

UFLC 43

Interviewee: Dr. George John Miller

Interviewer: Steve Aton

Date: February 4, 1988

Dr. George John Miller was born in Keen Valley, New York. He does not give his birth date, but says that he moved to St. Petersburg, Florida as a youngster in 1920.

After graduating from St. Petersburg High School, Dr. Miller attended the University of Florida where he earned a Bachelor of Arts in philosophy at the age of eighteen. Miller received a Rhodes Scholarship which permitted him to pursue postgraduate work in law at Oxford, England and the Central University of Spain in Madrid. He then returned to the United States and attended Columbia Law School where he completed a master's in marriage and law. In 1948, Dr. Miller was employed as a professor of law at the University of Florida.

Dr. Miller was hired at the University of Florida to organize and begin the *University of Florida Law Review*. The bulk of the interview consists of Miller's recollections of the *Law Review's* earliest history. He discusses how the journal was organized, how contributions were selected, and who was instrumental in making the *Law Review* a scholarly and successful journal. The interview concludes with Dr. Miller describing a letter that he received from Rosco Pound in response to Dr. Miller's review of Pound's *Interpretations of Modern Legal Philosophy*.

A: This is Steve Aton, and today I am interviewing Dr. George John Miller at his home in Pensacola. Today's date is February 4, 1988. We will be speaking about the *University of Florida Law Review*. I would like you to give me some biographical information before we begin talking about the *Law Review*. Were you born here in Florida?

M: No, I was born in Keene Valley, New York.

A: Were your parents born there, too?

M: My mother was born in Mexico, New York, a town on Lake Ontario. My dad was born in London, England.

A: When did you move to Florida?

M: I moved with my parents to St. Petersburg around 1920.

A: Did you go to school there?

M: Yes, I graduated from St. Petersburg Grammar School and St. Petersburg High School.

A: Did you do your undergraduate studies at the University of Florida?

M: Yes.

A: What year did you enter?

M: I entered in fall of 1927.

A: Were there very many students back then?

M: The student body was under 1000 students.

A: What did you study when you went to the University?

M: I majored in philosophy.

A: Did you study all kinds of philosophy?

M: Well, just the general courses in philosophy, which included two or three courses in the department. I studied under Dr. Enwall, who was Swedish. His full name was Hayford Octavius, H. O. Enwall [Professor of Law, 1956-1982].

A: Did you study all four years at the university?

M: I completed my undergraduate studies at the university in two winters and three summers. I would go to summer school. I finished when I was eighteen years old.

A: You must have started off young and finished pretty quickly. Did you skip a couple of grades in school?

M: Yes, I skipped the third and fifth, took the eighth in half a year, high school in three and a half, and finished as valedictorian of my class.

A: That is marvelous. After you finished at the university what did you do?

M: I had a Rhodes scholarship.

A: Where did you go for that?

M: Oxford, England.

A: Did you study at that Oxford School of Jurisprudence?

M: Yes.

A: Did you receive a degree there?

M: Yes, I received a B.A. in the Final Honours School of Jurisprudence. Then I went down to the Central University of Spain at Madrid where I took a Doctorate of Law with highest honors.

A: Was this after you completed your law degree at Columbia?

M: No. This was beforehand. Then I came back to this country, and I had a university research fellowship at Columbia University Law School where I earned a master's in marriage and law.

A: When you finished at Columbia, did you return to Florida? Or did you work somewhere else?

M: I got a job with Davis, Polk, Orville, Sundrum, and Kendall.

A: How long were you there?

M: I practiced at that firm for about five years.

A: You then later went to teach at the University of Florida Law School. Is that right?

M: Yes, I was appointed as Professor of Law. I got a little professorship to start with.

A: That is pretty rare for that to happen nowadays. When did you originally come to the University?

M: Well, originally I went there for my undergraduate work, and then I came back as a professor of law in 1948. That was when I first met Harold B. Crosby [Professor of Law, 1959-1964].

A: Was he a student then?

M: He was the best student I ever had, and he was the highest honors student. He was the first editor-in-chief of the *University of Florida Law Review*, and I was the first faculty adviser, and that is how we met.

A: Why did the law school want to establish a law review?

- M: I was hired, especially, to set up a law review, and we had to organize the thing from scratch. We just saw what other leading law reviews were doing. The dean of the law school was Dean Fenn [Henry A. Fenn, dean, University of Florida College of Law, 1948-1958] – Skyline was his nickname.
- A: Skyline? Why was that?
- M: He was six foot seven. He was a left-handed first baseman and captain on the Yale baseball team.
- A: He came, I believe, in 1948.
- M: Yes, he came in when I did.
- A: So you looked to other law reviews to see what the best method would be for establishing a law review?
- M: Yes, we got a bunch of them. We were particularly interested in what they were doing at Harvard and Yale and Columbia, and then we also checked, of course, the law reviews of schools in the Southeast.
- A: Did Dean Fenn help you get the money to carry out this project?
- M: Yes, he was very helpful to the *Law Review*, from getting set up to filling bills, for as long as he was dean.
- A: Do you remember about how many faculty there were back in those days?
- M: You could check it by looking at a University of Florida catalog for that time. The 1948 catalog would have the names of the faculty members.
- A: Did you teach some, too?
- M: Yes, I taught. I set up a program in legal writing, and I taught United States Constitutional Law and Florida Constitutional Law, and in the process I worked closely with the Florida State Bar Association. It was a voluntary organization and later took the official title of the Florida Bar.
- A: So you taught those courses and also worked with the *Law Review*.
- M: Right. I taught legislative drafting and a seminar on legal philosophy, and I also acted as linebacker, so to speak; I filled in whenever some professor was absent. I got into conflict of laws and future interests, but my favorite was that seminar on legal philosophy.

A: Why did you like that?

M: Well, I had majored in philosophy in my undergraduate work, and it was a natural step from there to legal philosophy as they are closely related.

A: Your linguistic ability, and your ability with written materials and grammar, I understand, comes through in the style that is in the first eight volumes of the *Law Review*. Did you do some of the editing for those issues?

M: After the editorial board went over the drafts, I would personally look over every manuscript. English grammar and English literature were two of my favorite subjects when I was an undergraduate.

A: There are very few typos in those early editions, I understand. They look like they are in very good shape. You did a good job of editing those.

M: Well, you can thank the editorial board of the *Law Review* for the absence of typos and that sort of thing. I was interested in style and sentence structure. Hal Crosby and I teamed up to form our "Legal Committee on Homestead Exemption," and four years later we left it.

A: It had five parts, did it not?

M: Yes.

A: I think it went over a couple of years.

M: It ran 550 pages with 650 footnotes, something like that.

A: That was a major work that was utilized by many Florida lawyers for a long time. When you started writing that series, was Hal a student?

M: When we started out he had just received an appointment as an associate professor, and then full professor, as I recall it.

A: When the *Law Review* started, how did you decide what kind of articles you would select?

M: That is an interesting question because I talked with Felix Frankfurter, who was an Eastman visiting professor at Oxford my last year at Oxford, and beforehand he and the supreme court held that there was no federal common law. This is one of the few times the U.S. Supreme Court has overruled itself. I was talking to Frankfurter, asking him if he had any pointers to give me, and he said, "It is certain to be a help to us on the supreme court that you would find out what the

common law of Florida is." He says, "It is darn near impossible to find out what it is," and so we had that in mind all along. Our motto was, "general law for Florida lawyers and Florida law firms." Anybody could use it.

A: So, Felix Frankfurter was telling you to concentrate a little bit on Florida law and try to discern what that was?

M: Yes.

A: Since there was not going to be any federal common law, is that right?

M: Yes.

A: Did you solicit the early articles, or did people just send them in?

M: We had some sent in, but for the most part we would find out what we thought needed covering and then team up. For instance, the Chief Justice of the Florida Supreme Court suggested that there was a lot of confusion about the extraordinary writs or the prerogative writs of English law. That was the time that I learned Anglo-Norman, so I could read it from the original, and I was surprised to find how little had been written on these writs in England.

A: Who was the chief justice who mentioned that to you?

M: Alto Adams [Florida Supreme Court Justice, 1939-1951 and 1967-1968].

A: Someone wrote an article on extraordinary writs, did they not, in the first volume? Was it not the first volume of the *Law Review*?

M: I think it was a little later. We eventually held a symposium on the writs, and what we did was take an outstanding practitioner and team him up with an outstanding law reviewer. Together they wrote an article on that particular writ, and then the article on the writs generally, why, I wrote myself.

A: You mentioned "law reviewers". I have seen that term in some of the literature. Does that term refer to students on law review?

M: Yes. As a matter of fact, in those days I used to get out a Christmas letter that was marked up like a manuscript.

A: Would you like to see one of them? I have got them right here.

M: It is called "Memo Law Reviewers."

A: And who did those get sent to?

M: To all the law reviewers, past and present.

A: Okay, so that did not go to subscribers. That went only to members who were on law review.

M: Yes.

A: I wondered who those went to, and I think I have got some here.

M: You probably noticed how they are marked up.

A: They are wonderful.

M: It is corrected manuscript.

A: Here is one from 1949. It says, "Again we send to you our Christmas newsletter, in lieu of personal greetings by card. In fact, we intend to establish this letter as an annual report to all those that have left the active staff." Do you remember these?

M: Yes.

A: Okay. I have a collection of those from 1948 to 1955 – and there is your signature.

M: Yes.

A: Do you remember Mrs. Culpepper?

M: We always referred to her as Mrs. C, and she always called me Dr. M.

A: She called you Dr. M?

M: Yes. She had majored in English grammar and literature when she was in college. She had a masters in that, and if we missed anything, why she would call our attention to it.

A: She went over the manuscript carefully, too.

M: She typed every one of them in final form just as it went to the printer.

A: And then would the printer typeset it?

M: Yes.

A: Then run it off.

M: The University had a policy of competitive bidding on all matters. In order to get on our competency list, though, you had to be good. But I told them that if they were not good they would not get on the list.

A: I think that the first issue was printed by the Rose Company.

M: No, it was the Ad Press in Jacksonville.

A: I think that is right. Later on they had Rose and E. O. Painter, the present printer of the *Law Review*. We are still using them. Over the years they have printed most of the issues for the *Law Review*.

M: We had to work on everything, from consulting with our printer on the typeface and type size, to all the editorials. Every member of the editorial board knew how to use proofreader symbols. That was one of the first things I insisted they learn. If you do not use the proper symbols, the printer will not be able to pick it up rapidly.

A: So they had to learn all of those.

M: We used to keep any changes of any sort, including corrections, down to a minimum, because we worked very closely with the printer.

A: Did they charge you for changes?

M: We did not pay for it. The printer made that correction on his own, without charge. If we changed something in the manuscript that we had sent him, after we had sent in the original manuscript, then the charge was against us, so it was very much in our interest to keep those changes to a minimum.

A: It is exactly the same today. They charge us for changes that we make, so we try to keep them to a minimum, too. Mrs. Culpepper got along well with all the students, did she not? They all loved her.

M: Yes, all the law reviewers did, and of course we thought the world of her, and her law reviewers were her special bunch. Another person who was very helpful was Mrs. Pridgen. She was a great help in the library, she had been librarian there for years and knew where every book in the library was.

A: Was there a good library then?

M: It was good, but Dean Fenn allocated this healthy slice for the *Law Review* out of his spring budget for the law school. He put in a good figure for us every year.

A: So he did help you with it. He gave you money for books for the *Law Review*.

M: Right.

A: Where was the *Law Review* located?

M: The law school was at the light just inside the university gates at the old entrance to the university. It came in on the diagonal from the corner of Thirteenth Street and University Avenue.

A: Where did the *Law Review* have its office?

M: Yes. In fact, in the summer of 1930, I believe it was, we had the *Law Review* offices up in the kitchen of Bryan Hall, and boy, it was a hot summer. Our first office was situated in the jury rooms of the old courtroom on the second floor of the law building.

A: So you had to set up the *Law Review* in the jury room on the second floor there?

M: Yes.

A: Was it in the kitchen beforehand?

M: In that summer before we moved over to Bryan Hall it was in the kitchen. Bryan Hall was loaned to us by the Episcopal Church, and we even had a joke. In the John Marshall Bar skit we had the gumption to call ourselves the Holy Trinity Five.

A: Why did you call yourselves that?

M: Because the building was owned by the Trinity Church which gave us free rent.

A: In the *Law Review*, you wanted to have articles, book reviews, legislative notes, comments, etcetera.

M: We used that blue book as a final authority on style, "A Uniform System of Citation," we called it the Blue Book. In the *Harvard Law Review*, the long form of student work was called a "note," and the short form was a "comment." Since Harvard had done it that way, well, Yale had to do it differently. In the *Yale Law Journal*, the long form was called a comment and the short form was called a

note. So, we adopted the Harvard system, and most law reviews use that distinction between note and comment. You will notice that most of the good law reviews use that form, or that terminology.

A: We still do today. We still use that form today. In one of the early documents it said that you wanted to have a section in the *Law Review* called, "Law School News." I could not find a Law School News section in there.

M: Well, we got out that Memo to Law Reviewers, which was what news they got, and of course whenever they came back, they were always dropping around the *Law Review* office. So we picked up a lot of news that way. Do you still have the Brick Printers Prize and the Lopez Contributor Award.

A: Yes, the Brick Award is still active, and my note has won the Brick Award. The Lopez Prize has not continued, but I am not sure why. We do have a couple of other awards, but the Brick Award is still there and continues to be given each semester.

M: Judge Lopez, he was a brilliant judge down in Key West. He was from Spain and spoke excellent Spanish with a South American accent; that is, he did not lisp on the C's. He was a staunch supporter of the *Law Review*.

A: How did that prize get started?

M: I do not remember exactly how we arrived at it. I guess it was a Bar convention, and we had had a few drinks. And he mentioned the Brick Prize, and I told him we had one for notes and the long form for writing of student work. So by the time that afternoon was over we had a big contributor award.

A: How did people originally get selected to be on law review?

M: They would sign up for the course in writing, and if we saw a particularly good student who we thought was *Law Review* material, why we would invite him to write for the review. He would go through the usual drills, writing a case comment first and then a note. Or he would just walk in and say he wanted to write for the law review, in which case he was assigned to somebody to help him, and he was told about the review and then given a project to do, and if he did it really well, why, he was invited to serve on the editorial board.

A: So, you could be on *Law Review* without being on the editorial board. Is that correct?

M: Yes. In fact, we said that the law reviewers were the students who most needed the law review work, and it is surprising how sloppy a law student could be on his

first comment. We used to bear down on grammar and style as well as on legal content. When we saw a particularly good student that we thought was particularly good material for the law review, we would invite him to go into the editorial board and he would be assigned to work with a member of the editorial staff who would supervise him personally.

A: Who was on the editorial staff? Were they the more advanced students?

M: Yes, the staff and the board were the same thing, and I purposefully set it up so that the faculty adviser was an adviser, and he attended meetings of the board but had no vote. I formed the board to give them a sense of responsibility.

A: I saw a list of students and any student holding a a grade point average of 3.0 or higher was on this list. I wondered if that meant if you had a GPA of 3.0 or higher you were automatically on law review. Is that correct?

M: Well, you were automatically invited if you had a 3.0.

A: So you would have to write your comment and note satisfactorily.

M: You would be assigned to work with some member of the editorial board whom you wanted to work with and who wanted you. The board members asked certain students to be assigned them, and that is how that came about.

A: So, if a student who was invited worked with one of the board members and did a good job, then would they go ahead and write their comment?

M: At the annual election of the *Law Review*, that chap would generally be elected to one of the senior editorial folks.

A: Then they would have their comment and their note to write. Is that correct? Or would they have already done it by that time?

M: They would have done it by then.

A: Was the editor-in-chief chosen, or elected, or did the faculty do it?

M: Well, the board chose the faculty adviser, and they asked me to serve. Of course, I never turned them down when they asked me. If somebody had a particular interest in it, why, he was invited to serve as the faculty adviser.

A: The first editor-in-chief was Hal Crosby. He was editor-in-chief for Volume I, Issue 1. Was there an election held, or did the faculty appoint him to that position?

- M: Well, I do not know if you know how Hal operates. He gets around, and he was the obvious man for the job. You can look at the masthead there. J. Allen Smith was book review editor, and Freddie Omer was from Stockton, he was Crosby's right hand man. Larry Mogler was the articles editor. And we had a business manager who did not have to write anything except checks. He handled the financial end of it, but as scholars we consider ourselves above that sort of thing, which is sort of characteristic. There is a certain snobbishness among scholars that I think is what keeps them going. It certainly is not money that keeps anybody in teaching.
- A: That is true.
- M: Anybody who goes into teaching has got rocks in his head if he thinks he is going to make any money.
- A: What did the various officers do? Each one had a different task.
- M: They had a board meeting every week, and every board member just worked like a beaver and pitched in as needed. That is, if the articles editor wanted some help on a job, he might ask the book review editor to work with him, and vice versa.
- A: Was there a hierarchy in the board? For example, were the board members the ones who had finished their comments and notes or were going through that process? Were they candidates who would eventually become board members?
- M: Yes.
- A: To become a board member, did you have to complete a comment and a note satisfactorily, or was there not quite that structure? That is how it is now.
- M: Sometimes the board members would work on articles. Of course, if you had done enough to write an article, you certainly had the ability to be a board member. It was a rather loose organization.
- A: Do you remember Professor Glicksberg? [Mandell Glicksburg, faculty, 1954- present]
- M: Yes, Mandy was an honors student who could write well, and he showed a natural ability at handling contributors. They are not easy to handle always, and sometimes people had trouble with them.

A: Do you mean people who submit articles?

M: Yes.

A: Were those practitioners or other professors in the law school who contributed articles sometimes hard to deal with?

M: Yes.

A: They still are. Who did all the citation checking?

M: The member of the board who best knew the topic covered in the article would check everything, and then when Crosby was there he personally went over everything that was written. Bertie Omer was the first articles editor. He and Hal worked together, and he had an offer from Warren and Goodrich. They both went over whatever was in their department.

A: I was reviewing one of the notes here, and it mentioned "staff moles." Did you use the term "staff moles" to describe those who went back and checked all the citations?

M: No, we did not have that. Of course, the guy would never even get on the editorial staff if he was careless.

A: Did the law reviewers get better jobs than the average student who was not on the *Law Review*?

M: Yes, they did. I used to take a bunch of them to the State Bar Convention every year and then sort of used my room as headquarters. I was chairman of the placements committee on the faculty, which I particularly wanted to have, and so Fenn usually appointed me in charge of placements. I would get calls from practitioners all over the state wanting a good property man or the most skillful litigator, and laws firms then were highly departmentalized. Everybody in the firm felt that John W. Davis was an overall supervisor, and he was the one person who every man insisted knew more about his department than that man himself did. That John W. was a fascinating chap, and he was a stickler on English, as well as on law.

A: Did he influence your interest in correct grammar and style?

M: He certainly did. You would see that old red pencil in the margin, and he surely could use it. He knew English grammar like the palm of his hand. He was a naturally excellent stylist.

A: So a lot of the students who went through this process ended up having more job opportunities and getting better jobs than those who did not. Is that right?

M: Yes.

A: I noticed in some of these materials that you wrote – these letters that went to the law reviewers – you refer to speaking programs. What were those? It seems like they went around speaking on topics.

M: Well, as part of the Bar program of continuing legal education, they would invite different members of the faculty and different members of the *Law Review* would be asked to speak on something or another.

A: So they used to go around the state?

M: Well, we had trustees in different areas, and practitioners were usually glad to serve as a *Law Review* trustee, and they were generally leaders of the Bar. We would try to get a former law review board member. So we would have them all around the state, and we would be asked to put on programs, and Hal Crosby and I used to do some of them.

A: What did you do? What did you speak on?

M: He would introduce me as the treasurer of the U.S. Supreme Court, Charles Elmore Copley, and so I would usually appear in a cutaway and say that I had just gotten into town, and I hoped they would pardon this formal attire, but I had not had time to change. I came straight to their office from the airport. Hal would give a biography of me, and say that I had graduated in the top ninety-eight percent of my class.

A: You probably were even higher than that.

M: Well, we really were pretending. I did not leave room for very many other cracks.

A: Where did you graduate in your class? Do you remember?

M: I do not know. I did my work, though, with Thomas I. Putnam. He was in the professors of legislative acting and he was the president of Equitable Life Insurance Society. He took one graduate student, and I managed to gain that for myself, so I was mostly A's and B's in law school, and then I never did have undergraduate work in law school here. That is when I got my doctorate.

A: Do you get law degrees from Oxford?

- M: Yes, I have an M.A. in the Final Honours School of Jurisprudence from Oxford, and Dr. Rohrer gave me highest honors from the University of Central Spain in Madrid, and I had to do my dissertation in Spanish, and I had my law exam in Spanish. Boy, did I butcher the king's Spanish.
- A: Well, you must have done pretty well, graduating with highest honors.
- M: Yes, well there was one little remark that I made in one passage that read, if you translated it, "If a toad had wings, he would not go along bumping his butt on the ground." They thought there was some special hidden meaning in that.
- A: There is not?
- M: You cannot translate that literally in Spanish. You have to use the word for "frog," the Spanish word for "frog." I do not think there is a word for "toad" in Spanish. If there is, I have never seen it. I got so fed up with these things they gave. All the continentals, the ones who wrote in French were real bullshit artists. If we had administrators that were able and not corrupt, why people would obey the law without creating the necessity of enforcing it; and if lawyers were practical lawyers, they would expect the impossible, and so on, and so on; and that is when I coined that. From this I brought that on, that my only sincere belief is that if a toad had wings he would not go along bumping his butt on the ground.
- A: That is great. That is probably true. I wanted to ask you about William O. Douglas. He is in the first volume, I think Volume I and II.
- M: That was the David Levy Yulee lecture that year, and we decided to publish it in the *Law Review* as an article. We asked for it, and he said we could publish it, and so we latched onto that.
- A: So he came to the university to speak?
- M: Yes. Every year they have a David Levy Yulee lecture. He was an American that went over and became a barrister in England and had a brilliant career in the law. He was a member of the English Bar, and that is something. At least he did not have to learn a different language. He did a good job. He distinguished himself as mayor of Laramie, Wyoming. I thought it was a good article, but he is a very poor speaker.
- A: Douglas was a poor speaker?
- M: Yes, he is more of a thinker than he is a speaker. He read the speech, and he did not read it with any zip at all, and I mean he would get about a C+ on

- delivery.
- A: Really. Was he a nice man?
- M: Yes, I thought so. Very pleasant, got along well with the students, and of course, we law reviewers, we showed him around, and he seemed quite interested in the law review, and when he was... He did a fine job as the head of the Securities Exchange Commission, initially in Washington, but I disagreed violently with him on his legal philosophy. I –
- A: He was a legal realist, was he not?
- M: Yes. He was a good practitioner, I understand, and he was not – he was a good administrator, and he made a law journal when he was up at Yale, a kind of journal, and I think he taught at Yale.
- A: I think that is right.
- M: Yes.
- A: Let me ask you, what did the law review students do to have fun?
- M: The *Law Review*.
- A: Same answer as today. They did not have a lot of extra time, did they?
- M: No, and – but they liked to party, once the exam was over, and I was kind of unpopular with the law review wives because of a ____ party, and they – what these young monkeys were doing was, whenever they would have a night out or something, they would go home and tell their wives that they were down working on the law review, and I covered for them. Finally I got to the point where it was getting to be too much of a good thing, and I could not stand anymore bad publicity. So I told them, "From now on, you are on your own, and if you really are working, why I would be glad to cover it with your wife, but if you are out gallivanting around, do not blame me for it."
- A: When they were out gallivanting around, where would they go?
- M: Oh, they would go and have a few drinks. Generally, there was a – they did not get themselves into scrapes at all. They did not have much free time, as a matter of fact.
- A: You kept them busy.
- M: Yes, or they kept themselves busy.

- A: Okay, was there anything that I did not ask that you – are there any memories that you have that I have not asked about, or is there anything you would like to add that I did not mention?
- M: No, I think you have covered the waterfront pretty well, darn well in fact.
- A: Well, I really enjoyed it. Do you still have any materials from those days, like letters or correspondence now?
- M: I have a long hand letter from Rosco Pound, who was then dean of the Harvard Law School, and when I reviewed that book, *Interpretations of Modern Legal Philosophies*, he wrote me a personal long hand letter, which is unusual to get one of those from Pound, but believe me, I saved that one.
- A: Great.
- M: I do not know if you had a chance to read that review or not – that book review. That was a book of over 600 pages. It was edited by Hal Sayre, who is a professor of legal philosophy, I think, at some leading Middle West university, and I started writing that. I remember I started it in my wife's family's house. They had a big house on Staten Island. I remember I was in there, and at midnight I started to write, and I had just had a bathrobe on, and it was colder than anything, the great blizzard of – the heat was off, and it was below freezing outside, and I started writing at I think about four or five in the morning, and I went over it, and I came down and had breakfast, and I spent the day easy.
- A: This was published in the University of Florida law review?
- M: Yes, that is when Alan Smith was book review editor, Joel Alan Smith.
- A: And so, Rosco Pound, did he like it? What did he say in his letter?
- M: I think he was impressed with the fact that Professor Kokurec, who is a – I am not sure how you pronounce that exactly, and he wrote about Rosco Pound as a former colleague, and he mentioned that Pound used to run around a lot with no overcoat, which I, I never wore an overcoat in New York, except when I had a full dress suit on, or a tux, and informally I just used a scarf and gloves the way I would run around at the office, and a wool suit, and so Pound and I, we touched base on that business of running around with no overcoat, and I mentioned that he wore an idea of a ____.
- A: He wore an idea?

M: Yes.

A: Where did you mention that to him? It was not in the book review.

M: Yes, it was in the book review.

A: Oh, it was? So he liked that and wrote you a letter back.

M: Yes.

A: Would it be possible for us to take a look at that?

M: I believe I have it up there.

A: You think it is upstairs somewhere?

M: I know I saved it, and I can find it. My wife is away. She is out in, for about two days out in New Orleans.

A: Maybe sometime when she gets back, we could make a Xerox of it or something. I do not want to take it, of course.

M: Yes, I can get you a Xerox of it.

A: That would be great. Maybe I can put it in this article, if you think that is all right.

M: Yes, it is. I want to be sure that I am not putting any words into his mouth, but he mentioned that he liked this review.

A: He was mentioning a – he had written a book review, and Rosco Pound, a famous person wrote him back.

M: Dean of the Harvard Law School. He then was dean of merits. He was an amazing bird. He said that he did not think anybody ought to spend over ten hours a day at work, but he said he cut back to about eight, something like that, when he was being a professor. He was a – he has a Ph.D., but I wonder if you can guess what it is.

A: Rosco Pound?

M: Yes.

A: English History, is that close? Philosophy.

M: No, it was – his book is still the authoritative work in botany. It was the

authoritative work on Nebraska wildflowers. He had that type of mind; everything he did, he was like a _____, he just had to classify it.

A: The wildflowers of what state?

M: Nebraska, and for a time he served on the supreme court out there, and some of their best opinions were written, and he was generally – those were generally attributed to him, unofficially.

A: That is interesting. I was just looking at the reprint here from the Kentucky Law Journal. In 1955 you wrote an article on legal style.

M: Yes.

A: Well, I am going to get the Kentucky – I am going to get that from school and xerox it and take a look at that.

M: Well, that was an interesting one. I – they asked me to speak on the – we had driven all night to get there, and I had been in meetings all day. That night, why I settled down to some good steady drinking with some of the boys, and we – I finally finished up in the early morning hours.

A: Writing this piece on legal style?

M: Yes, and I went to them and I said – and I got a standing – most of those things are very boring talks. They write on, speak on something like how to solicit ads, and how to manage the finance of the law review and so on, and I said now this is just a bull lecture, and I told Mr. Carver, who had taken notes down the old fashioned way, in short hand. He used a little pad there, and of course he welcomed the opportunity for a rest, and I got a standing ovation when I finished talking, and five law reviews came up and asked to publish it, and I gave it to Kentucky, which was an old school, and they simply took the law review letter to their editorial board, and they said, "We enjoyed your speech very much indeed, and may we suggest that in – when you write it, may you maintain the same informal style with which you delivered it." Spoken like a law reviewer. Well, I did. As a matter of fact, I used that as an excuse to go out to my study, which in a separate building in the back part of the house, and I would go back there and have a few and as I dried up, it accounted for a slow evening of work, when at this time I was back there with a book and sketching out the stuff that I had in it. Since then, New York University Law School asked to reprint it.

A: To Kentucky?

M: Yes. They got permission from Kentucky, and of course I gave permission.

A: When did they reprint it?

M: That was, I think, in the early thirties. Ruth, could you come in here a minute, please? There is a – I want to give Steve here a copy of that – if you will –

R: What?

M: I might go upstairs and see if I have –

R: No, I do not think that is with those books.

M: No, could you – I would not expect you to. I had 500 extra printed, as an offprint. While they had the type all set up they –

A: Ran some extra copies?

M: Ran some extra copies.

A: Did you give them to your students?

M: Yes.

A: Well, I will look that up, and maybe when –

M: Well, I want to give you a copy and you can –

A: Okay, I would like that. When Mrs. Miller comes back, maybe she can look for the Pound letter and that legal style article.

M: Yes.

A: That would be great. Well, I think I have asked 150 questions, and we have talked for probably an hour and forty-five minutes, and I appreciate your help very much. I will give you a copy of whatever comes out of all this.

M: Well, we will have a conference with Hal tomorrow. I can arrange to come down. As a matter of fact, I might get you out there to the Sea Hills Country Club, and I can get you.

[End of the interview]