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Paul A. Leidy

*University of Michigan Law School*

Grover C. Grismore

*University of Michigan Law School*

Ralph W. Aigler

*University of Michigan Law School*

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# MICHIGAN LAW REVIEW

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HENRY MOORE BATES: 1869—1949\*

**H**ENRY MOORE BATES, Professor Emeritus of Law and Dean Emeritus of the Law School, was born in Chicago, Illinois, on March 30, 1869. He was the son of George Chapman Bates and Alice E. Bates. He received his early education from private tutors and the public schools of Chicago; in the fall of 1886 he enrolled in the College of Literature, Science and the Arts of this University; he received the degree of Bachelor of Philosophy in June of 1890.

Returning to Chicago after graduation, Mr. Bates entered the Union College of Law (now Northwestern University Law School), and completed the requirements for his law degree in June, 1892. For a time, following completion of his law course, he was actively in charge of the library of the Chicago Law Institute. That experience, together with his close association with a very scholarly lawyer, Mr. Julius Rosenthal, the nominal librarian, accentuated his keen interest in, and appreciation of, legal literature. This activity overlapped the beginning of his law practice. For eleven years he practiced law successfully in Chicago—a practice which was to have its effect upon the lives and careers of many alumni of this School who, in later years, were to owe their original positions in splendid Chicago offices to the Dean's reputation and his wide acquaintance with fellow-members of the Chicago bar. His first association was with the law firm of Williams, Holt and Wheeler, now known as Sidley, Austin, Burgess and Harper. After a few years in that office he formed a partnership with Mr. John Maynard Harlan, a prominent public figure in the life of Chicago and son of the late Mr. Justice Harlan of the United States Supreme Court. It is a matter of more than passing interest that a young law clerk employed by the firm of Harlan and Bates was Evans Holbrook, who was destined to be a colleague of Mr. Bates on this faculty until Mr. Holbrook's death in 1932. On September 4, 1894, Mr. Bates was married to Miss Clara Anne Belfield. Mrs. Bates and their daughter, Mrs. Josselyn Van Tyne, survive him.

\* The following papers were read at an assembly held in memory of Dean Emeritus Henry M. Bates at the University of Michigan, on June 10, 1949. Professors Leidy, Grismore, and Aigler are members of the Law Faculty of the University of Michigan; Mr. Clark is a member of the California Bar, practising in San Francisco; Mr. Pound is Dean Emeritus of the Harvard Law School.

In 1903 Mr. Bates accepted appointment as a member of the faculty of the Law School of the University of Michigan. In 1910 he was appointed Dean of the School, a position which he held—together with that of Tappan Professor of Law—until his retirement in 1939.

During his thirty-six years of service to the University, and more particularly after his elevation to the deanship, Mr. Bates took an active interest in every association or organization which sought to raise the standards in the field of legal education, to encourage legal research, and to stimulate the interchange of ideas and methods between the various academic disciplines. He was honored by responsible assignments on behalf of such organizations as the Association of American Law Schools (of which he was president in 1912-13), American Institute of Criminal Law (member executive committee, 1911-14), Commissioners on Uniform State Laws (commissioner, 1921-1933), American Judicature Society (member, board of directors), American Law Institute (member of council, 1924-1929), American Political Science Association, Chicago Law Institute, and the Social Science Research Council. In addition he was affiliated with Alpha Delta Phi social fraternity, Phi Delta Phi legal fraternity, the University Club of Chicago, the Detroit Club, and the honor societies of Phi Beta Kappa and the Order of the Coif. In recognition of his contributions to legal education and to the legal profession, he was awarded the honorary degree of Doctor of Laws by his own University, by Kalamazoo College, and by Wayne University.

In 1910, when Mr. Bates assumed the deanship, the Law School was in a transitional stage so far as educational policies and methods were concerned. Though some American law schools had determined that the then traditional type of instruction—largely informational in character—was not effective, and had abandoned the notion that the law student must cover the whole field of the law during the period of his formal legal training, this School had made but little progress in that direction. Very early in his administration, Dean Bates and his colleagues gave consideration to the matter of revision of the curriculum and to changes in methods of instruction. Courses were reclassified, some as required and others as electives, and the student was left free to choose the content of over half of his program. Emphasis was placed upon real intellectual effort, rather than upon the mere acquisition of information. It was the conviction of the new dean that the development of capabilities was of far greater importance than was a detailed and necessarily superficial acquaintance with the entire field of the law.

Standards of admission, too, were raised. The School had been content to admit students upon the completion of a high school course, a fact which tended to cause prospective applicants with college training to enroll in law schools with higher admission requirements. Soon after Mr. Bates became Dean, one year of college work was required; a few years later the requirement was stepped up to two years, and not long thereafter, the academic degree (except as to entrants upon a combined curriculum arrangement) was required.

That the innovations for which Dean Bates was responsible have proved themselves is attested by the success, at the bar, of the students who were trained under the program, and by the high esteem in which graduates of this School are held by prospective employers. Moreover, long before the word "placement" was one of significance in the educational field, Mr. Bates began a systematic effort which was to result in the association of young graduates with leading offices throughout the country. Many of those young men are now senior partners in those offices. It is not a matter of accident that, today, excellent law firms from coast to coast are seeking the graduates of this School. Much of the demand for current graduates is merely the result of many hours of persistent, effective effort on the part of Dean Bates.

To Mr. Bates his office provided an opportunity not only to guide the course of the School, and to participate in its formal instruction, but also to assist its students in more personal ways. He was always available for consultation, even upon matters of private concern. He was ever ready to give counsel and aid to each student. In the twenty-nine years of his deanship, he spent uncounted hours of his time in this fashion. Thousands of men throughout the country—many of them leaders in their communities—mourn his passing as that of a personal friend.

Nor was this interest in students limited to those in the Law School; it extended to those in other departments. It was this interest which was largely responsible for his generous expenditure of time and effort in the founding of the Michigan Union, an institution in which he retained a most lively interest to the very end. It would be difficult indeed to name any other individual who exercised so much influence in the development and realization of the Union plan.

The marked changes in the student body and in the character of the work required of the students—and of the faculty—resulted, also, in improvements of the physical facilities. It was the standing which the School had attained under the wise leadership of Dean Bates which, in large measure, influenced the late William W. Cook, of the New York bar, to provide for this School the magnificent law

quadrangle which now houses its activities. He was the chief guiding force in the realization of Mr. Cook's plans.

The present collection of legal materials in the Law Library is in a very real sense due to his vision and unflagging interest. He had a fine sense of the value of materials and constantly called the librarian's attention to opportunities to make important acquisitions. He was one of the few people to realize at an early date the importance of collecting statutory law, a field in which most libraries, even today, are deficient. He was zealous in seeking funds for the support of the library, both as regards the collection of materials and the staff. In no small degree the present library may be regarded as a memorial to his vision and sagacity.

As head of the School, Dean Bates was constantly searching for possible improvement in its work. He was always willing to consider proposals; rarely did he manifest impatience with those whose views he deemed unsound. Tolerance was one of his outstanding qualities.

In teaching, his paramount interest for many years was in constitutional law, a field in which conflicting opinions are common and understandable. His teaching of that controversial subject was remarkably free of bias. His students were stimulated by his thoughtful analysis. Early in his teaching career he recognized the modern trend in constitutional doctrine, even though he did not in all respects consider it sound or wise. Not infrequently, when the highest court had reached a conclusion surprising to many members of the bar, a former student of his would remark: "The Dean forecast that years ago."

In his passing, the University of Michigan has lost one of its most valuable and devoted servants. Legal education has lost a wise, effective, and progressive leader. Those of us who worked with him and knew him intimately have lost a tried and true friend, one who set for himself and lived up to an absolute standard of integrity and performance. He was unfailingly kind to, and thoughtful of, others; always ready to further their interests, though too often it meant a sacrifice to himself. He was intolerant only of slothfulness, dishonesty, and sharp practice. The loss is irreparable, but we may take comfort in the fact that the standards of integrity and accomplishment which he set will always stand as a beacon in a world in which these qualities are all too rare.

*Paul A. Leidy*  
*Grover C. Grismore*  
*Ralph W. Aigler*