

THE UNIVERSITY OF MICHIGAN

Law Quadrangle Notes

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UNIV. OF MICH.

VOL. 6 NO. 1

NOVEMBER 1961

Law School's Fall Enrollment up to 957

Law School enrollment in September hit its highest mark since the fall of 1950, when the School was still in the midst of the post-World War II boom. There are 957 students this semester, an increase of 35 over enrollment a year ago.

There is little reason to think that the problem of accommodating this large group will decrease in the foreseeable future, Assistant Dean Roy Proffitt has commented. The freshman class was again large—380 compared to 387 a year ago. The Law School admissions office handled 1,172 applications for admission to the Law School this year, as compared to 1,027 last year. This 14 per cent jump in the number of applications is in line with the experience of other schools throughout the country.

This year's 957 total includes 22 women students. The Michigan Law School continues to be a truly national and international school, drawing students from many states and countries.

Though enrollment is still below the all-time peak of 1,107 in 1947, pressure for classroom space and faculty offices is high. The School is offering a more complex course of study than in the 1940's with much emphasis upon seminar teaching. The resulting increase in faculty and in the number of classes creates a heavy demand for space.

MAILING LIST REVISIONS

Since the last issue of *Law Quadrangle Notes*, the Law School has reorganized its mailing list in order to send this publication to the business addresses of its alumni. If the address at which you receive this issue of the *Notes* is not your office address (or conversely, if you prefer to receive this publication at home), we will appreciate your notifying us of your wishes in the matter. Your help in keeping our mailing list up to date at all times is invited.

Send changes of address or inquiries about this publication to *Law Quadrangle Notes*, 918 Legal Research Building, The University of Michigan, Ann Arbor.

National Committee Named for 1961 Law Fund Drive

Appointment of a 35-member National Committee and plans for an initial solicitation of alumni before the end of 1961 have been announced for the Law School Fund.

This annual giving program is headed by Herbert E. Wilson, of Indianapolis, as chairman, with Joseph C. Hooper, of Ann Arbor, as vice-chairman. A planning session in October resulted in the decision to proceed during November with a canvass of all alumni. All former students of the Law School will be reached in person or by mail during an intensive three-week effort, Mr. Wilson has said.

It is hoped, he emphasized, that this year's effort will establish an annual giving pattern among alumni which can be continued regularly in coming years. Members of the National Committee are particularly eager to secure broad participation in the Fund this year.

In announcing these first plans, Mr. Wilson also pointed out that no alumnus who has given to the general University Alumni Fund in 1961, with his gift earmarked for the Law School, will be solicited again this year. The Law School Fund has been established in full co-operation with the Alumni Association, the Development Council, and the general Alumni Fund.

"We believe that many alumni have a special interest in supporting and aiding their law school," Mr. Wilson has commented. "A law school graduate will give to further the efforts of his professional school because of his special interest in the legal profession and the administration of justice. He knows what his law school is doing to improve the profession and to clarify and improve the law. The nation's law schools provide a unique service, and we believe that many lawyers prefer to support this service by direct contributions to their own school."

Members of the national committee include, in addition to Chairman Wilson and Vice-Chairman Hooper, the following: George Diethelm, New York City; John H. Pickering, Washington, D. C.; Robert R. Snodgrass, Atlanta, Ga.; Thomas V. Koykka, Cleveland; Benton E. Gates, Columbia City, Ind.; James A. Sprowl, Chicago; Carl E. Enggas, Kansas City, Mo.; Morrison Shafroth, Denver, Colo.; William A. C. Roethke, Los Angeles, Calif.; Emmett E. Eagan, Detroit; Robert N. Sawyer, Monroe, Mich.; Edward C. McCobb, Grand Rapids, Mich.;

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National Committee—

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Judge Cyrus N. Tavares, Honolulu, Hawaii; Alan W. Boyd, Indianapolis, Ind.; Judge James R. Breakey, Jr., Ann Arbor; Judge John R. Brown, Houston, Tex.; Chester J. Byrns, Benton Harbor, Mich.; Robert J. Clendenin, Monmouth, Ill.; Robert E. Cowden, Jr., Dayton, O.; Lyle D. Holcomb, Miami, Fla.; Sam Ford Massie, Jr., Grand Rapids, Mich.; Benjamin M. Quigg, Jr., Philadelphia, Pa.; John S. Tennant, New York City; Philip F. Westbrook, Jr., Los Angeles, Calif.; and Charles G. Williamson, Jr., Washington, D.C.

Serving as *ex officio* members of the national committee are Dean Allan F. Smith, Associate Dean Charles W. Joiner, Professor Richard V. Wellman, Professor John W. Reed, and Ralph Carson, of New York City. The Development Council, Alumni Fund, and Alumni Association of the University each also designate a representative to participate in the work of the committee.

Alumni who have agreed to assist, as regional or local chairmen, with this fall's solicitation, are: George Diethelm, New York City; John Macrides, Stamford, Conn.; Charles Allen, Portland, Me.; Arthur A. Greene, Jr., Manchester, N. H.; William Bain, Buffalo, N. Y.; Ralph Carson, New York City; John S. Tennant, New York City; Edward Watson, Providence, R. I.; John Pickering, Washington, D. C.; Charles Williamson, Washington, D. C.; John P. Daley, Wilmington, Dela.; Clyde Morris, Baltimore, Md.; John R. Heher, Trenton, N. J.; Thomas V. Jardine, Newark, N. J.; Wallace Bernstein, Patterson, N. J.

Wendell Smith, Camden, N. J.; Benjamin Quigg, Jr., Philadelphia, Pa.; Lee Snyder, Philadelphia, Pa.; William H. Lowery, Philadelphia, Pa.; William W. Knox, Erie, Pa.; William J. Shockloss, Wilkes Barre, Pa.; Paul E. Clousen, Harrisburg, Pa.; Henry A. Bergstrom, Pittsburgh, Pa.; Harry Pincus, Jr., Norfolk, Va.; Charles D. Bell, Wellsburg, W. Va.; Robert R. Snodgrass, Atlanta, Ga.; John H. Morrow, Birmingham, Ala.; Lyle Holcomb, Miami, Fla.; Horace S. Haworth, High Point, N. C.; Edward D. Buckley, Charleston, S. C.; Thomas V. Koykka, Cleveland, O.; Hollis P. Allan, Akron, O.; William E. Hamaker, Canton, O.

Paul B. Campbell, Cleveland, O.; John C. Elam, Columbus, O.; Charles P. Henderson, Youngstown, O.; Malcolm A. Basinger, Lima, O.; Robert G. Day, Warren, O.; Robert C. Acton, Springfield, O.; Earl F. Boxell, Toledo, O.; Benton E. Gates, Columbia City, Ind.; Robert Y. Keegan, Ft. Wayne, Ind.; Milton Roth, Gary, Ind.; Alan W. Boyd, Indianapolis, Ind.; Roland Obenchain, Jr., South Bend, Ind.; George T. Schilling, Lafayette, Ind.; Earl G. De Fur, Muncie, Ind.; Paul S. Mendenhall, Richmond, Ind.; Herbert E. Wilson, Indianapolis, Ind.; James Sprowl, Chicago, Ill.; Stanley Zax, Chicago, Ill.

Robert J. Clendennin, Peoria, Ill.; Carl Enggas, Kansas City, Mo.; William Z. Proctor, Des Moines, Ia.; Howard A. Crawford, Kansas City, Mo.; John R. Swenson, Omaha, Nebr.; Richard H. Wills, Jr., Tulsa, Okla.; Blaine Rudolph, Canton, S. Dak.; Martin Browning, Milwaukee, Wisc.; Morrison Shafroth, Denver, Colo.; Robert A. May, Tucson, Ariz.; Morris Reulen, Denver, Colo.; Willis C. Moffatt, Boise, Ida.; Arthur F. Lamey, Billings, Mont.; H. Cleveland Hall, Great Falls, Mont.; Calvin M. Souther, Portland, Ore.; William A. C. Roethke, Los Angeles, Calif.; Philip Westbrook, Los Angeles, Calif.

Clark Higgeness, Long Beach, Calif.; Willard J. Stone, Pasadena, Calif.; Edward J. Ruff, San Francisco, Calif.; Howard Nemerovski, San Francisco, Calif.; George Tobias, Santa Ana, Calif.; Edward W. Schramm, Santa Barbara, Calif.; Cyrus N. Tavares, Honolulu, Hawaii; Robert Sawyer, Monroe, Mich.; Franklin Forsythe, Ann Arbor, Mich.; William Wumkes, Flint, Mich.; William A. Groening, Jr., Midland, Mich.; Richard C. Elconin, Monroe, Mich.; George C. Steeh, Mt. Clemens, Mich.; Norman Des Jardins, Owosso, Mich.; Edward P. Barrett, Pontiac, Mich.; Stanley Schee, Port Huron, Mich.

From the Dean . . .

The research product of the Law School faculty is always a source of vicarious pride for the dean. Rarely does a week go by but that an article, a book, or a monograph appears in print from one of our staff. In the last month, I have enjoyed particularly receiving in the mail some evidence of the broad reach which good writing can have.



DEAN SMITH

From the Research Institute of Life Insurance Welfare, Osaka, Japan, came a letter to Prof. Spencer Kimball about his recent book, and I quote a portion of it: "Associate Professor R. Iwasaki of Kagawa University read your *Insurance and Public Policy* published . . . last year, your article *The Regulation of Insurance Marketing* in the *Columbia Law Review*, February, 1961 . . .

He was much impressed with your functional treatment of the problem. He wants, therefore, to read all of your writings, and it may be an impudent request but we should be glad if you would kindly send us any off-prints of your articles which you published in a magazine or elsewhere.

"We believe the *Insurance and Public Policy* and *The Regulation of Insurance Marketing* are very excellent works, which will be instructive and interesting not only to the learned world but also to insurance circles in Japan, and so we want to translate into Japanese. We beseech you for permission to translate and please let us know how to get the translation rights."

From the *Revue Internationale de Droit Comparé* came a review of *American Enterprise in the European Common Market*, edited by Prof. Eric Stein, with contributions by Profs. Stein, L. Hart Wright, and Alfred Conard. Two excerpts are quoted:

"The significant work published by the Law School of The University of Michigan . . . is addressed principally to lawyers; its first aim is to give information to American practitioners who are called on more and more frequently to advise enterprises desiring to do business with the six of Europe; but the authors wish also to stimulate the interest of the academic world in order to orient comparative research toward new and fertile fields. In so doing, the Law School of The University of Michigan remains true to its tradition as American pioneer of comparative law . . .

"The utility of such a work for legal counsellors to American enterprises cannot be doubted. But it must also be affirmed that European readers will benefit greatly therefrom, as much for a more complete knowledge of the law of the European Economic Community as for the study, indirectly, of American law. And from the point of view of methodology, they will also find there a model of concrete application of the law to a fixed problem."

When products have impact like this, they must be kept on the market. I hope our alumni can share with me the vicarious pride in Michigan's productivity.

—Allan F. Smith
Dean

William Barens, Ypsilanti, Mich.; Edward McCobb, Grand Rapids, Mich.; Leo Hoffman-Allegan, Mich.; Chester J. Byrns, Benton Harbor, Mich.; William Worth, Battle Creek, Mich.; George R. Thornton, East Lansing, Mich.; John L. Wierengs, Grand Rapids, Mich.; Peter S. Boter, Holland, Mich.; James A. Robb, Howell, Mich.; John S. Denton, Jackson, Mich.; Roger Kidston, Kalamazoo, Mich.; Hazen J. Hatch, Marshall, Mich.; Byron Gallagher, Mt. Pleasant, Mich.; Martin S. Breighner, Petoskey, Mich.; Harry Calcutt, Traverse City, Mich.; Emmett E. Eagen, Detroit, Mich.; Steven Uzelak, Detroit, Mich.

Lawyers Club Is Reorganized

A reorganization of the Lawyers Club, with the primary aim of broadening participation by both student and alumni members, has been approved and is now being effected by student, faculty, and alumni committees.

Principal changes are in the direction of increasing membership and of eliminating duplication and overlapping among previously existing organizations. The newly constituted Lawyers Club includes all law students (previously, only residents of the two Quadrangle dormitories were members); all alumni (previously, only practicing lawyers who requested membership and paid an annual fee of \$10 had membership); and a group of honorary members, including judges of the Michigan Supreme Court and others.

No fee will be charged alumni members, but all students will pay a semester fee of \$5.00.

The reorganization of the Lawyers Club is another step in the program of improving alumni-student-faculty relationships and activities, as announced in the August issue of *Law Quadrangle Notes*. The annual giving program which is to be conducted among alumni is also a part of this program.

The Board of Governors of the Lawyers Club is retained under the new plan, with additional responsibilities besides those of setting policies for the two buildings. Alumni committees on placement and communications are to be appointed, as is a visitors' committee. The latter will consist of alumni who will visit the Law School at least once a year to confer with faculty and students and will make recommendations to the School for the continuing improvement of its programs and services to legal education and to the bar.

For students, the new organization replaces two previous groups—the old Lawyers Club, including only residents of the two dormitories, and the former Student Bar Association. There was, of course, considerable overlap of membership between these two. The new Lawyers Club has retained SBA's affiliation with the American Law Student Association. It is headed by a 13-member board of directors, including president, vice-president, secretary, treasurer, seven board members, and two ex-officio members from the Lawyers Club Board of Governors. The Club will continue the traditional programs of lectures and discussions sponsored in past years by the Lawyers Club as well as such former SBA activities as publication of *Res Gestae* and the Law School yearbook, field trips, and social events. Since all law students are now members of the Lawyers Club, all will be able to participate in these activities, whether resident in the Quadrangle or not.

"We believe this reorganization will give the alumnus of the Law School readier access to his school and that it will greatly benefit the School itself by facilitating interchange of views among faculty, students, and alumni," Prof. John Reed, secretary of the Board of Governors, has commented. "We hope it will help us to do a better job of keeping in touch with our former students, and that they in turn will help us to obtain good students and to place graduates. For the students themselves, we believe participation in the Lawyers Club helps to develop a sense of professional responsibility which they will later demonstrate in bar association and other professional activities."

Law on the Air

"Law in the News," a radio commentary conducted by Prof. Joseph R. Julin and originally broadcast by the University of Michigan FM station, WUOM, is now being broadcast by 15 other stations in Michigan. The program is also distributed through the facilities of the National Association of Educational Broadcasters to some 75 member stations throughout the country.

Jerold Israel Joins Law Faculty

Jerold H. Israel joined the faculty in September as assistant professor of law, coming to Ann Arbor from Washington, D.C., where for the past two years he has been law clerk to Justice Potter Stewart of the U. S. Supreme Court.

A native of Cleveland, O., Mr. Israel earned degrees at Western Reserve University and Yale Law School, receiving his LL.B. from the latter in 1959. He was an editor of the *Yale Law Journal*, was elected to the Order of the Coif, and received the Peres prize for excellence in his writing on the *Journal*. During the summer of 1958, he served as legal assistant to the Connecticut Commission to Revise the Corporation Code.

Mr. Israel is teaching constitutional law and will also handle some of the procedure courses for the Law School.

Bishop Lectures at Hague Academy

Prof. William W. Bishop, Jr., gave a series of lectures on "Reservations to Treaties" in August at the Hague Academy of International Law. He represented the United States on the Academy's faculty this summer as the Carnegie Endowment lecturer.

Except for the World War II years, the Hague Academy has brought together each year since 1923 several hundred advanced students of international law from all parts of the world. The lectures given are published subsequently in the Academy's *Recueil des cours*.

There is usually one American among the 15 or so lecturers presented each summer. The late Prof. E. D. Dickinson of the Michigan Law School was the American lecturer at the Hague Academy in 1932, while the late Profs. J. S. Reeves and Lawrence Preuss, of Michigan's political science faculty, were lecturers there in 1923 and 1949 respectively.

5 Instructors Named for 1961-62

Each year four or five young lawyers receive faculty appointments as instructors to teach three required courses for first- and second-year students. The courses are under the supervision of Profs. Joseph R. Julin and Robert J. Harris.

The course given for first-year students is an introductory one in civil procedure, intended to aid freshmen in their first semester in Law School in understanding the opinions in their casebooks. The second and third courses are for second-year students, each offering one hour's credit. In the first semester course, each student is given a fairly complex fact situation, set in a particular state, and he prepares a legal memorandum on it. The problems require a fair degree of analytic skill as well as some research and writing ability. The second semester course involves three or four drafting problems, such as an amendment to a statute, a will, a contract, and a lease.

In each of these courses, teaching is done in part by class lectures and in part on a tutorial basis. The freshman program is conducted in seminar-sized classes.

Instructors, who are named on one-year appointments for this special assignment, are: Thomas L. Jones, from the University of Kentucky; William H. Lewis, University of Michigan Law School; William D. C. Poulton, Oxford University; G. Miles Shillingford, Oxford University; and James D. Wall, Ford University Law School.

KAUPER ON CONSTITUTIONAL LAW

Five lectures on current developments in constitutional law were a feature of the Law School's Special Summer School for Lawyers last June. The lecturer was Prof. Paul G. Kauper, widely recognized authority in this field.



PROF. KAUPER

Topics for the individual lectures were "Civil Liberties: The Role of the Federal Government," "State Action: A Flexible Concept," "Obscenity and Censorship: Protecting the Public Morals," "Government and Religion: The Wall of Separation," and "Freedom of Association: The First Amendment and the Balance of Interest." Professor Kauper's lectures will be published by the University of Michigan Press in 1962.

Civil Liberties

Congress should use its powers to encourage compliance with the 1954 Supreme Court school integration decision, Professor Kauper said, rather than leaving the entire burden of enforcement to the courts.

The task of enforcement assumed by the courts has resulted in widespread use of the federal equity powers, in many ways similar to the earlier use of injunctions and restraining orders in labor disputes prior to passage of the Norris-LaGuardia Act.

"To place the great burden of enforcing the desegregation decree upon the courts is to make too great a demand on one organ of government," he said. "More rapid progress might be made if Congress authorized the use of more flexible devices and arrangements, as it has done in the case of voting privileges. It may be questioned whether over the long run the desegregation decree, any more than the right to vote without discrimination, will be carried forward effectively without administrative devices for implementing the court's decree . . ."

State Action

State enforcement of trespassing laws against lunch counter "sit-in" demonstrators may have a firm constitutional basis, Professor Kauper said in his second lecture.

Under the 14th Amendment, he said, states cannot (1) pass laws barring Negroes from certain kinds of business establishments, or (2) overlook obvious racial discrimination by privately-owned firms which by state law are open to the public. But where state statutes or common law do not give a person the right to enter a business establishment and obtain service, "it becomes much more difficult to find that enforcement of a trespassing law denies an individual the right to equal protection under the laws." In such cases, he added, state courts must strike a balance between property rights and personal rights.

Protecting Public Morals

Accepted moral values within a community ultimately determine whether or not a book is obscene. Under two key U.S. Supreme Court decisions (the *Roth* and *Alberts* cases), obscene publications are defined as those which incite "prurient thought."

"Obscenity is determined by reference to the whole book," Prof. Kauper added. "Its content is shaped by the normal adult consensus of the community. In the end, whether a book is obscene is determined by the dominant moral sense or taste of the community, as seen by a judge or jury."

"If people do not care to have obscenity legislation, their

efforts should be directed towards its repeal," he said. "Obscenity laws may be ill-conceived or inadequate to achieve the purpose of protecting public morals. But it is not the business of the courts to condemn as unconstitutional legislation they may regard as unwise or ineffective."

Government and Religion

Federal aid for parochial school construction probably would be upheld as constitutional by the U. S. Supreme Court, Professor Kauper declared. From a constitutional standpoint, he said, "Congress may, in my opinion, grant some assistance to these schools as part of a program of spending for the general welfare, so long as the funds are so limited and their expenditure so directed as to not be a direct subsidy for religious teaching."

Professor Kauper emphasized that this question should not be confused with the merits of federal aid to education as a matter of public policy, for "questions of policy are to be debated and argued in the public forum and in the legislative halls and not be obscured by invocation of constitutional absolutes."

Kauper also sharply criticized those who maintain there is a "high wall" of separation between church and state. Historically, he contended, such a sharp barrier simply does not exist.

In a wide variety of rulings—most recently in the Sunday store closing cases—the Supreme Court has held that government action serving a valid public purpose, based on civil and secular considerations, shall not be struck down simply because it operates simultaneously to promote religious interests, either in general or for a particular group.

The First Amendment

Individual freedom of speech concerning political matters should carry great weight in any judicial balancing of First Amendment freedoms against conflicting public interests, Professor Kauper believes.

Discussing the question of whether recent Supreme Court decisions dealing with Communists have undermined or devitalized the First Amendment, Professor Kauper said: "I do not believe this can be said of the recent decision upholding the registration requirement of the Internal Security Act. The public interest in requiring public identification of a party that is controlled by a foreign government, and which has as its objective the establishment by conspiratorial, revolutionary methods a Soviet-type dictatorship is clear. The impact on freedom of political discussion is secondary and indirect.

"For the same reasons, I can see no serious objection to the study and examination by a Congressional committee of Communist propaganda and methods used by the Communist Party in promoting its objectives. Likewise, it seems that a substantial public interest warrants inquiry into Communist affiliations of public employees or of persons seeking admission to the bar . . .

"More difficulty is raised by decisions upholding the power of a Congressional committee to require a witness to disclose Communist affiliation. Conceding the power of Congress to investigate Communism, it does not necessarily follow that a committee should be allowed to force a man to disclose or deny Communist affiliation at a public hearing. This can too easily be converted into a public trial aimed at exposure . . .

"The interpretations of the Smith Act relating to (individual) conspiracy and knowing membership (in the Communist Party) present difficulties, too . . . Even if it is demonstrated that Communists have by their speech incited to future conduct, it should remain open to judicial inquiry whether the danger presented in an individual case is of sufficient magnitude to warrant punishment under a criminal law."

Tax Seminar Scheduled Dec. 1-2

The First Annual Tax Seminar, arranged by the Institute of Continuing Legal Education, will be held at the Rackham Lecture Hall, on the University campus, Dec. 1 and 2. The two-day course will cover the preparation of federal tax returns and the handling of tax cases. Registrants will receive a special edition of the book, *Handling Federal Tax Litigation*.

The Institute is a co-operative enterprise of the University of Michigan and Wayne State University Law Schools and the State Bar of Michigan.

Another major program now being planned by the Institute is the Thirteenth Annual Advocacy Institute, to be held in Ann Arbor next Feb. 2 and 3. Trial experts will discuss evidentiary problems, and lawyers attending the Institute will receive *Basic Problems of Evidence* by Morgan.

To register or to obtain information about any of these programs, please write to E. Donald Shapiro, Director, Institute of Continuing Legal Education, 432 Hutchins Hall, Ann Arbor.

Wright To Study Europe's Tax Law

Prof. L. Hart Wright will be on sabbatical leave of absence during the second semester in order to conduct research in Europe on procedures designed to secure uniform compliance with complex tax laws. He has received a Ford Foundation grant for this purpose—one of only nine grants in international and comparative law given by the Ford Foundation for 1961-62.

Professor Wright has done considerable work in this field already, being the author of a monograph on tax problems of American industry in the European Common Market, and has also been engaged for several years in studies of the means used by the U. S. federal government to secure uniform compliance.

"Fallout" Damage Claims Hard to Establish

Chances are extremely slim for individual victims of radioactive fallout to claim legal indemnity for damages suffered, according to Prof. Samuel D. Estep.

Interviewed by Prof. Joseph R. Julin in the radio program, "Law in the News," Professor Estep added that a nation engaged in nuclear tests in the atmosphere might possibly be sued by another nation for damages suffered by the latter's citizens.

Professor Estep is co-author of *Atoms and the Law*, published by the Law School. He explained that man is normally exposed to a wide assortment of radiations caused by cosmic rays, peacetime nuclear industry, and various other sources. Thus, any legal action for damages caused by radiation must be able to identify the specific radioactive source responsible for the illness or injury. So far, no practical means has been developed for such identification.

Grant Aids Research

The Walter E. Meyer Research Institute of Law, New Haven, Conn., has made a grant of \$34,500 to The University of Michigan for continuation of a study now underway on the economic consequences of automobile accidents in Michigan.

The study is being directed by Prof. Alfred Conard, of the Law School, and Prof. James Morgan, of the University's Survey Research Center. To date, information has been secured from a sample of 2,800 persons involved in major and minor auto accidents in the state.



The 1961 Summer School for Lawyers brought 63 practicing attorneys to the Law Quadrangle for the two-week intensive program.

Summer School For Lawyers Attended by 63

Sixty-three "students" attended the second Summer School for Lawyers held in the Law Quadrangle last June 19-30. Of this group, 47 were lawyers in private practice, 13 were corporate counsel, one was in government service, and two were law teachers.

Five courses were given, each taught by a member of the Law School faculty and each consisting of 20 classroom hours plus outside reading. Participants in the special school were encouraged to use the excellent facilities of the Law Library in connection with their courses. A special feature was the series of five lectures on constitutional law given by Prof. Paul G. Kauper and reported elsewhere in this issue of the *Notes*.

Eighteen states were represented in the enrollment, from Alaska to South Carolina, with 21 coming from Michigan.

The visiting lawyers were housed in the John P. Cook Dormitory of the Law Quadrangle, and meals were served in the Lawyers Club.

The Law School faculty is now considering a proposal for a third summer school for lawyers, to be held in 1962.

EURATOM Lawyer At Law School

Dr. Peter Mathijsen, a member of the legal department of EURATOM and author of a comprehensive study of the European Coal and Steel Community, is studying and lecturing at the Michigan Law School this fall.

Dr. Mathijsen is participating in Prof. Eric Stein's seminar on international legal problems and is working on American atomic energy law with Prof. Samuel D. Estep. He is also to participate in briefing sessions with officials of the Atomic Energy Commission in Washington, D.C.

ABA Honors U-M Television

The American Bar Association presented one of its Gavel Awards to the University of Michigan Television Center for its 10-part program series *The Blessings of Liberty*.

The award was presented Aug. 10 at the ABA convention in St. Louis and the University was one of three recipients of 1961 Gavels in the field of television.

The Blessings of Liberty series was an examination of the first ten amendments to the Constitution. It was cited because it "underscores the oft-forgotten fact that the Bill of Rights is a vibrant, living force that affects us all each day." Several members of the Law School faculty participated in the programs.

The programs have been broadcast so far by 18 television stations, five of them in Michigan.

Faculty News Notes

William W. Bishop, Jr.—Was recently elected an "associé" of the Institut de droit international. Founded in 1873, the Institut chooses its members for pre-eminence in international law, both public and private, and carries on extensive work toward the re-statement and codification of various fields of international law. Election to membership in the Institut, particularly of non-Europeans, is regarded as a high recognition by fellow-workers in the international law sphere. Professor Bishop also gave the annual memorial "Edge of Knowledge" lecture at the Plymouth, Mich., High School in September, on "Foreign Affairs—For Everyone."

A. F. Conard—Served as editor of the proceedings of the British-Canadian-American Conference on Legal Education, published in 14 *Journal of Legal Education* (Fall 1961), pp. 1-173.

Frank E. Cooper—Has been named chairman-elect of the section of administrative law, ABA. In August, he addressed the Conference of Commissioners on Uniform State Laws concerning the application of rules of evidence in proceedings before state administrative agencies. He prepared the survey of Michigan administrative law for the annual Michigan law survey issue of the *Wayne Law Review*.

Roger C. Cramton—In August, delivered a paper to a joint session of the Antitrust Law and Public Utility Law Sections of the ABA, in St. Louis. A paper entitled "Diversification in the Regulated Industries—the Folklore of Regulation" was published in 68 *Public Utilities Fortnightly* 456 (1961). Mr. Cramton has been appointed Reporter to the Committee on Rulemaking of the Administrative Conference of the United States.

Edmond F. DeVine—Has been appointed as a member of the American Bar Foundation Special Committee on Rights of the Mentally Ill and as a trustee of the Michigan State Bar Crime Prevention Center.

B. F. George, Jr.—Spent the summer in Japan on a translation project, and attended the Congress of the International Association of Penal Law as a member of the American delegation. Mr. George served as reporter for one of the sessions of the conference on Disparity in Sentencing, held by judges of the Sixth, Seventh and Eighth Federal Circuits, Oct. 13-14. With Roy Proffitt and Edmond Devine, Mr. George is author of *Rules and Cases on Criminal Procedure*, published by Overbeck (1961).

Robert J. Harris—Conducted a seminar session for labor union officials on "Civil Rights" at a Labor-Management Relations Institute at Michigan State University during the summer.

W. B. Harvey—Is currently working on a book on the developing legal institutions of Ghana, tentatively titled *The Legal Processes of Social Change*. In the June issue of the *Michigan Law Review*, Mr. Harvey reviewed *The Rule of Law in a Free Society: A Report on the International Congress of Jurists*. Early in October, he participated in a meeting in Chicago of the Organizing Committee of the Inter-University Program for Cooperation in African Legal Education and Research. Later in the month, Mr. Harvey was in Washington for the meeting of a planning group convened by the American Society of International Law to discuss the development of a program of studies of the international legal problems of federations.

Charles Joiner—Meetings have kept Dean Joiner traveling in recent months. In May, he attended the American Law Institute, in Washington, and the Advisory Committee on Civil Rules. In June, he participated in meetings of alumni in Des Moines, Iowa, and St. Louis, Mo., and in the Trial Judges Conference, in Chicago; in July, he attended the Upper Peninsula Bar Association meeting and the Products' Liability meeting in Battle Creek. In August, Dean Joiner attended the ABA meeting in St. Louis, and in September, went to Washington for another meeting of the Advisory Commission on Civil Rules and to the Judicial Conference, held in Dearborn.

Joseph R. Julin—Has been re-appointed chairman of the Committee on Significant Real Property Decisions, of the Real Property, Probate and Trust Law Section of the ABA. Mr. Julin has also been elected a member of the nine-man Council of the Probate and Trust Law Section of the State Bar of Michigan. He participated with Professors Pierce and Joiner in a special half-hour radio discussion concerning the powers of Michigan's constitutional convention, prior to the convention's opening.

Sanford H. Kadish—Is author of "The Advocate and the Expert—Counsel in the Peno-Correctional Process," in 45 *Minnesota Law Review* 803 (1961). This is part of this journal's symposium issue on Right to Counsel. Mr. Kadish spoke on "Legal Norm and Discretion in the Police and Sentencing Processes" at the Spring 1961 meeting of the Harvard Law Faculty's Legal Philosophy Club.

Paul G. Kauper—In addition to lectures reported elsewhere in this issue of the *Notes*, Professor Kauper spoke on "Constitutionality of Federal Aid to Private Colleges" at the Oct. 7 meeting of the Association of Lutheran College Faculties, in Decorah, Iowa. He prepared a monograph, "The State Constitution: Its Nature and Purpose," which was published and distributed by the Citizens Research Council of Michigan for use in the Michigan Constitutional Convention, now in session. Mr. Kauper also lectured on "Nationalization of Rights" as part of the University's Summer Session series of lectures in observance of the Civil War Centennial.

Frank R. Kennedy—Spoke on "Perfection of Security Instruments under the Uniform Acts" and participated in a panel at a Legal Institute on Bankruptcy and Debtor Rehabilitation, Southwestern Legal Center, Dallas, Tex., in June. In October, Mr. Kennedy attended the annual meeting of the National Bankruptcy Conference in Washington, D.C., reporting as chairman of the Conference's Drafting Committee and serving on its Executive Committee. In the same month, he also attended a meeting of the Advisory Committee on Bankruptcy Rules serving the Judicial Conference of the United States. He is a reporter for the Advisory Committee. Mr. Kennedy reviewed Fins' *Federal Jurisdiction and Procedure* in 35 *Tulane L. Rev.* 851 (June 1961).

Spencer L. Kimball—"Insurance and the Evolution of Public Policy," an address to a symposium of the American Institute for Property and Liability Underwriters, Inc., in Philadelphia last June, has been printed in *Best's Insurance News*, Fire and Casualty edition, July and August 1961, and substantially reproduced in *The National Underwriter*, Fire and Casualty Edition, Sept. 8, 1961. "Problems of Insurance Regulation" was Mr. Kimball's topic for a speech to the National Association of Attorneys General, in New York City, June 13, on a panel dealing with insurance regulation. A transcript of the panel was specially reproduced and circulated by the Council of State Governments. Mr. Kimball taught the second half of the summer session at the University of Utah College of Law.

R. L. Knauss—June 19 to Aug. 31 was spent in Washington, D.C., as visiting professor at the Center for Advanced Study of the Brookings Institution. Mr. Knauss was working on a study of the government's control of contracts and contract terms as a method of regulation of business.

S. C. Oppenheim—Was moderator of a panel discussion on Research Studies of the Patent, Trademark and Copyright Foundation, George Washington University (Mr. Oppenheim is advisor on research of the Foundation and this was a public conference held in Washington, D.C., June 1961). Mr. Oppenheim also spoke before the Michigan State Bar Section of Antitrust Law at its September meeting. He has been elected chairman of the Section of Antitrust Law, ABA; has been appointed to the Advisory Board, Bureau of National Affairs Antitrust and Trade Regulation Reporter; appointed to the Board of Advice of

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Westinghouse Electric Corporation; and named consultant to the Michigan Attorney General on consumer protection laws.

William J. Pierce—Prepared two papers in the Michigan Constitutional Convention Studies series, one on "Constitutional Convention Powers" and the other "A Prepared Manual of Organization and Procedure for a State Constitutional Convention." In recent months, Mr. Pierce has spoken before the State of Indiana Joint Engineering Council on "State Atomic Energy Program;" to the Michigan Education Association on "Preparing for the Michigan Constitutional Convention;" and to the Probate and Trust Law Section of the State Bar of Michigan on "Current Developments—Probate and Trust Law." In July, he participated in the meetings of the National Conference of Commissioners on Uniform State Laws, in St. Louis. Mr. Pierce has been re-appointed to the executive committee of this Conference.

Marcus L. Plant—In early November, presented a discussion of "Legal Problems of the Medical Audit" at an institute, in Ann Arbor, sponsored by the Commission on Professional and Hospital Activities.

Alan N. Polasky—In August, Mr. Polasky attended the meetings of the Council of the ABA Section on Real Property, Probate and Trust Law. In recent months, he has participated in programs of the University of Miami annual tax institute and the Miami Estate Planning Council, discussing the disposition of life insurance and employee benefits, the valuation of a closely-held business, and federal taxation of life estates and annuities; has discussed wills and estate planning for a postgraduate course arranged by the U-M Dental School; has lectured at the American Bankers Association's National Trust School, in Evanston, Ill., on estate planning; and participated in an estate planning institute of the Midland, Mich., Bar.

Roy L. Proffitt—In August, attended the Practicing Law Institute's course, "Defending Criminal Cases," in New York City. In November, Mr. Proffitt spoke to alumni gathered at the Nebraska State Bar Association meeting, in Omaha. Together with Professors George and DeVine, he has edited the second edition of *Statutes, Rules and Cases on Criminal Procedure*.

John W. Reed—During the summer, was appointed chairman of the University Study Committee on Student Affairs, which is evaluating the University's philosophy of its responsibilities to students outside the classroom and studying reorganization of the Office of Student Affairs.

Allan F. Smith—Met with alumni in Kansas City, Mo.; Colorado Springs, Colo., and Grosse Pointe, Mich., in September and October. In September, he participated in a panel discussion in Denver on "The Implications of an Expanding Universe for a Free Society and the Rule of Law."

Russell A. Smith—Was speaker and panelist at the 8th Annual Institute on Labor Law, held in Dallas, Tex., Nov. 2-4. The topic was "The Question of 'Arbitrability'—The Role of the Arbitrator and the Court."

Roy L. Steinheimer, Jr.—Is continuing his work on the Uniform Commercial Code. He is the author of "Effect of Uniform Commercial Code on Michigan Sales Law," 40 *Mich. State Bar Journal* 12 (May 1961) and of "Secured Transactions Under the Uniform Commercial Code" in the August issue of the same journal. He discussed the Code before the Toledo Bar Association in October, and also spoke to the Toledo University Pre-Law Club. Mr. Steinheimer presented the report of the Michigan State Bar Committee on the Uniform Commercial Code, recommending adoption in Michigan, at the State Bar meeting in September. The report was approved. Mr. Steinheimer is also serving as a member of the Executive Committee of the Law School Admission Test Policy Council this year.

L. Hart Wright—In addition to activities reported elsewhere

Joiner Aids Con-Con Work

Charles W. Joiner, Associate Dean of the Law School, served during the summer as associate director of the Constitutional Convention Preparatory Commission. This Commission was appointed by the Governor and in turn engaged a staff headed by William H. Combs, as director, with Alfred H. Kelly and Dean Joiner as associate directors.

Reporting on its work on Oct. 3, the opening date of Michigan's Constitutional Convention, the Commission staff indicated preparation of the following materials: Studies and reports on issues and problems before the Convention (there were 18 of these); suggested rules for the convention; proposed convention staff organization with job descriptions and suggested salary scale; bibliography; workbook on the constitution; annotated constitution; convention library. The staff group also prepared suggestions or gathered information for the convention on such matters as printing, reporting service, consultants, personnel policies, and a documentary film.

Cooley Lecturer Talks Of Administrative Justice

Wielding power in the area of administrative law without forgetting justice is a problem which every government "must face if it believes in democracy and in the rule of law," Prof. H. W. R. Wade, of Oxford University, England, declared in opening the 1961 Cooley Lectures at the Law School.

Professor Wade gave five lectures on the general theme, "Towards Administrative Justice," during October. The lectures will be published by the Law School.

"The essence (of administrative justice) is that executive power should be exercised in a way that public opinion will accept as being fair and reasonable," he said. The justice of administrative law sometimes falters, however, because of failure to recognize certain basic principles of law.

It is in this area of legal principles, Professor Wade said, that "lawyers, with their fondness for firm rules, can give a lead." The most valuable service that administrative lawyers can render "is to point out which of the numerous rules of legal procedure are sufficiently universal to apply equally to administrative acts. This requires as full an understanding of administration as of law, for it must always be a question of judgment how far the rule can be adapted to the needs of the case."

Wright Appointed

Prof. L. Hart Wright, of the Law School, is one of 12 tax authorities recently named to an advisory group to Mortimer M. Caplin, U. S. Commissioner of Internal Revenue. According to Caplin, the group will be asked to suggest ways his agency can improve its services to taxpayers, and will also provide the IRS with opinions on a variety of technical problems in the administration of tax laws.

in this issue, Mr. Wright served as moderator for the Tax Section's program at the State Bar meeting in September, and has been appointed vice-chairman of the Research Sub-Committee of the Tax Section of the ABA. He has also recently been named co-director of a Federal Tax Procedure Project being jointly sponsored by the American Bar Foundation and the Brookings Institution.

Kauper Lectures At Heidelberg

Prof. Paul G. Kauper was invited to discuss the theory and practice of American judicial review at the Max Planck Institute for Public and International Law, in Heidelberg, Germany, this past summer. His lecture was part of a colloquium on judicial review attended by judges, law teachers, and lawyers from 15 countries, and will be published by the Institute.

The U. S. Supreme Court in the last quarter century has done its "most telling work" in keeping state laws within constitutional limits and subordinate to national interests, Professor Kauper declared. It has functioned less effectively in restraining the federal government—especially Congress—from enlarging its power at the expense of the states.

"Any real and effective limitations on the further extension of federal authority, particularly in the regulation of commerce and in the exercise of the taxing and spending powers, must depend on the self-restraint of Congress," he said. "This, in turn, is influenced by political considerations and the dominant trends in public opinion. It also depends on how effectively the states exercise their powers in meeting important public needs.

"So far as Constitutional rights are concerned, the Court's most effective work has been in the protection of procedural safeguards, notably those relating to the protection of accused persons, and in the enforcement of the Constitutional guarantee of equal protection of the laws, especially in race relations.

"The Court, through the use of the judicial process, has assumed vigorous leadership in combating law-sanctioned racial discrimination, including time-honored segregation practices," Professor Kauper continued.

The real battle at present is over the Court's role respecting freedom of speech and freedom of the press, he added. "The battle

Bequest Establishes Law Scholarship Fund

The University of Michigan has received a bequest of \$200,000 to establish a scholarship fund for students in the Law School.

The bequest was made in the will of Gilbert H. Montague, a long-time friend of the Law School. It establishes the Amy Angell Collier Montague and James Burrill Angell Law Scholarship Fund, income from which is to be used to provide scholarships for law students. The gift was made in memory of Mr. Montague's wife, Amy Angell Collier Montague, a niece of James Burrill Angell, president of the University from 1871 to 1909.

Overseas Fellowship Is Awarded

A fellowship for overseas study has been awarded by the Law School as part of its program of International and Comparative Legal Studies.

Recipient of the fellowship is Robert L. Jillson, of Detroit, a 1961 graduate of the Law School who ranked second in his class. The fellowship was awarded by the School in cooperation with the Paris law firm of Lepaulle and Jeantet. Jillson will spend half his time in studies at the University of Paris and the Center of Comparative Law and will work half-time with the French law firm.

within the Court on this issue will probably continue to be, for some years, the liveliest and most controversial aspect of its review of constitutional issues."

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*Vol. 6, No. 1
Published quarterly for alumni
and friends of the University
of Michigan Law School. Ad-
dress communications to Law
Quadrangle Notes, 918 Legal
Research Building, Ann Arbor,
Michigan.*