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## THE LAW SCHOOL 1954-55

Another school year has become a part of the record of history, and again I wish to take advantage of the pages of the *Law Review* for the purpose of reporting some of the principal items of interest that have

arisen in connection with the program of the law school. In this year's report, after dealing with current matters of interest, I wish to speak especially concerning certain aspects of the future of legal education at Michigan.

*Student Enrollment.* In recent years the demands of the nation's military program have had a considerable effect upon law school enrollments throughout the country. At Michigan, following the beginning of the Korean "incident," first-year classes were reduced in size by the military obligations of prospective lawyers, with the result that there was approximately a ten percent reduction in the over-all student enrollment for each of the years 1951-52 and 1952-53. A corresponding reduction took place during the year 1953-54. The first-year class numbered 270; the second-year class 181; and the third-year class 230. These regular undergraduate students, together with 22 postgraduate candidates for advanced degrees in law, and 3 unclassified students, made a total enrollment of 706 students for the academic year—a reduction, in fact, from the preceding year, of approximately seven percent. We are now, however, at the bottom of the enrollment curve. The year 1954-55 is showing an increase occasioned by the return, at an accelerated rate, of veterans and by the ever increasing numbers of undergraduate college students who are applying for admission to professional schools. The September 1954 first-year entering class totals 293—approximately a ten percent increase over the preceding year. Furthermore, I should call attention to the fact that, notwithstanding the impact of the military program, our total enrollment of today is about fifteen percent above pre-World War II figures, and, in addition, all available statistics concerning future college populations indicate an ever increasing number of young men and women attending college and, thereafter, professional schools. We must anticipate that within the next twelve or fifteen years the law school enrollment will climb to a figure of between 1100 and 1200 students. Maintaining our desired standards of performance with such numbers will call for careful planning as well as increased facilities.

*Scholarships and Student Aid.* As I reported last year, the availability of the income from the very generous Frederick L. Leckie bequest, together with that from scholarship endowments received from various other sources, including those of several of the law graduating classes, has afforded most valuable help in relieving hardship among the students in the school. The cost of legal education has increased enormously in recent years, and although many of our students support

themselves in whole or in part by outside employment, we have found that scholarship and loan assistance is direly needed. It renders a splendid service to the students and materially improves the quality of work carried on in the school.

To show the extent of the service rendered, during the summer session of 1953 and the academic year 1953-54, the scholarship committee made grants in the total sum of \$49,795, distributed in the form of 187 awards or loans to 166 students. The distribution of these expenditures may be summarized as follows:

16 scholarship awards to incoming first-year students . . .	\$ 6,350
11 "prize awards" for second and third-year students for outstanding performance in the law school . . . . .	3,250
64 scholarships to second and third-year students, from the Leckie Fund . . . . .	18,135
31 scholarships to second and third-year students from other funds . . . . .	7,530
65 student loans (primarily from the Leckie Fund) . . . .	14,530
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187 . . . . .	\$49,795

Although by far the greater part of the available funds is used to alleviate hardship among worthy students of good, but not necessarily high, academic standing, a special word should be recorded concerning the so-called "prize awards." These are grants made pursuant to terms of the respective endowments for outstanding achievement in the law school. They include the Henry M. Bates Award, the Jerome S. Freud Award, the Class of 1908 Memorial Award, the Barristers' Award, the Samuel Platt Award, two Burton Abstract Company Awards, and three cash grants from class funds, the last being made to the three top-ranking members of the junior class. These prize awards serve a good cause, for they give recognition to top professional performance and thereby constitute both an important stimulus and a reward for a task well done.

*The Faculty.* Two new members have been added to the faculty during the past year, and in each case the appointment commenced with the fall semester of 1954-55. Professor Alfred Fletcher Conard has been invited to join the faculty as a Professor of Law. He comes from the University of Illinois, where he has been a member of the law faculty since 1946. Professor Conard earned his Bachelor of Arts degree from Grinnell College (Iowa) in 1932. Thereafter he studied law, first at the State University of Iowa and then at the University of

Pennsylvania Law School, where he received the LL.B. degree in 1936. From 1936 to 1938 he practiced law in Philadelphia with the firm of Murdoch, Paxson, Kalish & Green. Becoming interested in a career of legal scholarship, in September of 1938 he enrolled as a graduate student in Columbia University Law School. He was granted the LL.M. degree from that institution in June of 1939, and the J.S.D. degree in 1942. Thereafter he engaged in law teaching, first at the University of Kansas City, and subsequently at the University of Illinois. During World War II Professor Conard served first in the Office of Price Administration, and later in the United States Army, Office of Strategic Services. In connection with the latter task he worked as a political analyst for French and Belgian affairs, and by way of recognition received as decorations the Purple Heart and the Ordre des Chevaliers de la Couronne (Belgium). Toward the close of the war he also served in the Office of the Alien Property Custodian. A specialist in the law of real property and business associations, Professor Conard's teaching experience has been broadened by excursions into other fields, including torts, insurance, sales, and creditors' rights. He has written widely, not only in law reviews, but also has published a casebook on the Law of Agency and Employment Relations, and two special monographic studies—one dealing with the law of easements, and the other with the cost of administering workmen's compensation in Illinois. He brings to our faculty fine qualities of maturity, experience, and teaching skill, that will add valuable strength to our program.

The other new member of our faculty is Richard Vance Wellman, who comes as an Assistant Professor of Law, carrying not only a share of the teaching duties, but also handling the placement counseling work of the law school. Mr. Wellman earned his Bachelor of Arts degree at the University of Michigan in 1947, and his Juris Doctor degree in 1949. Following graduation, he practiced law for two years with the Cleveland firm of McAfee, Grossman, Toplin, Hamming, Newcome & Hazlett. Thereafter, he became a partner in the firm of Todd & Wellman, practicing in Mount Vernon, Ohio. Mr. Wellman will teach in the property law field, in which he became interested as a result of his practice.

In connection with the faculty, I must regretfully announce the impending retirement of Professor Ralph W. Aigler. Having reached the age of 69, he is now entitled to a year of terminal furlough before official retirement from the University. In June 1954 Professor Aigler concluded his 46th year of law teaching at the University of Michigan—nearly one-half of the total period of the school's existence. His

retirement leaves a very large gap in our faculty strength, for his teaching and writing in his fields of specialization have not only won him national repute but have given to many generations of law students the benefit of most scholarly and inspired teaching.

*The Law Library.* During the year 1953-54 the law library accessioned 9,191 volumes. At the same time, however, 181 volumes of superseded materials were withdrawn from the lists, leaving a net accession for the year of 9,010. The total number of volumes in the law library as of June 30, 1954 was 250,037. This figure does not include the very large number of pamphlets, newspapers, and other smaller, less permanent items, none of which are added to the accessioned list.

The ever increasing size of law libraries is occasioning concern throughout the country. A library can actually become so large that it loses ready adaptation to ordinary day-to-day uses. Unless especial care is taken to break the collection into segregated subdivisions, thus making available in a relatively small compass several good working collections for the purposes of day-to-day study, sheer size may become a real hardship. We are trying to prevent this at Michigan, for, notwithstanding the ever increasing size of the collection, we are concurrently building segregated portions available to students, faculty, and others, for ordinary working purposes, and in this way we give our library a maximum of utilitarian value.

Speaking of the number of books on hand, in last year's report, I referred to the fact that we had run out of available shelf space in the Legal Research Building and that we had been forced to install temporary shelving in the corridors to take care of new accessions. I am glad to be able to report that the shortage of shelf space is soon to be alleviated. We are adding four more floors to the stack wing of the building. During the World War II years, when, because of personnel shortage, legal research was at a minimum, we were able to save from the William W. Cook Endowment Income approximately \$450,000, which was duly earmarked for use in connection with adding to the stack space in the law library. However, preliminary estimates of the cost of the desired addition indicated that approximately \$700,000 would be required for the purpose. Fortunately, the \$250,000 needed to complete the project was appropriated by the 1954 session of the Michigan State Legislature—a fact which now makes possible the necessary addition to our present facilities. Not only will this addition provide for some 200,000 volumes of extra shelf space, but it will

also provide 16 more research offices and 24 more carrells for use by graduate students, *Law Review* editors, and others who must have close access to the library collections. We may well feel grateful to the legislature for making the necessary additional appropriation, for it permits us to provide the much needed new facilities. A contract has now been let for the erection of the addition, construction is in progress, and the building will be ready for occupancy by June of 1955.

*Some Long-Range Needs of the Law School.* In this year's report I should like to discuss in a general way some of the long-range plans and needs of the school, as I envisage them. The school has made much progress since the end of World War II. The curriculum committee has instituted many worthy modifications of our teaching program. The legal research committee has made most gratifying progress in building up the work within its jurisdiction. Our Michigan series of classroom casebooks has been completely revised. We have established a Legislative Research Center engaged in promotion of research, teaching, and service in the field of statute law. The tasks of placement counseling and selective admission to the school have been placed upon a firm and continuing basis, in charge of faculty members and secretarial staff devoted especially to their respective tasks. Much has been done to improve our position with respect to scholarship aid. All of these constitute valuable progress, and all must continue to share in the careful attention of the future. However, there are certain other very special features of legal education not now developed as fully as they could be, which, nevertheless, seem to me essential to the best development of the school's program. I am convinced that we must tackle them with all of the vigor and imagination that we can bring to bear. I wish to suggest the following:

1. *Increasing our offerings of seminars and opportunities for independent student research.* For nearly three generations, and until quite recently, legal education has been predominantly "case" study. Judicial opinions and decisions which are thus used as the basis of classroom discussion (ordinarily in fairly large classes) constitute a powerful educational device, but notwithstanding this fact, we are more and more coming to realize that legal education will be materially strengthened by insistence upon supplementing the former practices with other teaching methods. Among other useful devices is the seminar, with its opportunity for independent library research and legal writing. An increase in the number of available seminars sufficient to permit each student to enjoy the benefit of at least one, or perhaps

two, such educational experiences while enrolled in the law school, is greatly to be desired. The seminar offers opportunities for independent library study and research, for synthesis of legal ideas, for developing skill in legal writing, and for interchange of views between students and instructors—all most difficult, if not virtually impossible, in the ordinary law school classroom program. The strength of education at Oxford, England, depends very largely upon the individual research and writing and the intimate student-instructor contact resulting from its tutorial system. We can achieve even greater benefits from properly developed seminars. In fact, we should be offering twenty-five seminars each year instead of eight or ten, as at present. However, it is a time-consuming form of education, and additional faculty will be required for the purpose.

2. *Reduction in size of the first-year classes.* The first year is the most important year in legal education. During that year the law student learns not only a large amount of substantive law, but he begins as well to master the so-called "legal method"—the processes of inductive and deductive reasoning, analogical reasoning, analysis of legal situations, and the other mental processes of the practicing lawyer. In large classes such as we have at present, approximating 100 per section, individual attention is almost impossible and many first-year students fall by the wayside because they fail to develop the necessary skills. A more intimate, individualized, and effective manner of teaching that would be made possible by breaking the classes into smaller sections might save many worthy young men and women who now fail to succeed in their first-year examinations. Moreover, it would improve the performance of all students. In some law schools experimentation is being conducted, making use of graduate teaching fellows who serve as assistants for the professor in charge of large sections, arranging small discussion groups to deal with individual problems. This is helpful, but I believe it would be far more helpful to divide the classes themselves into smaller sections, placing each in charge of a mature and capable teacher. I look forward to the time when first-year classes at Michigan, instead of approaching 100 in size, may average 50 or even less. Obviously, however, this, too, will require additional faculty personnel.

3. *Teaching of legislation.* I have long maintained that the law school which succeeds in teaching statute law effectively will make as great a contribution to legal education as that of Professor Langdell at Harvard, when in 1870 he designed the case method of law study of



common law principles. Currently, statutes are to an ever increasing extent invading the domain of the common law and are becoming grist for the lawyer's mill. The subject matter of legislation must be taught not only in the specialized courses and seminars designed for the purpose of imparting statutory and interpretive techniques, but also, and perhaps even more importantly, in connection with the cognate substantive law courses. The task requires careful preparation and revision of teaching materials and a substantial amount of experimentation in teaching methods. It is of first importance, however, and serious attention must, in the years to come, be given to the means of teaching statute law in the law school.

4. *Handling fact situations.* Legal education has proved itself to be very effective. Law graduates are well-trained and reasonably capable in the handling of legal principles. When they go forth to the bar, however, they come into contact almost for the first time with the necessity of assembling, sifting, analyzing, and utilizing the facts relevant to legal situations. In the law schools but little is done with respect to this phase of the lawyer's education. Facts involve field study dealing with human situations as they are found in actual life. Such studies are expensive and time-consuming. In the law schools we do not possess the legal equivalent of the medical clinic. "Legal Aid" measures, such as those used by some schools, especially in the large population centers, are good as far as they go, but do not really fill the need. I hope to see the University of Michigan Law School, in due course, enter this field in such a way that every law graduate will have at least one solid experience in marshaling the facts pertinent to a fairly complete legal controversy. Considerable ingenuity will be required to devise appropriate ways and means, but the task will become a part of first-class legal education of the future.

5. *Specialization in the law.* Within the next decade the law schools that are in the forefront of progress will be developing fields of specialization in the law, and will be devoting considerable effort to teaching and research, both undergraduate and, especially, post-graduate, in those particular areas indicated for the purpose. Medical education went through a similar evolution. Legal education is on the verge of doing so. For example, in the field of taxation it is perfectly clear that specialization is developing at the bar and that an equivalent emphasis is indicated for legal education. We have long taught standard courses in income, estate, gift, and other forms of taxation. We have conducted brief postgraduate institutes for members of the bar

who specialize in the tax field. During the current year we are co-operating with the School of Business Administration in offering a special program for United States Internal Revenue agents who are sent to Michigan to obtain specialized training requisite to their official duties. In the future we shall find it desirable to engage to an increasing extent in this field.

There are also other fields in which an increasing trend toward specialization may be anticipated. I suggest that in the field of advocacy, both civil, criminal, and before administrative tribunals, there will be an increasing demand for specialized training which will in the future necessitate re-evaluation of the methods of legal education in trial practice. At Michigan we have already adopted certain measures looking toward such specialization.

I suggest, also, that the field of foreign and international law will gradually reveal a need for specialized training, especially at the graduate and the postgraduate levels, and that this area of the law will also demand special services from the law school. International and foreign trade, commerce, and relations are destined to become increasingly important in American life and hence in law practice in this country. At Michigan we have already taken marked strides in this direction, but even more will be necessary and desirable in the years to come.

6. *Size of the law school.* In addition to the foregoing lines of development which I envisage for the future program of legal education at Michigan, we must also take account of something hitherto mentioned—that is, the inevitable increase in law school enrollment. During the year 1953-54 the enrollment in the law school was 706. This year, when the final figures are assembled, it will be about ten percent greater. The trend will continue. We must be prepared by the year 1970 to deal with an enrollment of 1100 or 1200 students. In order to do the kind of work that we regard as of Michigan quality, advance preparations must be made for such numbers of students, and, especially, the faculty must be built gradually and well in advance of the event, in order that the students, when they enroll, may be confronted by a well-integrated, mature, and capable teaching staff.

Obviously all of the foregoing proposals will cost money. However, attention may appropriately be called to the fact that legal education has in the past been relatively inexpensive. "Mass production" methods have served to keep down the cost per student as compared, for example, with medical education. The highest quality cannot, however, be produced by mass methods, and forward-looking legal

educators are convinced of the necessity of finding support for a far more individualized and specialized program than that which has served in the past. Good work has been done, but better can be done and will be a necessity. Michigan deserves the best.

*E. Blythe Stason, Dean*