The Supreme Court of Illinois, shown in the Weymouth Kirkland Courtroom, after hearing argument of two cases on its regular calendar.

For the past five years Illinois trial and appellate courts have held regular sessions in the Weymouth Kirkland Courtroom at the Law School. This year these court proceedings were closely integrated with the first-year program of legal research and writing. The favorable response to this and other developments in the research and writing program has prompted this report.

The inclusion of court proceedings in the curriculum of a law school is a significant innovation in modern legal education. In England law students were once urged to give "diligent and constant attendance upon the courts of justice..."2 Today a popular English text for law students omits any mention of the value of court attendance for the prospective lawyer.3 In America stu-
dents once learned law as understudies in the office and courtroom. Today legal education has been ruled for over fifty years by Langdell’s case method, which “was intended to exclude the traditional methods of learning law by work in a lawyer’s office, or attendance upon the proceedings of courts of justice.”  This antipathy toward court attendance is still influential even where the case method is weakening. So it is that the modern American law student, bidden to immerse himself in the law, is like the child in the nursery rhyme: privileged to go out to swim but warned away from the water.

Jerome Frank advocated the use of court proceedings to educate young lawyers in his 1932 report to the Alumni Advisory Board of The University of Chicago Law School. The initial steps were taken years later, under the leadership of a Dean who was just beginning his studies at the Law School the year Frank’s report was submitted. It was typical of Dean (as he then was) Edward H. Levi that he made a spectacular improvement upon the earlier suggestion. Frank wanted to take the students and teachers to the courts. With the generous assistance of the supporters of the Courtroom and the remarkable cooperation of the Judiciary and the Bar, Levi brought the courts to the School.

The educational value of the court proceedings at the Law School is not limited to those students who will practice in the trial and appellate courts. The highest value of the proceedings is probably as an introduction to the judicial process. First-hand observation of the work of trial and appellate courts should give a student a sense of reality about the legal process that will enrich his study of the case materials that are still the staples of legal education. Since the court sessions are of important introductory value, it is the first-year students who are most strongly urged to attend them.

For teaching purposes the court sessions have been integrated with the first-year legal research and writing program. The purpose of this program, which was begun at the Law School in 1937, was to introduce the beginning student to skills and techniques necessary for the study and practice of law. Since 1948, when Professor Harry Kalven’s article reported on the Law School’s decade of experimentation with this tutorial work for entering students, many other law schools have adopted similar programs of individual training in research and exposition.

The Chicago program is conducted by the Harry A. Bigelow Teaching Fellows, under the supervision of a permanent member of the faculty. The principal emphasis is on individual work by the student and on individualized supervision, assistance and evaluation by the Bigelow Fellows. In each successive assignment the students and their instructors work toward a common objective, but in most cases the teaching Fellows have wide latitude in the choice of problems to serve those objectives. The Fellows also have discretion in the means used to assist their students and to evaluate and improve their work, but the emphasis has always been on individual attention to the student’s own particular problems. The current program has not changed that emphasis, but it has incorporated new ways of introducing students to legal research and new assignments designed to increase what the students would learn from the court sessions.

The entering student’s first assignment, which he received the first or second day of school in the Autumn Quarter, was designed to introduce him to the exposition of legal materials. It consisted of two statutes and seven court opinions from a single jurisdiction, together with a related problem. After studying these materials the student was required to prepare a memorandum on their meaning and effect with reference to the problem posed. The class sessions in the course on Elements of the Law, which began with an intensive consideration of how to read a case, were the student’s principal help during this abrupt and sometimes painful introduction to legal materials.

Three weeks after school began the student had completed his first assignment, had at least one lengthy interview with his tutor and was ready for his introduction to legal research. Although it is undoubtedly true that a student will best learn how to use a library by using it, his initial efforts can be furthered by some formal instruction. A lecture on the library is probably too vague and tedious to be of much value. Instruction in the materials and techniques of legal research will be more effective if it is illustrated and if it is given within the framework of law the students have learned in their initial weeks of study.

This year the research phase was introduced by showing students approximately fifty colored slides taken in
the law library. Together with the accompanying explanation, these slides illustrated the basic tools and techniques of legal research (e.g., annotated statutes and reports, digests, indices to legal periodicals, encyclopedias, etc.) that a lawyer would use to locate and evaluate the cases and statutes the students had discussed in their first assignment. This hour-long visual presentation was supplemented by a written “Guide to Basic Research Tools and to the Library.” Following this basic introduction to legal research the students were given small problems on which they did the research and prepared written memoranda.

After employing the basic research tools in this manner, the first-year class met for a review session in which they saw two films on legal research prepared by publishers of legal materials. The showing of these films, which are thought to be most effective when viewed by students who have already made some use of the materials portrayed, concluded the formal instruction on legal research.

The third assignment of the Autumn Quarter was designed to prepare the students to realize the maximum benefit from their attendance at the first court session, a jury trial. It also gave additional practice in legal research. First, the students completed a reading assignment on the technique of preparation for trial, with special emphasis on the preparation and function of the trial brief. The written assignment consisted of a partial outline of the “law” section of a trial brief, including some thirty or forty legal questions that might arise concerning voir dire questions, admissibility of evidence, jury instructions, etc. It required the student to complete research and submit a memorandum on one or more points in each of these areas. This gave each student some familiarity with several typical legal issues prior to the trial. So that they would also be familiar with the pleadings and disputed issues of fact, each student received a copy of the complaint and answer and was asked to pinpoint the factual issues to be resolved at the trial.

On November 19 and 20, 1963, the first-year class attended the jury trial in the Weymouth Kirkland Courtroom. The Honorable Jacob M. Braude (JD’20) of the Circuit Court of Cook County presided. The case, an action for personal injuries, had been selected by Judge Braude from his regular calendar with the agreement of clients and counsel. It proved ideal for instructional purposes.

The trial lasted two days, from selection of the jury through setting of instructions (an in chambers proceeding viewed by the students), closing arguments and rendition of the verdict (for defendant). Students saw the examination and cross-examination of witnesses, introduction of documentary evidence, use of demonstrative evidence, use and impeachment of expert testimony, several arguments at the bench over the attempted introduction or exclusion of evidence, and the use of depositions as evidence and for impeachment. After the jury had been discharged, Judge Braude conducted a brief question-answer session for the students.

The students’ interest and performance in this first court assignment and their enthusiasm for the proceeding itself was even more intense than expected. The whole experience seemed to bear out Jerome Frank’s observation that the difference between learning law in the exciting context of live cases and that way of learning to which students are now restricted in the schools “is like the difference between kissing a girl and reading a treatise on osculatio.” At any event, student tenacity in holding counsel and questioning them informally long
after the rest of the participants had left the courtroom suggested that informal sessions with counsel following the proceeding should be an indispensable part of a court assignment. The Winter Quarter began with a dual assignment. First, the students were required to rewrite a short (2-3 page) excerpt from an obscure portion of a memorandum submitted by one of their fellow students in the second assignment. The objective of this exercise was to impress the student again with the need for clarity and brevity in legal exposition and to develop his willingness and ability to achieve those objectives by rewriting. The second portion of the assignment gave the student a complicated set of facts and challenged him to identify and do research on the relevant legal issues and submit a memorandum.

The last of the research exercises in the program was the “quickie” research exercise. This assignment tested the student’s ability to take oral directions, to do rapid and effective research under time-pressure, and to give clear oral and written reports of his research findings. In short, it duplicated conditions and assignments encountered from time to time in most law offices. The exercise began when a student reported to his tutor by appointment, and was given (orally) a small research assignment. Two hours later the student returned to report and discuss his findings. After a brief interview (10-15 minutes) with his tutor, the student had four more hours to complete any additional research he deemed necessary and to prepare and submit a short written memorandum on the assigned subject. The time pressure involved in this assignment had some unexpected dividends. The Fellows reported that the memoranda of some students whose writing had previously tended to be excessively wordy became commendably terse. Some students stated that the assignment taught them where they had been wasting time in research. Most students seemed to have zest for the exercise because it was thought to involve techniques and time limitations similar to those to be encountered in practice.

The remaining assignment in the Winter Quarter introduced the students to the handling of facts and cases in legal argument. This assignment was an ideal one to coordinate with the session of the Illinois Appellate Court at the Law School.

About three weeks before the court session the students completed a reading assignment on methods and techniques of legal argument. The selections included discussions by Llewellyn, Medina and Wiener on stating the question, presenting the facts, and employing or attempting to distinguish cases in argument. Since advocacy lends itself well to teaching by example, particularly where the student is thoroughly familiar with the subject being argued, these formal descriptions were supplemented with briefs prepared and filed in a real case that involved issues identical to those the students had discussed in their first assignment. Because of their familiarity with the subject matter in these sample briefs the students could more critically appraise and benefit from the attorneys’ handling of the facts and law.

After completing these readings, the student was given a problem drawn from one of the cases to be argued before the Appellate Court. Each student received approximately 50 pages from the Abstract of Record, including the complaint, jury verdict, judgment, post-trial motions, and large portions of the testimony of witnesses for both sides. This case was an action by a fourteen-year old boy against a railroad for injuries received while he was “flipping” (riding) a freight car near a children’s playground in the city of Chicago. The student’s assignment was to write statements of facts and questions presented suitable for inclusion in the briefs of (a) plaintiff-appellee, and (b) defendant-appellant. In addition, the student also received copies of the opinions in three principal cases discussed in the briefs of counsel. For this part of the assignment he was required to prepare two case-briefs of each of the three cases, one brief drawn so as to emphasize and the other drawn so as to minimize the authoritative value of the case. After submitting his case briefs and his version of the statements of facts and questions presented each student received a copy of the briefs filed in the case. Thus, he could study the argument (particularly the argument from the three selected cases) and the statements of facts tendered by experienced counsel. This prior study not only aroused interest but also enhanced the benefit students could derive from the oral argument.

The Appellate Court of Illinois heard arguments on three cases in the Weymouth Kirkland Courtroom on February 18, 1964. The Court for this session consisted of Presiding Justice Joseph Burke, Justice Hugo Friend (JD’08), and Justice James Bryant (JD’20). After argu-
ment in the case under study counsel met with the first-year students and subjected themselves to an hour of questions relating to their conduct of the case. The students’ questions revealed a thorough knowledge of the case (more than half of the class signified that they had visited the scene of the accident before the argument) and, according to counsel, a surprising degree of sophistication about the techniques the lawyers had employed at trial and on appeal. It should be added that counsel, Cornelius P. Callahan, Jr., and Louis G. Davidson, were extremely helpful and informative to the students.

This session with counsel, and the similar (though more formal) session Judge Braude conducted at the Law School after the jury trial in the Autumn Quarter, reaffirmed what Edward Levi called “the Anglo-American tradition . . . that judges and lawyers are also teachers.”

The legal research and writing program concluded with two assignments in the Spring Quarter. One of these assignments was a conventional moot court exercise, which gave the student his first experience in writing a brief and arguing a case. Using a real record in a reported case, the student prepared written briefs and delivered an oral argument before a panel of judges consisting of the Bigelow Fellows, other faculty members, and students in the second and third-year moot court program. Other students were of course assigned to brief and argue the opposite side of the case. The selection of suitable cases for first-year moot courts is not easy, but the jury case tried at the Law School in the Autumn Quarter was a natural choice. This year some of the moot court participants were required to argue an appeal of this case or variations of this case. Students so assigned had the unusual opportunity of following a real case from pleadings through verdict to appeal (albeit moot appeal) and to study and work with the written record in a case tried in their presence.

The culmination of the year’s work in legal research and writing was the assignment coordinated with a case heard at the Law School by the Illinois Supreme Court (Mr. Chief Justice Ray I. Klingbiel, Mr. Justice Joseph E. Daily, Mr. Justice Harry B. Hershey (JD’11), Mr. Justice Byron O. House, Mr. Justice Walter V. Schaefer (JD’28), Mr. Justice Roy J. Solfsburg, and Mr. Justice Robert C. Underwood).

Prior to the Supreme Court session the students received and studied copies of the briefs filed in one of the cases being argued, an appeal from a conviction for selling obscene books in violation of a Chicago ordinance. The student’s assignment was to put himself hypothetically in the position of the judge, to attend the oral argument, and to write a judicial opinion disposing of the case and resolving the questions raised. Thanks to counsels’ willingness to participate in another lengthy session following the formal argument, the student-judges even had an opportunity to question the lawyers about their briefs, their arguments and their legal theories. In this session the students learned at first-hand the value of oral argument to a judge who must prepare an opinion. When completed, the student opinions, like all of the other assignments in the program, were graded by the tutors and discussed individually with the student authors.

With the completion of this exercise, the first-year student had participated in most of the important phases of the trial and appellate process. In the course of his first year he had instruction and practice in legal research and writing, including preparation of memoranda and briefs, and in oral argument. In addition, he had been a
During a recess in the jury trial, students cross-examine Leo K. Wykell, of the Illinois Bar, counsel for the plaintiff

spectator, and to some extent a participant (through co-ordinated assignments), in actual judicial proceedings at each of the principal trial and appellate levels in the Illinois State Courts: a Circuit Court jury trial and sessions of the Appellate Court and Supreme Court of Illinois.

The integration of the Illinois court sessions into the legal research and writing program is the most recent example of the Law School's continuing effort to realize for its students the opportunities envisioned by Chief Justice Warren when he laid the cornerstone for the new building on May 28, 1958:

The construction of any new law school building is a notable event, but the construction of this particular building should be one of great significance to the Bench and Bar of our Nation as well as to the cause of legal education. It will be unique among the law schools of the world. Standing between its great parent University and the American Bar Center, and containing a courtroom that will be used for sessions of the Illinois Supreme Court, this building will offer its occupants an unprecedented opportunity to enrich the conventional legal curriculum with the spirit of scholarly achievement, the practical outlook of the organized Bar, and the day-to-day operations of one of our most distinguished state courts.

It will not merely be a one-way street between the law school and these other segments of our profession. Benefits will flow to and from each of them. Each can pass on to the others its own strengths, and receive support from them where strength is needed. It will provide the best opportunity in America for an integrated approach to the many problems that confront all of us in the administration of Justice.

FOOTNOTES

1 The Legal Research and Writing Program comprises five of the 48 quarter hours in the first-year curriculum. By way of comparison, Torts and Criminal Law are six hours each; Contracts and Property are eight and nine, respectively.

2 Simpson, Reflections on the Study of the Law, 31 (4th Ed. 1765); Williams, Study and Practice of the Law, 126 (1823).


4 Centennial History of Harvard Law School, 231 (1918). "Experience has shown," the account continues, "that he [Langdell] was right in believing that such training was not a necessary part of legal education."
Four New Appointments

RONALD H. COASE, an economist who is a leading international authority on public policy and the governmental regulation of industries, has been appointed Professor of Economics in the Law School and the Graduate School of Business, effective September 1, 1964. He is currently Professor of Economics at the University of Virginia.

Coase also will become co-editor, with Aaron Director, Professor of Economics in the Law School, of The Journal of Law and Economics, published by the Law School.

The appointment was announced by Edward H. Levi, Provost of the University, who said:

"In practice, law and business are rarely separated; but in academic affairs, they too frequently are examined as disparate concerns. Professor Coase brings together two spheres of inquiry which belong together for both instructional and research purposes. He follows in the tradition joining economics and law established at the University by the late Henry Simons."

Coase joined the faculty of the University of Virginia in 1958. From 1951 to 1958 he was a member of the faculty of the University of Buffalo. From 1935 to 1951 he was a member of the faculty of the London School of Economics.

During World War II, from 1941 to 1946, he served as statistician and later Chief Statistician of the Central Statistical Office, Offices of the War Cabinet. From 1945 to 1946 he was Acting British Director of Statistics and Intelligence, Combined Production and Recourses Board, and the Representative of the Central Statistical Office in Washington.


He received the degree of Doctor of Science in Economics from the London School of Economics.

NORMAN RAMSDEN MORRIS, internationally renowned criminologist and authority on criminal law, has been appointed Professor of Law, effective Autumn, 1964.

His appointment was announced by Edward H. Levi, Provost of the University of Chicago.

Morris since 1962 has been Director, Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders, an agency of the United Nations. The Institute was established to train personnel and conduct studies and research in the field of the prevention of crime and the treatment of offenders as well as in the prevention of juvenile delinquency and treatment of juvenile delinquents.

Prior to assuming the directorship of this Institute, Morris was Dean of the Faculty of Law and Bonython...