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THE UNIVERSITY OF MICHIGAN

# Law Quadrangle Notes

DL. 3 NO. 2

MAY 1959

## From the Dean...

In October of 1859 the doors of the University of Michigan Law School were first opened to classes. Commencement this June will mark the conclusion of our 100th academic year, and in October we shall stage a truly notable Centennial Celebration.



DEAN STASON

Nearly 500 alumni have already announced their intention of being on hand for the occasion; and when, in a few weeks, the full program is mailed to all living graduates, we expect hundreds more to join the procession. Those of us who are in Ann Arbor look forward with great pleasure to greeting you on your return for your Alma Mater's One Hundredth Birthday.

Since this June also marks the end of my second decade in the office of Dean of the School, I am

persuaded to look back over the last twenty years and catalogue for you some of the changes that have taken place during the period. The listing may help you to a better understanding of the school you will visit when you return for the Centennial, for if you were graduated twenty years or more gone by, you will observe, among other changes, the following:

(1) *Almost a new faculty.* There will be only a few familiar faces, but you must get acquainted with the new members, for they will be good friends. They are strong teachers and highly productive scholars. If you will come to my office I will show you many shelves of new faculty treatises, casebooks, and research publications. You will be proud of the product and of the faculty, even though many fine old figures will be gone.

(2) *A more carefully selected student body.* Today the needs of the practicing profession demand the best. We are using all available means both to select wisely from among applicants for admission, and to weed out as rapidly as possible those who, after they are admitted, cannot keep up with the standards of the School. As a result, you will find our graduates (including the "C average" students as well as the *Law Review* editors) well able to take their places competently even in the stepped-up professional life of today. You may wish to interview some of the seniors to fill anticipated vacancies in your offices, and if so, be sure to notify the Placement Counseling Office—another post-war innovation.

(3) *A completely overhauled course program.* Many of the old course names have disappeared, e.g., Damages, Public Utilities, Equity, Common Law Pleading, among others; but the most useful of the older materials have been carefully preserved in related courses. Many new names are listed, e.g., Administrative Law, Taxation, Labor Law. Especial account has been taken of shifts in the world scene by adding generously to our offerings in International and Comparative Law. Changes have kept us abreast of progress without, however, sacrificing thorough training in the essential fundamentals of the law. You may wish to visit some of the classes during the Centennial weekend.

(4) *Some intriguing new teaching methods.* Casebooks have changed in character and content. We make greater use of problems, statutory materials, and text. We are getting our students into small seminars and conference-size groups where they are in closer contact with the instructors, and where they learn the techniques of research, synthesis and writing. We want them to become good craftsmen as well as good analysts.

These are some, but not all, of the changes of the last twenty years. When you come to the Law Quadrangle for the Centennial, you will see many other signs of progress. Plan to look around and to give us your suggestions and reactions.

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### Last Chance!

The Centennial edition of the Law School Alumni Directory will be published in October 1959. This is your last opportunity to obtain your copy at the pre-publication price of \$7.00. The price will be \$8.50 for orders received after August 1. We are printing only a small margin in excess of actual orders. To avoid disappointment, send your check for \$7.00 to

Law School Alumni Directory Office  
310 Hutchins Hall  
Ann Arbor, Michigan

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The Law School's team of Blair D. Benjamin, Waterloo, Ia., and William K. Tell, Jr., Findlay, O., reached the quarter-finals of the Ninth Annual Moot Court Competition. Teams from 94 law schools participated. Michigan's team lost out to Yale, which in turn lost to Texas in the finals. The Law School gratefully acknowledges the help of 16 members of the New York City Bar in helping to defray traveling expenses for the students.



## Final Volume of Rabel's Conflict of Laws Published

The office of Michigan Legal Publications announced recently the publication of Volume IV of Ernst Rabel's *The Conflict of Laws: A Comparative Study*, (pp. xxxviii, 622, \$15.00). This final volume contains sections on Property, Bills and Notes, Inheritance, Trusts, Application of Foreign Law, and Intertemporal Relations. Dr. Rabel completed and revised the proofs of the text before his death in September 1955; the various tables were compiled later at The University of Michigan. The revised second edition of Volume I was issued in April and the second edition of Volume II will be published early in 1960. *The Conflict of Laws*, Volume I, second edition (pp. lxi, 803, \$15.00), contains an Introduction, covering the Literature and Sources of Conflicts Law, the Structure of Conflicts Rules, and the Development of Conflicts Law; sections on Personal Law of Individuals, Marriage, Divorce and Annulment, and Parental Relations. Rabel's great work has been widely acclaimed and in 1950 was awarded the Ames prize by the Harvard Law Faculty as the most meritorious legal publication in the English language in the preceding five-year period.

*Constitutional Uniformity and Equality in State Taxation* (pp. xxii, 853, \$12.50) by Prof. Wade Newhouse, University of Buffalo Law School, former Research Assistant, Legislative Research Center, appeared in March 1959. This recent volume in the Michigan Legal Studies series is a valuable source book for all who are dealing with the constitutional aspects of state taxation or problems of constitutional revision. A detailed and thorough study, state by state, of the nine basic types of uniformity clauses is presented. Professor Newhouse also discusses the need for clarification of the constitutional provisions through the amendment process or through complete revision.

*Atoms and the Law*, by Dean E. Blythe Stason, Prof. Samuel D. Estep and Prof. William J. Pierce, an important addition to the Michigan Legal Studies series, will be published soon. The main divisions of the book are Part I—Tort Liability and Radiation Injuries, Part II—Workmen's Compensation and Radiation Injuries, Part III—State Regulation of Atomic Energy, Part IV—Federal Regulatory and Administrative Limitations Upon Atomic Activities, and Part V—International Control of Atomic Energy. Ever since receiving a generous appropriation from the Michigan Memorial-Phoenix Project funds in 1951, the Law School has been carrying on studies in the legal implications of peacetime utilization of atomic energy. Summer institutes (1952 and 1956) resulted in the publication of two volumes, *Lectures on Atomic Energy: Industrial and Legal Problems* and *Workshops on Legal Problems of Atomic Energy*. In 1956 some of the material now incorporated in *Atoms and the Law* appeared in lithoprinted form.

*Collective Bargaining and the Law* (\$4.00), the proceedings of the 1958 Summer Institute, sponsored jointly by the University of Michigan Law School and the Institute of Labor and Industrial Relations (University of Michigan-Wayne State University), was published this spring. The volume includes papers on "The National Labor Relations Act and Collective Bargaining" by Nathan P. Feinsinger, "The Nature of the Collective Agreement" by Archibald Cox, "The Law of the Collective Agreement" by Charles O. Gregory, as well as addresses by Chairman Boyd Leedom and former General Counsel Jerome Fenton of the National Labor Relations Board and a panel presentation on "The Emerging 'Industrial Jurisprudence'" presented by Harry H. Platt, Frank Elkouri, Ralph T. Seward, Lester Asher and Theophil C. Kammholz. The proceedings should be of great value to lawyers engaged in labor law practice.

In the Cooley Lecture Series has appeared *The Use of International Law* (\$5.00), the five lectures by Professor Philip C.

Jessup, Columbia University School of Law, which he delivered at The University of Michigan in 1958. In the foreword Professor Eric Stein states: "Four of these lectures offer a critical and systematic re-examination of important parts of the traditional body of international law and its application . . . . In the last lecture, true to his form, Dr. Jessup takes the reader on an adventurous foray in the frontier country of international law: interplanetary space, control of weather and climate, purification of sea water, scientific control of human reproduction.

"At the very dawn of classic international law, Sir Francis Bacon wrote: 'We are much beholden to Machiavel and others, that write what men do, and not what they ought to do.' We in 1958 are beholden to Philip C. Jessup for writing not only what practitioners, governments, national courts and international tribunals do but also what they ought to do; what men in politics and men in foreign offices self-righteously preach to others and what they themselves really do when their immediate national interest is involved, and what they ought to do in enlightened national self-interest; what parochial judges do and what they ought to do to help in the development of an international rule of law."

Another important book in the Michigan Legal Studies series. *Legal Education at Michigan, 1859-1959*, by Elizabeth Gaspar Brown in consultation with Prof. William Wirt Blume, will be published in October. This volume is described elsewhere in this issue.

**These books or others published by Michigan Legal Publications may be ordered from the editor, Prof. William J. Pierce, Legal Research Building, The University of Michigan Law School, Ann Arbor, Michigan. Please use the convenient business reply card enclosed.**

## Integrated Program Offered Second-Year Students

The Faculty has voted to offer next fall a new program for second-year students, which has been designated as an *Integrated Program in Procedure*. This program will be offered to a limited number of second-year students on a voluntary basis, and will consist of the following courses: Pleading and Joinder, Trials and Appeals, Evidence, Administrative Tribunals, and Taxation. In addition to this group of regular courses, eight classroom hours of Integrating Seminars will be provided in the month of December.

A major objective of the program is to counteract the fragmentation of legal materials which is inherent in the traditional course classifications and to give students the opportunity to confront legal problems which cut across traditional course lines. In the Integrating Seminars, substantive law problems will be presented, probably from the field of Taxation, and the students will be taken through the various steps in the adjudicatory process as they normally would be encountered both before an administrative agency and before a court. An initial objective will be to simulate the problem which often faces lawyers of choosing which avenue of adjudication would better serve the interests of their clients. It is also believed that a parallel consideration of problems of proof and other procedural problems as they would be considered in the courts or before administrative agencies will allow comparisons and contrasts to be made which will facilitate understanding of the proper use and objectives of the rules of evidence and of procedure. Also, by introducing students to Evidence and Procedure early in their law school careers, they will better understand the vital significance of the problems of proof in the various substantive law areas which they will later encounter in other courses.

## Law School History Will Be Published Next October

Among the Michigan Legal Studies scheduled for publication soon is *Legal Education at Michigan: 1859-1959*, scheduled for release next October and expected to be of particular interest to alumni.

This volume is the product of over three years of planning and effort. The Centennial Committee of the Law Faculty, with Prof. Marcus Plant as chairman, determined in 1956 that a history of the Law School is both desirable and appropriate at this particular time. Elizabeth Gaspar Brown, Research Associate in Law, was given the responsibility of writing the history and supervising research assistance, in consultation with Prof. William Wirt Blume. The work was carried forward as part of the research program of the Law School and was financed by funds derived from the William W. Cook Endowment Income.

After several months of preliminary study, it was concluded to prepare a scholarly and documentary history which would simultaneously serve a number of purposes. While Law School records have been meticulously maintained in recent decades, there were many gaps and unanswered questions relating to earlier periods which, it was felt, a detailed and definitive investigation might answer. Moreover, by collecting and organizing all available data relating to Michigan, light could be thrown on the development of legal education in the United States. A third objective, preparing a prototype for the history of an educational institution which might be employed by other law schools, was also kept in mind.

The completed history consists of two parts. The first, the text, consists of twelve informally written chapters, covering the development of the Law School from a department with 90 students and three law professors to an institution with a national and international reputation having 862 students from 43 states and territories and 17 foreign countries, and a total faculty of 41 men, in addition to the research and library staffs. The second part, entitled "Tables, Charts, and Documents," consists of a myriad of illustrative documents, statistics, and charts, which include, for example, the year-by-year growth of the law library, analyses of geographic origins of students, student fees from 1859 to 1959, texts and casebooks used in the several courses between 1896 and 1959, instructional, research, and library personnel, lists of research projects, and a bibliography designed to list each contribution to legal literature made by every member of the instructional and research staffs during the period of his connection with the School.

The major sources for *Legal Education at Michigan* include the Proceedings of the Board of Regents, Minutes of Meetings of the Law Faculty, the President's Reports, University Catalogues, Announcements of the Law School, and the records and files of the several offices in the School.

Intriguing facts came to light in the course of the research. No student grade records are available prior to 1895 when Elias Finley Johnson began to keep them in his own handwriting. Dean Harry B. Hutchins (1895-1910) shared a stenographer with six other University officials. A student once offered as an excuse for not taking an examination that his bull-dog had bitten him on the ankle. Edgar Durfee was the only appointee to the rank of Junior Professor of Law. Quizmasters were employed as early as 1890. The *Michigan Law Review* was not the first law journal published by the Law Department. William Cook's gifts included not only buildings but tapestries, sporting prints, and a stuffed white squirrel. During the Hutchins administration the Law Faculty met in solemn conclave to determine what was the appropriate procedure when a law student had secretly married a young lady from the literary department.

The Law Department at Michigan was housed initially in



*Top honors in the Law School—the 1959 Henry M. Bates Memorial Awards—went to the three students shown here with Richard Swenson, J.D. '48, of Omaha, who was the speaker for the Honors Day banquet. From the left, the students are Jerome Libin, Chicago; John Jackson, Columbia, Mo.; and David Shute, Dearborn.*

## 82 STUDENTS HONORED

The Law School again honored its superior scholars at the annual Honors Banquet on April 22. Eighty-two students received cash prizes, books, or certificates for their various academic achievements.

The awards and prizes included the West Publishing Company Book Awards, the Lawyers Co-operative Publishing Company Book Awards, the Barristers' Award, the Jerome S. Freud Memorial Award, the Clarence M. Burton Memorial Scholarships, the Lawyers Title Insurance Company Award, the Foorman L. Mueller Patent Law Scholarship, the Junior and Senior Class Prize Awards, the Class of 1908 Law Memorial Award, and the Henry M. Bates Memorial Awards. In addition, 28 new members of the Order of the Coif and the members of the *Law Review* staff were cited at the banquet.

The Bates Awards for 1959 went to William A. Cockell, Jr., John H. Jackson, Jerome B. Libin, and David Shute. New members of the Order of the Coif were Stanton H. Berlin, Frederic F. Brace, Jr., G. Sidney Buchanan, Jr., Dudley H. Chapman, Thomas A. Dieterich, James B. Feibel, John W. Gelder, Albert A. Haller, George R. Haydon, Jr., John H. Jackson, Frank D. Jacobs, Harry D. Krause, Jerome B. Libin, Charles C. Moore, Melvyn I. Mozinski, David A. Nelson, John C. Peters, John F. Powell, Denis T. Rice, Ronald T. Schaps, John B. Schwemm, William G. Seils, Mark Shaevsky, David Shute, Jerome S. Traum, W. Stanley Walch, John P. Williams, and Nick E. Yocca.

J. R. Swenson, J.D. 1948, and senior partner in Swenson, Erickson and Westering, Omaha, Neb., was the featured speaker of the evening. He cited practical problems likely to confront young lawyers in their early years before the bar.

two rooms—a lecture hall and a library room. Seats were assigned in the order of payment of fees. Isaac Marston stoked the library stove and swept the floor. Campbell, Cooley, and Walker, the three law professors, gave the department only a fraction of their time and energies. *Legal Education at Michigan* shows the growth of the School from these beginnings to the institution as it exists upon the completion of a hundred years of service to the people of Michigan.

# Plans Progress for Centennial

by PROF. MARCUS L. PLANT, *Chairman*  
Centennial Committee

Plans for the observance of the University of Michigan Law School Centennial in October have now been made definite. As was mentioned in the January issue of *Law Quadrangle Notes*, the Centennial observance is to be held on Thursday, Friday, and Saturday, October 22, 23, and 24, 1959. The event promises to be a distinguished one in Law School history. All indications are that a large number of alumni and members of their families will return to Ann Arbor for the occasion to renew old friendships and participate in the festivities. Speakers of distinction who enjoy national and international reputations on the bench, at the bar, and in legal education will grace the occasion. Special luncheons, a Centennial banquet, and a Centennial Convocation will be included in the activities.

It is expected that on Thursday, October 22, the Centennial observance will commence with a buffet supper in the Lawyers Club. This will be a period of fellowship, light entertainment, perhaps an exchange of questions and answers about the Law School of the kind which has proved so popular at law alumni breakfasts during recent Commencements, a brief review of the highlights of the Law School's history, and a general opportunity for law alumni and their families to greet each other and renew friendships.

On the morning of Friday, October 23, the Honorable John R. Brown, United States Circuit Judge for the Fifth Circuit, and Ralph M. Carson, Esq., of Davis, Polk, Wardwell, Sunderland, and Kiendl, New York City, will address the Centennial gathering. Judge Brown's discussion will concern the relationship between the Federal and state governments in various crucial areas in which the two come in contact. Mr. Carson will devote his attention to various aspects of private law, particularly individual liberty in the modern state.

Following the morning addresses, there will be a luncheon at the Michigan Union at which the Honorable G. Mennen Williams, Governor of Michigan, and the Honorable John R. Dethmers, Chief Justice of the Michigan Supreme Court, will be the speakers.

Friday afternoon Dean Erwin N. Griswold of Harvard Law School and Dean Edward H. Levi of the University of Chicago Law School will discuss legal education, reviewing its development, identifying present-day problems, appraising its needs, and exploring possible means of meeting its needs and solving its problems.

On Friday evening the Centennial banquet will be held. Dr. Harlan H. Hatcher, President of The University of Michigan, and the Right Honorable Lord Hartley Shawcross, Baron of Friston, County of Sussex, will be speakers. Among other notable accomplishments in his career, Lord Shawcross has been a member of Parliament, Chief Prosecutor for the United Kingdom at the Nuremberg trials, a Principal Delegate for the United Kingdom to Assemblies of the United Nations. He will speak on the rule of law in world affairs, considering the historical aspects and evaluating the modern trends in this area in which he is so well qualified to speak.

On Saturday morning, October 24, Mr. Justice Harlan of the United States Supreme Court will address the Centennial Convocation. His subject will relate to the lawyer as a leader in American society in the past and at the present time. Following the Convocation, a buffet luncheon at the Michigan League will conclude the ceremonies.

In January's *Law Quadrangle Notes* each alumnus was asked to return a post card indicating what possibility there might be of his returning for the Centennial. The results so far have been

gratifying. More than 900 post cards were returned. Over 400 persons are already planning to be back for the October celebration. In addition, more than 250 alumni have indicated that they are considering the possibility but are not yet sufficiently certain to make any plans. It is likely that a large number in this group will find it possible to come.

Sometime in June or July the Faculty Centennial Committee expects to mail to each alumnus a definitive invitation to the Centennial, together with a reservation form to be returned to the Committee. Housing will be an important phase of the Committee's activities. We suggest that unless you have a favorite place near Ann Arbor at which you would like to stay, you send your request for housing reservations to the Michigan Union. All available rooms there have been set aside for Law School Centennial attendants. (There is no football game in Ann Arbor that weekend.) The rooms will be reserved for specific persons on a first come, first served basis. When the Union has been filled, requests for reservations will be referred by the Union to one of the hotels or motels in the Ann Arbor area.

You may be reading about the Centennial in your state and local bar association publications, for we are planning to circulate information concerning it to all bar journals and similar organs that come to the attention of lawyers throughout the country. The Faculty Centennial Committee would be interested in receiving a clipping of any especially good write-up of the event that comes to your attention.

The Law Faculty, its Centennial Committee, and the Alumni Centennial Committee are gratified at the response we have had from our alumni in connection with the Centennial observance. We are happy at the prospect of so many of them planning to be in Ann Arbor to attend it. We interpret this enthusiasm as an indication of deep interest and loyalty on the part of those who have experienced the benefits of the Law School in their own lives. It is believed that our observance of the Centennial in the manner that has been planned will not only result in permanent contributions to the legal literature of our time but will also strengthen the ties that bind all of us together in the University of Michigan Law School family.

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## FACULTY MEMBERS MEET WITH ALUMNI GROUPS

The interest shown by law alumni in current activities at the School continues strong. Faculty members have been attending meetings of law alumni held in conjunction with state bar association meetings throughout the country, discussing events at the School, and answering any questions alumni may have. The most recent of such events scheduled were:

April 30, a luncheon in Peoria, Ill., at which Assistant Dean Roy F. Proffitt spoke; May 2, a luncheon, in Houston, Tex., attended by Dean E. Blythe Stason; a dinner May 6 for the Michigan members of the Greater Kansas City Bar Association and a luncheon on May 7 in Hutchinson, Kans., attended by Prof. Samuel D. Estep; May 23, a breakfast in Cincinnati, O., with Prof. Richard V. Wellman as the School's representative; and June 12, a luncheon, held in Des Moines, Ia., attended by Prof. Alan Polasky.

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Dean Denis V. Cowen, of Capetown University Law School, Union of South Africa, visited the Law School in March.



## Professor Sunderland Died March 29

Prof. emeritus Edson Read Sunderland died March 29 at his home in Ann Arbor. He was 84. Nationally known for his work on civil procedure reform, Professor Sunderland served on the Law School faculty 43 years prior to his retirement in 1944.



He was president of the Association of American Law Schools in 1930; chairman of the National Conference of Judicial Councils in 1932; member of the U. S. Supreme Court Advisory Commission for drafting Rules of Procedure for Federal Courts; a former director of the American Judicature Society; former

advisor to the American Law Institute on its Restatement of the Law of Judgments; and a member of the American Bar Association and of the ABA Standing Committee on Jurisprudence and Law Reform.

Professor Sunderland served on the Michigan Procedure Commission, 1927-29; drafted the official forms of pleading adopted by the Supreme Court of Michigan; drafted the Michigan Court Rules, adopted in 1931 and still in effect; drafted the Illinois Civil Practice Act, adopted in 1933; served as former secretary of the Michigan State Bar Association and as editor of the Michigan State Bar Journal from 1922-24.

A memorial adopted by the Law School faculty reads, in part: "Those who had the privilege of studying under Professor Sunderland remember so well his kindly but incisive classroom manner, together with his sure and positive treatment of his subject, bringing to them the stimulating realization that here was a man of knowledge, understanding and relationship to reality not often encountered . . . Professor Sunderland's series of casebooks, published beginning in 1912, covering Trial Practice, Code Pleading, Common Law Pleading, and finally in 1924 Trial and Appellate Practice, were pioneer ventures as classroom volumes for the teaching of procedure . . . All who remember our long-time colleague, and they are legion, together with all who have been helped by his teachings, affirm and agree that Professor Sunderland exercised a profoundly valuable influence upon the law and the administration of justice."

Professor Sunderland was born Aug. 29, 1874, in Northfield, Mass. He received three academic degrees at The University of Michigan—A.B. (1897), A.M. (1898), and LL.B. (1901). He also studied at the University of Berlin and the University of California. He received honorary LL.D. degrees from Wayne University, Northwestern, and The University of Michigan. His citation on the latter occasion read, in part, as follows:

"A fine teacher and a profound scholar of law, an acknowledged expert in practice and procedures, he has participated in the training of some of the best legal minds in the nation. Through his advisory services to the Supreme Court of Michigan, the Legislature of Illinois, and numerous other bodies and institutions, he has left his stamp upon the law itself. As the author of several books and many articles on legal matters, as a member of numerous committees and commissions, as former president of the Association of American Law Schools, and in countless other ways, he has shown great capacity for leadership . . ."

Professor Sunderland joined the Law School faculty following graduation in 1901. He served as professor of law from 1904 to 1927 and as professor of law and legal research from 1927 to 1944. He was the author of about 20 book-size publications and of more than 130 articles in periodicals.

## Legal Education Is Institute Topic

"The Law Schools Look Ahead" will be the theme of the 1959 summer institute, June 15-18, to which leading educators and leaders in the legal profession throughout the country, as well as leaders in industry and business, have been invited.

Ross Malone, president of the American Bar Association, will be one of the main speakers, as will University President Harlan Hatcher and Law School Dean E. Blythe Stason.

Each morning and afternoon session of the four-day conference will feature a major address. The group will then be divided into discussion sessions of about 20 persons each. Evening sessions will be devoted to summarizing the day's findings of the discussion group, with reports coming from the moderators and reporters of each of these groups.

All program participants have been asked to prepare a short statement on some aspect of the conference topics: "The Law School's Role in Developing a Lawyer" and "The Law School as a Vehicle of Public Service." These papers will be distributed to all conferees in advance of the formal sessions and will be included in the published proceedings.

### Advocacy Institute

In February, the Law School's tenth annual Institute on Advocacy was attended by about 450 lawyers from Michigan, Illinois, Indiana and Ohio. This year's institute dealt with trial and appellate advocacy. Messrs. Albert E. Jenner, Jr., and Peter Fitzpatrick, of Chicago, spoke on making the argument effective and gave a demonstration of a case before a jury.

Emile Zola Berman and Harry A. Gair, of New York, discussed the proof and procedural rules as they relate to argument. A demonstration and discussion of appellate advocacy was given by Chief Justice John R. Dethmers, of the Michigan Supreme Court, and Mr. Jenner.

### Civil Procedure Rules

The Proposed New Michigan Rules of Civil Procedure were the subject of an institute held in March. Discussion dealt with the new rules proposed by the Joint Committee on Michigan Procedural Revision which has been working under the chairmanship of Prof. Charles W. Joiner.

About 200 lawyers from Michigan attended this program, the purposes of which were to acquaint lawyers with the proposed rules and to obtain constructive criticism from members of the bar before final recommendations are made for promulgating the rules by the Supreme Court of Michigan.

## New "European Law" Is Being Studied

Effects of development of a unified Europe on American businessmen's legal problems is the topic of a joint study directed by Prof. Eric Stein, of the Michigan Law School, and involving also an institute in Amsterdam and a research center in Paris.

The European Economic Community with the "Common Market," roughly equal in size to the United States market, is in the forefront of the unification movement. Two other European "communities"—Euratom and the European Coal and Steel Community—are now in existence.

Several members of the Law School faculty are engaged in this project, which at first is dealing with some of the legal problems involved in doing business in Europe under prevailing national laws. The book which will result from the study will introduce American lawyers with clients doing business in Europe to the emerging "European law."

# Professors Report on Foreign Studies

As mentioned in an earlier issue of the *Law Quadrangle Notes*, Prof. A. F. Conard and his family are spending the current year in Istanbul, Turkey, and Prof. and Mrs. Paul G. Kauper have been in Heidelberg, Germany during the Spring Semester. The many alumni who know these men will be interested in the following accounts of their activities abroad.

A letter from Professor Conard, dated April 18, states:

"We have had an adventurous year. Last summer, I was six weeks in Paris studying some aspects of business organization in the Common Market. I divided my time between reading, and talking with people who are (or who I thought might be) directly concerned with these problems. For the most part, Europeans have been too busy with their own immediate problems to look ahead much at these problems, and they were deeply impressed that a team from The University of Michigan was already at work. But that doesn't mean we're ahead of them; the things I was learning, the Europeans already know. I did get a number of new angles on what worries a continental corporation lawyer—especially exchange control, which is as dominant with them as income taxation is with us. As a by-product, I made a lot of valuable acquaintances in the University of Paris law faculty, the Paris bar, and Organization for European Economic Cooperation.

"Toward the end of the summer, I spent six weeks at Luxembourg. For the first three, I was a spectator at the greatest parade of comparatists who were ever lined up, including of course Hessel Yntema, J. C. Hamson, and Frederick Lawson. During the last three, I was one of the lecturers for the special topic of the session—Comparative Company Law. There were 20 or 30 other company lawyers from various European countries and even from South America; we had some interesting colloquia in which we sparred on the relative merits and demerits of our various institutions. The International University invited me back this spring (March 1959) for another corporate series on French and American company law compared. Professor Houin of the Paris faculty spoke for the French system, I for the American, and Professor Tunc of Paris and Dean de Sola Canizares (of the International University) proposed 'syntheses'—a comparative summary.

"The main purpose of my being across the ocean, of course, is my spending the academic year at the University of Istanbul. I am not an integral part of the curriculum here, but I have come to stimulate an interest in Anglo-American law in general and International legal studies in particular. As you know, we come out in this program with no courses assigned; what we do depends on what we find to do.

"I think we have made a good deal of progress on several fronts. By the kind invitation of the professor of Comparative Law, I was permitted to make about half the lectures in his course; these were written by me, then translated and read to the class by a Turkish assistant. I sat in the chair while he read, wondering whether his translation had any relation to what I had written. There were two reassurances; Professor Davran was also present, and there were question periods at which questions would be asked in Turkish, translated to English, and answered by me in English for re-translation into Turkish. The questions were an interesting reflection of the students' reactions, which were always most lively when the lectures touched on constitutional questions which could be in any way related to the status of the Negro in America. This is the first time when the American visitors have been permitted to participate in the undergraduate program of instruction, and I hope it will lead to further similar activity for my successors . . .

"In addition to the Comparative law course, I led a seminar on Anglo-American law, in English, for those docents and professors who wish to prepare themselves for eventual study in the United States, and a colloquium on Comparative Company Law

and Practice, in which I am making some lectures on American Law, while some English-speaking Turks are explaining some phases of Turkish law and practice. The colloquium is still in progress; I expect to have some contributions made by the Economic Attaché of the U. S. Consulate-General, by an American professor in the Business Administration Institute conducted by the Universities of Istanbul and Harvard, and perhaps others. Three of the Turkish professors attend regularly and participate in discussions; there are also some Turkish practising lawyers, as well as a number of docents and assistants of the Istanbul law faculty.

"In connection with the joint Istanbul-Columbia-Michigan program, we are also sponsoring, and financially supporting, an interdisciplinary seminar comprising professors from economics, literature, sociology, psychology, and law (both Turkish and American); a research project on Turkish foreign trade; and the preparation of some Turkish casebooks.

"Finally, I have had a good deal of work in connection with organizing a summer institute in which three American professors and a large group of Turkish and American professors will discuss a number of legal, economic, and political problems, and in connection with the selection of senior research fellows who will visit Columbia and Michigan next year from Istanbul. In the latter group, I believe we have much the strongest group which has yet come to the United States under this program. For the first time, we have a Turkish full professor visiting under the fellowship program, and he plans to spend his time at Michigan."

## Kauper Writes

On April 22, Professor Kauper wrote:

"About three weeks after our arrival we were fortunate enough to find a furnished two-room apartment with light cooking facilities in which we have been very comfortable. It is within walking distance of the Institute, and the daily walks to and fro supply welcome and needed exercise. We have breakfast and lunch in the apartment, but continue to take a number of our dinner meals at any one of the fine restaurants with which Heidelberg is singularly well blessed. Ann [Mrs. Kauper] and I are getting along well with our German and have had no real difficulty in this respect although we take great liberties with the language! A good deal of English is spoken here in Heidelberg, and nearly all of the members of the staff at the Institute have some acquaintance with English. But we have found that one can establish a much closer relationship with the Germans and win their friendliness more rapidly if we attempt to speak German, no matter how haltingly or imperfectly. I should add in this connection that we have found the people here friendly and hospitable.

"A word about the Max Planck Institute (the full title is Max Planck Institute for Foreign Public and International Law) where I am studying. This Institute, as its full title indicates, is devoted entirely to a study of the public and international law of foreign countries. The staff consists regularly of about twelve persons who spend their time making studies and reports of the treatment of specific questions arising in the public and international law fields as reflected in foreign legislation, decisions and treaties. The results of this research and writing are made available through the Institute's numerous publications. The Institute is not a teaching enterprise in any sense, and no classes are conducted here. An informal seminar type of conference takes place every Monday afternoon when all the members of the staff get together to report on significant legal developments during the past week.

"My status is that of a guest professor at the Institute. I have no special responsibilities and am free to spend my time

(continued on next page)

## Professors Report —

(continued from page 6)

doing the reading and studying that I want to do. My special objective is to learn more about German Constitutional Law and the operation of the German Constitutional Court and in this connection to note points of comparison and contrast with our own constitutional system. The Institute library which is an excellent one furnishes me with fine facilities for this kind of study, including the decisions of the German Constitutional Court as well as German texts and legal periodicals. Several weeks ago I had the opportunity to listen to arguments in a case before the German Constitutional Court, and I have also had the benefit of some informal discussions with members of the Court. I might add that another purpose of my study is to develop a greater proficiency in reading the German legal literature so that I can do more with it back home. I am hopeful that my work here will enable me to do a more fruitful job with my Seminar in Comparative Constitutional Law. I should add that the opportunity to visit with members of the staff and discuss questions with them is a very important phase of the study in which I am now engaged. The relationships here are very informal and friendly, and we see a good deal of each other. Professor Sawyer of the National University at Canberra, Australia, shares an office with me, and we too have occasion to exchange views on a number of questions. All in all, it is proving to be a very pleasant and profitable experience. Although my appointment as a guest professor was for a three-month period, which expires at the end of this month, I plan to continue with my studying here during May and the larger part of June. Originally our plan was to visit some other law centers and do some studying there too, but there is not much point in doing that in view of the very fine library and office facilities that are available here.

"Last week the Institute sponsored a two-day colloquium on the comparative study of constitutional protection of property rights. Professor Laubadere of Paris, France, Professors Street and Wortley of the University of Manchester, England, Professor Street of Australia and I participated in the program. My talk on the protection of property rights under the Constitution of the United States was based on a paper which, along with the other papers prepared on the subject, will be included in one of the Institute's publications.

"But I should not leave the impression that our stay here is all work. Ann and I are taking the occasion to enjoy the life in Heidelberg, see the sights and visit some other parts of Germany as well. Heidelberg is a delightful place, and the whole Neckartal offers much of interest. Spring has come here quite early, and the great profusion of flowers, including the many flowering fruit trees in private gardens, orchards and on the hillsides that overlook the Neckar, adds a rich touch to the landscape.

"Ann and I enjoyed a delightful experience over the extended Easter holiday. Shortly before that we had bought a used Opel car (a little larger than the Volkswagen in which I could not fit without some shortening of my limbs), and we made the drive in the Opel via one of the fine German Autobahns and some excellent secondary roads to the area near Osnabruck where my father grew up as a boy. It was a trip of about 280 miles from Heidelberg. We stayed with my father's remaining German relatives at their home in a little village called Westerhausen, and there enjoyed a warm welcome and generous hospitality. Headquartered there, we visited all the nearby places so familiar to my father, including the dairy farm where he worked and the school and the church he attended. The long report on the trip, together with the snapshots we took, proved greatly interesting, as you might suppose, to my father who is now 84 years old and who never returned to Germany after he emigrated to the United States in 1890.

"Betty and Burke Shartel came to Heidelberg about a month

### PLACEMENT OPPORTUNITIES

The Placement Office has a continuing interest in opportunities for graduating seniors. Alumni of the Law School can help very materially if they will let us know of any openings, anticipated as well as current, either in the offices with which they are associated or elsewhere. Data about the firm, the community, and the kind of opportunity is appreciated. An accumulation of such information will be helpful to the Placement Office and to unplaced seniors.

Alumni who wish to come to Ann Arbor to interview seniors will have greater selection if they plan their visits in the fall of the year. Arrangements for such visits should be made as far in advance as possible.

Statistics on the placement of the 1959 seniors will be published in a later issue of *Law Quadrangle Notes*.

### Appointment of Visiting Professors Announced

Appointment of two visiting professors to the Law Faculty for the 1959-60 school year was approved by the Regents recently.

Appointed for the first semester of the 1959-60 year is Frederick H. Lawson, Professor of Comparative Law and Fellow of Brasenose College, Oxford, England. Professor Lawson is scheduled to teach a course in Comparative Law, as well as a seminar in the field.

Named for the second semester of 1959-60 is Richard R. B. Powell, Dwight Professor of Law at Columbia University School of Law. Professor Powell will teach a section of the course in Trusts and Estates II, and will offer a seminar on "Special Problems in Trusts."

One of the nation's foremost legal historians, Prof. James Willard Hurst of the University of Wisconsin Law School, will deliver the Thomas M. Cooley lectures next fall.

Dates for the 1959 lectures will be Nov. 9-13. Professor Hurst will discuss the relationship of law to social and economic development in the United States. He is the author of three books, including *Law and Conditions of Freedom in the 19th Century*, which received the James Barr Ames prize of the Harvard Law School in 1956.

The Cooley Lectures are supported by the Cook endowment and are published by the Law School.

ago after Burke had finished his teaching duties at Munich. We were delighted to have them come here, and we have seen a good deal of each other since their arrival. Heidelberg is like old home town to Betty and Burke in view of their prior visits here. Week before last we made a joint trip in the Opel to the picturesque walled city of Rothenburg on the Tauber, a place which preserves its medieval appearance and charm. We are now making plans for a joint trip next week—two or three days—in the Black Forest area. I might add too that we jointly entertained at our apartment last Saturday in honor of the Ulmers\* who had made a week-end trip to visit friends in Heidelberg. The Shartels will be winding up their stay in Germany in May, and now plan to leave here on May 21st on the return flight to the States.

"Carolyn [their daughter] will join us in early June after completing the second semester's work at Capital University. We expect to do a lot of interesting things together after she arrives."

\* Dr. Richard Eugen Ulmer, of the University of Munich, was a visiting Professor of Law at the Law School in the Spring of 1958.





Dean E. B. Stason presents checks to the two student winners in the 1959 Broomfield Prize Essay Contest: Richard A. Wasserstrom and John B. Schwemm. The alumnus winner, Michael Millgate, lives in Leeds, England.

### **Students, Alumnus Receive \$1500 in Essay Contest**

Two Michigan law students and one alumnus have won awards totaling \$1,500 in the 1958 Broomfield Prize essay competition.

Their selection was announced recently by Dean E. Blythe Stason and Prof. Luke K. Cooperrider, chairman of the Broomfield Awards Committee. Winners and the titles of their essays are:

First place, \$700, Richard A. Wasserstrom '60 Law, of Ypsilanti, Mich., "The Function of Reason in the Judicial Decision Process";

Second place, \$500, Michael Millgate (Rackham Graduate School, 1956-57), Leeds, England, "Problems of Teaching in an American University: An English View"; and

Third place, \$300, John B. Schwemm '59 Law, Ann Arbor, "Should Religion Have a Place in Public Education?"

Millgate won a 1957 Broomfield essay award for his paper on "An English View of Workers' Education in the U. S.," which was later published in *Adult Education* magazine.

The Broomfield prizes are made possible through the generosity of the late Archibald Broomfield, '02 Law. Participants may choose their own subject so long as it is "related to adult education in good citizenship." Those considering entering the competition may submit a short summary of their proposed topic in advance to the committee to see if it meets these qualifications. Deadline for entries is December 16, 1959. Persons desiring further information should write the Committee at 343 Hutchins Hall, University of Michigan, Ann Arbor.

### **Mrs. Peavy Resigns**

Mrs. Georgia B. Peavy, who has been Director of the Lawyers Club since 1954, resigned from this position on May 1, 1959, for reasons of health, and has returned to her home in Corvallis, Oregon. John W. Reed, Secretary-Treasurer of the Club, is directing the Club's activities until a successor is named.

## **273 Students Aided by Scholarships and Loans**

Assistant Dean Roy F. Proffitt, chairman of the School's Scholarship Awards Committee, has filed the annual report of this committee covering the period February 16, 1958 to February 15, 1959. This report shows that scholarships amounting to more than \$32,000 were awarded during the period; that grants-in-aid (imposing a moral obligation to repay the amount granted) exceeded \$47,000, and that loans to 184 students totaled more than \$57,000. In addition, \$7,530 from the Clyde Alton DeWitt Scholarship and Loan Fund was used for fellowships for three graduate students from the Philippine Islands. Thus, the grand total disbursed by the Committee during the past year was \$145,205.00, to 273 students.

With the exception of approximately \$1,000 awarded to a few students for exceptional scholastic achievements, no monies were disbursed by the committee without a showing of need. Scholarships in the form of gifts were awarded only to students who had a B average and who were engaged in part-time employment. Gifts rarely exceed the amount of tuition. Grants-in-aid from the Clyde Alton DeWitt Scholarship and Loan Fund and from the Frederick L. Leckie Scholarship and Loan Fund were made available to needy students who had a better than C average but less than a B average. The Committee again imposed the requirement that students seeking such aid be engaged in part-time employment. It has been the position of the Scholarship Committee that any student admitted to the School is entitled to a loan if he can show the requisite need, provided, of course, there is nothing in his record which would affirmatively suggest that he is not likely to repay.

Experience with repayments of the moral obligation awards is as yet too brief for proper evaluation. The first awards of this type were made in a limited number to members of the class of 1953. In spite of this short period several grantees have commenced repayment of their awards, and more than \$1,200 was repaid during the past year. Since awards are granted initially only out of the income of the funds, repayments are immediately placed in the expendable balance. Accordingly, in the years ahead, the expendable balance in any one academic period will exceed in progressively greater amounts the current income earned by the funds.

The seven loan funds restricted to Law School students continue to be heavily used. Both short term and long term loans are made from these accounts with interest at the rate of three per cent. Although the student population has remained stable for the past several years, both the amount loaned and the number of loans have continued to increase, as well as the number of students receiving loans. In a period of just four years the amount of loans made to law school students has doubled. This rate of increase cannot long continue without the addition of new funds. Approximately 77 per cent of the total of the Law School loan accounts is now represented by loans outstanding. Collections, which are handled by the University Business Office, are reported to be "normal," and payments during the last fiscal year on previous loans exceeded \$34,000.

### **Law Review Staff Named**

Announcement of elections to the *Law Review* Upper Staff was made at the Honors Banquet, held April 22. Thomas E. Kauper, of Ann Arbor, will serve as Editor-in-Chief of the *Review*, while Dean L. Berry, Chicago, Lawrence E. Blades, Chicago, Roger W. Findley, Benton Harbor, Mich., E. Roger Frisch, Utica, N.Y., Donald R. Jolliffe, Eau Claire, Wis., and Stevan Uzelac, Detroit, are next year's Associate Editors.



## Journal of Comparative Law In 7th Year of Publication

One of the important activities carried on under the auspices of the School is the preparation of the *Journal of Comparative Law*, a quarterly publication originally organized by Hessel E. Yntema, of the Law Faculty, and of which he has been Editor-in-Chief since its establishment.

Professor Yntema states that the *Journal* "has proved a recognized and important contribution of the Law School to the effective development of comparative legal studies in the United States."

Professor Yntema goes on to say that the *Journal*, which was first published in January, 1952, "is the only journal in the country, and indeed in the English language, especially devoted to comparative law. At present, in its seventh year of publication, it enjoys the sponsorship of the other leading law schools which have developed programs in the international field (20) and also serves as an organ of the American Foreign Law Association, which includes some 300 international practitioners in the United States and abroad."

At present, the sponsoring members of the *Journal* include, in addition to the American Foreign Law Association and the Michigan Law School, the law schools at the universities of California, Chicago, Cornell, Georgetown, Harvard, Indiana, Louisiana State, Miami, New York University, Northwestern, Pennsylvania, St. John's, Southern Methodist, Stanford, Texas, Tulane and Yale, as well as the Parker School of Foreign and Comparative Law at Columbia. The Board of Editors of the *Journal* is comprised of one representative of each of these institutions.

In addition, provision has been made for sustaining, subscribing and corresponding memberships. Through these, interested law schools which do not desire to participate as sponsor members, and individuals, law firms and corporations, may effectively share in the activities of the *Journal* and contribute materially to the development of this important area of legal study.

According to Professor Yntema, "the fact that this enterprise was initiated at the University of Michigan Law School and within a brief period has obtained international recognition as one of the leading periodicals devoted to comparative law is a source of special satisfaction and credit to the University. The growing number of comparative law institutions and similar organizations in other countries in which comparative legal research is in progress regularly utilize the material appearing in the *Journal*. Thus, not only in the various programs of international studies which have been developed in the United States, but also in the comparative law institutes in Rome, Barcelona, Tokyo, Mexico City and Hamburg, the leading articles and other information appearing in the *Journal* are regularly noted."

"Among the gratifying evidences of the value of the *Journal*," he reports, "is the steady increase in material which is sent in for publication [and] the gradual increase in subscriptions to it."

Alumni may be interested in the subject matter covered in the articles and comments of the latest issue (Winter, 1959) of the *Journal*, which demonstrate the wide range covered in its contents. These include the following titles: "The Constitutional Court in Italy," "Law and Practice in Commonwealth Extradition," "An Introduction to Hindu Jurisprudence" and "The Concept of Public Welfare." The list continues with comments on "Soviet Codifiers Release the First Drafts," "Australian Antimonopoly Legislation" and a United Kingdom decision concerning the copyright to *The Merry Widow*.

In the near future, articles by outstanding authors are to appear on: "Rights and Remedies"; "Islamic Law in Contemporary States"; "Harmonization of Laws in Western Europe"; "Water Legislation in the Middle East"; "On the Logical Openness of Legal Orders."

## Study Planned of Economics Of Injury Litigation

One of the research projects financed from W. W. Cook Endowment Income involves the "Economics of Injury Litigation." To be undertaken by Professor Conard upon his return from Turkey, it is designed to provide factual data, now unavailable, basic to the development of sound laws and rules in certain important areas. The study will help to provide answers to such questions as:

(a) How much of the total costs of processing and paying personal injury claims goes to benefit claimants, and how much to lawyers, insurers, courts, expert witnesses, and other intermediaries?

(b) How does the expense ratio differ among various regimes of claim payment, such as—

workmen's compensation

—with adversary procedure, and private insurance

—with adversary procedure, and a state fund

—without adversary procedure

—court administration

—with jury

—without jury

(c) How is the expense ratio influenced by different liability rules, such as

liability with or without fault

liability requiring or not requiring causal relation

liability for future damage or past harm

liability for mental harm or only for physical harm

liability for pecuniary loss only, or for all loss

liability to be determined freely, or according

to a fixed schedule of injuries.

(d) How does the elimination of intermediaries affect accuracy of administration of liability rules?

Professor Conard states that "it seems clear that the information which the study would yield would be useful in formulating new laws and rules in the following areas:

(a) Workmen's compensation: reform, extension, or contraction.

(b) Devising of workmen's disability insurance plans, separately or integrated with compensation.

(c) Health insurance, superseding workmen's compensation, or co-existing with it.

(d) Atomic energy damage claim administration.

(e) Administration of claims arising from automobile injuries."

Professor A. F. Smith, Chairman of the School's Graduate and Research Committee, comments: "Professor Conard has earlier conducted a small pilot study in Illinois, so that some techniques for research have been developed. A field study will be necessary for securing some of the needed information, although portions of it may be found to be available in statistical data maintained in State offices, or collected in connection with other studies.

"Michigan presents an ideal place for the study, particularly for the collection of data in the field of workmen's compensation. Three different systems of compensation are found in Ohio, Michigan and Ontario. Comparative data in these areas will provide valuable insights into the relative merits of the systems from an economic standpoint.

"Moreover, the availability of the expert services of the Institute of Social Research and the Survey Research Center at the University will facilitate the planning and execution of the field study. Qualified consultants in the Institute of Social Research, the School of Social Work, the School of Business Administration, and the Department of Economics will add to the unique suitability of conducting the study here."

## Faculty News Notes

At a regional meeting of the American Bar Association held in Pittsburgh, Pennsylvania in March, *Olin L. Browder* spoke before the Real Property Section on the subject "Some Pitfalls in Drafting Wills and Trusts."

*Frank E. Cooper* is working with Dean Stason on the proposed revision of the Model State Administrative Procedure Act, to get it in form for consideration by the Commissioners on Uniform State Laws at their meeting next summer. He has also been preparing materials for a seminar on investigatory procedures of administrative agencies.

Professor Cooper's activities also include speeches to business groups on the requirements of the Federal Welfare and Pension Plans Disclosure Act, and on the topic "Living with Administrative Agencies."

*Samuel D. Estep* has recently completed those sections of the manuscript entitled "Atoms and the Law," written in conjunction with Dean Stason and Professor W. J. Pierce, for which he has major responsibility. These include the chapters on atomic technology, negligence law, existing state radiation regulation, suggested model state atomic energy law, and federal pre-emption of control of health and safety. It is expected that this material will be published by early summer.

As a member of the State Bar Committee on Atomic Energy, he prepared a model state atomic energy act for resubmission to the 1959 session of the Michigan Legislature.

Professor Estep is now commencing the preparation of drafts of statutory provisions to be suggested for adoption by states to take care of the unusual or unique tort problems arising from the use of radiation. This project is supported by W. W. Cook funds. Another project he has in process is one, supported by Phoenix Project funds, to study the possibility of a "contingent injury fund" to take care of the existing inadequacy of damage rules as to future injuries which will arise from irradiation. He states that the statistical character of the proof of an increased chance to contract a given disease makes existing rules quite unsatisfactory. The study will, of necessity, involve insurance and medical experts. If the scheme proves feasible it might have much broader application not only for all radiation injuries but also perhaps for many non-radiation injuries.

On February 25 Professor Estep spoke on the topic "Radioisotopes and the Law" before the Midwestern Conference on Radioisotopes held at Manhattan, Kansas. This paper is to be published by the Atomic Energy Commission and Kansas State College.

He has recently given numerous other speeches on the legal aspects of the atom. These include talks before the Mayor and City Councilmen's Conference for Michigan; the University of Michigan Development Council; and to alumni and friends of the University.

On April 30, Professor Estep testified in Washington before the Joint Congressional Committee on Atomic Energy. His testimony concerned liability and indemnity problems.

This summer, Professor Estep will participate in a seminar on Government and Science being held at the University of Wisconsin. The group, which will include teachers of sociology, political science, and law, as well as industrial research corporation personnel, will explore the impact on scientific research of government research grants and contracts, as compared with aid from foundations, business and universities. The study is supported by the Ford Foundation.

In February, *B. J. George* gave a talk on "Disparity in Sentencing" before the Genesee County Bar Association. An article by him on "Comparative Sentencing Techniques" appeared in the March issue of the *ABA Journal*.

*Readings in Legal Method*, written with Professor Burke Shartel, was published early this year.

*Carl Hawkins* has just completed an article on "Professional Negligence Liability of Public Accountants" for a forthcoming symposium on negligence liability of professional people in the *Vanderbilt Law Review*. He is also working on a book review for the *Northwestern University Law Review*. The book being reviewed is Green, Malone, Pedrick and Rahl, *Cases on Injuries to Relations*.

In connection with the work of the Joint Committee on Continuing Legal Education of the American Law Institute and the American Bar Association, *Charles W. Joiner* attended a meeting of that committee on January 19, 1959 in New York City. On February 21-22, Professor Joiner was at the mid-winter meeting of the ABA in Chicago, and while there he met with the Publications Committee of the American Judicature Society of which he is a member.

Professor Joiner was asked by the Section on Legal Education and Admissions to the Bar of the ABA to make an inspection tour of the University of Missouri School of Law. Together with Dean Henry Witham of Indiana University, he visited the School on March 2 and 3.

He has continued on the speaking circuit, with talks in Lansing and Muskegon, January 22 and February 17, before the Regional Judicial Conference meetings on the revision work of the Joint Committee on Michigan Procedural Revision; an address at the annual mid-winter meeting of NACCA in Detroit on January 31 on "Improvement in Judicial Administration through Broadened Rules of Joinder and Restricted Rules of Res Judicata"; lectures to the students at the University of Louisville on March 9 and 10 on "The Lawyer and Procedural Reform: Mechanic, Architect or Engineer?"; a speech at the annual meeting of the American College of Trial Lawyers in Miami Beach, April 4-8, 1959, on "How Would You Teach Advocacy to the Law Student?"; discussions of the work of the Joint Committee on Michigan Procedural Revision at the Saginaw Regional Meeting of the Judicial Conference on April 21 and at the Pontiac Regional Meeting on May 19; and a talk on April 23 at a meeting of the Berrien County lawyers in Niles on the proposed new rules of civil procedure.

Professor Joiner's publications include Michigan Procedural Revision, a partial set of rules, and a collection of rules and comments tentatively approved by the Joint Committee on Michigan Procedural Revision, 38 *Mich. State Bar Journal* (Jan.) 7-181 (1959); and "Law Equity Merger in Michigan," with Ray A. Geddes, 38 *Mich. State Bar Journal* (Feb.) 39 (1959).

Mr. Joiner continues as Institute Chairman for the Law School. In this capacity he had the major responsibility for the Tenth Annual Institute on Advocacy on Trial and Appellate Advocacy, February 20-21, 1959, and the Institute on the Proposed New Michigan Rules of Civil Procedure, held on March 20 and 21. As Chairman of the Joint Committee on Michigan Procedural Revision, he was a leading participant in the latter institute. He is currently coordinating and directing the Conference on Legal Education, "The Law Schools Look Ahead," scheduled for June 15-18, 1959, at the Law School.

As reported elsewhere in this issue, *Paul G. Kauper* is currently in Heidelberg, Germany. The new casebook on Municipal Corporations, by Stason and Kauper, has recently been published by the West Publishing Company.

*S. C. Oppenheim* gave a talk on "Selection of Customers as a Basic Privilege of Private Competitive Enterprise" at the second annual Institute on Antitrust and Trade Laws, held in Detroit on April 24. He was a panelist in discussion of Federal Trade Commission at 1959 spring meeting of ABA Section of Antitrust Law, Washington, D.C.

*George E. Palmer* has written an article on some aspects of measuring recovery in an action for restitution based on breach



## Faculty News Notes —

of contract, entitled "The Contract Price as a Limit on Restitution for Defendant's Breach." This appeared in a symposium on Damages in Contract in the Spring issue of the *Ohio State Law Journal*. Professor Palmer was granted a sabbatical for the second semester of 1959-60 in order to complete a treatise on "The Law of Mistake" with emphasis upon the restitutionary remedies possible in cases where mistakes have been made.

W. J. Pierce participated in a conference held in Austin, Tex., on water law on May 22 and 23. This meeting was sponsored by the University of Texas School of Law.

Aside from his work in connection with the Centennial celebration, Marcus L. Plant's activities include a speech to the University of Michigan Club at Dayton, O., in connection with the birthday celebration of the University on March 18, and an address before the University of Michigan Club at Mount Clemens, Mich., April 9. On each occasion, the talk related to a general educational subject.

Professor Plant also serves as a member of the Board of Editors of the *Michigan State Bar Journal*. The Board members edit manuscripts submitted for publication, write occasional articles, and participate in the administration of the *Journal*.

Each semester, Professor Plant gives a series of eight lectures for senior medical students at the University of Michigan Medical School covering subjects which have significance for physicians.

He also lectures to seniors and graduate students in the University of Michigan School of Nursing, the School of Public Health, and the Wayne State University School of Nursing. These lectures relate to legal subjects of significance to those engaged in public health activities and the nursing profession.

The book which he and Professor Shartel sent to the printer last summer is expected to be published sometime this month. It is entitled *The Law of Medical Practice* and is being published by the Charles C. Thomas Company of Springfield, Illinois.

On January 22, 1959, Roy F. Proffitt represented the Law School at the Annual University of Michigan Night, in Grand Rapids. This event is sponsored each year by University alumni in the Grand Rapids area.

John W. Reed spoke at the Institute on Proposed New Michigan Rules of Civil Procedure, held in Ann Arbor in March. His topic was joinder of persons. In early April he gave a talk before the Toledo Bar Association on "Hearsay: Heresy and Orthodoxy," and later that month addressed the Negligence Section of the State Bar of Michigan at its Detroit meeting. His talk at the Detroit meeting, entitled "How Firm a Foundation," was a discussion of the significance of certain requirements in the law of evidence of laying foundations.

Mr. Reed this year concludes a six-year term as Chairman of the Board in Control of Student Publications, a position held previously by the late Edson Sunderland and, more recently, by Paul G. Kauper. Mr. Reed is currently Chairman of the University Sub-Committee on Discipline, which organization is concerned with the non-academic discipline of University students. This post has also been held previously by Law School faculty members, including Profs. Wirt Blume and B. J. George.

Burke Shartel has been in Munich and Heidelberg during the current year. He has given lectures on the American legal system, and plans to publish them in Germany. He will return to Ann Arbor for research during the summer, and will be teaching in California this fall.

Lewis M. Simes is continuing to devote full time to the Research Project for the Improvement of Conveyancing, participated in by the University of Michigan Law School and the Section of Real Property, Probate and Trust Law of the American Bar Association.

On May 22, Allan F. Smith addressed the Real Property Section of the Florida State Bar Association in Miami Beach concerning the Marketable Title Acts.

Arthur Smith's article on "Pitfalls in Patent Prosecution" was published in the *Journal of the Patent Office Society*, Vol. 41, p. 5 (1959).

In addition to other committee assignments, Professor Smith has now been appointed chairman of the Lincoln Sesquicentennial Committee for the State of Michigan for the purpose of planning events commemorating the Lincoln sesquicentennial. He has also delivered lectures on the theme of Abraham Lincoln and Inventions, in Birmingham and Dearborn, and spoke to the Briefing Conference on Patents, Copyright and Trademarks in Washington, D.C., on May 18, 1959. This was sponsored by the Federal Bar Association and the Foundation of the Federal Bar Association in cooperation with the Bureau of National Affairs, Inc. His subject on this occasion was "Lincoln and Inventions." Professor Smith's appointment to the U. S. Court of Customs and Patent Appeals is noted elsewhere in this issue.

Governor G. Mennen Williams recently appointed Russell A. Smith chairman of a three-man committee to make recommendations concerning the effects of a Michigan Supreme Court decision in a Ford Motor Company unemployment compensation case. The Court's ruling made Michigan workers eligible for benefits when idled by a strike in a plant of the same company in another state.

On February 18, Eric Stein addressed a dinner meeting of the New York Bar Committee on Foreign Law on legal problems of the European Common Market. Later that month he conducted a two-day seminar on problems of European integration for some forty American diplomats at the Foreign Service Institute of the U. S. Department of State in Washington, D.C. Professor Stein has completed a study on "The European Parliamentary Assembly: Techniques of Emerging Political Control" which is scheduled for publication soon. He also directs a research project on legal implications of the European Common Market upon American enterprise in Europe. This project is described elsewhere in this issue. Professor Stein has been invited to lecture at the International Faculty of Comparative Law in Luxembourg, and is planning to do so either this summer or in the summer of 1960.

Roy L. Steinheimer, Jr., who continues as the School's Admissions Officer, participated in a "Vocation Day" program at Hillsdale College on April 9.

Since relinquishing Placement Office responsibilities to Laylin James at the beginning of the 1957-58 year, Richard V. Wellman has taught Creditors' Rights and Trusts and Estates I and II, in addition to retaining a continuing responsibility for a section of Property. Last Fall, a lithoprinted edition of *Cases on Trusts and Successions*, written with Prof. George Palmer for the Trusts and Estates I course, was published. This new material covers some areas formerly taught in the course in Fiduciary Administration.

Professor Wellman's community activities include service as Trustee of the Congregational Church and as President-elect of the Burns Park P.T.O. (the latter being an obvious recognition of the qualifications of the father of six children!)

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### Dawson Lectures

Judges, lawyers, and scholars should increase their efforts to build a broad structure of order in our legal system, Prof. John P. Dawson, of Harvard, declared in this spring's series of Cooley Lectures. Professor Dawson was formerly on the Michigan Law School faculty.

In the past 30 years, he said, relatively little attention has been given efforts to "clear the wilderness of our modern case law—to guide our affairs by the light of reason." Dawson called for increasingly close ties between judges and the systematic writer concerned with the structure and coherence of legal ideas.

# michigan law quadrangle notes

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friends of The University  
of Michigan Law School.

Editor-in-chief of the *Law Review* and first in his class academically, Libin comes from Chicago and graduated from Northwestern University in 1956. He is the second student in two years to receive an appointment as clerk to a Supreme Court justice, last year's *Law Review* editor, Robert Hoerner, having become clerk to Chief Justice Earl Warren. Libin is a member of Barristers Society and holds a Weymouth Kirkland Law Scholarship.

**Student Appointed**  
Jerome B. Libin, June graduate of the Law School, has been named clerk to Justice Charles E. Whitaker of the U. S. Supreme Court.

Six students were honored for service to the Club, and a plaque was presented to Prof. John W. Reed, Club secretary-treasurer, "in grateful appreciation for your understanding guidance and efforts on behalf of the Lawyers Club."

Among those attending were Governor G. Mennen Williams, several Michigan State Supreme Court justices, members of the University's Board of Regents, and other prominent justices, legislators, and members of the legal profession.

**Lawyers Club Banquet**  
William J. Quinn, President of the Milwaukee Railroad, was the featured speaker at the annual Lawyers Club banquet on Mar. 13. The affair was the initial observance of the centennial year of the Law School, to be climaxed by next October's celebration.

Arthur M. Smith, lecturer at the Law School, has been appointed associate judge of the U. S. Court of Customs and Patent Appeals, in Washington.

**Smith Named Judge**  
Engaged in private practice specializing in patent law, Smith has for a number of years taught a course in this field in the Law School, and has written books and articles on the subject. He graduated from the School in 1926.

Single copies of the report are available without charge from Lee Hydeman, co-directors of the Research Project. Additional copies may be purchased for \$1.00 each.

**Atomic Research**  
First study of the Law School's Atomic Energy Research Project was concluded with publication on Mar. 3 of *Federal and State Responsibilities for Radiation Protection: The Need for General Legislation*.

The monograph outlines the legal and policy implications of possible approaches to the current problem of resolving federal General's national committee to study the anti-trust laws.

Continued, he added. Montague formerly served on the Attorney National Security Council before starting any anti-trust case suits the Departments of State, Defense, Commerce and the The present practice under which the attorney general con- obtaining from some great American corporation the equipment necessary for their defense and survival," Montague said.

"The attorney general may seek to push the courts into accepting a brand new interpretation of the anti-trust law, under which the U. S. and its allies may sometime be precluded from national defense and security, Gilbert H. Montague, of the New York bar, warned in a recent address at the Lawyers Club.

**Anti-Trust Law**  
Changes in anti-trust law enforcement could jeopardize national defense and security, Gilbert H. Montague, of the New York bar, warned in a recent address at the Lawyers Club.

The case concerned the right of possession of a jade collection purchased by the petitioner in Nationalist China, confiscated by Red China, and sold through India to the respondent.

**Case Clubs**  
A distinguished bench heard final arguments in the annual Campbell Competition, on April 17, with Barbara Burger, of Evanston, Ill., and Jerry Borden, Sioux Falls, S.D., as the winners. Other finalists were George Kersten, Milwaukee, Wis., and Donald Hines, also of Sioux City. Miss Burger is thought to be the first woman student to reach the finals of the competition.

The arguments were heard by Hon. Irving Kaufman, Judge of the U. S. District Court for the Southern District of New York; Hon. Wallace W. Kent, Judge of the U. S. District Court for the Western District of Michigan; Hon. Harry Heher, Justice of the Supreme Court of New Jersey; Hon. Eugene F. Black, Justice of the Supreme Court of Michigan; and Prof. William Bishop of the Law School.

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