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# FREDERICK HICKS

## THE MAN BEHIND *MEN AND BOOKS*

*Stacy Etheredge*<sup>†</sup>

**P**rofessor Fred Hicks stands as a giant in the world of legal education in general, and law libraries in particular. To overstate his importance in both is really not possible.

Frederick Charles Hicks was born in the small community of Auburn, New York, in 1875. He must have heard the siren's call of librarianship early, as he started work in the Manuscripts Division of the Library of Congress after graduating from Colgate University in 1898. As an early example of a lifelong vigor for work, he also attended Georgetown University Law School while working full-time, graduating in 1901. Hicks practiced law for a year back in his hometown but then returned to librarianship and never looked back, working first at the Naval College and then at the Brooklyn Public Library, until finally arriving at Columbia University. Although he worked at Columbia's main library, records indicate that he may have had dealings with the law school's library as early as 1913. He was officially moved to the Columbia School of Law and appointed Law Librarian (director of the library, in today's parlance) in 1915. For the next thirty-one years Hicks was to play a hugely influential role in the law libraries of two of the country's most important law schools, first at Columbia and then Yale, where he worked from 1928 until his retirement as an Emeritus Professor of Law in 1945.

Hicks proved to be an especially able player in the fine art of library administration, systematically overhauling the libraries and

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<sup>†</sup> Reference and Instruction Librarian, West Virginia University's George R. Farmer, Jr., Law Library. The author wishes to thank Bob Berring for long-ago introducing her to Frederick Hicks – from old articles come new delights.

transforming them in terms of facilities, collections, organization, and efficiency. Just one of his major endeavors was to spearhead an increase in the volumes of books held by the libraries at both law schools, increasing the numbers held to an incredible three times the original size. But while normally a huge marker of success for any other 20th Century library director, this was one of Hicks's lesser accomplishments. Much more important than the elevation in the collections' quantity, was the elevation in their *quality*. Building quality in a collection requires an individual who is truly dedicated to both their craft and their institution. It necessitates the stewardship of someone, like Frederick Hicks, who has both the skill and the fortitude to embark on the arduous journey of changing the tone of a library from adequate, to superlative. It calls for a deep base of learning and the ability to foresee the developing fields of legal scholarship. Building a collection that anticipates the needs of the researcher is a daunting challenge, one that Hicks took on with enthusiasm.

Hicks moved both the Columbia and Yale law libraries forward, and thus both law schools, by understanding the distinction between a regular law library and a *university* law library whose true function was education. He felt that an academic law library needed to serve two purposes. It needed to be a working library, one that prepared students for the professional practice of law. But it also should be a research library, one that encouraged and supported the pursuit of academic scholarship. Therefore, while he made sure the core collection of Anglo-American law was there, he also brought in the related subjects that he believed were critical to a broader scholarly understanding of the law (such as English legal history, and Roman and Canon law). Hicks also understood the changes that were happening globally during the heady years between the world wars, and thus saw the importance of collecting foreign, international, and comparative materials. And after observing that the courses offered in law schools were involving fields of knowledge that touched the broader reaches of the law, he realized that this was a new movement in legal education and began collecting in subjects such as economics, history, political science, philosophy, and sociology. All of

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these collection development decisions, each ahead of their time, helped move the law libraries into the echelon of first-rate institutions.

Another giant step set in motion by Hicks was the development of the role that legal research played in law schools. In 1913, he wrote his first major work on the subject, *Aids to the Study and Use of Law Books*. Sensing that the students at Columbia Law School needed help, his intent was to “select material practically helpful to all users of law books.”<sup>1</sup> Thus, *Aids* was not a legal research manual but a concise bibliography of books about law books. The masterpiece came in 1923, when Hicks wrote the first authoritative volume on American legal research and bibliography, *Materials and Methods of Legal Research*. The book was a seminal text because of Hicks’s approach to explaining legal research, which focused as much on literary criticism as on the practicalities of teaching it. It fulfilled a much-needed role as a teaching manual and reference tool by both discussing the use of law books and providing extensive bibliographies of legal resources. And, unlike any other text, it went much further in educating the reader by discussing the historical development and classification of law books, a theme that was personally important to Hicks. The most significant tribute to *Materials* may very well be the longevity of its existence, appearing in three editions over a span of twenty years (1923, 1933, and 1942). It was considered for decades to be “standard equipment in any working law library”<sup>2</sup> and, incredibly, was still being utilized well into the 1980s, a full sixty years after the first edition.

Hicks also had a huge impact on the legal world by being the primary force behind the nascent movement of teaching legal research in law schools. He was interested in setting up formal classes of instruction in legal bibliography, and when he arrived at Columbia Law School he began work on his “experiment,” as he called it, almost immediately. He started by taking notes on the types of questions the law students were asking in the library, seeking to “appreciate the attitude of mind of the student, and the underlying

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<sup>1</sup> FREDERICK C. HICKS, *AIDS TO THE STUDY AND USE OF LAW BOOKS* at 5 (1913).

<sup>2</sup> Miles O. Price, Book Review, 35 *LAW LIBR. J.* 503, 503 (1942).

conceptions or misconceptions of which the specific questions were illustrations.”<sup>3</sup> The notes were then classified into types of problems and fashioned into a presentation format that would help students learn the types of legal aids that could solve the problems. During one October week in 1915, Hicks presented six lectures on legal research and bibliography. He had feared a lack of participants due to the students’ crowded curriculum, but that fear turned out to be groundless as an average of 129 students attended each lecture. Encouraged by this success Hicks proceeded with the second part of his experiment, forming weekly seminars “for the purpose of acquiring experience in the use of law books.”<sup>4</sup> More than a hundred students immediately signed up and the first session (of fifty-seven) was held one week later, in groups of students and around their schedules. When those ended Hicks offered additional seminars in the spring semester, which would continue on from the fall’s material. This time, though, he had to reduce the number of seminars and arrange the student groups around his schedule. Still, sixty-five students registered and attended regularly, with forty-eight sessions held in all.

The approach Hicks took to his lectures and seminars followed a philosophy of teaching legal research that he would advocate and use for the rest of his life. The lectures were meant to be chiefly bibliographical and historical in nature. He thought it important to begin by tracing the development of law books, from their early beginnings in England to contemporaneous publications, in order to help the students “gain perspective in regard to the literature of the law, enabling them to use books intelligently.”<sup>5</sup> The seminars were organized around a different method of teaching altogether, as they were meant to be practical work in legal research. After first outlining a specific problem and discussing what legal aids he would use to solve it, he would then give the students their own problems, each a different one, and send them off to the library to solve theirs. The

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<sup>3</sup> Frederick C. Hicks, *Instruction in Legal Bibliography at Columbia University Law School*, 9 LAW LIBR. J. 121, 121 (1916).

<sup>4</sup> *Id.* at 122.

<sup>5</sup> *Id.* at 121.

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“experiment” that Hicks embarked on turned out to be a magnificent success. Dean Harlan Stone approved of the courses and they continued each year on a voluntary basis, until eventually they were required. In 1921, as an official acknowledgement of his achievement, the law school rewarded Hicks with the faculty rank of associate professor of legal bibliography. But most likely the greatest reward to Hicks was watching the teaching of legal research in law schools become standard practice during his lifetime.

On top of all these accomplishments in law librarianship, Frederick Hicks also had a wide-ranging intellect and artistic bent. He was a dedicated musician and played first flute in the Business and Professional Men’s Orchestra of New Haven. A skillful painter in both watercolors and oils, he had several of his paintings exhibited; he also loved photography and was a prizewinner in the New Haven Camera Club competitions. Hicks was a genuine scholar in the truest sense of the word. He was blessed with a vast intellectual curiosity, described as having an “overwhelming zeal for learning and progress”.<sup>6</sup> Probably nowhere is this more evident than in his written output, where even the adjective “prolific” seems lacking. He wrote or edited more than 20 books, and published 52 articles or bibliographies in 23 different periodicals (and this is not counting over 40 miscellaneous pieces, such as book reviews, pamphlets, and articles in encyclopedias and essay collections).

Where his scholarship really astounds, though, is in the incredible breadth of what he wrote. His work went well beyond the expected books and articles on librarianship and legal bibliography. Like the very epitome of the Renaissance man he was, he would write about anything that struck his fancy – history, biography, finance and economics, legal ethics, esteemed orations, famous closing arguments, international issues, and the unauthorized practice of law, among others. He wrote an article questioning whether Shakespeare was a lawyer, authored a biography of former President Taft’s tenure as Professor of Law at Yale, compiled and annotated a book covering 300 years of Bermudan poetry, and penned a fictional

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<sup>6</sup> Lawrence H. Schmehl, *Who’s Who in Law Libraries: Frederick C. Hicks, Librarian of the Yale Law School Library*, 37 *LAW LIBR. J.* 16 (1944).

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novel based on a real-life trial involving a “too many bodies in the life raft” scenario. Whatever got his curiosity stirred up was fair game. Some of the work that illustrates his diversity includes:

- *A Topographical Description of Virginia, Pennsylvania, Maryland, and North Carolina*; reprinted from the original edition of 1778 by Thomas Hutchins (1904). Hicks was responsible for its reprinting and also contributed the first-ever biographical “sketch” (which, contrary to its name, was not brief) of Hutchens, the first and only appointed “Geographer of the United States.”
- *Famous American Jury Speeches* (1925). Here he reaches back into history (including two speeches from his favorite, Joseph Choate) and mines contemporaneous arguments as well (e.g., Clarence Darrow’s oration in the Leopold and Loeb case). He felt that these addresses to the jury “are not merely speeches, but they are human documents in the development of American life”<sup>7</sup> and “retain the essence of true oratory, which is to make the auditor think and feel as the speaker thinks and feels.”<sup>8</sup>
- *High Finance in the Sixties: Chapters from the Early History of the Erie Railway* (1929). Hicks edited this book of essays on the Erie Railway scandal and litigations, originally written between 1869 and 1872 (including three by Henry and Charles Francis Adams). As Hicks so humbly put it, “. . . [t]heir essays have become classics which cannot be superseded. To reprint them is a better service than to rewrite them. . . . extensive comments would only weaken their force.”<sup>9</sup>
- *Organization and Ethics of the Bench and Bar: Cases and Other Materials* (1932). What may very well be the first law school casebook concerning professional responsibility for lawyers. The text was written by Hicks as a response to the then-new trend of states including legal ethics questions on their bar examinations, which had prompted some schools to start offering courses.

Frederick Hicks loved the history of law and law books and law men (for law was, up until his time, certainly male-dominated). The

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<sup>7</sup> FREDERICK C. HICKS, *FAMOUS AMERICAN JURY SPEECHES* (1925), at 4.

<sup>8</sup> *Id.* at iii.

<sup>9</sup> FREDERICK C. HICKS, *HIGH FINANCE IN THE SIXTIES: CHAPTERS FROM THE EARLY HISTORY OF THE ERIE RAILWAY* (1929), at 2.

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quintessential work of this personal and professional affection is probably his *Men and Books Famous in the Law*. Published in 1921, *Men and Books* is still in print which, given the realities of the publishing world, is high praise, indeed. It is a collection of biographical sketches of the authors of Anglo-American legal literature and their classic works, what one reviewer called a “happy combination of biography, bibliography and gossip.”<sup>10</sup> In short, they are Hicks’s own love letters to the men and books that occupy a unique place in the development of our history and traditions.

And thus, *Men and Books Famous in the Law* is a perfect little book because it is a perfect little encapsulation of Frederick Hicks, the man and scholar who loved his chosen work – The Law (writ large). ❶

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<sup>10</sup> Floyd R. Mechem, Book Review, 22 COLUM. L. REV. 195 (1922).