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1957

Vol. 6, No. 2, May 1957

University of Michigan Law School

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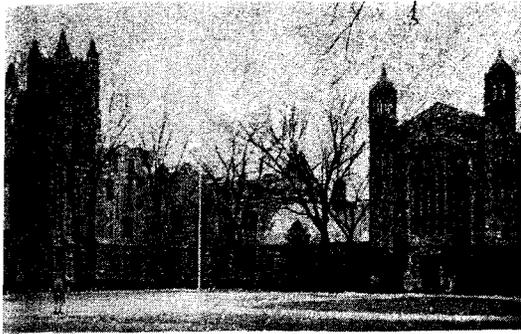
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### Recommended Citation

University of Michigan Law School, "Vol. 6, No. 2, May 1957" (1957). *Res Gestae*. Paper 1056.  
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# RES GESTAE

Published by  
THE STUDENT BAR ASSOCIATION  
OF THE UNIVERSITY OF MICHIGAN

Volume 6

May, 1957

No. 2

## CONDITIONS OF COOK

By Fred P. Furth

Through the generosity of William W. Cook, the Law Quadrangle was created as it stands today. This generosity has also given rise to a belief that there were numerous conditions placed upon this grant; especially concerning the Lawyers Club. An attempt is herein made to resolve this serious problem of what, if any, were the conditions upon which Cook made his grants.

Because the supposed conditions are numerous, and in fear of missing some if each were to be negated separately, we shall start with the premise that no conditions exist, other than those enumerated below. These may be said to be the only ones which have a valid basis.

Although much correspondence was exchanged between Mr. Cook and various people in the University during the period over which these gifts were made, there are four principal instruments by which Cook stipulated the conditions to be placed on his gifts. These are three letters, which may be considered as offers of gift, and his will. The first letter is dated April 4, 1922, and is the offer to build the Lawyers Club. (Included therein were the dining hall, social room, and entries A to J.) With this gift the following conditions may be said to arise: 1) That the University of Michigan was to furnish free of charge to the Club, heat, light and power. (Cook always felt that the University should maintain and repair these buildings in the same manner as they do other buildings.) 2) That the buildings be called the Lawyers Club. 3) It is to be controlled and operated by the Board of Governors, the make up of which he also designated. 4) "Going prices shall be charged for room and board."

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## NEW FACULTY MEMBERS

The Board of Regents of the University of Michigan have announced the appointment of two new faculty members for the Law School. They are Spencer L. Kimball and Alan N. Polasky.

Professor Kimball is presently on the faculty of the law school of the University of Utah. He received his Bachelor of Science degree from University of Arizona in 1940 and a B.C.L. degree in 1949 from Oxford University, Oxford, England. Professor Kimball served on active duty in the Pacific Area in the Navy during World War II. After the war, he spent two years at the University of Utah College of Law, and he received a Rhodes Scholarship to study at Oxford in 1948. Professor Kimball will teach courses here in the area of contract law and insurance, and he is preparing to teach a rather unique course in English legal history.

Professor Polasky is presently on the faculty of the Northwestern University School of Law. He received a Bachelor of Science in Commerce degree in 1947 from the Iowa State University and a Juris Doctor degree in 1951 from the State University of Iowa Law School. Mr. Polasky was senior accountant with the firm of McGladrey, Hansen, Dunn & Co in Cedar Rapids, Iowa from 1945 to 1948 and an instructor in accounting at the State University from 1948 to 1951. From 1951 to 1953, he was a lawyer with the firm of Sidley, Austin, Burgess and Smith in Chicago and also a lecturer in business law at Northwestern University. In 1953, he was appointed an assistant professor of law at Northwestern University and was promoted to associate professor in 1955. During the 1955-56 school year, he was visiting professor of law at Yale University. Mr. Polasky

(Continued on page 4)

## ELECTIONS HELD

On May 2nd, the annual SBA elections were held. Those elected were: Albert Germain, President of SBA; John Kehoe, Vice-President; John Swinford, Secretary-Treasurer; Dave Nixon, Senior Class President; and John Jackson, Junior Class President. These men will sit on the Board of Directors of SBA. As provided in its Constitution, the affairs of the organization are handled by the Board. In addition to the aforementioned elected officials the Board will consist of the following officials for next year: John Lewis, Presiding Judge of the Case Clubs; Robert Hoerner, Editor-in-Chief of Law Review; Peter Knowlton, Editor of The Quad; Bill Abbott, Chairman of Legal Aid.

## CIRCUIT CONFERENCE

Al Germain and John Kehoe represented the Law School at the annual 6th Circuit Conference of the American Law Students Association, held at Cleveland, Ohio, on May 4th. Representatives of the sixteen law schools in this judicial circuit attended this meeting and exchanged ideas concerning their respective student organizations. In addition, various workshops were held on basic areas of mutual interest. A symposium was conducted between several Ohio state politicians concerning the topic of "The Lawyer and Politics" which proved to be a unique presentation, in that heat and light were generated.

At the conclusion of the meeting, John Kehoe was elected the 6th Circuit National Vice-President of A.L.S.A. This is the senior executive post for A.L.S.A. in the sixth judicial circuit, and it is also a national office of the A.L.S.A., which gives Kehoe a position on the national executive committee and the board of governors of the organization.

## THE PRESIDENT'S LETTER

We of the new Board of the SBA would like to take this opportunity to express our deep appreciation for the services rendered during the past term of office by the members of the outgoing Board. The SBA has greatly benefited as a result of their efforts. In particular, we would like to extend our thanks to the President, John Herbert; Vice Pres., Henry Hancock; the Senior, Junior and Freshman Class Presidents - Don Deyoung, Charles Gerlinger, and Jerry Bader respectively; the Chairman of the Legal Aid Society, Charles Keller; the Editor of the Quad, Frank Reed; Business Manager of the Quad, Bob Rosenfeld; Manager of the SBA Bookstore, Roger Law; the President of the Lawyers Club, Bob Webster; the presiding Judge of Case Clubs, John Beach; and the Editor-in-Chief of the Law Review, Whit Gray. Special thanks are extended to our American Law Students Association representative, Don Meyers; the Editor of Res Gestae, John Kehoe; the chairman of the Honor Committee, Jim Koehler; and ALSA Insurance representative, Egon Gross.

In order for any student government to satisfactorily perform its duties and obligations to the student body, some form of liaison is required. The weaker this liaison, the less equipped is the student organization to properly fulfill its many duties. Cognizant of this important factor, the SBA is emphasizing several functions this coming term, which it hopes will improve this much-needed relationship, and in general help the SBA to become more serviceable to the student body. Included within this category are such activities as - regular monthly motion pictures on legal and related topics; an improved lecture series with regular monthly speakers; and a competent and efficient legal aid bureau. Of special interest to Juniors and Seniors having outstanding ability will be the opportunity to secure, through SBA, part-time employment during the school year in local attorneys' offices. This will be an excellent opportunity for anyone interested in acquiring some practical experience in the field of law. More information on this matter can be secured directly from your SBA officers.

The Federal Government is extremely interested in obtaining 1957 law graduates to fill opening in its legal staffs. Such employment pro-

vides the young attorney with excellent experience and a good starting salary. Also, of interest to those June graduates who face military service obligations, would be the career opportunities now available in the United States Navy. Qualified young lawyers this year can obtain reserve commissions as Lieutenant Junior Grade with a permanent designation as Legal Specialist and serve on active duty for a period of three years. Thereafter they can apply for the Regular Navy as a career or return to civilian life. For detailed information on these opportunities consult your SBA bulletin board.

In keeping with SBA's policy of maintaining and improving intercollegiate relations, two student representatives attended the 6th Circuit Conference of the American Law Students Association earlier this month, at Western Reserve Law School, Cleveland, Ohio. As a result of this interstate conference, SBA has gathered many new ideas in re activities which will be of benefit to the law students here at Michigan during the forthcoming year.

In preparation for next year, we encourage those students who would be interested in serving on any SBA committee, to submit their names to John Swinford, Secretary-Treasurer.

In conclusion, the SBA extends best wishes to the members of the Senior Class of '57, and the hope for future success in their selected fields of endeavor. To the Freshman and Juniors go our wishes for a pleasant and profitable summer. Your SBA anticipates seeing you all next Fall.

Sincerely,  
Albert E. Germain

## ORDER OF THE COIF

The faculty has selected the following men to be members of the honorary Order of the Coif: Robert G. Butler, III, Robert C. Casad, Richard E. Day, Gerald A. Fix, Paul A. Gold, Whitmore Gray, Robert E. Hammell, Edward C. Hanpeter, Kenneth H. Haynie, Paul A. Heinen, Ross A. Kipka, Frank M. Lacey, George F. Lynch, Edward A. Manuel, Cyril Moscow, Howard N. Nemerovski, Harold H. Plassman, Richard J. Riordan, Martin F. Roston, Robert W. Steele, James P. Tannian, James M. Tobin, Jerome K. Walsh, Hohn M. Webb, Albert D. Whitaker.

## A WORD FROM THE LADIES

The Student Bar Association Auxiliary concluded its busy and interesting year with a luncheon at the Golden Apples Room in the Tower Hotel on May 11, to honor the newly elected officers. Professor L. Hart Wright was the guest speaker. The new officers elected at the April 1st meeting are: President, Mrs. David Nixon; Vice President: Mrs. Bradley Glass; Secretary: Mrs. Grant Gruel, Jr., Treasurer: Mrs. Philip Browning; Corresponding Secretary: Mrs. J. A. Humphreys.

The Bridge Interest Group plans to hold several meetings through the summer. Mrs. Leonard Wilcox was elected the new chairman of this group at its last meeting.

On Sunday, April 28th, a tea was held at the Lawyers Club with over one hundred faculty members and their wives, auxiliary members and the husbands attending. Mrs. E. Blythe Stason, Mrs. Roy Proffitt and old and new officers of the auxiliary poured.

We take this opportunity to wish our graduating members good luck in all their new adventures ahead and look forward to participating in new activities with everyone next year.



## NEW LAW REVIEW EDITORS

The new Editor in Chief of the Michigan Law Review for 1957-1958 will be Robert J. Hoerner. The Associate editors on the staff for next year are: John C. Baity, John C. Dowd, James F. Hillis, John H. Morrow, Michael Scott, and Thomas Troyer.

This publication is edited by the students of the University of Michigan Law School under the sponsorship of the Student Bar Association. Communications should be addressed to: RES GESTAE, Hutchins Hall, University of Michigan, Ann Arbor, Michigan.

RES GESTAE

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ASSOCIATE EDITORS	Fred P. Furth Michael Ryan
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ART EDITOR	Frank Carrington

## FACULTY FOCUS

By Mike Ryan

In order to answer the question of how three law students, one American, one German, and the other English compare, this reporter sought the assistance of Konrad Zweigert, Professor of Law at the University of Hamburg, and Charles J. Hamson, Professor of Comparative Law, University of Cambridge. Both of these gentlemen are guest lecturers here this semester. For purposes of clarity, we shall call the German, Otto; the Englishman, George; and the American, Joe.

The answer, in its basic form, might well be "The students are about the same; the systems are different." Well, that sounds reasonable, but just what do Otto, George and Joe have to go through before starting their practice? As most of us know what life in the American law school is like, let's take a look at George and Otto.

George, let's say, is about to finish his bachelor degree's work at Cambridge. This has taken him three years and during that time, he has taken work on the broader aspects of the law, dealing with it in more of an academic fashion, than one would see in an American law school. The purpose here is to obtain a background of the law considering it from the historical, philosophical, sociological, and what have you point of view. Because this portion of the study of law is taken care of for George in the undergraduate years, George is very likely to be a younger man than Joe.

George was not subjected to the case method of instruction. He attended lectures, had what we would call a "hornbook", and was given references to cases pointing out what was said in class. In this way, he was given the law, or what the professor considered the law to be, along with the rationale, splits and problems concerning it. The cases referred to in the lecture would be used as examples of the points brought out in the lecture. Often, to supplement his examinations, George was given problems to work in connection with extra meetings of the professor and the class, now broken up into smaller groups.

Because of his pursuit of law in a more academic fashion and the method in which it is given to him, Professor Hamson feels that George

has an easier time of it than Joe in so far as law school in concerned. Upon graduation, George seeks a position in the chambers of a solicitor where he will perform his apprenticeship. This can be as long as five years, at the end of which time, he will take an examination prepared by his solicitor. Upon passing this examination, George is now ready to find a job (though he had been paid a small sum during his apprenticeship.) as a practical matter, George has been going to "law school" all the time he has been working as an apprentice. It is this phase of his education that would most resemble the education of an American law student. Joe, theoretically speaking, is ready to hang up his "shingle" the day after graduation. George, after his formal education, must still link himself with a solicitor where he will continue his education and gain experience.

At this same time, Otto has been going through his legal training. He's had a pretty free hand in how he undertakes this. Lectures are given, much in the same manner as with George, but Otto is being educated in Code Law. This in itself leans to the lecture method. The section is given, pulled apart for its various facets and cases cited as examples of how things work.

Perhaps a major difference is that Otto doesn't come up against an examination until the end of his legal education. He's had a free hand up till now and if he's let things slide too far, then he'll pay for the extra nights in the ratskellars. Upon passing this examination, Otto must also perform an apprenticeship during which time he will pick up practical experience on the various and sometimes mysterious ways judges, lawyers, prosecutors, etc. accomplish their ends.

As with George, Otto's formal education was mainly concerned with the more academic aspects of the law. In this, Otto also has a broad legal background on which to base the more practical applications of his legal education and experience during his apprenticeship. Again, like George, he is probably a younger man than Joe during his formal education.

According to Professor Zweigert, Otto's chances for a position after his apprenticeship are not too bad at the present time. While it can't be said that there is a great lack of lawyers in Germany, there is a good chance that Otto won't have any real difficulty keeping the wolf from the door.

## SPORTSCOPE

As the academic year draws to a close, good weather and athletic enthusiasm always prove to be a major deterrent to serious scholastic endeavor. A good many students find the local tennis courts and the University links a bit more alluring, though less accessible than the "libe," and though for most the object is a good sociable game with a minor side bet, there are a few groups about, who take their efforts quite seriously. A proper example, the erstwhile PADS whose current ambition is to dethrone the Nu Sigs, perennial professional fraternity champions. The medical strong boys have held the "all sports" title seven of the last ten years and now lead the current second place PADS by 85 points.

Other law school participants are well out of the running for honors, but continue to put forth their best efforts "for the sake of the game." It is hoped that succeeding years will find these units operating on a broader level and participating in more of the events.

The annual swim meet for professional fraternities provided keen competition and interesting action as a dozen entrants did some furious splashing. Though the expected teams placed first and second, the PADS and the DELTS took third and fourth respectively. Aiding heavily in the cause for the Pads were John Shaefer and John Powell, who paced the free style relay team to a third and gained additional points in individual free style events. Kevin Snee's work off the springboard was good for a second and provided the PAD team with sufficient points to take third place in the meet. The Delta Theta Phi swimmers garnered enough points to tie for fourth as John Chase whizzed to an easy victory in the 50 yard, back stroke, and "Sleepy" Leengren paddled after "Bumpy" Jones in a respectable fashion to finish a strong second in the 200 yard free style.

Phi Alpha Delta hopes for high honors were doused when the horse-shoes and tennis entrants failed in the first round. The Dutch House, close behind in the standings, proved strong in these events.

There is little hope for a title in the softball competition for any of the Law School participants, though the PADS have a 3-0 record in their division. The Law Club team, backed by the pitching of Jerry Lipely could prove to be the surprise entry however.

## CONDITIONS OF COOK (Con't)

and 5) The profits derived from the operation of the Club were to be used for legal research. It was Cook's intention to create a profit making enterprise to underwrite the cost of research rather than merely placing money in trust for such purpose. These may be considered as the only conditions that he placed on his gift of the Layers Club and upon which it was opened for the first time in the Fall of 1923.

In January of 1929, Mr. Cook, in another letter to the regents, offered to build a legal research building. He again placed the burden of general maintenance and of supplying heat, light and power free of charge, on the University. With this letter, he also declared that as a condition of this gift, the Lawyers Club was "not to be used for accommodation of Summer students or schools," nor any organization meetings or conventions. He requested that no publicity be given the donor.

Finally, in a third letter dated April 4, 1929, he offered an addition to the Lawyers Club. This is the present John P. Cook building which he requested to be named in honor of his father. He also incorporated the conditions of the two previous letters as a part of this gift. In the event another building is constructed on the southeast corner of the quadrangle, he asked that it be called the Thomas M. Cooley building. The John P. Cook building was completed in 1930, and the legal research building in 1931.

William W. Cook died June 4, 1930. In his will he first provided for his debts, then for certain relations, employees, and friends. His estate in New York was given to the Presbyterian Hospital in the City of New York, with the condition that if such property is not used in their operations or an attempt is made to mortgage, lease, or sell such property, it is to revert to the residuary clause wherein the Law School is beneficiary. (Note should be taken that this is the exact opposite of the common belief that the Law Quadrangle would revert to some "church" if the buildings were misused or other conditions not followed. This latter rumor has no basis.)

As stated previously, the residuary clause creates a trust "for aiding and developing the said Law School of the University of Michigan" in a manner thereafter prescribed. Here he states his desire that the Law Quadrangle be completed including the ad-

dition of what is now Hutchins Hall. Again, the statement is made that the Lawyers Club is to be operated and controlled by the Board of Governors. It is suggested that among other things, higher salaries are to be paid to members of the Law School faculty, than are set by the University standard. (This provision has never been used for the purpose of supplementing faculty salaries over and above those of the University community.) It is also suggested that "eminent jurists and lawyers" be invited to deliver lectures and that an annual lecture course on "American Institutions and Their Preservation" be inaugurated. This last provision is mandatory. There is also a statement of his desire that work be directed towards "aiding and promoting Legal Education throughout the United States."

Briefly, we have surveyed the conditions upon which Cook made his gifts to the Law School. Much to this writers amazement, nowhere is there mentioned anything about vanilla ice cream! Next Fall, another group of Freshman law students will enter the Quadrangle and face the serious problems of discerning what the conditions are upon which the Law School's

greatest benefactor bestowed his generosity. Certainly they will be harassed by the words of some, leading them astray, but it is hoped that your mind and theirs may be put at ease by reference to this "hornbook" on Conditions of Cook.

## NEW FACULTY MEMBERS (Con't)

will teach courses in the field of taxation, real property law and procedure.

Two visiting professors were also appointed. They are Joseph Dainow, a member of the Louisiana State University faculty since 1948, who will be visiting professor law for the second semester of the 1957-58 year to replace professor William W. Bishop, Jr., who will be on a sabbatical leave. The other visiting professor law will be Nathan P. Feinsinger, University of Wisconsin professor and the umpire under a collective bargaining agreement between the General Motors Corporation and the United Auto Workers (AFL-CIO). Professor Feinsinger will teach labor law and assist Professor Russell A. Smith in the newly-created Institute of Labor and Industrial Relations.

Types You'd Like To See On The JURY, If Your client was CHARGED With.....

