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Group Studies HLS Needs

By Donald W. Kramer

A seven-man faculty committee studying long range problems of the Law School hopes to circulate a preliminary report to the faculty some time this spring, committee chairman Albert M. Sacks stated this week.

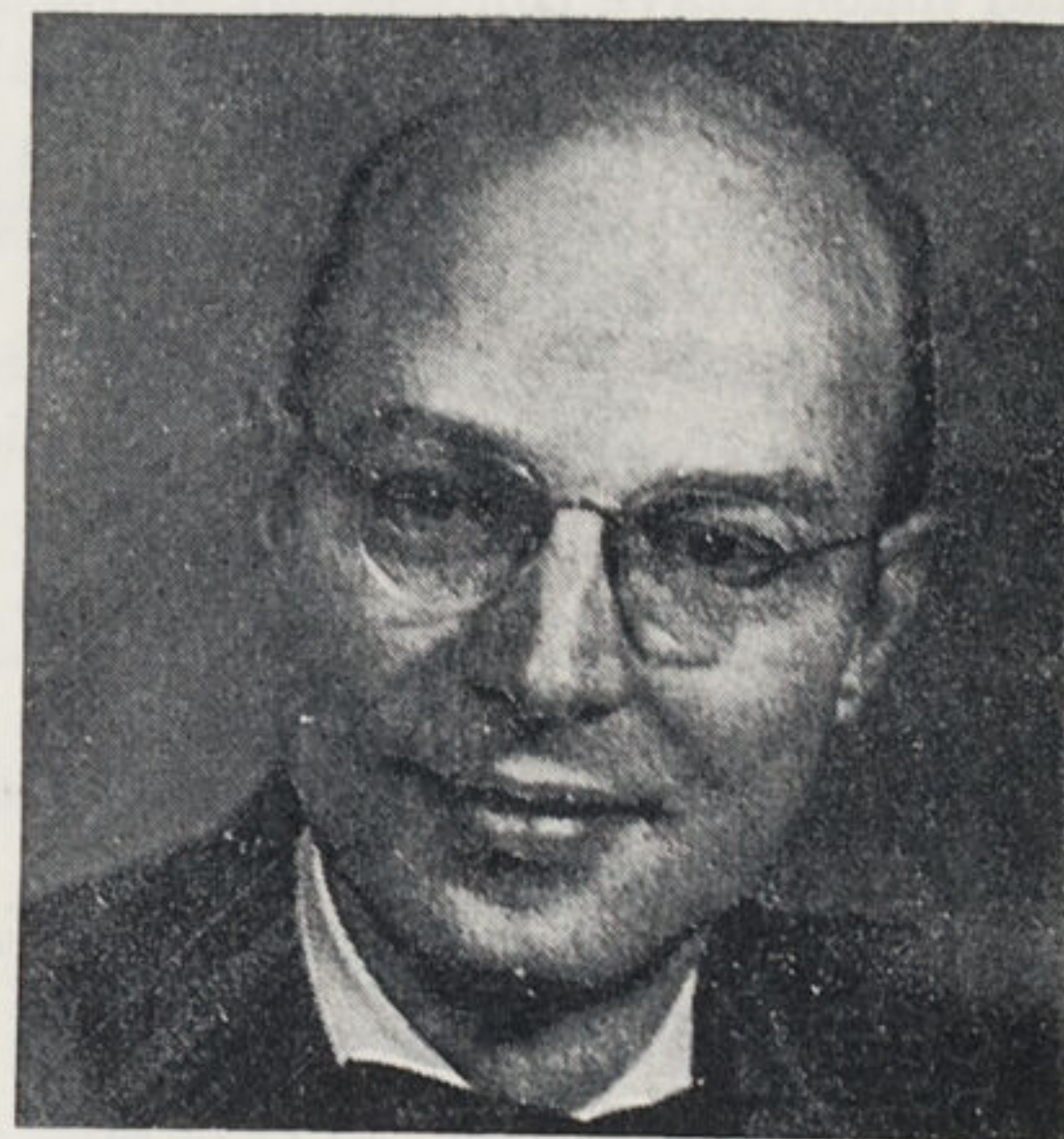
The group, which has been meeting for more than a year, will outline its tentative recommendations in relation to the broad objectives and responsibilities of the Law School. Its report will take account of the teaching function of the School, the role of research, and the relations of the School and its staff to law reform, governmental activity and the legal profession.

May Need Fund Drive

It will consider such questions as the size of the faculty, the size of the student body, the needs of building space and financial aid, and the possible need for a capital fund drive to finance expanded activities.

Professor Sacks would not discuss the specific content of the report before its submission to the faculty, but he said that there has been no extensive review of the undergraduate curriculum, which was surveyed and revised by the faculty in 1959-61. Instead, the group has been looking toward the role of the School and its responsibilities in the broader context of legal development.

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Professor Sacks

Short Exams OK'd

The faculty has voted formally to sanction shorter final exams in second and third year courses.

At its regular meeting last month, the faculty voted to approve a range of permissible time limits which would allow professors to tailor their finals as they wish.

Associate Dean A. James Casner explained this week that there has previously been no stated policy on length of exams but that

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Griswold on Civil Rights Today

Dean Erwin N. Griswold will speak to the Republicans on "Civil Rights: What Should Be the Republican Party Position in the South?" at 1:30 today in Harkness.

Death and Whipping

The eighth amendment to the United States Constitution provides that cruel and unusual punishments shall not be inflicted. And yet, last week the Delaware Supreme Court unanimously ruled that public whipping does not violate this provision or a similar provision in the Delaware Constitution.

And here in Massachusetts a bill to abolish capital punishment passed, by one vote, a preliminary bout in the state Senate.

We have no doubt that the United States Supreme Court will overrule the ruling of Delaware's highest court. We are not so certain of the passage of the Massachusetts bill which would abolish legalized homicide, but we emphatically add our voice to the ayes.

Surely death and whipping are alien to everything that the word "justice" connotes. Perhaps someday, someone will argue again before the Supreme Court that capital punishment violates the cruel and unusual punishment clause of the Constitution and the Court will have the courage to remove this blot from our laws if our legislatures do not see fit to do so.

Paradox and Failure

Two Democrats addressed Law School organizations before the Spring Vacation (see the RECORD, March 28.) Carmine DeSapio, former Tammany boss of New York, told the Democratic club that bosses are bosses only to their enemies. William Higgs, Mississippi civil-rights lawyer, told the Republicans that the Kennedy administration had made grave concessions to racist Southern Democrats and that the Republican party ought to capitalize on the civil rights issue thus thrown in its lap. Together these speakers characterized the paradox of the Democratic party, and Higgs, at least, underscored the failure of the Republicans.

What is this paradox and what is this failure? The paradox of the Democrats is the odd coalition which comprises their party, the align-

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Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

A one-act play: "When in Florida, Put Your Books On Your Shoulder"

Scene: A sportscar with New York plates is parked near the ocean in Florida during the Law School spring vacation. Sitting in the car are C.J. Secundum, 2L, and his new friend, Amie Jurnigan, a vacationer from the Arizona School of Mines and South American Banking. It is night and the moon is full. Amie speaks:

Amie: What a great party that was at the Beach, Burn and Bleach Yacht Club. *C.J.:* And what a great jazz combo around the pool. *Amie:* In the pool, you mean. How about when everybody began to throw everybody else into the pool? (*C.J. is silent*) How come you didn't come up for such a long time, C.J.? You must be all muscle. You went down like a crystalline igneous. *C.J.* (Unfastening his seat belt and sliding over toward Amie): Well, I was carrying my tax casebook and the code as well, and they're pretty heavy. *Amie* (Unfastening her seat belt, but putting on her crash helmet): Oh, what were you studying? *C.J.:* The tax treatment of Wash Sales. (Silence for the next five minutes. Amie again breaks the silence, causing C.J. to put away his dry Corporations textbook).

Amie: I must say, you lawyer-types are certainly industrious. The law must really be a jealous mistress. *C.J.:* (Remembering his original motive, and moving closer to Amie): Oh, I was more industrious last year. I almost didn't come to Florida for spring vacation. I couldn't find a motel which had a law library. *Amie* (Moving towards her door): You'd better take me home now, C.J. I have another date at 3 a.m. *C.J.* (Peeved): Well, when you get out, would you mind getting out on my side? The last time you got out on yours you knocked three volumes of the Atlantic Reporter into the sand.



Renovations Set for Everett St.

The Law School will make alterations in the 23 Everett St. building this summer to increase office space for the cramped Admissions and Placement Offices, Vice Dean Louis A. Toepfer confirmed this week.

An addition will be built onto the rear of the building on the west side for extension of the Admissions Office. Old coal bins in the basement will be removed and the area refurbished for interview rooms for the Placement Office.

New Assistant Dean John P. Wilson, who will be connected with both admissions and placement, now has an office in the building.

Both admissions and placement have been severely hampered by space limitations this year, Dean Toepfer noted. Placement interviews were regularly held in Holmes Hall when the Everett St. rooms were filled. On occasion, interviews had to be held in nearby hotel and motel rooms. Increased admissions applications have intensified space problems in the Admissions Office.

The offices of student organizations on the second and third floors will not be altered.

Sohn at Arms Control Forum

Professor Louis B. Sohn, Bemis Professor of International Law at the Law School will speak at a Forum on Arms Control and the Rule of Law Monday, April 15, 1963, in Austin Hall at 8:15 P.M. Robert F. Drinan, S.J., Dean of the Boston College Law School, will be the moderator.

New Aid to Admissions

By Donald W. Kramer

The Law School Admission Test Council has instituted a new system for recording the status of individual admissions applications at law schools throughout the country.

Begun this year on a two-year trial basis, the plan will enable law school admissions officers to see at a glance the action taken by other schools on any individual applicant.

Each of the 90 schools affiliated with the Council has been requested to return a special stub attached to the LSAT score report when action is taken on an application. The results will be compiled by IBM machine and distributed to the schools three times a year, in April, June and August.

A report on where each student actually enrolled will be distributed in the fall after classes have begun.

Vice Dean Louis A. Toepfer said the system is patterned after similar procedures used by medical schools. He said it can be used to give admissions officers a better overall picture of the incoming class, and will help forecast how many accepted applicants will actually enroll.

He added that he did not know how valuable it would be in the Harvard admissions picture, but he was willing to back the test on the chance that it might be helpful.

According to the manual published by the LSATC, the purpose is to help schools "enlarge their knowledge of their own applicants and to evaluate their admissions systems." But it warns that "it would be a distortion of the reporting program if schools allowed their standards and techniques of evaluation to be influenced by a concern for the image which their reports might reveal."

The manual also stressed that the reports are to be kept strictly confidential and "should not furnish grist for any promotional mill."

To effectuate the program, the LSAT score reports have been redesigned so that a stub can be returned when admission action is taken. The compilation will tell when an applicant is accepted, rejected, held for further action, placed on a waiting list, or removed from consideration when he has withdrawn his application.

Can Lockers Stop Harkness Thefts?

By Stewart D. Davis

MISSING — one overcoat, or briefcase, or much-needed outline, or textbook. Lost, borrowed, or stolen?

Notes proclaiming the disappearance of various articles of personal property have been noticed in Harkness Commons with increasing frequency this year. And there are more such notes than there were last year, says Stuart C. Hall, 2L, chairman of the Dormitory Council's building and grounds committee.

It is not known whether the increased "lifting" of articles is mainly attributable to law students, graduate students, Cambridge youngsters or to professional thieves.

Recognizing the problem, and recognizing the futility of pointing out to students the efficacy of the moral sentiments in the Commandment "Thou shalt not steal," the Dormitory Council has begun to look for practical ways to handle the situation.

Hall mentioned three possible solutions — lockers, a check room, and a policeman.

The policeman represents the present — and ineffective — method of combatting thievery. He stands near the bottom of the Harkness ramp only at certain times, and is too unsure of what belongs to whom to be more than a moral deterrent.

The checkroom, Hall pointed out, would only be effective if completely enclosed and capable of being locked when not in use. But, he noted, students who checked things would be angry to find the room closed when they had forgotten various items.

Hall's personal preference is a set of coin-operated lockers which would operate either at a minimal charge or would be "free" to the user. The coin would be returned when the property was removed.

But who can afford lockers, and whose responsibility is it to install protection of any sort in Harkness Commons?

Hall feels that it is for the University to alleviate the problem of lost property. But, in case the University does nothing, Hall feels the Dormitory Council should step in and act to solve the problem. Of course, he noted, the Council cannot afford to give such protection,

either by coatroom or lockers, free of charge.

He feels that what the Council could do is to buy or lease lockers and then amortize the expense by charging a small fee, probably 5c per time, for them. The lockers come in multiples of 15, and Hall thinks that as a starter maybe 45 could be installed — which number, to buy outright, costs \$1247.40 at one locker company. These lockers will hold a sizeable briefcase and a rolled up coat.

Lockers such as those proposed for Harkness are not a new idea for university communities. There are, for example, over 400 such lockers in the Boston University student union, installed by that university and working on a coin-return plan. The University of Massachusetts has a similar locker set-up.

Whether the University decides to make the expenditure and provide this added protection for Harkness users, or whether the Dormitory Council feels called upon to take some action to alleviate the present situation, Hall admitted the problem would not be solved completely. The lockers, or checkroom, would be an offer to students and visitors to protect themselves. Nothing, Hall noted, can be done other than to give them the means to protect their belongings.

Yearbook Out Today

This year's Harvard Law School Yearbook will be dedicated to retired Supreme Court Justice Felix Frankfurter. Lawrence Hicks, Business Manager for the Yearbook, said that the dedication, written by Professor Albert M. Sacks, would be particularly appropriate because of the Justice's years of service here.

The books will be distributed beginning today in the Yearbook office at 23 Everett St.

The Yearbook will feature a new cover and several internal changes. A new photo process, and a paper especially suited for photo reproduction will give pictures better tone and clarity than they had in last year's edition, Hicks said. Color will add a note of brightness to division pages between the sections. A reduction of advertisements will increase the pages devoted to Law School materials.

Dorm Applications Drop This Year

By Charles M. Hamann

The Dormitory Office announced last week that 304 upperclassmen had filed timely applications for dormitory rooms next year. The number of applicants, while greater than the number of spaces available, represents a significant decrease from last year when 385 law students applied. Less than 200 rooms, including a small number of doubles, are available to upperclassmen. The total number of spaces in the dormitories, slightly reduced by recent remodelling, is 489.

Allocation of rooms is made on the basis of a system of priorities which one Dorm Office official described as "about as fair as you could possibly get." Preference is given to those who have signed contracts by which they may be required to eat meals at Harkness Commons at the option of the Dormitory Office. This condition is an insurance measure, designed to protect against deficit operations at the Commons.

Room drawing begins with the segregation of applicants into the following 18 classes. (References to classes in the chart are to those of the student's *next term*; "signed" refers to the student's having signed the dining hall agreement on the back of the application card.)

- 1 Disabilities requiring special location.
- 2 Proctors and Dormitory Council Officers.
- 3 Third year, never lived in, signed.
- 4 Third year, never lived in, not signed.
- 5 Second year, never lived in, signed.
- 6 Third year, lived in six months, signed.
- 7 Second year, never lived in, not signed.
- 8 Third year, lived in six months, not signed.
- 9 Second year, lived in six months, signed.
- 10 Third year, lived in one year, signed.
- 11 Third year, lived in one year, not signed.
- 12 Third year, lived in one and one-half years, signed.
- 13 Second year, lived in six months not signed.
- 14 Third year, lived in one and one-half years, not signed.
- 15 Second year, lived in one year, signed.
- 16 Third year, lived in two years, signed.
- 17 Second year, lived in one year, not signed.
- 18 Third year, lived in two years, not signed.

After the segregation of applicants, Assist-

ant Dean Wesley E. Bevins, Jr. conducts all drawing.

According to Maura Nolan, Assistant to Dean Bevins, the system works smoothly if not in all respects mechanically. "If people request a particular room, it will be given to them provided that it does not hurt someone else." Switching occurs, however, only where the rooms are in the same category. "If four students want two doubles in Hastings and get them, the two with lower priority or lower on the draw will get a requested double if the other two express no preference."

The only complication in the system is in respect to roommates. In order to prevent one student from taking advantage of another's high priority, both students are drawn into the higher-numbered class. (If one student is in class 2 and another is in class 16, both will receive a class 16 designation.)

One recurring problem is that Hastings dwellers tend to wind up at the top of the waiting list if they put in a request limited to a room in Hastings. "It's not that we put them there," Miss Nolan said — "But simply that the rooms in Hastings tend to fill up first." Persons who apply only for a room in Hastings frequently end up living off-campus, however. No serious thought has apparently been given to scrambling the waiting list.

Gorman Wins National Prize

Robert A. Gorman, a *magna cum laude* graduate last year, is the winner of the \$1000 National First Prize in the Nathan Burkan Memorial Competition for the best paper on copyright law submitted by law students throughout the United States. Another member of the class of '62, Thomas B. Morris, Jr., received Honorable Mention.

Mr. Gorman's prizewinning paper was entitled "Copyright Protection for the Collection and Representation of Facts." Mr. Morris wrote on "The Origins of the Statute of Anne."

Summer Program for Lawyers Planned for 1964

Associate Dean A. James Casner has announced that the Law School will sponsor its fourth Program of Instruction for Lawyers in the summer of 1964. The summer program will be held during the two weeks preceeding the American Bar Association meeting in New York in August.

In the past the program has included courses in Administrative Law, Business Planning, Controlling the Use of Land, Estate Planning, Financial Planning, International Transactions and Relations, The Role of the Judge, and Professional Responsibility.

In reporting to the Dean and Faculty after the 1961 Program, Dean Casner said the reaction of the participants was "one of unrestrained enthusiasm." He said a survey showed "they believe that this type of educational opportunity for lawyers is needed and that it cannot be supplied adequately outside the law schools."

The previous programs were held in 1953, 1959, and 1961.

Ten Students Win Fellowships

The Committee on General Scholarships of Harvard University has announced that several members of the third year class have received valuable fellowships for study abroad next year. Three students have received travelling fellowships under the Frederick Sheldon fund: Charles W. Bender; Peter MacDougell; and Charles R. Nesson, the Class Marshal. According to the terms of the bequest the \$3,200 stipend may be used for any program of study, for travel or for a combination of both.

Seven third year men have received Frank Knox Memorial Fund exchange fellowships. They are: Douglas K. Bemis; William T. Finley Jr.; Gerald E. Frug; Benjamin B. Grossman; Robert F. Levine; George A. Platz; and Stephen B. Rohrbaugh. They have tentatively selected Oxford, Cambridge, and the London School of Economics and Political Science for their study.

Only a Fashion Show



— Photo by Richard S. Toder

It was only a Fashion Show, but it was a nice change of pace for kitchen-tied Harvard Law Wives. This Law Wife found her garb a premonition of summer fun, and a snug fit.

Sacks Committee

(Continued from page 1)

A major area of consideration, Professor Sacks stated, is the research activity of the School as it relates to scholarship and law reform. "The committee has been attempting to assess the present state of such activities, the likelihood of new or increased demands on the School and its faculty caused by such trends as the growing complexity of law and the heightened tempo of change in the law, and the resources and facilities which the school may need in order to meet such demands," he said.

No specific action is expected this year. The committee hopes, however, that the preliminary report will "elicit informal faculty reactions and suggestions so that a final report may be circulated for faculty discussion and decision in the fall," Professor Sacks added.

Officially named the Faculty Committee on Planning and Development, the group was appointed by Dean Griswold last year. In addition to Professor Sacks, it is composed of Vice Dean Louis A. Toepfer, and Professors Paul M. Bator, Richard R. Baxter, Derek C. Bok, David F. Cavers and Richard H. Field.

Why Can't Lawyers Write?

By Neil L. Chayet

"The most common failings of the many briefs that come into my office are a complete lack of imagination and a distressing want of skill in the use of the English language," says Judge Paxton Blair, Solicitor General of New York.

Judge Blair, LL.B. 1917, Solicitor General since 1957, told the RECORD in Albany last week that preparatory schools, colleges and the law schools are responsible for the lawyer's inability to manage well his most important tool — the English language.

The preparatory schools are the primary wrongdoers, he said, and the law schools feel that they just don't have enough time to provide the practice and instruction that is required for the development of a decent writing style. The result—poor briefs which make dull and uninteresting reading for lawyers and judges alike.

And even those lawyers who have the ability to write fail to use imagination in putting across a point, he said. They often lose themselves in legalistic prose which seems designed solely to lose attention.

He said law schools should place more emphasis on supervised writing and change their attitude concerning the significance of this aspect of education.

Judge Blair, who has written nearly 500 appellate briefs and has made almost as many oral arguments, has long been interested in doing something to improve the quality of brief writing. In "Appellate Briefs and Advocacy," 18 Fordham Law Review 30 (1949), he pointed out that "it should never be forgotten that in a law office you will find three English styles: (1) the style of a contract, a mortgage, a conveyance, etc.; (2) the style of a pleading; and (3) the style which should characterize briefs. A brief written in the other two styles is a monstrosity."

Last December, Judge Blair wrote an article in the New York State Bar Journal entitled "Putting the Brief Together." Judge Blair told the RECORD that his major goal in writing the article was to exhort lawyers to use imagination and thought in compiling the fruits of their research labors. He says that a "plastic and poetic imagination" is neces-



Judge Blair

sary in the law office, because the very essence of a good brief is "felicitous and vivid summation."

Drawing from Graham Wallas' "The Art of Thought," Judge Blair said that the creation of the brief may be conveniently divided into four phases: (a) Preparation; (b) Incubation; (c) Illumination; and (d) Verification.

He stated that preparation is a self-explanatory and mandatory element in brief writing. Incubation is the period which involves intense thought, consultation with others, and the mulling over of ideas which lead to a thoughtful and imaginative brief. Judge Blair said that illumination is the hardest phase to explain. He described it as a flash of insight, or the "key that fits the lock," which may come to the lawyer in time to be skillfully placed in the brief or may strike him just as he is to complete his oral argument. He described verification as the time-consuming final process of Shepardizing cases, and checking spelling and grammar.

Judge Blair also told the RECORD that the number of argument headings should be kept to a minimum, since they are relied on so heavily by the judge reading the brief and hearing the oral argument. Judge Blair cited as an example his brief in the Roosevelt Raceway case (Argued September 19, 1960), which consisted of 59 pages, which "bristled with questions of law," which involved \$42 million — and which contained only three argument headings.

Shorter Exams

(Continued from page 1)

practice over the years has produced a standard time which has been difficult to vary. He said the new rules would "make it respectable to have shorter exams."

Practice has been, for example, to give a three-hour exam in full year courses meeting twice a week. Under the new rules, professors may give an exam from two to three hours in length. Exams in one semester courses may be 1½ to 2½ hours.

Professor Donald F. Turner, chairman of the committee making the original suggestion, said professors will be able to keep exams at the maximum suggested length, or even exceed it if necessary.

First year exams have not been changed.

Dean Casner said the action stemmed partly from a concern with the amount of time spent grading examinations and efforts to find ways to conserve time "without impairing the educational value of the examinations."

He said the educational value lay in causing students to pull together the aspects of a course they had been considering separately all year. "Without examinations this would be lost," he said.

He suggested that shorter examinations might cause students to study all their material more carefully because the effect of missing a particular question would be more severe. He commented, however, that although drawing a blank on a question may affect a single course grade, some faculty surveys showed it would not significantly affect the overall average.

As far as gaining an accurate picture of a student's ability for grading purposes, Dean Casner said "there is no particular magic about three hours." He said it would be hard to justify as an abstract proposition.

He explained that the faculty wants to see what a student can do when he works at it and that examinations could be designed to test his abilities in two hours as easily as three.

He added that it may require more time spent on preparing questions to see how the student deals with problems on a broader basis and that it might change the nature of some exam questions.

Dorm Council Elects Officers



Outgoing: Ciriello, Rockefeller and Worden. Incoming: Hanscum, Samet, Profeta, and Fuller.

A multitude of candidates and ballots marked the Dormitory Council elections, held March 28. Elected president for the next year on the fourth ballot was Jack I. Samet, 2L. His opponents were Howard S. Klotz, 2L, Fred R. Profeta, Jr., 2L and David O. Fuller, 2L.

Profeta defeated Stuart C. Hall, 2L, for vice-president on the seventh ballot of an election which threatened to end in deadlock. Other officers elected at the meeting were David Fuller, 2L, secretary, and Jerome D. Hanscum, 2L, treasurer.

The outgoing officers are W. Phillips Rockefeller, President; Nicholas G. Ciriello, Vice-President; John L. Worden, III, Secretary; and John R. Burdick, Jr., Treasurer, all 3L.

A clear majority is necessary to elect an officer to the Council. Candidates are eliminated one by one — the candidate with the lowest number of votes is dropped from the list.

Hart to Head Legislative Bureau

The Legislative Research Bureau has elected Karl V. Hart, a second-year student from Mayo, Florida, as president for next year. He will also be editor of the organization's proposed journal on legislation.

Other officers elected, all second-year students, include Alan R. Spier, Cambridge, vice-president for legislation; Albert P. Reichert, Jr., Macon, Ga., vice-president and managing editor; and Brinton P. Roberts, Sherborn, Mass., administrative vice-president.

In the Inferior Court of Ames

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ARMORY DELAMIRIE

v.

COTTONTAIL

DANIEL J. KUCERA, Chief Justice, delivered the opinion of the court. This is an action of trover for conversion of plaintiff's property which property plaintiff casually lost and defendant found and on demand refuses to return. The facts are clear and uncontradicted.

The plaintiff is a street sweeper's boy in the village of Langdell. On April 15 plaintiff was engaged in his life's occupation, sweeping various solids, liquids, gases from on or about the public roads leading to, running through, and exiting from the village. At 10 a. m. while leaning on his shovel on the pigeon-White House lawn, plaintiff perceived, discovered, approached, grasped and otherwise gathered into possession a certain multi-colored egg resting in the grass near two vegetables and one salad. (The record is unclear whether it was a spider, fish, hen or dinosaur egg). Witnesses described the egg as being of a certain shape, to wit "egg-shaped", and of certain size, to wit "about the size of an egg", and of a certain weight, to wit "about the weight of an egg", and of certain pretty colors and designs, to wit "pretty like a colored egg."

Plaintiff was anxious to know what it was and carried it to defendant's shop in Harkness Square. Defendant is president, tycoon, robber baron, and sole stockholder of a large firm, to wit Peter Cottontail, Inc., which is engaged in the manufacture and distribution of certain rare and valuable goods, to wit pretty multi-colored eggs. Defendant is a large, fat rabbit.

Upon arriving at defendant's shop, plaintiff delivered the egg into the hands of defendant's apprentice, E. Bunny, Esq. — a former law student (practice exam gets 'em everytime). The apprentice, under pretense of weighing the egg brought it into the kitchen, and by various mechanical devices scraped, peeled and otherwise removed the

shell, multi-colored designs, etc. And calling to the master to let him know that it came to three halfpence, the master, to wit Peter Cottontail III, offered the boy the money plus green trading stamps, but the plaintiff refused to take it and insisted to have the thing back again; whereupon the apprentice delivered him back the egg without the shell, coloring and designs, much to the plaintiff's damage and personal discomfort. And therefore plaintiff now brings trover against the master.

Contrary to defendant's contention, this case is not on all sixes with *I. D. Scrooge and Wife v. S. Claus*, 33-10 Harv. L. Rec. 13 (1961), *aff'd* 35-10 Harv. L. Rec. 10 (1962). There the great and most learned judge said trover did not lie because of failure to allege "specific crumbs, fibers, and nutrients" and that the food was edible. Here, however, there was no evidence that the egg in question was food or even if it were, that taken by a reasonably hungry man under the circumstances it could be edible.

Plaintiff contends that defendant, being less than human, cannot win and cites the Dissent in Preface to *Cases and Text on Property*, by Casner and Leach: "I have even given up the Wild Animals". In reply, defendant cites the majority preface: "The present sequence is logical." However, in answer plaintiff quotes the minority preface: "My view is that logic of arrangement has precious little to do with the matter." It is perfectly clear that both sides are illogical and that the argument is *de mammalis non curat lex*.

Defendant argues that he was too chicken to steal the egg. However, there is too much evidence of fowl play to duck the issue. Hen(ce), he was a dumb cluck like all the roost of them. Granted, he should not fry for his offense or be cooped up for life, but a loud squawk should be made as plaintiff is not crowing about mere chicken feed.

Finally defendant pleads that as a rabbit, he may be separate but certainly is not equal,

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Egg Case

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and thus his constitutional rights are in jeopardy. We feel that this is splitting hares to the extreme. Technically, a split hare could have no heir ere hare hears an air by hare ear hair. But also, no heir can have hair if no hare has heir because no heir has heir nor hair has heir nor hare has hair nor hair has heir nor hair has hare—which makes splitting of hairs impossible, if not downright harey.

The public policy argument runs strongly against plaintiff. He is a poor, ragged, sickly, starving street sweeper's boy. Defendant is a rich, plump, powerful corporate executive. Public policy encourages progress and accomplishment and discourages decadence and backwardness. Therefore, defendant should win.

Turning to the law, we find:

1. That the finder of an egg, though he does not by such finding acquire an absolute property or ownership, yet he has such a property as will enable him to keep it against no one but the rightful owner. Therefore, trover will lie if defendant Cottontail or the plaintiff is the rightful owner. The evidence shows that defendant actually manufactured, designed and colored the egg in question and while Cottontail was hopping down the bunny trail, he lost it. Now, if defendant had found the egg he had lost, he would not have been entitled to it, because a finder has ownership against no one but the rightful owner and he was no longer the owner, but only a finder. If defendant was not an owner, it would seem that plaintiff as finder could not have ownership as against the defendant as a finder because plaintiff had ownership good

against no one but the owner which defendant was not, though he lost ownership only because he found what he owned he lost. However, plaintiff could have ownership as against himself if plaintiff at the time of finding it was not a finder, but a true owner by virtue of finding ownership, which he was both in fact and law, and being owner, he had ownership as against defendant, a mere finder, who lost ownership by finding it. Therefore, trover will lie.

2. That the master who gives a credit to his apprentice is not answerable for his neglect, but only for his good deeds. This is an exception to the rule, "let the buyer be seller." The innocent buyer should not have to suffer by getting a good bargain or honest deal. Thus the action lay well against the master because his servant did a good deed.

3. As to the value of the egg, several of the trade were examined to prove what an egg of the finest water would be worth. The evidence was that eggs were selling for 50 zloty per dozen at the (chicken) Coop; \$100 apiece at Egg-Sac's Fifth Rotary; 10¢ (xerox only) at the Distribution Center; 20 watts apiece at the Library; and free at Harkness (there's one born every minute). Therefore, we direct that since defendant did not produce the egg and show it not to be of the finest water, we must presume the strongest against him and make the value of the best eggs the measure of damages.

We hesitate to take such a hard-boiled attitude and we realize that defendant is not such a bad egg afterall, but we merely point out that it is cheaper by the dozen. Judgment for plaintiff ordering all his eggs to be put in one basket, sunny side up. However, we also order that plaintiff remit 95% of his recovery to the great and learned judge for costs and the judge's own nest egg.

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Big Grant for Criminal Defense

By Daniel J. Kucera

A nationwide experiment is underway to improve legal-defender services for indigent persons accused of crime. Supported by a \$2.3 million grant from the Ford Foundation, the program will set up model defender systems in several cities and new defender offices in six to eight populous counties.

"The lack of an adequate nationwide defender system tends to erode the American concept of equality before the law," said a vice president of the Foundation. "A person cannot be said to have had a full chance to defend himself if the attorney representing him is perfunctorily appointed by the court and is inadequately prepared, poorly paid, and not fully interested.

"Moreover," he continued, "improved defender services bear importantly on civil rights for racial minorities, who comprise a large percentage of those unable to afford legal protection."

The program will be administered by the National Legal Aid and Defender Association. Experiments call for expansion of defender services to cover a wider range of courts and for promotion of more attention to criminal law in law schools. There will also be increased defender intervention at early stages of legal proceedings, provision for adequate investigative staffs, and extension of post-conviction and appeals assistance.

"There are now only 110 defender offices in the country," a Ford Foundation spokesman said. "A recent Foundation survey of defender offices found that many had only one lawyer working part time with inadequate funds. None were able to provide counsel for all indigent accused; many would not accept murder and other capital cases. Moreover, fewer than 10 per cent had investigators, and many were unable to undertake post-conviction matters.

"Most defender offices are unable to meet the American Bar Association's minimum standards in services which call for experienced counsel for every indigent person accused of a crime; investigative facilities necessary for a complete defense; provision of all necessary services beginning with arrest and including appeals and other post-conviction matters.

"Since defender service and criminal law in general offer little financial incentive for lawyers, there is both a shortage of manpower and relatively little training and research in law schools in criminal law."

Forum Program

"Tax Administration on the New Frontier" is the Harvard Law School Forum's offering on Monday at, 8:30 p.m. in Lowell Lecture Hall.

Leading the program will be Mortimer Caplin, Commissioner of the Internal Revenue Service. Panel members are John Dane Jr., a member of Choate Hall & Stewart and former chairman of the Massachusetts Tax Commission; Ernest J. Brown, Harvard Law School Professor; and Kenneth Bergen, a member of Bingham Dana & Gould.

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Haar Edits

Legal Paperbacks

Professor Charles M. Haar, editor-in-chief of a paperback series of legal classics published by the Beacon Press, is trying to get the classics off the dusty bookshelf and back into circulation. Thus far, four books have been released: William Blackstone's *Commentaries on the Laws of England*, Vol. IV, "Of Public Wrongs"; *Selected Historical Essays of F. W. Maitland*; John Chipman Gray's *The Nature and Sources of the Law*; and Henry Sumner Maine's *Ancient Law*. The last two were published in March.

Professor Haar hopes that the new series will appeal to "the mythical, intelligent layman and citizen" as well as to lawyers. He attributed the small number of legal works in the current flood of paperbacks to the somewhat foreboding reputation the profession has assumed in the eyes of laymen. A reading of these books may lessen the mystery. Blackstone confirms his purpose: "the design of the *Commentaries* is to acquaint noblemen, gentlemen, and educated people with the laws of their country."

All of the authors in the series wrote in broad, sweeping prose, with great lucidity and analytic power. They were ready to spell out in detail what they wanted to say, Professor Haar said — "Almost in too much detail for our hurried century."

So long have some of these works been out of print that the editors have had difficulty securing some of them. When advertisements with private book dealers failed to produce a copy of the *Commentaries*, Professor Haar borrowed one from the Law School.

The Blackstone, containing many additions, is an edition dating about 1840. This edition was selected, Professor Haar said, because most other copies either had extensive annotations or were written in old-style print with the s's looking like f's.

Paradox and Failure

(Continued from page 2)

ment of Southern conservatives, Northern liberals, and the urban masses of the North.

The link between North and South in the Democratic party is brittle and shows signs of breaking under the stress of sharply conflicting outlooks and policies. The link between intellectual and urban laborer seems firmer, but is it rational? In some respects there is comity of interests: the intellectual sees the need for political and social reform and the city dweller stands to benefit by it in the long run. But, on the other hand, an overwhelming intellectual inertia and lack of reformist zeal seems to characterize the urban group upon which the intellectuals depend for the votes to implement their programs. The question is at least open whether the intellectuals might have more chance of success if they worked for their programs through the enlightened elements of the Republican middle class.

Meanwhile, the Republican leadership, such as it is, fails to give substance to this choice, toys with acceptance of the albatross of segregation rather than make a militant battle for civil rights, plods along without policy rather than battle for reform consistent with human freedom and dignity. The next decade will perhaps determine what the Democrats will do with their paradox and whether the Republicans will adopt the progressive mantle which could be theirs or drift into a stultifying alliance with the South. Perhaps ten years hence two speakers with similar views will address Law School groups, one a Democrat, the other a Republican.

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Letters to the Editor

To The Editor:

Your item, "The Road to New Haven," [RECORD, March 14, 1963] pointing to the educational deficiencies of electivism (which, unfortunately, received its greatest impetus, perhaps, from a Harvard President), states a point of view much needed to be heeded today.

I would take issue with your statement of the argument in only one respect, in the last paragraph (and this might be a part of diabolic strategy on your part).

If the only, or chief, argument for frill and fringe courses at Harvard Law School (as one might well infer, from your last paragraph) is to make the Law School "look great" or augment the image of the Law School," there is no real argument for such electivism.

Leave the image building for Yale and its products. The worth of what the Law School actually is will shape its image despite propaganda one way or the other.

Just as the lack of sound judgment prevailing in the School at the time of Castro's rise was revealed by the actuality of his acclaim there, despite the laudatory propaganda as to the significance of Harvard's progressive Castro attitude. Those who were appalled by the intellectual gullibility (or worse) of Harvard Law School faculty and students then were impressed with an image of the School that only subsequent actual change can modify. If the real emptiness of electivism becomes the accepted view and policy at Harvard Law School, considerable will have been accomplished in the way of projecting a different, and better, "image," because there will have been an intellectual change for the better.

Yours very truly,
Dean Terrill, LL.B. 1929

To The Editor:

Your editorial of March 14, 1963, entitled "The Road to New Haven" displays either willful ignorance

or a cavalier disregard for elementary facts. At best, it presents only a fragment of the truth concerning the curricular requirements of the Yale Law School.

The fragment which is reported accurately is that only the first semester is wholly planned for the student. The remainder of the editorial implies that thereafter the student is set adrift with the opportunity and incentive to take whatever might be the law school equivalent of undergraduate "gut" courses. No such courses are offered at Yale, anymore than I expect that any could be found at Harvard under either the old or new curriculums. Nor have I found Yale Law School students to be either as shortsighted or immature as the Editors apparently expect their fellow students to be.

In point of fact, the Yale Law School curriculum requires every student take the following courses: contracts, torts, constitutional law, criminal law, property, and civil procedure. In addition, the curriculum is designed with the requirement of a major field of study during the third year. Among these major fields are corporate management and finance, commercial transactions, public law, estates, labor law, public control of business, and international law. This "Divisional Program" requires the taking of four courses within the division plus two or more second year prerequisites to divisional work. Since an attempt is made to ensure that no division is overcrowded, it is usually necessary that second year students take sufficient prerequisites to enable them to enter more than one division. Moreover, as the number of courses available at the law school is not unlimited, the majority of the student body eventually elects to take many of the same courses, and undoubtedly few students graduate without having taken taxation, commercial law, administrative law, wills and estates, and corporations.

In practical terms, therefore, those lawyers graduating from the Yale Law School have probably "elected" a curriculum not unlike that required at Harvard—and undoubtedly not unlike that expected to be elected under the new Harvard curriculum. One may even wonder whether the plea for regimentation sounded in the Record's editorial may not be symptomatic of the state of mind which Professor Casner and his faculty committee very wisely hopes to combat by permitting greater freedom of choice in selecting the manner of obtaining a law school education.

Eugene I. Lambert
Yale Law School, LL.B., 1960

To The Editor:

This morning I received a copy of "The Road to New Haven" in the *Harvard Law Record* of March 14th, courtesy of my former college room mate who is presently a second year student at your school. This letter is in reference to the article. And I dissent.

Let facts be stated before opinion. Virtually all the courses required at your school are also offered at Yale, so that a law student can receive an objectively identical education at either school. The salient difference being that at your school the courses of education are imposed and at Yale they are chosen (with the exception of required courses in Contracts, Torts, Civil Procedure, Constitutional Law, Criminal Law, Property, and Moot Court). The "diversified curriculum" offered at Yale exists beyond the "basic" law courses deemed worthy of inclusion by both schools.

Your article appears disturbed by the problem of choice in "electivism", with an alleged sacrifice of the individual's well being, and with some unclassified force engaged in battle with "conservatism". The proposition, that electivism endangers the required character of Torts and Contracts, is an *argumentum ad horrendum* unworthy of intelligent discussion.

(Continued on page 15)

Tasmanian Judge Studies Library

By Richard A. Hannaway

The Honorable Malcolm P. Crisp, Judge of the Supreme Court of Tasmania left Harvard Law School at the start of the Spring vacation after a stay of five weeks during which few outside the faculty were aware of his presence. On his last day here, as he was packing to leave, the RECORD interviewed him in his temporary office in Langdell Hall.

Tasmania, an island off the southern coast of the continent of Australia, is the smallest of the six states of Australia. The residents of Tasmania, according to Judge Crisp, avoid a sense of inferiority by referring to the mainland continent as "that other island to the north."

Under the Australian court system Judge Crisp is both a trial and appellate judge. A trial judge during most of the year, he sits with his colleagues four times a year on an appellate court. In addition he is an administrator of the State of Tasmania Library System. It is in this latter role he came to the United States.

Judge Crisp came to America on an invitation from the Carnegie Corporation to visit various law schools here and observe their operation. "I had wanted to visit America for many years, particularly Harvard," he said.

Judge Crisp said that he was chiefly interested in studying the methods of library administration in use in American law schools

and universities. He was favorably impressed by the Harvard Law School Library and the Lamont Library. He hoped to use the insights gained from these observations to help improve the construction and administration of libraries in Australia. He mentioned specifically the possibility of using these insights for the new national library planned for Canberra, the capital.

In addition to his study of libraries, Judge Crisp has been talking to members of the Harvard faculty and other law school faculties about the development of a system to replace private lawsuits in compensating auto accident injuries so that it would not be necessary for victims of auto accidents to go through the long and costly process of a civil suit in order to get compensation for their injuries. "I feel that these auto accidents are a risk incidental to an industrial society and should be borne by the society," he said.

He has also been investigating the use of the "clinical" method of teaching law in which there is a large amount of learning by actual practice. This method is a recent development in the United States and is still unknown in Australia.

The judge refused to describe his activities as formal research. Instead he said that he was "just travelling around the country and observing whatever interests me." After Harvard, he has scheduled stops at Cornell, Michigan, and University of Chicago.

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Letters

(Continued from page 13)

As for choice, a law student with four years of collegiate "electivism" behind him should find no problem in this area. It is a rather simple procedure to sit in on a class session before electing the course in order to receive an adequate impression—at least there are sufficient seating facilities for visitors at Yale. And there is enough comradery among Yale law students of all classes to receive an intelligent majority opinion as to the worth of a prospective course. If a student here is really concerned with judging the personal ability of a professor, a relaxed conversation in the professor's office is easily accessible. No individual's well being is sacrificed by a "diversified curriculum" offered *in addition* to the law courses generally recognized as fundamental. As for "conservatism", that label in practically all its uses connotes individualism and personal choice, both of which are clearly encouraged by an elective program.

If Harvard Law School is taking "the road to New Haven" by adopting forms of Yale's electivism and divisional program, then it is a road well taken.

Stephen Bigger

Yale Law School, Class of 1964

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