IN MEMORIAM: FRANK EDWARD COOPER

Frank Edward Cooper, past Chairman and member of the Council of the Administrative Law Section, member of the faculty of the University of Michigan Law School, and partner in a Detroit law firm, died on February 16, 1968.

Frank was the author of a number of legal publications, most recent of which was his two-volume State Administrative Law published in 1965. He was a consultant to the Hoover Commission’s Task Force on Legal Services and Procedures in 1954-1955, and to the National Conference of Commissioners on Uniform State Laws, in the latter capacity serving as advisor to the Committee drafting the Model State Administrative Procedure Act as revised in 1961. At the time of his death he was a consultant to the Michigan Law Revision Committee to which he contributed a study on Administrative Adjudication which will be published shortly in the Commission’s second annual report; and he was faculty editor of Prospectus, the University of Michigan Journal of Law Reform, first published in April 1968.

His articles and books (one a casebook, in 1957, co-authored by Dean E. Blythe Stason) chiefly involved administrative law, and were outstanding contributions to the public law literature. However, he also published excellent books on legal writing, and a notable book on “Living the Law” designed for law students and recent law graduates. Professor Cooper’s circle of influence and friendships extended widely into the general practice of the law and, through the warmth of his personality and his spiritual and civic leadership, to laymen generally. The Michigan legislature has adopted a special resolution memorializing the enduring work and memory of Frank Edward Cooper.

He was creative. An early Cooper article published in 28 A.B.A. Jour. 385 (1942), won the Ross Essay prize as an answer to the question “What Changes in Federal Legislation and Administration are Desirable in the Field of Labor Relations Law?”, and in his recent treatise, “State Administrative Law” (1965), he left a pathfinder for all who seek thoughtful understanding and constructive analysis of the administrative law of our fifty states.

He was diligent and devoted to his profession. Among the forty or more treatises and law review articles that Frank Cooper wrote may be
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found penetrating discussion of judicial review of administrative action and a realistic appraisal of the administrative process in his two books "Administrative Agencies and the Courts" (1951) and "Lawyer and Administrative Agencies" (1957). His articles illuminate complicated administrative areas such as those involving the subpoena power, the substantial evidence rule, the scope of judicial review, official notice as a substitute for evidence, the process of decision and the protection of the public interest.

He was tolerant, droll. As Professor Dawson says in his review of "Living the Law" (58 Mich. L. Rev. 615) (1960), "There are many drily humorous comments like the one that appears (p. 158) after suggesting that in the trial of cases Chautauqua styles of oratory are now outdated: 'The judges seek to set a tone of quiet efficiency, assuming that lawyers, like boats, toot loudest when in fog.'" One of Frank's last articles was a delightful satire "Should Administrative Hearing Procedures Be Less Fair than Criminal Trials?" (53 A. B. A. J. 237) (1967).

Many gifts were his heritage or the rewards of his intellect, will and experience. Of them all he possessed in high priority: love of family and of people, rich but gentle sense of humor, clarity of thought and expression, profound and realistic appreciation of the law and of government, and depth of religious and patriotic conviction. These are characteristics that helped to make Frank Edward Cooper a wonderful person to know. They also shaped his works so that others who follow him may do so in the light of his "enduring work and memory."

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