

Harvard Law School Record



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PRICE TEN CENTS

Class Of '58 To Win Over 100 Awards

With over 1200 applications received by the Admissions Office as of March 23, the entering first year class is beginning to take shape, according to Assistant Dean Louis A. Toepfer, Director of Admissions. The number of applications is running about five per cent behind last year's total at this time, but ahead of previous years. The new class promises to continue the national and international characteristics of the Law School, which this year contains representatives from 305 colleges scattered throughout the world.

Scholarship applications of entering students are also being considered. It is expected that over 100 scholarships will be given this year, in contrast to 97 granted first-year students during the last period. The Financial Aids Office collects and prepares the applications and makes recommendations to the Administrative Board, which has the final decision as to recipients and amounts. This work is expected to be completed by June 1.

Applications are available to second and third-year men at the Financial Aids Office at the present time, the deadline for filing being May 15. Last year 73 scholarships were granted to second-year students and 80 to third-year men.

Because of the extent of the funds available it was possible to help all students who attained an average of 68 or better. Anyone who is in need of financial aid should apply, as applications filed after the deadline cannot be considered.

The primary criterion of eligibility is need. A new form has been devised this year in order to give a better evaluation of that factor. Most scholarships are for full tuition, although many are for lesser amounts, and some range as high as \$1600. Each case is considered individually.

Dean Toepfer was unable to estimate at this time the amount of scholarship aid that will be available for the coming year, since the program is dependent to a large extent on annual gifts. The large number of scholarships given in the past was only possible because of yearly gifts by alumni for this purpose. Without strong alumni support, the program would be severely curtailed.

Powell To Lecture In Columbia Series

Thomas Reed Powell, LL.B. '04, Story Professor of Law Emeritus at the Law School, will give the James C. Carpenter Lectures at Columbia Law School this spring. Prof. Powell will speak on "Vagaries and Varieties in Constitutional Interpretations."

The series will consist of six lectures beginning on April 26, divided topically into three groups. The first will be concerned with problems of judicial review.

The second two groups will deal with problems of federalism, the first primarily focused on the powers of the Federal Government, and the second with its primary emphasis on federalism as it affects the individual states in the exercise of their powers.

Professor Powell taught here from 1925 to 1949. Prior to 1925 he was associated with Columbia Law School. He has also been a consultant to several government agencies.

The lecture schedule:

April 26, May 3 at 8 p.m.; at the rotunda of Low Library, Columbia University.

May 5, May 12; at New York County Lawyers Assoc., 14 Vesey St.

May 17, May 24; at Association of the Bar of the City of New York headquarters, 42 E. 44 St.

Resigns ...



Prof. W. Covington Hardee has resigned from the faculty of the Law School, effective Aug. 31. Mr. Hardee has been on leave of absence since July. He is at present engaged in practice in New York City.

Mr. Hardee graduated from the Law School in 1947 after spending four years in the Navy from 1942-46. He had previously graduated from Emory University in 1940 and began his law school education before entering the service. He was made full professor of law in 1953 following three years as assistant professor.

There was no immediate announcement of a replacement for the subjects he taught in accounting, agency, and corporations.

Cavers Calls On Profession To Plan Against Atom Attack

Writing in the February issue of the *Columbia Law Review*, Associate Dean David F. Cavers has called for concerted planning by lawyers to prevent disintegration of the economy in the event of an atomic attack on the United States.

According to Mr. Cavers, the Soviet Union may already be better equipped to continue as a civilized society after attack. He points out that, unlike our own state, the Soviet Union does not depend on individual initiative and personal decisions for the driving forces that carry on economic activity. In the Soviet system, direction comes from above; as long as there are rulers there will be an institutional framework to give guidance to the work of the individual.

Major Role For Lawyers

In the planning of "a standby network of relationships" to take over in case of atomic war, lawyers should play a major role.

Cavers says that the planners must assume an atomic war stretching over a considerable period. Instead of a one-city, one bomb war, the planners should take into account the possibility of strikes that would destroy a city and its neighborhood thoroughly with many bombs, and of repeated atomic raids on cities that had been missed in the first raid. Even if the raids are beaten back after the first few weeks, the next war might well last a year, in Cavers' opinion.

The basic problems in a war that lasted more than a few days would be: maintaining transportation of goods; production of war supplies; relieving unemployment in civilian industries; aiding the injured and the homeless.

Planners should begin now to study ways of routing surface transportation around the communication centers in the cities. They should consider methods of supplying food to the refugees who could be expected to flood the smaller cities of the country. Shelter for such people would be a problem, too.

With the probable demand by refugees for ready cash, the banking and credit sys-

tem would be under a strain that must be foreseen. The banking system would be further dislocated by the destruction of the commercial banking centers and the major clearing-houses.



David F. Cavers

Even without governmental action, however, much could be done by private arrangements in advance to keep the system going. Draftsmen of long term leases should bear in mind the problem that would be raised by war. The management of a nationwide corporation would present difficult problems if local officers do not get advance authority to proceed in case the top executive apparatus is destroyed, or other arrangements are not made.

Estate planning should take into account the possible loss of property values, the possible need of survivors for liquid funds and the destruction of normal methods of administering estates.

—Talbot

ASSOCIATE BOARD

The RECORD is pleased to announce the election of the following members of its associate board: James B. Moran, 1L of Escanaba, Mich., as Assistant News Editor; Richard L. Grossman, 1L of New York City, as Assistant Copy Editor; Frank N. Gallagher, 1L of Mt. Carmel, Pa., as Assistant Features Editor; Norman E. Scull, 1L of Winter Park, Fla., as Articles Editor; Arnold M. Weiss, 1L of Brooklyn, N.Y., as Gallery Editor; Albert C. Barclay, Jr., 1L of Cranbury, N.J., and Martin Mushkin, 2L of Brownsville, N.Y., as Photography Editors; and Bruce L. Balch, 1L of Joliet, Ill., as Puzzle Editor.

Alumni Contribute \$269,000 In Fifth Annual Fund Drive

As of last Friday, 3971 contributors had given over \$269,000 to the Harvard Law School Fund, according to its director, Assistant Dean Wesley E. Bevins, Jr. This is the highest amount ever collected by the Fund, surpassing last year's total by \$22,000 despite the fact that there have been 1,207 fewer contributors so far this year.

The Fund began its fifth year in September with a goal of \$250,000 for immediate use in paying for the alterations in Langdell and Austin Halls, augmenting the library's budget by \$20,000, and providing immediately available scholarship funds. At first glance it therefore appears that the goal has been exceeded by \$19,000. Of the total amount, however, \$81,000 has been given specifically for endowment purposes, leaving a deficit of \$62,000 in the amount needed for immediate expenses.

Unrestricted gifts account for \$121,000 of the total. Most of the gifts for specific purposes have gone to scholarships—\$70,000 for endowment scholarships, \$62,000 for scholarships available immediately. This last total includes 66 separate gifts of

\$800 or more, each equivalent to a full one-year scholarship to be made available to some student next September.

Of the gifts for endowed scholarships, 64 members of the class of 1913 and ten other alumni contributed \$20,081 to the Robert A. Taft Memorial Scholarship Fund. The first award of full tuition from this fund will be given to a student for use in September. Four alumni began the endowment of separate scholarships this year. Four other scholarship funds of \$15,000, which provided a full scholarship each year in the halcyon days when tuition was \$600, were augmented by their founders this year to \$20,000.

This is the fifth annual giving program of the Law School Fund. Class-by-class totals for the first four years show the class of 1917 in the lead with total gifts of \$160,483. The classes of 1925 and 1904, as of the beginning of this fiscal year, stood second and third respectively with totals of \$98,711 and \$83,286. As for this year's campaign, as of March 1 the class of 1921 stood way out in front with \$24,914 in gifts. The class of 1925 with \$12,044 was in second place.

Next month the Fund's class agents will take up the burden which has thus far been carried primarily by the area organizations. Special requests will be made to alumni who have not yet contributed, and appeals will be included in class newsletters, announcements of class activities, etc. The committee believes that the goal of \$250,000 will be reached by the end of the campaign on June 30.

Dean Bevins has recently returned from a trip through the West, taken in connection with the Fund. Such trips are becoming an integral part of the Fund campaign, supplying the personal contact necessary to successful fund raising.

April Law Review Eulogizes Jackson; Jaffe To Discuss Justice's Decisions

The April issue of the *Harvard Law Review* has been dedicated to Supreme Court Justice Robert H. Jackson, who died last October. The Review has received a letter in memory of Justice Jackson from Supreme Court Justice Felix Frankfurter, LL.B. '06.

An article by Professor Louis L. Jaffe, Byrne Professor of Administrative Law, will discuss Justice Jackson's court opinions. The Jaffe article will emphasize Justice Jackson's support of Federalism, saying that the Justice was "outstanding for the vigor of his Federalism."

The 1955 Oliver Wendell Holmes lecturer, the late Dean Harry Shulman of Yale Law School, is the author of an article on "Reason, Contract, and Law in Labor Relations." In his article, Dean Shulman states that the road of litigation and judicial enforcement cannot lead the parties who must live under such an agreement through the continuing adjustment and interpretations that viable labor relations require.

Scott, Hardee, Morgan Clubs Win In Ames

In closely contested Ames quarter-final arguments last week, the Scott club defeated Casner Law, and the Hardee club won out over the Langdell club.

Tuesday night, the Morgan Law club edged out Choate for the third berth in the Ames semi-final arguments, to be held in the fall. In the last quarter-final argument, Gardner will meet Griswold Equity on April 11.

Representing the Scott club in its argument March 22 were oralists Richard F. Newell, 2L of Berkeley, Mich. and Hal F. Reynolds, 2L of Brecksville, Ohio. They were opposed by W. Walter Braham, 2L of New Castle, Pa. and Gordon H. F.



Harry Kisloff

Scott, 2L of Pleasant Ridge, Mich., of Casner Law. The argument was judged by the Honorable Lewis Goldberg, LL.B. '13, of the Massachusetts Superior Court, and Boston attorneys Samuel S. Dennis, LL.B. '38, and Francis Vaas, LL.B. '48. The case dealt with a Ford dealer's search for an injunction to prevent the picketing of his showroom and garage.

In the second quarter-final argument, the victorious Hardee club was represented by John A. Corry, 2L of Springfield, Ohio and Robert Rosenman, 2L of Cambridge. Speaking for the Langdell club were David L. Rose, 2L of Gardner, and John A. Whitney, 2L of Glendale, Ohio. Judge Harry E. Kalodner of the United States Court of Appeals for the Third Circuit presided, with Harry Kisloff, LL.B. '27 and Seymour P. Edgerton, LL.B. '27, proctors in admiralty, as associate justices.

(See QUARTER FINALS on page four)

Four notes will appear in the April issue of the *Review*. One deals with "Summary Jurisdiction of Bankruptcy and Reorganization Courts Over Disputes To Which The Trustee Is Not a Party." The broader problems of federal taxation will be discussed in "Taxation of Income from Foreign Sources."

Multi-party litigation and the giant suit will be reviewed in "The Challenge of the Mass Trial" and the last note, "The Objects of Criminal Conspiracy—Inadequacies of State Law" is intended as a guide for state legislators. Often conspiracy is punished more severely than the crime which the conspirators are conspiring to commit, the note states.

The impending issue, Number 6 of Volume 68, will contain the usual complement of Recent Cases and Book Reviews. It will be mailed to subscribers about April 10th, according to the *Review* editors.

—Stern

The Harvard Law School Record

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Why We Are

Commencing with this issue, the RECORD falls into the hands of the above Board, endeavoring to fulfill the purposes stated in its Articles of Organization under the Commonwealth of Massachusetts, namely . . . "to publish a newspaper for the students, alumni and faculty of the Law School of Harvard University, and otherwise to disseminate information among the aforementioned groups . . ."

We serve two distinct groups: those at the Law School and those who have left Harvard's portals, returning to their homes throughout the world to serve the community. Weekly, with the cooperation of the Harvard Law School Association, the RECORD reaches approximately 6,000 in the latter group, in addition to its circulation in the Law School vicinity.

In actuality these groups are not so distinct. They have two common bonds—an interest in Harvard Law School and a further desire for information of the legal world. The RECORD has and will continue its attempt to satisfy these needs.

The cooperation of the administration, the faculty, the student organizations and the alumni is all needed, and has been given in the past. It will continue to be necessary.

Through its student management here at the Law School the RECORD has and will continue to be wholly yours.

Rat Race

Eight weeks to finals.

With this watchword, five hundred first-year men are burrowing a little deeper into their books, cutting out a few of their last remaining diversions and preparing for an all-out assault toward mastery of the common law.

In the home stretch which is coming up. Students tend to lose a sense of perspective as to the values of life. The almighty dollar is replaced by the almighty mark. Tension builds up in the dormitories and classrooms, and everywhere the intent to succeed becomes evident.

The only problem is that very few of the diligent can succeed. Only 25 will make *Law Review*, and what is more, 50 per cent of the first-year men will end up in the bottom half of the class.

This intensifies the competitive aura, because students know that they are not running against a standard, but against each other. And there are not many winners in this game.

For a psychiatrist, Harvard Law School might be a paradise. But for the student, it is a strange place, a school where the accent is on insecurity.

Teachers may be amiable while lecturing, as well as legal scholars, but most first-year men have never talked to a professor at any length out of class. There is neither the time nor opportunity for students to get known.

This procedure of trial by apprehension may well be part of our legal preparation. After all, you never know how a lawsuit is going to come out, or whether a young attorney will get a job, or whether clients will come to him.

But there is no reason for the infliction of needless mental suffering on the law student. These years are supposed to be happy ones, not years of worry.

Alumni may be unsympathetic to any change in the status quo on the ground that they went through this, so why shouldn't everyone else. Indeed, progress has been made since the days where one's very continuance in school was always in doubt. A relief of tension and emphasis on education is a desirable move.

Current Case

(This is the first of a series of two articles by Frank A. Olson, 2L, on the problem illustrated by the case of Peter Makarewicz.)

On March 17, 1955, Peter Makarewicz, 16, of Norwood, Mass., was found guilty of first-degree murder in the slaying of Geraldine Anese, 15, last November 4. The jury, after two and a half hours of deliberation returned the verdict and recommended that the death penalty not be imposed. The Boston Post on March 18 reported that "the stunned and frightened young defendant, staring as in disbelief, then heard assistant clerk of Dedham Superior Court, Clinton Kellogg, read Judge Goldberg's order sentencing him to 'life imprisonment at hard labor in the State prison at Charlestown.' As the verdict was announced Peter wavered briefly, then staggered toward the side of the enclosed prisoner's dock. Tears rolled down his cheeks and his face turned chalk white. He stifled a sob as sentence was pronounced, then collapsed, crying and shaking fitfully, in the dock where, for 10 days, he had waged a battle, against overwhelming evidence, for acquittal."

As the courtroom emptied, Peter's parents and younger brother spent a few tearful moments with him before the guards took him from the same dock where Sacco and Vanzetti had sat. The guards half-carried the limp boy from the courthouse. As he started to stumble and fall on the steps, his mother, following a few feet behind, cried out, "Be careful . . . My son is fainting." Peter, unable to eat more than a couple of bites of a sandwich for supper that night, did not say a single word on his way to Charlestown Prison.

Undoubtedly the crime was brutal and inexcusable. No one would deny that the Anese family is entitled to deep sympathy for the loss of their daughter.

Life Imprisonment

But what about Peter Makarewicz? What happens to a boy sentenced to life imprisonment? He will be locked in a barred cell more than half the hours of each day, a cell with just enough room for a cot, toilet, wash basin, a few books, and one change of blue prison clothing. He may even have a radio with earphones. But the open bars will provide him no privacy from the eyes of passers-by or from the occasional groans and screams of a disturbingly significant minority of his fellow convicts. He will live by the same pattern day after day, year after year: the same time to rise and go to bed, the same mess hall and meal schedule, the same shop or factory, the same few hours of games and schooling, the same rules and the same faces. He will soon learn that he must follow the pattern or he will have to serve time in solitary confinement or the "hole" as it is called, a small windowless cell containing nothing but a blanket and a bucket, a cell from which there is no contact with the outside world except when the guard or "screw" brings food.

He will get short visits from his family once or twice a month in a public visiting room, separated from them by bars or chicken wire. Although a few friends may want to visit or correspond, he will find that such privileges are rare and uncertain. If he had a hometown buddy who used to play chess or baseball with him, that buddy will be replaced by a young criminal much like himself. There will be no women to replace his mother, aunt, or girl friend. There will be very little open brutality; but the threat of sex perversion, violence, and riot will be ever present. Not every prison has all of these elements, but many prisons have most of them. Even the rare model prison is still a prison, although it may be equipped with cottages and TV sets, instead of barred cages and earphone radios.

Little Counseling

What few chaplains and counselors there are will have most of their time taken up with reports and routine matters. Even if a boy like Peter could find a counselor with time and skill to help him, the counselor would be unable to look forward to returning him to a normal environment and a new start in life. For the first few years the young lifer will refuse to accept the finality of his sentence. As he gradually comes to admit his crime and suffer remorse he will expect forgiveness and help from society. But very little will be forthcoming. As the years slip by he will become resigned, and after twenty-five years he will have forgotten the design on the American dollar and would be terrified if placed in a moving vehicle. The best he can do is try to get an education out of books, a transfer to Norfolk Penal Colony (Massachusetts), and hope for eventual release.

The object of the criminal law seems to be to remove the criminal from society and thereby set a public example to deter others from crime. This is done through punishment or social revenge, that is, through the deliberate infliction of suffering and harsh conditions on a human being. The assumption, of course, is that something satisfactory and constructive is accomplished by sending a frightened, fainting boy to prison for life.

In recent years there has been strong agitation for the abolition of the death penalty, the estab-

lishment of parole and probation systems, and the improvement of prison facilities. But such measures actually tend to perpetuate prison as an institution. The refusal to inflict the death penalty results in a greater number of lifers and supplies a new *raison d'être* for long term imprisonment. Likewise new prison buildings and ineffective parole systems do their share toward keeping prisons going.

Prison a Failure

Prison is itself a failure. Long term confinement with disturbed and abnormal persons like himself does irreparable damage to a convict's personality. Furthermore, long term exile from normal society causes the prisoner to lose the thousand and one skills of community living and personal responsibility needed for successfully holding a job and raising a family. These factors, together with community prejudice, force many ex-prisoners back into crime. In fact, such a large proportion of crime is committed by ex-prisoners that for this reason alone prison, as we know it, should be abolished.

Most people would readily agree that the element of personal responsibility must be retained in the criminal law, that is, a criminal should be brought to public trial and his crime exposed. A crime cannot be disposed of merely by a chat with a psychiatrist. Public trial and censure alone have a great deterrent value. However, the function of the judge and jury should be limited to that which they are best qualified to do, namely, finding the facts as to the nature and degree of the crime. The proposition that a court can look at a defendant and a few records and come up with an appropriate sentence is at best a superstition. Moreover, as a practical matter, the fact that different men convicted of the same offense draw a wide variety of sentences is a great source of unrest and bitterness among convicts. And the fact that heavy sentences may be imposed at all turns a criminal trial into a life and death struggle to gain acquittal at any cost, whereas the focus of attention ought to be on finding out the facts and helping the individual criminal so he will no longer be a threat or a burden to society.

Basic Questions

After conviction there still remains the problem of what to do with the convicted person. If long term imprisonment is to be abolished, how can short term imprisonment, a genuine rehabilitation program, and effective parole supervision be combined to remake criminals into law-abiding persons? Can the death penalty be abolished? If not, what should be its role in a penal system? Should crimes be re-defined? Would a rehabilitation-oriented penal system reduce crime and be financially feasible? These and other basic questions must be considered by legislators and other citizens who care about the fate of people like Peter Makarewicz and who wish to make progress in mankind's age-old struggle against crime.

Recently Published

REVIEW OF CRIMINAL SENTENCES

Simon E. Sobeloff, Solicitor General of the United States; 41 Amer. Bar Ass'n. J. 13 (1955).

The law is very solicitous of the defendant in safeguarding his rights at every stage of the trial before verdict; yet it leaves him almost without protection when he is sentenced by the judge. The really important thing is what to do with the defendant after conviction. Here the judge's decision is final and his discretion very wide. Because great dangers attend both inadequate and excessively severe sentences appellate review of the sentence itself should be permitted, as in England under the statute of 1907. In that country the appellate judge may either increase or decrease the sentence, with the result that defendants do not make frivolous appeals and trial judges take great care in imposing sentences. Since a trial judge's conclusions of fact as well as of law can be reviewed in civil cases there seems to be no reason why sentences in criminal cases should not be reviewable.

LEGALITY OF SCHOOL PROPOSALS

Francis B. Nicholson, Instructor, College of Law, Stetson U., St. Petersburg, Fla.; 7 So. Car. L. Q. 1 (1954).

Ever since the Supreme Court outlawed racial segregation in public schools the South has been seeking ways and means of preserving its biracial school system. If the schools are declared private by the state legislature, the Supreme Court will probably find them to be state instrumentalities within the Fourteenth Amendment because of such features as tax exemption, power of eminent domain, and various kinds of subsidies to schools or students.

The establishment of a third school system for both races would not preserve the white school system from attack Nor can the police power be used to preserve segregated schools. Although all attempts to circumvent the school decision seem doomed to failure, they may nevertheless serve the worthwhile purpose of permitting gradual integration on a realistic basis.

Sub Judice

WILLIAMS v. SUFFOLK COUNTY TRUST CO.

46 Mass. 341, 89 N.E. 4563

TEMPLETON, C. J.: Plaintiff appeals from a judgment for the defendant. Originally, such appeals were barred by the doctrine of judicial indolence, but since the defendant-appellee has not seen fit to demur on these grounds, the court is powerless to employ this bar to estop the plaintiff; yet this court may take it into consideration when an opportunity later develops in this case to hamstring the plaintiff. Being a court of law and not of equity, we need not be concerned with the inherent justice of the plaintiff's case. As was said in *T.R. v. M.P.* in 1208, "Merc satisfaction of external requirements shall soothe the wrath of the righteous." And there be good reason for this, for what recurs to the plaintiff's good redounds to the defendant's harm. Surely this court doth wish no one harm. Thus, by not hearing a case, this court does ill to no one.

Yet very cunningly the plaintiff argues that, by refusing his suit, we do him injury. Nothing could be more clearly wrong. Since we deny him a remedy, he can have no wrong. Aside from this, he may bring an action in any other jurisdiction if he find the defendant there. This court will not assume that defendant does not travel. Plaintiff, truly, has shown sufficient proof to the contrary; but he failed to plead this affirmatively. This court will not lightly regard defects in pleading; the more so when such defect would tend to upset the conclusion arrived at by the court below. True, we need not always show such favorable regard to lower court decisions, yet, in this case it obviously suits our purpose. Since this is a matter of appellate discretion, plaintiff has no answer.

Aside from this, plaintiff might apply to equity in this very jurisdiction. True, the equity courts of this state have been abolished by the legislature. But defendant very cleverly in his answer below has asserted this act to be unconstitutional. Plaintiff failed to contradict this in the pleadings and hence it must be taken as so. However all this may be, no later opportunity of hamstringing the plaintiff has developed. There being therefore no opportunity to apply the aforementioned doctrine, plaintiff is adjudged to have a good cause of action. The case will be remanded for a jury finding.

Since the plaintiff alleges merely personal and no property damages, however, any verdict above \$20 will be regarded as excessive. It lies ill in the mouth of the plaintiff to complain of prejudice favoring the defendant when he has failed to maintain the excellent standard of proper pleading technique maintained by the defendant. "Good pleading like good breeding commands respect and earns its unjust rewards." *Onege v. Machievelli*, 17 Ital. 982.

Once again the plaintiff might have pleaded unjust enrichment, but he failed. There is a question whether plaintiff's plea sounding in restitution might not achieve the same result. But since the defendant raised no objection, no issue is raised. It is clear from the old books that only pleas regarding a cause of action that is contested may become a question for the consideration of the court; only where none are contested do all the causes become in issue. Since the defendant contested at least one, the others are lost. That this be a good rule, there can be no doubt. True, this precise question has never arisen in this jurisdiction before. But that is merely because no party has ever before brought it up.

We assume, without deciding, that the majority rule is the one enunciated *supra*. We do this since it has so been alleged by the defendant in supplemental pleadings made three weeks after the close of the trial. Since supplemental pleadings cannot be entertained more than 25 days after judgment, the plaintiff's denial made in pleadings 26 days after cannot be entertained. True, it would be within the required 25 if validity depended upon dispatch rather than receipt. In fact, validity attaches upon dispatch, but since plaintiff did not allege this issue in his plea, he is barred, for he was sufficiently warned by defendant's notice that defendant's plea was received within 25 days.

REMANDED FOR NEW TRIAL IN ACCORDANCE WITH THE VIEWS HEREIN EXPRESSED & IMPLIED.

E.L.C.

Off the Record

If with Mr. Scott you're pally,
You pronounce it rationale;
While if one reads Latin daily,
Then it sounds like rationale.
Set in fourteen point ital.,
Clearly read it rationale;
But to stay within the pale,
Never say it rationale.

DAVID A. SUTHERLAND, 3L

Second in a Series

Michigan Law School

By GORDON M. LUCEY

Instruction in law at the University of Michigan was offered for the first time in 1859. Thomas M. Cooley, who later became a leading authority on the constitutional law of that time, was a member of the original faculty of three. Professor Cooley served subsequently as dean of the law school. An endowed lectureship bearing his name evidences the continued respect with which he is regarded at Michigan.

The quadrangle of buildings comprising the law school at Ann Arbor is generally regarded as affording facilities for legal education which are unsurpassed anywhere in the country. The first of the buildings was completed in 1924; the last in 1933. Uniformly constructed along Gothic lines, they include a classroom and office building, a library, and living and dining accommodations for roughly 350 students. Competition for the well-appointed rooms in the "Lawyers Club," as the dormitory facilities are called, was very keen for several years after the war, and admission was on a selective basis. More recently it has been possible for most of the unmarried students who wish to live in the quadrangle to do so.

Cook's Generosity

Michigan's magnificent physical plant owes its existence to the generosity of a single donor—William W. Cook. Mr. Cook, a graduate of Michigan University law school in 1882, won eminence as an authority on the law of corporations and as an outstanding practitioner at the bar of New York City. Taking his inspiration from the English inns of court, Cook sought to create an environment in which students might "live the law" through close association not only with one another but with visiting lawyers, professors and judges as well. The facilities of the law school are always available to such visitors, many of whom do in fact take the time to become acquainted with students. Local legend has it that Cook never visited his legal center, fearful that the actuality would fall short of his hopes and plans. It is hard to believe that he would have been disappointed.

For the present academic year there are 708 students registered at the law school. This figure includes 16 students in the graduate department. The responsibility for making lawyers out of this raw material rests with a faculty of twenty-eight full time professors. While a majority of this

group took their first degree in law at Michigan, a considerable number possess undergraduate or graduate law degrees from various other institutions in this country and abroad. It is a common although not universal pattern that teaching shall have been preceded by some experience in actual practice.

The case method of teaching law is firmly entrenched at Michigan, though necessarily modified in those courses which demand wide use of legislative materials, or which are concerned with the acquisition of drafting skills. In the classroom, the emphasis is Socratic rather than straight lecture. This becomes increasingly practicable in the smaller second and third-year classes. Students are never very successful in efforts to find professors who "lay it out."

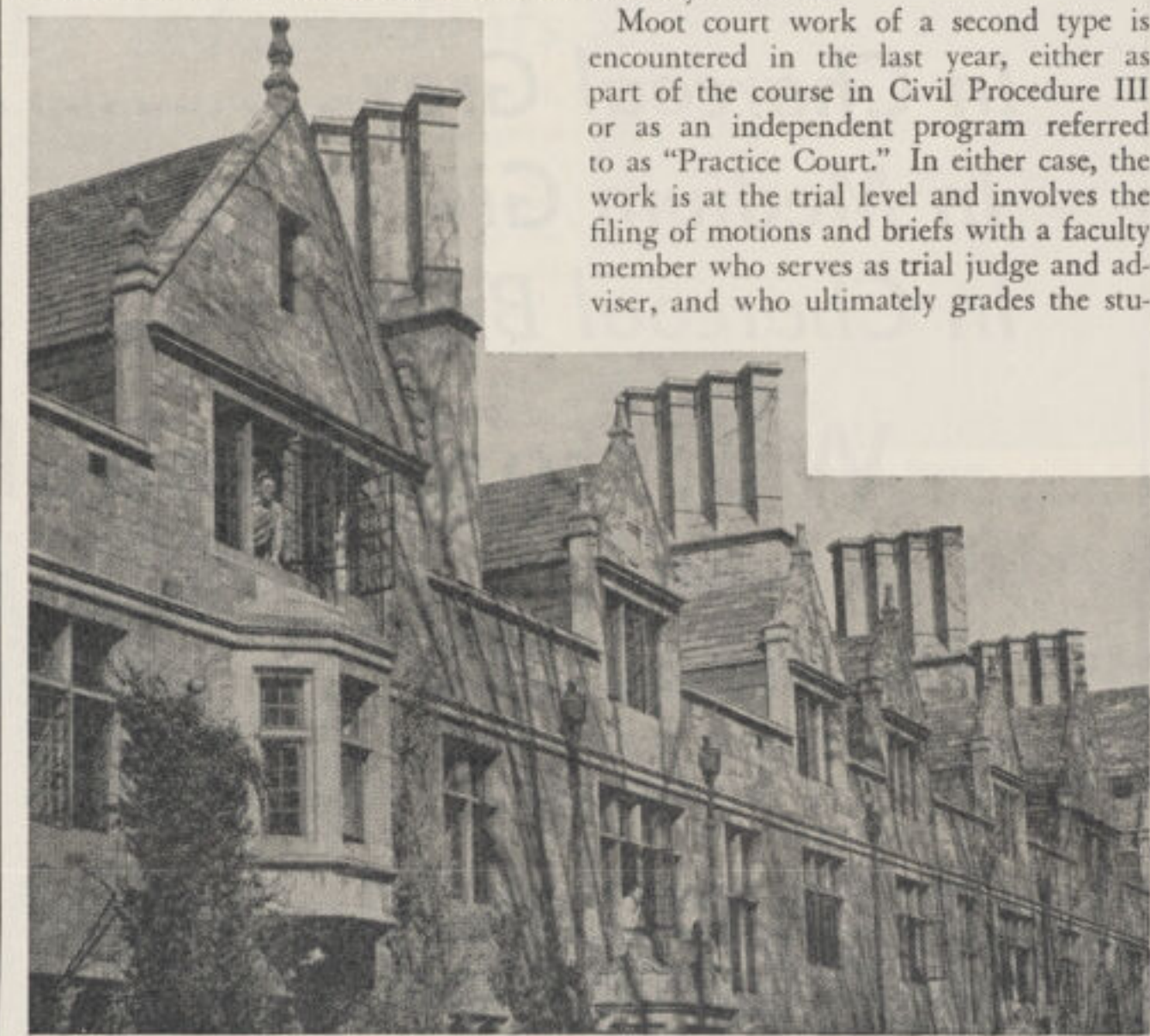
First-year Courses All Required

The first-year curriculum, which consists entirely of required courses, offers the student a semester of Criminal Law, Civil Procedure and an "Introduction to Law

including Criminal Procedure, International Organization, Land Utilization, Legal Writing, Oil and Gas, and Theories of Public Law.

Moot court work at Michigan is of two types. During the first two years a student may if he wishes participate in the activities of the "Case Club." These student-managed organizations compete intramurally and with each other in the preparation of briefs and presentation of oral argument before "appellate tribunals" composed at the early stages, of second and third-year student judges. All cases are considered as of first impression, thus opening up limitless opportunities for research. The culmination of these efforts is reached in the spring of the second year, when two pairs of finalists compete for the Henry M. Campbell Memorial Prize before a bench which includes eminent lawyers and judges. The number of students who join in this program is generally a very high percentage of the first and second-year classes.

Moot court work of a second type is encountered in the last year, either as part of the course in Civil Procedure III or as an independent program referred to as "Practice Court." In either case, the work is at the trial level and involves the filing of motions and briefs with a faculty member who serves as trial judge and adviser, and who ultimately grades the stu-



Early morning sunlight striking the Lawyers Club, a dormitory in which all rooms have matching oak furniture and hot and cold running water.

and Equity." The courses in Torts, Property and Contracts (including equitable enforcement) run throughout the year. In the second year a student must take Civil Procedure II (concerned with jurisdiction and judgments), Constitutional Law, and Trusts and Estates. Finally, the third-year student is faced with Evidence and Civil Procedure III (concerned with trial and appellate practice) for which he may substitute "Practice Court." In choosing electives during the latter two years, the student must make certain minimal selections from among two groups of courses designated as "public law" and "jurisprudence." A number of seminars are available, in-

cluding Criminal Procedure, International Organization, Land Utilization, Legal Writing, Oil and Gas, and Theories of Public Law. Moot court work at Michigan is of two types. During the first two years a student may if he wishes participate in the activities of the "Case Club." These student-managed organizations compete intramurally and with each other in the preparation of briefs and presentation of oral argument before "appellate tribunals" composed at the early stages, of second and third-year student judges. All cases are considered as of first impression, thus opening up limitless opportunities for research. The culmination of these efforts is reached in the spring of the second year, when two pairs of finalists compete for the Henry M. Campbell Memorial Prize before a bench which includes eminent lawyers and judges. The number of students who join in this program is generally a very high percentage of the first and second-year classes.

Legal research at Michigan is a strong



The Lawyers Club, dormitories, the refectory, the John P. Cook building, the Legal Research Library and Hutchins Hall are shown in this view of Michigan Law School's campus.

and well-integrated part of the educational process. A principal reason for its strength is the substantial endowment fund provided for the purpose by William W. Cook. A particularly significant phase of the program is the Legislative Research Center, which undertakes to investigate and to issue monographs on current trends in legislation. The Center also provides assistance to legislative and bar association committees engaged in drafting statutes. The Michigan Law Review, founded in 1902, appears monthly from November to June. It includes both articles and "comments"—the latter of somewhat shorter length—on current legal developments, as well as "notes" on important recent decisions. The comments and notes are prepared by student editors under faculty supervision. Eligibility to try out during the second year for the senior editorial positions is attained by the maintenance of a B average. The senior editorial board, which during the current year numbers twenty-one students, is selected from this second-year group.

Michigan employs an alphabetical grading system which runs as follows: A, B, C plus, C, D and E. Averages are calculated on a decimal-point basis which assigns to the letter-grade A the value 4.0 and so on

down the line. The percentage of failures averages at around 15 per cent of the first-year class, with most failures occurring at the end of that year.

The performance of Michigan graduates on bar examinations has in general been very good. As is the case with students at any law school of national character and scope, however, the Michigan graduate must often catch up on local law in a "cram course" if he wishes assurance of success on the examination. Of an average graduating class, the best estimate would be that around 30 per cent stay in Michigan to practice.

Large Library

The law library at Michigan, with a collection of somewhat over 250,000 volumes, is the largest west of the Atlantic seaboard and surely one of the finest in the country. The library building, in which are located the Legal Research Center and a second set of faculty offices, forms what is probably the most impressive side of the quadrangle.

Scholastic achievement is recognized by election to the Order of the Coif, a national law school honor society which annually admits to membership the upper 10 per cent of the senior class.

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QUARTER FINALS

(Continued from page one)

The question of whether unseaworthiness of a ship was negligence per se under the Jones Act was considered in this case. The argument was held in the Roscoe Pound Room of Langdell Hall, which was too small to accommodate the spectators, many of whom had to stand.

In Tuesday night's match between the Morgan Law and Choate clubs, John P. Manwell, 2L of Fayetteville, N.Y., and Frank Weil, 2L of Katonah, N.Y. spoke for Choate while Roger A. Moore, 2L of Sherborne, and Michael C. Van Beuren, 2L of Newport, R.I. represented Morgan Law. Chief judge was the Honorable Harry Heher of the Supreme Court of New Jersey, and Frank Kozol, LL.B. '27 and Cornelius J. Moynihan, LL.B. '29, were associates. Mr. Moynihan, an authority on property, is a professor at Boston College Law School.

'55 Nominees . . .

President: Harry Heher, Bill Letson, Vern Patrick, Sam Pringle, Robert Quinn, Joseph Sherrill, Fred Smithline, John Steadman.

Secretary/Treasurer: Robert King, Ray King, Laurence Levine, Joe Mullins, Bill Walsh, Myles Whaler.

Committeemen: Bennet Aisenberg, Joe Califano, Win Craven, James Drumwright, Bill Erickson, Marvin Fish, Champe Fisher, Cliff Gaddy, Gerald Gura, John Hook, Sandy Liebschutz, Wilmer Patlow, Fred Ringel, Jerry Solovy, Herbert Wasserman, David Yager.

Fashion Show

The Harvard Law Wives are having a Spring Fashion Show called "April in Paris" on Tuesday, April 12 at 8 p.m. in Harkness Commons. Tickets may be obtained for 75¢ by calling Mrs. Sheldon Karon at Un 4-2871. A limited number of tickets will be on sale the the door.

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