

Law Quadrangle Notes

FEB 19 1963

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From the Dean . . .

The teaching of law, like the practice, grows more complicated as our society grows more complex. For at least a generation it has been conceded that no student, in the course of his three-year study program, can be exposed to the full body of law. Further, it is conceded that a substantial part of the teaching must be directed toward the development of skills, as distinct from information, which are needed for the practice of law. Finally, there is substantial agreement that the law teacher must also impart to his students in some measure a sense of responsibility for nurturing and developing those societal institutions which will preserve the freedom of the individual and produce the values, both moral and material, which society establishes.



DEAN SMITH

To achieve these ends in proper balance is no easy task. It requires a continuing process of selecting that subject matter which is essential. It requires a continuing reevaluation of teaching techniques. It requires a continuing reassessment of the functioning of our institutions and the values postulated for achievement. It requires the attention of both the individual teacher as he deals with the area of his specialization and the educational institution as it deals with the total impact of the three-year program.

Because the educational process is as much a "seamless web" as is the law itself, it is perhaps unwise to lay stress upon any segment. Nevertheless, there are two items which may be noted which are of current interest. The first relates to new techniques of teaching which are developing rapidly in other areas.

"Programmed learning" has proved remarkably effective in some areas of education. Whether the techniques can be effectively adapted to legal education is not known. If they can help exploit the capacity of our students for self-instruction

(continued on page 2)

Law School Fund Receives \$86,000

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Law school alumni have contributed more than \$86,000 to the 1962 Law Fund Campaign, reports Associate Dean Charles W. Joiner.

"Measured by any standards, the alumni of the University of Michigan Law School can be proud of the results of the 1962 Law Fund Campaign," Dean Joiner said in making a tentative final report on the campaign. He said the total is "an increase of 70 per cent over last year's amount."

"The number of contributors increased 48 per cent, with almost 1,800 contributors to the fund," he added.

Dean Joiner expressed the appreciation of the faculty to all who contributed to the fund and especially to the hundreds of the School's graduates who worked with the campaign.

Herbert E. Wilson of Indianapolis was chairman of the National committee for the 1962 Law School Fund.

Assistant Dean Roy F. Proffitt emphasized that substantial sums collected in 1962 have already been used for loan purposes to assist students to obtain a legal education.

The final annual fund report will be made soon, Dean Joiner said. The National Committee of the Law School Fund will meet in March to make plans for 1963.

Faculty Attend AALS Meeting

The Law School was represented by 24 members of the faculty at the annual meeting of the American Association of Law Schools in Chicago on December 28-30.

A number of those attending participated as members of panels and roundtables at the three-day meeting. Faculty representatives included: F. A. Allen, O. L. Browder, W. W. Bishop, Jr., A. F. Conard, Roger Cramton, R. A. Cunningham, Samuel Estep, Paul Kauper, George Palmer, J. R. Pearce, W. J. Pierce, Marcus Plant, John Reed, A. S. Watson, R. V. Wellman.

Whitmore Gray, Robert Harris, Charles Joiner, Joseph Julin, Sanford Kadish, Frank Kennedy, Spencer Kimball, A. F. Smith, and L. Hart Wright.

**“Criminal Law Reform in England”
Is Topic of Cooley Lectures
By Professor D. Seaborne Davies**

Professor D. Seaborne Davies, Dean of the Faculty of Law of the University of Liverpool delivered the 1962 Thomas M. Cooley lectures at the Law School. Professor Davies examined “Criminal Law Reform in England” in a series of five lectures.



PROFESSOR DAVIES

The Cooley Lecture series annually honors the memory of one of the first three members of the faculty of the Law School, who served on the Michigan Supreme Court from 1864 to 1885 and became dean of the Law School in 1871.

In his opening lecture, Professor Davies noted that the mood for reform of criminal law in England is greater today than at any time in the past 80 years. He said this mood extends not only to reform of the aspects of the administration of justice, but also “to the rules of law themselves as they define particular offenses.”

He described the efforts of the standing committee on Criminal Law Revision, of which he is a member, and noted it is faced with the task “of trying to bring order and coherence into the vast mass of different offenses relating to the fraudulent misappropriation of the property of others.”

In his second lecture, Professor Davies turned to the effect of the reform mood in legal circles on administrative machinery. He said there is an inquiring mood in England that may lead to a single full-time appellate court rather than the present two-tiered structure which has evolved under the British system.

He noted that a dual system of appeal was established when more serious crimes were tried before a judge and jury, while less serious offenses were summarily disposed of in the lowest magisterial courts.

England’s Homicide Act of 1957 was a political compromise aimed at placating those who advocated the abolition of capital punishment and those who did not, Professor Davies declared in his third lecture.

The act, “in fact but not in name, divided murders into two categories—the capital and the non-capital,” he said. “The act created some extreme anomalies,” he went on, “but there is no present likelihood of an amendment for some years.” It is a ‘hot’ subject which no government would willingly introduce, particularly before a general election.”

Over the course of a thousand years there has been built up the present jungle of the law of fraud in England. “In the present official criminal statistics it requires some 70 headings to cover this particular part of the law,” Professor Davies said.

To get the fraud law “back to order and relative simplicity,” he declared in his fourth lecture, would require “a re-start with a basic definition that recognized that the cardinal feature was the deprivation of the owner of his property and not a host of incidental matters.”

**Guest Lecturers Speak
At Lawyers Club Sessions**

A series of lectures sponsored by the Lawyers Club has presented speakers on topics ranging from the issues of state apportionment to the advantages of small town practice.

During October, Theodore Sachs, a 1951 graduate of the Law School, discussed the Michigan reapportionment case, *Scholle v. Hare*, which he is presenting before the United States Supreme Court. Mr. Sachs explained his contention in the case, which centers around basing apportionment upon population rather than political units.

Other lecturers in the series included Raymond Dresser of Sturgis, Mich., past president of the Michigan Bar Association, and Arthur B. Caldwell of the trial staff of the civil rights division of the Justice Department.

Mr. Dresser discussed small town practice, pointing out the advantages to ambitious young beginners in smaller communities where lawyers are often in great demand. He described the financial outlook in smaller cities and outlined the situation in his own community.

Mr. Caldwell discussed the judicial process of protecting civil rights, indicating the problems facing the Justice Department in the field, including the scarcity of criminal statutes under which to prosecute, the frequent disparity between the social status of offenders and that of the victims, the failure of many to report violations either because of ignorance of their rights or because of intimidation, and the county administration of election laws that necessitates county-by-county action to end discrimination.

From the Dean . . .

(continued from page 1)

tion in areas where the mere acquisition of information is a major goal, it might well save valuable classroom time for other matters. A new Center for Research on Learning and Teaching at The University of Michigan will help us explore these developments to determine their utility for the Law School.

A second matter relates to the size of classes in legal education. Traditionally, we are accustomed to large classes, and I am sure that much of the legal training can be accomplished in this way. I am equally sure that the “inspirational” aspects of teaching—the intangible impact which the great scholar has upon his students—can best be accomplished when the association is more personal. We strive, therefore, to be sure that a significant portion of the law students’ education is carried on in relatively small groups. The need for improving balance in this regard is more manpower, and the new year brings promise of such improvement. We want you to know of our concern for maintaining an educational program which includes maximum opportunity for student development.

In his concluding lecture, Professor Davies said the laws governing fraudulent offenses in England constitute a “complex mass” which has gone beyond manageable proportions.

He cited objectives that must be sought for reform of these laws, including the development of a formula to comprise as many as possible of the differing offenses, resting on the basic notion of the illegality of the fraudulent misappropriation of the property of another.



The Committee of Visitors: First row, seated left to right, J. Don Lawrence, Ypsilanti; Clayton F. Jennings, Lansing; Carl E. Enggas, Kansas City, Mo.; Ronald M. Ryan, Battle Creek; Ralph M. Carson, New York City; Hazen J. Hatch, Marshall; J. Edward Hutchinson, Fennville; Thomas V. Koykka, Cleveland; A. H. Aymond, Jr., Jackson; William D. Gowans, Detroit. Second row, Stephen H. Clink, Muskegon; H. Winston Hathaway, Muskegon; Samuel G. Wellman, Cleveland; David R. Macdonald, Chicago; John S. Tennant, New York City; George A. Spater, New York City; Benton E. Gates, Columbia City, Ind.; Ira M. Price, II, Los Angeles; Paul R. Trigg, Detroit; Benjamin M. Quigg, Jr., Philadelphia. Third row, Glenn M. Coulter, Detroit; Alan R. Kidston, Chicago; Edward C. McCobb, Grand Rapids; Harry Gault, Flint; William F. Kenney, New York City; John H. Pickering, Washington, D.C.; Allan Diefenbach, Akron, Ohio; Edgar M. Morsman, Omaha, Neb.; Henry Bergstrom, Pittsburgh; Allen C. Holmes, Cleveland; W. A. Groening, Jr., Midland; Harvey W. Clark, Spokane, Wash. Fourth row, Donald L. Quaipe, Dearborn; N. Michael Plaut, Keene, N.H.; Donald Melhorn, Toledo, Ohio.

Committee of Visitors Holds First Meeting

Members of the Committee of Visitors met for the first time at the Law School on November 9 for three days of meetings with faculty members, class visits, and reviews of reports from various parts of the school.

Praising the efforts of the committee, which is composed of lawyers from throughout Michigan as well as from points as distant as New York and California, Associate Dean Charles W. Joiner noted, "We found the discussions with the Committee were very rewarding and were gratified at the interest shown in the Law School's problems by the group."

Dean Joiner supervised arrangements for the committee sessions. "This is the first time in its history that the Law School has invited such an examination," he said. "We hope to make it an annual event."

Committee members were appointed by Harlan Hatcher, president of the University, on nomination by the Lawyers Club. Serving as chairman was Ralph Carson of New York, who is also president of the Lawyers Club.

The committee has prepared a report, including suggestions and recommendations, that will be presented to President Hatcher. The report will also be printed in the next issue of *Law Quadrangle Notes*.

The Law School completed one year of successful operation of a closed-circuit television link with the Washtenaw County Circuit Court in January. The television system, first of its kind in American legal education, is considered an adjunct of the courtroom. The presiding judge has jurisdiction over the television transmission.

Placement Office Seeks Positions for Graduates

Fifty-five of the 244 third-year students registered with the Law School's placement office had accepted offers for employment by Jan. 7, according to Professor R. V. Wellman, faculty placement officer.

In addition, nine seniors had accepted grants or fellowships for study in Europe after graduation and 24 juniors reported accepting summer clerkships with law firms or other employers. These figures represented only placement reported to the office, Professor Wellman said. The actual number probably is higher, he added.

He said about 275 students will be graduated in February, June, and August of 1963. Although many face military service, a large number plan to volunteer for six-month reserve programs, Professor Wellman said, adding that negotiations with them now might be wise. He suggested the period between the opening of the spring semester in late January and the beginning of the spring recess on April 6, as one of the best times for interviews.

In addition to graduating students, there are many second-year students still seeking summer clerkships.

Adolph A. Berle Is Cook Lecturer

Adolph A. Berle of Columbia University, former assistant secretary of state and ambassador to Brazil, delivered the 12th series of William W. Cook Lectures on American Institutions at the University on February 11-14.

Professor Berle discussed "The American Economic Republic" in the four lectures, which are provided for by the William W. Cook Foundation. Mr. Cook, an 1882 graduate of the Law School, established the foundation before his death to perpetuate his devotion to American institutions.

ON CHARTING A COURSE THROUGH THE MATHEMATICAL QUAGMIRE: THE FUTURE OF *BAKER v. CARR*

Jerold Israel*

The Tennessee apportionment case, *Baker v. Carr*, though it was hailed as a decisive step forward, still faces an uncertain future. From a legal standpoint, this future hinges on the as yet unanswered question of what constitutes invalid apportionment.

Justice Frankfurter, dissenting in *Baker*, said that in determining what is invalid apportionment the court would enter a mathematical quagmire. The Court, however, steered clear of this difficulty in its decision. It did not lay down any specific standards as guidelines in determining when apportionment denies equal protection guaranteed under the 14th amendment.

The court did not even find that the Tennessee apportionment was unconstitutional; it said only that the federal court could hear the case. With respect to standards, the court indicated only that the usual equal protection standards traditionally applied under the 14th amendment would be applicable here. That is, that discrimination in apportionment would be permitted if based upon a "rational classification" but not if it were invidious, *i.e.* arbitrary and capricious.

Practical Equality

Lower courts, and most commentators, have tended to follow one of two standards in determining when classification becomes invidious. One of these may be called practical equality of individual representation. This is based on the idea that every man should have not only the same number of votes, namely one, but that the weight of each vote should be the same. This is obviously not the case where the number of people needed to elect a representative in different districts is different, for example a case in which district A contains 10,000 voters and district B contains 20,000. The ideal would be districts containing equal numbers of voters.

Courts and commentators advocating a practical equality standard accept this ideal as the theoretical goal required by the 14th amendment but recognize that the goal may be a practical impossibility. To have each district contain the same population would necessitate districts drawn in conflict with natural boundaries or population centers. Proponents of practical equality recognize this problem and require districts equal in population only so far as practical.

A differential of 25 per cent often will be justified as practical under this standard and the variation may at times be allowed to climb as high as 100 per cent, especially in states like Michigan which prohibit districts that cut across county lines.

The leading judicial support for this standard has come

from the Michigan decision in *Scholle v. Hare*, but here, too, a question exists as to whether the court actually adopted the standard, which has been advanced more often by commentators than by courts.

The practical equality standard has been criticized on the ground that it is inconsistent with the analogy of our federal system, in which the Senate has nothing near practical equality of population in each voting district, *i.e.* state. Supporters of the standard argue that the federal analogy is inaccurate since the states created the federal government while the political subdivisions of the states were created by the states themselves.

Though the argument based on the supposed historical sanctity of the federal system has flourished, it is suggested that perhaps entirely too much emphasis has been placed on rigid adherence to the federal model, rather than on the concept behind that model—that some factors other than population can reasonably be considered as a basis for apportioning election districts. Most of the courts which have rejected the practical equality standard have, in fact, done so without relying upon the federal precedent as such.

Rational Deviations

Most courts have accepted a second standard—that of "practical equality with rational deviations." This standard accepts per capita equality of representation as the basic goal, but it suggests that certain "rational departures" from the goal may be permitted if they are not "too exreme."

These rational departures include representation based on such non-population factors as "the claims of historically separate units such as towns and counties to have equal representation, the desirability of distributing political power geographically, the need to prevent a single large city or two from dominating the state, and, possibly, the share of the state's costs borne by various election districts."

The rational basis for these factors, recognized by many courts, is the thesis that special political security must be granted to certain minority groups, particularly the inhabitants of more remote and sparsely settled sections. Consideration of these factors reasonably may be deemed by a legislature as necessary "to achieve the ideal of a government which maintains a responsiveness to the will of its constituency as a whole, without a loss of responsiveness to lesser voices, reflecting smaller bodies of opinion, in areas that constitute their own legitimate concern."

A major difficulty of the rational deviations test as applied by the courts is in determining how far the reliance upon non-population factors will be permitted to carry one from a standard of population equality. Some courts have suggested that one house of a bicameral legislature may be based upon representation by non-population factors. Another has suggested that non-population factors may be used in both houses, but representation according to population must be the most significant factor in each. Still an-

* Mr. Israel is assistant professor of law at The University of Michigan. The material on these pages is a digest, with Professor Israel's assistance, of an article in 61 Michigan Law Review (Nov. 1962). A few copies of the Review are available at \$2 from Michigan Law Review, Hutchins Hall, Ann Arbor.

other suggestion is that one house must be apportioned strictly according to population while the other must be apportioned primarily on the basis of population with other factors such as equal representation of political subdivisions relegated to an insubstantial position.

Most courts have failed to offer explanation of why they chose one "outer-limit" for reliance upon non-population factors rather than another, and those few that have tried an explanation have not been entirely clear.

Many courts have justified their conclusions by little more than a reference to the phrase "invidious discrimination" as though that phrase had in itself some intrinsic quantitative meaning. Typical is the comment of the Supreme Court of Rhode Island (*Sweeney v. Notte*, 183 A.2d 296, 301—R.I. 1962):

"The attorney general contends, and petitioners concede, that apportionment along geographical, county, municipal or urban versus rural lines does not necessarily constitute a denial of equal protection if the rationale of such methods can be justified. We are in full accord with such contention, but it is equally true that historical recourse to such apportionment formulae cannot be justified if it results in invidious discrimination. The dilution of the vote of a majority of electors to one fourth of that enjoyed by others is, in our opinion, so unjust as to be invidiously discriminatory."

Why the four-to-one ratio was suggested rather than a five-to-one, or three-to-one ratio remains hidden within the judgement of the court.

The 14th Amendment

Judicial discussions of what considerations are relevant in determining the maximum inequality of representation permissible under the rational deviations standard point up what is probably the basic flaw in that standard and, for that matter, in a practical equality standard as well. The major question, then, is whether either is the proper standard under the 14th amendment.

It should be noted that the 14th amendment does not bar all discrimination, only that without reasonable basis. Ordinarily the courts will find that discrimination is justified if it has behind it some policy relating to a legitimate objective. In instances where the court has found a definite program of variant legislative treatment of persons or groups of persons according to some *relevant* difference in their composition, the discrimination has been upheld.

Certainly representation according to political subdivisions, geographical regions, or functional division in the population, both economic and demographic, is generally the product of a reasoned policy or program based upon actual differences in the interests represented. Therefore such a program cannot be deemed irrational unless it is for some reason inconsistent with the basic objectives of our form of government. Such an inconsistency can be found only in the thesis that our form of government is limited to that of a popular democracy. To reach this conclusion, however, one must necessarily consider the constitutional clause that governs the form of state governments.

Article 4, section 4 of the Constitution guarantees to each state a "republican form of government." If reasoned, non-population bases for apportioning state legislatures are considered "irrational," it is only because the concept of republican form of government, possibly as supplemented

by historical practice and other parts of the Constitution, requires a representative democracy based upon complete political equality of the individual.

That this is the key to the position requiring primary emphasis on numerical equality of representation is clearly illustrated by the fact that most of the courts which have attempted to justify that position have emphasized that it was an attribute of the republican government guarantee. The argument advanced was that republican government requires a popular democracy, which in turn presupposes an equality of the individual and his voting power and that any non-population basis of apportionment is therefore inconsistent with our form of government.

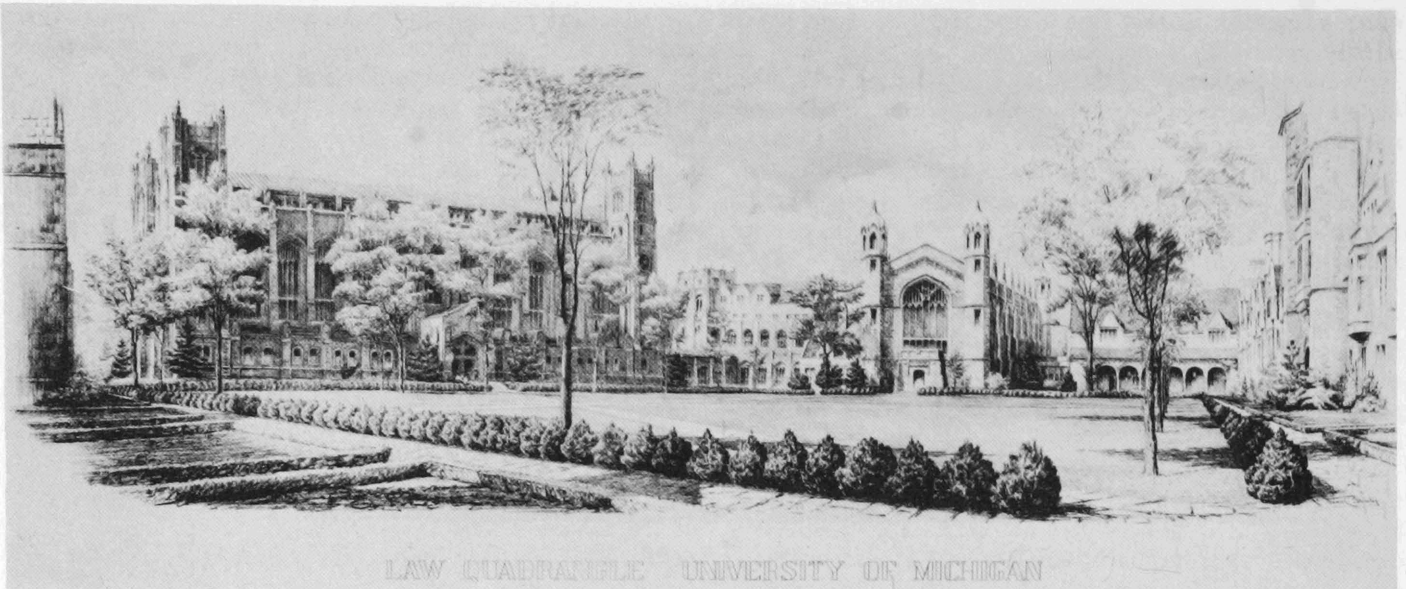
The Supreme Court, however, has consistently refused to interpret Article 4, section 4, on the ground that it is a clause which only the other (political) branches of government can interpret. The court has refused an interpretation of the nature of representative democracy in terms of the distribution of power among the populace or, phrased differently, to what degree the majority must control the government through either the legislative representatives or some other governmental device.

If Article 4, Section 4, is foreclosed from consideration, then all that the equal protection clause *in itself* can require from a state is that the state apportionment have some policy, some program; and when a state apportionment is based on some reasoned program, it must be upheld even if that program gives primary consideration to factors other than strict population.

Even under this more limited view of *Baker v. Carr*, many state apportionments are probably unconstitutional. As an example, there are states like Tennessee where the legislature has failed to reapportion in the last 50 years, in spite of a state constitutional provision requiring reapportionment every ten years solely on the basis of population. In such cases, as Justice Clark suggested with respect to Tennessee in the *Baker* case, the apportionment scheme is that of a "crazy quilt," with no rational pattern. In these cases the court cannot presume, as it does typically in equal protection cases, that there exists some plan for the state's action. Apportionment in such instances will often represent no program other than the legislators' selfish motivation to retain their political power. In such cases the Supreme Court seems likely to find the apportionment unconstitutional. It should be noted that fully 27 states have failed to reapportion within the last 25 years and many may fall into the category of having no pattern whatsoever at present.

Through its failure to spell out standards to be applied in apportionment cases, the Supreme Court has put lower court judges, particularly elected judges in state courts, in a politically delicate position. Whatever standard they adopt is subject to criticism, yet there is no refuge in Supreme Court precedent. The result has been that some courts, notably the Michigan Supreme Court, have entered into what amounts to a form of political debate.

Hopefully the Supreme Court will adopt some standard during the next term of court, freeing the lower courts from this dilemma. When the dust settles and the court has spelled out the applicable standards, the restriction of precedent hopefully will force injudicious judges to return to the law and will spur legislatures to appropriate action to eliminate arbitrariness in legislative apportionments.



LAW QUADRANGLE UNIVERSITY OF MICHIGAN

Reprints of this charcoal sketch measuring 20 x 30 inches are available to interested alumni at \$2.25 per copy. Please order from: The Lawyers Club, Dept. M, Ann Arbor, Michigan.

Wanted: Copies of Your Contracts

Professors Harris, Knauss, and Pearce, who are teaching the contracts course this year, request alumni assistance. They are assembling a file of current contract forms, including both typed instruments tailored for a single transaction and printed forms intended for more general use.

The whole range of contract subject matter is sought, but of particular interest now are contracts for the sale of goods (including distribution agency arrangements); and contracts for personal services.

If you would send spare file copies of such instruments which you drafted or approved recently to Professor Harris, the contracts professors would be much obliged. Such parts of the contract as might identify the client or law firm will be deleted by Professor Harris.

Associate Dean Endorses Control of Specialization

The time has come for the American bar to provide machinery to control specialization, Associate Dean Charles W. Joiner told the Lawyers Association of Kansas City in a speech delivered January 16.

"The time has come . . . for the bar to assume responsibility for providing the machinery to control specialization to prevent it from developing without guidance and to encourage additional competence through an additional device of certification based on experience and education," Dean Joiner said.

Such practice limitation would make the practice of law better for both public and lawyer, he said. For the public it would bring "more competence to the decision of any problem presented by a client at a lesser cost because of the fact that the lawyer dealing with the problem is more

Continuing Legal Education Presents Juvenile Court Program

A training program tailored for persons dealing with Michigan juvenile courts was presented during January by the Institute of Continuing Legal Education. Among those participating were social workers, lawyers, educators, judges, law enforcement officers, psychologists, and prosecutors.

The Supreme Court of Michigan asked all juvenile court judges in the state to attend the program—a request said to be the first of its kind in the nation.

Topics covered by specialists in the field included the legal background of juvenile court legislation; apprehension and custody of the juvenile offender; legal responsibilities of private agencies; decision-making at intake, preliminary hearing, and detention; procedural safeguards; and social investigation prior to hearing.

Each participant was able to attend two of ten in-depth seminars that provided an opportunity for personal discussion with an expert of national reputation in the juvenile court field. The Institute of Continuing Legal Education is a cooperative venture with the Wayne State Law School and the State Bar of Michigan.

capable of solving it without undue expenditure of time."

Dean Joiner endorsed a 1954 resolution of the house of delegates of the American Bar Association which "approved the necessity of regulating specialization and approved the principle that in such regulation those entitled to recognition as specialists should meet minimum standards of experience and education."

The machinery proposed in the resolution would have three advantages, Dean Joiner said. First, recognition would be given to additional effort and a minimum expertise in a limited field of practice. Second, it would become easier to choose lawyers in referral matters, and, third, "It would be an encouragement to think of continuing competence as an important factor in the practice of law."

Faculty News Notes

Publications

Beginning with this issue of the *Law Quadrangle Notes*, faculty news items have been subdivided into publications by members of the Law School Faculty and other professional activities. It is hoped that this division will prove useful to readers interested in pursuing topics of interest reported on this page.

William W. Bishop, Jr.—"The 1958 Geneva Convention on Fishing and Conservation of the Living Resources of the High Seas," 62 *Col. L. Rev.* 1206 (1962).

Wirt Blume—"Territorial Courts and Law," 61 *Mich. L. Rev.* 39 (1962). (with Research Associate Elizabeth Brown)

Alfred F. Conard—"The European Economic Community and the Law School Curriculum," an address at the Conference on Teaching of Foreign and Comparative Law at Columbia University, Sept. 12-14. To be published in the spring number of the *Journal of Legal Education*.

Jerold H. Israel—"On Charting a Course Through the Mathematical Quagmire: The Future of *Baker v. Carr*," 61 *Mich. L. Rev.* 107.

Charles W. Joiner—"Jury Trials," address before the Academy of Trial Lawyers of Allegheny Co., Pittsburgh, Pa., Dec. 13. Dec. 29, 1962 *Pittsburgh Legal Journal* 3; also "Uniform Rules of Evidence and Maryland Law," address before the Maryland Judicial Conference, Jan. 17-18, Baltimore, Md. Available in mimeographed form through the Law School.

Joseph R. Julin—"Perpetuities—The Nutshell Cracks Again," *Proceedings* 1962 Mississippi Law Institute on Real Property Law, (157 pp., Bobbs-Merrill).

Spencer L. Kimball—Book Reviews: Frank, *Lincoln as a Lawyer* in 61 *Mich. L. Rev.* 204-09 (1962); and Patterson and Young, *Cases and Materials on the Law of Insurance*, 4th ed., in 29 *Journal of Insurance* 579-83 (1962).

S. Chesterfield Oppenheim—"United States Antitrust Policy in the Competitive Free World," keynote address of the 6th Annual Conference of the Patent, Trademark and Copyright Foundation, 6 *Patent, Trademark and Copyright Journal* 14-23 (1962).

William Pierce—"Resolved: That the Model Administrative Procedure Act Should be Enacted by the Several States," debate at the regional meeting of the American Bar Association, Nov. 10, at Little Rock, Ark. Scheduled for publication in the *Proceedings* of the Administrative Law Section, ABA.

Marcus L. Plant—*Casebook on Workmen's Compensation Law*, with W. S. Malone of Louisiana State University Law School, is scheduled for spring publication.

Alan N. Polasky—"Planning for the Disposition of a Substantial Interest in a Closely Held Business—Part III. The Corporation," reprinted in 6 *Tax Counselors Quarterly* 195, 315 #2 and 3 (1962); "Problems in Estate Planning When a Couple Moves from a Community Property State to a Common Law State," a panel discussion on a problem prepared and moderated by Mr. Polasky before the section on real property, probate and trust law at the ABA meeting, printed in the October, 1962, issue of *Trusts and Estates* and in the 1962 *Proceedings* of the section.

(continued on page 8)

Professional Activities

Francis A. Allen—Has accepted an invitation to participate in the Salzburg Seminar during the summer of 1963.

Alfred F. Conard—Attended a conference of the American Society of International Law at Washington, D.C., on "International Economic Integration."

Edmond F. DeVine—Spoke on legal aspects of public health to a conference of Sanitarians of Southeastern Michigan, Nov. 24.

Samuel Estep—Has been reappointed chairman of the State Bar Committee on Atomic Energy Law; and was discussion leader of a special group of the Atomic Industrial Forum on workmen's compensation problems in Washington, D.C., Nov. 28.

Jerold H. Israel—Appeared as a panelist in a series of ten television programs, "Freedom in a Threatened Society" discussing civil liberties; and appeared with Professors Julin and Allen on "Background," a television program for WUOM and the Voice of America, discussing the Mississippi situation.

Charles W. Joiner—Has addressed the Muskegon County Bar Association, and the Committee of Visitors of Columbia University Law School; discussed the Revised Judicature Act at the Institute of Continuing Education; and attended meetings of the Joint Committee on Continuing Legal Education, Joint Committee for the Effective Administration of Justice; and the ABA Mid-winter Meeting. Addressed Lawyers Association of Kansas City on "Specialization in the Law."

Joseph R. Julin—Lectured on perpetuities at the 17th annual meeting of the Mississippi Law Institute, Dec. 8.

Frank R. Kennedy—Addressed the Greater Detroit Section of the American Society for Quality Control on "Legal Aspects of Quality Control, Dec. 5; attended a meeting of the Advisory Committee on Bankruptcy Rule of the Judicial Conference of the United States, Nov. 14-17, and acted as reporter of the meeting.

Spencer L. Kimball—Has been named secretary of the Rhodes Scholarship Selection Committee for Michigan.

Alan Polasky—Delivered a report to the Advisory Committee on the Federal Tax Procedure Project of the American Bar Foundation at Washington, D.C., Nov. 1-2; spoke on estate planning at San Diego, Calif., Nov. 8, and addressed the St. Louis Estate Planning Council, Nov. 19.

Russell A. Smith—Is vice president of the National Academy of Arbitrators.

Eric Stein—Is currently in Brussels studying the activities of the European Common Market in the field of harmonization of national laws of the member states and is preparing, in cooperation with Professor Peter Hay of the Pittsburgh University Law School, a collection of "Cases and Materials on the Law and Institutions in the Atlantic Area;" has lectured at the law faculties of the Universities of Stockholm and Uppsala, Sweden, the University of Leiden, Netherlands, and met with faculty, students, and government officials in Oslo, Norway; participated in the working group of the Atlantic Institute in Paris on institutional problems of the Atlantic partnership; and chaired the section on "The

(continued on page 8)

Faculty News Notes

Publications

(continued from page 7)

Russell A. Smith—"The Question of 'Arbitrability'—The Roles of the Arbitrator, the Court, and the Parties," 16 *Southwestern Law Journal*, 1 (April, 1962); "Public Employment: A Neglected Area of Research and Training in Labor Relations," 16 *Industrial and Labor Relations Review* (Oct. 1962), with Doris B. McLaughlin; "Governmental Intervention in the Substantive Areas of Collective Bargaining," address before the Industrial Relations Research Association, annual meeting, Pittsburgh, Dec. 21, 1962, and "Arbitrators and Arbitrability," address before the National Academy of Arbitrators, annual meeting, Chicago, Feb. 1, 1963; both available in mimeographed form through the Law School, both scheduled for publication in the proceedings of the annual meetings.

Professional Activities

(continued from page 7)

Authority in Internal Law of International Treaties" at the International Congress of Comparative Law in Hamburg.

Roy Steinheimer—Spoke on the Uniform Commercial Code to the Muskegon County Bar Association and the American Society of Women Accountants and delivered a lecture at Youngstown, Ohio.

L. Hart Wright—Was a member of a panel at a meeting of the taxation section of the Michigan Bar Association.

Andrew S. Watson—Presented a course in forensic psychiatry for Detroit psychiatrists at Mt. Sinai Hospital from November through January and participated in the competency procedure for former Maj. Gen. Edwin Walker.

Hessel E. Yntema—has been elected vice president of the International Association of Legal Science.

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