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UNIVERSITY OF MICHIGAN LAW SCHOOL

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*Law
Students'
Handbook*

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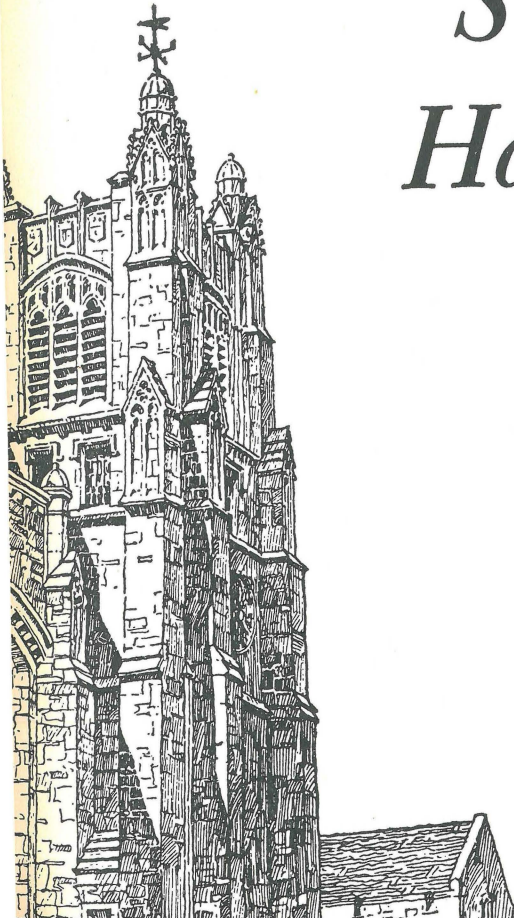
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UNIVERSITY OF MICHIGAN LAW SCHOOL

*Mich. Coll.
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Michigan University Law School.

*Law
Students'
Handbook*



UML

Foreword

This booklet has several purposes. It is designed, first of all, to help the first year student make the adjustment to what, for him, will be a new and, we hope, interesting and even exciting experience. It is also designed to assist the more sophisticated upperclassmen in such problems as curricular planning and the choice of legal career.

You will find here information on the Academic Regulations (the School's own "laws"), with which you need to be acquainted as a matter of intelligent self-interest. You will also find here a discussion of the objectives and techniques of law study and an explanation of the contents of the curriculum, with specific information on each elective course, along with suggestions as to basic points to consider in connection with curricular planning. Also included is information concerning the various intramural activities, financial aid and placement. Our aim has been to make this booklet highly practical.

To the first year student we extend our greetings. We hope you will have reason to be proud of your association with the School. The Michigan Law School has existed for almost a century. Its living graduates number some 7,800 members of the legal profession. In every state in the Union as well as in twenty-three foreign countries and United States territories our alumni reside, many in distinguished positions. Typically over two hundred colleges are represented in the student body. Michigan is, always has been, and will continue to be a truly "national" Law School. We welcome you. We hope that you will like what you find here, realize your educational objectives, develop yourself to the utmost, and become another alumnus or alumna of whom Michigan will be proud.

E. Blythe Stason
Dean

September 1, 1952

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*Planning the
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Objectives of Legal Education

This is written to help you gain an insight into the objectives which we are seeking to attain in the Law School. If you know and really understand these objectives, you will be better able to achieve them.

The really competent lawyer must be trained to engage in some very intricate intellectual processes. He must know a great deal of law—a very large number of legal “rules, principles, and standards”—but much more is involved than just learning a mass of legal doctrine. The lawyer must be able to *analyze* his client’s problems, identifying the legally operative facts and elements. This is necessary to enable him to apply the legal rules to reach a conclusion, and more often than not it is a very complex task. Moreover, he can seldom find the pertinent law written explicitly for his client’s affairs. He must be able to *derive* the applicable rules, often from a confusing welter of case law, statutes, and other legal materials. This involves knowledge and memory, and plenty of it, but it is more than just memory. Just what is involved?

The Objectives

More specifically, we expect the students in the Law School:

(1) *To acquire a working familiarity with the basic rules of the law*, consisting primarily of rules, principles, and standards derived from judicial decisions, statutes and other legal sources applicable in the fundamental legal subjects such as Contracts, Torts, Property, Trusts, Constitutional Law, Crimes, Equity, Corporations, Civil Procedure, and Evidence;

(2) *To obtain some understanding of the broad scope of the law* by making a reasonable selection from various other elective “private law” subjects such as Bills and Notes, Sales, Domestic Relations, Restitution, Insurance, Creditors’ Rights, and Securities; and also by including at least three other “public law” subjects, such as Labor Law, Taxation, Regulation of Business, Administrative Law, Municipal Corporations, and Legislation. Finally, we expect each student to get a view of the law as a broad means of social control, such as may be obtained from Jurisprudence, Comparative Law, International Law, Legal History, and other “jurisprudential” subjects;

(3) *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;

(4) *To make a long start on the mastery of certain other important legal skills, such as*

(a) *Interpretive Skill*, the process of interpreting and determining the meaning of words, phrases, clauses and provisions in statutes, constitutions, trusts, contracts, and other legal documents, a skill we develop wherever statutory or documentary language is met in our courses, for example in Constitutional Law, Trusts and Estates, Legislation, Contracts, Taxation.

(b) *Skill in Research*, the ability to "find the law" through the use of the authoritative legal materials and reference aids available in the law library, a skill we develop particularly in brief-writing for the Case Clubs (a most valuable part of the program) and Practice Court, but also in the preparation of required papers in such courses as Administrative Tribunals, Admiralty, International Law, and the various seminars. The lawyer must be able to assemble, organize and synthesize legal ideas and arguments.

(c) *Verbal Skill*, the ability to express legal ideas in concise and accurate English, oral and written—a facility essential to competent advocacy as well as to effective work in the preparation of briefs and the drafting of legal instruments of all kinds. Oral skill in this category is developed whenever the student participates in classroom discussion, but more especially is it developed in both oral and written aspects in Practice Court, the Case Clubs, and in courses requiring written papers.

(d) *Skill in Draftsmanship*, the preparation in a competent manner of technical legal documents. This includes verbal skill, but it also requires professional craftsmanship. Students draft pleadings, corporate articles, wills, statutes, etc., and so doing they learn how to express precise legal content in a minimum of words with great accuracy. Furthermore, skill in draftsmanship calls for imagination, the ability to visualize what is sought to be accomplished and a consideration of the law and the economy in which it operates. The student must take care lest his necessary concentration upon controversies, which have arisen and been decided by the courts, shall prevent his consideration of how a wiser solution of the difficulty might have been achieved by use of imaginative foresight.

So it will be observed that our objectives really include three major matters, the substance of the law, the legal method of the common law, and specific legal skills. Notwithstanding occasional critical observations to the contrary, we do not overlook the imparting of the practical work-a-day skills, although we recognize that within the time available in three all too short years we cannot make finished practitioners. Post-graduate self-education must take care of a large part of that.

The Common Law Processes

You are no doubt interested in a somewhat more detailed explanation of what we mean by training in the "fundamental processes of the common law," i.e., training in analysis and in inductive, deductive, and analogical reasoning.

The student in the course of his three years with us will study carefully approximately 4,000 judicial decisions, as well as many constitutional provisions, statutes, and other legal materials. In classroom and out he will engage again and again in the following processes:

(a) *Analysis*. He will read cases, examining their statements of facts, identifying those which are legally operative—those which produce legal results. He will observe and record in his briefs how the courts apply existing principles of law to those operative facts. He will analyze, in classroom and without, numerous hypothetical situations to determine whether or not the same legal principles should be applied with like or different results. He will be given constant and intensive training in this kind of analysis, thus preparing his mind for what the lawyer does every day with his clients' affairs—a thoroughly practical operation.

(b) *Inductive Reasoning*. Again and again, the student will study groups of related decisions handed down by courts of last resort. They may be accompanied by pertinent statutory provisions, or Law Review comments, or other legal materials. He will synthesize the legal materials thus assembled, to build up by inductive processes the mass of legal doctrine pertinent to each of his courses. As he outlines his courses he will in effect build his own textbook out of the raw materials of the common law. The lawyer does this every time he goes into the law library.

(c) *Deductive Reasoning*. Again, time after time, the student in classroom and particularly in examinations will take the rules, principles, and standards which he has derived by inductive reasoning or has otherwise acquired and will apply them to a series of classroom hypothetical situations representing the varying facts of life—just as the lawyer does every time he advises a client.

(d) *Analogical Reasoning*. Cases already decided seldom are "on all fours." Principles already evolved frequently fail to embrace new situations. It becomes necessary to determine the legal effect of such new situations by reasoning from analogy. The student will engage in this analogical process again and again and again—just as the lawyer does in his office.

Accordingly, the law school system has as one of its principal objectives developing in the student, by constant repetition, skill in analysis and in inductive, deductive, and analogical reasoning. All along the way he is also acquiring a vast knowledge of the details of

the *Corpus Juris*, the substantive and procedural law that will determine the rights and duties of clients.

What is the law student expected to do?

Although, of course, individual study habits may vary, 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, for briefing the cases, for comparing the various cases contained in each assignment, for going over notes after class, for the preparation of outlines of each course, and for 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 almost essential when it comes to

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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 plaintiff 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 outcome 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 deriv-

able from the cases, will 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 as you have studied the cases beforehand, have thought about them, 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 that 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 at any rate 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 outlines it is 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 those you buy, 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.

You will find it useful from time to time to *go over old examination questions* which you can obtain in the library. See if you can answer them intelligently. This is a splendid activity for informal discussion groups, and will both test your outlines and help you

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review for the examinations. The preliminary examinations conducted in the first year are given to test what you are able to do with what you have learned, and to help you find out what is expected at examination time. If you are not doing as well as you believe you should on these preliminary examinations, try to find out how you can improve your technique of answering law examination questions.

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. Case club work in the first year will give you a chance to see what you can do along this line, but don't confine your use of the Library to the minimum necessary to complete your case club assignments. 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.

Conclusion

The foregoing is placed before you in the belief that if you know what we are trying to do, you should be able to adjust yourself better to the classroom and examination procedures. If after you have been here a month or so you do not fully understand our objectives and the means of reaching them, you should discuss them with some member of the faculty until you do.

Selection of Courses

The primary function of the Law School is to help to train men and women for the kinds of work done by most law graduates. Most of you will spend your lives in work which requires the solution of legal problems or of problems having legal significance—in private practice, on the legal staffs of corporations, as government lawyers, or as judges or legislators. Your objective should be to acquire a well-rounded legal education, which will give you the background and skills needed for the intelligent solution of the manifold problems that come to a lawyer. You will need skill in seeing the meaning of case materials, a skill which can be acquired in the courses taken by every student; skill in handling statutory materials, a matter of increasing importance; skill in drafting legal instruments; skill in advocacy, which points to the advisability of Case Club work; and above all a balanced judgment, for as a lawyer one of your most frequent tasks will be to counsel a client wisely in the conduct of his affairs.

In most of your courses attention will be centered on two principal objectives: acquisition of knowledge of substantive law or of the procedures by which substantive issues are presented for decision; and training in the methods used in solving legal problems. In no course will you study the whole body of doctrine that has been formulated or is in process of formulation for that area of law. In your law school work as a whole you will not cover all areas of law which have been separately organized for teaching purposes. It is not necessary to a good legal education that you take all courses offered, but it is important that you select courses wisely.

First year courses

The first year courses are designed to give you an understanding of most of the basic ideas in our legal system, ideas which form the framework for the solution of many legal problems you will encounter in later courses. Along with this the first year study should start you on the way to an understanding of the workings of the common law system.

Second and third year courses—group election requirements

In the second and third years you have the task of choosing among courses. The major part of your law study is concerned with what is called "private law," in contrast with "public law." This private law is, of course, of public concern. It is formulated and enforced by public authority; its existence is essential to a well-

ordered society; and its content needs to be related to the continued realization of the values of that society. But today large parts of the legal system are concerned more directly with the relations between the state and its citizens. These matters are a significant part of the practice of most lawyers; an understanding of the problems is needed if the lawyer is to be a useful leader in his community; and for the lawyer in government, education in public law is obviously important. For these reasons you are required to take at least three courses in the "Public Law" group. In making your choices one factor should be kept in mind. The growth of public law has been accompanied by the growth of administrative agencies and much of the lawyer's practice in this area is before such agencies instead of courts. The courses in the public law group which provide the best opportunity to study law in this context are Administrative Law, Labor Law, and Regulation of Business. It is recommended that at least one of these courses be elected.

You are required also to take at least one course from the "Jurisprudential Group." A well-educated lawyer should be able to see the legal system in a perspective broader in its horizons than usually results from the study of a particular subject matter. There is no course which can provide a whole view of the legal system, but the courses in the Jurisprudential Group are designed to broaden your perspective as well as deepen your insight. A lawyer should be educated in that aspect of organized society with which he is directly concerned.

Among the wholly elective courses there are some which are recommended for most students. This recommendation does not take into account the special interests or objectives of some students. In the absence of special factors, it is suggested that you elect Bills and Notes, Business Associations I and II, Equity II, Restitution, all preferably in the second year, and Conflict of Laws I and II in the third year.

Elections involving Statute Law

Statutes are of increasing importance, both in public and private law, and you need to acquire skill in dealing with them. In a number of courses the basic legal materials are largely statutory, particularly in Bills and Notes, Creditors' Rights, Regulation of Business, Sales and Taxation I and II. Your study in the first year is centered upon judge-made law. It is advisable in the second year to elect a course which will provide an introduction to the use of statutory materials and for this reason Bills and Notes is recommended as a second year course. In addition to the subjects mentioned above, the course in Legislation gives an opportunity for systematic study of statutory construction and the legislative process.

Legal Draftsmanship

To a considerable extent, skill in the preparation of legal documents is a by-product of your general education in law school and before. But the opportunity is offered, and should not be overlooked, to do such work in some courses, particularly Administrative Tribunals, Corporate Organization, Legal Writing, and Taxation I and II.

Academic Counseling

Finally, in selecting courses you should take account of your own interests. The stimulation that comes from doing work you like should not be neglected. And when you need advice, faculty counselors are always available.

Descriptions of Elective Courses

Administrative Tribunals

This course involves a study of the powers and practices of such agencies as the Interstate Commerce Commission, the Federal Trade Commission, the National Labor Relations Board, and the numerous other federal and state agencies exercising either rule-making powers, or quasi-judicial authority, or both. The principal subdivisions of the subject matter are: (1) constitutional and statutory limits upon agency powers; (2) procedure before agencies in connection with rule-making and adjudication; and, (3) extent and manner of judicial review of administrative rules and orders. Since the bulk of administrative practice is concentrated in the larger centers of population, the course should prove especially useful to those who expect to practice in such places, either engaging in corporate work or entering the general practice of law. For those who are inclined toward government service the course is virtually a necessity. The subject matter is procedural in large part, but it has a strong constitutional flavor. It embraces one of the newer and more dynamic areas of the law.

It is desirable that Constitutional Law be taken prior to electing Administrative Law or at least be taken concurrently therewith. A term paper dealing with a specific administrative agency of the student's choice is required as a part of the course.

Admiralty

This is an intensive introduction to some major fields of American maritime law, such as: Admiralty jurisdiction (what are navigable waters? what are "vessels"? what torts and contracts are

“maritime”?); nature of maritime liens, causes giving rise to them, priorities among liens; rights of seamen to maintenance and cure, to damages for unseaworthiness and under the Jones Act for negligence; workmen’s compensation for maritime and “amphibious” workers; carriage of goods by sea; charter parties; general average; salvage; collision; and limitation of liability. Marine insurance is not covered unless there is spare time, and only the barest introduction to admiralty pleading is attempted. Throughout, attention is called to historical and economic bases for peculiar doctrines of maritime law, and comparison made with differing approach of the common law to many questions.

A feature of the course is preparation by students of memoranda of law on several problems, calling for Law Library work as well as the use of casebook material. In consequence much more work is done than for most two-hour courses, but students may feel repaid by practice obtained in using law books and in doing legal writing.

The course is of direct value to those who wish to practice Admiralty, either with specializing firms in big ports or as part of general practice elsewhere on navigable waters (ocean, Great Lakes, inland rivers). It is also desirable background for any wishing to specialize in air law or in international law, and of some value as a “comparative law” course for those who wish to see differences and similarities between our common law and another legal system, and to try to find out some of the reasons for the differences.

There are no specific prerequisites, although Constitutional Law is desirable. Second year students find more time for the “problem work” than those in their final law-school semester, though seniors find it some help to have had Conflict of Laws and perhaps Civil Procedure II and III. Maritime experience, or acquaintance with waterfront activities and/or maritime commerce, is *not* a prerequisite, but may help students to get more out of the course, and may assist in getting employment in Admiralty offices.

Bills and Notes

The uses of credit instruments, particularly bills of exchange (including checks) and promissory notes (including bonds), in present-day business transactions is studied. The emphasis, of course, is placed upon the legal problems that arise out of the use of these instruments. The special and significant qualities of negotiable paper bulk large in the course. This means that attention must be given to the determination of what instruments of the character above referred to have the negotiable quality and what that quality signifies in the way of legal results, particularly in respect to the liability of parties and methods of negotiation.

No student should attempt this course unless he has had the

courses in Contracts and at least first-year Property. The problems of the course cut across other fields besides those just mentioned; therefore a student should not elect the course until he has completed at least the first year of law study. If his program works out in such a way that he can take this course after having had two years of law study, he will be in an even better position to understand it. The course is normally taken by second-year students.

In terms of desirability, this course is not to be compared with those in Contracts, Torts, Property, and the basic course in Procedure. The material considered is, however, useful in the practice of almost all lawyers. Questions involving bills and notes may readily arise in the practice even of a very new and inexperienced lawyer, and clients often expect to receive answers in this field almost immediately, leaving little, if any, opportunity for investigation before an answer is hazarded. One of the chief values of the course, in addition to the legal doctrines that are brought out, is the inevitable acquaintance with business practices and transactions out of which so often these instruments arise.

Business Associations I

The first part of this course involves an examination of the characteristics of partnerships, joint adventures, limited partnerships, joint stock associations, business trusts and private business corporations (hereafter referred to as corporations), and the promotion and financing of corporations. As a part of the development of financing corporations, substantial emphasis is placed on understanding balance sheets and income statements, underwriting agreements, and the securities acts. In covering shareholders' subscriptions and their obligations to pay for shares, the study is again limited to corporations. However, in exploring the nature of proprietary rights some time is devoted to partnerships as well as corporations. The purpose of the latter materials is to understand the relation of the proprietor to the business unit and the business unit itself in its functioning. This course is desirable for any student who plans to practice law. It cannot be taken until the second year.

Business Associations II

This course continues the development started in Business Associations I and treats only of private corporations. It starts with problems of shareholders' control of corporations and how this control is exercised through the voting process. Successively thereafter are developed problems relating to dividends, preemption, changing proprietary relations, shareholders' suits, transfer of shares, agency, directors' profits and their fiduciary relations to the unit and to shareholders, and the powers of the corporation and scope

of its business. The problems treated in this course are those of the functioning unit except for the agency materials. Agency receives sufficient attention for an understanding of the creation of the relation, the doctrines of ratification and undisclosed principal and the termination of authority. This course cannot be taken until the student has completed Business Associations I.

Business Associations III

Problems that might be called those of extraordinary corporate finance are taken up, continuing the consideration of business units undertaken in Business Associations I and II. The problems in three general areas are dealt with: (1) expansion, (2) termination, and (3) reorganization. Of the methods of expansion, almost exclusive attention is given consolidation and merger. Termination is considered, first, as a device used by the state to end corporate existence involuntarily; second, as a method used by the majority shareholders to end the venture; and third, as a means of relief from intra-corporate abuse on suit by minority shareholders. Reorganization is treated, first, as a voluntary process undertaken by the shareholders without judicial supervision. This includes the use of sale of assets, charter amendment, creditor arrangements, contractual provisions, and state statutory provisions. Involuntary reorganization is concerned, incidentally, with equity receiverships; primarily, with reorganization under Chapter X of the Bankruptcy Act.

This course is important mainly to students preparing themselves for what they believe will be a more or less exclusively corporate practice. The problems considered in this course are not usually met in a general non-corporate practice.

Business Associations I and II are prerequisites. It is useful, though not necessary, that Creditors' Rights be studied before or concurrently.

Civil Procedure III

The object of the course is to acquaint the student with the basic problems faced by lawyers in the trial of cases to courts and juries and the appeal of cases, and to assist them in reaching a solution to these problems based upon the statutes and rules of the United States courts and the courts of a state of his choosing, together with general judge-made law. The materials used are statutes, rules, cases, text and problems. The course covers the following general problems:

1. Preparation of a case for trial
 - a. The techniques of fact investigation without the aid of the judicial process

- b. The discovery procedure available under the court rules
 - c. The pre-trial conference procedure
- 2. The problems of jury selection
 - a. Meaning of right to jury trial
 - b. Qualification of jurors
 - c. Method and techniques of jury examination and selection, challenges for cause and peremptory challenges
- 3. Opening the case to the court and jury
- 4. Problems arising during trial proper (continuance, mistrial, etc.)
- 5. Pre-verdict motions for determination
 - A full treatment of the motion for directed verdict and its place in the administration of justice; when and how made; issues raised by, quantum of evidence to defeat, and its relationship to the right to jury trial
- 6. Final arguments
- 7. Instructions
 - Relationship of instructions to the right of trial by jury; right to comment on the evidence; forms of instructions; statement of issues; instructions on the law; cautionary instructions; definitive instructions; duty instructions; necessity for request
- 8. Verdict
 - Verdict forms; general verdict problems; special verdict problems; problems raised by general verdict and interrogatories; impeaching a verdict
- 9. Post-verdict motions
 - a. Motion judgment notwithstanding the verdict; relationship to jury trial and motion for directed verdict; right to and need for, joinder with motion for new trial.
 - b. Motion for new trial
 - Right to new trial; necessity for such motion; partial new trial; additur and remittitur; grounds for; quantum of evidence
- 10. Review
 - a. Motions of appeal
 - b. Record
 - c. Assignment of error
 - d. Briefs and arguments
 - e. Disposition of case on appeal
 - f. Power of appellate court to stay proceedings pending appeal

All persons who plan to practice law in the traditional sense should consider this course a "must."

Comparative Law

The historical evolution and main divergences in legal method of the Anglo-American common law and two European legal systems (the French and German) that have been derived from Roman law are surveyed. Historical processes, culminating in the great modern codifications, are first described and analyzed. This general survey includes the main sources of law in the Roman empire, the role of the courts and the legal profession in the intermediate period, and the influence of this experience on lawyers' attitudes under the modern European codes. Some of the problems produced by codification are then studied in detail, with translated cases and excerpts from legal commentaries; the topics used for this purpose being specific performance of obligations (contract and tort) and the effect of mistake on contract obligations. The second of these topics is expected to be changed from year to year. In addition each student is required to investigate independently and report in class on an assigned problem, usually some general problem of legal method suggested by the materials. Text and cases are all translated. Knowledge of a foreign language is not required, though a reading knowledge of French, German or Spanish is useful.

No one can derive from this course any information that could be immediately useful in law practice in this country or abroad. The object is to provide perspective, both historical and theoretical, on the main problems of legal method in modern American law and on the historical factors that have influenced modern attitudes. The course has no prerequisites and is not a prerequisite to anything else. It should not be taken before the third year without good reasons.

Conflict of Laws I (Jurisdiction)

This course is designed to provide a general survey of the problems connected with the prosecution of foreign claims, excepting the doctrines respecting choice of law, which are treated in Conflict of Laws II. Among the topics covered are: the recognition and enforcement of foreign judgments, constitutional and international standards of jurisdiction, methods of interstate and international judicial assistance, proof of foreign acts and records, commercial arbitration, and the problems arising from concurrent proceedings in a number of jurisdictions, particularly those relating to the administration of foreign estates. For the purposes of this course, knowledge of the jurisdictional concepts presented in Civil Procedure II is assumed, and special attention is given to their application in interstate and international litigation, including matrimonial and other special types of actions, to the effect of the Full Faith and Credit Clause and other constitutional provisions, and to

the operation of the principles of res judicata in reference to foreign judgments. The latter part of the course, concerned with the administration of foreign estates, includes consideration of the rules affecting foreign administrators as well as questions of jurisdiction and choice of law concerning decedents', trust, and insolvent estates involving numerous jurisdictions.

This course is recommended for students preparing for active interstate or international practice, and those specializing in conflict of laws, international law, constitutional law, and the wider aspects of procedure. The course is open as an elective to second and third year, as well as to graduate students, and may appropriately be taken in the second year. No special prerequisites.

Conflict of Laws II (Choice of Law)

The special problems of choice of law in interstate and international litigation are dealt with. The course includes consideration of (a) the concepts of "procedure," penal causes of action, and public policy, limiting reference to foreign law, (b) methods of analyzing conflict of laws rules, including characterization and renvoi, (c) the rules of choice of law in particular types of cases, (d) the constitutional problems involved in choice of law, and (e) the analogous questions with respect to application of state law in federal courts.

The subject matter is of practical and theoretical value, and should be included in a well-rounded legal education. Accordingly, in the absence of special considerations, it is recommended that the course should be generally elected. As knowledge of the basic substantive law courses is assumed, this course is open only to senior and graduate students unless special permission is first obtained from the instructors in charge. Apart from this requirement, there are no prerequisites, and the course may be elected by students who have not taken Conflict of Laws I.

Corporate Organization

The major portion of the course consists of a detailed study of the business and legal problems involved in organizing a business corporation and conducting its affairs in the initial stages of its operations. The work centers around a specified set of facts and includes the selection of the state of incorporation; preparation and filing of articles of incorporation; preparation of by-laws; holding the first meeting of incorporators or shareholders; preparation of an intercorporate contract; holding the first meeting of the board of directors; calling and conducting a special meeting of shareholders; preparation of notice, proxy and proxy statement; and

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preparation and filing of amendments of articles of incorporation. Particular emphasis is placed upon the content and draftsmanship of the appropriate legal documents. An intensive study of the applicable statutes and regulations is required.

In addition to the foregoing, consideration is given to some of the business and legal problems of corporate finance, including the registration or qualification of securities under applicable Federal and state laws and the general structure and content of a corporate mortgage. The students work in small groups and the drafting of each group is analyzed and appraised in class and group meetings.

The course will be useful to those intending to engage in the general practice of law as well as to those who plan to engage in concentrated corporate practice. Because of its limited scope, it is not considered that the course is essential to a well-rounded legal education. The course can be taken only by seniors. The completion of Business Associations I and II is a necessary prerequisite. No student is permitted to elect the course whose honor point average is less than 2.0.

Creditors' Rights

"Creditors' Rights is not an altogether satisfactory name for . . . [this] course, because much more attention will be given to remedies than to rights. Yet it would not do to call the course Creditors' Remedies, for this would definitely suggest procedures initiated by creditors, whereas the course is quite as much concerned with procedures initiated by debtors" (Professor E. N. Durfee).

From another point of view, the course can be broken down into three closely related parts. The first of these involves a study of those individual procedures which are designed to facilitate collection of a debt. These include execution, attachment, garnishment and the creditor's bill. Two questions common to all four of these are considered: (1) What types of property can be reached by a particular procedure; and (2) what system of priority will be applied as between creditors in connection with such procedure? The second part of the course more closely resembles a study of substantive law, and concerns those transfers of a debtor which are characterized as fraudulent conveyances. The third part concerns collective procedures in which more than one creditor will participate. These include general assignments, creditors' agreements, receivership and bankruptcy.

Almost one-half of the time spent in the course is devoted to a study of bankruptcy. This study involves a consideration of four matters: (1) The types of procedures provided for in the bankruptcy act, such as proceedings calling for liquidation, corporate reorganization, composition, and the development of a wage earner's

plan; (2) the types of assets which can be reached by collective procedures; (3) the types of claims which will participate; and (4) the notion of discharge and related concepts.

The course is of practical value in preparation for the general practice of law, and for corporate practice. It is not an essential prerequisite for other courses in the curriculum, except possibly Business Associations III, and it is good background for Securities.

There are no special prerequisites, but the course is limited to third year students.

Domestic Relations

The course covers the following: The promise to marry and remedies for the breach of such promise; acts of third parties inducing or preventing marriage; the formal requisites of marriage; annulment; grounds for divorce and defenses in divorce suits; property, conveyances and contracts of married women; marital support; alimony; the liability of husband and wife for torts and crimes; the obligation of a parent to support a child; the right of a parent to custody, services, and earnings; legitimacy; adoption; and guardianship.

The course is not open to any first year students except those who entered in the summer. These latter should be able to handle the course, but they will meet stiff competition from the upper classmen who have had one or two years' previous work. The subject of Domestic Relations cuts across many fields—property, contracts, torts, criminal law, equity, legal history, trusts, constitutional law, etc. As a general rule, few should attempt the course before the first semester of the second year.

In all modern legal systems the law of Persons or Domestic Relations forms one of the three or four main divisions. It is, of course, a more limited field than obligations (contracts) or property. Some knowledge of the law of the family would seem to be essential to a well rounded legal education.

Most of the topics considered in the course will not be touched on in other courses. Family law, for example, is one of the very few subjects which involves the important concept of rights and obligations arising out of status as distinguished from contract.

At least one state (Ohio) requires the satisfactory completion of a formal law school course in Domestic Relations as a prerequisite to taking the bar. There is no way of meeting this requirement except by taking a course and passing it with a C grade or better. Other states have no such hard and fast rule, although they may include Domestic Relations as one of the subjects in their bar examinations. A student who has not taken a law school course in the subject will probably be able to work up the subject for himself, as he will have to do with certain other subjects. Few students who

select a balanced course in the law school will be able to include all the courses which will be covered in their local bar examination.

Almost all lawyers in general practice, and many also in specialized practice, will meet with problems involving family law. A knowledge of the subject is consequently of genuine practical value. This knowledge, however, need not be gained in a formal course—it can be acquired by any student or lawyer who is willing to devote the necessary time to independent study.

Equity II

Remedial problems of equity, with emphasis on equitable relief against tort are the subject of study here. After a brief review of pleading and proof in equity (including the effects of constitutional guarantees of jury trial), considerable attention is paid to the framing, amending, vacating and enforcement of equitable decrees. This section involves doctrines of *res judicata*, the contempt power both civil and criminal, the limits of judicial power both as to subject matter and non-represented parties, and problems of extra-territorial enforcement. A section described as equitable control of litigation then deals with the injunction as a means of restricting vexatious litigation, either through repeated relitigation of the same issues between the same parties, or because common law rules of joinder preclude consolidation, or because rules of venue permit suit at a distant and inconvenient forum. There is a limited treatment of *quia timet* cancellation, removal of cloud on title, and interpleader, and the remaining third of the course is devoted to injunctive remedies against tort (threatened injuries to land, goods, and interests of personality).

The remedial problems considered are likely to arise in practice and cannot be studied readily through any treatises or other published material. The course is useful to the practitioner. It is not indispensable.

There are no prerequisites and the course is not a prerequisite to any other.

Fiduciary Administration

This course involves a comparative study of the administration of trust estates and of decedents' estates. It begins with an introduction to probate procedure. Most of the remainder of the course is devoted to a study of problems of substantive law, such as the qualifications of fiduciaries, corporate fiduciaries, creditors' claims, investments of fiduciaries, problems arising when a fiduciary carries on a business, allocation of benefits and burdens between life tenant and remainderman, liabilities arising from a breach of fiduciary duty.

A knowledge of the subject matter of the course is essential in a general practice of law. Most of the principles, however, are not difficult to master after the student has completed his law course, and are not essential to an understanding of the legal system as a whole. Moreover, since probate procedure is to a large extent local law, only a limited amount of instruction in probate procedure can be given in this course. On the other hand, if a student expects to begin the general practice of law without being associated with a more experienced lawyer, he will find this course extremely valuable. It should be taken by the student who wishes to specialize in trusts and estates. If a choice must be made between taking this course, or taking Trusts and Estates II, the latter course should be taken.

A prerequisite is Trusts and Estates I.

Insurance Law

Some of the most important rules and principles governing this important loss-spreading device are examined. Clearer understanding of the problems most frequently encountered in litigation is facilitated by a brief introductory study of the various forms of insurance organizations and the measures adopted for their regulation. Primary consideration is given to the principles relating to the interests protected by insurance, devices utilized by the carrier for the selection and control of risks, and selected problems in marketing insurance protection. Emphasis is placed upon problems common to all forms of insurance rather than upon distinctions of the forms themselves.

The course will be of benefit to the prospective specialist in insurance work and to the general practitioner who will be called upon to advise clients as to their rights under insurance contracts and to participate in litigation against or on behalf of insurance carriers.

The course may be taken in either the second or third year and requires no prerequisite except the general course in Contracts.

International Law

This is an introduction to international law as applied between independent nations and in American courts, through study of decisions of national and international courts, diplomatic negotiations, treaties, formal governmental views, etc. Problems taken up relate to: Sources, development, authority, and application of international law; states as "international persons"; recognition, and effects of recognition and non-recognition; acquisition and extent of territorial authority, including boundaries and territorial waters; nationality; jurisdiction over nationals, territory, and vessels; im-

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munities; making, enforcement, interpretation, and termination of treaties; certain aspects of war and neutrality, including war crimes trials. This is not a course in international relations (such as taught in Political Science), nor in international organization (though attention is paid to the United Nations, etc.; a separate seminar in international organization problems is proposed). This is an introductory course, and not to be confused with the Seminar in International Law, where a research paper is required.

The purposes of the course are: (1) Specific professional training for legal jobs, in Government or private practice, which involve international law; (2) to help lawyers have enough intelligent understanding of international legal matters to be able to help guide public opinion effectively on legal aspects of international affairs; (3) to give a better understanding of the "world community"; and (4) to improve understanding of the nature, growth and functioning of law in general through comparison of the international law system with the private law system which the student knows.

There are no special prerequisites, though completion of Constitutional Law helps. Both second and third year students may take the course, it being recommended for the second year for any students with special interest in the field, so that the Seminar in International Law may be taken in the third year. Completion of the course is a normal prerequisite for the Seminar. Those taking the proposed International Organization Seminar must have completed, or take concurrently, this course. The course is also usually open to qualified students in the Graduate School, with permission of the instructor. Students who have had college courses in international law may find some duplication, but approach and materials will usually differ enough to justify taking this course. In case of doubt on this point, the instructor will be glad to discuss possibilities of taking the Seminar instead, or of accompanying this course with additional readings, etc.

Jurisprudence

Jurisprudence is the name for various kinds of legal study. Jurisprudence is sometimes used as the caption for a course in Legal Philosophy—a course in which basic legal theories are considered and compared and in which the general ideas of specific writers or schools of writers are expounded. Jurisprudence is also sometimes applied to the study of legal history and is then called more specifically Historical Jurisprudence. Or the emphasis in a course in jurisprudence may be put on the evolution and development of legal institutions or of legal systems, rather than upon their history. Here the name Sociological Jurisprudence or the designation Law in Society is frequently used. Finally jurisprudence can be used as

the name for the analytical study of existing legal institutions. In this sense jurisprudence is concerned with the structure and functioning of the legal system, and this is the sense in which the term jurisprudence is applied in the present course. The course is essentially a study of Legal Method. While some comparisons are to be made with other legal systems, chief attention is given to the legal methods employed in the existing American system of law.

More specifically, the course deals with the following topics: The role of language in legal work; the standards provided by law for the guidance of individual and official acts; important legal conceptions, such as rights, duties, powers, privileges and liabilities; the nature and functions of definitions and legal classifications; the fact finding process, including a discussion of the role of presumptions; the legislative process, and the process through which legislation is interpreted; the process of adjudication, including a discussion of judicial law-making and of the doctrine of precedent; the thinking process through which legal problems are solved; and finally, the means and methods through which legal policies are formulated and determined.

The course is thoroughly practical in purpose. It is intended to familiarize the student with the common procedures which lawyers use in their work. A real understanding of these procedures is no less important to the lawyer than a firm grasp of medical and surgical procedures is to the doctor. The subject matter of the course is developed through the discussion of cases and excerpts from various writers. These materials are handled in class in about the same way that cases are used as a basis for discussion in the ordinary law course.

Jurisprudence can be elected in either the second or the third year. There is no prerequisite other than completion of one year of legal study.

Labor Law

The term "Labor Law" literally includes all branches of the law dealing with the employment relationship, and thus encompasses such matters as wage and hour standards, social security, workmen's compensation, "fair employment" requirements, union-management relations, relations between unions, and internal union problems. As a practical matter, however, a single course in Labor Law cannot possibly be given a coverage as broad as this. Those matters are selected and treated which are perhaps of greatest interest and importance and which the student would find it least feasible to develop "on his own."

The course concentrates on the legal problems surrounding the development of unionism and the institution of collective bargain-

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ing. Broadly speaking, five areas within this field are covered: (1) Legal rights and limitations on employers and unions in connection with the union organizing process; (2) legal limitations on the use of collective action by labor organizations to achieve their bargaining and other objectives; (3) the problem of the labor dispute in critical occupations and industries, and present and proposed solutions; (4) collective bargaining—techniques, subject matter and legal aspects; (5) the institutional problems of unionism. Much use is made of background and other “non-law” material, since the work of the labor lawyer extends far beyond counseling on strictly legal matters and representing parties in litigation and other formal proceedings. Considerable attention is paid to the important labor relations legislation (e.g., the Norris-LaGuardia Anti-Injunction Act of 1932, The Railway Labor Act, and the “Taft-Hartley Act” of 1947).

The course is available as an elective to second and third year students, and is one of the so-called “public law” group. It is desirable, though not absolutely mandatory, that a student shall have had Constitutional Law before taking the course.

The study of Labor Law has an obvious practical utility for students who expect to practice labor law or engage broadly in corporate practice. Like Taxation, Labor Law is a field in which the legal advisor to the corporation must be equipped to give service. Beyond that, the lawyer and law student, whether or not he expects to practice in the field of labor relations, should have a minimal objective familiarity with the important social, economic and political problems thrown up by the development of trade unionism if he is to be an adequate “lawyer-citizen” in his community.

Legal Writing

Legal Writing is a course in which the group starts out with a transcript of testimony setting forth the factual situation involved in a case which has been litigated. With respect to this case, members of the group prepare: (1) An opinion to their client; (2) a letter to opposing counsel; (3) a complaint; and (4) an appellate brief. Particular attention is paid to the differing styles of language which are most effective in these several types of document—e.g., simplicity and clarity in opinions, persuasiveness in appellate briefs, hard precision in pleadings, etc. In addition, there are writing assignments involving the drafting of a contract, a will, and a statute.

The drafting problems involved in these assignments are made the subject of group discussion, and the documents drafted by each member of the group are individually discussed and criticized. Throughout the course, emphasis is placed on the matter of effectiveness of presentation.

The course affords practice in the sort of work which the individual will be doing if he engages in the general practice of law in either a large or a small law office.

The course may be taken in either the second or the third year. Some students favor taking the course in the second year, in the belief that it aids them in case club and practice court work.

Legislation

The content of this course is chosen for the purpose of acquainting the law student with statutes and with the statutory problems which the *lawyer in practice* meets. Consequently no detailed study is made of legislative organization and procedure, though about one hour is spent reviewing such political science materials in so far as they affect the lawyer's job of interpreting statutes.

The course is divided roughly into two parts. In the first part a study is made of some special problems of a non-interpretative nature but with which the practicing lawyer must deal in handling statutes. While they are problems which are important to the legislative draftsman and counsel and to legislators, they are studied primarily from the standpoint of the practicing lawyer. This part includes a study of: (1) Constitutional limitations on legislative procedure and drafting (e.g., title and enacting clause requirements, inclusion by reference, effect of exceptions, provisos and savings clauses); (2) place of the legislature, executive and the electorate (initiative and referendum) in the enacting process; (3) rules governing attack on the textual or procedural regularity of statutes; (4) constitutional limitations on special legislation; (5) problems arising out of specific kinds of statutes such as amendments and repeals, revisions and compilations, uniform laws, resolutions, etc.

The second part of the course deals with the problems of statutory interpretation in the belief that, while each case calls for different considerations, there are discernable trends and principles of general application which the lawyer should be able to recognize and use in dealing with statutory materials. This includes a study of *intrinsic* aids to interpretation such as titles, preambles, definition clauses, words and context, and marginal notes, and of *extrinsic* aids such as statutes in *para materia*, the common law, previous judicial interpretation, administrative interpretation, contemporary scene material, and legislative history (e.g., committee debates and reports). A study is also made of some special problems of interpretation such as incomplete expression, indefiniteness of expression, presumptions of strict and liberal construction, interpreting to make constitutional, etc. At the end of the course a cursory study is made of drafting techniques, including criticism and revision of actual statutes.

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The course, relatively speaking, is very new in law school curriculums and of necessity is taught with much more of a jurisprudential approach than many of the traditional courses. The concepts studied are not particularly difficult to understand but are of extreme importance already to the practicing lawyer and are growing more so as our case law is rapidly being replaced by statutory rules. In addition, both because the concepts are relatively new even to the courts and because they are so jurisprudential in their nature, it is very important to develop an *overall perspective*, something that is a difficult and long process once the lawyer is in active practice. This part of the course is approached with the purpose of helping the law student develop such a perspective and understanding of the validity of the various concepts used by the courts in interpreting statutes.

It is recommended that the course be taken in the spring semester of the second year. The student will have had Constitutional Law by this time and yet the study will be early enough to be of help while taking some of the courses which emphasize statutory materials greatly, such as Creditors' Rights, Taxation, Regulation of Business, and Labor Law.

Municipal Corporations

This course deals with relations between state and local governments, including a study of the local autonomy secured by constitutional home rule provisions; the source, scope and interpretation of the powers of municipal governments, including licensing, zoning, and appropriation of funds; the creation and enforcement of municipal contracts; municipal finance (bonds, warrants, special assessments, debt limitations); municipal tort liability; and control of streets, highways and municipally owned property.

The course should normally be elected in the third year, and both Constitutional Law and Restitution are desirable, but not essential, prerequisites. The course is particularly helpful to those who plan to practice in small or medium-sized communities. It is somewhat more confined in scope than other public law courses such as Labor Law, Regulation of Business, Administrative Tribunals, Legislation, or Taxation, and those students who elect the minimum of three public law courses may wish to defer to courses of broader coverage, unless individual interests dictate otherwise.

Patent Law

Practice in the field of patent law falls into two fairly distinct divisions: The obtaining of patents from the government; and the dealing with patents which have been issued. In the field of drafting patent applications the attorney must be able to comprehend the

self-styled inventor's claims in all sorts of highly technical subjects such as chemistry and electronics. Though he need not himself be an expert, he must at least comprehend the language of polymers and electrons as well as that of shafts and cams. When the attorney has truly grasped the claimant's idea, he must put it into precisely accurate, yet clearly understandable, written English. For this field of patent practice, training in science, or a background of engineering knowledge, seems desirable.

But when the patent application has been granted and a patent issued, the problems concerning it fall into the realm of law rather than of science. The attorney, it is true, must be competent to explain to a court the precise idea covered by the patent and its difference from related ideas; but for this he will have the assistance of expert witnesses and specialists in the field concerned. As a layman himself, he can well understand the court's difficulties of apprehension and may more effectively solve them than an expert dealing directly with the judge could do. Though the validity of a patent depends in very large part on something vaguely known as "inventive genius," its presence or absence is determined by the same judges who settle other problems in the law and by the same juridical methods. In this field the engineering-trained attorney is no better off than other competent lawyers. Contracts, licenses and assignments relating to patent rights involve problems which can be satisfactorily dealt with only by attorneys well trained in the whole field of law. That is true also of the procedure in actions for infringement, and determination of damages.

The course in Patent Law is not designed to teach students the art of patent solicitation, though it is a good basis for further study in that field, but rather to give them competence in handling the problems which arise after a patent has been issued.

Regulation of Business

Those phases of business regulation which are broadly encompassed under the headings "unfair competition" and "restraint of trade and monopoly," are considered in this course. Under the first heading are such matters as the law of trademarks and trade names, legal standards with respect to advertising, and interference with business relationships. Under the second heading are considered restraint of trade and monopoly at common law and under the anti-trust laws (primarily the Sherman Act, Clayton Act and Federal Trade Commission Act), boycotts, exclusive dealing arrangements and price discrimination practices. The restraint of trade and anti-trust material deals with such matters as price fixing and market sharing arrangements, corporate integration and "patents and anti-trust."

The course is available as an elective to second and third year students. It is desirable, although not mandatory, that a student shall have had Constitutional Law before taking the course.

The course may be said to have the most practical utility to the student who expects to go into corporate law practice, since the legal advisor to corporations must be prepared to handle matters in this area of the law. Indeed, the modern corporate law firm has a great deal of practice in this field. Beyond these practical considerations, the course, like Labor Law, may be said to have a broadening aspect which may commend it to the student whether or not he expects to be a corporation lawyer, since it deals with the basic premises of our economic system and involves consideration of problems, such as the concentration of economic power, which are important to every citizen.

Restitution

Studied in this course are the grounds for, and remedies for accomplishing restitution for the prevention of unjust enrichment. First, there is a review of the legal remedy of quasi-contract and the equitable remedies of accounting, constructive trust, remedial lien and subrogation, in situations where some kind of substantive liability quite clearly exists. The same review of restitution remedies is then undertaken as to contracts induced by fraud. Problems arising in fraud cases through the necessity for rescinding formally valid agreements are then considered, especially the necessity for restoring values received by the defrauded party and election of remedies; and finally the substantive elements of misrepresentation with cross-reference to modern developments in the damage remedies are taken up. After fraud as ground for restitution come substantial breach of contract (including the effect of default by the party seeking restitution), impossibility, and mistake, with considerable emphasis on the equitable remedy of reformation for mistake in integration. The study of substantial breach, impossibility and mistake is an extension and development of the first-year course in Contracts. The attempt is always made (seldom with success), to consider illegality as ground for or obstacle to restitution and the important modern development of duress doctrines.

Restitution remedies, legal and equitable, have developed rapidly in recent decades and enter very largely into the work of any practicing lawyer. No adequate comprehensive text has ever been written and many lawyers are quite unaware of the great possibilities of modern restitution remedies. The course is believed to have much value for the practitioner and to contribute needed perspective.

There is no prerequisite except first-year Contracts. It seems preferable to take the course in the second year. It is not a specific

prerequisite for any other second or third year course but can contribute to the understanding of much of the work taken later in the Law School.

Sales

The rights, duties and remedies growing out of contracts for transfer of title to personal property are the subject matter of this course. It is not concerned with problems of validity of the contract, which will have been covered by the course in Contracts. It does not deal with the effect of leases, or mortgages, or other transactions not intended to affect the ownership of chattels. It does, however, treat the performance, operation and effect of contracts for sale of chattels more in detail than does the Contracts course. Specifically, it covers such matters as performance of the contract through transfer of title; the seller's remedies against the buyer after title has passed, or when the buyer refuses to accept title; the seller's obligations as to quality and condition of the goods sold; his liability growing out of representations or warranties, express or implied; the buyer's remedies in case of breach of contract by the seller, or inaccuracy of the seller's representations; the rights and remedies of third persons who have relied upon possession in the buyer before he acquired title, or on continued possession in the seller after he had transferred title, or have been adversely affected by the seller's representations concerning quality or character of the goods.

Securities

The course covers two subjects which at first glance would seem to have little in common except that they both involve a type of security device. The first subject can conveniently be called "property security" in the sense that it involves a study of transactions in which a specific res is put up as security for the performance of some obligation. This subject is itself divided into two parts. The first type of security studied is "real security"—real in the sense that it involves mortgages, both formal and informal, on real estate. Some of the problems studied here are the rights and obligations of mortgagees and mortgagors (and those claiming through them) to possession, rents and profits, receivership, improvements, etc.; the problems of equitable redemption, including parties and price of redemption; the problems of foreclosure including procedure and fair price; and some problems of priorities arising out of recording statutes, etc. The study of land-mortgage is basic to the subject of corporate finance (the funded debt is usually in the form of long-term bond issues secured by land mortgages) but the special developments in this realm are only noted by cross-reference here. (Some

consideration is given to these developments in the courses in Corporate Organization and Business Associations III.)

The second part of property security deals in large measure with various security devices used in financing the stream of commerce from producer to ultimate consumer—in the marketing of goods, in other words. Some of these chattel security devices which are studied in this course are chattel mortgage, pledge, field warehousing, conditional sale, trust receipt, bailment-lease, and assignment of accounts receivable.

The second major subject dealt with can be called “personal security”—or, in its broadest sense, suretyship. These transactions involve the giving, not of property security, but rather the promise of one party (surety) to a third party (creditor) as security for the performance of some obligation owing by another party (principal). A study is made of the rights and obligations owing among the three parties because it is a three-cornered (*not* a two-cornered) transaction. The effect of such things as a change in the contract, discharge, etc. are considered here.

Some problems in quasi-suretyship (not quite like, and yet not unlike usual suretyship) and in the transfer of parcels of land and of interests in mortgaged land are considered at the end of the course because they call for a consideration of concepts from both property and personal security law. This includes such problems as discharge of one of several parties (e.g., joint tort-feasors, joint contract obligors), marshalling, etc.

If a law student knows that he is going into some specialty such as taxation or labor law, the course need not be taken for he will find little use for the concepts studied here. However, for the great bulk of practitioners, in both large and small cities, the concepts of security law are important in much of everyday practice. In this sense it is definitely a “bread and butter” course of considerable practical value. The concepts studied are fairly difficult to understand (or perhaps more accurately, easy to misunderstand) but this points to study in school because in practice, with attention focussed on detail, there is no chance to attain the broad view essential to understanding.

Taxation I

This course deals with federal income taxation. Attention is given to the questions and problems relating to gross income inclusions, permissible deductions in the determination of taxable net income, accounting periods and accounting methods, gains and losses on the sale and exchange of property (including capital assets), taxability of corporations and of corporate distributions, determination of the taxable person in cases involving trusts, assignments, etc.

In the consideration of these problems the student makes use of the Code of Internal Revenue, Treasury Regulations and judicial materials. Apart from the day-to-day problems, the students are assigned special problems for which they are required to prepare and submit documented solutions. In the course of their research in the solution of these problems the students develop some familiarity with the standard tax services available at the library.

This course, like other law school courses, is not designed to make an expert out of the student. Its purpose is to give students an acquaintance with the basic concepts and patterns underlying the federal income tax law, an awareness of the income tax problems arising out of normal and ordinary day-to-day transactions and relations, a degree of familiarity with the key sections of the income tax chapters of the Code, and an introduction to the effective use of the lawyer's tools in the handling of tax problems.

Taxation I is an eminently practical course in that it deals with a subject that is relevant to almost every type of law practice and to the great bulk of transactions handled by lawyers, regardless of the size of their office and of the community in which they practice. As a phase of a well rounded law course it assumes significance also as an introduction to methods of study and approach in an area requiring intensive use of statutory and administrative materials.

Taxation I is designed to be taken in the second semester of the second year. It is normally a prerequisite to the Taxation II course offered to third-year students.

Taxation II

This course deals with excise taxes and chiefly with excises imposed on donative transfers, i.e. estate, inheritance and gift taxes, with special emphasis upon the estate and gift taxes imposed under federal law. Included in the problems and questions studied are those relating to the types of testamentary and inter vivos transfers reached under the tax laws, the treatment of revocable trusts, life insurance, joint property and powers of appointment; authorized deductions and exemptions; interrelationship of death and gift taxes and of federal and state taxes; and questions relating to the apportionment of death taxes. Pertinent jurisdictional problems are also given consideration.

In the study of the various problems attention is given to the statutes, particularly the Code of Internal Revenue, administrative materials and judicial decisions. Apart from the day-to-day questions discussed in class, students are assigned special problems for which they are required to prepare documented solutions.

Since it deals with an important aspect of donative transfers, Taxation II should prove particularly useful for students who plan to engage in general practice where they will be dealing with trust

and probate matters or who plan to specialize in this area. The course is highly relevant for students interested in what has come to be known as estate planning. It is not recommended as particularly useful for students who plan to practice in offices where they will be specializing in commercial transactions and corporate affairs.

Taxation I is normally regarded as a prerequisite to the taking of this course. The elective courses in Fiduciary Administration and Trusts and Estates II also help to furnish valuable background but are not regarded as prerequisites.

Trusts and Estates II

This is a study of the modern development and application of doctrines with which the student became acquainted in the course in First Year Property in the historical introduction to the law of real property. The central theme is the use of the future interest in dispositions of property for the benefit of a settlor's family and for charities. The course deals with powers of appointment, rules for the construction of particular language in wills and trust agreements, general rules of policy restricting the creation of interests, including the rule against perpetuities.

Many of the concepts studied are of historical origin and are somewhat complex. It is not easy for the student to master the principles of the course without the aid of classroom discussion. Moreover, some knowledge of this branch of the law is essential to the drafting of any but the simplest will or trust agreement. It is probable that by taking this course the student will come to understand much more fully the common law theory of estates, which is basic in the Anglo-American system of law. For the student expecting to engage in general practice, particularly if he is not to be associated with a more experienced lawyer who is familiar with problems of future interests, this course is very important. For the student who expects to specialize in trust and estate practice, this course is absolutely essential.

Prerequisite: Trusts and Estates I.

Seminar Courses

In addition to the elective courses described above, a substantial number of seminar courses are offered from time to time, usually at the rate of four to six per semester. Thus, seminars in Constitutional Law, Conflict of Laws, International Law, Labor Law, Legislative Problems, Taxation, Property, Regulation of Business, and Theories of Public Law, may be expected to be offered each year, some in the fall and some in the spring. Other seminars are offered from time to time. Seminars are limited to small groups, and provide an opportunity for intensive investigation of legal problems and for legal research and writing not readily available otherwise.

*Academic
Regulations*



You are learning to become a lawyer. You will, therefore, be the first to recognize that any social institution requires rules and regulations in order to make possible the orderly pursuit of its objectives. You will need an intimate working knowledge of the School's own laws pertaining to graduation requirements, academic honors, scholastic standards, examination rules and class attendance.

Graduation Requirements

The requirements for graduation vary, depending upon whether the student has been admitted with the A.B. or some equivalent degree, or on the Integrated Program which the Law School has with the University of Michigan College of Literature, Science and the Arts. They are recapitulated below.

1. Required of all students:

- (a) All first year courses.
- (b) Additional required courses:

<i>Hours</i>	<i>Hours</i>
Civil Procedure II 3	Trusts and Estates I 3
Constitutional Law 4	Practice Court or 1
Evidence 3	Civil Procedure III . . . 3
(c) Public Law Group: three courses from —	
Administrative Tri- bunals 2	Regulation of Business . 3
Municipal Corporations . 2	Taxation I 2
Labor Law 3	Legislation 3
(d) Jurisprudential Group: one course from —	
Comparative Law 3	International Law 3
Jurisprudence 3	Theories of Public Law . 2
Legal History 2	Any seminar 2

2. Other requirements for students with an A.B. degree or equivalent:

- (a) Six semesters, or the equivalent, in residence.
- (b) Fifty semester hours of credit beyond first year courses.
- (c) For LL.B.—at least 2.0 honor point average on work *offered for degree* (which means that the student “may discard from weakness”).
- (d) For J.D.—at least 3.0 honor point average on *all work carried* (in this case discarding from weakness is *not* permitted).

3. Special requirements for students admitted on Integrated Program:

(a) Satisfactory completion of A.B. requirements by completing 30 credit hours as follows:

(1) A minimum of 13 hours from the following law courses:

<i>Hours</i>	<i>Hours</i>
Administrative Law . . . 2	Legal History (Sem.) . . . 2
Comparative Law 3	Legislation 3
International Law . . . 3	Regulation of Business 3
Jurisprudence 3	Taxation I 2
Labor Law 3	Theories of Public Law 2

(2) A minimum of 15 hours selected from approved list of college courses (see bulletin of College of Literature, Science, and the Arts).

(b) Fifty credit hours of law courses beyond first year courses and in addition to law courses offered toward A.B. degree.

(c) For LL.B.—at least 2.0 honor point average on law courses offered for the two degrees.

(d) For J.D.—at least 3.0 average on all law courses carried.

The Grading System

Students are graded in each course according to the following system of rating:

<i>Grade</i>	<i>Rating</i>	<i>Value in Honor Points Per Credit Hour</i>
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*).

Academic Honors

There are three types of recognition for superior scholarship. The highest ten percent of each graduating class (the "class" consisting of the aggregate of the June graduates of a given year plus the preceding February and September graduates) are customarily elected to the Order of the Coif, a national legal honorary society comparable to Phi Beta Kappa at the college level. Students who have at least a "B" average and fulfill certain "tryout" requirements are elected to the Board of Editors of the Michigan Law Review. Students who have at least a "B" average in the Law School and an undergraduate college degree are granted the J.D. rather than the LL.B. degree.

How important are good grades? Naturally, high scholastic standing yields certain practical rewards in terms of "opening law office doors" to the graduate, especially in the case of the large offices, and these are not to be minimized. On the other hand, the law offices in the smaller communities are less inclined to pay attention to the young lawyer's standing in the class than to his over-all qualifications as an individual. From the point of view of the Law Faculty the purpose of a system of academic honors is to stimulate the development of individual capacity, and the faculty knows full well that the system is in some cases an artificial criterion. Some students develop a capacity for "quick cramming", which may yield for them the immediate return of high grades. Naturally, a lawyer must acquire the ability to master a new situation quickly, but he must above all else develop high standards of careful workmanship if he is to render the best service. Herein lies the real importance of solid day-to-day academic work.

One point should be absolutely clear to every student. He should not depreciate or undersell himself because he does not manage to obtain better than "C" grades. As the Law School looks at it, a Michigan product with an average entitling him to receive his degree is a competently trained lawyer. He is prepared to meet his brother lawyers at the Bar on at least an equal footing. He can, by virtue of diligent and conscientious effort, and the exercise of sound judgment, even become a leader at the Bar. He should not sell himself short in any respect.

Examination Rules

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.

Attendance Regulations

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 practical application, the rule operates this way: Students who miss classes may obtain at the Administrative Offices a blank “request for excuse of class absence” and may file such request for any given absence from class. If the excuse is a valid one, the absence is excused unless the student’s absences aggregate such number as to indicate that he has not in reality obtained any benefit from the course. In the normal case, the penalty imposed consists of a deduction of one credit hour for each fifteen unexcused class absences during a semester or term. The deduction is charged against the student’s over-all credit hours, not against the credit hours allocable to a given course. Whenever the student’s aggregate absences exceed the bounds of reason, other penalties may be imposed, including expulsion from the course or from the School.

Academic Eligibility to Continue in Residence

Michigan law students must attain and maintain a certain minimum level of scholastic performance in order to be eligible to continue in residence. The regulations are as follows (from the “Academic Regulations”):

- “1. A student shall be ineligible to continue in the School
 - (a) if he fails to attain at least a 1.7 average on work taken during his first academic year in residence, or
 - (b) if, thereafter, his honor point average falls below 1.7, except that if a student is in residence at the time his grade reports for a preceding period become available, he shall in any case be permitted to remain in residence for the balance of the session or term, and, subject to the provisions of subsection 2 of this section, to continue in residence thereafter if his honor point average at the end of such session or term is at least 1.7.
- “2. A student is expected to complete his work for the degree in six semesters of full time residence or their equivalent. He will not be permitted to continue in residence for a longer period except on special petition duly approved by the Ad-

ministrative Committee, nor will he be permitted to remain in residence more than one additional semester or its equivalent."

The "home list" has been running at the rate of about twenty percent of the first year class and three to five percent of each of the second and third year classes. These percentages are not fixed; they vary with the quality of the particular class and the extent of its "output." Academic failure may be caused by lack of legal aptitude, insufficient study effort, inadequate teaching, or a combination of all three factors. Thus both faculty and students have their respective responsibilities as to this problem. For its part, the Faculty is continuously seeking to solve the problem of legal aptitude in advance of the applicant's acceptance into the Law School, and substantial progress toward this objective has been made over the past fifteen years. The Faculty is also continuously seeking to improve and strengthen teaching methods, so as to give the student every opportunity to succeed. The student's contribution must consist of diligent, conscientious, day-to-day effort, not only in preparation for class, but in participation in class discussions. The student is expected, on the average, to spend two to three hours outside of class in preparation for each class hour; if he does less than this, he is risking academic difficulty if he is not a superior student.

If a student is excluded from the School on the ground of academic failure, he has two methods of procedure open to him if he wishes to be reinstated: (1) He may take repeat examinations within the ensuing three years in courses in which he has earned a "D" or "E" grade and obtain reinstatement by raising his overall honor point average to at least 1.7 (each grade on a repeat examination being treated, for purposes of computation of the honor point average, as if it were a new course); (2) he may, if he deems that circumstances warrant such action, petition for a waiver of the rule in his case, and the Administrative Committee will grant such petition provided (quoting the regulations) "the circumstances in the case are such as to convince the Committee that the petitioner has not had a sufficient opportunity to demonstrate his capacity for law school work and that a further trial will result in success."

It is intended that the student must qualify for his degree in the period of time allotted to the program—three years in the case of students admitted with the A.B. or equivalent degree, and four years in the case of students admitted on the Integrated Program. If at the end of the prescribed period a student has not qualified for the degree, but has an honor point average of at least 1.7, he may petition for an additional period in residence. If the Administrative Committee believes that he has demonstrated merit deserving special treatment, he may be granted a maximum of one additional semester in which to attempt to qualify for the degree.

*Intramural
Activities*



The Michigan Law Review

The Michigan Law Review is one of the leading legal publications in the United States. It has been in existence for fifty years. It is published eight times annually in the months of November through June.

Each issue of the Law Review contains a variety of subject matter. There are usually three or four leading articles on topics of current or historical importance, written by outstanding persons in the particular fields covered. Such articles normally comprise about one-half of the magazine. The second major division of material consists of student writing, and includes "comments" and notes of recent decisions. A comment is a discussion of five to ten pages in length, involving rather complete consideration of a limited field of law. A recent decision note is a one to two page analysis and appraisal of a particular case of importance or novelty. The Law Review also contains brief reviews of recent books, a book note section and an index of the current contents of the leading law reviews of the country.

The Michigan Law Review is an effective means by which a student or practitioner can keep abreast of new approaches to legal subjects and current developments in the law, not only as to fields with which he is particularly concerned but also as to areas in which he has at the moment only a general interest. A consistent program of Law Review reading helps a student acquire perspective on legal subjects and aids the growth of his understanding of legal analysis and method. It is believed wise for a law student to subscribe for the Law Review and to read it regularly.

The Faculty of the Law School has made provision for law students to participate in the editing and publication of the Michigan Law Review. In summary, the arrangements are that a student who, at the beginning of his second year, has an academic average of 3.0 or better is eligible to try out for the Student Editorial Board. The tryout period extends throughout his second academic year. During that time he is instructed in the techniques of legal writing and actually writes four "units" of work. A note on a recent decision usually constitutes one unit of work and a comment usually constitutes two units. Part or all of this work may be published in the Law Review and such publication is over the student's name. At the beginning of his third year in Law School, if the student has successfully completed the tryout work and has maintained his overall academic average at 3.0 or better, he is eligible for election to the Student Editorial Board. If elected, his name is carried on

the Law Review masthead as a Student Editor. This status continues throughout his third academic year unless special reason arises for discontinuance of his position. During this year the normal program is for him to write eight units of work. Membership on the Student Editorial Board and successful completion of the writing program carries one hour of academic credit for each semester. In the case of a student who is following a program of summer school attendance, appropriate adjustments of the foregoing arrangements are made.

The advantages of Law Review work to the participating student are numerous. He has an opportunity to develop his powers to make intensive studies of particular legal subjects; his skill in legal research is augmented; his capacity for legal writing is fostered; and he is given an early introduction to aspects of legal work which he will have frequent occasion to pursue when he enters the practice of law. In addition, he has the opportunity to publish his findings and results over his name for the benefit of the profession at large.

Many generations of law students have profited from work on the Law Review, and have high regard for the valuable training which they received in that activity. The importance which practicing lawyers attach to such training is evidenced by the fact that many law firms give preference in employment to those who have undergone this special educational experience.

The Case Clubs

The Case Clubs are designed to assist the law student in successfully making the long step from layman to lawyer, as well as to help develop the skills so essential to the satisfactory completion of law study. This is achieved by the preparation and presentation by student counsel of appeals to moot courts of last resort. Participation is entirely voluntary, and is restricted to the first and second law school years. At least 80 per cent of the first year class usually participate, as well as a large contingent of second year students. The Case Clubs are student-managed.

Case Clubs and Legal Analysis and Synthesis

One of the principal skills to be developed by a law student is skill in analysis and synthesis. In class this is accomplished through detailed objective examination of judicial decisions and other pertinent material. The Case Clubs assist the process of learning this skill by allowing the student to take one side of a case, and, on the basis of an analysis of the facts, and of the law, presenting the best argument that is possible for his position, and countering the argument for the other side. Student counsel thus learns some-

thing of the nature of legal analysis from the point of view of the advocate. At the same time his Case Club experience helps him to be a better law student.

Case Clubs and Legal Research

Skill in legal research—in the ability to find, marshal, and relate the law to the facts of a case—is a “must” for all lawyers. The development of this skill is facilitated in a large measure through active participation in the Case Clubs. In two years of Case Club work the student will prepare several appellate briefs. This will necessitate the use of the Law Library and the cultivation of the techniques of the search for precedent and other authority. In some law schools these skills are taught in special courses. At Michigan, Case Club participation is relied upon as one of the principal means of developing them.

Case Clubs and Legal Argumentation, Written and Oral

The ability to write effective briefs and to argue a cause convincingly must be acquired if the lawyer is to be a successful advocate. This ability, of course, necessarily presupposes ability in legal analysis, but in addition it involves special techniques in weaving together fact and law in order to present the integrated whole of a problem so as to convince a court of the soundness of one's position. This skill is developed at Michigan principally through participation in the Case Clubs and in Practice Court.

Organization of the Case Clubs

There are a number of different Clubs, each named for a distinguished Michigan lawyer. Each Club is headed by a Senior Student Judge, who is assisted by a Junior Clerk. The first year member prepares and argues two cases, one within his own Club in the fall and one as a representative of his Club in the inter-Club spring competition. Second year members each participate in one case in the fall, and the Clubs then send their top team into an elimination contest for the Henry M. Campbell competition, which takes place in the spring and is one of the principal events of the Law School year. The final participants receive cash awards, and their names are engraved on a plaque hung in Hutchins Hall. A banquet follows the final argument, the cost of which is included in the moderate Case Club membership fee.

Adequate instruction is provided at each step of the Case Club work. Pre-trial conferences are held with upperclassmen assigned as advisers. The analysis of the case and the drafts of the briefs are criticized constructively by the advisers. After the arguments, which are held before a three-judge panel, further criticism is given on

the manner of oral argumentation. The program is one of progressive development. Juniors, in addition to competing, act as advisers to the freshmen and do some of the judging. Seniors act as judges on all of the first year cases and sit with faculty judges on the junior cases. Numerous prizes and awards are given to individuals and Clubs as a result of the competitions.

The practical training in court work provided by the Case Clubs is recognized academically by the Law School. Students who participate satisfactorily in the Case Clubs for two years are excused from portions of the required third year Practice Court work.

The Student Bar Association

(A statement supplied by officers of the SBA)

The entire student body of the Law School is organized into a Student Bar Association. Forms of student government through class representatives and a Student Council are not new in the American university, but the Student Bar Association in a law school seeks more extensive goals in building techniques and skills that the law student in the very near future will find to be invaluable in his career at the bar. Active work in the Student Bar Association is "on the job" training for the lawyer of tomorrow. Whether the Association is conducting a survey of student opinion on some subject of current importance, transmitting student suggestions to the Administration of the school, organizing a formal dance, printing a newspaper, selling a yearbook, or sponsoring a lecture program, the students charged with the responsibility for carrying out the project of the Association are learning one of the most important aspects of their profession—how to get things done.

Training for Community Responsibility

It is vitally necessary that there be instilled in the student an awareness that, upon graduation, he will be expected to assume a position of responsibility and be a constructive force in his community. That is the time-honored tradition of the legal profession, which is the source of more public leaders than any other single calling. Nor does this differ from the ideal; De Tocqueville once wrote:

"The profession of law is the only aristocratic element which can be amalgamated without violence with the natural elements of democracy, and which can be advantageously and permanently combined with them . . . I cannot believe that a republic could subsist at the present time if the influence of lawyers in the public business did not increase in proportion to the power of the people."

The complexities of civilization arising since these words were written have not diminished the truth of them—they have, on the contrary, only served to establish more firmly their validity.

He must, then, be something besides a technician of legal matters. For the practicing attorney, this "something" is made possible by active participation in the various bar associations, which seek the improvement of ethics, education, and character in the profession and improvement in the administration of justice. For the student, the same ends are sought through the Student Bar Association. Recognizing the fact of the need for such early introduction to the work of the organized bar, the American Bar Association, through the Junior Bar Conference, organized the American Law Student Association—

"Created for and dedicated to introducing law students to the professional problems and responsibilities they will face upon admission to the bar, to providing a closer integration between the future lawyers and the present day leaders of the legal profession, to promoting the idea of professional responsibility, and to acquainting law students with the opportunities and obligations present for improving the administration of justice through the organized bar."

That aim of the national association is the aim of each of the member groups, of which Michigan's Student Bar Association is one of the original forty-six present at the organizational meeting at St. Louis in September, 1949.

Other Aims of SBA

But there are other and more immediate aims as well. They include the promotion of understanding among the faculty, students and alumni; the co-ordination of the activities of the law school; the furtherance of a community spirit in the school, both socially and professionally; and the co-operation with other law schools and the bar associations on the national, state and local levels.

Organization of SBA

To accomplish these aims there has been set up a governing body, the Board of Commissioners, membership on which is held by the President of the Student Bar Association, the Vice-President, nine Commissioners (three elected from each class, and including the class president), the Chief Judge of the Case Clubs, and the President of the Lawyers Club. Each of these members of the Board performs some specified task and is free to appoint, as assistants, any number of persons from the student body as a whole.

Specific Activities of SBA

The present activities of the Student Bar Association include a small printed newspaper, the *Res Gestae*; a book store operated on an exchange basis at the beginning of each semester; special lectures by noted members of the legal profession on topics of current interest; elections, including the class and all-school elections; social affairs, including an orientation-week mixer, an annual Faculty-Student coffee hour, and an annual formal dance known as "The Chancellor's Court"; the posting of the local (Washtenaw) county court calendar each week on the student bulletin board, for the purpose of assisting those interested in attending the proceedings in that court; serving as a liaison agency between students and the Administration; and the distribution of literature published by the various bar associations, including the American Bar Association's *Journal* and the Michigan Junior Bar Association's *Prospectus*.

The Association looks forward to the establishment of a legal aid clinic, as soon as necessary arrangements can be made.

*Scholarships and
Financial Aid*



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. Requirements for the renewal of such awards for the second and third years are described below. Application forms may be procured from the Admissions Officer, Hutchins Hall, University of Michigan, and should be submitted by March 15 preceding enrollment in the Law School.

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 Edwin C. Goddard Loan and Scholarship Fund, the John H. King Fund, the Harry Helfman Law Student Aid Fund, and by class scholarship funds which have been established by the classes of 1902, 1904, 1907, 1908, 1912, 1914 and 1924. 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 or junior years, 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 scholarships 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."

Application forms for both types of scholarships indicated above are available in the Office of the Secretary of the Law School, Hutchins Hall, University of Michigan. Ordinarily such forms should be filed on or before March 15th of the year preceding the academic year for which the scholarship is requested.

Prize Awards

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, extra-curricular 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.

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

SCHOLARSHIPS AND FINANCIAL AID

Review editorial staff whose work on the Review during the year has been the most satisfactory.

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 bi-annually, 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.

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.

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.

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.

General Academic Prizes—Awards in an amount not exceeding \$200 will be made to a select number of top-ranking students entering the junior and senior classes. For the purpose of determining the recipients of these awards, grade averages will be computed as of the close of the preceding spring semester. Should two or more students tie for an award, the amount will be divided between them.

These awards will be 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
- H. H. Servis Loan Fund for Law Students
- Frederick L. Leckie 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.

Application forms for both types of loans may be obtained from the Office of the Secretary of the Law School, Hutchins Hall, University of Michigan. Final action in the case of short term loans is taken by the University Loan Committee following an interview with the applicant. Completed application forms should, however, be first submitted by the applicant to the Chairman of the Scholarship Committee of the Law School for recommendation.

While applications for long term loans may be submitted at any time to the Scholarship Committee of the Law School, such applications are usually submitted on or before March 15th of the year preceding the year to be covered by the loan. Students who apply for scholarships may indicate on the scholarship application their desire for a long term loan in the event the application for a scholarship is disapproved.

*Professional Planning:
Placement Counseling*

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One of the most important tasks confronting the graduating senior is that of finding a congenial location for professional life. The Law School maintains a Placement Counseling Service to assist in this important undertaking.

The Placement Counseling office, with a full-time secretary in charge, is located on the third floor of Hutchins Hall. The Dean and several members of the faculty serve as a Counseling Committee. The office maintains files of information concerning opportunities for the general practice of law and for other professional work received from law firms, corporations, government agencies, and other sources. From time to time information as to these opportunities is assembled and made available to senior students in mimeographed bulletins. The Placement Counseling office also keeps on hand a number of volumes and pamphlets of service in connection with embarking upon the practice of law, such as law directories, bar examination information, and general literature relative to openings in various parts of the country and in various lines of endeavor.

Each senior student who desires counseling service is expected at the beginning of his senior year to file a biographical statement suitable for use in connection with placement. The Dean or some other faculty member will interview each such student and will obtain faculty appraisals which will facilitate the preparation of general letters of introduction and recommendations as they may be needed. Contact with firms inquiring for graduating seniors is maintained through the Counseling Committee. Seniors are expected to consult with the counselors if they wish to be placed in contact with any of the listed opportunities.

From time to time firms and corporations send representatives to the Law Quadrangle for the purpose of interviewing graduating seniors. In view of the fact that only eight or ten seniors may be interviewed in the course of a day, a selection must necessarily be made. Opportunities for interviews will be distributed equitably among the members of the senior class having regard always for the qualifications specified by the interviewers.

In the last analysis, seniors must realize that the task of finding opportunities for professional life rests upon them. Each graduate must convince some firm or corporation that he possesses the desired qualities and will render the desired service. The Law School can provide advice and counsel, can point out known opportunities, and can afford introductions to friends of the school who will be of assistance. But in each instance the applicant must make his own sale. The practice of law is highly personal. Qualities of personality,

industry, integrity, and imagination, as well as academic achievement, all play their part in obtaining employment. In general, the larger firms in the big cities insist upon top-ranking students, but there are hundreds of excellent opportunities for the practice of law where the academic ranking is deemed of no greater importance than the other qualities named. There are good opportunities for all graduates of Michigan. The task is one of finding the right opportunity.

Accordingly, each senior student should plan to devote a substantial amount of thought and attention to determining where and under what circumstances he wishes to engage in professional activity and how he can best convince prospective employers that his services are needed. Then he must devote time and effort to finding his niche. The Law School will assist as much as possible through its Placement Counseling Service.

*The Graduate and
Research Program*

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You will observe, from time to time, evidences of special research activities. This is because the Law School provides a graduate and research program, financed by the income of a trust set up by the will of the late William W. Cook.

Graduate Program

The graduate program offers two semesters of graduate work in law following the regular undergraduate law course. Two graduate degrees are given for successful completion of graduate work, namely: Master of Laws (LL.M.) and Doctor of the Science of Law (S.J.D.). A complete statement of the requirements for admission to graduate study and the requirements for graduate degrees can be found in the Law School announcement. The course of study leading to the LL.M. degree is primarily designed for those who expect to enter practice or government service, while the course leading to the S.J.D. degree is intended primarily for present and prospective law teachers. In order to be admitted to graduate study the student must have maintained the equivalent of a B average or better in undergraduate law work.

Master of Laws Degree

The candidate for the LL.M. degree is required to complete at least twenty-four semester hours of work during his period of residence. The major part commonly consists in courses or seminars. He is ordinarily required to take the courses in Jurisprudence and Comparative Law. He is permitted to elect advanced undergraduate law courses and seminars which he has not already taken. Not more than half his elections may be courses in the Graduate School. A part of the requirement of twenty-four semester hours may consist in original research under the supervision of some member of the Law Faculty. The student thus is given an opportunity to specialize in some particular field of law, to broaden his viewpoint of the entire legal system, and to take courses which he has not had time to elect in his undergraduate course. The LL.M. degree may be given, not only on successful completion of the course just described, but also on successful completion of the two semester period of residence by a candidate for the S.J.D. degree.

Doctor of the Science of Law Degree

The S.J.D. degree is primarily a research degree. The most important requirement is the thesis, which must be an original study of superior quality based upon intensive research with respect to a specific legal problem or a limited area of the law. The thesis must be published. While there is no specific rule as to the length of the doctor's thesis, those which have been approved generally run from one hundred to several hundred printed pages. The candidate for the S.J.D. degree usually takes the courses in Jurisprudence and Comparative Law in his first semester of residence. In his second semester, he would ordinarily elect one seminar. The rest of his time in his two semesters of residence is devoted to work on his thesis under the supervision of a member of the Law Faculty. At the end of two semesters of residence the candidate for the S.J.D. degree should have prepared a substantial segment of his thesis; but it is not possible for him, in that time, to complete the thesis. Indeed, it is expected that its completion will require one or more additional years, but no additional period of residence is required. It is possible for a graduate student to secure both the S.J.D. and the LL.M. degrees on the basis of a single residence requirement of two semesters. Doctors' theses are sometimes published as Law Review articles; sometimes they are selected for publication in the Michigan Legal Studies; and sometimes they are published by commercial publishing houses.

Foreign Graduate Students

The graduate program of the Law School is open to graduates of law schools in civil law countries who have a record of outstanding scholarship. While, insofar as practicable, the same requirements for graduate degrees are applied to graduates of civil law countries, some adaptation of the requirements is necessary. Thus, a student from a civil law country is ordinarily admitted as a special student for the first semester of his residence, and that semester is not counted as a part of the residence requirement for a graduate degree. A number of our foreign students do not seek to become candidates for graduate degrees. However, each is entitled, after two semesters of residence, to receive a certificate showing the courses, seminars and research projects which he has successfully completed. A mimeographed statement concerning graduate work in law for students from civil law countries has been prepared by the Graduate Committee and will be furnished on request.

Fellowships

A limited number of graduate fellowships are awarded on the basis of merit each year to persons who desire to do graduate work in the Law School. These commonly are sufficient to provide not only tuition fees, but also a substantial amount for maintenance. In the case of applicants from American law schools, they are awarded to persons who expect to become candidates for the S.J.D. degree. Some fellowships are also awarded each year to graduates of foreign law schools. While foreign graduate fellows are not required to seek a graduate degree, they are expected to carry on a research project of substantial character, which will usually consist in a comparative study. Applications for graduate fellowships are made prior to March 1 of each year for the following academic year. A blank for this purpose will be supplied on application to the chairman of the Committee on Graduate Work.

Research Program

The research projects carried on in the Law School include not only projects conducted by individual members of the Faculty to investigate particular legal problems, but also projects of a continuing character carried on by groups of persons. The Legislative Research Center, operating under the direction of Dean Stason and Professors Estep and Pierce, carries on research in the field of legislation, publishes results of its research, and does a considerable amount of legislative drafting. Research in Comparative Law is conducted by Professor Yntema and an assisting staff of experts. Each year there is a demand for research assistants for one or more research projects conducted by the Law School. Recent graduates of the Law School, who are qualified by reason of superior scholarship, linguistic ability or skill in legislative draftsmanship, are often employed on a full time basis for one or more years immediately following graduation on these projects. Such employment, while not the equivalent of a graduate year, may well furnish to the employee much of the same sort of training in research as is acquired in a graduate year. A limited number of senior students are also employed each year as research assistants on a part time basis.

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