

RESEARCH NEWS

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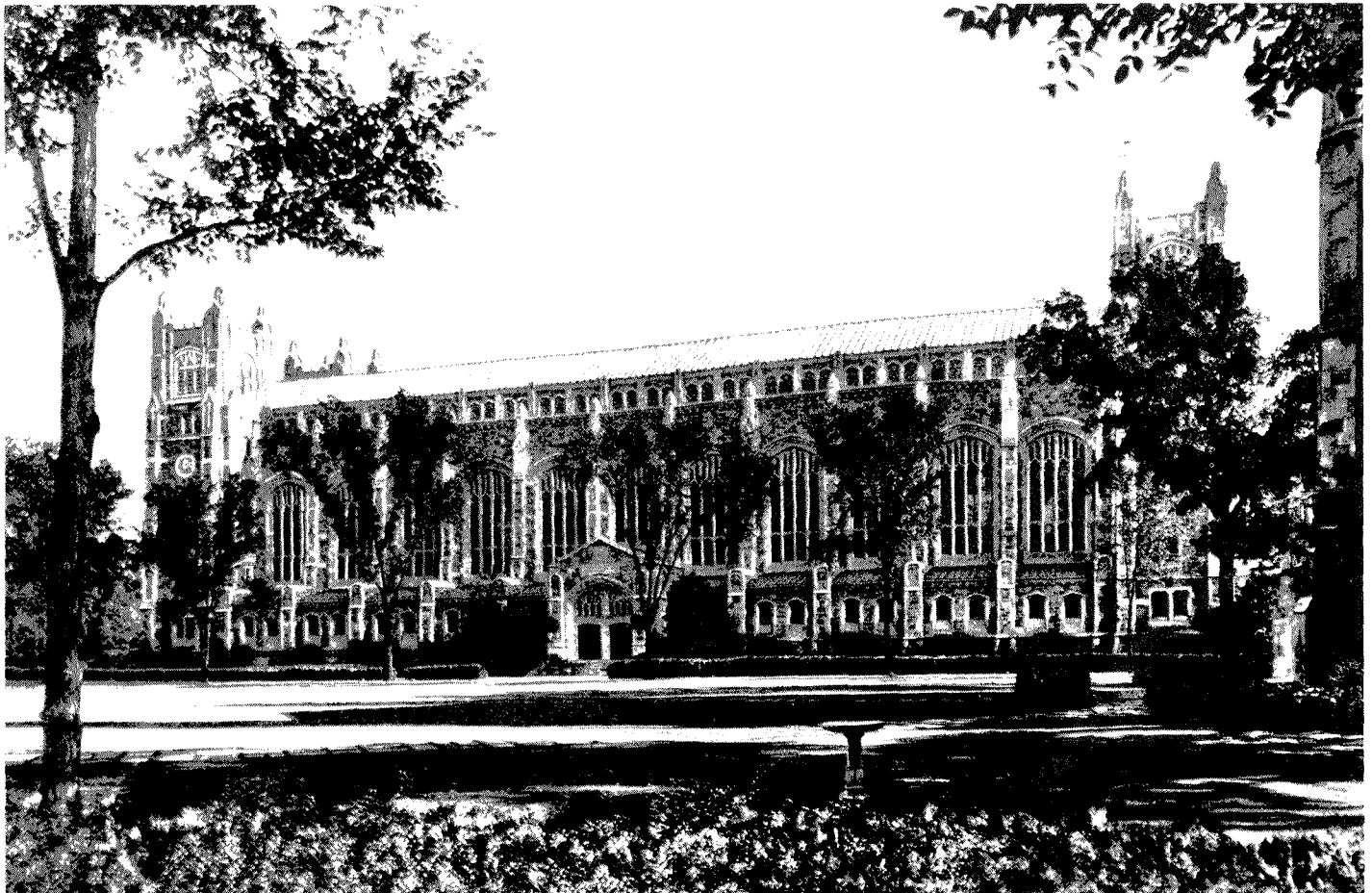
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The Law Library and Legal Research

THIS issue of the *Research News* continues a series on the University libraries, which began in 1965 with three consecutive issues on the General Library, the Undergraduate Library, and the Clements Library, respectively. In the present issue, devoted to the Law Library, we will attempt to place the Library in the perspective of the discipline that it serves. To do this, we shall briefly discuss legal research and indicate some of the reasons for its great value. We shall then show, in general, how law libraries serve legal researchers and, in particular, how the University's Law Library is set up for service. Finally, we shall trace the development of legal research in the University's Law School and give an indication of its current vigor and distinction.

Although, in one sense, every practicing lawyer conducts legal research when he undertakes a case, in this article we are concerned primarily with the disinterested investigations undertaken by professors of law. Whereas the practicing lawyer does his research in response to the need of a particular client and usually considers cases within a restricted jurisdiction (as, for example, the law of a single state), the professor of law conducts legal research with a view mainly to advancing the theory and practice of his discipline. He may compare the law of two or more states, may specialize in the law of a particular subject matter, or may concern himself only with the law of one or more foreign countries. He may interest himself in comparisons among the laws of



all countries, he may become an historian or a philosopher of law, or he may analyze the workings of the American legal system with a view to improving its effectiveness. He may work towards improving education in the law by writing textbooks, or perhaps by selecting and annotating cases in an area of law to reveal the process of law in that area. (Such a project would result in a *casebook*, the type of legal textbook most used in law schools today.) The professor of law may also go beyond the law to study a related discipline, such as economics, politics, and in fact any of the social sciences, and integrate its findings into the background of the law. In civil rights, for example, where the law is still rudimentary but where a strong force for development of the law is being exerted, bases for new law must be found in such extra-legal disciplines as history, sociology, city planning, and social service.

The results of legal research are presented in a variety of forms. One, already mentioned, is the textbook or casebook intended for use in teaching. Another may be a book-length study of law, called a *treatise*, in which laws may be compared, contrasted, interpreted, the philosophy of law expounded, the history of law traced, model legal systems promulgated, legal reforms advocated; in short, it may be any scheme of analysis or synthesis of which the human mind is capable, as applied to any and all aspects of the law.

A third form, and now the most common, is the *law review article*. The law review itself is usually a serial publication produced under the editorship of the best students of a law school, under faculty supervision. Such an article is typically thirty to forty pages long, and follows a rather set pattern: first of all, the author defines his subject and summarizes previous work on it very briefly, with extensive documentation; then he analyzes major cases and laws applying to the subject, and notes any progress or conspicuous lack of it; then he attempts to shed new light on the subject or to evaluate the significance of the subject, in order to show the direction in which the law is moving; and finally he reaches a conclusion.

WHAT is the value of professorial legal research? For one thing, the law is kept vital and relevant by continual new analyses and by examinations from different points of view. Since present applications of the legal system depend upon previous decisions and statutes, practicing lawyers and judges may tend to rely exclusively upon precedent and to neglect the re-evaluation of old decisions in the light of new conditions in the ever-changing world outside the courtroom. The professor of law, not subject to the special interests of particular clients, as is the practicing lawyer, or to an unending stream of cases to be decided, as is the judge, can take the time for thorough investigations, and by this means perhaps show attorneys, judges, and legislators that their day-to-day judgments have results beyond those they might have supposed.

Another major benefit of professorial research concerns principally the future of law. This is most obviously true

when professors develop a model for a body of law in an attempt to organize it according to certain principles of justice. The allied study of procedural reform is devoted to the critical evaluation of the process of law, with an eye to finding ways of streamlining it so that a case can proceed efficiently from claim to settlement, or from pleading to decision. Anyone who has tried to get a case before a court, only to be informed that he must wait a year or more, will appreciate the need for procedural reform.

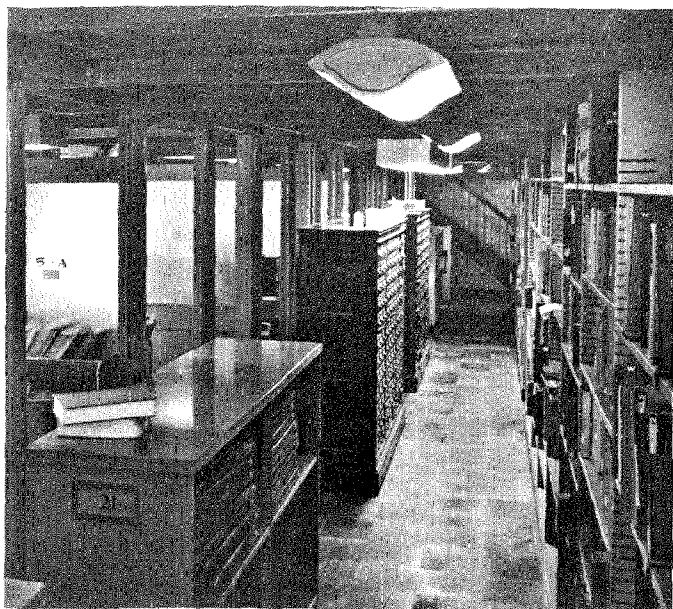
In general, it may be said that professorial legal research not only provides direct assistance to those engaged in the practice of law but also contributes to our understanding of broad social and political conditions. In total, this research provides the body of knowledge needed for the interpretation of particular laws in particular circumstances. In treating the law at every stage of generality, professors serve not only as teachers of law but also as critics and guides for their discipline.

The truth of this becomes even plainer if we ask ourselves how legal research relates to the total human experience. No one will deny that the movement of the human race has been towards an increasingly complex and ordered society. Order, so commonly mentioned in conjunction with law, depends for its maintenance upon rules and regulations. An ordered society is composed of human beings who live together for mutual advantage, recognizing that when society as a whole places high value on rights to life, liberty, and the pursuit of happiness, these rights are ensured to each individual.

Since lawyers have the requisite technical skills, they have a great influence on the development of an ordered society. Not only is this true of fields with which lawyers are perhaps thought of as being most concerned, such as commerce and finance, but it also extends to the development of the basic rights of the individual, to the protection of the integrity of private transactions, to the maintenance of an ordered family life—in short, to a harmonization of the needs of the individual with the needs of society.

The function of legal research in the whole scheme of things, therefore, is not necessarily to postulate new goals or aims. Rather, and much more important, once a social need is felt, the legal researcher must set out to devise methods for effectuating it, consonant with our idea of ordered liberty, with fundamental human rights as outlined in the Constitution, and, generally, with the norms of political and social behavior acceptable in our society. His task is to help build a system for implementing the recognized social goal, foolproof enough not to be subject to the weaknesses of any single judge or administrator. He must be able to design such detailed structures as a system of appeals, or of remedies for persons aggrieved by the actions of others, including government officers. This detail work is very often taken for granted by those who allow themselves to believe that the law follows naturally as soon as a social goal is posited.

We may now go on to ask how lawyers conduct their research, and what are the tools of their trade. The stuff of the lawyer's work is the law, and it consists of cases and



A view of the Library's stacks, showing the carrels of research assistants to the left.

codes, called *primary materials*. In "common law" countries such as England, the nations of the British Commonwealth, and the United States, in which the law is partly based upon the precedents established by previous litigation, there are two classes of *primary materials*: the decisions from all cases ever tried in court, and such statutory materials as constitutions, laws, treaties, and regulations. In a civil law country, which adheres to a fixed code of laws, the *primary materials* are exclusively statutory. These *primary materials* are regularly collected into books, and in their totality they represent the collected laws of a country or jurisdiction. In the United States many series of these books are published: separate series for each class of courts, state and federal, and for the laws of each state and of the federation.

Anyone who has ever entered the library of a lawyer's office, a law school, or a branch of government has probably been overwhelmed by the seemingly endless shelves of identically bound volumes. Fortunately, *guides and indexes* to these books have long been available. These aids are far more highly developed for court cases than for statutes; for case law, they are known as the *digest system* and the *citator system*. The *digest system* provides an entry into the material by subject. Under any point of law, it lists all applicable cases, and gives a brief digest of whatever in each case is related to that point. This system covers all the published court opinions in the history of the United States, and is brought up to date monthly. There are additional annual and decennial indexes. The *citator system*, an enterprise of great accuracy and reliability, can be used only when the researcher already knows one applicable case. Knowing the title of that one case, however, he need only find it in the appropriate volume of the *citator*, and with it he finds a

reference to every case report in which the principal case is mentioned, as well as its subsequent history. The *citator system* lists its cases by states and by regions, and is kept meticulously up to date. The great utility and efficiency of these two systems of entry into the entire body of case law is proved by the fact that, until recently, they stood in the way of computerization of law library functions. Having them, the law librarian simply saw no need for a computer. Indexes to statutory materials are not so comprehensive. There are good editions of laws, however, arranged by subject and annotated.

Primary is a comparative term, and implies a *secondary*; and there is, in fact, a class of *secondary materials* in the law: it contains all materials that are about the law itself (the *primary material*). Examples already mentioned are textbooks, casebooks, treatises, and law reviews; other possibilities are pamphlets, newspaper clippings, in fact any document dealing with the subject of law. *Secondary materials*, which embody the work and wisdom of previous researchers, can be of tremendous value in legal research. They point both to avenues of fruitful inquiry and to pitfalls along the way.

The lawyer entering into research on a subject in which he finds himself ill-prepared may therefore consult *secondary materials* first, to get a feel for the subject. These materials will very likely give him some leads on particular cases and statutes, and thus open the way for him to use the *citator system*, editions of statutes arranged by subject, and the *digest system*. Most often this will be enough to inundate him with material, and he will thereafter be on his own in assimilating and systematizing it according to his need. For a practicing lawyer, the result will be a brief for his client's case before a court; for a professor, it is most likely to be a law review article.

A necessary condition of law is that it be recorded for purposes of reference and citation. It is therefore not surprising that documents of law are among our earliest examples of writing—the code of Hammurabi, for instance. Nor is it surprising that the greatest impetus to law in modern times should have been the invention of the printing press in the fifteenth century. Printing made it possible for common law, which is developed by cases, to come into its own, because it made readily available to all persons dispensing justice the decisions of their brethren and their forebears. Thus the lawyer's reliance upon libraries as storehouses of prior legal decisions has been constant since the earliest days, and access to legal materials has always been regarded as indispensable for finding out what the law is on a given subject, and for making an appropriate argument in a court.

In the United States, with its complex system of states in federation, the sheer bulk of data to be stored is overwhelming: all the reports of fifty state courts, all the legislation produced by fifty legislatures, all the regulations produced by the myriad state regulatory agencies, plus the whole out-

put of the federal government in these same areas of judiciary, legislation, and regulation. The need for good libraries in which collections of these primary materials are as complete and as readily available as possible is therefore more strongly felt in this country than in any other, and no doubt that is why we have the finest legal libraries in the world. One of the very finest of these is the University's Law Library, containing one of the most complete collections of primary legal materials in the world, not only in American law, but in British law and in the laws of every other nation, as well as a distinguished collection of secondary materials.

The University's Law Library has always had, as all libraries must, service as its organizing principle: its *raison d'être* is to serve the students and teachers in the Law School in their studies and research, and it therefore reflects the cosmopolitan character of the student body as well as the vigor and comprehensiveness of faculty research interests. The students of the Law School, who last year numbered 1,114, come from every state in the Union as well as from many foreign countries, and their interests are correspondingly diverse. Some will graduate in three years with the J.D. degree, and go into practice. Others will stay on for the LL.M and the S.J.D. degrees, and go into teaching and scholarly research. Therefore the Law School teaches more than just Michigan state law; like the country's other great law schools, it teaches a distillation of the laws of all the states, and encourages investigation of the laws of other nations as well. To serve students with such a diversity of interests, as well as to meet the even more diverse needs of faculty research, the Law Library has had to accumulate a comprehensive collection of legal materials. Its policy today is to collect all the basic primary materials of all nations across the board. Many historical materials are unobtainable, but current materials are acquired complete. In addition, the Law Library collects much secondary material, including law reviews, law journals, and treatises; it subscribes to virtually every legal periodical published in the United States, Canada, and Great Britain, and has very extensive holdings from Europe and Latin America. In addition, it acquires more and more books that are not strictly legal in subject, but are related in some way to legal studies: books on finance, banking, insurance, sociology, economics, urban planning, public administration, political science, foreign affairs, diplomacy, international transactions, international trade, economic research into industrial management, and so on.

In the size of its holdings, over 350,000 volumes, the Law Library is exceeded by few other collections of legal materials in the United States. The quality of a collection, however, does not depend on volume count so much as on completeness of basic holdings and on a solid core of secondary materials. These the Law Library has, and it maintains its rank by the quality of its collection as well as by size; it contains everything of importance in primary authority on a worldwide basis, as well as the cream of secondary authority material. Although the collection includes few rare books, it has a

goodly number of scarce and very valuable items. Among these are copies of the session laws of the early American territories and states, the constitutions and proceedings of the state constitutional conventions, and the proceedings and acts of American Indian tribal councils. There is a large collection of summaries of early English court cases (the so-called *Yearbooks*), and a complete collection of editions of Blackstone's *Commentaries*. There is also a small but valuable collection of incunabula (books printed before 1500). Of the Library's total holdings, half are devoted to Anglo-American law and half to foreign law.

Eight to nine thousand volumes a year are usually added to the collection, although during the past fiscal year the additions totaled 11,935 volumes. At first, this collection just grew, like Topsy, as do those of most libraries. In the beginning, it depended entirely on gifts of books from the private libraries of philanthropic lawyers. Later, as the Law School grew in size and reputation, and the Library's appropriations increased, the collection began to grow in response to the special interests of the faculty and to the increasingly cosmopolitan character of the student body. The present strengths of the collection form a record of these special interests: admiralty law, Roman law, international law, foreign and comparative law, criminology, and the history of the American Indians. Although all primary materials are now acquired as a matter of course, and secondary materials are acquired according to a carefully specified and applied technique of selection to be described later, nevertheless it seems likely that some acquisitions will continue to be made in response to the changing fashions of legal scholarship among the faculty.

Of the more than 350,000 volumes in the Law Library, about sixty percent are serial publications, including case reports, legal periodicals, annual volumes of legislation, and related materials. The Library subscribes to just short of 7,000 serials, of which about one-quarter are foreign and domestic law reviews and magazines. The Library's collection of documentary materials has never been inventoried, but an inventory would lead to a deceptively low volume count, for usually several documents are bound together in a single volume. As a rule, the Library does not attempt to assemble and keep pamphlet material of limited importance or of informal character, because lawyers generally require material authoritative enough to have been printed in some permanent form. The Library does, nevertheless, maintain two large and important collections of documents. One is of documents relating to international organizations, such as the European Economic Community, the United Nations, the Organization of American States, and the International Bureau of Fiscal Documentation. The other is of U. S. Government documents, chiefly legislative, such as bills, hearings, and reports.

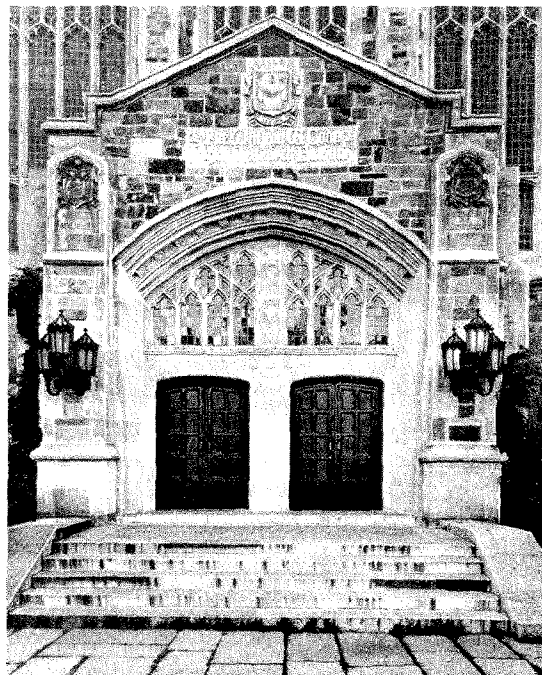
Some of the material in the Library's collection is on microfilm, but only because it is available in no other form. Microfilm is not popular with scholars, but nevertheless, some materials available only on microfilm are indispens-

The Reading Room itself is one of the wonders of the building. Rare wainscoting of an imported English pollard oak borders the lower portions of the fifty-foot walls, which are capped by a panelled roof decorated with colorful medallions and supported with massive beams. The room is effectively lighted by twenty-two hand-fashioned candelabra-chandeliers of a silvery hue with a slightly evident gold trimming, and by lamps placed conveniently at the study tables. Indirectly lighted exhibition cases for displays of rare and interesting publications and manuscripts are provided in the room and in the alcoves.

The peaceful grandeur of a church is created in this tremendous room by the heavily beamed ceiling, the long stained glass through which pours the sunlight, and the muffling of footsteps accomplished by the cork flooring which has been laid here and throughout the building. Nothing has been spared in the endeavor to make this and all other sections of the structure as beautiful as possible. Even the specially wrought metal handrails leading up into the Reading Room are in themselves works of art.

In the alcoves skirting the central room are bookcases and tables of the same pollard oak. Plaster beams on the alcove ceilings have been covered with a specially painted canvas which matches to perfection the wainscoting and cabinet work of genuine oak. All of the windows are blended harmoniously with colorful college and university seals. . . . The Reading Room is two hundred and two feet long and forty-five feet wide and will have a seating capacity of four hundred and fifty (from: Michigan Alumnus 37: 465, 1931).

Entrance



patron has no way of appraising the extent of the Library's holdings on a particular subject; still, he can do so by looking under subject headings in the card catalog.

In the Library's stacks, the broadest classification used separates Anglo-American legal materials from foreign materials. Within the Anglo-American materials there are the following very loose subdivisions: periodicals on Anglo-American law, in whatever language; treatises on Anglo-American law, arranged by author; and the collected laws of Great Britain and the Commonwealth. American primary materials are all kept in full view in the Reading Room. Additional copies of Anglo-American materials are kept in special collections. Other American materials shelved by form are state bar association materials, attorney generals' opinions and reports, older constitutional and statutory materials of the states and territories, documents from the federal government, books on trials and criminology, and casebooks.

The foreign collection is more rigidly classified. First come foreign law periodicals, then treatises on comparative law (in which at least one foreign, or non-Anglo-American, jurisdiction is dealt with), and finally the collected laws of foreign countries, arranged first by country and, within each country, by a detailed classification scheme. The collection on international law, comprising some 30,000 volumes, contains periodicals, treatises, and the documents of such international bodies as the United Nations and the International Court of Justice.

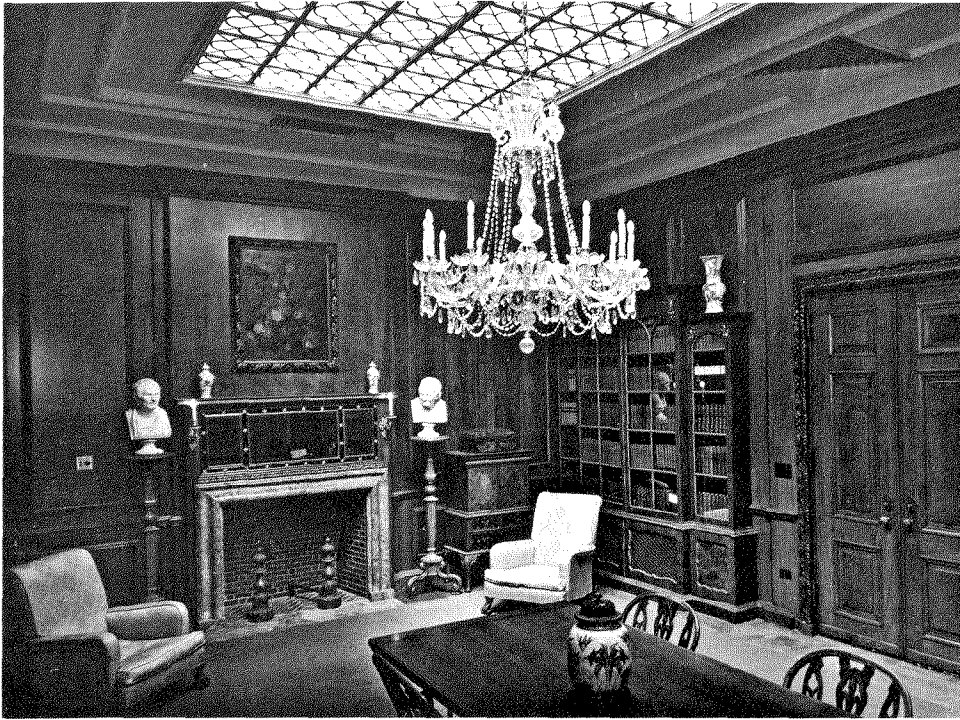
THE Law Library gives access to its nine floors of stacks only to members of the Law School faculty and to others assigned space in the Legal Research Building; this policy, as can easily be imagined, places a great burden on the circulation department. The average patron of the Library, except when he is using the American primary materials and reference works on open shelves in the Reading Room, must find in the public catalog the call numbers of the items he needs, and submit these to a librarian at the circulation desk. Then a library page is sent into the stacks to get the items needed. The circulation staff thus functions as a sort of traffic control over the Library's collection: obtaining books from the shelves for patrons, checking books out to patrons, and reshelving books when they are returned. Legal research is of such a nature that, in researching a question, the student or professor may need to refer to thirty or forty different cases, probably each in a different volume. There is consequently a heavy traffic in materials, and frequent traffic jams: books desperately needed are found to have just been checked out, or are temporarily lost, probably because they are lying at the bottom of one of scores of piles of books on Reading Room tables. Hence the circulation staff must reshelve books as fast as possible, and much attention is concentrated on improving methods of doing so.

Staff services in the four departments of the Library are supplemented by a few machines. The Library has two

microfilm readers, with more on order, and one microcard reader. There is a coin-operated copying machine in the Reading Room, and additional copying equipment in Library workrooms. The latest addition to Library equipment is a recording telephone, which is being used by the circulation staff in an effort to improve its traffic problems. It is expected to provide a very substantial service to the Law School faculty, whose telephone calls to the circulation desk requesting books are recorded through it. Playback of the recorded messages informs library pages of the books required. The circulation staff hopes that a professor to whom a book is delivered will give the page the books he no longer needs, so that the page can return them to circulation. The recording telephone system is thus expected to speed up circulation of books among the faculty.

Other studies in systems planning are under way to improve traffic flow in the Library, to increase the accessibility of books, and to mechanize such Library functions as the processing and charging of books. The reference staff, now on the third floor of the Library, will soon move into the Reading Room. This increase in accessibility is expected to quadruple the amount of reference service actually given. Another projected change, opening an entire floor of the stacks to all patrons, is expected to reduce the traffic problem temporarily by making the most frequently requested parts of the collection more readily accessible. The newly created position of Documents Librarian will make the burgeoning collection of state and federal governmental agency publications more easily available to patrons, and there are plans for hiring a social sciences librarian to help in acquiring new materials in this area and to give reference service to researchers on the frontier of law. Five members of the law faculty are studying computer technology with an eye not only to automating such Library operations as processing and charging of books, as already mentioned, but also to mechanizing retrieval of information from the Library's collection.

But the biggest change that the future holds in store for the Law Library will be in the direction of redefinition of its purpose. Up to now, an attitude of self-sufficiency has guided the Library in its acquisition of new materials, and it has always held as its ideal goal the collection of all primary and most secondary materials in all the legal jurisdictions of the world. As we have seen, the Library has often had to be content with less than all: for example, it has abandoned its attempt to acquire all primary historical materials, and has had to be content from the beginning with acquiring only the best of the secondary materials. As the law moves into new areas of concern, and as governmental agencies increase in number and in publishing activity, the Library is on the way to being swamped by new materials. The line will have to be drawn somewhere, and acquisitions limited in some way. In other words, the Library's attempt at self-sufficiency will have to be abandoned. Staff members who have visited other libraries, either at other law schools or in departments of the state and federal government, have recognized the



*A view of the Cook Room.
The busts to the left and right of
the fireplace are of Rousseau
and Voltaire, respectively.*

impossibility of collecting everything. They have also recognized the undesirability of doing so, as a wasteful duplication of effort. A far better course has suggested itself to them.

The Library recognizes that, to continue to render the service to legal research which is its *raison d'être*, it must become an *information center* and not just a collection of books. It must replace the notion of self-sufficiency with that of cooperation, and function as a liaison between its patrons and the information they require, wherever it is to be found. For this purpose, the Library will more and more often have to go outside its own collection to the collections of other libraries and institutions, and members of its staff are already investigating ways of doing so. As already mentioned, they are visiting other collections of materials, either legal or of allied interest, and are establishing cooperative relations with the custodians of these collections. In this way, the Library's purpose of service to legal research is being extended, and the limitations of self-sufficiency are being transcended through cooperation.

THE present distinction of the Law School, the excellence of its facilities—notably of its Library—and the vigor of its program of legal research were made possible, in large part, by the great benefactions of an alumnus, William W. Cook. Born in 1858, Mr. Cook received his bachelor's degree from the University in 1880 and was graduated from the Law School in 1882. He practiced law very successfully in New York, and during his lifetime and under his will gave the University nearly sixteen million dollars, thus becoming its most generous private benefactor. His gifts made possible the foundation of a chair in American Insti-

tutions, and the building of the Martha Cook dormitory for women and the entire Law Quadrangle: the Lawyers' Club (1925), the John P. Cook dormitory (1930), the Legal Research Building (1931), and Hutchins Hall (1933).

It was in 1920 that the University's President Harry B. Hutchins proposed to Mr. Cook, who had already demonstrated his eagerness to benefit the University, the need for a new building and more equipment for the Law School. In 1920–21, Dean Henry Moore Bates of the Law School visited Mr. Cook in New York several times, and plans moved on apace. In 1922, Mr. Cook proposed to the Regents of the University the erection of the Lawyers' Club, as the first building in the Law Quadrangle; the proposal was accepted, construction was begun, and the building was dedicated in 1925.

Then, in a letter to the Board of Regents dated January 11, 1929, Mr. Cook wrote, "If agreeable to you, I will erect on the 'Law Quadrangle' . . . a 'Legal Research' building, in accordance with plans submitted herewith." Work commenced in short order, but the structure was still not finished when Mr. Cook died on June 4, 1930. Shortly after, the Regents decided to name it the "William W. Cook Legal Research Building," in his memory.

The building was designed, like the others in the Quadrangle, by a New York firm of architects, York and Sawyer. Completed in June 1931, at a cost of \$1,600,830.59, it is considered the most striking of the buildings in the group, although they all have stylistic unity. It contains not only the Law Library itself, but also reading rooms, carrels for students, and office space for faculty research. The ground floor Reading Room is enormous, capable of seating 450 per-

sons, and it is encircled by long, narrow alcoves containing sections of bookshelves. The books kept here include the American primary materials, already mentioned, as well as digests, citators, dictionaries, encyclopedias, atlases, and other reference works. The floor above the Reading Room contains offices, a few special-purpose rooms, and a room housing Mr. Cook's private library. This room is as nearly as possible an exact replica of the library in his New York home, and contains the original furniture and decorations in addition to his valuable private collection of books.

During the years after World War II, increases in the amount of printed legal material, the number of legal scholars, and Library staff made the Library seem cramped. An addition was proposed, and the \$687,283.73 needed for constructing it was obtained from research funds not used during the war years and from legislative appropriations. It was completed in 1955, and added four levels to the original six. Following the plan of the old levels, the new ones provided office and research space as well as stacks. A flying bridge was constructed between the seventh level and the third floor of Hutchins Hall, the administrative and classroom building next door.

The relative recency of the burgeoning of legal research at the University is due chiefly to the fact that the whole idea of legal instruction in school is itself new. Whereas there have been universities since the early Middle Ages, law schools are the creation of the middle of the nineteenth century. Until then, one learned law by serving as an apprentice to a practicing attorney. When the University opened its "Law Department," on October 3, 1859, it did so in the face of some public disapproval, for many believed that a "popular" university should not serve, at public expense, as a trade school for a particular profession; and for a long time the Department's program competed with legal apprenticeship. This probably explains why, in its early years, it was consistently slighted when the Regents appropriated money for facilities. In his commencement address before the first graduating class, on March 28, 1860, Justice I. P. Christianity of the Michigan State Supreme Court struck a defensive note while presenting the principles behind the new method of legal education. Speaking of the importance of legal ethics in the practice of law, he stressed "the great advantages of an orderly and systematic course of instruction" as compared to "the difficulties and embarrassments attending the acquisition of systematic legal knowledge . . . in the offices of some practicing lawyer."

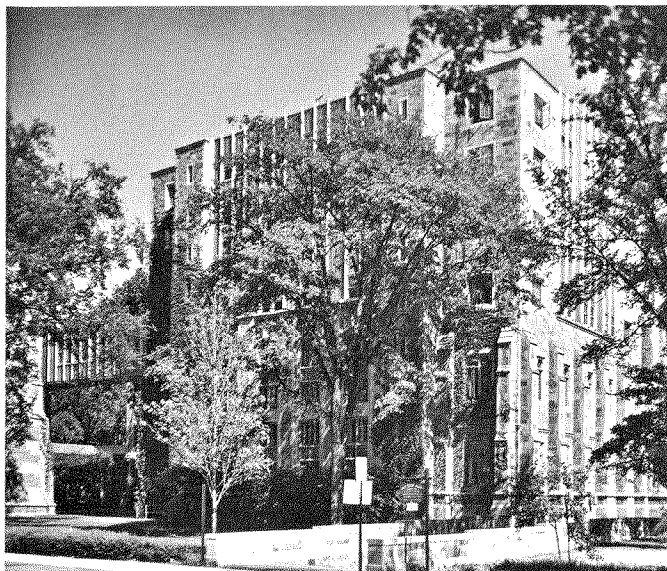
Early in its history, the Law Department began to stress an additional, although quite complementary, goal of legal instruction: besides preparing students for practice, it began placing emphasis on thorough knowledge of the *principles* of law, thus stressing law as a science as well as an art. In 1889, it added the degree of Master of Laws to meet the need for a more thorough knowledge of jurisprudence than could be obtained from the program of studies for a Bachelor of Laws degree. It was not until 1925, however, that the Law School offered "post-graduate" instruction in legal science, leading

to the degree of Doctor of the Science of Jurisprudence (S.J.D.).

THIS brings us right up to the time of the Cook benefactions and the solid realization, in buildings, equipment, books, and research projects, of the value of legal science. In making his gifts to the University, Mr. Cook repeatedly stressed his belief in legal research as the expressed development of legal science, and its necessary relationship to legal instruction. He placed the highest possible value on American institutions, and thought of lawyers as the guardians and executors of these institutions. He therefore considered excellence in legal instruction as having first importance; and by means of legal research, he believed, legal instruction led to the improvement of American institutions. This concept is generally accepted today, and the value of research of all sorts is no longer questioned. When Mr. Cook advanced it, however, it was quite new, and he is generally credited with introducing it into American legal education.

When the Cook research funds became available, only a few faculty members in the whole history of the Law Department had done any legal research. There were James Valentine Campbell's political and judicial histories of Michigan (1876 and 1886); Thomas McIntyre Cooley's editorial work and his treatises on constitutional law (1868, 1880), on taxation (1876), on torts (1879), and on the reports of the Interstate Commerce Commission (1887-91); the publication of the *Michigan Law Journal* (1892-98); and the publication of the *Michigan Law Review* (first issue, November 1902). In the 1890's, the development of scholarly work in law began in earnest, and work in real property, damages and agency, and torts was undertaken. Edson R. Sunderland gained a national reputation for his work on the problems of practice and procedure in civil actions, and for his development of the Practice Court. Joseph Drake, another faculty member, distinguished himself with his studies of Roman law. In 1910, when Henry Moore Bates became Dean of the Law School, he expressed a desire for a systematic program of research by the law faculty. His ideas prepared the way for the Cook bequests, and it is likely that, in the New York meetings of 1920-21, he and Mr. Cook came to the meeting of minds that eventually resulted in Cook's great emphasis on, and support of, legal research at the University.

Another pre-Cook activity that heralded a new age in legal research was the commencement of publication of the *Michigan Law Review*. As already mentioned, the prevailing fashion in legal research today is publication in the form of a law review article, and the importance of this publishing venture becomes more evident when we notice that the purpose of the *Review* has remained unchanged from the beginning. The announcement on the editorial page of the first issue (November 1902) is as true today as it was then: "The purpose [of the *Review*] is to give expression to the legal scholarship of the University, and to serve the profession and the public by timely discussion of legal problems.



A view of the back of the Legal Research Building, showing the section added in 1955, and the flying bridge to Hutchins Hall.

and by calling attention to the most important developments in the field of jurisprudence.” In the beginning, the *Review* was run exclusively by members of the law faculty, but it gradually developed into what is now the type of law review operation: an advisory board from the law faculty, and a staff comprised of the law students who are best scholastically, with their own editor-in-chief, doing the actual editorial work.

At the time of the Cook benefactions, then, the need for legal research was just being recognized, and the characteristic organ of such research had just become available for use. However, most members of the law faculty still engaged exclusively in teaching, and continued to do so for quite a while. It is understandable that there should have been a lag between the availability of research funds and the maturity of the Law School’s research program, for the faculty members were obliged to develop criteria for legal research. They had to ask themselves what legal research actually was, who should or could engage in it, how research projects should be conducted, how the desirability of conducting any particular project should be evaluated, how the support for projects undertaken should be administered and supervised, and finally, how research activity among the faculty should be related to legal instruction—that is, to preparing students for a vocation or a profession. At first, one or two members of the faculty, already engaged in research, were given financial support from the Cook funds. Then the law faculty proposed the organization of a Legal Research Institute, and on February 7, 1930, the Regents established the Institute as a part of the Law School. This Institute produced one article, published in 1932. On May 29, 1931, it was dissolved by the Regents, because the law faculty

had come to believe that research should be part of every member’s work, not the special function of a few. On September 30, 1931, the Regents approved a research budget for the Law School providing half-time research and half-time teaching appointments for one professor and one assistant professor, and the modern pattern was set. Since then, research funds have also been allocated for research assistantships, secretarial services, publication costs, field trips, and traveling expenses. The only important change in the law faculty’s research activity since the pattern was set has been in the number of professors engaged in it. At first they were a small minority, but now, as in other academic disciplines, scholarly research has become part of the job, of an importance equal to that of teaching and administrative duties, and sometimes greater.

Although the principles of legal research in the Law School were fully established by 1931, the administrative details for implementing them had still to be elaborated. On February 27, 1942, the Board of Regents created a Director of Legal Research to administer the Cook Endowment Income. The duties of the Director are purely administrative, and not at all prescriptive: research projects are recommended by individual members of the law faculty and by the Dean of the Law School. The Legislative Research Center was created in 1950 to promote teaching, research, and service in the written law, including not only statute law but also administrative regulations, ordinances, and state constitutions.

Besides that provided by the Cook funds, support for the Law School’s research has come from the American Bar Foundation, the Section of Real Property, Probate and Trust Law of the American Bar Association, the Internal Revenue Service of the United States Treasury Department, and the Ford Foundation; this speaks very clearly for the vigor of research in law and for its increasing development.

IN early years, legal research was confined mostly to matters of private law, such subjects as property, torts, and contracts: in short, the regulation of relationships between individuals. Although these subjects continue to be studied, the emphasis of recent research appears to be on subjects of greater generality: the function of the state and state enterprises and the relationship between the individual and the state. An example of a typical subject in this new emphasis is the nature of the constitutional rights of a citizen when he confronts law enforcement authorities. Studying recent Supreme Court decisions, faculty members are seeking answers to such questions as: how soon should a citizen be allowed legal counsel, what statements made by him after arrest can be used in trial, will recent Supreme Court decisions eventually make the task of law-enforcement authorities impossible, and to what extent are the rights of the individual abused by typical law-enforcement procedures. The relationship between civil rights and integration has attracted the research attention of faculty members; a joint program with the University’s Department of Political Science is studying integration of housing by pri-

vate and public means and investigating the devices that have been tried to ensure integration. Members of the faculty are also conducting research into the activities of the various federal agencies concerned with the regulation of private industry; in this research they are investigating the agencies' rate-making procedures and the criteria they use for establishing rates. Other faculty members are studying the controls applied to the use of land, as in the planning and building of subdivisions, or in urban renewal; the problem of religious liberty and the relationship of church and state; the relationship of law to highway safety; the tax procedures of state and federal governments; various aspects of court procedure in civil and criminal cases and the possibility of procedural reform; revisions in civil and criminal codes; the ethics of legal practice; and the conflicts of laws across jurisdictions. Many faculty members are preparing casebooks and other course materials on these and related subjects, thus bringing the frontier of research into the law curriculum and providing students with an acquaintance with current as well as traditional problems in law. One casebook recently published is for an introductory course on the American legal system.

For a long time, the Law School has been a leader in studies of foreign, international, and comparative law. One of the School's most distinguished scholars in these areas was Hessel E. Yntema, who did important research on the commercial and financial aspects of comparative and international law, and who was one of the founders and the first editor-in-chief of the *American Journal of Comparative Law*. Another distinguished scholar is William W. Bishop, Jr., an expert in international law whose casebook in this subject is a standard, and who has been editor-in-chief of the *American Journal of International Law* from 1962 to the present, as he was from 1953 to 1955. Professor Bishop was appointed Edwin DeWitt Dickinson University Professor of International Law early this year. The Law Library's excellent collection of books in foreign, comparative, and international law, which provides such a solid basis for research in these areas, was brought together largely through the efforts of Hobart R. Coffey, who was Law Librarian from 1926 to 1944, and Director of the Law Library from 1944 until his recent retirement.

At present, in foreign law, there are programs to study European corporate structures and business organizations, the laws of torts and contracts in the Soviet Union, property law and governmental regulation of the economy in African nations, and constitutional developments in West Germany. In international law, faculty members are studying interna-

tional cases and trials, laws of the sea and of fisheries, the law of treaties, the responsibilities and immunities of states, civil and criminal aspects of international law, harmonizations of national legislation in Western Europe, and the international regulation of nuclear energy, radio and television broadcasting, and copyright. In comparative law, there are studies of the comparative aspects of copyright law, and of the tax law of the United States and the European Economic Community. The *American Journal of Comparative Law*, the major organ of this field of law, is edited by a member of the Law School faculty, B. J. George, Jr. The direction of work on another very important document in comparative law, the *International Encyclopedia of Comparative Law*, has recently been undertaken by a faculty member, Alfred S. Conard. This project, which is sponsored by the International Academy of Legal Science (a subsidiary of UNESCO), is being conducted by a team of fourteen scholars from seven nations. Professor Conard himself is editing the volume on business and private organizations, and writing the chapter of it devoted to corporate reorganization. When completed, the *Encyclopedia* is expected to be a primary contribution to comparative law, permitting lawyers of every nation to see their legal systems in the light of their principal divergencies from the systems of other nations. It is expected to be of great practical value to emerging nations seeking guidance among the diverse models offered by the legal systems of more advanced nations, and it should also aid students of legal reform in advanced nations, who will be able to obtain from it the basic information they require on other legal systems.

IF Mr. Cook could visit any of the law schools of first rank in the United States today, he could not help but be struck by how closely legal scholarship and legal instruction are now united. He would note that today's law schools are judged not alone by the quality of the students they produce but also by the quality of their research programs. He would also note, no doubt with great pride, that the University's Law School is in the first rank, bearing comparison with the law schools at Chicago, Columbia, Harvard, and Yale, and that it is one of the leaders in studies of international and comparative law. Perhaps his greatest satisfaction, however, would come from observing that law schools have become, as he believed they should, the proving grounds for changes in American institutions, and the training grounds for the guardians and executors of these institutions.

The *Research News* is published monthly by the Office of Research Administration at The University of Michigan. To serve interested readers both inside and outside the academic community, the *News* attempts to reflect the di-

verse forms of modern university research by offering coverage that itself is diverse. Some issues survey a general area of research; some are focused on organizational units; others describe long-range undertakings; and still others provide a basic introduction to some subject. Throughout the diversity of subject and approach, however, there is a consistent at-

tempt to interpret matters of general interest in terms of particular efforts, and of the forms in which these efforts are expressed at one large university. The *Research News* is distributed without charge. Inquiries should be addressed to the Editorial Office, Office of Research Administration, The University of Michigan, Ann Arbor, Michigan 48105.