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Law Students' Handbook

University of Michigan Law School

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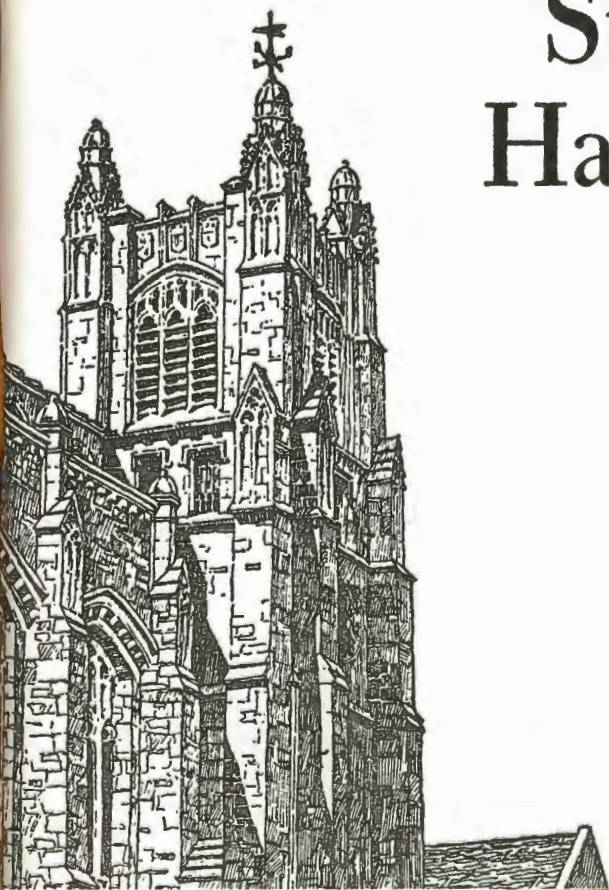
UNIVERSITY OF MICHIGAN LAW SCHOOL

Law
Students'
Handbook

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Foreword

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

You will find herein set forth information on the Academic Regulations (the School's own "laws"), with which you need to become 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 and informative.

To the first year student we extend our greetings. We hope you will have reason to be proud of your association with the Michigan Law School. The School has existed for more than a century. Its living graduates number more than 9000 members of the legal profession. In every state in the Union as well as in over forty foreign countries and United States territories our alumni reside, many in distinguished positions. Each year 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, and that you will realize your educational objectives, develop yourself to the utmost, and become another alumnus or alumna of whom Michigan will be proud.

Allan F. Smith
Dean

July 1, 1965

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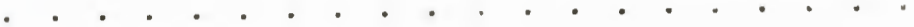
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*Planning the
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Save this Booklet

*YOU WILL FIND IT A USEFUL REFERENCE
THROUGHOUT YOUR LAW SCHOOL
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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

(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, Criminal Law, 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 Business Associations, Sales, Family Law, Restitution, Insurance Law, Creditors’ Rights, and Security; and by elections from other “public law” subjects, such as Labor Relations Law, Taxation, Federal Antitrust Laws, Administrative Tribunals, 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 Introduction to Civil Law, International Law, Law and Society, Legal Method, Legal Philosophy, 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.

(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 Trials, Appeals and Practice Court and in the second year course in Problems and Research, but also in the preparation of required papers in some courses 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. 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, Problems and Research, 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 otherwise 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?

Individual study habits and efficiency vary, but law students in general find that an average of two or three hours of time outside the classroom is necessary for each classroom hour—probably more in the first few months. This includes the time required for reading and studying the cases assigned, briefing the cases, comparing the various cases contained in each assignment, going over notes after class, the preparation of outlines of each course, and discussion with other law students.

The first task is to *read* the cases assigned, carefully and understandingly. If words are unfamiliar, use the law dictionary. Try to visualize the situation discussed in each case, to see what happened, what procedural steps were taken, what arguments were made, why the court decided as it did, and what the case means when considered against the background of other decisions. In reading any case you will want to make sure that you understand at least the following points: (1) What did the plaintiff seek in bringing the case to the trial court? (2) What did defendant want, and how did the case come to an issue? (3) What did the trial court do; what was the trial court's judgment? (4) What actions of the trial court were complained of by the party appealing to the court whose opinion you are reading? (5) Who won on appeal? (6) What were the facts of the case as assumed by the court, and what "issues" did they present? (7) What were the legal questions involved, and how did the court rule on each of them? (8) How did the court reason in arriving at the rulings? (9) What was the decision in the case? In studying the facts of the case, try to figure out what degree of generalization in expressing each fact is proper; often this can only be done after comparison with the other cases in the assignment.

Then it is desirable to *think about* each case, and the assignment as a whole, paying particular attention to what each case adds to what you have already learned and to the interrelationship of the cases in the assignment. Consider variations on the facts, and try to estimate the probable decisions which the court would render if those variations occurred. Only in this way are you able to see how broad or narrow the holding of the case may be. It is often useful in examining the facts of a case to try to determine from an advocate's standpoint the maximum value of the case as a precedent in your favor, and also the narrowest limits to which you could confine it as a case cited against you.

So as to have a convenient summary record of the case, you should digest or *brief* the important points of the case. This will be helpful for discussion in class, and essential when it comes to review. Furthermore, it is the actual making of your own brief of each case that develops essential skill in use of judicial precedents, and aids you to master the common law technique of handling decisions. Briefing your own cases will teach you far more than merely reading someone else's briefs—whether they be those of a classmate or "canned briefs" on which you have wasted good money. No champion swimmer ever developed his stroke and endurance by riding along in a motorboat and watching somebody else swim several miles a day!

Some students brief cases on gummed paper which is pasted into the appropriate place in their notes; others write the brief on part of a larger page, leaving room to take class notes and to add to them when going over the class discussion afterwards. From the mechanical standpoint any system is satisfactory if it enables you to have conveniently at hand the brief you have made of each case and the notes concerning it. After you have mastered the fundamentals of briefing in your first year or two, you *may* feel that it is safe to leave some things out of your briefs, or to resort to underlinings and marginal notes in your casebook. However, you should not try this until you are very sure that you have learned all you can by careful briefing, and that you can rely on such abbreviated notes and your memory to take the place of such briefing.

The content of the brief is suggested above in mentioning the points to be looked for in reading a case. Individual ideas will differ, but at the start you would do well to include:

(1) The name and page of the case in your casebook for easy reference.

(2) The court and the date, to orient the case in the law.

(3) The facts of the case, stated briefly but including all those relevant to the decision.

(4) What relief 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 specific disposition of the appeal.

(9) The legal question or "issues" involved.

(10) The "holding" of the court.

(11) Some indication of the line of reasoning and argument by which the court reached its conclusions, distinguishing between holding and dictum, and also observing dissenting opinions.

So much for preparation before class. Instructors will differ in

what is done during the classroom hour, but one of the main objectives in the first year will be to help you master the case system. To that end the instructor will quiz you concerning the principles derivable from the cases, ask you to apply the rules to hypothetical cases, or relate the cases one to another, to show how you would use the cases in advising a client or in argument before a court, and in various ways to show that you have mastered the small segment of the law represented by the day's assignment taken both by itself and in relation to all that you have previously studied. Only if you have studied the cases beforehand, have thought about them, and have asked yourself these questions, will you be ready and able to profit by the classroom discussion. Occasionally the instructor will fill in gaps by lecture or will summarize the principles developed. During the classroom hour you have two principal tasks: (a) following the discussion, taking actual part in it when called upon or when you have something worthwhile to volunteer, and participating mentally regardless of whether you are talking at the moment; and (b) writing suitable notes. DON'T try to prepare a longhand or shorthand transcript of everything that is said. Make your notes brief and thoughtful. Taking notes in this fashion is harder than just copying down everything that is said, but such notes represent *thought* on your part and they will have far more value, especially for reviewing purposes.

As soon as practicable after class, and in any event while the discussion is fresh in your mind, go over the class notes. Make sure that they represent what you think are the important points developed. Try to integrate your notes with the work you did before class; e.g., how far were you correct in the answers which you would have given to the various hypothetical cases you thought about? Try continuously to apply what you are learning by discussion with your fellow students; group discussions are likely to raise many questions and problems which would never occur to any single student.

Most students, if not all, find it desirable to build up *outlines* of principles in each of the law courses. Don't just copy out your class notes and briefs of cases, but try to arrange the ideas systematically as if you were preparing your own textbook. The making of such an outline will help you see how the cases fit together, and will help reveal any points where you are uncertain as to the law. When you are working up your outline it may be desirable to go to the texts and law review articles in the library to see how well your conclusions coincide with those of the writers. It is desirable to do your outlining at regular and frequent intervals. Otherwise you tend merely to rearrange "cold" notes. Some students prefer to do this daily. "Canned outlines," whether prepared by other students

or outsiders, will be of little, if any, value; it is the work of making your own that will be most helpful to you, and then if you want to check your outline against the ideas of another, use textbooks and law review articles.

You will find it useful from time to time to *go over recent prior 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 develop your analytical skill and will test your outlines and help you 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 study methods and your handling of 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.

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 (all required) 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 a few specific courses, listed later in this Handbook, are required. However, with the exception of these few specific requirements you will have the task of choosing among courses.

One of the required courses in the second year, entitled Problems and Research, will provide you with an opportunity of doing individual work in small group sessions in legal research and writing and for the development of other legal skills. You will each, individually, do one substantial job of research and preparation of a legal memorandum.

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 encouraged to take several 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. Some of the courses in the public law group which provide an opportunity to study law in this context are Administrative Law, Federal Antitrust Law, Labor Law, Taxation, Unfair Trade Practices, and Workmen's Compensation. It is recommended that some of these courses be elected.

You are required to take at least one course from a group of "jurisprudential" courses which are listed in detail in the Law School *Announcement* each year. 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 this 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.

You are also required to elect at least one seminar as a condition of graduation. The number and variety of seminars changes each

work or entering the general practice of law. The growth in the number and variety of administrative bodies dealing with local matters—civil rights, occupational licensing, workmen's compensation, zoning, etc.—has made the course increasingly important to general practitioners everywhere. 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.

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; marine insurance; salvage; collision; and limitation of liability. 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.

The course in Admiralty has varied somewhat from year to year, both as to content and as to method. In certain years students have been required to prepare memoranda on particular problems, calling for work in the Law Library as well as the use of casebook material. In consequence, more work may be done than in the average two-hour course, but students usually 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 term, though seniors find it some help to have had Conflict of Laws and perhaps pro-

cedure courses. 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 are 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 the 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

This course introduces the student to the legal elements of organization, not only for business but also for any other activity. It starts with the simplest system of organization outside the family—where one man hires another to do something for him—and pursues the consequences of liability for the employee's or agent's torts and contracts, and liabilities under social legislation to the

employee himself. It also examines the liabilities incurred by people who band together in clubs, committees, and partnerships; the Uniform Partnership Act is thoroughly explored. The course examines in detail the "fiduciary duty" to be not only honest, but also faithful and loyal, and shows how it pervades relationships of employee to employer, attorney to client, and partner to co-partner.

The course also includes an introduction to the law of corporations, including the means of formation and power structure within the corporation.

The course may be taken any time after completion of the first year courses in Contracts and Torts. Although not required, it is basic in any lawyer's education.

Communist Law

The course is designed to give enough information about legal systems in communist countries to afford a basis for comparison with Western legal institutions. While the Soviet legal system is the focal point of the study, comparative materials from other communist countries are used to show the degree of diversity among the various systems. After a brief survey of Russian legal history up to the revolution, the formative years of the Soviet system are discussed and compared with similar periods in the European satellites and Communist China. The main part of the course consists of a survey of contemporary Soviet legal institutions and law, using extensive case and statutory material in English translation. While the course emphasizes the study of a foreign legal system as opposed to a comparative analysis approach, the relation of this material to American and Western European law is discussed. In general, the topics chosen for discussion emphasize the technical legal problems common to modern systems generally and their solution in Communist legal systems. Those not familiar with the general governmental structure and party organization will find ample concise reading material on these topics available to serve as general background for the more technical subject matter of the course.

Conflict of Laws

This course deals with the problems arising when a case or situation has some connection with more than one state or country, and it may therefore be necessary to consider more than one set of laws and courts. The chief questions involved are (1) what court has jurisdiction; (2) what effects shall be given to foreign judgments; (3) what law shall be applied; and (4) how are foreign estates administered? Building upon the jurisdictional concepts

presented in Civil Procedure, which should be taken previously, the course considers problems connected with the prosecution of claims based on foreign law. Among the subjects treated are the recognition and enforcement of judgments of another state or foreign country, standards of jurisdiction (particularly in fields where relief other than money damages is sought, including divorce and other family-law matters), and the question how far the forum should take account of the law of another state or country. The latter includes a 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) constitutional problems involved, and particularly the application of the "full faith and credit" clause; (d) the rules and doctrines concerning choice of law in particular types of cases; and (e) the analogous questions with respect to application of state law in federal courts. Attention is paid to the problems arising from concurrent proceedings in a number of jurisdictions, especially with regard to the administration of estates.

The subject matter is of practical and theoretical value, and should be included in a well-rounded legal education. Failure to recognize the conflict of laws problems involved in a situation is not unlikely if the lawyer has not pursued systematic study of the subject. For these reasons, 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.

Corporations

The course in Corporations assumes an understanding of how corporations are formed and act, and proceeds to an examination of the conduct of corporate affairs, including finance. The duties of officers and directors are pursued through the problems of contracting with the corporation, executive compensation, appropriation of corporate opportunity, and abuse of majority control. The impact of federal securities legislation on management responsibility is carefully examined. Corporation finance is studied in the perspective of state corporation laws and of federal and state securities laws. Corporate distributions by dividends, repurchases, and redemptions are analyzed, and the course concludes with a bare introduction to techniques of reorganization.

This course is properly elected by nearly all students, and is

indispensable to anyone planning to enter the private practice of law. It must be preceded by Business Associations, and by proof of proficiency in accounting.

Before a student may take Corporations he must satisfy the accounting prerequisite which is fully described in the section on Academic Regulations, on page 49.

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, together with the course in "Security," is of essential value in preparation for both the general and the specialized practice of law. The widespread notion that the course is of benefit only in times of economic distress in the nation at large is a fallacy. The fact that the bulk of collection work in big cities is concentrated in relatively few firms is also no argument against acquiring a sound understanding of the creditor-debtor relationship, and the effects of possible future insolvencies.

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

Criminal Procedure

This course offers an opportunity for an intensive study of the problems of criminal law administration. It supplements the first year course in Criminal Law in which primary emphasis is placed on the substantive problems involved in the determination of criminal liability, and those parts of Constitutional Law dealing with some important constitutional aspects of criminal procedure.

Various problems relating to jurisdiction, venue, complaints, warrants, arrest, preliminary examination, bail, formal charges, pretrial procedures, trial, judgment, sentence, punishment, appeal, extraordinary writs, double jeopardy, and the return of wanted persons will be examined. As a prerequisite the student must have completed the first year course in Criminal Law. It will be helpful if he has completed Constitutional Law. Students who plan a general practice of law, and particularly those who plan to specialize in the defense of accused persons or who aspire to be municipal or county prosecuting officials will find this course of great value.

Estate Planning

Perhaps a satisfactory description of "Estate Planning" would suggest that it encompasses planning for the conservation and wise disposition of a client's assets in a manner designed to carry out his desires for his family and business associates with maximum assurance of effective administration and, within the framework of a sensible plan, minimization of income and succession tax burdens. It necessarily deals with the full range of property interests and tax aspects, which may be encountered in arranging a client's affairs; for this reason it is designed to serve a dual purpose of familiarization of the student with those areas not previously studied and integration, in the context of estate planning, of materials previously considered in individual courses.

Some idea of the nature of the course may be gained from an outline of typical coverage. Initially, consideration is focused on a review of (or introduction to) the federal estate and gift taxes and typical patterns of state succession taxes. Each student prepares an estate tax computation and a computation of the state succession tax (using the law of a state of his choice) based on the assets and, an assumed death intestate, of a client. (Subsequently, he will prepare an estate plan for this same client and the final session will be devoted to discussion of various alternative methods of planning

the client's estate, usually with the aid of a panel of visiting experts—attorneys and trust men who specialize in this area in practice). Subsequent sessions are devoted to the nature and tax aspects of joint or concurrent interests in property (joint tenancies, tenancies by the entireties, community property), insurance and annuity contracts, social security benefits, employee benefits including pension plan benefits and planning for the disposition of such proceeds through use of contractual options and various types of trusts and wills (including consideration of "pour-over wills). The emphasis at this point is on the dispositive and administrative provisions of wills and trusts for the "modestly endowed client." Subsequently, attention is devoted to the nature, utility, and taxation of powers of appointment and various types of administrative powers, a detailed consideration of the estate tax marital deduction and methods of using it in planning the larger estate. This is followed by six hours devoted to planning for business interests, such as an interest in a partnership or closely held corporation, including problems of valuation, business purchase agreements, and methods of retention and administration following the death of the client as well as the problems of funding succession taxes, debts, and administrative expenses and use of recapitalization, qualification for tax relief provisions, and other methods of minimizing these problems. The final sessions deal with the use of intervivos trusts, private annuities, intervivos gifts (including gifts to minors), gifts to charity, and the use of charitable foundations.

The course is limited to seniors and utilizes a problem approach. Each student selects a particular jurisdiction as a basis for working the individual problems and the final estate planning problem. (This should have the added advantage of familiarizing the graduating senior with a part of the law of the state in which he intends to practice). The only prerequisites for the course are Trusts and Estates I and Taxation I. In most cases, Trusts and Estates II should be taken either prior to, or concurrently with, the course. While other courses will prove helpful, student elections must vary and such other courses are not essential.

The course is designed for any student who will be working with the drafting of wills or trusts, or their administration, as well as those who will find the material helpful in various aspects of business planning. It should form a useful background for the student who will work with a large firm with some practice in this area; it should prove highly valuable to the lawyer who practices with a small firm or alone and who will almost invariably be called upon to draft wills or trusts or to probate estates.

European Business Organization

The course in European Business Organization introduces the student to a wide variety of legal factors which will confront an American enterprise which is seeking to penetrate the "Common Market" of the European Economic Community.

It provides an acquaintance with the usual forms of business organization in Europe, the instruments and institutions of finance, the powers of European business managers, the protection of minority investors, and the treaty rights of foreign business men and business enterprises.

The course is useful to lawyers planning activities in any part of the world, since foreign business tends to present some of the same problems in different places. But it is focused on a small group of countries, because only thus can it be made specific and realistic.

The course should be elected by seniors who are especially interested in the problems which American industry encounters in foreign operations. It will be best understood by those who have completed Business Associations and Corporations.

Family Law

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 family law 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 term of the second year.

In all modern legal systems the law of persons or family law 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.

Family law is included in the bar examination subjects in some of the states, though not in all. A student who has not been able to take the course while in law school should be able to work up the subject for himself, provided he is willing to do the necessary studying.

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.

Federal Antitrust Laws

This course deals with restraint of trade and monopoly problems related to national antitrust policy under the Sherman, Federal Trade Commission, and Clayton Acts. Included are such matters as industrial concentration involving all types of mergers; monopolization; restrictive agreements among competitors involving price-fixing, division of markets, etc.; trade association activities; delivered price systems; exclusive dealing arrangements and tying devices; patent pools, cross-licenses, and restrictions in patent licenses; foreign commerce antitrust problems; trade boycotts; and remedies.

Federal Antitrust Laws is preferable as a third-year elective. The course may be said to have increasing practical value to the student who desires to be prepared for legal counseling as corporate counsel, or private practitioner, or in government legal service. Beyond these practical considerations, the subject has a broadening aspect since it deals with the basic premises of our economic system of private competitive enterprise and public policy of questions of competition and monopoly of importance to every citizen.

Fiduciary Administration

This course (or seminar) typically involves a comparative study of the administration of trust estates and of decedents' estates. Some attention is given to major patterns of probate procedure. Major emphasis is placed on a study of problems of substantive law, such as the qualifications of fiduciaries, power and duties of fiduciaries, including 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, and jurisdictional problems created by state boundaries and the varying power of courts within a state.

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 expects to engage in general practice but does not expect 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.

Financial Reorganization of Corporations

This course deals with the financial problems which arise when a corporation or group of corporations is reorganized, with old securities being exchanged for new. Are the new securities worth the old? This question leads into the dilemma of relative and absolute priority, and to the enigma of value when there is no market. The student is invited to compare the widely varying views of the bankruptcy courts, the Securities Exchange Commission, the Interstate Commerce Commission, and the state courts of chancery (especially Delaware).

In a corporate amalgamation (whether by merger or by more indirect methods) additional problems arise, including the valuation of shares of those who choose to withdraw from the expanded enterprise, and monopolistic tendencies of the combination which may invoke a Clayton Act prosecution.

The course is designed primarily for students who expect to pursue a business and financial practice. It concludes with a term paper rather than an examination, and the student is required to conduct original research among the financial records of reorganized corporations.

Prerequisites are Business Associations and Corporations. Also helpful are Creditors' Rights and Taxation II.

Insurance Law

This is a study of the law relating to the insurance industry. The approach is functional, i.e., the organizing principle is the economic and social role of the insurance business in society, and

the law is treated in relation to its implementation of that role. Insurance is a highly institutionalized contract, and primary emphasis is placed on the way in which the law of contracts has been modified to meet the special needs of industrial society for insurance protection, but considerable attention is also given to other branches of the law so far as they have special problems relating to the insurance business.

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 has 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, general nature, authority, and application of international law; the making, enforcement, interpretation, and termination of treaties; states as "international persons"; recognition, and effects of recognition and non-recognition; acquisition and extent of territorial authority, including boundaries, air space, space, and territorial waters; nationality; jurisdiction over nations, territory, and vessels; immunities; state responsibility for wrongs to aliens; legal control over international use of force, and certain aspects of war and neutrality, including war crimes trials. Comparisons are drawn between international law and the national legal system with which students are familiar. Efforts are made to find out how far the international legal system functions effectively, where it fails, and why. This is not a course in international relations (such as taught in Political Science), nor in international organization (though considerable attention is paid to the United Nations, etc.; separate seminars in international organization problems are offered). 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 other seminars in the international field should have completed, or take concurrently, this course. Students who have had college courses in international law may find some duplication, but approach and materials may 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 in International Law, or other courses or seminars in related fields, instead, or of accompanying this course with additional reading, etc.

Introduction to the Civil Law

After a brief survey of Roman legal history, the historical evolution of the French and German legal systems, culminating in the great modern codifications, is first described and analyzed. The relation between these parent systems and other "civil law" jurisdictions in Europe, Latin America, and Asia is discussed, and similarities and diversities noted. An introduction to the civil procedure and court systems common in civil law countries is presented.

Some of the positive features and problems of the common technique of comprehensive codification of private law are then studied in detail, using translated cases and excerpts from legal commentaries. Knowledge of a foreign language is not required, but students with a reading knowledge of French, German, or Spanish are encouraged to do some introductory work with foreign language materials.

The object of the course is to provide perspective, both historical and theoretical, on the main problems of legal method in modern law, as well as on the historical factors that have influenced modern attitudes. At the same time, the course provides some background for the many procedural and substantive problems involving foreign law and lawyers which occur increasingly in present-day practice. The course has no prerequisites and may be taken in the second or third year.

Investment Securities

This two-hour course deals broadly with problems surrounding investment securities with emphasis on the obligations and regulation of the issuer of securities, and the rights and duties of investors and shareholders. The bulk of the course material is concerned with the obligations of issuers when they sell securities to the public. This includes a study of the distribution process, and rather detailed examination of the coverage of the 1933 Securities Act and state Blue Sky laws. Other subject matter includes: (1) an investigation of various types of investment securities including stocks, senior securities (preferred stock and various types of bonds) convertible securities, warrants, and limited partnership interests, and an introduction to the mechanics of the distribution and trading of these securities; (2) continuing obligations of corporations which have actively traded securities; (3) the employee as shareholder and the role of the shareholder in the large corporation; and (4) problems concerning the transfer of securities, including study of the Uniform Stock Transfer Act, and article 8 of the Uniform Commercial Code.

This course must be preceded by Corporations and is properly elected in the third year by those students planning to enter a predominately corporate practice.

Labor Law I

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. In Labor Law I, 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."

Labor Law I is the foundation course among the labor law offerings in the Michigan curriculum. The course concentrates on the legal problems surrounding the development of unionism. Broadly speaking, four 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 enforcement of the collective bargaining agreement; and (4) the institutional problems of unionism. Much use is made of background and other "non-legal" materials, 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 federal labor legislation—the Norris-LaGuardia Anti-Injunction Act, the Labor-Management Relations Act of 1947, the Labor-Management Reporting and Disclosure Act of 1959, and the Railway Labor Act.

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 I 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 adviser to the corporation or to the union must be equipped to give service. Beyond this, 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 informed “lawyer-citizen” in his community.

Labor Law II

This course is concerned with the following: (1) the content of the collective bargaining agreement; and (2) the legal nature and enforcement of the collective bargaining agreement, including the arbitration process. The course presupposes a general knowledge of labor relations law and, for this reason, Labor Law I is a prerequisite, unless waived.

The practice of labor law, whether for employers or unions, involves the lawyer in the collective bargaining process. His connection may be direct, as a bargaining representative of one of the parties, or indirect, as counselor to the negotiators. The lawyer cannot perform these functions properly without having an adequate knowledge of the substantive issues which arise in negotiating and administering the labor agreement. One purpose of Labor Law II is to provide the student with some basic knowledge concerning the “agenda” items which should be considered in preparing for and negotiating on the typical issues that arise in collective bargaining—e.g., wage systems, hours of work and premium pay, seniority, health, welfare and pension plans, supplemental unemployment benefit plans, union security provisions, and management security provisions. Attention is paid to contract drafting.

The course also is concerned with the arbitration process, which is the most commonly used method for resolving disputes arising out of the interpretation and application of the labor agreement.

Both the legal aspects of arbitration as well as practical procedural and other problems are considered.

Law and Society

This seminar involves the reading and critical discussion, in a small group, of a number of important books which have contributed in a notable way to the continuing conversation about the basic issues of Western society. The books selected are legal books and the discussion is concerned with the legal aspects of these great issues that reach into every area of humane and social studies. They range from legal philosophy and legal method to legal history. They are chosen to represent a variety of points of view and approaches to the law. There is no independent research requirement, nor are there formal examinations, but usually there are several assigned papers analyzing and comparing the books read.

Law Office Problems

This course is designed to bridge somewhat the gap between the law school and the law office. Students take up problems typically encountered in the general practice of law and draft the appropriate legal documents. Classroom time is divided between lectures and consideration of the problems, text and materials.

Legal Method

The course is essentially an analytical study of existing legal institutions. 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.

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

Legal Philosophy

In this course consideration is given to many of the basic questions of government and law: what is law; on what basis may law be considered good or just; what claim to validity do our standards of evaluation possess; what is the relation of law to other modes of ordering human conduct? A number of the great philosophic works, from the early Greeks to the present, are read, discussed, compared, and evaluated in relation to the pressing problems which challenge the legislator, executive, judge, and practicing lawyer today. In the belief that the central value problems are the same, no distinction between legal and political philosophy is stressed.

The course is elective for second and third-year students and there are no prerequisites.

Legal Writing

Justice Frankfurter once said: "In law, getting the right answer usually depends on putting the right question." This is one way of saying that a court's decision in a case frequently depends upon the formulation of the "issue involved." Winning or losing a case often depends upon the issue which counsel for appellant selects as the battle-ground.

Lawyers are continually called upon to state the issue involved in a case. Frequently, the trial judge opens proceedings by asking counsel: "What is this case all about?" An ability to reply precisely, succinctly, and persuasively to such a query may serve to start the judge down the path one hopes he will follow. In many appellate courts, it is required by rule that the initial page of the brief must be devoted to a statement of the issue involved. It is a fundamental tenet of appellate advocacy that counsel's opening on oral argument should consist of a precise statement of the question he is asking the court to decide.

There exists, therefore, a need for law students to develop the

skills of analysis and prognosis which are required to make a competent professional prediction as to how a given court would resolve a particular issue; and there exists a further need to acquire some knowledge of the techniques of formulating a statement of the issue so that it is clear and subtly persuasive.

A major part of the work in the "Legal Writing" course is devoted to these twin tasks. Working largely with current cases and with materials furnished by members of the bar, students consider what issues should be presented to the court, and how the statements of issue should be formulated.

Attention is also devoted to the drafting of (1) opinions to clients, (2) letters to opposing counsel, (3) pleadings, (4) contracts, (5) statutes. Particular attention is paid to the differing styles of language which are most effective in these several types of documents—e.g., simplicity and clarity in opinions, persuasiveness in appellate briefs, hard precision in contracts and statutes.

The drafting problems involved in the short weekly writing 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 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 purpose of this course is to acquaint 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 insofar 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. The course is based on the theory 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 a statute.

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 *over-all perspective*, something that is a difficult and long process once the lawyer is in active practice. This part of the course should help the law student develop such a perspective and some 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 term 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 Creditor's Rights, Taxation, Federal Antitrust Laws, 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 police powers,

planning, subdivision control, and zoning power; 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 Constitutional Law is a desirable, but not essential, prerequisite. The course is particularly helpful to those who plan to practice in small or medium-sized communities keeping in mind that many young lawyers have the opportunity to serve as city attorneys. It is somewhat more confined in scope than other public law courses such as Labor Relations Law, Federal Antitrust Laws, Administrative Tribunals, and Legislation.

Oil and Gas

The focus here is on the more important legal aspects of the *production* end of the oil and gas industry.

Emphasis is placed on four basic subjects. The nature of the landowner's right to subterranean oil and gas is the first. Analysis of the types of governmental control of production, including conservation, follows. Spacing requirements, limitations on stimulation, waste, and production (proration) are illustrative.

The third subject, and the matter on which the greatest emphasis is placed, involves a detailed examination of the legal implications arising out of the various clauses found in the standard Producers' Lease No. 88. This is complemented by a study of those *implied* covenants which were developed by the judiciary for exclusive application to oil and gas leases.

The course concludes with a survey of the various means of transferring oil and gas rights.

Patent Law

The course in Patent Law is concerned with the substantive law of patents as well as related fields of trademarks and copyrights. As such, it will be found to be helpful to the prospective general lawyer as well as to the prospective patent law specialist.

The materials presented in this course permit the student to acquire an understanding of such various aspects of the patent law as the general law of inventions (including the law of "confidential disclosures"); the requirements for patentability of an invention; the procedures for securing a patent; the evaluation of patents; the preparation of patent licenses, assignments and employer-employee agreements; and the remedies for violation of the patent.

The student with technical and scientific interest who wishes to specialize in patent law will study primarily the substantive law of patents in this course with some reference to the rules of procedure in the Patent Office. These procedural matters, which can be readily mastered in the first months of practice, are the subject of a qualifying examination given by the Patent Office at regular intervals.

The patent solicitor must be prepared to write accurate descriptions of inventions for which patents are to be solicited; to draft claims which will meet the established legal and technical requirements; and have a working knowledge of the patent statute and the rules of practice of the Patent Office. The patent specialist must be able to consult with the inventor in the technical language applicable to the invention; to read sketches or drawings; to comprehend chemical formulas; and, in short, to seize upon and understand the factual details of the invention. An introduction to the work of the patent solicitor is acquired in this course by a study of the file history of a typical patent. The primary purpose of such study is, however, to give the student a working technique for the better understanding and evaluation of issued patents.

The present patent statute is said to be a "codification" of the patent law as it was developed by the substantive case law. Thus, the related statutory provisions as well as many of the leading cases in patent law are covered in this course. A patent has "the attributes of personal property"; hence, the rights of the inventor to secure a patent, as well as his rights in the issued patent may be the subject of contracts, assignments, mortgages, or other transfers. The patent right may become involved in trusts and wills, as well as in probate and divorce proceedings. All legal dealings with inventions and patents require a background knowledge of the special nature of the patent right and of the problems which are created thereby. This is particularly true in negotiating and drafting agreements involving the sale or license of patents; the patent indemnity clauses of general sales agreements; employee agreements covering employment as well as company suggestion systems; and research and development agreements. In all these fields the general practitioner and the patent specialist are better prepared to serve the best interests of their clients when they understand certain of the distinctive characteristics of the patent right as presented in this course.

It is an additional purpose of this course to encourage each student to acquire an informed opinion concerning the American patent system and to formulate a philosophy concerning patents which he believes will best serve the public interest.

Another objective of the course is the clarification of the role of trademarks with particular emphasis on selection and registra-

tion and the value of copyright registration in relation to protection of labels as well as design patents.

A technical or scientific background, while helpful, is not required of students taking this course. It is recommended that the course be taken in either the second or third year and after completion of the required first year courses.

Problems of Federal Jurisdiction

This is an advanced course for students desiring to go beyond the introduction to the rudiments of federal jurisdiction acquired in Civil Procedure. The course contemplates intensive study into selected areas rather than sampling or covering in breadth the entire scope of federal jurisdiction.

Considerable exercise is acquired in working with the Judicial Code and Federal Rules of Civil Procedure, and highly technical problems of federal practice will be encountered. But the ultimate objective is to probe beneath the technical level to the underlying problems of federalism and distribution of governmental functions. As such, the course will hold interest not only for those especially interested in federal practice, but also for those more broadly concerned with constitutional law and political science.

The approach is through specific problems, which may vary from year to year. Given relatively complicated litigation situations, the student is required to study the code, rules, cases, and secondary sources to formulate tentative solutions for classroom discussion. Individual assignments and written work may be required.

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 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 sale of personal property are the subject matter of this course. It does not cover general problems of contract law considered in the course on Contracts. Instead, emphasis is placed on problems peculiar to the sale transaction including rights of seller and buyer *inter se*, rights of third parties, e.g., subpurchasers, creditors, etc., responsibility of seller for quality and condition of goods sold, use of documents of title in the sale transaction and devices used by seller to secure payment of the purchase price.

Security

The course covers two subjects which 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 used 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 but the special developments in this realm are only noted by cross-reference here. (Some consideration is given to these developments in the course in Financial Reorganization of Corporations.)

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. 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. Section 9 of the Uniform Commercial Code is studied in detail.

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 or property of a person, the surety, to a creditor as security for the performance of some obligation owing by the principal debtor. A study is made of the rights and obligations of these three parties arising from the fact that it is a three-cornered, rather than 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 focused on detail, there is no chance to attain the broad view essential to adequate understanding of a fairly complex subject.

Taxation I

This is the first of two general courses dealing with federal income taxation. Attention in this course is concentrated on federal

tax problems associated with the *individual*, and on those which are *common* to all types of business enterprises.

On the income tax side the focus here is on questions relating to gross income inclusions, permissible deductions in the determination of taxable income, accounting periods and accounting methods, gains and losses on the sale and exchange of property, decedents' final returns, and on problems relating to estates and trusts.

This course closes with 15 classroom hours devoted to the federal estate and gift taxes.

Consideration of the foregoing problems requires the student to make intensive use of the Internal Revenue Code, 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. This research task familiarizes the students with the standard tax services available in 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 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 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. 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 a prerequisite to the Taxation II course.

Before a student may take Taxation I he must satisfy the accounting prerequisite which is fully described in the section on Academic Regulations on page 57.

Taxation II

Attention in this course is confined to the federal income tax problems which are peculiar to business enterprises in a corporate or partnership setting.

The course deals with the income tax implications arising out of the organization of a partnership, its subsequent normal operations, and partnership distributions including those associated with the withdrawal or death of a partner.

The second part of the course is concerned with corporate affairs. Attention is first focused on the tax implications arising out of the organization of a corporation and its subsequent normal operations, including all types of non-liquidating distributions. This is followed by an analysis of the tax effects associated with corporate liquidations in the context of a disposal of the enterprise. A major feature of this course involves the study of the tax aspects of corporate reorganizations, including recapitalizations, and corporate expansion as well as devisee reorganization. The course concludes with an analysis of the legislative policy designed to induce corporations to distribute their profits, including the tax treatment of personal holding companies.

Taxation (Estate and Gift)

This course, normally offered only in the summer term, focuses attention on the tax costs associated with gifts made during life as well as testamentary transfers.

Interpretative materials bearing on the gift tax concern the concept of "taxable gifts" as well as exemptions, exclusions, and deductions. The estate tax materials concern not just probate property but also the extent to which various *inter vivos* transfers are grouped with testamentary transfers in determining the amount of the gross estate. Interpretative problems concerning exemptions and deductions are also examined.

Throughout the course, emphasis is placed on the various relationships of the gift tax to the estate tax, and of the estate tax to state inheritance taxes.

Trials, Appeals, and Practice Court

The objectives of this course are three-fold: (1) to acquaint the student with the basic problems faced by lawyers in the trial of cases to judges and juries, together with the problems arising on the appeal of cases; (2) through a study of statutes, rules, cases, text, and problems, to assist the student in reaching solutions to these problems as they would be presented in the United States' courts, the courts of a state of the student's choice, and generally throughout the United States; (3) through the practice court to give the student practice in the investigation, preparation, and trial of cases. This practice is made possible with the use of motion pictures of fact situations developed for this purpose.

The following is a brief sketch of the scope of the problems covered: (1) the preparation of a case for trial, techniques of fact investigation, with and without the judicial process, and the pre-

trial conference procedure; (2) the problems of jury selection, including the right to jury trial, the qualifications of jurors, and the methods and techniques of examining, selecting, and challenging jurors; (3) all of the problems that arise during the trial of a case with the exception of the admissibility of evidence, but including motions for continuance, the opening statement, etc., motions for directed verdict, etc., conduct of counsel and the judges, the final argument, instructions, the verdict, motions for new trial; and (4) the problems faced by the lawyer in attempting to get review of his case in an appellate court including the techniques in the preparation of the records, assignment of error, preparation of briefs, together with a discussion of all other problems faced by the law in such circumstances.

A major effort is made both during the teaching and the practice phase of this course, to acquaint the student not only with the theoretical problems involved, but also with the practical side of trial practice and to give him experience in the techniques used by good trial lawyers. All persons who plan to practice law in the traditional sense should consider this course a "must."

Trusts and Estates II

This is a study of the modern development and application of property concepts relating to donative dispositions and arrangements of wealth to which the student was introduced in Property and Trusts and Estates I. 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.

Unfair Trade Practices

This course deals with the common law and statutory regulation of various forms of unfair competition. One division of the subject presents problems of liability between private parties related to business torts and equitable relief against tortious business conduct arising from interferences with present and anticipated commercial relations. Included under this head are such topics as trademarks and trade names; protection of business schemes, designs and styles, trade secrets, and copyrights; false and misleading advertising; interference with contract relations; and business disparagement. A second division of this course introduces the student to the public policy of statutory unfair competition through consideration of Federal Trade Commission regulation of unfair trade practices and prohibition of price discrimination under the Robinson-Patman Act; resale price maintenance under the state Fair Trade Acts; and state statutes prohibiting sales below cost.

Unfair Trade Practices is not regarded as a specialty course; it is designed to provide a basis for legal counseling of any size or type of business firm. The only prerequisite is the first-year course in Torts.

Workmen's Compensation

The course embraces employee's remedies prior to and apart from workmen's compensation statutes; the history, scope, and nature of workmen's compensation legislation; the substantive requirements for coverage including the elements of the employment relationship, the nature of compensable injury, and the connection between injury and employment; benefits for disability and death; administration of the legislation; impact on tort liability; and conflict of laws.

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 fifteen to eighteen per term. Thus, seminars in Administrative Tribunals, American Legal History, Church and State, Civil Liberties, Commercial Transactions, Communist Law, Comparative Constitutional Law, Comparative Criminal Procedure, Comparative Law, Creditors' Rights, Estate Planning, European Business Organization, Federal Antitrust Laws, Federal Jurisdiction, Fiduciary Administration, Government Regulation of Broadcasting, Insurance Law, International Law, International Organization, International Problems of Criminal Law, Labor Law, Land

Utilization, Law and Society, Legal Education, Legal Philosophy, Legislative Problems, Medicolegal Problems, Regulation of Securities and Security Markets, Restitution, Science and the Law, Taxation, Trusts, and The Institution of Property may be expected to be offered each year, some in the fall and some in the winter. 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.

All students are required to complete at least one seminar as a condition of graduation.

*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

SECTION I. The following requirements must be met by all students:

1. Completion of all first year courses.
2. Completion of the following additional courses: *Hours*

Constitutional Law	4
Evidence	3
Problems and Research	2
Trusts and Estates I	3

 - * Pleading and Joinder (3 hours) is required for students who entered the Law School prior to 1965.

3. Completion of at least one seminar.

4. Completion of one course or seminar from the following group:

American Legal History, Civil Law, Communist Law, Comparative Constitutional Law, Comparative Criminal Procedure, Comparative Law, English Legal History, European Business Organization, International Law, International Organization, International Problems of Criminal Law, Law and Institutions of the Atlantic Area, Law and Society, Legal Method, Legal Philosophy. (From time to time courses and seminars will be added to or deleted from this list.)

A course shall be deemed to be completed if a student has officially taken such course and the examination therein.

SECTION II. In addition to the requirements specified in Section I, students must meet the following requirements:

1. Full time residence in Law School for at least three academic years (six terms or their equivalent in regular terms and summer terms), of which at least two years, including the final year, have been spent in this School. Full time residence in a regular term consists of a minimum of 12 credit hours of work carried throughout the term. Residence in a summer term will be a fractional part of a regular term, but a program of a "full-time" student in the summer term consists of a minimum of two courses carried throughout the term, except as otherwise expressly determined in connection with a particular summer term.

2. 52 credit hours in addition to hours of credit allocated to first year courses. Students who entered the Law School in June prior to 1965 are required to earn a total of 81 credit hours—this nor-

mally means 53 credit hours in addition to the credit hours allocated to first year courses. Starting in 1965, those entering in June are required to earn a total of 80 credit hours.

3. For LL.B.—an honor point average of at least 2.0 on the minimum credit hours which may be offered for the degree.

4. For J.D.—an honor point average of at least 3.0 on all work carried.

The Grading System

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

Grade	Value in Honor Points Per Credit Hour
A+	4.5
A	4.0
B+	3.5
B	3.0
C+	2.5
C	2.0
D+	1.5
D	1.0
E	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 when his cumulative honor point average has fallen below 1.7 may be entitled to take repeat examinations for the purpose of obtaining reinstatement (see limitations on this privilege under "Academic Eligibility to Continue in Residence," below.) If a student earns a grade of C or better on a repeat examination

taken under the terms of (a) above, the letter P, indicating that he successfully passed the course, will be substituted for the original E. This mark will have no effect in determining a student's honor point average. In all other cases, if a course is repeated, or a repeat examination is taken in a course [see (b) and (c) above], the student's record will include both the original grade in such course and the grade received upon repeating the course or the examination therein, and, in computing his honor point average, both grades will be included as if each represented a different course.

Academic Honors

There are three types of recognition for superior scholarship. The highest 10 per cent of each graduating class (the "class" consisting of the aggregate of the May graduates of a given year plus the preceding August and December graduates) are customarily elected to the Order of the Coif, the national legal honorary society comparable to Phi Beta Kappa at the college level. Students who maintain a superior academic average and fulfill certain requirements as "candidates" are elected to the Board of Editors of the *Michigan Law Review*. Students who have at least a "B" average on all work taken in the Law School 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 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, 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.

Attendance Regulations

The faculty is firmly convinced that regular class attendance, as well as good preparation, is an important ingredient in obtaining the best legal education. Because of this belief we expect our students to attend their assigned classes. The Academic Regulation reads as follows:

"Bar admission rules as well as good education standards require regular attendance in assigned classes. Excessive absences may influence the grade given in a course, and may result in a reduction of credit hours, dismissal from class, or dismissal from school."

Each teacher will announce such special regulations, and keep such attendance records for his course as he deems necessary to assure compliance with the spirit of the regulation. Sanctions for excessive absences from any class will be recommended by the faculty members.

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 for all students who entered the Law School prior to 1965 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 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 term is at least 1.7.
- "2. A student is expected to complete his work for the degree in six regular terms 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 Administrative Committee, nor will he be permitted to remain in residence more than one additional regular term or its equivalent."

For all students entering the Law School in 1965 and thereafter the regulations regarding academic eligibility to continue in residence have been changed in one important aspect. As to these students, the regulations provide as follows:

- "1. A student shall be ineligible to continue in the School if he fails to attain at least a 1.7 average on all work taken through his first academic year in residence or if thereafter his honor point average falls below a 1.7 average.
- "2. If a student's honor point average at the end of the winter term of his first year in residence is at least 1.7 but less than 2.0, he is entitled to continue, but only on probation. Unless such a student maintains a 2.0 average on all work taken between that point and the end, respectively, of the third and of the fourth full terms (normally the fall and winter terms of the second year), he shall be ineligible to continue, respectively, beyond either of those terms.
- "3. A student is expected to complete his work for the degree in six regular terms 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 Administrative Committee, nor shall he be permitted to remain in residence more than one additional regular term or its equivalent."

Thus, students who do poor work during their first year in the Law School now must do somewhat better work in their second year, or they will be excluded, even though their cumulative honor point average remains above the 1.7 level. This will permit us to identify the student who has demonstrated a lack of ability by consistently poor performance beyond the first year. On the other hand, if a student has the ability and needs only the spur, we hope to provide the spur.

Students permitted to continue into their second year on probation (a first year record of at least 1.7 but less than 2.0) will have to meet two additional requirements before they will be permitted to continue into their final year. First, such students will not be eligible to continue beyond the fall term of the second year unless they maintain a 2.0 average or better on all work taken between the end of their first full year and the end of that third full term. If they fail to meet this standard they can continue only if they receive the express approval of the Administrative Committee. A second requirement is imposed on all probationary students who entered their third full term as a matter of right, whether they were permitted to continue into the fourth full term (normally the winter term of the second year) as a matter of right or on the basis of a petition filed with the Administrative Committee. This second requirement is that such students must maintain a 2.0 average or better on all work taken subsequent to the winter term of the first year and through the winter term of the second year. Failure to meet this requirement would deprive them of the right to continue beyond this point.

The "home list" has been running at a rate of about three percent to five and a half percent of the first year class. This percentage is not fixed; it varies 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. A 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. The "Academic Regulations" provide:

"Section I. Readmission on Examination.

1. A student who has been excluded from the School on academic grounds may, at any time within three years thereafter, take a regular examination in each course in which he has earned a grade of less than "C." The grade or grades thus earned will be averaged with his grades previously received, as if he had repeated the course or courses while in residence, and if his recomputed honor point average is at least 1.7 he shall be eligible to re-enter the School, subject to the limitations set forth in Part Three, Section I, if otherwise applicable.
2. These provisions for re-examinations are not available to a student (a) who has been readmitted to the School, or (b) who is ineligible as a matter of right to continue in school under Part Three, Section I, paragraph 2, or (c) who has been excluded from the School on academic grounds a second time.

Section II. Special Petitions.

A student who on academic grounds is ineligible to continue in residence may petition the Administrative Committee for a waiver of the rules applicable to his case. The Administrative Committee may approve such petition, subject to such conditions as may be deemed appropriate, provided 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."

Accounting Prerequisite for Courses in Taxation and Corporations

The faculty has adopted the following regulation with respect to students who enter the Law School in 1964 and thereafter:

- "1. A basic understanding of the principles of accounting shall be a requirement for enrollment in Taxation I, Taxation IA, and Corporations. This requirement may be satisfied (a) by a passing mark on the Law School proficiency test in accounting or in the Law School course Accounting for Law Students, or (b) by academic credit, with satisfactory

grade, in not less than 6 semester hours of accounting at the college level, or (c) by enrollment in Accounting for Law Students concurrently with any of the named courses in Taxation and Corporations."

- "2. The proficiency test in accounting shall be administered during orientation week in the fall, in 1964 and thereafter, to all students prepared to take it at that time, including entering freshmen. The student may prepare himself for the test by any means convenient to him, including individual study or review. The Assistant Dean may provide for the administration of the proficiency test at such other times during the year as he shall find necessary and convenient."
- "3. If the student elects to enroll in Accounting for Law Students simultaneously with Taxation I or IA, or Corporations, without having passed the proficiency test, he will not be permitted, except in very unusual circumstances, to drop the Accounting course while continuing in the other."

Additional Regulations

The preceding paragraphs have discussed several of the important academic regulations of the School. In addition a leaflet setting forth these and other specific regulations dealing with examinations, written papers, grades, honor point averages, credit hours, class attendance, minimum and maximum student load, seminars, changes in course elections, requirements for the undergraduate degrees, academic eligibility to continue in residence, and special regulations is given to every entering student and is available to any student who will ask for a copy in the Administrative Offices.

*Intramural
Activities*



The Michigan Law Review

The American law school review is a unique institution. The first was published at Harvard in 1887, and in the years that have followed most of the leading law schools in the country have come to regard publication of a scholarly journal as an essential part of their programs. In that time a large proportion of the most valuable and most celebrated legal writing produced in the United States has appeared between the covers of these periodicals, of which the *Michigan Law Review*, published through the joint efforts of the faculty and students of the University of Michigan Law School since 1902, is one of the outstanding examples.

Publication of the *Law Review* serves two main purposes, both of which are of great importance to the Law School and to the profession. The more obvious service, of course, is the medium which the *Review* offers for presentation of scholarly analysis of and comment upon matters of interest and importance to the legal profession. An issue of the *Review* normally contains two or three leading articles written by outstanding scholars or practitioners, plus a number of shorter discussions, more specific and more limited in scope, written by the student members of the *Review*. The subjects of these "articles," "comments," and "recent developments" are ordinarily quite various, having as a common denominator only their appeal to the interests of some substantial groups of lawyers.

A consistent program of law review reading cannot fail to be advantageous to the student, aiding him to develop an awareness of matters which are current issues in the legal world, helping to acclimate him to the thinking of the profession, and lighting up for him many dark corners of the law of which he had previously been quite ignorant. To this end a subscription to the *Michigan Law Review* will prove a worthwhile investment to any student, for he is thereby enabled to utilize leisure moments most beneficially.

The second purpose which the *Law Review* serves is less obvious, but no less important. The opportunity which the *Review* offers to qualified students to engage in projects of research and writing, aided, advised, and criticized by fellow students and by the faculty, and encouraged by the prospect of ultimate publication, is widely recognized as one of the most valuable aspects of the students' formal legal education. The student who participates has an unexcelled opportunity to develop his techniques of research and of writing, to make intensive studies of legal subjects of particular interest to him, and to make a "name" for himself in the profession even before he leaves school.

This is an opportunity which cannot be offered to all students, not only because of administrative problems which would be in-

volved, but also because the independent preparation of papers which will eventually be published necessarily assumes that the writer has already achieved a rather high degree of competence in legal analysis and expression. Consequently, those students who after two full terms in Law School have achieved a superior academic record are given the opportunity to try out for membership in the *Review*. Election to the editorial board in the position of assistant editor may take place one or two terms later, depending upon the showing the candidate makes as to his ability and desire to do research and writing which measures up to *Law Review* standards. The student writer, whether he is a candidate or a member of the editorial board, has as his principal activity the preparation of a number of "comments," "notes," and "recent developments," examples of which can be found in any issue of the *Review*. The subjects of these comments, notes, and recent developments, are usually suggested by members of the faculty, but may be developed by the writer himself upon consultation with the appropriate member of the "Upper Staff." After the subject is chosen, intensive research and careful analysis and draftsmanship follow, the total experience being a fair introduction to and preparation for the lawyer's basic function—finding the law.

The "Upper Staff" consists of a student editor-in-chief and a number of student associate editors who, by reason of their high competence, have been chosen to supervise and edit the work of the student writers. They are available for consultation and to give helpful criticism. It is their function to select the notes and comments which will be published, to elect the assistant editors from among the ranks of the candidates, to recommend to the faculty their own successors, and in general to keep the wheels turning so far as the student activities on the *Review* are concerned.

Election to membership on the *Law Review* is certainly one of the highest honors which can come to a student at the University of Michigan Law School. Active and vigorous participation in this activity has an intrinsic value to him which can hardly be overestimated.

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 90 per cent of the first-year class usually participate, as well as a selected 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 an actual 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 something 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 a legal memorandum and 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, 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 within his own Club. At

the end of the year thirty-two first-year students, selected on the basis of scores received during the two freshman Case Club rounds, will be named to participate in the quarterfinal round of the Henry M. Campbell competition during the first semester of their junior year in the Law School. Of these, twelve will be chosen to compete in the semifinals, and from the twelve, four will be selected for the final round of the Campbell competition. The Henry M. Campbell competition is concluded in the Spring of each year with arguments before a distinguished bench, 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. Conferences are held with upperclassmen assigned as Judges. The analysis of the case and the drafts of the briefs are criticized constructively by the Judges. 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. Faculty judges and outstanding practicing lawyers hear 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 third-year course Trials, Appeals and Practice Court.

The National Moot Court Team

From the high ranking Campbell competitors are chosen six men to comprise the two teams which will represent the law school in the National Moot Court Competition. Teams from schools across the country brief and argue a hypothetical case involving current controversial legal and social problems. Each team competes in a district competition. The two top ranking teams in each district go to New York City for the final rounds. Our teams, after presenting a practice argument under the guidance of their faculty advisor, compete first in Detroit.

The Lawyers Club

Each member of the student body at the University of Michigan Law School is, by virtue of his or her enrollment in the school,

a member of the Lawyers Club. Operating through its officers and a Board of Directors which constitute the governing body for the students, the Club sponsors all school-wide law student activities except the Case Clubs.

The Lawyers Club seeks to promote scholarship and to further student interest in and knowledge of the practice of law, to serve as liaison between the students and faculty, to manage and govern the living accommodations of the Law Quadrangle, to initiate or supervise student extra-curricular activities both social and professional, and to direct the Law School's participation in the University's intramural sports program.

Specific Activities of The Lawyers Club

Specific activities of the Law Club include the publication of a weekly newspaper, *Res Gestae*; the publication of an annual, *The Quad*; the sponsoring of lectures by practicing lawyers, politicians, businessmen and international leaders; the conduct of student and faculty-student social affairs such as smokers, mixers, and dances; the operation of a student book exchange to permit students to buy and sell used casebooks; the organization and support of teams in the intramural sports program; the sponsorship of delegates to various meetings and conventions with students of other law schools; and the maintenance of its charter membership in the American Law Student Association.

Organization of The Lawyers Club

Officers for the Club and the members of the Board of Directors are chosen annually in the Spring by a general election. Any member of the Law Club may petition to have his or her name included on the ballot.

Participants in the direction of the Club gain valuable experience in the conduct of a large and many faceted program of activities. In addition they have the opportunity to work with members of the faculty and administration on problems which concern the law student. Work such as this serves as excellent preparation for student lawyers many of whom will be assuming positions of responsibility in civic, professional and political organizations when they return to practice in their home communities.

*Scholarships and
Financial Aid*



Several 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 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 for undergraduate law 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.

The policies for granting financial assistance are set by the faculty, and may be changed from time to time to achieve the greatest good for the most students. The current policies are printed each year in the annual *Announcement* of the Law School. The policies at the time of preparation of this Handbook are set forth below.

Financial Assistance 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. A few scholarships in amounts substantially greater than tuition are granted to exceptional applicants. Scholarships in amounts less than tuition are awarded to worthy applicants who do not demonstrate need of financial assistance. These first-year scholarships will be renewed in the second and third year if the recipient (1) maintains a grade point average of at least 3.0, and (2) serves on the *Law Review* (or the equivalent).

Applicants for admission who show need, but whose credentials do not justify a scholarship, and needy first-year students who have not received scholarships may apply for short-term loans which will be converted into long-term loans, upon request, after the first year is successfully completed.

Applications for loans from Law School loan funds ordinarily will not receive favorable consideration until the loan officer is assured that the applicant has utilized any opportunity that he might have to borrow locally through a state-supported higher education assistance program. The following list is not intended to be exhaustive, but at the time of preparing this Handbook the following states were known to have financial assistance programs for the residents of the state: Connecticut, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North

Dakota, Ohio, Pennsylvania, Rhode Island, Virginia, Wisconsin, and Wyoming. Details of the programs are usually available in local banks. All applicants are urged to check the latest developments in their states.

Applicants for admission may obtain application forms for financial assistance from the Admissions Officer, Hutchins Hall, The University of Michigan, and these forms should be submitted by March 15, preceding enrollment in the Law School. Enrolled first-year students may obtain forms from the Office of the Assistant Dean.

Financial Assistance for the Second and Third Years

All persons (1) who maintain at least a 3.0 grade point average, (2) who show need, and (3) who are serving on the *Law Review* (or the equivalent) will be eligible for gift scholarships. The amount will be either the amount of the first-year scholarship if the student had one, or up to tuition. Any excess needs will be handled as set out below.

All students (1) having less than a 3.0 grade point average, and (2) who demonstrate need will be eligible for financial assistance on the basis that one-half of the money will be advanced without interest, on a scholarship imposing a moral obligation to repay when the student is able to do so, and one-half as a legal loan at 3% interest. This formula will not be applied beyond an amount equal to tuition plus \$700. A student who receives a gift scholarship for tuition, as described in the preceding paragraph, may also be eligible, if need be shown, for up to \$700 assistance a year on a half loan, half moral obligation basis.

Special emergency requests through the year, and all assistance in excess of the maxima specified above will be handled by the Assistant Dean on either a straight loan basis, or a half-and-half basis, at his discretion.

Loans from the funds provided by alumni and friends of the Law School may be for either short or long terms. 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 these types of financial assistance are available in the Office of the Assistant Dean of the Law School, Hutchins Hall, The University of Michigan. Ordinarily such forms should be filed on or before April 1 of the year preceding the academic year for which assistance is requested. Applications for emergency assistance may be filed at any time.

In determining the need for financial assistance of any applicant

the Committee will consider the availability of loans to that applicant through a state-supported higher education assistance program. States known to have such programs at the time of preparation of this Handbook are listed under the discussion of financial assistance for the first year of law study, above.

Sources of Financial Aid

The monies that enable the Law School to offer these various forms of financial aid have been generously provided by the Regents of the University, the Ralph W. Aigler Memorial Loan Fund, the Aldrich Fund, the Standish Backus Memorial Scholarship Fund, the Henry F. Bodman Loan Fund, the Henry M. Butzel Memorial Loan Fund, the Herbert Watson Clark Scholarship Fund, the Grant L. Cook Memorial Scholarship Fund, the Carl A. Cooley Memorial Law Scholarship Fund, the Frederick W. DeFoe Scholarship, the Clyde Alton DeWitt Law Scholarship and Loan Fund, the Wendell Thomas Fitzgerald Scholarship Fund, the Edwin C. Goodard Loan and Scholarship Fund, the Harry Helfman Law Student Aid Fund, the Mr. and Mrs. Sherwin A. Hill Scholarship, the Ralph Smith Hirth Memorial Scholarship Loan Fund, the William Lawson Holloway Scholarship Fund, the John H. King Law Scholarship, the Charles Coolidge Kreis Scholarship Fund, the Law School Loan Fund, the Law School Alumni Scholarship Fund, the Frederick L. Leckie Fund, the Lindley Scholarship, the Ray M. Mann Loan Fund for Law Students, the McCormick Memorial Fund, the Miller, Canfield, Paddock and Stone Law Scholarship, the Montague and Angell Law Scholarship Fund, the Benjamin B. Morris 1901 Law Class Memorial, the Samuel J. Platt Scholarship, the H. H. Servis Loan Fund for Law Students, the Marion Lehr Simpson Scholarship, the Beverly B. Vedder Memorial Scholarship Fund, the Maurice Weigle Revolving Loan Fund, the Eugene C. Worden Loan Fund, and by class scholarship and loan funds which have been provided by the classes of 1899, 1900, 1902, 1904, 1907, 1908, 1912, 1913, 1914, 1916, 1922, 1923, 1924, 1929, 1959, and 1961.

Prize Awards

Barristers Award. Each year the Barristers Society of the University of Michigan Law School makes this prize award to the senior law student who has compiled a fine scholastic record while also making, through part-time employment, one of the most substantial contributions toward his own legal education.

Henry M. Bates Memorial Scholarships. A substantial cash award is made each year to one or more outstanding seniors in the Law School, account being taken of scholarship in both under-

graduate and legal studies, personality, character, extracurricular interests, and promise of a distinguished career. These awards are paid from the income derived from a fund established by alumni and friends of the Law School in memory of the late Dean Henry M. Bates.

Bodman-Longley Award. As a memorial to two former partners, Henry E. Bodman, '96 and Clifford B. Longley, '13, the Detroit firm of Bodman, Longley, Bogle, Armstrong and Dahling, in 1965 created this award. Each year a prize of \$400 is given as a scholarship to a worthy law student who has been elected to the editorial board of the *Michigan Law Review* as selected by the Dean of the Law School. Although not limited to this purpose, the award may be given to the Articles Editor elect of the *Review* so that he can remain in Ann Arbor during the summer preceding his senior year, to make plans and arrangements for the next year's publication.

Nathan Burkan Memorial Competition. Each year the American Society of Composers, Authors and Publishers invites the students of the University of Michigan Law School to compete in the Nathan Burkan Memorial Competition. This competition, which was inaugurated in 1938, is designed to stimulate interest in the study of copyright law. A first prize of \$250 and a second prize of \$100 will be awarded to the two students of this School whose papers are selected by the committee as worthy of the awards.

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 firm) is utilized for the purpose of rewarding winning counsel.

Class of 1908 Memorial Scholarship. This award is available through the generosity of Judge Guy B. Findley, of the Class of 1908 Law, who has contributed the sum of \$2,500 for the purpose of establishing a scholarship in honor of his class. The income from this fund is awarded at the beginning of each school year to the senior student who has attained the highest scholastic average.

Howard B. Coblentz Prize. In 1921 Mr. and Mrs. George W. Coblentz, of Erie, Pennsylvania, established this prize by the gift of \$1,000 in memory of their son, Howard B. Coblentz, a member of the Law Class of 1918, who enlisted while a student and lost his life in World War I. The income from this fund is awarded at the end of each year to that student member of the *Michigan Law Review* editorial staff whose work on the *Review* during the year has been the most satisfactory.

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 E. Freud, an alumnus of The University of Michigan and formerly a distinguished member of the Detroit Bar. The recipient is selected by Mr. Oscar A. Markus, the trustee of the estate, account being taken of the recommendation of the faculty.

Clarence M. Burton Memorial Scholarships. These substantial cash awards are made to three seniors in the Law School who have exhibited superior scholarship while engaging in significant extracurricular activities and substantially contributing to their own support through part-time employment. These three awards have been made available, beginning with the 1953-54 academic year, through the generosity of the Clarence M. Burton Memorial Foundation, of Detroit, Michigan.

Jason L. Honigman Award. Through the generosity of Mr. Jason L. Honigman, J.D. 1926, of Detroit, and now senior partner in Honigman, Miller, Schwartz and Cohn, a cash award of \$500 is given each year to the senior student editor (or editors) of the *Michigan Law Review*, who, in the opinion of the faculty of the Law School, has made the greatest contribution to the *Review* during the preceding two years. The Editor-in-Chief of the *Review* will not be eligible for this award.

Lawyers Title Insurance Corporation Prize. The prize award of \$100 has been made available beginning with the academic year 1954-55 through the generosity of the Lawyers Title Insurance Corporation. The award is made to the student who receives the highest grades in real property courses. Account is taken of the grades in the following courses: First-year Real Property, Trusts and Estates I, Trusts and Estates II, Fiduciary Administration, Security, and Conveyancing and Drafting. In the event of a tie, the difficulty will be resolved by reference to the scholastic averages in other courses.

National Bank of Detroit Estate Planning Award. The National Bank of Detroit has generously made this cash award of \$100 a

term available, beginning with the academic year 1959-60, to the student who, in the opinion of the faculty of the Law School, has done the best work in Estate Planning.

Abram W. Sempliner Memorial Award. A \$500 cash award given each year, in recognition of outstanding work for the *Law Review*, a superior scholastic record, and effective leadership, to the student elected by the faculty of the Law School to be Editor-in-Chief of the *Michigan Law Review* for the following year. This award is given in memory of Abram W. Sempliner, LL.B. 1902, for many years an outstanding member of the Detroit Bar, and is made possible by a gift of Jason L. Honigman, J.D. 1926, a former student editor of the *Michigan Law Review*, who was employed by Mr. Sempliner upon graduation from Law School and remained in practice with him for 22 years thereafter.

The United States LAW WEEK Award, a prize of approximately \$100 value, is given to the graduating student in law who, in the judgment of the faculty committee, has made the most satisfactory scholastic progress in his final year. The Award consists of a year's complimentary subscription to LAW WEEK, which reports every week important new court decisions and federal agency rulings, and all Supreme Court opinions.

Joseph Wolfe Memorial Prize. Established in 1963 by a gift of \$4,000, donated in the name of the American Bankers Association by the trustmen of Detroit and Arthur B. Pfeleiderer, former vice president of the Detroit Bank and Trust Company, in memory of Mr. Joseph H. Wolfe, LL.M. 1949, for many years secretary of the Trust Division of the American Bankers Association. The income from this fund will provide an annual prize award for the best student paper produced in the Law School during the academic year in the general field of Trust law. Eligible papers will be those produced by students enrolled in the seminar in Trusts, the seminar in Fiduciary Administration, or other seminars in the general field of Trust law which may from time to time be offered in the Law School, as well as student comments in the general field of trust law written by the student editors of the *Michigan Law Review*.

General Academic Prizes. Awards in an amount not exceeding \$200 are 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 are computed as of the close of the preceding winter term. Should two or more students tie for an award, the amount is divided between them. These awards are made only to those eligible students who have not been given scholarships or prizes in a substantial amount covering the same period.

Placement Counseling



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 Office to assist in this important undertaking.

The Placement Office, with a full-time person in charge, is located on the third floor of Hutchins Hall. A member of the faculty serves as Placement Counselor. The office maintains files of information concerning opportunities for the general practice of law and for other professional work received from law firms, corporations, governmental agencies, and other sources. There is a placement bulletin board on the second floor of Hutchins Hall on which are posted notices of job opportunities as they come to the attention of the School. The Placement 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 review 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 to file a résumé suitable for use in connection with placement. Interviews with the Placement Counselor provide the means by which students desiring assistance can discuss their plans for the future. Such interviews, as well as reports received from other faculty members, form the basis of letters of recommendation. The Placement Office has available for each student a mimeographed statement of the problems of placement and advice to students in locating a position as a lawyer.

An increasing number of law firms, corporations and governmental agencies from all parts of the country send representatives to the Law School each year to interview senior law students interested in employment opportunities. Interviewers tend to emphasize the importance of good grades, but a steadily increasing percentage are willing to give serious consideration to all Michigan applicants. Students can benefit from the information and the experience which can be gained from an interview in Ann Arbor. The interview program is administered by the Placement Office and is available only to the students who have requested assistance from the office.

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 or agency 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 high academic credentials, 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.

While emphasis has been placed upon senior students, second year students are being sought for summer work in law offices, with governmental agencies and corporate law departments between the second and third years in law school. Therefore, it is important for second year students, who may have an interest in such summer employment, to contact the Placement Office early in their law school careers.

*The Graduate and
Research Program*



Among the most distinctive features of the University of Michigan Law School are the size and scope of its research program. The inauguration and development of this program were made possible by the unique William W. Cook Endowment for Legal Research. The income from the endowment, together with dues to the Lawyers Club, and, in the past, earnings from the Club have provided basic support for research activity. Expansion of the research program has been made possible by gifts from the Ford Foundation, the Walter E. Meyer Research Institute of Law, Inc., the University of Michigan Phoenix Fund, and many other donors and foundations.

Research Activities of the Faculty and Staff

Research and education are inseparable at the Law School. Research is needed not only to keep course content in touch with changing developments, but even more in order to make education a leader, rather than a follower, of professional practice. Some research project is underway in connection with nearly every subject in the curriculum. Many of the newer subjects in the curriculum have been born of the research done here; examples are the course in Law and Institutions of the Atlantic Community, and the seminars in Comparative Criminal Procedure, Comparative Constitutional Law, Science and the Law, The Institution of Property, and Quantitative Analysis of Legal Problems.

However, the primary purpose of research is not to support courses, or even to aid in developing new courses; it is to cast light on the solution of pressing problems of modern society. Research projects frequently involve the collaboration of physical or social scientists with legal scholars, as in the studies of atomic energy, in which law faculty members teamed with physicists, and the study of the economics of injury litigation, in which a law professor teamed with an economist and social survey director.

Beside carrying on or directing research, members of the faculty participate in national and international groups. Two journals of national prominence are edited by faculty members: *The American Journal of Comparative Law* (by Professor Emeritus Hessel E. Yntema), and the *American Journal of International Law* (by Professor William W. Bishop, Jr.).

In addition to members of the faculty, various research associates carry on important activities. At this writing, there are two permanent research associates, and a number of visiting research scholars, principally from foreign countries. Recent research associates have completed extensive studies on atomic energy control, European law, Soviet law and international relations. Another research asso-

ciate has completed a series of studies on the English origins of American statute law.

Graduate Study

Another part of the research program consists of supervising and supporting students in advanced studies and research. Most of these students spend one year at the Law School in which, if successful, they earn a degree of Master of Laws (LL.M.). A few are permitted to become candidates for the further degree of Doctor of the Science of Law (S.J.D.). In either case, an essential ingredient of the program is an original contribution to legal literature, based on the student's own study and investigation. Participants in the graduate program are generally graduates of other law schools; many of them have some experience in private practice, governmental service, or law teaching before undertaking their graduate studies.

Undergraduate law students will frequently encounter graduate students as colleagues in advanced courses or seminars; their presence is usually a stimulating influence on the level of performance of all students enrolled.

Although most of the graduate students adopt individual research projects, a few each year are engaged in a joint project in the Legislative Research Center. In these projects, a series of studies on a single topic are prepared. In recent years, eight graduate students produced related monographs on legal problems of metropolitan areas. Three students produced related monographs on legal problems of water resources. Six students produced related monographs on state legislation affecting restraint of trade, unfair competition, and consumer protection.

Foreign Students and Visiting Scholars

A special aspect of the graduate program is the presence each year of a number of students from foreign countries; these are always persons who have completed their basic legal studies with distinction in the law schools of their own countries; frequently they have had prior graduate study, or experience in government or teaching there. Because they are gifted and experienced individuals, and because they come from legal systems which employ radically different concepts and solutions, their presence can be very stimulating to both students and professors.

Foreign students commonly take a special degree of Master of Comparative Law (M.C.L.); but those from English-speaking coun-

tries often qualify for the LL.M. and S.J.D. degrees on the same terms as American students.

Foreign students are usually interested in getting acquainted with American people as well as American law, and their presence in the student body affords a valuable opportunity for American students to make contact with elements of foreign cultures.

Foreign Study by Americans

Each year a number of graduates of the Law School go abroad (usually to Europe) for a year of study of foreign law. Faculty members assist interested students in planning their study, and in applying for fellowships from Fulbright funds and other sources. A few fellowships for foreign study have been awarded by the Law School from funds granted by the Ford Foundation.

Fellowships are awarded by the Law School primarily to students who have developed their proficiency by research in foreign language materials. Opportunities for such research are provided in some of the Law School's international and foreign law courses.

While the Law School encourages and supports foreign study, it does not award degrees or credit toward degrees for work done under this program.

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