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## CARL ZOLLMANN: AVIATION LAW CASEBOOK PIONEER

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## I. INTRODUCTION

**A**VIATION LAW, after years of languishing on the sidelines,<sup>1</sup> currently is enjoying unprecedented popularity in American law schools.<sup>2</sup> Much of this interest has to do with the terrible events of September 11, which dramatically reshaped the airline industry while making it clear just how much our society depends on air travel.<sup>3</sup> But at least some of the attention is due to the fact that, for the first time in history, instructors can choose from three competing aviation law casebooks.<sup>4</sup> Previ-

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<sup>1</sup> Aviation law traditionally has been a small enrollment course offered at just a handful of law schools. Indeed, by the 1990s so few professors were teaching the subject that the Association of American Law Schools disbanded its Section on Aviation & Space Law for lack of interest. E-mail from Jane M. La Barbera, Managing Director, Association of American Law Schools, to the author (Nov. 16, 2007, 13:19 EST) (on file with author) (advising that the Section was dissolved in 1996), and Telephone Interview with Mike S. Straubel, Associate Professor of Law, Valparaiso University (Nov. 16, 2007) (discussing his tenure as the Section's last chair).

<sup>2</sup> See, e.g., Kenneth P. Quinn, *Editor's Column*, 20 AIR & SPACE LAW., Spring 2006, at 3 (summarizing recent developments and observing that "academic dialogue" on aviation law "appears to be on the increase."). Leading the way has been DePaul University, which in 2004 established an aviation law center under the direction of Professor Brian F. Havel. See DePaul University College of Law, International Aviation Law Institute, [http://www.law.depaul.edu/centers\\_institutes/aviation\\_law/](http://www.law.depaul.edu/centers_institutes/aviation_law/) (last visited Oct. 12, 2007) ("The Institute will offer courses in national and global aviation law, as well as specialized courses including aviation antitrust and tort law. It also has academic links with aviation programs at the Leiden University in the Netherlands, and at the Federal University of Rio de Janeiro, Brazil.").

<sup>3</sup> For a further discussion, see, generally, Symposium, *Freedom Versus Fear: The Future of Air Travel*, 67 J. AIR L. & COM. 7 (2002), and Panel Discussion, *The Future of Air Travel: Three to Five Years Ahead*, 68 J. AIR L. & COM. 765 (2003). See also TOM MURPHY, RECLAIMING THE SKY: 9/11 AND THE UNTOLD STORY OF THE MEN AND WOMEN WHO KEPT AMERICA FLYING (2007).

<sup>4</sup> See WENDY B. DAVIS, AVIATION LAW: CASES AND PROBLEMS (2004); ROBERT M. JARVIS ET AL., AVIATION LAW: CASES AND MATERIALS (2006); PAUL B. LARSEN ET AL., AVIATION LAW: CASES, LAWS AND RELATED SOURCES (2006). In addition, Professor Andreas F. Lowenfeld is considering updating his casebook, AVIATION LAW: CASES AND MATERIALS (1st ed. 1972, 2d ed. 1981). E-mail from Andreas F. Lowenfeld, Rubin Professor of International Law, New York University, to the author (Oct. 11, 2007, 12:36 EST) (on file with author).

No reviews appear to have been written of Davis. For reviews of Jarvis, see S.V. Dedmon, 71 J. AIR L. & COM. 735, 735-43 (2006), Mark C. Fava, 20 AIR & SPACE LAW., Spring 2006 at 5-7, and Rod D. Margo, 33 TRANSP. L.J. 249, 249-51 (2006). For reviews of Larsen, see Donald T. Bliss, 21 AIR & SPACE LAW., Spring 2007, at 5, 5-6, and Bernard F. Diederich, 54 FED. LAW., Jan. 2007 at 61, 61-62. For reviews

ously, there had never been more than one text available at any given moment, and during many periods no such work existed.<sup>5</sup>

The current crop of writings continues a line of legal scholarship that traces its roots back to Carl Zollmann, a Marquette University law professor who published one of the first aviation law hornbooks<sup>6</sup> and the first aviation law casebook.<sup>7</sup> In his heyday, Zollmann (often incorrectly identified in print as “Zollman”)<sup>8</sup> was a figure of towering importance,<sup>9</sup> yet today scarcely

of the first edition of Lowenfeld, see Charles F. Krause, 18 N.Y.L.F. 1025, 1025–34 (1973), O.J. Lissitzyn, 67 AM. J. INT’L L. 579, 579–80 (1973), Robert L. Ramsey, 38 J. AIR L. & COM. 437, 437–40 (1972), and Norman P. Seagrave, 87 HARV. L. REV. 1880, 1880–84 (1974). For reviews of the second edition, see Mark A. Dombroff, 48 J. AIR L. & COM. 453, 453–59 (1983), and Edgar Gold, 14 J. MAR. L. & COM. 299, 299 (1983).

<sup>5</sup> See DOUGLAS W. LIND, BIBLIOGRAPHY OF AMERICAN LAW SCHOOL CASEBOOKS, 1870–2004, 59–60 (2006) (documenting the fact that during the 20th century, new or updated editions of aviation law casebooks appeared about once every twenty years).

<sup>6</sup> See CARL ZOLLMANN, LAW OF THE AIR (1927).

<sup>7</sup> See CARL ZOLLMANN, CASES ON AIR LAW (1930).

<sup>8</sup> See, e.g., *Deitrick v. Greaney*, 309 U.S. 190, 198 (1940); *Nat’l Sav. & Trust Co. v. Park Corp.*, 722 F.2d 1303, 1304 (6th Cir. 1983), *cert. denied*, 466 U.S. 939 (1984); *Mid-Cal Nat’l Bank v. Fed. Reserve Bank of S.F.*, 590 F.2d 761, 764 (9th Cir. 1979); *City of New York v. Fed. Radio Comm’n*, 36 F.2d 115, 116 (D.C. Cir. 1929), *cert. denied*, 281 U.S. 729 (1930); *Danzas, Ltd. v. Nat’l Bank of Alaska*, 222 F. Supp. 671, 676 (D. Alaska 1963); *Swetland v. Curtiss Airports Corp.*, 41 F.2d 929, 938 (N.D. Ohio 1930), *modified*, 55 F.2d 201 (6th Cir. 1932); *Ray v. Tucson Med. Ctr.*, 230 P.2d 220, 226 (Ariz. 1951); *S. Iowa Methodist Homes, Inc. v. Bd. of Review of Cass County*, 136 N.W.2d 488, 490 (Iowa 1965); *People v. Randolph*, 648 N.W.2d 164, 168 n.6 (Mich. 2002); *Wolkoff v. Church of St. Rita*, 505 N.Y.S.2d 327, 331 (Sup. Ct. 1986), *aff’d*, 518 N.Y.S.2d 1020 (App. Div. 1987); *Presbytery of Huron v. Gordon*, 300 N.W. 33, 35 (S.D. 1941); *Marsh v. Frost Nat’l Bank*, 129 S.W.3d 174, 178 n.6 (Tex. App.—Corpus Christi 2004, *pet. denied*); *Corp. of the Episcopal Church in Utah v. Utah State Tax Comm’n*, 919 P.2d 556, 558 n.3 (Utah 1996).

As has been explained elsewhere, Zollman is a common variant of Zollmann, which is German in origin and is “an occupational name for a customs officer.” 3 DICTIONARY OF AMERICAN FAMILY NAMES 668 (Patrick Hanks ed., 2003).

<sup>9</sup> See *infra* notes 67–69 and accompanying text. Zollmann also proved adept at predicting the future. In 1927, for example, he opined that the time would come when airplanes were used to eavesdrop on homes and offices, leading to privacy lawsuits. See *High Buildings Increase Puzzles of Flight Zone*, N.Y. TIMES, June 29, 1930, at 126 (discussing Zollmann’s theory). Of course, in *California v. Ciraolo*, 476 U.S. 207, 215, *reh’g denied*, 478 U.S. 1014 (1986), the Supreme Court decided that the warrantless aerial surveillance of the defendant’s backyard did not violate the Fourth Amendment.

Likewise, in 1930 Zollmann urged that airlines be treated as “common carrier[s]” and therefore held liable for their passengers’ injuries. See Robert Wood, *Urge Gas Tax for Promotion of Air Travel*, CHI. TRIB., Feb. 26, 1930, at 18. Within just a few decades, of course, his view had gained universal acceptance. See D.E.

anyone remembers him.<sup>10</sup> Accordingly, it is the purpose of this essay to shed some light on a man who has receded into history's shadows even as the field he did so much to create prospers.

## II. EARLY YEARS: 1879 TO 1922

Carl Frederick Gustav Zollmann was born in Wellsville, New York, on November 14, 1879, the second child and oldest son of Reverend Carl A.F.W. and Katherine F. (Melcher) Zollmann,<sup>11</sup> members of the Lutheran Church-Missouri Synod.<sup>12</sup> Zollmann's father, originally from Prussia, had come to Wellsville in 1875 to serve as pastor of the First German Evangelical Lutheran Church of the Holy Trinity.<sup>13</sup> In 1882, the growing

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Buckner, *Air Carrier as Common or Private Carrier, and Resulting Duties as to Passenger's Safety*, 73 A.L.R.2d 346 (1960 & Feb. 2007 Supp.) (tracing the application of the common carrier doctrine to airplanes).

<sup>10</sup> Remarkably, Zollmann predicted his own obscurity in an article he wrote shortly after becoming a law professor:

The names of the vast majority of all lawyers are written in the sands. They are remembered after their decease by their former clients but these in turn must also pass on and with their death, in the ordinary case, the name of their attorney is obliterated from the memory of men. It is buried [sic] in the probate records and the files of the various trial courts in which he has been active. It generally finds a mere mention in the cases in which he has appeared before the supreme court. Occasionally a name once mighty stares at the examiner from an abstract of title like a specter arising out of a grave. Beyond this the names of most of the legal champions of yesteryear are completely forgotten in the turmoil of present-day activities.

Carl Zollmann, *Lawyers Memorialized in Wisconsin Reports*, 9 MARQ. L. REV. 106, 106 (1925).

<sup>11</sup> ELLIS BAKER USHER, *WISCONSIN: ITS STORY AND BIOGRAPHY, 1848-1913*, 1660 (1914); *Bekannter Pastor gestern gestorben [Well-Known Pastor Died Last Night]*, 20 WIS. NECROLOGY 58 (1922) [hereinafter *Father's Obituary*]; Letter from John Von Haden, Principal Researcher, [www.WisconsinAncestors.com](http://www.WisconsinAncestors.com), to the author (Nov. 5, 2007) (on file with author).

<sup>12</sup> For a useful history of the moderately conservative Lutheran Church-Missouri Synod ("LCMS") ([www.lcms.org](http://www.lcms.org)), see MARY TODD, *AUTHORITY VESTED: A STORY OF IDENTITY AND CHANGE IN THE LUTHERAN CHURCH-MISSOURI SYNOD* (2000). See also ALAN GRAEBNER, *UNCERTAIN SAINTS: THE LAITY IN THE LUTHERAN CHURCH-MISSOURI SYNOD 1900-1970* (1975).

<sup>13</sup> JOHN S. MINARD, *ALLEGANY COUNTY AND ITS PEOPLE: A CENTENNIAL MEMORIAL HISTORY OF ALLEGANY COUNTY, NEW YORK* 364 (Georgia D. Merrill ed., 1896); *Father's Obituary*, *supra* note 11. As these sources explain, Zollmann's father, himself the son of a pastor, had immigrated to the United States in 1872 to study at Concordia Seminary in St. Louis. See *Father's Obituary*, *supra* note 11. Following his graduation in 1875, he was sent to Wellsville to take the place of Reverend

family<sup>14</sup> moved to Boston upon his appointment as Director of the Martin Luther Orphan's Home in West Roxbury,<sup>15</sup> but relocated again in 1885 when he was assigned to Bear Creek, Indiana.<sup>16</sup> Because of his family's faith, Zollmann spent his childhood attending Lutheran parochial schools.<sup>17</sup>

In 1897, Zollmann entered Concordia Seminary in Springfield, Illinois.<sup>18</sup> Following his graduation in 1902,<sup>19</sup> he moved to Davenport, Iowa, where he was ordained and spent the next three years engaged in missionary activities.<sup>20</sup> In 1905, he be-

C.A. Geyer, who had resigned after just two years because of poor health. Trinity Evangelical Lutheran Church, A Church History, <http://www.trinitywellsville.org/aboutus.htm> (last visited Oct. 12, 2007). In May 1876, he traveled to Cleveland to marry Zollmann's mother and then returned with her to Wellsville. See *Father's Obituary*, *supra* note 11.

<sup>14</sup> In time, there would be a total of seven children: Martha (1878–1927), Carl (1879–1945), Adela (1884–1977), Gertrude (1888–1971), Martin (1890–1929), and a set of twins—Alex (1892–1966) and Alfred (1892–1971). *Father's Obituary*, *supra* note 11, and Letter from Von Haden, *supra* note 11.

<sup>15</sup> MINARD, *supra* note 13, at 365, and *Father's Obituary*, *supra* note 11.

<sup>16</sup> USHER, *supra* note 11, at 1660, and *Father's Obituary*, *supra* note 11.

<sup>17</sup> USHER, *supra* note 11, at 1660.

<sup>18</sup> ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 83 (1925) [hereinafter 1925 AALS DIRECTORY]. A copy of the 1902 Springfield City Directory, listing Zollmann as living at the seminary, can be viewed at <http://www.uis.edu/archives/1902directory/02DirectoryY-Z.pdf> (last visited Oct. 12, 2007).

As explained *supra* note 13, Zollmann's father attended Concordia Seminary in St. Louis. Despite their similar names and shared purpose, Concordia Seminary ([www.csl.edu](http://www.csl.edu)) and Concordia Theological Seminary ([www.ctsfw.edu](http://www.ctsfw.edu)) are two entirely different institutions. The former was founded in 1839 in Perry County, Missouri, and moved to St. Louis in 1849. Wikipedia: The Free Encyclopedia, Concordia Seminary, [http://en.wikipedia.org/wiki/Concordia\\_Seminary](http://en.wikipedia.org/wiki/Concordia_Seminary) (last visited Oct. 12, 2007). The latter started in Fort Wayne, Indiana, in 1846, moved to St. Louis in 1860 (so that its students would not be subject to the Civil War draft), relocated in 1875 to Springfield, Illinois, and moved back to Fort Wayne in 1976. Wikipedia: The Free Encyclopedia, Concordia Theological Seminary, [http://en.wikipedia.org/wiki/Concordia\\_Theological\\_Seminary](http://en.wikipedia.org/wiki/Concordia_Theological_Seminary) (last visited Oct. 12, 2007). While both schools train LCMS ministers, until recently St. Louis was considered the "theoretical" seminary and Fort Wayne the "practical" seminary. *Id.*

<sup>19</sup> E-mail from Reverend Robert E. Smith, Electronic Resources Librarian, Concordia Theological Seminary-Fort Wayne, to the author (Apr. 9, 2007, 11:04 EST) (on file with author) [hereinafter First Smith E-mail]. Although Concordia Theological Seminary now awards a variety of degrees (including the Master of Divinity and the Doctor of Ministry), at the time of Zollmann's attendance students received only a diploma indicating they had completed the required coursework. E-mail from Reverend Robert E. Smith, Electronic Resources Librarian, Concordia Theological Seminary-Fort Wayne, to the author (Oct. 23, 2007, 9:51 EST) (on file with author).

<sup>20</sup> First Smith E-mail, *supra* note 19.

came the pastor of the fledgling Immanuel Lutheran Church in Williamsburg, Iowa,<sup>21</sup> but soon joined his parents in Wisconsin and went to work for the Evangelical Lutheran Colonization Company.<sup>22</sup>

Although seemingly destined for a religious life, in 1906 Zollmann abruptly changed direction: he resigned from the ministry<sup>23</sup> and entered the law school at the University of Wisconsin.<sup>24</sup> After earning an L.L.B. in 1909,<sup>25</sup> he was admitted to the bar<sup>26</sup> and accepted a job with the respected Madison law firm of Olin & Butler.<sup>27</sup> In a preview of what was to come, during his time at Olin & Butler, Zollmann published his first arti-

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<sup>21</sup> *Id.* The church's web page can be found at Lutheran Church-Missouri Synod (Iowa East), Immanuel Lutheran Church, [http://www.lcmsdistricts.org/ca/www/locators/nchurches/c\\_detail.asp?C978330](http://www.lcmsdistricts.org/ca/www/locators/nchurches/c_detail.asp?C978330) (last visited Oct. 12, 2007) (stating that it was founded in 1898).

<sup>22</sup> USHER, *supra* note 11, at 1660, and see *Father's Obituary*, *supra* note 11 (explaining that Zollmann's parents had left Indiana in 1901 when Zollmann's father was named assistant superintendent of the Wisconsin Children's Friend Society, an orphanage in Wauwatosa, and had gone on to Browns Corner, near Mayville, Wisconsin, in 1903). In his new position, Zollmann was responsible for helping LCMS members establish new communities by purchasing local farmland. E-mail from Marvin A. Huggins, Associate Director for Archives and Library, Concordia Historical Institute, to the author (Jan. 17, 2008, 11:49 EST) (on file with author).

<sup>23</sup> First Smith E-mail, *supra* note 19.

<sup>24</sup> USHER, *supra* note 11, at 1660 (explaining that Zollmann had a greater ambition for law than religion).

<sup>25</sup> *Id.* at 1660-61.

<sup>26</sup> See Illinois Attorney Registration & Disciplinary Commission, Carl F.G. Zollman, <http://www.iardc.org/lawyersearch.asp> (search for last name: Zollman, click on Carl F. G. Zollman) (last visited Oct. 12, 2007) (showing that Zollmann was admitted to the Illinois bar on April 5, 1911). Because of the state's "diploma privilege," Zollmann was not required to sit for the Wisconsin bar exam. He did, however, later take and pass the Illinois bar exam. *Id.*

In 1927, Zollmann co-authored a forceful critique of the diploma privilege, see Carl Zollmann & John McDill Fox, *Diploma Privilege in Wisconsin*, 11 MARQ. L. REV. 73, 73-78 (1927), but in 1931 the courtesy, which had been limited to University of Wisconsin graduates, was extended to those from Marquette University. See Peter K. Rofes, *Mandatory Obsolescence: The Thirty Credit Rule and the Wisconsin Supreme Court*, 82 MARQ. L. REV. 787, 790 n.9 (1999). In June 2007, in a pro se case brought by an Oklahoma City University law student, a federal court held that the privilege does not illegally discriminate against interstate commerce. See *Weismueller v. Kosubucki*, 492 F. Supp. 2d 1036, 1039 (W.D. Wis. 2007).

<sup>27</sup> USHER, *supra* note 11, at 1661. Founded in 1891 by John M. Olin (1851-1924) and Harry Lincoln Butler (1866-1936), the firm carried on a general practice. Stafford Rosenbaum LLP, History, <http://www.staffordlaw.com/section.asp?ID=6> (last visited Oct. 12, 2007); Stroud, Willink & Howard LLC, History, <http://www.stroudlaw.com/history.html> (last visited Oct. 12, 2007). Now known as Lathrop & Clark LLP, its development is traced in William L. Fahey,

cles: one in the *Wisconsin Alumni Magazine* calling on the university to approve the creation of a law review,<sup>28</sup> and another on bankruptcy law in the *Columbia Law Review*.<sup>29</sup>

Zollmann's stay at Olin & Butler was brief, for in 1910 he moved to Chicago and became an editorial writer for Callaghan & Company.<sup>30</sup> In 1911, he returned to Wisconsin and, with Ralph E. Smith, the new president of the Wisconsin State Board of Control, founded the Merrill law firm of Smith & Zollmann.<sup>31</sup>

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*Notes From the Chair*, 3 COUNSELOR, Winter 2000, at 5, available at [http://www.lathropclark.com/contentpublications/PDF/2000\\_Winter.pdf](http://www.lathropclark.com/contentpublications/PDF/2000_Winter.pdf).

<sup>28</sup> See Carl Zollmann, Discussion and Comment, *A Magazine for the Law School*, 11 WIS. ALUMNI MAG. 18, 18–20 (1909). A subsequent editorial supporting the idea noted that Zollmann's suggestion had been "widely commented upon." Editorial, *A Law Review*, 11 WIS. ALUMNI MAG. 207, 207 (1910). Of course, the school eventually did start a law review, and during its first year it published one of Zollmann's articles. See Carl F.G. Zollmann, *The Development of the Charity Doctrine in Wisconsin*, 1 WIS. L. REV. 129, 129–40 (1921).

<sup>29</sup> See Carl Zollmann, *Persons of Abnormal Status as Bankrupts*, 10 COLUM. L. REV. 221, 221–41 (1910). The title refers to the "three classes of persons who are always with us, and indeed form the vast bulk of our population, namely, married women, infants and lunatics." *Id.* at 221.

Given the subsequent course of his personal life, it is perhaps telling that Zollmann viewed wives and children as "abnormal." See *id.* It also is interesting to note that of Zollmann's six siblings, five never married, while the one who did (Alex in 1925) had no offspring. Letter from Von Haden, *supra* note 11.

<sup>30</sup> USHER, *supra* note 11, at 1661, and *Alumni News*, 12 WIS. ALUMNI MAG. 32, 47 (1910) (incorrectly placing this news under the announcements for the Class of 1910).

Founded by Bernard Callaghan (1822–94) in Chicago in 1864 as Callaghan & Cutler, the company eventually became both a publisher and a seller of law books (its downtown retail store advertised under the slogan "Three Miles of Law Books" and eventually got the nickname "Call-again"). ERWIN C. SURRENCY, *A HISTORY OF AMERICAN LAW PUBLISHING* 231–32 (1990). In 1979, it was acquired by Thomson-West, which merged it with its Clark Boardman subsidiary in 1991. Thomson-West, West Predecessors, <http://west.thomson.com/about/history/> (last visited Oct. 12, 2007).

<sup>31</sup> USHER, *supra* note 11, at 1660, 1661. Like Zollmann, Smith (1875–1945) had gone to law school at Wisconsin (Class of 1895), and the two men set up shop in what previously had been Smith's office. See *Alumni News*, 12 WIS. ALUMNI MAG. 492, 501 (1911). As president of the Wisconsin State Board of Control, Smith was in a position to steer a great deal of work to the firm:

The Wisconsin Legislature created the Board of Control in 1891 to place the administration of the State's various institutions under a single administrative body. BERNETT O. ODEGARD & GEORGE M. KEITH, *A HISTORY OF THE STATE BOARD OF CONTROL OF WISCONSIN AND THE STATE INSTITUTIONS: 1849–1939*, 5–6 (1939). The legislative purpose of creating the Board was: "To secure the just, humane and economical administration of the laws concerning the charitable, curative, reformatory and penal institutions of the state." *Id.* at 6 (quoting Act of 1891, ch. 221, Laws of Wisconsin 1891 (act creat-



Zollmann continued in this partnership until 1915, when he moved back to Chicago, as he later put it, to “engag[e] in law writing for myself.”<sup>32</sup> Zollmann’s output as a freelancer was impressive. In addition to a book on church law,<sup>33</sup> he wrote a pam-

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ing the State Board of Control of Wisconsin Reformatory, Charitable, and Penal Institutions)[]. The Board oversaw the erection, maintenance and administration of institutions; commitment proceedings; probation and parole; and sterilization procedures. *Id.* at 7–13.

Vanessa Carroll, Comment, *Cultivating Boyhood and Girlhood: The Role of Gender in Progressive Era Juvenile Justice Reform in Wisconsin*, 22 WIS. WOMEN’S L.J. 133, 152 n.3 (2007). For a further look at Smith at the time of his association with Zollmann, see USHER, *supra* note 11, at 742–43 (describing him as a successful rainmaker and “one of the forceful leaders of the [state’s] Republican party”).

<sup>32</sup> Marquette University Libraries, Department of Special Collections and University Archives, *Faculty Record of Carl Frederick Zollmann* (copy on file with author) [hereinafter *Faculty Record*]. Among other items, this file contains several pictures of Zollmann taken during his years as a law professor.

Following Zollmann’s departure, Smith continued to practice in Merrill until 1938, when he moved to Washington, D.C., and joined the Internal Revenue Service (then known as the Bureau of Internal Revenue). See *Trailing the Badgers*, 46 WIS. ALUMNUS, June 15, 1945, at 19. He continued in this position until his death on May 5, 1945. *Id.* As it turned out, this was two weeks to the day before Zollmann died. See *infra* note 64 and accompanying text.

<sup>33</sup> See CARL ZOLLMANN, *AMERICAN CIVIL CHURCH LAW* (1917). For reviews, see Simon E. Baldwin, 23 AM. HIST. REV. 682, 682–84 (1918), Robert E. Cushman, 12 AM. POL. SCI. REV. 726, 726–28 (1918), E.C. Goddard, 16 MICH. L. REV. 466, 466–67 (1918), Peter G. Mode, 24 AM. J. THEOLOGY 317, 317 (1920), Max Radin, 9 CAL. L. REV. 264, 264–65 (1921), 52 AM. L. REV. 156, 156–57 (1918), 25 FORT. REV. 107, 107–08 (1918), and 67 U. PA. L. REV. 212, 212–13 (1919).

The original edition of this book was distributed by Longmans, Green and Company of New York as part of a series known as the Columbia University Studies in History, Economics and Public Law. *AMERICAN CIVIL CHURCH LAW*, *supra*. For Zollmann, this marked an auspicious start to his book career, for Longmans was a well-known London publisher (having been founded in 1724). The Lucile Project, Longmans, Green & Company, <http://sdrclib.uiowa.edu/lucile/publishers/longmans/Longmans.htm> (last visited Oct. 12, 2007). For additional information about Longmans (now known as Pearson Longman ([www.pearsonlongman.com](http://www.pearsonlongman.com))), see Wikipedia: The Free Encyclopedia, Longman, <http://en.wikipedia.org/wiki/Longman> (last visited Oct. 12, 2007). In 1969, AMS Press, Inc. ([www.amspressinc.com](http://www.amspressinc.com)), a small, New York City publisher, reprinted the text. E-mail from David Ramm, Executive Editor, AMS Press, Inc., to the author (Oct. 22, 2007, 9:15 EST) (on file with author). It is this edition that now is most commonly cited.

Although it is not certain how Zollmann came to the attention of the editors at Columbia, it is probable that his name was championed by Professor William Underhill Moore, who had been Zollmann’s teacher at Wisconsin and who now was at Columbia. See *AMERICAN CIVIL CHURCH LAW*, *supra*, at 6. In the book’s preface, Zollmann thanked a number of individuals, but reserved his most lavish praise for Moore. *Id.* For a profile of Moore (1879–1949), see William O. Douglas, Charles E. Clark, & Carrol M. Shanks, *Underhill Moore*, 59 YALE L.J. 187,

phlet on religious instruction in schools<sup>34</sup> and more than a dozen law review articles.<sup>35</sup> Three of these pieces, each appearing in the *American Law Review*, focused on the emerging subject of air law,<sup>36</sup> in which Zollmann (like much of the country) had begun to take a keen interest.<sup>37</sup>

In 1920, Zollmann again returned to Wisconsin and opened his own law firm in Milwaukee.<sup>38</sup> He continued to write, however, co-authoring a new edition of a leading criminal law treatise<sup>39</sup> and preparing articles for a variety of periodicals.<sup>40</sup>

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187–95 (1950). See also *Notes and Personals*, 4 AM. L. SCH. REV. 174, 183 (1916) (announcing Moore's appointment to the Columbia faculty). In later years, Zollmann continued his connection to Moore by using his casebook. See Carl Zollmann, *Book Reviews*, 16 MARQ. L. REV. 286, 286–87 (1932) (enthusiastically recommending HOWARD L. SMITH & UNDERHILL MOORE, *CASES ON THE LAW OF BILLS AND NOTES* (3d ed. 1932)).

<sup>34</sup> See CARL ZOLLMANN, *CHURCH AND SCHOOL IN THE AMERICAN LAW* (1918). For a review, see 25 FORT. REV. 259, 259 (1918). This tract was issued by Concordia Publishing House ("CPH"), the communications arm of the LCMS. For a further look at the CPH, see <http://www.cph.org/cphstore/pages/corporate/history.asp> (last visited Oct. 12, 2007) (explaining that it was founded in St. Louis in 1869 "to preserve the German Lutheran heritage and to reach out to immigrant groups in the new land through the power of the printed word.").

<sup>35</sup> A bibliography of Zollmann's writings appears in the Appendix to this essay.

<sup>36</sup> See Carl Zollmann, *Air Space Rights*, 53 AM. L. REV. 711 (1919); Carl Zollmann, *Liability of Aircraft*, 53 AM. L. REV. 879 (1919); Carl Zollmann, *Governmental Control of Aircraft*, 53 AM. L. REV. 897 (1919).

Started by John Chipman Gray (1839–1915) and John Codman Ropes (1836–99), the *American Law Review* (1866–1940) was one of the country's premier legal outlets. For a look at its many innovations, see Michael I. Swygert & Jon W. Bruce, *The Historical Origins, Founding, and Early Development of Student-Edited Law Reviews*, 36 HASTINGS L.J. 739, 757–58 (1985).

<sup>37</sup> As has been explained elsewhere, the United States aviation industry began in earnest during World War I. See, e.g., Herbert A. Johnson, *The Wright Patent Wars and Early American Aviation*, 69 J. AIR L. & COM. 21, 43 (2004) ("In August 1914, war broke out in Europe, creating a brisk demand for all types of aircraft, and numerous American aviation manufacturing firms sprang up to supply national and international orders.").

<sup>38</sup> 1925 AALS DIRECTORY, *supra* note 18, at 83. The decision to do so was prompted by a change in his parents' fortunes. In December 1919, Zollmann's 75-year-old father broke his right hip in a fall. See *Father's Obituary*, *supra* note 11. The accident forced him to resign as pastor of the German Lutheran Church in Brown Deer, Wisconsin (where he had been since 1914) and resulted in the couple moving to Milwaukee in June 1920. *Id.*

<sup>39</sup> See JOEL PRENTISS BISHOP, *BISHOP ON CRIMINAL LAW* (John M. Zane & Carl Zollmann eds., 9th ed. 1923). For a review, see *Book Reviews*, 17 LAW. & BANKER & S. BENCH & B. REV. 73 (1924).

Bishop's text initially appeared in 1856 and quickly proved popular. BISHOP, *supra*, at iii. As a result, a steady stream of updates followed, with the eighth edition (1892) being the final one written by Bishop. *Id.* at iv. For a profile of

### III. UNIVERSITY CAREER: 1923 TO 1940

In 1922, Max Schoetz, Jr., then in his sixth year as the dean of the Marquette University Law School, invited Zollmann to join the faculty.<sup>41</sup> While history has not recorded the circumstances surrounding this event, it seems likely that Zollmann's scholarly

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Bishop (1814–1901), see Stephen A. Siegel, *Joel Bishop's Orthodoxy*, 13 LAW & HIST. REV. 215–59 (1995).

For the ninth edition (which turned out to be the book's last), Zollmann teamed up with John M. Zane, a Chicago intellectual property lawyer. BISHOP, *supra*. Although we cannot be certain, it is probable that Zane recruited Zollmann for this project—not only was Zane the more established of the pair, he counted the publisher (T.H. Flood and Company of Chicago) among his clients. See *T.H. Flood & Co. v. Bates*, 283 F. 364, 365 (7th Cir. 1922) (defending the company against an author whose book it had rejected). In addition, twenty years earlier Flood published Zane's treatise on banking law. See JOHN M. ZANE, *THE LAW OF BANKS AND BANKING* (1900). For a biography of Zane (1863–1937), see JOHN MAXCY ZANE, *THE STORY OF LAW* xiii–viii (1927) (Charles J. Reid, Jr., ed., 2d ed. 1998). For a further look at the company, see *Flood v. First Nat'l Bank*, 69 S.W. 750 (Ky. 1902) (describing its sales operation); *Ley-Cross Printing Co. v. T.H. Flood & Co.*, 239 Ill. App. 667 (App. Ct. 1925) (printer's lawsuit).

<sup>40</sup> All of these pieces dealt with either charities or religion except for one: Carl Zollmann, *The Return of Property by the Alien Property Custodian*, 21 MICH. L. REV. 277 (1923). In this work, Zollmann urged the federal government to extend more sympathetic treatment to Germans and German-Americans trying to reclaim the property they had lost in World War I. *Id.*

Although we cannot be sure, it is probable that Zollmann was inspired to write this article based on what he had seen while working as a consultant for the Bureau of War Trade Intelligence, one of the units of the War Trade Board. See REPORT OF THE WAR TRADE BOARD 456 (1920) (noting that Zollmann had been a member of the agency during World War I). For a picture of Zollmann in his military reserves uniform, see Walter H. Inbusch, *Alumni Soldiers*, 17 WIS. ALUMNI MAG. 94, 94 (1915).

<sup>41</sup> For a description of the law school at the time of Zollmann's hiring, see V.W. Dittmann, *History of the Marquette Law School*, 8 MARQ. L. REV. 298 (1924). As Dittmann explains, Zollmann arrived at a moment of great excitement and high hopes: after years of operating out of makeshift quarters, a new physical plant was under construction at a cost of \$200,000; admission standards were being raised (causing the night program to close—a decision that would be reversed in 1997); and fundraising plans were being drawn up to increase faculty salaries, expand the library's holdings, and provide student scholarships. *Id.* at 302–04. For a further look at the school during its infancy, see William D. Miller, *Marquette Law School: The First Twenty Years*, 74 MARQ. L. REV. 377 (1991), and Michael J. Mazza, Comment, *The Rise and Fall of Part-Time Legal Education in Wisconsin: 1892–1924*, 81 MARQ. L. REV. 1049 (1998). For a description of the school during the prime of Zollmann's career, see Jeffrey S. Kinsler, *Joseph McCarthy, The Law Student*, 85 MARQ. L. REV. 467, 469–75 (2001) (examining the period 1932–35). For a current view, see THE PRINCETON REVIEW, BEST 170 LAW SCHOOLS 152–53 (Eric Owens et al. eds., 2008) (praising the school's faculty, internship opportunities, and night program, but faulting its once-again outdated and cramped facilities).

record made him a desirable candidate.<sup>42</sup> As for Zollmann, the prospect of a job that would pay him to write what he pleased undoubtedly made the proposition an attractive one, especially given the fact that although he was forty-three years old, he had not yet put down any permanent roots.

Zollmann officially entered into his new duties on February 1, 1923, and was assigned to teach Agency, Bills and Notes, Contracts, and Property.<sup>43</sup> Pleasant but low-key, Zollmann rarely mingled with the student body.<sup>44</sup> Instead, he spent most of his

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<sup>42</sup> Zollmann's chances also were probably helped by the fact that Schoetz (1884–1927) was a fellow alumnus of both Wisconsin (having graduated from the law school in 1908) and Olin & Butler (for which he had clerked while in law school). See *In Memoriam: Dean Max Schoetz, Jr.*, 12 MARQ. L. REV. 4, 6 (1928).

<sup>43</sup> 1925 AALS DIRECTORY, *supra* note 18, at 83, and *Faculty Record*, *supra* note 32. In 1931, Zollmann added Air Law to his teaching package. See ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 128 (1931). By the time he retired, he also had picked up Sales and Trusts. See ASSOCIATION OF AMERICAN LAW SCHOOLS, DIRECTORY OF TEACHERS IN MEMBER SCHOOLS 203 (1939–40).

<sup>44</sup> Telephone Interview with James D. Ghiardi, Professor of Law Emeritus, Marquette Univ. (Apr. 6, 2007) [hereinafter Ghiardi Interview]. Ghiardi entered the law school as a freshman in the fall of 1939 and had Zollmann for Sales. *Id.*

Zollmann's unease around students is exemplified by his awkward relationship with the Law Review staff. Appearing to be tailor-made for the position, he was appointed co-faculty advisor in the fall of 1924, but relinquished the position at the end of the spring semester. In the fall of 1926, he again was named co-advisor, but again resigned at the end of the spring semester. See the mastheads of volumes 9 through 12 of the Marquette Law Review. He was not asked to try a third time. See Robert F. Boden, *The Marquette Law Review—Its First Fifty Years*, 50 MARQ. L. REV. 571, 573 (1967) (stating that Zollmann's service as faculty advisor ended in 1927).

Zollmann did have one quirk, however, when it came to students: he insisted that any women taking his class sit in the front row. Ghiardi Interview, *supra*. Of course, female law students were a rarity during Zollmann's day, so it is hard to know what to make of this fact (chivalry? paternalism? sexism? lechery?). For a history of women at Marquette Law School, see Christine M. Wiseman, *The Legal Education of Women: From "Treason Against Nature" to Sounding a "Different Voice,"* 74 MARQ. L. REV. 325 (1991). As Wiseman points out:

From 1926 through 1936, graduating classes of the Marquette Law School either included no women or included fewer than six percent women (there were generally less than three). Extant documents indicate the following numbers and percentages of law degrees conferred upon women: 1926: 2 of 62 (3.2%); 1927: 3 of 77 (3.9%); 1928: 1 of 25 (4%); 1929: 1 of 69 (1.4%); 1930: 2 of 64 (3.1%); 1931: 0 of 70; 1932: 1 of 66 (1.5%); 1933: 3 of 72 (4.2%); 1934: 1 of 73 (1.4%); 1935: 3 of 56 (5.4%), and 1936: 0 of 27.

*Id.* at 336 n.87 and accompanying text. The composition of the classes did not change during the final years (1936–40) of Zollmann's career. *Id.* at 336–37 (explaining that women did not begin to enroll in sizeable numbers until 1973).

time in his office—which was located just off the library's main reading room—engaged in research.<sup>45</sup>

During his first four years on the faculty, Zollmann wrote two books: a treatise on charities<sup>46</sup> and his aviation law hornbook.<sup>47</sup>

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<sup>45</sup> Ghiardi Interview, *supra* note 44. In his free time, however, Zollmann enjoyed a number of diversions. In an undated profile in the law school archives, the following appears under "Hobby":

Volleyball enthusiast. Formerly craved chess, but gave it up when he decided that no human brain could master the game as a hobby and yet not go flooey with that more complex form of chess—the Law. Also helps along the oil companies, by driving some 30,000 miles over all parts of the country every year. One of those who trades in his old car every 12 months (salesmen, please note).

*Faculty Record*, *supra* note 32. Likewise, a story in the *Marquette Tribune*, the campus newspaper, reported:

A high-flying lawyer, aeronautically speaking, is Carl F. Zollmann, nationally famous authority on air law, banking, and American church law. A professor in the Marquette Law school since 1923, this slender, good-natured author is a world-wide traveler and a prolific writer.

Unmarried, he does much traveling "both in the states and beyond the pond." He acknowledges a dislike for card games in general but has one deck of cards that he purchased years ago in Sweden with which he has played several thousand games of solitaire in the past eight or nine years.

*Faculty Record*, *supra* note 32. See also *In the Alumni World*, 38 WIS. ALUMNUS 316, 318 (1937), which repeated Zollmann's enthusiasm for sightseeing and volleyball and quoted him as saying he was a "summer habitue" of Bradford Beach. For a description of Bradford Beach, see Catherine Fitzpatrick, *A Day at the Beach: Stormy Beginnings Give Way to Sun, Exuberance and Intersecting Lives*, MILWAUKEE J. SENTINEL, July 12, 1998, at L1 (recounting its history and calling it "the court of first resort" for local "volleyball spikers").

<sup>46</sup> See CARL ZOLLMANN, *AMERICAN LAW OF CHARITIES* (1924). For reviews, see Lionel B. Benas, 13 CAL. L. REV. 520, 520–21 (1925), Henry Wynans Jessup, 24 COLUM. L. REV. 938, 938–40 (1924), and 58 AM. L. REV. 948, 948–49 (1924).

Zollmann dedicated this book to his parents, both of whom had died just a short time earlier. See *AMERICAN LAW OF CHARITIES*, *supra*, at v ("To the memory of my parents[,] Rev. C. Zollmann (1844–1922) [and] Katherine Zollmann (1850–1923)[.]"). For obituaries of Zollmann's father, see *Father's Obituary*, *supra* note 11, and *Prominent German Clergyman Dead*, MILWAUKEE SENTINEL, June 4, 1922, at 20. For an obituary of Zollmann's mother, see *Zollmann—Mrs. C.*, MILWAUKEE J., Apr. 23, 1923, at 19.

<sup>47</sup> See *LAW OF THE AIR*, *supra* note 6. For reviews, see C.L. Bouvé, 22 AM. J. INT'L L. 239, 239–40 (1928), Chester W. Cuthell, 37 YALE L.J. 687, 687–88 (1928), W. Jefferson Davis, 16 GEO. L.J. 371, 371–73 (1928), John McDill Fox, 12 MARQ. L. REV. 83, 83–84 (1928), Edwin W. Hadley, 3 NOTRE DAME LAW. 48, 48 (1928), Thomas H. Kennedy, 16 CAL. L. REV. 357, 357–59 (1928), Eugene C. Luccock, 3 WASH. L. REV. 61, 61–62 (1928), W.L. Matthews, 6 TEX. L. REV. 407, 407 (1928), Roy Moreland, 16 KY. L.J. 286, 286–87 (1928), Charles Morse, 6 CAN. B. REV. 241, 241–42 (1928), Arthur L. Newman, II, 1 AIR L. REV. 178, 178 (1930), Irvin Stewart, 26 MICH. L. REV. 839, 839–41 (1928), George J. Thompson, 13 CORNELL L.Q.

Both were published by the Bruce Publishing Company, a local outfit Zollmann had been introduced to by Dean Schoetz.<sup>48</sup> Schoetz's death in an automobile accident in June 1927, one week before the aviation law hornbook was finished, greatly affected Zollmann and led him to dedicate the text to Schoetz.<sup>49</sup>

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343, 343-46 (1928), Clayton E. Williams, 23 ILL. L. REV. 418, 418-19 (1929), and 61 AM. L. REV. 797, 797 (1927).

In the same year that Zollmann's book appeared, Rowland W. Fixel (1887-1971), a Detroit lawyer, published a similar work. See ROWLAND W. FIXEL, *THE LAW OF AVIATION* (1927). For reviews, see Robert C. Brown, 3 IND. L.J. 167, 167-69 (1928), Lucien B. Carpenter, 2 TEMP. L.Q. 92, 92 (1928), Chester W. Cuthell, 37 YALE L.J. 687, 687-88 (1928), Martin Gang, 1 S. CAL. L. REV. 203, 203-05 (1928), Thomas H. Kennedy, 16 CAL. L. REV. 74, 74-76 (1928), W.D. Rollison, 3 ALA. L.J. 289, 289 (1928), Irvin Stewart, 26 MICH. L. REV. 839, 839-41 (1928), 61 AM. L. REV. 797, 797 (1927), and *Aviation Law*, N.Y. TIMES, NOV. 13, 1927, at BR26. For a profile of Fixel, see *Rowland W. Fixel, Detroit Attorney*, DETROIT NEWS, July 4, 1971, at 12A.

Despite their pioneering efforts, neither Zollmann nor Fixel wrote the first book on aviation law. That honor, it would seem, belongs to HAROLD D. HAZELTINE, *THE LAW OF THE AIR* (1911). For reviews, see S.E.B., 12 COLUM. L. REV. 94, 94-95 (1912), J.S. 25 HARV. L. REV. 486, 486-87 (1912), and N.Y. TIMES, Mar. 3, 1912, (Review of Books), at BR120. For a biography of Hazeltine (1871-1960), a Harvard-educated lawyer who spent the bulk of his career teaching legal history at the University of Cambridge, see 26 OXFORD DICTIONARY OF NATIONAL BIOGRAPHY: FROM THE EARLIEST TIMES TO THE YEAR 2000, 104-05 (H.C.G. Matthew & Brian Harrison eds., 2004).

<sup>48</sup> Founded in 1891 by William G. Bruce, the company produced a wide assortment of works, but eventually became best known for its religious titles. See Rembert G. Weakland, *William George Bruce: A Catholic and Civic Leader*, MILWAUKEE J. SENTINEL, Dec. 27, 1998, at J6 ("Almost every Catholic book of any importance [during the 1940s and 1950s] bore the imprint of The Bruce Publishing Co., Milwaukee, Wis."). Following the Second Vatican Council (1962-65), however, the company began to lose market share and in 1968 was bought out by Crowell Collier & Macmillan, Inc. (now known as Macmillan). See Eleanor Blau, *Lean Days Beset Catholic Publishers*, N.Y. TIMES, Aug. 18, 1971, at 42. For a further look at the company, see Heritage North Press, *William George Bruce: A Family Heritage Resource*, [http://www.workingdogweb.com/William\\_George\\_Bruce.htm](http://www.workingdogweb.com/William_George_Bruce.htm) (last visited Oct. 12, 2007), and University of Wisconsin-Milwaukee Archives Department, *Bruce, William George, 1856-1949*, <http://www.uwm.edu/Libraries/arch/findaids/msscu.htm> (last visited Oct. 12, 2007).

<sup>49</sup> In the book's Preface, Zollmann explained:

On the very eve of publication the tragic death of Max Schoetz, dean of Marquette University School of Law, through whom the author made his first contact with the publisher, has deeply saddened both. While he was on his way to the Marquette University Commencement Exercises on June 8, the automobile in which he was traveling was thrown by an express train into the Menominee river. A train going in the opposite direction had all too successfully screened the approach of the engine of destruction. With him the author has lost a friend whose active interest in his literary work could not have been more constant and sincere.

Following the appearance of his aviation law hornbook, Zollmann began writing for the West Publishing Company<sup>50</sup> and quickly produced two editions of his aviation law casebook (the first in 1930<sup>51</sup> and the second in 1932<sup>52</sup>), as well as an updated

LAW OF THE AIR, *supra* note 6, at ix.

<sup>50</sup> By becoming a West author, of course, Zollmann moved into the first tier of legal writers, for no publisher is more closely identified with the law than West. For histories of the company, see WILLIAM W. MARVIN, WEST PUBLISHING COMPANY: ORIGIN, GROWTH, LEADERSHIP (1969); SURRENCY, *supra* note 30, at 237–42; Joe Morehead, *All Cases Great and Small: The West Publishing Company Saga*, 14 SERIALS LIBR. 3–17 (1988); Thomas A. Woxland, “Forever Associated with the Practice of Law”: The Early Years of the West Publishing Company, 5 LEGAL REFERENCE SERVICES Q. 115 (1985); Thomson-West, Historic Highlights, <http://west.thomson.com/about/history/> (last visited Oct. 12, 2007).

<sup>51</sup> See CASES ON AIR LAW, *supra* note 7. For reviews, see T.P. Brady, 2 MISS. L.J. 480, 480 (1930), Louis G. Caldwell, 16 A.B.A.J. 458, 458–59 (1930), John W. Curran, 18 GEO. L.J. 284, “Forever Associated with the Practice of Law”: The Early Years of the West Publishing Company, 5 LEGAL REFERENCE SERVICES Q. 115 (1985); Thomson-West, Historic Highlights, <http://west.thomson.com/about/history/> (last visited Oct. 12, 2007). 284–85 (1930), Fred D. Fagg, Jr., 28 MICH. L. REV. 953, 953–54 (1930), Henry G. Hotchkiss, 79 U. PA. L. REV. 244, 244–46 (1930), George B. Logan, 1 J. AIR L. 231, 231 (1930), Sayre Macneil, 43 HARV. L. REV. 981, 981–83 (1930), Justin Miller, 16 CORNELL L.Q. 272, 272–73 (1931), Hazleton Mirkil, 4 TEMP. L.Q. 414, 414 (1930), Arthur L. Newman, II, 30 COLUM. L. REV. 753, 753–54 (1930), Russell Denison Niles, 1 AIR L. REV. 493, 493 (1930), Earl J. O’Brien, 14 MARQ. L. REV. 189, 189–90 (1930), Edna Covert Plummer, 4 S. CAL. L. REV. 251, 251–52 (1931), O.H. Thormodsgard, 3 DAKOTA L. REV. 114, 114–15 (1930), and 8 CHI.-KENT REV. 20, 20 (1930).

As with his aviation law hornbook three years earlier, an untimely death again took away some of the joy: “Dedicated to the memory of my brother MARTIN W. ZOLLMANN[,] Aviator and Police Officer[,] Mortally wounded in the discharge of duty he grappled with his assailant until death and prevented further bloodshed.” CASES ON AIR LAW, *supra* note 7, at iii.

Martin Zollmann was Carl’s much younger brother, having been born on November 5, 1890. Letter from Von Haden, *supra* note 11. Long fascinated by flying, he enlisted as a pilot in World War I and eventually became an instructor. *Zollman Was in Chair Reading a Legionnaire Paper*, LIVINGSTON ENTERPRISE (Mont.), Aug. 21, 1929, (Extra), at 1. In July 1918, however, he nearly died during a training exercise at Kelly Field (later Kelly Air Force Base) in San Antonio, Texas, when his airplane, a “Jenny,” suffered catastrophic engine failure during take-off. See U.S. Aviation Schools, *Report 452.1-43-Airplane Accidents-Kelly #8* (1918) (copy on file with author). As has been explained elsewhere, the Curtiss JN4-D, nicknamed the Jenny, “was the first aircraft purchased in quantity by the American military . . . [and was] [u]sed to train over ninety percent of American pilots during WW I[.]” AirVenture Museum, Curtiss JN4-D “Jenny,” <http://www.airventuremuseum.org/collection/aircraft/Curtiss%20JN4-D%20Jenny.asp> (last visited Oct. 12, 2007).

After the war, Martin returned to Montana (where he had worked previously as a brakeman for the Northern Pacific railroad) and joined the Livingston police department in 1924. *Zollman Was in Chair, supra*. On August 21, 1929, he lost his life in a bizarre crime:

edition of his church law book.<sup>53</sup> Zollmann's most significant

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Officer Zollman[n] and Chief Peter Holt were shot and killed in the police station by a man who became enraged when they told him to forget about 50 cents he said his boss owed him. Two firemen overpowered the suspect and took him into custody.

The suspect was convicted of both murders and sentenced to death. He was executed by hanging on November 6, 1929.

The Officer Down Memorial Page, Inc., Police Officer Martin Zollman, <http://www.odmp.org/officer.php?oid=14690> (last visited Oct. 12, 2007). See also *Doomed Man Gets Reprieve*, L.A. TIMES, Oct. 31, 1929, at A18 (identifying the killer as Rollin Davisson and reporting that Governor John E. Erickson, a one-time state court judge, was reviewing the case), and Tyler Schulze, *Black Sheep Ancestors—Montana Executions*, <http://users.bestweb.net/~rg/execution/MONTANA.htm> (last visited Oct. 12, 2007) (listing Davisson as having been a laborer and noting that he was 44 at the time of his execution). For a further discussion of the shooting, see *Holt and Zollman Killed: Enraged Laborer Fires Point-Blank*, LIVINGSTON ENTERPRISE (Mont.), Aug. 21, 1929, (Extra), at 1; *Rollin Davisson Interviewed Holt Concerning Trouble He Had Over Wages; Interview Was Friendly*, LIVINGSTON ENTERPRISE (Mont.), Aug. 21, 1929, (Extra), at 1 (reporting that Davisson had been paid \$4.50 but felt he was due \$5.00); *Victim of Shooting Will Be Buried Here*, MILWAUKEE J., Aug. 23, 1929, at 3 (stating that Davisson was drunk at the time of the killings). A picture of Zollmann and Holt in uniform, taken around 1927, appears in DORIS WHITHORN, PARADISE VALLEY ON THE YELLOWSTONE 116 (2001). The lack of a physical resemblance between the bookish-looking Carl and the robust Martin is striking.

<sup>52</sup> See CARL ZOLLMANN, CASES ON AIR LAW, COVERING AVIATION AND RADIO (2d ed. 1932). For reviews, see Louis G. Caldwell, 2 J. RADIO L. 651, 651–52 (1932), E. Perry Campbell, 7 TEMP. L.Q. 120, 120–22 (1932), John A. Eubank, 2 BROOK. L. REV. 144, 144–46 (1933), John A. Eubank, 19 VA. L. REV. 196, 196–98 (1933), Fred D. Fagg, Jr., 3 J. AIR L. 473, 473 (1932), Fred D. Fagg, Jr., 81 U. PA. L. REV. 242, 242–43 (1933), John W. Guider, 21 GEO. L.J. 112, 112–13 (1933), James J. Hayden, 7 ST. JOHN'S L. REV. 173, 173–74 (1933), James J. Hayden, 18 CORNELL L.Q. 454, 454–55 (1933), A. Emerson Howell, 37 DICK. L. REV. 147, 147–48 (1933), Robert Kingsley, 27 ILL. L. REV. 713, 713–14 (1933), Harry G. Slater, 17 MARQ. L. REV. 78, 78–79 (1933), 10 CHI.-KENT REV. 283, 283 (1932), R.F.C., 32 COLUM. L. REV. 1470, 1470 (1932), 3 DET. L. REV. 64, 64–65 (1933), 46 HARV. L. REV. 186, 186–87 (1933), and 1 KAN. CITY L. REV., 14, 14 (1933).

<sup>53</sup> See CARL ZOLLMANN, AMERICAN CHURCH LAW (1933). For reviews, see Lewis C. Cassidy, 21 GEO. L.J. 516, 516–19 (1933), John M. Crimmins, 8 NOTRE DAME LAW. 388, 388 (1933), Rev. G. Smith, 17 MARQ. L. REV. 236, 236 (1933), William Warren Sweet, 13 J. RELIGION 476, 476 (1933), Arthur J. Todd, 19 A.B.A.J. 733, 733–34 (1933), and Rev. Robert J. White, 47 HARV. L. REV. 377, 377–78 (1934).

Given the slight name change, compare *supra* note 33, cataloguers have long been in a quandary as to whether this book should be treated as a revised edition of Zollmann's 1917 treatise or as an independent work. In his Preface, Zollmann did little to clear up the confusion:

The need for a compact statement of the legal relations of church and state, in the United States, led to the publication, in 1917, of the author's American Civil Church Law as volume 77 of the Columbia University "Studies in History, Economics and Public Law." Shortly after its publication, a revision was begun in order to make



effort for West, however, came in 1936, when after a decade of work, he released a twelve-volume encyclopedia on banking law.<sup>54</sup>

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possible a more extended treatment of a number of topics and a more complete utilization of the material available.

The present work, therefore, although appearing under a similar title, is in a large part a new treatment.

AMERICAN CHURCH LAW, *supra*, at v. Nowadays, however, the book almost always is cited in stand-alone fashion with no mention of its predecessor.

<sup>54</sup> See CARL ZOLLMANN, 1 THE LAW OF BANKS AND BANKING: A TREATISE CONCERNING THE ORGANIZATION, STOCKHOLDERS, STAFF, CUSTOMERS AND PUBLIC CONTROL OF BANKS (1936 & Supp. 1954). For a review, see 34 MICH. L. REV. 903, 903 (1936). Although West is routinely listed as the publisher, it actually co-published the set with the Vernon Law Book Company of Kansas City ("VLBC"). THE LAW OF BANKS AND BANKING, *supra*. Founded in 1902 by Joseph W. Vernon (1860–1928), West became VLBC's majority stockholder in 1911 and bought the company in 1969. See LYDIA M.V. BRANDT, TEXAS LEGAL RESEARCH: AN ESSENTIAL LAWYERING SKILL 348–49 (1995) (sketching out Vernon's life); MARVIN, *supra* note 50, at 155 (explaining that VLBC was one of "several associate companies (so called) which in reality are mainly regional selling agencies for West Publishing Company" and noting that its territory consisted of "Kansas, Missouri, Oklahoma, [and] Texas[.]"); SURRENCY, *supra* note 30, at 245 (discussing the company's disappearance).

In the Preface, Zollmann explained how he had approached the project:

The work on the manuscript was begun ten years ago, and since that time has continuously occupied the major portion of the author's time. The method pursued has been to read the cases, extract the points decided, and copy good language, helpful dicta, and such judicial statements of self-evident legal propositions as brief writing attorneys are apt to desire. The accumulated mass was then successfully kneaded into sections, chapters, parts, and divisions; the classification growing out of the material rather than being superimposed upon it. . . .

The subject-matter index has been prepared with the view of rendering the text accessible to the busy lawyer. It has received the attention of the author from the beginning in order that it might be as full and explicit as possible. Accordingly, as the manuscript took form, completed sections were delivered to Miss Margaret Jorgensen, a member of the Milwaukee Bar and an honor graduate of the Marquette University School of Law. From them Miss Jorgensen has prepared most of the index lines and hence is largely responsible for the form which the index has assumed. Her work, however, has been personally checked by the author and supplemented wherever such action seemed desirable.

With the exception of the index work done by Miss Jorgensen, which is gratefully acknowledged, and the preparation of a complete Table of Cases by the publisher, the work on the manuscript has been personally performed by the author in its entirety.

1 THE LAW OF BANKS AND BANKING, *supra*, at iv–v. Despite costing \$90 (the equivalent of nearly \$1,300 in today's money), Zollmann's encyclopedia quickly became the accepted authority on its subject—by the end of 1937, for example, it

In 1937, Zollmann took a wife.<sup>55</sup> Despite his new marital status, he continued his remarkable productivity, and during the

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already had been cited in twenty different court opinions (according to a WESTLAW search conducted by the author at 10:40 EST on October 15, 2007).

Although Zollmann had planned to produce regular updates, these soon began appearing on an increasingly irregular schedule: 1937, 1938, 1940, 1942, 1945, and, after his death, 1950 and 1954. See 1 ZOLLMANN'S BANKS AND BANKING 2 (Supp. 1954). The 1954 supplement, prepared by Kenneth K. Luce (1912–77), was described by the publishers as a “thorough revision,” *id.* at 3, but it also marked the end of their efforts to keep the text current. For remembrances of Luce, who briefly (1945–51) was a law professor at Marquette before joining the Milwaukee law firm of Lecher, Michael, Spohn, Best & Friedrich (now Michael Best & Friedrich LLP), see *In Memoriam, Professor Kenneth K. Luce*, 61 MARQ. L. REV. v–x (1978).

As for Margaret Jorgensen (1905–95), the indexer, she was, as Zollmann noted, a gifted lawyer, having been the only woman in her class at Marquette, see Wiseman, *supra* note 44, and a staff member of the law review. See 12 MARQ. L. REV. 318, 318 (1928) (listing her as “Margaret Jorgenson”) and 13 MARQ. L. REV. 53, 53 (1928) (listing her as “Margaret E. Jorgenson”). Following her admission to the Wisconsin bar in 1929, she co-founded the law firm of Allen & Jorgensen with Harry J. Allen (1907–2001), a 1928 Marquette graduate, and ended up marrying him in 1939. See State of Wisconsin, Department of Health—Bureau of Vital Statistics, Certificate of Marriage of Harry J. Allen and Margaret E. Jorgensen (copy on file with author); 1 MARTINDALE-HUBBELL LAW DIRECTORY 1057, 1060 (1935); *In Memoriam: Harry J. Allen*, 75 WIS. LAW., Feb. 2002, at 67; State Bar of Wisconsin, *Pioneers in the Law: The First 150 Women—Margaret Estelle Jorgensen Allen*, [http://www.wisbar.org/AM/Template.cfm?Section=history\\_of\\_the\\_Profession&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=21524](http://www.wisbar.org/AM/Template.cfm?Section=history_of_the_Profession&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=21524) (last visited Oct. 12, 2007); Telephone Interview with Theresa J. Franz, Info. Ctr. Supervisor, Univ. of Wis.-Milwaukee (Nov. 5, 2007).

<sup>55</sup> Little is known about this aspect of Zollmann's life—what records do exist tell us only that he married Viola Wehrs, a 35-year-old Wisconsin Telephone Company supervisor, on May 30, 1937, at the Trinity Evangelical Lutheran Church of Freistadt in Mequon, Wisconsin. See State of Wisconsin, Department of Health—Bureau of Vital Statistics, Original Certificate of Marriage of Carl Zollmann and Viola Wehrs (copy on file with author); *Mequon*, CEDARBURG NEWS (Wis.), June 9, 1937, at 8; E-mail from the Milwaukee Public Library, Reference Department, to the author (Oct. 12, 2007, 17:48 EST) (on file with author). The ceremony was conducted by Viola's father, Reverend Herman C. Wehrs (1873–1949), Trinity's longtime pastor and, like Zollmann, a Concordia Seminary-Springfield graduate (Class of 1895). *Mequon, supra*; Letter from LeRoy M. Boehlke, Historian, Trinity Evangelical Lutheran Church of Freistadt, to the author (Oct. 28, 2007) (on file with author). Viola's sisters Clara, the maid of honor, and Evelyn, a junior bridesmaid, acted as witnesses, while Zollmann's brother, Alfred, was the best man. *Mequon, supra*. Following the wedding dinner, the couple embarked on a “trip to the south.” *Id.* For a look at the Wisconsin Telephone Company during the years Viola worked for it, see Hubert Havlik, *The Wisconsin Telephone Case*, 12 J. LAND & PUB. UTIL. ECON. 323, 323–36 (1936).

From other records, see *supra* note 11 and *infra* notes 64 and 66, we know that the union did not produce any children. These same sources suggest that Viola did not continue her career after she got married.

next three years wrote a supplement to the second edition of his aviation law casebook,<sup>56</sup> an abridged edition of a property law encyclopedia,<sup>57</sup> and three law review articles, two of which focused on baseball, a subject he had not previously tackled.<sup>58</sup>

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<sup>56</sup> See CARL ZOLLMANN, SUPPLEMENT TO CASES ON AIR LAW (2d ed. 1938). For a review, see Willis E. Lang, 23 MARQ. L. REV. 48, 48 (1939).

<sup>57</sup> See HERBERT THORNDIKE TIFFANY, A TREATISE ON THE MODERN LAW OF REAL PROPERTY AND OTHER INTERESTS IN LAND (Carl Zollmann ed., new abridged ed., 1940). Tiffany (1861–1944) originally published his treatise in 1903 as a two volume work. See *Book Reviews*, 51 AM. L. REG. 308, 308–10 (1903). The second edition, in 1920, expanded to three volumes, see Orrin K. McMurray, *Books Received*, 9 CAL. L. REV. 170, 170–72 (1921), while the third, in 1939, weighed in at six volumes (a fact proudly proclaimed on its title pages). Zollmann managed to edit this vast amount of material down to a single book, albeit one that still ran more than 1,200 pages. See *Book Note*, 39 MICH. L. REV. 188, 188 (1941). For a biography of Tiffany, see 2 WHO WAS WHO IN AMERICA 533 (1950).

In many ways, this project brought Zollmann full circle, because Tiffany's treatise, originally published by the Keefe-Davidson Company (founded in 1899 by John B. West (1852–1922) to compete with the West Publishing Company following a family feud), had by now passed into the hands of Callaghan & Company, Zollmann's one-time employer. Underfunded from the start, the Keefe-Davidson Company struggled throughout its brief existence—as one observer noted, it was “a firm which may reasonably be supposed to be out of the beaten track of publishing in this country, and not to have the best means of bringing its wares to the attention of those whom they might concern.” *“Legal Masterpieces,”* N.Y. TIMES, Aug. 22, 1903, at BR6 (reviewing LEGAL MASTERPIECES: SPECIMENS OF ARGUMENTATION AND EXPOSITION BY EMINENT LAWYERS (Van Vechten Veeder ed., 1903)). For a further look at the company, see MARVIN, *supra* note 50, at 92–93 (explaining that William Keefe and Ernest Davidson, two sales managers at West Publishing, “withdrew in 1899 to become associated with John West in his new publishing venture”), and Bigelow v. Barnes, 140 N.W. 1032, 1033 (Minn. 1913) (describing the circumstances surrounding its 1912 closing). Surrency also discusses the company, but gets nearly all of the facts wrong. See SURRENCY, *supra* note 30, at 239 (stating that the company was called Keefe-Davidson, started in 1901, and existed until “some time after 1920”).

<sup>58</sup> See Carl Zollmann, *Baseball Peonage*, 24 MARQ. L. REV. 139 (1940), and Carl Zollmann, *Injuries From Flying Baseballs to Spectators at Ball Games*, 24 MARQ. L. REV. 198 (1940). There is no ready explanation for Zollmann's sudden scholarly interest in baseball, and nothing suggests he was a fan of the sport. Moreover, no major league team called Milwaukee home during his lifetime, although from 1902 to 1952 the American Association Brewers (no relation to the current National League franchise with the same name) played at municipally-owned Borchert Field (where they usually lost). For a further look at baseball in Milwaukee, see REX HAMANN & BOB KOEHLER, THE AMERICAN ASSOCIATION MILWAUKEE BREWERS (2004); TODD MISHLER, BASEBALL IN BEERTOWN: AMERICA'S PASTIME IN MILWAUKEE (2005); BRIAN A. PODOLL, THE MINOR LEAGUE MILWAUKEE BREWERS, 1859–1952 (2003).

## IV. RETIREMENT: 1940 TO 1945

Although seemingly still at the top of his game, in June 1940 Zollmann retired from Marquette “to devote his time to writing law text books.”<sup>59</sup> As matters turned out, however, his retirement was a quiet one.<sup>60</sup> But on at least one occasion he did engage in consulting work, for his name can be found among the counsel listings in *Master v. Second Parish of Portland*,<sup>61</sup> a dispute between the Presbyterian Church and a local congregation in Portland, Maine.<sup>62</sup>

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<sup>59</sup> *Carl Zollmann*, 18 BULL. ST. B. ASS'N WIS. 168 (1945). Whether this was the real reason for Zollmann's leaving is debatable. James Ghiardi, Zollmann's former student, reports that many people at the time believed Zollmann's departure was due to a feud with Dean Francis X. Swietlik, although what the two men might have fought about is unknown. Ghiardi Interview, *supra* note 44. For biographies of Swietlik, who served as dean from 1934 to 1953, see Robert F. Boden, *Honorable Francis X. Swietlik*, 52 MARQ. L. REV. ix-x (1969), and James D. Ghiardi, *Memorial for Francis X. Swietlik*, 68 MARQ. L. REV. i-iii (1985).

A third possibility is that Zollmann, having turned sixty during the 1939-40 academic year, was required to retire. See Marc L. Kesselman, Comment, *Putting the Professor to Bed: Mandatory Retirement of Tenured Faculty in the United States and Canada*, 17 COMP. LAB. L.J. 206, 206-07 (1995) (explaining that until 1994, when they were outlawed by Congress, maximum age limits in academia were both legal and common). Whether Zollmann was subject to such a policy, however, is unclear. E-mail from Susan B. Stawicki-Vrobel, Archival Technical Assistant, Marquette University Library, to the author (Oct. 12, 2007, 13:31 EST) (on file with author) (explaining that the university's existing records are silent on the question but doubting that he was).

Whatever the reason, in the wake of Zollmann's departure, Air Law disappeared from the Marquette curriculum. E-mail from Bonnie M. Thomson, Associate Dean for Administration, Marquette University Law School, to the author (Nov. 5, 2007, 11:49 EST) (on file with author), and E-mail from Stephanie Werkowski, Associate, Marquette University Office of the Registrar (Nov. 8, 2007, 11:01 EST) (on file with author). In the fall of 2007, however, it returned (under the more modern name “Aviation Law”) after Russell A. Klingaman, a Milwaukee practitioner, approached Associate Dean Peter K. Rofes and asked to teach the course. E-mail from Russell A. Klingaman, Partner, Hinshaw & Culbertson LLP, to the author (Nov. 14, 2007, 20:05 EST) (on file with author). See also Marquette University Law School, Aviation Law, [http://law.marquette.edu/cgi-bin/site.pl?10913&dfCourse\\_courseID=985](http://law.marquette.edu/cgi-bin/site.pl?10913&dfCourse_courseID=985) (last visited Oct. 12, 2007).

<sup>60</sup> Zollmann's post-teaching writing appears to have been limited to two updates (one in 1942 and the other in 1945) of his banking law encyclopedia. See *supra* note 54.

<sup>61</sup> 36 F. Supp. 918 (D. Me. 1940), *aff'd*, 124 F.2d 622 (1st Cir. 1941).

<sup>62</sup> Believing that the Presbyterian Church in the United States of America (“PCUSA”) had become too liberal, in 1936 Professor John Gresham Machen (1881-1937) formed a rival group known as the Orthodox Presbyterian Church of America (“OPCA”). See D.G. HART, DEFENDING THE FAITH: J. GRESHAM MACHEN AND THE CRISIS OF CONSERVATIVE PROTESTANTISM IN MODERN AMERICA (1994). When the Portland congregation voted to join the OPCA, the PCUSA sought to

In September 1944, Zollmann was diagnosed with rectal cancer,<sup>63</sup> and on May 19, 1945, he succumbed to it after a brief stay in the Milwaukee Veterans Administration Hospital.<sup>64</sup> Following attendance at the Schmidt & Bartelt funeral home,<sup>65</sup> Zollmann was buried in Wanderer's Rest on Milwaukee's west side, just like his parents and siblings.<sup>66</sup>

## V. ZOLLMANN'S PLACE IN AVIATION LEGAL EDUCATION

Aviation law as a subject of serious law school study began in 1930 with two momentous events: the publication of an aviation law casebook and the inauguration of the *Journal of Air Law*, the first law school periodical pertaining to aviation.<sup>67</sup> As the author

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block the move by taking control of its building, a plan shot down by both the district court and the First Circuit. *Master*, 36 F. Supp. at 928, 124 F.2d at 628-29.

Wanting to send a strong message to prevent other defections, the PCUSA hired Zollmann to advise it on its appeal, although how much of a role he played is unknown. He is the last lawyer (out of five) listed as representing the PCUSA, see *Master*, 124 F.2d at 622, and his participation obviously did not change the case's outcome.

<sup>63</sup> Wisconsin State Board of Health, Bureau of Vital Statistics, Original Certificate of Death for Carl Frederick Zollmann (copy on file with author).

<sup>64</sup> *Carl Zollmann, Lawyer, is Dead*, MILWAUKEE J., May 20, 1945, at I21 [hereinafter *Zollmann Obituary*].

<sup>65</sup> *Id.* Founded in 1887 as the John F. Schmidt Undertaking & Livery Service Company, the present name was adopted in 1922 after John G. Schmidt and Louis F. Bartelt merged their competing operations. See Schmidt & Bartelt Funeral & Cremation Services, History, <http://www.schmidtandbartelt.com/aboutus/> (last visited Oct. 12, 2007).

<sup>66</sup> *Zollmann Obituary*, *supra* note 64, and Letter from Von Haden, *supra* note 11. Upon her death in 1982 from peritonitis, Zollmann's wife Viola also was buried at Wanderer's Rest. See Wisconsin State Board of Health, Bureau of Vital Statistics, Original Certificate of Death for Viola Zollmann (copy on file with author). Carl's and Viola's adjoining plots are located in Section 11, Block 13, Lot 30, Graves 1 and 2. Telephone Interview with Donald D. Hardiman, Dir. of Family Counseling, Lincoln Mem'l Cemetery (Oct. 24, 2007).

Although opened in 1894 as a non-denominational cemetery, Wanderer's Rest traditionally attracted internments from the city's northside Lutheran churches. Ellen M. Rohr, Lincoln Memorial Cemetery History, <http://www.linkstothepast.com/milwaukee/050.php> (last visited Oct. 12, 2007). In 1988, its name was changed to Lincoln Memorial Cemetery. *Id.* Conditions at the cemetery subsequently deteriorated, *id.*, but as of 2007 the facility was being turned around by its new owners. See WISN ABC-12 (Milwaukee), News at 5, May 25, 2007, available at 2007 WLNR 9937884, and E-mail from Ellen M. Rohr, Principal Researcher, [www.LinkstothePast.com](http://www.LinkstothePast.com), to the author (Nov. 11, 2007, 17:19 EST) (on file with author).

<sup>67</sup> The journal began as an outgrowth of the Air Law Institute at Northwestern University and was a collaborative effort involving four law schools: Northwest-

of the former and a member of the Editorial Advisory Board of the latter,<sup>68</sup> Zollmann became a tireless advocate for the creation of law school aviation courses.<sup>69</sup>

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ern, University of Southern California ("USC"), Washington University, and Yale University (although invited to participate, Tulane University declined). See Fred D. Fagg, Jr., *The Journal of Air Law*, 1 J. AIR L. 93 (1930); Northwestern University Archives, Air Law Institute History, [http://www.library.northwestern.edu/archives/findingaids/Air\\_law\\_records.pdf](http://www.library.northwestern.edu/archives/findingaids/Air_law_records.pdf) (last visited Oct. 12, 2007). After the first issue, Yale dropped out; after the first year, Washington left; and after 1935, USC was gone. Northwestern University Archives, *supra*. Subsequently, the journal came under the joint control of the Northwestern law and business schools, causing it to change its name in 1939 to the *Journal of Air Law and Commerce*. In 1961, it moved (with some bumps along the way) to its present home at Southern Methodist University. Franklin M. Kreml, *Publisher's Announcement*, 27 J. AIR L. & COM. 331 (1960); J.W. Riehm, *Publisher's Announcement*, 28 J. AIR L. & COM. iii (1962); Paul B. Larsen, *Air Law Education 1967-91*, 56 J. AIR L. & COM. 705 (1991). See also Eugene Jericho, *SMU Air Law Symposium History*, 66 J. AIR L. & COM. 501 (2001).

<sup>68</sup> Zollmann was on the board through the first six volumes (and served as the Foreign Jurisprudence Editor beginning with volume 2), but left when the journal was reorganized following USC's decision to withdraw. Compare the mastheads of volumes 1 through 6 of the *Journal of Air Law* (listing Zollmann) with the masthead at 7 J. AIR L. iii (1936) (showing that a large number of board members had been let go, including Zollmann).

Zollmann also was on the Editorial Advisory Board of the *Journal of Radio Law*, the short-lived (1931-32) sister publication of the *Journal of Air Law*, and was the editor of its Foreign Radio Decisions and Foreign Radio Legislation departments. See the mastheads of volumes 1 and 2 of the *Journal of Radio Law*.

Zollmann's seats on these boards were automatic, inasmuch as he already was a member of the Board of Advisors of Northwestern's Air Law Institute, which was sponsoring both journals. See *Faculty Record*, *supra* note 32. His appointment to the Air Law Institute in 1929 had been greeted with much fanfare in his hometown, and resulted in glowing stories in both the *Milwaukee Journal*, the city's afternoon newspaper, and the *Marquette Tribune*, the campus newspaper. *Id.* The *Journal's* headline read "M. U. Teacher to Aid Air Law—Prof. Zollmann Named Member of Board of Advisors," while the *Tribune's* declared, "Prof. Zollmann Chosen in New Air Law Board—Law Faculty Member Receives Unusual Distinction; Appointed Aviation Institute Adviser." *Id.*

<sup>69</sup> Thus, for example, in July 1930 the Air Law Institute announced that it would soon be holding its first summer program (at Northwestern's law school) featuring fifty formal presentations. Fred D. Fagg, Jr., Editorials, *The Summer Institute*, 1 J. AIR L. 334, 334 (1930). In addition,

Professor Carl Zollmann, Marquette University School of Law, Milwaukee, will give a Seminar for those professors of law who are interested in presenting courses of air law in other universities. This course will be conducted informally and will deal with the various fundamentals of aviation and radio law, together with considerable discussion as to the best method of class-room presentation.

*Id.* at 335.

Likewise, in December 1936 Zollmann was appointed to a one-year term on the influential Committee on Curriculum of the Association of American Law

Zollmann's death in 1945 left the field without a casebook author, but in 1950 Dean Clarence E. Manion of the University of Notre Dame brought out a new aviation law casebook.<sup>70</sup>

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Schools. See *Meeting of the Association of American Law Schools—1936*, 8 AM. L. SCH. REV. 721, 723 (1937). In December 1937, the Committee, chaired by Dean Bernard C. Gavit of Indiana University-Bloomington (1893–1954), issued a detailed report that called on law schools to increase their national law offerings and on bar examiners to reduce their testing of local subjects. See *Meeting of the Association of American Law Schools—1937*, 8 AM. L. SCH. REV. 1101, 1106–14 (1938). Obviously, these recommendations took aim at two of the more important obstacles facing air law courses.

Wherever he went, however, Zollmann encountered the argument that law schools already had too many electives:

Professor Zollman[n] in [the] preface [to his casebook] expresse[s] his confident belief that the subject of "air law will soon take its proper place in the curricula of the law schools of the nations." It may be that a few of the larger law schools with special endowments and favorable library facilities for research and graduate work will offer courses in air law. At present with the overcrowded law curriculum for a three year law training, it may be questionable whether the course in "Air Law" will supplant any of the fundamental courses.

Thormodsgard, *supra* note 51, at 114. This sentiment, however, was belied by the reaction of students, who were eager for the course: "[They] seem hungry for all that there is of it." Macneil, *supra* note 51, at 981 (discussing air law's popularity at Harvard Law School in 1930).

Interestingly, in 1931 the AALS began including in its annual membership directory a list of faculty members by subject. Although few law schools had an air law course, the compiler (Professor Lawrence Vold of the University of Nebraska (1886–1978)) viewed the subject as having a bright future:

What subjects should be included in the published information was an ever present question which took various forms. . . . Where certain courses were given in some half a dozen schools or more, they were generally included. The probability of wider development of such courses, especially in the relatively novel fields, seemed to make this desirable. The directory supervisor also included the courses on air law, although they were not even that widely offered, because of his confident belief in the future growth of courses in that field.

*Meeting of the Association of American Law Schools—1931*, 7 AM. L. SCH. REV. 435, 468 (1932).

<sup>70</sup> See CLARENCE E. MANION, *LAW OF THE AIR: CASES AND MATERIALS* (1950 & Supp. 1953). For reviews, see Frank M. Davis, 55 DICK. L. REV. 406, 406–07 (1951), Warren Freedman, 5 RUTGERS L. REV. 451, 451–53 (1951), Charles Z. German, 19 U. KAN. CITY L. REV. 222, 222–23 (1951), John P. Moore, 36 CORNELL L.Q. 806, 806–07 (1951), George H. Pickar, 3 J. LEGAL EDUC. 601, 601–06 (1951), Jennings N. Roberts, 5 MIAMI L.Q. 525, 525–26 (1951), Robert E. Sullivan, 26 NOTRE DAME LAW. 176, 176–78 (1951), and 12 J. FED. COMM. B. ASS'N 96, 96–97 (1952).

Manion's book was issued by the Bobbs-Merrill Company of Indianapolis, at the time a leading legal publisher. See Hyde Park Book Store, Bobbs-Merrill,

Zollmann's influence on Manion's thinking was evident—as one reviewer explained, “Manion defines air law to include radio as well as aviation law as Carl Zollman[n] did twenty years ago in the first casebook on the subject.”<sup>71</sup>

By the 1960s, pairing aviation law with radio law no longer made sense due to their growing divergence.<sup>72</sup> As a result, when

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<http://paperbarn.www1.50megs.com/publishers/b.html> (last visited Oct. 12, 2007). Manion, a constitutional law expert, left academia in 1954 and now is principally remembered for the Manion Forum, his politically-conservative radio and television interview show. For a further look at Manion's life (1896–1979), see *Clarence Manion, A Conservative and Ex-Law Dean at Notre Dame*, N.Y. TIMES, July 29, 1979, at 36.

<sup>71</sup> Pickar, *supra* note 70, at 601. Not everyone, however, recognized the connection. Although Zollmann had been dead for only six years, one of Manion's reviewers confidently proclaimed: “This book represents the first attempt by an authority to collect and organize for class room use the wealth of available cases and statutes related to the field of air commerce, specifically aviation and radio law.” Davis, *supra* note 70, at 406.

<sup>72</sup> Many observers, however, had felt right from the beginning that the association made no sense. See, e.g., Hotchkiss, *supra* note 51, at 245 (“The connection between radio law and aviation law has never seemed other than superficially apparent.”), and Newman, *supra* note 51, at 753 (“It seems questionable whether the legal problems of aviation and radio will be grouped together in one course or whether each will not ultimately be recognized as *sui generis*.”). John A. Eubank, an adjunct professor at Brooklyn Law School, was even more blunt:

The author might better have omitted a treatment of radio law in the same book as aeronautical law. A separate volume for radio law would be more desirable. There is really little in common between the two branches of air law. In the passage of time and as one goes more thoroughly into the matter, this becomes more and more apparent to those, who have given the subject of air law, profound study. There is ample material available for a volume on each subject. This is particularly true if the historical phases of the subject are to be included. The field of study for each branch of air law is sufficiently broad and searching as to require one's undivided attention and considerable time without an attempt to cover both in one work. Undoubtedly, in time, Professor Zollmann, or someone else, will bring out two distinct volumes on air law; one on aeronautical law, covering both aviation law and aeronautical jurisprudence in general, and the other, solely treating the subject of radio law.

Eubank, *supra* note 52, at 198. For a biography of Eubank, see *John A. Eubank is Dead; Expert on Aeronautical Law Taught in Brooklyn*, N.Y. TIMES, June 20, 1957, at 29 (indicating that his date of birth is unknown).

Zollmann's harshest critic, however, was a Philadelphia lawyer named E. Perry Campbell (1898–1972):

We can see no good reason for combining the law applicable to radio with the law of aviation, other than the fact that both are comparatively new developments in the law, and in a sense pertain to the air, though of course, technically, the science of radio has nothing to do with the “air” as we ordinarily understand the term.



Professor De Forest Billyou of New York University published his casebook in 1963, readers found in it only aviation cases.<sup>73</sup> All subsequent aviation law casebooks have followed this approach.<sup>74</sup>

## VI. CONCLUSION

Aviation law educators are deeply indebted to Carl Zollmann. To be sure, others made important early contributions, particularly Professor Fred D. Fagg, Jr., the founding director of the Air Law Institute at Northwestern University.<sup>75</sup> But it was Zollmann

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Of all the text writers on aviation law, MR. ZOLLMAN[N] is the only one who uses the expression "law of the air" rather than "law of aviation." So far as we know, none of the others have included radio in the scope of their works.

Campbell, *supra* note 52, at 120. For a profile of Campbell, see *E.P. Campbell Dies, Ex-Township Official*, PHILA. INQUIRER, Aug. 20, 1972, at 16D.

In defending his repeated refusal to divide the subjects, Zollmann wrote: "While radio is independent of aviation and can develop fully without it, aviation is and forever will be, dependent on radio and cannot even approximately develop without it." Carl Zollmann, *Book Review*, 4 J. AIR L. 292, 293 (1933) (reviewing HEINZ GISART, *FUNKRECHT IM LUFTVERKEHR* [RADIO RIGHTS IN AIR TRAFFIC] (1932)). Manion later gave this same explanation and, like Zollmann, was criticized for it. See Freedman, *supra* note 70, at 451.

<sup>73</sup> See DE FOREST BILLYOU, *AIR LAW* (1963). For reviews, see Carl Q. Christol, 37 S. CAL. L. REV. 147, 147 (1964), Henry J. Friendly, 77 HARV. L. REV. 582, 582-86 (1964), Najeeb Halaby, 73 YALE L.J. 731, 731-32 (1964), Donald D. Harries, 50 A.B.A.J. 267, 267-68 (1964), Arnold Kean, 13 INT'L & COMP. L.Q. 721, 721-22 (1964), Carl E.B. McKenry, Jr., 16 J. LEGAL EDUC. 502, 502-04 (1964), and J.W. Riehm, 29 J. AIR L. & COM. 379, 379-80 (1963). In 1964, Billyou released a second edition. See DE FOREST BILLYOU, *AIR LAW* (2d ed. 1964). For reviews, see Arnold Kean, 15 INT'L & COMP. L.Q. 908, 908-09 (1966), and 51 A.B.A.J. 1179, 1179 (1965).

Both editions of Billyou's book were published by Ad Press, Ltd., a small New York City financial printer (Billyou primarily was a corporate law specialist). In his review of the second edition, British aviation expert Arnold W.G. Kean took the company to task for the sloppiness of its work: "The printer has not yet achieved perfection, 'Civic Aviation Act 1949' being his most interesting effort (p. 67)." 15 INT'L & COMP. L.Q. at 909. For a history of Ad Press, see *Levine v. Commissioner*, 24 T.C. 147, 149 (1955). For an obituary of Billyou (1920-79), who left New York University in 1965 to pursue a career in the private sector, see *De Forest Billyou*, 58, *A Counsel in Finance for I.T.T. Corporation*, N.Y. TIMES, Jan. 3, 1979, at B4. For Kean (1914-2000), see Queens' College Record, A.W.G. Kean, CBE, <http://www.queens.cam.ac.uk/queens/record/2001/Old%20Members/deaths.html> (last visited Oct. 12, 2007).

<sup>74</sup> See *supra* note 4. In contrast to Billyou, these authors have all titled their books "Aviation Law" (as opposed to "Air Law"), thereby abandoning Zollmann's preferred terminology.

<sup>75</sup> See *Air Law Institute Planned at Northwestern University*, 15 A.B.A.J. 458, 458 (1929), and *Northwestern Air Law Institute*, 1 AIR L. REV. 122, 122 (1930). For a

who first saw the advantages to be gained by bringing the subject into the law school classroom and then, through his casebook, made it possible for others to do so.<sup>76</sup>

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profile of Fagg (1896–1981), who later served as president of the University of Southern California, see Northwestern University Archives, Fred Dow Fagg, Jr., Biography, [http://www.library.northwestern.edu/archives/findingaids/fred\\_fagg.pdf](http://www.library.northwestern.edu/archives/findingaids/fred_fagg.pdf) (last visited Oct. 12, 2007).

Northwestern's decision to start an Air Law Institute and host a scholarly journal was seen as a direct challenge by New York University, which viewed the subject as one of its strengths. It therefore formed its own center, which it dubbed the American Academy of Air Law ("AAAL"). See *National Air Law Academy Formed at N.Y.U.; Seeks Sound Statutes on Radio and Aviation*, N.Y. TIMES, Feb. 16, 1931, at 14 (describing the AAAL as having been formed "[t]o make more effective the efforts of organizations and individuals to develop aviation and radio law along rational lines[.]"). In addition, just before the inaugural issue of the *Journal of Air Law* appeared, NYU rushed out the first copy of the *Air Law Review*. See *Air Law Review*, TIME, Jan. 20, 1930, at 59. Both the AAAL and the *Air Law Review* were directed by Professor Alison Reppy and remained in operation until 1941. For a sketch of Reppy (1893–1958), see *Dr. Alison Reppy, Law Dean, 65, Dies*, N.Y. TIMES, Aug. 21, 1958, at 25. For a comparison of the two publications, see David F. Cavers, *New Fields for the Legal Periodical*, 23 VA. L. REV. 1, 14–15 (1936) (dismissing the *Air Law Review* for its conventionality while praising the *Journal of Air Law* for its readable style).

<sup>76</sup> As late as 1964, however, the wisdom of offering aviation law courses continued to be challenged by such notable figures as Judge Henry J. Friendly of the United States Court of Appeals for the Second Circuit and Najeeb E. Halaby, the Administrator of the Federal Aviation Administration. In reviewing Billyou's book, Friendly wrote, "Yet I still find that a decision to teach 'air law' as a discrete undergraduate law course would fall beyond the area which Professor E. H. Warren used to define for his students as that where reasonable men can differ." Friendly, *supra* note 73, at 584. Halaby, slightly more restrained, remarked, "I am not so certain that there is such a thing as 'Air Law.'" Halaby, *supra* note 73, at 731. For Friendly's (1903–86) resume, see Michael Norman, *Henry J. Friendly, Federal Judge in Court of Appeals, is Dead at 82*, N.Y. TIMES, Mar. 12, 1986, at B6. For Halaby's (1915–2003), see David Stout, *Najeeb E. Halaby, Former Airline Executive, Dies at 87*, N.Y. TIMES, July 3, 2003, at A20.

In 1972, Lowenfeld, in the Introduction to the first edition of his casebook, responded to Friendly's criticism:

Some years ago, Judge Henry Friendly, who made his career in large part as a brilliant and imaginative general counsel for Pan American World Airways, reviewed an earlier attempt to collect materials on aviation law by asking whether it made sense to treat this subject at all. "In order to make out a case for separate treatment," he wrote, "it must be shown that the heads of a given subject can be examined in a more illuminating fashion with reference to each other than with references to other branches of law." With respect to the book under review, Judge Friendly's answer was "a resounding no."

The present volume accepts Judge Friendly's challenge. It is the central thesis of this collection of materials that while every few pages could be placed in some other book or course, combining

## APPENDIX

It is impossible to compile a *complete* list of Carl Zollmann's publications—he was too prolific,<sup>77</sup> and the records that have survived are too fragmentary. Nevertheless, in preparing the

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them and placing them in a planned progression does provide illumination, not only of the law of civil aviation, but of the role of law itself in a stage crowded with history, economics, geography, and politics. Thus this book is not designed to create or even illustrate a "field of law" such as torts or contracts or trusts. The materials presented here are designed for the next step in a lawyer's education, when he begins to see that the appellate judicial decisions he studied in his first few semesters do not really describe the world (let alone the lawyer's functions) but simply present certain issues arranged for pedagogical purposes—conventionally called "building blocks."

LOWENFELD, *supra* note 4, at ix (footnote omitted).

Today, of course, aviation law has won acceptance as a distinct field of study and its casebooks now celebrate (rather than apologize for) its cross-cutting nature:

Aviation Law is a broad topic, and aviation is a highly regulated field. This book is intended to give law students a comprehensive foundation in the many legal issues relating to the operation of both private and commercial aircraft, and the airports that they use. Chapters in this book will address administrative law, tort law, government liability, international treaties, airports as nuisances, aviation insurance, terrorism, and both commercial and private pilots and aircraft. The intent is to prepare law students to be general practitioners, familiar with the issues involved, not experts in the operation of aircraft.

DAVIS, *supra* note 4, at xi.

[W]e see aviation law as a microcosm of the law school experience, touching as it does on (among others) administrative law, antitrust, bankruptcy, conflicts, constitutional law, contracts, environmental law, international law, labor law, local government law, professional responsibility, property, sales, taxation, and torts.

JARVIS ET AL., *supra* note 4, at xxi.

Aviation law is one of the law school courses that cuts across all the other law subjects. The course shows how one industry, aviation, deals with property law, torts, contracts, criminal law, litigation management, administrative law, procedure, anti-trust law, international law, labor law, financing, insurance, tax and consumer law. In other words, aviation law is a short course in all the legal disciplines.

LARSEN ET AL., *supra* note 4, at xv.

<sup>77</sup> Even Zollmann eventually lost track of his output. In November 1935, for example, one of the questions on a form distributed by the North Central Association of Colleges and Secondary Schools asked faculty members to list the articles they had authored. Zollmann's concise response, penned in his always neat handwriting, was "Numerous." See Faculty Record, *supra* note 32.

catalogue that appears below, every effort has been made to be as thorough as possible.

BOOKS (AUTHORED):

THE LAW OF BANKS AND BANKING: A TREATISE CONCERNING THE ORGANIZATION, STOCKHOLDERS, STAFF, CUSTOMERS AND PUBLIC CONTROL OF BANKS (Vernon Law Book Co. and West Publ'g Co. 1936 & Supp. 1937-45).

AMERICAN CHURCH LAW (West Publ'g Co. 1933).

CASES ON AIR LAW, COVERING AVIATION AND RADIO (West Publ'g Co., 2d ed. 1932 & Supp. 1938).

CASES ON AIR LAW (West Publ'g Co. 1930).

LAW OF THE AIR (Bruce Publ'g Co. 1927).

AMERICAN LAW OF CHARITIES (Bruce Publ'g Co. 1924).

AMERICAN CIVIL CHURCH LAW (Columbia Univ. 1917).

BOOKS (EDITED):

HERBERT THORNDIKE TIFFANY, A TREATISE ON THE MODERN LAW OF REAL PROPERTY AND OTHER INTERESTS IN LAND (Callaghan & Co., new abridged ed., 1940).

JOEL PRENTISS BISHOP, BISHOP ON CRIMINAL LAW (T.H. Flood & Co., 9th ed. 1923) (with John M. Zane).

PAMPHLET:

CHURCH AND SCHOOL IN THE AMERICAN LAW (Concordia Publ'g House 1918).

CHAPTERS:

CHAPTER 17: CONTROVERSY OVER THE CHARITY DOCTRINE, in 2 AUTOBIOGRAPHY OF ROUJET D. MARSHALL, JUSTICE OF THE SUPREME COURT OF THE STATE OF WISCONSIN, 1895-1918 125-71 (Gilson G. Glasier ed., Democrat Printing Co. 1931).

CHAPTER 18: THE RELATION OF CHURCH AND STATE, in STUDIES IN RELIGIOUS EDUCATION 403-33 (Philip Henry Lotz & L.W. Crawford eds., Cokesbury Press 1931).

ARTICLES:

*Baseball Peonage*, 24 MARQ. L. REV. 139 (1940).

*Injuries From Flying Baseballs to Spectators at Ball Games*, 24 MARQ. L. REV. 198 (1940).

*Admiralty Jurisdiction in Air Law*, 23 MARQ. L. REV. 112 (1939).

*Moving Picture Abuses and Their Correction in the United States*, 21 MARQ. L. REV. 105 (1937).

*Work of the Wisconsin Supreme Court for the August 1935 and January 1936 Terms: Banking and Negotiable Instruments*, 12 WIS. L. REV. 10 (1936).

*Workmen's Compensation Acts and Aircraft Accidents*, 6 J. AIR L. 70 (1935).

*State Control of Aeronautics in 1931*, 3 J. AIR L. 68 (1932).

*Statutory Changes in Air Law in 1931*, 16 MARQ. L. REV. 199 (1932).

*Stopping Checks*, 15 MARQ. L. REV. 197 (1931).

*Aircraft as Common Carriers*, 1 J. AIR L. 176 (1930).

*Airports*, 13 MARQ. L. REV. 97 (1929).

*Aerial Insurance*, 11 MARQ. L. REV. 93 (1927).

*Diploma Privilege in Wisconsin*, 11 MARQ. L. REV. 73 (1927) (with John McDill Fox).

*Distinguishing Marks of the Modern State, As They Relate to Education and Religion*, 22 RELIGIOUS EDUC. 203 (1927).

*National Bank and Federal Reserve Law Amendments*, 11 MARQ. L. REV. 127 (1927).

*Patent Rights in Aircraft*, 11 MARQ. L. REV. 216 (1927).

*Radio Act of 1927*, 11 MARQ. L. REV. 121 (1927).

*Radio and Copyright*, 11 MARQ. L. REV. 146 (1927).

*Fiduciary Powers of National Banks Under the Federal Reserve System*, 11 MARQ. L. REV. 39 (1926).

*Historical Background of Religious Day Schools*, 21 RELIGIOUS EDUC. 80 (1926).

*Judge Roujet D. Marshall and the Wisconsin Charity Doctrine*, 10 MARQ. L. REV. 177 (1926).

*Par Clearance in the Federal Reserve System*, 10 MARQ. L. REV. 134 (1926).

*Historical Background of Religious Day Schools*, 9 MARQ. L. REV. 155 (1925).

*Lawyers Memorialized in Wisconsin Reports*, 9 MARQ. L. REV. 106 (1925).

*Cross-Currents in the Wisconsin Charity Doctrine*, 8 MARQ. L. REV. 168 (1924).

*Damage Liability of Charitable Institutions*, 57 AM. L. REV. 854 (1923).

*Parental Rights and the Fourteenth Amendment*, 8 MARQ. L. REV. 53 (1923).

*Religious Charities in the American Law*, 7 MARQ. L. REV. 131 (1923).

*The Return of Property by the Alien Property Custodian*, 21 MICH. L. REV. 277 (1923).

*The Constitutional and Legal Status of Religion in Public Education*, 2 J. RELIGION 236 (1922).

*The Legal Basis*, 17 RELIGIOUS EDUC. 34 (1922).

*Religious Education*, 56 AM. L. REV. 436 (1922).

*Damage Liability of Charitable Institutions*, 19 MICH. L. REV. 395 (1921).

*The Development of the Charity Doctrine in Wisconsin*, 1 WIS. L. REV. 129 (1921).

*Air Space Rights*, 53 AM. L. REV. 711 (1919).

*The Development of the Law of Charities in the United States (Part II)*, 19 COLUM. L. REV. 286 (1919).

*The Development of the Law of Charities in the United States (Part I)*, 19 COLUM. L. REV. 91 (1919).

*Governmental Control of Aircraft*, 53 AM. L. REV. 897 (1919).

*Liability of Aircraft*, 53 AM. L. REV. 879 (1919).

*Religious Liberty in the American Law (Part II)*, 17 MICH. L. REV. 456 (1919).

*Religious Liberty in the American Law (Part I)*, 17 MICH. L. REV. 355 (1919).

*Church Cemeteries in the American Law*, 14 MICH. L. REV. 391 (1916).

*Church Cemeteries in the American Law*, 53 NAT'L CORP. REP. 735 (1916).

*Church Officers in the American Law*, 50 AM. L. REV. 339 (1916).

*Pew Rights in the American Law*, 25 YALE L.J. 467 (1916).

*Tax Exemptions of American Church Property*, 14 MICH. L. REV. 646 (1916).

*Acquirement of Real Property by American Churches*, 24 YALE L.J. 553 (1915).

*Classes of American Religious Corporations*, 13 MICH. L. REV. 566 (1915).

*The Clergyman in the American Law*, 45 BIBLICAL WORLD 327 (1915).

*Disturbance of Religious Meetings in the American Law*, 49 AM. L. REV. 880 (1915).

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*Powers of American Religious Corporations*, 13 MICH. L. REV. 646 (1915).

*Religious Liberty in the American Law*, 10 ILL. L. REV. 190 (1915).

*Persons of Abnormal Status as Bankrupts*, 10 COLUM. L. REV. 221 (1910).

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*Foreign Radio Legislation*, 2 J. RADIO L. 761 (1932).

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*Foreign Radio Legislation*, 2 J. RADIO L. 592 (1932).

*Foreign Radio Decisions*, 2 J. RADIO L. 579 (1932).

*Foreign Radio Legislation*, 2 J. RADIO L. 424 (1932).

*Foreign Radio Decisions*, 2 J. RADIO L. 407 (1932).

*Foreign Radio Legislation*, 2 J. RADIO L. 222 (1932).

*Foreign Radio Decisions*, 2 J. RADIO L. 191 (1932).

*Insurance—Injury While Engaged in or Participating in Aviation.*—[Wisconsin], 3 J. AIR L. 661 (1932).

*Foreign Radio Legislation*, 1 J. RADIO L. 624 (1931).

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Harry A. Bigelow & Joseph Madden, *Cases on the Rights in Land* (2d edition), 18 MARQ. L. REV. 268 (1934).

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Heinz Gisart, *Funkrecht Im Luftverkehr* [Radio Rights in Air Traffic], 4 J. AIR L. 292 (1933).

Milton Handler, *Cases and Materials on the Law of Vendor and Purchaser*, 17 MARQ. L. REV. 311 (1933).

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Benjamin S. Kirsh, *Trade Associations: The Legal Aspect*, 13 MARQ. L. REV. 67 (1928).



John A. Lapp & Dorothy Ketcham, *Hospital Law*, 12 MARQ. L. REV. 84 (1927).

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Andrew C. Bisek, *The Trial of Jesus Christ*, 24 MICH. L. REV. 322 (1926).

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*Remarks While Presiding at the First National Legislative Air Conference, August 18-20, 1930*, 1 J. AIR L. 511 (1930).

*The Koenigsberg Air Law Institute*, 14 MARQ. L. REV. 31 (1929).

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