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Law Quadrangle Notes

UNIV. OF MICH.
FEB 17 1961

From the Dean . . .

One semester in the Dean's office does not yet qualify me to speak about all phases of the Law School's work, but I have reached some conclusions that I think will be of interest to the alumni and friends of Michigan.



DEAN SMITH

The first conclusion relates to our faculty. For a long time I have known that Michigan had a fine teaching staff, but it is only when one sees them as a group around which one must plan the operation of a great and going institution that the full potential becomes apparent. They present a breadth of professional expertise that is truly remarkable, and enables us to offer a curriculum rich in content. Beyond that, they are a productive lot, and contribute substantially to high quality

legal literature, both academic and practical. And finally, they are an imaginative group, dissatisfied with anything less than the best, and ready to work with zest for the achievement of our common educational goals. I'm finding it hard to keep up with them, let alone get ahead of them, but right now this seems a very happy state of affairs. No faculty could lose to retirement men like Dean Stason, Ralph Aigler, Burke Shartel, Lewis Simes, Hessel Yntema, John Waite, or Edgar Durfee without a sense of loss. But the losses have been accompanied by gains elsewhere, and the strength of the faculty remains unimpaired, at an extraordinarily high level.

The second conclusion relates to our alumni. I have thoroughly enjoyed the opportunity to meet with various groups across the country, and before the year is over, I shall have traveled from Los Angeles to New York, with many intermediate stops. Without exception, these groups have demonstrated both the quality of Michigan's product and the deep loyalty of our alumni to the School. But one remark has stayed with me. An alumnus told me: "I want to support the Law School in any way you need help, because I want the school from which I hold my degree to continue its top rating across the country." In effect, he indicated that the Law School owed an obligation to make its needs known more fully to alumni, and that he wanted no excuses from us for not performing well.

This idea puts my job in a little different light than might

(continued on page 2)

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SUMMER SCHOOL FOR LAWYERS WILL BE HELD AGAIN IN JUNE

The Law School is announcing its Second Special Summer Session for Lawyers, to be held at the Law Quadrangle June 19-June 30, 1961. The purpose will be to provide members of the bar with an opportunity to pursue formal study in company with other practitioners having experience in a common field of interest.

Five courses will be given throughout the two-week period, but most of the lawyers attending will be counseled to select only one of the five. The exception will be a two-course combination in "Estate Planning" and "Wills and Trusts."

The five courses will include also "Trade Regulation," "Business Tax Planning," and "Admiralty."

Prof. Alan N. Polasky will be repeating the Estate Planning course which proved very popular in last year's first Summer Session for Lawyers, but the other courses will be new. Prof. Olin Browder's Wills and Trusts course is designed to complement Estate Planning. Drafting and construction problems incident to the "usual" family settlement dispositions both *inter vivos* and testamentary will be the primary matters of study.

Prof. Hobart Coffey will give the course in Admiralty Law, intended to provide attorneys who have had no formal training in maritime law with an opportunity to acquire fundamental knowledge in this area. The Business Tax Planning course will be given by Willard H. Pedrick, professor of law at Northwestern University and a widely known lecturer in this field.

Joseph E. Sheehy, director of the Bureau of Litigation of the Federal Trade Commission, will conduct the Trade Regulation seminar, and will consider price discrimination and related problems under the Robinson-Patman Act.

In addition to the formal courses of study, all participants in the summer program will be invited to a series of lectures on "The Constitution of the United States—1961," to be given by Prof. Paul Kauper.

Last year's first Summer Session for Lawyers was somewhat experimental, but continuation was enthusiastically recommended by all those attending. A questionnaire submitted to last year's "students" brought a number of suggestions which are being incorporated in this year's planning. Among comments made by the lawyers attending in 1960 were these:

"I found your special summer school delightful and worthwhile. As I am sure you know, it is not easy to carve two weeks out of

(continued on page 2)



ALPER



PIERSON



RUEGSEGER



CARY



MARCUS

Lawyer's Summer School—

(continued from page 1)

the busy schedule of a practicing lawyer, but I feel that I was more than repaid . . . The whole program seemed to be well oriented for the practicing attorney. The opportunity for pure study and research is seldom found by the busy practitioner . . . The thing that attracted me most to your courses was that they were for study and not mere lectures. I learned a great deal by the studying which I did . . . The program was very worthwhile. It was well conducted. The professors were well versed in their subjects and handled them most expertly . . . I believe schools like this for lawyers constitute a service with much good to lawyers even though they have had considerable experience."

Tuition for the 1961 Summer Session for Lawyers will be \$175, with the choice of taking one or two courses. Accommodations for those taking part, and for their families if they desire, will be available in the W. W. Cook Quadrangle.

Any lawyer interested in considering enrollment in this summer program should write Prof. Joseph R. Julin, 941 Legal Research Building, The University of Michigan Law School, Ann Arbor, Michigan.

From the Dean—

(continued from page 1)

otherwise have been the case, and it is certainly a reasonable request. If our needs are great, the support is available, and we cannot hide behind a plea of non-support. To this end, every effort is now being made to catalog the areas of need which can be effectively met by alumni contributions of time and money. These, we promise, will be communicated to you for your consideration, with a view to keeping Michigan Law School at the top.

Presentation of Evidence Theme of February's Advocacy Institute

Enrollments are still being accepted for the 12th annual Advocacy Institute, to be held at the Law School, Feb. 10 and 11. This year the advocacy program has been arranged by the Institute of Continuing Legal Education, a joint venture of the Law Schools of The University of Michigan and Wayne State University.

"Effective Techniques in the Presentation of Evidence During Trial" is the theme for the Institute. It will be developed in a two-day series of lectures, panel discussions, and question-and-answer periods by outstanding trial lawyers from throughout the country.

A new book, especially prepared for the Institute, will be distributed without additional charge to all registrants for the Advocacy program. *Medical Proof in Litigation*, by William J. Curran, of Harvard and Boston Universities, is a detailed and authoritative treatment of medical-legal trial technique and trial problems.

Speakers at the Institute include the following: William M. Alper, of Miami, Fla.; John C. Shepherd, St. Louis, Mo.; J. Newton Esdaile, Boston, Mass.; George H. Cary, Detroit, Mich.; Benjamin Marcus, Muskegon, Mich.; James Davis, Cleveland, O.; Dean A. Robb, Detroit, Mich.; Welcome D. Pierson, Oklahoma City, Okla.; Abraham E. Freedman, Philadelphia, Pa.; William D. Buchanan, Grand Rapids, Mich.; Harold S. Sawyer, Grand Rapids, Mich.; A. D. Ruegsegger, Detroit, Mich.; and Prof. William J. Curran, of Boston, Mass.

Topics to be considered during the Institute include: jury selection, demonstrative evidence during trial, medical testimony, opening statements, evidentiary problems of medical tests, proof and calculation of pain and suffering, and effect of demonstrative evidence and the presentation of evidence upon the jury.

Registration fee for the Advocacy Institute is \$25, including the book *Medical Proof in Litigation*. Inquiries should be directed to the Institute of Continuing Legal Education, Hutchins Hall, The University of Michigan, Ann Arbor.

Smith Named to National Railroad Labor Commission

Associate Dean Russell A. Smith has been named as one of five public members on a 15-member presidential commission to recommend changes in the work practices and wage structure of American railroads.

The commission was named by President Eisenhower in December, and is headed by James P. Mitchell, Secretary of Labor in the Eisenhower administration. Work of the commission is expected to take about a year to complete. Its investigation will deal with the dispute between railroads and the operating unions over work rules and practices.

Professor Smith also participated, late in 1960, as a member of the Atomic Energy Labor-Management Relations panel in hearings and recommendations in labor disputes involving AEC installations at Los Alamos, N. M., and at Hanford, Wash. In December, he was also appointed as a member of the Michigan State Labor Mediation Board Advisory Council.

Graduates Become Judges

Two Law School graduates were elected to eight-year terms on their respective state supreme courts in the November elections.

They are Theodore Souris, graduate of 1949, who was elected to the Michigan Supreme Court, and Irwin S. Moise, graduate of 1928, who was elected to the Supreme Court of New Mexico. Both men had previously been appointed by the governors of their states and were seeking election for the first time.

Law School's Cook Endowment Places Michigan In Unique Position to Conduct Legal Research

Michigan's Law School is almost unique in the law school world in its fortunate possession of a "steady income" to be used exclusively for research. This income—about \$200,000 yearly from the William W. Cook Endowment for Legal Research—has enabled the Law School and its faculty to make major contributions to legal research and to wide dissemination of the results of research through publication.

Associate Dean Russell A. Smith, who serves as chairman of the School's Graduate and Research Committee, points out that most important legal research is carried on by law teachers—very little legal research is done anywhere outside the law schools.

The Law School's broad-ranging research program receives financial support from two major sources: the Cook Endowment and the Ford Foundation. The Ford grant provides \$60,000 yearly for 10 years to aid work in international and comparative law.

The Comparative Law Society, composed of law schools, including Michigan, having programs in this field, supports publication of the *American Journal of Comparative Law*, edited by Prof. emeritus Hessel N. Yntema and issued at the Law School.

The Cook Endowment remains the major source of support for a great variety of faculty-directed research studies. It likewise supports the Cooley Lectures and their publication, the Sunderland Senior Research Fellowship, and a considerable number of fellowships for graduate students engaged in legal research.

Allocation of funds from the Cook Endowment is the responsibility of the Graduate and Research Committee. This Committee, Associate Dean Smith notes, places no restrictions or directives upon faculty projects. Each faculty member may come to the Committee with an application for funds to finance assistance as needed for his research interest—clerical help, employment of research assistants, released time from teaching for the faculty member himself, travel, etc.

A complete list of all the research which receives some degree of support from the Cook Endowment in a single year would require more space than is available here. The listing which follows is selected from the annual report on research activities prepared for the 1959-60 year. Most of these studies were supported with Cook funds.

American Legal History. Professor Blume has completed studies on "Probate and Administration on the American Frontier," "Chancery Practice on the American Frontier," and is working on legislation of the frontier. He and research associate Elizabeth Gaspar Brown are completing preparation of a publication on "British Statutes in American Law: 1776-1836."

Antitrust Law. Professor Oppenheim is preparing a second edition of his casebook on Unfair Trade Practices, and expects publication sometime in 1961. He has also prepared papers on "Antitrust Highlights" of 1959 and 1960.

Negotiable Instruments Project in Inter-American Law. According to Professor Yntema, this project "has reached a point at which the publication of the primary work involved is in sight." The basic study, an analytical concordance of the laws concerning negotiable instruments in Canada and the United States, as well as the twenty Latin-American republics in the Pan-American Union, has been finally revised, and the materials for reference to the corresponding European laws are ready for inclusion.

Criminal Law. Professors George, Proffitt and DeVine have collaborated in the preparation of a set of materials on Criminal Procedure. A systematic presentation of statutes, court rules and cases in five selected jurisdictions provides a meaningful comparative study for classroom use.

Economics of Injury Litigation. This is a long-range project involving cooperation of several University divisions and personnel under the direction of Professor Conard. Emphasis is being placed on auto accidents. One study has already indicated substan-

tial contrasts in the administrative costs involved in handling accident claims under various systems.

Insurance. Professor Kimball's work in this field involves several studies and publications, including two books discussed elsewhere in this issue of the *Notes*. Last year, Professor Kimball had in progress studies of regulation of marketing practices, of rate regulation, of policy considerations underlying legal control of actuarial principles used in insurance, and of the jurisprudential principles underlying insurance law.

Labor Law. Two books, intended for use in law teaching, were completed, one of them published in 1959 and the second to be issued probably in 1961. Prepared by Associate Dean Russell A. Smith and Prof. Leroy Merrifield of the George Washington University Law School, the volumes are *Cases and Other Materials on Labor Law*, which includes materials on the Labor-Management Reporting and Disclosure Act of 1959, and *Materials on the Labor Agreement*.

Legal Problems of Doing Business in Europe. This work was reported in some detail in the November 1960 issue of *Law Quadrangle Notes*. The two volumes of *American Enterprise in the European Common Market—A Legal Profile*, have now both been published.

Legal Problems of Metropolitan Areas. The major concern of the Legislative Research Center for the past year and a half has been the problems of metropolitan areas, Professor Pierce, director, reports. Among publications issued on this subject are these: *Planning and Zoning in the United States*, *State Constitutional Limitations on the Solution of Metropolitan Area Problems*, *The Interstate Metropolitan Area*, *The Special District—A Solution to the Metropolitan Area Problems*, *The Finances of Metropolitan Areas*, *Extraterritorial Powers—Solutions to the Metropolitan Area Problems*, and *Annexation: A Solution to the Metropolitan Area Problems*.

Michigan Procedure Reform. Two reports were issued in the Michigan Procedural Reform project, which was headed by Associate Dean Joiner. These include the final report of the Joint Committee on Michigan Procedural Revision and "Judicial Administration at the Appellate Level—Michigan." The latter was published by the Law School.

Taxation. At the request of the Commissioner of Internal Revenue, Professor Wright undertook a study of the technical activities of the national office with emphasis on the work of the Tax Rulings Division, the Technical Planning Division, the Legislative and Regulations Division, and the Bulletin Branch. His 500-page report was assigned to a task force consisting of the Assistant Commissioner (Technical), the Assistant Chief Counsel (Technical), and Professor Wright himself, to fill in details which will be essential if the government adopts all or a part of Professor Wright's proposals.

Sunderland Senior Research Fellowship. This fellowship, recently established as part of the legal research program, was held in 1959-60 by J. Keith Mann, professor of law at Stanford University. During his six-month stay at the Michigan Law School, he worked primarily on a study of public and private plans for the adjustment of interunion disputes.

Fellowships. Fellowships provided by the Cook Endowment and the Ford Foundation together enabled a number of students, both American and foreign, to pursue graduate study. Some of the papers begun or completed by these students last year included: Documentary Banking Credit in Inter-American Law; Parent-Subsidiary Relationship in Insolvency; Soviet International Law; Alien Corporations: Rights and Privileges in the United States; The Doctrine of Exhaustion of Administrative Remedies; Novelty as a Condition of Patentability in French and American Law.

State Restraint of Trade Next Research Topic For Legislative Center

A two-year study of "State Restraint of Trade: Unfair Competition and Consumer Protection Laws" has been announced by the Legislative Research Center, in the Law School, to begin July 1.

The general area of business competition and consumer protection is one in which there is a great deal of legislation, and it is likewise an area in which state law enforcement officers are now using legislation which has been on the books for some years though not extensively used previously. Very little has been done in the past couple of decades to study this legislation, and what little has been attempted has been primarily compilation rather than genuine analysis and criticism, William J. Pierce, professor of law and director of the Legislative Research Center, points out.

"Most of this legislation is over a half-century old," he explains. "Since its promulgation, the American competitive market and economic structure have changed remarkably in many of their more significant characteristics. Recently several states have stepped up their enforcement of anti-trust legislation indicating that new problems are emerging. However, the ability of this type of legislation to deal effectively with modern problems, including price discrimination, monopolistic pricing practices, and collusive bidding for governmental contracts, remains dubious."

"Some states have found it desirable to adopt legislation governing competition generally, including statutes directed specifically to unfair trade practices, unfair competition, sales below cost, trading stamps, cigarette sales, restrictive limitations on quantities purchasable by single consumers, and so on," Professor Pierce continues. "This mass of legislation demands careful examination and evaluation from both the legal and economic standpoints in order to ascertain its effectiveness in modern society. Changes in the marketing structure in the United States also indicate an emerging need for some uniformity among the states. In the last analysis, the greatest protection for consumers lies in a healthy competitive market in the tradition of the American free enterprise system."

The research project will require the services of from three to five fellows over the entire two-year period. All will work together as a team in the general area of the project, but each will also be assigned an individual topic, and his thesis will be published by the Legislative Research Center. The fellows will be graduate students working toward advanced degrees in the Law School.

Among the specific topics to be considered are legislation dealing with entry into business, with the entry of new products, and with the protection of consumers. Attention will also be given to problems of false advertising and to the activities of con-men who move from community to community, promoting fraudulent schemes. The researchers will concern themselves not only with laws defining such crimes but also with devices of enforcement.

Still another area of study will be the overlapping of Federal and state and, in some cases, local legislation and agencies of enforcement.

An executive committee of Law School faculty members is planning the project and will direct it. Prof. S. Chesterfield Oppenheim will serve as chairman, and other members will be Profs. Pierce, Robert Knauss, and Jack R. Pearce. Consultants will be called in from time to time to present the experience and viewpoint of bar groups, business associations, consumer organizations, and professional fields such as economics and sociology.

Dean Allan F. Smith was initiated into membership in Phi Kappa Phi, national honorary society, by the U-M chapter in January. He was the principal speaker at the initiation program, discussing the idea of an international rule of law.



Among the 250 persons attending the luncheon honoring Judge Miller were (from left) Associate Justices Charles E. Whittaker, William J. Brennan, Jr., and Tom C. Clark, of the Supreme Court; Chief Judge Wilbur K. Miller, of the U. S. Court of Appeals, District of Columbia Circuit; Associate Justices Potter Stewart and John M. Harlan, of the Supreme Court; and Chief Judge Homer Ferguson, of the U. S. Court of Military Appeals. Judge Ferguson is, like Judge Miller, a former student at the Law School, and both he and Justice Harlan have received honorary LL.D.'s from The University of Michigan.

JUDGE WILBUR K. MILLER HONORED IN WASHINGTON

Judge Wilbur K. Miller, recently appointed chief judge of the United States Court of Appeals, District of Columbia, was honored at a testimonial luncheon given by the University of Michigan Club of Washington early in November.

Judge Miller, a 1914-15 student in the Law School, was named to the Court of Appeals in 1945. Another alumnus, member of the class of 1921, Thomas McAllister, is now serving as chief judge of the U. S. Court of Appeals for the Sixth Circuit.

Distinguished guests at the luncheon included seven associate justices of the United States Supreme Court, eight judges of the U. S. Court of Appeals, five judges of the U. S. Court of Claims, ten judges of the U. S. District Courts, three judges of the Municipal Court of Appeals, and nine judges of the federal Municipal Court of Washington. Dean Allan F. Smith, of the Law School, and Alumni Secretary John E. Tirrell attended from the campus.

In his address to the group honoring Judge Miller, Dean Smith declared that the law schools of the country should steadily raise their academic standards, expand research, and support efforts by practicing attorneys to achieve legal reforms.

"Too often," he said, "attempts to raise law school standards encounter opposition from legislatures or even members of the bar. Indeed, they are sometimes opposed by law teachers."

Commenting on the trend toward increased cooperation between legal researchers and professional experts in other fields, Dean Smith said: "Research which moves out of the law library and into the marketplace is almost staggeringly expensive and time-consuming. Resources far beyond those customarily allotted to law schools are needed if this responsibility is to be met. Whether support comes from private donations, charitable foundations, or government, it must be forthcoming or the skills of law faculties will be partially wasted."

Commenting on the need for legal reform, he pointed out that "we have not made equally available to every person access to qualified legal advice. We have not universally achieved prompt disposition of litigation. In the states, and perhaps even in the federal courts, we harbor anachronisms in substantive rules which serve at times to thwart our goal of a just society, and which cry out for legislative attention."

With Our Students

(The following items are taken from *Res Gestae*, weekly newsletter published by the Student Bar Association.)

Ohio Bar Exams

All 16 Law School graduates who took the Ohio Bar Exam passed. John Clark Little, who graduated from the Law School last year, tied for the highest grade on the exam with a score of 349.5 out of a possible 400 points. Little is now with Baker, Hostetler & Patterson, in Cleveland.

Law School Visitors

The Student Bar Association and the executive council of the Lawyers Club have sponsored several distinguished guest speakers in the Club in recent months. Mr. R. E. Megarry, Queen's Counsel and member of the English Bar, spoke Nov. 15 on "The Law as Taught and the Law as Practiced." On Nov. 16, the guest speaker was Dr. Ernst Van Raalte, professor of international law at the University of Amsterdam, whose topic was "Netherlands Public Opinion on East-West Relations." A visitor in October was Mr. Paul Ryder, of the Ford Motor Company, who spoke on labor relations. Dr. Bernard Diamond, San Francisco psychiatrist, gave two lectures in December on "Diminished Responsibility and the Concept of Mens Rea."

Case Clubbers Argue Sit-ins

Thirty-two quarter-finalists in this year's Campbell Competition argued a case concerned with the constitutional problems of the lunch counter "sit-ins." Negro student participants in such a demonstration had been arrested and convicted under a vagrancy statute after refusing to leave a segregated lunch counter at the request of the manager. From the field of quarter-finalists, 12 were chosen who will re-argue the case in the spring semester.

In and Out

Twenty-one law students visited the Michigan State Prison in Jackson on an SBA-sponsored trip this fall. They were permitted to tour all facilities except the solitary confinement and psychopathic sections.

Socializing

Long noted for their devotion to their books, law students nonetheless find some time for recreation. The SBA and Law Wives Club sponsored a Christmas dance at the American Legion Hall early in December; the Lawyers Club had its annual Christmas dance in the Club on Dec. 10 and on the following day arranged a Christmas musicale and buffet. The traditional Christmas dinner at the Lawyers Club was on Dec. 14—this year's holiday recess began on the 17th.

Foundation Supplements Student Loan Funds

An unusual type of "gift" has been received by the Law School from the Edward Arthur Mellinger Educational Foundation, Inc., of Monmouth, Ill.

Learning of the depleted condition of the Law School's loan funds and of the heavy demand for loans, the Foundation made \$7,500 of its funds available for loans to students in the Law School during the rest of this academic year. The loans will be processed through regular Law School procedures, but will be repaid directly to the Foundation on very generous terms.

The Mellinger Foundation expressed hope that a similar amount could be allocated each year for this purpose.

Robert J. Clendenin, J.D.'30, is the president of the Mellinger Foundation.

Law School alumnus Edgar N. Eisenhower, '14I, LL.D.(Hon.) '59, was elected one of five vice-presidents of the American Jurisprudence Society last August. He practices law in Tacoma, Washington.

SCHOOL REPORTS ON ATOMIC LEGAL RESEARCH

The 1959-60 report on activities of the Law School's program in atomic legal research indicates substantial progress toward the objective of "directing attention to pressing and important matters of law and public policy in the atomic energy field."

Mr. William H. Berman and Mr. Lee M. Hydeman, who have served as co-directors of the program, indicate that major activity has been on several research studies and in speeches, papers, and participation in conferences concerned with the problems of atomic energy.

The Law School's work in this new legal field is financed by the Ford Foundation, the William W. Cook Endowment, the Michigan Memorial-Phoenix Project, and the Detroit Edison Company. An executive committee is composed of Law School faculty members, while an advisory committee includes leaders in the atomic energy field who represent a broad cross-section of disciplines and experience throughout the nation.

Health and safety problems engendered by the operation of nuclear-powered ships, the sea disposal of nuclear wastes, and the transport of radioactive materials were the subject of the major study underway in 1959-60, the project directors report. The study was completed in the spring and published by the University under the title *International Control of Nuclear Maritime Activities*.

During the year, the project also began work on a major study of the organization of the Atomic Energy Commission and the Commission's functions of regulating the safety of major nuclear installations in the United States.

"Because of concern over the fact that the Commission is responsible both for promoting and regulating such facilities, an almost unique combination of functions in a government agency, a great deal of interest has developed in this subject," the Project directors explain. "The AEC is itself making a study of the problem, as is the Joint Committee on Atomic Energy. We believe that the subject is an especially good one for an independent and entirely objective group to deal with, particularly as Congress may be considering remedial legislation during 1961."

During the past year, this Project also published two articles and prepared a third for publication, in the *Saturday Review*, the *Atomic Energy Law Journal*, and the *Michigan Law Review*. Papers were delivered by the co-directors at a number of international conferences, including the International Atomic Energy Agency's Conference on the Sea Disposal of Radioactive Wastes, the Inter-American Symposium on Administrative and Legal Problems Connected with Peaceful Atomic Energy Programs, the Atomic Industrial Forum's Conference on the Role of Nuclear Propulsion in Merchant Shipping, and the Euratom International Symposium on Legal and Administrative Problems of Protection in the Peaceful Uses of Atomic Energy.

Alumni in Four States and D.C. Meet

Continuing alumni interest in affairs of the Law School has been evident in meetings of the alumni in four states and the District of Columbia in the past three months. Law School faculty members have been guests at all of these meetings.

Dean Allan F. Smith and Associate Dean Charles W. Joiner reported on Law School activities at alumni gatherings held in connection with the mid-year meeting of the Illinois State Bar Association in Chicago on Nov. 10. Dean Joiner attended a meeting of Washington, D.C. alumni on Dec. 6, and Dean Smith met during January with Indiana alumni, in Indianapolis, and with alumni in New York City and in Philadelphia.

A three-volume set of textbooks was prepared for the Young Lawyers Seminars held by U-M and Wayne Law Schools.



This portrait of Dean E. Blythe Stason, who retired last September, was commissioned by Charles Danton (J.D. '26) of Miami Beach, Fla., and was presented to the Law School in October. The portrait was accepted on behalf of the University by Vice-President Marvin L. Niehuss. The artist was Mrs. Alice K. Reisler, of Ann Arbor, who is shown here with Mr. Danton and Dean Stason.

Book on Widow's Share Published by School

Many a man has given away a fortune in his lifetime to keep his wife from enjoying it after his death, and many a widow has gone to court to get a bigger share of her husband's property. How these conflicting interests can be handled is the subject of a new book by Professor William D. Macdonald of the University of Florida, *Fraud on the Widow's Share*, published by The University of Michigan Law School (477 pp., \$10.00). It is the first comprehensive investigation of transfers in "evasion" of the widow's elective share.

Macdonald points out that the trend toward "disinheriting" widows is a "permanent and increasingly serious" legal problem. Factors behind the increase include long-standing state laws which provide widows a fixed, minimum share of their husband's wealth, higher divorce and remarriage rates, and the tax advantages of gifts made to children during a man's lifetime, rather than at death. Cases are analyzed in terms of doctrine, persuasive evidentiary factors, and dispositive devices. Of special value to the busy practitioner is an index which has a separate listing of all appropriate cases of the individual states.

Macdonald suggests a "working compromise" between these conflicting interests can be developed by:

- 1) Limiting state-enforced protection against disinheritance of widow and children to meritorious claims for maintenance;
- 2) Giving courts discretion, when funds left the widow are insufficient, to require partial return of "unreasonably large" transfers of wealth made by her husband during his lifetime; and
- 3) Giving courts the responsibility of weighing the widow's needs against those of the person who benefited from the original transfer of wealth.

Present state laws are "far too insensitive to adjust the varying family claims and obligations stemming from remarriage," Macdonald notes. Some transfers of wealth made during a man's lifetime are "understandable attempts" to provide for the children of his first marriage—others are not. Some courts almost automatically reject a widow's claim against the person benefiting from a previous transfer of wealth by her husband, regardless of the widow's needs—others may be too generous in acting on the widow's behalf. Macdonald details a model act for state legislatures as a possible remedy for the problem.

To Welfare-Minded Society Insurance Led Way

Private insurance has been a key instrument in changing America from a laissez-faire society to one which, as an organized whole, assumes many risks formerly borne by individuals, Prof. Spencer L. Kimball declares in his book, *Insurance and Public Policy*, just published by the University of Wisconsin Press.

This is one of several publications which Professor Kimball is preparing in the field of insurance law. In November, the Michigan Law School published the booklet, *The Montana Insurance Commissioner: A Study of Administrative Regulation in Action* (77 pp., \$1.00), written by Professor Kimball and William Conklin, then editor-in-chief of the *Montana Law Review*.

Subtitled "A Study in the Legal Implementation of Social and Economic Public Policy, Based on Wisconsin Records 1835-1959," Professor Kimball's new book is the first of its kind about insurance law and one of the very few using this approach for any branch of law. It presents an exhaustive study of the historical development of the law of insurance, based on the records of a single state, but a state typical enough to present the story of the growth of insurance law for a large part of America.

The research undertaken by Professor Kimball included the examination of every insurance case decided in the entire history of Wisconsin, of every Wisconsin statute and every unsuccessful bill introduced on this subject in the Wisconsin legislature, as well as other data illuminating insurance law in that state.

"In the field of insurance law," the professor notes, "dogma rarely inhibited growth. In the long run, the persistent pressure of society's needs generally overcame the toughest (legal) doctrine. Insurance as an easily available way of socializing the risks of enterprise or of the ordinary activities of daily life led to significant change in established doctrine, even in other areas of law. Much of the impetus for the developing law of negligence, especially in the field of automobile accidents, came from the probability that an insurance company stood behind the defendant."

In similar fashion, the availability of insurance for workmen's compensation and product liability has tended over the years to reduce the need for proving an employer or manufacturer morally responsible for causing injuries to workers or consumers, Professor Kimball adds. "Fault becomes less and less relevant in an age of insurance."

In the 19th century insurance ministered primarily to the needs of economic man, but in the 20th, it became one of the main instruments by which law created a welfare-minded society, he contends. "Insurance was the mechanism by which social costs were forced into the private cost accounting of entrepreneurs."

Though the book deals with insurance problems of current importance, and contributes a novel analysis of insurance law based upon the needs and function of the operating insurance enterprise instead of upon traditional legal concepts, it also makes a major contribution to American legal history. American legal history is an almost unexplored domain, and this is especially true of 19th and 20th century legal history, at least where any effort is made to interpret the legal development in the light of its social and economic background. *Insurance and Public Policy* is a constituent part of a larger effort to illuminate the legal history of a single state, in enough depth and breadth to give fuller understanding of the real roots of our contemporary law. Several other monographs, prepared under the general supervision of Professor Willard Hurst of the University of Wisconsin, treat of other aspects of Wisconsin legal history. The net effect, to which *Insurance and Public Policy* makes a major contribution, is a greatly enhanced understanding of the recent growth of American law, as seen in one midwestern state.

Insurance and Public Policy, by Spencer L. Kimball, has been published by the University of Wisconsin Press, in Madison, and may be ordered from the publisher.

FACULTY NEWS NOTES

Writings

Articles and reviews have continued to flow from the collective pen of the Law School faculty. Among the writers are the following:

Prof. Frank E. Cooper prepared a survey of "Michigan Administrative Law" for the annual Michigan law survey issue of the *Wayne Law Review*. Prof. Olin L. Browder, Jr., is the author of "Future Interest Reform" in 35 *New York University Law Review* 1255 (1960). His paper is one of several articles in a symposium on the reform of real property law.

Two faculty-written articles appeared in the December issue of the *Michigan Law Review* and a third in the January number. They were "Radiation Injuries and Statistics: The Need for a New Approach to Injury Litigation" by Samuel D. Estep; "Organizing a Subsidiary in the European Common Market" by A. F. Conard; Joseph R. Julin's review of *Conservation of Oil and Gas, 1948-58*, edited by Dean Robert E. Sullivan.

Professor Conard is also the author of an article, "Financing a Subsidiary in the European Common Market," in the University of Pittsburgh *Law Review*, November 1960.

Conferences

Three members of the Law School faculty have participated in a wide range of conferences in recent months—"wide" both in relation to their subject-matter and to their geographical location.

Prof. William B. Harvey took part in the fourth annual Institute for College Pre-Legal Directors, held at Boston College Law School and attended by representatives of 42 colleges and universities, most of them in the East. He gave one of the principal speeches, on "Current Thinking in Legal Education."

In January, Professor Harvey was one of the participants in a conference on "The African Rule of Law," held in Lagos, federal capital of newly-independent Nigeria. The conference was sponsored by the International Commission of Jurists and was attended by leading jurists from most of the areas of sub-Saharan Africa.

Other conferences which have drawn Law School participants were that on "Role of the States in Programming for Atomic Development and Regulation," held in Chicago in December under sponsorship of the Council of State Governments, and a conference on "Law and Theology," at Valparaiso University in late October. Prof. Samuel D. Estep took part in the first as one of the four main speakers on "Intergovernmental Relations Problems in Atomic Energy," while Prof. Paul G. Kauper attended the second.

Committees

Committees dealing with matters of legal education, practice, research, and public policy continue to occupy a considerable portion of faculty time.

Prof. Frank E. Cooper is continuing his work with the ABA Special Committee on the Federal Administrative Practice Act, which is seeking to induce Congressional action on the pending bill designed to regulate practice before the Federal agencies. He is also continuing his work as a member of the Council of the ABA Administrative Law Section and with committees in the ABA Labor Law Section. He continues membership also on Michigan State Bar committees on administrative law and atomic energy. Prof. Eric Stein participated in the December meeting of the Committee on Comparative Law of the American Association of Law Schools, held in Philadelphia.

Dean Allan F. Smith is one of three U-M faculty men named by Michigan's Governor John B. Swainson to a committee to prepare for a constitutional convention in the state. Prof. Ferrel Heady and Prof. Arthur W. Bromage, both of the political science department, were also named.

Associate Dean Charles Joiner attended the December meeting of the Federal Civil Rules Advisory Committee, of which he is a member, held in Washington, D.C. Prof. Paul G. Kauper has been re-appointed to the State Bar committee on condemnation procedures.

New appointments for Prof. B. J. George, Jr., are to the Committee on Crime Prevention Center, State Bar of Michigan, and to the Committee on Foreign Exchanges of Law Students and Teachers of AALS for 1961. Prof. W. J. Pierce is proceeding with his work as chairman of the Uniform Commissioners' Special Committee on the proposed Uniform Nuclear Facilities Liability Act, and attended meetings of this group with the Atomic Industrial Forum in October and December.

Speeches

The speaker's platform at a variety of meetings has attracted Law School faculty members this winter.

The Indiana Law Alumni Association heard Prof. W. J. Pierce discuss atomic energy health and safety problems at their December meeting, while Prof. Alan Polasky gave a series of three talks before the Flint, Mich., Estate Planning Council, in October, November, and December. In January, Professor Polasky discussed estate planning for the professional man at the Tri-County Dental Society meeting in St. Joseph, Mich.

Associate Dean Joiner continued his meetings with local bar groups to discuss the proposals for civil procedure reform in Michigan, having met with groups in Jackson, Monroe, and St. Louis. He also addressed the annual meeting of the American Academy of Trial Lawyers of New York on Dec. 29 on the subject, "The Civil Jury—A Vital American Institution."

Dean Allan F. Smith, in addition to his visits to alumni groups, has been a frequent speaker at county bar association meetings and at various organizations in Ann Arbor. Among others, he has recently addressed the Ingham County Bar Association, in Lansing, Mich., and the Allen County Bar Association, in Lima, O.

Prof. Frank E. Cooper discussed unemployment insurance legislation at a January meeting of the Economic Club of Detroit, while Prof. Roy L. Steinheimer, Jr., spoke on the Uniform Commercial Code at a meeting of the Lucas County Bar Association, in Toledo, O.

Two tax institutes, in Cleveland and Columbus, Ohio, heard Prof. L. Hart Wright discuss aspects of federal tax law and Internal Revenue Department operations. Prof. Eric Stein conducted a round table on European integration at the Foreign Service Institute of the Department of State, in Washington in November, attended by a group of diplomats, other government officials, and military officers.

Retirement?

This is retirement?

The question could well be asked of Prof. Hessel E. Yntema, who retired from active teaching on the Law School faculty last June, in view of his activities during the past six months and those scheduled during the rest of this academic year.

During the spring, Professor Yntema will be at the University of Southern California, in Los Angeles, on appointment there as Legion Lex Distinguished Professor. During the summer, he has been asked to attend the meeting of the International Committee of Comparative Law, in Heidelberg, Germany, and the meeting of the Rome Institute on the Unification of Private Law, where he will discuss the unification of negotiable instruments law.

In recent months, five articles by Professor Yntema have been published in American and European law journals. Professor Yntema's continuing research on negotiable instruments law is summarized on page 3.

Simes' Model Title Standards Published

A model marketable title act for state legislatures is included in a booklet, *Model Title Standards*, written by Prof. emeritus Lewis M. Simes and published by the Law School.

More than 100 of the nation's leading land title experts reviewed a preliminary draft of this monograph prior to publication. It is the second of a series developed in cooperation with the American Bar Association's Section of Real Property, Probate, and Trust Law. Co-author with Professor Simes is Clarence B. Taylor, former legislative analyst with the Legislative Research Center.

The 99-page booklet sells for \$2.00 and may be ordered from Michigan Legal Publications, 1039 Legal Research Building.

Medical-Legal Courses Offered In Three Cities

Two medical-legal courses, designed especially for lawyers, have been given in Detroit this winter and are to be presented during the spring in Saginaw and Kalamazoo under sponsorship of the Institute of Continuing Legal Education in cooperation with local bar groups.

The courses are "Basic Anatomy for Lawyers" and "Introduction to Clinical Medicine for Lawyers." A series of 12 lectures comprises each course. The programs will be given on Tuesday nights beginning March 7 in Kalamazoo and on Wednesday nights beginning March 8 in Saginaw.

The Institute of Continuing Legal Education, a joint venture of the Law Schools of Michigan and Wayne State, is eager to assist local bar groups with this kind of program in all parts of the state.

3-Day Institute On Decedent's Estates Planned in May

A probate and tax program on decedent's estates is being planned by the Michigan-Wayne State Institute of Continuing Legal Education for May 11, 12, and 13.

The three-day program will be held at the Boyne Mountain Lodge, in northern Michigan. Registration fee, which will include lodging and meals at the Lodge as well as the instructional program, will be \$57.

Members of the bar in Michigan and Michigan Law School alumni in adjacent states will receive additional information about this program in coming months. Inquiries may be addressed to the Institute of Continuing Legal Education, Hutchins Hall, The University of Michigan, Ann Arbor.



Prof. Roy L. Steinheimer got a ride in a USAF T-33 jet trainer at Lockbourne Air Force Base, Ohio, last summer in his capacity as chairman of President Hatcher's Advisory Committee on ROTC Affairs. He was the University's institutional representative visiting one of the Air Force bases where advanced Air Force ROTC cadets received their summer training. Professor Steinheimer, incidentally, has his own private pilot's license.

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