



School of Law
UNIVERSITY OF GEORGIA

Prepare.
Connect.
Lead.

Digital Commons @ University of Georgia School of Law

[Other Law School Publications](#)

[Digital Archives](#)

7-1-1934

Dean' Report 1934

Harmon W. Caldwell
University of Georgia School of Law

Repository Citation

Caldwell, Harmon W., "Dean' Report 1934" (1934). *Other Law School Publications*. 54.
https://digitalcommons.law.uga.edu/lectures_pre_arch_archives_other/54

This Article is brought to you for free and open access by the Digital Archives at Digital Commons @ University of Georgia School of Law. It has been accepted for inclusion in Other Law School Publications by an authorized administrator of Digital Commons @ University of Georgia School of Law. [Please share how you have benefited from this access](#) For more information, please contact tstriepe@uga.edu.

SCHOOL OF LAW

Report of the Dean for the
Academic Year 1933-34.

To the President of the University.

Sir:

As Dean of the School of Law of the University of Georgia I have the honor to submit the report of the School for the academic year 1933-34.

Since the last regular report of the dean was submitted on May 20th 1933, many changes have taken place which affect the Law School. At that time the school was housed in an old brick building at the northeast corner of Broad and Lumpkin Streets. There was then under construction, however, a new building on the campus of the University. This building was completed in October 1933 and the Law School took possession of it in that month. On October 20, 1933 there were held in the century-old Chapel of the University the dedicatory exercises of the new law building, which was named Harold Hirsch Hall in honor of Harold Hirsch, Esq., a distinguished alumnus of the University. The library of the School was given the name of Alexander

Campbell King Memorial Library in honor of Judge Alexander Campbell King, a former judge of the United States Circuit Court of Appeals for the Fifth Circuit. The exercises were attended by many friends and alumni of the University. A record of what took place on that day is preserved in a pamphlet which is attached to this report and which should be permanently preserved.

The new Harold Hirsch Hall and its furnishings give to the Law School a physical plant which compares favorably with that of any law school in the southeast. The building will serve the physical requirements of the School for many years to come.

Since the last formal report was made by the Dean of the Law School there have been a number of changes in the personnel of the faculty. Dean H. H. Edmunds was given a leave of absence from the School beginning January 1, 1955. He did not return to his position and in April 1955 the deanship was given to Harmon T. Caldwell, then engaged in the practice of law in Atlanta. The new dean took up his duties on July 1st 1955. During the period elapsing between the leaving of Mr. Edmunds and the assumption of duties by the new dean, Judge Thos. F. Green served as acting dean. Judge Green has been vitally interested in the School

for many years, having formerly been one of its professors. The Law School and its friends are grateful to Judge Green for the splendid work which he did as head of the school during one of the most critical periods of its history.

Shortly after July 1st, Mr. J. Alton Hesch tendered his resignation as a professor of law. Mr. Hesch had been a teacher in the school since September 1st 1933. He served through the difficult period of reorganization and his brilliant work did much towards raising the school to the high position which it now occupies among the schools of the nation. The Law School and the University are deeply indebted to Mr. Hesch for the valuable contribution made by him to the upbuilding of the Law Department of the University.

The position made vacant by the resignation of Mr. Hesch was filled by the election of Mr. Joseph A. McClain, Jr., then dean of the Law School of Moreau University. Mr. McClain is a young man of splendid attainments and is nationally recognized as one of the most gifted teachers of law in the South. The law students of the University speak of his classroom work in the terms of the highest praise. Because of his experience

as administrative head of a law school, Mr. McClain's advice and suggestions have been of great assistance to the present dean. Unfortunately for our Law School, Mr. McClain has resigned to accept the deanship of the Law School of the University of Louisville. Mr. McClain is leaving with great reluctance but feels that financial considerations make it necessary. His resignation will become effective as of June 30, 1934.

The position occupied by Mr. McClain at the present time will be filled on July 1st by Mr. Henry A. China, now professor of law at Maroon University. Mr. China is by training and experience exceptionally well fitted for the duties of the position which he will assume. He is the author of numerous published articles on legal subjects. Although he has resided in the State for only five years, he is very favorably known in local law school and legal circles.

The other active members of the faculty at the present time are Robert L. McWhorter, Thos. F. Green, Jr., and J. Morris McVadon. These men are known to the Administration and many references have been made to them in former reports. All are able men and deeply interested in

their work. They are rendering splendid service to the School.

Mention should be made of the fact that Judge George F. Geber, who has been at the Law School for many years, was retired from his position as professor of law at the close of the last fiscal year, June 30th 1923. His services have been retained as a lecturer. He has spent more than half of the time in Athens during the present year and has given approximately thirty lectures to various groups in the student body.

The Law School of the University now occupies a better position than it has at any other time during its existence. It is on the approved list of the American Bar Association and is a member of the Association of American Law Schools. It is adequately equipped to give legal training of the highest quality. Its progress and development in recent years are due entirely to the loyal and untiring efforts of a group of devoted alumni and friends and to the splendid cooperation of the administrative officers of the University. We of the Law School are grateful to all who have contributed in any way to the advancement of the School and we pledge our best efforts to the carrying on of the work of building a School capable of rendering distinguished

service to the State and the South.

Sometime ago all departments of the University except the Law School abandoned the semester system and adopted in its stead the quarter system. The other two leading law schools of the State have also been operating on the quarter system. Students from other departments of the University wishing to enter the Law School and students wishing to transfer to our School from other law schools in the State at the end of the winter quarter (Christmas) were forced to wait until the beginning of the second semester (about February 1st). This was a great inconvenience to students entering the School for the first time and discouraged transfers from other schools. It was impossible for students to enter or transfer to our Law School at the end of the winter quarter as the work of the second semester was well under way. Under these circumstances it was deemed advisable to place the Law School on a quarter system and to arrange our courses so that a student might enter at the beginning of any quarter. This change was made in September 1933. The work of the School has been carried on admirably under the new quarter system.

The faculty of the Law School has felt that some effort should be made to make the work of the School of a more practical nature and that the students should be made acquainted with the nature of the problems which they will meet in practice. We have tried to accomplish this result in two ways: first, by putting more emphasis on work of a practical nature within the school; and, secondly, by undertaking to bring students in closer contact with members of the bar.

There was organized at the beginning of the year a Practice Court. The work of this Court has been supervised by Mr. Green and Mr. McClain. The Court functions in accordance with regular trial court procedure in this State. The students have taken a great interest in this work and feel that it has given them a knowledge of court room procedure which they could have acquired in no other way. There is given a course in Georgia Practice and Procedure in connection with the work of this court.

To encourage student discussion of legal problems and to train students in the argument of legal questions the work of the Law Clubs has been encouraged. There are four of these clubs and every student of the Law School is a member of one of them. In order that they might have the atmosphere of student organizations and yet be

subject to some measure of regulation and supervision one of the leading members of the Senior Class, Mr. J. S. Smith, was appointed to a position designated as Supervisor of Law Clubs. Under his direction the work of the Clubs has been very stimulating and helpful to the students. I feel that the position of Supervisor of this work is a position that should be continued. The small salary attached to it is paid from the Students' Library Fees Account.

The first step taken in the direction of bringing the students in closer touch with the bar was the amending of the Constitution of the Georgia Bar Association so as to make our students and students in other recognized law schools in the State eligible for junior membership in that Association. The Dean of this Law School drafted the proposed amendments and submitted them to Mr. Marion Smith, then President of the Georgia Bar Association. Mr. Smith was heartily in accord with the suggestion and was responsible for the adoption by the Association of the amendments. More than ninety per cent of our students eligible for membership have joined the Association. We have also undertaken to make our students acquainted with leading lawyers of the State and their problems by adopting the policy of bringing to the Law School, from time to time,

certain of the outstanding members of the Georgia Bar. This policy was adopted on your suggestion that those who had made a survey of the University System felt that outside lecturers should be brought to the Law School at intervals. We were heartily in accord with the policy which prompted this suggestion. During the current academic year the following members of the Georgia Bar have spoken or have promised to speak to the students of the Law School: Robert C. Alston, J. D. Bradwell, A. W. Cozart, John M. Graham, Harold Hirsch, Thos. P. Green, Sr., Harrison Jones, Richard B. Russell, Sr., Marion Smith, A. Marvin Underwood, and H. J. Yemans. The students have found the addresses of these gentlemen very interesting and helpful. Other distinguished lawyers will be invited to come to the School at various times during the next year.

The faculty of the Law School feels that its work should not be limited to the training of mere legal technicians. We believe that students should be taught to feel that they are under a duty to render some constructive service to the society of which they are a part; to feel that citizenship carries with it certain definite responsibilities. In order that our students may be able

in after years to bring to the solution of questions of public interest intelligent and trained minds, it is our belief that the Law School should be a laboratory in which our students may, under the supervision of the faculty, study the State's legal problems and, to a limited extent, its governmental problems. These studies may presently bring about some worth while findings and conclusions. When this is the case the results of these studies should be made available to the courts, the lawyers, the legislators and others who may be interested.

The first work done which is, in part, a carrying out of this program has been the undertaking of the task of preparing annotations to the American Law Institute's Restatement of the Law of Agency. This is an enormous task as it requires a compilation and study of every case decided by an appellate court in Georgia touching on the law of Agency. These annotations, when completed, will be of untold value to lawyers and judges who may be called on to handle cases involving principles in this field of the law. Three of the outstanding students of the School, Messrs. Virlyn Moore, Julian Cortatowsky, and O. W. Horne, are now

actively engaged in this work under the supervision of Professor McClain and the dean.

Attorney General E. J. Tamm has turned over to the Law School a compilation of jury charges in civil and criminal cases, covering about three hundred typewritten pages. These charges were complete and accurate twenty or twenty five years ago but need to be revised, corrected and enlarged in view of decisions of our courts during the past several years. During the spring quarter of the present year this work of revision will be done by two students under the supervision of the dean. When this work is completed it is our plan to make mimeographed copies of the charges in their revised form and to make them available to judges, lawyers and students at the actual printing cost.

Mr. Marion Smith has felt for some time that the Law School could do a good piece of constructive work by setting up in the Capitol while the Legislature is in session a Legislative Reference Bureau. I am glad to say that final plans have been worked out with the office of the Attorney General whereby this Bureau can begin to function at the opening of the next session of the Legislature in January 1938. The work of the School will be coordinated with the work of the Attorney General.

eral's office and also with that of the State Library. The work of the Bureau will consist in the drafting of bills and in advising the legislators concerning existing State law and the effect of existing Constitutional provisions. The Bureau will also study legislation of other States which is similar in character to any proposed legislation in Georgia, will inquire into the effects produced by that legislation and make the results of its studies available to the Legislature. The work of the Bureau will be carried on by a group of Senior students under the immediate charge of Professor Thos. S. Green, Jr. Professor Green made a special study of Legislation at the University of Chicago. He will give a course on this subject in the summer school. All students who expect to work with the Bureau will be urged to take this course.

We believe that the prestige of the School would be raised and that our opportunities for serving the bar and the courts of our State would be increased if we published a Law Review. We have taken up this matter with the President and certain members of the Executive Committee of the Georgia Bar Association. Those officials of the Association seem to be favorable to the turning over by the Association to the Law School of the money now

expended by the Association for the publication of its annual report. This sum will be practically enough to publish a quarterly Review, one issue of which will be devoted entirely to the proceedings of the Association. I believe that this arrangement can be finally approved at the next meeting of the Association in June. If this plan is carried out the Law School will have the opportunity of becoming a mighty force in the shaping of contemporary legal thought in the State. The Review, if it be a creditable one, will bring a greater measure of national recognition to the School and to our bar.

Dr. J. M. Stewart, Director of the Summer School, has asked that the Law School consider sponsoring a convention for a certain group of the members of the bar during the coming summer. He suggests that we invite to come here for a three day session the prosecuting officers of the State, or the city and county attorneys of the State, or possibly the heads of the various district, county and city bar associations. It is his thought that the program of the convention should consist principally of addresses by members of the group invited dealing with problems of particular interest to that group. I feel that this is a suggestion deserving of the most careful consideration. We shall probably

try to put it into effect as soon as it is possible to do so with a reasonably good chance of succeeding in the undertaking.

During the past year Professor Theo. F. Green, Jr. has prepared an article dealing with Illegality as a Defense in the law of Bills and Notes. It is an excellent article. Professor Green intends to have this article published in a Law Review in the near future. Professor Joseph A. McClain, Jr. was invited by the officials of the Association of American Law Schools to deliver an address at the December 1933 meeting of the Association on "The Clinical-Lawyer School." Professor McClain prepared a very fine paper dealing with this subject and presented it at the Association meeting, as requested. This paper provoked a great deal of discussion. It will also be published.

The meeting of the Association of American Law Schools held in Chicago in December 1933 was attended not only by Professor McClain but also by Professors Green and McFadden. Their expenses were paid in part out of the Students' Library Fees Account. These meetings are stimulating and inspiring to the men who attend and a good representation helps the standing of the School. I hope that our financial condition in the future will be such

as to permit the school to send not less than three representatives to these annual meetings.

The enrollment of the school has held up remarkably well in view of the financial depression. During the 1932-1933 session the number of students actually registered in the Law School was sixty-six. Fourteen seniors received their degrees at the end of that year.

There were several students registered in other departments of the University during the 1932-1933 session who were allowed to take one or two courses in the Law School. This practice makes it more difficult to build up a professional spirit among the law student body and is frowned upon by the association of Law schools. As a consequence, we discontinued this practice at the beginning of the present academic year and admit to law classes only those students who have registered and paid the fees for law school work. In spite of this change of policy we had sixty-nine students to register in September 1933, nine additional students in January 1934 and five additional students in March 1934, bringing the total enrollment for the 1933-1934 session to eighty-three.

The law students have done remarkably satisfactory work during the present year and their attendance at classes has been good. We are undertaking to instill

into the students a more serious attitude toward their work and impress on them that as embryonic professional men they owe it to themselves and to those whom they will serve to utilize every possible moment for the training and development of themselves.

On November 27th and 28th 1938 our school was inspected by a representative of the Association of American Law schools, Mr. Rufus C. Harris. A copy of the report of his inspection has been mailed directly to you. His most serious criticism was directed to the inadequacy of our library facilities and to the condition in which our records of students have been kept in the past.

Our library now contains 12,971 volumes, about 800 of which have been received during the current year. Several sets of our books are unnecessarily duplicated. Many of our text books and encyclopedias are so old as to be out of date. We have only about 9600 books that can be said to be of any value in our library as working tools for the faculty and students. In view of this fact it is interesting to note what the dean of the Law School of the University of North Carolina says regarding the library there, which contains 27,214 volumes:

"The present collection is barely more than an ordinary working library. It is not adequate for research and investigation of University calibre. No University Law School comparable with ours has a library so narrowly restricted."

It is our plan to exchange some of our books which are duplicated for others which we need. We have an annual allowance of \$2000.00 for the purchase of new books. We are planning to make an attempt to secure some additional funds for the purchase of books over the next two or three years.

Our library has not been catalogued. It is exceedingly difficult for the students as well as for faculty members to know what books are here and where to find them. This has discouraged the use of the library. The task of arranging, cataloguing and putting our library on a satisfactory working basis is a long and difficult one. The services of a competent law librarian are essential to the successful carrying on of this work. Professor McFadden and the Dean have devoted a considerable amount of their time during the current year to straightening out the library and we hope that this work may be continued by a librarian whom we expect to get in the near future.

Our record system was criticized chiefly because of its incompleteness. We are adopting a new system of

keeping the records of the work done by our students prior to their entrance to the law school and will keep in our files copies of transcripts of all work done at other institutions. We shall also undertake to keep and preserve a complete record of a student's work and activities while he is in the Law School. I feel that there will be no difficulty in bringing our record system into conformity with the requirements of the Association of American Law Schools.

A third criticism made concerning our school by the representative of the Law School Association was directed to our salary schedule. At page 8 of his report it is said:

"In the matter of salaries for the faculty and their teaching load, some criticism must of necessity be directed at the institution.....The salaries for this faculty are too low in proportion to the position this school ought to maintain in the affairs of legal education, particularly in its area. The salary of the dean is somewhat out of proportion to the salaries of the other members of the faculty, though the salary of the dean should not be reduced."

This matter of salaries was brought to the attention of the President of the University by Dr. Harris in a conversation. Regarding this the report says at page 8:

"I may state that both Dean Caldwell and President Sanford assured me that the salaries of these men would be raised this coming year....."

The assurances, as I recall, were that this would be done if reasonably possible. That it is your intention to raise those salaries, if possible, I know from the tenor of your conversation with Mr. McElain and me at the time he was debating whether to accept the position at Louisville. I realize the financial straits in which the University is in at the present time, but I hope that there may be at least some upward revision of salary schedules at the present time even though it has to be accomplished by a lowering of the Dean's salary. I believe that there will be a sufficient increase in our enrollment in September to justify some increase in the budget of the Law School. The cost of operating the Law School is now less than \$500.00 per student. This figure is considerably below the average and is to be compared with a cost of "in excess of \$500 per student" even at a large school like Columbia.

The students and faculty take great pride in the new law building and great care is being taken to see that the building and its furnishings receive no rough usage. The only possible complaint that can be made is of the handling of chairs and desks in the classrooms in the afternoons and evenings. In spite of our efforts to prevent it, students occasionally

assemble in these rooms to study and talk, prop their chairs against the walls, put their feet on the desks, throw cigarette stubs on the floor, etc. It was my desire that locks like other locks in the building be placed on the class room doors and also on the doors of the moot court room. It is the universal custom among the leading schools to exclude students from class-rooms during hours when classes are not in session. The expenditure of about forty dollars for locks would soon be repaid in prevention of damage to furniture and in savings in the cost of lighting the building.

Several weeks ago Mr. Harry Hodgson brought to the attention of the Dean of the Law School the fact that Mr. George C. Peabody had said that he had made a donation to the Law School Building fund. An investigation revealed that he had given ten shares of the capital stock of the Broadway Realty Company to the Law School and that the stock was held by the brokerage firm of the New York & Company in New York. There were accumulated dividends amounting to \$370.00. An amount has been withdrawn and is now held by the Treasurer of the University in a special law school account.

It is our wish to use this money for purchasing Library of Congress cards for our library and also some book cases for the librarian's office in which our more valuable text books and session laws may be kept.

Since all other departments of the University are now offering courses during the summer and in view of the fact that the Law Schools of Emory University and Mercer University are giving summer courses in law, it was deemed advisable for this Law School to resume the practice of conducting a summer school. Announcement has been made that our School will offer a full quarter of work during the summer. All regular members of the faculty will teach during the summer session. In addition to our regular staff, Dean Rufus C. Harris of Tulane University will teach for us during the first half of the summer. Dean Harris is now Secretary of the Association of American Law Schools and made the inspection of this school for the Association last fall. Dean Harris should be able to give us many valuable suggestions regarding the organization and work of the School. It is our intention to offer in the Summer School a full schedule of work both for those beginning the study of law and for advanced students.

A student should be able to complete the law course in nine quarters. He may, if he wishes, attend classes four quarters in each year and thus complete his course in two and one quarter calendar years. We plan to offer during the summer to advanced students courses in specialized fields. Our limited teaching force makes it impossible for us to offer much work of this character during the regular session. The work in the fall, winter and spring quarters will be in the more fundamental courses.

It must be apparent from the number of activities in which we are already engaged and in which we plan to engage in the near future that our teaching staff is heavily loaded and will be even more heavily burdened as time goes on. In his last report the dean of the Law School of the University of North Carolina says:

".....We have in effect the services of seven full time men on this faculty instead of eight. This handicaps the effective operation of the school. The school is unable to offer a sufficient amount of work in Public Law. We need new courses in such fields as Taxation and Administrative Law. Nor can we give practice work in the field of Procedure."

A glance at our curriculum will show that we are giving the courses that North Carolina finds itself unable to give.

If this work is to be continued and the scope of the activities of the School is to be broadened it will be necessary for us to have an additional professor. I realize that this is probably out of the question for the coming year, but I hope that our enrollment will increase sufficiently next year to justify the adding of a sixth man to the faculty in the fall of 1936. It is possible that we will be able to secure the services of the man whom we are losing this year.

In view of the fact that we are undertaking the work of annotating the Restatements, laying the groundwork for a Law Review, mapping out plans for a Legislative Reference Bureau, overhauling our Library from top to bottom, as well as engaging in other activities requiring a great deal of time, we are badly in need of the assistance which certain advanced students can give us. In view of the further fact that there are several advanced students who cannot remain in school unless we provide by loan or otherwise for their tuition, I believe that there should be created at once at least three positions to be filled by advanced students who will be known as Research Assistants. Each of these men should be paid a salary of \$150.00 per year, enough to cover his tuition. These men can render invaluable as-

assistance to professors in their work. I should like to turn over the First Year Course in Legal Bibliography to one of these men. I recommend, therefore, that there be created for the academic year 1934-1935 three research assistantships at an annual salary of \$150.00 and that these positions be continued from year to year.

The Law School has been peculiarly fortunate in having the active cooperation of the administrative authorities of the University and of certain members of the Board of Regents. On behalf of the Law School I want to thank you, Chancellor Feltner, Mr. Hughes Spalding, Mr. Marion Smith and others who have taken an active interest in and have given a great deal of their time to the work of developing and shaping of the policies of what I believe is destined to be the greatest Law School in the South.

Respectfully submitted,

Harmon H. Caldwell
Dean