Comings and goings

A. W. Brian Simpson, Joel Seligman, Marie Deveney join the faculty; Reed, Sax depart

The Law School has recently announced three new faculty appointments: A. W. Brian Simpson, a renowned English legal historian; Joel Seligman, a widely-read corporate and securities specialist; and Marie Deveney, an innovator in the field of historical conservation.

The brief accounts of the work, accomplishments, and interests of Simpson and Seligman below will be supplemented by more detailed articles in subsequent issues of LQW. A feature on Marie Deveney, who began teaching at the Law School this winter, follows.

A. W. Brian Simpson

A highly regarded scholar with wide ranging accomplishments

A. W. Brian Simpson, a highly respected legal scholar who visited at the Law School during the fall, 1985 semester, will be joining the faculty next fall on the senior level. Simpson has taught at the University of Chicago Law School and served as professor of law and dean of the Faculty of Social Sciences at the University of Kent, Canterbury, England.

Simpson’s extensive interests (including contracts, property, philosophy, and history) have established him as one of the widest ranging and most highly regarded English legal scholars of his generation. His work in legal history includes two books on the development of common law doctrine: A History of the Land Law (2nd ed., 1985) and A History of the Common Law of Contract (1975).

More recently, Simpson has written on the legal, social, and cultural background of some of the best known English cases. His widely acclaimed Cannibalism and the Common Law (1984), according to Law School Professor Thomas Green, is praiseworthy for the range of sources, the ingenuity, and the pure sleuthing displayed in it.

Simpson brings to teaching at Michigan a mastery of the evolution of common law doctrine. He is, in the words of Green, “deeply committed to the view that the litigation that produces new doctrinal twists and turns — and the twists and turns themselves — must be studied in a social context.” During his visit here last year, he was highly regarded by the students who took his courses. “He’s an engaging teacher, both in terms of how he relates human interest with deep theory, and the way he conveys attention to the process of reasoning,” said Professor Frederick Schauer, who chaired the committee which recommended that Simpson be invited to join the U-M law faculty.

Joel Seligman

Prodigious writer on corporate, securities, anti-trust law

Joel Seligman, who is visiting at Michigan this year, will join the regular faculty next fall as a mid-level, tenured appointment. Seligman is well known and respected for his extensive writings in the fields of corporate, securities, and antitrust law.

Before coming to Michigan, he taught at Northeastern Law School in Boston and George Washington University’s National Law Center in Washington, D.C. A graduate of UCLA and Harvard Law School, Seligman spent several years with Ralph Nader’s Corporate Accountability Research Group. There, he co-authored Taming the Giant Corporation with Nader. The book maintained that federal incorporation of business firms should replace our current system of state incorporation.

Seligman is also the author of The Transformation of Wall Street: A History of the Security and Exchange Commission and Modern Corporate Finance, 1982; The Security Exchange Commission and the Future of Finance, 1984; and The High Citadel: The Influence of Harvard Law School, 1978. Seligman’s principal research and writing project for the next few years will be a revision and expansion of Louis Loss’s monumental treatise, Securities Regulation. When completed, the
new third edition is expected to fill eight volumes.

Seligman has served as a consultant to the Federal Trade Commission and the Department of Transportation.

Marie Deveney

A former art historian, she’s designed a new course in the legal issues of historic and cultural preservation

Six years ago Marie Deveney was listed in the U-M faculty and staff directory as the curator of the Art History Department’s nationally renowned slide and photograph collection. In the latest edition of the directory, her name appears as an assistant professor in the Law School.

Explaining the motivating factors behind the career change, Deveney said, “It certainly wasn’t disaffection with art history. I loved the field, and I still do, but I felt that after working with the collection for nine years, I had gotten all that I could from that job in terms of intellectual stimulation and new challenges. And, since I was the head of one of the best teaching and research collections in the country — with respect both to the depth and breadth of the collection’s coverage and to the size and quality of the professional staff — there just was not another curatorial position to go to that was better than the one I had.”

(Deveney, who has a master’s degree in art history, worked her way up from a cataloger’s position in 1972 to the point where she was responsible for the department’s collection of 250,000 slides and 165,000 photographs.)

“I also felt that I had given whatever special things I had to offer — that I had exhausted my creativity. The one option in the field would have been to go on for a Ph.D., but teaching positions in art history were closing up.”

When Deveney began to take stock of what else she might do, she saw law as a way of spanning the gap between the active and the contemplative life. “I like having real world problems to consider and I also enjoy having the academic perspective from which to consider them,” she explained.

During the interim, she attended the U-M Law School (graduating first in her class), and clerked for two years, first for Judge Harry T. Edwards of the U.S. Court of Appeals for the D.C. Circuit, and then for Supreme Court Justice William J. Brennan, Jr.

Deveney talks about her law school experience with great enthusiasm. “Like all first-year students, I found law school stressful, but I also found it one of the most intellectually exciting times in my life. A whole new world had opened up to me, and I knew immediately that I wanted to teach. I especially liked the Socratic method, because it’s such an active form of learning.”

People often ask Deveney whether it was difficult to move from the visual field of art history to the more abstract realm of the law. “I didn’t find it a terribly jarring switch,” she responds. “As an art historian, I was interested in iconography, and as a law student I found that just as paintings have different levels of meaning, so too do judicial opinions.”

She elaborated, using as an example her master’s thesis, an iconographic study of The Madonna with Many Animals by Albrecht Durer, the leading figure of the German Renaissance. “At the most obvious level, it’s a depiction of the Christ Child and the Virgin seated in a hilly landscape, surrounded by a plethora of animals and plants. At a deeper level, each animal and plant symbolizes an attribute of Christ, the Virgin, the Devil, or St. Joseph. Taken as a whole, the painting is an icon of salvation history.

“Judicial opinions similarly may operate at a number of levels. At the most basic level, they simply announce the resolution of an individual case and establish a narrow rule of law. But the reasoning a court employs and the analogies it selects communicate a vision of the law that transcends the individual case. And, at the broadest level, a court opinion can provide a portrait of society and its values.”

As a law professor, Deveney finds that her teaching and research interests lie principally in the areas of constitutional law, property, and governmental regulation of land use. Of particular
interest to her is the role of government in preserving the architectural legacy of our past. She uses the term "cultural preservation" to refer to government's attempts to preserve structures associated with historical events and people as well as those which are deemed worthy of conservation for stylistic, aesthetic, or emotional reasons.

In order to be fully effective in this province of land use, Deveney believes that "lawyers need to be familiar with more than just preservation legislation and the agencies and organizations dedicated to preservation. They must be acquainted with the many purposes preservation may serve — stimulation of patriotic sentiments, conservation of great works of art, creation of humane and pleasant urban environments, and maintenance of community stability and identity."

Preservation is a costly activity, both in economic and human terms, she points out. The financial burdens imposed by protective legislation on the owners of historic structures raise concerns of fairness and constitutionality. At the same time, the displacement of the poor and of minorities sometimes occasioned by preservation activities raises difficult ethical and social issues.

These issues form the basis of a seminar Deveney is constructing this semester and a starting point for her initial research and writing projects. It's not surprising that she feels at home as a member of a law school faculty with deep and broad interests in the interaction of law and the humanities.

Deveney is married to Martin S. Pernick, an associate professor of history at the U-M who specializes in the history of medicine and medical ethics.

Reed to head Wayne State L.S.

John Reed, the Thomas M. Cooley Professor of Law, will retire at the end of the winter term, one year earlier than originally planned. Reed emphasized that the early retirement was not a resignation, but was prompted by an invitation to serve as the dean of Wayne State University Law School, in Detroit, for a five-year term. The appointment will give Reed the opportunity for four years' service beyond the time possible at the U-M.

A graduate of William Jewell College and the Cornell Law School, with graduate degrees from Columbia, Reed first came to Michigan in 1949. Although he left Michigan for a term as dean of the University of Colorado Law School, he returned in 1968. For five years he directed the Institute for Continuing Legal Education.

Sax departs for Berkeley

Joseph Sax, the Philip A. Hart Distinguished University Professor of Law, has moved to the University of California-Berkeley (Boalt Hall Law School) as of the winter semester. Widely known for his writing in the fields of water law and environmental protection, Sax came to Michigan in 1966 from the University of Colorado.

Sax cited personal reasons for leaving, among them his wish to be near the mountains and the fact that his children were now grown. "As for the Law School," he said in a letter to the faculty, "it is the place where I grew and prospered professionally, and it shall always be my intellectual home... It was one of the great schools when I first arrived in the summer of 1965, and it is a great school now."