

# Douglas County Law Library

## E-Mail Newsletter



Vol. 10, No. 6; June 2013

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### Meeting and Event Announcements

The Defense Bar meets the second Friday of the month. This month the meeting is on the 14th.

The June Douglas County Bar Association Brown Bag CLE program will be on Thursday, June 20, 2013, from 12:00 p.m. to 12:50 p.m. in the Jury Assembly Room in the Judicial and Law Enforcement Center. Stan Hazlett will present *Ethics and Disci-*

*pline*. Handout material can be downloaded from the [DCBA website](#).

### Law Library Changes to WestlawNext



Since its opening in 2003, the Law Library has provided access to the Lexis on-line legal database for the use of Library patrons.

Beginning on June 1, 2013, that will change when a contract with Thomson Reuters to provide access to the WestlawNext on-line legal database in the Library takes effect.

WestlawNext employs a Google-like search screen that is reputed to be more intuitive and easier to use than that currently employed by Lexis. The Library will endeavor to make the transition to WestlawNext as uneventful as possible for our patrons.

### Current Art Gallery Exhibition



The June/July 2013 Law Library and Division IV art gallery exhibitions are photography by Tony Peterson.

The exhibitions will run through the end of July 2013.

The August/September exhibitions in the Douglas County Law Library Art Gallery and the Division IV Art Gallery are open for scheduling. More information on these exhibitions will be in the June 2013 E-Mail Newsletter.

For more information on past, current, and future Art Gallery exhibitions, or for more information on the Art Galleries, please consult the Art Gallery page on the Law Library's website.

If you would like to exhibit your art in our galleries, or know of local artists who would like to show their original art here, contact the Law Library at 838-2477 or by e-mail at [info@douglascolawlibrary.org](mailto:info@douglascolawlibrary.org).

### **New Acquisitions**

Newly acquired material added to the Law Library's holdings:

AALL Spectrum, v. 17:7 (May 2013).

ABA Child Law Practice: Helping Lawyers Help Kids, v. 32:5 (May 2013).

Advance sheets of the Kansas Supreme Court and the Kansas Court of Appeals, v. 296:2/v. 48:5 (Apr. 2013).

Juvenile Justice Update, v. 19:2 (Apr./May 2013).

Law Library Journal, Spring 2013).

Pattern Instructions Kansas, 4th Criminal, 2012 Supplement.

Physicians' Desk Reference, 67<sup>th</sup> ed., 2013.

Search and Seizure Bulletin, v. 50:5 (May 2013).

Solo and Small Firm Guide Book, 2nd ed.

Solo and small firm guide book, 2nd ed., Forms CD-ROM.

Winning With Stories: Jim Perdue Live, DVD.

### **Did You Know?**

Every month, a bit of Law Library trivia is posted in the Law Library and on the Law Library's website. The previous month's "Did You Know" tidbit is then published here in the Newsletter. The hope is for this to improve communication between the Law Library and its users.

May's entry was:

The Law Library maintains a discard box of unneeded materials that are free for the taking.

### **This Month In Legal History**

June 9, 1924 - "Uncle" Jimmy Green's statue unveiled.

James Woods Green was born on April 4, 1842, in Cambridge, Washington County, New York. He graduated from Cambridge Washington Academy in his hometown, and then entered Williams College in Williamstown, Massachusetts, in 1862. He graduated from there in 1866, and then read law in Elmira, New York. He was admitted to the bar in 1869. In January of 1870, he left New York and came to Lawrence, Kansas, where he joined the law firm of Thacher and Banks. He was with the firm only a short time before moving to Olathe, Kansas, to set up practice. He was elected county attorney of Johnson County, Kansas, in 1874. In 1875, he married May Stephens, daughter of Judge Nelson T. Stephens. When Green's term as county attorney expired in 1877, he and May moved back to Lawrence. In 1878, he was elected county attorney for Douglas County. At that same time he joined the

faculty of the Department of Law at the University of Kansas, and shortly became its head. While county attorney, Green began a long association with the Hillmon insurance case<sup>1</sup>, which was eventually appealed twice to the United States Supreme Court. Prior to closing his private law office in 1885, he was a candidate for the Kansas Supreme Court, but was unsuccessful. Green was appointed as the first dean when the Department of Law became the School of Law in 1889. In 1905, the newly constructed home of the Law School was named Green Hall in honor of the man who had become known as "Uncle Jimmy" to hundreds of current and former law students. May Green died on April 16, 1916. Green's own health declined, requiring him to cut back on his activities, and he was down to teaching only one class when he died the morning of November 4, 1919, the 41st anniversary of his first day at KU. Upon hearing the news of Green's death, the Law School cancelled classes for the day. His funeral was at 2:00 p.m. on November 6th at Trinity Episcopal Church, and according to a newspaper article was "attended by all ranks and classes...". A special railroad car was chartered to bring sixty University alumni from Kansas City to Lawrence for the funeral. The University cancelled all classes for the afternoon as a sign of respect, and the Douglas County, Kansas, District Court adjourned for the funeral. He was buried in Oak Hill Cemetery in Lawrence. Green was not without detractors during his long tenure running the law program at KU. He had a number of run-ins with the University administration and the Kansas Board of Regents over how the Law School should be operated. He was accused of viewing the School "as his private fief" in which he made all the decisions on admission and curriculum standards. Green was also accused of "fostered an atmosphere of extreme clanishness among his law students", and he had declared that the Law Library and Green

Hall were off limits to undergraduates. He insisted that admissions not be based on potential students "possessing a college degree, a high school diploma, or anything more than a solid understanding of the English language...." This led to frequent charges that the law program was inferior to other law schools in the country. In spite of, or perhaps because of this, in 1912, Green served on a five member committee of the National Bar Association which recommended raising the standards required of law schools and instituting reforms in admitting candidates to the Bar. But perhaps his greatest critic was Kate Stephens, sister of Green's late wife May, who apparently had little good to say about the man<sup>2</sup>. Regardless of how others felt about Green, his "boys", as he referred to his law students, felt great affection for the man. He had "warmth, enthusiasm, wit, charm, and most important, the ability to perceive his students' interests, problems, aspirations, and joys, in much the same way they did themselves." He championed their interests, and they responded to "Uncle Jimmy" with poems, songs, and annual banquets to celebrate his birthday. Their affection for Green became more evident soon after his death. While riding to Lawrence on the special railroad car for the funeral, a group of alumni discussed a memorial for Green. Porter Fones, who was president of the alumni association in Kansas City, suggested that a statue of Green be erected and placed outside Green Hall. His suggestion was met with great enthusiasm. When the train arrived in Lawrence, alumni members arranged for a death mask to be made of Green for use by the sculptor. A fundraising campaign calling itself the Jimmy Green Memorial Association began immediately to raise the estimated \$15,000 that the project would cost. Alumni from outside the Law School joined in the campaign, showing that the popularity of "Uncle Jimmy" was not confined to law students. When his will was

filed in probate court on November 10th, it was revealed that Green had left \$5,000 to the University to establish the May Stephens Green Loan Fund in honor of his late wife to give loans to "...students of either sex, of the school of law and the college of the University of Kansas...." In May 1921, the University of Kansas Memorial Corporation was formed, and began the "Million Dollar Drive" to raise funds for various projects on campus to memorialize alumni who had died in the Great War, as World War I was known at the time. One of the projects chosen by the Corporation for funding was the Jimmy Green Memorial. With a funding source having been secured, members of the Jimmy Green Memorial Association looked to getting a sculptor to carry out the work. They decided that they should employ Daniel Chester French, the best American sculptor working at the time, to do the job. French was a famous sculptor with many well know works to his credit. His "Minute Man" statue installed in 1874 at the Old North Bridge in Concord, Massachusetts, had become an icon of the citizen soldier, appearing on the seal of the National Guard, and his marble statue of Abraham Lincoln had been installed in the Lincoln Memorial in Washington, D.C., in 1920. In January 1923, the Jimmy Green Memorial Association sent French a telegram that read, "We of the University of Kansas would like for you to create a fitting memorial for our late Dean of the Law School, James Woods Green. We have chosen you to do this statue because we believe that only the finest American sculptor would be capable of justly portraying our beloved 'Uncle Jimmy.'" French turned down the commission. Refusing to take "no" for an answer, Green's "boys" mounted a campaign to get French to come to Kansas and see for himself the effects of Green's life on others. After being barraged for weeks by telephone calls, letters, and telegrams from all over Kansas urging him to come, French relented and agreed to make

the journey to Lawrence. On his arrival, "He visited friends, former students, and neighbors of the late Dean. He heard fellow members of the faculty expound Green's virtues. But he was most impressed by his interviews with people on the street. Everyone, without exception, expressed deep admiration for Jim Green." French was reported to have said that he had "never seen such love for a man, unless it be in the case of Abraham Lincoln." Impressed by what he had seen and heard, French accepted the commission. His fee for completing the statue was \$40,000, \$30,000 of which would come from proceeds of the Million Dollar Drive, and the rest from private sources. French began designing the statue. He was reported to have been so impressed by Green's relationship to his students that he included a figure of a student in the work. He purportedly used a photograph of Alfred C. Alford, the first KU graduate killed in the Spanish American War, to model the face of the student. When French was finished, the two 7 foot 7 inch tall figures of Green and the student stood side by side, the elder man's right hand on the younger man's back as if here were encouraging him. They were cast in bronze by Anton Kunst Foundry of New York. A marble pedestal for the statue was designed by French's associate Henry Bacon and constructed by Piccirilli Brothers of New York, who had carved the Abraham Lincoln stature for French. The statue and pedestal were transported to Lawrence and installed on the KU campus along Jayhawk Boulevard in front of Green Hall. As part of the University's commencement ceremonies, the stature was unveiled and dedicated on June 9, 1924. An inscription on the pedestal read, "In Memory of James Woods Green, For Forty Years Dean of the School of Law, 1879-1919, The Students' Councilor and Friend, Erected by Those Who Love Him." Over the years, the statue would frequently be painted by pranksters, sometimes with green paint by students from the School of

Engineering, rivals of the School of Law, and at other times with purple paint, by students from Kansas State University, and occasionally, a hat or scarf would appear on the head or around the neck of one the bronze men. In 1974, Green Hall was placed on the National Register of Historic Places. The designation included the Jimmy Green statue. In 1977, KU dedicated a new Green Hall and moved the Law School into it. The old Green Hall was renamed Lippincott Hall. The proposal was made to move the statue to the site of new Green Hall, but after some controversy, the decision was made to leave Jimmy Green where he was. As far as is known, the Jimmy Green statue is the only life-sized, full-length statue of a faculty member on any American campus, and the only work by French in Kansas.

<sup>1</sup> In February 1879, John Wesley Hillmon left Lawrence, Kansas, with a companion named John H. Brown. Later, Brown appeared at a home outside Medicine Lodge, Kansas, saying that he had accidentally shot and killed Hillmon while unloading his gun. Insurance companies that had underwritten life insurance policies on Hillmon suspected fraud. They believed Hillmon and Brown had conspired together to kill a third man named Walters to collect on the insurance. Walters had reportedly sent his girlfriend a letter detailing his plans to travel with Hillmon. The insurance company suspected the body buried in Oak Hill Cemetery in Lawrence that was supposedly Hillmon's was actually that of Walters, and that Hillmon was still alive. The case was tried six times and taken up by the United States Supreme Court twice. In considering *Mutual Life Ins. Co. v. Hillmon*, 145 U.S. 285 (1892), the Court created an exception to the hearsay rule known as the Hillmon Doctrine or the "state-of-mind" exception. They ruled that statements of present state of mind are also admissible to prove that the declarant subsequently acted in accordance with that state of mind. The Court said the letter from Walters to his girlfriend should have been admitted as evidence in the case because it met this description. The legal issue was not settled until 1903. In 2006, a group of investigators, including an archeology professor from the University of Colorado, exhumed what were supposedly the remains of John Hillmon from a grave in Oak Hill Cemetery in Lawrence, to try to determine who actually was buried there. The results were inconclusive.

<sup>2</sup> Kate Stephens (February 27, 1853 - May 10, 1938) was the first woman to chair an academic department at the University of Kansas and the first woman in the United States to chair a university department of Greek Language and Literature. She helped found the KU Alumni Association and was its first president. She was a strong supporter of Woman's Suffrage and an associate of Susan B. Anthony. Ms. Stephens was editor for a number of publishers including Doubleday, Harpers, and Macmillan, and wrote hundreds of articles, reviews, essays, and a number of books. In response to a solicitation for a contribution to the Million Dollar Drive, which included funding for the Jimmy Green statue, Ms. Stephens wrote a long letter to the University in which she excoriated her late brother-in-law, among other things calling his lack of service in the Union Army during the Civil War into question. She had the letter published as a 31-page pamphlet which she disseminated. In 1924, she published *Truths Back of the Uncle Jimmy Myth in a State University in the Middle West*, in which she challenged the supposed greatness of Green.

From: Lawrence Daily Journal-World, v. 63, no. 264 (November 4, 1919), p. 1; Lawrence Daily Journal-World, v. 63, no. 265 (November 5, 1919), p. 2; Lawrence Daily Journal-World, v. 63, no. 266 (November 6, 1919), pp. 1, 3; Lawrence Daily Journal-World, v. 63, no. 267 (November 7, 1919), p. 1; Lawrence Daily Journal-World, v. 63, no. 270 (November 11, 1919), p. 1; 1890 U.S. Census, Lawrence, Douglas County, Kansas, 6/9/1900; [Dean James Woods Green Memorial "Uncle Jimmy" Green](#), University of Kansas Website; [French's Toast, June 9, 1924](#), KU History website; [State of Mind: The Hillmon Case, the McGuffin, and the Supreme Court](#), thehillmoncase.com website; [Sleuths continue digging into grave mystery](#), Lawrence Journal-World, May 19, 2006; [Kate Stephens](#), The Emily Taylor Center for Women & Gender Equity website; [Stephens, Kate](#), Notable American Women, 1607-1950: A Biographical Dictionary, Edward T. James, Editor, Belknap Press of Harvard University Press, Cambridge, Mass., 1971, pp. 362-363; [A Letter to the University of Kansas Memorial Corporation](#), by Kate Stephens, Library of Congress website; [Truths Back of the Uncle Jimmy Myth in a State University in the Middle West](#), by Kate Stephens, New York, 1924; [Jimmy Green Statue](#), Historic Mount Oread Fund website; [Daniel Chester French](#), Wikipedia website; [North Bridge Questions](#), Minute Man National Historic Park, National Park Service website; [Abraham Lincoln \(French 1920\)](#), Wikipedia website; and, [Piccirilli Brothers](#), Wikipedia website.

Each month, an event from "This Month In Legal History," the history of law and jurisprudence of Douglas County that occurred during that month, is included in the Newsletter. The current entry is also posted for the month on the Law Library's website. Entries from past months are [archived](#) on the website. Submissions from readers are welcome and encouraged.

### **Law Library Volunteer Opportunities**

The Law Library Volunteer Program provides a capable and dependable volunteer work force to assist with the day-to-day operations of the Law Library and with its special projects. This work force supplements the paid Library staff and allows the Library to provide the best possible service to attorneys, local judges, and the public.

The Volunteer Program is instrumental in linking a valuable community resource - the citizens - with a valuable community institution - the Douglas County Law Library - for the benefit, growth, and enrichment of both.

If you or someone you know might be interested in volunteering for one of them, or if you would like more information on our program and/or the positions we have open, please contact the Library or visit the "Volunteers" page on the Law Library's website.

### **Feedback**

This Newsletter is intended to be useful to its readers. As in any enterprise, feedback on how the Newsletter is fulfilling this goal is crucial to our achieving it. If our articles are helpful, let us know. If they are not, let us know. If you have suggestions on how to improve the Newsletter, or comments and suggestions on the Law Library itself, please let us know. For your convenience, there is a link to a [feedback form](#) available on most

pages of the Law Library's website. Thank you.

### **Submitting Articles for Newsletter**

The Editor encourages readers to submit articles for publication and/or make suggestions on material to be included in future issues of the Newsletter.

### **To Subscribe**

Contact the Law Library by mail, e-mail, or telephone and request a free subscription to the Newsletter. It will be sent to you as a PDF attachment to an e-mail. The Library's mailing address is: Douglas County Law Library, Judicial and Law Enforcement Center, 111 East 11<sup>th</sup> Street, Lawrence, Kansas, 66044. The Library's e-mail address is: [info@douglascolawlibrary.org](mailto:info@douglascolawlibrary.org). The Law Library's telephone number is: 785-838-2477.

### **Back Issues**

Back issues of the Newsletter are [archived](#) on the Library's website.

### **Classified Ads**

Free classified ads may be placed in the Newsletter by contacting the Law Library. The Editor reserves the right to refuse anything deemed inappropriate and to add restrictions as the need arises.

No Ads this Month.



**Douglas County Law Library E-Mail Newsletter**

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