

THE UNIVERSITY OF MICHIGAN

# Law Quadrangle Notes

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## What Law Students Study

by Luke K. Cooperrider, Director of Law School Curriculum Study

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The *Law Quadrangle Notes* has, in its past issues, been devoted rather extensively to the purpose of reporting upon what might be described as Law School "news"—new faculty (new deans, yet!), new courses and seminars, new areas of research interest, new publications, new this and new that. This emphasis is understandable in a communication addressed to all the friends of the Law School, many of whom have not seen Ann Arbor in recent years and may not, for that reason, be familiar with the changes that have taken place. The report would be misleading, however, if it were to leave the impression that in these "news" columns the entire story of the Law School has been told. The problem of introducing new generations of young men and women to the law and to the lawyer's function continues to occupy, as it has in the past, a major portion of our time, resources, and interest.

The "news" items have described the problems at the perimeter. Within the perimeter, the Law School graduate would find himself in territory with which he is largely familiar, for a lawyer can no more do without Contracts than can a doctor do without Anatomy. This is not to say that the curriculum has not changed, for it has, in marked degree. The changes have been for the most part additive, however. The new courses and seminars made available to interested students have not been offset by significant deletions.

One of Dean Smith's early decisions when he assumed the responsibilities of his office last September was to bring about a detailed inventory of the subject matters in which the typical Michigan law student receives instruction during his stay at the Law School. In the course of that study, a tabulation was made of the courses which were most generally elected by all students who graduated from the Law School during the calendar year 1960. We believe that the tabulation is a fair representation of student programming in recent years. The rather interesting information which it conveys is set forth in the accompanying graph (on page 2).

The total number of students surveyed, 242, is represented by the horizontal coordinate of the graph; the average number of "semester hours" of courses and seminars pursued by this group of students during their Law School careers, 83.6 hours, by the vertical coordinate. (A "semester hour" is a unit of course credit and class time allocation; a three-semester-hour course, for example, is one which has three class meetings per week for an

entire semester. The normal Law School program consists of six semesters. It will be seen, therefore, that the normal course load is in the neighborhood of 14 semester hours of courses per semester of residence.) All courses during the first year are required, and there are in addition 15 hours of required courses distributed through the second and third years.

The graph shows that eight of the available elective courses were elected by 73 per cent or more of the students surveyed, and that the elections for four of these courses exceeded 93 per cent. Taken together, this information means that the typical student devoted almost five full semesters out of the six which he had at Law School to the courses listed on the graph. Other courses which are elected by approximately 50 per cent of all students include Sales, Creditors Rights, Future Interests, Federal Anti-Trust Law, Unfair Trade Practice, Labor Law, Taxation II, and Trials, Appeals and Practice Court.

Ordering this information in a somewhat different manner, it may be interpreted as indicating that the typical law student's Law School program conformed rather closely to the following pattern:

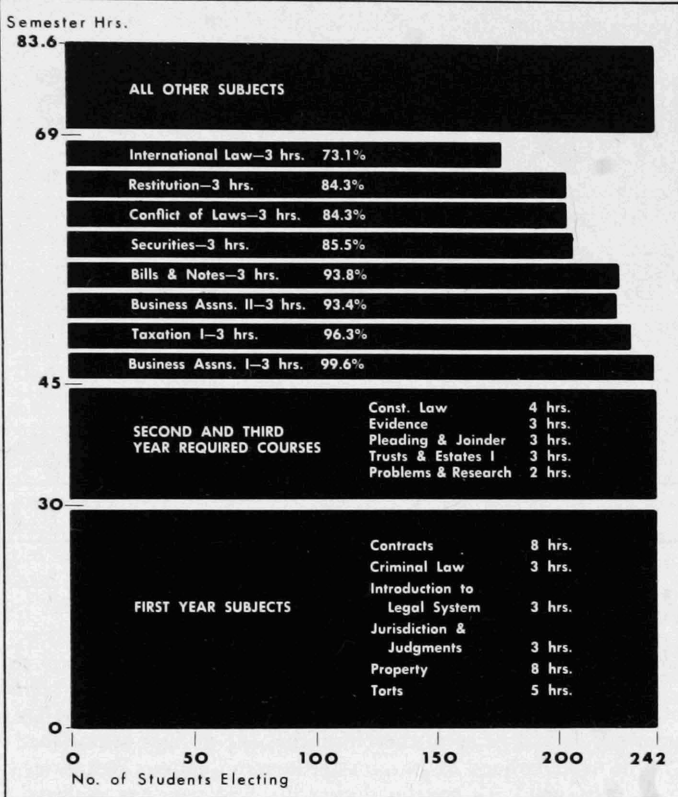
I.	Contractual Transactions (Contracts, Bills and Notes, Restitution)	14 hours
II.	Property (Property, Trusts and Estates I, Securities)	14 hours
III.	Law in Relation to the Governmental System (Introduction to the Legal System, Constitutional Law, Criminal Law, International Law)	13 hours
IV.	Litigation—Procedure (Jurisdiction and Judgments, Pleading and Joinder, Evidence, Conflict of Laws)	12 hours
V.	Torts	5 hours
VI.	Business Organization (Business Associations)	6 hours
VII.	Federal Income Taxation	3 hours
VIII.	Problems and Research	2 hours
IX.	All other subjects	15 hours

The names of many of these courses are familiar, but a few perhaps need to be explained. Trusts and Estates I is concerned with Wills, Trusts, Intestate Succession, and an introduction to Fiduciary Administration. Introduction to the Legal System is an

(continued on page 2)



## COURSE PROGRAM PURSUED BY 1960 GRADUATES



## Students Study—

(continued from page 1)

historical introduction to the Anglo-American legal system, intended to enhance the student's understanding by informing him on the development of the Anglo-American court systems, the common law, equity, legislative reform, and the legal profession. Jurisdiction and Judgments, and Pleading and Joinder, are concerned with those matters which at one time appeared under the headings Civil Procedures and Judicial Administration. Problems and Research consists of two one-hour courses during the second year in one of which the student is required to face and solve a series of practical problems such as the drafting of a will, a contract, or a statute, and in the other of which he is required to write a legal memorandum in response to a specific problem, basing his memorandum upon individual research.

Even a casual examination of this picture will indicate that our students have not been neglecting the "practical," professional areas of interest. One of our continuing concerns, in fact, is that their programs may be oriented too heavily in this direction.

In an effort to assure some balance, we have for a number of years required each student to elect during his Law School career at least one course or seminar of a type which might be expected to widen somewhat the horizons of his thinking about law, courses like Introduction to the Civil Law, Comparative Law, International Law, Legal Philosophy, Legal Method, and Law and Society. Over and above his "typical" program, the "typical" student is able to make room for five or six courses out of a list which includes Future Interests, Sales, Corporate Taxation, Anti-Trust Law, Creditors Rights, Unfair Trade Practice, Trials, Appeals and Practice Court, Labor Law, Domestic Relations, Municipal Corporations, Accounting for Lawyers, Administrative Tri-

## From the Dean . . .

When the Law School celebrated its Centennial year, a group of alumni presented it with a joint contribution of almost \$60,000 to be used for Law School purposes. Needless to say, this tangible evidence of alumni support was very heartwarming, and the faculty gave considerable thought to determine the ways in which it might be most appropriately used. I want to report here on the decisions reached.



DEAN SMITH

We felt that the donors were basically interested in the general operations of the Law School, but also that there was an underlying intention that the funds should, at least in part, be used to provide something "extra"—something beyond ordinary affairs. Accordingly we settled upon five uses for the Cen-

tennial fund:

- (1) A critical shortage of student loan funds was partially relieved by the allocation of some funds to this purpose.
- (2) The Library's statutory collection for faculty research was improved by some new purchases.
- (3) A small sum was allocated to the support of a visitors and lecture program for the Lawyers Club.
- (4) A portion will be used to buy books and provide facilities for a special reading room.
- (5) With some assistance from the University, we are in a position to finance a three-year experiment with closed-circuit television for use in instruction in our trial procedure courses.

Although we always get, in the course of a year, a number of special lecturers, one of our long-range hopes has been to bring to the Law Club distinguished and knowledgeable persons who could live at the Club for some time and be available to the students to discuss various professional problems without formal lectures. We also want to make easily available to the students, in a place conducive to relaxation, some of the fine non-technical books which lawyers ought to read as a matter of pleasure and general education. Both of these plans can now be implemented.

The closed-circuit television experiment will be truly unique. There are some problems to overcome, on which Dean Joiner is working, but our goal will be to reproduce in the Law School the proceedings in the local circuit court, so that our students can have guided observation experience in courtroom practice. By careful selection of material, and with faculty guidance, we hope to find out whether this medium can be effectively used in teaching trial practice, procedure, evidence and related subjects. We think this will be a Michigan "first" which may be quite exciting, and we hope the alumni donors agree.

bunals, Legislation, Corporate Organization, Insurance, Criminal Procedure, Legal Philosophy, Legal Writing, Admiralty, Patent Law, Legal Method, and some 25 to 30 seminars in widely varying fields.

The selection is rich, but the time is limited. This condition of curricular pressure is another of our continuing concerns. Is the omission, dictated by time limitations, of any one or more of these courses, or of any other subject matter not presently embodied in one of our courses, from the programs of large numbers of students to be considered a serious matter? On this or any other question that may be suggested by the subject as a whole, we would be indeed happy to hear the opinions of any of our interested alumni.



On the bench for the Case Club finals were (beginning at left) Dean Allan F. Smith; Thomas P. Thornton, District Judge, Detroit; Wilbur K. Miller, Chief Judge, District of Columbia Court of Appeals; Theodore Levin, Chief Judge, Eastern District of Michigan; and Prof. Paul G. Kauper. Student attorneys were (beginning at left) David J. Dykhouse, Henry J. Price, Lynne A. Brouwer, and David Bynum.

## Case Club Argues "Sit In" Case

A lunch counter "sit in" case, which is now before the U. S. Supreme Court on certiorari to the Supreme Court of Georgia, was argued in the annual Case Club finals April 12.

Winners of this year's competition were respondents David J. Dykhouse, Charlotte, Mich., and Henry J. Price, Fort Wayne, Ind. Petitioners were Lynne A. Brouwer, Hinsdale, Ill., and David Bynum, Coffeyville, Kans. All four are juniors in the Law School, and had won four preliminary rounds of argument in order to enter the finals.

This year's Case Club competition began last spring with 300 freshman students participating in two rounds of argument. The top 32 students advanced to the Campbell Competition which held its first round last fall. Twelve students were then selected to enter the semi-finals and then four to go into the finals headed by the bench headed by Judge Wilbur K. Miller, of the District of Columbia Court of Appeals.

*The William W. Cook Room, on the ninth floor of the Legal Research Building, was seriously damaged by fire on March 20, as shown below. Furnishings of the room, including books, were scorched before the fire was put out by Ann Arbor firemen, and all the valuable editions were damaged by smoke. The Cook Room was the private study and library of William W. Cook, panelled and furnished as it was in his home. Mr. Cook gave the funds for the Law Quadrangle which bears his name, and the room is now used for seminars and small group meetings.*



## Landrum-Griffin Act Raises Many Problems Needing Interpretation

Many provisions of the Landrum-Griffin Act are unclear, and "literally dozens of important problems of interpretation arise. Years of administration and litigation will be required before the ambiguities are resolved."

This comment was made by Russell A. Smith, associate dean of the Law School and director of the U-M-Wayne State Institute of Labor and Industrial Relations, in an address at a Detroit conference arranged by the University's Bureau of Industrial Relations. The Bureau has since published the address and copies are available at 50 cents each. Dean Smith reviewed the major provisions of the Labor-Management Reporting and Disclosure Act of 1959, the various objectives of the regulations imposed by the act, and the problems which are arising in the administration of this legislation.

"The process of enforcement, insofar as it involves centralized governmental responsibility, is a tremendous task in a country as large as ours, and requires the dedicated and intelligent attention of an adequate staff of public servants," he said. "In my opinion, the Department of Labor has undertaken its new responsibilities on the whole with great skill and care."

The Landrum-Griffin Act is "aimed principally at unions, despite the impression of balance created by its title, and its major thrust appears to be against the kinds of union maladministration disclosed by the McClellan Committee," Dean Smith observed. Such legislative regulation "is a logical corollary and consequence of the original decision, taken by the unions and by government in 1935, to seek federal legislation to buttress union attempts to organize. If a group in our society elects to build its strength on the basis of federal grants of right, it must not be surprised if other groups, in turn, seek the aid of government in controlling the exercise of the powers thus attained or nurtured. The result is to inject the government increasingly into the labor-management relations picture."

"While legal standards of the kinds embodied in Titles I-VI of the 1959 Act are necessary in the pursuit of the legitimate aim of insuring union democracy and proper internal union relations," Dean Smith continued, "we should not blithely assume that the millenium will be reached even if there can be achieved substantially full and complete observance of the requirements of the law.

"The problem of effective internal democracy may be related more to the interest or apathy of the individual member than to the existence or absence of a 'right' to vote or to run for office. Moreover, however interested the individual may be, he encounters within the large union the fact of political life that the hierarchy in office normally want to remain in office and have some distinct advantages over any group which disagrees with their policies and may want to unseat them. These problems are not peculiar to unionism. They are characteristic of our political life generally."

Dean Smith also said he considered it unfortunate that Congress, in this Act, undertook a "piecemeal amendment of the Taft-Hartley Act. This and other federal labor relations legislation, including the Norris-LaGuardia Act and the Railway Labor Act, should be given a comprehensive re-examination. I am afraid that this process will now be delayed."

For the fourth year in a row, a U-M law student has been named to a U.S. Supreme Court clerkship. Six others will serve as federal court clerks, and one as a clerk to a state supreme court justice. James N. Adler, editor-in-chief of the *Law Review*, will be one of two clerks for Associate Justice Charles E. Whittaker of the Supreme Court.

## 79 Students Receive Academic Honors

Honor Awards were presented to 79 Law School students at the annual Honors Day banquet in the Lawyers Club on April 19.

Principal speaker at the banquet was Benjamin M. Quigg, Jr., J.D.'44, of Philadelphia. Mr. Quigg, who was himself an "honor student" as an editor of the *Law Review*, member of the Coif, and winner of the Henry M. Bates Award, is now a partner in the Philadelphia firm of Morgan, Lewis, and Bockius.

Students honored at the banquet included members of the Coif, editors of the *Law Review*, winners of various scholarship awards, and recipients of book awards given by Lawyers Co-operative Publishing Co. to students writing the best examination papers in a course and by the West Publishing Co. to students ranking at the top of their class. The honor students were:

*Order of the Coif*: Victor John Gibbons, Charlevoix; Alan Israel Epstein, Detroit; Robert Lyman Jillson, Detroit; Louis A. Kwiker, Detroit; Robert Marshall Steed, Grand Rapids; Eldon H. Olson, Kingsley; James J. Wood, Lansing; Kenneth Laing, Jr., Ortonville; Norton L. Steuben, South Haven; Cecil R. Mellin, Wyandotte; Lewis Vastine Stabler, Jr., Birmingham, Ala.; Louis Frey, Jr., Winter Park, Fla.; Stanley Alan Williams, Chicago, Ill.; Stanley Robert Zax, Chicago, Ill.; Henry Batterman Pearsall, Elgin, Ill.; Robert Louis McLaughlin, Flora, Ind.; Daniel Edwin Lewis, Jr., La Porte, Ind.; Clarold Lawrence Britton, Soldier, Iowa; James Norton Adler, Kansas City, Mo.; Clayton Rhoads Smalley, Kansas City, Mo.; James Arthur Hourihan, Elizabeth, N.J.; Roger W. Kapp, Forest Hills, N.Y.; Robert Liss Brooks, Utica, N.Y.; Alan Edwin Price, Cincinnati, O.; John Jacob Livingston, Tulsa, Okla.; John Lawrence Peschel, Salt Lake City, Utah; and James Ray Cripe, Janesville, Wis.

*Henry M. Bates Memorial Scholarships* (awarded to four most outstanding seniors, considering scholarship, personality, character, extracurricular activities): Robert Lyman Jillson, Detroit; William C. Griffith, Atlanta, Ga.; James Norton Adler, Kansas City, Mo.; and David G. Hill, Laurence, Mo.

Other students honored were: Thomas E. Kauper, Ann Arbor; George F. Gronewold, Jr., Battle Creek; Lloyd C. Fell, Cheboygan; Martin J. Adelman, Detroit; John A. Krsul, Detroit; Richard W. Odgers, Detroit; Thomas W. Chapman, Grand Blanc; John D. Vander Ploeg, Holland; Judd L. Bacon, Jackson; Vincent Leland Barker, Jr., Monroe; John W. Funk, Northville; Richard E. Clark, Pontiac; William G. Thursby, San Gabriel, Calif.; James DeWitt Knotter, Jr., Cheshire, Conn.; John J. Esposito, East Haven, Conn.; Robert E. Thorne, West Hartford, Conn.; David Finkleman, Golden Beach, Fla.; Richard A. Miller, Canton, Ill.; Dean L. Berry, Chicago, Ill.; Byron E. Bronston, Jr., Chicago; Stanford E. Gass, Chicago; Richard Allen Prince, Chicago; Joel Simon, Chicago; Charles E. Voltz, Chicago; Robert B. Wessling, Chicago; Barbara Burt, Evanston, Ill.; John E. Porter, Evanston, Ill.; Robert J. Paley, Highland Park, Ill.; James L. Stokes, Springfield, Ill.; Robert B. Nelson, Fort Wayne, Ind.; James J. White, Harlan, Iowa; Stuart S. Gunckel, Leawood, Mo.; David G. Davies, St. Louis, Mo.; Christopher Cobb, Crete, Neb.; James H. Quirk, Madison, N.J.; Alan C. Miller, Elmira, N.Y.; Erik J. Stapper, Scarsdale, N.Y.; Timothy F. Scanlon, Akron, O.; Jerry Fullmer, Alliance, O.; William D. Van Tilburg, Ashland, O.; Paul A. Hanke, Chardon, O.; Oliver E. Seikel, Cleveland, O.; John W. Palmer, Columbus, O.; Frederick H. Miller, Dayton, O.; Richard Oakley Ballentine, Springfield, O.; William Y. Webb, Villanova, Pa.; James B. Blanchard, Green Bay, Wis.; Donald A. Slichter, Milwaukee, Wis.

Five students were named *Law Review* associate editors for 1961-62: William R. Nicholas, Birmingham; Joseph J. Schneider, Grand Rapids; Walter R. Allan, Royal Oak; Amalya Lyle Kearsse, Vauxhall; Stephen Bard, Brooklyn, N.Y.

## U-M Legal Publications Doing Brisk Business

The office of Michigan Legal Publications reports that 1960 was a record-breaking year for them, both in number of books sold and amount of money received. Nearly 5,000 volumes were sold last year, compared with 2,853 in 1959, 2,038 in 1958, and only 1,143 in 1957.

From 1958 to the present, 26 books have been published by Michigan Legal Publications, including the two-volume work edited by Eric Stein and Thomas L. Nicholson, *American Enterprise and the European Common Market: A Legal Profile; Atoms and the Law*, by E. Blythe Stason, Samuel D. Estep, and William J. Pierce; *Fraud on the Widow's Share*, by William D. Macdonald; *Constitutional Uniformity and Equality in State Taxation*, by Wade J. Newhouse, Jr.; and *Legal Education at Michigan—1859-1959*, by Elizabeth Gaspar Brown in consultation with William Wirt Blume. Volume IV and revised second editions of Volumes I and II (prepared by Ulrich Drobnig) of the *Conflict of Laws: A Comparative Study*, by Ernst Rabel all appeared in the past three years. Two volumes of the Thomas M. Cooley Lecture Series were published in 1959 and 1960: *The Use of International Law*, by Philip C. Jessup, and *Law and Social Process in United States History*, by James Willard Hurst.

Just a year ago, the first of three books on conveyancing, published under auspices of the Law School and the Section of Real Property, Probate and Trust Law of the American Bar Association, appeared. *The Improvement of Conveyancing by Legislation, A Treatise with Model Acts*, was prepared by Lewis M. Simes assisted by Clarence B. Taylor. This book, like those mentioned above, is clothbound. *Model Title Standards*, also by Professor Simes and Mr. Taylor, and a *Handbook for More Efficient Conveyancing*, by Professor Simes, are paperbound. *Model Title Standards* appeared last November and the *Handbook* in April, 1961.

Since 1956 the proceedings of the Summer Institutes of the Law School have been published in paperbound, lithoprinted volumes. *Water Resources and the Law* (1958) included studies prepared by the Legislative Research Center as well as the contributions of the Summer Institute participants. The Center, which is headed by Prof. William J. Pierce, is now preparing a series of comprehensive studies of the legal problems of metropolitan areas. Four have already appeared and others are in preparation. Latest additions to this series, appearing in March of this year, were *Metropolitan Area Problems: The Role of the Federal Government*, by Theodore M. Hutchison, and *Planning and Zoning in the United States*, by Beverley J. Pooley. *The Evolution of British Planning Legislation*, by Beverley J. Pooley, and *Annexation: A Solution to the Metropolitan Area Problem*, by Frank S. Sengstock, appeared in 1960.

The Michigan Legal Publications office welcomes orders or requests for further information about these books. Write to Prof. William J. Pierce, Editor, Legal Research Building, The University of Michigan Law School, Ann Arbor.

### Broomfield Prize

Theodore J. St. Antoine, a 1954 graduate of the Law School, received the first place award of \$700 in the 1960 Broomfield Essay Competition.

This annual competition, awards for which are provided by a testamentary gift to the Law School, is open to all students and alumni of The University of Michigan. This year's topic was "Public Regulation of Private Discrimination Based on Race."

Second prize of \$500 went to William C. Griffith, a senior in the Law School, and the third prize of \$300 was awarded to Miss Elaine C. Hatfield, of Palo Alto, Calif., a 1959 graduate of the Literary College.





KENNEDY

KADISH

CRAMTON

### THREE APPOINTED TO LAW FACULTY

Three appointments to the faculty of the Law School, effective next September, were approved by the Regents at their March meeting. The appointees are Frank R. Kennedy, now at the University of Iowa; Sanford H. Kadish, now at Utah University Law School; and Roger C. Cramton, now at the University of Chicago.

Mr. Kennedy will be professor of law, teaching primarily in the field of creditor's rights and securities, giving the Law School leadership in this field which it has not had since the retirement of the late Professor Durfee. A native of Missouri, Professor Kennedy received his LL.B. degree from Washington University, St. Louis, and the J.S.D. degree from Yale. Widely recognized as an authority in the field of bankruptcy, he has been a member of the National Bankruptcy Conference since 1947, is currently serving as reporter for that group, and has been named reporter and a member of the U.S. Supreme Court's committee for procedural revision relating to bankruptcy.

As professor of law, Mr. Kadish will take over some of the work in conflict of laws formerly done by Prof. Hessel E. Yntema, now retired. He will also teach criminal law. Born in New York, Professor Kadish received his legal education at Columbia Law School and was in the private practice of law in New York prior to joining the Utah University law faculty in 1951. He was Fulbright Lecturer at the University of Melbourne, Australia, in 1957, and during the current year is visiting professor of law at Harvard. He was a public member of the Regional Wage Stabilization Board from 1951 to 1953, and in 1954 was named chairman of the F.M.C.S. Fact Finding Panel in the Atomic Energy dispute. He is co-author (with Professor Paulsen of Columbia Law School) of a casebook, *Criminal Law and the Social Order*, to be published this summer.

Mr. Cramton will serve as visiting associate professor of law, and will teach primarily in the field of administrative law—formerly taught by Dean Stason—and also in the areas of regulated industries and in civil procedure. A 1955 graduate of the University of Chicago Law School, Mr. Cramton served as law clerk to Judge Sterry R. Waterman, U.S. Circuit Court of Appeals for the Second Circuit, in 1955–56, and during the 1956–57 term as law clerk to Mr. Justice Harold H. Burton of the U.S. Supreme Court. In 1957 he joined the Chicago law faculty, and during the present year has been serving as assistant dean and chairman of the committee on graduate study. He is a member of the Committee on Administrative Law of the Association of American Law Schools, and has published three major articles since 1958 as well as a number of book reviews.

Associate Dean Russell A. Smith, whose appointment to the Presidential Railroad Commission was announced in December, has been designated as vice-chairman of the 15-member commission. Dean Smith is one of the five public members on the group, which is to recommend changes in the work practices and wage structure of American railroads.

## Continuing Education Program Growing Fast

A progress report on the first ten months of the Institute of Continuing Legal Education reveals plans for eleven new programs in calendar 1961 as well as repeats of several programs successfully given in recent months.

The Institute is co-sponsored by the law schools of The University of Michigan and Wayne State University and by the State Bar of Michigan. It offered its first program in April 1960 and has had a full-time director—E. Donald Shapiro—since last July.

Programs offered thus far include the Young Lawyers Seminar, given in Detroit and Ann Arbor; two medical-legal specialty courses; and the annual Advocacy Institute. The latter, held in Ann Arbor in February, had 845 lawyers in attendance for the program on "Effective Techniques on the Presentation of Evidence During Trial."

In coming months, the Institute will offer the medical-legal courses already developed in additional cities; will develop new courses in "Head, Neck and Back Injuries" and in "Psychiatry for Lawyers"; will offer a three-day program in "Probate and Tax Problems of Decedents' Estates" at Boyne Mountain Lodge, May 25–27; will expand the instruction given in the Young Lawyers Seminars; will give a refresher seminar in "Federal Trial and Appellate Procedure" in the Upper Peninsula this summer and later in the Lower Peninsula; and will develop specialty courses in "Estate Planning" and "Special Problems in Estate Planning."

Mr. Shapiro comments in his progress report that "the success of these programs has been due to many factors—the whole-hearted co-operation and encouragement given by the officers of the State Bar of Michigan; the unbelievable amount of time and effort generously expended on advisory councils by the representatives of the various sections of the State Bar and the local bar associations; the co-operation and advice advanced by the deans and faculties of the sponsoring law schools; and finally and most importantly, the indispensable enthusiasm of an enlightened bar, conscious of its obligations to the public which it serves."

### Dean Smith Meets Alumni, Coast-to-Coast

Dean Allan F. Smith has met with Law School alumni in cities from coast to coast in the past few months, reporting on Law School progress and inviting questions and suggestions from former students.

Alumni meetings which he has attended include a luncheon in Indianapolis during the mid-winter meeting of the Indiana Bar; a dinner in Philadelphia during the annual meeting of the Pennsylvania Bar Association; a luncheon in New York City in connection with the annual meeting of the New York State Bar Association; and a luncheon in Milwaukee during the winter meeting of the State Bar of Wisconsin.

In February, Dean Smith also visited on the West Coast, speaking at alumni meetings in San Francisco and Los Angeles. He visited the law schools at Stanford, Berkeley, and UCLA, meeting with faculty groups and discussing problems of legal education. In Los Angeles, a special meeting was arranged by alumni in order that Dean Smith might explain the Summer School for Lawyers to a group of partners in some of that city's leading law firms.

The dean was also the speaker at the annual "University Birthday Dinner" of the University of Michigan Club of Pittsburgh on March 21, and at a meeting of the Battle Creek Bar Association on March 28.

## Practice Court — A Practical Experience

by Robert Bolton, Senior Law Student  
and Clerk of the Practice Court

For a large percentage of law students, the practice of law is but a shadowy, unknown specter of the future. But for senior law students at the Michigan Law School, the course in Trials, Appeals and Practice Court brings the actual practice of law into sharp contrast with the everyday study of case materials.

The course, which begins in the Fall Semester, attempts to teach the student the theory of trial practice and to put theory to work in the actual trying of a case. Thirty class meetings during the first ten weeks of the semester give the student the foundation of trial theory and the law of the trial. Concurrently with this classwork, each student, working with a partner, puts theory learned in class to work as he begins the initial steps of preparing for trial, pleading, interviews, trial brief, etc.

Realism is preserved in the following manner: At the beginning of the Fall Semester, student volunteers from the undergraduate schools are shown a movie which depicts one of several fact situations available for the court—for example, an automobile accident. Each student is assigned a position in the movie portrayed by one of the actors, and for the purposes of the law suit to follow, each student assumes that he or she is the person on the screen. To lend further reality, each large group of undergraduates is divided into four groups, each of which sees a film of the accident taken from a different viewpoint.

Following the showing of the movies, which the law students do *not* see, each set of law partners is given the name of a client, and a jurisdiction for trial is chosen. Work on the case commences.

An unexpected shock greets the law students when interviewing clients and witnesses for the first time. Although all were "eye witnesses" to the accident, none has a clear idea of what really happened, and their impressions conflict greatly. Even witnesses who saw the accident from the same angle saw different things—"The car was going 15 mph," "The car was going 35," "The plaintiff looked," "The plaintiff did not look." The first lesson is learned—eye witnesses are not necessarily reliable. From this morass of testimony, from examinations of the scene, and from a study of the applicable law, the students attempt to find a basis for a valid cause of action and proper defenses.

Once a theory is decided on, all does not become peaches and cream. Pleadings have to be drawn in proper form. New problems are presented: The plaintiff is a minor; what about a guardian? Does contributory negligence have to be an affirmative de-

fense? How is discovery taken as to injuries? These are but a few of the problems to be faced by the novice trial lawyer.

Generally, procedural problems are met, recognized and solved without great traumatic effect, but at times oversight or mistake will lead the attorney into a position where a shrewd opponent has substantial grounds for a motion to dismiss or default. Faced with such a motion and with an adverse ruling from the court, attorneys are oftentimes forced to do extensive research to find proper grounds on which the motion can be set aside.

After the pleading stage and generally with just a week or two left before trial, counsel will once again see their witnesses. Often it is found that the three or four month gap between initial interview and trial has dimmed the facts in the witnesses' minds. Impressions which had been definite are now fuzzy, and those that were fuzzy are now gone.

In the weeks immediately prior to trial, the student is also faced with a multitude of questions of proper technique. What should you say in the opening statement? How can pictures of the accident scene be qualified for admissibility? What is the proper manner to impeach by prior statement?

Whether satisfactory solutions are reached or not, the day of trial arrives and there is no turning back; in whatever state of readiness counsel find themselves, they must go to court. The day of the trial is a tense day because things never done before and often never seen before are about to be attempted.

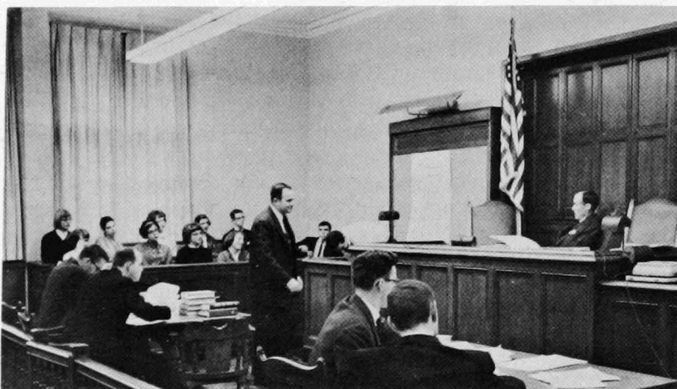
During the course of trial, hitherto unimagined questions, generally of a plain how-to-do-it nature, will arise. What questions properly lay a foundation for an exhibit? How do you refresh memory? When objections are overruled, must exception be taken? Often, for lack of the proper vehicle in which to ride over opponents' objections, valuable testimony fails to reach the jury.

Also during the course of the trial, lessons are learned firsthand, most often in a harsh manner. The doctrine of "don't ask a question on cross unless you know the answer" is brought home as an adverse witness makes a telling point for opponents because you asked one question too many.

Finally the trial ends and the judge, versed in the practicalities of trial practice, offers what often seems an all-too-candid critique. What was done well is complimented and analyzed, what was done poorly is pointed out with care. The jury also gets its turn at the attorneys, to tell what impressed them and what put them to sleep.

As the day draws to an end, the novice attorneys find themselves exhausted. For the first time, they realize that trial practice is hard, grueling work, demanding extensive preparation and constant alertness. The race goes to the diligent, resourceful attorneys; improper preparation and presentation, which are the products of irresponsibility, will force the most deserving clients to go uncompensated.

*This is a typical scene in the Law School's Practice Court, with student attorneys, jury, and witnesses. On the bench is Edmond F. DeVine, assistant professor of law.*



### SUMMER SCHOOL

Plans for the Second Special Summer School for Lawyers are now complete, and announcements of the program have been printed. Copies of the announcement and of the application form may be requested from Prof. Joseph R. Julin, 941 Legal Research Building, Ann Arbor.

Courses to be offered in the two-week School, June 19 through 30, are: Robinson-Patman Act—Price and Service Discriminations; Wills and Trusts—Selected Drafting and Construction Problems; Admiralty; Business Tax Planning; and Estate Planning.

# FACULTY NEWS NOTES

*Vera Bolgar*: An article, "The Magic of Property and Public Welfare," is published in English and Spanish in 2 *Inter-American Law Review* 283 (1960).

*Olin Browder*: An article was published in 35 *N.Y.U. Law Review* 1255 (Nov. 1960). He and *Richard Wellman* are co-authors of the new "Family Property Settlements" (T. and E. II).

*Hobart Coffey*: Spoke on "Family Law in Michigan—The Last Hundred Years" before the Grand Rapids Bar Association on March 1. Professor Coffey said that Michigan, though originally a leader in the field of family law, now has "most unsatisfactory" statutes because of legislative inaction and ineptitude. "The complete legal emancipation of married women in our state has not yet been accomplished," he commented.

*Roger Cunningham*: An article, "Control of Land Use in New Jersey," was published in *Rutgers Law Review*.

*Alfred Conard*: Spoke at Cleveland Bar Association's Institute on Foreign Trade in January on "Foreign Business Organization." In March, attended conference in San Francisco called to consider "The Wisdom of Establishing a California Automobile Accident Commission."

*B. J. George*: Is a member of the newly formed American National Chapter of the International Association of Penal Law. Has published book reviews in recent issues of *Michigan Law Review* and *American Journal of Comparative Law*.

*Charles Joiner*: Was the speaker at meetings of the Dayton, O., Bar Association on "Federal Rule Making" on April 3; the Phi Alpha Delta chapter of Toledo, O., on "Public Responsibility" on April 8; and the Negligence Section of the State Bar of Michigan, in Detroit, on pleading a products case, April 21.

*Spencer L. Kimball*: An article, "The Regulation of Insurance Marketing," appeared in 61 *Columbia Law Review*, 141-200 (1961).

*S. C. Oppenheim*: April issue of *Michigan Law Review* carries his article, "Harmonization of Section 5 of the FTC Act with the Sherman and Clayton Acts." Spoke on "Antitrust in the 1960 Decade" before the Michigan Patent Law Association, in Detroit in February, and on "Patents and Antitrust Law" before the Patent Lawyers Club of Washington, D.C., in April. Professor Oppenheim also spoke to the U-M Law Wives Club in March on "Unfair Competition Law and the Consumer," and reports that club members requested a list of suggested reading—"they want to keep up with their law husbands!"

*William J. Pierce*: Participated in the program of the Michigan Nucleonic Society, in Detroit in February, in the ABA mid-year meeting in Chicago, and in the mid-year meeting of the National Conference of Commissioners on Uniform State Laws, also in Chicago. In April, Professor Pierce spoke at meetings of Law School alumni in Wichita and Kansas City.

*Marcus L. Plant*: An article on intercollegiate athletics and the Western Conference, to which Professor Plant is Michigan's faculty representative, appeared in the January issue of the *Journal of Higher Education*. In April, Professor Plant spoke at a University alumni meeting in Midland, Mich.

*Alan Polasky*: Attended the meeting of the Council of the ABA Section on Real Property, Probate and Trust Law, held in Monterey, Calif., in March. On the same trip, Professor Polasky spoke to Law School alumni in San Francisco.

*John W. Reed*: Is serving as chairman of the Ann Arbor

Mayor's Advisory Committee on Unemployment and as chairman of a faculty committee on University Responsibility and Freedom.

*Russell A. Smith*: In January, spoke before the Industrial Relations Club of Detroit and also at a Detroit conference arranged by the U-M Bureau of Industrial Relations, discussing the Landrum-Griffin Act. In March, discussed the "Federal Law of Arbitration" before the Cleveland Bar Association.

*Eric Stein*: Articles on "Legal Remedies of Enterprises in the European Economic Community," published in 9 *American Journal of Comparative Law* (1960) 375-424 (with Peter Hay), and "Integration, Unification, Harmonization, and the Politics of the Possible: The Convention on 'European' Elections," in *XXth Century Comparative and Conflicts Law, Legal Essays in Honor of Hessel E. Yntema, 1961*. Professor Stein spoke at the Yale University Conference on International Law, in March, on "Legal Problems of Developing Regional Markets."

*Roy L. Steinheimer*: Attended the meeting of the Law School Admission Test Policy Committee, in Princeton, N.J., in January, and spoke to the Pre-Law Club of Toledo University.

*L. Hart Wright*: Was one of the principal speakers at an institute on "Practical Tax Planning" held in Lansing in March under sponsorship of the State Bar of Michigan.

*Hessel E. Yntema*: Articles published on "Legal Science and Natural Law Apropose of Viehweg, Topik und Jurisprudence," in *Inter-American Law Review*, Vol. II, No. 2, July-September 1960; and on "American Legal Realism in Retrospect," in *Vanderbilt Law Review*, Studies in Legal Philosophy, Vol. 14, No. 1, Dec. 1960. During the spring semester, Professor Yntema is serving as Legion Lex Distinguished Visiting Professor at the University of Southern California.

## Palmer Lectures At OSU on Mistake

"Mistake and Unjust Enrichment" was the general subject for three lectures which Prof. George E. Palmer gave early in April at the Ohio State University College of Law.

In classifying mistake, Professor Palmer said that two distinctions are of fundamental importance. One is "the difference between a mistake that causes the terms of a transaction to be in some respect different from what one or both parties intended, and a mistake that relates only to the reasons why the parties or one of them entered into the transaction." The second "concerns restitution of a value transferred that depends on the avoidance of some legal arrangement, as contrasted with restitution which does not require avoidance of any transaction except the transfer itself." The second distinction, Professor Palmer explained, is frequently obscured. As a consequence, there has been no clear perception of the important differences between mistake in the assumptions that led to the making of a bargain, and mistake in the performance of a bargain.

In his lectures, Professor Palmer also gave major attention to the avoidance of transactions for mistake in basic assumptions and to the distinction between unilateral and mutual mistake, a distinction deeply imbedded in English and American legal thought. Professor Palmer's conclusion is that "this distinction oversimplifies the complex problems of mistake, it is frequently misleading, and for many purposes it is irrelevant."



## LAW CLUB HAS DISTINGUISHED VISITORS

An outstanding series of speakers has been presented in the Lawyers Club this spring under arrangements made by the speakers' committee of the Student Bar Association.

In "after dinner" sessions in the Lawyers Club, the students have had an opportunity to hear and to question the following: Wilfred Malenbaum, professor of economics at the University of Pennsylvania, on "Socialist and Capitalist Economic Systems"; L. Hart Wright, professor in the Law School, on "Conservative and Liberal Economics: A Layman's Appraisal"; Bernard Bechoefer, former member of the U. S. Delegation to the Disarmament Negotiations in New York and London, now in private practice in Washington, on "Negotiating with the Russians on Disarmament"; Samuel Shapiro, professor of history at the University of California, on "The Ideological Struggle"; Senator Bourke Hickenlooper, of Iowa, and Lyman M. Tondel, Jr., New York City lawyer, in a discussion of the Connally Reservation; and H. J. Gram, partner in the Detroit office of Touche, Ross, Bailey and Smart, on "Public Accounting as a Career."

Others whom the SBA speakers' committee has announced for dates later in the semester include Russell Kirk, Owen Lattimore, and Senator Frank Lausche.

A seminar on Soviet law is being given in the Law School for the first time, taught by Whitmore Gray, assistant professor of law, assisted by Dr. Kazimierz Grzybowski, this year's Sunderland Senior Research Fellow. Being used in the course is *The Soviet Civil Law Code*, published by the Law School in 1948. Dr. Grzybowski, who has been a judge and law teacher in Poland, has since 1951 been editor of the Mid-European Law Project in the Library of Congress.

## LEGAL NEWS REPORTED ON UNIVERSITY STATION

A five-minute "spot" on the Tuesday evening news broadcast of WUOM, the University's FM station, is being devoted to a commentary on legal matters related to daily news events. The commentator is Prof. Joseph R. Julin of the Law School.

"Law in the News" is heard each Tuesday at 5:30 over WUOM. The program has been made available by the University to other Michigan stations for re-broadcast, and is presently also being heard over stations in Detroit, Lansing, and Hillsdale.

The range of topics discussed is broad, varying from a background report on the *Everson* case—cited by President Kennedy in his news conference as standing for the proposition that certain aid to parochial schools is unconstitutional—to an explanation of the legal process used by U. S. immigration officers to prevent Ingemar Jöhanesson from leaving the country after his loss to Floyd Patterson.

Professor Julin plans commentaries also on such topics as the Adolf Eichmann trial, unusual will construction cases, and the place of the Soviet court in the life of the average Russian citizen.

### *Cooley Lecturer Named*

The 1961 Thomas M. Cooley Lectures of the Michigan Law School will be given next October by Dr. H. W. R. Wade, of Trinity College, Cambridge, England.

Dr. Wade's topic for the series of five lectures will be "Anglo-American Dilemmas in Administrative Law." Dates for the lectures are Oct. 18, 19, 23, 24 and 25.

Member of the commission which is working on a new constitution for Uganda, in Africa, Dr. Wade is the author of books on real property law and administrative law.

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