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Dean' Report 1938

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SCHOOL OF LAW

REPORT OF THE DEAN FOR THE ACADEMIC YEAR 1937-1938

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 1937-1938.

For the past two years the faculty of the School of Law of The University of Georgia has been studying the curriculum of this School as well as the curricula of the other leading law schools in the country for the purpose of effecting such revision as seemed desirable to better serve the needs of the students. The bulletin of the Law School, which has been issued recently, gives the details of the new curriculum which has been prepared by the law faculty and approved by the President of the University. The members of the faculty believe that the changes which have been made will better fit the law graduates to meet present day conditions at the bar and to discharge their social responsibilities.

But few changes have been made in the program of the first year. A new course has been provided with the title "Introduction to the Study of Law and the Legal Profession." This course will embrace lectures and practice in the use of law books and legal investigation; also lectures on characteristics of the Anglo-American legal systems, professional organization, and legal ethics. It is believed that this

course, which will meet one hour a week throughout the year, will give the first year students a better understanding of what they are trying to do and what they may hope to accomplish.

The course in Family Relations has been reorganized, but the other first year courses are practically the same except that the hours in Torts have been decreased to provide for the new introductory course.

In the second year Constitutional Law is offered each year instead of in alternate years to third year students as formerly. Hereafter Constitutional Law will be offered in the fall quarter so that students will have had this foundation work before beginning the study of other public law courses.

The courses in Contracts I and Contracts II in the first year have been partially reorganized and a new course, "Quasi Contracts and Equitable Relief Against Mistake," has been provided in the second year.

During recent years there has been marked development in what may be roughly called the old fields of the law, but there have been created and are, of course, in the process of continued development new and important fields or branches of the law in which the faculty is convinced the average practitioner of the future ought to receive some training and instruction.

Legal Accounting will be offered for the first time in the Law School. This course will embrace principles of accounting with emphasis on the corporation. It is intended especially to provide a

background in accounting for students who have had no previous training in this field and who intend to take courses in Business Units, Taxation, Trusts and Estates.

Taxation is one of these fields which are developing rapidly and which are receiving much attention from lawyers throughout the country. Beginning next fall a course in Taxation will be offered each fall quarter to members of the third year class.

Administrative Law will continue to be offered in the third year but the scope of this course has been broadened and a thesis will be required of each student. Public Utilities has been changed to a third year elective so that the students will be better prepared for the problems involved. This is in line with our policy of providing adequate and comprehensive training in public law.

Legislative developments are of tremendous importance to the law student as well as the lawyer and a regular course has been provided so that the students may study in detail the art and science of drafting statutes, the interpretation of statutes, the relation between the common law and statute law, constitutional control of legislation as well as specific legislative problems.

Appellate Procedure is included in the curriculum for the first time as a separate course. There are other pleading and procedure courses, including Georgia Practice and Practice Court, that have been offered but a need was felt for a separate course providing definite instruction in this field.

In most of the courses offered the student will be given a

broad training through the study of cases from all jurisdictions, but at the same time his attention will be called to the Georgia law. In some courses (notably Security Transactions) a different plan will be followed. The analysis of opinions, the principles of the law in the particular field and the application of the principles to different fact situations will be taught, in this smaller group of courses, by the use of Georgia cases and statutes almost exclusively. This will give the student an opportunity to become thoroughly familiar with the law of one jurisdiction in a particular field. However, for the purpose of comparison and of filling gaps in the Georgia law, treatises and cases from other jurisdictions will be discussed.

It is the view of most experienced law teachers that students in the second and third years in law school should be able to progress much more rapidly than during the first year. Then there is a tendency for third year students to lose interest somewhat in the reading of cases in the same old way after two or more years under the strict case system of instruction. With this in mind the hours devoted to several of the old courses have been decreased so that the student may cover more fields in the same number of quarter hours. We feel that this change will place more responsibility on the students. Furthermore, with somewhat smaller classes, due to the larger offerings of the school, more intensive work can be developed. In the latter part of the third year much of the instruction will be conducted on a seminar basis. Individual initiative in the students may be further developed so that they will be better prepared for the exacting requirements of modern

law practice.

COURSES OF INSTRUCTION

First Year: Contracts I and Contracts II; Criminal Law and Procedure; Family Relations; Introduction to The Study of Law and the Legal Profession; Pleading and Practice; Property I; Property II; Torts I and Torts II; Second Year: Business Organizations I; Constitutional Law; Equity I and Equity II; Evidence; Georgia Practice; Insurance; Legal Accounting; Negotiable Instruments; Property III; Public Corporations; Sales; Trusts; Third Year: Administrative Law; Appellate Procedure; Bankruptcy; Business Organizations II; Conflict of Laws; Damages; Federal Procedure; Legislation; Practice Court; Public Utilities; Quasi Contracts and Equitable Relief against Mistake; Security Transactions; Taxation; Wills and Administration.

For several years you as well as the members of the law faculty have felt that there should be a combined course in Commerce and Law. Business training, not only in General Economics but in Accounting, corporate organization and finance, Taxation, and in numerous other specialized fields has become essential to the lawyer. It is almost imperative that the lawyer of today have a rather thorough acquaintance with the conduct of modern business. With this in mind the School of Commerce and the School of Law have arranged a combined course in Commerce and Law. A student who has completed three years of work in the School of Commerce may substitute the first year of work in the Law School for his senior work and thus at the end of his fourth year of study receive the degree of bachelor of science in Commerce. On the successful completion of the two remaining years of work in the Law

School he will be entitled to receive the degree of Bachelor of Law. The combined courses of Bachelor of Arts and Law as well as Bachelor of Science and Law have been offered for several years.

Unfortunately many of our first year students have difficulty adjusting themselves to the work in the Law School. As a result many of them are unhappy at least for a few months, and some are not successful. I have felt that there should be a closer relationship between the members of the faculty and the students, and especially the first year students. With this in mind the first year class of forty-nine students was divided into five groups -- four groups of ten each and one of nine. A member of the faculty was assigned to each group as adviser as well as an upper class member of the Honor Court. In this way the members of the Honor Court are in a position to be of real service in helping develop the first year students and there is a definite responsibility placed on each member. The members of the faculty had their groups in their homes one or more times last year. We hope to develop this program and get it well under way soon after the opening of school in the fall.

The activities of the Law Clubs this year have received the enthusiastic support of the students. There was a marked increase in the interest of the students this year over the two preceding years. Much of the credit for this is due to Mr. Edmund A. Landau, who acted as student adviser to the Law Clubs. Several changes were made in the Law Club program that had a salutary effect. Heretofore third year students had acted as judges, but during the past year only members of the faculty acted in this capacity and the third year students were assigned as advisers to first year students who were preparing arguments.

This change gave the third year students interests as well as responsibilities but the members of the faculty were better able to hear the arguments and comment and instruct counsel on the basis thereof. Furthermore, the fact that the members of the faculty gave of their time so freely and showed such a genuine interest in this extra-curricula activity had a fine reaction from the students.

This year for the first time a final competition was held with a prize for the winners. The case was argued before Honorable Blanton Fortson as Judge. The case was a success. It served to stimulate the interest in Law Club work and gave a goal toward which the students might work.

We feel that the practice of inviting distinguished judges and members of the bar to come to the School and deliver lectures each year has proved highly worthwhile. During the current academic year the following persons addressed the faculty and students: Mr. E. Kents Bennett, Waycross; Judge E. Price Gilbert, Atlanta; Lieutenant Colonel Archibald King, Atlanta; Mr. Alexander W. Smith, Jr., Atlanta; Mr. A. O. E. Sparks, Macon; and Judge Homer Sutton, Clarkesville.

You know the needs of our Library, but I wish to point out again in detail certain deficiencies that should be taken care of as soon as possible.

We should add a few complete sets of the better law reviews not now in the Library.

We should also complete as soon as possible our sets of periodicals and law reviews already in the Library. The volumes listed below have never been acquired:

American Bar Association Journal, Volumes 1-10; Georgetown Law Journal, Volumes 1-16; Illinois Law Review, Volumes 1-24; Indiana Law Journal, Volumes 1-4; Minnesota Law Review, Volumes 1-6; North Carolina Law Review, Volumes 1-3; University of Pennsylvania Law Review, Volumes 1-47; Tulane Law Review, Volumes 1-3; Yale Law Journal, Volumes 1-24.

We have no recent statutory compilations for the following states:

Arizona; Arkansas; California; Colorado; Florida; Idaho; Indiana; Kansas; Louisiana; Massachusetts; Maryland; Michigan; Minnesota; New Hampshire; New Jersey; New Mexico; Nevada; North Carolina; Oklahoma; Ohio; Oregon; Pennsylvania; Rhode Island; South Dakota; Utah; Vermont; Washington; West Virginia.

There are no state reports in the Library prior to the national reporter system for the following states:

Arkansas; Connecticut; Delaware; Illinois; Indiana; Kansas; Kentucky; Louisiana; Maine; Maryland; Massachusetts; Michigan; Mississippi; Missouri; New Hampshire; Tennessee; Texas (incomplete); West Virginia.

The librarian, Miss Sarah Lamar, has been assisted by ten students during the past year. The facilities of the Library have been made fully available to the students and faculty.

The following portraits were presented to the Law School during the past year:

"Thomas Fitzgerald Green, 1869-1934, Professor of Law, Trustee University of Georgia, Member, Board of Regents, University System, Presented by Thos. F. Green, Jr.; Peter W. Maldra, 1848-1933,

Class 1888, Lawyer, University Trustee, President American Bar Association, Presented by Mrs. P. S. Melgrim; Eugenius Aristides Wistet, 1803-1871 - Class of 1821, A.B., LL.B., Jurist, Author of Ordinance of Secession - Gift of Chas. R. Wistet, '93.' The above portraits have been placed in the classrooms and they add much to the dignity of these rooms.

Harold Kirsch Hall has continued to be adequate for the needs of the Law School. The building has been in use six years and the interior shows the careful treatment that has been given the building and equipment by the law students. However, the Library should be painted so that the indirect lighting may be more effective.

The grounds in the rear of the Law Building have been beautified. Mr. B. C. Kinney and Mr. Oscar Winemiller are to be commended on the intelligent and efficient manner in which the improvements have been made.

The equipment of the Law School is on the whole satisfactory, but a new mimeograph is absolutely necessary in order to effectively carry on the work of the School. A few more tables are needed in the third year classroom and a new typewriter for the use of N.Y.A. workers.

Fortunately Willodge Hall was made available to the Law Students. Though this was not done until a short while before the beginning of the fall quarter many of our students were delighted to take advantage of living together. This is a move in the right direction and I hope that in the future more of our students will room in Willodge Hall.

The Law School was fortunate in securing the services of Mr. James A. Spruill of Cheraw, South Carolina, who succeeded Judge Gober. The work of Mr. Spruill throughout the year has been of the

highest character and has been thoroughly satisfactory.

The members of the faculty have been diligent in the discharge of their duties. They have cooperated in the activities of the School. Professor Green's book on The Law of Negotiable Instruments has been published. Professor Henry A. Shinn will address the trust round table of the real property division of the American Bar Association during the week of July 24 on "Exculpatory Clauses in Personal Trust Instruments." The members of the faculty have made numerous addresses throughout the state.

Mrs. Pauline Keelyn Roberts has continued to render faithful and efficient services to the Law School. The students especially appreciate her courteous treatment.

The Annotations of Georgia decisions to the Restatement of the Law of Agency have been published. These annotations were prepared by law students under the direction of Professor Ashley Sellers, and are designed to render the restatement of that subject of practical value to the profession. It should now be possible for members of the bench and bar of Georgia to make authoritative use of the Restatement of Agency in the usual course of practice. This volume of annotations is the first that has been published in Georgia and it has received the confidence and approval of the bar of this state.

The following is an excerpt from the preface of the annotations:

"preparation of this volume has been made possible only as the result of the generosity of The University of Georgia, which has furnished the materials and assistance needed in the course of the work.

The completed result thus constitutes a joint presentation to the profession by both the University and the annotator, in the hope that the comprehensive program of the American Law Institute, i.e., to restate the American law, will find intelligent and enthusiastic response from the legal profession of this state."

The Dean was elected one of two Georgia Directors for the American Judicature Society at its annual meeting at Washington, D. C., on May 11. He has been designated as a member of the Board of Governors of the Georgia Bar Association by the Association of Georgia Law Schools.

The meeting of the Association of American Law Schools held in Chicago in December 1937 was attended by three members of the faculty. We have cooperated in every way with the Association, and several of our faculty members have been appointed to important committees.

Five members of our faculty attended the meeting of the Georgia Bar Association held at Augusta in May. At that time a new constitution was adopted and the Association of Georgia Law Schools was given one representative on the Board of Governors.

The registration during 1937-1938 was as follows:

Class of 1938	35
Class of 1939	34
Class of 1940	49
Irregular	1
Special	<u>1</u>
Total	120

During the year the degree of LL.B. was awarded to thirty candidates.

At the time this report is prepared I have heard from twenty-seven of our graduates of June 1938 who have taken the recent Georgia bar examination. I am delighted to report that of this number twenty-two passed.

As I review the activities of the School during the year 1937-1938 I am encouraged by its accomplishments, and the fine spirit of both students and faculty. We at the Law School still feel that first class education is one of the best investments which a state can make.

The School has had the thorough cooperation of the administrative authorities of the University, the Board of Regents, and of Chancellor S. V. Sanford. I am deeply grateful, Mr. President, for your constant help and advice that has been invaluable to me as Dean.

Respectfully submitted,

Dean.

July 22, 1938