

HARVARD LAW RECORD

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TWENTY CENTS

Nader Urges Student Investigations

By Lawrence Gartner

Ralph Nader, after his second summer of directing student investigations into governmental agencies and the corporate structure, told Harvard students in Sanders Theater September 23 how important they could be in such future investigations.

Because students are less a part of the system, on the frontiers of knowledge, capable of taking bigger risks, and represent a vast potential of manpower, Nader told the large audience in Sanders, they can succeed in finding out how the American economic system really works since universities and professional groups have failed to do so.

And, just as important, the students can then inform the general public, who, Nader believes, is the key to any successful reform.

Nader, who began his reputation as the nation's "consumer crusader" with an investigation into auto safety and then branched out into other areas

of consumer protection, directed close to a hundred students in various investigations this summer in Washington. The summer before that, eight law students, under his direction, made an extensive investigation into the Federal Trade Commission. Their highly critical findings were substantiated by a recent report of an American Bar Association committee which also studied that commission.

Cover-Up?

Asked if the ABA report was a "cover-up," Nader replied, "If this is a cover-up, it's a pretty good one. They used some pretty strong language." The myth of the FTC has been exploded, he continued. What is now needed are advocates of the public interest who will fight corporate dominance in hearings before the Commission.

Nader suggested that one thing law students could do would be
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Mike Lurey

Crusader Ralph Nader: "Law firms will no longer determine the priorities of legal education."

Law Co-eds Face Tough Job Market

By Michelle Scott

Boston may be a great place to go to school, but, according to 3L women students, it is almost impossible to work here. And their experience seeking jobs for last summer suggests that New York and Washington, D.C. are the only locations where the opportunities for women lawyers are significantly better.

No one went jobless, but most girls reported difficulties which they were sure their male classmates did not encounter. While only a very few interviewers openly admitted hesitancy about hiring women, many girls noted a discriminatory attitude.

Mrs. Sandra Bishop observed, "Some of the questions I was asked indicated a lack of faith of women in the law." Mrs. Bishop eventually found a "very good

job" with a small Boston firm. But like several other local job seekers, she went through many discouraging interviews.

Another Boston-based student said, "I'm sure Boston is the worst place in the country." Although she insisted that employers were not deliberate and malicious in refusing to hire women, their subconscious prejudices were nevertheless senseless and depressing. "Nothing happened you could point your finger at, but you felt it," she said. "From their lack of interest and the perfunctory interview, you could sense the foregone conclusion."

Difficulty Reported

Several girls reported difficulty finding positions in the Midwest, South and on the West Coast.

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Bok Establishes Study Groups To Evaluate Current Curriculum

Dean Derek C. Bok has established seven student-faculty groups to evaluate the curriculum in the second and third years at the Law School. Faculty members have already been selected, and student members will be chosen in the near future.

The fields to be studied and the professors already chosen for them are as follows:

- Constitutional Law — Civil Liberties (Professors Countryman, Dershowitz, and Kaufman).

- Corporations — Taxation (Professors Vagts, Andrews, and Herwitz).

- Economic Regulation — Administrative Law (Professors Turner, Areeda, and Hills).

- International Legal Studies (Professors Katz, Heymann, and Steiner).

- Legal Skills and Clinical Programs (Professors Sander, Ferren, and Stone).

- Trusts — Estate Planning — Commercial Law (Professors Braucher, Casner, and Trautman).

- Urban Legal Studies (Professors Haar, Nesson, and Yarmolinsky).

Second and third year students who are interested in being on one of these groups should sign up with the Law School receptionist before 5 p.m. today.

Some of the following issues will probably be studied in these

groups:

- Are the casebook and socratic methods appropriate for all courses in the second and third year?

- Should problems be used for some courses and directed reading and research for others?

- Do courses in some fields give students the most important issues in the field or the skills most needed for practice?

- How can preparation of students for practice be best combined with examining the law as an intellectual activity?

- Is the current length of legal study too long?

The administration hopes that the groups can prepare preliminary reports by February and that the Committee on Legal Education will consider the reports shortly thereafter.

Grads Study Clinical-Legal Education

By Oliver Henry

Five graduate fellows are in residence at the Law School as part of a new program to explore the possibilities of clinical — legal education in the curriculum.

According to John Ferren, director of the Legal Services Program, "The new Graduate Program in Clinical — Legal Education represents an exploratory attempt to study how different kinds of field involvement can be integrated into the Law School program."

Four of the new fellows coordinate projects in Urban Problems while the fifth works closely with the Community Legal Assistance Office Clinical — Legal Education represents an exploratory (CLAO). Ferren further pointed out that "the new projects provide more opportunities for students to do field work for credit."

Candidate for LL.M.

The graduate fellows, all practicing lawyers with experience in community service legal problems, are candidates for the LL.M. degree. They were selected partially on the basis of their concern with bringing clinical work more fully into legal education. And most of the fellows will enter law teaching after completion of their year at the Law School.

Lucy Forrester, who received her law degree in 1966 from Emory, served as Director of the Law

Reform Unit with the Emory Community Legal Services Program. At the Law School, she coordinates a project entitled, "Field Survey of Discrimination in the Distribution of Municipal Services."

The Boston Legal Assistance Project and the NAACP Legal Defense and Education Fund, Inc., cooperate in this project which focuses on "the substantive issue" of discrimination in the allocation of essential municipal services — public education, health facilities and personnel, police and fire protection, street lighting and repairing, garbage collection, and recreational facilities.

"Minority Economic Development," a project coordinated by Otto Hetzel, concerns the financial and technical resources available for minority economic development as well as the distinctions among community development, community organization, and minority business development.

Graduate of Yale

Hetzel, a 1960 graduate of Yale Law School, who formerly served as General Counsel for Model Cities in the U. S. Department of Housing and Urban Development, supervises the work of approximately fifteen students involved in such public and private organizations as the Small Business Administration, the Model Cities Program, and the Small Business Development Center and Freedom Industries.

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Almost 200 1Ls Debate Various Reforms

By Bob Hernandez

Sparks flew as almost 200 1Ls packed into Harkness Lounge on September 23 to argue the merits of a mandatory pass-fail system. Discussion also centered on the question of whether grading reform should take priority over other Law School reforms.

The meeting was organized by an ad hoc steering committee composed of Andrew Schepard, Alan Steier, Peter Aranella, Joseph G. Block, and Edward Benedict, all 1Ls. Emphasizing that their role was entirely transitory and that they were not assuming positions of leadership, they invited all interested students to join in a larger committee to discuss grade reforms and ensure that ideas on grading and general reform of the Law School are expressed and implemented.

Steier stated that the group should remain apolitical and free from conservative or liberal labels.

"This is not a radical movement, with visions of building take-overs," he said. But success, he insisted, "depends on the class. Eighty to ninety per cent have to support pass-fail if we're going to get anywhere. We need a broad base of support and consent."

It was soon apparent, however, that there was less than 90 per cent support from the audience, as several students questioned the wisdom of departing from the present system, which includes an optional pass-fail method.

Aranella replied that "there is no pass-fail sys-

tem now. That's why only 35 per cent chose it last year." He said that before the optional plan was implemented, 80 per cent of the first year class had signed petitions in support of pass-fail. Thus, he argued, 45 per cent of the class refused pass-fail because it was optional.

So long as some students choose to be graded, he continued, there is a stigma imposed on those who choose pass-fail, since interviewers might assume that they have less ability. This encourages a "mindless competition" among the students, rather than a more desirable community atmosphere.

Several members of the audience, however, disagreed that pass-fail is the most important issue. One student said, "the problem here isn't grading; it's the exam system. That's where we need some agitation." Another argued that "feedback is at least as important as this thing about 'mindless competition.'"

To this Aranella replied, "This isn't just for pass-fail. Implicit is improvement of the system. All competition won't be destroyed, just the mindless competition. Pass-fail would force them (the professors) to spend more time on us."

Thereafter, the debate centered on whether or not pass-fail is itself a desirable end. Justin Simon, 1L, argued in favor of pass-fail on humanistic grounds.

"We aren't going to learn on the basis of intimidation by grades, just by self-fulfillment. Society

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Yale's Calabresi Assumes Post

By Ronald Nussbaum

After ten years of teaching law at Yale Law School, Professor Guido Calabresi has come to Harvard. For a year, that is.

Prof. Calabresi was born in Milan, Italy. He came here with his family about thirty years ago "because we didn't get along well with the Fascists." Since arriving in the U.S. he has lived almost constantly in what he refers to as "the Pearl of the Adriatic" — New Haven, Conn.

His father was a professor of medicine in cardiology at Yale, and Calabresi attended Yale College, majoring in analytical economics. Afterwards, he went to Oxford on a Rhodes Scholarship and did some work in economics, politics and philosophy. He returned to the Yale campus to go to law school, graduating in 1958 "with all the usual types of honors . . . top of the class, note editor; the type of prizes that all too often one who becomes a professor has. The record looks just like the one that is almost a caricature."

Returned to Yale

After clerking for Justice Black, Prof. Calabresi immediately returned to Yale Law School, but as a member of the faculty. His only experience in practice had been one summer working for a firm, which he says he enjoyed, "but I made the mistake, or something, of teaching economics in Yale College my first year in law school, and I liked it too much. There was nothing else I ever wanted to do." Though some people tell him teaching is getting more difficult nowadays than it was in the past, Calabresi finds it as exciting and challenging and different from day to day now as he did when he began.

To this day Prof. Calabresi does not practice law or give consultations. "I spend a good deal of my time on community organizations in New Haven. I was on the board of the community house in that local ghetto that was the starting organization for the local black coalition, which was a coalition of all black organizations in town. I helped get the money for setting it up. That's fairly typical of the kind of things I do."

Besides these activities — and writing books and articles — Prof. Calabresi spends his spare time playing bridge and looking after the small farm that he and his family live on near New Haven. "It's so little of a farm that it's not even a tax loss. But we do have our own animals."

Prof. and Mrs. Calabresi have three children: two girls and one boy, ages seven, five, and two. To the entire family living here in the center of Cambridge is "as much of a change as one can have. . . . It's also the fact that as a city, Cambridge offers a little bit more than the 'Pearl of the Adriatic.'"



Dan Chill

In the ten years that he has been teaching, Calabresi has become one of the recognized experts in torts law, specifically in the relation between law and economics. He also teaches estate and gift tax planning, "which may not look it, but has a lot of problems which have to do with that relation. And besides, it's a course in the absurd: a modern day future interest — which makes it kind of fun to teach."

One of the courses he taught in his first year at Yale Law School was a seminar in torts. Each first year student at Yale has one of his first term courses in such a seminar, which generally has about 15 or 16 students in it. One incident that happened that year "showed me more than anything else could the value of having a setup of that kind."

"In those seminars you do your first year research and major writing. One student wrote a paper that was considered by my research assistant, who read them all as did I, as the worst paper in the class. And when I read it, I could see perfectly well why he thought so, because in one sense, it really was: it had no beginning, no end, no organization. And in a way it was also the best paper in the class: it had more originality than anything else. The research assistant, aiming at a kind of 'B' level, looked at it and said it was awful. I saw more in it. It showed there was really a guy worth working with."

"By the end of the term, he had worked hard enough to earn a top grade perfectly honestly, which he would not have done if he hadn't done something of that sort, if he hadn't in a sense been 'found.' If time hadn't been spent with him, he probably would have gone through his first year

As Visiting Professor of Torts

really not knowing what was likely to be wrong, getting lousy grades on his exams, and Al Dershowitz would have disappeared in a way so many seniors disappear. Instead he got on Law Journal and that gave him more writing experience. I think it's a pretty good save."

Likes Small Groups

While Prof. Calabresi is not one who thinks students should place too much hope in "curricular reform" — "I don't mean it's unimportant, but usually you can rearrange things, give new names or courses; but you're not likely to get much change — yet that is one change I would like to see: having really small groups in the first year. You have a feeling that you can find out the particular weaknesses in a small group, which you can't do in a large group. And you really can't do much later; in the second or third year, it's too late for everybody."

His keen awareness of the problems facing the universities today was one of the reasons Prof. Calabresi decided to spend a year at Harvard as a visiting professor.

"I thought that at a time when there is so much going on in terms of university and law school reform, that it would be very useful to be in a university that had many of the same problems as Yale, but where I had no specific emotional ties either to the place or to the people. I like people here, I know them, but the kind of ties you have to colleagues whom you work with is different. I want to be able to make up my own mind on some of these things and then feed in the effect it might have on friend A or B, because human elements like that are awfully important. I want to know first what my own mind would be apart from the reactions of people I know. So here I've got that distance while still being faced by the same problems. And I think that's going to happen because I think the problems are very similar."

He is also hoping to avoid the "provincialism" that can result from living in a place like New Haven for too long without seeing anyplace else.

Too Early for Comparison

It is too early for Prof. Calabresi to make any comparisons between Yale and Harvard Law Schools. He thinks that Yale is a great law school "in whatever sense one can decide about a law school." The quality of the faculty is matched only by Harvard's. On that point it is harder to distinguish between the two schools. But there is no other law school in the country that compares with these two, according to Calabresi.

As far as the students are concerned, Yale's student body "is every bit as good as it looks on paper." After just a few weeks here, Prof. Calabresi feels he does not know enough about the student body at Harvard, though he is sure that "at the top, it's every bit as good as Yale's."

"Whether it is as good further down is going to be one of the interesting things I hope to find out during the year. It will tell me a lot about our admission process at Yale: have we gotten to the point where we can't determine any more who is good and who isn't? If that's so, then Harvard, with a larger student body, will be as good all the way down."

As to the comparative sizes of the two schools, Prof. Calabresi pointed out that he has the feeling that here he has to talk to three or four people to get something done, instead of one. He feels very strongly that forty students for a "small" first year class is too many.

"I keep asking myself if a Dershowitz were there, would I find him." He doesn't know exactly how many students are in his first year torts class, "but it's in LNM, so it looks like the whole world."

At Yale Law School there has been some movement towards grade reform over the past few years, as there has been at Harvard. Students there have four required courses in the first term of their first year: torts, constitutional law, contracts, and procedure. But they are graded on a simple pass-fail basis.

Prof. Calabresi asserts that the Yale faculty felt that after one term (one half year) it was better not to discourage students who for some reason were placed at too much of disadvantage because of their backgrounds or their adaptation to the rigors of law school. They did not want to give a practice exam, though, but an exam where something mattered, "like fail" and which would be graded by the professors themselves. This worked well last year, when it was decided towards the end of the term. This year is the first time such a policy will be in effect from the beginning of the year.

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Dan Chill

Law Co-eds Face a Discriminatory Job Market

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Even reputedly "liberal" firms did not notably extend their liberalism to women. While the majority of 3L's readily admit there are many reasons someone may not get a job offer, they believed that the large number of rebuffs to students who were "competent but female" could only be explained by discrimination in hiring.

Those who concentrated on interviews with New York and Washington firms felt that employers in these two cities were

much more receptive to women applicants. As far as Virginia Coleman could ascertain, discrimination in the capital is "a lot of hogwash." Girls who spent the summer along the Potomac credited employers' open-mindedness to their contact with the many women holding responsible government positions.

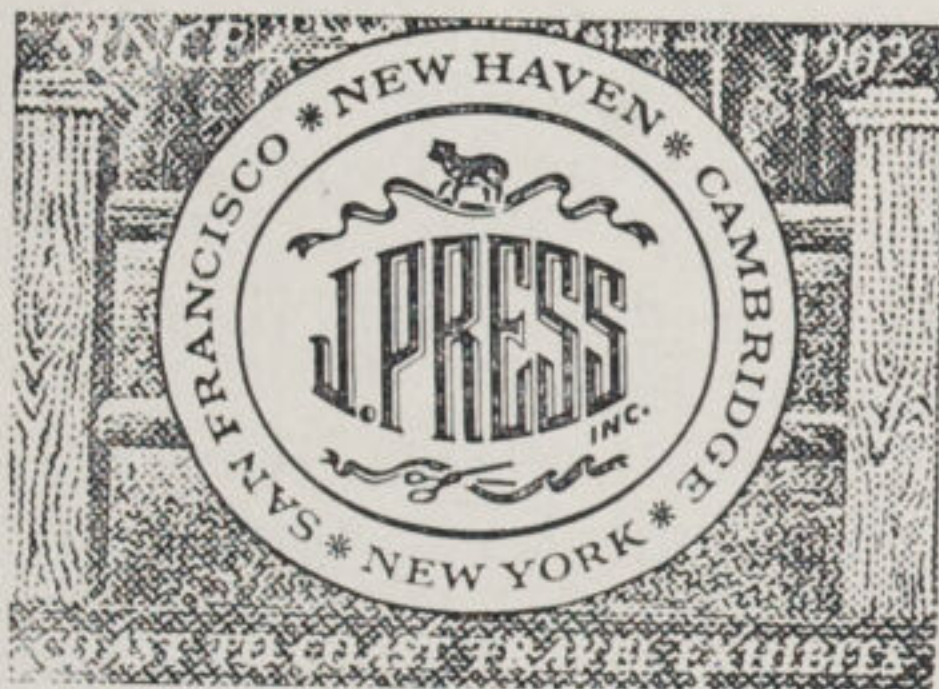
Once hired, however, the 3L women found that they had the same opportunities and responsibilities as any other law clerks. Dorothy Glancy, who worked in a large New York firm, reported,

"I didn't find any difficulty. I worked with a delightful person in a superb firm. I saw clients and they seemed to enjoy having a woman around, and they seemed to rely on what I did."

Worked As Hard

Another summer Manhattanite said, "I worked as hard as the guys and the firm made me feel like a lawyer like anyone else." Moreover, sometimes being a girl proved an advantage. Virginia Coleman suggested the advantages began with the interview.

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Nader Urges More Student Investigators

(Continued from Page 1)

to finance public interest law firms to be such advocates. He suggested that graduating classes could pledge a certain percentage of their future income to accomplish this.

Nader also thought that the law firm questionnaires currently being circulated at the Law School by several of his former investigators, will "have a potentially powerful impact on the law firms." They will have to think long and hard about how and how not to answer the questions being asked them, he said.

Indeed, Nader predicted that this year "the final farce is going to be overthrown, that law firms will determine the priorities of legal education." This will be the high watermark in terms of student skepticism.

Skepticism

Such skepticism did not exist in the students of the 1950's Nader said in his Sanders talk. "We didn't question the assumptions, and whoever controlled the assumptions, controlled the dialogue."

Nader said that in the 50's students were told, and believed, that the university was an outpost dedicated to truth, freedom, and judgment freed from values.

"Unfortunately, it would be much easier to establish the contrary. The university was more dedicated to lies than truth, to tyranny than freedom, to injustice than justice."

Nader said, for example, that several basic obligations of the legal profession are: to ensure that those who need legal services receive them, to create within lawyers a sense of justice and injustice, and to foresee future problems that will arise and study them.

But the profession is not doing this, he continued. There has been an explosive development in contract law: the defense contract

which may run as long as 500 pages, so detailed that it is but a symbol with differences being settled in a political manner.

Why doesn't Professor Lon Fuller or his colleagues study this new development in contract law, Nader questioned.

Not Only Group

Lawyers were not the only group so attacked by Nader. He asked what doctors were doing in the area of preventative medicine, "an area more ignored by professional groups than any other issue."

He asked why economists largely ignore the problems of large concentrations of economic power, preferring to study the symbolization and mathematization of economics.

Engineers were also criticized. Nader said that when he went to the Massachusetts Institute of Technology to ask about auto safety, he found that no one was working on this nor interested in it. "What business didn't consider important wasn't considered important by M.I.T.," he said.

Nader said that universities could perform three relatively non-controversial functions. They could develop new tools for study, find out more about the workings of the large corporation, and define the problems which need to be solved.

Define Problems

The government or the corporate structure will not perform this last function, Nader added. How long would it have taken the government to define the problem of civil rights and how long would it have taken to discover the relationship of smog to auto pollution if left to General Motors, Nader asked.

And, he continued, "the market place as a feedback system has ceased to exist. It is now an area for control by highly developed companies using sophisticated methods."

Then Nader turned to the students of the 1960's. They have already made contributions, he said. "They have shown that ad-

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Women Are Equals

Almost all of you reading this week's editorial in the RECORD are men. There are very few women in the law today, partly because law schools in the past discriminated against women and partly because women discriminated against themselves and accepted the roles society designated for them. And being a lawyer was not one of these roles.

Women in modern times have awakened to the discrimination against them, and in this century women have fought to be recognized as different from, but equal to, men. Many, eschewing the traditional role of housewife or secretary or nurse, have wanted to go to law school and become lawyers. The law schools have been responsive, admitting women in increasing numbers.

The remaining hurdle for women in the law is employment. Most women lawyers work in government or in poverty work because few large law firms have the courage or the desire to hire them. Even in government, women find it more difficult to rise to the top than their male counterparts.

Such discrimination is as obnoxious as any other. Women have the mental capacity and desire to be as good lawyers as men — when given the chance. But they're usually not.

We believe that it's time for such discrimination to end. It's time for male lawyers and law students to shed their masculine egotism and treat their female counterparts as equals. Law firms who interview at this school should be ready to hire women on equal terms with men, ready to promote qualified women in their firms, and ready to treat lawyers and law students as lawyers and law students rather than as women, men, blacks, whites, or any other arbitrary and prejudicial classification. Government agencies who interview here should be as ready to promote women.

This is not to say that women should not work in government and in poverty law. We think these areas of the law probably need them more. But if a woman lawyer wants to work in a corporate law firm, she should have just as much right to as a man.

We hope that the legal profession will no longer treat women lawyers as inferior. If it fails to respond, most of the men reading this editorial are just plain bigots.

HARVARD LAW RECORD

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Fenno

"What happened to you, Fenno!" said Bunky as he saw me drag my torn, bleeding body into the Hark for a Mighty Moe. "You look like you ran into a pack of Welfare Mothers. Or even a random band of revolutionary SDSers."

"No Bunky, it wasn't them," I weakly responded. "It wasn't even some of those friendly townies. All I did was wander into the latest 1L mass meeting by mistake. That's what happens when you've been at this law school for so many years and still don't know where the bathrooms are."

"But what happened?" Bunky asked excitedly. "I thought all the new first year students were for peace and all that stuff; you know, the flower children grown up and come to Harvard Law School."

"Well, as I wandered in, two factions were squaring off over whether pass-fail should be mandatory or not. Then there was the dispute over grading reform. If the 1Ls fight as hard for their clients, Harvard Law is destined for a glory equal to that under Langdell and Landis."

"I think the students are getting hoodwinked, Fenno. All this talk about grades and student power is just a nefarious plot by the faculty to get us to run the school so they can have more time to write obscure law review articles and to testify before Congress that the law is a seamless web."

"I can see what you mean," I said. "This year we have directed reading seminars where we only get to see an assignment sheet instead of a professor. Next year the faculty will probably trick us into demanding that we grade our own exams. Then they'll be able to go see a good movie for a change."

"The administration isn't so innocent, either," Bunky added. "I used to be a traditional law student: drinking, wenching, and impressing Lesley girls with my *savoir faire*. Now I belong to two faculty-student committees, an administration committee to study the size of the Coke bottles in the dorms, and three student committees all critiquing the work of the other committees."

"Well Bunky," I said, "we can't go back to the old days of freedom and gaiety. We have responsibilities now. If we gave up our committees, our student power demands, and our reform movement, what would Ralph Nader say about us ten years from now?"

Letters to the Editor of the RECORD

Reader Scores Record for Oversimplification

To the Editor:

It seems that the Harvard Law RECORD is so intent on finding provocative news, that it will merely create some if not enough is to be found honestly. While the lack of action around the school may explain this to some extent, it certainly does not make misleading reporting any more acceptable.

To report the meeting of approximately one hundred 1L's last week as the meeting of a "radical group" where "student power was the name of the game" is to shift emphasis from the substance of a serious meeting to some attractive albeit misleading LABELS.

To be sure, the facts are hidden within the article. Many of those present did find the optional pass-fail system to be all that is bad in rigid grades and inadequate pass-fail feed-

back. And most were serious in their desires to research the problem more completely, and to create some legitimate means for the 1L class to express itself on issues such as these, which directly affect the quality of our lives. But the stress on labels, while it may make for simplistic, attractive copy, tried to place this simple meeting into an appropriate, inflammatory context.

Finally, in simplifying, the article tends to mislead. The five men listed are only a few of the more than 40 people who volunteered to work on the resolution of this situation. The flavor of the article suggests an elite, powerful group of five people who have manipulative designs. Whatever their intent, it was clear to me as a participant at that meeting that this issue was too important to too many of my classmates to be entrusted to any small group.

I believe and hope that future events will be reported so as to clarify, rather than to mislead.

Jonathan Z. Souweine '72

Law Notes

We learned recently of a classmate who, having left school at the beginning of last year to fulfill a reserve requirement, wrote the Law School asking if he could be admitted for the second semester. He received the answer no. But other similarly situated students were allowed to attend just that semester. While there are no constitutional questions, we believe elemental standards of fairness require that a uniform policy be applied in such matters.

* * *

Joseph P. Busch, Jr., an assistant district attorney of Los Angeles County, will be at the Law School next Wednesday at noon to talk about opportunities for employment in his office. See the Placement Office for details.

* * *

Those who've wondered when the Law School will call off classes for Patriot's Day (which used to occur every April 19 — when one Paul Revere allegedly travelled through Middlesex unmolested — but now will fall on a convenient Monday), take hope. Visiting Professor Hills may be showing the way by cancelling all of his classes during the week of the Vietnam Moratorium.

* * *

One of these days someone will catch up with those who lock the Law School's doors. It's not so bad that you have to walk half a mile to find an unlocked door over the weekend. During the week, the buildings and grounds men roam around with keys in hand: The RECORD spotted one locking up the Langdell west wing door at 3:30 p.m. Indeed, one day last week, the west wing door was locked at what seems an early hour even for the mad lockers, like 10 a.m.?

* * *

When Ralph Nader '58 faced the press at the Law School during his visit here, he found out that the grizzled Boston scribes can be as unpredictable as any other newsmen. Used to quizzing such as Louise Day Hicks and John Yovicsin, no doubt, one reporter asked Nader if he felt that the Nixon Administration was taking a weaker line on consumer protection than previous administrations. "You're kidding," replied the consumer crusader.



"Before we begin I wish to inform you that you have the right to remain silent about your grades, the right to . . ."

Sports Briefs

By Jim Schuyler

The Hemenway Gym controversy continues. Guy Blynn, 3L, former chairman of the Dorm Council's athletic committee, has attempted to effect a change in the athletic facility's restricted hours of use. Blynn has brought his written proposals to the members of the administration who are in a position to act on this matter.

Eric Cutler, assistant director of athletics, reported that before any change in hours was made, "we must look at labor costs" for this year. Blynn told this reporter this week, "We're not talking in terms of thousands of dollars. Having the gym open Monday through Thursday evenings until 9 or 9:30 p.m. would be sufficient. Since the indoor intramural season begins soon, this change has to be made quickly."

As Blynn emphasized, the demands and benefits are there. The former athletic committee chairman brought his letter to Dean Watson, who chairs the Faculty Committee on Athletic Sports.

He has yet to receive a reply.

As Ralph Nader observed last week, administrations, unfortunately, respond to phys-

ical stimuli rather than rational argument. Blynn's argument for longer hours is a very modest demand, and would not involve a great expenditure of money. Yet the only response to his suggestion has been the offer to review his request. This third year student's frustration with the proper channels for change has led him to propose alternate ways of making this issue important.

Blynn said, "I am in favor of staying in the gym one night in order to keep the gym functioning until 9:30 p.m. It would be an orderly form of protest. Either the gym personnel would remain after 6:30, or we would check participation tickets ourselves."

Blynn also offered a less radical idea for influencing another Crimson group that might aid the athletically-inclined students at the law school. "There will be class reunions at Harvard during the next few weeks. I would personally go to meet the alumni and solicit funds in an attempt to raise the few hundred dollars necessary to keep the gym open," he said.

His proposals also included a change in hours of play from 11:00 a.m. to 6:00 p.m. to a later opening of the gym at

1:00 p.m. until 9:00 in the evening. He is sure he could work out some acceptable combination of hours. He even recommends staffing the building with students in the evening hours. Blynn concluded, "Right now, I don't think law students get their \$40 worth when they purchase athletic participation tickets. A change in hours would not be a major financial drain on the administration."

* * *

Postscript . . . A first-year female law student wanted to play squash at Hemenway and found out that she could not use the facilities at the gym. She stated that she would come dressed to play squash and would not need to use the locker facilities (there are no lockers for girls). The courts are located on the first floor which is a public area. It seems as though this gym, which is open to graduate students, has not satisfied the needs of many of its potential users.

* * *

Intramural Football . . . Teams must submit rosters to Roger Holt in Hastings 423A (547-2865) by Sunday, midnight. Call him for further information.

Nader Calls for More Student Investigators

(Continued from Page 7)

ministrations and trustees are more responsive to physical stimuli than ethical pleas." But, he said, "the reasoned pleas shouldn't even have had to be made when the evidence is all around us."

Concerning the students who did investigating under him this summer, this is what Nader said they learned:

- How the system fails. How an agency can camouflage massive illegality of the people being regulated.

- The determinants of human behavior in Washington. Evil people are backed by frightened, cowardly, and inhibited people.

- How "massive problems in Washington coincide with massive citizen neglect."

- How to combine reform with hedonism which, if it can't be

done, is "a kind of failure which has disrupted more than one reform movement in the past."

- How to relate the problems to the motivations of the people.

The reports of the student investigators this summer will be coming out in December and January, Nader said, and he hopes that they will both be used as text material in universities and also have an impact on public policy.

Torts Expert Calabresi . . .

(Continued from Page 5)

Nearly all of Prof. Calabresi's students last year took advantage of his offer to give them each a personal evaluation. He gave them a few sentences in terms of what he thought was good or bad in their performance. Other professors at Yale did the same.

After the first term students are graded on a four tier system: honors, pass, low pass, fail. Low pass indicates a student is not doing adequate work — for Yale Law School. "It's a way of not failing someone who would pass in most other law schools and telling him that he's not doing the kind of work that you expect from someone here." But if a student gets too many low passes, he will not graduate.

Most of the class ends up in the pass category. Honors is generally B+ and above, ". . . even though we're anarchic at Yale and so every professor will do it his own way. Many of us felt that if there was to be reform, the one who would be hurt would be the one who was consistently somewhat better than the average, yet not quite at the top." Some Yale professors have approved of, while others have complained about the new system.

Prof. Calabresi personally believes that "we ought to give people what they want. I don't think a straight pass-fail system does the job. But within a fairly broad range, I think we can be fair to the student and give him what he wants, even though, if that is so, we should have to change the grading system quite often. The problem is that it takes so long. If only it were like flexible exchange rates, instead of fixed. . . ."

Intelligent Humane Information

The important thing, says Prof. Calabresi, is to get the information to the student in a way that is both intelligent and humane. That alone is a difficult problem. It is further complicated by the fact that the outside world will create a ranking system if it is not done by the academic institutions. Were that not so, grades could be done away with altogether: "I don't think grades are at all necessary to make people work."

However Calabresi recognizes that such a ranking by the outside world will inevitably take place. He has had some of his former students who advocated full pass-fail go to the people who have the jobs they want and ask them what sort of ranking they would use in the absence of grades. He asked those students to consider whether or not such systems would be fairer and less invidious than those used at the universities. "Most of those who bothered to do that came away with the feeling that if the grading system went out, the ranking system that would take its place would be worse."

Prof. Calabresi has recently finished writing a book entitled, *The Costs of Accidents*. It is scheduled to be published in late December or early

(Continued on Page 12)

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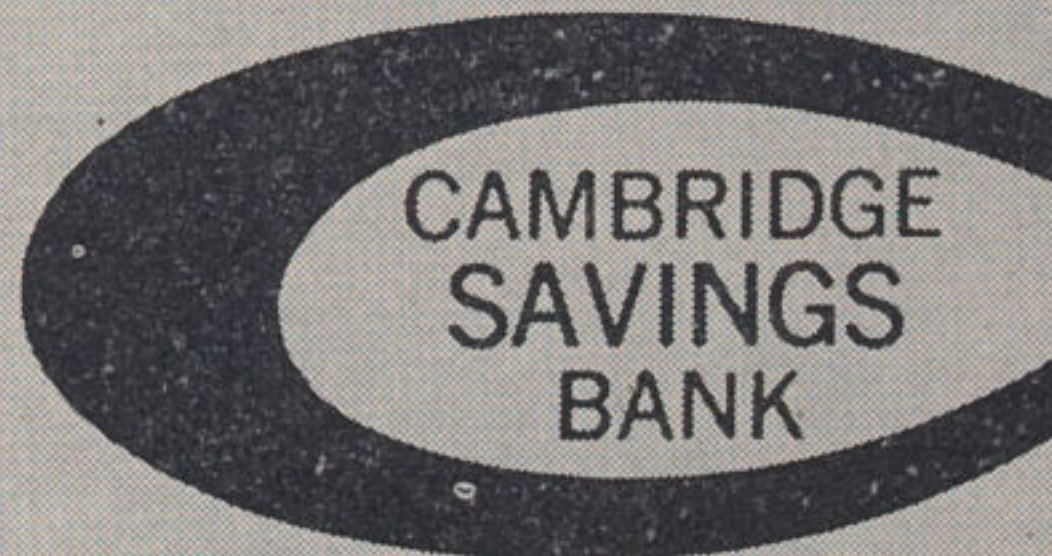
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Torts Expert Calabresi

(Continued from Page 11)

January. "It's on what we hope to do with the system of accident law, what the various goals of a society are in this area and how difficult systems can meet them — and incidentally how badly all our conflicting goals are met by the current system. They are met so badly, in fact, that though our goals conflict, we can do better as to all of them. In a way this is a lucky thing, being too scared. It also ends up setting up a framework for analysis to be used in a variety of areas quite unrelated to accident law."

Recent Articles

This same subject has been the topic of some of the professor's recent articles, too. However a somewhat different thesis was the subject of an article recently published by Prof. Calabresi in *Daedalus*. The article was on medical experiments on human beings looked at by a torts lawyer, "which is kind of a different approach to this problem."

The article began by asking "whether it wasn't paradoxical that we worry so terribly much about medical experiments on human beings where the quid pro quo was future lives, — we were risking present lives, but we were hoping to save future lives. — while we worry much less about accidents where the quid pro quo usually is money or convenience — 'it costs too much to make a safe road or eliminate grade crossings.'"

I started asking why that was — what were the elements of the situation in medical experiments which made us worry more and what could we learn from what the thinking in accident law was about controlling the kind of experiments we would have and eliminating the kinds we wouldn't want and encouraging those we did want, even if they did cost lives."

Prof. Calabresi also has some interesting opinions about the Supreme Court appointments made by President Nixon. "I suppose my views on that are like everybody else's," he asserts. He is not surprised by the kinds of appointments Nixon is making; they were to be expected. What he finds "irritating" is that essentially because of a "fluke — if that's what you want to call Mr. Justice Fortas" — Nixon is getting to make his appointments too soon.

"The rhythm of the system, by which Nixon would have essentially appointed a majority of the Supreme Court only toward the end of his term, or if he stayed two terms at the end of that, at which time one would expect an administration of a very different sort to come and take a lead in certain activities, has been thrown out because Fortas gave in to appointments he didn't need to have. In the normal course Nixon wouldn't have had these appointments this soon. I think that's too bad, because we're likely to get a situation where neither the Court nor the legislature nor the President is moving anything forward. And that's not a good setup."

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Reforms Debated . . .

(Continued from Page 3)

reeks from poor quality; society reeks from competition. Holmes said he had fun with the law. Why can't we?"

Several students replied that the Law School should concentrate on training lawyers rather than humanists, while others said that they failed to see the difference.

Some took issue with the notion of imposing pass-fail on all students. They stressed that those students who are more interested in Wall Street than in poverty law should be free to seek grades.

That choice, said one student, is up to the individual. "If you're not going to Wall Street, why worry about the grades? The optional pass-fail system lets everyone do his own thing."

Ideology came into play as one student called for a mandatory pass-fail system to force the "Wall Street type" to mend his ways. "If we don't coerce you, then the system will. We want to impose pass-fail because we care for you and for what happens to you."

As sharp lines of disagreement emerged from the discussion, it was evident that no consensus on pass-fail would emerge. Roughly a quarter of the

audience seemed to strongly support mandatory pass-fail, a somewhat smaller group strongly opposed it, and the bulk of the audience seemed uncommitted to either side.

Most did seem to agree, however, that major changes are needed in the Law School, at least in the method of evaluating the student. There was also surprising harmony in criticizing the Law Review as an institution in the Law School, as students repeatedly denounced its competitiveness and denied any desire to be associated with it.

Over 50 people joined a committee to work in defining issues and presenting them to the class, including several opponents to mandatory pass-fail.

Vietnam Moratorium

As part of the nation-wide Moratorium on Vietnam planned for October 15, several law students are seeking a cancellation of classes on that day (or a boycott) so that law students can go into the surrounding community and discuss the war.

Prime movers behind the Harvard Law contribution to the Moratorium are Joe Gebhardt and

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Co-eds Face Tough Job Market

(Continued from Page 6)

"They're bound to remember you," she noted. And one girl suspected, "They may have shielded me from the seamier side of practice."

Except for government positions and New York and Washington jobs, most of the girls felt they were unfairly treated in the hiring process. Apparently the majority of interviewers demonstrated a lack of understanding about young women's seriousness about careers.

A disenchanted 3L supposed that older interviewers figure women law students have a "diletante attitude" toward a career.

"They think a woman is on a bit of a lark," she complained. "They don't realize that a young woman can get by today with less time needed to care for a house and children."

Sometimes Rude

After many interviews with employers who were "often disinterested and sometimes downright rude," a thoughtful student noted, "The one thing that hurt most is you think of the legal profession at the forefront. You find the way they treat women a big letdown." She hoped that the Placement Office would increase its efforts to educate employers about women's capabilities.

While the stories about women students' difficulties with interviews have amused the girls in the past, all were adamant that their experiences demonstrated that the lady lawyer's situation is no laughing matter. They share the feeling of the indignant 3L who said, "I think this is very serious, and I want the fellows in my class to hear about it. They will be hiring in a few years, and I want them to be aware — and considerate."

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Grad Fellows Explore Clinical-Legal Education

(Continued from Page 2)

While the main thrust of the Graduate Program in Clinical — Legal Education is the study of how clinical components might be included in the Law School curriculum, another important feature of the program, according to Ferren, "is the exposure to different areas of the law that it affords to students.

"Hopefully," he contends, "students will receive a better perspective of the law, and the program cannot but aid us in our continuing reassessment of the traditional law school education."

Exposure to the operation and administration of the public welfare program in Massachusetts with particular emphasis on the Aid to Families with Dependent Children Program provides the focus for "Administrative Regulation of Public Welfare Laws," the project coordinated by Marshall Seidman.

Guides Student

Seidman '50, who was with Seidman and Rome in Philadelphia, guides the work of students in the Department of Public Welfare at both the field and staff levels. In order to obtain an overall view of the problems involved in administration and regulation of welfare laws, students will be rotated throughout the department. Representatives of welfare rights organizations, staff members of the department, and state legislators will participate in various aspects of the project.

Harold Washington, who earned his law degree from New York University in 1967, coordinates the work of students in "Post-Conviction Rights of Ex-Offenders in the Commonwealth of Massachusetts."

Formerly Attorney-in-Charge with Morrisania Legal Services Program, Bronx, New York, Washington supervises the work of project participants involved with investigation, and reform attempts in various areas of post conviction rights. The project covers rights to parole and rights while on parole, rights to employment, education, health facilities, and conjugal visits of the incarcerated.

Gather Information

"I hope to gather information which will provide a basis for a model of clinical-legal education because we need a basic reevaluation of the traditional law school curriculum," stated fellow Otis King, a 1961 graduate of Texas Southern University Law School.

King, on leave from his post as Assistant Professor of Law at Texas Southern, works with students in CLAO where he supervises their casework and leads discussions of ongoing litigation and case post-mortems.

While at the Law School, King will be "studying how best can a law school provide legal services

to the poor." Can a law school get into the community and run a law office? Does the teaching function lose out to the service function in such a situation? These are among the many questions he will attempt to answer.

He believes that service and pedagogy can be satisfactorily meshed. "So much of what a student takes in law school is irrelevant in specific use when he gets into court. Perhaps we can remedy this situation by making the clinical portion a larger part of the law school credit program."

Information Useful

The information gathered by King will be useful, not only at the Law School, but in law school curricula throughout the nation.

In addition, King, himself, is optimistic about the part "working and doing" can play in legal education. "We might develop a program for those who want to be practitioners in which the whole last semester might be clinical. Just as we have practice teaching, law schools should provide opportunities for students to develop practice skills. Actual practice skills should not be downgraded to the post graduate level."

"Law schools have relied almost exclusively upon the Socratic approach," King notes, "but there is no real need to continue it beyond the first year." And, though some schools have recently manifested an interest in the clinical approach, "it probably represents no change in basic viewpoint, the money is available. It's sort of in vogue."

Moratorium . . .

(Continued from Page 14)

Denis Kanin, 2Ls, who have already begun organization meetings to involve law students in the anti-war protest.

According to Kanin, who like Gebhardt is an officer in the Harvard Law and Graduate Democratic Club, the main thrust of the Law School's contribution will be in convincing people that the war must be ended immediately. To accomplish this they are seeking a cancellation of classes on October 15 to give students an opportunity to canvass the community.

Kanin says that several moderate Congressmen have moved to adjourn Congress on that day and "if they can do this, it doesn't seem too difficult for the Law School."

Organizational meetings were held Monday for all classes, and an estimated 400 attended, according to Kanin. A steering committee was chosen to handle communications and to draw up a resolution recommending to Dean Bok and the faculty that the school be closed on October 15.

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