

# STANFORD UNIVERSITY BULLETIN

SIXTH SERIES, No. 61

FEBRUARY 15, 1938

## SCHOOL OF LAW

SUMMER QUARTER, 1938

### SUMMER QUARTER CALENDAR

- June 23 Thursday—Registration for Summer Quarter.  
July 30 Saturday—First Half ends.  
Aug. 1 Monday—Second Half begins.  
Sept. 1-3 Thursday-Saturday—End-Quarter examinations.

STANFORD UNIVERSITY, CALIFORNIA

PUBLISHED BY THE UNIVERSITY

[Entered, January 22, 1920, at Palo Alto, California, as second-class matter, under Act of Congress of August 24, 1912. Acceptance for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917. Authorized on August 23, 1918. Issued once a month in March, April, August, October, and November; twice a month in January, May, June, July, and December; three times in February.]



## FACULTY AND OFFICERS

### (Regular Staff)

RAY LYMAN WILBUR, A.M., M.D., Sc.D., LL.D., President of the University  
JOHN ARMSTRONG SELLARDS, A.B., A.M., Ph.D., Acting Director of the Summer Quarter

---

MARION RICE KIRKWOOD, A.B., J.D., LL.D., Professor of Law and Dean of the School of Law

ARTHUR MARTIN CATHCART, A.B., Professor of Law

JOSEPH WALTER BINGHAM, A.B., J.D., Professor of Law

CLARKE BUTLER WHITTIER, A.B., LL.B., Professor of Law, Emeritus

CHESTER GARFIELD VERNIER, A.B., J.D., Professor of Law

WILLIAM BROWNLEE OWENS, LL.B., Professor of Law

GEORGE EDWARD OSBORNE, A.B., LL.B., S.J.D., Professor of Law

STANLEY MORRISON, A.B., LL.B., Professor of Law

LOWELL TURRENTINE, A.B., LL.B., S.J.D., Professor of Law

JAMES EMMET BRENNER, B.S., J.D., Professor of Law

HARRY JOHN RATHBUN, A.B., Engineer, J.D., Professor of Law

JOHN BINGHAM HURLBUT, A.B., A.M., LL.B., Associate Professor of Law

---

CHARLES ALEXANDER BEARDSLEY, A.B., J.D., of the Oakland Bar,  
Lecturer on Special Topics in Practice

OSCAR KENNEDY CUSHING, of the San Francisco Bar,  
Lecturer on the Ethical Obligations of a Lawyer

HENRIE GRANVILLE HILL, A.B., J.D., of the San Jose Bar,  
Lecturer on Special Topics in Practice

LEONARD SAXTON LYON, LL.B., of the Los Angeles Bar,  
Lecturer on Patent Law

---

NATHAN VAN PATTEN, Litt.D., Director of University Libraries  
BERYL HARRIS, A.B., Law Librarian

---

MARION MCKENDRY, Secretary of the School of Law

---

## FACULTY FOR SUMMER QUARTER, 1938

MARION RICE KIRKWOOD, A.B., J.D., LL.D., Professor of Law and Dean of the School of Law

ARTHUR MARTIN CATHCART, A.B., Professor of Law

WILLIAM BROWNLEE OWENS, LL.B., Professor of Law

GEORGE EDWARD OSBORNE, A.B., LL.B., S.J.D., Professor of Law

ELVIN REMUS LATTY, B.S., J.D., J.Sc.D. (Duke University), Acting Professor of Law

ROBERT LAWRENCE STEARNS, A.B., LL.B. (University of Colorado), Acting Professor of Law

ANDREW JAMES CASNER, LL.B., A.B. (University of Illinois), Acting Associate Professor of Law

# SCHOOL OF LAW

## ORGANIZATION

The School of Law was established, as a department of the University, in 1893. Its purpose is to provide a thorough legal education for students who are fitted by their maturity and their previous academic training to pursue professional study under university methods of instruction. The curriculum leading to the first degree in law (LL.B.) constitutes an adequate preparation for the practice of law in any English-speaking jurisdiction. In all courses some attention is paid to problems of local law in the Western States.

By taking advantage of the four-quarter system, with its opportunities for summer instruction, students can complete the four-year curriculum in three calendar years and the three-year curriculum in two and one-fourth calendar years.

## THE LAW FACULTY

The faculty of the School of Law is composed of sixteen members, eleven of whom are resident during the autumn, winter, and spring quarters, each year, and continuously engaged in the work of instruction. The lectures on Patent Law, and special lectures supplementing the courses in Practice and Legal Ethics, are given by active practitioners. Instruction during the summer quarter is given in part by members of the regular staff and in part by visiting professors from other law schools.

## THE LOCATION OF THE SCHOOL

The School of Law occupies two buildings of the Inner Quadrangle, connected by an open arcade. In the first building are three recitation rooms; in the second, the Law Library stack room, the reading room for students, and the offices of the faculty.

## THE LIBRARY

The Law Library contains over 45,000 volumes, including complete sets of the English, Irish, Scotch, Australian, and Canadian reports, the reports of all federal courts, a complete set of the reports of the American States, the Australian States, and the Canadian Provinces, the National Reporter system, the standard collections of cases, the standard English and American legal encyclopedias, the principal American, English, and Canadian digests and citators, sets of the leading American, British, Canadian, and Continental legal periodicals, together with a good collection of textbooks. There is also a somewhat complete collection of compiled laws, session laws, and other statutory material, both federal and state, as well as British, Canadian, and Australian. The University Libraries are also available for use by students of the School of Law.

## ALTERNATIVE PROGRAMS OF STUDY

The School of Law offers two programs of study leading to the first degree in law. In each the period of combined academic and law study is seven years. The student may, however, elect to divide this period into four years of academic and three years of law study, or three years of academic and four years of law study.

## THE PRE-LEGAL CURRICULUM

Upon completion of the Lower Division at Stanford, or the granting of advanced standing equivalent thereto, students expecting to pursue the four-year course in law will register in the pre-legal curriculum. Ordinarily only those applicants who have made a minimum grade-point average of 2.5 over their first two years will be accepted. During the first year in the pre-legal curriculum students will pursue additional academic work selected with the advice and approval of a committee of the faculty of the School of Law. In the second year they will pursue the regular first-year courses in law and upon satisfactory completion thereof will be recommended for the degree of Bachelor of Arts in the Pre-Legal Curriculum.

## ADMISSION TO THE SCHOOL OF LAW

Admission, in regular standing, to the four-year program of law study leading to the first degree in law is granted only to students who have completed 135 units of academic credit with a grade-point average of 2.5 and who have met the academic requirements of the pre-legal curriculum. Students transferring from other institutions will be admitted only by special action based upon the merits of each case.

Admission, in regular standing, to the three-year program of law study leading to the first degree in law is granted only to students who have received the degree of Bachelor of Arts, or an equivalent degree, from this University or from some other institution of recognized collegiate standing, and whose previous scholastic record is satisfactory to the faculty of the School of Law.

In the discretion of the faculty, admission may be granted to a very limited number of students who cannot meet the foregoing requirements but who are eligible for admission to the University, who are twenty-five years of age, and whose previous experience is such as to justify the presumption of their ability to do the work successfully. Such students are termed "unclassified" and are not eligible for a degree.

It is advised that the matter of admission be settled in advance. For this purpose those seeking admission in regular standing should furnish a complete and official transcript of their college work, showing courses pursued, grades received, and degrees conferred. The necessary application blanks will be furnished upon request.

Advanced students are admitted at the beginning of any quarter, but first-year students can be accepted only at the beginning of the autumn quarter.

## ADVANCED STANDING IN LAW

The adjustment of credit for law work done elsewhere is determined by action of the faculty of the School of Law upon the facts of each case. Students who contemplate transferring to this School are advised to have an official transcript of their law work sent in advance for a provisional statement of the amount of advanced standing that may be expected. Only students in good standing and eligible to return to the school from which they are transferring can be considered.

## DEGREES

### BACHELOR OF ARTS

As above indicated, the degree of Bachelor of Arts in the Pre-Legal Curriculum will be conferred upon students admitted to the School on the four-year plan upon satisfactory completion of the first-year courses in law.

### BACHELOR OF LAWS

The degree of Bachelor of Laws (LL.B.) is conferred upon recommendation of the Committee on Graduate Study on students who have received the degree of Bachelor of Arts, or its equivalent, from this University or from some other institution of recognized collegiate rank, and who have thereafter: (1) satisfactorily completed courses in law aggregating 117 units if pursuing the four-year law course, or 122 units if pursuing the three-year law course; (2) devoted thereto nine full quarters of time; and (3) otherwise satisfied the requirements of the University and of the School of Law. Students pursuing the four-year course will be permitted to offer certain courses in business in lieu of an equal number of units in Law toward this degree.

### MASTER OF LAWS

The School of Law offers work leading to the degree of Master of Laws (LL.M.) to those wishing additional training. This work is designed to serve the needs of two groups of students: those desiring a more complete training for the practice of law and those looking forward to law teaching or other forms of scientific legal research. The work offered is varied and can be adapted to the needs of each student. Opportunity will be afforded the student to include in his program such second- and third-year law courses, not already completed, as are desirable for the rounding out or supplementing of his previous training. In addition he must do a certain amount of directed research. Arrangements have also been made with the Graduate School of Business whereby fourth-year law students will be admitted to such courses in business as are most appropriate for the lawyer. The practice of law today is such that to be efficient the lawyer must be able to understand not only his business client's point of view, but also his client's business problems. Such courses as Accounting, Business Finance, and Statistics are admirably adapted to this purpose and may be included as a part of the fourth-year program. (For an outline of courses in business see the *Announcement of the Graduate School of Business*.)

Admission to candidacy for the degree of Master of Laws will be granted only to students who are eligible for admission to the School of Law in regular standing and who have completed, with grades acceptable to this faculty, the work for the first degree in law at this University, or at some other university law school of recognized standing in which the work for the first degree in law covers a period of not less than six years of combined academic and law study, and who otherwise satisfy the requirements of the University and of the School of Law.

The degree of Master of Laws will be conferred upon students so admitted to candidacy upon the successful completion of one year (39 units) of work in this school in accordance with the rules of the University and of the School of Law. Upon his admission to candidacy, each student must present for the approval of the faculty the program which he wishes to pursue for

this degree. The major portion of such program shall be in law and shall include at least ten units in two or more fourth-year law courses, in one of which a minimum of six and a maximum of eight units shall be devoted to the preparation of an acceptable thesis.

#### DOCTOR OF THE SCIENCE OF LAW

Admission to candidacy for the degree of Doctor of the Science of Law (J.S.D.) will be granted only to those who have received the degree of Master of Laws at this University and who have completed the work required for such Master's degree with marked excellence and have given clear proof of ability to do independent research in law of a high order.

The degree of Doctor of the Science of Law will be conferred upon applicants so admitted to candidacy who spend one full academic year in independent legal research and as a result thereof present a thesis which is, in the opinion of the faculty of the School of Law, a contribution to knowledge. Such work and thesis shall conform to the rules and regulations of the University and of the School of Law.

#### THE SUMMER QUARTER

No first-year courses are offered in the summer. It will be noted that certain courses are given throughout the quarter, while others are complete in either the first or the second half of the quarter. The first half will close on July 30 and the second half will begin on August 1.

#### CHANGES

As it may occasionally become necessary to change the regulations and courses outlined herein, the right is reserved to make such changes without notice.

#### COURSES OF INSTRUCTION

##### SECOND- AND THIRD-YEAR COURSES

**226. Insurance.**—Marine, fire, and life insurance. Insurable interests in various kinds of policies; concealments; misrepresentations; warranties and other matters affecting the validity of the contract; amount of recovery; subrogation; waiver, estoppel, election; powers of agents; assignees and beneficiaries. Patterson, *Cases on Insurance* (1932).

3 units (LATTY)

M 1 and TW 3

**228. Bills and Notes.**—Negotiability; form and inception, form of bill and of note, acceptance, delivery, consideration, negotiation, transfer, holder in due course; liability of parties, maker and acceptor, drawer and indorser, transferor; discharge; effect of the Negotiable Instruments Law. Britton, *Cases on Bills and Notes* (2d ed.).

5 units (LATTY)

MTWThF 9

**230. Mortgages.**—The nature of a mortgage; equitable mortgages; restrictions upon the right to redeem; obligations which may be secured by a mortgage; general principles governing priorities; transfer of a mortgagee's interest; transfer of a mortgagor's interest; discharge of a mortgage; redemption from a mortgage; subrogation, contribution, and exoneration—marshaling assets. Parks, *Cases on Mortgages*.

4 units, first half (8 recitations weekly) (OSBORNE)

MTWThF 8 and TWTh 1

**232. Partnership.**—Nature of a partnership, its purposes, and members, creation of partnerships; nature of a partner's interest; firm name and good-

will; mutual rights and duties of partners; actions between partners, at law and in equity; powers of partners; liability for acts of partners in contract and tort; general liability of partners; dissolution and notice; consequences of dissolution; dissolution agreements respecting debts; distribution of assets to creditors, and between partners; limited partnerships. Crane and Magruder, *Cases on Partnership*, shorter edition.

4 units, second half (8 recitations weekly) (OWENS) MTWThF 8 and TWTh 1

**246. Equity.**—Historical introduction; specific performance of contracts; general scope of the remedy; fulfillment of conditions, express and implied; part performance and the Statute of Frauds; equitable conversion by contract; misrepresentation, mistake, and hardship as defenses to specific performance; reformation. Cook, *Cases on Equity* (2d one-volume ed.).

4 units, first half (8 recitations weekly) (KIRKWOOD) MTWThF 8 and TWTh 1

**250. Code Pleading.**—The civil action; splitting and joining actions; the complaint, including the caption, the statement of facts, and the prayer for relief; the answer, including general and specific denials, affirmative defenses and counterclaims; the demurrer; the reply; motions; bills of particulars; amendment and aider; construction of pleadings. Cathcart and Howell, *Cases on Code Pleading*.

4 units, second half (8 recitations weekly) (CATHCART) MTWThF 11, T 2, and MTh 3

**256. Persons and Domestic Relations.**—Infants; period of infancy; infants' contracts and conveyances, torts, and crimes. Husband and wife; rights of husband as to wife's property; rights of each as to earnings, services, and society of the other; husband's interest in damages for tort to wife; husband's liability for torts or contracts of wife; husband's duty to support wife and wife's authority to bind husband by her contracts; married women's contracts, conveyances, and devises; estoppel of married women; liability of married women for torts and responsibility for crimes; contracts, conveyances, and suits between husband and wife; husband's right to custody of wife. Marriage: promise to marry and breach; marriage as a contract or relation; annulment; divorce; separation. Jacobs, *Cases and Materials on Domestic Relations*.

4 units, first half (8 recitations weekly) (STEARNS) MTWThF 11, T 2, and MTh 3

**271. Constitutional Law.**—Function of the judiciary in enforcing written constitutions. Separation and delegation of powers. Relations between the federal government and the states: federal and state citizenship; interstate privileges and immunities; full faith and credit. Federal legislative powers: general considerations; the federal taxing power; the federal commerce power; the commerce clause as a limitation upon the states' police and taxing powers; amending the federal constitution. Restrictions on governmental regulation of private economic interests: due process and equal protection; contract clause. Restrictions on governmental appropriation of property: under the taxing power; under eminent domain. Restrictions on governmental control over private non-economic interests. Restrictions on the definition and prosecution of crimes and upon civil procedure. Dodd, *Cases on Constitutional Law* (2d ed.).

8 units (CASNER) MTWThF 10 and MWTh 2