

# Law Quadrangle Notes

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## Fall Enrollment Reaches 1,007 Total

Law School enrollment for the fall of 1963 totaled 1,007, a slight increase over the 1962 total of 1,004.

Figures compiled by Mrs. Helen Betts, recorder, show a freshman enrollment of 371. There are 290 members of the junior class, 309 seniors, 35 graduate students and 2 special students at the Law School.

Thirty-one women are enrolled in the Law School, 12 freshmen, 11 juniors, 4 seniors, and 4 graduate students. This leaves 976 men, with a ratio of approximately 31:1.

Students in this year's classes represent 63 states, countries, and territories, including every state in the Union except Alaska, Arkansas, Mississippi, Nevada, and Vermont. They come from 215 schools throughout the world.

The largest representation comes from the University of Michigan, 277 students. Other schools supplying large numbers of Law students include Michigan State University, 38; Harvard University 38; Princeton University 42; and Yale University, 36.

In all, there are 446 Michigan residents enrolled in the Law School, the remainder are from other states or countries.

Dean Allan F. Smith has announced that fifteen foreign countries are represented by 31 students who have been admitted for graduate study at the Law School.

China is represented by two students and West Germany by four. Six come from Japan and eight from the Philippines.

Australia, Austria, Belgium, Brazil, Haiti, Northern Ireland, Norway, Okinawa, Pakistan, Spain, and Thailand each have one student at the Law School.

Professor Whitmore Gray, foreign student adviser, pointed out that 11 of the 31 students are recipients of full tuition and maintenance Ford-Cook fellowships, which are granted by the University. Three others receive partial support from U-M funds, while the remainder are receiving fellowships from various foreign sources or from United States government agencies, or are coming entirely on their own.

## Prof. Estep Attends ITU Space Conference

The University of Michigan Law School is represented at the International Telecommunications Union Extraordinary Conference on Space Frequency and Radio Astronomy Allocations at Geneva, Switzerland.

Professor Samuel Estep, an authority on space law and a member of the U-M Space Science Committee, is an observer at the conference, which was scheduled to close in mid-November. Professor Estep was in Geneva for the opening on October 7.

He planned to visit several capitals of Western Europe following the conference to meet with broadcasting officials and government personnel in regulatory agencies similar to the Federal Communications Commission.

Before his departure, Professor Estep called the conference, "a key meeting in the field of space research."

On the agenda were such matters as legal regulations of space communication satellites. Both the United States and the Soviet Union presented plans aimed at expanding the frequencies allocated to such satellites.

Professor Estep also said, prior to the conference, that efforts would be made to broaden the use of satellite frequencies for research activities. Failing agreement on such broadening, he said, it is conceivable that larger nations might decide to go ahead on their own and ignore the International Telecommunications Union control of space frequencies.

Professor Estep's trip to the International Telecommunications Union conference and to major European cities is being financed in part by a grant from the Ford Foundation.



PROFESSOR ESTEP

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# Three Faculty Members Share Responsibility For the Freshman Course in the Law of Torts

Three Law School professors teach the required first-year course in torts. Their combined enrollment includes the entire freshman class.

The professors, Luke K. Cooperrider, Carl S. Hawkins, and Marcus L. Plant, approach the course content from different viewpoints, yet there is common agreement on the basic goals of the course, the ways of reaching these goals, and on the rewards of teaching first-year law students.

"The problem is not to fuel the machine, but to steer it in the right direction," said Professor Plant, referring to the enthusiasm which freshmen characteristically bring to their studies.

"Their interest is fresh, they are so very receptive," said Professor Hawkins, echoing the comments of his colleague. He, like the other two torts instructors, has taught this course since he joined the Law School faculty.

"It is a delightful course to teach," he said, pointing out the lack of turnover in the teaching ranks indicates the firm attachment he and his fellow professors have to the classes they teach.

Professor Hawkins is now in his seventh year with the faculty, having come to the University from private practice in Washington, D.C., in 1957.

An earlier addition to the torts faculty was Professor Cooperrider, who joined the teaching staff in 1952. Professor Plant has been with the law school since 1946.

The sections they teach average about 80 students each. The teaching method employed is similar in all three cases. Class meetings are a dialog between professor and students. That is, the students come into class session armed with assigned preparation in casebooks. Picking up the case in point, the professor picks a student to discuss, comment on, and analyze the material at hand.

This leads to a process of bringing other students into the dialog, returning to the first student, answering questions, pausing for some clarification from the lecturer. The professor, in Professor Plant's phrase, "steers the machine."

All three men use this basic approach. Professor Cooperrider said he is perhaps more inclined to push for details,

to demand scrutiny of what may seem inconsequential in a case until the student is encouraged to take a second look. But there is little difference among the three torts professors, "Certainly there's not as much as some students believe," said Professor Hawkins.

All three voiced the same opinion as to the goal of this introductory course.

"In torts, the students run into situations that are familiar to them—automobile accident cases, and other forms of wrongdoing," Professor Cooperrider said. "As law students they have to learn to see them from a different point of view."

Professor Hawkins put it another way. "I think that I'm most concerned about developing the student's ability for legal analysis, his ability to think like a lawyer."

The object of the course, then, for all three is not simply to hand the student a body of principles of tort law, although he should develop a certain store of information during his time in the course. It is also to help him to think analytically about the course materials.

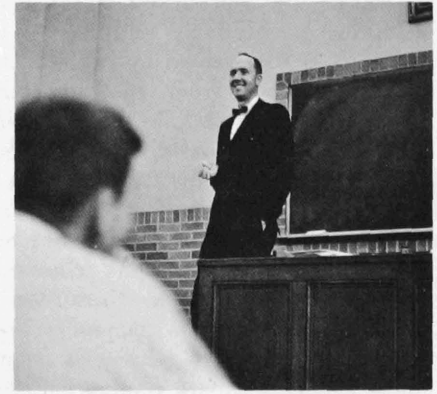
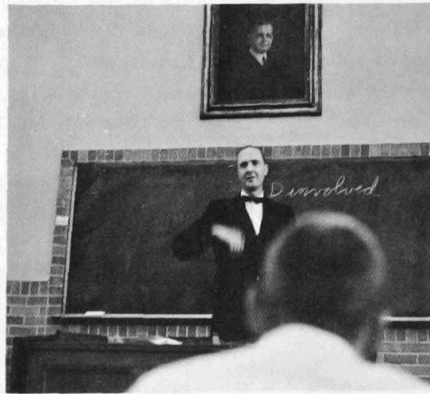
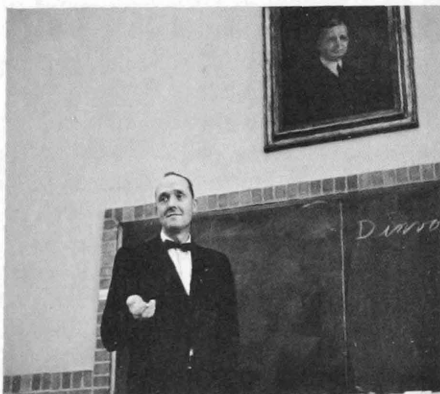
The dialog in the classroom is the method best suited to this goal. All three professors spoke of the lack of problems in maintaining an enthusiastic discussion even with fairly large classes. One of the group admitted, however, that there are generally some students engaged in keeping their heads down when the questions are fired.

While the torts professors teach the same course, and share the same goals and teaching methods, they can hardly be characterized as carbon copies of each other, in background, professional interests and activities, or personal viewpoints.

Professor Plant, the oldest of the three in terms of service on the Law School faculty, is an alumnus of the U-M Law School, as is Professor Cooperrider. Both received the J.D. Degree.

Professor Plant was in practice in New York before coming to the Law School. He dealt primarily in corporation matters. He is the author, with Wex S. Malone of Louisiana State University, of *Cases and Materials on Workmen's Compensation*.

*The teaching method for the course in torts involves a dialog between professor and students. The result is a lively class period during which the teacher shapes and guides the discussion and analyzing of cases. Here is Professor Hawkins in action during a typical day in class.*





*Professor Marcus Plant has the longest service with the torts classes. Here he meets with a student in his office in the Legal Research Building.*

He is the only member of the group who had previous experience in teaching, though not in law. Professor Plant had been a high school instructor and an assistant in the economics department of Lawrence College, from which he holds B.A. and M.A. degrees.

Professor Hawkins's practice in Washington included representation of Indian tribes in claims against the United States Government. During 1952-53, he was law clerk to the late Chief Justice Fred M. Vinson.

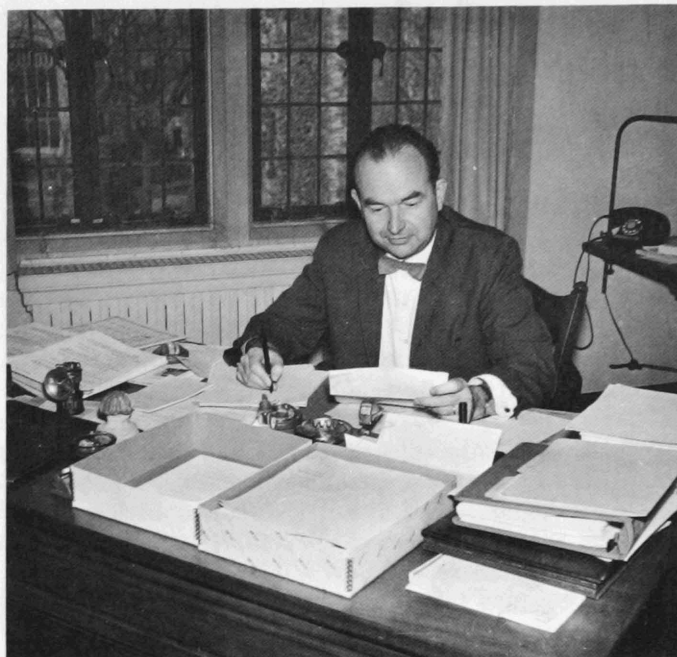
He is now in the process of preparing a four-volume work, *Michigan Court Rules Annotated*. This undertaking grew, in part, from his teaching duties in addition to the torts section. He also handles two courses in procedure.

Volumes one and two already are in print, volume three of the annotation is in the proof stages. New court rules for Michigan went into effect at the first of the year, and Professor Hawkins has become one of the best informed sources on them within the state. This has led to numerous speaking engagements for the Institute of Continuing Legal Education, county bar associations, and regional and annual meetings of the Michigan Judicial Conference.

Professor Cooperrider, who left private practice in Cleveland to join the law faculty, received his undergraduate degree from Harvard University in 1940. Seven months with the Ohio Department of Taxation and five years with the United States Army Signal Corps followed, before he returned to Law School.

He has taught several introductory law courses since he joined the faculty and terms teaching freshmen something of a "specialty."

Professor Cooperrider has served on a number of committees within the Law School including one charged with studying the content of the School's curriculum and an ad hoc committee studying legal writing.



*Working in his office is Professor Luke Cooperrider, a member of the tort faculty since he joined the Law School in 1952. Like Professor Plant, he is a U-M graduate.*

During the 1962-63 academic year he became chairman of the Board in Control of Student Publications, a university board responsible for the various student publications, including the *Michigan Daily* and the *Michiganensian*.

Professor Plant also holds an all-University post as faculty representative of the University to the Intercollegiate (Big Ten) Conference. He was appointed to the U-M Board in Control of Intercollegiate Athletics in 1949 and has served as Big Ten representative since 1955.

He is a member of the School's personnel committee, which is concerned with faculty additions and has served on the *Law Review* committee for five years after joining the faculty. Professor Plant also was chairman of the Law School Centennial Committee.

Professor Hawkins is a member of the School's graduate and research committee. Like his colleagues, he is active in community pursuits outside the Law School. An active Mormon, he devotes much time to his church and was made bishop of the Ann Arbor Ward of the Church of Jesus Christ of Latter-day Saints in 1958.

He also has served on the faculty advisory board for the *Law Review*, and has served on local bar committees, while in Washington, on relations with the Juvenile Court, relations with law schools, and administrative law.

Professor Hawkins, the only member of the group not a graduate of the U-M, received his undergraduate degree from Brigham Young University and was awarded the LL.B. degree with honors from Northwestern University in 1951. He also did postgraduate work as a Harry A. Bigelow teaching fellow at the University of Chicago Law School.

The professional credentials of all these men are impressive. Biographical material on file at the University for each man indicates their more than adequate preparation as professors of law, but the true measure of any teacher is found in personal contact.

*(continued on page 6)*

## Boom in Antitrust Actions Will Continue, Oppenheim Says

The boom in antitrust actions will continue, predicted Professor S. Chesterfield Oppenheim, speaking to the second annual Corporate Counsel Institute of the Northwestern University Law School.

But, Professor Oppenheim warned, efforts to attack big business just because it is big may well boomerang on the instigators. He said that in business bigness is not necessarily bad, and he contended that Americans realize this fact.

"Their distrust of concentrated economic power is overborne by their recognition of the beneficial results of big enterprises," he said.

Still, Professor Oppenheim pointed out, there are many who would increase the scope of antitrust legislation beyond its present boundaries, which are aimed at curbing such abuses as agreements among competitors for price fixing, the division of markets, and boycotting.

He cited a 1959 book by two Harvard economists which urges the curbing of growing oligopolies (industries in which few companies account for the major part of production and sales).

"The heart of their approach," said Professor Oppenheim "is to use the harsh remedies of divestiture and other means of dismantling oligopolies when there is proof of what they call 'unreasonable market power.'"

As one yardstick of unreasonable market power, he went on, these two economists would define that as a company which has accounted for more than 50 per cent of the annual sales in the market, or four or fewer companies that have accounted for 80 per cent of sales.

"I believe such proposals will boomerang," Professor Oppenheim declared. "They are theoretical grand designs which are not translatable into the practical demands of the complex technology and diversities of a progressive American economy."

Besides, he added, statutory limits on business size or market shares "would substitute governmental economic planning and affirmative regulation for private managerial decision-making."

"The antitrust boom will not lose its steam so long as it is channeled within banks that keep it from overflowing into enforcement out of context with the work-a-day dynamics of the competitive process."

Professor Oppenheim reiterated his belief "that proposals for drastic deconcentration of oligopoly structures will also boomerang either in Congress or in the courts. Romantic and nostalgic images of American industry organized in small units and emotional slogans about the virtues of diffused economic power color the antitrust horizon. They do not appear to have made significant inroads on the acceptance by the American public of business bigness. The informed citizenry still regard bigness as essential a part of our economy as antitrust policy itself."

Professor William W. Bishop's *International Law Cases and Materials* has been adopted for use in more than 50 law schools and for some political science and military classes.

## Eric Stein is Co-Editor Of *International Casebook*

Professor Eric Stein, co-director of International and Comparative Legal Studies at the Law School, is one of the editors of the preliminary edition of *Cases and Materials on the Law and Institutions of the Atlantic Area*.

The 457-page book, with a separate 183-page volume of documents, was edited with Peter Hay, former Law School faculty member now an assistant professor of law at the University of Illinois. The publisher is Overbeck Company, Ann Arbor.

Starting with a study of domestic law as a source of power of international and supranational organizations, the editors examine the institutions of the European Economic Community from the standpoint of both law-making and judicial processes.

Also under review are the economics of world trade under the new agreements, relations of the United States with the EEC, and how companies are established in the EEC. A full chapter explores anti-trust problems these companies encounter.

Included in the separate volume of documents are the texts of such basic materials as the treaty establishing the European Coal and Steel Community and subsequent treaties in the development of the European Economic Community.

## Joiner is Named President At Scribes Annual Meeting

Professor Charles W. Joiner, associate dean of the Law School, has been elected president of Scribes, an organization of writers on legal subjects.

Professor Joiner, whose latest book, *Civil Justice and the Jury*, was published last year, was elected at the association's annual meeting in Chicago.



A new recording device, a gift to the Law School, is now in use in the Practice Court. The machine, operated here by junior law student Will Johnson, clerk of the practice court, is used for court records and for motions for new trial.

Professor B. J. George, Jr., will be the new head of the American Section of the International Penal Law Association.

## Law Students Receive Grants Totaling \$303,574

Scholarships and loans totaling \$303,574 were awarded to undergraduate students in the Law School during the fiscal year ending last February 15, according to the annual report of the Scholarship Awards Committee.

Assistant Dean Roy F. Proffitt, chairman of the committee, reported that scholarships totaling \$179,835 were awarded to 251 students. This includes moral obligation grants to 101 students, totaling \$76,435. Loans amounting to \$123,739 were made to 276 students from Law School loan funds.

This was the first full year that the committee had operated under a new plan for granting financial assistance. Under the plan, entering freshmen who present outstanding credentials and a showing of need may be granted gift scholarships by the Admissions Officer of the Law School. These may not exceed tuition plus \$700.

Applicants who show need but whose credentials do not justify a gift scholarship, may be granted a short-term loan, which is convertible to a long-term loan after the first year is successfully completed.

Second and third year students with a 3.0 grade average or better, who show need, and who are serving on the *Law Review* or its equivalent, are eligible for gift scholarships in the amount of freshman year scholarships, or up to tuition, in the case of those without freshman scholarships.

Other upperclassmen (those below 3.0 or those above 3.0 not serving on the *Law Review*) are eligible for financial assistance with one-half the money advanced without interest but with a moral obligation to repay when possible and with one-half as a legal loan at three per cent interest. Special emergency requests and assistance in excess of the maximums set for loans and scholarships are handled by the Assistant Dean on either a straight loan basis or a half-and-half basis, at his discretion.

Scholarship awards of both kinds went to 24.1 per cent of the undergraduate student body during the fiscal year, the committee reported. The average scholarship was \$671.28. Tuition for Michigan students during the year was \$480. Non-resident tuition was \$1,100. There were 175 scholarship recipients who also received funds from Law School loan accounts.

The average loan per student was \$448.32. Some 276 students benefited from the loan funds. There was, however, one blemish on the loan record. One year ago the committee reported that "... the Law School funds were sufficient to meet the increasing requirements for one year, and, hopefully, for the indefinite future."

This estimate was, unfortunately, too optimistic, the committee report said. "For approximately three and one-half months during the fall semester we were unable to grant any loans to law students seeking financial assistance. Fortunately, during this period the General Loan Office of the University accommodated many more law students and for larger loans than it has been required or accustomed to do in the past few years."

The committee also referred several students to non-University sources for loans. This meant, in most cases, higher interest rates for the students.

(continued on page 6)

## Law Faculty Assist With Pre-Law Conference

Counselors for pre-law students and law school deans from various parts of the country met at the University October 17 and 18 for a Conference for Pre-Law Advisors.

Participating in the conference, which was sponsored by the U-M College of Literature, Science, and the Arts in cooperation with the Law School and the University Extension Service, were Dean Allan F. Smith; Professor Whitmore Gray; Professor Roy F. Proffitt, assistant dean of the Law School; and Martin Dickinson, student editor of the *Law Review*. (Picture on page 8.)

Dean Smith gave the welcoming address on the first day of the conference, and Professor Proffitt was moderator of a panel discussing "Law School Admission Practices and Problems." Professor Gray and Mr. Dickinson were members of another panel discussing "Undergraduate Preparation for Law School."

Featured speakers of the two-day conference were The Hon. George Edwards, Detroit Police Commissioner and Judge-designate of the 6th Circuit United States Court of Appeals, and Lionel H. Laing, professor of political science and adviser for pre-legal studies at the University.

## Law School Faculty Represented on Committee

Two members of the Law School faculty are members of the Joint Committee for the Effective Administration of Justice of the American Judicature Society. They are Charles W. Joiner, associate dean, and E. Blythe Stason, dean emeritus.

Both are pictured in the October issue of the *Journal of the American Judicature Society*, in which Justice Tom C. Clark of the United States Supreme Court reports on the joint committee's Project Effective Justice.

## Five Instructors Join Law School Teaching Staff

Five instructors have been named for the Law School faculty for the fall semester 1963-64, announces Dean Allen F. Smith.

They are Leon R. Goodrich, Michael Nussbaum, Martin D. Payson, Paul F. Rothstein, and John N. Turner.

Mr. Goodrich received the LL.B. degree, cum laude, from Harvard University in 1961; Mr. Nussbaum holds the J.D. degree from the University of Chicago, and Mr. Payson received the LL.B. degree from New York University. Mr. Rothstein received his LL.B. from Northwestern University in 1961 and attended Oxford University from 1961-63. Mr. Turner holds an LL.B. degree from Manchester, England.

Professors Roger Cramton and Frank Cooper have been appointed to the Board of Consultants for the Revision of the Administrative Procedure Act for the purpose of assisting the Senate Subcommittee on Administrative Procedure and Practice, Committee on the Judiciary.

Dean Allan F. Smith has been named chairman of a Special Committee on Civil Rights of the Michigan Bar. Professor William Pierce is also a member.



Members of the Committee of Visitors at the group's second annual meeting at the Law School are: (seated, left to right) Glenn Coulter, Edgar Morsman, Ralph Carson, Thomas Koykka, Ira Price II, and Judge John O'Hara. (standing, left to right) H. Winston Hathaway, Allan Diefenbach, J. Don Lawrence, Harry Gault, Judge Talbot Smith, Harvey Clarke, George Spater, Hazen Hatch, Samuel Wellman, Henry Bergstrom, Allen Holmes, Alan Kidston, Carl Enggas, Donald Melhorn, Donald Quaije, William Gowans, Renville Wheat, W. A. Groening, Jr., William F. Kenney, John S. Tennant, N. Michael Plaut, David Macdonald, Charles Henderson, and Benjamin Quigg, Jr.

## Committee Reports Increase in Loans

(continued from page 5)

The demand for financial assistance lead to an increase of \$47,196, or 18.4 per cent, in the amount of money disbursed from Law School funds.

"The committee has little reason to believe that the demands upon our resources will be less for the coming year" concluded the introductory section of the student aid report.

The largest single sources of money for loans each year is the repayment of previous loans—now running at approximately \$5,000 per month, the committee reported.

New money is needed each year, however. This comes from a variety of sources, including interest payments on previous notes. The second annual Law School Fund Drive contributed \$20,000 to the School's loan funds.

The Scholarship Awards Committee report was one of several examined by the Committee of Visitors during its annual series of meetings at the Law School in late October.

## Super Court Idea Assailed

The associate dean of the Law School, Charles W. Joiner, branded a proposal to create a "Court of the Union" out-ranking the U. S. Supreme Court as "preposterous" in a speech at the 69th National Conference on Government.

The proposal has been put forward by the Council of State Governments. The super court would be required to review the judgments of the Supreme Court on matters involving rights reserved to the state or to the people by the constitution.

## Torts Professors Are Active in Profession

(continued from page 3)

Conversations with the torts professors lead to adjectives such as "dynamic," "enthusiastic," "interested," and "informed."

"He is one of the best teachers I've ever known," a freshman law student said of one of the group. "My husband thinks he's wonderful, and so do I," echoed a law wife whose husband entered the Law School this fall.

Professors Plant, Cooperrider, and Hawkins all indicated that their early plans within the profession did not include teaching, yet all of them decided, for varying reasons, to leave practice for the academic life.

Today they delight in their teaching duties, and especially in the opportunity to teach freshman students who have not yet acquired the sophisticated veneer to which some upper classmen are prone.

All see torts as a vital part of the freshman's introduction to the profession, especially as a means of developing what one termed the lawyer's "mental muscle."

According to the *Law School Announcement*, torts (575, 576, 577) includes: "Trespass actions, privileged acts, negligence, causation, strict liability, deceit, defamation, malicious prosecution, and other torts."

In the hands of three skilled professors, the course includes much more than is visible in the announcement's description.

Professor Samuel Estep has been appointed a member of a special advisory committee of the National Aeronautics and Space Administration to work with the Director of Launch Vehicles and Propulsion.

## Continuing Legal Education Programs Include UCC Lectures

"The demonstrations were equal to sitting in on 100 memorable trials," said one lawyer attending the Institute of Continuing Legal Education's 1963 Advocacy Institute.

Since the two-day session was held last spring, the demonstration of cross-examination techniques has developed into a road-show company. It has made several appearances in Midwestern Cities, including appearances made at the invitation of the Indiana Bar.

The demonstration of techniques, based on a typical accident case prepared by Professor John Reed, was presented in New York City this fall under the auspices of the Practising Law Institute. In the demonstration three attorneys cross examine witnesses including the injured person of a property damage accident, a psychiatrist, a physical medicine expert, and an accident reconstruction expert.

This is one of several programs underway for the Institute of Continuing Legal Education. Others include a 20-hour Uniform Commercial Code Program being presented throughout Michigan to help prepare lawyers for the Uniform Commercial Code, which will become effective in Michigan on January 1.

Professor Roy L. Steinheimer, Jr., of the Law School is one of two lecturers. He also prepared volumes 1, 2, 4, and 5 of a five-volume set of reference books prepared for the course.

## Julin Interviews Cuban Court Justice

Professor Joseph R. Julin appeared on two broadcasts with Dr. Emilio Menendez, Chief Justice of the Cuban Supreme Court for the first two years of the Castro regime and member of the court under Batista.

A half-hour radio interview, "Is There Law in Cuba," was prepared for the WUOM radio series Background and for the Voice of America. A televised interview with Dr. Menendez, "Insight-Cuba" was prepared by the University Television Center for its series Understanding Our World.

## Deadline Nearing for Broomfield Essay Awards

The deadline for entries in the 1963 Broomfield Essay Competition will be December 31.

Alumni and students of the University are eligible for the competition, which offers a \$1,800 award for the best essay on the subject "Autonomy vs. Responsibility: New Syntheses."

Further information is available from the Broomfield Awards Committee, Professor Luke K. Cooperrider, Chairman, Hutchins Hall.

"Methodology and Criteria in Due Process Adjudication," an article by Professor Sanford Kadish, has been selected for inclusion in the AALS book *Selected Readings in Constitutional Law*.

*The Law Library is a familiar place for all students at the Law School. This picture, showing the main reading room on an early fall day, is one of a series of pictures being made available suitable for framing. Orders should be sent to the University News Service, 3528 Administration Building, \$1.50 per picture, please make checks payable to The University of Michigan. Specify picture No. 2.*





*Participating in the Conference for Pre-Law Advisors, sponsored by the College of Literature, Science, and the Arts in cooperation with the Law School, were (left to right) Professor Whitmore Gray; Professor Lionel H. Laing; Dean Allan F. Smith; Frank T. O'Brien, assistant dean of the Cornell Law School; William T. Keogh, assistant dean of the Stanford Law School; and Martin Dickinson, Law Review editor. (story on page 5).*

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