

# **Impressions of Michigan Law School**

*By*

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Almost a year ago, on September 23, at ten in the morning, the Michigan Law School was introduced to me. I must have been known to it less than a year from that date, for I came as one of its fellows. Mr. Robert Klinger of the International Center, just across the street from the Law Quadrangle, pulled out a map and directed me to see Mrs. Bray at the tenth level of the Legal Research Building. With the aid of the map and after some efforts opening doors which did not yield, I found my way to the general reading room on the third level of the Legal Research Building. A young lady librarian on duty at the time escorted me to the elevator, demonstrated to me how to use an automatic elevator, and thus I found my way to the tenth level. Mrs. Bray knew me on sight, no doubt because of the photograph attached to my papers in her possession. She gave me a generous welcome, escorted me to my office on the same level across the corridor, and told me to feel at home. When she drove me to my new home at Kingsley Street, I knew I had been installed for the year in the beautiful City of Ann Arbor.

When I entered my office for the first time, I noted my name already on the door. I had been expected. Another meaning to me of this little fact, which I did not realize at first, was that it was evidence of American efficiency, about which I later learned very much. Next door neighbors were legal celebrities like Dean Blythe Stason, Dr. Hessel Yntema, Dr. Ernst Rabel, and Professor Emeritus Edson Sunderland. There were also younger members of the faculty near my office. From close observation, I gained a knowledge of the daily routine of American law teaching and scholarship.

Filipino students from all parts of the United States reported the courtesy and graciousness with which they were received by Americans everywhere. The warm reception accorded to me by Mr. Klinger, the lady librarian, and Mrs. Bray was a pattern from which the other Americans never deviated. In a country where people always hurry as in no other part of the globe, I did not expect to find so much courtesy, kindness, and warmth.

Dr. Lewis Simes of the Graduate Committee called at my office in the afternoon of the same day that I arrived. He inquired what I intended to specialize in and was suspicious that I knew next to nothing of Anglo-American law. When I told him I intended to

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stay only a year, the Philippines being more Anglo-American than civil, and expected to get a degree, I noted a bit of a smile before he told me students from foreign countries do not get it that fast in Michigan. They are expected to stay in residence for at least two years, learning the Anglo-American system in the meanwhile. I realized at once that I was going to do graduate work on the theory that I was ignorant and should first be educated. So there was I, a law professor of the University of the Philippines and a practicing lawyer for ten years in my country, being considered as still below the level of American students who have just finished their undergraduate study in law. I felt foolish bragging to him that Filipinos get their doctorate degrees after no more than a year at Yale. I soon found that the Michigan Law School is a different institution. I would have returned to the Philippines after two months of observation had not the President of the University of the Philippines and the Dean of the College of Law prevailed upon me to stay for the term of my scholarship.

Dr. Simes is a man of about sixty, with sparse gray hair. He has a loud, booming voice. Since I have always associated a loud voice with an empty head, I did not have a good opinion of Dr. Simes during our first interview. It was not until I sat in his lectures, read his learned dissertations in law reviews, and heard Dean Stason speak highly of him, that I realized his learning is as sound as his voice. His chairmanship of the Graduate Committee is a tribute to his competence. But as his course in which I sat was of the undergraduate level, I enjoyed the manner of his teaching more than what he actually taught. American law teaching, as I observed it in Michigan, consisted in imparting a cluster of a few basic principles against the background of what teachers called technique. American casebooks are generally written with these two fundamental purposes. The graduate student, however, has no interest in either; none in basic principles, because he already knows them or is supposed to know them; and none in technique, because it can be all things to all men and a study of legal philosophies would better serve the purpose.

Enrolling in Michigan was a bigger task than in the University of the Philippines. The regulations of our own University during my student days were to me rather irksome. I, therefore, had a great feeling of relief when I passed from the College of Liberal Arts to the College of Law. Some people have developed a curious way of making it difficult for others to spend their money. But this may be the common mark of institutions dedicated to giving people their money's worth of education. I would be suspicious of an institution that makes it too easy for a student to be admitted or too difficult for him to be dismissed. However, had I known while still in the Philippines, that I would be inspected by no less than five medical men, like a piece of curious specimen, I would not have consented to be educated even in as great an institution as the University of Michigan. I was almost at the end of my temper when a brilliant young doctor pointed to the shrivelled skin of my legs as possibly an indication of a communicable disease. How

could he know, except from vague rumors, that tropical skin behaves that way in autumn days? And when I enlightened him on the subject, in which I was substantiated by older doctors who must have had similar cases before, his prescription was that I take a bath less often than I did. It was no doubt a hard prescription to take but when winter came and getting up early became more difficult than maintaining the security of my nose and ears, I leaned rather heavily on the prescription on several occasions. It quieted somehow my troubled conscience.

The library of the Law School first attracted my attention. Having come from an institution where books come in painfully and slowly and where keeping up with progress throughout the world is almost hopeless, I was much impressed by the rich collections of legal lore. Books and documents from all parts of the world and in all languages are there to be found. I felt sorry that in basic materials, as statutes, reports, decrees, orders, and decisions, the library at Michigan is more complete than ours on Philippine materials. There are ten spacious levels in the Legal Research Building, all of them with books and documents of all sorts. What a joy it was to conduct researches in that library! An examination of a legal principle in all its facets became more difficult and exhausting, but entirely satisfying. And since the faculty members were comparatively well paid, the school properly expected them to be leaders in all fields of the law. One who can make nothing of himself in six years in the Michigan Law School is either lazy or hopelessly incompetent. Consider as an additional factor that members of the faculty in Michigan teach no more than six hours a week. By comparison with their brethren elsewhere, they seem to have monopolized all the good there is in the world.

The Michigan Law School is a comparatively wealthy institution. The outward appearance of the school itself breathes prosperity. Three buildings, occupying one whole big block at the southern fringe of the campus, constitute what is known as the Law Quadrangle. The Hutchins Hall houses the school administration and the lecture halls. Some members of the faculty have their offices there also. The Legal Research Building is joined to it by a short and narrow corridor. Other members of the faculty, as well as some graduate students, have offices there. Other graduate students who cannot be allotted offices are given carrells inside the library. Across a rectangular and well tended lawn, enclosed by these buildings, is the Lawyers Club which is justly a pride of the Law School. It is a dormitory of some three hundred law students. Its dining hall is long and wide, vaulted by a high ceiling which gives it the appearance of a cathedral. During meal time, it is full of laughter, jokes, companionship, and discussions, weighty and light, such as only law students are capable of making. American law students, like their Filipino counterparts, exchange opinions about their instructors and poke fun at them. I learned very much from them about the idiosyncracies and habits of the professors even before I met them. Across the corridor is a richly furnished lounge where we spent many

happy hours reading carefully selected magazines after each dinner.

I did not at first realize what wonderful facilities the Michigan Law School has until I visited at the close of my stay other American law schools, as well as the law school of the University of Toronto. From observation and assurances from friends, I came to know that the physical facilities of the Michigan Law School are one of the best anyone can find in the United States.

The Michigan Law School is very heavily indebted to the late William Cook of corporation law fame. He was an alumnus who graduated at the close of the last century and made good as a New York corporation lawyer. He is now better known by lawyers in the English speaking world as the author of a notable treatise on the law of corporations. Though he was reputed never to have visited his school since he practiced in New York, he left to her the bulk of his wealth amounting to more than sixteen million dollars. A replica of his simple and beautiful office in New York, complete with hearth, statues, carvings, pictures, chandeliers, and library of well chosen literary masterpieces, is preserved on the tenth level of the Legal Research Building. Reminders of his benefaction are carved on stonewalls and facades in the Law Quadrangle. From his gift are taken every year liberal scholarship grants of which mine was one. Six months before I left there were German referendaris who were each receiving stipends of one hundred and fifty dollars a month. I received a scholarship grant consisting of free tuition for two semesters and an allowance of one hundred thirty-five dollars a month for ten months. Several American students were on fellowships in the form of free tuition only.

The memory of William Cook is remembered once each year in an impressive ceremony. The one which I witnessed was held at the dining hall of the Lawyers Club and was attended by alumni from all parts of the United States. The Dean delivered a speech in which he kept aflame the spirit of William Cook so that alumni who, in the future, should make good likewise, would remember the Michigan Law School. In the United States, as I observed in Michigan, the pride of the alumni in their institutions is matched by their deeds. The support of the alumni of the *Michigan Law Review* is another evidence of this. Like support of other school activities are not wanting. If we, as alumni of our institutions, are as disposed to back up with deeds as with words our pride in them, we shall have no reasons to be disappointed with their performance throughout the years. We are likely to expect too much of our institutions without at the same time giving them effective support to enable them to realize our expectations. If I may make public a painful family secret, the alumni association of the College of Law of the University of the Philippines can hardly meet for lack of a quorum.

Yet rich as it is, the Michigan Law School is not rich enough to give the highest unit value of education to its students. The classes, as in other law schools in the United States, have of late

swelled to unduly wieldy proportions. Lecture halls are filled to overflowing and professors can have no real acquaintance with their students. Either of two drastic solutions may normally be adopted, if the present size of the school population should be maintained. New appointments to the faculty should be made or the teaching load of the present staff should be increased, in both cases the enormous classes being divided into smaller groups. The first, however, may not be done without jeopardizing essential services and the second, without hampering the faculty. It, therefore, seems to me that to American educators, the development of a highly competent and famous faculty is of more importance than anything else. As a compromise, frequent parties are held under the auspices of the faculty so that professors and students may know each other better. I cannot, however, see how parties can be any better than classroom encounters. The problem is desperate because only one final examination is given in the semester, and that, in as impersonal a manner as possible, so the professors claim. The classroom encounters are not used as a basis of grading, because they would run counter to the grading being impersonal and a student is seldom asked to recite twice throughout the semester. More examinations are not given as they would encroach too much upon the leisure of the faculty. In our college mediocrity will be exposed and brilliance discovered and encouraged after a month of classes, both of which may remain hidden throughout a student's career in the Michigan Law School. Especially is this true under objective examinations, now becoming popular, in which, according to Professor Sunderland, the wife of a certain professor who knew nothing about the law scored higher than most students.

The cooperative spirit and efforts of American law schools left in me a deep impression. Rivalry among them in prestige and glory is the driving power behind their ceaseless labors. It is also the powerful impulse activating alumni support. This struggle, however, is limited to the remorseless intellectual application of their respective faculties. And so their cooperation, sealed by the bonds of the Association of American Law Schools, is true and congenial. Together, American law schools seek to improve the activities of all lawyers and legal institutions in the three fields of the profession, namely, law teaching, the judicial career, and law practice. All the schools realize that insularity and selfishness cannot bring progress. I had the good fortune of attending the last convention of the Association in Chicago where I saw and heard great American legal scholars discourse on varied legal problems in the United States. The prestige of such an Association behind any joint undertaking decided on must be immense, indeed. I hope with all my heart that some such organization in our country will emerge some day. Membership, of course, is limited to those that meet the high standards set by the organization and thus it may bring about the eventual collapse of mediocre schools, which, to my mind, is desirable. Education is definitely a human endeavor where profit-making is a crime, though it is not socially so declared.

Let me now describe the operation of the library as it was used by members of the faculty and the graduate students. The entire library was open day and night. Only members of the faculty, however, had keys to the outer door which enabled them to get in at any time. The graduate students could get in the outer door before ten o'clock at night and could work in their offices or carrells for twenty-four hours, if they were so minded, once they were inside. They could browse on any of the ten levels and get all the materials they needed. They could bring all the materials to their offices or carrells without leave of the librarian on duty at the desk. Since these materials were to be brought up or down to any part of the ten levels, small automatic elevators were installed inside one of the walls. We could load all the materials in the elevators and then go up or down where our offices or carrells were located and simply push a button on the proper level in order to call for all the materials. It was then an easy task to unload the small elevators and bring all the materials to our offices. A librarian would come to our offices once a day and check new materials brought in. For those that we could keep for as long a time as we wanted, he would put small red cards inside, leaving the edges to stick out for quick inspection. Some materials could be retained for only one day and if they were not returned, they would simply disappear. Materials no longer needed were simply put on the floor and they were then returned by the librarian to places where they belonged. The researcher was, therefore, allowed to get materials from the stacks but not to return them. Materials misplaced were materials lost. One of the rules of the library was that no materials should be brought home. The reason was because the library wished at all times to have them available for other researchers. To use the library was, therefore, easy and created no problems for even the new student. Legal research is murderous enough without severe library regulations. I remember my student days when I had to sign slips for all materials I consulted. If you were engaged in a research work requiring an investigation of hundreds of cases, signing slips would kill the flame of interest much quicker than the enormity of your problem.

I mentioned at the beginning about having an office. Throughout my residence I occupied three offices on different levels of the Legal Research Building. The first, on level ten, was intended for two; but my roommate, a student from India, was in Germany and did not arrive until the opening of the second semester. I, therefore, had the exclusive use of the whole for when he came I moved to a better one on level five. This second office used to be occupied by the law librarian, Professor Coffey, and was therefore, handsomely furnished. When he arrived in April from South America, on business for the library, I moved to level three where I stayed until I left. All three offices were the best allotted to any student in the graduate group. I had never occupied as beautiful offices before, either as practitioner or as law teacher. In fact, I had seen law offices in Manila and I am sure that any one of the three I had in Michigan would compare with Manila's best. The offices of the other students were smaller and, in most cases, were

occupied by two. But otherwise they were as good as any of mine. And since the graduate group was rather big and offices were not available to all, some students were assigned carrells. They were handsome structures but afforded no privacy.

There were offered only a few courses that were raised to the graduate level during my stay. During the first semester, Comparative Law and Jurisprudence were offered and during the second, Constitutional Law and Theories of Public Law. I took none of them, was discouraged from taking some of them, and would really profit little had I enrolled in any of them. I was, therefore, encouraged to take undergraduate courses, in pursuance of the policy that I was ignorant of the Anglo-American system. In addition to the courses, a graduate student was required to write a thesis under the supervision of a specialist member or members of the faculty. During the first year and for purposes of the LL.M. degree, the thesis need not be long and in fact may be as long as that prescribed for an LL.B. degree in the University of the Philippines. For students, however, coming from civil law countries, the School imposed a residence requirement of more than two semesters for the LL.M. degree. Within the next five years after leaving school, the thesis may be expanded and elaborated on, if the student gets at least a B average, so as to enable him to qualify for an S.J.D. degree.

Let us now make a brief review of the graduate courses that were offered. Comparative Law was given by Professor Dawson, a serious and humble scholar who was educated in both the United States and England. The course dealt very largely on Roman Law and the civil law system and was, therefore, considered ill-suited to me. Jurisprudence was taught by Professor Shartel whose courtesy and willingness to help everybody endeared him to all students, including undergraduates. His course consisted in a survey of the Anglo-American system and, particularly, in fundamental legal concepts. It had little or nothing to do with legal philosophy. The course was roughly the equivalent of Introduction to Law in our system and I was, therefore, discouraged from taking it. Constitutional Law was a seminar course conducted by Professor Kauper, an able and eloquent man. He is so massive and tall that he once referred to himself as bigger than a man but smaller than a horse. I was neither encouraged to take it nor discouraged from doing so. But as I did work on it, both as practitioner and teacher, and realized that it is more economics and legal philosophy than anything else, I considered that it should not occupy my time. Theories of Public Law was given by Dr. Yntema, one of the well known legal scholars in the United States. It was properly a course on legal philosophy. As this is a subject nearest my heart, having taught it, and in the background of which I used to resolve my cases, I considered it not proper to take. No legal philosophy was offered to undergraduates so that the course was the equivalent of that which we offer to our undergraduates. Having exhausted then the graduate courses of which there were only four, I was encouraged to take undergraduate courses. In so doing, I committed an error from which there was no escape. The program of graduate study was not flexible enough

to suit the intellectual development and taste of the graduate student.

I found no difficulty in satisfying the research program of my study. It seemed to me that the first year of graduate work emphasized course work too much and sacrificed unduly the research portion. I think that the emphasis should be reversed. Here then is a problem that deserves attention. The graduate program should be flexible and should be confined to real graduate work. The graduate student does not come to refresh his memory or brush up on his forgotten legal lore. He comes to unravel knowledge unknown to many and, if possible, advance its frontiers.

Most professors studied harder than many graduate students. I have seldom seen before such devotion to duty. I suspected that, perhaps, they were making up for deficiencies in natural ability; but I soon discovered that all of them were leaders of their classes during their student days. And since most of them were married and could give so little time to their families, I wondered whether they were not somehow suspected of wrong doing. It would, perhaps, be natural to expect such ardor and enthusiasm for work in the younger members of the faculty, but the men I refer to were past their prime. And for such efforts they were well compensated, not necessarily in material wealth, which they could not hope to acquire, but in the satisfaction of a job well done, the like of which cannot be found elsewhere or can hardly be improved upon. The learned treatises that they produce are not tricks of memory but the results of patient, arduous, and trying labor. I went into the room of one of them, a famous authority in his field, and was amazed at the numerous boxes of index cards he had. He was still plodding on tirelessly in spite of his advanced age. He had no secretary and had to read, sift, and type himself. In the Michigan Law School are a group of scholars that know the meaning of loneliness, but who also realize that without it they would be lost. Their aristocracy is not of wealth or political or social power. But they have established and are establishing an imperial domain of knowledge under whose influence all their kind are subject. They are the men to whom, Cardozo said, leadership in the march of legal thought has passed in the United States. They have discovered the potentialities of an idea to govern men's lives. There are all sorts and forms of power, but they have chosen the power of knowledge and wisdom. For saith wisdom:

"By me princes rule, and the mighty decree justice  
... For my fruit is better than gold and the precious  
stone, and my blossoms than choice silver." (Proverbs,  
ch. 8, 16 and 19)