

University of Michigan Law School

## University of Michigan Law School Scholarship Repository

---

Other Publications

Faculty Scholarship

---

1987

### Professional Education Then and Now: Law

Elizabeth Gaspar Brown  
*University of Michigan Law School*

Available at: <https://repository.law.umich.edu/other/171>

Follow this and additional works at: <https://repository.law.umich.edu/other>



Part of the [Legal Education Commons](#), and the [Legal History Commons](#)

---

#### Recommended Citation

Brown, Elizabeth Gaspar, "Professional Education Then and Now: Law" (1987). *Other Publications*. 171.  
<https://repository.law.umich.edu/other/171>

This Speech is brought to you for free and open access by the Faculty Scholarship at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Other Publications by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact [mlaw.repository@umich.edu](mailto:mlaw.repository@umich.edu).

CELEBRATION '87 SYMPOSIUM LECTURES

Symposium Two: Thursday May 14, 1987

"Professional Education Then and Now"

LAW

Elizabeth Gaspar Brown

The Law Department, the third of those mandated by the state statute of 1837, commenced to function on October 3, 1859. In the morning the three-member law faculty met and elected James Valentine Campbell, an Associate Justice of the Michigan Supreme Court, as its dean. In the afternoon, Campbell delivered an address "On the Study of Law" to a crowd of faculty, students, and visitors in the Ann Arbor Presbyterian Church.

The next morning, 90 students -- 60 from Michigan, 29 from other states of the Union, and one from Canada -- assembled for the first lecture in the prescribed course of instruction, held in one of the two rooms in University Hall (torn down after World War II to make room for Mason Hall) assigned to the law department for its use. The other room held the law library of about 350 volumes, presided over by a law student -- responsible for sweeping the floor and attending to the stove.

Reflecting the expansionist feelings of the period, the 90 law students undoubtedly expected the department would prosper. None would have been offended by the fact that each faculty member was a part-time instructor nor by the Spartan quarters in which the department was housed. Both were typical of the period. Given this frame of reference, it is most unlikely that any man then on campus could have imagined the future Law Quadrangle, a law library with over 650,000 volumes, a tenured and tenure-track faculty of 51, and a total student body of 1,126 -- 479 from Michigan, 617 from other states, and 30 from foreign countries, made up of 742 men and 384 women.

Further, as a practical matter, there is scant likelihood that any one, whether student or faculty, even considered the possibility that a woman could be admitted to the study of law. And, in fact, none was before 1870.

In the meantime, however, in 1868 to be precise, two black men, the first of their race -- Gabriel Franklin Hargo of Adrian and John Summerfield Davidson of Pontiac -- enrolled respectively in the Law and Literary departments. No official record shows the race of these men: that was determined from bits of evidence in the Michigan Historical Collections. Each man met the qualifications for admission and was admitted. Hargo, the

first black graduate from this University, received his LLB. in 1870, Summerfield attended the University for the one year, 1868-18769. The official color-blindness which surrounded their academic careers contrasts sharply with the uproar over the admission of women. The Law Department's first female student, Sarah Killgore, graduated in 1871, a year after Gabriel Hargo.

In common with most law schools during the greater part of the nineteenth century, the Michigan requirements for admission were not demanding. Not until 1883 was high school graduation -- in addition to 18 years of age and a good moral character -- a prerequisite for admission. These standards, when coupled with the law department's practice of giving a single examination for each subject at the end of the academic year, made it a mecca for athletically minded young men, who were more interested in the playing field than the library. Not until Henry Bates, appointed to the Law Faculty in 1903, met his first freshman law class and discovered that the first string of every varsity team sat before him, was any serious effort made to raise the qualifications for admission. Appointed Dean in 1910, Bates continued his dogged efforts. By 1912-1913, the applicant for admission needed one year of college. Sixteen years later, college graduation or participation in Michigan's combined curriculum in law and letters was required.

During these years when Bates was pushing for better prepared law students, he simultaneously was pressuring his faculty to increase their research and writing and to decrease their reliance on teaching methods which emphasized textbooks and lectures rather than the case method which Langdell had introduced at Harvard.

Despite these efforts, the physical plant in which the school was housed was an enormous hindrance. The original structure built in 1864 had been added to and remodeled, but the increase in the law term from six to nine months, steady growth in the student body, and modest growth in the law library placed space at an increasing premium. Crowding grew worse by the year. With neither cloakrooms nor lockers, students piled their belongings along the hall. Pilferage was a daily occurrence. The professors' offices lacked ready access to the library which was forced to cram books into every available nook and cranny. The university carpenter was a regular visitor, called in to shave off part of almost every door so they could fit within the door frames -- and when the books finally were taken to the newly constructed Legal Research Building in 1931, gaps of from three to five inches appeared between the doors and their frames.

Annually, Bates' reports to the President of the University called attention to the crowded conditions. He found the University's reluctance to help particularly annoying since at that point in time the school's high enrollment and relatively small number of professors made it a profitable entity within the University.

Taking these conditions into account, it is not surprising that President Hutchins suggested to William W. Cook, Law 1882, who already had given Martha Cook Dormitory to the University, that the law school's needs were acute. Cook asked that Hutchins and Bates come to New York to discuss the University's proposals, but Hutchins' sudden illness forced Bates to go alone -- prepared to discuss a tentative proposal for two buildings. He did, however, carry with him the plans for four buildings, the ones which ultimately made up the original Law Quadrangle.

Understandably Bates was nervous. He had been complaining about the inadequacies of the Law Building since 1910. Now that the way seemed open to secure at least some help for a new building, even his usual self-assurance was dampened by a knowledge of his responsibilities. Thus when ordered by Cook to commence his presentation, he pulled out of his brief case not the plans for the two buildings but all four. Cook glared as they spilled out across the great library table.

"Great Jumping Jehoshaphat, Bates," he exploded.  
"What do you want? A Quadrangle?"

Bates, rarely at a loss for words, answered prudently.  
"Yes, Mr. Cook, we do."

No one knows if Cook had intended to give a quadrangle, but ultimately he gave one at a total cost of \$4,786,761, which included the original four buildings: the Lawyers Club with its connecting dining hall, John P. Cook Building, the Legal Research Building, and Hutchins Hall, all completed between 1924 and 1933.

In 1955 a stack addition was added to the Legal Research Building together with a connecting bridge to Hutchins Hall. Together these cost \$687,284. The State of Michigan contributed \$250,000 to this project. The balance came from moneys set aside during the war years when profits from the Lawyers Club could not be used for their designated purpose: legal research activities. This quarter of a million, it should be noted, is the only public money used for Law Quadrangle buildings, including the new underground stack addition for which private donors contributed nine and a half million dollars.

However substantial the Cook gifts, they did produce some problems for the University. Because the land on which the Law Quadrangle now stands was occupied by a church and private houses, suitable arrangements were necessary. The church was moved, brick by brick and window by window to a new location at the corner of Tappan and Hill. Most of the homeowners agreed to the financial terms offered by the University. Some, however, were recalcitrant, arguing that the property which the Regents sought to have condemned was not being condemned for a public purpose.

The issue reached the state supreme court<sup>1/</sup> which in 1923 held that the condemnation of land for the erection thereon of a building to house a "Lawyers Club", with all members of the law school and all lawyers eligible for membership therein, which provided sleeping, study, and dining accommodations for law students, and with all profits from its operation to be used for legal research, constituted a public purpose.

Even with this decision, the term "Lawyers Club" has continued to create confusion. Periodic efforts have been made to have it held to be a private club and not a part of the university. The Bureau of Internal Revenue tried in 1942, the City of Ann Arbor<sup>2/</sup> three decades later. The attempt by Ann Arbor may have led the Michigan Supreme Court in its 1977 University Cellar case<sup>3/</sup> decision to distinguish the tax status of the University Cellar from that of the University of Michigan Union, the Board in Control of Intercollegiate Athletics, and the Lawyers Club. The Cellar was held subject to Ann Arbor property taxes; the regental-controlled entities were not.

These litigation producing allegations could be dealt with -- and were -- by the University's legal staff with appropriate assistance from the law school. Rumors concerning Cook and his gifts have been tougher nuts to crack.

For example, countless law students are convinced that Cook barred women and blacks from use of the Lawyers Club and required that the dining hall serve ice cream every Sunday. Each is false. Neither the Cook will nor his deeds of gift contain language which banned blacks and/or women from use of the Lawyers Club. Nor do these documents require that ice cream be provided for dessert on Sundays.

Equally baseless are other tales. Cook is said to have refused to visit the Law Quadrangle before his death in 1930, believing that actual sight might destroy his "dream." The reason for his refusal is more prosaic: throughout the 1920's he was dying of tuberculosis at a time when total bed rest was the prime treatment. The ceiling of the reading room in the Legal Research Building is said to have had gold leaf applied to its decorative designs. Gold paint alone was used. Finally, the rumor periodically surfaces on the campus: the Law Quadrangle cost \$20,000,000. In terms of the dollars which Cook

---

<sup>1/</sup> People, for use of Regents of The University v. Brooks.  
224 Mich. 45, 194 N.W. 602 (1923).

<sup>2/</sup> City of Ann Arbor v. State Tax Commission, 393 Mich. 52,  
223 N.W. 1 (1974).

<sup>3/</sup> City of Ann Arbor v. The University Cellar, Inc., 401 Mich.  
279, 258 N.W. 1 (1977).

3

spent, this is obviously false.

Cook's gifts did not in themselves create a great law school: the germs of the development into such an institution were evident in the late 1890's and first decades of the twentieth century. But he provided the physical plant and a steady source of income from Lawyers-Club-generated profits which did much to facilitate that research and writing by the faculty which are indispensable to such an achievement. Subsequent donors have carried on Cook's generosity to the benefit of the Law School and the University.

Comparably, subsequent deans have built upon Bates' tradition of steadily raising the standards of the school, in levels of instruction, scholarly output, and public service to the University, the community, and the state and nation.

Cook's will set out the objectives behind his gifts:

Believing, as I do, that American institutions are of more consequence than the wealth or power of the country; and believing that the preservation and development of these institutions have been, are, and will continue to be under the leadership of the legal profession; and believing that the character of the law schools determines the character of the legal profession, I wish to aid in enlarging the scope and improving the standards of the law schools by aiding the one from which I graduated, namely, the Law School of the University of Michigan.

Successive generations of law faculty and law students, within the framework of The University of Michigan, have built upon the foundations laid throughout the nineteenth and early twentieth century. The successive developments of the middle and latter twentieth century have buttressed and expanded their efforts. The result is an institution which every member of the law school and University community in particular and the State of Michigan and the nation in general -- faculty, student, staff, the res publica -- can view with heart-felt appreciation, gratitude toward the past and present generations responsible for its existence, and profound respect for its service in the public interest.