

Treasure Room

HARVARD LAW RECORD

VOL. 49 NO. 1

SEPTEMBER 18, 1969

TWENTY CENTS

1611

1Ls Given Option

One-Third Choose Pass-Fail

Text of Faculty Measures

(Editor's Note: the following is a complete copy of the measures voted by the faculty on May 13 and 15.)

1. Throughout the three years of law study, and particularly in the first year, there should be greater diversification of opportunities for students to develop and demonstrate their capacities and growth.

a. In order to further this general goal, there should be greater variation of method and material in law school classes and course examinations and increased and more diversified opportunities dur-

ing the academic year for a student to practice legal skills and obtain criticism and evaluation of his performance.

b. Without abandoning a common system of evaluation among all instructors at least for year-end examinations, individual instructors may wish to develop modes of evaluation beyond the common system.

c. It is intended that the faculty generally participate in the implementation of this objective of diversification throughout the school's program. The Continuing Commit-

(Continued on Page 2)

By Lawrence Gartner

As the result of measures voted by the faculty last May granting first year students two optional grading systems—one of them pass-fail—in addition to the standard nine category grading system used for the second and third year classes, almost half of the 1Ls chose one of the new options and about one-third chose to be graded by the pass-fail system.

Out of last year's 538 member first year class, 179 chose the pass-fail option; 75 chose a system of high, satisfactory, low, or fail; and 57 chose the standard nine grades option. The 227 students who did not choose between the three methods of recording grades were automatically graded according to the standard nine categories.

The options were the result of measures voted by the faculty on May 13 and 15 of last semester. Before that, the faculty's Special Committee on Examinations, Grading and Related Matters (the Keeton Committee) made its final report to the faculty. Both the Committee and the faculty measures were in response to demands from a substantial portion of the first year class that a pass-fail grading system be instituted combined with periodic evaluation of student performance by professors. Last year a group of 1Ls issued a 27 page proposal outlining reasons for a revalua-

(Continued on Page 3)

Law Firm Queries Advocated

By Michael Lurey

Student support for a questionnaire of law firms which interview at Harvard is being sought by a group of law students who worked in Washington, D.C. this summer with Ralph Nader.

The immediate purpose of the questionnaire, according to Mark Green, 3L, and one of the sponsors of the questionnaire, is to get law students to think about what law firms do and could be doing. It is also hoped that the questionnaire will give ideas to students for questions to ask interviewers, Green added.

According to the petition accompanying the questionnaire, Green, Mike Haroz, 3L, and Andra Hotchkiss, 2L, argue that "... as future employees of and consumers of law firms, we have a right to know both their internal operations and philosophical bases."

The questionnaire deals with such social and political topics as hiring policy and support of political issues, asks how much volunteer work is done by the firm and whether law professors are asked to recruit for them, asks for the firm's opinion on grading reform and whether such reform would

(Continued on Page 4)

Text of Faculty Measures

(Continued from Page 1)

tee on Legal Education shall be responsible for general supervision of the implementation of this recommendation, with the understanding that it may make appropriate delegations.

2. In order to reduce the extent to which 1L evaluations are used during the 1L and 2L years for purposes other than communicating with the student, the following arrangements shall be established:

a. The Secretary of the Law School shall report to the Law Review in the summer of 1969 information sufficient to permit the Law Review to select students for membership on the basis of grades as follows: (a) on the basis of 1L grades, twenty students in the 1L class of 1968-69; (b) on the basis of combined 1L-2L grades, four students in the 2L class of 1968-69; and (c) on the basis of 2L grades only, eight students in the 2L class of 1968-69. Subject to the foregoing restrictions against the School's making information on grades available to the Law Review, the criteria for membership on the Law Review shall continue to be a matter for the Law Review's own determination.

Forum Hosts HEW's Finch

Robert H. Finch, secretary of Health, Education, and Welfare, and one of President Richard Nixon's close advisors, will speak at the Harvard Law Forum tomorrow at 8 p.m. in Sanders Theater.

Formerly Lieutenant Governor of California, Finch has been in the middle of several administration battles such as the Knowles controversy, school desegregation guidelines, and reorganization of the welfare system.

Officials at HEW have said that Finch's Forum speech will be a major policy address.

Tickets are available at the Coop, the Forum office at 23 Everett Street, or at the door.

b. Members of the Board of Student Advisers shall be selected by a Committee on the Board of Student Advisers composed of two faculty members, appointed by the Dean, and the Chairman of the Board of Student Advisers. The Committee shall be charged to select those students, not restricted to applicants, whom it judges to be best qualified for the work to which they are to be assigned. The Committee shall also determine the number to be taken from students in the 1L and 2L classes and the dates when they will be selected.

c. Employers using the school's placement facilities shall be formally requested not to ask 2L students for information about their 1L grades. Implementation of this recommendation shall be committed to the Committee on Placement.

3. For the 1968-69 academic year, grades of 1L students shall be reported by the faculty to the Secretary's office as in 1967-68. The Secretary's office shall report a student's grades to him, and to others with his consent, in accordance with the following arrangements:

a. Each 1L student shall be given an opportunity before the 1L examination period commences to elect which of the following three ways his grades shall be reported to him and if he does not file an election with the Secretary's office before the examination period commences, his grades shall be reported in the first of these ways:

- (1) a report of his grades in nine categories (A+, A, A-, B+, B, B-, C, D, F);
- (2) a report of his grades in four categories — high (comprising the letter grades A+, A, A-), satisfactory (comprising the letter grades B+, B, B-, C), low (the letter grade D), or fail (the letter grade F).
- (3) a report of his grades in two categories — pass (comprising all letter grades except F) or fail.

b. Each student who initially elected the pass-fail option may elect, effective at the time when January 2L examination grades are reported in 1970 or at any later time, to receive a report of his 1L grades either in four categories or in nine categories. Each stu-

dent who initially or after the January 2L examination report elected the four-category option may, effective at the time of the January 2L examination report or at any later time, elect to receive a report of his 1L grades in nine categories.

c. A transcript shall be issued only at the request of the student and only in a form consistent with the option last elected by him.

d. Regardless of which election a student makes concerning the reporting of 1L grades to himself, he may elect

1Ls Given Choice

Of Three Grade Options

whether or not information about his grades shall be available for one or more of the following purposes: (1) selection to Law Review; (2) selection to the Board of Student Advisers; (3) award of prizes. In the absence of an election to the contrary filed by the student with the Secretary's office before the 1L examination period commences, information about his grades shall be made available for each of these purposes.

4. Examination papers delivered to faculty members by the Secretary's office for grading shall be identified by number and not by name. After the instructor has graded the papers he may obtain from the Secretary's office a list of his students by name and number, and in awarding course grades he may make allowances for relevant factors apart from the examination. These arrangements for anonymous grading shall apply only to candidates for the J.D. degree; in 1968-69 these arrangements shall not apply to 3L courses, the examination period having commenced before faculty vote on this matter.

5. Provisions shall be made for further consideration, during the coming year, of issues presented in the Special Committee's recommendations and report. Apart from allocations of responsibilities stated in paragraphs 1 and 2, assignments of responsibility for continuing consideration shall be made to standing committees or to a special committee or committees at the discretion of the Dean.

1Ls Choose Pass-Fail by One-Third

(Continued from Page 1)

tion of the current grading system and suggesting new methods of evaluation.

Under the faculty's May resolutions, each first year student was given the chance to choose from among the following three grading systems before the 1L examination period began:

- Grades in nine categories (A+, A, A—, B+, B, B—, C, D, F).

- Grades in four categories (high — letter grades A+, A, A—); (satisfactory — letter grades B+, B, B—, C); low — the letter grade D); (fail — the letter grade F).

- Grades in two categories (pass or fail).

In effect, however, all the examinations were graded the same, and these options represent differences in how the grades were reported to the student, and to others with his consent.

The faculty also voted that any student who chose the pass-fail option could, at the time first-semester, second year examination grades are reported or any time later, have his 1L grades reported either in four categories or the standard nine category grading system. Similarly, students

choosing the four category option can later have their grades reported in conformance with the nine category system.

The faculty also voted that a transcript of grades could be issued only at the request of the student and only in the form last selected by him.

These options of reporting grades were made only for the 1968-1969 academic year. As for the future, the faculty stated that, "Provisions shall be made for further consideration, during the coming year, of issues presented in the Special Committee's recommendations and report." Responsibility for this will be assigned to standing faculty committees or to a special committee or committees at the discretion of Dean Derek C. Bok.

Included in the faculty resolutions was the measure that "... there should be greater variation of method and material in law school classes and course examinations and increased and more diversified opportunities during the academic year for a student to practice legal skills and obtain criticism and evaluation of his performance."

To help deemphasize the importance of 1L grades, the faculty resolved that:

- The Law School will give the Harvard Law Review information on grades sufficient only to choose a specified number of first and second year students.

- Members of the Board of Student Advisors will not be chosen exclusively on grades, as previously.

- Employers using the placement office will be formally requested not to ask 2Ls about their first year grades.

In addition to selection of grading methods, the faculty also allowed 1Ls to choose whether or not his grades could be used for selection to the Law Review, selection to the Board of Student Advisors, and the award of prizes.

Out of the 538 in the first year class, 60 elected not to have their grades used for Law Review selection, 80 chose not to have them used for the Board of Student Advisors, and 64 did not want their grades used to be considered for prizes.

Bickel to Give Holmes Talk

The annual Holmes Lecturer for 1969-70 will be Alexander M. Bickel who will speak on "The Warren Court and the Idea of Progress" at 8 p.m., October 6, 7, and 8 in the Ames Courtroom. The talks will be open to the public without charge.

Bickel, Chancellor Kent Professor of Law at the Yale Law School is the author of several well-known works: *Politics of the Warren Court*, *The Least Dangerous Branch — The Supreme Court at the Bar of Politics*, and

The Unpublished Opinions of Mr. Justice Brandeis — The Supreme Court at Work.

Professor Bickel received his LL.B. from the Law School in 1949 after receiving his B.S. from the City College of New York. In 1960 he was awarded an honorary M.A. by Yale University. He served as law clerk to Justice Felix Frankfurter and also clerked for Judge Calvert Magruder of the U.S. Court of Appeals.

The complete shop
for the university man
SAKS FIFTH AVENUE



Comprehensive collections
of fine tailored clothing,
furnishings, sportswear,
outerwear, shoes and boots.



Made-to-measure service
available.

THE UNIVERSITY SHOP
SAKS FIFTH AVENUE

73 Mount Auburn Street
Cambridge • EL 4-7120

Students Advocate Law Firm Questioning

(Continued from Page 1)

affect recruitment, and asks other like questions.

Green hopes that a majority of students and student organizations at the Law School will sign the petition supporting the questionnaire during the next week so that it can be sent to law firms before interviewing begins on September 26. The three students also will send the firms a covering letter indicating how many students signed the petition and the names of the organizations supporting it.

Copies of the questionnaire have been sent to nine other law schools to be circulated in the same form or to be used as a guide for similar questionnaires. Even the Harvard version may have some questions deleted before it is sent out.

Green hopes actually to solicit responses from the law firms so that students will be able to interview more selectively with the added information.

The questionnaire, however, has been criticized as "needlessly antagonistic to the law firms." Its relevancy to the actual decisions of second and third year students has also been criticized.

The questionnaire is largely the result of the three students' sum-

mer project as members of "Nadar's Raiders." They worked directly with Nadar in an attempt to analyze the "political, social and legal impact" of a large Washington law firm. The group paid particular attention to Covington & Burling.

Bruce Chosen New Vice Dean; Bernardi To Be New Secretary

William L. Bruce, at the Law School since 1956 and Secretary of the Law School since 1966, has been appointed as Vice Dean. Former Vice Dean Joseph E. Leininger will be leaving in January to become Associate Dean of Stanford University School of Law.

The new Secretary of the Law School will be Stephen M. Bernardi, formerly Assistant Direc-

tor and Associate Director of the Harvard Law School Sesquicentennial Fund.

Bruce joined the Law School administration in 1956 after four years of private practice. From 1956 to 1966 he was Assistant Dean. He received an A.B. from Harvard in 1948 as a member of the Class of 1946 and an LL.B. from the Law School in 1951.

Bare Walls???

Become a student Friend of Art at Harvard and borrow three reproductions of original prints. Bonus: gallery talks, lectures, an invitation to an opening of an exhibition at the Fogg Art Museum.

Pictures available at
Busch-Reisinger Museum
29 Kirkland Street
9:00 — 2:00
Monday — Friday
Sept. 15 — Oct. 3

Welcome to Cambridge

The services of a local insurance office are most important when you arrive in a new community. This is particularly true if your previous address was outside of Massachusetts, as our auto registry and insurance requirements differ from those of other states.

We cordially invite you to use the facilities of the excellent insurance companies we represent in this state: The Aetna Casualty & Surety Co., The Hartford Insurance Group, Centennial Insurance Co., The Travelers Insurance Co. Our modern walk-in offices are located in Harvard Square, next to the Reliance Cooperative Bank and facing the New Harvard Holyoke Center.

W. T. PHELAN & COMPANY

INSURANCE AGENCY, INC.

established 1898

11 DUNSTER STREET

Telephone 876-0876



A Good Music System Can Be The Only Bright Spot In Your Room For The Next Few Years

It is the only source of pleasure that doesn't detract from your studies. It helps relieve tension during exam periods, provides entertainment for a party, and—for the serious listener—gives a free concert every evening.

If you walk down Boylston Street from Harvard Square towards the Charles River, and turn right at the Gulf Station, you'll find Audio Lab—a place where you can buy stereo equipment for your room. Audio Lab has everything from the latest \$3,000 McIntosh system to portable record players for less than \$200.

Audio Lab sells stereo equipment with guarantees backed up by a factory-trained service department.

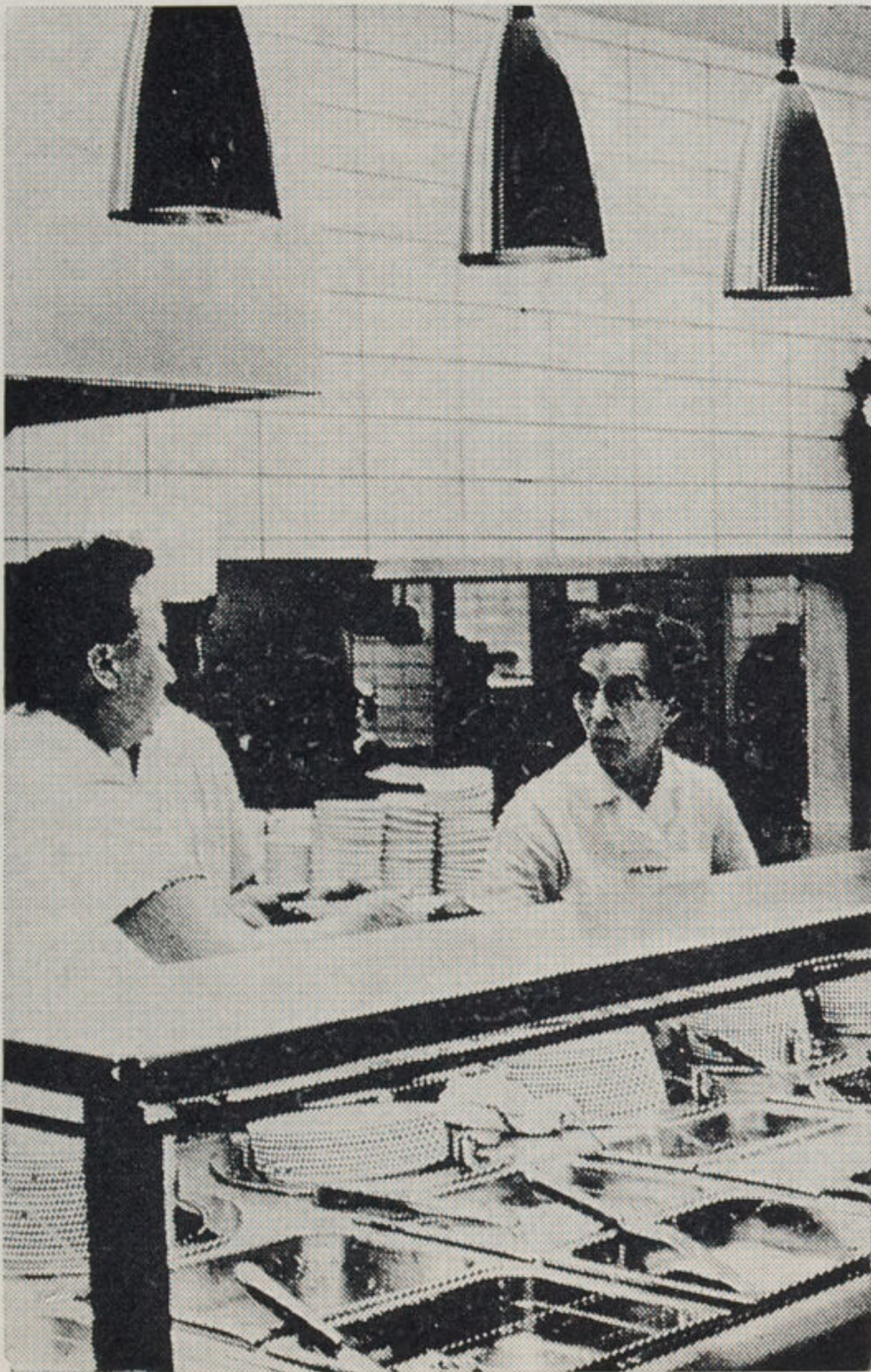
In the picture above is our KLH Model Twenty. This is a complete system for playing stereo records and stereo FM broadcasts with truly excellent fidelity. It includes a transistorized stereo amplifier/FM tuner, four speed record player, and two matched loudspeaker systems. To get an appreciably better sound, you have to spend over twice as much money.*

Audio Lab hopes that you will accept our invitation to visit us, and listen to the various music systems we have on display. We're open "Students Hours"—from ten in the morning until ten in the evening, and we're also open all day on Saturdays.

* The KLH 20 costs \$399.95 and—like all Audio Lab KLH systems—it's completely guaranteed for two full years.

Can You Face The Next Few Years Without Music?

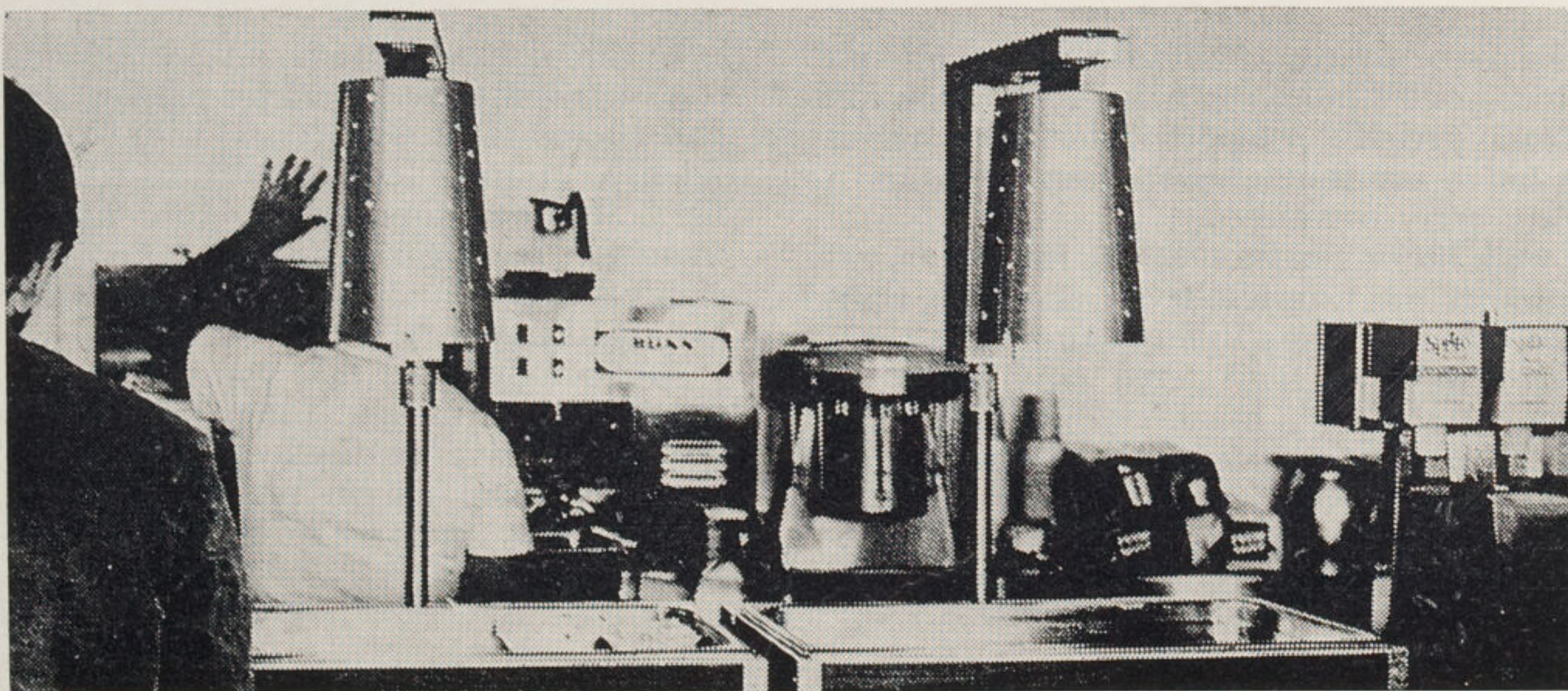
Hamburgers Sizzle Anew in the Hark



We know you always complained about the Hark, but now it's been refurbished with paneling, warming lights, and other new features.

The new management has also instituted new treats for the tummy, such as the Mighty Moe double-decker hamburger, best this side of Bob's in L.A.

Of course, you'll still complain about the Hark, but now you'll have lots new to complain about. See our interview with the new management on page 12. (Photos by Dan Chill).



Two Former Honoraries Begin New Operations

By John York

Two former student honoraries — the Legal Aid Bureau and the Board of Student Advisers — are beginning operation this year for the first time as non-grade-based organizations.

Legal Aid chose its new members by a lottery held last spring and by interviews with students possessing prior experience in poverty law offices. They have already selected their membership for this year.

"It's business as usual," said Bureau President John M. Payne, 3L. "We were somewhat nervous. Some thought that with the new selection process, we would fall apart. But all went smoothly. We are now up to full strength, and quite pleased with our new people. They are eager and competent."

The Bureau opened its Gannett House doors to clients last Monday.

However, the Board of Student Advisers will not fill its ranks until October 14, when first-year Ames Competition begins. Until then, the Board's present staff, to which twelve new third-year members were added on the basis of grades, will carry on with Ames.

Twenty new 2Ls will be added via a somewhat "amorphous" admissions procedure. After interested applicants have applied (the due date was yesterday), a committee composed of two faculty members and Board Chairman Bruce E. Clark, 3L, will make selections on the basis of whatever criteria it considers relevant.

According to Dean Derek C. Bok, "Beyond an aptitude for legal research and working with students, the exact criteria for selection have not been settled on, and it is doubtful that any definitive formula is either possible or desirable."

"The method of selection can best be analogized to that employed in selecting teaching fellows, namely, an application procedure geared toward revealing as much about the applicant as possible," Bok added.

In clarifying this, Clark stated that past teaching experience may have some relevance, that no essays will be required, and that an interview for each applicant will most likely be held.

The role of grades in the selection procedure remains as yet unclear.

The image of the Board will also change, according to Clark. In addition to their accustomed role as advisers in the Ames Competition, members will now also teach the legal research class in Legal Methods sections as well as aid faculty members in developing and correcting written work.

"It is proposed," Clark said, "that 1Ls this year will write papers. If so, we will aid in their preparation and evaluation." Clark added that Professors Charles Nesson and Robert Keeton, among

(Continued on Page 10)

\$40,000

SAVINGS BANK LIFE INSURANCE

for an average net payment of

less than **\$100** a year*

Let us show you how much more life insurance you can buy here — any amounts, any type, at really low cost.

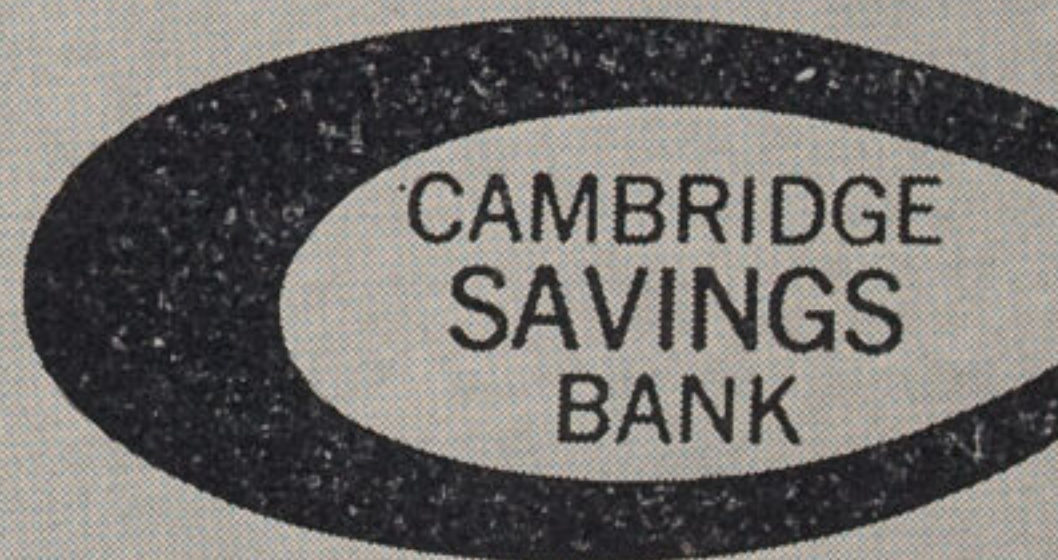
Ask for



Mr. Blodgett or Mr. Garabedian

Telephone — 864-8700 or drop in our first-floor office.

*5-Year Renewable Term Insurance, age 24, projected 20-year cost, 1969 dividend scale which cannot be guaranteed.



Right IN Harvard Square

Corner Dunster St. & Massachusetts Ave.

Open Monday-Friday — 8:30 AM to 3 PM

The Coming Year

As the new year begins at the Law School, some are still recovering from the events of last year. It was the year of student power, when many in the first year class demanded some sort of pass-fail grading system, when a study-in was held where professors, for a change, were questioned by students outside the classroom as closely as students are questioned by professors inside the classroom. Students demanded that the faculty open their meetings to the entire Law School community. Students demanded representation on Law School committees.

Some of these demands were met, although not without much soul-searching by faculty, administration, and even some students themselves. A pass-fail option was granted to last year's first year class. Faculty meetings at the end of last year were open to selected student representatives. Students now have ties with some of the faculty committees.

But we don't believe that the demand for change has ended, nor should it. Last year the demands were made, the discussion was often hurried and heated, and the solutions were decidedly temporary. The faculty measures passed last May are clearly no final solution to the complex problem of grades and grading. Faculty meetings are still closed to virtually all students. And students sitting with faculty committees may still get the impression that their situation is analogous to a South American country bargaining with the United States.

Besides there are many more demands which have to be made and, hopefully, will be made this year. What has the Law School really done, for example, to force law firms to hire minorities and women? Why does the push for consumer reform come from a former student at the Law School and current students at the Law School but not from the faculty and the administration? Why doesn't the Law School take stands on social and political issues?

The Harvard Law School has many times in the past been a very moribund place. In the last few years, however, students, through demands and interest in social questions, have forced the school to change and become somewhat more aware. The change, the concern, and the commitment of many at the Law School should continue and even grow this year.

We hope so.

HARVARD LAW RECORD

LAWRENCE GARTNER	Editor
MICHAEL LUREY	Managing Editor
JOHN YORK	News Editor
DAN CHILL	Photography Editor
RICHARD HOFFMAN	Senior Editor

Staff: Kevin Kane, Ronald Nussbaum, Joseph Rafalowicz,
Larry Pressler, Robert Patterson, Ronald Patterson,
Ronald Kadden, and Chris Walker.

Photographers: Julian Fowles, Howard Sweet, and David Walsh.

Secretary: Sylvia Sirignano.

Published Thursdays ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 868-7600, extension 4418. Subscription price: \$2.50 semester, \$5 year mailed; students, \$2.50 year distributed at the law school. Individual copies: 20 cents at the law school, 25 cents mailed. Second class postage paid at Boston, Mass.

Fenno

"How was your summer job, Fenno?" asked Bunky as he deftly dodged the construction debris.

"It was great," I answered. "First I spent two weeks memorizing the location of books in the library, then I organized the merger of a soft-drink company with a donut corporation, and finally I tried to get Ralph Nader to investigate the firm."

"Well Fenno," Bunky asked eagerly, "have you seen the changes they made in Harkness Commons?"

"I think the new paneling just makes the food all that more appetizing. And they still have those charming ladies dishing out the food," I said as I tried to figure out what it was they put on my plate. "Besides," I added, "now they give you seconds if you can manage to stagger back to the food line, except, of course, when they have filet mignon or lobster themidor."

"Bunky," I continued, "what I really like best this year is all the new faces."

"You mean in the first year class?" Bunky queried.

"No, I mean on the faculty. It used to be here that you could have the same professor that your father, and his father, and his father before him had. Now there's a new line-up almost every year."

"I know what you mean, Fenno. But it's gettin so that you can't tell the players without a score-card when they bring up so many from the minors for try-outs."

"Besides," Bunky added as he looked tenderly at the see-through blouse of a first year student, "with all the new faculty, it's getting harder and harder for us to find the gut courses. How do they expect us to get through law school if we have to work?"

"Bunky, I wonder what the first year class will do for an encore this year," I said, as I, too, gazed tenderly at that first year student. "In terms of social relevance and humanistic goals, pass-fail is hard to beat."

"Well, Fenno. I heard rumors that the first year class this year is going to do something really revolutionary — like demand to grade professors."

"Bunky," I said with great horror. "Why, putting a material judgment on a man's worth, that's terrible. It will hurt his pride, his sense of self."

"Don't worry, Fenno. I don't think the students will be that insensitive."

Letters to the Editor of The RECORD

Comment on Teaching Methods

To the Editor:

This comment is prompted by Chris Walker's relevant and valuable suggestions in the RECORD of April 24 for departing from the case method, or rather the casebook method as the British more accurately call it.

Law teaching has been changed a good deal already and ought to be changed more. But in making changes let's be sure to preserve the essential ingredient that makes the case method so successful. That ingredient does not, as Langdell and many law teachers have erroneously thought, consist of the (important) extent to which law is authoritatively expressed in the cases. Nor, as Pound erroneously thought, does it lie in skillfully analyzing the appellate opinions in the casebooks.

The big thing is that the classroom discussion jerks the student out of a receptive or spectator mood and sets his mind to struggling. With what? Concrete problems, not problems of the formulation of abstractions.

To the beginning student, as we know, this is often a disconcerting con-

trast with the lecture and textbook method under which he had got A's in liberal arts college merely by grasping a complicated concept and describing it in his notebooks and examinations. If the beginner is not exhilarated by the change to concrete problems he had better engage in some other occupation than the law.

A skillful law teacher does not need to use a casebook in order to keep the student struggling. The teacher needs cases all right, or parts of them, or hypothetical situations and varying facts to present his problems. Each change of the facts, however small, creates a new case.

I was once present while Dean Griswold was lecturing to his students on tax law. He was hurrying along without questioning particular students; his questions were rhetorical. He sharply focused on a succession of concrete problems as he made numerous variations of the facts. The mind of each student was kept struggling with each problem.

Solving problems is the basic thing that lawyers do. It underlies the important particular skills and abilities that Mr. Walker mentions. To apply in the classroom intense mental effort

(Continued on Page 11)



What are these first year students coming to?

Law Notes

A new edition of *The New Draft Law*, a guide to the Selective Service System published by the National Lawyers Guild, has just been released. New features have been included, and there has been major revision of some of the material. The book is available for \$10 for lawyers, \$6.18 for students from Box 673, Berkeley, California 94102.

* * *

Professor David L. Shapiro, reporter for the ABA Advisory Committee on Fair Trial and Free Press, has published an article on that committee's recommendations in the May, 1969 issue of the *Oklahoma Law Review*. That entire issue deals with the fair trial — free press controversy.

* * *

A group of students at the George Washington University Law School formed a corporation to fight air pollution and has filed a complaint against the D.C. Transit System, Inc., charging legal violations which contribute to air pollution. The corporation evolved out of an administrative law assignment in which the students were asked to assume that they were counsels for a local citizens' organization fighting air pollution by buses. The students then decided to put their work into action.

* * *

Professor Paul Freund has received the 1969 Scribes Book Award for his work, *On Law and Justice*. The award is presented annually to the author of a book which, during the preceding year, best conveys to the lay reader the spirit and meaning of the legal profession.

Scribes is a national organization of writers on legal subjects whose principal object is to create an interest in writing about the law. *On Law and Justice*, concerned with the Constitution and the Supreme Court, is published by the Belkap Press.

* * *

Readers of the RECORD found Chief Justice Berger's inaugural address to the American Bar Association familiar terrain. The Chief Justice stressed the growing need for increased clinical work in legal education, a reform urged in these pages last spring by Chris Walker '69.

(Continued on Page 15)

Law books

Try US.

It's logical. You'll save time and steps if you go to the most convenient source for law books in Cambridge: The Coop bookstore, 3rd floor.

For Harvard law students, we have all the essential case-books, course books and supplements.

For the permanent use of the serious law student, we have law reference books, textbooks (Hornbooks) and American Law Institute (ALI) pamphlets.

For extra help, we have law study aids including: Smith Law Reviews, Burby Law Reviews, Bar Notes, Coif Notes, Gilbert and Cambridge Reviews. Bring your list. Our advice is free.



HARVARD SQUARE

Open Thurs. 'til 9.

Two Honoraries Change

(Continued from Page 7)

others, are already utilizing Board members in their classes.

Board members will still receive appointments to the faculty of Harvard University and receive a stipend of \$700. "Based on our maximum work-week — twenty hours — this comes to about fifty cents an hour," Clark explained.

A concerted attempt is being made to cut down the former overlap between legal methods instruction and help given to Ames participants by the Board. A glaring past example was the recurring library-exploration-and-acquaintance trip continually required of 1Ls. In addition, each Ames participant will have free time from Legal Methods when his Ames competition occurs.

Other Board reforms are aimed toward strengthening the Ames clubs. "Organizationally many of the clubs are weak. And we have eliminated the recruiting smokers, which lent too much of a fraternity-rushing atmosphere to Ames," Clark said.

Now, unless a club has submitted a list of new members by August 15, 1Ls are randomly assigned to the clubs. "At least one club, Marshall, took advantage of the August 15 option to select its own members, but most did not," Clark added.

The change in the Board's functions occurred because "students said that they wanted increased evaluation," Clark said. "It is agreed that students can talk to students in an evaluative, non-competitive atmosphere. The idea of students helping students is not new — and it eliminates the need of going outside the Law School for people to do this."

Law Fellows Chosen

The Law School has appointed six college teachers as Fellows in Law for 1969-70, according to Professor Harold J. Berman, chairman of the Harvard Law School Committee on Liberal Arts Fellowships in Law.

The six are: Jerold S. Auerbach, assistant professor of history at Brandeis University; Wallace S. Johnson, Jr., assistant professor of oriental languages and Literatures at the University of Kansas; Stanley N. Katz, associate professor of history at the University of Wisconsin; Klaus-Friedrich Koch, lecturer on social anthropology at Harvard University; Edward L. Long, professor of religion at Oberlin College; and Henry P. Lundsgaarde, assistant professor of anthropology at the University of California at Santa Barbara.

(Continued on Page 15)

Letters to the Editor of The RECORD

(Continued from Page 9)

to well-selected business, governmental or psychological problems is learning by doing the very thing that a lawyer does in practice — weighing, balancing, dreaming up novel approaches and making up his mind. Though the law student is not in an office with a client, a telephone and a secretary, he is actually doing in the classroom what the medical student does in the ward. It may not look practical but it is. If this were not so, newly-graduated students would not so regularly astonish clients with the high quality of their work.

Let's be careful to improve our instruction without losing the core of what has been so good.

Walter T. Fisher '17

Grad Comments On Curriculum

To the Editor:

As a lawyer who happened to be pursuing graduate studies at Harvard

during last spring's disturbances, I was surprised by the apparent indifference with which the current crop of campus activists regard the law and business schools. I would have expected them to take a lively interest in what goes on in both places.

Perhaps, though, their present indifference is a blessing. It gives us time to explore for ourselves the problems of business, business oriented law firms, and the schools that serve each — before these problems become intolerably urgent.

There is a well known saying to the effect that the law, in its majestic equality, forbids rich and poor alike to steal bread and sleep under bridges. The first corollary of this proposition is that the services of our bigger and better law firms are available on an absolutely equal basis to any and all who can pay for them.

The unsurprising results are that the principal clients of these firms are prosperous corporations; that the firms

themselves become identified with the interests of these clients; and that within the larger social framework the interests that can pay for these services tend to be grossly over-represented at the expense of those that cannot.

This is perfectly clear in a long line of contemporary American "horror cases" ranging from the 1965 fight over regulation of cigarette advertising, to the chemical companies' determined efforts to fend off legal limits on the use of pesticides that kill people and wildlife as well as bugs.

A further consequence is that law and business school curriculums tend to be weighted toward those skills which have a ready market in the "real world." Thus an already distorted system is distorted further. As ex-Senator Paul H. Douglas of Illinois put the matter in an article about the frustrations of trying to reform the Internal Revenue Code:

"The large hearing room of the Finance Committee seats a hundred and fifty persons. When we considered a tax bill, the room was

(Continued on Page 13)

Every RECORD Reader Needs the JOURNAL Too

Harvard Journal on Legislation

A quarterly review of topical developments in all areas subject to current or proposed legislative control. Commentary on recently enacted legislation, judicial and administrative interpretation, significant statutory proposals, and model draft statutes, with a view toward their impact on both public and private clients.

Mail to: Harvard Journal on Legislation
Langdell Hall, Harvard Law School
Cambridge, Massachusetts 02138

Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Bill me (\$6.00, 4 issues per year):

Check Enclosed:

Harkness Dining Hall Changes

By Kevin Kane

Most students are aware by now that Harkness Commons has been taken over by Marriott Corp. and that significant changes have been made in meal plans, pricing, and physical plant. In a RECORD interview with Manager David L. Laughlin, student criticism was discussed and some explanation for the changes was offered.

Several complaints have been made concerning the prices of certain items on the menu—principally Swiss steaks, corned beef sandwiches, and pork chops. Laughlin explained that Marriott Corp. priced all items in August on the basis of current costs. The price of meat, for example, has risen an average of 30% and the Massachusetts Old Age Tax on food has gone from 6¢ to 7¢ on the dollar. Also, pork chops at \$1.10 contains 5 ounces of meat and corn beef sandwiches at \$1.15 contain 3 ounces. Laughlin stated that these amounts of meat-per-serving can be reduced and the price consequently lowered.

Laughlin stated that Marriott prices have been checked against the prior year's prices and they are higher on some items but significantly lower ("as much as 20¢ to 30¢ lower") on other items. Also, the lunch and dinner menus always contain one low cost entry, two medium entries, and one expensive entry. In fact, in some cases, the Marriott "a la carte" system results in a lower total price than the previous "entire meal" system. Laughlin cited as an example the spaghetti dinner with two vegetables offered last year. The same items, combined at the present individual prices, cost less.

Meal plans and ticket books have also been changed. The 21-meal weekly plan requires the student to "sign on" for an entire semester, while last year's commitment could be terminated every 30 days. Laughlin explained

that the records indicate that students were signing off and on several times during the year. "I recall the records for one student who signed off and on 14 times last year."

Each such change must be routed through the offices of Harkness Commons, the Harvard Food Service, the Comptroller, and the Bursar. The bookkeeping costs are thus quite high and the operating expenses paid by Harvard are substantially increased. Laughlin pointed out that Harkness Commons recorded a loss of \$78,000 last year.

The same financial reasons apparently have caused the changes in ticket books and in breakfast hours. Ticket books must now be consumed within 30 days. Laughlin admitted that this will cause the occasional purchaser of tickets to buy more books but he justifies the time limit on the basis of the 15% discount gained in using tickets. "We give you 15%

off and we expect you to use it within 30 days."

Serving breakfast only until 9 a.m. (with a continental breakfast until 10:30 a.m.) has caused inconvenience to many students but Laughlin indicates that this cuts labor costs by freeing "line" employees for other work in preparing meals. Under the old system, employees were left standing around with little to do but serve the occasional late-comers and further help was required for other jobs. Laughlin mentioned, however, that changes in at least weekend breakfast hours are being considered.

Changes in the snack bar are also being planned. A system of personalized beer mugs, purchased by a student and bearing his name, will be kept on a pegboard behind the snack bar and students can drink 16 ounces of beer for 40¢ in their own mug. The student would then keep the mug at the end of the year.

Tired of the Law?

Take a break from casebooks, hornbooks, and reporters. Come up and write a story for the Record. Or review books. Or take photos. Or just give intellectual inspiration. We'd like to have you. Then maybe you'll be able to face the books again.

There will be a Record staff meeting, gathering for new members, and plain old fashioned smoker today at 4 p.m. in our offices, third floor of 23 Everett Street.

Take a chance and come.

Letters to the Editor of the RECORD

(Continued from Page 11)

filled with prosperous lawyers, graduates of great universities and of the top ranking law schools, whom Assistant Secretary of the Treasury Stanley Surrey once referred to in a burst of admiration as the "best minds in the country," all working to hold what they and their clients had and to enlarge it.

"One major trouble with our tax system is, therefore, precisely this: that these "best minds" in the country have largely worked to make it what it is. Not more than one out of every hundred citizens actively working on a tax bill is trying to represent the general interest. And in the halls outside the hearing rooms the lobbyists are as thick as flies, while the publicity men and noisemakers are busily at work in Washington and elsewhere. In the halls of academe, erudite professors train their students in the intricacies of the tax code so that their students may succeed in the private practice of law by helping wealthy clients avoid taxes and thus beat the government of the people.

"All this raises the question whether this is a fundamental weakness of our democratic system. . . . Douglas, "The Problem of Tax Loopholes (Or: My Eighteen Years in a Quandary)," 37 *American Scholar* 21, 40 (1968).

If tax reform were our only problem there might not be much cause for worry. But this is precisely how our system works in most other areas as well—and some question seems to be arising whether we can survive this sort of operation. For better or worse, the world has clearly entered a period of exceptional stress, marked by varying degrees of social disintegration; massive population growth; unprecedented environmental pollution; and an arms race in which—according to the expert opinion reported by Prof. George Wald—we have perhaps a 50-50 chance of making it to the end of the century without an all-out nuclear war.

In the light of these problems, according to Prof. Richard A. Falk of Princeton, human extinction is a serious possibility unless parochial planning and decision making can be made to conform more accurately to the general interest. Similarly, in hearings recently conducted by Sen. Muskie, Prof. Barry Commoner of

Washington University in St. Louis testified that "our present system of technology is not only consuming [our natural resource] capital, but threatening—probably within the next 50 years—to destroy it irreparably." The problems are so great, according to Dr. Commoner and to W. H. Ferry of the Center for the Study of Democratic Institutions at Santa Barbara, that their solution will require not just new laws, but a new constitutional base.

If this is the situation, then surely the time has come for the law and business schools to begin exploring, in a systematic way, the social and economic impact of the large corporations and law firms that absorb so many of their graduates. I propose that this be done through a required first year course in each school.

Atkins Campaign

Volunteers for Tom Atkins are appealing to the Harvard Law School community to help their candidate. Atkins, a member of the Boston City Council, is seeking nomination for reelection in the September 23 Primary.

Atkins, a 1969 graduate of the Law School, won his first bid in 1967 as an underdog with the help of Law School professors, who mapped his strategy, and hundreds of law students and Boston residents. To volunteer, one can call 436-4325.

Last year, in a fine contribution to the language, Sen. Eugene McCarthy warned us of "the football coach mentality—smart enough to understand the game, dumb enough to think it's

(Continued on Page 15)

Free Money

Presidential Coin Set, 1964 (uncirculated), when you open a \$300 Savings Account (or add \$300 to your present account.)

Kennedy Silver Half-Dollar, 1964, when you open a \$100 Savings Account (or add \$100 to your present account.)

Notice Account, 5½%; Regular, 5%; Daily Interest 4¾% — annual anticipated rates for next dividend.

Only one set per account — while supply lasts.



Cambridge Savings Bank
Right IN Harvard Square
Cambridge, Massachusetts

Member: FDIC & DIFM

Visiting Prof Resists 'Typical Mold'

By John York

Roderick M. Hills is a Visiting Professor of Law here this semester because his Los Angeles law firm makes each partner take a sabbatical once every seven years.

That was one of the founding concepts Hills and his co-partners embodied in Munger, Tolles, Hills & Rickershauser when they established it in 1959.

"I can assume that I have resisted the typical mold of a lawyer," the thirty-eight year old labor expert began. "The next question becomes 'how to do it'."

His own career provides one answer. It began with an A.B. (1952) and an LL.B. (1955) from Stanford University. During his third year at law school he was Comment Editor of the Stanford Law Review. For the next two years he was law clerk to Mr. Justice Stanley F. Reed of the United States Supreme Court, followed by a two-year stint with the Los Angeles firm of Musick, Peeler & Garrett.

Since its founding in 1959 his own firm has grown to 21 lawyers. It has been during this time that much of Hills' philosophy of the lawyer and law firm has evolved. "There are many partners in major law firms around the country who measure their real contributions in other fields," he said, citing as examples Cyrus Vance or members of the Washington, D.C., firm of Covington & Burling.

Compulsory Sabbatical Every Seven Years

"Practicing law gives time for outside political and social affairs, whereas one wouldn't have time for this in government work," Hills stated. His own activities include work on the California

Rural Legal Association, the Watts Labor Action Committee, and the Research Committee of the American Bar Foundation.

Hills also participates in "liberal Republican causes" in California. "We lose most of them," he added. In 1968 Hills managed the G.O.P. Senatorial primary campaign for 16-year Senate veteran Thomas Kuchel in that state.

With his extensive legal and practical experience in all phases of labor relations, it is not surprising that in his third-year Collective Bargaining course this year Hills is stressing effectiveness and ethics as touchstones for a lawyer in a labor dispute. He thinks that too much labor law is preoccupied with the intricacies of the National Labor Relations Board rather than with getting a dispute settled. As a Lecturer at the Stanford Law School for the past ten years, Hills has conducted a Collective Bargaining Seminar.

Regarding the quality of life and the level of compensation in law firms, Hills feels that the former is often ignored while the latter gets too much attention.

"My observation," he said, "is that a good lawyer in a major city is going to be able to get \$50-\$100 an hour for his time. Producing about 100 billable hours or so per month, a man in his early thirties can be making around \$100,000 annual gross income. This is good even after \$25,000 is deducted for overhead; and it doesn't count the profit made off the younger associates. The point is," Hills concluded, "that you can make a hell of a lot of money as a lawyer and still have a very substantial amount of time left over — there is no need to work more for more money."

According to Hills, law firms are no longer going to get acceptable young men unless they create a climate allowing members to develop outside the narrow confines of the firm. "First of all,"

he maintained, "firms are going to have to permit activist affairs. After the first year, associates must be allowed to engage in poverty work, civil rights projects, and political activities."

Need for Social Conscience

"Secondly, firms must hold open a real hope that a young man can maintain his position as a lawyer, yet leave at intervals to engage in something else during his lifetime," he said. "And a firm must be organized to permit the loss of a senior partner, yet be able to take him back into responsibility and decision making upon his return."

"With my firm's program of sabbaticals, if everyone knows that he will be leaving at some point, there is tremendous pressure to get the young men presentable to clients," Hills stated. "And the young men know that there will come a time when they will have to take over new clients by themselves — so they prepare."

Thirdly, Hills maintains that firms must develop into institutions of greater social responsibility. "Lawyers need to bring a real social conscience to both legal and extracurricular activities," he said, adding that moral as well as professional ethics are demanded.

"A firm that does all of this will, all things being equal, make less money. This may be a major adjustment for some firms," Hills reflected, "but there should be enough resilience in the major cities to absorb such a shake-up. Already a number of large, good law firms are evolving in this direction."

(Continued on Page 15)

Letters to the Editor of the RECORD

(Continued from Page 13)

important." But while this is assuredly a sad condition, it's relatively harmless; the real menace is the man who's smart enough to understand the game and dumb enough to think that some "invisible hand" absolves him of responsibility for the outcome.

In the present precarious state of human society, then, I think that the law and business schools may have to take far stronger measures than they have to date to ensure that their students are aware of the larger social and environmental framework within which law and business operate — and to ensure that they've learned something more than what Robert Frost called "improved means to an unimproved end."

John F. Hellegers
(Gowen Fellow, 1968-69)

Hutchins Supports New Course

To the Editor:

John Hellegers gave me a copy of his excellent letter, proposing that Harvard Law School "institute a course on the social and economic role of the large Wall Street and Washington law firms that absorb so many of the school's graduates."

Such a course has long been needed. If instituted, it might help to develop the professional conscience that might prod more lawyers to devote much more time and thought to the fundamental reforms needed in our affluent, materialistic society.

Robert M. Hutchins
Center for the Study of
Democratic Institutions

Law Notes

(Continued from Page 9)

After residents choose new Dorm Council representatives, the reps should start asking some questions of the entrenched officers, who were on the council last year. For instance, where was the council when Coke prices rose to 15 cents while the size of the bottle shrank? And why was Gordon Linen allowed to continue to serve dorm residents in the same unsatisfactory way it did last year? Last year, the council promised that service would be upgraded or a new concern hired. It's about time, too, that paper towels were provided in dorm bathrooms. Dean Bruce reportedly believes that paper towels will prove messy. Dean Bruce doesn't have to walk around with his hands dripping.

'Resisted Typical Mold,' Visiting Prof Comments

(Continued from Page 14)

Yet Hills concedes that lawyers like to stick "to the way it has always been done." Concerning his unorthodox sabbaticals, people tell him: "God, you're brave, but while you're gone someone will get all of your clients!"

Hills laughed. "But nothing would thrill me more than to go back and find my clients gone. It would be a challenge to build my practice back up, to see if I was still competent."

To the beginning lawyer he advises that the sooner one finds his own niche and expertise, the better off he will be. "First make yourself a good lawyer," Hills cautions. "You can't take a sabbatical after three months in the firm." He feels that one must work harder in becoming a law-

yer than he will after he becomes a lawyer.

Hills sees law firms recruiting more and more people lower down in class rank because the firms just cannot do any better. But he sees another problem inherent in the abandonment by firms of the "law-review only" standard. "If law schools no longer have the capacity to provide unique training experiences such as law review work for all talented entrants, then law schools are no longer providing equal opportunity for equal talent and law firms must realize that there is much more talent than just that on a school's law review."

Based on Law School Aptitude Test scores, Hills feels that 250 Harvard Law students could be

the number one man at Stanford Law.

Law school faculties, like law firms, must understand that they cannot dominate the lives of their members. "Student push rather than faculty pull have led to reforms creating more experiences in law school which measure a person's capacity to perform on the outside," Hills remarked. "There are more touchstones now, but not enough."

He feels that because of the size of the student body here, the recent decision by the Harvard Law Review to admit some members on criteria other than class rank is "a right step, but insignificant. In a school like Stanford, with a smaller student body, the reform would have been meaningful," he said.

Six New Fellows in Law Chosen for This Year

(Continued from Page 10)

The Program of Liberal Arts Fellowships in Law is designed to introduce scholars to the concepts and techniques of law, so that they will be able to bring legal insights, materials, and methods of analysis into their own research and teaching in their respective disciplines. It is now in its tenth year.

From 1966 to 1969, the Law School financed the Program. Previously, the fellowships were granted

from funds given for that purpose by the Carnegie Corporation of New York. Starting this year, fellowships carry no stipend but are available to a limited number of scholars who are able to acquire funds from other sources.

The fellows attend regular law school classes, and also participate in a special seminar established for them. Professor Berman and Professor Arthur E. Sutherland constitute the Committee in charge of the Program.

SAVENOR'S LIQUOR MART

The Cheese and Cracker Shop

100 Kirkland Street

Phone 547-7300

Arnold's VODKA distilled from 100% grain neutral spirits, 80 proof	\$7.99 half gal.	Chateau Raugin Gassies 1962 Margaux, 2nd Grand Cru Classé	fifths \$3.39
Bonnie Prince Charlie GIN distilled from 100% grain neutral spirits, 80 proof	\$7.99 half gal.	Chateau Simard 1962 St. Emillion	\$2.99
Bud, Schlitz, Miller 24 12oz. flip top cans	\$4.69	Chateau Latour Premier Grand Cru Classé	\$3.99
Shaefer or Knickerbocker 24 16oz. returnable bottles	\$3.99 plus 73¢ deposit	Latour Beaujolais 1967	\$1.39
Vino Del Rey Spanish Wicker Gals.	\$3.29 gal.	Cotes du Rhone	\$1.29
		Chateau Le Bourdieu 1959 Hunt Medir Chateau Bottled	\$2.99
		Chateau Franc Nayera 1959 St. Emillon Chateau Bottled	\$2.99

Keg beer available at all times

**EXETER
STREET
THEATRE**

Exeter and
Newberry Sts.
Boston

STOLEN KISSES

a film by

Francois Truffaut

Shows at 1:30 3:00
4:35 6:15 7:50 9:30

KE 6-7067

OPENING SOON

Our new wine room

Featuring the greatest
selection of wine and
cheese under one roof.

SAVENOR'S

Prof. Cavers

David F. Cavers, who retired as Fessenden Professor of Law, will continue at the Law School to launch the Council on Law-Related Studies. The Council will bring social scientists and legal scholars together in the study of social problems with legal aspects.

The new Council grows out of the interest of the Walter E. Meyer Research Institute in identifying problems of law which concern the common man, under the Institute's broad aim to "throw light on matters which will be of aid in securing to humanity a greater degree of justice." Professor Cavers has been President of the Walter E. Meyer Research Institute since 1958.

In recognition of his contributions on the Conflict of Laws, Professor Cavers has also been invited to give the General Course on Private International Law at the Hague Academy in July, 1970.

ENTERED AS SECOND CLASS POSTAGE, BOSTON, MASSACHUSETTS.

RETURN ADDRESS:

HARVARD LAW RECORD
MAIL DEPARTMENT, LANGDELL HALL
HARVARD LAW SCHOOL
CAMBRIDGE, MASSACHUSETTS 02138