

Law Quadrangle Notes

From the Dean...

It is a great privilege to greet the alumni and friends of Michigan Law School in this issue of *Law Quadrangle Notes*—the first to be published since I succeeded to the office of dean. The many kind letters I have received are very welcome reminders of the great interest which our alumni have in the affairs of the Law School, and very challenging reminders of the responsibilities which rest upon one who assumes the position of dean.



DEAN SMITH

Because I inherit an institution which already occupies a pre-eminent place in legal education, it is obvious that no great upheaval in the operations of the Law School is to be anticipated. Indeed, it may be said that the transition, with splendid assistance from Dean Stason, and with great tolerance from the faculty, has

been accomplished with a minimum of disturbance. Nevertheless, there are some developments in which I am sure you will be interested. The first relates to the administrative organization of the Law School. The program in which we are now engaged has broadened in recent years, and the tempo of activity has increased to the point where more than one person is needed to provide continuous administrative attention to the various facets of our operations. Accordingly, although each of the men will continue some teaching, we will have two Associate Deans and an Assistant Dean. Professors Russell A. Smith and Charles W. Joiner will serve as Associate Deans and Roy Proffitt, who has served so well in the position for several years, will continue as Assistant Dean.

The division of labor will follow, in general, what seem to me to be the three major areas of concern to the law schools, or functions which the law schools must perform: (1) the educational function—the training of lawyers in professional skills and professional responsibility; (2) the research function—the utilization of faculty skills in directing and carrying out research which will help bring new insight into the functioning of our legal system; and (3) the law reform function—providing effective cooperation with professional organizations which are active in efforts to improve the administration of justice. The first of these will be under my direct supervision. Professor Russell Smith,

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The Rule of Law Discussed by Faculty

A special feature of the 1960 Summer School for Lawyers, last June, was a series of seven lectures on "The Rule of Law," given by members of the Law School faculty. These lectures will be published in the February 1961 issue of the *Michigan Law Review*, and reprints will subsequently be available. For further information concerning publication of these papers, please write to *Law Quadrangle Notes*, 918 Legal Research Building.

Following are brief excerpts from the seven lectures.

Historical Perspective

Prof. W. Burnett Harvey examined three theoretical explanations for the Rule of Law concept and concluded that each "is at best a partial view and is susceptible to distortion." The three sources he listed as: (1) The constitutional principles of 19th century Britain, (2) the procedural elements of a fair trial, and (3) the moral restraints of natural law.

Speaking of reasons for analyzing the "rule of law," Professor Harvey commented: "In a technological, complex society like ours, it is unthinkable to reduce governmental authority and the administration of justice to the elemental level of preserving the public peace. Yet how can we reconcile such great and pervasive power with the preservation of those values we cherish most highly?"

Judicial Process

Pragmatic critics during the past 50 years have shown that the judge actually has a hand in shaping the law, Prof. Luke K. Cooperrider explained. Still, it is important for the judge to maintain a traditionally judicial attitude in approaching his task, and this includes "the subordination of his judgment to that of the collectivity of his predecessors" and a "primary reliance on a reasoned extrapolation of accumulated experience."

Once the notion takes hold that judges in the past have unconsciously changed the law, arguments favoring legal reform might consciously be addressed to lawyers and judges rather than legislators, Professor Cooperrider warned.

"The most obvious comment upon such a development is that it works a basic alteration in the relationship between people and government by the will of the officials concerned, with no review by any other body, no reference to the people, and probably, because of the esoteric nature of the change, without widespread knowledge that it has occurred."

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Rule of Law —

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Executive Department

The development by administrative agencies of "independence beyond the effective control of the legislature and the courts" is a departure from the Rule of Law, Prof. Frank E. Cooper declared.

To curb abuses, including such things as influence peddling and excessive secrecy, Congress should, Professor Cooper said, do the following:

1. Reduce the area of untrammelled administrative discretion by sharpening the legislative standards which guide the agencies.
2. Require agencies to make public the grounds for their decisions and provide for effective public participation in the rule-making process.
3. Guarantee fair procedure by separating functions within the agencies and requiring decisions to be based on matters of record and not on informal conferences with the party on one side of a controversy.
4. Judicialize the decision-making process by making hearing officers, in effect, trial judges or, in some agencies, by vesting the judicial function in a separate court.

Supreme Court

The Supreme Court is both an instrumentality which develops the Rule of Law and an institution which is governed by that law. Discussing the Court, Prof. Paul G. Kauper declared that its most effective contribution to the Rule of Law in recent years is found in its decisions dealing with basic rights of the individual.

The heightened emphasis upon these basic rights, he said, "indicates concern for the central values of a democratic society, namely, the worth and dignity of the individual and the opportunity for free expression of ideas and beliefs, both because free expression is vital to the development of the individual and because it is indispensable to the political freedom of our society."

As an institution under the Rule of Law, Professor Kauper criticized the Court for having failed often in recent years to develop meaningful principles of interpretation. He cited several groups of cases in support of this criticism, and said:

"A process of deliberate argument and reasoned opinion, fortified by meaningful principles of interpretation, is the only process consistent with the importance and dignity of the Court's high position and compatible with the Court's responsibility as an organ of government subject to the Rule of Law."

International Outlook

Five steps toward increasing resort to the international Rule of Law were suggested by Prof. William W. Bishop, who declared that there is no longer any safe or practicable alternative to the Rule of Law in settling international disputes.

1. Make greater use of the legal machinery. In particular, Professor Bishop urged that the United States take the lead in conferring greater compulsory jurisdiction on the World Court "instead of dragging our heels through the effect and influence of the self-judging limitation in our compulsory jurisdiction found in the Connally Amendment."
2. Establish permanent local international tribunals.
3. Compile customary law.
4. Work for better handling of non-justiciable disputes. Pro-

fessor Bishop said that certain questions are better resolved through political adjustment than through legal processes.

5. Create better understanding. "We must try," he concluded, "to bring about a better public understanding of the need for international law, of what we now have in the way of international law, of our existing means for making that law and using that law, and a stronger conviction that with the present powers of military destruction, resort to law instead of force becomes increasingly vital."

Legislative Process

Attempts by the legislature to regulate taste in morals or beliefs indicate that society has lost faith in itself, Prof. Samuel D. Estep declared.

He spoke particularly of Sunday blue laws and censorship. When the legislature enacts laws such as these, which are unsuitable for the legal sanctions of government, it does much to undermine the law and legal system as a method of controlling society.

Statutes dictating that Sunday shall be a legal day of rest are most ill-advised, Professor Estep said, for they are enacted for religious purposes and they discriminate against important minorities in our society. Even more significant, he added, is that the laws indicate the church has lost its hold on the minds of men.

Professor Estep said that he does not believe that supporters of such legislation should be permitted to accomplish by law goals which, with "free access to the minds of men," they have not accomplished by intellectual persuasion.

Similarly, Professor Estep criticized attempts to restrain other expressions of ideas, both political and non-political. He characterized all these types of statutes as "basically pathological reactions" and said: "We should keep in mind our basic value judgments of freedom and integrity of the mind of man and actively resist these pathological efforts to stampede our legislatures into enacting undesirable statutes."

The Challenge

The basic problem in evaluating our system of law is identifying and delineating our ultimate values, Prof. W. Burnett Harvey, who gave the opening and closing lectures in the series, concluded.

"The purest scientific method cannot make our ultimate value choices for us, nor can it provide verification of the choices we actually make. In the final analysis, these choices depend on the individual's belief as to the nature of man—his place in the universe and in society," he said. "In considering the means of acceptable channeling of the awesome power of the modern state, our primary attention should be on the ultimate values we accept and intend to preserve."

Professor Harvey called upon government to be more creative in attaining social goals. He said:

"Governmental intervention is not a panacea for all our ills. But, in a complex technological society like ours, we will encounter problems which demand more vision, more resources, more discipline, and sometimes more altruism than we can expect from individuals or voluntary associations. When such problems are encountered, we should not be deterred by any of the usual scare labels from using the resources of government and the instrumentality of law as a means to social progress."

Case Club Demonstration

Freshmen in the Case Club program this fall had the chance to hear a practice argument, arranged for their special benefit, with Profs. Charles W. Joiner and John W. Reed as opposing counsel. Three other members of the faculty served as judges.

A written brief was prepared and given to the students in advance. The practice argument is an innovation in the Case Club program.

PUBLICATION SCHEDULE

With this issue the *Law Quadrangle Notes* becomes a quarterly rather than a semi-annual publication. It will be mailed to all Law School alumni in November, February, May, and August.



At the end of their two week Special Summer School for Lawyers, some of the "students" attended a "graduation dinner," as pictured above.

First Summer School For Lawyers Held

First of its kind at the Michigan Law School, the 1960 Special Summer School for Lawyers (June 20-July 1) was unanimously endorsed by those attending it.

Six courses were offered, with registrants advised to take not more than two, as follows: Estate Planning, Current Antitrust and Trade Regulation Aspects of Marketing Policies and Practices, Special Problems of Evidence and Proof, Modern Procedural Developments, The Labor Agreement, and European Business Operation: Organization and Taxation. All were taught by regular members of the Law School faculty.

Thirteen states were represented in the enrollment. A questionnaire submitted to the "students" resulted in a strong recommendation for continuation of the two-week summer program.

LAW ENROLLMENT CONTINUES TO RISE

Enrollment in the Law School is up about 10 per cent above that of a year ago—from 837 to 923 this fall. The biggest increase is in the first year class, with 389 enrolled as compared with 322 a year ago. An increase has also been noted in the enrollment of women students, with 21 now studying in the Law School as compared with 11 last September.

The School draws its students from nearly all parts of the United States as well as from several foreign countries, and from more than 200 undergraduate institutions throughout the world.

From the Dean—

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named as Director of Legal Research, will administer the Cook Endowment for Legal Research and coordinate the research activity of the School. Professor Joiner will assume responsibility for planning the School's relations with bar associations, with our alumni, and with agencies which are engaged in law reform. Such an arrangement will, I am sure, permit us to push forward vigorously in all phases of our program.

The second development relates to a planned curriculum study. Although many parts of our curriculum are under constant study and reorganization to meet new needs, it has been some time since a comprehensive study was undertaken. It seems appropriate now, in view of the time pressure generated by the addition of new courses, new seminars, and demands for additional training in professional responsibility, to examine thoroughly the structure and content of the entire curriculum to be sure that the three years in Law School are used to achieve maximum educational results. Such a study has been started and will be pursued. A variety of experiments have been undertaken in recent years, the results of which will be evaluated as part of the broad study.

Law Faculty Is Well-Traveled Group

It's a remote corner of the world that hasn't been visited by Michigan Law School faculty members in recent years, as they have gone abroad to carry out research studies, to attend international conferences, and to teach in foreign universities.

Last summer, for example, Prof. Samuel D. Estep, continuing his studies on legal problems of atomic energy, had conferences in London, Brussels, Copenhagen, Geneva, and Paris with government leaders and officials of such organizations as the World Health Organization and the International Labor Organization. Prof. B. J. George, Jr., spent the summer in Japan working on language and beginning research in original materials on Japanese criminal procedures.

Studying legal and political developments in the new African nation of Ghana took Prof. W. B. Harvey to the School of Oriental and African Studies, in London, to the meeting of the International Commission of Jurists, in Geneva, and to Ghana itself where he had conferences with governmental, political and tribal leaders.

While in Europe this summer, Prof. George E. Palmer attended a meeting of the Society of English Law Teachers, in Southampton. Dean E. B. Stason presided over the Atomic Energy Committee and at general sessions of the International Bar Association Convention in Salzburg, Austria, in July.

Prof. Eric Stein spent a portion of the summer in Western Europe. In Paris, he completed an analysis of the plan for European elections which was approved by the European Parliamentary Assembly last May. He attended the meeting of the International Law Association in Hamburg, Germany. Professor Stein also visited the new premises of the Center of International Studies in Geneva and the Center for European Studies in Turin, Italy. He spent ten days in Brussels, interviewing officials of the European Communities and attending a EURATOM conference.

Prof. Spencer Kimball spent the summer in Europe, continuing a comparative study of the principles of insurance law, making his most extensive study in West Germany.

Faculty Active on Bar Committees

Members of the Law School faculty serve on a wide variety and a very large number of committees, commissions, and other special groups of bar associations and other professional organizations. Recent appointments and elections have included these:

Charles Joiner has been re-appointed chairman of the ABA Committee on Uniform Rules of Evidence for Federal Courts and of the Michigan Bar's Joint Committee on Michigan Procedural Revision. Joseph R. Julin was re-appointed chairman of the ABA Committee on Significant Decisions on Real Property Law.

The ABA Section of Antitrust Law has elected S. Chesterfield Oppenheim as its vice-chairman, while Marcus Plant has been elected chairman of the Negligence Section of the State Bar of Michigan.

William J. Pierce has been appointed chairman of the American Bar Foundation's Special Committee on American Statutory Law, chairman of the Michigan State Bar's Committee on Constitutional Law, and member of the Advisory Body of State Officials to the Atomic Energy Commission. He has been re-named to the executive committee of the National Conference of Commissioners on Uniform State Laws.

Alan N. Polasky has been elected to membership on the Council of the ABA Section on Real Property, Probate and Trust Law. Roy L. Steinheimer has been appointed chairman of the Michigan Bar Association's Special Committee to Study the Uniform Commercial Code and to membership on the Michigan Bankers Association committee on the same subject.



SMITH



PROFFITT



JOINER

Dean Smith Announces Administrative Duties

Some re-assignment of responsibilities in Law School administration has, of course, been necessary as a result of the appointment of Allan F. Smith as Dean of the School.

Russell A. Smith is continuing as Associate Dean and is also taking over the work of Director of Legal Research. He will continue as Co-Director of the U-M-Wayne State Institute of Labor and Industrial Relations, and his responsibilities as Associate Dean will include acting in the Dean's place in the latter's absence.

Prof. Roy F. Proffitt is continuing as Assistant Dean, with special responsibility for such matters as registration, scholarship and loan programs, class scheduling, and liaison with student groups.

A new appointment is that of Prof. Alfred F. Conard as Director of Graduate Studies. In this position, Professor Conard will plan the program for American graduate students, supervise graduate admissions and fellowships, and supervise placement of graduate students interested in teaching.

Programs of foreign graduate students will be supervised by the directors of international legal studies, who will continue to be Profs. W. W. Bishop and Eric Stein. Professor B. J. George will act as an advisor and counselor and will assist generally in the administration of the foreign student program.

Joiner Named Associate Dean

Charles W. Joiner, professor of law and a member of the Law School faculty since 1947, was named Associate Dean of the Law School, effective September 1.

The new associate dean will have special responsibility for the Law School's work in the area of law reform and for the external relations of the Law School—with bar associations, other professional groups, and with alumni. He will have general administrative responsibility aiding faculty members in activities which seek improvements in the law and the administration of justice and in their cooperation with bar groups. Dean Joiner's own work as a member of the U.S. Supreme Court's Advisory Committee on Civil Rules is an example of faculty participation in law reform.

Dean Joiner is a graduate of the University of Iowa, from which he received the Juris Doctor degree in 1939. From 1939-47, he was associated with the Des Moines law firm of Miller, Huebner & Miller. In 1947, he joined the Michigan law faculty as assistant professor, and was promoted to associate professor in 1950 and to professor in 1953. He has served on many special studies and committees, especially in the field of civil procedure. He served as chairman of the Joint Committee on Procedural Revision in Michigan which submitted its report last winter.

American Enterprise And Common Market Topic of New Book

American Enterprise in the European Common Market—A Legal Profile will be published by The University of Michigan Law School this fall. The two-volume work will sell for \$25.00 per set and may be ordered from Michigan Legal Publications, Law School, Ann Arbor.

Eric Stein, professor of law at Michigan who has made a study of the Common Market since its inception, and Thomas L. Nicholson, Chicago attorney, are the editors of the new work. A team of professors, practitioners, and international civil servants on both sides of the Atlantic have written the twelve monographs which comprise the two volumes. The monographs are well documented as to the governing treaties and national laws.

The contents of the new work are as follows:

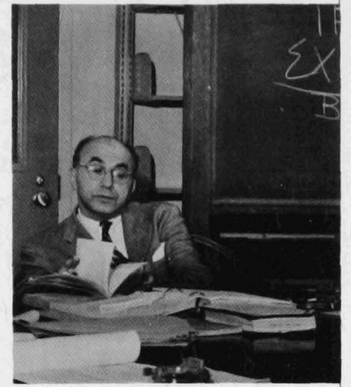
1. An American Lawyer Views European Integration
2. The New Institutions
3. The Establishment of the Customs Union
4. Exchange Control Regulations in France
5. Industrial Property
6. Labor Law and Social Security
7. New Legal Remedies of Enterprises—A Survey
8. Organizing for Business
9. The Significance of Treaties to the Establishment of Companies
10. Protection of Competition
11. Taxation
12. The Association with Overseas Countries and Territories.

Among contributors to the work are A. F. Conard, Peter Hay, L. Hart Wright, and Prof. Stein, of the Michigan law faculty; F. C. Jeantet, advocate, Court of Appeal, Paris; Otto Kahn-Freund, professor of law, London School of Economics and Political Science; S. P. Ladas, New York City attorney; Marc Ouin, deputy director, Directorate of Trade and Payments, Organization for European Economic Cooperation, Paris; S. A. Riesenfeld, professor of law, University of California; J. van Hoorn, Jr., tax consultant and managing director, International Bureau of Fiscal Documentation, Amsterdam; and Mr. Nicholson.

Smith Chairs Railway Board

Associate Dean Russell A. Smith, of the Law School, was named by President Eisenhower last May as chairman of a three-man emergency board to investigate a railway labor dispute.

Other members of the panel were Morrison Handsaker, chairman of the Economics Department at Lafayette College, and Harold M. Gilden, prominent Chicago arbitrator. The dispute was between the Chicago, Rock Island, and Pacific Railroad and other companies represented by the Western Carriers Conference Committee and employees represented by the Switchmen's Union of North America. Dean Smith presided over three weeks of hearings and in July delivered the report of the board to the White House. This report was instrumental in finally reaching settlement in the case.



STEIN



This photograph was taken at the Washington, D.C., meeting of alumni at which Dean Smith spoke. David Kendall, legal counsel to the president, presided.

Faculty Meet Alumni

Law School faculty have talked with alumni from coast to coast in recent meetings, most of them held in conjunction with bar association gatherings.

On Sept. 1, retiring Dean E. B. Stason, incoming Dean Allan F. Smith, and Associate Dean Charles W. Joiner met with alumni in Washington, D.C., at a luncheon held during the ABA meetings. In early October, Dean Smith met with alumni attending the Nebraska State Bar Association. In June he spoke to the Iowa alumni at Sioux City, Iowa.

Associate Dean Russell A. Smith attended two alumni luncheons on the West Coast, in San Francisco on Sept. 28 and in Los Angeles on Sept. 29. On the 30th, he met with Missouri alumni in St. Louis.

Assistant Dean Roy L. Proffitt spoke at two alumni luncheon meetings in Kansas City during the annual sessions of the Kansas Bar Association last May. More recently, Prof. John W. Reed visited with alumni in attendance at the Indiana State Bar meeting in French Lick on Sept. 24.

Knauss Appointed Assistant Professor

Robert L. Knauss, formerly a member of a San Francisco law firm, became assistant professor of law at the Michigan Law School in September.



KNAUSS

Knauss is the only new appointment to the faculty for the fall semester. A native of Detroit, he received the B.A. degree from Harvard in 1952 and the J.D. degree in 1957 from The University of Michigan. During the 1957-58 academic year, he was an instructor in the Law School, and in 1958 joined the law firm of Pillsbury, Madison and Sutro in San Francisco. He is a member of the California bar and of the San Francisco and California State Bar Associations as well as of the American Bar Association.

40 Graduate Students Enroll In Law School

Forty students, 30 of them from 16 foreign countries, are enrolled in graduate programs in the Law School this fall.

Nearly all of the graduate students are here on fellowships or special grants. Prof. Alfred F. Conard, director of graduate studies, points out that "a graduate law student is in his 20th year of formal education, with a minimum age of about 25. Two or three years must be added if the student has had military training. Among the American graduate law students at Michigan this year, the median age is 28 and the modal age 29."

Prof. B. J. George, Jr., who works closely with the foreign students, notes that this group includes nine law teachers, one law librarian, seven government lawyers, two judges, and nine private attorneys. Seventeen of the foreign students hold Law School fellowships; one has an ICA grant; four are on international exchange programs; two are sent by their own governments; and four are here on their own resources.

"As is evident from the positions which they now hold, all of these people have completed their law training in their home countries and have moved on to positions of professional responsibility," Professor George explains. "Their wide variety of experience and training make a rich contribution to the seminar and course work in the Law School, and we make every effort to put our American and undergraduate students in close contact with these visitors."

International studies attract more of the American graduate students than any other area, with trade regulation, including anti-trust law, as a second major field. Professor Conard points out that most law schools offer little or no work in the international area, while the Michigan Law School has numerous offerings, which have been greatly aided by the \$500,000 gift from the Ford Foundation to promote international studies. In the area of trade regulation, also, Michigan offers an unusual choice of courses and seminars.

Among the foreign graduate students, the major fields of interest can be roughly classed as commercial law, constitutional law, international law, and criminal law and procedure.

"It is in these fields that we provide the bulk of our special seminar work," Professor George says. "Some of it is of a comparative nature specially designed for graduate students and interested seniors."

The countries from which these students come are: Iraq, India, West Germany, Philippines, England, Canada, Australia, Yugoslavia, Israel, Norway, United Arab Republic, China, Japan, Italy, Turkey, Korea.

The American graduate students come from the law schools of Utah, Iowa, New York University, Georgetown, Cornell, Wayne, Detroit College of Law, and the University of Cincinnati.

Many of the graduate students are enrolled in this seminar in international law taught by Prof. W. W. Bishop.



FACULTY NEWS NOTES

Prof. emeritus Ralph W. Aigler is again planning to spend the second semester of this year as a visiting professor of law at the University of Arizona. He is working with Professor Steinheimer on a new edition of their casebook on bills and notes.

A. H. Conard was secretary and a delegate to the British-Canadian-American Law Teachers Conference, held in New York City Sept. 6-9.

Two articles by *Frank E. Cooper* have appeared recently. "Protecting the Public Interest in Labor Disputes" is in *58 Mich. Law Rev.* 873 (1960) and was digested in *The Executive*, published by Harvard University. "How To Compute Your Business Activities Tax" is a pamphlet published by Michigan Manufacturers Association.

An article entitled "Land Use Control in New Jersey Under the 1953 Planning Statutes," prepared by *R. A. Cunningham*, is scheduled for fall publication in the *Rutgers Law Review*. Mr. Cunningham has also been working as a consultant to the New Jersey County and Municipal Law Revision Commission on revision of planning and zoning statutes, and is working on a treatise on New Jersey mortgage law.

Samuel D. Estep gave two lectures to a class of U.S. Public Health Service personnel at St. Louis University Medical School on the general topic of "Legal Aspects of Nuclear Technology," with special attention to radiation hazards and environmental health regulations.

B. J. George, Jr., has completed, with Profs. Proffitt and DeVine, the book *Statutes and Cases on Criminal Procedure*. During his summer's work in Japan, he spoke at a meeting of the Japan Association of the Legal Profession.

Carl S. Hawkins participated with Professor Joiner and with Mr. Jason Honigman in presenting the proposed new Judicature Act and Court Rules to the Michigan Judicial Conference at Boyne Mountain, Sept. 14.

Michigan procedural revision has been the topic for many talks by *Charles W. Joiner*. Among them have been the Judicial Conference of Michigan, the annual meeting of the State Bar of Michigan, and the Conference of Local Bar Officers. He also participated in hearings conducted on this subject by a state legislative committee in Pontiac on Oct. 11.

Paul K. Kauper's recent writings have included "The Constitutions of West Germany and the United States: A Comparative Survey" in *58 Michigan Law Review* (June 1960) and "State and Private Property in American Law." The latter was a paper delivered at the Max Planck Institute's Colloquium in Heidelberg, Germany, in April 1959, and it has now been published by the Institute in the volume entitled *Staat und Privateigentum*.

Readers of *Nation's Business* doubtless remember the interview with *S. Chesterfield Oppenheim* on the outlook for new business regulations which appeared in the September issue. He served as moderator of a panel on Consumer Protection under Michigan State Laws, arranged by the Michigan attorney general, on Sept. 23.

George E. Palmer's book, *Cases on Trusts and Succession*, co-edited by Richard V. Wellman, has now been published.

On Sept. 8, *Marcus L. Plant* addressed the annual convention of the National Association of Railroad Trial Counsel on the subject "Preventing the Excessive Award for Pain and Suffering."

Alan N. Polasky spoke twice at the Michigan State Bar Association meetings in Grand Rapids in September: before the Taxation Section on "Significant Federal Income, Estate and Gift Tax Legislation and Decisions of the Past Year" and before the Probate and Trust Law Section on "Pour-over Wills: Recent Developments and Use with Intervivos Trusts."

Roy F. Proffitt attended the Law School Admission Seminar, in French Lick, Ind., late last spring. Together with B. J. George and Edward DeVine, he has completed the text for *Rules and Cases on Criminal Procedure*.

During the summer quarter, *John Reed* was a visiting professor of law at the University of Chicago, teaching the course in equity.

Prof. emeritus Burke Shartel has now returned from the West Coast and can be found at his home in Ann Arbor or his office in the Law Quadrangle.

Along with his meetings with alumni, Dean *Allan F. Smith* has also been busy speaking to other University and professional groups. He addressed the annual Conference of the University's Development Council on Sept. 23, the Public Corporation Section of the Michigan State Bar on Sept. 28, and the Nebraska State Bar Association on Oct. 7.

Russell A. Smith has published, with Prof. L. Merrifield of George Washington University, a revised edition of *Cases and Materials on Labor Relations Law*. In September, he served as a member of a U.S. Atomic Energy Labor Management Relations Panel in holding hearings and making recommendations in a dispute involving a government contractor and ten labor unions.

Eric Stein is the author of "An American Lawyer Views the Community," 1960 Institute on Legal Aspects of the European Community held by the Federal Bar Association in Washington, D.C., and of "An Emergent Legal Community: The Common Market Countries' Plans for Harmonization of Law," *9 American Journal of Comparative Law*, Spring 1960. He delivered a paper at the annual meeting of the American Foreign Law Association, in New York last spring. He has been serving on two committees of the ABA International and Comparative Law Section—those on Constitutional Structure and on International Control of Atomic Energy. He is likewise on the Committee on the Charter of the United Nations, of the American Branch of the International Law Association.

Roy L. Steinheimer has written "Negotiable Instruments and the Uniform Commercial Code" in *39 Mich. Bar Journal*.

Dr. *Andrew S. Watson* has published "The Psychology of the Professional Self-Image" in *38 Chemical and Engineering News*; "Reflections on the Teaching of Criminal Law," in *37 U. of Detroit Law Journal*, June 1960; and served as chairman of the Group for the Advancement of Psychiatry Committee which published a paper on "Privileged Communication and Confidentiality in the Practice of Psychiatry." He spoke on "Traumatic Neurosis and the Law" at the annual meeting of the American Psychiatric Association; on "Group Counseling and Group Therapy in the Prison Setting" at the Michigan Probation, Prison and Parole Association Annual Conference; on "The Psychiatrist and the Law" at the Michigan Society for Mental Health annual conference; and on "Homosexuality and the Law" before the Washtenaw County Medical Society.

Instructors Named

Five young instructors have been named to work with Profs. Joseph R. Julin and Robert J. Harris in the Problems and Research Program for second-year students. They are *Ralph L. Brill*, A.B., LL.B., '60, University of Illinois, associate editor, U-I Law Forum; *Barbara A. Burt*, A.B., Denison, J.D., '60, Michigan, assistant editor of Law Review, winner of Campbell Competition; *Robert Dunlap*, A.B., Bowdoin, J.D., '58, Michigan, Colorado Bar, practiced law in Denver, 1958-60; *Peter H. Hay*, A.B. and J.D., '58, Michigan, assistant editor, *Law Review*, studied at Universities of Goettingen and Heidelberg, Germany, 1959-60; *Robert E. Parella*, A.B., St. Peter's College, LL.B., '60, New York University, NYU Law Review staff, Coif.

WHAT THEY SAID

Members of the Law School faculty are in steady demand as speakers at bar and other professional group meetings. Following are brief accounts of some of these speeches given in recent months.

Oppenheim

Criticism of the Federal Trade Commission's increasing reliance on Section 5 of the FTC Act for "dragnet single count complaints" was voiced by Prof. S. Chesterfield Oppenheim in a symposium on antitrust law during the ABA annual meeting in Washington.

Professor Oppenheim particularly objected to the use of Section 5, which broadly proscribes unfair trade practices, to attack practices covered by the Clayton and Sherman acts.

"The Commission," he declared, "should use separate counts to identify the particular statutory provision under which it purports to be proceeding. The Commission should proceed against corporation acquisitions only under Section 7. Section 5 may be invoked when unincorporated concerns are involved, or when some other jurisdictional defect bars resort to Section 7.

"If additional acts and practices are within the Robinson-Patman Act, or Sections 3 and 8 of the Clayton Act, the Commission should proceed directly under those Clayton Act statutes. Section 5 clearly can be invoked to attack full-blown or incipient Sherman Act violations. Resort to Section 5 in a dragnet single count complaint fails to give the respondent adequate notice of the precise grounds on which the Commission is claiming jurisdiction under Section 5 as distinct from sections in the Clayton Act."

Pierce

"Because no scientist can assert that nuclear reactors are absolutely safe," some uniform standards must be set now to govern liability for radiation injuries resulting from reactor accidents, Prof. William J. Pierce told the Insurance Negligence and Compensation Law Section of the ABA at its Washington meeting.

Professor Pierce discussed a preliminary draft of a proposed Uniform Liability for Radiation Injuries Act which has been completed by a special committee of the National Conference of Commissioners on Uniform State Laws. He is chairman of the committee.

The committee has been working for two years on the proposed uniform liability act. The present draft will be circulated for comments before being written in final form, Professor Pierce indicated.

Steinheimer

Another voice raised in favor of uniformity among state laws was that of Prof. Roy L. Steinheimer, Jr., who told the Michigan Bankers Association that it is time for Michigan to abandon a "patchwork quilt" of "horse and buggy" era legislation in favor of the uniform commercial code.

Professor Steinheimer is chairman of a committee of the Michigan Bar Association which is currently studying the uniform code developed by the American Law Institute and the National Conference of Commissioners on Uniform State Laws.

The code treats commercial transactions as a single, integrated body of law, he told the bankers. Its provisions concerning bank deposits and collections are so comprehensive that they may eliminate the need for many "fine print" statements on forms used by most banks.

Commercial transactions in Michigan are now governed by a "confusing array of legislative enactments, scattered through our statute books like pieces in a jigsaw puzzle defying integration into a comprehensible picture," Professor Steinheimer charged. "With the complexity of our economy, we can ill afford to conduct our commerce under a patchwork quilt of commercial laws within the boundaries of any state. Indeed, so much of our

business carries over state lines that uniformity of commercial laws between states is a necessity."

The uniform code has been adopted by six states thus far: Pennsylvania, Massachusetts, Connecticut, Kentucky, New Hampshire and Rhode Island.

Estep

Specially administered "contingent injury funds" will be needed to handle compensation for atomic injury cases, Prof. Samuel D. Estep told a EURATOM conference in Brussels, Belgium.

Existing rules are "completely inadequate" to handle many kinds of injuries which may follow exposure to radiation, he explained. These injuries include an increased susceptibility to disease, premature aging, sterility, genetic damage, and latent injuries such as leukemia and cancerous tumors. These injuries may take years to become apparent and their final effects even longer to determine.

Because of these conditions, Professor Estep suggests that a "contingent injury fund" be established to handle those cases where the amount of irradiation and identity of those responsible for it are known. Contributions to the fund would be made by those responsible for the irradiation, and payments would be made to those who actually suffered disease, perhaps years after the facts of exposure were proven.

Professor Estep proposes that top-flight scientific talent in each country should periodically assess the consequences of different kinds of radiation exposure. Their opinions could then be used by the courts as a guideline in handling individual cases.

Smith

More restraint on both sides in land use controversies was advised by Dean Allan F. Smith in a speech to the State Bar of Michigan in September.

Land owners and attorneys should recognize that public control of land use and development is one of the facts of life, he advised, and that by yielding to legitimate public needs, "we may be able to avoid excessive loss of human liberty."

On the other hand, he said, "The professional planners, the attorneys who advise them, and the legislative bodies who implement the plans would do well to pay greater heed to the liberty which is lost in their efforts to advance civilization."

"Invariably," Dean Smith added, "there will be occasions when the lawyer's professional judgment concerning the needs of society will conflict with the position of a particular client. The lawyer is, of course, the guardian of the property rights of individual landowners. Where restrictions on private use do not offer overriding benefits to society as a whole, then the fight must be pursued with vigor.

"But let him also remember, in his counseling of clients and presentation of cases, that the record of volitional controls has not been outstanding, that there is public merit and that there is long-range value in achieving a rational allocation of land resources."

Seniors Interviewed

The Placement Office reports that for the year 1959-60 the number of interviewers coming to the Law School to talk to senior students for placement purposes increased by 20 per cent and that the number of interviews held in the School increased by the same amount.

On the average, 5.5 interviews were held in the Law School for each senior student registered for placement. More than two employment opportunities were handled by the Placement Office for each such senior.

Shapiro Heads Continuing Legal Education Institute

E. Donald Shapiro has been named Director of the Institute for Continuing Legal Education which was established last spring by the law schools of The University of Michigan and Wayne State University and by the State Bar of Michigan.



SHAPIRO

As announced in the June issue of the *Notes*, the new Institute is designed to operate on a self-sustaining basis and to greatly expand the activities of the two state law schools in continuing legal education.

The director of the Continuing Legal Education Institute is a native of York, Pa. He graduated *summa cum laude* from Dickinson College and received his Bachelor of Laws degree from Harvard in 1956. At Harvard, Mr. Shapiro worked for the Legislative Re-

search Bureau, the Law School Forum, and the Law School Record. During the summer of 1952, he attended the Sorbonne in Paris, France.

After receiving his law degree, Mr. Shapiro was an attorney with Freedman, Landy & Lorry of Philadelphia from 1956-57, instructor at Boston University Law School from 1957-59, and professor at Detroit College of Law in 1959-60. He is a member of the Pennsylvania and District of Columbia Bar Associations.

Two of the Law School's recent international students have been named to teaching positions in law schools in their own countries. Hugo Tiberger, of Sweden, has been appointed perceptor (assistant professor) in Stockholm University and began teaching this fall. His doctoral thesis for Stockholm was published last May. Erling Selvig, of Norway, has been appointed assistant professor at the University of Oslo.

Stasons in Chicago

E. Blythe Stason, who retired from his position as Dean of the Law School this summer, is now Administrator of the American Bar Foundation, with offices at 1155 E. 60th St., Chicago. The Stasons are living in Chicago at 1550 No. Lake Shore Drive.

New Prize Funds Received by School

One new scholarship fund and two new prize awards have been created in recent months by an alumnus and a friend of the Law School.

The Mr. and Mrs. Sherwin A. Hill Scholarship Fund, the income from which will be used to assist worthy and needy law students, received an initial gift from Dr. Frank A. Lamberson, B.S. '33, M.D. '35, who is the son-in-law of Mr. and Mrs. Hill. Mr. Hill, LL.B. '07, is senior partner in the Detroit firm of Hill, Lewis, Andrews, Granse and Adams.

Through the generosity of Jason L. Honigman, J.D. '26, two new annual prize awards have been created for try-outs and editors of the *Michigan Law Review*. Mr. Honigman, now senior partner in the Detroit firm of Honigman, Miller and Schwartz, is a former student editor of the *Review*.

Through his gift, the Abram W. Sempliner Award will be given each year to the outstanding junior try-out for the *Review* who, because of his all-around excellence in the Law School, is selected by the faculty to serve as Editor-in-Chief of the *Review* during his senior year. Mr. Sempliner, LL.B. '02, for whom the award is named, was for many years an outstanding attorney in Detroit and Mr. Honigman was in practice with him for 22 years.

The Jason L. Honigman Award will be given each year to the senior student editor (or editors) of the *Law Review* who, in the opinion of the Law School faculty, has made the greatest contribution to the publication during the preceding two years. The Editor-in-Chief will not be eligible for this award.

Each of the awards will be in the sum of \$500.

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