

DEDICATION PAPERS

A LETTER TO THE LAWYERS' CLUB

BY WILLIAM W. COOK*

I BELIEVE there can be no higher public service in this country than to aid in the improvement of the law schools. That leads to the improvement of the American Bar and that means the preservation and improvement of American institutions. The bar always has been and still is the leader of the people. In fact, a democracy always trusts the lawyer.

Now, the improvement to my mind of the law schools can be brought about only by raising the standards of admission, scholarship and character; especially character, and by that I mean strong personality with intelligence and principle. How can this be done at the University of Michigan?

First, by high qualifications for admission. The Regents have recently raised them and might well raise them still higher. All I can do is to help to attract enough applicants to allow elimination and selection, but after all the only reliable attraction is the character of your law school itself. I would make admission a privilege and a prize.

Secondly, by the best of surroundings and associations. This means a club house, which you now have; a library building; a law building; dormitories; research rooms; the presence of distinguished jurists, judges, members of the bar and visitors; able professors. A separate library building will give quiet, seclusion and the studious atmosphere, necessary to investigation and research. The next two dormitories should contain ample quarters, not only for selected law students from your law school, but also for judges, jurists and distinguished guests of the University, and also for selected literary students who intend to study law. The attendance of practicing at-

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[This letter was addressed to "The Lawyers' Club, University of Michigan," by Mr. Cook and was read by his representative, John T. Creighton, at the dedication, on June 13, 1925, of the Lawyers' Club buildings presented to the University of Michigan by Mr. Cook.]

torneys and of judges still on the bench, and of jurists generally, will influence the law students and raise their standards and ideals. Judge Cooley was Dean of your law school when I attended it, and Judge Campbell was one of his associates. Both were at that time judges in your Supreme Court. The law students themselves were a somewhat tumultuous gathering, but the influence of the character, learning and dignity of the law faculty taught us more than the books. However, law students are no longer a mere aggregation and a law school is now something more than a mere opportunity to learn. Requirements are higher and should be made higher and higher still. I would have a selected body of law students, just as Oxford and Cambridge have a superior class of young men. The goal sought is the character of the law students, to be reflected later in the character of the bar. When the University graduates law students unsurpassed anywhere in character and scholarship, the effect on the bar and the country will be very great, especially throughout the West. The Lawyers' Club Building now finished is of no consequence except to forward that purpose. If I were wealthy enough I would offer to do for Harvard, Yale and a law school on the Pacific Coast that which I propose doing for the law school of the University of Michigan, and thereby influencing other law schools.

Thirdly, the school should be endowed so that the best professors and jurists may be obtained and retained and liberally paid. Lecturing can unite with creative work. Jurists are not plentiful but the law schools can get them.

I do not think the American people realize the value and importance of the law schools. The general impression is that a law school needs only a library and a few professors and that applicants should be admitted without much preparation and that the course should be neither long nor severe. Your own law school is one of the best and yet its percentage of instructors to students is less than three, while the percentage in the medical school is over fifteen, and in the engineering department ten. The following table is for the present collegiate year:

<i>Department</i>	<i>Students</i>	<i>Instructors</i>	<i>Per Cent.</i>
Medical	534	83	15.54
Engineering	1674	182	10.87
Literary	5774	290	5.02
Law	503	14	2.78

The public expends hundreds of millions annually on common schools, high schools, colleges and universities. This is the American system and has revolutionized society, but in the higher education the requirements are unformed, crude and insufficient to winnow the wheat from the chaff. Emerson writing over fifty years ago on "Education" pointed out the futility of educating together the quick and the dead, and yet his warning is not heeded. Moreover, the overcrowding of the great universities renders it imperative that a more drastic selection be made. This applies to the law schools, because the law schools make the lawyers and the lawyers weave the fabric of our government. Henry Adams, writing in 1889, said that after the failure to impeach Justice Chase of the Supreme Court of the United States in 1805: "Henceforward the legal profession had its own way in expounding the principles and expanding the powers of the central government through the Judiciary." That was over a hundred years ago and has been verified by our intervening history. That fact alone is enough to summon the legal profession to exclude from its ranks those to whom the Constitution means nothing, and those who have neither character nor principle.

America is still in the making but in the domain of law is no longer dependent on England. On the contrary it is working out a jurisprudence of its own. Here, too, the law schools must furnish the men to do the work. Law students will be the law makers, law expounders and law systematizers of the future. They should be a finished product—the brightest and the best. Republican institutions in America have not yet fully demonstrated that self government is enduring in a vast diversified country. Macauley wrote in 1857 that the American "Constitution is all sail and no anchor". Already we have taken in sail by strictly limiting further immigration, especially of those who cannot understand nor appreciate American institutions. But still we have industrial menaces which defy the government. Whether self government can survive these dangers remains to be seen. The mission of America is to demonstrate that a great people can govern itself. Republican institutions are still on trial and it is for the law schools to marshal the forces and train the recruits. Our government always has been and will continue to be a government by the legal profession.

The American people have largely broken away from old forms

of religion and are evolving a religion of character—the worship and practice of high ideals. It is based on intellect and culture, and is more than those. It is principle carried into practice and example. The greatness of a people consists, not altogether in its laws, art, science, literature, religion, philosophy, inventions, wealth or power, nor in its great men alone, but in the average character of its citizens. Raise this and you raise the nation. Now nowhere do people search for and rally quicker under reliable leadership than in America. A strong and trustworthy character is no sooner found than trusted. This is true worship—worship of the American kind. It has been called an “intellectual aristocracy.” That is well, so far as it goes, but it omits as an equal factor, the devotion of that aristocracy to principle. Applying all this to the legal profession, it is true that the profession is “intellectual” and to a certain extent it is an “aristocracy”, based not on birth or titles or wealth or social position, but recruited afresh each year from the people. “The law is no profession for the stupid, the indolent or the ignorant.” In Emerson’s forceful language, it is “a profession which never admits a fool”. Its successes are earned and its activities many-sided. It leads into all other occupations; no other occupations lead into it. There are few who tread its hot and dusty highway from end to end, but those few mould public opinion instead of following it. But as an “intellectual aristocracy”, it has not always led the way towards higher standards of life. It is competent to do so and hence I do not think I exaggerate when I say that the law schools are of supreme importance in this respect to the future institutions, beliefs and conduct of life in America. The power of the American Bar is unorganized and unseen, but upon it depends the continuity of constitutional government and the perpetuity of the republic itself.

Another thing. There is an imperative demand that the legal profession do something to condense, simplify, clarify and develop the law. I am not one of those who bemoan the multiplicity of American decisions and statutes. From the chaos there is evolving a new jurisprudence, with the courts and legislatures of forty-eight states and of the federal government experimenting on a vast scale. The time has come, however, to formulate and consolidate the law. This will have to be done for the most part at the law schools by jurists and law professors. It requires leisure to study; time to think

and write. This involves expense and that expense is provided for by this Lawyers Club, where all profits and dues are to be used for that purpose and that purpose alone. The success of the plan, however, will depend on the wisdom with which that fund is administered. If real jurists are obtained and retained from the bench, the bar, and law professors, we shall be far on the road towards making the law clear, concise and understandable. The *Encyclopedia Britannica* in describing the characteristics of a great university names six, the last being as follows:

“6. Publication is one of the duties of a professor. He owes it not only to his reputation but also to his science, to his colleagues, to the public, to put together and set forth, for the information and criticism of the world, the results of his inquiries, discoveries, reflections and investigations.”

The whole plan now has a start in your Lawyers Club Building. That provides a nucleus and a substantial income. By persistent and intelligent effort the work should move forward; first, to attract to the University jurists and those capable of writing law; secondly, to insist on creative work in condensing, simplifying and clarifying the law. The American Law Institute, organized in 1923, is engaged in that work and has an appropriation for ten years from the Carnegie Foundation. That does not prevent the University of Michigan pursuing the same objects independently, and pursuing them not for ten years only but indefinitely. If the American Law Institute can get the proper men to do such difficult, yet important and high-class work, the University of Michigan can obtain them also by paying the price. This is a difficult but rich field. The road is wide and open to all. In constructive legal work no one is in the lead. Judge Cooley of your law school showed what can be done. The legal needs today are different from the legal needs in his time, but the public demand that the legal profession justify its existence is a trumpet call to every law student who is true to his profession.

Can your law school be made a great centre of legal education and of jurisprudence for the good of the public? I believe it can and in that belief shall press on.