Coif Award to Gilmore

The Triennial Award of the Order of the Coif was established to honor distinguished legal scholarship. During the Annual Meeting of the Association of American Law Schools, in December, 1967, the second such Triennial Award was presented to Grant Gilmore, Harry A. Bigelow Professor of Law at the University of Chicago Law School. The presentation by Herbert L. Packer, Professor of Law and Vice-Provost, Stanford University, who was chairman of the Award Committee, and Professor Gilmore's response were memorable in themselves, and are therefore set forth below.

Presentation by Professor Packer

Following as we did in the footsteps of the first Triennial Coif Award Committee, we found our task delineated, both formally and substantively. Formally, it was our charge, as it was theirs, to recommend an award to the author or authors of "an outstanding legal publication that evidences creative talent of the highest order." Our predecessors gave substantive content to that charge through the award to our lamented friend, Brainerd Currie. They thereby set a standard for this award that made the task for the second triennium both easier and harder than it might otherwise have been: easier because it enabled us at once to discard the merely meritorious, the merely competent; harder because of the constant reminder that the standard we were to apply was in fact as well as in form an exacting one.

We read much, learned much, admired much. In the end, though, there was only a handful of truly exceptional works. Had the salutary tradition of a single award not been so happily set by the first Triennial Award, we might with good conscience have nominated three or four works to share the award. But we chose to make a single choice.

In a moment, I shall attempt to give reasons of record for voting the award as we did. First, however, a nonreason, off the record. At the time of the first award, members of the faculty of an obscure midwest law school were heard to complain that they missed their share of the reflected glory because Brainerd Currie had moved to another school before he received the award for work which had in the main been done at their school. Today we are making it up to those fellows. They will share in the glory of an award to a colleague who wrote his book at another school, before he joined them. Whether this gives the equally obscure eastern law school, which he left, any sort of lien on the next Triennial Coif Award would be ultra vires for me to say. Suffice it to say that we voted the award to Grant Gilmore, for his Security Interests in Personal Property.

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Supreme Court Clerkship

Mrs. Martha Field Alscher, Class of 1968, has been appointed law clerk to the Honorable Abe Fortas, Associate Justice of the United States Supreme Court.

Mrs. Alscher was graduated from Radcliffe College in 1965. She entered the Law School in October of that year, shortly after her husband, Albert W. Alscher, became law clerk to the Honorable Walter V. Schaefer, JD'28, Justice of the Illinois Supreme Court. At the conclusion of her first year at the Law School, her husband became Assistant Professor of Law at the University of Texas Law School, and Mrs. Alscher therefore received her second year of legal education there.

Last autumn, Mr. Alscher was appointed a Research Fellow of the Center for Studies in Criminal Justice at the University of Chicago Law School, and Mrs. Alscher returned to complete her work here.

Mrs. Alscher ranked first in her class at the end of her first year at the University of Chicago, and at the end of her second year of law school at the University of Texas. She is the third woman to be appointed a law clerk to a Justice of the United States Supreme Court.

Four Distinguished Lecturers

On March 18, the Law School, together with the American Bar Association, sponsored a public lecture by the Honorable Sol Linowitz, United States Ambassador to the Organization of American States. The Ambassador's topic was "The Legal Profession in a Changing Society."

During the current Spring Quarter, N. J. Coulson, Professor of Islamic Law in the School of Oriental and African Studies of the University of London, is visiting the University of Chicago under the joint sponsorship of the Law School and the Center for Middle Eastern Studies. Professor Coulson will deliver a series of six public lectures, generally titled "Conflicts and Tensions in Islamic Jurisprudence."

On April 18, 1968, the Fourth Henry Simons Lecture was delivered by Kenneth LeM. Carter. The Lectureship was established in honor of the distinguished economist who for many years was both a member of the Department of Economics and Professor of Economics in the Law School. Mr. Carter, an eminent Canadian accountant, was chairman of the Royal Commission on Taxation of Canada, the report of which has become a landmark in the study of tax policy. The title of Mr. Carter's Simons Lecture was "Canadian Tax Reform and Henry Simons."

The Annual Dinner of the Law Alumni Association will be held on May 9. The Association takes great pleasure in announcing that the principal speaker at that dinner will be the Honorable Thurgood Marshall, Associate Justice of the United States Supreme Court.
only to the ardent with which lawyers are willing to grapple with every aspect of human affairs, but also to the special abilities of a good lawyer in sorting out a brand new problem into manageable form. Indeed, if any of you were to leave the law and embark upon cattle breeding, or producing motion pictures, this is a capability you might wish to take along.

Finally, let me say a word about what may be broadly referred to as the fiduciary principle. It applies to many relationships in our society, but has its greatest impact on the ethic of the lawyer himself. I am sure all of you already realize—and in time you will come to know about this in far greater detail—that a lawyer is first and foremost in a position of trust and confidence. His clients—whether they be private clients or governmental agencies or something in between—are entitled to his best independent judgment as to what is the most appropriate course of action for the client to pursue. In making this judgment the lawyer must strive carefully to eliminate all consideration of what would be personally advantageous for himself, as distinct from the legitimate interests of his client. This perhaps is another way of saying that a lawyer works in a representative capacity, not for his own glorification but for the softer satisfactions that come from a professional task well done.

All around you, as you enter this law school, you hear the sounds of conflict and of challenge, both at home and abroad. Of one thing you may be certain. Your course of studies here will in no way isolate you from the major present-day controversies which all of us find so troublesome. And if you are not too impatient, you should emerge from this law school far better equipped to play your part in dealing not only with these present controversies but also with whatever new problems are to follow them in this computer-oriented world. Like other institutions in our society, the law is on the threshold of immense changes. By the time you are ready, it will need your help.

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Our Committee has not adopted a statement of reasons, but I shall exercise the Chairman's prerogative of stating some of them: Grant Gilmore's work exhibits the singular power of the single human mind, not likely to be matched by any team or committee or task force, to impose a kind of order on unruly and recalcitrant facts, to see a piece of reality in a new way. His field has been traditionally obscure, technical, particularistic, rule-ridden. Through his labors and those of others, especially the late Karl Llewellyn, a statutory tour de force has illuminated the field. And now, by a superb act of critical detachment, Professor Gilmore has reappraised that reappraisal, set it in its historic perspective, analyzed its central problems and unsparring criticized its deficiencies. He is no builder of closed systems; he substitutes no new dogmas for the old ones. If his treatise is "definitive"—and it is—that quality inheres in its recognition that soundly conceived legal doctrine is simply a starting point for thinking about a problem in its context. Finally, Grant Gilmore exhibits a lucidity and grace in this, as in his other works, that stands as a reproach to those who think that style is somehow separate from substance. The mind at work in these pages is fastidious, ironic, aristocratic. These are not qualities that are much in vogue today; they are qualities that are worth celebrating when brought, as here, to the solution of significant legal and intellectual problems.

Response by Professor Gilmore

I have often thought that the distinguishing mark of our particular profession is its essential loneliness. There are many honorable ways of making a living—indeed of coping with life—in which you know to start with what it is that you are supposed to be doing and will in due course be told whether or not you have succeeded in doing it. We are like spies in an alien land, cut off from any contact with headquarters, with no way of ever finding out whether the intelligence which we diligently collect and relay is what is required of us or is even relevant to our vague and ambiguously stated mission.

We do something called teaching. But we all know from bitter personal experience that nothing is, or can be, taught once we get beyond the communication to small children of the basic mysteries on which civilization depends—how to read, how to write, how to count. We can of course pump students full of facts or even brainwash them—but pumping facts is a waste of everybody's time and washing brains in public is, as Justice Holmes might have told us, dirty business. Learning is what the students are there for and all we know about learning is that, on any level of complexity, it is every man for himself and by himself, imposing a perhaps delusive formal pattern on the swirling chaos by a prodigious effort of the individual will. It may be that we can stimulate, or irritate, an occasional student into undertaking this arduous task—but, if we do so, it will be much more by accident than by our own design. Karl Llewellyn once observed that the function of the law teacher is not to let the true light shine: he was wise to content himself with that negative formulation.

We also engage in something called research and scholarship. We write learned articles and books, we draft Codes and Restatements, we publish or we perish—sometimes we do both. In our articles and books and Codes and Restatements we are indeed concerned to let the true light shine. We aim at a hammerlock on certainty, a stranglehold on truth. In the ecstasy of struggle
only to the arder with which lawyers are willing to grapple with every aspect of human affairs, but also to the special abilities of a good lawyer in sorting out a brand new problem into manageable form. Indeed, if any of you were to leave the law and embark upon cattle breeding, or producing motion pictures, this is a capability you might wish to take along.

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it is hard not to succumb to the illusion that we have, once and for all, wrestled our adversary to the ground. But time, which outwits us all, will presently reveal the boundless extent of our ignorance, our limitless capacity for self-deception. Still, if you can stand the loneliness, it's a good life. But it is heartwarming, I must confess, once in a while to be invited to come in out of the cold.

I thank you.

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and Parsons. He has also served as Vice Chairman of the Neighborhood Legal Assistance Center, which has involved both the counseling of clients at the Center and the trial of criminal and civil matters in a variety of courts in Cook County.

Walter van Gerven, Professor of Law at the University of Louvain, Belgium, and George Briere de l'Isle, Professor of Private and Criminal Law at the University of Bordeaux, France, have been appointed Visiting Professors of Law. They will teach the Civil Law course in 1968-69, which will be on French law. Professor van Gerven will be in residence during the first half of the year and Professor Briere de l'Isle the second. Both men have previously taught at the Law School. Professor van Gerven was teaching assistant to Professor Rheinstein in the Foreign Law Program in 1959-60. Professor Briere de l'Isle taught in the Program in 1964-65.

The Bigelow Teaching Fellows and Instructors for the academic year 1968-1969 will be:

Danny J. Boggs, who was graduated from Harvard, Bachelor of Arts cum laude, in 1965, will receive the J.D. from the University of Chicago Law School in June. He has been a Floyd Mechem Scholar during his stay at the Law School. Mr. Boggs won the award for best oral argument in the Hinton Competition in 1967 and is serving as Advisor to the Hinton Moot Court Committee during the current academic year.

David M. Brown, A.B., magna cum laude and Phi Beta Kappa, University of Southern California in 1965, will be graduated from the Law School of Stanford University this spring. Mr. Brown is an editor of the Stanford Law Review, was the recipient of the American Jurisprudence award for the best work in Criminal Law, and is serving as a dormitory resident head.

Michael M. Martin received the degree of Bachelor of Arts with High Distinction from the University of Iowa in 1964, where he was also elected to Phi Beta Kappa. In 1966 he was graduated from the University of Iowa College of Law, second in his class. He served as Editor-in-Chief of the Iowa Law Review and was elected to the Order of the Coif. Upon graduation from law school, Mr. Martin was awarded a Rhodes Scholarship. He is currently a student at New College, Oxford University, where he is a candidate for the B.Litt. degree, with a thesis on British securities regulation.

Jarret C. Oeljten was awarded the Bachelor of Arts degree by the University of Nebraska in 1965. He is currently a student in the University of Nebraska College of Law, where he will complete the requirements for the J.D. degree in June. He stands first in the senior class at Nebraska, and is an editor of the Nebraska Law Review. During the current academic year Mr. Oeljten has also been serving as student law clerk to the Honorable Robert Van Pelt, United States District Judge for the District of Nebraska.

W. Thomas Tete will complete the requirements for the degree of Master of Laws at Yale this spring. He was graduated from Louisiana State University, and last May received the J.D. degree from that institution, where he ranked second in his law school class. He was an editor of the Louisiana Law Review and was elected to the Order of the Coif. While an undergraduate, Mr. Tete also served as a tutor and grader in Ethics and Logic in the Department of Philosophy.

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a little beyond me, unless lawlessness and anarchy are to be identified solely with the left.) That the S.D.S. is a part of the New Left is not to be gainsaid. That it is subversive is equally clear, if one is prepared to talk of subversion of educational institutions rather than subversion of the government of the United States. That its money—and there seems to be a lot of it—may be coming from interests anxious to subvert the American government is not unlikely. And yet, the Eastland Committee investigation may, paradoxically, strengthen rather than weaken the power of the S.D.S. in the academic community. For like the victims of the House Un-American Affairs Committee, the targets of an Eastland investigation will find sympathy among many soft-headed academics who are prepared to find persecution even where there really is only legitimate investigation. The irony then lies in the fact that an attack on the S.D.S. by the Eastland Committee, displaying its usual methods and rhetoric, may make it possible for this small group to gain the necessary adherents and protectors within American university faculties to make feasible its destruction of American educational institutions.

So much for today on the revolting students. Having brought you such joyful tidings from the University campus, I had better quit now. Some day, however, I should like to come back and speak to you about the revolting faculty, a story that is equally heartening.