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## Dean' Report 1937

J. Alton Hosch

*University of Georgia School of Law*

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SCHOOL OF LAW

REPORT OF THE DEAN FOR THE ACADEMIC YEAR 1936-1937

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 1936-1937.

You are familiar with the report made by Dean Herschel W. Arant, Dean of the College of Law of Ohio State University and Secretary of the Association of American Law Schools following his inspection of the Law School last September. His report included the following recommendations concerning the Library:

(1) "That the dean be advised that expenditures in the immediate future would be made wisely if a few complete sets of the better law reviews not now in the library were added."

(2) "That the dean be advised that the library should add eight or ten more statutory compilations to satisfy the requirements of Article Sixth, Section 6."

Dean Arant pointed out that the collection of text-books in the Library is somewhat meager. There are several new treatises in important fields that should be added as soon as possible.

You know the needs of our Library, but I wish to point out again in detail certain deficiencies that should be taken care of without delay.

We should, as Dean Arant advised, 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; California Law Review, Volumes 1-18; Georgetown Law Journal, Volumes 1-16; Illinois Law Review, Volumes 1-24; Indiana Law Journal, Volumes 1-4; Minnesota Law Review, Volumes 1-18; North Carolina Law Review, Volumes 1-4; University of Pennsylvania Law Review, Volumes 1-47; Texas Law Review, Volumes 1-18; 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; West Virginia.

Miss Sarah Lamar came to the School as Librarian on September

1, 1936. Her work has proved thoroughly satisfactory. She has been assisted by ten students who have received compensation from the National Youth Administration. Under this arrangement the facilities of the Library have been made fully available to the students and faculty.

I take pleasure in reporting our records show that during the year we have not lost a book from the Library.

The Honorable S. Price Gilbert, who recently resigned from the Supreme Court of Georgia after a half century of public service, donated his law library to the Law School in memory of his son, Francis Howard Gilbert, a graduate of the University of Georgia. Mr. S. Price Gilbert, Jr. has added certain books to the Library and has signified his intention of paying for the continuations.

This library has been placed in the courtroom of Harold Hirsch Hall on shelves that were specially prepared that are in keeping with the dignity and beauty of the other furniture and equipment of the courtroom.

I regret to report that Judge George F. Gober, who was continued on the faculty since June 20, 1933, as a Lecturer, passed away last fall. Judge Gober had been a member of the faculty of the Law School since 1928, but he was not able to conduct classes during the last few years. However, he retained his mental faculties until the end, and he continued to be deeply interested in the law and in the Law School.

We are fortunate in securing the services of Mr. James A.

Spruill of Cheraw, South Carolina, who will succeed Judge Cober. Mr. Spruill has graduated with honors from the University of North Carolina, the School of Law of the University of South Carolina, Oxford University and the Columbia Law School. Mr. Spruill has had some experience in the practice of law and in teaching.

The members of the faculty have been diligent in the discharge of their duties. They have cooperated in the work of the Law School. During the past year Professor Shinn had an article: "Legislative No Man's Land" published in the magazine CURRENT HISTORY; Professor McWhorter had book reviews published, and Professor Green has been completing a book on THE LAW OF NEGOTIABLE INSTRUMENTS.

The work of annotating the Restatement of the Law of Agency for Georgia is nearing completion. Professor Sellers is directing this work and he has been assisted by students receiving remuneration from Law School funds and the National Youth Administration. I am confident that these annotations will be the first published for Georgia, and I believe that they will merit the approval and confidence of the bar of this state.

Mrs. Pauline Keelya Roberts has been faithful and efficient in the discharge of her duties. The students especially appreciate her courteous treatment. You introduced the system of records now in use in the School, and Mrs. Roberts has kept them since that time. Dean Arant had the following reference in his report concerning our records:

"The system of records in use in this school was worked out by the school, I was informed, with the assistance of Dean Harris,

formerly Secretary of this Association. It is one of the most complete I have seen. Copies of all transcripts of academic records are on file in the dean's office and each student's record card shows completely his record including any special faculty action concerning him."

The meeting of the Association of American Law Schools held in Chicago in December 1936 was attended by all members of the faculty with the exception of Mr. Bradwell. The members of our faculty took an active interest in the meeting, and all have been appointed to important committees.

Four members of our faculty attended the meeting of the Georgia Bar Association held at Sea Island in May. I believe that the members of our faculty should continue to actively participate in the work of the Georgia Bar Association.

The members of the faculty believe that the practice of inviting distinguished lawyers and judges to come to the School and deliver lectures each year has proved to be beneficial to the School. During the current academic year the following persons have addressed the faculty and students:

Senator Walter F. George, Harrison Jones, Matton Lovejoy, D. H. Redfearn and Graham Wright.

Unfortunately we had no heat in the Law School building during two months of the winter quarter. This was a result of the preliminary work of grading and blasting in connection with the paving which made it necessary to disconnect the pipe conveying the heat from the Commerce-Journalism building. We transferred our activities, as much as possible, to Peabody Hall, and we were thus able to carry on

without any changes in our schedule of classes. However, since the students in the Law School were not able to use the Library for a considerable period of time, the work of the Law Clubs was impaired.

Harold Hirsch Hall has proved adequate for the needs of the Law School. The building has been in use over five years and the beauty of the interior shows the careful treatment that has been given the building and equipment by the law students. However, the interior of the building finished in white should be painted, and Mr. B. C. Kinney, Business Manager of the University, estimates that cost at \$425.00.

The quadrangle in front of the University has been greatly improved, and Mr. B. C. Kinney and Mr. Oscar Winemiller are to be commended for the intelligent and efficient manner in which the improvements were made.

Strength and character in any institution over a long period of time are largely determined by the character, ability and spirit of the alumni who go out from that institution. There are more than eleven hundred living alumni of The University of Georgia Law School. We feel that we are unusually fortunate in having such a large number of alumni who have distinguished themselves in the law, as well as in many other fields. We now have a complete file of our graduates. I have sent questionnaires to each graduate, and most of them have replied. I hope to complete our records so that we shall soon be in a position to publish a directory of our graduates. During the year letters giving information about the Law School have been sent to each living

graduate, as well as to those friends of the School who made contributions to the building fund.

While the strength of a School is determined over a period of years by the alumni who have gone out, the success of a school during any one year depends largely upon the character, ability and spirit of the students registered in the School. I wish here to pay tribute to the students in School this year, and they constituted the largest student body of any approved Law School in the South-east.

We at the Law School feel that while the legal profession is overcrowded, as is true of all the other professions, there is still a demand for well trained law school graduates, and our records show this to be the case.

The many changes that have taken place in recent years have affected all professions, but they have also given the able young lawyers greater opportunities than they have ever had before.

The registration during 1935-36 was as follows:

Third Year -- Class of 1936	27
Second Year -- Class of 1937	42
First Year -- Class of 1938	56
Special Students	<u>2</u>
	127
Summer Session 1935	<u>27</u>
	154
Less Duplications	<u>20</u>
Net total	134

During the year the degree of LL.B. was awarded to 31 candidates.



The Honor Code has continued to receive the enthusiastic support of the student body. At the beginning of the winter quarter a case was presented to the Honor Council involving cheating on an examination. After careful consideration by the Council, one student was requested to withdraw from the Law School and he did so without delay.

Much has been said about the Honor System in the Law School. The members of the faculty believe that the successful manner in which the Honor Code has been supported and enforced in the Law School justifies the continued confidence and approval of the officials of the University.

There is a real need for a dormitory for the use of law students. If Milledge Hall and Lucas Hall could be made available I believe the students in the Law School would be delighted to take advantage of the opportunity of living together. There are many benefits that would result from such a move, and you fully appreciate them. I hope that such an arrangement may be made before the beginning of the fall quarter.

The summer quarters in law schools in the South have always had small numbers of students in attendance compared with the other quarters. Dean Charles J. Hilkey of the School of Law of Emory University, Dean W. A. Beotle of the Mercer Law School and I discussed the matter on several occasions. We discussed the problem with the President of the University and it was agreed that hereafter the three approved Law Schools in this state will rotate the summer quarter, and thus each Law School will operate every third year during the summer. We

only have twelve of our students attending school this summer; there are five at Emory, six at Mercer and one at Florida.

Since I returned to the Law School I have felt that there should be a closer contact between the faculty and students of the Law School, and those undergraduates in the University who have signified their intention of entering the Law School. The student should not be brought "too quickly to his professional stables at a time when he should be roaming the range of learning at large, expanding his horizon in every possible direction. The time comes soon enough at least when he must be bridled and broken to his professional burdens." However, I believe opportunity for advice and counsel by faculty and law students should be made available to these undergraduates.

With this thought in mind several of the outstanding law students, now registered in the School, were requested to form a pre-legal club that is open to all undergraduates in the college who are interested in the law. This club has been organized and the members are enthusiastic. In this way we in the Law School can help direct the study, reading and attitude of those who will later enter the Law School.

Some sort of bar examination has been in force in practically all the states from the earliest times. After the development of the law schools, there was considerable pressure on the part of some to substitute a diploma from a law school for the bar examination as a prerequisite for admission to practice. The diploma privilege was adopted in Georgia in 1859, and made applicable to the Lumpkin Law School. This

privilege was extended to the other schools of the state as they were established, but as you know, it was abolished by statute in 1933 with the approval and cooperation of this Law School.

The type of bar examination has undergone considerable change. Naturally the old examinations were based upon the text books that were in general use, and this usually included Blackstone. But with the advent of the case system in law study, the bar questions have undergone a change throughout the country. However, the questions have frequently been based on the actual conclusions of the courts of the jurisdiction, but answers to such questions in many instances must be as definite and certain as formerly.

The task of the Board of Bar Examiners for Georgia is quite difficult, faced as they are with the duty of determining the fitness of a large number of applicants, some of whom are trained in full time law schools, some in part time schools, some in offices, some in only coaching courses and some with no direction whatever. The result of this sort of sifting process is shown by comparison with the result in the examinations under the Board of Medical Examiners. In the medical examinations during the past years, there have been very few failures. Candidates from approved schools showed only about four per cent of failures throughout the country. The statistics from examinations for admission to the bar during the last few years shows a very large number of failures. In Georgia the results of the examinations for 1935 and 1936 deserve careful consideration. In the medical examinations, only two candidates failed in 1935 and none in 1936. During those years one hundred and seventy-nine candidates took the medical examinations, and

one hundred and seventy-seven passed. While in the bar examinations for 1935 and 1936, there were five hundred and thirty-six candidates, and three hundred and twelve failures. Thus there was 60.2 per cent of failures in law compared with 1.1 per cent failures in medicine.

The difference in the results of the two examinations may be accounted for to a large extent by the difference in the educational requirements for admission to the two professions. An applicant for a license to practice medicine must have successfully completed among other things a minimum of a six year course of study consisting of two years of college work and four years of professional training. Georgia and Arkansas are the only two states in the union having no educational requirements whatever for admission to the bar.

The Georgia bar examination of June 1936 was the first that our graduates had to take. There were twenty-eight seniors of the Law School who graduated in June 1936. Of this number twenty-two have now been admitted to practice law. Fifteen have passed the Georgia bar examination, four were admitted on diploma under the statute and three of our graduates were admitted to practice in other states, one each in Tennessee, Alabama and Florida after successfully passing the bar examinations in those states. It is an interesting fact that our records indicate that no graduate of the Lumpkin Law School has ever failed on a bar examination in any state besides Georgia.

The examination given in June 1936 was defective in several particulars, but the most apparent shortcoming was in the allocation of questions among the several branches of the law. At the suggestion of Mr. Marion Smith these matters were brought to the attention of the members

of the Board of Bar Examiners, and on the examination of last December and June the questions were more nearly apportioned according to suggestions made by the faculty of this school.

The members of the faculty have cooperated with one member of the Board by preparing questions for him that "shift the emphasis from the assaying of mere objective learning to the testing of an applicant's ability to analyze a given statement of facts, recognize the problems involved, apply appropriate rules of law thereto and reason to a logical conclusion." We shall continue to cooperate with the Board in every possible way.

For some time the members of the faculty have felt that the curriculum of the third year in the Law School should enable the student to gain a better knowledge of Georgia practice, the Georgia Code and the art of trial practice. This spring term a course with the title GEORGIA CODE, with four quarter hours credit, was offered for the first time. Practice Court was continued during the spring term so that Practice Court is now scheduled to meet on one evening each week throughout the year. Georgia Practice and Practice Court are required courses, but the course in Georgia Code was made elective, yet with few exceptions, the members of the third year class registered for this course. We hope that this program of technical instruction in the third year has given better balance to the curriculum and has justified the changes that have been made.

We at the Law School feel that some progress has been made along this line because nineteen members of the senior class, who graduated from the School of Law of the University of Georgia in June of this year,

have successfully passed the Georgia bar examination. Four of this number had passed previous bar examinations, and fifteen passed the bar examination held on June 30th. Of the students who failed three were transfer students -- two from Mercer and one from Louisiana State University.

On the bar examination in June only 38.5 per cent of those who took the examination passed. Whereas of the graduates of the School of Law of the University of Georgia who have stood the bar examination 73 per cent passed the examination.

As I review the activities of the School during the year 1935-36 I am encouraged by its accomplishments, and the fine spirit of both students and faculty. We at the Law School feel that first-class legal 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 especially 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 31, 1937.