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Brown: *Legal Education at Michigan. 1859-1959*

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LEGAL EDUCATION AT MICHIGAN. 1859-1959. By *Elizabeth Gaspar Brown*, in consultation with *William Wirt Blume*. Ann Arbor: University of Michigan Press. 1959. Pp. 940. \$15.

In writing the history of The University of Michigan Law School, Mrs. Brown has shown that the growth of the Law School is an exemplification of Emerson's famous statement: "An institution is the lengthened shadow of one man"—albeit in this case a few distinguished men.

Mrs. Brown has written a readable, factual, and impartial history of the University of Michigan Law School from its inception in 1859 to the present time. In fact she does more than that; she takes a running start from the beginning of the University itself in 1817 which was founded under the pedantic name of Catholepistemiad. The original statute foreshadowed the existence of the Law School but it was not actually started as a school until 1859. At the beginning were three professors, all part-time, including outstanding men such as Thomas M. Cooley, the author of *Constitutional Limitations*, James V. Campbell, both of the Supreme Court of Michigan, and Charles I. Walker. The first graduating class in 1860 was 24 in number. Today the school has a faculty of 39 and an enrollment of over 1000.

Mrs. Brown carries us chronologically through the development of the school and covers the origin of the University in 1817, opening of the Law School in 1859, the deanship, the law faculty, the courses of instruction, and teaching techniques. The book then treats of training for advocacy such as moot courts, etc., the function of legal research, and presents an accolade to William W. Cook and Frederick E. Leckie for their great gifts to the school.

Perhaps the most interesting and instructive of these chapters is the one that deals with the deans. Mrs. Brown clearly delineates the character of each and the effect that he had upon the development and growth of the school. In this chapter she shows the early vacillation of the faculty and the personal influences of the strong deans with the resulting beneficial development of the school. The dean who left an indelible impression upon the school was Henry M. Bates who held that position from 1910 to 1939. He gave depth as well as breadth to the faculty and curriculum, built upon the foundation prepared by Harry Burns Hutchins, and made ready for a full flowering of the Law School under E. Blythe Stason.

Also of great interest to the reviewer is the chapter dealing with the substance of the law as taught. Although the whole book abounds in detailed and thorough research, an unusual amount of it has gone into the preparation of this chapter. Mrs. Brown traces the development from part-time teachers on a two-year course to compete with the old method of reading law, through the three-year course, an optionally accelerated three-year course via the summer school, both leading to the LL.B. degree, summer schools, postgraduate courses leading to LL.M. and S.J.D., and finally continuing legal education. She outlines the progression from purely vocational subjects to the introduction of new non-vocational subjects, such as jurisprudence, and courses in the humanities with emphasis on what is behind the law. The Law School as now developed is designed not only to fit young people for the practice of law but to serve law school teachers, those interested in research, and the active practitioner as well. It prepares them not only for general practice but for the large variety of special fields which have developed in recent years.

In presenting the history of the faculty Mrs. Brown shows how at the beginning they did not have the benefit of law degrees but had experience in actual practice. In fact, some of them were Justices of the Michigan Supreme Court. The present trend, which started with Harry Burns Hutchins, is markedly toward teachers having law degrees, and further emphasis is placed on postgraduate degrees and scholarly research.

In the chapter on teaching techniques, Mrs. Brown shows the evolution from lecture courses through text-books, case-books, combinations of the two, and the use of seminars. Preparation for actual practice through moot courts and practice courts is explained in detail. Students have more and more been given opportunity for individual expression, and free discussion of legal principles is encouraged—all with the purpose of making the student think and not be a mere repository of facts and cases. An interesting recent innovation of the practice courts is the use of moving pictures. One showed, for example, an automobile accident taken from different points of view. Students were drawn to act as witnesses in an action to determine liability. The students were expected to draw all pleadings, instructions to the jury, etc., briefs and arguments, including the appellate procedure. All of this is designed to equip the student for active practice.

The Appendix, to which the author has relegated documents *in extenso*, is referred to continuously in the footnotes but in a manner that does not interfere with the reading of the text. The book is concluded with a magnificent "*index personarum*."

This reviewer believes that the book might well serve as a model for similar histories to be undertaken by other law schools. Works of this kind could be extremely important in reviewing the study of law in years to come. Not only could law school deans and teachers learn a great deal from them; they would likewise serve as invaluable repositories of the growth and development of our institutions of legal education.

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