he intersection of law and literature, and more specifically, law and poetry, has long been a fascinating topic. Two famous Michigan cases have inspired poems: *Sherwood v Walker* and *Fisher v Lowe*.

The name *Sherwood v Walker* should ring a bell; you may remember it from first-year Contracts as the “pregnant cow case.” It concerns the sale of the famous Angus cow, Rose 2d of Aberlone. The opinion discusses the legal doctrine of mutual mistake, holding that a contract based on a common misunderstanding of fact by both parties may be rescinded. In 2009, Hillsdale College Professor Paul Moreno wrote a historical treatment of this case in a *Michigan Bar Journal* special supplement for the Michigan Supreme Court Historical Society. According to Thomas M. Cooley Law School Professor Emeritus Norman Otto Stockmeyer, the case has been immortalized by a historical marker in Plymouth, Michigan; songs; poems, including limericks; and even a YouTube video. I consider two of the poems in this article.

Written circa 1950 by Professor Brainerd Currie while he was at UCLA, *Aberlone, Rose of: Being an Entry for an Index* is a title only a law librarian could love. Originally published in pamphlet form by the author, the earliest extant printed version appeared in the *Harvard Law School Record* in 1954. The definitive version can be found in the *Student Lawyer* in 1965 and includes lavish illustrations. The poem is reprinted in the posthumously published book *Quidsome Balm: The Collected Nonsense of Brainerd Currie*. In these later versions, the author made some revisions and added 17 footnotes, greatly enhancing the poem.

The closing lines remind us that all law students, at least those in the U.S., must suffer through this case:

For students of law must still atone,
For the shame of Rose of Aberlone.

Another poem inspired by this litigation is *Basic Assumption: A Poem Based on Sherwood v Walker* by Alan E. Garfield of Widener Law School. The rhyme scheme in this 19-line poem is AA A... Every line ends with a word that rhymes with “cow.” In fact, only one line ends in a word not spelled “-ow” but “-ou.”

Garfield’s *Basic Assumption* is shorter and more accessible than Currie’s Coleridge-inspired verses. It plays on the idiom “to have a cow,” meaning to be angry or upset.
Fisher
The opinion in
opinion itself takes the form of a poem.
This poem was famously parodied by Og-
Song of the Open Road,
Nash in
wrote a rhyming syllabus and headnotes.16
a poem, but the West editor played along and
How now?
He sold his cow for just chow
because he didn’t know his cow had
a cow.
Had his cow had a cow it would have
been worth a thou
and would not have sold for just chow.
What now?
Well, the buyer said “Wow!”
The seller said “Yeow!”
And the Court finally said “Come now!
How can a cow with a cow worth a thou
sell like a cow for just chow.
Not never, and not now!”
So now you know how a man with a
cow had a cow
because his cow had a cow.
Another Michigan example of litigation-
inspired poetry is Fisher v Lowe,13 where the
opinion itself takes the form of a poem.
The opinion in Fisher is based on the poem
Trees14 by Joyce Kilmer.
Trees begins:
I think that I shall never see
A poem lovely as a tree.
This poem was famously parodied by Og-
den Nash in Song of the Open Road,15 where he compares trees to billboards. In its en-
tirety, the opinion in Fisher v Lowe reads:
We thought that we would never see
A suit to compensate a tree.
A suit whose claim in tort is prest
Upon a mangled tree’s behest;
A tree whose battered trunk was prest
Against a Chevy’s crumpled crest;
A tree that faces each new day
With bark and limb in disarray;
A tree that may forever bear
A lasting need for tender care.
Flora lovers though we three,
We must uphold the court’s decree.
Affirmed.
A wayward Chevy struck a tree
Whose owner sued defendants three.
He sued car’s owner, driver too,
And insurer for what was due
For his oak tree that now may bear
A lasting need for tender care.
The Oakland Country Circuit Court,
John N. O’Brien, J., set forth
The judgment that defendants sought
And quickly an appeal was brought.
Court of Appeals, J.H. Gillis, J.,
Gave thought and then had this to say:
1) There is no liability
   Since No-Fault grants immunity;
2) No jurisdiction can be found
   Where process service is unsound;
And thus the judgment, as it’s termed,
Is due to be, and is,
Affirmed.
Headnote 1:
1. Automobiles
Defendant’s Chevy struck a tree—
There was no liability;
The No-Fault Act comes into play
As owner and the driver say;
Barred by the Act’s immunity,
No suit in tort will aid the tree;
Although the oak’s in disarray,
No court can make defendants pay,
M.C.L.A. § 500.3135.
As a teacher of legal research, this case
has long been one of my favorites. The en-
tire thing fits on one page. It illustrates all
the different parts of a reported opinion.
It provides a lesson in headnotes and key
numbers. It also demonstrates the critical
concept that the most important informa-
tion is often located in the footnotes.
One can only imagine the reaction of
William Fisher, the plaintiff in Fisher v Lowe,
when he read his lawsuit reduced to verse
by the appellate court. He was not happy
with the Detroit Free Press’s coverage of the
case and subsequently sued the newspaper
for libel.17 Sadly, he lost again.
Fisher v Lowe represents but one in-
stance of a jurist unleashing his literary
muse. Other opinions written in verse are
collected at the University of Washington
Gallagher Law Library’s website, Judicial
Humor: Parody & Verse in Opinions.18

ENDNOTES
3. Sherwood, n 1 supra at 578.
4. Moreno, Sherwood v Walker: Cows and contracts
5. See Gubbins, Mutual mistake, the true story of Rose
of Aberlone—Otto Stockmeyer reveals the truth of
Sherwood v Walker <http:/ /www.legalnews.com/
ingham/771228s>. All websites cited in this article
were accessed July 7, 2013.
6. See Norman Otto Stockmeyer, Professor, Thomas M.
Cooley Law School, Presentation at the Thomas
Jefferson School of Law 7th International Conference
On Contracts, The Road Again: A Trip Through
the Poetry and Checkered Subsequent History of
Sherwood v Walker (March 3, 2012), available at
<http://elangdell.call.org/commons/content/
roadagain/tripthrough/poetryandcheckered-
subsequenthistory/sherwoodvwalker.txt>; see also
Stockmeyer, To err is human, to moo bovine: The Rose
9. Kosma & Davies, eds, Quidsome Balm: The Collected
Nonsense of Bained Curte (Green Bag Press, 2000).
of Poetry & Poetics (Princeton University Press, 4th ed,
2012), p 246.
12. Garfield, Basic assumption: A poem based on
Reprinted with permission from the Law Review
and the Southern Methodist University Dedman
School of Law.
14. Kilmer, Trees and Other Poems by Joyce Kilmer
(New York: George H Doran Co., 1914).
15. Nash, Song of the Open Road, 12 Argosy 63
(when 1951).
16. Reprinted with permission from ThomsonReuters.
17. See Fisher v Detroit Free Press, Inc, 158 Mich App
409, 404 NW2d 765 (1987).
18. University of Washington Gallagher Law Library,
Judicial Humor: Parody & Verse in Opinions
<http:/ /lib.law.washington.edu/elr/judhumor.
html#verse>.

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