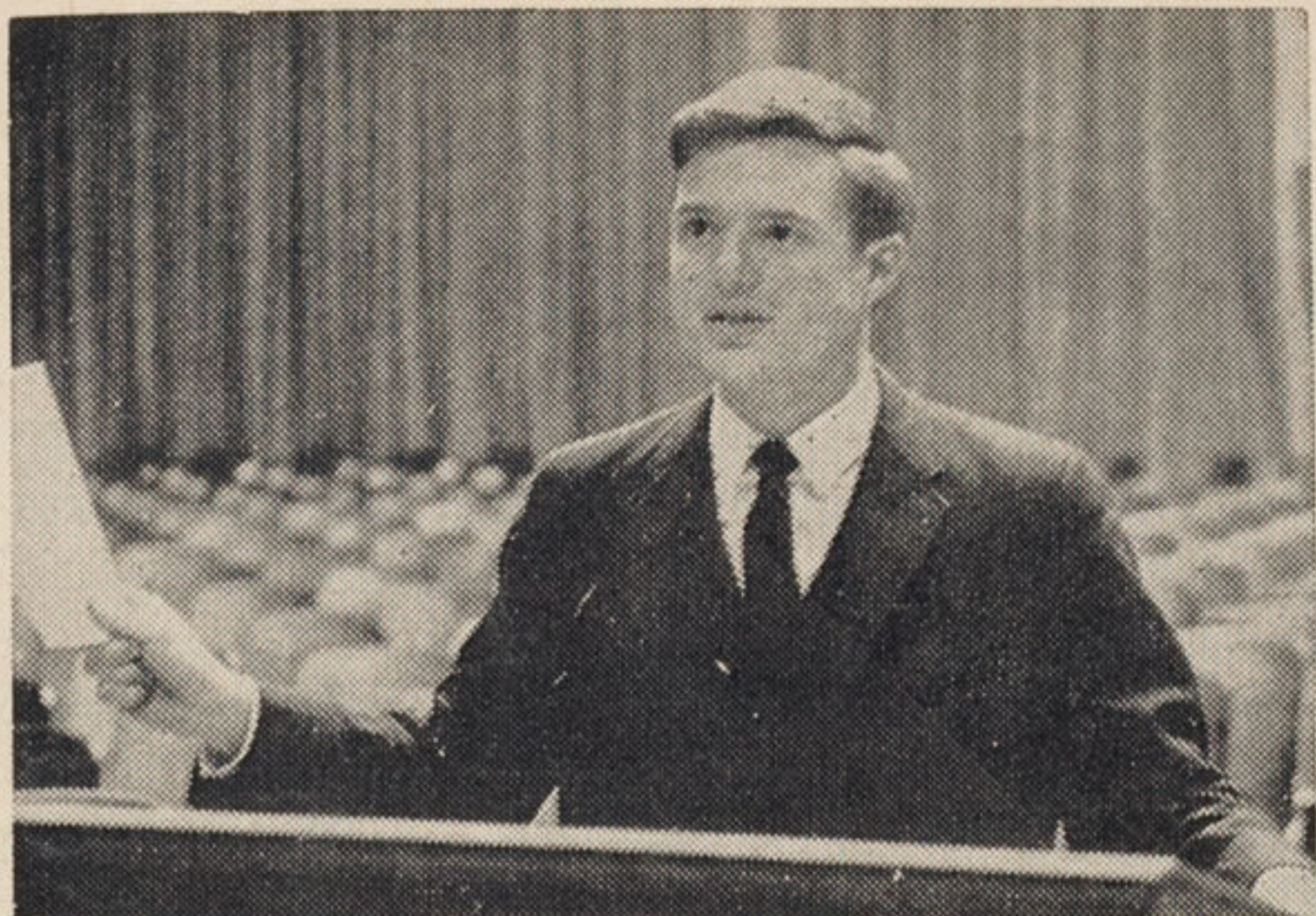




David Beller, one of Marshall Club's oralists, makes a point that helped the club win the first Ames Quarterfinal Round. (See Story, Page 6)

'Viet Settlement' Discussed by Profs.

"Politics is not something which can be turned on like a spigot at the end of the war," Professor Roger Fisher told the International Law Club on March 7. The program, which considered the topic "Working Towards a Political Settlement in Vietnam," also included comments by Professors Stanley Hoffman and Adam Yarmolinsky.

Prof. Fisher continued, "The fighting in which we are engaged is part of a political process. We're not just trying to annihilate every misguided North Vietnamese." There are, he maintained, three possible outcomes to the war:

1. withdrawal, leaving the future to be determined by the Viet Cong;
2. victory, with the future determined by the rulers in the South; and
3. "some kind of a something in the middle."

In the search for peace, the professor of law continued, we must try to influence those who can make effective decisions. He listed the government of Ho Chi Minh, the National Liberation Front (N.L.F.), the local leaders in Viet Cong-controlled areas of South Vietnam, and the individual enemy soldiers as the four possible targets of such attempts.

In other words, he emphasized, each target of in-

(Continued on Page 4)



America's Oldest Law School Newspaper

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FIFTEEN CENTS

'Laity Luck' Goes Greek

By John Spitzer

The villain Shystes (Rick Sims, 2L,) hissing back at the audience, Marvel Belles (Curt Von Kann, 1L,) running around with nothing more than a towel for most of the 1967 Law School Show, God Zeuswold (Ken Wolf, 2L,) with golden skin like the woman in "Goldfinger" lowered down from the ceiling in a garbage can — there haven't been such gags since nine alumni of this venerable institution founded Yale Law School in 1824.

It is said that lawyers are frustrated musicians, hiding their musical talent behind windy precedents and tedious statutes. But such repressed musical talent came

(Continued on Page 2)

Appraisal of Johnson

"The Johnson Presidency: An Appraisal," will be the topic under discussion at the Law School Forum, tomorrow evening, 8:30 p.m., Lowell Lecture Hall. The panelists will be U. of Chicago Prof. Hans Morgenthau, Washington columnist Robert Novak and Harvard Law Prof. Adam Yarmolinsky. Prof. Roger Fisher will act as moderator of the program.

Ancient Grecian Antics Parody

(Continued from Page 1)
out into the open and flourished Saturday night at the "Laity Luck" Law School Show in Sanders Theatre before a delighted capacity audience.

Taking place in ancient "Sparthens," the plot cen-

daughter of Masonon, to be the real Belles — she convinces him on the spot to defend her father.

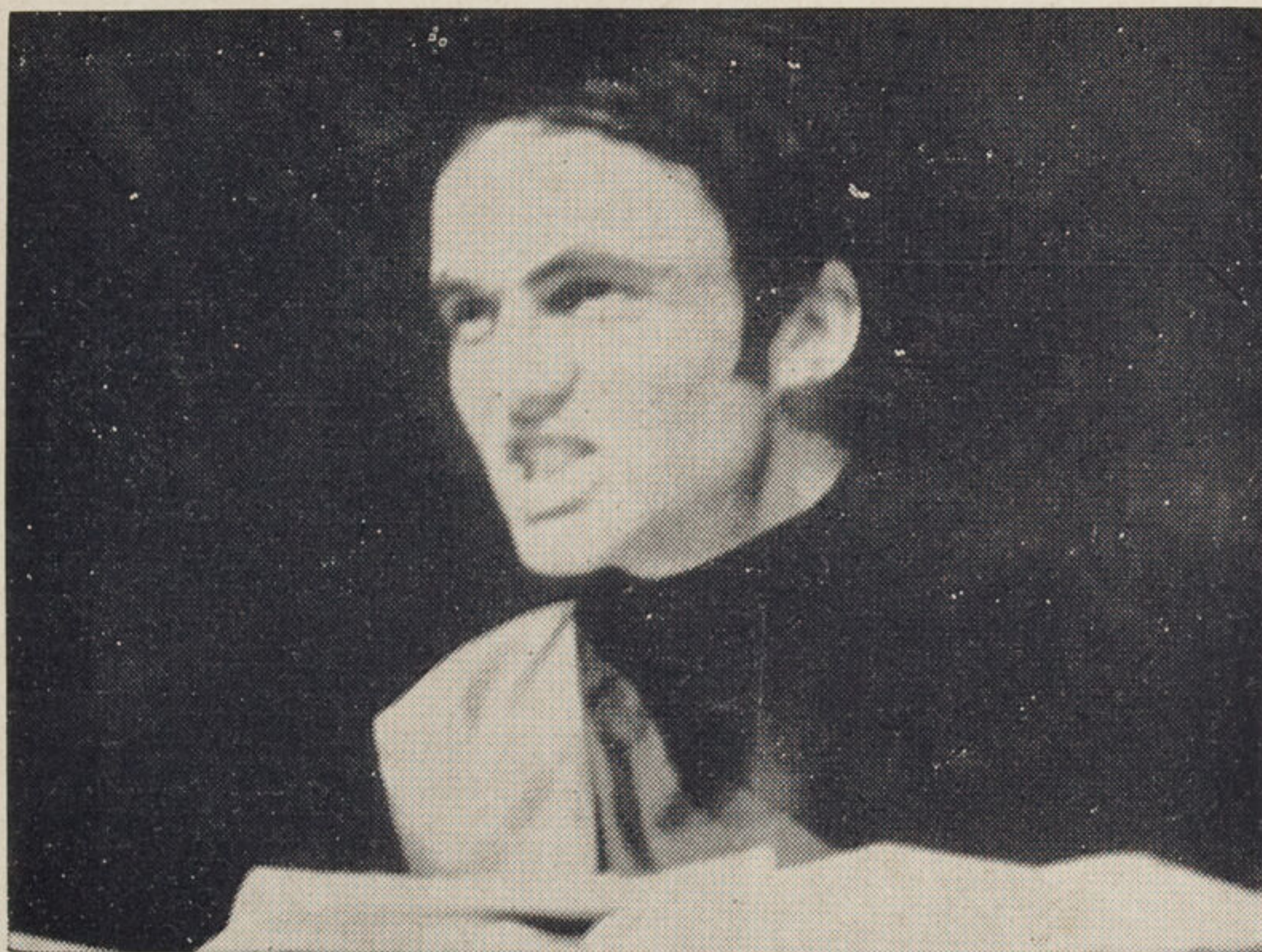
Confused but undaunted, Laymis accepts and fortunately for him the goddess Naiva (Tracy Goss, an Emerson grad. student)

mis that once the gloss is stripped off a three-year legal education, the whole thing can be boiled down to about 10 minutes. Then follow the basics of law school classes taught by wise Greek men more often than not bearing an urgent resemblance to some of our own mentors.

One Bysies, for instance, comes out screaming, "You're all a bunch of knuckleheads! You're not good enough to be lawyers, let alone students of mine! (I only scream because it makes me feel better!)" The parody was mostly appreciated by his students of former years, this year's students more used to contract professor's revamped image as the unofficial ombudsman of the Law School.

Jaffies, while compulsively trying to pull his neck a little further out of his collar every few seconds, seemed to remember that he'd written a law review article on the subject sometime before, Westfollies came in and erased the blackboard, and The Chad gazed delightedly into his crystal ball at the successive appearances of "trover, detinue, and replevin," but was horrified when the strange Latin-sounding "Federal Rules" came before his eyes.

Another professor, not directly identified by this reviewer, but a recognizable prototype of many, came out and distinctly announced that the case specified \$500



The villain, Shystes, shows the better side of his character.

tered around the much vaunted "Amies Oration" scheduled to take place between Paris Masonon (John Hamilton, 3L,) and Shystes. But unlike most participants in our modern Ames competition, Shystes didn't think he could win it on his own so he contrived a murder charge against Masonon.

Meanwhile, back at the Inn, Laymis (Tim Corcoran, 3L.), while singing songs about how great it would be to become a lawyer, stumbles into Marvel Belles, takes his robe to be dry cleaned and is mistaken by Aengena

(Adrienne Stavis, a Lesley College sophomore) the comes to his aid to help with the law. She explains that it's really easier than everybody on the outside thinks, as confirmed by the chorus refrain that will probably continue to haunt us in tax class for some weeks to come: "We're learning, we're learning, we're learning the law; the silliest drivel that you ever saw!"

Plump Naiva, a voice perhaps shriller than one expects from a Greek goddess, always in command of the situation, explains to Lay-

Law School Profs.

(checking himself to find it really said \$550, but leaving the \$500 figure as a matter of convenience), added 5 per cent Massachusetts Old Age Tax, subtracted 100 "smackeroos," and came out with the grand total of 29 cents.

One student ventured that the process wasn't entirely clear to him, so the professor with a mind like a greased pig quickly went through the process again: the figure in the case, now written out as \$450, minus IT (income tax), adjusted by GT (gift tax), and minus the usual 100 "smackeroos," all adding up again to 29 cents. Laymis agreed that it was simple, this law, once you started to get the hang of it.

Loud hisses broke out when Shystes, the most hated but perhaps the best actor in the musical, announced that he planned to kidnap Belles, who he thought was going to defend Masonon. Soon he appeared at the Inn with a footlocker and promptly lost his mustache on the stage, but ad-libbed, "I'll fool them even without my disguise!"

The entire theater broke out in spontaneous applause, unmatched — until one of dancers in the final scene took a head first spill across the stage but got up to keep dancing, still smiling. The kidnap is completed, despite Belles' scream from within the footlocker, "I'll sue! I'll sue! This is your last clear chance."

Shystes now thought that he would have the coveted Amies Oration prize in the bag now because Belles would be unable to defend the only other contestant Masonon from the murder charge. Yet the shy hero Laymis had gleaned all he needed to learn about the law in 10 minutes of legal education and was ready to defend Masonon, making up in confidence what he lacked in the facts.

Many fine songs past now, especially the lilting "He's a Lawyer" sung by Adrienne Stavis, the denouement was nearing as God Zeuswold descended from the ceiling in golden splendour to hear the pending murder case as judge and pronounced that "I'm the maitred' in this

(Continued on Page 15)

Performers ham it up in 'Laity Luck,' this year's Law School Show, set in ancient Greece.



(Continued from Page 1)

fluence should be given the opportunity to ease the situation by choosing between palatable alternatives.

Prof. Fisher underlined a basic difficulty in the attempt to arrive at a non-military settlement: the problem of convincing the enemy of our good faith.

*... every Viet Cong knows
what happened in Indonesia ...*

Falling back on an analogy, he felt that "We can do a good deal to make the carrot more attractive, more credible," while the other alternative, threats of force, can, like a stick, always be "laid on," or implemented.

Proposing a means of making the orange carrot more attractive by coloring it green, he suggested that the U. S. place a large sum of money in a fund. The terms of which would stipulate that it would be withdrawn at the rate of \$1 million per day unless or until the related offer is accepted. At that time, the remaining money would go for reconstruction in the war-torn country.

Prof. Fisher, in considering the N.L.F. as the second possible target of influence, observed that "right now, there is no decision they

can make which could call off the war." The South Vietnamese government considers them traitors, he maintained, and "every Viet Cong knows what happened in Indonesia, where the army exterminated over 100,000 Communists after an unsuccessful revolt."

To deal with the threats of mass liquidation and with the inevitable incidents which occur after any set-

tlement, Prof. Fisher proposed that the U. S. make a \$2 billion loan to the World Bank with the stipulation that the interest payments be used to train and support the necessary peace-keeping machinery.

On the local level, the United States should end large-scale police operations in any area where local leaders maintain control and prevent outbursts of violence and assassinations. These areas would then qualify for reconstruction aid, and peace would be achieved on a "bits and pieces" basis.

On the question of U. S. activities in the North, Prof. Fisher expressed the belief that more is to be gained in influencing Hanoi by dealing than by bombing.

Professor Hoffman, in beginning his comments, com-

plained that "Professor Fisher brought us to the threshold of what I wanted to hear and then left us dangling." He then proceeded to question the first of the speaker's proposals: "I don't believe offers of economic aid can always get us out of military conflicts."

"To get a political settlement, we will have to give Hanoi and the Viet Cong something substantial in exchange for peace. It is the 'something substantial' I wanted to hear discussed."



Prof. Hoffman

The commentator also questioned on political grounds Prof. Fisher's proposal for achieving peace in individual localized areas, maintaining that it wouldn't

(Continued on Page 10)

Keeton-O'Connell Plan Comes in for Criticism

By J. David Gernant

"Law professors have long enjoyed the detachment that comes from lack of direct involvement in and absence of accountability for the pragmatic functioning of the litigation process in tort cases. Perhaps this is one reason why they have contributed so profusely to an anthology of irresponsibility in a campaign for the elimination or serious abridgement [sic] of the civil jury system in automobile accident cases."

Thus, with self-righteous candor, did the American Trial Lawyers Association (ATL) in December attack Harvard Law Professor Robert E. Keeton and Illinois Law Professor Jeffrey O'Connell. It was another salvo from the ATL's arsenal of epithets unleashed in its holy war against the Keeton-O'Connell plan of **Basic Protection for the Traffic Victim**, published a year ago.

In a radical departure from the common law, the Basic Protection Plan would provide for recovery without fault, that is, it would

the services of the glut of plaintiffs' attorneys.

And so, in the great mass of accident claims which are small claims, there would be no contingent fee cutting deeply into the recovery of the battered victim.

Last November, the ATL invited Professor O'Connell to discuss the Plan at its winter gathering in New Orleans. He accepted, and,



Prof. O'Connell and Keeton

'The plan's economic effects don't justify suppressing discussion.'

require compulsory automobile insurance, or "basic protection." From this insurance traffic victims would be paid all of their out-of-pocket losses up to \$10,000, plus claims for pain and suffering up to \$5,000 — both automatically, without regard to fault, and so without trial by jury. The system would greatly reduce cluttered court dockets — and so it would greatly reduce the call upon

at the request of the ATL, labored to finish his speech well before the meeting so that mimeographed copies could be distributed. Then, barely two weeks before the meeting, he was told he could speak on any topic *other* than the Plan.

Considering the move a kind of constructive cancellation of the invitation, Professor O'Connell sent the president of the ATL a scorching letter. "The impression is unmistakable," he wrote, "that you wish to suppress discussion of our plan," despite the ATL's reasoning that since the Plan was up for discussion at an institute at the University of Michigan on March 10-11 it would be repetitive to have it on both programs.

Wrote Mr. O'Connell: "I doubt very much that if you had controlled the program at the

(Continued on Page 14)

Marshall Club Wins Quarterfinals

The Pow Wow Club meets the Learned Hand Club tonight in the second Ames Quarterfinal Argument, at 8 p.m., in the Ames Courtroom. Last Monday's round was won by the Marshall Club (See Picture, Page 1).

This evening's case involves the question of whether collateral estoppel applies in a civil suit to collect a tax deficiency, if the petitioner has been found guilty by a jury of the crime of willful tax evasion. In a subsequent parole proceeding, the trial judge found that petitioner was merely a conduit through which the funds were drawn, but did not receive them as income.

Other issues involved in the case include whether the petitioner's wife is collaterally estopped, since a joint return was filed, and whether the Commissioner of Internal Revenue is estopped by the judge's finding that petitioner did not receive income.

Correction

Something there is that doesn't love the RECORD. Last week's issue contained a number of almost unforgiveable errors. William Lieblich, a member of the subcommittee on co-curricular activities, is not the chairman of the Board of Student Advisors, but merely a member of the Board. Furthermore, Harvey Saferstein was named as editor of the *Law Review*, not Henry Saferstein as reported. To paraphrase Prof. Charles Alan Wright, however, "How a person gives his name or title is less important than how the Supreme Court prints it. Given this, the Harvard Law RECORD is an *a fortiori* case."

C. Allen Foster and Harry Gutman will argue the case for the petitioner and Lloyd Pipes and Andre Zdrazil will present the respondent's case.

The case will be argued before U. S. Court of Claims Judge Oscar David, U. S. District Judge John Fullam of the Eastern District of Pennsylvania and Harry Mansfield, a member of the Boston firm of Ropes and Gray.

The problems involved in last Monday's case included whether an inmate whose parole hearing was secretly video-taped and shown on television has a claim under the Civil Rights Act of 1871 or under his right to privacy under state law.

David Beller and Steven Stern were the oralists for the winning Marshall team, assisted by Michael Bush, Ronald DeFelice, Howard Garfield, Marc Hayutin, Perry Lerner, and H. Peter Young on brief.

The oralists on the Dawson Club were Michael Mitzner and Joel Selig, with Daniel Hogan, Nicholas Sordi, Donald Stang, John Timbers, Richard Tufaro, and Franklin Velie on the brief.

Rhode Island Supreme Court Judge Thomas Paulino, U. S. District Judge Walter Mansfield of the Southern District of New York and Mass. Attorney General Elliot Richardson, acted as judges during the match.

Events of Note

Application forms for the Harvard Law School Conference on Law and Poverty on Mar. 17-19, are available at the Receptionist's desk in Langdell Hall.

* * *

Jack Auspitz was recently elected Chairman of the Board of Student Advisors for the coming year. Philip Graham was named Vice-Chairman. William Pedersen, Boyd Dyer and Sanford Krieger were selected to be First-Year, Second-Year and Williston Chairmen, respectively.

* * *

Mrs. Donald Crews was elected president of the Harvard Law Wives in their annual balloting. Mrs. Michael Curtis and Mrs. Thomas Thompson were elected first and second vice-president, respectively, while Mrs. Samuel Miller was selected as Treasurer.

Recording secretary for the year will be Mrs. Harry Kirk, and Mrs. Thomas Ellis will serve as Publications Secretary. Mrs. Francis Kenny was chosen Orientation Chairman.

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HARVARD LAW RECORD

Prof. Discusses McNamara's Defense Plans

By Edward Hines

Secretary McNamara's primary objective is to make the military establishment a better servant of U. S. foreign policy," commented Professor Adam Yarmolinsky at a Pound Club Luncheon last Wednesday. Prof. Yarmolinsky, formerly a special assistant to Secretary McNamara, spoke about "The Pentagon and How It Works."

According to Prof. Yarmolinsky, when McNamara took office in 1961, he found "lots of megatonnage" which wasn't as well adapted to strategic military policy as it might have been. "We had to have the kind of military force to survive the worst possible attack under the worst possible conditions of surprise."

More Bombers, Subs

McNamara immediately increased the proportion of military force that could survive a surprise attack, he said, notably by increases in Polaris subs and in-flight manned bombers. Missile production was also shifted from the Atlas-Titan missiles to the more survivable Minutemen, which Prof. Yarmolinsky noted would make up our entire missile force in a year or two. Lines of communication between SAC headquarters, the silos, the subs and the White House were also "hardened."

According to Prof. Yarmolinsky, if the U. S. and another nuclear power became involved in a confrontation, the other power, fearing a nuclear attack, might feel forced to strike first in order to destroy our forces on the ground. The advantages of a first strike have been drastically reduced, he said, by the "hardening" of our attack force.

No Nuclear Winner

Secretary McNamara's program was based, he said, on the assumption that once nuclear weapons were used, the war was lost. "Since the Cuban missile crisis, it seems that the highest Soviet authorities have also realized that the idea that one can win a nuclear war is absurd." He said, however, that the

Russians began to harden their attack force considerably later than we did.

Prof. Yarmolinsky recalled that Premier Khrushchev in 1960 classified wars into three types: 1) nuclear wars — too dangerous to try, 2) land confrontation wars — also too dangerous to try because of the probability of escalation, and 3) wars of National Liberation — safe to try. He remarked that Khrushchev's thesis is now being tested in Vietnam.

McNamara also took steps to increase the effectiveness of the military in non-nuclear conflicts, he said. The Secretary in this area concentrated on two aspects: readiness and flexibility. However, because the military is



Prof. Adam Yarmolinsky

today readier and more flexible, Prof. Yarmolinsky noted that it can be used more frequently.

This "makes life more difficult" for the framers of our foreign policy, for where there is an ability to use there is a temptation to use. "We can do more harm as well as more good."

Pressing Matter

One of the more important items of business at present is the resolution of the controversy over the freedom of the press v. a fair trial.

Thus far, two major reports have been issued on the subject — one by the American Bar Association Project on Minimum Standards for Criminal Justice and the second by a special committee of the New York City Bar Association.

The ABA report suggested that both the prosecution and defense counsel be restricted in conveying news to the press, as well as attempting to control the information that is released by the police. Furthermore, it argues that if a newspaper publishes a statement that is "reasonably calculated to affect the outcome of the trial and threatens to have such an effect," the court's contempt power should be used.

The New York report rejects any such direct curbs upon the press, and attempts to exercise control over what is published by stricter control over attorneys and court officials.

Both have been roundly condemned in the press as abridging First Amendment rights, as well as interfering with the public's "right to know."

Instead of the news media attacking the reports, they ought to come up with some viable alternative to their present position — that things remain the way they have been.

At the same time, the bar must realize that a free press can play a vital role in insuring that standards of fair play are observed, especially where the law enforcement agencies themselves are derelict.

The best that can be hoped for in a showdown is a pyrrhic victory. Both rights are indispensable to a free society. The sooner both sides realize this and iron out their differences, the better.

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TONGUE 'N CHEEK

By Fenno

Bullets zinged overhead as I slunk down lower in the swamp, a halo of mosquitoes about my head and plagued by the suffocating smell of decaying constrictors.

"How do you like the war?" queried a friend as he sloshed over toward my bog.

"It was mean trick to draft the whole Law School en masse," I sputtered bitterly. "Reform of the draft is one thing, but I don't see why Congress had to grab all 1,500 of us at once."

"At least they kept us together as the Griswold Raiders."

"Yes, but we're in the swamp and everybody else is having fun."

"How's that?"

"Ernie Brown has a group of his best students up in helicopters dropping tax regulations and rulings behind the lines — the Cong intelligence department thinks they're significant and are exhausting their resources trying to decode them. Derek Bok has an economic regulation platoon going from village to village nailing up posters offering a shower and hot meal for anyone capturing one of the Viet Cong, dead or alive."

"Is everything going so well with our friends?"

"Much better than it ever was in Cambridge. Oh, of course, Alan Dershowitz's squad is having quite a time relearning the confessions procedures over here, but the estate planners are cleaning up. And Robert Keeton's libel specialists are picking up a little extra cash for United States by suing persons making libellous statements about LBJ."

"How about battle strategy?"

"John Dawson is seeking to employ the precedent of using the British march against Lafayette in New Orleans during the War of 1812."

"Fenno, if everybody else is having so much fun, how come we're stewing in this swamp?"

"We had low grades."

Letters to the Editor of the RECORD

Prof. Catalogues Some H.L.S. Defects

To the Editor:

Harvard Law School is supposed to be one of the finest places to teach law in the entire world. This reputation, I am afraid, is richly undeserved.

I, for one, have been bitterly disillusioned after coming here filled with excitement about the opportunities for intellectual stimulation that this great institution would afford. Limitations of time and space preclude an exhaustive catalogue of the defects of the Law School, but I wish to list briefly some of my major points of concern.

1. *Grading.* One would think it would be enough to be a member of this faculty, with all the prestige and honor that such a position connotes. And yet, alas, that is not so. An offensive student poll this year chose to rank the teachers in

order of their teaching ability, and the result has been a pecking order of intolerable proportions.

When one of my colleagues left the faculty lounge after tea the other day, another was heard to remark "There goes old 2.3." Small comfort to him that 2.3 was above average — that indeed, every faculty member was in the top half of his peer group, for some were more in the top half than others.

If this insidious system of invidious comparisons is not to be abandoned altogether, it must be replaced by a two category classification: superb and abominable, and only visiting professors, two years after their departure, should be eligible for the latter category.

2. *Honoraries.* It is not enough that faculty members must be sorted out on the basis of grades. The administration has also chosen to recognize merit by awarding something known as a "chair." Then

this award is highly publicized, and even planted in the official catalogue of the university, to indicate to all the world that some people are better than others. The devious methods by which these chairs are awarded is not even known to the rank and file, but the effects are all too apparent.

A friend of mine, with whom I used to play bridge, recently became the Ebenezer Scroggs Professor of Literary Jurisprudence. He now plays bridge only with other chaired professors, and on the infrequent occasions when I am invited to his house, I am forced to sit on the floor. There is only one answer to this indignity: a piece of furniture for every teacher!

3. *Student Contacts.* The Harvard student body, I had been told, was the finest in the world. Here, I thought, was an opportunity for intellectual companionship of the highest order. Yet when I humbly sought it out, I was spurned at every turn.

If I tried to ask a student a question after class, he mumbled something about an SDS meeting and disappeared. And I cannot remember the last time I was asked to a student's house for lunch.

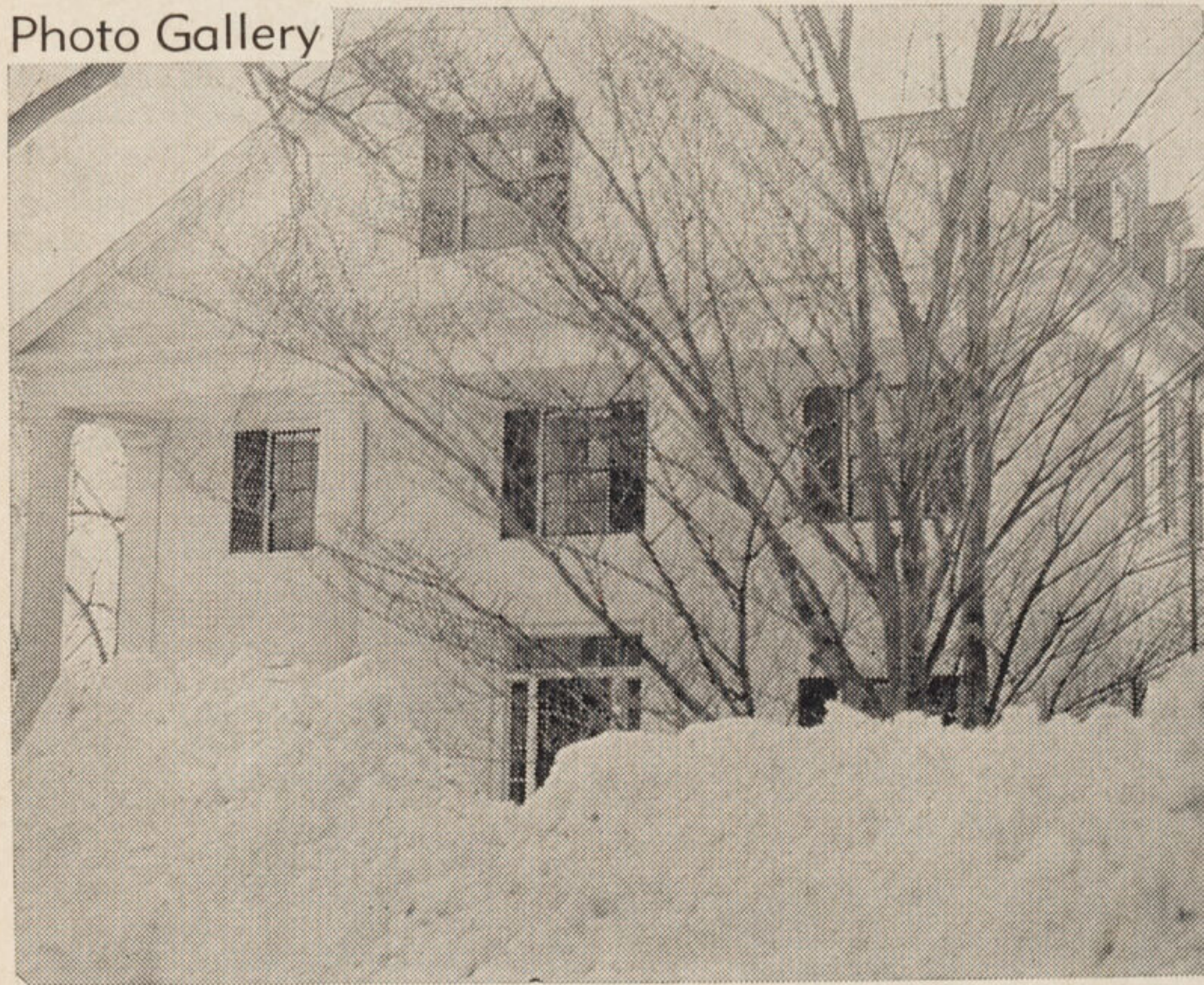
What is the value of having a student body of the highest caliber when they prove totally inaccessible? The answer, I believe, is for every student to have "at home" hours, when any faculty member is free to call and to discuss any matters that may be troubling him.

4. Finally, and most important, the radiator in my office knocks. How can one be expected to think great thoughts with that infernal one-man band forever playing behind him?

The time has passed for mere conversation. If we do not act now, it will be too late.

(Name withheld on request)
Professor of Law

Photo Gallery



Stopping by Gannett House on a snowy evening: . . . and miles to go before I sleep, and miles to go before I sleep.

Vietnam . . .

(Continued from Page 4)
work "since leaving Viet Cong strongholds alone won't sit well in some parts of the United States."

Prof. Hoffman indicated concern about "the high risk of Viet Cong control in post-settlement elections" since

South Vietnam has few representative candidates, but Prof. Yarmolinsky was quick to point out that "President Johnson has gone to great lengths to make it clear that the U. S. is prepared to accept an election victory by the Viet Cong."

Even so, though, the

Buddhists could get together and defeat the Viet Cong. The obstacle to a peaceful settlement is Ho Chi Minh, who thinks he can win by force.

Prof. Hoffman felt that cessation of the bombing was a major step on the way

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Prof. Fisher

to the conference table.

"I would like to believe it," countered Prof. Yarmolinsky; "None of us believe that continuing the bombing will lead to settlement, but I don't think it makes much difference — I don't think bombing is the issue in getting to the conference table."

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Recent Book

A Compartmentalized History of Copyright

Benjamin Kaplan, *An Unhurried View of Copyright*, New York, Columbia University Press, 1967, 128 Pages, \$5.00.

By Moshe Kupietzky

One has the feeling, reading through Professor Kaplan's latest opus on the vast field of copyright, that its title is something of a misnomer.

Packed into but a few pages are all of the main topics of the subject — all expertly analyzed in light of copyright's long history, dissected into the familiar strains of the present law, and projected into the matrix of the new, proposed copyright bill which is sure to pass the 90th Congress. And when one reflects on this distillation of the "mystique of copyright", one must admit that far from

being "unhurried" in taking a peek, he has been steamrolled through a Bar Review course.

Conveniently compartmentalized into three evenings' perusal, due to its origin as the Carpentier Lectures for 1966 given at Columbia Law School, the volume begins with a 350 year trek into the nature of literary property. Kaplan states: "Copyright has the look of being gradually secreted in the interstices of censorship (with due reference given Sir Henry Maine)", obliquely referring to its birth in the swap between King and Stationer's Company — censorship rights for exclusive rights.

In Perpetuity?

The question soon arose as to whether these rights were perpetual or limited as per the Statute of Anne. Despite frequent decisions in favor of limited rights, the controversy is still raging in areas.

In the chapter on plagiarism, and its converse — copyrightability — much of the current state of the entire law of copyright is bared. The subject matter is so infected with the essential policy question of author protection versus the public's right to know, that almost every discussion of any aspect of copyright must eventually center about the proper balance.

Common Law

On the one extreme we have common law rights retained by an author in perpetuity in regard to works not divestively published. At the other extreme we have total forfeiture of admittedly copyrightable works due to technical deficiencies in notice. And somewhere within the two borders, are the effects of the doctrines of fair use and apportionment of damages.

The author wisely views the problem, not as an abstract, theoretical matter, but as part of his substan-

(Continued on Page 12)

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Compartmentalized History of Copyright

(Continued from Page 11)

tive delineation. But, as a result, the treatment is cap-
suled, and the approach
tends to cloud the focal
point of concern for the
novice.

Professor Kaplan betrays
his bias towards the pub-
lic's position (a very distinct
minority view among copy-
right lawyers it seems) in
the third chapter dealing
with that favorite pastime
of law professors — "What
should the state of the law
be?" With the archaic, 58
year-old law up for revision,
we hear of the provisions
made in the Registrar's pro-
posed bill, and the treatment
accorded a compendium of
conundrums, including the

problems presented by
XEROX, IBM, CATV, ETV.

Despite the pointed avoid-
ance of the U. C. C.
(Universal Copyright Con-
vention — something much
less complex than another
uniform law with the same
call letters) and only the

slightest reference to doc-
trines of unfair competition
as applied to copyright, the
book is concisely ponderous
and manageable only if
actively pursued. Needless
to say, however, the Kaplan
manner is there to help the
weary along.

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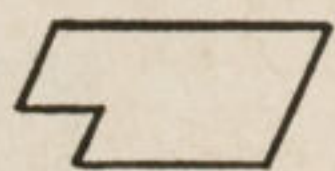
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Student Bar Sponsors Civil Advocacy Programs Featuring Plaintiffs' Lawyers and Defense Institute

"We can't tell you how to try a case anymore than a doctor can tell you how to operate," warned one experienced master of the art of advocacy but the two Student Bar-sponsored programs on civil advocacy gave interested students insights into the challenges and rewards of trial practice that comes only from first hand contact with the polished young practitioners and grand elder gentlemen of the trial bar.

The Defense Research Institute opened the show to about 200 students February 24 and 25. And a week later the American Trial Lawyer's Association — plaintiff's counsel — had its say in an all day program.

Centered around a newly published workbook, the defense program featured a series of informal talks on

the phases of a civil trial. Included among the speakers were John Ronan, '54, and Stanley Milton, '21.

The voice of experience frequently appeared — "I went into court with several tons of steel and made a tremendous impact on the jury." "A lawyer has got to be an actor. I really sat in a juror's lap once." There was even a little tongue-in-cheek infighting — "Plaintiffs' law-

yers may not want the 5-year docket reduced since it would toss all their income into one year and Uncle Sam would get it all."

The first session stressed pretrial preparation, including investigation of facts, analysis of the issues, and research of the law. The use of discovery and disclosure devices was stressed — "it pays to rummage through your opponent's files.

Other sessions covered the topics of jury selection, making an opening, the mechanics of the presentation, and summation.

"More is to be gained by editorializing, not just demonstrating," began Jack Fuchsberg in the second session, and the plaintiffs' lawyers, including Richard Markus, '54, did just that, supplementing their demonstrations — direct examination, cross examination, and summation — with explanatory comments, informal talks, and question periods.

(Continued on Page 15)



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Prof. O'Connell . . .

(Continued from Page 5)

University of Michigan, Professor Keeton and I would have been permitted" to discuss the Plan. "It is disillusioning when a large organization supposedly made up of courageous trial lawyers, devoted to advocacy and controversy, refuses to honor its invitation to one lone academician."

Interviewed last week by the RECORD, Professor Keeton agreed "exactly" with his colleague's interpretation of the affair. "It's

"The time has come, as ATL suggests, to revive the glories of the trial bar — but this can only be done by a system which uses their talents in cases worthy of them. This is becoming more and more apparent to everyone but you in the trial bar. When are you going to learn?"

— Prof. O'Connell

entirely understandable," he said, "that trial lawyers will be opposed vigorously to the Basic Protection Plan; it affects them economically by cutting down their cases. But I can't see any excuse for the attempt to suppress discussion."

What about the ATL's charge that the Plan would "discard" the jury system? Mr. Keeton was emphatic. "We're trying to save the jury trial . . . for those who most deserve it. They can't wait these long periods. In the catastrophic cases, the victims are deprived of subsistence for up to six years [the length of the backlog of cases in Chicago]." Thus, he said, those who most need a jury trial quickly are now "effectively denied" it, and "must accept a reduced settlement."

"We propose to preserve the jury trial for all tort cases, and for Basic Protection claims as well, if they are over \$5,000." Thus, he said, the Plan is designed "to preserve the efficiency and fairness of the [jury] system."

Student Bar

(Continued from Page 3)

The first half of their all-day program featured a partial mock trial. Two medical doctors, as well as a judge and opposing counsel, took part in the demonstration of direct and cross-examination of expert medical witnesses. The medical reports of both the plaintiff's and the defendant's expert witnesses were printed up and distributed to the audience to help emphasize the selective nature of the attorneys' questions.

Highlighting the afternoon session were talks on client relations and building a practice, opening statements, and summation — stressing the opportunities and pitfalls from the plaintiff's point of view.

'Laity Luck' Goes Greek

(Continued from Page 3)

hotel of prima donnas," then promptly fell asleep during the rest of the proceedings.

Shystes, with the aid of his cohort and star witness, Feminina Fatale (Dianne Wagner), appeared to have convinced the jury of Masonon's guilt (the jury was gaily singing "He's guilty! He's guilty!"), Laymis was shaking with mouth adroop next to Masonon, when miraculously the alleged victim of the murder was produced by Naiva.

Masonon was exonerated to win the Amies Oration by default, and Shystes was led away with loud hissing from the audience, but he shouted

back defiantly at us, "If they can't keep DeSalvo, they can't keep me!"

Steven Rosenberg, 3L, was the producer of the Law School Show, and Jeffrey Meldman, 2L, was the director.

The music of "Laity Luck" was especially good (written by Michael Newsom, 3L), and there were enough good lines to keep the show moving at a rapid pace. While sometimes lacking the spontaneity of a great comedy like "The Knack," it was a fun evening that did much to erase the "trade school" image of the Law School which many of us unfairly acquire during the long winter months.

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Class Officer Nominations Close Tomorrow

Although the day will lack much of the aura of state and national elections — taverns in the area will remain open — Mar. 29 will nonetheless be the day when the class of '67 goes to the polls to elect its officers. Nominating petitions are due at the Langdell receptionist's desk by 5 p.m. tomorrow.

The officers to be elected are the Class Marshal and Class Secretary and three Class Committeemen. Any Law School '67 degree candidate or special student leaving in 1967 is eligible to vote and offer himself as a candidate.

Nomination is by submission of a nominating petition containing the signatures of the nominee and

at least twenty members of the class. The candidate must also submit three posters bearing his photograph and any pertinent biographical information. The posters will be displayed in Langdell North, Austin Hall and Harkness Commons.

Voting Business

Voting will be held in the 11 a.m. sections of Business Planning and Evidence on Wednesday, Mar. 29. Those unable to vote at that time may cast ballots at the Langdell Receptionist's desk between 9 a.m. and 5 p.m. and at Harkness Commons between 11:30 and 2 p.m.

The Class Marshal, elected, as are all the other officers, for a five-year term, serves as chairman of

the class committee and master of ceremonies at class functions. The Secretary is the link between the class and the Alumni Office; it is his responsibility to arrange for the class reunions (held every five years) and to circulate information about the individual alumni.

Regional Reps

The committeemen serve as regional representatives of the class. After the election, the five elected officers will meet to choose four additional committeemen, selected with a regard for geographical representation.

Officers and committee members for succeeding terms are selected by the members of the committee then serving. — ASK

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