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The Law School - 1955-1956

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This issue is dedicated to Miss Katherine C. Murray, upon the occasion of her retirement as Recorder of the University of Michigan Law School, in recognition of her forty-six years of service to the School.

THE LAW SCHOOL — 1955-1956

Another law school year has become a part of the record of history, and in the belief that some of the pertinent historical facts are of interest to readers of the *Law Review*, I take advantage of these pages to report some of the principal items of interest arising

in connection with the work of the year. The facts and figures herein set forth are derived in large part from the annual report being submitted from the Law School to the President and Board of Regents of the University.

Student Enrollment. In last year's annual report we predicted that the succeeding year would reveal a seven or eight percent increase in the over-all size of the Law School. This prediction proved to be too conservative, for actually an increase of eleven percent was recorded. During the year for which this current report is filed, the School enrolled a first-year class of 329, a second-year class of 213, a third-year class of 227, and these together with 40 graduate students and 2 unclassified students made a total of 811 enrolled in the fall semester of 1955-56. Moreover, new applications for admission to the first-year class for the year 1956-57 show an increase of approximately eighteen percent over the preceding year, and accordingly we must again predict an increase in the next fall term enrollment. Indeed, it would seem that an increase of eight to ten percent per year is likely to prove a conservative estimate of the annual increments during the next several years.

Necessarily, such a trend in enrollment calls for careful planning for the future, and at the beginning of the year a special Law School Planning Committee was constituted with authority to look into the crystal ball to appraise the trend as accurately as possible, and to suggest the adjustments in faculty and program necessary to meet the increasing needs. The Law School physical facilities were designed in the first instance to accommodate a school of approximately 850 maximum enrollment. It is perfectly certain that we shall substantially exceed that figure, and there is every reason to expect an enrollment of 1400 or 1500 inside of a dozen years. We could, of course, control enrollment by adopting higher standards for admission than those which are at present in use. Currently we reject about twenty-five percent of the applications which are received. We take this action in cases in which we believe that there is an undue risk of failure in the Law School. We do not wish to modify this standard of admission to any material degree, for in the middle academic ranges there is a very large reservoir of potential competence at the bar and good citizenship for the community. We wish to give the men and women in this category an opportunity to study law at Michigan. We do not wish, in other words, to make a Phi Beta Kappa institution out of

the Law School. Accordingly, to meet the ever-increasing enrollment and the attendant problems, we must engage in some careful and comprehensive planning for the future. This is the task of the Law School Planning Committee.

Staff Changes. As the student enrollment increases, the faculty must grow along with it. We have long accepted a ratio of one faculty member to twenty-five students as a satisfactory working staff. In order to meet the increasing needs, four new members have been added to the teaching staff during the current year.

Mr. Jack Richard Pearce has been appointed Assistant Professor of Law and during the academic year 1955-56 taught part of the first-year course in Contracts. Mr. Pearce was born in 1918. He received his degree of Bachelor of Arts from DePauw University, Greencastle, Indiana. Thereafter he enrolled in Harvard Law School from which he was graduated in 1947 with an LL.B. degree, *magna cum laude*. His law school training was interrupted by four years spent in the United States Army during World War II. After graduation, Mr. Pearce became law clerk for Judge Augustus N. Hand of the United States Court of Appeals for the Second Circuit. A year later he associated himself with the firm of Hughes, Hubbard, Blair and Reed of New York City where he practiced law for seven years before joining the faculty here.

Mr. Eric Stein has been appointed associate professor of law, joining the staff on December 1, 1955. Mr. Stein was born in Prague, Czechoslovakia, July 8, 1913. In 1937 he received his J.U.D. degree with distinction from the law faculty of Charles University in Prague. Thereafter he practiced law for a brief period before being taken into the Czechoslovakian army. After release from military service he came to the United States where he enrolled in the University of Michigan Law School in 1940. Here he received his J.D. degree in 1942. Late in 1942 he joined the United States Army and was assigned to the Division of Military Intelligence. In July of 1943 he was sent overseas to engage in intelligence work in North Africa, and later in Italy. He was awarded the Bronze Star Medal and the Order of the Italian Crown. After discharge from the Army in 1946, he became a member of the staff of the United States Department of State, first in the International Security Office, and later with the United Nations Affairs Bureau. When he left the Department to take a position on the faculty of the Law School, he was Deputy Director of the United Nations Office of Political Affairs. Fluent in several foreign languages and thoroughly familiar with matters related to

international organization and international affairs, Mr. Stein will fill an important place on the law faculty in connection with the development of our international and foreign law program.

Another recent appointment is that of Mr. Roy Franklin Proffitt, who has been appointed associate professor of law and assistant dean of the Law School. Professor Proffitt was born in 1918. He attended the University of Nebraska where he received his Bachelor of Science degree in Business Administration in 1940. From 1940 to 1945, during World War II, he served in the United States Navy, holding the rank of Lieutenant Commander, U.S.N.R. at the end of the war. After the war Mr. Proffitt enrolled in the University of Michigan Law School, from which he received his J.D. degree in January 1943. After a brief period of practice with the firm of Miller, McKinnley & Walsh, in Greeley, Colorado, he joined the faculty of the University of Missouri School of Law, where he eventually was promoted to the rank of professor. As technical adviser to the Missouri State Senate Criminal Law Revision Committee from 1951 to 1954, Mr. Proffitt assisted the Missouri General Assembly in making significant changes in the substantive criminal law in that state. At Michigan, as assistant dean, Mr. Proffitt will take over the administrative duties hitherto performed by the secretary of the Law School, together with certain other tasks, such as the handling of the scholarship and student aid program. In addition, he will teach a portion of the first-year course in Criminal Law.

The fourth member to be added to the teaching staff during the year is Mr. Rinaldo L. Bianchi. Mr. Bianchi has also had the unique advantage of a foreign legal education as well as an education in the United States. Born in 1924, in Highland Park, Michigan, he was taken by his parents, in 1939, to their native Italy. There he was educated in the elementary schools and eventually in the University of Pisa Law School, where he received the degree of Doctor of Jurisprudence in 1947. Subsequently he returned to the United States, where he earned Bachelor and Master of Arts degrees from Wayne University in 1951 and 1952, respectively. Thereafter, he enrolled in the University of Michigan Law School, where he was graduated in 1955 with the Juris Doctor degree. In February of 1956 he was appointed instructor, engaged in teaching in the field of comparative law. Beginning with the fall semester, 1956, he will hold the rank of assistant professor, instructing not only in comparative law, but also in certain of the more conventional courses.

A staff retirement of particular interest to alumni of the School took place on June 30 when Miss Katherine C. Murray, who had been a member of the nonacademic staff for forty-six years and had served as Recorder since 1920, retired after having reached the mandatory retirement age. Her period of service extended over nearly one-half of the life of the School, and, accordingly, she possessed a familiarity with Law School history which was most unique and valuable. During the closing months of her period of service, every effort was made to reduce to tangible written form her valuable historical knowledge concerning the early years of the School. On her departure, Miss Murray was presented with a sum of money contributed by the alumni, faculty members, and other interested friends, to permit her to enjoy a period of travel in other parts of the world.

Faculty Activities. The faculty is, of course, engaged in a wide variety of duties outside those imposed by classroom and faculty committee procedures. A comprehensive catalog of such activities would be too lengthy to list in the *Law Review*. A few of the principal items, however, may be of interest. For example, several volumes have been added to legal literature by members of the faculty during this past year. Professor William W. Blume has completed and published his treatise, *American Civil Procedure*. Professors Samuel D. Estep and William J. Pierce, as Director and Associate Director, respectively, of the Legislative Research Center, have published the third volume in a series entitled *Current Trends in State Legislation*. Dean Stason, Professor Estep, and Professor Pierce, have joined in the publication of a 200-page monograph entitled *State Regulation of Atomic Energy*. This volume is a temporary lithoprinted edition, soon to become a part of a larger and more comprehensive volume entitled *Atomic Energy and the Law*. Professor Oppenheim has completed the editing of the first in a series of volumes on *Trade Association Law and Practice*, a volume which will be published in September of 1956. Professors Burke Shartel and Marcus L. Plant are just completing a book-sized manuscript entitled *The Law and the Doctor*, also to be published in the fall of 1956. Professors Lewis M. Simes and Allan F. Smith have collaborated in the publishing of *The Law of Future Interests*. This four-volume treatise is a revision of Professor Simes' first edition bearing the same title. Professor Simes has also completed the second edition of his *Cases on Fiduciary Administration*, and has published a small volume entitled *Public Policy and the Dead Hand*, the latter being the Sixth Series of the Thomas M.

Cooley Lectures, delivered in the Law Quadrangle two years ago. Professor L. Hart Wright has served as editor of the *Tax Handbook for Michigan Lawyers*, published by the State Bar of Michigan.

These publications reveal the fact that the life of a faculty member includes more than classroom teaching. Productive scholarship is an important part of the work of the Law School.

Law Institutes. The Law School has continued its postwar program of specialized institutes available to members of the bar, students of law, and the interested public. In the year for which this report is filed, the following institutes have been held:

A Conference on Aims and Methods of Legal Research was held on November 4 and 5, 1955. This proved to be a unique and interesting program. The topics for discussion included such items as: Social Significance in Legal Problems, Research for Legislation, The Study of Laws of Other Countries, Manpower for Research, The Law and Fact of Human Behavior, The Legal Scholar and the Criminal Law, Research on the Trial Process. The institute was well attended by representatives of the principal law schools of the country as well as by staff members of foundations interested in legal research.

The Seventh Annual Institute on Advocacy was held on February 10 and 11. The subject was Trial Evidence, with the program being designed as a refresher in that subject. The topics covered included: Presenting and Resisting Evidence in Court, Relevancy, Illegally Obtained Evidence, Hearsay and Its Exceptions, The Uses of Visual Aids in Presenting Evidence, Uses of Judicial Notice, and related subjects.

A third institute, held on April 13 and 14, dealt with land title problems. The subjects covered included: Improvements in Conveyancing, The Use of Title Standards in Michigan and Elsewhere, Michigan's Forty-Year Marketable Title Act, Mortgages and Mortgage Foreclosures, Future Interests, Execution and Construction of Deeds, and Fiduciary Conveyances.

These institutes have been well received by the bar of Michigan and surrounding states. Moreover, the Law School has derived benefit by virtue of the contacts afforded with practicing lawyers and practical problems.

Scholarship Funds. Although the Law School has been in many respects fortunate in the gifts which it has received from law classes and individual law alumni, we still find ourselves unable to take care of more than the most pressing scholarship and student aid

needs. During the year, approximately \$70,000 was disbursed, either in scholarships, grants-in-aid, or loans. If twice that sum had been available, it would still have fallen short of the serious needs. To those of us in close contact with the law students and their problems, there seems to be no more urgent need than that of additional financial aid for needy but worthy intending lawyers. During the year we co-operated with the Michigan Development Council in establishing a Law School Alumni Scholarship Fund, a fund to which law alumni are asked to contribute on an annual basis according to their abilities and interests. As a result of initial activities in promoting this fund, several thousands of additional dollars are now available for new scholarships and grants-in-aid during the fall semester, 1956-57. Eventually, it is hoped that virtually all graduates of the school of more than ten years standing will be interested in making small annual contributions to the fund.

Ford Foundation Grant. As reported last year, an expanded program of international and comparative legal studies has been made possible through the financial support of the Ford Foundation, which, a little over a year ago, made a substantial grant to the Law School for the purpose. The year for which this report is filed is the first year of operation of the program. Under a special faculty committee, headed by Professor William W. Bishop, Jr., progress has been substantial. We have enriched our program of course and seminar offerings in the international and comparative law field. We have brought to Michigan on scholarships about twenty-five foreign graduate students in law, all carefully selected from all parts of the world. We have conducted an Institute on International Law and the United Nations which proved to be a pronounced success, bringing together the leading figures in the field and providing excellent opportunity for interchange of ideas. We have sent Professor Allan F. Smith to visit the principal law schools in the Near East to make firsthand contact with legal authorities in such places as Baghdad, Cairo, Alexandria, Beirut, and Istanbul, in order to facilitate our future negotiations with these institutions. We have provided increased assistance to Professor Yntema to facilitate the completion of his large research project involving Inter-American Negotiable Instruments law. And, finally, we have furnished a portion of the financial support necessary to send Professor William B. Harvey to spend a year of study in Heidelberg to prepare himself for the

development of our work in jurisprudence. All of these have been valuable additions to the program of the School.

The Law Library. During the year the Law Library has accessioned 9421 new volumes. At the same time, 284 volumes have been withdrawn by reason of obsolescence, leaving the net accession for the year 9137. The total number of volumes in the Law Library as of the end of the year was 268,351. The major event of the year so far as the Library was concerned was the completion of the \$700,000 new stack addition which has added four floors to the book storage section of the Legal Research Building. We now have the much needed space for the shelving of the collection. We also have twenty-two additional faculty offices; twenty-four additional cubicles for law review and graduate students, and one new seminar room.

The Law Library is one of the largest and most usable collections of legal literature in the world, and as a laboratory for Michigan law students it is outstanding. Every Michigan student is urged repeatedly to take full advantage of the opportunity of learning to live with such a collection of legal lore—and we are glad to report that most of our students, at graduation, possess genuine competence in handling legal materials. They know how to go about the preparation of a case, or an article, or a memorandum on a point of law. We believe that intimate familiarity with the sources of the law will stand them in good stead in the practice of the profession.

E. Blythe Stason, Dean