Summer 6-1-1960

Law School Record, vol. 9, no. 2 (Summer 1960)

Law School Record Editors

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The honorary degree of Doctor of Laws is conferred by Chancellor Kimpton upon: upper left, the Honorable Earl Warren, Chief Justice of the United States. The Chief Justice was escorted by Roscoe T. Steffen, John P. Wilson Professor of Law; upper right, the Honorable Roger J. Traynor, Justice of the Supreme Court of California. Justice Traynor was escorted by Professor Brainerd Currie; center left, the Honorable Herbert F. Goodrich, Judge of the United States Court of Appeals for the Third Circuit. Judge Goodrich was escorted by Wilber G. Katz, James Parker Hall Professor of Law; center right, the Honorable Walter V. Schaeter, JD'28, Justice of the Supreme Court of Illinois. Justice Schaeter was escorted by Professor Karl N. Llewellyn; lower left, the Honorable Charles E. Clark, Chief Judge of the United States Court of Appeals for the Second Circuit. Judge Clark was escorted by Professor Bernard D. Meltzer; lower right, the Honorable Dag Hammarskjold, Secretary General of the United Nations. Dr. Hammarskjöld was escorted by Professor Nicholas deB. Katzenbach. The seventh recipient of an honorary degree was the Right Honorable Viscount Kilmuir of Creich, Lord High Chancellor of Great Britain, who was escorted by Professor Sheldon Tefft.
The Dedicatory Celebration

Throughout the academic year 1959-60, the Law School sponsored a series of public lectures and conferences in commemoration of the dedication and occupation of the new Law Buildings.

Details concerning the Dedicatory Address by the Vice President of the United States; the Ernst Freund Lecture by the Right Honorable Lord Denning of Whitchurch, Lord of Appeal in Ordinary; the Henry Simons Lecture, by Professor Jacob Viner, of Princeton University; the lecture on the practice of law, meant especially for entering students, by Lloyd K. Garrison, and the Conferences on the Public Servant, on Power and Responsibility, and on Criminal Justice, may be found in the previous issue of the Record.

The ceremonies were completed by a Special Convocation and Dedicatory Celebration which took place on April 27-30 and May 1, 1960. The program for that period was as follows:

Friday, April 29
9:30 A.M. The Supreme Court of Illinois, in official session, hearing argument in regular, pending cases.

The Weymouth Kirkland Courtroom

1:00 P.M. Luncheon The Main Lounge, The New Law Buildings

3:30 P.M. “Recent Cases in the United States Supreme Court.” A discussion by Professors Roger C. Cramton, Brainerd Currie, and Philip B. Kurland, The University of Chicago Law School

5:00 P.M. Reception Burton Lounge

6:00 P.M. Dinner Burton Dining Hall

8:00 P.M. Final Argument in the Hinton Competition, The University of Chicago Law School Student Moot Court Program.
The court was composed of:
The Honorable Charles E. Clark, Chief Judge, the United States Court of Appeals for the Second Circuit
The Honorable John Hastings, Judge, The United States Court of Appeals for the Seventh Circuit
The Honorable Roger J. Traynor, Justice, The Supreme Court of California
The Weymouth Kirkland Courtroom

During the Dedication Ceremonies, Professors Brainerd Currie, Philip B. Kurland, and Roger C. Cramton discussed recent decisions of the United States Supreme Court.

Professor Karl N. Llewellyn delivered a public lecture on "The Law as a Liberal Art" as a part of the Dedication Celebration.

Saturday, April 30
9:30 A.M. A Discussion of Aspects of the Law and Behavioral Science Research Projects at the University of Chicago Law School
Wilber G. Katz, James Parker Hall Professor of Law, The University of Chicago Law School, presiding
"Statutory Reform of Interstate Succession Laws and Social Science Research"
Allison Dunham, Professor of Law, The University of Chicago Law School
"The Jury and the Principles of the Law of Damages" Harry Kalven, Jr., Professor of Law, The University of Chicago Law School
"Some Observations on the Adjudicatory Process" Soia Mentschikoff, Professorial Lecturer, The University of Chicago Law School
Classroom II, The New Law Buildings

12:15 P.M. Luncheon Burton Dining Hall
2:00 P.M. "The Study of Law as a Liberal Art" Karl N. Llewellyn, Professor of Law, The University of Chicago Law School Professor Llewellyn was introduced by Professor Frank R. Strong, Dean of the College of Law, Ohio State University, and President of the Association of American Law Schools
Classroom II, The New Law Buildings

3:00 P.M. "The Role of Law in the Achievement of National Goals": A Round-Table Discussion by:
Walter J. Blum, Professor of Law, The University of Chicago Law School, moderator.
Francis A. Allen, Professor of Law, The University of Chicago Law School
Louis Gottschalk, Gustavus F. and Ann M. Swift Distinguished Service Professor of History, The University of Chicago
Richard P. McKeen, Charles F. Grey Distinguished Service Professor of Philosophy and of Classical Languages and Literatures, The University of Chicago
C. Herman Pritchett, Professor of Political Science and Chairman of the Department, The University of Chicago
Theodore W. Schultz, Charles L. Hutchinson Distinguished Service Professor of Economics and Chairman of the Department, The University of Chicago
Classroom II, The New Law Buildings
5:00 P.M. Reception for, and informal discussion with, The Honorable Earl Warren, Chief Justice of the United States
The James Parker Hall Concourse.
The New Law Buildings

6:30 P.M. Dinner
Burton Dining Hall
and the Main Lounge

8:30 P.M. "Reforms in the Law and Legal System of England: A Six-Year View from the Woolsack."
The Right Honorable Viscount Kilmuir of Creich, Lord High Chancellor of Great Britain
The Lord Chancellor was introduced by Glen A. Lloyd, Esquire, Chairman of the Board of Trustees of the University, who presided.

The Auditoium, The New Law Buildings
Sunday, May 1, Law Day

3:00 P.M. A Special Convocation in Celebration of the Completion and Occupancy of the New Law Buildings
Lawrence A. Kimpton, Chancellor, The University of Chicago, presiding
John D. Randall, President, The American Bar Association, presented Greetings from the Organized Bar
The Honorable Nelson A. Rockefeller, Governor of the State of New York, Convocation Speaker
Rockefeller Memorial Chapel, 59th and Woodlawn Avenue

Wilber G. Katz, James Parker Hall Professor of Law, presided at a Dedication Celebration report on the Law and Behavioral Science Research Projects at the School. Speakers were, left to right: Professor Henry Kafkow, Jr., Professor Allison Dunham, and Professor Soia Mentschikoff.
4:30 P.M. Reception at the New Law Buildings, The James Parker Hall Concourse, and Open House at the American Bar Center, directly across University Avenue from the Law Buildings.

6:00 P.M. Dinner

The Main Lounge

8:00 P.M. "The Development of a Constitutional Framework for International Cooperation."

The Honorable Dag Hammarskjold, Secretary-General of the United Nations

Dr. Hammarskjold was introduced by Andrew J. Dallstream, Esquire, President of the University of Chicago Law School Alumni Association.

The Vice President of the United States delivered the Dedicatory Address in the Main Lounge.
The Honorable Nelson A. Rockefeller, Governor of New York, delivered the Convocation Address in Rockefeller Chapel.
Fact and Fiction on Court Delay

Delay in the Court, by Hans Zeisel, Harry Kalven, Jr., and Bernard Buchholz, Little, Brown and Company, Boston (1959) is the first in a series of seven or eight volumes which will report the results of the investigation of the jury conducted by the Law School. The Jury Project has been a major element in the School's Law and Behavioral Science Research Program.

Listed below are twenty statements frequently made about the general problem of court delay. The reader may wish to mark them "True" or "False", and then turn to page 58 for the answers arrived at during the study of the jury and set forth in Delay in the Court.

Causes of Delay
1. Suits from automobile accidents are the major cause of court delay. True . . . . False . . . .
2. Most courts are delayed because they dispose of fewer cases each year than they take in. True . . . . False . . . .

Effect of Delay on Congestion
3. If delay is reduced, the work-load of our courts would increase: Many cases which now do not reach the final stage only because it takes so long, would then have to be tried. True . . . . False . . . .

Court Housekeeping
4. Most courts have good statistical records which permit them to measure at any point of time the extent of delay. True . . . . False . . . .

Impartial Medical Experts
5. Court appointed impartial medical experts reduce delay by increasing the number of settlements. True . . . . False . . . .

Automatic Preferment of Non-Jury Cases
6. It is good idea to grant, as some courts do, automatic preferment to litigants who waive jury trial, because this encourages jury waiver and saves time. True . . . . False . . . .

Abolishing the Jury for Negligence Trials

Claim-Consciousness
8. The same number of comparable accidents will result in a higher number of claims in some cities than in others. True . . . . False . . . .

Lost Judge Days and Judge Hours
9. Court days are lost at random whenever sickness or other unforeseen obstacles occur. True . . . . False . . . .

10. Judges who work fewer days make up for it by working longer hours. True . . . . False . . . .

Jury Waiver
11. The following devices will help to increase jury waiver and thereby help to reduce court delay: introduction of comparative negligence, stipulation of comparative negligence, special judge panels for bench trials. True . . . . False . . . .

Shorten the Jury Trial
12. There is very little room for time saving through shortening of the present jury trials. True . . . . False . . . .

13. If the courts would separate the trial of the liability issue, and try the damage issue only if liability is affirmed, substantial time-savings would result. True . . . . False . . . .

Relative Length of Jury Trial
14. To try a case without a jury saves more than half the time it would take to try it with a jury. True . . . . False . . . .

Adjournments
15. Every court approved adjournment increases delay. True . . . . False . . . .

Automatic Preferment of Commercial Cases
16. Commercial cases should receive, as they do in some courts, automatic preferment. Delay hurts them more than other claims. True . . . . False . . . .

Pre-Trial
17. Since pre-trial cases are more likely to be settled before the trial stage, pre-trial will reduce court delay. True . . . . False . . . .

Interest from the Day of Accident
18. If insurance companies were forced to pay interest from the day of accident rather than the day of verdict, more cases would be settled by them. True . . . . False . . . .

Substitute Judges
19. Since Massachusetts and Pennsylvania effectively reduced their delay through auditors and arbitrators, these systems are recommended cures for delay. True . . . . False . . . .

Concentration of the Trial Bar
20. Concentration of trial work in a few law offices creates a bottleneck which is one of the major causes of delay. True . . . . False . . . .
Fifty study tables of the type shown above surround the Law Library on both the Reading Room Floor and the Mezzanine Floor.

A view of the John P. Wilson Law Library Reading Room. Partially visible through the stacks are some of the study tables which surround the Room on both the main and mezzanine floors. A detailed view is shown at left. The seating capacity of the Reading Room area totals nearly 300.

The John P. Wilson Law Library Reading Room.
The Class of 1935
By JAMES ZACHARIAS

Quotation
"Of all professions, I feel that lawyers, by virtue of training and ability, owe their communities an obligation to perform civic jobs. Hence, I have expended much time and effort on what I consider the improvement of my city and its people."—Sam Alschuler

"My life will continue to be enriched if I maintain the friendships I've had up to now."—Irwin Bickson

"I'm just a humble practitioner who's done mighty little to distinguish an otherwise routine life."—William L. Flacks

"If I had my career to live over again, I would cheerfully follow in the same pattern."—Sol Jaffe

"With pride in my Alma Mater, and hopes that I can visit the campus when my children are in attendance, I can honestly say, "All's well."—Edwin M. Katz

"I have been and am spending considerable of my spare time trying to be the best general attorney I know how, with emphasis on the field of Labor Law, to which I devote a great deal of effort."—Philip Lederer

"Aloha nui loa." (vide infra)—Hyman Greenstein

"Practice of law in a small industrial and agricultural community has been most interesting and rewarding."—George Herbolsheimer

"Just a country lawyer."—Paul R. Kitch

"My present work deals with development of doctrine, procedures, and techniques in the field of military-civil relationships in times of peace and war. There is a growing realization of the importance of continued on page 38

At the reception for Chief Justice Warren, left to right, the Honorable Willis W. Ritter, JD’24, Chief Judge, U. S. District Court, Salt Lake City, and a member of the Law Alumni Board; Roscoe T. Steffen, John P. Wilson Professor of Law, and Miss Eleanor Steffen.

Left to right: Dallin Oakes, JD’37, formerly law clerk to Chief Justice Warren; the Honorable Earl Warren, Chief Justice of the United States; Professor Fred Kort, of the University of Connecticut, a Law and Behavioral Science Senior Fellow for 1958-59; and Louis Gottschalk, Swift Distinguished Service Professor of History at the University, at the reception for the Chief Justice held during the Dedication Celebration.
"The Class of 1940" — A Report  
of  
Good Lord! Has It Been That Long?  
by JOSEPH W. BAER

Yes, it was more than twenty years, two decades, or seven thousand three hundred days ago that our joint scholastic pursuits ended forever. But from 1938 through 1940, did there not develop a class cohesiveness of which a vestige yet remains? How many remember the pique understandably exhibited by "Assistant Professor" Levi as he stomped from the podium because, and to the dismay, of an ill-prepared freshman class in Methods and Materials; or the light-hearted nonsense embodied in our serenade to Charley Gregory, "Hi ho, hi ho, it's out on strike we go... We'll brook no rage nor unfair wage... hi ho, hi ho, hi ho, hi ho; and finally the pain, only partially concealed behind the pleasure in Fritz Kessler's eyes when, as seniors in the darkening spring of 1940, we bade him an affectionate farewell with a case of beer and a song. Ours was the end and the beginning of an era and yes... more than a vestige remains.

Now, while not all the precincts have reported, we did hear from:

Fred C. Ash: Who was exposed to private life and practice for a brief period following graduation. Then, commencing in April of '41 and for a period a few weeks short of five years thereafter, Fred devoted his well remembered serious energies to "King and country." After serving two more years under somewhat less disciplined circumstances as Assistant to the Dean at our Alma Mater, "Major Ash" joined the well-known Kirkland firm, soon reaching the august status of a partner. Several years ago he was wooed away from private practice and is currently the distinguished Secretary-Treasurer and General Counsel of Reuben H. Donnelly Inc. Fred is also active in Winnetka civic affairs. He married a bona-fide Southern belle, and three strapping boys attest to his marital activity, if not tranquility.

Joseph Winslow Baer: Upon completing bar examination formalities in the summer of 1940, your scrivener managed to avoid the agony of practicing law for a little better than five years through the simple expedient of joining the navy. However, neither Pearl

continued on page 50
Collected Papers—
The Dedication Year

The Law School is now making arrangements to publish all papers delivered at the School during the Dedication Celebration, the academic year 1959-60. An announcement as to format, price, and means of obtaining this collection will be made soon.

To give readers of the Record an impression of the content of these addresses, there follows a series of brief excerpts, drawn from all the talks given during 1959-60 for which manuscripts are available.

"I know that this great law school will continue to send out from its campus graduates who are superb legal technicians with all the qualities that will assure success in private practice, in business, or in the other professions they may select.

May I urge, too, that they may also be men with a mission, motivated by a flaming idealism based on the recognition of the fact that this last half of the twentieth century can be the brightest or the darkest page in the history of civilization.

May their mission be not simply the negative objective of the defeat of communism but the positive goal of victory. And may the victory work for not be the victory of America over any other people but the victory of all mankind—the victory of knowledge over ignorance, of plenty over want, of health over disease, of freedom and justice over tyranny, wherever these evils may exist in the world.

Men and women with practical, disciplined, legal minds inspired by such idealism will make a mighty contribution to a realization of the eternal goal of the American revolution—a world in which men can be free, nations can be independent, and people can live together in peace and friendship."

—The Honorable Richard M. Nixon, Vice President of the United States
Dedictory Address
October, 1959

"When a lawyer draws up a document and makes it say exactly what he wants it to say in the shortest possible compass, but covering every point with accuracy and precision; when he writes an opinion or a brief with flawless care, and does it in depth and with the simplicity which comes from thinking through his problems to the very end; when he will not let go until the job is done not merely correctly but elegantly, in all its perfection of workmanship; then the lawyer experiences something of the true artist's satisfaction. And if he goes further and by a great exercise of the imagination—which of all the lawyer's gifts is the rarest and the hardest to come by, being the product of great sweat and agony and prolonged inner searching, repeated and repeated till suddenly in a moment of calm the inspiration flashes forth like a star in the night—when by a great exercise of the imagination a lawyer finds the solution to a hitherto insoluble problem or sees a clear pathway through an impassable jungle, and thereby puts everything to rights, he does in truth experience all the joys of a creative artist who has reached into the depths of his being and has brought forth beauty out of chaos. Each of you may, and if you devote yourselves to your clients' needs with ardor and determination you surely will experience this joy of the creative artist."

—from "The Practice of Law"
by Lloyd K. Garrison, Esq., of the New York Bar
October, 1959

"Obviously the law, and other forms of public service, seek men and women who are educated in the very best and highest sense of that term. But how do we define an educated man?"

I would suggest that an intelligent man recognizes facts, although he may not know what to do about them; a learned man recognizes ideas, although he may fear them or avoid them; an educated man recognizes himself as a man, beset by conflict, from within and without, but with a capacity for peace, weak before nature's inexorable laws but aware of and obedient to those laws, blind to the ultimate mystery of life but awake to the possibility of immortality.

He is aware of a universal harmony; he has an eye for the right form and an ear for the voice of truth. He has a deep respect for the past, a devout faith in the future, and he knows himself to be the one conscious, if imperfect instrument for binding the two together.

Most of all, I believe that the mind of the educated man is open, it is flexible, and it gives him a power to soar—a spiritual zest for living—not granted to the merely intelligent, the merely learned man. The educated man is not immune to prejudice or weakness or bad habits; certainly not to discontent or discouragement or confusion, but he strives to resolve all fortune, good or bad, into useful experience. He may regard himself as an optimist or a pessimist, religious or agnostic, Republican or Democrat, or he may believe only in his own disbelief, but he is motivated always by some kind of belief. He may be a doubter but he is not cynical. He is capable of a high pitch of enthusiasm. He may conform to custom, where it involves the regulation of traffic, the wearing of clothes, his coming and going to work, but he will not, in the long run, be confined by custom. There are no real walls around him and no roof above. He is no paragon or saint, but only a man, conscious, however dimly, continued on page 23
Ground is broken for the new Law Buildings on December 8, 1957.

After the formal spadesful of earth, a more serious groundbreaking.

The luncheon in Burton Dining Hall which followed the Groundbreaking Ceremony, December 8, 1957.
Among the Law School Alumni in Oregon

The Honorable George Rossman, JD'10, practiced in Portland for about seven years following his graduation. He became Judge of the Municipal Court of Portland in 1917, Judge of the Circuit Court for Multnomah County in 1922, and was appointed Justice of the Supreme Court of Oregon in 1927, a position in which he continues to serve. Justice Rossman has served as Chairman of the Section of Judicial Administration of the American Bar Association, Chairman of the Section on Administrative Law of the same organization, and was a member of the ABA Committee which drafted and secured the enactment of the Federal Administrative Procedure Act. He is a member of the Board of Editors of the American Bar Association Journal, a member of the Board of the National Conference of Christians and Jews, and Chairman of the Board of Pacific University. Formerly Vice-Chairman of the American Judicature Society, Justice Rossman has served for many years as a Commissioner on Uniform State Laws. He has been awarded the Alumni Medal of the University of Chicago.

Frederick A. Morgan, JD'50, worked for the first two years following his graduation with the Oregon Statute Revision Council in revision of the Oregon Code. For seven years he served as Assistant Attorney General in the Oregon State Highway Commission. Since 1958 he has been associated with Hart, Rockwood, Davies, Beggs and Strayer, in Portland.

Theodore W. de Looze, JD'49, of Salem, spent his first year after graduation with the Oregon Statute Revision Council. After two years of general practice, he became Assistant Attorney General, State Tax Commission, where he has continued. Mr. de Looze is President of the Salem Symphony Society and Associate Director of the Portland Symphony Society. A past president of the Department of Justice Bar Association, he is also a member of the Oregon State Bar Committee on Taxation, and has been active in YMCA and Great Books.
Frederic P. Roehr, JD'58, of Portland, served as law clerk to Chief Judge Solomon of the U. S. District Court following his graduation. He is now associated with the law firm of Vergeer and Samuels.

Robert L. Weiss, JD'48, served in World War II as an artillery officer. He was admitted to practice in Oregon in 1949, and has been a partner in the Portland firm of Hampson and Weiss. Mr. Weiss is a member of the ABA and the American Judicature Society. He has published five articles, principally in the field of federal taxation, in a variety of legal journals.

Sidney I. Lezak, JD'49, has practiced in Portland since his graduation, and is now a partner in the firm of Bailey, Lezak, Swink and Gates. Mr. Lezak has conducted courses for laymen in labor law, and participated widely in the general area of industrial relations, including a period as a guest of the Mexican Department of Arbitration and Conciliation. He has been active in the work of the ACLU, the Urban League of Portland and the Portland Symphony Society. In 1958 Mr. Lezak served as legal counsel to the Democratic Party of Oregon.
George W. Friede, JD '31, has had his own practice in Portland since his graduation from the Law School. Mr. Friede has served as Secretary of the County Bar Association and Editor-in-Chief of its publication. He has been President of the Young Democrats of the county, and of the Jackson Club of Oregon, a State Representative, a member of the Democratic County Central Committee and its Executive Committee, and a Democratic Convention delegate. Mr. Friede has also been active in city affairs as a Governor and Committee Chairman of the Portland City Club and as an officer of the Junior Chamber of Commerce, Commissioner of the Public Housing Authority in Portland and Trustee of the World Affairs Council. He has served also as President of his religious Congregation and Chairman of the Portland Chapter of the National Council of Christians and Jews.

Stephan Z. Katzman, JD '56, served for two years in the Army after his graduation. After several months of work with the Legal Aid Committee of the Oregon State Bar, and an extensive tour of Europe, he returned to private practice in Portland as an associate in the firm of Asher and Cramer.
Alumni Notes

Robert G. Nunn, Jr., JD’42, has been appointed Special Assistant to the Administrator of the National Aeronautics and Space Administration. After eight years of private practice in Washington, Mr. Nunn spent four years in the Office of the General Counsel of the Air Force, and went to NASA in 1958. (John A. Johnson, JD’40, is General Counsel of NASA.)

John Carlisle Prior, JD’10, a Director of the Law School Alumni Association, recently received the Award of Merit of the Iowa State Bar Association for 1960. The citation accompanying the award was as follows:

“The Iowa State Bar Association through its Annual Award of Merit seeks to recognize not only excellence as a lawyer but also excellence as a citizen. This citation is written to attest the service in both fields of the person chosen for this, our highest award.

He has helped to raise the standards of his profession by serving on the principal boards and committees and in the presidency of this Association. For these services he is without adequate fee.

He earned his own legal education by hard labor. Remembering this, he has made personal loans to others and even shared his home with them so that they might gain an education. He has served on the school boards of two cities. A lover of books, he has been a donor to libraries. For these services also he is without adequate fee.

He has known need and, knowing it, has worked in the Community Chest and, during the depression, in the state relief organization, to help thousands of needy. He has sought world-wide peace and relief from suffering through support of the United Nations. For these services he is without adequate fee.

The only legal tender with which such voluntary service may be compensated is the coin of appreciation. Therefore, The Iowa State Bar Association, in partial payment for services rendered, gives its Award of Merit for 1960 to John Carlisle Prior.”

Theodore M. Asner, JD’49, has been named a resident partner in the Chicago headquarters office of Alexander Grant and Company, national firm of certified public accountants.

Robert I. Livingston, JD’37, was elected President of Walter E. Heller and Company, a leading commercial finance firm. Mr. Livingston joined the company immediately following his graduation, and has served as general counsel and vice president.

Robert L. Farwell, JD’49, trust officer at the Continental Illinois National Bank and Trust Company of Chicago has been named to the Board of Trustees of the Institute for Psychoanalysis. Mr. Farwell, formerly executive director of the Citizens of Greater Chicago, is a trustee of Francis Parker School and President of the Mental Health Society of Greater Chicago.

The Honorable M. Ray Doubles, JD’29, Judge of the Hustings Court of Richmond, Virginia, who served as Dean of the University of Richmond Law School for seventeen years, honored by the alumni of that school when a portrait of Judge Doubles was installed in the School’s courtroom.

William H. Alexander, ’30, has been elected President of the Chicago Bar Association. After service as law clerk to a Judge of the U.S. Court of Appeals for the Seventh Circuit, Mr. Alexander entered private practice in Chicago. He is now a partner in the firm of Ashcraft, Olson and Edmonds. He has served as a Trustee of Wesley Memorial Hospital, President of the Village of Wilmette, and in numerous other civic positions.

We regret to report the deaths of four alumni of the School:

Ashby D. Boyle, LL.B.’12, had practiced in Salt Lake City for forty-seven years. He had been general counsel for the Utah Home Fire Insurance Company since 1914, for Beneficial Life Insurance Company since 1920 and for Utah-Idaho Sugar Company for the past thirty years.

John B. Cheadle, JD’16, practiced law in Oklahoma from 1903 until 1909. He became a member of the first faculty of the University of Oklahoma Law School when it opened in 1909, and taught there continuously until his retirement in 1951, except for leaves of absence for his study at the Law School and at Harvard, and as a visiting professor. Mr. Cheadle served as legal advisor to the University, and as Dean of the Law School from 1944 until 1951; in 1945, when distinguished professorships were established at Oklahoma, he became David Ross Boyd Professor of Law.
John Austin Hall, JD’24, after some years of private practice in Chicago, became Assistant State’s Attorney for Tax Prosecutions, and later Head of the Civil Division. From 1944 until his death, he served as Referee in Bankruptcy in the United States District Court.

George B. McKibbin, JD’13, was one of Chicago’s most distinguished public servants. From 1953 until the time of his death he was Chairman of the Illinois Public Aid Commission. He acted as Director of Finance for the State of Illinois from 1943 through 1945. During most of 1947 and 1948 he was an Advisor of Governmental Problems to General Lucius Clay, in the Allied Military Government of Germany. Mr. McKibbin was a candidate for Mayor of Chicago in the election of 1943 and for U. S. Representative in 1958. At the time of his death he was also a member of the President’s Committee on Government Contracts, Chairman of the Trustees of the Chicago YMCA, a member of the Board of Governors of the National Conference of Christians and Jews and of the Board of the Chicago Urban League. Mr. McKibbin had served also as President of the Board of Trustees of his college, Iowa Wesleyan, and as President of the Civic Federation of Chicago.

Supreme Court Review Published

On December 1, the University of Chicago Press published the first volume of the annual Supreme Court Review, a new Law School publication. Recently scholars and judges all over the country have noted the absence of the kind of professional criticism which is necessary to the proper functioning of our highest judicial body. In the words of Professor Henry Hart, “neither at the bar nor among the faculties of the law schools is there an adequate tradition of sustained, disinterested and competent criticism of the professional qualities of the Court’s opinions.” It was the view of many members of the faculty that one reason for this deficiency was the absence of a publication devoted exclusively to the presentation of such criticism. The new annual proposes to fill the gap by providing a medium through which the best minds in the field will be encouraged freely to express their critical judgments. Over and over again, justices of the Supreme Court have announced the desirability, indeed, the necessity for, such critiques of their work. It is hoped that The Supreme Court Review will meet that need.

The first volume of the Review—it was published in book form—included articles by Dean Levi and Professors Meltzer and Kalven. The seven articles in the Review are: The Metaphysics of the Law of Obscenity by Professor Kalven; Personal Rights, Property Rights, and the Fourth Amendment, by Professor Edward L. Barrett, Jr., of the University of California, Berkeley; Legislative Facts in Constitutional Litigation, by Professor Kenneth L. Karst, of Ohio State University; The Chicago & North Western Case: Judicial Workmanship and Collective Bargaining, by Professor Meltzer; Federalism and the Admiralty: “The Devil’s Own Mess”, by David P. Currie; Federal Taxation and the Supreme Court, by Professor Charles L. B. Lowndes of Duke University; and The Parke, Davis-Colgate Doctrine: The Ban on Resale Price Maintenance, by Dean Levi.

Professor Kurland is the editor of The Supreme Court Review. Orders for the first volume and continuing orders should be sent to The University of Chicago Press, 5750 Ellis Avenue, Chicago 37.
Faculty Notes

Professors Philip Kurland and Harry Kalven, Jr., have served, with Federal and state judges and practitioners, as members of the Illinois Supreme Court Committee on Jury Instructions. The Committee has developed a body of uniform instructions which will henceforth be required, by rule of the Supreme Court, of all Illinois trial courts.

Max Rheinstein, Max Pam Professor of Comparative Law, has been awarded the degree of Doctor Juris Honoris causa, by the University of Basel, on the occasion of the University’s 500th anniversary. Professor Rheinstein recently received the honorary degree of Doktor from the University of Stockholm.

It is with regret that we report the death of Arthur Kent, a member of the Law School Faculty from 1927-34. Mr. Kent taught at the University of Oregon and the University of Cincinnati before coming to Chicago. He left the Faculty to become Assistant Chief Counsel of the Internal Revenue Service, and later Assistant General Counsel of the Treasury. Mr. Kent entered the private practice of law in 1938, in Washington. At the time of his death he was a partner in the Washington firm of Lee, Toomey and Kent, and in the San Francisco firm of Kent and Brookes. A resident of San Francisco, Mr. Kent had recently accepted an appointment to the faculty of the Hastings College of Law.

Regional Placement Chairmen

For many years, the Placement Office of the Law School has worked closely with the School’s alumni in assisting both students and graduates. A number of the most active alumni have now agreed to assume the position of Placement Chairman in their respective communities. Their names and addresses are listed below. While those chairmen in the larger centers of lawyer population have committee members to assist them, all alumni are urged to keep their local chairmen informed of any opportunities which may come to their attention, in their own offices or otherwise. Our experience has shown that the assistance of alumni is vital in maintaining a successful placement program.

Los Angeles
Forrest Drummond, JD'34
703 Hall of Records
Los Angeles 12, Calif.

Portland, Oregon
Sidney I. Lezak, JD'49
617 Corbett Bldg.
Portland 4, Oregon

New York
Bernard D. Cahn, JD'33
20 Exchange Place
New York, N. Y.

Salt Lake City
Raymond W. Gee, JD'54
2806 S. 20th East St.
Salt Lake City 6, Utah

San Francisco
Preble Stolz, JD'56
Attorney General's Office
State Building
San Francisco, Calif.

Seattle
Michael K. Copass, JD'30
Franklin & Copass
1011 Northern Life Tower
Seattle, Washington

Washington
Robert N. Kharasch, JD'51
Galland, Kharasch & Calkins
1413 K St., N.W.
Washington, D. C.
The Entering Class - 1960


The 134 entering students came to the Law School from 66 different colleges and universities. They are:

Amherst College  Macalester College
Boston College  Marquette University
Bowdoin College  Maryvale College
Brigham Young University  University of Michigan
Brown University  Michigan State University
California Inst. of Tech.  Middlebury College
U. of California at Los Angeles  University of Nebraska
Carleton College  City College of New York
Carnegie Inst. of Tech.  Northwestern University
University of Chicago  Notre Dame University
Coe College  Ohio State University
Colby College  Ohio Wesleyan University
Colorado College  University of Pennsylvania
Cornell University  Pomona College
Dickinson College  Princeton University
University of Connecticut  University of Rochester
Dartmouth College  Reed College
DePauw University  Southern Methodist University
Georgetown University  Southern Illinois University
Harvard University  Stanford University
Holy Cross College  Swarthmore College
Hamilton College  Syracuse University
Harpur College  Trinity College
Hobart College  Tufts University
College of Idaho  Wallace College
University of Illinois  Wesleyan University
Illinois Inst. of Tech.  Wheaton College
Kalamazoo College  Whitman College
Knox College  Whittier College
Lake Forest College  University of Wisconsin
Lawrence College  Wittenberg College
Lawrence University (Chic.)  Xavier University
Loyola University (Chicago)  Yale University

Some of those present at the Reunion of the Class of 1934, about which more appears elsewhere in this issue of the Record.

The Class of 1934 Reunion

In early autumn, the Class of 1934 held a reunion luncheon in downtown Chicago. Harold L. Lipton was chairman of the group which arranged the gathering; Adolph A. Rubinison acted as Toastmaster. The Law School was represented by Professor Sheldon Tefft. Mrs. Jack O. Brown was a guest of the Class. Mrs. Brown in the former Isabelle Muir, well known to many alumni as secretary to Dean Harry Bigelow. Members of the Class attending included Victor J. H. Biel, Walter W. Baker, Joseph M. Baron, Max Barth, Miss Florence Broady, Jack O. Brown, Lawrence W. Gidwitz, Herbert J. Greenberg, Brinman Grow, Samuel R. Hassen, Miss Charlotte Hornstein, Samuel J. Horwitz, Walter V. Leen, Harold L. Lipton, Joseph J. Mack, Graydon Megan, Hubert C. Merrick, Benjamin Ordower, Harold Orlinsky, Stephen G. Proksa, Adolph A. Rubinison, Arthur W. Schulson, Edward B. Scibiano, H. Leo Segall, James R. Sharp (of Washington, D.C.), Solomon Spector, Louis Terkel, Ned P. Veatch, Daniel S. Wentworth and Nathan Wolfberg.
The Work of the Illinois Supreme Court Committee on Jury Instructions—The Elimination of Instructions

by HARRY KALVEN, Jr.
Professor of Law, The University of Chicago

My job this afternoon before this very distinguished audience is a curiously negative one. It is not so much to tell you about some of the things the Committee has done as it is to tell you about some of the things the Committee has not done. In brief, I am to tell you about the instructions we decided not to give.

In this connection I am reminded of a story about Harry Bigelow, who some of you will recall as Dean and a distinguished law teacher at the University of Chicago Law School for many many years. On one occasion it was Dean Bigelow's function to introduce Lord Bertrand Russell at a Law School smoker. Lord Russell, as you doubtless know, had been a pacifist during World War I and had, I think, even gone to jail over it. Dean Bigelow began his introduction somewhat as follows. "Lord Russell has had a celebrated military career. He was the hero of the Battle of West Moreland, he was wounded at Verdun, he was awarded the D.S.O., . . . ." At about this point the Dean was interrupted by a tug at his coat from Lord Russell who audibly whispered "That must be my brother, I was a pacifist." It appeared that the Dean's secretary who had researched Lord Russell for him had looked up the wrong Lord Russell. In this crisis Dean Bigelow, who was a great Boston gentleman as well as a great scholar, with admirable aplomb and without batting an eyelash, continued his introduction—with one minor amendment. Before each characteristic of Lord Russell's he now inserted the word "not". "Lord Russell has not had a celebrated military career. He was not the hero of the Battle of West Moreland, he was not wounded at Verdun, he was not awarded the D.S.O., . . . ." The resulting introduction was among the most effective I have ever heard. I can only hope when I tell you the Committee did not do this, the Committee did not do that, etc. that mighty little word will stand me in half as good a stead as it did Dean Bigelow.

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There are of course an infinity of instructions the Committee did not give. Let me then attempt to locate my topic a bit more precisely. There are three different situations in which the Committee did not recommend an instruction, only one of which is relevant to my topic today. (1) On points we are affirmatively covering we have selected a single preferred version of the instruction and have not included alternative forms, as for example BAJI frequently does. In this sense we have recommended against many forms

continued on page 53
Visitors From Britain

Returning the 1959 visit of members of the American Bar Association to Great Britain, a large number of British lawyers and their wives were guests of the ABA in Washington last August. Following the ABA meeting, almost one hundred of these visitors spent several days in Chicago. The Law School was host to the entire group at a reception in the Main Lounge.

In addition, eight British law teachers were the guests of the Law School during the same period. They included Professor Denis Browne, Dean of the Faculty of Law at the University of Liverpool, Professor J. A. Coutts, Dean of the Faculty of Law of the University of Bristol, Professor D. J. Llewellyn Davies, of the Faculty of Law at the University College of Wales, Sir Arthur Goodhart, Master of University College, Oxford, Professor Norman Marsh, Director of the Institute for the Study of International and Comparative Law, University of London, Professor O. R. Marshall, Dean of the Faculty of Law of the University of Sheffield, Robert Megarry, Q.C., Lecturer in the Inns of Court, and Professor James Montrose, Dean of the Faculty of Law, Queen's College, Belfast.

The Right Honorable Lord Parker of Waddington, Lord Chief Justice of England, who will deliver the Fifth Ernst Freund Lecture in January.
Collected Papers

continued from page 12

that he, and all mankind, has both a responsibility and an opportunity to take a faltering step toward some ill-defined and ultimately distant goal that he has labelled “Good.”

—from “Liberal Arts Training for Public Service” by William E. Stevenson, then President of Oberlin College
The Conference on the Public Servant
October, 1959

First, note that these social scientists in the public service, like all civil servants, are “private men in a public spot.” They are private men with all their appetites and weaknesses and dreams and decencies. Yet as agents and officials of the public, they are called upon, whether as consultants or career officers, to serve as agents of a vast, mixed, largely unseen mass of people operating through parties, factions, sects, intermediate decision-making officials in agencies with their own built-in organic life. They are public officials, in Dewey’s sense, and needing the sensitiveness and sympathy of which Mead wrote, in that their office is established by the public to perform a function that is above and beyond, yet in some measure evolving from, the particular membership of that pub-

lic. The performance of that function with both skill and integrity is necessary to its life, liberty and the pursuit of its happiness. How to create the institutions and practices whereby these two elements of the public servant may be reconciled is a problem that is inherent in government considered as the composition of a public functioning through officials. The problem is the more acute and difficult in the areas of the social sciences. There the issues that are still fresh from the uncertainties and suspicions of wider partisan and factional controversy, have not yet been dissolved by communicated knowledge and widely accepted standards. This is also true on the frontiers of physical sciences in our day, as in controversy over atomic power policy.

The necessity for leaving wide discretionary powers well down the line beyond the legislative decision-makers and political-executive heads to administrative officials has everywhere forced attention upon their
education and selection, the conditions of their service, and their control.

—from "The Social Scientist as Public Servant" by John M. Gaus, Professor of Government at Harvard University
The Conference on the Public Servant October, 1959

Claude O. Netherton, '09 and Lyde Richmond '22, with a first year student, discuss the Conference on the Public Servant with Sir Percival Waterfield, onetime First Civil Service Commissioner of the United Kingdom.

But we prefer to accept the view that the examination should continue to be a test of general rather than specialized ability and education, and that it should be a means of selecting, under the existing scheme of National Education, those candidates who have used the best talents to the best advantage under that scheme. We consider that the best qualification for a civil servant is good natural capacity trained by a rational and consistent education from childhood to maturity. We consider that the first requisite for a successful competition is a good field of candidates, and that such a field can best be obtained by adapting our scheme to the chief varieties of University education; so that candidates while working for University honours will be at the same time preparing themselves to join in the competition if when the time comes they are attracted to it. We do not wish candidates to adapt their education to the examination; on the contrary, the examination should be adapted to the chief forms of general education. We consider it highly important that candidates who sit for this competition and are not successful should be as well qualified, at least, for other non-technical professions as if they had never thought of it. For all these reasons we hold that any scheme that we propose should be accommodated to University education as it at present exists rather than to some scheme of instruction specially devised for the public service. But we think it necessary in our scheme—to attach higher value than at present to certain University subjects that seem to provide suitable knowledge and training, such as history, economics, law and politics; and throughout to ensure that sufficient attention should be paid to modern conditions."

—from "The Training and Selection of Candidates for the Public Service in the United Kingdom" by Sir Percival Waterfield, First Civil Service Commissioner of the United Kingdom, 1939-1951
The Conference on the Public Servant October, 1959

At a reception during the Dedication Celebration, left to right: Mrs. Gerald Snyder, Albert E. Jenner, Jr., Timothy Swain and Gerald Snyder. Mr. Snyder was then President of the Illinois State Bar Association; both Mr. Jenner and Mr. Swain are past presidents.

"The truism that the public servant must obey his masters is, like the statement that judges must obey the law, only an introduction, not a summing up of the problem. Lawyers well know that neither black-letter precepts nor fine-print documents can wholly eliminate the element of choice, for actual events in their complexity and flux cannot be summed in rules and instructions. The official in international affairs, whether diplomat or technician, cannot be reduced to an automaton in which everything he is to do is prescribed in cables emanating from those on high. To be sure, the range of discretion will vary greatly from senior to junior, from administrator to expert, but there will rarely be a post in which an official of reasonably high rank will not be faced with decisions involving considerations of policy.

You may say that this is also true of many civil servants in domestic affairs, but I believe that there is
a distinction in degree which has some importance. In the domestic field, the objectives of administration are by and large spelled out, normally in legislative enactment, sometimes in executive regulation or through precedent and tradition. While choices remain for the official, their limits are well defined; basic issues of policy have, for the most part, been settled by Parliament or Cabinet; the official administering social security or taxation, agriculture or atomic energy, need not, save in exceptional cases, decide on the major goals of his job.

In the international field, in contrast, only a small part of the actual problems faced by officials are already settled by legislation, treaty, precedent or tradition. Even in areas supposedly governed by international law, the assumed rules are often uncertain and fragmentary in relation to concrete cases. In short, whatever the future may hold, today international problems are not usually susceptible to a priori general treatment; individual variations and changing circumstances will often be crucial factors in decision-making; the government rebuffed one day may have to be wooed the next.

—from "The Public Servant in International Affairs" by Oscar Schachter, Director, Legal Division, United Nations The Conference on the Public Servant October, 1959

"In most lawyers there is a demand for the greater variety of experience, additional tests of ability, adventures into unexplored fields, different associations and associates which practice alone does not offer. This demand exists entirely independently of any thought of do-gooding, sense of duty to serve the public or feeling of obligation to uphold the traditions of the profession. That is why the new concept of continuing legal education disavows any resort to exhortation and preaching. There will always be enough of that so long as lawyers enjoy making speeches to fellow lawyers. The Arden House conferences believed this approach unnecessary and inappropriate. As the conferences saw it, it is instinctive in each human being who wanted to become a lawyer, who submitted to the long preliminary training and persisted in the arduous practice of the law, to insist upon doing more than taking care of paying clients, provided only that he is qualified by education and study to acquit himself creditably in the broader field. It is in this faith that lawyers are expected to avail themselves of the opportunity for the broader and deeper education now envisages and which will not only qualify them for public service in many fields but will stimulate them to engage in it."

—from "The Private Lawyer as Public Servant" by Harrison Tweed, President, The American Law Institute; Acting President, Sarah Lawrence College The Conference on the Public Servant October, 1959

"We must prepare our Army judge advocate to take diverse problems in stride. Our officers, have in general, splendid law school records. With a good education in the fundamentals of law, a judge advocate fits into our program of continuing legal education. He spends his first nineteen weeks in school—learning a little about the Army and a lot about military law. After eight to twelve years of practice, the most promising judge advocates are returned to our school in Charlottesville where they study for a year. In this advanced course the student is prepared for the widest responsibility in military law, and, as his contribution, he must explore an area in our legal field which needs study and development and, in a thesis, make a worthwhile contribution to military law before he can graduate. Before and after the advanced course, he returns to Charlottesville for short periods to participate in seminars on various specialties such as government contracts, military international law, and the duties of the law officer. At our school we teach no subjects which are taught in civilian law schools—when an officer is in need of education offered by a civilian school, we send him to a civilian school subject to the appropriation acts, of course. By the time an officer has finished fifteen years of practice, we
expect him to be a good general military practitioner and to have one legal specialty. For example, for some years we have studied space law, and in our office two men have made it a specialty. It is possible that one day we will have rules of space warfare just as we have rules of land warfare and naval warfare today. Summing up these observations on general practice, specialized practice, continuing legal education, and studies for the law of the future, it is easy to see why the military lawyer must be a flexible and open minded individual. Sometimes it seems that our retirement time should be based, not on age, but on lack of flexibility and open mindedness. However, that is probably an ideal that would be unacceptable. It would be difficult indeed to explain why some were retired in their twenties while others served fifty years."

—from "The Military Lawyer"
by Charles L. Decker, Brigadier General, USA, Assistant Judge Advocate General
The Conference on the Public Servant
October, 1939

"Through our guarantees of liberty, the people find protection against the arbitrary powers of legislative bodies or administrative agencies and their personnel. Since neither constitutions nor statutes are self-executing, their interpretation and construction falls into the hands of the lawyers in government either before or after the administrators have applied them concretely to particular situations. This responsibility calls for intellectual integrity and loyalty to the important function lawyers perform in government. He must be a lawyer, not merely an employee of a government.

Since many of our laws put wide discretion into the hands of the Executive, the government lawyer must approach his duties with an understanding of the spirit as well as the letter of the law. The calculated risks of business judgments are not for him. The satisfaction of his own social or political theories of course ought not to warp his conclusions as to the law. His responsibility for the successful functioning of government is great but others share the burden of proper administration. But in the sphere of legal guidance from the drafting of proposed legislation and construction of its scope to the arguments before the tribunals, duties rest upon him that are of first importance in the successful conduct of our governments—state and national."

—from "The Lawyer in Government Service"
by The Honorable Stanley Reed, retired Justice, The Supreme Court of the United States
The Conference on the Public Servant
October, 1939

"These two ideas, or words, impress us only in combination. In combination they lead us into all the major legal and political problems of the West. The legal and political history of the West may be seen as the effort to make power responsible. The problem of power and responsibility is identical with that of a free and just society. Freedom implies power of some kind, and justice implies responsibility.

The American tradition is the tradition of dispersing power and trusting to luck, or to the Invisible Hand, to produce responsibility.

There is something unsatisfactory in the notion that the whole matter of power and responsibility, freedom and justice, is going to be solved because the centers of power will balance one another and that the role of government is simply to see to it that the supply of such centers is adequate.

In order to have any confidence that if enough centers of power contend they will make one another responsible and give us a just society, we must attribute to Providence a greater interest in the welfare of the American people than either our history or our merits would seem to justify. My purpose is to suggest the possibility that we as a people, as a community learning together, might learn how to assume conscious control of our destiny."

—from "Introduction to the Subject"
by Robert Maynard Hutchins, President,
Fisk for the Republic, former Chancellor,
The University of Chicago
The Conference on Power and Responsibility
November, 1939

"The bedrock foundation for the economic power of a labor union is its monopoly position. Without that it could not enforce wages above a free entry competitive level, for if it tried to do so, non-union workers would offer to work at competitive wages, thus destroying the union scale. To enforce its higher wage rates it must keep out the wage-cutting com-
petitioners—it must be a monopoly. How does it get to be a monopoly and how does it remain one? First you induce the rest of society to accept your goals of being a monopolist. In the case of public utilities this has been easy. In the case of unions this was much harder, although it seems now to be widely enough accepted for all practical purposes. But when it comes to enforcing the monopoly right, i.e., keeping out competitors, the public is not willing to help the union be a monopolist in the way it will help a public utility. The union cannot telephone the police and have nonunion competitors put in jail. Although the public attitude toward labor monopoly seems favorable, the public is not willing to let its police power be used to enforce it—nor, and this is most important, is it willing to use its police power to prevent it—by protecting "strike breakers."

Instead, our police power is used neutrally, that is, it is not used to protect labor rights of non-union workers. How then does the union enforce its monopoly? It resorts to private threats and applications of violence rather than through publicly operated agencies. Private police forces are called "goons and gangsters," presumably because their actions are reprehensible or illegal. These special employees are specialists in private applications of force and violence and compulsion, although literally they are in the same class as police or military action. One is state-owned, the other is privately owned. One is socially acceptable, the other is not—although its purposes are. Thus, if striking is done peacefully, that is, if potential strike breakers are kept out with no overt violence, no legal sanctions are available.

—from "The Assumptions of Economics with Respect to Power and Responsibility" by Armen A. Alchian, Professor of Economics, University of California, Los Angeles
The Conference on Power and Responsibility November, 1959

"The modern administrative state has come to resemble this medieval guild system without the religious and ethical values which helped to mitigate some of the worst features of its earlier prototype.

Moreover, because they exercise not only administrative authority, but legislative and judicial powers as well, it has been customary in this country to make these agencies independent. Neither the elective executive, whether governor or president, nor the legislature has any effective continuous control over their policies or procedures. If we are to make the modern democratic state a more responsible and effective instrument of the public interest and welfare, a greater measure of popular control over these administrative agencies is essential. Otherwise they will remain as a "headless fourth branch" of American government. Increased popular control will involve not only closer scrutiny by the legislature but much closer supervision and control by the elected executive.

This in turn will necessitate a searching review of the structure, procedures, and interrelations of the executive and legislative departments and some reconsideration of the federal system itself. The centripetal forces at work since the Civil War have not only expanded the powers and functions of government at all levels, but have produced a progressive concentration of leadership and power in the executive and a centralization of power and leadership in Washington. On the assumption that these trends are, for all practical purposes, irreversible, they pose serious problems not only for governmental organization and political responsibility but for the basic values and assumptions of a free society."

—from "The Response of the Political Order" by Peter H. Odegard, Professor of Political Science, University of California, Berkeley
The Conference on Power and Responsibility November, 1959

"All these encroachments on the right to get information threaten to change the nature of a self-governed form the functions entrusted to them only if they are ing society in which the citizens can intelligently perilously informed. The citizen who is partially informed has no opinions of his own but only the opinions of those who select for him the information he is to be allowed to have. His judgments and decisions are of little moment if they are judgments and decisions given to him by an informed elite which alone is in possession of the facts.

The government puts out a great deal of information, and that is to the good, and not otherwise; but it does not satisfy the whole requirements of free citizens for information. They need to know not only the things that make the government look good, but the things that make the government look bad when it deserves to look good and the things that make it look bad when it deserves to look bad. This is not likely to be found in official statements and press releases."

—from "The Position of the Press" by James R. Wiggins, Executive Editor, Washington Post and Times-Herald; President, American Society of Newspaper Editors
The Conference on Power and Responsibility November, 1959

"In this section an attempt will be made to explore the meaning of the new concept of responsibility and to ascertain (1) the extent to which management has been legally freed from the duty to maximize stockholder profit and (2) whether there are grounds for belief that management policies are being determined by considerations of social responsibility. In attempting the second task, we shall not study the after-
dinner speeches and other declarations of management spokesmen. Instead we shall consider, with respect to particular management problems, whether it is likely that behavior departs significantly from that which is prescribed by the traditional canon of responsibility. In the course of the discussion, we shall comment on the desirability of some of the possible departures.

We may begin with the subject of corporate gifts to charity, the example of the new doctrine most frequently cited. Many of these gifts—like other practices supported as examples of social responsibility, do not need a new justification. For a firm looking to the future and to the economic value of consumer and community goodwill, some types of contributions involve no departure from the profit goal. Many recent statutes have given corporations general authority to make charitable gifts, but it is not certain that this authority includes gifts not covered by the traditional doctrine. In a celebrated decision sustaining a gift to Princeton University, the court said that such gifts to preserve independent centers of higher learning could be regarded as for the benefit of the corporation—"indeed, if need be the matter may be viewed strictly in terms of actual survival of the corporation in a free enterprise system. But the court cited The Modern Corporation and Private Property and Professor Dodd's article and said also: "It seems to us that... modern conditions require that corporations acknowledge and discharge social as well as private responsibilities as members of the communities within which they operate."

"Where the decisions to be made involve a large segment of industry and a major public interest, such as, for example, inflation or automation, it may well be that the stakes are too large to leave the matter either wholly to the unguided discretion of management or to the determination of management and labor in atomized negotiations. Independent guidance and advice would surely be helpful in reaching the best result, and the suggestion of Mr. George Meany for a national conference of labor and management, which the President is now considering, could lead to important improvements in our system of private decision making. If the idea of the conference could be broadened to include public representatives acceptable to both of the parties, and if it were made a permanent and continuing body, like the Foundation of Labor in Holland and the National Joint Advisory Councils to the Ministry of Labour in Great Britain, and equipped with an adequate research staff of economists, sociologists, social psychologists, and the like, it could become an extremely useful decision-sharing or, at least, decision-influencing center in our pluralistic society, as well as a vehicle for the formulation of that "public consensus" which Berle describes."

—from "Power and the Modern Corporation" by Wilbur G. Katz, James Parker Hall Professor of Law, The University of Chicago Law School, The Conference on Power and Responsibility November, 1959

"In Adam Smith's system of Laissez faire, the functions assigned to government were substantially identical with those assigned by the Physiocrats: maintenance of inter-individual justice; defense; and essential "public works," including education as such, of a kind which private initiative would not or could not undertake, or which for special reasons, such as their monopolistic character, it would not be safe to leave in private hands. For Adam Smith, laissez faire in the economic sphere found its intellectual basis in terms of a comprehensive system of social thought which drew eclectically from a wide variety of earlier sources, but added discussion of freedom or "natural liberty" understood in a general or universal sense to discussion in the traditional way of particular "freedoms" or "liberties." For the social system as a whole, excluding its market aspects, the beneficial outcome of laissez faire, according to Smith, results from the social instincts imbedded in human nature, as well as from the "moral sentiments": sympathy for others, the desire for social approval, the dictates of conscience,
and, to a minor extent, benevolence towards others. In the economic market-place, as described in the Wealth of Nations, the beneficial outcome of laissez faire is ascribed to other factors than instincts and social sentiments, except as the simple rules of comutative justice are voluntarily obeyed. Within the family, in relations with one's friends and one's immediate neighbors, in one's operations as a patriotic citizen of one's country, the instincts, the social sentiments, conscience, the desire for public approval, sympathy benevolence, patriotism, suffice to produce a good society. In the market, however, one is dealing as with strangers; to use later terminology, the market is "anonymous," is ruled by the "cash nexus." The social sentiments, therefore, are not aroused into action, and man behaves in response to calculating, rational self-interest. Fortunately, however, the nature of economic process is such, it involves such a high degree of harmony of interests between the individuals participating in it, that government, provided only that it enforces the rules of justice, need do little else to assure a flourishing economy."

—from "The Intellectual History of Laissez Faire"
by Jacob Viner, Professor of Economics, Princeton University
The Second Henry Simons Lecture
November, 1959

"The Anglo-American is accustomed to think of discretion as a power exercised by men, as indeed it is, and therefore a departure from the doctrine that ours should be a government of laws and not of men. In criminal law where the principles of strict construction, ex post facto, and nullum crimen singe lege have their rich burgeoning, the presence of broad discretionary power seems a negation of fundamental principle and a gross threat to individual freedom.

Be that as it may, discretion, occupies a special place in the administration of criminal justice. There is more recognizable discretion in the field of crime control, including that part of its broad sweep which lawyers call "criminal law," than in any other field in which law regulates conduct. Moreover, that discretion exists at the inception of a criminal matter and persists to the end.

The police exercise discretion whether to arrest or not, whether to investigate or not. The prosecutor has, too, the discretion whether to initiate a prosecution or not, or whether to investigate or not. The grand jury, if there is one, has virtual discretion to indict or not, the contrary applicable statutes notwithstanding. The prosecutor, again, has a discretion whether to prosecute an indictment, or to nolle pros., or to accept a lesser plea. The court has a discretion in determining which counts to submit to a jury, the kind of charge to give to the jury, the lesser plea it may accept, or the sentence that will be imposed. The petty jury, of course, has in the criminal case, a practically uncontrolled discretion to acquit. There is obvious discretion in the probation agency, if an offender is turned over to it. There is ever larger discretion reposed in correctional agencies. It is evident in classification, reception centers, modes of treatment, and the various rewards, including time credit for good behavior. Parole exercises the broadest discretion in releasing, conditioning release, supervising, and returning offenders for violation. There is even the capstone of absolute discretion involved in the executive pardoning power.

Compare that roster of discretions with those in private law, and the contrast is marked indeed. Not even the broad reaches of equity provide a comparable roster of discretion."

—from "The Controls in Criminal Law Enforcement"
by the Honorable Charles D. Breitel, Justice of the New York Supreme Court, Appellate Division, First Department
The Conference on Criminal Justice
January, 1960

"It may be that in the time to come new methods will be devised for laying bare the truth and we shall be taught to read the mind of man; and then trial by jury will seem as barbarous as trial by ordeal now seems to us. But then it will no longer be a trial but an inquisition. Trial by jury is not an instrument for getting at the truth; it is a process designed to make it as sure as is possible that no innocent man is convicted. It was born in the same century as Magna Carta. No free man shall be seized or imprisoned or outlawed save upon the judgment of his equals. That was the concern of the men of those times and the state of the world has not yet so altered that it should not still be our concern. It means in England that the guilty often go free. It explains and justifies the rule about the reasonable doubt, the need for unanimity and the favour that is shown to the defence. But above all it means that a man shall not be imprisoned by his rulers but by the verdict of the ruled. In a world from which all tyranny has gone we may find a better way of doing justice. But until then a man must have the right to "put himself upon his country." It is all contained in the old words of the charge to the jury:

'Upon this indictment he hath been arraigned, and upon his arraignment he hath pleaded that he is not guilty, and by his plea he hath put himself upon his country, which country ye are, and it is for you to say whether he be guilty or not, and to hearken to the evidence.'"

—from "The Criminal Trial and Appeal in England"
by the Right Honorable Lord Justice Denning, of the Court of Appeal
The Conference on Criminal Justice
January, 1960
"The judges of England, it is said, do not make the law. They only apply it. The judges of America not only apply the law, they make it....

If the function of the judges comes to be regarded as being not only to maintain but also to improve the law, there will cease to be any real divergence between the functions of the judiciary in England and in the United States. The judges of England, for all that some say, do quite a lot of law-making. They influence the growth of the law by "distinguishing" previous cases, by writing off pronouncements as obiter dicta, by choosing one line of precedents rather than another, by overruling particular precedents which are at variance with principle, by giving a liberal interpretation rather than a literal one, by applying old principles to changing circumstances, and so forth: but they do not reject or change its fundamental principles. They leave that to the legislature. The line is no doubt difficult to draw, but it is regularly done."

—from "The Judiciary in Modern Democracy" by The Right Honorable Lord Denning of Whitchurch, Lord of Appeal in Ordinary
The Fourth Ernst Freund Lecture
March, 1960
At the dedication of the Kirkland Courtroom, left to right, Wilber G. Katz, James Parker Hall Professor of Law, Mr. Weymouth Kirkland, the Honorable George Bristow, Justice of the Illinois Supreme Court, and Mr. Charles Rush.

At the dedication of the Courtroom named for him, Mr. Weymouth Kirkland greets the Honorable William J. Campbell, Chief Judge of the U. S. District Court and Chancellor Laurence A. Kimpton.

Thomas E. Sunderland, President of the United Fruit Company and a member of the Visiting Committee of the Law School, shown speaking at the dedication of the Weymouth Kirkland Courtroom. At left is Chancellor Kimpton, who spoke for the University; center is the Honorable Ulysses S. Schwartz, Justice of the Illinois Appellate Court, who spoke for the Bench.

“America has never had a real counterpart of the English Inns of Court. Now, for the first time, in this National Center of Law, the Inns of Court become a reality in our country. In some ways we actually improve or expand the Inns of Court—because in addition to a place where the young lawyer can learn from the leaders of the Bar—here we have a chance for members of the Bar, both old and young, to draw knowledge and inspiration from watching one of our great State Supreme Courts at work.

The idea of having sessions of the Illinois Supreme Court in this Courtroom located in this law school is an innovation. But it is based on an idea which is as old as the law itself—the idea that the disciple learns best when he sits at the feet of the Master. It seems to me that here is a unique opportunity for the Illinois Supreme Court to teach by example. And, at the same time, this is not a one-way street. The distinguished judges who will sit in this courtroom know that they must ever be students of the law. Judges can not contribute to the growth of the law unless they remain students throughout their lives. With the bench and bar, the faculty and the students all working together in these buildings, this courtroom becomes a living, growing, vibrant thing for those students who sit on the bench, as well as those who sit at its foot. As part of the only national law center in the country, the Supreme Court of Illinois becomes a truly national institution—furnishing leadership to other courts throughout the nation. All of these things justify, I think, the statement made earlier that this courtroom becomes the vehicle for a new development which can be a significant milestone in the growth of the law.”

—from the remarks of Thomas E. Sunderland, former Vice President and General Counsel, Standard Oil Company (Indiana); President, United Fruit Company; member of the Law School Visiting Committee, at the Dedication of the Weymouth Kirkland Courtroom. April, 1960
"While the use of the new courtroom by the reviewing courts is a further step toward bringing reality into the teaching of law, I place as first and foremost the need for a closer relationship with the trial courts. Here is the crucible in which is tested the worth of every document a lawyer writes, every opinion he renders, all counsel he gives—in fact, every legal commitment. There are lawyers, great lawyers, who have not had court experience. Talleyrand said of Hamilton that he was the one true genius he had known; that he divined Europe without having seen it. So it may be with some lawyers. They may divine the spirit of the courtroom without experiencing it, but they are exceptional men.

Yet, I feel that there could be put into effect within a reasonable time, provision for trial at the law school of a limited number of cases. Arranging this is a problem which, on its face, appears insoluble. The faculty is busy. The courts are overwhelmed. Lawyers have no time to spare for the young student. But in the multitude of cases which come to our courts, certainly a few suitable ones can be found which by stipulation can be tried in this courtroom. When I consider the enormity of the jury project so ably advanced by Professor Harry Kalven, Jr. and his associates, in the face of great obstacles, I believe that the application of a fraction of such energy to this project would bring desirable results. From there on, the practice could be extended to having students attend trials in the regular courtrooms."

—from the remarks of the Honorable Ulysses S. Schwart, Justice of the Illinois Appellate Court, member of the Law School Visiting Committee, at the Dedication of the Way­mouth Kirkland Court­room, April, 1960

"Although there seems to be no evidence that any American statute of distribution has been drafted on the basis of social science research, the British Parliament, steeped in its tradition of research for the purpose of legislative reform, twice has charged a Royal Commission with studying a sample of wills so that the legislators might be enlightened as to what people actually do in their wills. This was done in England in 1925 when the English Parliament made the first major change in the statute of distribution since 1670, and it was done again in 1952 when another significant change was made. It is the purpose of this paper to consider some of the problems which arise in constructing a social science research project to obtain the information which appears necessary in drafting a reform of the statute of distribution.

The underlying theory of the two studies undertaken in England by the Royal Commissions is that people who make a will are really not different from those who fail to make one, except for the formality of whether they make a will or not, and that therefore a study of a sample of wills will indicate what people who do not have wills would want done with their property if they had thought about it, or, to use the term that Grotius used, to indicate the person to whom it is probable the dead man had wished that it should belong. The first questions we must consider, therefore, is whether this is a fair assumption."

—from "Statutory Reform of Interstate Succession Laws and Social Science Research" by Allison Dunham, Professor of Law, The University of Chicago Law School

This talk, together with the Kalven and Mentzelopoulos papers quoted from below, formed a discussion of the Law and Behavioral Science Research Projects at the Law School offered as part of the Dedication Celebration on April 20, 1960.
"Our study of commercial groups and their law-government institutions—for every group has its own law-government institutions—has been in progress over six years now. It has been focused on the basic question of how disputes are settled or avoided in such groups.

The study has three disparate and yet related aspects. The first aspect deals with why commercial groups on such a wide scale prefer their own institutions of law-government to those theoretically available to them in the formal legal structure. The second aspect deals with what the kinds of law-government machinery in commercial groups are, and whether they differ significantly from those in the formal legal system. The third aspect deals with how decisions settling disputes are made in the commercial groups, and to what extent these processes are similar or different from the processes normally used in the formal legal system."

—from "Some Observations on the Adjudicatory Process" by Soia Mentscheloff, Professorial Lecturer, The University of Chicago Law School

"I think it would be fair to say that the work which is going on here and at other law schools today is characterized by a different approach. First it is recognized that the job requires teaming up with the social scientist in an effort to discover jointly new facts about legal behavior. This has meant that the work has stayed out of the library, the social science library as well as the law library, and has gone directly into the field in the hope of discovering data out of which a new literature could be created. Second, there is absent the intense critical attitude toward existing law. The modern hope is not one of revolutionizing law but more modestly and sanely of gradually enriching it through empirical study.

Although we have been at our work now for what seems to us especially like a very long time, it is still too early to tell whether we have succeeded. In any event we have given the task a truly serious and sustained try and you will soon be able to judge the results. We are encouraged by the fact that our interest has not only sustained itself over a long period of research but has actually heightened as we have begun to put the pieces together and as we have become increasingly aware of the fluency with which we, on both sides of the table, have surmounted the barriers of interdisciplinary communication. We are now quite confident that this blending of disciplines can illumine both law and social science, or at least both the lawyers and the social scientists."

—from "The Jury and the Principles of the Law of Damages" by Harry Kalven, Jr., Professor of Law, The University of Chicago Law School

"A liberal art can be as liberal as you please, and it should be—any liberal art should be, including law. But one thing, I repeat, sits firm: any man who proposes to practice a liberal art must be technically competent. I choose a single example which does not even involve the lawyer's responsibility of every lawyer to his client. In the entrance hall of Al Barnes' amazing collection and arrangement of paintings one meets head-on a huge reclining nude done by Renoir with infinitely sharp and accurate drawing and perspective (with, incidentally, a cold green tone that reminds of David.) It hangs there side by side with the same subject, in the same pose, in the same size, done by the same Renoir with the luscious reds and soft, almost fluid, contouring of his later work. The pair of pictures make clear to anybody, once he has a chance to think, the fact: technical cleanliness is the only reliable foundation. The matchless second picture could never have been painted by a man who lacked competence to paint the first. Technical skill is not a foundation only. It is the necessary foundation. Appreciation of a liberal art can, sometimes in high degree, be got without it; though even in regard to appreciation an amateur performer can commonly get lengths or laps ahead of the appreciator who can do nothing but appreciate. But for the practicing artist technique is the foundation.

I pause for a moment to deal with an objection. It can be argued that in this era of specialization technical proficiency can be entrusted by the artist to a subordinate as some entrust their spelling to a capable stenographer. We hear of laboratory scientists—outstanding in research as a liberal art—who, the phrase
The panel discussion on "The Role of Law in the Achievement of National Goals" held during the Dedication Celebration. Left to right: C. Herman Fitchett, Professor of Political Science and Chairman of the Department; Francis A. Allen, Professor of Law; Walter J. Blum, Professor of Law, Moderator; Louis Gottschalk, Swig Distinguished Service Professor of History; Richard P. McKeon, Gray Distinguished Service Professor of Philosophy and of Classical Languages and Literatures; and Theodore W. Schultz, Hutchinson Distinguished Service Professor of Economics and Chairman of the Department.

This intervention by the State in the affairs of private individuals has enormously increased since the war, and certainly since the days of the late Lord Hewart's famous protest in his book "The New Despotism."

A large number of regulations affecting the lives and homes of citizens have poured from the Government.

All manner of tribunals outside the ordinary courts of law have been set up, and procedures have been devised which appear to many of us to be dangerously restrictive of the liberty of the subject.

To mitigate the harshness of this relationship, you and we too have introduced various procedures resulting in what we call administrative law and practice—a series of palliative discs between the rigid vertebræ of bureaucratic machinery.

In 1956 we set up a Committee under the chairmanship of Sir Oliver Franks to make a thorough survey in this field.

They reported swiftly and, I am proud to say, we acted swiftly.

In 1958 I introduced the Tribunals and Inquiries Act which set up a permanent independent Council to watch over these administrative tribunals and procedures and report upon their working to Parliament.

The Franks Committee laid down three essentials, which I think will find an echo in every lawyer's heart: openness, fairness and impartiality. These are the qualities which should be insisted upon in the constitution and procedure by every administrative tribunal."

"We speak of lawyers "practicing" the law. In the deepest sense, each of us—ruled by his own conscience—must practice the law. We do this, as citizens and as Americans, by every word or deed or gesture toward our fellow-man—or fellow-nation. And there are, in this regard, a few simple rules of behaviour I believe deserving of respect.

We must realize, first of all, that the great issues of justice and equality cannot be fought only in chambers of the legislature. They must first be fought—and won—in the hearts of men. The law is properly a servant of conscience—not a substitute for it.

We must be aware, in this spirit, that, deeply as we believe in equality before the law, there is a kind
of equality beyond the law—fully as meaningful and critical. This touches upon areas of opportunity, health, human relationships largely untouched by explicit statute. The moral issue, ultimately, is a matter of individual motive and intent. And the comment of Scripture is sound and relevant: "The law is good, if a man use it lawfully."

We must at the same time—in our laws and our actions, in our nation and before the world—strive to leave no people, nor any nation, to feel that “the world is not thy friend, nor the world’s law.” For respect for the law itself will disappear, if the law evades or lags in meeting new and rightful needs. This is the law of change by which the law itself must live.

We must, even as we strive to foster and to lead change, act without prideful passion or righteous wrath—even against those who would thwart our hopes. There is no part of the earth to which we, as a people, can say: we, the Americans, are flawless models for your future destiny. And there is no part
of this nation entitled to say to any other part of this nation: we have achieved perfection in respecting the dignity and equality of all men of all races.

All this suggests the spirit—the calm and sovereign spirit—that I deeply believe must rule in these halls of law, as in all such halls throughout our nation.

There is truly no other area of national life or national conduct to test us, as a people, so critically in this Twentieth Century."

— from "The Law and Human Equality"
by The Honorable Nelson A. Rockefeller,
Governor of the State of New York
The Convocation Address, at the Special Convocation for the new Law Buildings
May 1, 1960

"Historically we have to register a tendency to create new organs for each new major field of activity. Thus international cooperation in the field of the peaceful uses of atomic energy led to the establishment of the International Atomic Energy Agency, which for all practical purposes functions as a specialized agency. Similarly, in the case of control of the implementation of an agreement on nuclear tests, the creation of a new autonomous organ is anticipated. Finally, even in the field of disarmament, which under the Charter is a central task of the United Nations, suggestions have been made to the effect that activities of decisive significance should be entrusted to a new organ which might be not only administratively but also politically independent of the United Nations.
In view of the tentative stage so far reached as regards coordination of activities among the various organizations working on the basis of universality, it may be questioned whether the tendency to which I have just referred will not prove to be a deviation leading us away from the most fruitful direction for an evolution of a framework for international cooperation. At least it seems to me that, if this tendency is accepted and continued, it should be counterbalanced by an effort to evolve new forms for integration of the work of the various international agencies. I am not in a position to say in what direction such forms may be found, but unless they are developed we may come to face a situation where the very growth of the framework for international cooperation tends to lead us to an ultimate weakening. If I am permitted to fall back again on a parallel with biological developments, it is as if we were to permit the growth of a tree to be weakened by the development of too many branches, finally sapping its strength so that it breaks down under its own weight.

Having spoken about the risk of disintegration of the international framework through a proliferation of organs, I should mention also the opposite risk, that by combining too many tasks too closely within one and the same organ, you break it up, as of course no organization can carry an unlimited burden because of the simple fact that no leaders of such an organization can have the capacity to give satisfactory leadership over ever-expanding areas."

—from “The Development of a Constitutional Framework for International Cooperation” by The Honorable Dag Hammarskjold, Secretary-General of the United Nations The Dedication Celebration May 1, 1960
this field, which involves practically all military activities in the United States and overseas. Included are many unanswered legal questions worthy of study in our major universities."—Frank E. Lee, Col., U.S.A.

"I hope our paths cross soon."—David Livingston

"I am completing twenty-five years with the Travelers this year."—William K. McDavid

"My work for the Illinois Secretary of State involves not only hearings with reference to drivers' licenses, dealers' safety responsibility, mileage weights tax, but general legal advice concerning all phases of law affecting motor vehicles or their operation and problems of reciprocity with reference to licensing of carriers."—David F. Matchett, Jr.

"Does everybody in the class work this hard after twenty-five years?"—Sam Schoenberg

"Have devoted much time and energy concerned with the Man contribution to the Trilogy of Man, Machine, and Materials."—Robert B. Shapiro

"Sometimes I feel sorry I left the actual practice of law, but usually I'm not. Not smug, just satisfied."—Rubin Sharpe

"My retirement plans? None yet. Check in another twenty-five years."—Paul E. Treusch

"I have concluded that primarily I am an old-fashioned lawyer."—Harold Stickler

"Those who stand and wait, also serve."—Charles Wolff

"I visited the Law School several weeks ago and was awed by the job our classmate E.H.L. did. Magnificent! He deserves kudos."—Joseph T. Zoline

"In 1945, on a dirty little piece of real estate called Iwo Jima, it was my high privilege to be in the company of brave young men. In 1935, in a college of ivied beauty, it was my high privilege to be in the company of able young men who since have made their mark, and whose fullest accomplishments lie yet in the future. These privileges I hug to my heart. God Bless and keep you."—Dale A. Letts

**DISCUSSION**

Survivors of a bone-crushing Depression, the Class of 1935 recalls with some nostalgia that period in which meeting tuition fees was no small feat and obtaining a job meant working for thirty cents an hour. Of a list bearing ninety names, fifty-eight classmates responded with questionnaires completed, impressive evidence of class loyalty and accurate addressing. Based upon the author's personal knowledge of many classmates, he can vouch for an excessive modesty on the part of those with whom he has personally kept touch, and he has valid reason to assume this attribute applies to those he has not seen in some years.

About three quarters of us have remained wedded to the Law. Twenty are associated with Law firms, twelve are in private practice, five are in the legal departments of large corporations, five are with the
United States Government, three are active in State Government, three in Education. Outstanding in the academic field are: Edward Hirsch Levi, Dean of the University of Chicago Law School; Ray Forrester, Dean of Tulane University Law School; Louis Albert Wehling, Head of the Department of Government, Valparaiso University. Certainly we can be proud to have a classmate heading the Law School, and for his achievements in that position.

We have our political notables. David Matchett, Jr., is Chief Hearing Officer for the Illinois Secretary of State in Chicago. James Porter has won election to the Kansas State Senate since 1948 and was a member of the House prior to that. The top law enforcement officer in California is Stanley Mosk, who was elected Attorney General by a plurality exceeding that of any other candidate in the country in 1958. Since 1942, he had been sitting as Judge, the Los Angeles County Superior Court.

Family ties have welded the law firms of Max and Herman Chal (Max), Gibson & Gibson (Truman K.), and Alschuler, Putman, & McWethy (Sam Alschuler). Two classmates are affiliated with the same firm: Arvey, Hodes & Mantynband has both LeRoy Krein and Sidney Zatz.

Two thirds of us are domiciled in the Chicago area, the rest extend from Connecticut, New York, Washington, D.C., and Florida, to Texas, California, and Hawaii. Colonel Frank Lee travels the world in his Army position as Director of Civil affairs. Most of us are on the go, and the indications point to our covering a considerable mileage in travel annually, combining business and pleasure in varying ratios.

Of those answering, almost half served Uncle Sam during World War II. An even dozen were in the Navy, ranked from Y2c and QM1c to Commander, with an equal number of us in the Army, from PFC to Colonel. Three were in the Marines, Dale Letts uniquely shifting from Navy to the Corps. Three were in the Air Force.

Most of us are married and have growing families of divers sizes. Paul Kitch commands a prolific poker high for his five boys and Charles Donovan gains recognition for his four girls and one boy. Those of us with four offspring include Arthur Bernstein, Ray Forrester, George Herbolzheimer, and Sam Schoenberg. Lewis Groche and Philip Lederer each have sons who have passed their twenty-second birthdays. Further underscoring our advancing years, is the fact that we actually have three grandfathers in the group. William McDavid has two grandchildren, Irwin Bickson and Robert Shapiro are runnersup, with one each, as of the last dispatch.

Our hobbies and outside interests show many of us to be pursuing the unusual. William Flacks is preoccupied with opera and is currently writing a book on the subject. Dale Letts skin dives for piranha. This is the deadly fish which travels in schools and can strip man or beast to skeleton in a matter of minutes. Hyman Greenstein relieves courtroom tensions by racing sports cars in Hawaii. Ambrose Cram drove his wife and children to Alaska on the Alcan Highway.

John A. Spanogle, Jr., B.S.E., Princeton University, nearest camera, and Paul Schreiber, A.B., Lawrence College, prepare for the final argument in the Hinton Moot Court Competition, in the Kirkland Courthouse.
during the summer of 1950, while Charles Donovan made the Grand Tour of Europe with his family of seven. Maurice Weigle’s hobby of photography brings him to many countries which he records with color slides of professional quality. The spectrum of Albert Epstein’s interests embraces writing short stories and poetry. Lawn bowling—bowling on the green—finds Searing East an avid participant. Sol Jaffe trains dogs as an avocation, and Robert Shapiro maintains a hobby of wet nursing sick businesses until they are well. Joseph Zoline chases steers on a ranch in Aspen, Colorado, when he vacations from his responsibilities with Carte Blanche, the Hilton Credit Corporation. Packbacking fascinates Melvin Goldman. In November, 1959, he and his wife carried all their own supplies and equipment, traveled on foot for ten days and one hundred miles, exploring remote canyon country of the Southwest. Their next trip will take them by raft down the mighty Colorado River in Utah. The rest of us are more prosaic, occupying our spare time with golf, water sports, tennis, bowling, gardening, hunting, fishing, photography, coin collecting, travel and music.

DIRECTORY


Alschuler, Sam—Partner, firm of Alschuler, Putnam & McWethy. Married, has two children, Albert W., nineteen, and Therese Ann, sixteen. Has served as President, Aurora Council of Community Services; President and Director, Aurora Chamber of Commerce; President and Director, Illinois Association for the Crippled, also President and Director, Aurora Chapter, Member Aurora Planning Commission. Was Private in Army. Hobbies: photography and Hi-fi. Home address: 1341 Downer Place, Aurora, Illinois. Office: 32 Water Street, Aurora.


Bernstein, Arthur J.—Private practice of law. Also associated as Managing Partner, The Dolton Bowl, Dolton, Illinois, and The Valley Bowl, Aurora, Illinois, bowling lanes. Married, has four children, Chuck, fifteen, Carolyn, thirteen, Leslie Ann, ten, and Robert, six. Served three years in Air Force, Sergeant, High-
lights: “Lots of interest for me but very little for any­one else.” Outside interests: “American Veterans Com­mittee, Boy Scouts, community affairs, adult edu­cation; my family.” Retirement plans: “Can’t afford them.” Home address: 1442 Edgewood Lane, Win­netka, Illinois. Office: 100 West Monroe Street, Chi­cago.

Bickson, Irwin—Executive Director, Budget Rent A Car. Married, has three children, Sharon, twenty, who is married and the mother of his grandson; Diane, eighteen; and Martin, sixteen. During World War II was located at the Picatinny Arsenal, in Procurement, where he shared time with Bob Shapiro. Serves as Director, Chicago Commission on Alcoholism; Direc­tor, Chicago Currency Exchange Association. His travels include some half dozen European trips and a recent round the world excursion, during which he visited Hy Greenstein in Hawaii. Home address: 6728 Oglesby Avenue, Chicago 49. Office: 65 East South Water Street, Chicago 1.

Chill, Max—Partner, firm of Max and Herman Chill. Married, has a son, Alan, ten. Served as Captain in the Artillery, U. S. Army. Now President, West Subur­ban Temple. Home address: 1235 Belleforte Avenue, Oak Park, Illinois. Office: 100 West Monroe Street, Chicago.

Cram, Ambrose L., Jr.—Partner, firm of Patterson, Belknap & Webb. Married, has three children, Arthur Bestor, fourteen, Christopher Chamberlin, eleven, and Louis Elizabeth, nine. Has acted as court-appointed official referee in divers matters; member, various committees of local, state and national bar associa­tions, in the fields of copyright, antitrust law, and court procedure. Served as President, Bronxville P.T.A.; Scoutmaster; miscellaneous other responsibilities, particularly Riverside Church. Was Republican candidate for New York Senate in 1940, also worked as County Committeeman. Military Experience: In 101st Horse Cavalry from 1936; Captain, 27th Infantry Division Artillery, 1940-1945; Major and Battalion Commander, Army Reserve Rocket Battalion, 1945-1951. Spent several years of his legal career recovering about five million dollars stolen from the Nationalist Government of the Republic of China. Has traveled considerably, mentions Las Vegas and Mexico City among the points of interest. Drove to Alaska over the Alcan Highway in the summer of 1958. His hobbies are scouting, boating, and skiing. Home address: 21 Syca­more Street, Bronxville, New York. Office: 1 Wall Street, New York City 5.

Crowe, Frank—Private practice of law. Married, has two children, Mary Jane, sixteen, and Brian, fourteen.
Has been Lecturer in Negotiable Instruments, John Marshall Law School. Active in New Trier Democratic Organization. Political aspirations: "Debatable." Retirement plans: "I will quit the minute I make five million dollars." General comment: "This is something that finds me at a loss for words." Home address: 1315 Ashland, Wilmette, Illinois. Office: 1 North LaSalle Street, Chicago.


4619 North Ravenswood Avenue, Chicago.

Deutsch, Richard H.—Partner in law firm of Rusnak & Deutsch. Married, has three children, Richard, Ellen, and Dennis. Member, Federal Bar Association; Charter Member, Judge Advocates' Association; Was Chairman, Committee on Administrative Law, Chicago Bar Association; Director, South Shore Y. M. C. A. Military Service: Enlisted in Signal Corps in 1942, discharged in 1946 as Captain, Judge Advocate General's Department, A U.S. Home address: 7130 Luella Avenue, Chicago 49. Office: 208 South LaSalle Street, Chicago 4.

Donovan, Charles C.—President and Counsel, Chicago Heights Federal Savings & Loan Association. Organ-

Luther Harthun, of the Class of 1960, arguing in the final round of the Hinton Competition, the School's student-run moot court program. On the Bench, in the Kirkland Courtroom, are the Honorable Roger J. Traynor, Justice of the California Supreme Court, the Honorable Charles E. Clark, Chief Judge of the U. S. Court of Appeals, Second Circuit, and the Honorable John Hastings, Judge of the U. S. Court of Appeals, Seventh Circuit.
ized this firm while he was still in Law School and it now takes up most of his time. Married, has five children, Melanie, twenty, Patricia, eighteen, Mary, sixteen, Jane, thirteen, and Charles, nine. Is President, Board of Education, Bloom Township High School and Community College. Served in Navy as Lieutenant Commander. Home address: 215 Country Club Road, Chicago Heights, Illinois. Office: 1630 Chicago Road, Chicago Heights.


Elson, William B., Jr.—Head of Corporate Property Division, Law Department, Swift & Company. Married, has two children, William M., seventeen, and Janet L., eleven. Travels extensively, has visited all of the “orthodox forty-eight states” plus Cuba, Puerto Rico, and Canada. “Work full time thing, with little opportunity for hobbies.” Has worked twenty-five years for same firm, associated with many University of Chicago people. Home address: 7740 South Euclid Avenue, Chicago 49. Office address: 4115 South Packers Avenue, Chicago 9. Summer, 1961, Swift offices will move to Loop, 111 West Jackson Boulevard.


Forrester, Ray—Dean and Professor of Law, Tulane University. Married, has four children, Bill, sixteen, Catherine, thirteen, David, eleven, and Stephen, seven. Home address: 1401 Audubon Street, New Orleans, Louisiana. Office: Tulane University Law School.

Fortes, Harry H.—Broker, Chicago Mercantile Exchange. Married, has one daughter, Miriam, nineteen. Serves as Vice President, Chicago Mercantile Exchange, also Member, Board of Governors. During the War, was Instructor, Army Air Corps. His work requires travel throughout the country. Comment: “My background at the Midway has been of immeasurable assistance and has enriched my life.” Home address: 5320 North California Avenue, Chicago 18. Office: 110 North Franklin Street, Chicago.

Fry, James W.—Private Practice of Law. Married, has three children, James Jr., nineteen, Betty, sixteen, and
David, fifteen. Offices held: President, Kiwanis Club of Englewood (1948); President, Southtown Planning Association (1959-1960); Secretary, Ridge Country Club, five years; Vice Chairman, Southtown Y.M.C.A. Outside interests: Water sports; Boating; skiing. Retirement plans: “Yes. Have home at Hazelhurst, Wisconsin in which I hope to spend considerable time when my children are all educated.” Home address: 2161 West 107th Street, Chicago 43. Office: 9101 South Western Avenue, Chicago 20.

Getzoff, Byron M.—Private practice of law. He is General Counsel for the American Ladder Institute. Married, has two sons, James, seventeen, and William, thirteen, both interested in law. Serves on Committee of Inquiry, Chicago Bar Association; is a Past Commander of the American Legion, American Furniture Mart Post. Was with the Inspector General in the Army as Staff Sergeant. Has traveled to Europe, also Hawaii. Outside interest: Fifty acre farm in Glen, Michigan, where he grows blueberries and fruit. Retirement plans? “Yes, just keep on practicing.” Home address: 715 Forest Avenue, Evanston, Illinois. Office: 100 North LaSalle Street, Chicago.

Gibson, Truman K., Jr.—Practices law with brother in firm of Gibson & Gibson; Vice President, Chicago Stadium Corporation. Married, has one daughter, Karen, nineteen. Was Civilian Aide to Secretary of War, 1942-1945; Secretary, Chicago Land Clearance Commission; Presidential Commission on Universal Military Training; Commission on Morals, Welfare and Religion in Armed Services. Received Medal for Merit in 1945. Home address: 5111 South Drexel Avenue, Chicago. Office: 471 East 31st Street, Chicago.


Greenstein, Hyman M.—Partner, law firm of Greenstein & Franklin. Perhaps most colorful of Class, returned information typed with shamrock ink. Married, has son, Barry, fifteen, daughter, Marcia, fourteen. “You should know that Sid Zatz and I won the War in the South Pacific. Last tour of duty at Pearl Harbor, where I took my discharge, February, 1946.” Highlights: “I have won some notoriety in connection with defense work in courts martial trials. Have been steadily engaged in this type of work since my days in South Pacific in 1943 (just got back to the office from trying a court martial at Schofield today). I make my money handling personal injury cases—but have
my fun in criminal trials. Eighty per cent of my time is devoted to the court room. Claim to fame: Tried court martial like Caine Mutiny? ?? Once tried two murder trials in succession—walked out of one case—acquittal—to produce another acquittal in second case. I have tried matters from Philadelphia to Tokyo. I am licensed to practice in Illinois, California, Hawaii and Guam. My ambition: to have offices in Honolulu, San Francisco and Beverly Hills. Hobby: Race Driver Sports Cars, drive an AC Bristol.” President, Associated Sports Car Clubs of Hawaii; Vice President, State of Hawaii NACCA (Plaintiffs’ Lawyers Association). “Aloha mai lea (a big Aloha to one and all)” Home address: 4399 Aukai Avenue, Honolulu. Office: 400 South Beretania Street, Honolulu.


Janus, Milton—Supervising Attorney on Staff of Board Member, National Labor Relations Board. Married, has three children, Katherine, eighteen, Edward, fourteen, and Allan, nine. Katherine enters the University of Chicago Undergraduate School this year. Home address: 4706 Highland Avenue, Bethesda 14, Maryland. Office: National Labor Relations Board, Washington 25, D.C.


Kitch, Paul R.—Partner, Fleson, Gooing, Coulson & Kitch. Married, has five sons, Edmund, Paul Jr.,


Levison, Pauline Foinar (Mrs. Lester H.)—Social Worker, Jewish Community Center. Her husband is deceased, she has a daughter, Suzanne Elizabeth, eighteen. Home address: 7843 South Colfax Avenue, Chicago. Office: 9101 South Jeffrey Boulevard, Chicago.


Marver, Allan A.—Vice President and Director of Operations, Goldblatt Brothers, Inc. Married, has two children, Leslie, seventeen, and Daniel, seven. Home address: 6178 North Newgard, Chicago. Office: 333 South State Street, Chicago.

Matchett, David F.—Chief Hearing Officer, Chicago Office, Secretary of State, State of Illinois. Married, has daughter, Mary Louise, five. Served as Instructor, Fifth Army Judge Advocates’ School; Judge Advocate General School, Charlottesville, Va. Entered Army in 1942, is now Major, J.A.G.C., U.S.A.R. Was Police Magistrate, Village of Northfield; Chairman, Board of Appeal, Village of Northfield; Candidate, Judge of Superior Court; Secretary, Regular Republican Organization, Northbrook Township. Outside interests: church activities and sports as a spectator. Home address: 2074 Drury Lane, Northfield, Ill. Office: 5301 West Lexington St., Chicago.

McDavid, W. K.—Assistant Secretary, Claim Department, Administration, Travelers Insurance Company. Married, has daughter, Sandra, twenty-one, and a son, William Jr., fourteen. Has two grandchildren, Scott, three, and Jon, one. Was in Navy, 1942-1946, Lieu-
tenant Commander. Has served as Prosecutor, Town Court; Chairman, Board of Tax Review; Republican Town Chairman. Hobbies: "Only the usual—golf and swimming." Home address: 11 Woodchuck Hill Road, Simsbury, Conn. Office: 700 Main Street, Hartford, Conn.


Sang, Bernard G.—Partner in the law firm of Sang &

Carney, Married, has a daughter, Ruth Ellen, fifteen, and a son, George Edward, eleven. Offices held: Trustee, Union of American Hebrew Congregations; Fellow, Brandeis University; Trustee, North Shore Congregation Israel; Trustee, Highland Park Hospital; Life Member, Board of Directors, Young Men's Jewish Council; Member, Executive Cabinet, University of Chicago Law School Alumni. Highlight: Received Bronze Key Award, Boys' Clubs of America. Home address: 177 South Deere Park, Highland Park, Ill. Office: 110 South Dearborn Street, Chicago.


Shapiro, Robert B.—Director, Associated Business Consultants (Management Engineers) and Executive Vice President, Transo Envelope Company. Married, has three daughters, Patricia J. Wagman, twenty and married, Ronny Beth, seventeen, Karen Jo, fifteen. Has granddaughter, Daryl Ann Wagman, one year old. Positions: Special Arbitrator, labor relations grievance proceedings; Visiting Lecturer, Rutgers University on Management Problems and Scientific Management; Lecturer, New York University, on Work Simplifica-
tion and Labor Relations; Deputy District Commissioner, Boy Scouts of America; President, P.T.A.; Major, U.S. Army Ordnance Corps, 1940-1945. Highlights: Organization of own management, engineering and consulting firm in 1941; new development during the war within Army civilian personnel in all related fields of Scientific Management. Travels extensively, U.S.A. and Europe. His wife is recent author of "So You're going Abroad" under the pen name Enid Evlin. Hobbies: Vocational Guidance and Golf. Retirement Plans: "At age 60, I plan to continue part-time in the consulting engineering profession, with travel six months a year." My married daughter, whose husband practices law in Toronto, gives good excuse for us to travel back and forth. I am 'Of Counsel' to my son-in-law in legal matters and Enid is 'Of Counsel' to daughter Patricia on problems of raising our granddaughter." Recently helped organized for Chicago area the Small Business Management Investors, Inc., which will help to continue hobby of rehabilitating businesses into profitable enterprises. Home address: 79 Pierce Road, Highland Park, Ill. Office: 3542 North Kimball Avenue, Chicago.

Sharpe (Shapiro) Rubin—General Manager, Ruby Chevrolet, Inc. Married, has two children, Elliot, eighteen, and Frances, thirteen. Served in U.S. Navy, Lieutenant (jg) USNR. Outside interests: woodworking, gardening, and golf. On retirement plans: "I hope to live that long." Home address: 7308 North Crossway Road, Fox Point 17, Wis. Office: 5101 West Capitol Drive, Milwaukee, Wis.


Sprague, Robert G.—Attorney, Corporate Legal Department, Texaco, Inc. Married, has three children, Holly D., eighteen, Robert A., fifteen, and Margaret L., thirteen. Travels occasionally, to Central America, and the Middle East. Interests: Community activities; church; tennis, etc. Home address: 15 Sherman Avenue, White Plains, N.Y. Office: 135 East 42nd Street, New York 17, N.Y.

Stickler, Harold—Private practice of law. Married, has daughter, Barbara, eighteen, and a son, Bruce, fourteen. Served as Member, Illinois Aeronautics Commission, 1942-1945; State of Illinois Department of Aeronautics, 1945-1948; Aeronautics Legislative Consultant, State of Illinois Department of Finance, 1945; has assisted in several state-wide campaigns for Governor and Senator in Illinois and Connecticut. Travels occasionally, "including a few trips to other countries." Career Highlights: "Various victories in major cases which do not seem as important today as in yesteryear." Interests: Swimming, golf, bowling, mountain vacations and winter vacations. Home address: 174 LaPier Street, Glencoe, Ill. Office: 33 South Clark Street, Chicago 3.

Summers, Harold X.—Deputy Associate General Counsel, National Labor Relations Board. Married, has two sons, Leland Franklin, fourteen, and David Charles, eight. Was "Erstwhile Labor Relations Lecturer, Rutgers University; also Penn State University." Travels throughout United States and Puerto Rico. Two strenuous pastimes: tennis and poker. Home address: 1511 Sanford Road, Silver Spring, Md. Office: National Labor Relations Board, Washington, D.C.


Treusch, Paul E.—Special Assistant to Chief Counsel, Internal Revenue Service. Married, has daughter, Karen, seventeen. Has served as Member, Excess Profits Tax Council, 1949-1952; National Chairman, Taxation Committee of the Federal Bar Association, 1952 to date; Secretary, D.C. Chapter, Federal Bar Association; Member, the American Law Institute. Has led graduate seminars in Taxation at Georgetown Law School and has been a frequent lecturer in tax subjects at tax institutes. Career highlights: Member, Excess profits Tax Council; Internal Revenue Service representative to the President and Conference on Administrative Procedure, 1955; I.R.S. representative on Tax Court Judicial Conference, 1959 to date; Chief Counsel representative on Liaison Committees with Department of Justice controlling litigation policy in civil tax cases. Is member, National Press Club, enjoys golf, swimming, theater, concerts, and lectures. Home address: Apt. 226, Arlington Village, Arlington, Va. Office: Office of Chief Counsel, Internal Revenue Service, Washington, D.C.


Zacharias, James—Vice President, Precision Electroplating Co. Married, has three children, Jody, twelve, Jamie, ten, and Laurie, six. Has been active in community charities, particularly in the field of Mental Retardation. Served in Army Intelligence, Infantry, Second Lieutenant. Interests: Travel, music, bowling and photography. Home address: 937 Gordon Terrace, Winnetka, Ill. Office: 519 South Oakley Blvd., Chicago 12.


Zolla, Robert—Owner, Davis and Kreeger, specialists in painting and decorating. Married, has two boys and a girl. His older son is twenty and plans to study law. Serves as a Member of the Board of Directors, South Shore Temple, Chicago. Interests include golf and travel. Home address: 2101 East 72nd Place, Chicago 49. Office: 7812 South Coles Avenue, Chicago 49.

The following June, 1935 graduates did not return questionnaires:

Knox Booth
Kendal C. Byrnes
William B. Cassels
Herbert R. Elliott
Elisa Fernandez
John C. Howard
Phillip Lampert
Joseph J. Laub
David H. Mendelsohn
Jerome B. Rosenthal
Julius Rudolph
Harold Schwartz
Charles A. Washer, Jr.

*deceased.

CONCLUSION

In summation, the evidence indicates that we have managed to keep prudently busy in our jobs, in our communities, and with our families. How deep has been our impress in history is yet to be determined, however there is considerable substance to the credit side of the ledger. Some of us have made spectacular progress, others have achieved more subtly. When the next Anniversary arrives, many will be further enhanced in stature, we will doubtless be increasingly rounded in girth, and there will be more grandfathers to be counted. This scribe ventures the hope that reunions will continue and that we may meet to reminisce and plan for many more fruitful years.
Class of 1940—
continued from page 11

Harbor, surface engagements, shore bombardments, nor aerial combat approached the rigors and risks of practicing 'domestic' (a euphemism for 'divorce') law in Cook County. Various bar association activities, plus teaching in this field, have led to a modicum of professional recognition and personal gratification. There was also one brief and quixotic foray into politics. Suffice to say that the judiciary should be appointed. A lovely wife, three "remarkable children" and a heavily mortgaged home in suburbia distinguishes one from hardly anybody. Nostalgia for the past and an incurable, if unfounded, optimism in the future persist to the present.

*Thelma Brook (Simon)*: Thelma's early promise as a leading Portia is amply demonstrated by her important role as law clerk in Mr. Justice Bristow of the Illinois Supreme Court. Her professional activities include past service as President of the Women's Bar Association of Illinois. In her dual role as mother of two teenage children, Thelma has likewise served as Vice President of the Wilmette Junior High School PTA. When next any of us have occasion to cite one of Judge Bristow's opinions, we may be assured of its soundness, and we will know the reason why.

*Bryson Paine Burnham*: Blace too enjoyed a postgraduate course from 1942 to 1946 in the armed forces, rising from Pvt. to 1st Lt. in the Counter-Intelligence Corps. He thereafter resumed his association with the outstanding Mayer, Friedlich firm, where for many years he has been a partner. He is married and has so far produced female progeny ages 4 and 1.

*Thad R. Carter*: Captain Carter's five years in the infantry included substantial service in the Judge Advocate General's Department both on the West Coast and Hawaii. Possibly this experience was instrumental in leading him into fields other than the practice of law. For whatever reason, Thad has long been the guiding genius of Carter-Ford, located in the lovely area surrounding Alton and Wood River, Illinois. While Thad continues to profess a yen for the law, we are sure his grass is at least equally green. His wife, Susan aged 13, and Robert aged 8, complete the family picture.

*Henry W. Cutter*: Has anyone forgotten Hank's friendly unfailing cheerfulness. We are sure it served him well when as a P.T. Boat skipper he helped hold the thin gray line in the far reaches of the Pacific. Wounded in combat and "missing in action," Lt. Cmdr. Cutter returned to private life and is now a name partner in the firm Vasse and Cutter in beautiful Pasadena. Hank also appears to have made a good readjustment from the drab and drafty middle west to southern California, as witnessed by his varied and interesting civic activities, including co-chairmanship of the Community Chest, past President of Sertoma Club and a Committee Member of the Tournament of Roses, not to mention a beautiful wife and four children, ages 16, 12, 8 and 6.

*William Tucker Dean*: Tucker's war time activities included service in the Transportation Corps., Civil Affairs School, Hawaiian and Philippine duty as Historical Officer, as well as post war service with JAG. He is a professor of law at Cornell Law School and has been active in numerous bar association activities. His exalted status at Cornell was preceded by teaching in Kansas Law School and New York University School of Law. More recently Tucker held a senior fellowship in the law of Behavioral Sciences at our Alma Mater where he has been doing research in the administration of law schools. As a married man with children, ages 15, 13, 7 and 5, it is small wonder that Tucker served as Treasurer of the Cayuga Heights PTA.

*John H. Gilbert, Jr.*: Jack had an interesting war time career as an enlisted man, officer trainee, and 1st Lt. It is not entirely true that the Air Force is still looking for some of the troops he trained in close order drill on the great plains. To the eternal shame of his hearty forebears from the upper Ruby Valley of Montana, Jack too has fled to southern California and is presently senior partner in the firm of Gilbert and Farr in Santa Ana. He is married and the father of Gale and Gary. Jack recently won an important zoning case in the District Court of Appeals, which for some inexcusable reason was reversed in a split decision of the California Supreme Court. He has participated in community affairs as a member of the Board of Directors of the YMCA and The Visiting Nurse Association (sic).

*A. Eugene Grossman, Jr.*: Gene relaxed from the tensions of law school by serving for a prolonged period with an 8 inch howitzer battalion in the European Theatre of Operations. This experience must have compared favorably with some of our more stormy taxation and equity sessions on the Midway. Gene is currently a partner in the prominent Kansas City firm of Stinson, Mag. Thomson, McEvers and Fizzell. He is married and the father of two children, one of whom (his father contends) is planning to study law. Gene relates that the entire family is equipped with sail boats and participates actively in snipe races on Lake Lotawana in the Kansas City area. Those of us whose sports interests still center around Chicago, suggest that Gene take an invidious look at the American League standings.

*George Halcrow*: The years immediately following school were dramatic ones for George. As an officer aboard a fleet carrier in the Pacific he was frequently
in combat, including many of the “name battles” of World War II. George is now another expatriate, living and practicing law in San Mateo, California. He has been Associate Professor of Business Law, at Armstrong College in Berkeley, is currently president of the Family Service Agency and Unitarian Fellowship of San Mateo and Director of the California Association for Mental Health. George reports a single marital status which we hope some fortunate California female will soon rectify.

George E. Hale: While George was not technically a member of the Class of 1940, having received a Harvard LLB in 1938, he did however pursue post graduate studies in and on our time. We, therefore, hereby adopt him. George’s war time career spanned the full five years, and as a Major in the Cavalry (Ballistic Missiles—bah) most of his activities centered around military intelligence. George is a partner in the distinguished firm of Wilson and McIlvaine. He has been active in the Attorney General’s National Committee to study anti-trust laws as well as the visiting committees of the University of Chicago and Harvard Law Schools. He has also taught public utility law at our Alma Mater. George is married and the father of three girls, ages 15, 13 and 10. He echoes the sentiments of us all in expressing his “immense gratification at the rise of our law school under the brilliant leadership of Dean Levi.”

E. Houston Harsha: Hughie went more or less directly from the campus of Washington D.C. and, within a short time, became one of Thurmon Arnold’s bright young men. On Monday morning, December 8, 1941, and for a considerable period of time thereafter, Hughie pounded in vain on the panels of the Armed Forces. He thereafter served his country and the Department of Justice well by lashing out at the international cartels and their efforts to handicap our war effort. Except for a brief interregnum as a research associate at our Alma Mater, Hughie moved up through the ranks of the Anti-Trust Division, culminating his career as Assistant Chief in charge of the Chicago office while trying the DuPont case for the government. As we all know, the Supreme Court ultimately sustained our classmate’s position in this landmark decision. For the last several years, Hughie has continued in the anti-trust field as a partner in the prominent firm of Kirkland, Ellis, Hodson, Chaffetz and Masters. He contends that his work requires “a strong back, endurance, and an understanding wife” and he claims all three prerequisites. His charming wife and three children (ages 14, 11 and 9) enjoy life on the North Shore and occasionally see the head of the family.

Leonard Hoffman: Many of us may have carried away an impression of Len as a quiet studious colleague. His unembellished questionnaire merely noting: “military service 1941 - ‘45 (army)” does nothing to disabuse the foregoing. One may therefore be pleasantly surprised to learn that “good old Len” now adorns the Appellate bench for the Fourth District of Illinois. Mr. Justice Hoffman has also served as Circuit Court Judge and County Judge of Grundy County. That his Honor has been active in other fields is indicated by Valerie, aged 20, Marjorie, aged 17, Leonard, aged 13 and Deborah aged 8. As Sheldon Tefft might observe “need I say more.”

Karl R. Janitzky: Karl saw army service during 1942. He is currently an attorney with Deere and Company, engaged largely in the foreign corporate security and tax fields. His work has carried him to Mexico, Panama, Colombia, Chile and Argentina, with France and Switzerland next on the list. Understandably, Karl finds the practice of law fascinating. He is married, and we only hope that a benevolent corporation enables his wife to accompany him on his preambulations.

Harold I. Kahn: From his form chart (who remembers? “Mr. Croskey, that remark is startling but not significant”) we would all agree that Harold’s success in his chosen profession appeared assured; and we would be correct. Progress, however, was deferred from 1942 to 1945 in deference to the United States Army. Harold is presently a partner in the New York firm of Delson, Leven and Gordon and has been a member of the Committee on Law Reform of the Association of the Bar of the City of New York. He is married and the father of Deborah, Daniel and David, ages 10, 8 and 2 respectively.

Albert L. Kegan: Al is a partner in the firm of Kegan, Bellamy and Kegan. He is also a professorial lecturer at Northwestern Law School and has been a Special Master in Chancery of the United States District
Court in Chicago. Al's professional pursuits are centered largely in the area of patents, trade marks and copyrights. He has likewise been active in the International Hospital Center. Al is married and the father of three teenage children. He recalls European and Central America vacations as high spots in his private life.

David Linn: Dave's war time career included service in such varied and exotic corners of the world as Alaska, India and Burma. He is currently a partner in the firm of Abrams, Linn and Ness and has been active as Vice President of the South Chicago Bar Association and the Chicago Nursing Home Association. Your scribe here can testify favorably concerning Dave's mettle as an opponent in the Court room. Dave is married and the father of James, age 10 and Leslie, age 8.

Donald C. McKinlay: Don joined others of us in the early desperate days of the war in the Pacific and served with heroism and distinction as skipper of both a PT boat and a sub-chaser and finally as Executive Officer of a converted destroyer escort in action in Iwo Jima, Okinawa and Honshu. He and his lovely Barbara have been married since 1941 and are the proud parents of Susan, 16, David, 13 and Thomas, 9. Don is a partner in the Denver law firm of Holme, Roberts, More and Owen. He has been Assistant Attorney General of Colorado, a Vice President of the Denver Bar Association and is presently a member of the Board of Governors of the Colorado Bar Association. He has also been very active in civic, charitable, educational and church groups. That the law and Don have found one another mutually compatible is evidenced in his observation that we should "encourage the best young men and young women in our respective communities to both study and practice law."

Theodore S. Pabst: Ted reports four years of active duty during World War II as a 1st Lt. in the United States Army. He is practicing singly in Chicago's southwest side and has served as President of the Highland Business Association, Commander of the Beverly Hills Amvets and Adjutant of the Westfield American Legion Post. Ted is married and so far has sired two children, ages 6 and 3.

Herta Prager (Mrs.): Herta lives in Arlington Pennsylvania and is head of the Bureau of Law and Legislative Reference of the State Library, New Jersey. She has been active in the American Association of Law Libraries and also found time to raise Katharine, her 16 year old daughter.

Daniel C. Smith: Dan's successful twenty-year career has been evenly divided between Chicago and Tacoma, Washington. He spent the early and middle 40's first in private practice and then as House Counsel with Chicago Bridge and Iron. He thereafter became associated with Weyerhaeuser and is currently their Assistant General Counsel. Dan reports enthusiastically on America's great northwest. He has been active in Bar Association Committee work as well as several civic and community organizations. In 1957 he received our Alma Mater's citation for public service. It is in his domestic life, however, that Dan appears to be "top man in the class" for his eight children cover a span from 2 to 16 years. (Are you there, Louise?)

Edward S. Stern: Ed's colorful war time service included approximately two years aboard an aircraft carrier and liaison duties while attached to the British Pacific Fleet. He is a partner in the well-known Chicago firm of Aaron, Aaron, Schimberg and Hess, chairman of the Chicago Bar Association Committee on local government and a valued councilman in the City of Highland Park. His wife, Jeanne, is much too nice for him, while Thomas, 14 and Betsy, 11, round out the happy family group.

Seymour Tabin: For those of you who never knew the "real Seymour" it may come as a surprise to learn that from 1942 to 1945 he commanded first a sub-chaser, then an LST and participated in numerous historic Pacific invasions. His considerable abilities have long since been channeled to more peaceful pursuits and he is now actively and successfully engaged in private practice as a partner in the firm of Froelich, Grossman, Teton and Tabin. Seymour has been married long enough to boast of Lee Edward, who will enter the University of Chicago this fall.

Elizabeth Tracy (Frankel): Betty is really an adopted sister of the Class of 1940 being technically a "new plan" girl, but one who brightened the drab recesses of the law library and gave many of us the impression that we were still undergraduates. She has been married to Bill Frankel for approximately 22 years and in lieu of private practice has and is raising William III, 20, Elizabeth, 17, Anne, 13, John, 11, and Charles, 4.

Bertram G. Warshaw: Bert put in his three and one-half years in the Air Force. He is presently Vice President and Sales Manager of the Industrial Pipe and Supply Company in Cicero. Bert has been married for 14 years and has children aged 9 and 4. He has served as President of the College Hill Community Association and Director of the Niles Township Safety Council. He is as cheerful, able and pleasant as ever, and "hasn't changed a bit."

With our apologies to anyone who has inadvertently been overlooked or clumsily capsuled; with a mild rebuke to those who eschewed our overtures; with an earnest suggestion that we try for a physical reunion at the quarter century mark, and with a plea that someone else be accorded the privilege of organizing same, I send you all my heartfelt greetings.
Kalven—

continued from page 21

of a given instruction. The selection of appropriate language for an instruction is the most important function of the Committee and is a point to which Mr. Snyder and Mr. Davidson will talk today. (2) Again there are substantive points which we have not considered at all since the Committee’s initial objective is to prepare instructions only for the more urgent and important issues in tort litigation. The fact that the Committee has not considered a topic and has therefore not offered instructions on it does not, of course, represent any judgment by the Committee as to the merits of instructions on these issues. (3) Finally there are points which we have considered and where, regardless of how it would be worded, the Committee recommends against any instruction. It is this activity of the Committee which I shall sketch briefly for you today.

The overall work of the Committee can be viewed as having two aspects, an affirmative and a negative one. The affirmative one is the drafting in model form of instructions which should be given whenever appropriate; the negative one is the vetoing or eliminating of certain instructions which on the Committee’s view are never appropriate and should never be given. This rejecting of instructions has come to be one of the important jobs of the Committee, and we, we hope, turn out to be one of its major accomplishments.

The analogy here is perhaps to the weeding of a choked garden. The elimination of the negative recommendations supports and complements the aim of the affirmative drafts—to produce a select, quality work product of carefully drafted, indispensable instructions. The aim, I would underscore, is to keep our eye on the core of the communication problem between the court and the jury.

At the risk of belaboring the point, I would emphasize once again how radical the stance of the Committee in this matter. In most instances the Committee is not saying that the instructions rejected were erroneous in law. Frequently the instructions rejected have had the full sanction of appellate opinions and of customary practice. The Committee is saying, however, that the mere fact that it is not error to give an instruction does not necessarily qualify that instruction as one which should be retained in the basic corpus of good instructions.

I will proceed in a moment with a series of illustrations of particular kinds of instructions the Committee has rejected and of the policy considerations underlying such action, but let me pause first to note the benefits that may flow from the veto policy the Committee has been using. There are at least four benefits which have impressed us. First, the eliminating of a large number of instructions has permitted the Committee to devote its attention to drafting the instructions that matter the most, since time for drafting is a scarce resource, even for so hard-working a committee as this. Second, and this is a point which our jury research at the University of Chicago tends to confirm, the elimination of instructions will improve communication between the court and the jury since the instructions that matter will not be buried among a lot of instructions which do not matter and which need not be given. In brief the jury will not lose the forest because of the trees, or to vary that metaphor, the jury will be able to see the important trees clearly and cleanly. Third, the elimination of instructions should save the lawyer time by simplifying his problem of surveying the instruction field and of selecting the instructions appropriate for his case. Finally, the elimination of instructions should save time for both the court and the lawyer by greatly simplifying the instruction conference between the court and counsel. And in this respect once again we find the negative function of eliminating instructions strongly complementing the affirmative function of providing models. In a jurisdiction where court congestion and calendar delay are problems of the most serious magnitude, this saving of trial time will in itself be a significant contribution.

So much then for the general framework in which the Committee’s negative activity has been placed. I do not have any exact count, but I would estimate that roughly as much as 40 per cent of all full Committee time at our two-day monthly meetings have been spent on instructions which were ultimately
vetoed. I think it would be fair to say that in a majority of cases where the Committee has finally recommended against an instruction, the recommendation has been made only after full discussion and considerable argument. It has been a rare case indeed in which the full Committee was immediately unanimous in rejecting an instruction. I have become increasingly impressed with what might be called the "career line" of many of the rejected instructions. It runs something like this. The instruction moves from a first draft to a second draft to a third draft and then only to oblivion as the Committee finally decides that the difficulties experienced in drafting a satisfactory instruction have revealed something about the substance of the instruction itself which makes it inappropriate or unnecessary in any case. Thus while the Committee has thrown out many instructions, some of them very familiar to you, it has done so not hastily but only with all deliberate speed.

As I have reviewed instructions we have eliminated and have reflected on our discussions about them, there emerges a series of policies which have more or less explicitly guided the Committee's decisions and which I shall now attempt to summarize briefly for you. First, there have been a few cases in which we thought the instruction would be erroneous as a matter of law and the rejection has been primarily on that grounds. More interesting, there have been some cases in which a majority of the Committee would strongly predict that the law would within the next five years change to conform to the rejected instruction. Nevertheless, in these cases the Committee has carefully abstained from recommending the instruction because it has not wished to lend its weight to changing substantive law. In other words, the Committee has carefully kept its function from overlapping with that of a law revision commission—and, I know this will please this audience,—it has been aware most of the time that there was some difference between its function and the function of the court.

Second, the Committee has been very conservative about recommending instructions that are appropriate only for the rare case and are likely to be a source of error if used at all frequently. In these instances the Committee has recommended against the instruction because it has not wished to add momentum toward the more frequent use of it.

Third, the Committee in general has rejected instructions which are themselves negative in that they tell the jury not to do something. This is an interesting and controversial point about instruction practice. One might argue that the customary practice should be radically revised and that a large number of negative instructions should be given which would caution the jury against the most common jury misconceptions. A persuasive analogy could be built from what is regarded as good practice in teaching, since teaching might almost be defined as the progressive clearing away of misconceptions. However, the Committee decided to close the door against the liberal use of negative instructions, influenced in part by some of the jury researches at the University of Chicago which tend to show that negative instructions may boomerang and serve primarily to remind the jury of something it otherwise would not have thought of doing, much in the fashion of parent's instructions to children.

Fourth, and this has been a very important guiding policy, the Committee has been steadfastly against over particularizing and has carefully refrained from creating a large number of specific instructions simply by making applications of a good general instruction. Here, I might add, we have been much more conservative about holding down the number of instructions than has BAJI.

Fifth, the Committee has been firmly against instructions which tend to single out a particular item of evidence or to comment on it, and it has in general rejected these even though they may have the approval of appellate court opinions.

Underlying all these considerations has been a major policy. We have viewed the problem of communicating law to the jury and of instructing and orienting them as one best handled by a partnership between the court and trial counsel rather than by the court alone. Setting a proper balance between instructions of the court and argument of counsel has emerged as a subtle and interesting problem and the Committee's discussions have given it considerable attention. There are some points which seem to us better handled by permitting counsel on each side to supply the adversary emphasis rather than by having the court try to neutralize the instruction by sounding first like the plaintiff counsel and then in the next sentence like the defense counsel. On the other hand there are times at which counsel is certainly entitled to the protection of an instruction as legitimating in the eyes of the jury the argument he is making. And in any event neither the jury nor counsel should ever lose sight of the cardinal principle that it is the court which is the final arbiter on matters of law. But the Committee, perhaps because there are so many very able practicing lawyers on it, has, I think, given a distinctive emphasis to the role of counsel in communicating the legal context to the jury. In brief, on many occasions when the Committee has rejected an instruction it has felt not so much that the point ought not be told to the jury but rather that it would be more graceful and appropriate if it were told the jury by counsel, and that therefore the point need not be kept in the permanent body of model instructions.

I know that generalizations such as these can seem
II

As a first example let me take Instruction No. 158-BAJI, which deals with the failure to render first aid when you and your automobile have been involved in an accident. California appears to have read its hit and run statute as creating a tort duty in this instance but Illinois has not yet had occasion to pass on the problem. While the Committee would predict that Illinois would follow California when the question arises, it has not wanted to place itself in a position of forcing or leading the law and has therefore decided against the inclusion of any instruction on this topic.

Or again, consider No. 179B in BAJI, which deals with the duty of a patient to undergo an operation. Here the Committee's rejection of an instruction on the point illustrates the way in which several policies tend to supplement each other. We think it is doubtful under current Illinois law that the Court would hold that the failure to undergo an operation on the part of a plaintiff was so unreasonable as to bar damages, although here again one can anticipate a change as the medical sophistication of the public increases. At best the instruction was regarded as troublesome and appropriate only for the rare case. Finally the Committee is recommending a general instruction on the duty to mitigate damages in a personal injury case and it was thought this would be quite sufficient without giving the operation question the emphasis of a separate instruction.

Let me turn now to the instruction cautioning the jury against rendering a quotient verdict (see for example, BAJI No. 180). Here again several reasons invite the rejection of any instruction on the point. It is difficult to state the law here precisely. While it is true that the jury should not bind itself by taking a simple average and substituting that for the decision process, it is also true that it is permissible and sensible for the jury as a guide in its deliberation to strike an average from time to time. Any instruction adequately dealing with the point therefore is likely to be complex and burdened with qualifications. At this point we were persuaded that the instruction if given would do more to suggest the possibility of an improper quotient verdict than it would to prevent it. Here again I might add with a note of pride, the jury researches at the University of Chicago have been mildly helpful.

Consider now an example such as the following:

If you believe (find) from the evidence that the plaintiff and the defendant were both guilty of negligence which proximately caused the injury (damage) complained of, then you are instructed that you must not compare the negligence of the plaintiff with that of the defendant for in such case the plaintiff cannot recover.

Here again there was more than one reason which dictated the Committee's rejection of the instruction, although it is certainly a correct statement of law. The Committee is of course recommending a model instruction on contributory negligence and the above instruction would therefore be repetitious, would run the risk of giving undue emphasis, and once again also would run the risk of boomeranging and reminding the jury of the possibilities of a sub rosa form of comparative negligence.

This last example illustrates another criterion the Committee has used. It is anxious to produce a set of instructions which will not only meet the tests when read as separate units but which will remain coherent and satisfactory when put together. In brief the Committee is interested in providing instructions which can be combined with the minimum of repetition and the minimum of adjustment. Perhaps the most dramatic use of this principle has been in connection with the instructions on personal injury damages, which I have a particular fondness for because I was a member of the sub-committee which prepared the drafts. Here by using a general skeleton instruction and a series of building blocks and by emphasizing the internal coherence of the series, it was possible to achieve a startling reduction in the number of independent instructions. To use once again as a whipping boy BAJI, which I should hasten to say the entire Committee greatly admires and has found invaluable, we required just 13 instructions paragraphs to cover
the same ground for which BAJI required 54 instructions covering 70 pages of text.

Let me turn now to another familiar example, the instruction cautioning the jury that the fact the court has given instructions on damages is not to be taken as any intimation by the court of the defendant's liability. Her again the instruction is certainly accurate as a statement of law and there is some slight risk that the jury from time to time might misinterpret the meaning of the court's giving an instruction on damages. But here the Committee's feeling that instructions should not be over particularized came into play. The Committee felt that if it were appropriate to caution the jury specially about the implication of the court giving this instruction, it would be equally appropriate to give a companion caution about each other instruction the court gave. And the Committee was quite satisfied that its general cautionary instruction, which includes a warning that the court is not giving any indication of how it feels about the merits of the case, would be quite sufficient for the problem. Again and again the Committee has rejected familiar instructions on the grounds that they singled out particular items of evidence. Let me give just two examples. The Committee has rejected an instruction cautioning the jury that the testimony of an employee of the defendant is not to be disregarded simply because it is the testimony of an employee of the defendant (see for example, BAJI No. 303E). Here the Committee has followed a policy of relying on one good general instruction on credibility and of rejecting the many advisory instructions now in circulation which high light a particular problem of credibility. A second example of this general point is the instruction telling the jury that flight from the scene of an accident is not decisive one way or another as evidence of negligence (see for example, BAJI No. 138B). Here again, the instruction has the vice of singling out a particular item of evidence and calling it to the jury's attention, although in form the instruction does no more than tell the jury it may consider this item along with all the other evidence in the case. I might note in passing that the Committee completed several drafts of this instruction before it finally rejected it altogether and that we did not reject it until we had prepared a draft which we all regarded as superior to any existing instruction on the topic. Let me bring this to a close with one more cluster of examples on a point which has again been of major importance to us. The Committee has drafted in a general form a careful definition of negligence, and it has steadfastly resolved against specific instructions stating a standard of care under particular circumstances. It has, I think, quite sensibly taken the position that these instructions add nothing to the substance of the general negligence instruction and serve merely to clutter up and confuse the instruction field by over particularizing instructions in one area. Thus the following instruction, which is once again taken from BAJI (222B), is a good example of the kind of effort to particularize the standard of care which the Committee is rejecting:

The rider in a vehicle being driven by another has the duty to exercise ordinary care for [his] or [her] own safety. This duty, however, does not necessarily require the rider to interfere in any way with the handling of the vehicle by the driver or to give or attempt to give the driver advice, instructions, warnings or protests. Indeed, it would be possible for a rider to commit negligence by interfering with or disturbing the driver.

In the absence of indications to the contrary, either apparent to the rider or that would be apparent to [him] or [her] in the exercise of ordinary care, the rider who [himself] [herself] if not negligent has a right to assume that the driver will operate the vehicle with ordinary care. However, due care generally requires of the rider that [he] or [she] protest against obvious negligence of the driver, if he has reasonable opportunity to do so. [Also if the rider has superior knowledge over the driver of conditions that relate to the possibility of accident or the encountering of hazard,] or [if the driver has made it known to the rider that [he] or [she], the driver, depends on the rider for any specified assistance] the rider may be bound, in the exercise of ordinary care, to conduct [himself] or [herself] in a manner that would not be required in the absence of such [a] fact[s].

But the manner in which the rider must conduct himself to comply with the duty to exercise ordinary care depends on the particular circumstances of each case; and in the light of all those circumstances, the jury must determine whether or not the rider acted as a person of ordinary prudence.

III

In conclusion let me say a word now about the format. You may be wondering how a record of the Committee's thinking will be preserved in the cases where it has recommended against an instruction altogether. The Committee has decided that its negative recommendations are sufficiently important to warrant some care in providing a permanent record of them and in keeping them visible to the bench and to the bar. In each case where we recommend against the substance of an instruction, we will devote a full page to it. The page will contain a full descriptive title of the instruction, making it easy to locate. Next it will contain a summary of what instructions of this type cover but it will not offer a full draft. Finally it will have an editorial note by the Committee summarizing the Committee's reason for recommending against the instruction. Thus where the Committee has vetoed, it should not be difficult to quickly find out that it has done so and what its reasons have been.

I come then to the final question: What impact and weight will the Committee's negative recommendations have on trial practice in Illinois? This is of course not an easy question for us to answer, and in the last analysis will depend a good deal on you. However as you might guess from the note of pride that has been in my voice throughout, we do have
some impressions which lead us to hope that our negative work, like our affirmative work, will be helpful and influential. It will we think lead to a kind of treaty between counsel where each will be glad to follow our example and reduce the number of instructions provided there was some pressure on the opposing party to do the same. We think also it will strengthen the hand of the trial judge when he wishes to reject a given instruction as unnecessary or as partisan. We think it will make it easier for him to refuse to offset one bad instruction with another.

In the end the work of the Committee in eliminating instructions will not of course solve all of the instruction problems of a trial judge. He will continue to have major areas in which to exercise discretion and he will continue to be the key man in the administration of justice. But it will more than repay the Committee for the many hours they have put in, if their work will serve to make his important job somewhat easier.

First United States
Atomic Energy Commission Citation

Casper W. Ooms, distinguished alumnus and member of the Law School Visiting Committee has been awarded the first United States Atomic Energy Commission Citation. The Citation reads:

“To CASPER WILLIAM OOMS, ESQ., Distinguished member of the United States Patent Bar, in recognition by the United States Atomic Energy Commission for his outstanding participation in, and meritorious contribution to, the mission of the Commission in his capacity as a member and chairman of the Commission's Patent Compensation Board since its inception in 1947, during which period he has rendered outstanding and devoted service to the Commission and to his country in an activity which vitally affects the national defense and the civilian atomic energy program.”
ANSWERS TO QUESTIONS ON COURT DELAY

1. False. In 1900, long before the advent of the automobile, the delay in the New York Court was greater than it is today.

2. False. Most courts dispose of their current intake. They are delayed only because of a backlog which they inherited as long ago as ten or twenty years. The situation is comparable to an un repaired bridge, broken down long ago, which forces all vehicles forever into a time-consuming detour.

3. False. There is no evidence that a court's trial load is affected by the length of its delay, unless the delay is extreme, exceeding five years.

4. False. Many courts have no accounting system, and hardly any court has a good one.

5. True. Cases with impartial medical experts are more likely to be settled prior to trial.

6. False. This is indeed an effective remedy of delay. But its remedial effect is so small as to make it not worth while to thus penalize with delay claimants or defendants who exert their constitutional right to jury trial.

7. False. These savings are not large enough to justify the abolition of the jury in these cases.

8. True. The existence of such differential levels of claim consciousness if for the first time, proved, Detroit, for example, has a low claims rate; New York a high one.

9. False. Of the judge-days lost in the New York Court, over one-third fell on days which either preceded or followed a court resort.

10. False. Judges who work fewer days per year, also work fewer hours per day—and vice versa.

11. False. One of these devices can succeed, because they operate differentially in favor of either the plaintiff or the defendant. Short of erasing altogether the difference between jury and judge verdicts, no device can succeed because one side will refuse to waive the jury. There is one exception: the New York practice of awarding jury waiter with automatic preference. But since this means a penalty for those who insist on their right to a jury trial, the device is inexcusable.

12. False. New Jersey, for instance, tries comparable cases in about 40 per cent less time than the New York Court, suggesting major potentials for savings, through tighter control by the trial judge.

13. True. This device, now introduced on our recommendation in the Chicago Federal Court, is perhaps the most powerful single delay remedy. It should save about 20 percent of the normal trial time.

14. False. On the average, it will save 40 per cent of the trial time.

15. False. Adjournment increases delay only if it is granted so late so that no other case can be found to fill the gap. Such adjournments should therefore not be granted. Adjournments requested bona fide by both parties, made in time, so that another case can fill the gap, actually reduce delay. Such adjournments should therefore be granted liberally.

16. False. In the New York Court this policy increases the delay of the personal injury claim by about nine months. It is hard to see why a personal injury claim is less urgent than a contract suit. Moreover, if business men are made to feel the delay, their desire for prompter disposition might help the cause.

17. False. This formula overlooks an important offsetting cost element: those cases which a pre-trial judge could try, if he did not have to devote his time to pre-trial.

18. False. Forcing the insurance companies to pay interest from the day of the accident would not reduce delay. Making interest begin from the day of suit might even increase congestion, by increasing the number of filed suits.

19. False. There is no magic in reducing delay by adding judicial manpower. The true issue, obscured by high sounding titles such as "arbitrators" and "referees," is whether judicial functions ought to be entrusted to non-judges. The evidence is against this Ersatz-judiciary bought in the bargain basement.

20. False. While trial work is concentrated, neither in New York nor in Chicago is the concentration large enough to cause by itself delay. If the court has good policy rules on adjournment, and sticks to them, the concentration of the trial bar cannot cause delay.
Lincoln's Manager: David Davis

By

WILLARD L. KING


Reviewed by Willard Hurst
Professor of Law, University of Wisconsin

Not least of the tributes his countrymen pay to Abraham Lincoln is to write books about men whose distinction consists mainly in the fact that their lives touched his. First as a reasonably successful young lawyer, then as circuit judge, David Davis rode the Eighth Illinois Circuit with Lincoln in the '40s and '50s; in 1860 he managed the campaign which secured Lincoln the nomination at the Chicago convention of the Republican Party; in 1862 the President appointed him to the United States Supreme Court. Mr. Justice Davis was a member of the Court until he resigned in 1877, upon his election as United States Senator from Illinois. He was in the Senate until 1883; as president pro tem of that body he was, in effect, Vice President while Chester A. Arthur filled out the term of the assassinated Garfield.

Mr. King, a member of the Chicago bar, has previously written a biography of another Illinois lawyer on the Supreme Court, Mr. Chief Justice Fuller. To both books he has brought exacting standards of craftsmanship. In this biography of David Davis he makes particularly effective use of Davis' correspondence, notably his letters to his wife, to add substance and color to our knowledge of politics and of the practice of law through mid 19th century. Mr. King tells his story straight forwardly, unpretentiously, with care and judgment. His two volumes represent a high order of scholarly interest and discipline.

The circumstances of Davis' early career allow Mr. King to make a notable contribution to the all too scant material in print on the history of the bar in this country. The 19th century circuit-riding period was a passing phase of the profession. But it provides the most colorful tradition of lawyering in our history, and represents an essential stage in the administration of justice in communities in or not far from the frontier condition. From Davis' letters to his wife, from local newspapers and court records, Mr. King gives us a good deal of fresh testimony to re-create the hazards and comradeship of the road, the uncertain hospitality of the taverns, the informal relations of judge and lawyers, and the mingling of routine matters of business and property with the occasional spectacular criminal prosecution or emotion-charged libel suit which made up the dockets. David Davis involved himself in partisan political activity and office-seeking from his earliest years as an ambitious youngster at the bar. Mr. King's story is also valuable for its realistic picture of the endless maneuver and detail that such politically interested lawyers have contributed to the working of representative government.

Davis worked conscientiously at his job on the United States Supreme Court. But he worked simply as a practical man, interested in no more than turning out the business at hand. "I write the shortest opinions of anyone on the bench. If I had to ... write legal essays as some judges do, I would quit the concern." (1870: King, p. 277). His opinion for the majority of five in Ex parte Milligan (1866) stands as his only major contribution to the literature of high policy. It is a constitutional document of moving force in its commitment to civil liberty, declaring in bolder terms than may provide reliable precedent, that law must be administered through the civil courts, so long as these can in fact function, and may not in those circumstances be placed in military tribunals. However, the opinion in Milligan is alone in Davis' record on the Bench. Significantly, he won the warmest regard of his contemporaries as a trial judge, as much when he was Circuit Justice as when he rode the course of the Eighth Illinois. Significantly, too, he appears to have found the most zest of his years in Washington from maneuvers on the fringes of politics, as he sought appointments for friends, talked and wrote in critical and always independent appraisal of party affairs, and angled for a Republican or a Democratic Presidential nomination.

This biography adds relatively little to what we have already in print on the history of the United States Supreme Court in the years of Davis' tenure. But in this respect, Mr. King seems faithfully to
reflect the limitations of Mr. Justice Davis. The most informative parts of the story of Davis’ years in Washington lie in his reactions to contemporary politics; the biography has more to offer the student of political affairs than of law. Mr. Justice Davis lacked the interest or capacity to engage himself deeply in the policy making functions of the Court in the manner of Field or Miller. He emerges as an attractive man, candid and blunt, loyal to his friends, faithful and shrewd in tending the affairs of Mr. Lincoln’s widow and children, sober and responsible in judgment on men and events. But he emerges also as a relatively undistinguished member of the Court, one of that majority of its roster who at best have given dutifully to the corporate performance, making indispensable contribution to the institutional continuity and force of the Court, but without striking quality of individual craftsmanship.

When an author choose to write about a subject of substance, his reader usually has no title to complain that he did not write of something else. But question may properly be raised, whether his treatment fully realizes the potential content of his chosen subject.

Mr. King finds that Davis “was, in a sense, a great judge”: “His sense of justice was like an ear for music in a fine musician; no scholarly conceits ever led him into folly; his decision of a case was more likely to be right than his opinion to be precise in every sentence.” Yet, with characteristic responsibility of judgment, the author observes also that “In spite of grinding study [Davis] .... never became a notable Justice of the Supreme Court. He was no scholar; he detested close study – his ear always remained more receptive to the human voice than his eyes to the printed page. Detachment was not his forte; he felt things too strongly. He had no preparation for that precision of judicial statement required in a court of final jurisdiction.” The judicial strength which Mr. King finds in Davis seems to represent sufficiency for a trial judge more than for a member of this unique appellate court, the distinctive function of which is the articulation of high policy. It may explain Davis’ limitations, but does not reduce their significance, to add that Davis “was too modest and too amiable to press his own views as . . . . did” Marshal or Miller, that he “did not cultivate the Chief Justice, who assigns the opinions, as many Associate Justices have done”, and that “He was never a favorite of any of the Chief Justices under whom he served . . . . and they assigned no outstanding cases to him.” (King, pp. 310, 311).

Most men who have sat on the United States Supreme Court have been competent, rather than great judges. It falls to the lot of all justices to write for the Court in cases which are not “outstanding”, but probably in greater measure to those who prove themselves simply capable technicians rather than men who know how to practice philosophy. Given a man of this middle range, given, too, the fact that most of the administration of justice at all levels depends on the middle range of talent and imagination, a major theme for the biographer might well be to catalog and characterize in substance and detail the content of the flow of business that does not make “outstanding cases.” I make no special criticism of Mr. King here. He follows the general current of legal history writing – and of Supreme Court biography – when he gives a chapter to Davis’ one “great case”, but has no chapter in which he aligns Davis’ total voting record on the Court, or inventories the whole of Davis’ opinion writing, or analyzes in concrete particulars what goes into an ordinary performance on ordinary cases. Yet some detailed study of his ordinariness may yield what is of broadest meaning in the career of an ordinary Justice.