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## Dean' Report 1940

J. Alton Hosch

*University of Georgia School of Law*

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SCHOOL OF LAW

REPORT OF THE DEAN FOR THE ACADEMIC YEAR 1939-1940

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 1939-1940.

An adequate library is absolutely necessary for the operation of a modern law School. Fortunately the law building is satisfactory in most respects due to the generosity of the alumni and friends of the Law School. We have now reached the point, however, where additional stacks are necessary. The present stacks are arranged so that a glass floor can be laid on them and thereby provide two floors in the stackroom. Additional stacks may be placed on this second floor and we shall then be able to properly take care of our books. The stackroom was constructed with this end in view.

Alumni and friends of the Law School contributed funds for the purchase of the building on the corner of Broad and Lumpkin Streets that was occupied by the Law School from 1919 to 1932. The contributors intended that this building be used by and for the Law School, and it now seems the building should be sold and part of the funds received be used to purchase a new floor and stacks for

the present stackroom. The balance should be applied for the purchasing of books for the library. I believe that this disposition of the old building and lot will meet with the hearty approval of all those interested in the Law School.

Some progress has been made during the past few years in providing essential books for the library, but I wish to point out again 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.

Several sets of periodicals and law reviews already in the library should be completed as soon as possible, viz: American Bar Association Journal, volumes 1-10; Georgetown Law Journal, volumes 1-16; Illinois Law Review, volumes 1-24; Tulane Law Review, volumes 1-3; Washington University Law Quarterly, volumes 1-31; Yale Law Review, 1-25; University of Pennsylvania Law Review, volumes 1-46.

We have no recent statutory compilations for the following states: Arizona; Arkansas; Colorado; Delaware; Florida; Idaho, Indiana; Iowa; Kansas; Louisiana; Maine; Maryland; Massachusetts; Michigan; Montana; Nebraska; Nevada; New Hampshire; New Jersey; New Mexico; North Dakota; Ohio; Oklahoma; Oregon; Pennsylvania; Rhode Island; South Carolina, South Dakota; Utah; Vermont; Virginia; Washington; West Virginia; Wyoming. In several of the other

states the statutory compilations are only reasonably up-to-date.

There are no state reports in the library prior to the National Reporter System for the following states: Delaware; Maryland; New Hampshire and West Virginia.

The state reports are incomplete for the following states: Illinois, Indiana, Kansas, Kentucky, Massachusetts, Michigan, Missouri, New York, Tennessee and Texas.

The librarian has been fortunate in having the assistance of five student assistants during the year who received their compensation from the National Youth Administration. These students were diligent in the discharge of their duties, and I take this opportunity of expressing the appreciation of the Law School for the cooperation and help of the National Youth Administration.

The lighting system in the reading room of the library has never been satisfactory, and changes that can be effected at a reasonable cost should be made before the beginning of the fall quarter.

Much of the interior has not been painted since the building was dedicated in October 1932. The woodwork on the outside needs two coats of paint, and much of the interior needs repainting.

The roof has always leaked, and damage has resulted to the ceilings in the reading room and stackroom of the library. The roof has been patched from time to time, but without success. Competent persons have been requested to make a thorough investigation

and recommendations. When this information is received I shall make definite recommendations.

The south wing of Millidge Hall, that was designated by the President for the use of law students, has proved satisfactory. The living rooms and library furnished by Mr. Harrison Jones of Atlanta have proved popular with the students.

For several years the faculty of the Law School studied 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 complete reorganization became effective in September 1959, and the changes that were made have proved satisfactory. We believe that the new curriculum will better fit the law graduates to meet present day conditions at the bar and to discharge their social responsibilities.

Two years ago a course was added to the curriculum of the Law School: "Introduction to the Study of Law and the Legal Profession." Professor Spruill and Dean Kosch have taught this course, but we are delighted that President Caldwell has consented to teach part of the course. This will give our first year students the opportunity of benefiting from his deep learning and rich experience in the law.

Since the graduates of The University of Georgia have been required to pass the Georgia Bar Examination before being eligible

for admission to the Bar the members of the faculty have stressed the law of this State in all courses. In a further effort to cooperate with the seniors each member of the faculty reviewed for the seniors during the spring quarter the courses taught by the members of the faculty. A schedule was prepared at the beginning of the quarter giving the subjects, the instructors and the dates. These meetings were held on Monday, Tuesday, Wednesday and Thursday afternoons of each week from three until five or six o'clock. All courses covered by the bar examination were reviewed in this manner and a practice examination was given to the third year students. No credit could be given for these lectures but the students seemed to appreciate this interest and help on the part of the faculty.

The activities of the Law Clubs this year have received the enthusiastic support of the students. There was a decided increase in the interest of the students this year over the preceding years. Much of the credit for this is due to Mr. Phillip Sheffield and Mr. Thomas Adams, who acted as student advisers to the Law Clubs. The members of the faculty and upper classmen acted as judges. The fact that the members of the faculty gave of their time so freely, and showed such a genuine interest in this extra-curricular activity, had a fine reaction from the students.

This year for the third successive time the final argument in the Lumpkin Competition was held. The case was argued before Honorable H. H. Tickworth, Associate Justice of the Supreme Court

of Georgia. Excellent briefs were presented and the oral arguments were the best of any since the competition was begun three years ago. This final argument serves to stimulate interest in Law Club work, and gives a goal toward which the students may work.

Student Editors of the Georgia Bar Journal prepared case notes for the Journal during the year as has been done since the Journal was first published in 1938. These editors were selected on the basis of their records in Law School, and their work this year was of excellent quality. The officers were: Thomas Reed Newsom, editor-in-chief; Robert Alexander McIarty, Jr. and Byron Kenley Mathews, Jr., associate editors.

Unfortunately many of our first year students have difficulty adjusting themselves to the work in the Law School. As a result these students are unhappy at least for a few months, and some were not successful in the past who might have done well. We have tried to develop in the Law School a close relationship between the members of the faculty and the students, and especially the first year students. The first year class is divided each year into groups of eight each. A member of the faculty is assigned to each group 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 these first year students and there is a definite responsibility placed on each member. The members of the faculty had their groups in their homes from time to time

to time during the year.

The Honor Code has continued to receive the enthusiastic support of the student body. The successful manner in which the Honor Code has been supported and enforced in the Law School by the students justifies the continued confidence and approval of the faculty of the Law School.

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 visiting lecturers addressed the faculty and students: Honorable J. Harold Hawkins, Judge of the Superior Court of the Blue Ridge Circuit; Honorable John M. Slaton, Chairman of the State Board of Bar Examiners; Honorable Ellis Arnall, Attorney General of Georgia, and Honorable Charles Bloch, Secretary of the Georgia Bar Association.

Several members of the faculty attended the meeting of the Association of American Law Schools in Chicago during December, and the meeting of the Georgia Bar Association held in Macon, Georgia in May. Whenever possible the members of the faculty of the School have cooperated with all agencies in the state and nation that are working for better legal education and an improved bar.

Professor Henry A. Shinn was absent from classes for a month during the spring quarter as the result of an appendectomy.



Dean Mosch took over his classes in Torts during this period.

Doctor Sigmund Cohn, Assistant Professor and Special Lecturer of the College of Arts and Sciences gave six lectures on Comparative Law during the year to the classes in Contracts, Family Relations and Quasi Contracts and Equitable Relief Against Mistake.

Doctor Richard M. Honig of the Department of Philosophy in the College of Arts and Sciences gave a series of lectures last fall to the students and faculty of the Law School to which the public was invited. The subjects of lectures were as follows: Historical Background of Modern Law; Relation of Law to Philosophy; The Law of Nature as a Basis of Modern Democracy; The Problem of Responsibility as Explained by Aeschylus' Tragedies.

Professor Thomas F. Green, Jr. has been notified that his essay was awarded the prize of \$3,000 by the judges in the Ross Essay Contest. This contest is conducted each year by the American Bar Association and the following is an excerpt from the June issue of the American Bar Association Journal: "Again the bequest in the will of the late Judge Urskine M. Ross has enabled the Association to bring about a notable contribution to the literature and source material of an important and timely subject. This year's Ross Essay dealt with the subject ... 'To What Extent May Courts Under the Rule-Making Power prescribe rules of Evidence'."

This is a signal honor that Professor Green has brought to himself and the Law School.

In the April issue of the North Carolina Law Review was published an article written by Professor James M. Spruill on "The Effect of an Overruling Decision."

Professor Shinn's article "Exculpatory Clauses in Personal Trust Instruments" was republished in the May issue of the Georgia Bar Journal.

Professor Arno C. Went, who was appointed assistant professor of law for the year 1939-1940, came to the Law School in September 1939. His work was thoroughly satisfactory, and he has accepted a position in the faculty of Washington University Law School. An article by Mr. Went, "The Power to Remove Accrued Dividends by Charter Amendment" was published in the April issue of the Columbia Law Review.

Professor Robert L. McShorter was elected Mayor of the City of Athens last fall. Several other members of the faculty have devoted time to public service.

Judge J. Ross Bradwell was appointed lecturer in Georgia practice in September 1935, and he has served in that capacity through June of this year. He was elected Judge of the City Court of Athens during the year, and he will not continue as a lecturer in the faculty. Unfortunately Judge Bradwell has not been in good health during the past year. I wish to express appreciation for

the services rendered by Judge Bradwell.

Professor Ashley Sellers, who has been on leave of absence as Head Attorney in the Office of the Solicitor of the Department of Agriculture for the past two years, submitted his resignation so that he may continue with the Department of Agriculture. Professor Sellers' work at the Law School was of the highest order and we regret that he will not return in the fall.

We are fortunate in securing the services of Professor James Jefferson Lenoir for next year under a one year appointment. Professor Lenoir is thirty-six years of age. He was graduated from the University of Mississippi in 1927 with the B.A. degree and received an M.A. degree in 1929. He entered the Graduate School of the University of Illinois where he specialized in Political Science and was awarded the Ph.D. degree in 1934. While at the University of Illinois Professor Lenoir was assistant in Political Science. The following year he received an M.S. degree from the University of Mississippi. From 1930 to 1938 Mr. Lenoir was assistant and later associate professor of Political Science at the University of Mississippi. During the years 1934-1936 he served as part time assistant professor of law. He was at the Academie de Droit International, the Hague for the summer of 1936. He attended Columbia University Law School during the years 1936-1937 and received the LL.M. degree in 1937. Since September 1936 Professor

Kenoir has been on the faculty of the school of law of John W. Atkinson University as associate professor of law for the year 1938-1939 and as professor of law since 1939. He has taught a wide variety of law subjects. He is author of articles in the University of Chicago Law Review, Journal of Criminal Law and Criminology, Commercial Law Journal, Mississippi Law Journal, Tulane Law Review. He is a member of the Mississippi Bar Association and the American Bar Association.

The registration during 1939-1940 was as follows:

Class of 1940	-	51
Class of 1941	-	27
Class of 1942	-	40
Total		98

During the year the degree of LL.M. was awarded to 28.

During the past year uncertainties and confusion have plagued the world, and we are passing through a critical period in the nation's history. With many nations of the world at war and war clouds gathering elsewhere we cannot predict what lies ahead. These trying conditions have, and will continue, to affect our school and legal education in general.

For the past two years we have held regular weekly faculty meetings where the problems of the school and legal education have been discussed. These meetings take place at the law school. Once a month we have had evening meetings at the homes of faculty members where papers have been read and more general problems and questions

discussed. We are considering with care how we can, with our limited resources, offer the best possible instruction and opportunities for the students who must go out from our school into a state and nation where there have been such marked changes in recent years.

We realize that the administration of justice in this country depends on men trained in the law. Our system of justice under the law distinguishes our government from those of the totalitarian states.

Chief Justice Charles Evans Hughes closed his address to the American Law Institute in Washington last May with the following statement: "If democratic institutions are to survive, it will not be simply by maintaining majority rule and by swift adaptations to the demands of the moment, but by the dominance of a sense of justice which will not long survive if judicial processes do not conserve it. The judge must in truth represent authority, but he is the symbol not so much of power as of justice, -- of patience and fairness, of a weighing of evidence in scales with which prejudice has not tampered, of reasoned conclusions satisfying a sensitive conscience, of firmness in resisting both solicitation and clamor. It is in the quality of judicial work -- whether performed by courts or by agencies invested with judicial functions -- in its expertness, thoroughness, independence and impartiality, that the whole scheme

of the law, of government by law, come to the decisive test. And only as that test is successfully met will the foundations of a sound democracy be made secure."

As I review the activities of the School during the year 1939-1940 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 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 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,

*J. Alton Jones*

Dean.

June 30, 1940