June 6, 1974

University of Michigan Law School

Follow this and additional works at: http://repository.law.umich.edu/res_gestae

Part of the Legal Education Commons

Recommended Citation

http://repository.law.umich.edu/res_gestae/1089

This Article is brought to you for free and open access by the Law School History and Publications at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Res Gestae by an authorized administrator of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.
IN MEMORIAM

Paul G. Kauper, an internationally recognized authority on constitutional law and a member of The University of Michigan law faculty for 38 years, died here Wednesday (May 22) at the age of 66. He had been ill for about a month. He is survived by his widow, Anna; a daughter, Mrs. Carolyn Johnson of Vermillion, S.D.; and a son, Thomas, who is on leave from the U-M law faculty while serving as assistant attorney general in charge of the U.S. Justice Department's antitrust division.

U-M law Dean Theodore J. St. Antoine said: "Paul Kauper was one of the finest classroom teachers and one of the most profound constitutional scholars of his time. That he should die while still at the height of his powers makes his loss doubly tragic for the whole world of legal education. The hallmarks of Paul Kauper's thought were breadth and balance. He was not given to passing enthusiasms, but devoted himself to such overarching questions as order and liberty, the state and the individual conscience, relations between the three branches of government, and human rights in the international community."

Prof. Kauper, who held the Henry M. Butzel professorship at U-M Law School, was a widely known author of legal books and had received many honors for his contributions as teacher and scholar. Among his books are "Cases and Materials on Constitutional Law," "Frontiers of Constitutional Liberty," "Civil Liberties and the Constitution" and "Religion and the Constitution." His legal casebook, which he updated periodically, is widely used in law schools around the country.

Recently Kauper was one of several distinguished scholars chosen to deliver a series of lectures marking the upcoming U.S. bicentennial anniversary in 1976. Kauper delivered his lecture last November at Old North Church in Boston.

Kauper received honorary degrees from several universities, including the Heidelberg University in Germany and his alma mater, Earlham College of Indiana. In 1971 he was named Henry Russel Lecturer at the U-M, which is the highest honor the University can bestow on a senior faculty member. In 1959 he was selected for the U-M's Distinguished Faculty Achievement Award for his scholarship, teaching and public service.

Kauper was active in affairs of the Lutheran Church, serving as a trustee of the U-M's Lutheran Student Foundation and as a member of the Board of College Education of the American Lutheran Church.

Born in Richmond, Ind., on Nov. 9, 1907, Kauper graduated from Earlham College in 1929 and received a law degree from the U-M in 1932. Kauper served as a research assistant at the U-M and then spent two years associated with a New York City law firm. In 1936 he returned to the U-M as assistant professor in the Law School. Throughout his career, constitutional law remained his major teaching and research interest, with special attention to the questions of religious liberty and church-state relations. In 1951 he was awarded the American Bar Association's Ross Essay Prize for his essay on the subject, "The First Ten Amendments."

Kauper was a member of many professional groups, including the American Bar Association, the Michigan Bar and the American Judicature Society. He served as president of the National Order of the Coif. In addition, he devoted much of his time in service to the city of Ann Arbor. Among other groups, he served on the Ann Arbor Charter Revision Commission, the City Planning Commission and the Board of Education.

U of M News
After I finish teaching a course at the law school in the latter part of this summer, I shall be resigning my law faculty appointment. I shall remain in Ann Arbor, but I want to try practicing law part time and teaching part time at the Institute for Public Policy Studies.

Plans for both parts of my new life are still only partially set, but I plan to practice with Jerry Lax, the former city attorney of Ann Arbor. (Jerry is resigning his appointment at Wayne, but will be teaching part time at the University of Michigan Urban and Regional Planning Ph.D program.)

I don't mean to say good byes, since I shall be staying in Ann Arbor and hope to remain part-time with the University.

Everyone at the law school continues to be most kind, as they have been over the years. My decision to try a slightly different kind of life reflects no diminution of my regard for this school or for the students, staff, and faculty; I'm 43, and want to try a change in occupation.

s/ Robert Harris

Mr. Lawrence Mills
Deditor-in-Chief, Journal of Law Reform
University of Michigan Law School
Ann Arbor, Michigan 48104

Dear Larry:

Thank you for sending me the galley proofs of my article. The corrected proofs are enclosed.

I was, as you probably expected, distressed to discover that after six months of research and extensive writing -- including a final expansion specifically required by the editors as a condition of publication -- the final version of my article, one-third the size of that final expanded draft, did not contain even one sentence as written by me in the final or any previous draft. The editors have seen fit to select some of the information I gathered and re-write entirely the article I submitted. I would like to make two points concerning this practice:

(1) I assume that journal editors find it necessary to re-write student articles in order to maintain "professional" standards. To the extent that such factors motivate journal supervision, the Journal fails in what should be its real purpose: to provide students with experience in writing law review-type articles. The entire process -- from outline to finished product -- can be most educational, especially with editorial guidance of similar quality to that which I received from staff editor Rita Seeligson in developing my article. To remove the article from the author's hands in the last, critical stages of development foils educational purposes, all for the sake of pounding the product into law reviewese so as not to offend the sensibilities of the handful of people who will some day read that article.

Are you moral enough to join the legal profession?

(2) I am not prepared to accept the assumption that an article will be improved once journal editors change a competently -- but distinctively -- styled article into a uniform, "professional" law review product. I admit to being unusually sensitive on this point, for I have written professionally for two newspapers over the last five years and was chosen as a law student-intern at the Center for Law and Social Policy primarily because of my writing ability. Yet I honestly do not believe that my assessment is biased when I maintain that the only result of your "revisions" will be to make my article more difficult to penetrate. I find your prose -- e.g., "Florida is one state in which mere association with a group is not permitted to preclude one's candidacy." -- uninteresting, uninspiring, (See LETTERS page 4)
NOTIC ES

Misplaced Master Key taken from Administrative Office late Friday afternoon, May 24, 1974. If you have the Master Key—or have any knowledge of its whereabouts—please come to the Registrar's Office immediately. Thank you.

STUDENT DIVISION ABA

The Law Student Division of the American Bar Association will hold its annual meeting in Chicago from August 1-4, 1974. All law students are invited to attend. There will be many exciting and educational panel discussions and workshops.

Law Student Division members are especially urged to attend because the Law Student Division's policies and programs for the coming year will be determined. Elections for national officers will be held.

The meeting will take place at the Chicago-Sheraton. The registration fee of $25.00 will cover all of the activities including three luncheons. The registration form appears in the April and May Student Lawyers. Single rooms at the Chicago-Sheraton range from $22.00 to $27.00 and double rooms cost $27.00. Please return the form to the Law Student Division quickly in order to be sure of a room reservation.

ICLE

Videotape presentations on "Creditors' Rights: Law and Procedure" will be offered in six Michigan cities by the Institute of Continuing Legal Education (ICLE).

The program, designed for general and business law practitioners, reviews legal rights of creditors, including bankruptcy rules and other measures. ICLE is a joint unit of The University of Michigan and Wayne State University law schools and the state bar of Michigan.

The initial presentation on creditors' rights was sold out. In order to accommodate the large number of lawyers who were unable to attend the course in Detroit on April 19, the Institute has scheduled repeat sessions. The six presentations will involve a technique new to the Institute. The presentations will feature videotapes of the lectures and comments as they were delivered at the Detroit presentation.

Among the topics covered are: enforcement of judgments and other liens; new bankruptcy rules; bulk transfers; and personal property as security. The lecturers are attorneys I. William Cohen, Stuart E. Hertzberg and Archie Katcher of Detroit, and Prof. Ray David Henson of Wayne State Law School.

The program fee is $60 for lawyers, $40 for new members of the bar, and $35 for legal assistants and secretaries. Further information is available from ICLE, 417 Hutchins Hall, Ann Arbor, Mich. 48104. (Phone: 313-764-0533).

"Corporate Taxation in a Nutshell," a program explaining basic aspects of federal corporate taxation, will be offered in two separate seminars sponsored by the Institute of Continuing Legal Education (ICLE).

The seminars, designed for the non-specialist, will be June 7-8 at the Washington Hilton, 1919 Connecticut Ave. N.W., Washington, D.C., and June 28-29 at the Detroit Hilton, 1565 Washington Blvd., Detroit. ICLE is a joint unit of The University of Michigan and Wayne State University law schools and the state bar of Michigan.

Lectures will cover stock dividends, attribution rules, stock redemptions, liquidations, corporate organization and tax consequences, business reorganizations, corporate divisions, and other subjects.

The speakers include leading legal specialists from around the country. They are: U-M law Profs. Douglas A. Kahn and Stanley Siegel, and attorneys Zolman Cavitch of Cleveland, Ohio, Sheldon S. Cohen and Michael R. Flyer of Washington, D.C., and John L. King, Steve Uzelac and Anthony M. Vernava of Detroit.

The program fee, including course materials, is $90 and a special "young lawyers" rate of $60 is available to new members of the bar. Registration and other information is available from ICLE, 417 Hutchins Hall, Ann Arbor, Mich. 48104 (Phone: 313-764-0533).
and unliterary. You may be assured that I would be ashamed to offer "my" article—which I did not write—as a writing sample.

I hope that next year, as a staff editor, I will be able to institute some of the policy recommendations suggested in this letter. I regret to report to you that, despite your willingness to hear me out over the past few months, my Journal experience to date has been most disappointing and frustrating.

Sincerely yours,

s/ Jeffrey F. Liss
Center for Law and Social Policy
1751 N Street, N.W.
Washington, D.C. 20036

MORE LETTERS

(LETTERS cont'd from page 2)

Based on personal interviews and a review of court cases and citizen complaints, a University of Michigan study recommends an expanded role by the Michigan attorney general's office in the area of environmental and consumer protection. In particular, the study suggests a "shift from the present reliance on citizen complaints and agency referrals to a program involving affirmative action by the attorney general." And, among other reforms, the study urges increased funding for the attorney general's office, a lobbying effort to gain passage of a comprehensive consumer protection bill in Michigan, and a more centralized approach by the attorney general in dealing with statewide problems.

The study will appear in a forthcoming issue of the Michigan Law Review, a publication of the U-M Law School. It is the work of Adrian Steel, a Law Review associate editor, whose review of the attorney general's functions began in August 1973. Steel acknowledges that, despite limited resources, the Michigan attorney general's office has played "an active role in both the consumer and environmental protection areas, and in many ways the office should be a model for other states' attorneys general." But he adds that "significant improvements can be made by both the legislature and the attorney general himself."

In urging creation of a monitoring system for wider consumer protection, the U-M researcher observes that low-income groups who are likely targets for unfair and deceptive consumer practices may also be the least vocal in airing their problems.

The attorney general should establish a monitoring system that reviews possible areas of violations, such as media advertisements," Steel writes. "In order to discern the problems affecting less vocal groups, the attorney general must inform himself of the activities occurring in, for example, the inner-city of Detroit. This can be done by establishing field offices."

Among other suggestions in the study:
---State environmental and consumer protection should be centralized in the attorney general's office, creating a more uniform enforcement of laws in those areas. At the same time, Steel suggests that local prosecutor's offices should retain "concurrent" authority in order to provide "maximum protection for Michigan citizens."
---Although Michigan statutes "provide a measure of protection for the consumer," the attorney general should allocate a portion of his resources to lobby for the passage of a comprehensive consumer protection bill in Michigan. Similarly, the attorney general's office should undertake "an intensive public education program" to help protect consumers.
---Specific guidelines should be established governing civil and criminal suits by the attorney general's office, thereby decreasing political pressures in these actions. Such guidelines should favor civil actions rather than criminal suits and should also impose a follow-up system to ensure compliance with the law.
EPHEMERA

INTRAMURAL SPORTS

While I realize your devotion to legal studies will not give you much time to pursue outside activities, you should be aware that law students may participate in both men's and co-rec (co-ed) softball during the summer, free of charge. After a regular season lasting three weeks, there are playoffs based on the team's record. No matter how bad your team is, it still gets a chance in the playoffs.

There are several reasons for playing softball. Besides getting exercise, it is an opportunity to improve your ability in oral argument by debating the umpires. (The umpires show a great deal of patience with law students.) After the game, by either celebrating your victory or drowning your sorrows with a couple of pitchers at the Village Bell (this "plug" is against our editorial policy! --ed.), you learn how to conduct yourselves at future bar association meetings.

For more information, get in touch with George Pagano. K 43 764-9088

P.S.: It's also something to put in your résumé.

FILM COMMITTEE

The Film Committee will be showing 12 films during the '74-'75 school year, all on Friday nights. Our schedule includes such films as Klute, The Big Sleep, The New Centurions, Them!, and All the King's Men. We desperately need someone experienced at running a 16 mm projector, both to help in showing the films and to instruct the other members of the committee in the art of running the projectors. If interested, please contact Rick Kaminsky in Room 0-33, or call 764-9073, or leave a message for me (along with your name and phone number) at the main desk of the Lawyer's Club. It's only 12 evenings. Thank you.

"I'm first in my class."