

MICHIGAN LAW REVIEW

 Volume XXVI

JUNE, 1928

 No. 8

THE LAW SCHOOL, AND THE STATE*

BY WILLIAM W. COOK†

ON the legal profession rests the responsibility for the future of America. Nowhere else does the necessary leadership exist, and leadership, based on training, character and intelligence, will determine the future of the republic. The rapid rise of America to the primacy of the world; its vast wealth, power and population; its problems of capital and labor; its expansion of governmental functions; its diversity of races; its determination to preserve American institutions—all demand leadership of the highest order, and that can be found only in the legal profession. It is a problem of the ages. From Plato's *Republic* to Carlyle's *Heroes and Hero Worship* is a far cry but the central idea of both is right, namely, that leaders are to be sought for, organized, fostered, followed and favored by the social organism.

The profession is now putting its house in order. Three legal standards are being raised: first, that of the law schools; second, that of admission to the bar, third, the standard of the bar itself. The law schools are far and away the most important because on them is based the whole profession itself. All else will follow automatically. And the field of the law schools will broaden. There should be a professor of American Institutions in the Law Department or the Literary Department or better still in both jointly, so

*A communication from Mr. William W. Cook, founder of the Lawyer's Club, read at the third annual Founder's Day Dinner, April 20, 1928.

†Of the New York Bar, author of *Cook on Corporations*.

that graduates may know what American institutions are. There should also be a consulting professor for counsel to judges and other public officials. Judges would be glad to avail themselves of disinterested advice, as I happen to know from personal experience.

Now the bar is not furnishing the leadership it furnished one hundred or even fifty years ago. Court work and oratory have gone out and counsel work has come in. The courts, except those of last resort, are no longer frequented by the talent of the profession. The art of exposition by oral argument in courts leads to a similar art in legislative halls. The decline of one leads to decline in the other. Perhaps this is offset by more profound learning, broader statesmanship and more matter with less art. But governmental problems are increasing. Someone has got to solve them. Our government has been, is, and will continue to be a government by lawyers. Of the 29 Presidents 23 have been lawyers; of the 44 Secretaries of State 42 have been lawyers; all of the Attorneys General; all of the judges of the federal courts; of the 56 Signers of the Declaration of Independence 25 were lawyers; and of the 55 framers of the Federal Constitution 31 were lawyers. In the present Congress nearly two-thirds of the Senators are lawyers and over half of the Representatives. In 1920 there were but 122,519 lawyers, judges, and justices in this country of over one hundred and five millions of people. Never before in the history of the world has so great and intelligent a nation been governed by so small a body of men. Hence I say that unless the law schools train their men for leaders, as West Point trains its men for officers, where are we to get them? Doctors, engineers, preachers and business men may furnish an occasional leader but even he is apt to rely on lawyers. In England for generations an aristocracy, born to rule, furnished leadership, and at times very bad leadership, but even that has largely passed away, except in the foreign department.

The new generation will soon take control. You are part of it. You will not all be leaders but more of you I trust than when I was there. In my time (1881-1882) the course was two years. One lecture a day was given to all of us together in the large room. We had six lecturers, two (Cooley and Campbell) from the Supreme Court Bench and four eminent active practitioners at the Detroit Bar.

One of them, Professor Kent, popular and droll, in his final lecture at the end of the year made some general remarks, as was then customary. Among other things he said: "Young men, there are about four hundred of you here, and I want to say one thing and that is that only about one or two of you are likely ever to amount to anything." Immediately a howl went up. Kent grinned and when the noise had died down went on: "But I want to say one thing more, and that is that the rest of you will have a better time." Then there was a shout of approval and Kent thought it a good time to stop. I think you can do better than one or two. The practice of law qualifies one for intellectual leadership. That makes a lawyer's life full and complete.

Believing as I do that American institutions are of more consequence than the wealth or power of the country; and believing that the preservation and development of these institutions have been, are and will continue to be under the leadership of the legal profession; and believing also that the future of America depends largely on that profession; and believing that the character of the law schools determines the character of the legal profession, I am doing what I can to make the law schools great centres of learning and leadership.