The Class of 1912 celebrated its fortieth birthday in June. In this 50th anniversary year of The University of Chicago Law School we are happy to honor the men and women of 1912 who have brought distinction to themselves and their School. On the following pages are reminiscences of '12 written by David Levinson, prominent member of the Chicago Bar, and senior partner of Sonnenschein Berkzon Lautmann Levinson & Morse.
'12 Is 40

James Parker Hall, Dean of the University of Chicago Law School during the tenure of the Law School class of 1912, on every occasion that the class might be expected to hear the announcement, or a smoking-room version thereof, announced that this class was the worst in the very short history of the Law School. The Dean may have been wrong, but, if right, the activities of the members of the class since graduation evidences a very low scholastic standard for federal, state, territorial, and city judges.

Of the class, numbering fifty-six graduates, and several designated by the Law School as x's, nine are, or have been, judges of federal, state, territorial, and city courts. Three are now members of the recently re-named United States Courts of Appeal; Jerome N. Frank in the Second Circuit, Florence E. Allen in the Sixth, and Walter L. Pope in the Ninth. Carl B. Stiger was a member of the Supreme Court of Iowa for one term. On the Supreme Court of Hawaii, Ingram M. Stainback is now an incumbent. In Cook County, Walter P. Steffen, now deceased, was Judge of the Superior Court; currently, Elmer J. Schnackenberg sits as a Circuit Judge,1 and Jesse R. Rich is city judge of Logan, Utah.

Other members of the class have had some recognition in the practice of the law. A number are members of rather large firms in the City of Chicago, other cities in Illinois, and in other states. Others are successful practitioners in various parts of the country.

There were one hundred and sixty-six members of the class in October of 1909. Of these, seventy-six registered as second-year students in 1910. Fifty-six are listed as graduates. To this last number, one should be added inasmuch as he took his degree in 1917 as of the class of 1912. At least five transferred to the class of 1911; others transferred to a later class. At least four are designated as x's. Twelve of the class had died prior to 1952. Of the forty-five living members, of whom ten would not have any rating because not engaged in general practice, twenty are listed "a v" by Martindale, one is listed "b v" and one "c v." Of these forty-five, the 1952-53 Who's Who lists nine. Except

1 Superior and Circuit courts of Cook County are courts of record. This footnote is unnecessary. While the desire to set a good example is particularly strong, the author's realization of the Editor's embarrassment if there were none has frustrated that desire.

those occupying judicial positions, not one of the graduates is now employed by any agency of the federal government.

The geographical distribution is rather wide. Making an assumption that the present addresses of the living members, as far as known, were the residences at the time of their entry into the Law School, it appears that Illinois furnished sixteen of the class, Iowa six, Utah five, China two, and that Arkansas, Idaho, Indiana, Kentucky, Minnesota, New York, Ohio, Tennessee, and Wisconsin furnished one each.

There were three women in the class, of whom two at least are members of the D.A.R. Florence E. Allen, of course, is the best known of the three women. From her biography it appears that she did not graduate with the class but received a law degree from New York University in 1913 after but two years' residence at the University of Chicago. It also appears that she was music editor for the Cleveland Plain Dealer, lecturer on music in New York City for some time, and then proceeded to her present high position through the following phases: Assistant County Prosecutor, Judge of Court of Common Pleas, and Judge of the Supreme Court of Ohio. This biographical material is very interesting to the author of this article because some years ago, having argued for the allotted fifteen minutes before the Supreme Court of Ohio that a will properly construed devised a contingent remainder and not an executory devise, he was not astounded that the six men on the bench presented "poker faces" throughout the argument but was surprised that Judge Allen had a very blank look. When it was disclosed that Judge Allen could not have taken Ernst Freund's course in future interests given in 1911 and 1912, the mystery, of course, was solved.

There are a number of other x's as the Law School records disclose: John H. Freeman of Houston, Texas, who since 1929 has been president of the Texas Medical Center, Shrine Crippled Children's Hospital, who was city attorney for Houston in 1928 and 1929, and is a director of a bank; Irwin N. Walker of Chicago, Illinois, who was vice-president of the Board of Education of the City of Chicago, has authored Facts about the Chicago Public Schools and Facts about the Superintendent of the Chicago Public Schools; and Cyrus Happy of Tacoma, Washington, has been a member of the State Legislature, a member and president of the State School Board, president of the Tacoma Bar Association and district governor of the Washington State Bar Association.

Research discloses that at least five members of the class escaped the mass indictment of the Dean by transfer to the class of 1911. The directory used in this research
is the 1949 edition. Among the members of the 1911 class is Harry B. Hershey, now a Justice of the Supreme Court of Illinois. It was impossible not to glance at the list of members of the class of 1910, which appeared on the same page of the directory, from which it appears that George Rossman is a member of that class. He is now Chief Justice of the Supreme Court of Oregon. The fact that a member of the class of 1911 is a Justice of the Supreme Court of Illinois recalled a vagrant statement that Walter V. Schaefer, also a Justice of the Supreme Court of Illinois, had attended the University of Chicago Law School and on examination this proved to be correct. He is a member of the class of 1928.

This is no effort to gain stature for the class of 1912 by association any more than guilt by association (a much more common practice) would be confessed because the two Chinese who were members of the class of 1912 are probably now with Chiang Kai-shek or Mao Tse-tung.

At the graduation of this class, hoods were draped over the shoulders of those receiving the J.D. degree. Unconfirmed information is to the effect that the Association of Doctors of Philosophy was successful in having this practice discontinued and for some years past the J.D. degree has been conferred without offense to the learned Ph.D.'s.

The most prolific author of the class is Judge Jerome N. Frank, already mentioned. In addition to a long list of articles in law reviews and national magazines, such as Life and the Saturday Evening Post, he has written Law and the Modern Mind, Save America First, If Men Were Angels, Fate and Freedom, and Courts on Trial. From sources considered unprejudiced, that is, lawyers who have neither won nor lost cases in which the opinions were written by Judge Frank, his opinions evidence an unusually large vocabulary with little evidence of puerility in the use of it. This author expresses no opinion either in agreement or disagreement with these sources but has no hesitancy in reporting that there seems to be a large number of footnotes in every opinion and this applies also to the books written by Judge Frank.

Some have preferred, at least for a time, business or political careers. Cola G. Parker is president of Kimberly-Clark Corporation; Paul Moser operates, very successfully, a stenographic and secretarial school; Carl H. Lamarche, according to the newspapers of Davenport, Iowa, was credited, or charged, with being the boss of the Republican party in that city.

The famous story of "say it in your own words" attributed to members of many other classes actually took place, and the Chinese student who answered in his language was named either Chow or Feng, and the author may perhaps be excused for his failure to distinguish between the two on the basis of the very old and probably incorrect rule of thumb familiar to most of the readers of this article.

The Dean may have been wrong but a consensus of opinion is that now forty years old was that he was a very astute person. Evidence of this comes from his choice of the members of the faculty, married only, perhaps, by one error. In October of 1910 the faculty consisted of Floyd R. Mechem, Ernst Freund, James Parker Hall, Harry A. Bigelow, Julian Mack, and Clarke Butler Whittier. During the three years of attendance of this class, Roscoe Pound joined the faculty for, perhaps, one year; Walter Wheeler Cook for a number of years and Wesley N. Hohfeld for one year. It can now be disclosed that Hohfeld, with his passion for novel nomenclature, was not well regarded by the students. His innovations may, perhaps, have been perpetuated in the Law Review articles, but, as far as casual research discloses, no opinion of any court has used it. Roscoe Pound, of course, became Dean of Harvard Law School and Walter Wheeler Cook became identified with a modern school of law at Johns Hopkins. Judge Mack, who, it was firmly believed, in the classroom used his Harvard Law School notes exclusively, was transferred from Chicago, where he had been sitting in the Federal Court, to Cincinnati or, perhaps, New York. His resignation caused quite a stir. The Dean took over his course in Bills and Notes, and the grades for that course brought the average of the class down so low that it was commonly understood that that was the basis for the Dean's appraisal of the class. The Dean's courses were non-common law courses (except for torts), and it was charged, with perhaps justification, that the failure of the class in the Bills and Notes course was the Dean's failure in the more rigid discipline of the common law.

However, one should say that the relationship between the members of the class and the faculty was quite different than that which it is rumored is prevalent in the modern law schools. There was the utmost confidence in the faculty, except perhaps in the case of Mr. Hohfeld, but the I.Q. of the class may account for this. Mechem, Freund, and Bigelow were the major recipients of real affection.

One cannot, of course, fail to take advantage of the opportunity that a semicaptive audience affords, and therefore a few observations will be made on the differ-

(Continued on page 19)
ence between the technique of teaching "the law" between then and now. Then the case system was inviolate. The capsule method predominated. Contracts, property torts, sales, agency, common-law pleading, trusts, equity, conflicts—whatever in any one of these courses would give some inkling that there was any other body of law was minimized and passed over with the same embarrassment that a parent exhibits when asked "questions" by the prying, but a graduate, who was not an expert on conditions precedent, subsequent, concurrent, dependent, independent, was one who had wasted his time. While the graduate of today will glibly advance the proposition that employment contracts and construction contracts have little or no relationship with other contracts and that the decided cases involving these are based on different and varying rules, the graduate of the 1912 class was of a different opinion. There might be exceptions—there always were—but the basic and fundamental rules were the same. The 1912 graduate who knew anything about accounting was "a sport" but, on the other hand, he knew, or ought to have known, that assumption of risk would be a fairly potent defense in a tort suit by employee against employer.

There were a few who concerned themselves with such practical facets of the law as Interstate Commerce. This concern was limited to Saturdays, and I believe that Percy Eckhart had a very small class. There was also a Saturday course given by Henry Porter Chandler, the title of which is not known and research has not disclosed.

There was, of course, no course on Federal Taxation; in fact, that foul subject had been interred by an opinion found in the casebook on constitutional law. Federal Trade Regulation was probably touched upon in the same course, although the newspapers were then writing vociferously about trust-busting. The law was undiluted by psychology, history, economics, sociology, and others of their ilk. However, in the summer of 1911 a course in Administrative Law was given by Ernst Freund. It is believed that such a course had not theretofore been offered by any other law school.

It would seem that three periods, aggregating thirty-six weeks each, provided more classroom time than should have been required for the education of a lawyer in that decade, but the class of 1912 found it heavy going.

Notwithstanding the Dean's appraisal, the Order of the Coif established a chapter at The University of Chicago Law School in the spring of 1912, and five members of the class were initiated. The Dean characterized the ritual as a cross between D.K.E. and the Masonic Order. Since two of the initiates became Federal Circuit Judges, one never practiced law, and the other two have met with some little success, the Dean may have been wrong, unless, as has been intimated, intellectual prowess is not essential for elevation to the bench or, perhaps it may be fair to add, success in the practice of law.

Law Review (Continued from page 13)

to the first of the University of Chicago Law Review Symposia, a Symposium on Labor Relations and Labor Law which numbered among its contributors Cyrus Eaton, Lloyd Garrison, Lee Pressman, Wayne Morse, and Paul Douglas. Number Four contained the chapter on the ex post facto clause from Professor Crossley's soon-to-be-published book.

Volume Fifteen was almost equally noteworthy. It contained several articles on Illinois' "antiquated constitutional and legal system," Professor Levi's famous Introduction to Legal Reasoning, and a Symposium on Atomic Energy for Lawyers, as well as the first of John Frank's annual series for the Review on the Supreme Court Term. Volume Sixteen brought forth a symposium entitled Reflections on Law, Psychology, and World Government, with discussions by Robert Hutchins, Wilber Katz, and the omnipresent Malcolm Sharp among others. In Number Four of this volume Deans Bigelow and Katz marked the retirement of George Bogert, and Dean Katz passed some remarks on the "curious system which enables the Hastings School of Law to reach national fame through the rigid policies of other schools."

In its last two years of publication the Review's symposia have reached maturity with an entire issue, including student work and book reviews, being devoted to facets of a single topic. The Symposium on Congressional Investigations in the Spring of 1951 created a demand for an unprecedented second printing; Volume Nineteen's symposium was on The Modern Corporation. Volume Twenty, marking twenty years of the Review and fifty years of the Law School, will include a topical Symposium on Civil Rights and Liberties.

This recitation of some of the Review's major articles might seem to belie the earlier justification of a law review as training and education for its staff. And indeed each class of editors strains to believe that its review is unique, that its special brand of composition would not rest comfortably in other pages, and that the sea of law reviews could not spill over into the gap of its review's absence. But leaving this matter to others so far as our Review is concerned, the host of student notes has not been mentioned because the cheerless, workman-like jobs do not lend themselves to fame. They are for the recesses of the office and the weighing of delicately balanced arguments. The precision and refinement which goes into a student comment may have found its way into many a brief, at least so we fondly hope, but it is not for separate mention. To it goes a kind of anonymous glory, and in it, however much we talk about brighter lights, lies our real pride.

Alexander Polikoff
Editor-in-Chief