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Prof. Scott: a Half-Century of Scholarship

By Myer J. Sankary

Austin W. Scott, Dane Professor of Law, Emeritus, was presented last week at a faculty meeting with a tooled leather-bound copy of *Perspectives of Law*, a collection of essays written in his honor by 17 teachers whom he has taught.

The work on the book was initiated two years ago as a tribute to Prof. Scott, by Dean Roscoe Pound, his lifelong friend and colleague. Both became members of the Law School faculty in 1910. When Dean Pound was unable to continue his work shortly before his death at 93, Professor Arthur E. Sutherland stepped in to complete the book. It was presented to Prof. Scott by Dean Erwin N. Griswold, one of its three editors.

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Ten Research Assistants Reduce Defenders' Backlog

By Stewart D. Davis

The backlog of cases calling for postconviction research by the Harvard Voluntary Defenders has been eliminated by the use this fall of "research assistants."

Pleased by the initial success of the assistantship program, the Defenders last week adopted a bylaw by which a staff of assistants, up to 10 in number, will be attached to the regular Defenders organization on a permanent basis.

Some 30 second- and third-year students applied for the program when it was initiated earlier this fall. The Defenders took six of the applicants, then increased the group to its present size of 10.

Memos and Petitions

Defenders President Thomas A. Welch, 3L, said that the assistants take cases just as do the regular group members. Their chief duty entails writing memoranda of law, but they may become involved in drafting such legal

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Prof. Scott

The High Cost of Athletics

The cost of athletics is still too high, and the facilities still too limited, for law students who wish physical recreation. The price tag of \$24 per semester, of 75¢ for a single time (locker and towel provided) is prohibitive for many. This is especially so in the winter when the athlete moves indoors and finds his basketball court or squash court in constant use by undergraduate physical education classes and squash teams.

It is no doubt a convenience to have the spectator sport of squash so near the Law School as is the Hemenway Gymnasium, as it was last Saturday when Harvard, always one of the country's best, tangled with a good West Point unit. But the none-too-shapely young lawyers cannot help begrudging the varsity and freshman squads the time for their matches and continual practice.

One proposed solution, which would alleviate but not entirely solve the problem, would be to open the gym earlier on weekdays than the present 11 a.m. hour. The cost of this, which apparently arises from cleaning and maintenance, would be partially offset by the fees charged to the pay-each-time athletes, and could also, it would be hoped, be borne by the Law School which now subsidizes the Dormitory Council-sponsored team sports of touch football and basketball.

Another solution would be to keep the gym open on Sundays—perhaps in the afternoons. On these days law students could exercise without frantically trying to jam a half-hour into a busy study and class schedule, and the courts would be free of practicing undergraduates.

In view of the willingness of Columbia Law School to open five or six squash courts for law students if they but ask, and of the need for Harvard to produce whole men, and not brain-top-heavy ones, and of the increased use of athletic facilities as the University community expands, it might be worthwhile for the Law School to consider urging the College to build new quarters containing squash and basketball courts and then to obtain full use of near-by Hemenway.

Harvard Law Record

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TONGUE 'N CHEEK

By Fenno

I was happily day-dreaming about schussing and mogul-jumping last week as the warm rain melted away the New England snow. After a perfectly executed run down the most enormous and treacherous mountain in the far north my bindings released me into a drift as my skis hit a canvas mailbag buried in the snow.

I untangled myself from my toes to my Heads and angrily sought to discover what a mail bag was doing in the midst of my ski dream.

Stenciled on the outside of the offending bag was a notation, "Legal Division." I opened my treasuretrove and extracted several letters already opened. I sat down on the camel seat that I always seem to have with me in my dreams and began invading privacy.

"Dear Santa," the first one began. "Please send me a few good rear-end collisions this year. I've paid my bar association dues and done some good works for the county legal aid society this past year. So, plaintiffs only this year, Santa, my career is contingent upon you."

I was not at all surprised that the second letter on Harvard Law stationery was also addressed to S. Claus, Esq. It read, in part: "I hate to be gluttonous but I have a long list this year, Santa. Please send me an inspiration for my third-year paper—or better yet, the whole third-year paper—a hiring partner who wants to take me under his wing, a seat in the library that isn't drafty, an exam schedule that doesn't conflict with my bar-review course and a partridge in a pear tree (one that knows Commercial Transactions backwards and forwards)."

I pulled one more letter from the pile and, upon reading "and if you are in my vicinity soon, Santa, I think you should drop in so that we may review your estate plan," I woke up with a splitting humbug.

Bar-Failures Carried Hard-Core Courses

By Robert A. Grayson

"There is no pattern showing that bar-failures as a group tend to take a 'soft' program, one deficient in hard-core lawyer's law. The programs chosen on the whole are quite clearly practice-oriented — practical and conventional," concluded Professor Paul M. Bator in a study of the 12 graduates of the Law School who failed the Massachusetts Bar Examination given last June.

Prof. Bator compiled the Law School records of each of those failing the bar exam. Included were the courses taken in the sec-

Job-Hunters Report Successes In Placement Office Survey

The Placement Office has had an unusually active interviewing season, according to Eleanor R. Appel, Placement Director. Approximately 6500 interviews were arranged for students with 430 firms. In addition to the firms that made visits to Cambridge, a considerable number have written to the Placement Office concerning their personnel needs.

Students seem to be finding jobs sooner this year, Miss Appel noted. She estimated that the pace is running two months ahead of last year's.

To date the Office has received replies from 309 third-year students in response to a recent questionnaire seeking post-graduation plans. Approximately half of this number have already made definite plans; 120 will join firms and 30 have secured judicial clerkships. One student is planning to work for the government and one will join a Boston TV-Radio station.

Of those students still seeking positions, 70 do not face military service, and 44 do have military obligations but are seeking jobs anyway.

Nineteen students are deferring job-hunting until their military obligations are completed. Ten plan further study.

Salaries, Miss Appel reported, are commonly ranging between \$7200 and \$7800. The range is from \$5500 to \$9500 for patent men. The highest salary for a general-practice lawyer reported so far is \$9000.

ond and third years and grades for all three years. He found it striking that all the men but one took both Commercial Transactions and Evidence, and that man failed only questions which did not pose issues covered in these courses.

The 12 who failed were among 59 Harvard Law graduates taking the exams for the first time. The 47 who passed were 79.6 percent of the candidates. However, the percentage drops to 75.8 when account is taken of three graduates who took the exam for the second time and failed it.

Dean Erwin N. Griswold noted that this figure is lower than Boston College's and not much higher than Boston University's. "We ought to do better," he stated, adding that Harvard should have "at least 90 percent" passing. "We won't have unless people take bar exams seriously and prepare carefully and especially for them," the Dean concluded.

Seven of the 12 who failed the exam took Trusts, a higher percentage than the overall percentage of men in the class who took the course. Of the six men who failed the portion of the bar exam which included trusts, three took the course and three did not.

Popularity of courses taken by those in the group included, after Commercial Transactions and Evidence, Business Planning and Conflicts (with ten of the twelve enrolled), Estate Planning (9), International Transactions, Trusts, and Trial Practice (7), Economic Regulation (6), Labor Law (including Collective Bargaining) and Family Law (4),

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RECORD Elects Officers

Michael D. Hampden, 3L, has been elected President of the Harvard Law RECORD for the spring semester. A resident of Suffern, N. Y., Hampden is a 1962 graduate of Haverford College, Haverford, Pa.

Re-elected to the offices of Corporation Secretary and Business Manager were Caroline M. Simon, 3L, and Brian Christaldi, 3L, respectively.

Voluntary Defenders

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papers as petitions of habeas corpus.

James S. B. Zagel, 3L, Vice President (Research and Appeals), noted that there has been no apparent difference in quality between the amount of work, still small, which the assistants have completed and that of the regular Defenders members, but he termed the assistants "much more eager."

Noting that the unassigned backlog of post-conviction cases had stood at about 35 before the assistants came to work, Welch said that no cases are now unassigned other than those still in the initial administrative stage. In this "hold" category are 15 to 20 cases wherein the Defenders are seeking by correspondence more facts to determine both what they can do and whether some other defenders agency has jurisdiction.

Defenders' Bylaw

9. The Membership Committee may designate persons from the second and third year classes in the Law School to whom the Vice President (Research and Appeals) may assign research and appeals work. The Membership Committee shall designate any such persons, not to exceed 10 (ten) in all at any one time, at some time other than that at which general members are selected. Persons who have once been so designated shall remain eligible for such work until the Membership Committee shall decide otherwise.

Each member of what the Defenders call their "research wing" gets three or four cases — some meaty and some presenting a fairly simple question — according to Zagel. Much of the distribution of cases is by legal doctrine; one assistant is likely to be working on four *Escobedo*- or *Gideon*-oriented cases at one time.

A Faculty Check

Upon completion of a post-conviction memo, the assistant submits it to Zagel or to Norman B. Smith, 3L, Vice President (Training), for initial criticism and then, before

finally mailing it out to the questioner, to Professor Livingston Hall.

After approval by Prof. Hall, the memo is sent to the prisoner, telling him what are his best grounds for proceeding and giving him an honest evaluation of his case.

The 10 students now filling the positions of research assistants are: Irvin G. Bieser Jr., 2L; Donald T. Bliss Jr., 2L; W. Z. Jefferson Brown, 2L; B. Michael Dann, 2L; Robert H. Diaz Jr., 2L; Marjorie A. Fine, 3L; Mark Garsarch, 2L; Augustus B. Kinsolving, 3L; Richard L. Levine, 2L; and William E. Peacock, 2L.

Toepfer Travels Westward

Vice Dean Louis A. Toepfer returned from a five-week tour of nine midwestern and western colleges and universities last week, "most favorably impressed" by the quality of the institutions he had visited.

Noting that the Law School received applications from students of 375 different colleges and universities last year, Dean Toepfer explained that the purpose of his marathon journey was to aid him in the difficult task of evaluating the performances of applicants from different institutions.

"If we are putting — as we must — an emphasis on a student's academic record, we must know something about the various colleges," he said. Thus both he and Assistant Dean John P. Wilson find it necessary to visit a number of institutions to develop some idea of their comparative merits.

The journey carried Dean Toepfer to the University of Kansas, Colorado College, University of Denver, Brigham Young University, University of Utah, University of California at Berkeley, University of California at Riverside, Stanford University and the Associated Colleges in Claremont.

He also found time to speak at Law School alumni meetings in Kansas City, Denver, Salt Lake City and New Orleans. In New Orleans he participated in a meeting of the Executive Committee of the Law School Aptitude Test Council.

The "knowledge industry" of California's sprawling system of public education merited a favorable response from Dean Toepfer. "The schools are like airports," he said. "They're never finished."

Ripon's Star Rises in Republican Firmament

By Theodore S. Curtis

Although the Ripon Society likes to appeal to the national press as an organization of "young men in business, the professions and education, with membership in 31 states" this euphemistic description refers to a dynamic group of Cambridge-based Republican thinkers and activists which includes a large number of Harvard Law students.

Most recently, Ripon's preliminary analysis of the 1964 elections laid the groundwork for reception of its proposal for a strengthened Republican Governors' Association which, in turn, contributed many of the ideas that resulted in a successful conference at Denver.

Patterned on the Bow Group which helped to rejuvenate the British Conservative Party, Ripon has had such success since its first meeting was called in 1962 by Emil H. Frankel, 3L, and John Saloma, Assistant Professor of Political Science at MIT, that it is rapidly becoming a rejuvenating force for the Republican Party.

The *New York Times* and Governor George Romney, as well as numerous other newspapers, periodicals and Republican leaders, have pointed to the Ripon Society as a potentially powerful source of ideas for the Republican Party and have welcomed its constructive plans for filling an intellectual void in the GOP.

Muslim Leader Addresses Forum

Malcolm X addressed the Harvard Law Forum last night on "The African Revolution and its Impact on the American Negro."

The Forum contacted the speaker by letter when he was travelling in Africa and the Middle East this past summer. Upon his return to America a week ago he was again contacted by the Forum. He answered by telegram last Wednesday that he would appear.

Scheduled to be a panelist with the Black Muslim speaker was Archibald Epps, a Negro and a recently appointed Dean of Harvard College.

The Forum has been disappointed in its effort to obtain House Speaker John W. McCormack for a December engagement.

Not all has been praise. Last spring the *National Review* bitingly described the organization as a "paper tiger," and after the election *Human Events*, having discovered the tiger has claws, hurled its most scathing epithet by referring to the Society's "impeccable liberal credentials."

Society members were amused with the attention given them in William Buckley's publication, but they were somewhat puzzled when the syndicated Allen-Scott report termed Ripon a "fund raising organization." (The Society has difficulty raising even enough funds to finance its meagre budget.) The most accurate definition is the *New York Herald Tribune's* "a student and faculty organization formed to supply a flow of ideas and applications to Republican organizations, candidates and office-holders."

Even on its slim budget, Ripon has become a fountain of ideas for a thirsting GOP. The reports of the Society, in tremendous demand since its recent publicity, are each studies of a timely topic with proposals for future action. The report on Civil Rights, under the supervision of J. Eugene Marans, 3L, has won wide acclaim, including special praise by Professor Malcolm Moos in the Dec. 12 issue of *The New Republic*.

Not content to merely produce and print ideas for the Party, Ripon attempts to assure a sympathetic hearing for its proposals by cultivating contacts with Republican governors and congressmen. Ripon had two representatives at Denver, including Marans, who commented, "Establishment of a research program, with an office and staff in Washington, is a great step forward for the Republican Governors' Association. The Ripon Society plans to work closely with the governors in preparing policy papers. However, there is some danger the program will come to naught unless the governors give it their active support."

Despite so many members being transients in the Cambridge area, the Society is untroubled about the possibility of losing its membership. Instead, Ripon is expanding into a national organization with headquarters in Cambridge and affiliates throughout the country. A Columbia University

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Prof. Scott

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In the 51 years of his teaching career, the longest tenure in the history of the University, Prof. Scott taught approximately 27,000 men and women,—many of whom have become outstanding in the legal profession. Prof. Scott told the RECORD, "Of course, the greatest reward of a teacher is to see his students flower into great scholars."

Assembled in an appendix to the book are greetings from a number of judges and teachers, selected by Dean Pound, who are illustrative of the range of Prof. Scott's influence. The list includes three living Supreme Court Justices.

One of the highlights of the book is an autobiographical letter written several years ago by Prof. Scott to Prof. W. Barton Leach.

In the letter Prof. Scott wrote about the great inspiration he received by studying Blackstone's Commentaries:

"I remember that a group of my college classmates who were studying at a law school in New York told me of their terrible confusion about the operation of the Statute of Uses. Having read Blackstone so carefully, I was able to explain the matter to them. Hence, I began teaching law before I went to the Law School."

In other passages of the letter, Prof. Scott gives short vignettes of his career as student, clerk, practicing lawyer, and teacher which liven the pages of legal literature.

Scholarly Wagers

Prof. Scott also reveals that he owes his good health to his intimate knowledge of the Statute of Uses. He describes how he offered to bet his fellow-students on the correctness of his views as to the circumstances under which the Statute executed Uses. The stakes were usually a steak, a luxury he could rarely afford. "Owing to my reading in Blackstone," he wrote, "it turned out that I was always right."

The essays selected for the book bring together a variety of subjects of current interest. Topics written by Law School professors who contributed include "Conflict of Interest in Massachusetts" by Robert Braucher; "Oral Contracts to Provide by Will and the Choice-of-Law Process: Some Notes on *Bernkrant*" by David F. Cavers; "Perpetuities: Cy Pres on the March" by

W. Barton Leach; and "Blackstone after Two Centuries" by Arthur E. Sutherland.

Others who contributed articles were: Kenneth Culp Davis, LL.B. '34; Mitchell Franklin, LL.B. '25, S.J.D. '28; Ronald Graveson, S.J.D. '35 ('36); Edward C. Halbach, Jr., LL.M. '59; George L. Haskins, LL.B. '42; Harold C. Havighurst, LL.B. '26; Pierre LePaulle, S.J.D. '22; R. H. Maudsley, S.J.D. '59; Maurice H. Merrill, S.J.D. '25; Ralph A. Newman, LL.B. '16; William G. Rice, LL.B. '20, S.J.D. '21; Julius Stone, S.J.D. '32.

The book also contains a letter from retired Supreme Court Justice Felix Frankfurter, a preface by Dean Griswold, an article by Roscoe Pound, and a number of interesting pictures illustrating Prof. Scott's career.

Teaching Fellows Sought

The First Year Committee of the Law School Faculty is engaged in recruiting Teaching Fellows for the four vacancies in the Group Work Program, according to Professor Livingston Hall. Applications are being received from men and women interested in appointments as Teaching Fellows for one or two years beginning in September 1965.

These Teaching Fellowships offer present third-year students and recent graduates a chance to teach small sections of first-year students in the Group Work Program in the fall semester, together with a series of attractive options for the second semester. Prof. Hall noted that these options include work for the LL.M. (on a two-year basis) as well as work in the field of Trial Practice under Professors Richard H. Field and Robert E. Keeton (on a one- or two-year basis), or research under a member of the faculty.

Prof. Hall emphasized that these positions not only allow each Fellow to test his own teaching aptitude, but provide good background for obtaining a faculty position either at Harvard or elsewhere upon completion of the Group Work Program.

An article entitled "First Year Group Work," giving an insight into the positions from the point of view of the Teaching Fellow, can be found in 15 Harvard Law School Bulletin 3-5 (Dec. 1963).

Present third-year students and recent graduates interested in the possibility of obtaining a Teaching Fellowship may contact Prof. Hall.

Prof. Hogan Advocates Strict Case Method

By Paul M. Branzburg

"I am passionately devoted to the case method!" declares Visiting Professor William E. Hogan. A man of firm convictions in legal pedagogy, Prof. Hogan is unmoved by students who complain that all too often a few concise paragraphs of text can easily replace a long, repetitious, and poorly written opinion.

"You are entitled to go through the same pain and suffering that lawyers regularly go through," he gently replies. "Courts often seem repetitious and state their conclusions in different ways so that, in another case, they can pick on one of those statements for further development."

Prof. Hogan is on leave from the Cornell Law School where he is Professor of Law. He is teaching a section of the first-year course in Torts and the full-year Commercial Transactions course open to second- and third-year students. In the second semester he will give a seminar entitled Problems in Commercial Practice.

Although born in Bridgeport, Conn., Prof. Hogan is no stranger to the Boston area, for he grew up in Haverhill. In 1949 he received an A. B. *cum laude* from Boston College with a major in biology.

He then entered Georgetown University Medical School. Prof. Hogan recalls that after eight weeks of work on his cadaver "I became the 'world's greatest expert' on head and neck. However, I then made a fairly serious determination that medicine wasn't the way I wanted to spend my life." And so Prof. Hogan left medical school.

"I learned not to make too many long-term plans after having just abandoned some." As Prof. Hogan describes it, he did not enter law school but rather "backed into it." "I went to law school because I was invited by a friend of mine to join him in one of his law classes. I liked it so much that I decided to go."

At Boston College Law School he found the study of law far more enjoyable than the "non-analytical memory work" required at medical school. After graduating *cum laude* in 1952 and becoming a member of the Massachusetts bar, Prof. Hogan planned to practice law. The Air Force, however, had other plans for him. The next three years were spent as Legal Officer and Special As-

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Prof. Hogan

Boundary Disputes Considered

Daniel Wilkes, Assistant Professor at Western Reserve School of Law discussed "Boundary Disputes" at a meeting of the International Law Club last Friday. Prof. Wilkes' plane was delayed because of weather conditions, and consequently his appearance was limited to an informal talk with several club members.

Boundary law, said Prof. Wilkes, is an important area of law in danger of being neglected in the extensive "rethinking" currently taking place in international law. He pointed out that even aggressor nations, such as China in Tibet, seek to invoke not a "doctrine of power" but a "doctrine of law" in justification of their actions. The present dispute about the Russian-Chinese border was offered as an example of a political boundary dispute involving doctrines drawn from traditional international boundary law.

Prof. Wilkes emphasized the importance of an imaginative re-examination of international boundary law. He explained that Indonesia has recently managed to convert several formerly free and open strategic straits and a large chunk of the Pacific Ocean into "inland waters" by a rather ingenious

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Ames Quarterfinal Qualifiers Named

A total of 29 clubs finished competition this past week for the eight coveted berths in the spring Quarterfinals of the Ames Competition. All eight qualifiers had 3-1 records. They are:

Braucher — Erwin E. Adler, Steven L. Engelberg, Dale Hershey, Burr C. Holister, William E. Joor III, Jerold D. E. Lax, Robert S. Walters, Jerome N. Weinstein;

Cardozo Law — Michael C. Agran, Daniel J. Evans, Peter P. Gamer, Robert A. Greenfield, Thomas D. Hogan, Orlin L. Livdahl, Jr., John P. MacKenzie, Michael M. Stein;

Griswold Equity — Daniel M. Armstrong, Victor P. Gottshall, Barbara M. Jacobs, Daniel H. Kane, Jr., David D. Kinley, Kenneth S. Kramer, Thomas J. O'Sullivan, Richard C. Seamans;

Kaplan — Kay S. Cornaby, Frederick G. Dorwart, Jr., John W. Hayek, Richard N. Hoehn, Bruce S. Kaplan, Dennis G. King, Phillip G. Koenig, William S. Mullin;

Morgan-Brown — Donald J. Barnett, Alan J. Baron, Michael D. Dann, Robert H. Diaz, Jr., Gary L. Greenberg, Martin A. Kasindorf, Richard H. Nordahl;

Pow-Wow-Kent — Paul S. Byard, Louis B. Livingston, Herschel E. Post, Jr., Haven C. Roosevelt, David H. Souter, Justin J. Stevenson III, Stanley W. Stillman, Thomas H. Wright;

Sacks — Finn M. W. Casperson, Robert T. Connery, Stephen L. Cymrot, Edward F. Greene, Elaine M. Kalenevitch, Richard A. Levine, Daniel J. Pochada, Frank L. Simonie;

Story Law — James S. Friedlander, Alan D. Granquist, John E. King, John L. McGoldrick, George W. Miller, Gabriel F. Nagy, Burton Selman, Lester H. Yassky.

Griswold Equity received the award as the best club. Other prize-winners and the club pairings will be announced later by the Board of Student Advisers.

Bar Failures

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Antitrust and Securities Regulation (3), Insurance and U.N. Law (2). Thirteen other courses found one of the group enrolled.

Those included in the group had three-year grade average from 62 to 70, but at least half had either 66 or 67 averages.

While the information used in this study cannot, according to Prof. Bator, show that in any given case a particular curricular deficiency may not have contributed to failure, further information could, perhaps, show more clearly why any individual student failed to pass. For example, the factor of having taken a bar review course was not used in the analysis.

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Hospital Records Are Analyzed for Legal Use

By Neil L. Chayet*

"The best policy is to meet the lawyers halfway, instead of running from them." These words, spoken by Dr. Lendon Snedeker, Assistant to the Director at Children's Hospital Medical Center, set the tone of an interesting interdisciplinary seminar at the Law School last week.

Dr. Snedeker, with Dr. W. French Anderson, participated in Professor William Curran's seminar in medico-legal problems on Dec. 8.

Dr. Snedeker explained that one of his roles as Assistant to the Director is the handling of the legal problems that are continually arising in the hospital setting. Because of the rapid turnover of staff and patients, Dr. Snedeker must oversee the formulation of rules and regulations designed to protect the patient, the hospital, and the individual physician or nurse.

One of the most rigidly adhered-to of these rules is that the legal ramifications of any situation are handled by, and only by, Dr. Snedeker. He remembered with a smile a recent incident in which a young resident was "given the raspberry" because he was spotted by some of his colleagues merely talking to a lawyer.

Cutting Clients' Costs

Dr. Snedeker is aware that without cooperation on the part of a hospital, a lawyer can incur great expense for his client and come up with little that is of real help to him in the preparation of his case. For example, in a complicated case the medical records may run as long as 75 or 100 pages, much of which is of no use to the lawyer.

When a request for medical information, together with a parental consent-slip authorizing the release of such information, reaches the Children's Hospital, it is forwarded to Dr. Snedeker. Unless it is a routine matter which requires no further attention, Dr. Snedeker will call the attorney and discuss the case with him, trying to ascertain what the lawyer is after. He then sends the attorney the applicable portion of the record. The hospital is

*Mr. Chayet is a former President of the RECORD and is presently a Research Attorney on the faculty of the Boston University Law-Medicine Institute.



Dr. Lendon Snedeker

saved the time and effort of reproducing the entire record, the client is saved the expense of such reproduction, and the attorney receives the portion of the record which he needs and which, due to Dr. Snedeker's assistance, he fully understands. There are few things more difficult than poring through pages on pages of medical records without the benefit of advice from the medical profession, particularly considering that the physician's handwriting is notorious for its illegibility.

Irrelevant Entries

The problem of what should go into the medical record was also touched on by Dr. Snedeker and Dr. Anderson. They pointed out that many difficulties arise when personal, medically irrelevant material is placed in the medical record. Children's Hospital has effected an elaborate set of criteria which governs the medical-record entries in order to avoid disclosure — in court or out of court — of information pertaining to the question of liability, or to personal characteristics not relevant to the treatment of the individual. Dr. Snedeker recalled one incident in which a doctor placed in a child's record some of the less desirable aspects of the mother's home life. The record was subsequently used in a

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Ripon Society

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group, the Trumbull Society, has emulated Ripon, and considerable interest exists in San Francisco, Chicago and Washington in establishing chapters.

Recently Frankel commented: "We have been pleased at the response by Harvard Law School RECORD readers to Ripon activities. We now have a program for issuing memberships to the National Ripon Society and for subscriptions to its many publications."

At a recent meeting, a plan was announced for individual memberships and subscriptions. The Society hopes that interested Republicans desirous of contributing to future publications and receiving future reports will contact it at P.O. Box 138 in Cambridge. The Society also has become more formal; the first slate of officers is Prof. Saloma, president; Frankel, Vice-president; George Nolfi; (MIT), Secretary; Jonathan Bulkley (MIT), Treasurer.

Future reports will include the final analysis of the 1964 elections, a constructive critique of the Republican disaster on Nov. 3. Under the direction of Thomas E. Petri, 3L, and assisted by most of the membership, the paper will include sections on key issues of the campaign and a penetrating summary of the results of major elections in each state.

Richard Crystal, 2L, is heading a group preparing a paper on urban problems, and a third report will focus attention on improving the fund-raising and spending machinery of the GOP.

At the Ripon Society's periodic meetings, leading speakers or panelists discuss Republican politics and important domestic and foreign issues. The most recent session

featured Boston attorney David B. Goldberg, LL.B. '54, national field director for the pre-convention "Draft Lodge" movement and Douglas Bailey, foreign policy research director for Governor Rockefeller's presidential campaign and a co-author with Mr. Goldberg of a comprehensive and controversial proposal for reorganization of the Republican Party.

Summer Rights Activities Set

The Law Students Civil Rights Research Council is currently organizing its 1965 Summer Internship Program. The Council plans to place more than one hundred students in jobs both in the North and the South where they will be able to play a part in attempting to solve the problems of racial discrimination and poverty.

A wide variety of positions is expected to be available. Participants will assist attorneys doing civil rights work in both the North and South.

Also available will be positions with both local and national civil rights groups, as well as work with Neighborhood Legal Assistance projects.

All positions will carry a subsistence salary and travel expenses.

The Council also plans to make available next year a few positions for recent law graduates. Participants in this phase of the Program will clerk with southern civil rights attorneys. These jobs will also carry a subsistence salary.

The Council's Harvard representative is Elizabeth Holtzman, 3L. Students interested in further information or in applying for these jobs may contact her.

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Recent Book

A Political Commentary on Man's Fate

The Supreme Court. By Andrew Tully. New York: Simon and Schuster, 1963. Pp. 409.

By Walter V. McLaughlin Jr.

The basic plot of Mr. Tully's book will be familiar to most Americans since it borrows extensively from President Franklin Roosevelt's attempt in the 1930's to pack the United States Supreme Court. For variety he makes it a "conservative" President challenging a liberal Supreme Court, and adds an almost completely extraneous love affair—a Justice wants to marry a divorcee whose ex-husband threatens to tell of her not-too-savory past.

Yet a familiar plot can still be a vehicle for a new or important comment on the human condition. This technique was typical, in fact, of the plays of ancient Greece, which were based on myths well-known to their audiences.

In striving toward that goal, Mr. Tully avoids the common mistake of setting up straw groups. Neither of the groups he elects to call liberal and conservative could really be called the villain of the piece.

Indeed, the author's conservative president is strongly reminiscent of President Kennedy; he is young, handsome, intelligent, has a beautiful wife, and is possessed of a deep concern with America's future. On the other side, the liberal Chief Justice is a man concerned not only with what he personally feels are the needs of society, but also with the proper role of the judiciary in meeting them.

This is not to say that all his characters are visionaries. The cast includes several men, on both sides of the political fence, who think that a Court decision ought to be decided pragmatically on purely political considerations.

The book succeeds, not so much because of its individual characters, as because it portrays with insight

the basic struggle in our society between order and freedom—between the need of society to maintain itself and the freedom of the individual which makes the society worth maintaining.

The America of Mr. Tully's novel is beset by troubles—foreign and domestic. The cold war drags on, though the President's tough line has saved a revolt in Albania from being crushed as was Hungary's. At home civil disobedience and riots instigated by the Sons of Slaves, a Communist-led Negro group, have reached a point where they are close to disrupting the normal processes of society.

A New Look at Conservatism

In such circumstances the central government might have to be strengthened to protect the individual against physical attack. The novel's conservative President reaches that conclusion, and dedicates himself to the task. This is in contrast to today's conservatives who emphasize local and state government, but is not irreconcilable with the Burkean tradition of ordered liberty.

Opposed to him are five of the justices, who believe that an individual's rights against government are absolute. Mr. Chief Justice Bacon, though usually one of the five, is sometimes a swing man when the need to preserve order is particularly clear.

Much of the novel is concerned with these two points of view, and with Mr. Justice Dalton's wavering between them. The book might be said to end in victory for the liberals since Justice Dalton finally recognizes "the truth that the man in government, whether he was sheriff, mayor, or Supreme Court Justice, was there to protect man's rights, not to make man subject to the rights or requirements of a well ordered state."

Yet the reader comes to the conclusion that society has need of both political philosophies, and that Justice Dalton like Chief Justice Bacon will realize that truth.

The polarization of the novel is somewhat unreal, of course. Our present-day conservatives espouse not only order and an end to riots, but also a retention of the power of choice in the individual and in the local and state governments which he more directly controls. Liberals, on the other hand, speak not only of absolute Constitutional rights, but also of massive federal intervention and regulation of more and more of the individual's business activities.

Still, such an artificial separation is useful to pose the problem of a proper balance more sharply. It reminds the reader to avoid the platitudes of programs and plat-forms and to reach his own decision on the factors as he sees them.

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Prof. Hogan

(Continued from page 7)

sistant to the Chief of Agency in the Armed Forces Medical Procurement Agency.

"In those three years I was very lucky to get a breadth of experience one does not ordinarily get in the armed forces." His work consisted of procurement, commercial law, drafting, negotiation, work with the U. S. Attorney's office in connection with criminal prosecutions, and argument before the Armed Service Board of Contract Appeals. "That is how I became interested in commercial law. Someone walked into my office and dropped the Commercial Code on my desk."

Prof. Hogan then returned to Boston as Assistant Professor at Boston College Law School where he taught Commercial Law, Creditors' Rights, and Restitution. During the 1957-58 academic year he studied at Harvard Law School as a Ford Foundation Fellow. He worked on a series of five articles on the law of sales for which he received Harvard's S. J. D. in 1963.

In 1957 Prof. Hogan also served as a

consultant to the Massachusetts Special Legislative Commission on the Uniform Commercial Code. He is convinced that the U.C.C. is "a good thing." He explains: "The Code has systematized and updated the old law. It is not a revolutionary document. It makes a few dramatic changes, but in the area of secured transactions many of the new things could have been done before by good counsel. The Code also eases the burden on foreign lawyers who before had to cope with commercial law in fifty different jurisdictions."

In 1958 he was made Associate Professor of Law at Boston College. In 1960 he became an Associate Professor at Cornell Law School and in 1962 he achieved the rank of Professor of Law. At Cornell he taught Commercial Law, Legislation, Creditors' Rights, Restitution, Legal Process, and Torts — "not all at the same time."

Prof. Hogan characterizes himself as a "very happy man 'high above Cayuga's waters,'" and is enthusiastic about the excitement and "vitality" of Cornell. He lives in "a rural area outside of Ithaca on the

(Continued on page 13)

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NOTICE

In recognition of the lateness of the Christmas mails and the vacation period, as a service to our members, December 1st bills, usually due by the end of the month will be eligible for Patronage Refund if paid on or before January 10th, 1964.



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Prof. Hogan

(Continued from page 12)

corner of an old farm." Although he spends much of his leisure time on matters related to law, he enjoys "filling up the woodsheds with wood for the winter" and maintaining his property.

From 1960-63 he served as a consultant to the New York Commissioners on Uniform State Laws and to the New York Law Revision Commission in 1961. He is also a co-author of the Annotations to the UCC in New York, Massachusetts, and New Hampshire. Along with Professors Coogan and Vagts, he co-authored *Secured Transactions under the Uniform Commercial Code* (1963-64).

One of his "pet peeves" is the "excessively edited casebook that includes that part of the case which the editor finds most pleasing, with the rest of the case omitted. If you excise out a passage it may well give undue importance to the other passages." Since he believes that students should read cases in their entirety, he is always ready to do battle with what he terms "bobtailed fact-statement" provided by so many editors.

A quick check with students in his Commercial Transactions course reveals that many regard him as one of the best teachers at the Law School this year. He often punctuates the class discussion with remarks both humorous and serious. He once asked: "Can anybody give me a narrow-minded lawyer-like reading of this section?"

Politically, Prof. Hogan describes himself as a "Republican who suffered great pain recently, particularly at the time of the Republican Convention." A baseball fan, he

was until recently "a devoted New York Giant fan."

This year he is living in Belmont with his wife and three children. About his three-year-old son, Prof. Hogan remarked with a smile, "Neal was the name of the last pagan king of Ireland."

Boundary Disputes

(Continued from page 7)

reapplication of traditional boundary law doctrine. These newly "sovereign waters" have been the scene of the seizure of several Malaysian vessels, which illustrates, he said, the need for a "rethinking" in this area of the law.

Prof. Wilkes contended that the doctrine of international boundary law have been undergoing a significant change. He pointed out that the recent settlement of a boundary dispute between the United States and Mexico "was tied in with developing the area" concerned. In the nineteenth century this concern with development was lacking, and he submitted that an important new principle has been tacitly added to international law: "It is a primary aim of international legal society to secure the maximum benefits to be derived from development for all the peoples of the world."

The need for a "rethink" of boundary law doctrine was emphasized by Prof. Wilkes. "There is a tacit assumption that our government hires people to do the thinking about the evolution of international law. The truth is, they don't," he said, because the State Department's legal staff is mainly concerned with more pressing problems of the day.

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Michiganers Schedule Holiday Party

The annual informal Christmas luncheon of the Harvard Law School Association of Michigan has been scheduled for Dec. 28. It will be held at 12:15 p.m. in the Washington Room of the Sheraton-Cadillac Hotel in Detroit, George H. Meyer, LL.B. '52, Association Secretary, announced recently.

Students at the Law School from Michigan are invited to be the guests of the Association. Mr.

Meyer noted that there will be no speeches or official business.

While tickets are not required, Mr. Meyer requested that students and alumni planning to attend the luncheon notify him at his Detroit office at 1100 Dime Building prior to Dec. 21 to facilitate making reservations.

The cost for alumni is \$4.50, to be collected at the door.

ISA Events Planned

The International Student Association has planned a full calendar of events for the pre-Christmas week.

Tomorrow's activity at the ISA Center, 33 Garden St., will be an orchestra dance at 9 p.m.

A folk and carol sing will be held Saturday at 8 p.m., and on Sunday, a tea at 4 p.m., a buffet at 6:30 p.m., and an evening of baroque and Christmas music by the Stanley Myers Quartet beginning at 8 p.m.

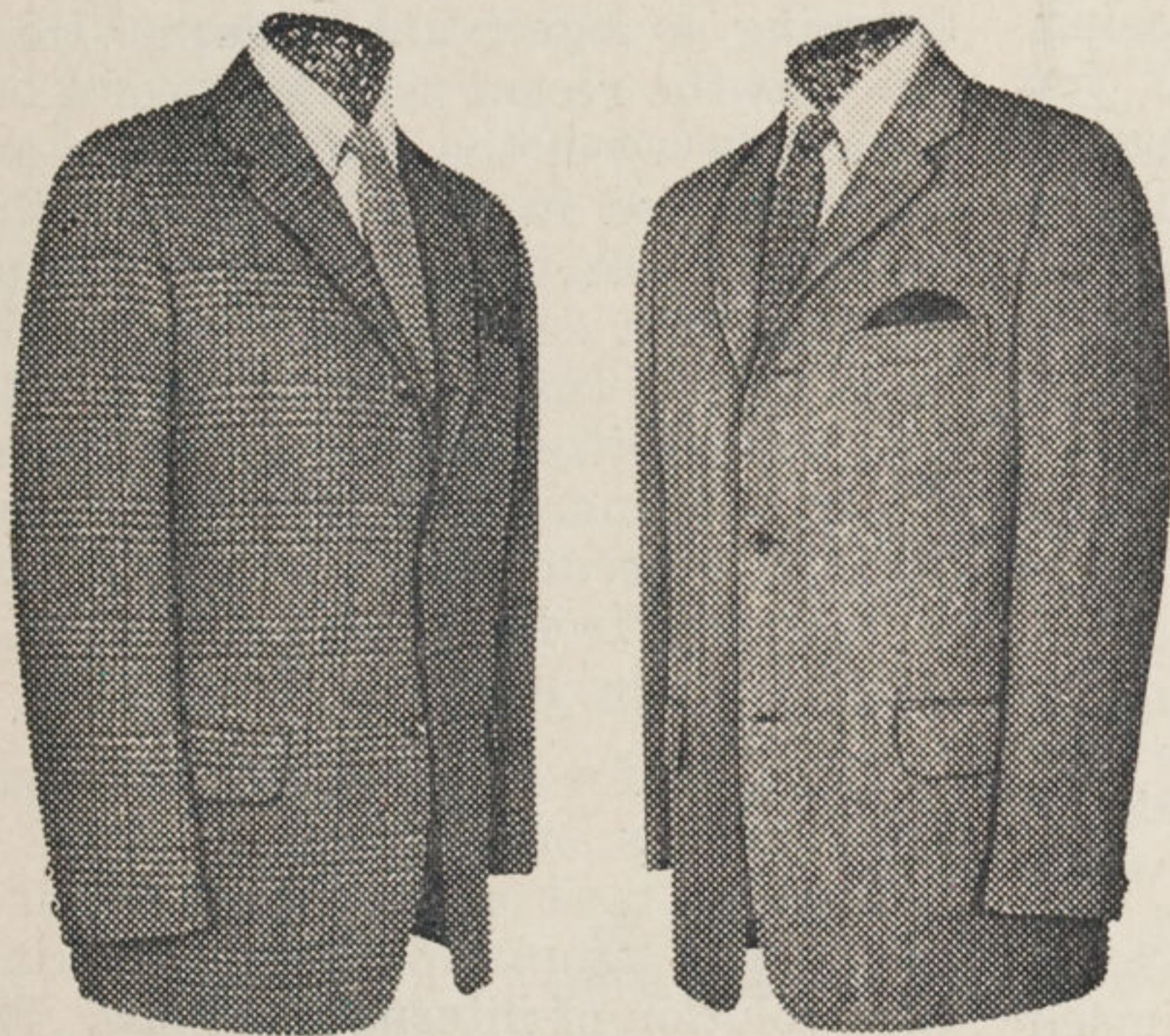
A Christmas Eve party will be held next Thursday at 7 p.m., followed by caroling at Louisburg Square at 9 p.m.

On Christmas day an eggnog party is scheduled for 8 p.m.

ISA functions are open to all full-time students.



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Forensic Medicine

(Continued from page 9)

divorce proceeding to discredit the mother as the proper person to care for a child.

Dr. Anderson then presented a series of cases depicting the "battered-child syndrome." He discussed the types of individuals which inflict such injury on children, pointing out that they range from the psychotic, methodic beater to the distraught mother who hits the child in a fit of anger. This subject is of particular relevance in Massachusetts, where recently enacted legislation requires a physician to report cases of child-beating to the Department of Public Welfare. Dr. Anderson outlined the problems in differentiating the beaten child from the child who is accidentally injured.

Care of Infant Patients

The doctors concluded with a discussion of the particular problems in having children as patients. Methods of restraint and drug dosage are two of the important problems in dealing with children and these are the subject of careful and extensive regulation. Dr. Snedeker stated that when dealing with a two-pound infant even the slightest error in dosage could well prove fatal.

Prof. Curran told this reporter that such a discussion as this is highly beneficial, as it gives the students an opportunity to discuss their material with an administrator and a physician who deal with these problems daily. He added that the discussion marked the first time that the seminar has employed pediatricians and a children's hospital to present such material.

Restaurant Industry Is Growing

Martin Brody, Chairman of Restaurant Associates, Inc., and Lawrence Fleisher, LL.B. '52, Chairman of Waldorf System, Inc.'s Executive Committee, spoke on the "Financial Prospects in the Restaurant Industry" to the Bull and Bear Club on Tuesday afternoon.

Looking at the industry from a business point of view, Mr. Brody stressed its tremendous growth-potential. As an example, he cited Restaurant Associates itself. In 1953 it was simply a chain of coffee shops. Since then it has concentrated on the specialty-type of restaurant, and today it boasts 42 food-service units with an annual gross of \$32 million.

Mr. Brody declared that the most serious problem is that of service to the individual patron. Because the only way to insure top service is the employment of competent "store" managers, Mr. Brody's company pays some of its managers up to \$40,000 a year.

Mr. Fleisher discussed the investment aspect of the industry by relating the history of his own association with Waldorf. He admitted that when his investment firm acquired control of Waldorf two years ago it had a bad public image, but it still had a good name in investment circles, and it was thought that with proper handling it could bring a \$650,000 profit after taxes.

Waldorf converted many of its cafeterias into strictly coffee-shop operations and merged with Restaurant Associates in order to furnish itself with a broad base of service to the public and at the same time protect itself against cyclical economic trends.

As a result, the company expects a 15 per cent return on invested capital this year.

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Letters to the Editor

Dictionaries' Use Of Trademarks Debated

To the Editor:

I noted with interest Mr. David J. Kera's letter to the Editor in the November 12 issue of the Harvard Law RECORD. In part, Mr. Kera criticized the RECORD for alleged misuse of the trademark "dictaphone," because of the RECORD's "misuse" of that trademark "as a generic term." Mr. Kera further stated that such misuse by the RECORD "is a disservice to both Dictaphone Corporation and to International Business Machines Corporation, who have their own trademarks for such equipment."

Webster's New World Dictionary of the American Language (Pocket-Size Edition, 1959, the World Publishing Company), a copy of which is on my desk, at a glance reveals the following statement:

"dic'ta·phone . . . , a machine for recording and reproducing words spoken into it: a trademark (Dictaphone)."

My pocket Webster's also uses the term generically, even though it is a trademark. Perhaps Mr. Kera should write to Webster's and any other recalcitrant dictionaries, so that we may all be permanently enlightened.

Sincerely,

Jay J. Levit, LL.M. '59

Mr. Kera replies:

The problem of the misuse of trademarks in dictionaries is a persistent and difficult one, and the examples which Mr. Levit cites

are by no means isolated.

The problem is not confined to the United States. That it exists elsewhere is shown by the provisions of Section 11 of the Swedish Trade Marks Law of 1961, which provides as follows:

"At the request of the proprietor of a registered trademark, authors, editors and publishers of dictionaries, manuals or similar printed works shall insure that the trademark is not reproduced in the said works unless it is clearly indicated that the mark reproduced is a registered trademark.

Anyone who fails to fulfill his obligation laid down in the preceding paragraph shall be liable to assist in publishing a notice of rectification in such manner and to such extent as may be deemed reasonable, and to defray the cost of such notice of rectification."

There is a similar provision in the Danish Trade Marks Law.

Webster's Third New International Dictionary contained, in the first printing of its first edition, approximately three hundred entries of trademarks which were not identified as such. As a result, the United States Trademark Association established a Dictionary Committee to take the matter up with the G & C Merriam Company. The USTA Committee succeeded in persuading Merriam, who are the publishers of Webster's International, to identify trademarks as such in subsequent printings and editions of the Dictionary, and Merriam have begun making such corrections in subsequent printings of the Dictionary.

Owners of trademarks, particularly marks which are well-known and in fairly common use, have to remain constantly alert to police the use of their marks in their efforts to prevent them from falling into generic use. The publishers of dictionaries are, unfortunately, not always careful about the proper use of trademarks, and these lapses do cause problems to proprietors of marks.

Very truly yours,

David J. Kera, LL. B. '55

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