

HARVARD LAW RECORD

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FIFTEEN CENTS

Review Ends Publication

The Harvard Law Review has discontinued publication after 82 years of service to the legal profession. Shaky finances and uncertainty caused by current grade reform efforts have been ascertained as the principal reasons for the shutdown.

The March issue — Vol. 82, No. 5 — was the last Review. Subscribers will receive Reader's Digest as a substitute for the remainders of subscription terms.

"Our newsstand sales were way down this year," a Review editor, who asked to remain uncited, said yesterday. "Things hadn't been too good for a long time, but when you only sell four copies at the newsstand, something has to give."

But another editor blamed the likelihood of drastic grade reform for the Review's demise. "Nobody wants to do even a few subcrite-checks any more," he remarked. "So if they get rid of grades, who'd read all the stuff the guys who compete would write?"

One professor summed up faculty sentiment as he advised, "They'll never vote for pass-fail now."

Members of the Board of Student Advisers, busy cleaning out their Austin Hall offices in preparation for a move to newly-renovated offices in Langdell, halted work for one minute of silence and then shouted in unison: "We're number one!" Consensus on the board favored a move to the upper floors of Gannett

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Gannett House — home of the Law Review until today when it ceases publication.

New Grading System Advocated

A group of 1Ls Tuesday presented a new proposal for grading reform to the Law School administration. The report, entitled "Numbers, Please!", advocates detailed evaluation of a student's Law School performance by a numerical grading system.

"It is clear that the soon-to-be-adopted pass-fail method of evaluation at the Law School stifles competition and provides little incentive for achievement in attaining a legal education," the report concludes.

Written by a committee of 300 1Ls, the report represents two weeks of careful research and

thinking and several nights of concentrated writing. Several 1Ls passed up their weekly weekend ski trip to direct the writing of the report.

Unable to find Dean D. C. Bok in the new 30-story administration-faculty-office building complex, the group presented the report to a secretary found in the snack bar. Dean Bok has been in the midst of a labor arbitration for the last three years and hasn't been able to appear at the Law School too often.

The secretary said she wasn't too sure what to do with the letter

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Review Is Discontinued After 82 Years

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House, now vacated by the Review.

The long-term effects of the Review's termination have been harder to determine. The Columbia Law Review announced that it will double its size "so that Harvard profs won't have to worry about getting their articles published." The Harvard Civil Rights-Civil Liberties Law Review intends to carry on the tradition of a Review-faculty softball game every June.

"It's a good thing Frankfurter isn't alive," sighed an exhausted Review member, emerging from Gannett House after the publication's discontinuance had been decided at a 4-day meeting, during which no one was permitted to leave the building. "We used up the checking account buying Elsie's specials," the weary editor explained.

Few would contest the Review's special place in U.S. law, which dated to the magazine's founding in 1887. Early articles by Oliver Wendell Holmes, David F. Cavers, James Chadbourn and Austin Scott established the Review's reputation for highbrow writing, which was maintained to the end. The Review was one of the few

Review Had Special Place In U.S. Law

scholastic publications in America to turn down Jules Feiffer's cartoons as a regular feature.

"We knew where our bread wasn't buttered," concluded a second-year Review man. "These 1Ls pushing for grade reform were just out to get us. But we decided that if this was to be our Waterloo, we'd go out on our own with class, like Lord Coke."

It's not yet known whether the Law School will take any direct action to fill the Review's role. "Maybe Harvard will have to lead the way and start a scholarly journal run by professors," a graduate student speculated. "The students seem to have shown that they can't cut the mustard."

Response from other Law School organizations was varied. "We can fit everybody from Review into CLAO," assured John Fedup, adviser to that organization. "This is just the first step in CLAO's continuing process of becoming the Law School's only extracurricular activity."

"Perhaps the Dorm Council can put out something like a law review, if we can find someone on the council to run it, you know, like the student directory," opined retiring Dorm Council head Michael Flamer, 3L.

Several Law School organizations have already contacted the Dorm Council athletic committee, to apply for the Law Review's spot in intramural leagues. A janitor in the Hastings Hall basement said he heard that the Buildings and Grounds department has decided to take over the upper floors of Gannett House for maintenance purposes. "That'll show them smaht Hahvuds," he grinned.

Not many of the Law Review's legion of alumni had had a chance to react to news of the periodical's end when contacted last night. However, one old editor located in California, Hamilton Burger '35, confessed, "Being on Review didn't do me much good. I never had a chance to learn criminal law."

A Pepsi-Cola deliveryman expressed common feelings when leaving Gannett House last night: "I knew something was wrong a few weeks ago. I always made Gannett House my last stop, knowing someone would always be working there at any hour. But a few weeks ago, I came by at 4:30 a.m. and it was closed up

tight. These kids aren't like they were in the old days. Why, last week, they were having a party here!"

General opinion at the Law School considered recent issues of the Law Review to be below par. "Nobody was doing any work so they started printing the notes in big type this year," a teaching fellow pointed out. "Did you see that letter in The RECORD a while back

Review Association Remains Alive To Sell Outlines

about the Review's bum footnotes?" asked another. (RECORD, Jan. 30).

It's expected that the Harvard Law Review Association, publisher of the Review, will remain in business in order to distribute the Review's course outlines, which were being readied for sale this week. "If only those guys could've held out another week," said a 3L, who had been involved in the outline venture.

Should the grading reform proposals fail to be accepted by the faculty, it's likely that the top 25 in the first-year class will receive certificates of honor work with gold stars instead of membership in any honorary. "There has to be some way of recognizing those guys," explained a member of the Joint Student-Faculty Committee. "Of course, they could stay up for the summer and get into Legal Aid by the back door."

Review editors are reported to be considering publication in the near future of an anthology of the best writing ever published in the magazine. "We're trying to organize it so it's sort of like 'The Best from Playboy' but it's kind of hard with all those footnotes," one editor complained.

Major Draft Changes Rumored

"We expect to have made major revisions in the implementation and administration of the Selective Service System before 1 July 1969." This was the terse answer given by Sgt. Joan W. Hogan, WAC, of the Pentagon office of Civilian Information, to questions about the truth of rumors unofficially circulating throughout Washington concerning major changes in the country's draft laws.

While it is expected that additional information of a more official nature will be forthcoming shortly, it has been well known by usually reliable sources in Washington, D.C., that the Nixon Administration had placed a high priority on revision of draft procedures.

It's been reported that the most significant change will involve "a drastic rethinking of the Surgeon General's standards" and "increased reliance on post-induction medical and physical testing to weed out those not fit for service."

If these rumors are correct, and it is most likely that they are, the result could be that more potential inductees will meet the initial requirements for military service.

An official at the Boston Army Base, who asked to remain anonymous, stated, "We have, for a long time, been upset at the number of young men not meeting army physical standards while, at

Army Plans Tests To Snare 1Y's

the same time, they meet the physical standards for participation in all sorts of athletic activities and the like."

"We intend to use a two-standard quick-processing procedure," he continued. "Men will only be tested for major disabilities prior to induction. Then, once at the basis training site, more extensive

testing will be done under service conditions."

The new regulations, if adopted, would apply retroactively to those already examined and holding 1-Y classifications. These people would be immediately re-examined and processed. It would be the Army's intent to complete this process prior to September 1 so that graduate students would not need to interrupt their academic year thereafter.

In a related announcement, the Pentagon revealed that a freeze would be placed on inductions into the Army Reserve pending the completion of a policy review by a team of experts headed by Col. Jack Hall from Fort Baxter, Roseville, Kans. The army said, "Inductions are being halted at this time in order that the United States Army will have ample opportunity to review information indicating that Reserve units are being used by some as vehicles for avoiding service to the Nation.

"Our entire system will be reviewed with an emphasis on revising procedures so that only those with bona fide reasons for being unable to submit to the draft will be accepted.

"Able-bodied Americans should not find a haven from service in

Few Will Remain Exempt from Draft

an institution devised so that those desiring to serve would be afforded an opportunity to do so."

The two announcements were received with caution by officials at the law school. "I will take no position on the substantive issues involved," stated one member of the administration, while a faculty member observed that "the effect around here will be tremendous if they do half of what they have said they would."

Yale Admissions Explode

"Starting in September, Yale Law School's first-year class will have approximately 750 members," the Yale office of admissions announced to a shocked legal community today.

The spokesman for the admissions office expressed regret that Yale, long noted for its selective admissions procedure and intimate classroom participation system, was forced into the move.

"We felt that we could not keep up with the other law schools unless we initiated some sort of expansion program. Our feeling was that if you're going to increase your size at all, you might as well make the law school the

biggest in the country," the harried dean said.

When asked how the decision would effect the admissions policy, the dean could only speculate. "I think we will remain as exclusive as we have been in the past, but a lot of students will have to be admitted who otherwise might not have passed muster."

Harvard's dean of admissions was unavailable for comment but an assistant who asked to remain unidentified noted that "We are greatly relieved that Yale has increased in size as they will now inevitably share with us more equally the burden of the high-risk admissions cases."

Harkness to Hit Gastronomic Peak

Restaurant Association, the New York concern which runs the famed Five Seasons and Forum of the Caesars restaurants in New York City announced that it has signed a five-year contract to provide food for Harkness Commons.

After inspecting the Harkness facilities and dining room, Titus Oates, president of the company, stated, "We are delighted that Restaurant Association will have an opportunity to provide food for so many young men and women who may someday be influential members of Manhattan society. We hope that they will avail themselves of Restaurant Association's many fine facilities when they are entertaining future clients on an expense account."

Although Mr. Oates expressed great enthusiasm for the new agreement, his vice-president, Howard Roark, was disgusted by the appearance of the Harkness interior. "The Miro can stay, but everything else will have to go," Mr. Roark noted. Commenting on the orange and blue walls of Harkness, Mr. Roark observed, "They don't provide an environment which is consistent with the sort of food served by our restaurants. We must have gold lamé curtains and eggshell blue walls at the very least," Mr. Roark stated categorically.

It isn't known whether the present cafeteria style at Harkness will remain for another year. Mr. Oates seemed skeptical about the possibility of serving canard à l'orange, and paté de fois gras to Harkness's interminable lines. "By the time the patrons got to the front of the line, the food would be cold. About all we could serve under present conditions would be vichyssoise," Mr. Oates observed.

"We are currently negotiating with the Financial Aids office to see if they will provide us with a list of especially needy young men



Will new Harkness management continue those Great Harvard Law Mixers?

who could serve as waiters in their spare time. Naturally, their potential earnings over \$50 would be deducted from their scholarship allotments. We also need one girl to sell cigarettes," Mr. Oates said.

Reaction among law students to the potential change in cuisine was mixed. "At last I've got somewhere around here that I can take a date and have a good chance of seducing her after the meal," stated a 1L nattily attired in a three-piece suit and club tie. Another 1L, however, was not pleased at the prospect of spiraling prices and waiters in dinner jackets. "I guess I just can't af-

ford to be lawyer," he said. "This really is a closed profession."

Whatever their feelings about the change, most students refused to dispute Mr. Oates' final statement that "the new facilities will give the Harvard Law School the class it deserves. Students will more quickly adjust to this sort of eating conditions if they are exposed to them earlier."

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Mr. Harris studies several Savenor special vintages.

Richard E. V. Harris, 2L and wine savant, being duly sworn, offers the following expert advice:

Wine must complement the dinner. Thus with fish, a white wine is usually preferred since the acidity de-emphasizes the fishy taste; whereas reds give the fish a metallic quality. Of course, culinary preparation plays an equal part in wine selection, for great differences exist between grilled sole and sole Deauvillaise.

Preparation of the wine will depend upon the type, as well as the time available. Decanting is preferable, especially for reds, to eliminate the sediment and to permit the wine to breathe. Chilling may be desired for whites, but cool is usually preferable to icy.

Proper serving also increases enjoyment of wine. Wine glasses should never be more than half-filled. This permits the scent to collect in the top half. For a half-glass to suffice, the glass should be large, with a small cupping towards the top. And to enjoy fully the color of wine, the glass should be clear.

Lastly, if I happen to be away from my Hastings habitat, Mr. Joseph Savenor can answer any questions you have about wine. He also sells many labels exclusively in this area.

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Law Forum Inflicts Another Price Increase

The Harvard Law School Forum announced this week it would increase the price of its season tickets to \$25, while reducing the number of programs per year to two.

"This may seem like a paradox," said Forum president Ken Dropit, 3L. "But we feel Harvard Law students are too sophisticated to pay money for a lot of people they don't have time to hear. They'd rather pay more for quality."

It's also understood that the Forum's recent difficulties in obtaining speakers have contributed to the switch. "We feel we can now devote all our efforts to getting top-notch people," one underling commented.

The Forum, having been turned down by many famous names because of its policy of not paying its panelists or speakers, has also decided to select its featured participants from more nearby locations.

A scheduled forum on Vietnam which would have featured Ho



Former Forum Great raises cain at past meeting of the Forum.

Chi Minh, General Ky, Dean Rusk, Senator J. W. Fulbright

and the Pope has been replaced in this spring's schedule by a forum on what will happen to the Harkness Commons dining facilities if a new caterer takes over.

Among those slated to participate in the revised program are Mr. Norman Grin, manager of Harkness; Craig Crayfish, food editor of The New York Times; Tony, of Campus Sub Shop on Mass. Ave.; Frank Kelly, grill chef at Harkness; and Professor Baitor of the Law School.

The Forum board of directors also voted to increase the number of cocktail parties for Forum staff members. These will be held twice a week, according to a Forum spokesman. "If we can't get world figures, we might as well enjoy ourselves anyway," he confessed.

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HARVARD SQUARE

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Firm Lifts Salaries To \$25,000 a Year

Cravat, Swine and Mudge today decreed that henceforth starting salaries in their law firm would begin at \$28,000. The move—which most of its independent-minded competitors will soon follow—is reputedly a gesture to “smother discontent in our law schools in a sea of dollars.” Salaries in the hinterlands presumably will remain markedly less.

“We are weary,” a spokesman for the firm complained, “of hints that our pay scales don’t constitute a sufficient *quantum meruit* to divert recent law graduates from public-service commitments, Naderism, and other perversions, back where they belong in the great corporate Wall Street firms that make America great.”

“We know that money motivates all lawyers,” he continued. “Among them, most make a few liberal gestures in youth to quiet their consciences and then plunge into a rapturous authoritarianism, well remunerated, for the rest of their lives.”

The hiring partner was quick to point out that the proposal was in no way “bribing warm youth to agree to a short armistice with truth,” but rather

Smothering Discontent In a Sea of Dollars

to save them from a few wasted years and get “their careers to the top” started posthaste.

“Now, with these salaries, the positive value of competing for good marks will surely be re-en-throned beyond assailment. Why, I’ve still got those pages I cut out of that assigned article in the Law Review back when I was a student. Made my best grades in that course—but I’m straying from the subject. Or am I? Ha, ha, ha. It’ll be just like the good old times again.”

“And in more ways than one. At these new prices we are cutting out the free day-off to work in community legal assistance offices, and upping the work-week to 88 hours. That motto around the ceiling of the Langdell reading room says “Of the law let no less be said than that her seat is the bosom of God”, and we want to keep it that way down on the Street. You get what you pay for.”

Realizing that his statement might have shocked the consciences of today’s issue-oriented law students, the associate became more moderate in his tone in an appeal to committed youth. “All this pro bono work hasn’t done a bit of good. We’ve been of more use to the wretched of the earth than any of those boy scouts. Our voice has consistently served as a moderating influence with all the South African holding companies we represent. If it hadn’t been for us, there’s no telling what they would have done.”

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consultant,
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Kay is asking Sy how they can stay away any longer, with all these wines being sold so cheap. She especially means all those affluent Law School alumni.

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UGLY**



Joe, Sy, Tony anxiously scouting the entrance for new customers.

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FRIENDLY
INSIDE
AND WORTH
THE EFFORT
OF FINDING IT.**

*Guess who managed to get into every picture on this page? Guess who wrote this ad?

Victim of Progress

After eighty-two years of discoursing on the affairs of the world with Olympian arrogance, the proud institution of the Harvard Law Review has at last come to an untimely end. Paradoxically, it was progress and expansion which necessitated the measure. The white-frame house which has served as think-tank for many of the country's great legal minds will be used to accommodate the greatly increased maintenance staff necessary to minister to the needs of the plush new faculty office building. As is becoming increasingly true in the administrative decisions involving educational policy, the excellence of the few has been sacrificed to obtain the needs of the many.

Surely there are those at the Law School who will recall when this was not the case. They, no doubt, remember with nostalgia the days of Dean Griswold and his austere regimen of two movies a month. They also remember how much they enjoyed taking required courses until the last semester of their senior year. Through pressure and competition a great house was built; Harvard's graduates (even those who did not make the Review) became the scourge of their profession. Law school prepared a man for the fierce adversary system he would encounter in the world of human affairs; he became hard and tough—he knew he could stand up against the best.

Today's law students, however, are a different breed. Most of them will not deplore the passing of the great white whale on Mass. Ave. They seek to abolish grades and replace that convivial atmosphere of competition (which is remembered with such fondness by many old grads) with a commitment to the achievement of utopian goals for society. Surely, we must lament this end of the pursuit of legal excellence and craftsmanship for its own sake. This dangerous intrusion of fervent belief in moral values as a higher justification than pure intellectual brilliance can threaten the life of an institution.

Ironically, there were remotely perceptible signs that this creeping moralism was making its insidious advance into the sacred precincts of the Review prior to its untimely demise. In the January edition of the Review, two-thirds of the publication's members courageously subscribed to the view that something was the matter with the war in Vietnam. As one might expect from the best minds in the profession, this statement was accompanied by an explanation and qualification three times the length of the original pronouncement. Nevertheless, such raw moral courage cannot help but have a profound effect on our foreign policy.

It is in vain for us to extenuate the matter. The Review is just another one of those institutions (like polished brass spittoons and Senate snuff boxes) which has become a victim of progress and changing values. All we can add is that a similar affair is unlikely to occur in the foreseeable future. It is shameful and regrettable, but there is absolutely nothing we can do.

HARVARD LAW RECORD

In case you haven't already noticed the date, nothing in this issue except the new son of our photo editor on page 16 is real.

APRIL FOOLERS: Berenbeim, Blynn, Gartner, Hoffman, Lurey, Schmidt, Sirignano, York, and W. Barton Leach.

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Fenno

"Fenno, who's that funny-looking guy sitting over there who just got called on?" Bunky asked. "He didn't seem to be prepared but I saw him talking to Prof. Byse yesterday after Contracts trying to get acquainted."

"He's a brown-noser, Bunky," I responded. "You'll see a lot of guys like him around here when they accept pass-fail. Everybody's going to need recommendations from professors to replace grades, so some of the students will try a little harder after hours to make friends."

"I thought something was funny when I saw the guy across the hall install an apple-polishing machine, Fenno."

"That's O.K., Bunky," I answered. "Most of these profs won't sell out for a measly apple or two. But wait until students tip them off about stuff like Texas Gulf Sulphur!"

"I suppose the faculty figured that pass-fail was the only way," Bunky sighed. "It's too bad we didn't know that they meant it when they said 'fail'. Did you hear how many they plan to flunk out?"

"No, I didn't, but it seems like a lot of profs are going on leave next year anyway. The new administration took student complaints about the quality of education around here into consideration, though."

"What do you mean, Fenno?"

"Nothing but the best for Harvard law students. Bet you didn't know that Ernie will be teaching Con Law next year, did you?"

"Gee, Fenno, that's a corker!"

"Laugh it up. Did you get our season tickets for the Fenway Park bleachers yet? Now that we've got the Law Review outlines, nobody who uses them can fail."

"Gosh, Fenno, wasn't that awful about the Law Review's folding? What'll they do?" Bunky queried.

"You'll be able to decide whether you want to get The Sporting News, Better Homes & Gardens or The National Police Gazette. I wish they'd included the National Enquirer."

"But Fenno, what about all the cases and developments in the law? How will we keep up on them?"

"Easy. Buy the Record-American every day."

Letters to the Editor of the RECORD

She's Delighted With Record

To the Editor:

I've been meaning to write for a long time to tell you how much I like The RECORD. I've lived a few blocks from the Law School for many years and I try to understand what law students are like. It's hard, you know. And one of them once showed me that other magazine with all the footnotes and I couldn't understand it.

My late husband always had wanted to be a lawyer but it was always hard times with us so instead he worked for the MBTA Mass. Ave. route and got a chance to see Harvard Law School many times a day. But he began subscribing to The RECORD many years ago and I've enjoyed watching the changing pictures of the aging professors.

If it's ever possible, I hope you would consider publishing more advertisements like the one you print for Chicken Delight. I enjoyed going to Chicken Delight and my husband used to take me there for our anniversary dinner. You don't see advertisements like that one very often any more, which tell you everything important about a restaurant and are decorated with attractive art work as well.

Mrs. Ralph Kramden

Lincoln's Inn Isn't the Same

To the Editor:

I don't understand what this younger law school generation means when it talks of quality life and education being more important than learning how to fit in at a good law firm. You students just are not aware of the importance of the little things that law school teaches you. Even since the Law School became less than half populated by graduates of good preparatory schools, we on Wall Street have had to make do with Law School graduates who just do not have the savoir faire to say the right things to our clients.

Yesterday I spoke to a third-year Harvard law student who said he was not likely to interview with our firm because we represent Dow Chemical Co., Arabian-American Oil Co., United Fruit Co., and Mr. Spiro T. Agnew. I told him that his views were most unfortunate especially since his ancestry was impeccable.

If you gentlemen at the Law School really knew what side your bread was buttered on, you would read some good books such as those by Louis Auchincloss and Cleveland Amory's "Who

(Continued on Page 15)

Law Notes

According to rumors circulating around the Hastings Hall Coke machine, former dean Erwin N. Grizzly is soon due for a high-ranking judicial appointment. The ex-dean, now Solicitor General, will be appointed by President Nixon to succeed Judge Elijah Badlaw as chief judge of the Boston Municipal Court. Grizzly has reportedly been seeking this appointment ever since he entered the Law School. Mrs. Grizzly is reportedly shocked.

* * *

Consumer crusader Ralph Rapier has launched a new attack in the pages of Playmate magazine. Rapier contends that the incidence of failure in American-made prophylactics is shocking and advocates that Federal safety standards be set up and enforced. Whether the thrust of Rapier's latest campaign will bear fruit remains yet to be seen.

* * *

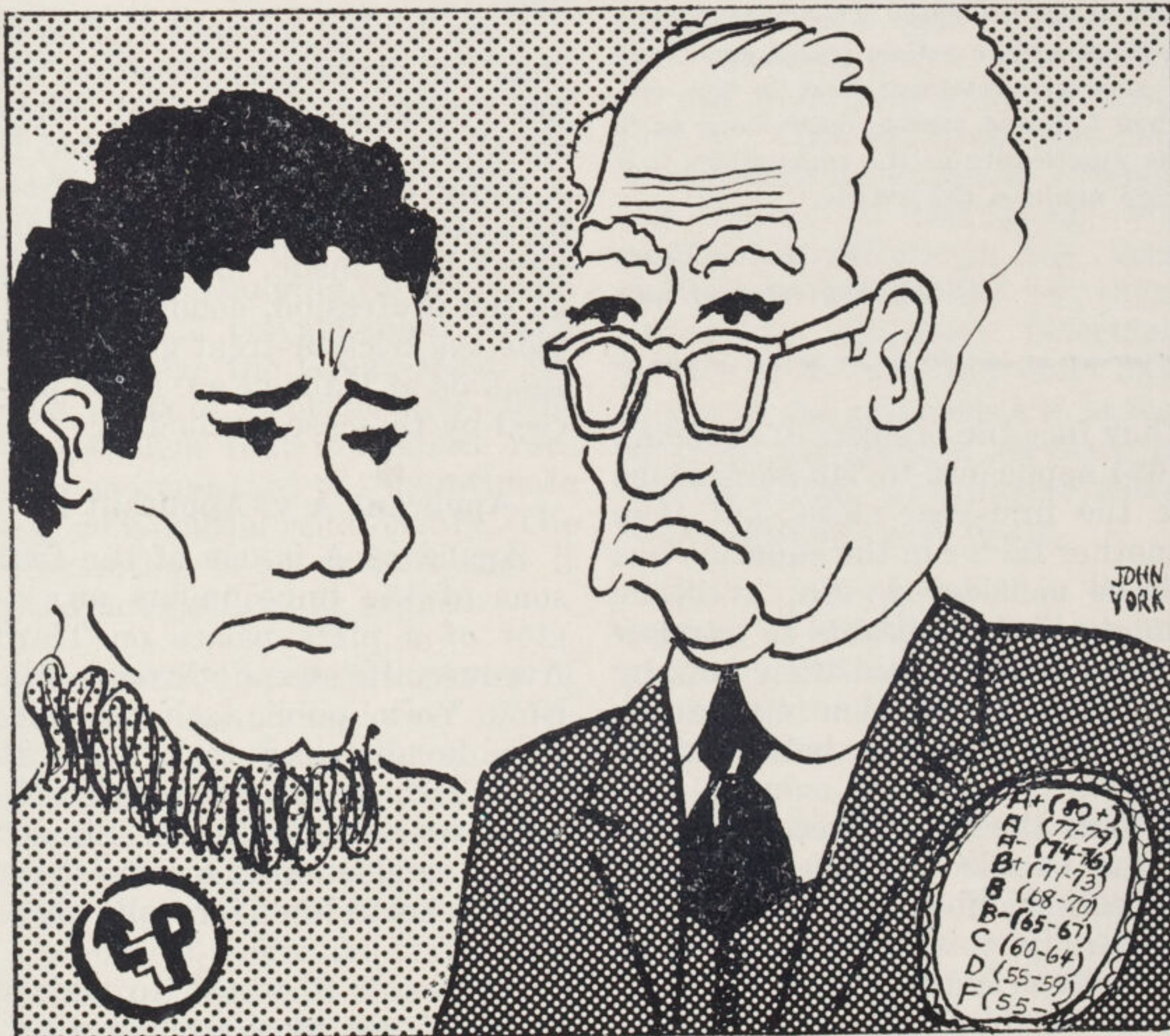
Lesley College will be holding its semiannual "Catch a Law Student As a Husband" dance next week. Theme of the dance will be "Tip-Toe Through the Tulips." The Lesley girls promise to wear their shortest mini-skirts. Law students are assured of at least \$5 if they attend.

* * *

The Law School administration announced tomorrow that all members of the staff of the LAW RECORD have been kicked off the student newspaper and will be exiled to membership on the Voluntary Defenders. Henceforth, The RECORD will be put out by a group of midgets imported from C.W. Post. If that's any difference.

* * *

Tomorrow has been cancelled and all classes which would ordinarily take place tomorrow will take place yesterday.



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Law School Admission Policies

By Professor X
Of Y Law School

When a situation is alarming it is right to view with alarm. When the situation has passed the alarm stage to the brink of disaster, it is right to revolt. Since revolution has always been a matter of hazard to the revolutionary, one must have courage.

But there is no purpose in being foolhardy — hence the Kennan-like authorship of this article. None but a cad would attempt to pierce the anonymity herein so carefully preserved, either by infiltrating the staff of The Practical Lawyer or seeking to determine authorship by inference drawn from the text. (There must be something on this in the right-to-privacy articles of the late Louis D. Brandeis, but the reference escapes me.)

At the present time those institutions that so presumptively refer to themselves as the "leading law schools" have admissions policies grossly out of phase with the wave of the future or even the wave of the present. Here is how the thing works, on information and belief.

Siwash Law School has classroom space for 340 first-year students. (It has had the same number of classroom seats since circa 1930.) It has an Admissions Committee, the function of which could be performed by the most elementary type of computer.

Admissions Committee

The Committee meets around April Fools' Day in any given year and finds itself faced with 1634 applications. Each application has the applicant's college record and his score on the Law School Aptitude Test. Most of our "leading law schools" don't have even an adding machine, much less the simplest type of computer, so the Great Minds on the Committee have to spend precious hours of potential intellectuality in doing an amateur job of computation.

Leach Lifts Rug On Professor X

To the Editor:

I applaud the crusading efforts of The RECORD. I do not always agree with RECORD's position, but I think it a good thing to bring into the open the issues which have rather been swept under the rug in the last forty years. As I told you, I have rather kept my mouth shut about these things. But the fact is that almost everything that has been proposed has either been (a) tried and failed, or (b) proposed and howled down.

But there is one thing that rather surprises me. In The Practical Lawyer for January 1967, there is an article entitled, "Suicidal Admissions and Grading Policies of Our Law Schools." I enclose a reprint which has emerged from my old files.

There was great speculation as to the author, and I will not break security on this matter though the horrid secret is known to me.

Reprints were circulated at the meeting of the Association of American Law Schools and it was quite amusing to sit in the lobby of the Statler-Hilton in Washington and listen to the conversation about it. There was discussion as to whether the article was a spoof and a general agreement that it was not. Then followed serious discussions as to the practicality of the suggestions that were made in the article.

W. Barton Leach
Story Professor of Law

They face the problem of reducing 1634 applicants to 340 admissions to the first-year class; but then another factor in the equation has to be considered, viz., everyone knows that applicants to any law school have hedged their bets by applying to another half-dozen law schools, some better, some worse.

Thus the Committee sets itself a goal of selecting 390 applicants, expecting about 50 drop-outs. Naturally, this figure is based on past experience. If there are less than 50 drop-outs, the Superin-

tendent of Buildings must be asked to install some extra seats in the aisles; if there are more than 50, there might be some delay in professors' salary raises, which would otherwise be automatic.

Criteria of Admission

So our Committee of Great Minds is to select 390 out of 1634. But how, and on what criteria? As of now, they pick the cream of the crop, determined by college records and LSAT scores. I am bound to admit this does require a bit of judgment; but this, too, could be programmed into a reasonably sophisticated computer. Do they equate a summa cum laude in Fine Arts and Music at Saltwater with a B-plus in Math and Physics at Freshwater? Very difficult, and the subject of much debate, the intellectual potentiality of the Great Minds being dissipated hour by endless hour.

So, finally, they come up with the chosen 390, heave a sigh of relief, and then, utterly exhausted for any other work for about a month, return to their offices, if any.

I am trying to make the point that the criteria of selection are not wrong, but insufficient. Since we all have become committed to a thing called the Case Method, by a bearded gentleman who could never have made, in the practice of the profession, enough to provide the trick-or-treat goodies for the kids at Hallowe'en, let us proceed by the case method.

Applicant A v. Applicant B

Applicant A is one of the four sons of the impecunious proprietor of a pizza palace on Third Avenue. He went through the New York public schools with high honors, and took his A.B. at N.Y.U. in all the tough subjects, magna cum laude. Stapled to his application is a request for full scholarship for all three years.

Applicant B went through a series of our more exclusive pri-

s Receive Lawyer-Like Scrutiny

vate schools without actually dropping a grade and got his A.B. from Princeton with a gentleman's C. His family, however, are the holders of a fortune made in the slave trade by an ancestor whom they never mention; and he is the current scion, with little expectation of competition, since his mother has gone through the menopause.

Under present policies Applicant A is accepted and B rejected. This is wrong as a matter of the most elementary sociology, creating intellectually segregated ghettos in our "leading law schools." It is also unrealistic in terms of the general make-up of the profession. Can anyone seriously maintain that the legal profession is currently manned by magna cum laude's? Certainly not; the profession consists of a disparate group ranging from the extremely competent to utter dopes.

In my view it is the job of all law schools, including the "leading," to reflect within their student bodies the practicing profession as it is. This is a thoroughly practical view. When a client who is himself an utter dope comes into a law office, he should be able to talk to a lawyer who is approximately on his own intellectual level, not to some genius of the bar with the bulging forehead and mastery of polysyllables, which characterize the Great Mind, for this permits attorney and client to establish that immediate rapport so important to this intimate and confidential relationship. The proposition is so obvious that it need not be further argued.

Furthermore, the acceptance of Applicant A and rejection of Applicant B is financially suicidal. Parkinson's Law is at work in our law schools. To handle a student body with entering classes of 340, a faculty of about 14 used to be adequate 30 years ago and the attitude of the school toward its students could be described as



**'No wonder these Harvard guys is confused.
Y'oughta see the kind o' stuff they read.'**

Spartan. Now, however, law schools point with pride to the fact that they are doubling or tripling their faculties, and the brilliant young professors thus appointed have been imbued with the cradle-to-grave paternalism of the Fair Deal and the Great Society. New services have been provided to the students — teaching fellows to lead them with kindly hand through the tasks that they should do by themselves, an elaborate placement service to be sure they don't have to pound the pavements in search of jobs, and medical services, including a staff psychiatrist to ease their tensions, poor dears.

This is all very well in Washington, where the President and a complacent Congress have the Gross National Product to tap through the medium of the Internal Revenue Service. But, unfortunately, our law schools have no similar resources. What they do have, hopefully, is the gratitude of those graduates who possess the means to manifest this gratitude in large bundles of green —

which brings us back to Applicants A and B.

As to Applicant A, the one thing we know is that, what with his scholarship and all, he will be contributing exactly nothing to his own legal education. A dead weight in the boat. Will he be grateful in practical terms after he gets out? Certainly not. Why should he be? He is doing a favor by coming to Siwash, not vice versa.

Further, if he acquires some sense of loyalty to the institution during his three years, his future contributions to it will be small, if any, and long delayed. He will spend a couple of years in the Army. Then he will marry and acquire a family, and the expenses of this enterprise will sop up his current earnings; so the gratitude will be limited to sincere apologies to his class secretary for his inability to make more than a token contribution to his alma mater.

But Applicant B is quite different. He will be grateful if Siwash

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Mystery Prof Analyzes Law School Admissions

(Continued from Page 13)

lets him in, more grateful if it graduates him. He will be no load on the budget while he is in the school, and he has the means to help out good old Siwash from the very day he graduates, maybe before. Indeed, his family who now control the family slave-originated fortune might reasonably conclude that contributions to the school while B is still there might serve both as an inducement to Siwash to let him continue and an implied promise of more of the same to come thereafter.

Additional Criteria Needed

Now what does this mean in terms of the activities of the Great Minds on the Admissions Committee? First, I suppose it means that they should gather some entirely different types of information about applicants and their families — different from the college academic records and the LSAT scores. A modest amount might well be expended for the services of a high-grade credit-rating service. Further, subject to any limitations imposed by our high standards of ethics, it should be possible to gain access to the adjusted gross income figures on the family federal income tax returns. Close contacts with the relevant banking and brokerage institutions might be helpful too.

Naturally, these additional criteria of selection should not exclude the more traditional elements. But, among the young men and women who score well on the LSAT, there surely must be some whose families have made the grade socially and financially — oil perhaps, or uranium, or an early investment in IBM. What Siwash should seek is a broad spectrum representative of our great affluent society and of our profession as a whole.

Now to the matter of grades. Why should Siwash have them? They make life miserable for professors and students alike. And to what end? Grades mean examinations; examinations interrupt

the thought processes of our students, eager as they are to equip themselves for their chosen profession. Grading also interrupts the creative thinking, research, and writing of our Great Minds by imposing upon them a task that is diabolical in its stultifying effect.

Grades were unknown in law schools before 1870. Specifically, there were none when Oliver Wendell Holmes, Jr. studied law at Harvard. Can we expect to improve significantly on Holmes by those torturesome periods of examinations? The question answers itself. (It is obvious from the foregoing that I deplore the opposite thesis that appears to be the content, if any, of an elephantine allegory appearing in 19 J. Leg. Ed. 41 (1966) by one William L. Prosser, who must have been a dean somewhere at some time or other.)

Bar Examination

But, you may be thinking, how is the public to be protected against incompetent legal advice? Easy: that is the job of the bar examiners. They get paid for it, which we do not, except as reading those piles of bluebooks is included in the multitudinous duties for which our pittances of salaries are doled out. The students at Siwash will know from the outset that they must pass the bar

examinations, which should be sufficient motivation to cause them to apply themselves diligently to "our mistress, the law."

Of course, my suggested courses of action involve some ancillary problems, but they do not seem difficult. Siwash will not wish to exclude all persons like Applicant A, but almost any law school will have had some donations earmarked for student scholarships. Splendid; that will keep Siwash's image untarnished, while at the same time not depleting uncommitted funds.

What about the Siwash Law Journal (or Law Review, as some schools call their scholarly publications)? Let students go out for it as they would go out for a football team; a special examination might be set up for the purpose — prepared and graded, of course, by the upperclass editors. There might be a parking problem for the Jaguars, Mercedes-Benzes, and Lincoln Continentals of those like Candidate B; but, surely, an annual parking charge would not be objected to by the relevant families. And so on.

All habits are hard to break, scholastic the hardest. But I predict that if Siwash adopts the program that I propose, it will prosper, its professors will be a happy family, and its students will rejoice.

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Letters . . .

(Continued from Page 11)

Killed Society?" These would tell you about the world that you will probably work within.

I do not think I have met more than three Harvard law graduates in the past decade who are sufficiently refined to secure an invitation to join my club in New York. And I fear that three years of dining at Harkness Commons have dulled the untutored palates of most law students forever. I fear for the future of our private luncheons within the firm.

It would be well if grades were removed from the Law School, for then we on Wall Street could hire more easily with regard for traditional distinctions. There is no discrimination; there is merely an effort to detect the congenial qualities which insure a man's acceptance by our firm and our friends. Sometimes I think that if I had spent a great deal of time at Law School trying to learn law, I never would have had time to make the friends I did at Lincoln's Inn, which is not the place it was, as I am sure you are aware.

Aboard the only good thing I have observed about the "new breed" of law students is that their extreme lack of social polish means that I shall rest a bit easier when at the office. After all, I have not met one who might be capable of running off with my wife.

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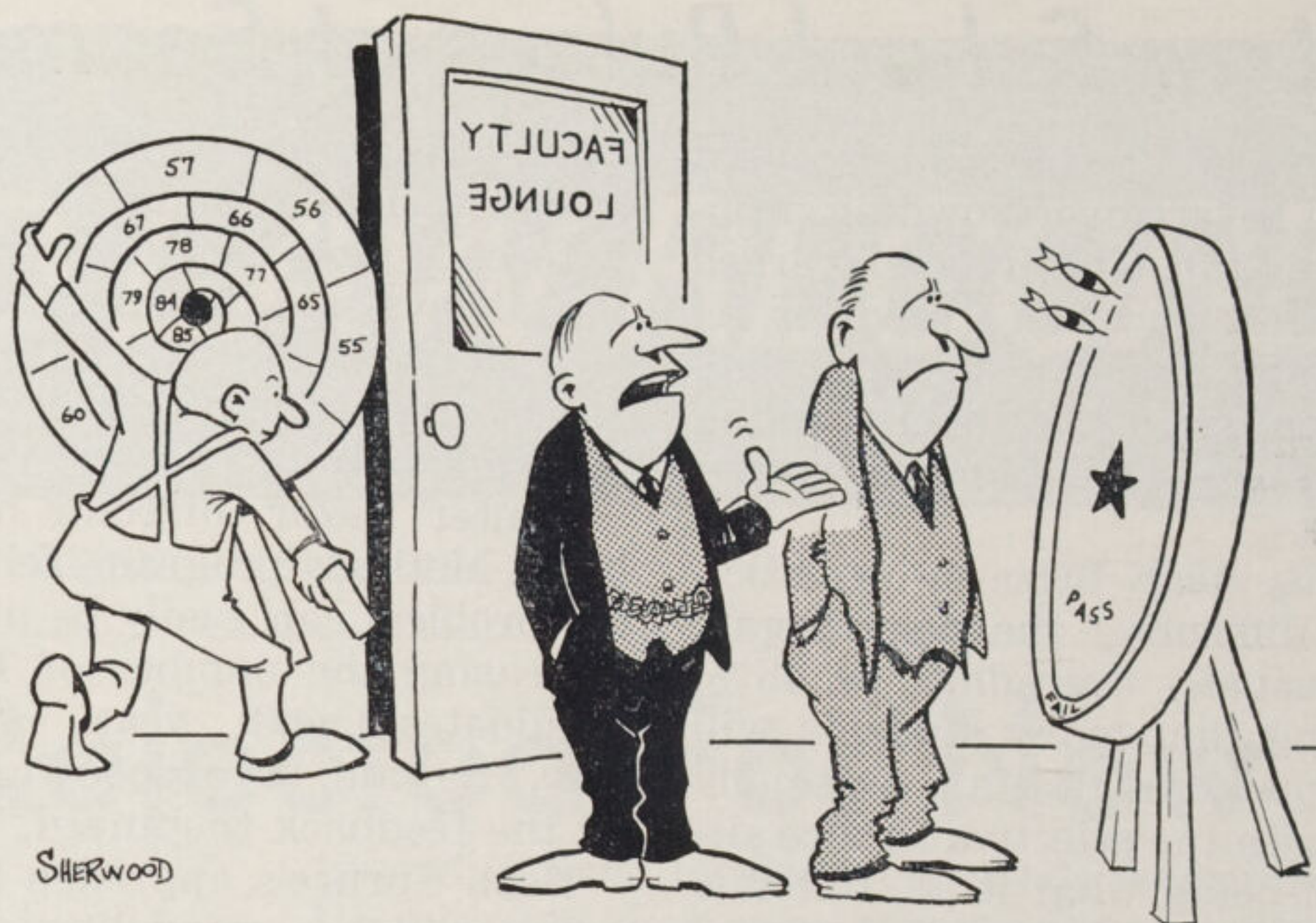
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**'Might as well start another casebook —
they're taking all the fun out of grading.'**

Students Seek Return of Number Grades

(Continued from Page 1)

but that she would give it to a member of the faculty if she saw one. "I'm sure that the faculty will get around to it one of these days," she added.

The report suggests a numerical grading system ranging from about 50 and below for a fail and 75 and above for a superior grade. Also advocated by the 1Ls is a ranking system so that each law student would know exactly where he stood when compared to his fellows. Grade point averages would be computed by the Dean's IBM 162046734 down to five decimal points.

Asked to comment on the charge that the pass-fail system was outmoded and unresponsive to student needs, Professor Snidley V. Whiplash commented, "Oh my God. Do they want to have us start grading exams again?"

The report cited the following

reasons for junking the old pass-fail method:

— Lack of a feeling of competition.

— A feeling by students that their law school education was irrelevant and unimportant.

— Not enough preparation for the outside world.

A spokesman for the dissident student group stated that if action is not taken soon on the proposal, students would be prepared to demonstrate against the administration. Among several possible tactics mentioned was an organized attendance of classes.

"If students attended classes in mass," the 1L spokesman said, "the Law School could be brought to the brink of financial ruin." Classrooms for more than the usual three or four attending class would have to be found. Professors would have to take time off from their consulting jobs in order to teach.

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Law School Bulges at Seams

Harvard Law School is faced with a severe overcrowding problem this fall, The RECORD learned last weekend, when a reporter accidentally found a secret memorandum from the dean sticking out of the receptionist's wastebasket.

"This year there is unanticipated difficulty," the memo began. "We usually overadmit by 43%, figuring that many students will not appear in the fall, especially now with the selective service situation being what it is. But this year so many physical and mental misfits applied that we expect all 1050 to register in September."

One professor approached for comment sighed and noted, "What difference does it really make? I've always said that the Socratic method works best where there is great diversity of minds. The more the better!"

Walter Razor, director of the Legal Methods program, felt that the problem can easily be met by increasing the number of LL.M. candidates next year. "That way," he said, "everybody can get all the feedback they need."

Dean Spruce's approach to the influx will be remodeling of the dorms. Desks in each room will be replaced by an extra bed. Spruce declared, "We will eliminate most student complaints this way and Law School life will be far more intimate."

It's expected that the new vitality brought to the Law School by the 1050 students will destroy any remaining elitist concept at Harvard.

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