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Report on the 1967 Meeting of the Committee of Visitors of the University of Michigan Law School

The sixth annual meeting of the Committee of Visitors of the Law School was held in Ann Arbor on November 2-4, 1967. In keeping with the times this might be characterized as a year in which the Committee sought to establish its identity. In its closing session the Committee exhibited general agreement that it did not assume the position of an overseer or claim for its general membership any competence in the field of education. The reticence on this score was so complete that the function of group expressions of any nature, whether to express commendation or concern, was belittled and no formal resolutions were adopted.

However all who participated could be expected to agree that the Committee is an instrument of communication and that, to a high degree and through a lively and widespread exchange of ideas among the participants, it fulfilled that function with respect to its contacts with the faculty and administration of the Law School. It may be that practical and effective ways can be suggested and developed for establishing more significant contact between the Committee and the students at future meetings. Also it is to be hoped that impressions gained by, and information furnished to, members of the Committee can be shared, through its reports and by conversations with other alumni.

The current Committee is composed of 41 members, each elected for a two-year term. Although successive terms are possible it has been the practice to elect new members as rapidly as practical. Those whose terms have been completed are encouraged to continue as "Committee Alumni" and presently are 45 in number. About 30 current and 13 committee alumni members were in attendance sometime during the 1967 session. Each Visitor pays his own expenses and a registration fee to defray costs of the session, but more striking evidence of the interest in the meetings is shown by the distances traveled by most of the members and the time devoted by them to the meetings. The November 1967 attendance literally represented a span from Maine to California. Alan R. Kidston of Chicago, who is President of the Board of Governors of the Lawyers Club, served as Chairman of the meetings.

The afternoon of Thursday, November 2, and morning of Friday, November 3, were devoted to individual visitation in classes and with faculty members. Those Visitors who are members of the Board of Governors of the Lawyers Club spent Thursday afternoon attending its regular annual meeting.

The first Committee business meeting was held on Friday afternoon. Dean Francis Allen called attention to and supplemented his report to the President of the University for the year 1966-67 which had been furnished to the Committee. He reported that all Michigan colleges



and universities had been obliged to adapt to appropriations insufficient to meet the costs of additional enrollment. This resulted in an increase of tuition fees to \$1,500 per year for nonresidents and \$620 for residents. Financial assistance from funds administered by the Law School amounted to \$426,880 and was shared by 649 students. About \$165,651 was made available from other sources such as the G.I. Bill and the need for additional assistance is urgent and pressing. The entire research program of the Law School and the salaries of half the secretarial force are paid for by the Cook endowment and other private sources. Without these resources the Law School would not have the freedom and flexibility which have enabled it to respond to current demands. For example, a private gift of an alumnus, Jason L. Honigman of Detroit, will permit the establishment of a second student-edited law journal, dealing with the subject of practical law reform.

It now is obvious however that the Law School is in need of substantial additional capital funds. In order to recruit and retain a faculty of top quality additional endowed chairs should be established. Harvard Law School has a greater number of endowed chairs than do all of the colleges and graduate schools of The University of Michigan. The sum of \$500,000 is required for each such endowment.

Lawyers Club

The Lawyers Club, that is the portion of the quadrangle containing the dormitories, the dining hall, the lounge, and their related facilities, has been renovated at a cost of about \$400,000 in recent years with funds borrowed from the University. A conservative estimate indicates that another \$800,000 is required to complete the task of restoring the Club to first-class condition without regard to the necessity for early replacement of furnishings, most of which date to the opening of the buildings. Funds for these purposes are not appropriated to the University, it being legislative policy that such facilities should be self-supporting. Until recent years no adequate accrual for depreciation had been charged to the operating expenses of the Club. When electric circuits became inadequate, plumbing wore out, the elm trees began to die, and other problems of physical age and, to some degree, functional obsolescence demanded attention there were insufficient funds with which to meet them. Current room and board charges have been advanced in each of the last three years in an effort to meet rising operating costs including *current* depreciation. The portion of these charges available for *current* depreciation has not met the budgeted figure and is being applied toward the cost of the heretofore deferred capital maintenance. This problem was noted with concern in the 1965 Committee Report. Various possibilities for a solution have been explored and specific recommendations can be anticipated soon.

Associate Dean Charles Joiner (appointed Dean of Wayne State University Law School since the meeting) and Professor Joseph R. Julin have been making a study of the needs for additional Law School buildings. With-

out any increase in enrollment, the present Library building and facilities are becoming inadequate. At June 30 there were 365,989 volumes in the library collection, of which 15,655 had been added in the preceding fiscal year.

It is obvious that if these pressing needs are to be met sources of substantial private giving must be identified and contacted. The assistance and advice of all alumni to this end is solicited by the Dean.

Following the Dean's report the Committee split into four small groups for discussion with faculty members of curriculum problems and planning in the areas of (1) Federal Tax Law, (2) Corporate Law, (3) Procedure, Trial Practice, and Evidence and (4) Anti-Trust and Trade Regulation. The presiding Committee members for these groups were, respectively the Honorable Norman O. Tietjens, Chief Judge of the Tax Court; John S. Tennant of New York; Thomas V. Koykka of Cleveland; and Allen C. Holmes of Cleveland. A common theme appears to be part of each report subsequently made by these men for his group. It is that the curriculum, or the students elections from the curriculum, do not include some courses of study which the practitioners in the field regard as quite important. . . .

First Things First

Specifically, the Tax group commended the responsible faculty members for their restraint in establishing a curriculum which was not so extensive as to encourage the student to ignore the fact that before he can do effective tax work he must be a good general lawyer. It was concerned however that over 40% of the students limit their tax study to the course dealing with tax problems of the individual and do not take the course dealing with basic tax principles affecting business.

Having explored the possibilities with the faculty and thereby identified the obstacles, the Corporate Law group nevertheless was disturbed that only eight hours, excluding seminars, were devoted to this field. It was pleased with the content of the courses and the emphasis on the problem approach to teaching instead of the lecture or case method. The group heartily approved the current requirement that the student have preparation in basic accounting before taking courses in corporation law.

Providing "Practical" Experience

The Procedure, Trial Practice, and Evidence group had wrestled again with the traditional question as to what the Law School can do by way of providing clinical or "practical" experience to the law student. The Legal Aid program and the closed circuit television arrangement between the Law School and the local court which have now been in operation for a few years are aimed in that direction. The group agreed that the faculty was correct in continuing to place emphasis on basic theory and reason which the student then can extend to the peculiarities of his particular problem and jurisdiction.

The group on Anti-Trust and Trade Regulation recommended intensive effort to add to the faculty in this area and that consideration be given to requiring a

basic course in economics as a prerequisite to admission to anti-trust studies.

Friday's meeting concluded with a spirited discussion on the subject of "The Teaching of Professional Responsibility and Legal Ethics," which had been made a topic for the session at the suggestion of Albert F. Donohue of New York. In the closing meeting on Saturday morning this discussion was resumed. It would be impractical to attempt a full report on the discussions. They did illustrate very well the potential of the Committee as a vehicle of debate and communication. . . . The Committee had been furnished with a copy of the Proceedings of The Asheville (N.C.) Conference of Law School Deans on Education for Professional Responsibility held in September 1965 and a memorandum of statements from Law School faculty members of the extent to which their courses deal with legal ethics and professional responsibility.

Should Professors take Positions?

Comment was directed to defining the subject to be taught; that is, whether it should deal with a fixed code of ethics or should explore possibly broader areas of affirmative professional responsibility. Several expressed concern over the fact that there is no separate course on the subject. The history of a Legal Ethics course at Michigan was discussed and the belief stated that it had been of negligible value and effect. Different views were presented as to whether the professor should take a position as to what represented a proper exercise of professional responsibility in a given situation or should simply encourage thought and discussion on the questions presented by such a situation. Two Committee members, Glenn Coulter of Detroit and Benton Gates of Columbia City, Indiana, are members of the American Bar Association Committee which has studied the Code of Ethics of that Association and will recommend its complete revision within the next few months. Both suggested that with respect to that subject any curriculum attention to it should await adoption of the new Code.

The impression created by such a discussion will vary with each who was exposed to it. To some, it was one of great interest in the fact that students by their questions concerning the "relevance" of legal education to current social and political problems, law school facilities as evidenced by the Asheville Conference and practicing lawyers as shown by the request to put this subject on the agenda and by the earnest although widely diverse response to it are each saying to the others that the subject is one of real concern to them. Possibly this is an area where the answer can be found by identifying the questions that trouble the minds of those who seek to be educated and then seeking to provide them with, or guide them to, answers to these questions by any of the proven tools and methods of legal education in general.

The Saturday meeting also heard from Bruce P. Bickner, Administrative Editor of the *Law Review*, and Allan Field, President of the Student Board of Directors of the Lawyers Club.

Bruce reported that the former system of competitive tryouts among juniors eligible for *Law Review* membership had been abandoned because it had created an unhealthy situation. Currently those 35 students with the best grades in their first law school year will become and will continue as members so long as they show a good faith effort. Bruce reported that more constructive team effort has resulted.

Allan Field's report illustrated well the wide range of law-related activities sponsored by the students and the growth of what would appear to be a desirable and orderly participation in the regulation of their activities. He noted the existence of a faculty-student liaison committee and judiciary committee for dealing with student suggestions, complaints and discipline. He described the new student-initiated system for making room assignments in the Club and the anticipated necessity for denying space to December graduates who cannot guarantee occupancy of the space for the full school year. He described the student programs of arranging for speakers and panels on subjects of interest and of social activity. He noted that beginning in 1968 the Law School would be represented on a new graduate school student council. Finally he expressed the students' concern as to the necessity for maintaining and refurbishing the Club.

Dean Allen commented on the correspondence he has received on the question as to whether the J.D. degree should be awarded retroactively to all Law School graduates. He noted also that many useful suggestions had come to him by letter following the last Committee meeting and he urged its members to give him further individual suggestions and criticisms relative to the program for the Committee.

. . . At a Friday luncheon, members of the Committee and their wives had the pleasure of meeting and hearing from Robben W. Fleming, then President-Designate of the University and a Professor of the Law School.

What Kind of University?

Professor Fleming outlined the problems which he believes to be the principal ones facing the University. First is the question of what kind of university it shall be. He noted the tendency for it to become predominantly a center of graduate study because of its capacity for growth in that direction. Forty per cent of the present enrollment is in graduate work. One fact which he reported clearly identifies the Michigan Alumni Association with the "growth" enterprises of our time—the University leads all others in the country in the total number of degrees awarded each year.

The second problem facing the University is related to the first and is the question as to how to allocate resources within the University. He cited as an example the interplay and necessity for adjustment between plans to move the Engineering School to the North Campus and plans for a residential integrated literary college on that campus.

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Finally he expressed the view that the most difficult problem is how to maintain a viable community in the face of the divisive and hostile attitudes which quite obviously characterize all society at the present time. He stated that while this tension exists there must be a high degree of tolerance displayed and predicted that the University would be criticized for an apparent lack of discipline. However he made clear his recognition of the fact that in any organized society there must be some controls which represent the considered will of the majority and to which the desire for maximum individual freedom for members of a university community must give way.

At the closing business meeting Alan Kidston expressed for all the Visitors their sincere thanks to the University, to the Law School, and to their individual hosts and hostesses for a pleasant, informative, and stimulating session.

Jack White
Secretary to
the Committee