New Appointment

The School is pleased to announce the appointment of Nicholas deBelleville Katzenbach as Professor of Law, effective July 1. Mr. Katzenbach is currently a member of the faculty of Yale Law School.

Professor Katzenbach, who was born in 1922, received his B.A. degree from Princeton University in 1945. He was graduated from Yale Law School in 1947 and then spent the period 1947-49 as a Rhodes Scholar at Oxford University. He practiced with Katzenbach, Gildea and Rudner in Trenton, New Jersey, during 1950, during which period he was also lecturer in law at the Rutgers University Law School.

From 1950 to 1952 Professor Katzenbach was counsel to the Department of the Air Force; he served that agency in a consulting capacity during 1952-54. In 1952 he became associate professor of law at Yale University and has been a member of the Yale Law Faculty since that time. He has worked in Contracts, Conflicts, and Equity, but his major field of interest is International Law, with special emphasis on International Trade and Investment.

The Compleat Attorney

Among the early legal treatises housed in the Law Library are several offering advice to the layman and student. The Complete English Lawyer, by a student of the Inner Temple, is subtitled Every Man His Own Lawyer, which gives some idea of the intended scope of the work. In the Preface the author writes: "Though it be not necessary for every man to be a Lawyer, yet it is surely incumbent upon every one, that he should possess some knowledge of the Laws under which he lives, especially those who have any claims to a polite or liberal education."

The unidentified author of The Practick Part of the Law Shewing the Office of a Compleat Attorney, published in 1654, also apparently intended that his reading audience should extend beyond the legal profession. He sets out briefly the name of each action, the type of injury which can be remedied by the action, and the fees of the court wherein such action would be filed. For instance, in describing the uses for actions upon the case, we are told:

These Actions are very numerous, and grounded upon several occasions, as for scandalous words, for promises not performed, for special nuisances, etc. The Process upon them are: first an Originall, and then by way of capias, if you can arrest upon the first Process, if not, then you may proceed to the Outlawry, as before in Debt, only the charge will be more in respect of the length of your process, and for return of those Writs, you must return (that the Defendant hath nothing within my Bayliwick thereby he may be attached) this for the Originall; and for the Capias and other process (that the Defendant is not found within my Bayliwick).

For the information of the layman and the encouragement or otherwise of students, Sir John Doddridge set forth the qualities of mind necessary to the successful practice of law and the methods by which law ought to be studied. Sir John, a justice in the Court of King's Bench, in his English Lawyer (published 1631) sets forth the requirements thus: "sharpness and dexterity of wit," "soundness of memory," and "prompt and ready delivery by way of speech." These three are gifts of nature, to be contrasted with "those qualities which are acquired by industry." It will come as no surprise to law students to find that Doddridge considers knowledge of the law as a quality acquired by industry. He also favors a good general education as background, wherein the lawyer-to-be can acquire among others a knowledge of Latin and logic.

Between the lawyer and the student stages came traditionally the clerkship. A handy guide for this stage was The Young Clerk's Tutor, so handy in fact that it went through at least thirteen editions. The Law Library edition was published in London in 1693 and begins with four pages of plates demonstrating the difference between court and chancery calligraphy. The young clerk is further advised on the formalities of drafting contracts,
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wills, and deeds. And, in case our young clerk did not benefit by Dodderidge's advice on Latin, the latter part of this handbook is devoted to tables of English names, titles, and professions in their Latin forms.

One student of English law had a good opportunity to show his knowledge. In the famous Doctor and Student dialogues between a student and a Doctor of Divinity, the issues discussed relate primarily to statutes and common-law practices which may be argued to infringe on church law or the rights of conscience. The author, Christopher Saint Germain, of the Inner Temple, was engaged in debate with a sergeant-at-law soon after the publication of the work in 1518. The particulars of this debate over the twelfth chapter of the first dialogue were set forth in Hargreave's Collection of Tracts. The work was also favorably cited in Reeve's History of English Law and in Blackstone's Commentaries. Doctor and Student was included in the 1604 edition of Glanville's Tractus de legibus in Latin text. The Library also has the seventeenth edition in English text printed in London in 1787.

The Lawyer in the International Field

By MAX RHEINSTEIN

Max Pam Professor of Comparative Law

American interests and activities transcend the boundaries of the nation. Individuals travel into foreign countries for business or pleasure; family ties extend across national boundaries; private assets are held abroad; residents of foreign countries may be called to succeed to the wealth of an American national, and vice versa. Business relations extend all over the globe. Foreign firms buy and sell in this country; American firms export their goods to foreign markets and import from abroad raw materials and manufactured products. Credit transactions and investments are made between nations; in recent decades numerous American firms have established foreign plants, sales agencies, or other branches. Shipping and air traffic connect the nations. Protection for patents, trade marks, and copyrights must be sought and obtained the world over. In all these activities lawyers are needed as advisers, negotiators, draftsmen, arbitrators, and counsel. Legal problems also arise continually in the international activities of the government. They have been important in the traditional conduct of diplomatic and consular business and have multiplied as international governmental activities have increased in recent times. Intricate legal problems have, indeed, arisen in such activities as the formulation and implementation of the Marshall Plan, the Point Four Program, the activities of NATO and SEATO, offshore procurement, economic aid to foreign nations, the occupation of enemy territory during and after hostilities, the maintenance of military and naval bases in foreign countries, etc. Finally, a new field has arisen for the international lawyer in the activities of those international agencies which, not belonging to any single nation, are charged with tasks of a specifically international character, such as the United Nations, the International Labor Office, the United Nations Educational Scientific and Cultural Organization (UNESCO), the International Aviation Authority, the International Bank, the International Monetary Fund, the International Institute for the Unification of Private Law, the International Health Organization, and the International Food and Agricultural Organization. In addition to these international agencies of recent origin, there also exist quite a few older ones with well-established traditions in important fields, such as the World Postal Union, the International Copyright Office, the International Bureau for the Protection of Industrial Property, the International Whaling Bureau, the International Bureau of Standard Weights and Measures, and the Pan American Union. In many of these organizations lawyers are among the members of the several national delegations to the governing bodies; in most of them lawyers are on the permanent staff as international civil servants, just as they are found in the governing bodies and in the permanent staffs of such non-governmental organizations as the International Chamber of Commerce or specialized international trade associations.

Even by foreign governments American lawyers are increasingly used not only in negotiations for American credits but quite generally before American legislative bodies, whose activities have come deeply to affect the interests of foreign nations.

The sphere of activities of the international lawyer is extensive and varied. The opportunity for trial work or judicial action is, of course, more limited than in the national field. Only one American at a time can be a member of the bench of the world's most illustrious tribunal, the International Court of Justice, and very few lawyers can satisfy the dream of pleading a case before it. The Nuremberg experiment of international criminal justice will, let us hope, not be repeated. If a case is to be tried before the court of a foreign country, the American party will regularly be represented by a lawyer of that country, but an American lawyer may have to instruct him or to act as his consultant. At almost all times we can find at work some international tribunal or claims commissions. According to an estimate recently made by a committee of the American Bar Association, some fifty thousand cases have been decided by international tribunals during the last twenty-five years. Even more extensive is the work of those numerous unofficial arbitration boards in whose activities American lawyers are engaged as arbitrators or party representatives. But the great bulk of the international lawyer's work consists in giving advice, in negotiating, and, above all, in the exercise of the art of draftsmanship.