (December, 1907).

Review. *Federal Power over Carriers and Corporations,* E. Parmalee Prentice, 6 *Michigan Law Review* 192-94 (December, 1907).

AIGLER, RALPH W. (1908-1954)

"Interstate Commerce and State Control over Foreign Corporations," 12 *Michigan Law Review* 210-15 (1914).

"Adverse Possession in the Case of the Rights of Way of the Pacific Railroad Companies," 12 *Michigan Law Review* 300-02 (1914).

STASON, E. BLYTHE (1924—)

Review. *The Federal Power Commission,* Milton Conover (1923) 23 *Michigan Law Review* 936-37 (June, 1925).

Review. *The General Land Office,* Milton Conover (1923) 23 *Michigan Law Review* 936-37 (June, 1925).

"The Nature of Certificates of Public Convenience and Necessity," XXIX, no. 25 *Conference on Highway Transports Proceedings* 36-45, Ann Arbor: University of Michigan (1927).

Review. *Administrative Justice and the Supremacy of Law,* John Dickinson (1927) 26 *Michigan Law Review* 590-92 (March, 1928).

Cases Concerning Administrative Tribunals, Ann Arbor: Edwards Brothers, 2 vols. (1928); Ann Arbor: Edwards Brothers, 2 vols. (1932).

"Commission Control over the Certificate of Convenience and Necessity," 2 *Proceedings of the Annual Meeting of the American Automobile Association Motor Bus Division* 89-100 (1928).

Review. *Administrative Powers over Persons and Property,* Ernst Freund (1928) 27 *Michigan Law Review* 845-47 (May, 1929).

Review. *Justice and Administrative Law,* William A. Robson (1928) 27 *Michigan Law Review* 845-47 (May, 1929).

"Judicial Review of Tax Errors—Effect of Failure to Resort to Administrative Remedies," 28 *Michigan Law Review* 637-64 (April, 1930).

The Law of Administrative Tribunals, Chicago: Callaghan and Co., 757 pp. (1937); Chicago: Callaghan and Co., 731 pp. (1947); Chicago: Callaghan and Co., 747 pp. (with F. E. Cooper) (1957).

"Administrative Tribunals—Organization and Reorganization," 36 *Michigan Law Review* 533-67 (February, 1938).

Review. *Report of the President's Committee on Administrative Management,* United States, (1937) 26 *Georgia Law Journal* 801-05 (March, 1938).

"Methods of Judicial Relief from Administrative Action," 24 *American Bar Association Journal* 274-78 (April, 1938); 12 *University of Cincinnati Law Review* 225-43 (1938).

"Study and Research in Administrative Law" (Administrative Law Symposium, February 3-4, 1939) 7 *George Washington Law Review* 684-702 (April, 1939).

Committee Member. "Administrative Procedure in Government Agencies" (76th Congress, 3rd Session, *Senate Document 186*) Washington: United States Government Printing Office (1940).

"Timing of Judicial Redress from Erroneous Administrative Action," 25 *Minnesota Law Review* 560-87 (April, 1941).

"Substantial Evidence in Administrative Law," 89 *Pennsylvania Law Review* 1026-51 (June, 1941).
Committee Member. "Administrative Procedure in Government Agencies" (77th Congress, 1st Session, *Senate Document 10*) Washington: United States Government Printing Office (1941).
Committee Member. "United States Attorney General's Committee on Administrative Procedure, Final Report," Washington: United States Government Printing Office (1941).
"Judicial Review of Administrative Decisions in Michigan," 5 *University of Detroit Law Journal* 90-104 (March, 1942).
Foreword. *Review of Administrative Acts,* Armin Uhler, Ann Arbor: University of Michigan Press, 207 pp. (1942).
Chairman, Special Committee. *Model State Administrative Procedure Act, Handbook National Conference of Commissioners on Uniform State Laws,* Chicago: National Conference of Commissioners on Uniform State Laws (1946).
"Recent Developments in Administrative Law," 44 *Michigan Law Review* 797-810 (April, 1946).
"Administrative Control of Atomic Energy," 16 *Utah Bar Bulletin* 211-18 *Annual Proceedings No. 47* (January, 1947).
"The Model State Administrative Procedure Act" (state administrative procedure; a symposium with special reference to the model state administrative procedure act and Iowa agencies) 33 *Iowa Law Review* 196-209 (January, 1948).
Review. *Men and Measures in the Law,* Arthur T. Vanderbilt, 55 *Michigan Alumnus Quarterly Review* 45-54 (1948).
"Administrative Law," *Problems in Law for Law School and Bar Examination Review* (Henry W. Ballantine) 40-60, St. Paul: West Publishing Co. (1949).
Foreword. *Administrative Agencies and the Courts,* Frank E. Cooper, Ann Arbor: University of Michigan Law School (1951).
"Organization and Jurisdiction of Administrative Courts in Civil Law Countries," 3 *Administrative Law Bulletin* 88-93 (1951).
Atoms and the Law (with S. D. Estep and W. J. Pierce) Ann Arbor: University of Michigan (1959).

YNTEMA, HESSEL E. (1934-1947, 1948—)

Director. *Code of Federal Regulations,* Washington: United States Government Printing Office, 15 vols. (1938).
"Civil Air Regulations and the Code of Federal Regulations," 10 *Journal of Air Law* 42-48 (January, 1939).

KAUPER, PAUL G. (1936—)

"Validity of State Regulation of Weight and Width of Motor Trucks in Interstate Commerce" [South Carolina Highway Department v. Barnwell Brothers, 58 Sup. Ct. 510] 36 *Michigan Law Review* 1018-20 (April, 1938).
Review. *Federal Power Commission and State Utility Regulation,* Robert D. Baum (1942) 43 *Columbia Law Review* 1089-93 (November, December, 1943).

UHLER, ARMIN (1937-1938)

Review of Administrative Acts, Ann Arbor: University of Michigan Press (1942).

COOPER, FRANK E. (1947-1948, 1952—)

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CHAPTER XII

The Law Library: Books, Serials, and Manuscripts

XII: 1. THE FLETCHER GIFT: 1866

At a meeting of the Board of Regents, March 27, 1866

> Regent Knight presented a communication from the Law Faculty stating that Hon. Richard Fletcher, of Boston, had presented about eight hundred volumes of books to the Law Library; which was referred to the Committee on the Law Department.[1]

During the afternoon meeting of the Regents on the same day, Regent Knight "submitted a Report, which was laid on the table."[2]

On March 29, 1866, the report of the Committee was "taken from the table and unanimously adopted. . . ."[3] The text follows:

> The Committee on the Law Department of the University of Michigan, to whom was referred the communication of Professor Charles I. Walker, announcing the donation to the University, by the Hon. Richard Fletcher, of Boston, of his very choice and valuable Law Library, take great pleasure in recommending the adoption of the resolution herewith presented. Your Committee hail this beginning of liberal things toward this growing seminary of learning. The wise foresight which laid the foundations of a University in the wilderness has already deserved and will receive the applause of the world; but we yet need the contributions of private munificence, in order to secure and perfect the glorious work so well begun. We would manifest our appreciation of Judge Fletcher's donation, and perpetuate his memory by engraving it upon the history of the University of Michigan.
>
> *Resolved*—That this Board of Regents accept, with profound thanks, the liberal donation of his private Law Library, made by the Hon. Richard Fletcher, of Boston, to the University of Michigan, for the use of the Law Department.
>
> *Resolved*—That a copy of the resolution, and of the report of the Committee on the Law Department, duly certified by the President and Secretary, and attested by the Corporate Seal of the University, be transmitted to the Hon. Richard Fletcher.[4]

In acknowledgment of Fletcher's gift, the Regents established The Fletcher Professorship of Law at their meeting on June 28, 1866.[5]

On July 16, 1866, Fletcher acknowledged receipt of this copy, in a letter which was incorporated in the minutes of the meeting of the Regents for September 25, 1866. It stated in part:

> . . . The kind and courteous manner in which the donation of my Law Library has been accepted, is certainly highly gratifying to me. It affords me pleasure to know that the books, which I collected in the course of a long professional life, will not be scattered, but will remain together for the use of students in the Law Department of the great University of the Northwest.
>
> The Board of Regents, in giving my name to a Professorship

of Law, have conferred an honor on me which I desire most gratefully to acknowledge.[6]

Richard Fletcher, 1788-1869, Justice of the Massachusetts Supreme Court from 1848 to 1853, never married. His niece, Ella Fletcher, was the second wife of Charles Irish Walker, one of the three original members of the Law Faculty. According to the *Fletcher Genealogy: An Account of the Descendents of Robert Fletcher of Concord, Mass.* (Boston, 1871) pp. 167-68, 172-75, Richard Fletcher never married and was very much attached to his nephews and nieces to whom he gave many gifts.[7] The initial communication to the Board of Regents, announcing the Fletcher gift, was made by Walker,[8] and it seems reasonably possible to advance the hypothesis that the fact Fletcher's niece was Walker's wife was responsible for Fletcher's willingness to send his law library to the newly established Law Department at Michigan.

[1] Regents' Proceedings, 1864-1870, p. 129.
[2] *Id.*, p. 132.
[3] *Id.*, p. 139.
[4] *Ibid.*
[5] *Id.*, p. 154.
[6] *Id.*, p. 162.
[7] Information supplied by the Burton Historical Collection, Detroit Public Library, Detroit, Michigan.
[8] Regents' Proceedings, 1864-1870, p. 129.

XII:2. Law Library Statistics: 1859-1959

Sources:

1859–1860—1919–1920: *Calendar of the University of Michigan Proceedings of the Board of Regents*
1920–1921—1930–1931: *President's Report to the Board of Regents*
1931–1932—1957–1958: Law Library Records

Year	Total Volumes	Periodicals Received	Bound Volumes Added	Serials Received
1859-1860	350 c.[1]			
1860-1861				
1861-1862				
1862-1863				
1863-1864	1,600 c.[2]			
1864-1865				
1865-1866			800 c.[3]	
1866-1867				
1867-1868	3,000 c.			
1868-1869	3,000 c.			
1869-1870	3,000 c.			
1870-1871	3,000 c.			
1871-1872	3,000 c.			

Year	Total Volumes	Periodicals Received	Bound Volumes Added	Serials Received
1872-1873	3,000 c.			
1873-1874	3,000 c.			
1874-1875	3,300 c.			
1875-1876	3,500 c.			
1876-1877	3,500 c.			
1877-1878	3,500 c.			
1878-1879	3,500 c.			
1879-1880	3,500 c.			
1880-1881	4,100 c.		63	
1881-1882	4,100 c.			
1882-1883	4,120 c.			
1883-1884	4,500	8	235	
1884-1885	9,055[4]		4,000 c.	
1885-1886	9,250	10	195	
1886-1887	9,565		315	
1887-1888	9,783	7	218	
1888-1889	9,953	7	170	
1889-1890	10,208	7	265	
1890-1891	10,390	7	172	
1891-1892	10,744	7	354	
1892-1893	11,111	7	367	
1893-1894	11,465	7	354	
1894-1895	11,805	7	340	
1895-1896	12,064	12	259	
1896-1897	13,849	12	1,785	
1897-1898	14,609	12	760	
1898-1899	16,334	18	1,725	
1899-1900	18,000 c.	16	1,666	
1900-1901	18,827	18	827	
1901-1902	19,827	20	800	
1902-1903	20,170	20	543	
1903-1904	21,480	20	1,310	
1904-1905	22,495	21	1,013	
1905-1906	23,494	21	999	
1906-1907	24,425	24		
1907-1908	25,470	25		
1908-1909	27,804	25		
1909-1910	28,841	21		
1910-1911	30,321	23		
1911-1912	31,291	24		
1912-1913	31,726	30		
1913-1914	33,737	30		
1914-1915	35,102	30		
1915-1916	36,307	30		
1916-1917	37,621	30		

Year	Total Volumes	Periodicals Received	Bound Volumes Added	Serials Received
1917-1918	38,583	30		
1918-1919	40,090	55		
1919-1920	41,882	55		
1920-1921	43,935	55		
1921-1922	56,754	70		
1922-1923	59,977	70		
1923-1924	64,000			
1924-1925	66,500			
1925-1926	68,000			
1926-1927	70,000		2,546	
1927-1928	72,000		3,943	
1928-1929	80,000		8,000	
1929-1930	82,308		6,601	
1930-1931	90,000 c.			
1931-1932	95,458		14,658	
1932-1933	104,273		9,993	
1933-1934	112,086		7,909	
1934-1935	117,745	606	5,743	
1935-1936	123,989	650	6,473	
1936-1937	130,409	699	6,438	
1937-1938	137,537	856	7,471	
1938-1939	145,261	935	7,827	
1939-1940	151,269	945	6,177	
1940-1941	158,663	968	7,498	
1941-1942	166,003	956	7,507	
1942-1943	170,879	1,050	4,951	
1943-1944	177,447	1,078	6,810	
1944-1945	182,171		4,814	2,029
1945-1946	188,339		6,262	2,463
1946-1947	195,548		7,302	2,463
1947-1948	202,451		7,003	2,463
1948-1949	209,810		7,466	2,519
1949-1950	215,438		5,698	2,576
1950-1951	223,144		7,822	2,697
1951-1952	230,573		7,605	2,796
1952-1953	241,027		10,638	2,940
1953-1954	250,037		9,191	3,157
1954-1955	259,214		9,454	3,434
1955-1956	268,391		9,421	3,553
1956-1957	276,468		8,262	3,738
1957-1958	283,775		7,307	3,848
1958-1959	290,435		6,660	3,897

[1] Bradley M. Thompson, "The First Law Class," 4 Michigan Alumnus 298 at 300 (1898).

[2] Regents' Proceedings, 1837-1864, p. 1116.

[3] The Fletcher gift.

[4] The Buhl gift was responsible for this increase.

XII: 3. The Buhl Gift: 1885

Source: *Regents' Proceedings,* 1881-1886, pp. 539-43

Regent Blair, chairman of the Law Committee, submitted the following resolutions, which were adopted unanimously:

> *Resolved,* That the thanks of the Board of Regents are hereby tendered to Mr. C. H. Buhl, of Detroit, for his generous gift of a law library of five thousand volumes to the University; and
>
> *Resolved, further,* That for the purpose of more perfectly preserving the record of the transactions connected with this act, the correspondence between Mr. Buhl, the President of the University, the Law Faculty, and the students of the Law Department, be published at length in the Journal of this Board.

The following is the correspondence referred to in the resolution of Regent Blair:

MR. BUHL'S OFFER OF THE LIBRARY.

Detroit, February 9th, 1885.

Hon. James B. Angell, President of the University of Michigan:

Dear Sir,—I learn from Mr. Jas. F. Joy that the Law Library of the University is somewhat incomplete, and that additions thereto, especially in the way of Reports, are desirable and necessary.

I have a Law Library of about five thousand volumes, principally Reports, which I propose to give to the University if it will be of use. Should it be thought best to accept these books, delivery can be made at once.

Very respectfully,
C. H. Buhl

PRESIDENT ANGELL'S REPLY.

Ann Arbor, February 10, 1885.

C. H. Buhl, Esq., Detroit:

Dear Sir,—I am in receipt of your letter of yesterday, in which you announce your readiness to present to the University your Law Library of five thousand volumes, if it will be of use to us.

Allow me to thank you most heartily for your generous offer of by far the largest gift which our Law Library has ever received. We accept it with the sincerest gratitude.

To show you that it will be of great use to us, I may say that it will fill many sad gaps in our Law Library. How serious these gaps are I almost hesitate to say. But the truth is that although we have law students from all over the Union, there are thirty States and Territories which are absolutely unrepresented by a single volume of Reports. The Canadian Reports and the Irish Reports are wanting, and our English Reports and U. S. Circuit Court Reports are very defective. More text-books are also needed. Many other serious wants might be specified.

We have only 4,400 volumes in all. The Harvard Law Library numbers 25,000 volumes. The students in the law schools in Boston, New York,

Albany, Cincinnati, Chicago and St. Louis have access to the large collections in those cities.

The only considerable donation the Law Library ever received was that of the late Judge Fletcher, which numbered about 700 volumes, and it has been possible for the Regents with the funds at their disposal to increase the Library only at a very slow rate. It is obvious that our collection has been altogether inadequate to the real and pressing needs of a Law School, which usually has from 300 to 400 students, which is in fact one of the most important in the country, and which gathers its students from all parts of the United States and from the British Provinces.

You may, then, be assured that your gift, which at once more than doubles the size of our Law Library, and furnishes the kind of works we especially need, is most welcome to us. Your timely liberality will be fruitful of great good, and will be most heartily and gratefully appreciated by our students, our Faculties, the Regents, and indeed by all friends of the University.

Yours very gratefully and respectfully,
JAMES B. ANGELL.

THE LAW FACULTY TO MR. BUHL.

ANN ARBOR, February 14, 1885.

C. H. BUHL, ESQ., Detroit, Mich.:

DEAR SIR,—The undersigned, members of the Law Faculty of the University of Michigan, desire to express their grateful sense of your munificence in giving your valuable law library for the use of the Law Department. It is not only the largest acquisition ever made in our Department, but is intrinsically of great value in supplying a pressing want never yet met by the University appropriations. We have worked under great disadvantages in being confined for the students' means of reference to a comparatively small collection of works of prime necessity. We have never had the facilities needful for the extended study of jurisprudence in the Library. Our own work has had to be done by the aid of other libraries, and members of our classes who wished to follow out and verify doctrines fully, have had to do much of that work elsewhere. Your handsome donation is very encouraging, both as showing an interest in the welfare of the University and as a recognition of the importance to the community of full and liberal culture in the science which deals most directly with the peace and good order of society. Whether your good example is or is not a harbinger of further benefits from generous men, it will secure you a lasting and honored remembrance among those who best appreciate by what means the interests of communities are elevated and most surely established. Wishing you every good thing that may add to the comfort of a life well spent, we are your obliged friends and servants.

JAMES V. CAMPBELL,
WILLIAM P. WELLS,
CHARLES A. KENT,
HENRY WADE ROGERS,
HARRY B. HUTCHINS.

THE LAW STUDENTS TO MR. BUHL.

At a very enthusiastic meeting of the Law students the following resolutions were adopted:

> WHEREAS, The Law Department of the University of Michigan has been made the recipient of a gift of 5,000 volumes of valuable law books from C. H. Buhl, Esq., of Detroit; therefore be it
>
> *Resolved,* By the students of the Law Department, that a committee be appointed to express our deep sense of gratitude to Mr. Buhl for his beneficent donation and our keen appreciation of the generous motives that prompted it. Be it
>
> *Resolved, further,* That we take steps to secure a portrait of Mr. Buhl to be placed in the lecture room as a permanent memento of his munificence.

The letter which was sent to Mr. Buhl, in accordance with the above resolutions, is as follows:

C. H. BUHL, ESQ., Detroit, Michigan:

DEAR SIR.—We, the students of the Law Department of the University of Michigan, have been apprised of your magnificent donation to the library of this department, and wish to express to you our appreciation of your kind remembrance and our gratitude for your generosity.

Your gift is the most liberal in the history of this department, and adds exceedingly to the efficiency of the school in affording students a much wider field for independent investigation.

We regard this gift as a gratifying indication that the work done in this department is appreciated by our public spirited citizens and by the friends of the University.

Your worthy example is especially valuable for the inspiration it will give to our citizens at large in inducing them to make sacrifices, if need be, in support of our admirable educational system that has caused Michigan in general intelligence and culture to take such high rank among her sister States, and has rendered our community more attractive and our property more secure and valuable.

Michigan University need have no fear for the future so long as able and liberal friends like yourself are ever keeping a watchful eye on her needs.

We wish once more to express our profound sense of gratitude, and to assure you that we shall do our utmost to deserve the confidence in us which you have thus manifested.

Very respectfully yours,
D. J. HAFF,
L. M. ACKLEY,
I. N. HUNTSBERGER,
JAMES L. HAMILL,
Committee.

XII: 4. SENIOR LAW LIBRARY STAFF MEMBERS: 1859-1959

NOTE: Prior to the appointment of Joseph H. Vance as Assistant Librarian in 1883, the work of the Law Library had been handled by students, whose work appears to have been

primarily custodial. These students were referred to as "Law Librarian," but they were never appointed as such. Isaac Marston did this work between 1861 and 1863 and Levi L. Barbour between 1865 and 1867.

DIRECTOR OF THE LAW LIBRARY

1944— Hobart R. Coffey

LAW LIBRARIAN

1884-1899 Joseph H. Vance
1899-1926 Victor H. Lane
1926-1944 Hobart R. Coffey

ASSISTANT DIRECTOR OF THE LAW LIBRARY

1957— Esther Betz

ASSISTANT LIBRARIAN

1883-1884 Joseph H. Vance

ASSISTANT LAW LIBRARIAN

1899-1900 Joseph H. Vance
1901-1915 Gertrude E. Woodard
1915-1918 Elizabeth B. Steere
1920-1924 Blanche E. Harroun
1924-1927 H. Rebecca Wilson
1925-1926 Hobart R. Coffey
1928-1957 Esther Betz

CHIEF REFERENCE LIBRARIAN

1929— Bessie Margaret Johnson

CHIEF ORDER LIBRARIAN

1931— H. Rebecca Wilson

CHIEF CATALOGUE LIBRARIAN

1924-1957 Catherine M. Campbell
1957— George K. Boyce

BIBLIOGRAPHER

1945— Lilly M. Roberts

XII: 5. ARCHIVES COLLECTION, LAW LIBRARY, UNIVERSITY OF MICHIGAN: 1959

NOTE: In 1959, this Collection consisted primarily of original court records pertaining to the Michigan territorial or early statehood periods, deposited in the Law Library by the Michigan State Historical Commission. The original records were supplemented by photoduplicated copies of such court records as were considered necessary to round out the collection. In addition to the records themselves, selected illustrative material had been photoduplicated and was available, together with the extensive notes and indices to the records prepared by William Wirt Blume or under his direction in connection with his studies of the transactions of territorial courts.

RECORDS OF COURTS OF THE NORTHWEST AND INDIANA TERRITORIES

COURT OF COMMON PLEAS AT DETROIT
Files of papers (1796-1805) (1115 cases)
COURT OF GENERAL QUARTER SESSIONS AT DETROIT
Files of papers (1797-1804) (15 cases)
PROBATE COURT FOR WAYNE COUNTY
*Files of papers (1796-1805)

RECORDS OF COURTS OF THE TERRITORY OF MICHIGAN

SUPREME COURT OF THE TERRITORY OF MICHIGAN

Journal 2 (1814-1819)
Journal 3 (1819-1824)
Journal 4 (1825-1832)
Journal 5 (1833-1836)
Chancery Journal (1819-1825)
Journal—United States Cases (1815-1837)
Short Journal (1821-1825)
Office Docket (1814-1820)
Calendar 2 (1821)
Calendar 3 (1822-1823)
Calendar 4 (1824-1836)
Judgment Records A (1821-1822)
Judgment Records B (1822-1824)
Judgment Records C (1824-1831)
Digest of Court Rules (1821)
Files of papers (1805-1837) (1978 cases)

COURT OF THE ADDITIONAL JUDGE FOR THE TERRITORY OF MICHIGAN SITTING AT MICHILIMACKINAC

Docket Book: (1828-1836)
Judgment Record: Criminal (1831, 1823-1835)

* Photoduplicated copies of original records.

Judgment Record: Civil (1823-1836)
Files of Papers (1829, 1832) (2 cases)

SITTING AT PRAIRIE DU CHIEN AND MINERAL POINT

*Journal (1834-1836)
*Judgment Record (1824-1830)
*Judgment Record (1830-1831)
*Files of Papers (1825-1836)

SITTING AT GREEN BAY

*Judgment Record: Criminal (1824-1836)
*Judgment Record: Civil (1824-1836)
*Files of Papers (1824-1836)

COURT FOR THE DISTRICT OF HURON AND DETROIT

Docket (1805)
Docket (1807-1810)
Files of papers (1805-1810) (591 cases)

COUNTY COURT FOR WAYNE COUNTY

*Criminal Docket (1822-1830)
*Journal (1820-1821)
Files of papers (1815-1830) (623 cases)

CIRCUIT COURT FOR WAYNE COUNTY

*Circuit Court Calendar A (Cases 1-514)
*Circuit Court Calendar B (Cases 515-950)
*Circuit Court Journal A (1825-18)
*Circuit Court Journal B (18 -1836)
*Files of papers (1826-1836) (Case A-1 et seq.)
Files of papers (1826-1836) (85 cases)

PROBATE COURT FOR WAYNE COUNTY

*Files of papers (1805-1817)

COUNTY COURT FOR MONROE COUNTY

Files of papers (1818-1829) (74 cases)

CIRCUIT COURT FOR MONROE COUNTY

Files of papers (1828-1836) (18 cases)

JUSTICES OF THE PEACE FOR MONROE COUNTY

Files of papers (1820-1836) (109 cases)

* Photoduplicated copies of original records.

RECORDS OF COURTS OF THE STATE OF MICHIGAN

Supreme Court of the State of Michigan

First Circuit

Calendar I (1836-1851)
Calendar II (1851-1857)
Chancery Calendar (1837-1857)
Records [Journal] (1837-1847)
Records [Journal] (1848-1857)
Short Journal (1837-1851)
Files of papers (1836-1856)
Chancery files of papers (1836-1857)

Second Circuit

Judgment Records (1837-1839)

Third Circuit

Calendar (1836-1857)
Common Rule Book (1849-1855)
Journal (1837-1857)
Special Motion Book (1843-1857)
Files of papers (1836-1857)

Fourth Circuit

Calendar (1839-1857)
Journal (1839-1857)
Special Motion Book (1844-1857)
Files of papers (1839-1857)

Circuit Court for Wayne County

Files of papers (1836-1860) (91 cases)

District Court for Wayne County

Files of papers (1840-1842) (8 cases)

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