

HARVARD LAW RECORD

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TWENTY CENTS

HLS to Print Pro Bono Job Guide by Fall

As a result of a meeting by interested students with Dean Albert M. Sacks and Assistant Dean Robert A. Williams, a directory of public interest placement opportunities will be developed this spring for use next fall.

The directory will be "kept up to date in some organized way," according to Sacks. It was the understanding of the students involved that the directory would be developed by solicitation of information from all organizations involved in public interest work and by follow-up calls and letters.

Sacks identified the directory as one of two goals in the public interest area, the second being to "make certain that there were opportunities available this spring.

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Students Ask for 'Gilbert's' In Library Preference Poll

By Frank Sisson

"There is no need for this place to be so pompous. Gilbert's may not be good law... nor is *Swift v. Tyson* and that is on the shelves. Any library with 12 So.2 305 on its shelves will not be hurt by purchasing Gilbert's."

Most of the comments written on the forms of the recent library poll conducted by the student representatives on the HLS Library Committee were not as colorful as this remark of a 1L concerning the issue of whether *Gilbert's* outlines should be purchased by the library. But the general response to the poll, according to 3L committee

member E. Mabry Rogers, was encouraging and indicative of concern and sound reasoning.

"The poll reflects a high degree of student interest in the library as there should be in a graduate school. Extensive comments are pretty pointed about research needs."

Rogers explained, "We had hoped to get 200 responses and had received over 300 by the time the preliminary tally was made; more will come in for the official report. And detailed comment showed people have a need to have some outlet to say things about the library."

The poll was conducted to "get some input of students into discussions about the library and to get a notion of their complaints and priorities." Rogers explained that

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Yanks Teach Law Down Under

By Peter B. Kutner

Sydney, Australia —

"Why did you come to Australia?" "How can an American teach Australian law?" "Isn't American law very different from Australian law?" and the inevitable, "How do you like Australia?" These are the questions which the dozen or so Americans teaching at Australian law schools can expect from their students as classes begin each March.

The first question is the most difficult to answer. We know why we came to Australia, but find it hard to articulate the reasons. Although

most came because Australia offered an opportunity to live and work in a different and unfamiliar environment, my own decision was based on a long-standing interest in the country. None of us believed the myth that Australia was an antipodean Britain or turn-of-the-century America. We knew that Australia was a modern nation — the most urbanized in the world — but perhaps did not anticipate how similar it is to our own.

By comparison with the United States, Australia enjoys liveable cities and a healthy economy. Its major disadvantage is that it is a consumer-

oriented society with prices in excess and salaries far below those prevailing in the United States. Americans addicted to conspicuous consumption will be quite unhappy here, but others with a tolerance for the warm climate, frequent strikes, dreadful roads and other elements of day-to-day living will find it hard *not* to like the country.

Modern communications, less expensive overseas travel and growing nationalism are gradually reducing the sense of isolation

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Kozai to Give Violin Recital *Ex Nixon Aide*

By Bruce Kuehne

Mrs. Noriko Kozai, noted Japanese violinist, will give a recital on Wednesday, March 27 at 8 p.m. in Paine Hall (the music building near Austin Hall).

Mrs. Kozai is in the United States with her husband, Professor Shigeru Kozai of the Law Faculty of Kyoto University, a Visiting Scholar in the East Asian Legal Studies program. Professor Kozai is specializing in international law.

Mrs. Kozai will be accompanied by Mme. Hanni Schmid-Wyss of Zurich, a pianist who received her Masters' Diplomas from the Music Academy of Zurich and the Staatliche Musikhochschule, Cologne, Germany. She is here with her husband, Daniel Wyss, a member of the Zurich bar, who is enrolled in the LL.M. program.

Mrs. Kozai is a graduate of the Toho School of Music, Tokyo, and the Juilliard School of Music, New York, where she studied under a Fulbright grant. She was recipient of the First Prize at the 19th NHK-Mainichi Musical Contest in Tokyo in 1950.

Mrs. Kozai embarked on her musical life at the tender age of four years. "I really don't remember when I first became interested in music," she said. "My parents liked music and they took me to the teacher. I didn't like to practice, but I liked my teacher. My parents used to encourage me to practice by telling me that this was the only way I could continue seeing the teacher."

She continued to study with the same teacher, a Russian lady married to a Japanese, for some 13 years, her studies interrupted only by the war. This teacher was also her key to her first acquaintance with the United States.

"Josef Szigeti, the Hungarian violinist, was performing in Japan. After his concert, some

of the students in my school performed briefly for him. Szigeti was a long-time friend of my teacher and he recommended to her that I come to the United States to study under Ivan Galamian, who was at the Juilliard School of Music in the United States. I applied for the Fulbright Grant and was lucky enough to get it."

Mrs. Kozai arrived in the United States in 1956 and found, not surprisingly, things very different from her home country. "I was well informed about American customs before I came," she said, "and so did not find things surprising. But I did find musical education, as well as all other fields of education, very different from Japan. Students and teachers here have a much more free and open relationship."

No one could brief Mrs. Kozai about the most unexpected aspect of her journey to New York, however. "I met my husband there. He had come to the United States about two years before I did. He was studying at Columbia at the time and we were married in New York after my third year at Juilliard. Our parents were very understanding. They gave us their full approval to have the ceremony in New York." Mr. and Mrs. Kozai remained in New York until 1959, when they returned to Japan, he to the legal world and she to the musical one. She describes her routine as "some teaching, some playing."

Mrs. Kozai's favorite composer is Mozart. "At one time I was very interested in the new composers, like John Cage, but I then returned to the classical artists — Brahms, Mozart, Bach... now I like them better." Wednesday evening's program will feature Franck's *Sonata in A Major* and three shorter works — Mozart's *Rondo in G Major*, *Caprice Viennois* by Kreisler and *Zigeunerweisen* by Sarasate.

At HLS Asks Him to Resign

Douglas L. Hallett, 2L, a former Staff Assistant to President Richard M. Nixon, has called for the President's resignation "as soon as possible" or impeachment.

"Mr. Nixon can no longer hope to regain the confidence of the American people," said Hallett, according to an article in the *Boston Evening Globe* for March 11.

Hallett was the youngest aide of his rank in the first Nixon Administration.

The *Globe* reports that Hallett still stands behind his former boss, Special Counsel to the President Charles W. Colson. Colson has been indicted in connection with the Watergate and Ellsberg break-ins.

"I do more than give Charles Colson the presumption of innocence," said Hallett. "Personally, I don't believe Colson committed any criminal acts."

According to the *Globe*, Hallett believes that the President's current situation endangers legitimate conservative programs. "One of the great tragedies is that executive privilege, the concept of national security and the integrity and independence of the Presidency have been so abused by Mr. Nixon that they have become laughing matters, rather than important doctrinal assumptions," Hallett maintains. "I don't think national security is a joke. But Mr. Nixon has managed to make it one."

Hallett described in the *Globe* article his belief that, because of the President's current besieged position, many of the Administration's well-publicized programs have been rendered ineffective. "It's been clear since this thing began that with the exception of Mr. Kissinger's short-order diplomacy — which has been crisis intervention instead of strategy — the Administration hasn't been able to initiate any programs."

Hallett plans to practice law after he graduates; he will work for a New York law firm this summer.

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Poll Results Show 'Gilbert's' Wanted

(Continued from Page 1)

the information would be particularly useful at the meeting of the Library Committee on March 26, the first of the year. A good part of the meeting will be devoted to the poll and its results; Rogers commented: "Student recommendations will be related to the poll and specific comments on poll forms."

The Library Committee is composed of four faculty members — Professors Richard R. Baxter, Jerome A. Cohen, Morton J. Horwitz, and Louis Loss — and three students. Pamela S. Meyers serves as 1L representative, and Stephen R. English represents 2Ls. Dean Albert M. Sacks has been invited to next week's meeting.

Rogers identified a "clash of perception" which divides the committee. "The faculty views the library as a research facility where serious and diligent research is carried on — this is the purpose of the library for them. For students, as shown by the poll, the library is a place for study in addition to research and scholarship. This is reflected in the whole food and drink discussion. As such they want the library to be comfortable — livable in a sense. This perception is not given a whole lot of weight by the people who run the library or the faculty."

"I don't think the library is run with the needs of groups such as legal aid, clinical courses, and journals being met," added Rogers. Such "underlying currents" were reflected in overall student responses to the poll, according to Rogers.

The poll drew a significant response from each class — 136 1Ls, 121 2Ls, and 87 3Ls had responded by the time of the initial tally on March 19.

The poll seemed to indicate that 1Ls use the library the least number of hours in an average week. The median number of hours spent by that class was 12 contrasted to 13 and 15 hours for 2Ls and 3Ls, respectively. Modes for the three classes also varied: 10 (1Ls), 20 (2Ls), and 20 (3Ls) hours. One 2L topped the usage chart at an alleged 70 hours per average week spent in the library. In contrast, three 1Ls, seven 2Ls, and three 3Ls

reported zero hours weekly library time.

Rogers commented that the results of the question on the no food/no drink rule reflect an approval of liquid and a disapproval of solid refreshment in the library. The 3L committee member linked this result to a desire for coffee in the library. He added that "the best chance of getting anything up there is having drinks allowed in Langdell or some facility in the Root Room."

The ranking by 1Ls of different legal research orientation methods favored research memos, and reflected the least satisfaction with tape cassette tours. A strong majority felt that all methods were at least "somewhat useful."

Renovation of the north end of the Langdell Reading Room to match the south end area was the first priority among poll answerers on the list of capital improvements by a sizable margin. Improved reading room lighting, more study space, and better stack lighting were also favored, followed by carpeting of the stacks.

Rogers reported that there is "no budget for any of the proposed capital improvements at this time as the money is tied up in setting up a fire alarm system." However, Rogers held the results valuable "for future reference."

Overall satisfaction with library services was favorable, but seemed to decline with advance in class status. Few students attempted to rate ILS services, though those who did were generally satisfied. Rogers indicated that the smaller response might indicate a proportionally lesser use of ILS library services.

The poll showed an overwhelming accord with the idea of having *Gilbert's* outlines put on reserve in the library, and indicated that a majority of students have bought *Gilbert's* in the past. 1Ls most frequently bought Criminal Law and Torts outlines, while 2Ls most frequently mentioned Taxation and Civil Procedure outlines. 3Ls favored Taxation and Administrative Law outlines. Outlines other than *Gilbert's* used by students were predominantly *Ziontz and Legalines*.

Comments on the idea ran the gamut of arguments for and against the proposal. A 1L wrote: "I don't care, but if it'd be of use to some students I don't see any harm in it. They're very expensive so probably a burden on students' loan money."

"Stocking the library would enable students to evaluate the outlines before deciding to purchase, and/or use them in the library if you don't want to purchase," explained another 1L.

A 2L entertained a more political thought: "If the faculty feels that such authors are below the dignity of the members of this 'community of scholars,' it is simply manifesting its academic bigotry once again." Another 2L suggested, "Why not get some good HLS-student-written ones?"

Arguments against the idea were equally varied. "Put them on a chain; otherwise they'll be missing within 24 hours."

A 2L against the proposal stated, "I regret having purchased those I did. They are inaccurate, take away from an appreciation of legal reasoning.... and foster the type of slavish emphasis on rule memorization and unquestioning acquiescence to authority that should have no place at this law school."

One 3L invoked the dignity argument: "This is Harvard Law School, after all." Others pointed to the disutility of the outlines "if you cannot mark them up and take them into an exam."

Rogers admitted that those polled really did not have to face a

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Can You Identify These Faculty Members?

Fashion among the Law School faculty is not a matter of adherence to common standards of taste in clothing, but rather an ability to distinguish oneself from the crowd, to stand out from the common herd.

The distinction can be achieved either by apparel, by grooming, or by manner, since the essence of fashion is the ambience created by the combination of the three. After a long and arduous selection process, the RECORD has chosen nine members of the faculty for its "Best-Dressed" awards for 1974.

Each of these faculty members has created an indelible impression by his distinctive appearance, whether through repeated use of one item or an entire ensemble.

The RECORD offers herewith a test of your ability to identify members of the Law School faculty merely by their sartorial splendor, and, as in all good games of chance, we give you one free just to keep you interested. Professors are shown only to the extent of their particular identifying features, but we will give you some clues, unrelated to the pictures, to help make identification easier.

Professor A is easily identifiable both by his watchfob and his theories about constitutional law, particularly the belief that the Fourteenth Amendment applies only to protect minorities from discrimination. If you've ever seen him in his three-piece suit with gold chain, you'll have no trouble identifying this picture.

Professor B's appearances in Pound are as inevitable as death and taxes. Other identifying features are his ever-present sweaters, and, on departure from the Law School, two striped shopping bags.

Mr. C brings order out of the administrative tangle of the Law School, and in connection with the "Carpenter," or Registrar, as it is called in this country, this "Walrus" keeps all the little oysters in line.

Professor D believes in civil liberties and giving land back to the Arabs gradually. His views seem to have gotten more independent as his hair has grown longer.

Professor E can be seen any night in Langdell pondering over basic questions to the strains of Wagnerian opera, which, fortunately, is not released to the rest of the study zone.

Mr. F might be difficult to identify because several members of the faculty affect the same kind of attire as his, but readers who inspect past issues of the RECORD closely should have his picture "in the bag."

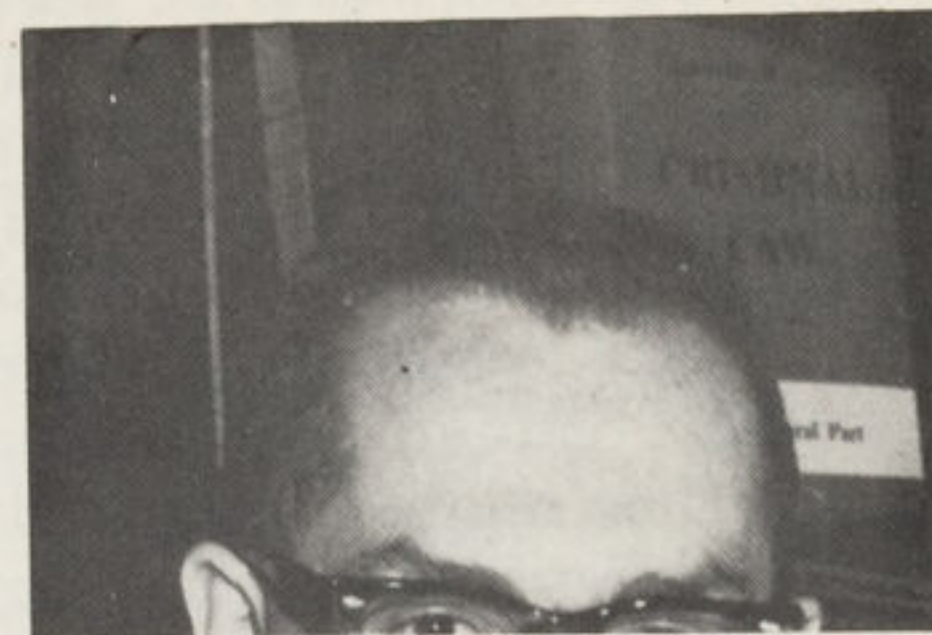
Mr. G competes closely with another pictured member of the faculty for most relaxed attire. His sweaters and open-necked shirts are a welcome change from the three-piece suit syndrome. Although his manner of dress could not be called methodical, it might be called clinical.

Mr. H, clearly the most iconoclastic of the pictured savants, heaps daily ridicule on the uniform costumes of the rest of the faculty. His refusal to go through the same loops as everyone else may inhibit his progress upward through the ranks of the School's establishment, but Mr. H won't mind.

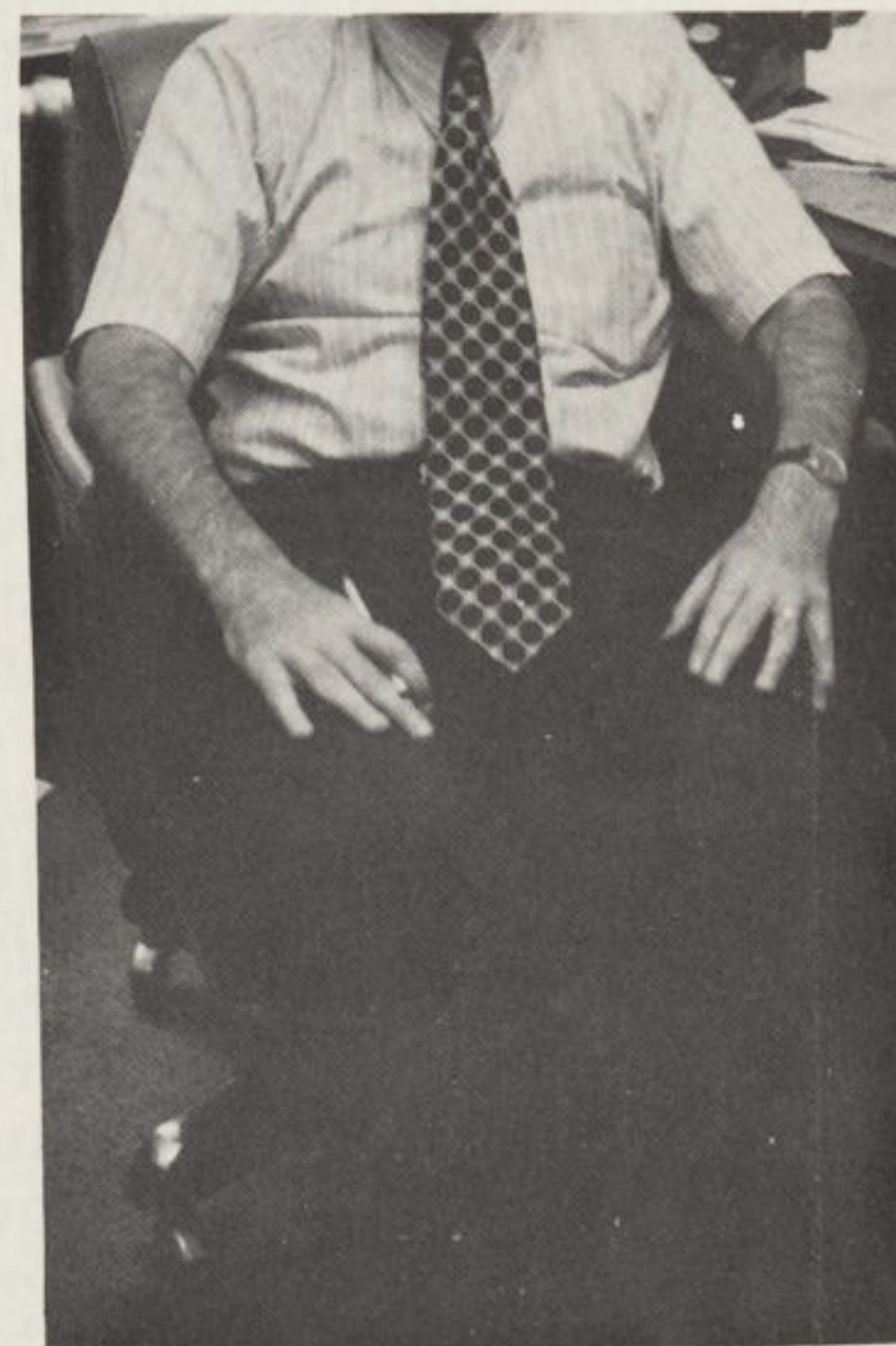
Mr. I's single distinguishing touch was sufficient to lift him into the top nine, in spite of an otherwise undistinguished wardrobe. Were we to have left him off, it might have been criminal.

Mr. J is actually another photograph of, shall we say, Mr. X, that is another, earlier version of one of the professors described above. Now see if you can match the Professors with their pictures, in the space provided.

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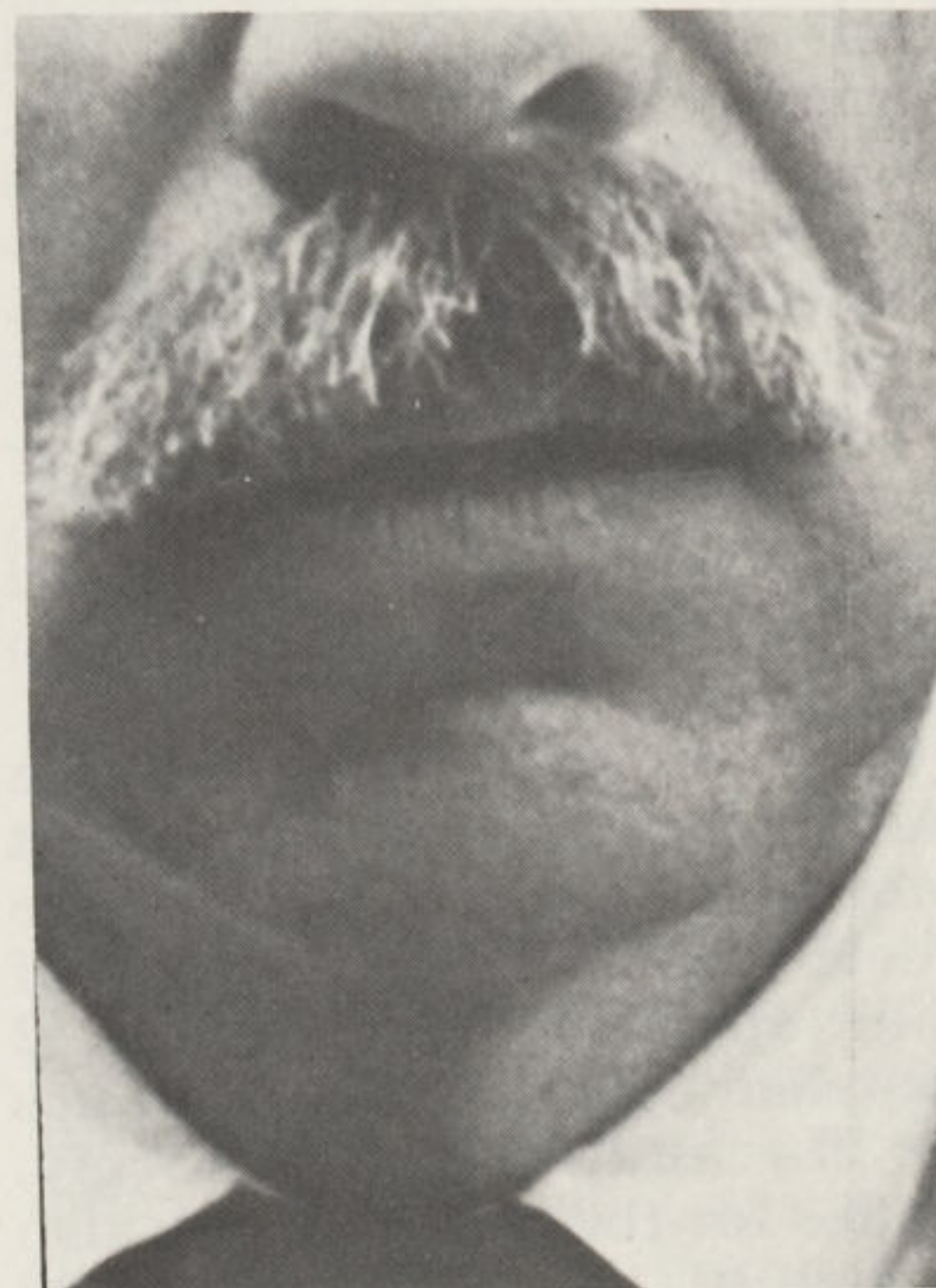


Picture One



Charles Soberman

Picture Two



Charles Soberman

Picture Three



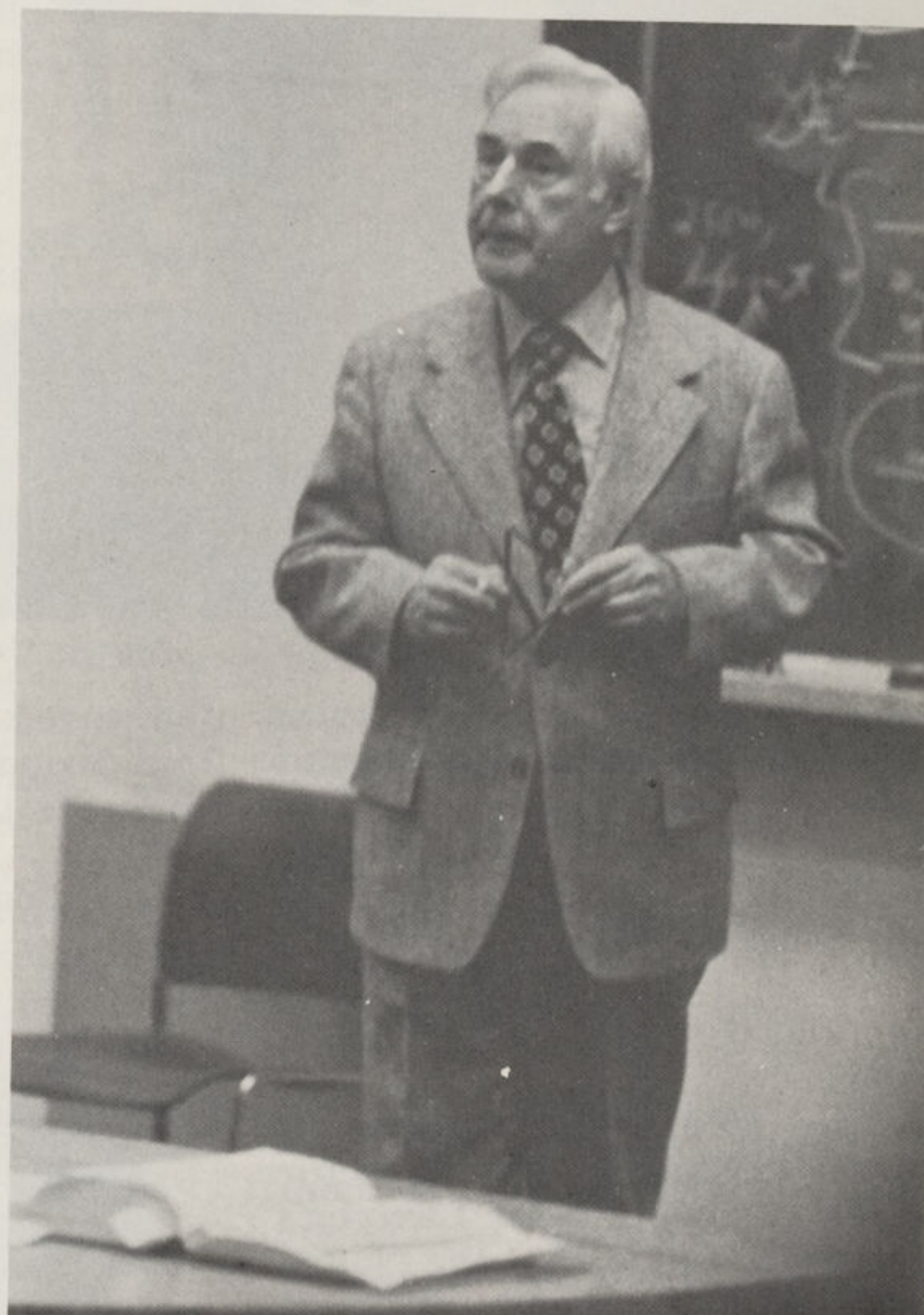
Picture Four



Picture Eight Mark McNeil



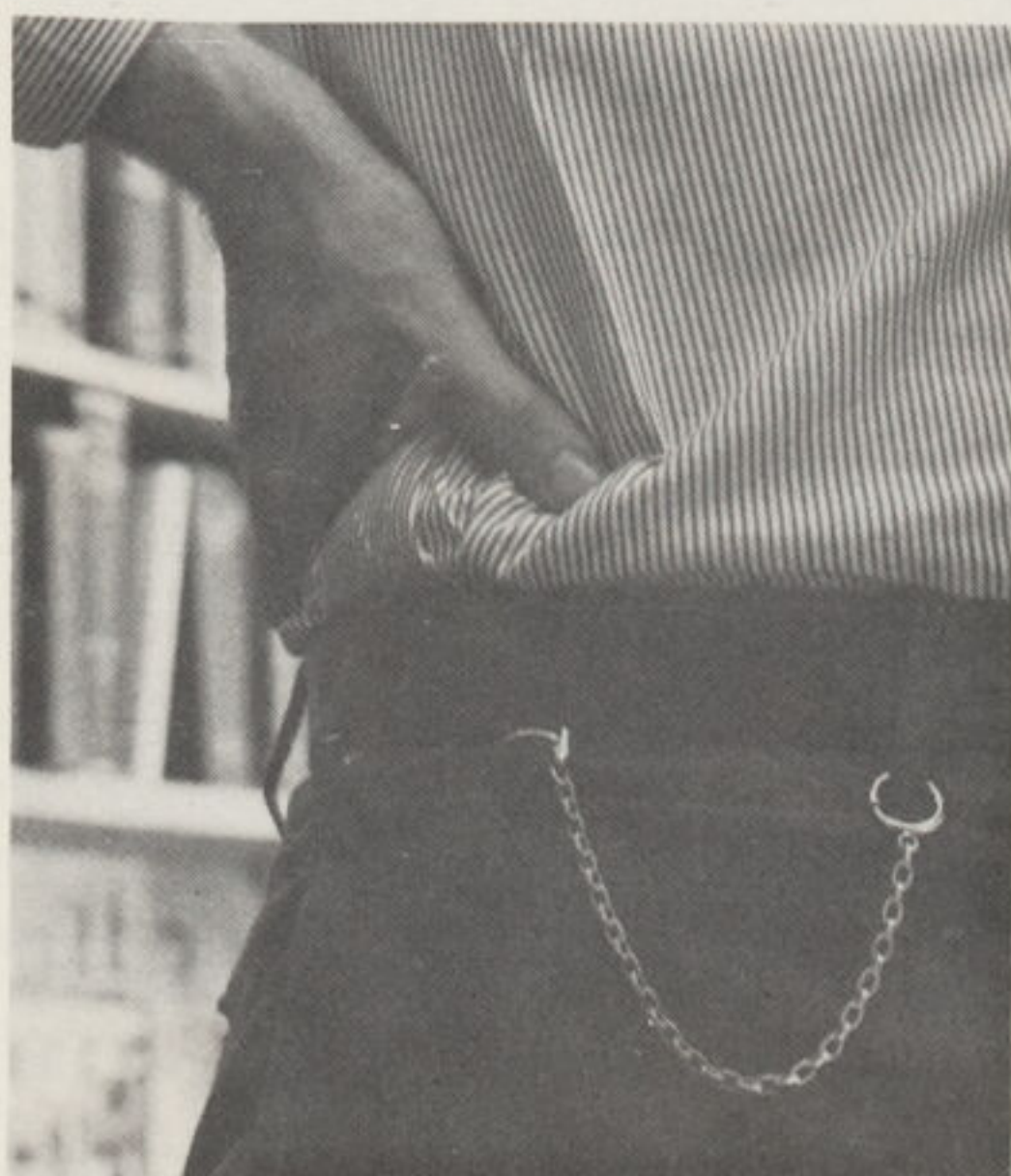
Picture Five Mark McNeil



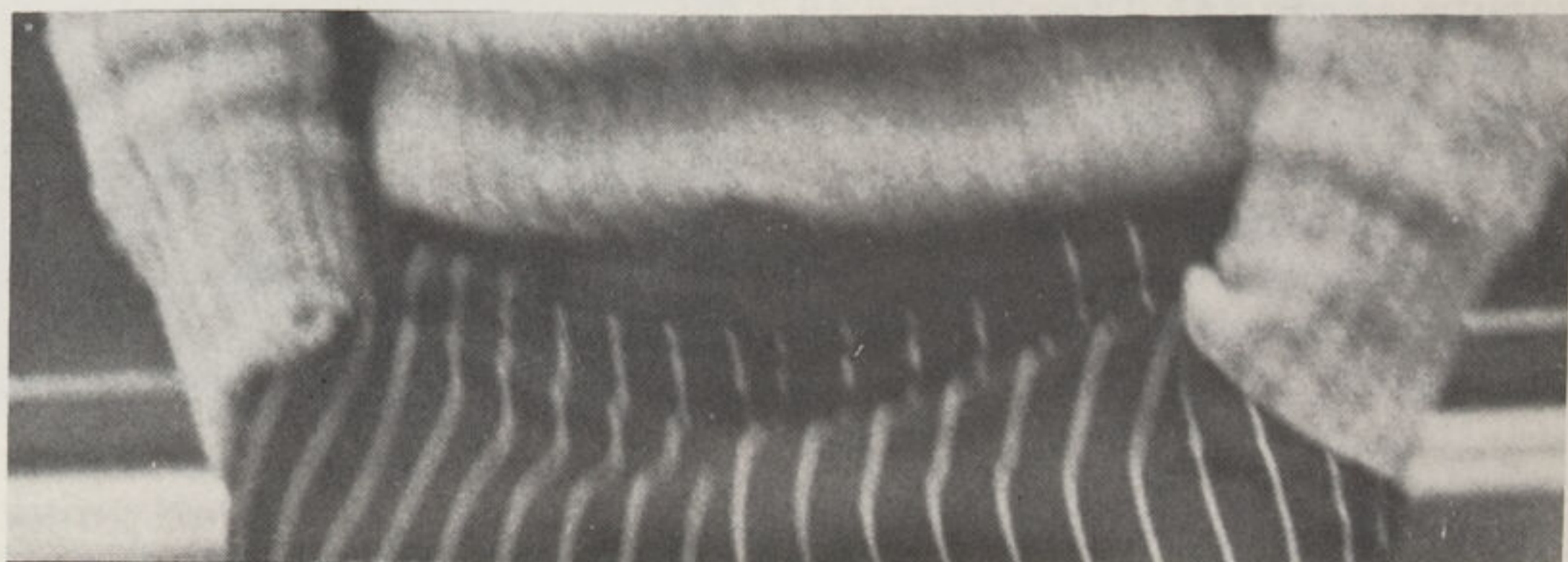
Picture Nine Mark McNeil



Picture Six Paula Bonnell



Picture Seven Paula Bonnell



Picture Ten Paula Bonnell

Education for Lawyers Goes Hawaiian

By Ricardo Hinojosa

For only the second time in its 21 year history, Harvard Law School's Program of Instruction for Lawyers, which is conducted each summer, will be held outside of Cambridge.

The program of continuing legal education, which is being co-spon-

The two week program is conducted on a regular class schedule basis. Some of the courses last the entire two week period, while others last only one week. Tuition is \$500 for the entire two weeks and \$300 for those attending only one week.

Classes are held on Monday-Friday and there are three instruc-

Law, Planning, and Federal Practice. As an example of a possible International Law package, Casner cited the four course possibility of *International Aspects of Doing Business Abroad*, *General Legal Framework of Doing Business Abroad*, *Legal Aspects of Doing Business with China*, and *Legal Aspects of Doing Business With Japan*.

Also, this year the program will offer its first Trial Practice Session. Casner called this "quite an innovation" and feels it will be very useful.

The program's director also pointed to another possible advantage in this year's program for some lawyers. California has become a leader in legal specialization and presently offers specializations in Taxation, Workmen's Compensation, and Criminal Law. In California if an attorney attains a certain number of hours of continuing legal education in a particular field and passes an exam he receives a specialization certificate. Some of the Law School program's courses have been approved by California in connection with a specialization in Taxation.

Casner states that the program is "gearing up for what in future years" might become a growing de-



Professors Casner and Areeda socialize during 1972 program.

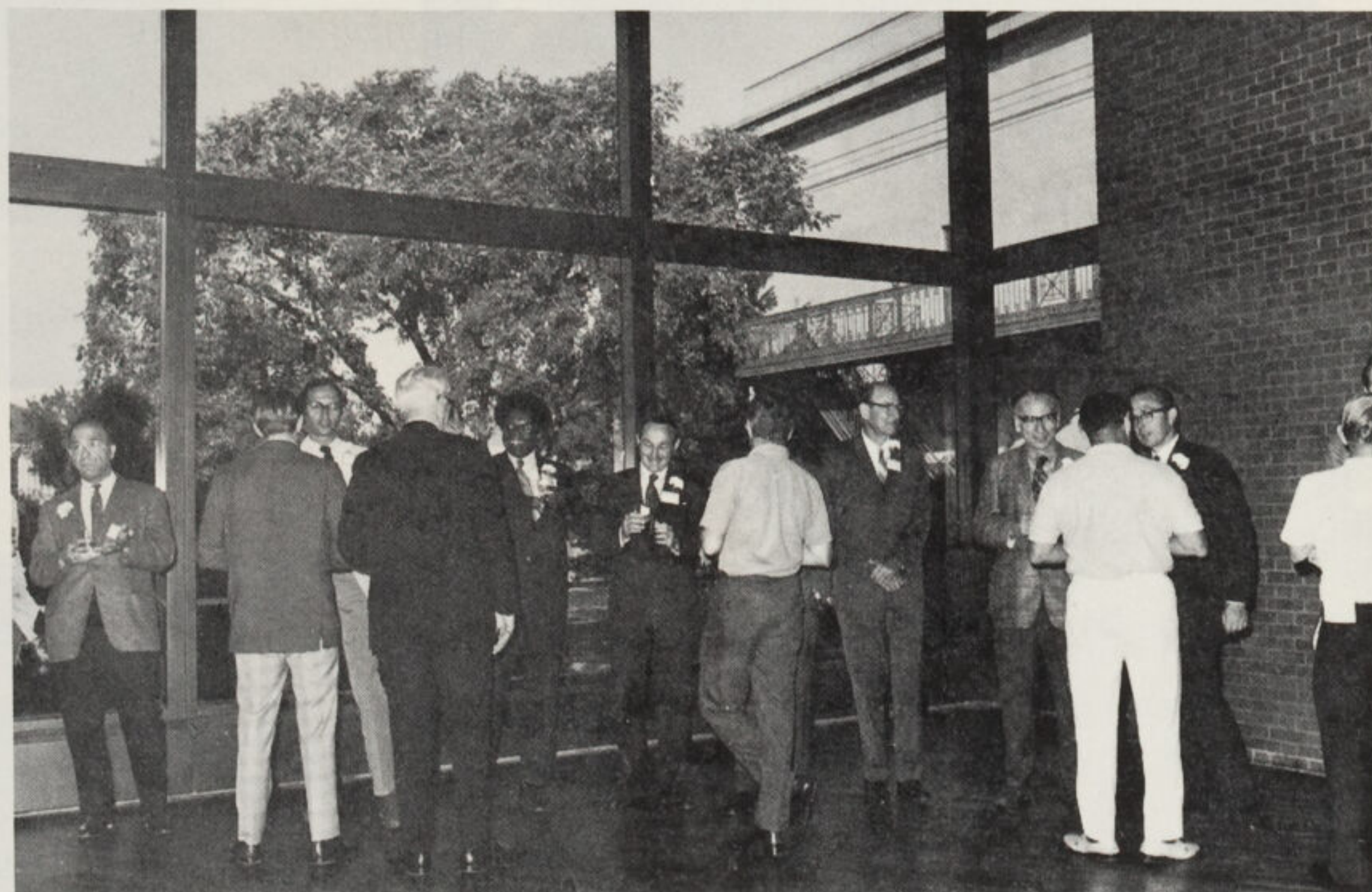
sored this year by the University of Hawaii Law School and the Hawaii Bar Association, will be held in Hawaii's Sheraton-Waikiki Hotel in Honolulu on July 22-August 2. The program precedes the 1974 American Bar Association meeting, which is also being held in Honolulu.

Weld Professor of Law A. James Casner, who is Director of the Instruction for Lawyer's Program, stated that the "logistics" of setting up the program in Hawaii were not easy but predicted that it will be accomplished. He commented that the set-up includes "facilities in Hawaii that are all self-contained" and will not require the participants to be transported to different buildings.

Casner was also confident that the energy problem will not affect the program. The Law School had felt that a fuel shortage might cause transportation problems but Casner stated that "as far as we can tell" airlines do have excellent flight schedules to Hawaii and there is presently no reason at all to shift the location.

tion periods during each day. The first period begins at 8:00 A.M. while the third one ends at 1:15 P.M.

According to Casner the program



Professors line up to meet summer program participants

schedule this year includes some good combinations for lawyers who wish to take course concentration in certain areas. Among these areas are the fields of International

mand for specialization. He said the program's courses might very well continue to reflect this trend in the future.

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HLS to Print Pro Bono Job Guide by Fall

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"We have had a number of people come here," Sacks commented, "who have had specific offers of jobs. I have every indication that these are significant interesting opportunities in the public interest sector."

Referring to a recent presentation by two representatives of public interest groups, Sacks stated, "Student response was disappointingly small."

Students had felt that the time for which the meeting was scheduled, 11 to 12 on a Friday morning, and the lack of adequate publicity contributed to the low turnout.

The directory may be compiled with the cooperation of the Committee on Individual Rights and Responsibilities of the American Bar Association, which already publishes the *Pro Bono Report*.

Sacks indicated that James Fluke of the National Legal Aid and Defenders Association had expressed interest in the directory. "It's silly to think of creating a directory for just one school," Sacks added. The initial solicitation of information, however, will be done through the office of Assistant Dean Williams.

Forum Hosts Tunney, Kelley

United States Senator John V. Tunney will address the HLS Forum today at 8:00 p.m. in the Ames Courtroom. Tunney was elected to the Senate in 1970 and has been active in a wide range of environmental legislation. He chairs a subcommittee of the Senate Judiciary Committee on the Representation of Citizen Interests. The subcommittee was created to deal with flaws in the system of legal and paralegal representation.

The Forum will be addressed by FBI Director Clarence Kelley on Tuesday at 4:00 p.m. in the Ames Courtroom. Kelley was appointed to the FBI post last year by President Nixon to replace L. Patrick Gray III.

Students Offer Tax Advice But Public Doesn't Respond

By Patrick Kennedy

Located on the second floor of 23 Everett Street, the Volunteer Income Tax Assistants (VITA), a new organization staffed by Harvard Law students, is waiting to help anyone and everyone with free advice regarding income tax problems. Waiting, unfortunately, is a good word to describe what they've been doing. Due to inadequate publicity from the IRS, and a host of organizational difficulties which delayed the establishment of the office until late February, as yet very few have taken advantage of this charitable service.

The initiative for the program, according to Francis J. Burke, 2L a member of VITA, came from the IRS. Apparently feeling that there was a need for such a service in the area, the IRS offered a 12 hour course covering the fundamentals of income tax law to approximately 15 volunteer law students who agreed to participate in the project. Although the course did not deal with the finer subtleties of the law, Burke explained that the organization's prospective clientele were the poor and elderly who usually did not have complicated problems. Burke added that about half of the students involved had taken the second year *Taxation* course.

Although they had hoped to start earlier, it was not until after Washington's Birthday that the IRS course was completed. There were further problems finding a suitable office. The group had originally planned to establish themselves in Central Square. However, when they were unable to find an office there they decided to accept an offer from Vice-Dean Bruce of space at the Everett Street location. This late start, as Burke readily admitted, meant they totally missed the first group of people who file their returns immediately after receiving their W-2 forms.

After the office was established, however, the situation did not brighten. VITA people distributed posters advertising their hours and

relied upon the IRS to secure public interest announcements in the various media which Burke said he did not see but which the IRS claims to have made. And then they waited. Burke rather aptly described the situation as "somewhat depressing."

When the RECORD contacted Edward Callanan at the IRS to ask why they thought there was no response from the public and what was being done to remedy the situation, Callanan said he had not been informed of the problem; that had he been informed he would have made a special effort to insure the announcement went on the air. Callanan explained that the IRS usually sends its announcements en masse to the media to be aired during "public interest" time, but that a special problem such as this can be given priority. When Burke was contacted later he said he had notified Mary Ann Sims, his contact at the IRS, about the problem "many times." Callahan admitted there were some communications problems in the office but promised the matter would be given attention.

Presently the organization is looking toward next year hoping to learn from its mistakes. Priority will be given to finding a Central Square location. "Not only is our present location far from the homes of the people we hope to help," Burke explained, "But most people don't even know where Everett Street is."

VITA also plans to approach various Cambridge organizations which work with the poor and elderly, to inform them of the service and offer to work in conjunction with them. It is hoped that these measures, taken with increased media publication, will be sufficient to remedy the current stagnation.

In the meantime, VITA continues to occupy its office and hope for visitors. Their hours are 10 to 4 on Saturdays and Sundays, 5:30 to 9 on Wednesday and Thursday nights.

Down Under – Land of Yankee Professors

(Continued from Page 1)

which has long pervaded Australian thought. One can keep abreast of events in the United States and elsewhere without difficulty, but in the year of Watergate and the energy crisis, Americans here feel cut off from the mood of the United States and may have a

ing Australian course. In certain fields, nevertheless, the American will encounter many doctrines and leading cases familiar to him.

Different, too, may be the materials of instruction. Casebooks have been used extensively only in the past few years, and Australian edi-

by attending an Orientation Day screening of *The Paper Chase*.

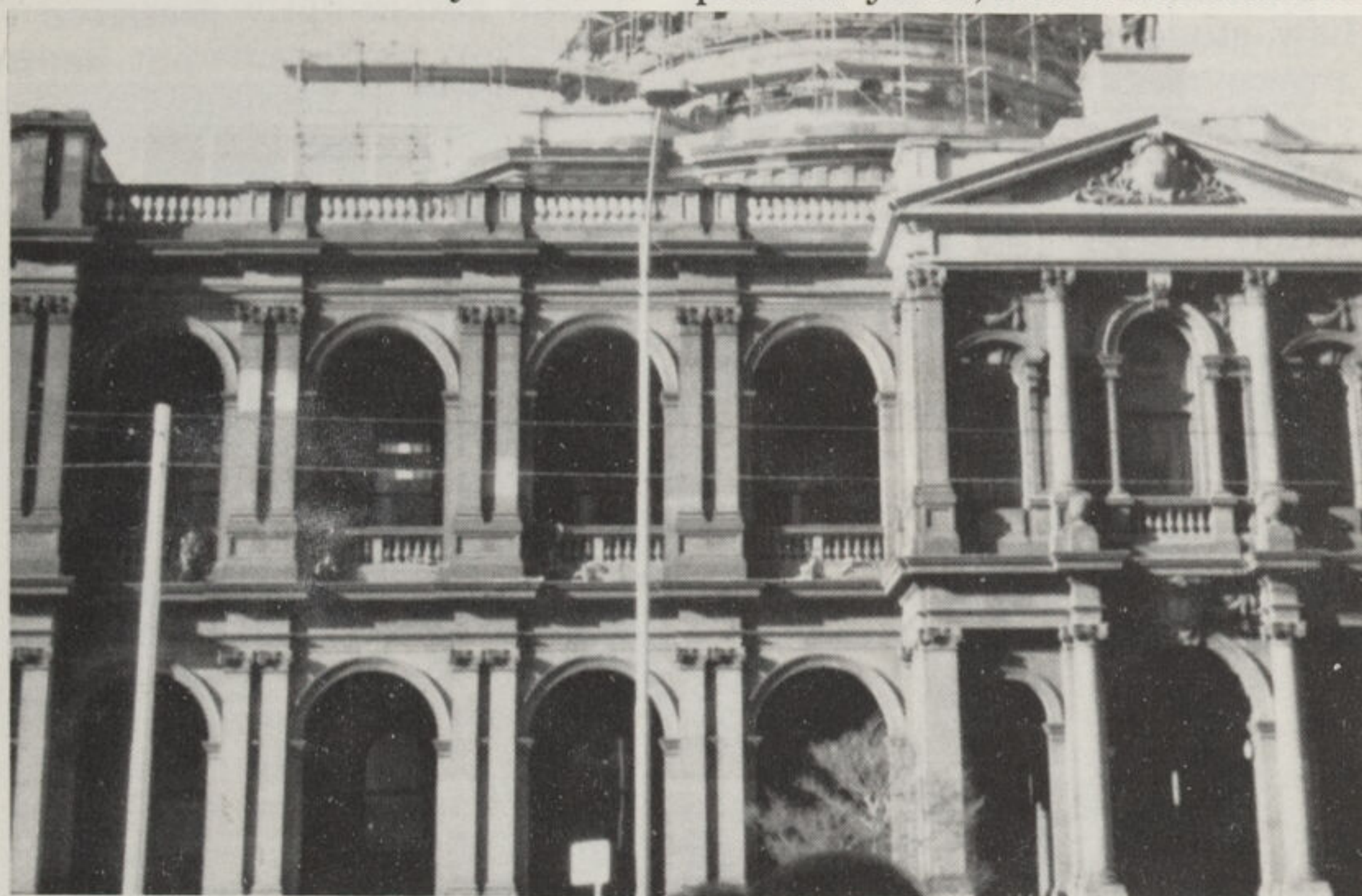
Seating charts have a tenuous foothold at the Sydney Law School. When the school introduced seat numbers in 1969, the Student Law Society offered a 10c bounty on each number removed. This year, Sydney's three American teachers are making another assault on what law students consider their right of silence. Class participation will determine 10 per cent of the grades in our classes.

In Australia, the LL.B. is an undergraduate degree. Many students enter law school immediately after completing high school, although the percentage of law students doing so has decreased to a minority at the University of Sydney and some other universities do not make "straight law" admissions. Other students have received a Bachelor's degree and many are in a five-year B.A./LL.B. program, of which the last three years consist predominantly of law courses.

The absence of choice in the selection of subjects is a striking feature of the law curriculum. Every subject of the three-year course is required! Some students take a fourth year with optional subjects.

Like many American lawyers, I would make few subjects compulsory. Australian lawyers, by contrast, contend that law school must provide the student with substantive knowledge in all major fields if he is to be a competent practitioner. Accordingly, the University of Sydney's three-year course forms a hard core of practical subjects. *Contracts, Criminal Law, Legal Institutions* and *Torts* are taught in the first year; *Commercial Law, Constitutional Law, Equity, Public Law* (administrative law), and *Real Property* during the second; while *Company Law, Conflict of Laws, Jurisprudence, Succession* and *Trusts* are required in the third year.

The University of Sydney meets the objection that its program is excessively weighted toward commercial practice by offering a fourth year of optional courses. These include *Law and Social Justice, Roman and Comparative Law, Criminology* and *Legal History*, as



Bernice Loss

The Supreme Court building in Melbourne was the site of the Australian High Court before the capital was moved to Canberra.

masochistic desire to fly back and see how bad things really are.

When a student asks, "How can an American teach Australian law?" (he is likely to be too diplomatic to omit "How"), one can confidently reply that an American can teach Australian law if he or she applies skills acquired in the United States to the task of mastering the substantial differences between the two legal systems. If he has "learned to think like a lawyer," he will find no insuperable obstacle in courses taught in Australian law schools. However, he is unlikely ever to think like an Australian lawyer.

An American may find himself teaching almost any subject offered other than "practice" courses such as conveyancing and procedure. He is most likely to be active in Criminal Law, and common law subjects — Torts and Contracts, for example. The development of the law here has been so different that the structure — let alone the substance — of a familiar American law course usually cannot be followed in devising a correspond-

tions are not available at all in some subjects. Some are suitable only to provide illustrations or statements of principle, rather than to serve as the "meat" of the course. The pre-eminent tool of Australian legal education has been the "straight lecture" to a multitude of students, who take "good notes" and ask questions if the lecturer has not made the established principles clear. Law schools are now turning from large-scale lectures to small classes and increasing the opportunities for innovative approaches to teaching.

It is a challenge to introduce the "Socratic method" to students accustomed to "straight lectures". Students entering my *Torts* classes found, to their dismay, that they would frequently be called upon to discuss cases in detail and would rarely receive from me a coherent statement of the "rule" applied by Australian and English courts, even if there really was such a rule.

Some suffered a form of cultural shock. Others adjusted well and performed ably. This year, students were able to anticipate the Socratic experience

And Non-Socratic Law School Lectures

well as such 'heavy' courses as *Revenue Law* and *Credit Transactions*.

The fourth year is obligatory for students not in a joint degree program who did not enter the law school as university graduates. It is intended that they be exposed to social and historical perspectives analogous to those offered by degree programs in other faculties.

Australia's legal system is closely modeled upon England's, with the addition of institutions appropriate to Australia's federal form of government. (In practice, Australian states claim the legal status of British colonies although the nation as a whole is fully independent.) The legal profession is divided into barristers and solicitors — in some states by law, in other states by practice. For many years the only means by which a student could become a solicitor was to work for little or no salary as an "articled clerk" to a "master" solicitor. Articles were commenced while the student was in law school (which was part time) and continued for several years.

In recent years the required service as an articled clerk has been diminished in duration and, in some states, abolished. The replacement in New South Wales is a full-time six-month "skills course" given by the Law Society, the state's professional organization of solicitors. Articles are not required for admission to the bar, but prospective barristers "read" with an experienced practitioner and have often been articled or even admitted as solicitors.

A general bar examination is not required for admission to the legal profession. Neither is a law degree. In New South Wales, many persons pursue the alternative of completing a series of external courses and examinations, but this is primarily a means of advancement within the government or private institutions rather than of entry into private practice.

Australians lack the vast choice of law schools and places to practice open to Americans. Nearly every law student goes to the law school, or one of the two law schools, in his home state. Most will practice in its

capital city. Practice at the bar is highly centralized, even though barristers do not practice in firms. Over 90 per cent of New South Wales barristers have "chambers" located less than two blocks from the Law Courts in Sydney. Counsel in wig and gown are frequently seen in Phillip and Macquarie Streets. With the object of maintaining close contact with the profession and for the convenience of articulated clerks, the University of Sydney built its law school in this legal precinct rather than on the University campus.

The small number of graduates who join one of Australia's nine law schools as teachers enter a university hierarchy unfamiliar to American students: lecturer, senior lecturer, reader (or associate professor), professor. All are members of the faculty, but control of the school and courses of instruction is vested in the full professors.

In contrast to the faculties of Harvard and other American law schools where most members are full professors and the rest seem destined to make the grade, professors form a small minority of Australian university faculties and a high proportion of academics never attain that rank.

Faculty members other than professors are now playing an increasingly important role in the decision-making process. This is one example of the changes accompanying the rapid expansion of university and law school education in Australia. New law schools are being established and the old capital-city law schools are grow-

ing. Against a conservative background, innovations in curricula and teaching methods become more frequent. Moreover, the expansion of incipient legal assistance programs, promises to alter legal education and open new opportunities to graduates.



Bernice Loss

Professor Louis Loss visited Australia last summer.

It would be inaccurate to conclude that Australia is an exciting place, especially for a law school teacher. The pace of life is too even and serious challenges to the *status quo* are too few. Rather, Australia is a comfortable place particularly at this time — one which holds good prospects for an American not in a hurry to climb the career ladder at home.

Australophile Peter B. Kutner '72 is a lecturer at the University of Sydney's Faculty of Law, where he teaches Torts and Conflict of Laws.

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Legal Education

Not many graduating law students turn immediately to teaching, and even over a period of years, the total number in each class that forgoes the everyday work of the law for the role of professor is only a small fraction of the whole.

But opportunities for legal education exist outside the university classroom and in cities other than college towns. Legal education should be taken to mean instructing the public in the ways of the law and in their rights and duties to a more meaningful extent than is presently done by the country's schools.

There is an opportunity for every graduate of the Law School to participate in this form of instruction. Most high school civics courses teach the rudiments of constitutional law, but how many have the equivalent of *The Consumer and The Law*?

A great unfilled gap exists in the public's knowledge about what their rights are as to fraudulent sales practices or shoddy goods. The local lawyer could become an extension of the state attorney general's office by describing remedies for such practices to teenagers or other local groups.

Also, many citizens are woefully unaware of the existence of small claims courts in which they might easily bring suit in a relatively informal proceeding without necessarily having to retain counsel.

The debate over the environment is often confused by misunderstanding of applicable standards for balancing the interests of private developers or landowners against the interests of the public or neighboring landowners. An introduction to this area during one's secondary education might contribute greatly to reducing this confusion.

The promise of right to counsel for all accused of serious crime would be greatly reinforced if the rights of citizens in the law enforcement process were described in more detail at a stage in life where real understanding might be developed, rather than as an off-hand phrase rattled off at machine-gun speed by an arresting officer.

The stain of Watergate has spread to touch a whole profession with its implication of corruption, cronyism, and disregard of the public interest. A widespread program of education for the public at large concerning the role of law in American society would do much to rebut such ideas.

A thorough introduction to the uses of law by individuals would not merely be public relations on the part of the profession, but a very real communication of necessary information in a society where one's status is increasingly dependent upon one's ability to cope with the multitude of laws, regulations, and procedures by which modern life is organized.

If the lawyers of America are ever going to regain their roles as community leader, in the fullest sense of that term, they might well begin by teaching an introduction to the legal system in American schools.

We hope that graduates of the Harvard Law School in this year's class and in past and future classes will seek out opportunities to initiate such programs and develop materials for teaching such courses in both elementary and secondary schools.

Legal education is not something to be restricted to lawyers.

HARVARD LAW RECORD

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Fenno

"You can't be serious," the 1L said.

"That's as irrelevant as it is true,"

Fenno responded. "Now let's go."

"But not Casner though," the 1L protested. "I mean — anybody's class but his."

Fenno shook his head. "You said you wanted an A in *Property*. You said you'd do anything — emphasis supplied — to get your hands on what you insisted on referring to as Black's *Property Outline*."

"I don't know," the first year student sighed hesitantly.

"C'mon." Fenno forced his voice to become encouraging — not an easy thing, by any means. "Think of your study group. Think of how mad you were when they dropped you because you only got an A- in Criminal Law. Think of how satisfying it will be to tell them where they can stick it when they come around begging you to give them the only existing copy of the best 96-page *Property* outline in the world."

The tantalizing allure of this prospect dissolved his doubts.

"All right," he said firmly. Removing his overcoat and handing it to Fenno, he darted from the men's room, dashed seventeen carefully measured feet to the south door of Pound 101, hurried into the classroom, reappeared 6.2 seconds later through the north door, then, panting heavily, scurried back to the men's room.

"Okay," he said as he pulled his clothes on, "I've streaked Professor A. James Casner's classroom. Now give me that outline."

Fenno held the precious vellum-bound document just beyond the 1L's grasp. "You seem to have forgotten something," he remarked.

"Oh yeah. The fifth hypo on the blackboard was, 'O to H and W for life as tenants in common, then to the issue of their bodies which survive them both in fee simple as long as the property is not used for the sale of intoxicating liquors.'"

"Close enough," Fenno acknowledged, handing over the document. "Was it worth it?"

"I don't know," the 1L said. "It was very humiliating."

"Oh, forget that," Fenno scoffed. "No one in there will remember you."

"That's what's so humiliating," the 1L observed. "How could they remember me? They didn't even see me: they were so busy taking notes that no one even looked up."

"What about Casner, though?" Fenno asked. "He wasn't taking notes. He noticed you, didn't he?"

The 1L shook his head sadly. "He didn't even break sentence. He just glanced at me, took off his glasses, and made some comment about how important it is to distinguish between dower and curtesy."

"Well," Fenno remarked philosophically, "that's not as bad as it could have been: he could have made a comment about declining future interests."

HARVARD LAW RECORD

Letters to the Editor of The Record

Basic Research Into Chutzpah

To the Editor:

The story of the Ford Foundation's grant for "basic research" in law reported in your issue of March 1 gives us new insight into the phenomenon of *chutzpah*. Mr. Der-showitz has often explained the meaning of the term by reference to the example of the young man who murdered both his parents and then, at his trial, pleaded for mercy on the ground that he was an orphan. Now we have an even more enlightening illustration: the well-heeled liberal law professors who bemoaned that their intellectual integrity was compromised by the irresistible mercenary enticements of the Establishment, and then asked to be bribed to pursue the truth with large grants of money from the Ford Foundation. That's *chutzpah*!

William H. Simon, 3L

Statistics About Jobs Misleading

To The Editor:

Regarding the Don Solomon exchange pro and con, it seems to me there are a number of points not previously touched upon which are relevant to consideration of the value of statistics as to the number of Harvard Law graduates going immediately into private as opposed to public practice.

1. One's education is not ended with one's J. D. Private practice is in many cases a stepping stone toward public practice.

2. Private practice does not, particularly in the case of Harvard Law School grads, close the door to concurrent public service. Numerous employees of our most corporate and Solomon-disfavored firms spend a good deal of their time working, independently, as lawyers for the public service. Who can say that in many cases this work may not be of more real value than the work of a well-intentioned lawyer in the bureaucracy?

3. Our society at least in many areas makes it almost impossible for a successful lawyer to avoid public service in the forms of generosity of time and money to help and work for charitable, community and educational enterprises.

I do not consider myself capable of determining whether it is better to have more Harvard Law School graduates go into public practice than now do so. This will be determined in the case of each individual by what he considers the best society, in what framework he believes the pursuit of happiness can best be served and how close to the absolute good he believes society can with proper effort be brought. Some humility in using statistics to determine where men will

go may, however, be suggested by the quirks of ferment and circumstance.

After all, Pasteur was a pharmacist, T. S. Eliot was a banker and one must wonder how the genius of Solzhenitsyn would have fared were it not for the leisure that was, paradoxically, forced upon him.

George D. Jagels '32

Justice Investigates Trivial Conspiracy

To the Editor:

With respect to the Sports Trivia Quiz, Answer No. 10, in the March 1, 1974 Harvard Law RECORD, we hereby inform you that the matter has been referred to this office for investigation of possible violations of Title 18, United States Code, §§371 (conspiracy to defraud the United States), 1001 (false statements) and 1341 (mail fraud).

While we are of course not at liberty to discuss the details of our inquiry, we can tell you at this time that well-placed and reliable informants — see e.g., *Draper v. United States*, 358 U.S. 307 (1959) and *Spinelli v. United States*, 393 U.S. 410 (1969) — both at Madison Square Garden and Fargo, North Dakota have advised us that one Phil ("Action") Jackson, alleged by your journal to be a graduate of North Dakota State University, is in fact a proud alumnus of the University of North Dakota — surely a distinction, you will admit, with a difference.

Needless to say, this apparently fraudulent representation has caused hours of consternation for those in this office who rely heavily on the Sports Quiz for their Friday afternoon rest and relaxation.

Please be assured that no final action will be taken in this matter until you have had an opportunity to be heard.

Edward J. Kuriansky '69

Henry Putzel, III

Taggart D. Adams '67

John W. Nields, Jr.

Kenneth R. Feinberg

John P. Cooney, Jr.

S. Andrew Schaffer '67

Thomas E. Engel '67

Assistant United States Attorneys
for the Southern District of
New York

P.S. We viewed the absence of the Sports Quiz in your recent March 8, 1974 edition with prosecutorial interest. Discontinuance of the allegedly fraudulent material is clearly evidence of consciousness of guilt. Cf. *Sibron v. State of New York*, 392 U.S. 40, 66 (1968). We therefore advise you, gently but firmly, that your interests — and ours — will best be served by the immediate resumption of the Sports Quiz, edited, of course, with an appropriate concern for accuracy.

Too Many Chiefs Spoil the Broth

To The Editor:

With reference to the "Nickname Quiz" in the February 8, 1974, issue of the RECORD, I should like to point out that John Bucyk of the Boston Bruins was (and is) also known as "The Chief."

Walter G. Van Dorn '60
Boston, Mass.

Law Notes

Williston Competition Winners:

1st Place: John DeMott, Harold Henderson
2nd place: (tie): Loren Thompson, Logan Robinson, Michael Golden, Jeff Schulman
4th place: Bob Thornton, Peter Rusthoven
5th place: Roger Schechter, Mike Spencer
6th place: Judy Albert, Charles Beaudrot
Honorable Mention: Rohan Weerasighe, Robert Sutcliffe, John Quinn, Rob Hulteng, Wallace Woodbury, Robert Gage. All are 1Ls.

* * *

Persons who wish to apply for a Mark DeWolfe Howe grant for Study and Research in Civil Rights, Civil Liberties and Legal History either for the coming summer or for the academic year 1974-1975 should pick up an application form at the office of Assistant Professor Morton J. Horwitz, FOB 308. Applications should be submitted to Mr. Horwitz's office no later than Friday, April 19, 1974.

* * *

Commencement Parts Candidates for Harvard University should submit drafts of 900 to 1200 words (12 copies including original) by noon on Friday, April 12 at Warren House 3. Speakers must be candidates for degrees either at the coming Commencement or at mid-year, and must be candidates for Honors or the equivalent.

* * *

The Harvard Law and Graduate Schools Republican Club will make its annual Washington, D. C. trip on March 28 and 29. The group will have private conferences with Senator Jacob Javits, House of Representatives Minority Leader John Rhodes, Congressman John Anderson, Secretary of the Interior Rogers Morton, Solicitor General Robert Bork, Secretary of HEW Caspar Weinberger, Assistant Attorney General Henry Peterson, Senator Edward Brooke, EPA Deputy Assistant Richard Johnson and someone on the staff of the White House Telecommunications Policy Office and the Department of Transportation. The group may also meet with Senators Edward Gurney and John Tower, Congressman John Ashbrook, and White House Counsel James St. Clair. Registration fee for the trip is \$3 for club members and \$5 for non-members. Further information can be obtained by calling 498-5060.

New Program To Help HLS Assault Victims

By Mike Bowen

Physical assault is one of the most difficult crimes for an institution like Harvard to deal with. That the crime itself demands a legal response, and that the victim commonly requires medical attention as well, is obvious. What is perhaps not so obvious is that the psychological impact of an assault is often even more devastating to the victim than the physical injuries suffered: that impact must also be dealt with.

In response to this problem, Subcommittee on Assaults on Women of the Law School's Committee on Crime began several months ago to develop a program that would focus more acutely on the needs of assault victims.

Despite the program's origins in that subcommittee, Roseanne Kumins, Administrative Assistant to Professor James Vorenberg and a subcommittee member, denied that it was primarily oriented toward rape. "It's not a rape crisis project, that's for sure," she said. "It's designed to respond to the needs of all assault victims, male and female."

The victim first comes into contact with these services when she seeks medical help following an attack. Health Service personnel have been trained to appreciate the psychological shock inherent in a physical attack, Kumins observed, and they reflect that training in their initial treatment of the victim.

After physical treatment has been completed, a follow-up response which is the key to the program begins. Every victim is contacted and told that counsellors are available, so that they can talk their experiences over with persons who will be understanding and reassuring. In addition, victims are informed that the University Legal Counsel office is prepared to assist them if they wish to take legal action.

The project so far has had relatively few victims to deal with. "I don't think we have many assaults here," Kumins explained.

Students Ask for 'Gilbert's' In Library Preference Poll

(Continued from Page 3)

trade-off, such as making a choice between either *Gilbert's* or a particular reporter. But he added that the cost of supplying two outlines per course would "be less than 500 dollars." Rogers does not foresee a vote on this issue at next week's meeting; votes on issues before the Library Committee are infrequent. But a recommendation should be forthcoming. The results of the poll will serve as important evidentiary support for student proposals on these issues. Rogers believes that Cohen has authority to act independently in most of these areas.

Rogers suggested that the poll "reveals that students don't really understand a number of problems in the library." He recommends a suggestion box and periodic posted library responses to user queries.

A formal report will be submitted by the student committee members next Tuesday, including late forms received after the initial tally.

No Food, No Drink Rules			
No Food Rule	1L	2L	3L
Approve	56% (77)	57% (67)	41% (36)
Disapprove	23% (31)	24% (29)	34% (30)
Not Sure	14% (19)	16% (19)	18% (15)
No Answer	7% (9)	3% (5)	7% (6)
No Drink Rule			
Approve	31% (42)	32% (38)	21% (18)
Disapprove	52% (70)	54% (65)	62% (54)
Not Sure	10% (14)	10% (12)	12% (10)
No Answer	7% (10)	3% (5)	5% (5)

Library Usage in Average Week

Hours	1L	2L	3L
0-4	20% (26)	18% (22)	16% (14)
5-9	16% (22)	17% (21)	14% (12)
10-14	20% (26)	16% (18)	13% (11)
15-19	12% (17)	13% (16)	12% (10)
20-29	14% (19)	20% (24)	22% (21)
30-39	10% (14)	8% (10)	16% (14)
40 +	5% (7)	5% (6)	4% (3)
no answer	3% (5)	3% (3)	3% (2)

Satisfaction With Library

Langdell	1L	2L	3L
Circulation	90% (95)	83% (79)	76% (55)
Reference	78% (75)	63% (55)	71% (51)
Retrieval	62% (17)	55% (24)	51% (20)

ILS			
Circulation	83% (15)	92% (12)	75% (9)
Reference	62% (10)	78% (7)	67% (6)
Retrieval	67% (4)	50% (1)	50% (2)
Overall			
Satisfaction	89% (93)	86% (82)	79% (57)

(Varying numbers of students left different parts of this section unanswered; per cent is ratio of positive responses to total responses for each part of the question.)

1L Fall Legal Research Orientation

Instruction	Very Useful	Somewhat Useful	Not Useful	No Answer
Legal research lectures	12%	54%	29%	5%
BSA guided tours	16%	48%	27%	9%
Tape Cassette tours	12%	50%	32%	6%
Research memos	55%	30%	7%	8%

Gilbert's Outlines Question

Purchased?	1L	2L	3L
yes	49%	75%	80%
no	51%	25%	20%
Should library acquire?			
strongly favor	50%	50%	44%
slightly favor	29%	27%	35%
slightly oppose	4%	12%	8%
strongly oppose	4%	5%	7%
no opinion	13%	6%	6%

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Lawyer Instruction Program Goes to Hawaii This Summer

(Continued from Page 6)

The Law School's program enrollment has varied from 200-400 attorneys each year. "Normally a person can get in unless he does wait too long" and then individual courses might be filled up according to Casner.

Asked if the Law School bears any of the financial burden of the Program, Casner replied that the program receives no support from any endowment or fund of the Law School and is entirely self-supporting. He stressed that is the way it should be since funds earmarked for law students should not be used for the continuing legal education of lawyers.

Casner, who has taught in the Program since its inception, says that often when he speaks around the country "a lot of alumni ask what the Law School is doing for lawyers" and he cites the school's participation in the instruction program.

However, according to Casner, the Law School "does not regard this as a one-way street" benefiting lawyers. The faculty, which includes 16 HLS Professors, gain valuable experience in teaching lawyers and find out what some of the problems they face are and this "can't help but have an effect" on how a professor will teach his course during the school year to law students.

The Program's Course Schedule this year is:

Two Week Courses: *Estate Planning*, A. James Casner; *Income*

Taxation of Corporate Transactions, William D. Andrews; *Securities Regulation*, Louis Loss; *Trial Practise*, Robert E. Keeton with a teaching team of members of the Bench and Bar; *Constitutional Issues, Current and Prospective*, Paul A. Freund; *Criminal Law Issues, Current and Prospective*, Alan M. Dershowitz; *Technology, The Environment and Law*, Milton Katz; *Antitrust Law*, Phillip Areeda; and *Business Planning*, David R. Herwitz.

One Week Courses for the First Week: *Class Actions*, Arthur R. Miller; *International Tax Aspects of Doing Business Abroad*, Oliver Oldman; *Computer Technology: Some Implications for Law and Lawyering*, University of Hawaii Professor Donald H. Gordon; *Federal Jurisdiction*, Paul M. Bator; *Land-Use Planning*, Charles M. Haar; and *Legal Aspects of Doing Business with China*, Jerome A. Cohen.

One Week Courses for the Second Week: *Administrative Law*, Bator; *General Legal Framework of Doing Business Abroad*, Detlev F. Vagts; *Statutes and their Interpretation: The Theory, The Practise and The Art*, Albert M. Sacks; *Current Problems of Federal Civil Practise*, Miller; *Government Financed Housing*, Haar; and *Legal Aspects of Doing Business with Japan*, Cohen.

Information on the Program may be obtained by writing Program of Instruction for Lawyers, Harvard Law School, Cambridge, Massachusetts 02138.

Quiz Features NCAA Champs From the Past

1. What starter from a UCLA championship basketball team recently graduated from HLS?

2. What present major college basketball coach played on the Havlicek, Lucas Ohio State NCAA finals teams?

3. Who holds the career record for most points scored in NCAA tournament play?

4. The last team to win the NCAA crown not from southern California was Texas Western (now UTEP), who was led by two unforgettable players, a center who worked nights as a disc jockey and a guard who failed to return to school for his senior year. Name them.

5. The rival coaches in the NCAA final game in 1959 were both general managers of the same NBA team subsequently. Name them and their teams.

6. In the last seven of UCLA's championship teams, they have been led by dominant centers. However, in the 1964 and 1965 years, their center was a blocky 6'5" pivotman of somewhat less fame. Name him (hint: not Keith Erickson, who only played deep on the press).

7. The first NCAA championships were held in 1939 and were won by a team presently in the Pac8. Name that team.

8. In 1963, unheralded Loyola of Chicago rambled to NCAA glory by edging Cincinnati in the finals. Name at least three of their five marvelous starters.

9. In 1944, in a benefit Red Cross game, the NCAA and NIT champions met for a truly national championship. Name the winning team.

10. Name the players who hold NCAA tournament scoring records for five, four, and three games.

Quiz supplied by the Harvard Law School Sports Trivia Society

Ames Brief Used In Appellate Case

Eight 1Ls have prepared a brief as their Ames alternative which will be used in an actual case before the United States Court of Appeals for the Fifth Circuit. The brief is for the case of *United States v. Steven Fideler* which was tried in a Federal District Court in Texas.

In 1971 Fideler was stopped by Border Patrol officers approximately 11 miles north of Laredo, Texas and, after a high-speed chase and search of his vehicle, was

charged with smuggling over 200 pounds of marijuana.

After conviction, Fideler was sentenced to 10 years in prison without probation. During the trial, according to his brief, Fideler had several problems with his attorneys and went through a series of three different lawyers.

The brief relies on four grounds in seeking a reversal or remand. Among those are that the stop in question was not conducted at the

border or its "functional equivalent" and that the stop of Fideler's car could not be justified on the basis of any special rules applicable to automobile searches.

The 1Ls participating in the Alternative sponsored by the Chicano Law Students' Association are: Manuel G. Aguilar, Harry C. Beatty, Stephen D. Clodfelter, Leopoldo L. Ramos, Robert H. Alexander, Eugene Iredale, Mauricio A. Flores, and Charles Steven Luna.

Grading Infallibility Should be Re-examined

By Daniel M. Taubman

While criticism of the grading system at the Law School in recent years has centered on proposals for some variant of pass-fail grades, another area of possible reform has remained unexplored. That area is the process by which the grades themselves are applied, with no possibility whatsoever for re-determination.

According to a little-known faculty rule, professors are allegedly prevented from changing any grades (except for a typographical error) once they are reported to the Registrar. Consequently, the initial grade a professor puts on a student exam is also the final one, and there is no possibility for review of that process, and no room for a professor to admit that he has erred. In other words, there is a system of professorial infallibility which provides the foundation for an oft-distrusted grading system.

Faculty members presumably grade 100, 150, or even 200 similar exams in a short period of time, and never err in their assessment of a single question of a single examination.

This presumed omniscience reinforces the distrust that many students have for the grading system. One student recently remarked that a professor might grade any given exam with five different grades on five different occasions. Most faculty members would deny flatly this allegation, and a few might concede that some exams might merit a B plus instead of a B, or an A minus instead of a B plus. However, probably all would react adversely to any suggestion that professors be allowed to change grades after discussing an examination with a student.

Faculty members would declare that once it became known that they might be able to alter students' grades, hordes of grade-grubbing, paper-chasing students would descend on their offices, not to discuss the merits of their exam performance, but to plead, cajole, beg, persuade and argue professors into raising their grades. Profes-

sors' valuable time would unnecessarily be taken up with lengthy conferences with disputacious students, with no likely gain to be achieved, faculty members would argue.

Are these arguments really sound? And in any event, might not there be benefits to be gained from amending the grading procedure which might far outweigh any possible incremental costs?

Yes, it is probably true that more students would speak to professors about their exams if a rule were adopted so that professors could reconsider initial grade determination. But this might well be salutary, since the number of students that now discuss their exams with professors is appallingly low. (One professor told me last week that I was the first student to discuss the merits of an exam with him in several years. Others, he said, contented themselves with comparing their own exams to model answers, and one student walked out on a prospective discussion as soon as he learned that the professor could not alter his grade).

The reasons that students generally fail to see professors about their grades are clear. Those who do well have no cause to do so (except one student last year who spoke to a professor to discover what he had done *right* after he had received an A plus).

And those who receive B grades often resign themselves to the rationale that "everyone gets Bs" so why complain.

Whether or not a change in the grading procedure would induce a spate of "B" students to challenge their professors' acumen would probably depend on the standards established. If a rule which allowed professors to change students' grades were no more than a legal fiction, students would rapidly discern that there had been no real change from the present system. At the other extreme, if faculty members were to raise students' grades the moment they walked into their offices, the efficacy of the entire system would be undermined.

However, if faculty members were to apply a rule allowing them to alter grades with fairness and measured restraints, numerous benefits would likely occur. First, those students with legitimate complaints would receive a deserved benefit which is presently unavailable. Second, students generally would have more confidence in the grading system. Third, the likely increase in the number of complaining students would increase faculty-student contact, an area much in need of improvement.

In fairness to the faculty, it must be noted that — with one disturbing exception—the faculty members with whom I have discussed my exams have been courteous and helpful. Often their evaluation of an examination which I had initially thought unfair was shown to be correct. Yet there have been situations where professors have invoked the "I can't change your grade anyway, even if you're right" rule to quash further discussion.

It is to eliminate such instances of faculty arbitrariness and authoritarianism that a re-examination of the grading procedure is warranted. Is it not anomalous that a law school which instills notions of fairness and due process in its students fails to employ those very principles itself?

One would hope that students concerned about this problem would make their interest known to the faculty.

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Pro Bono Work Justifies Third Year

By Phil Spector

A recent editorial in the RECORD advocated a two-year law school as a way of obtaining more public interest representation, while simultaneously mentioning the problem of an excess of law school graduates over available legal jobs. The logic of this juxtaposition was not at all clear to me. It surely makes no sense for law schools to turn out more graduates when the jobs, both in and out of "public interest" employment, are unavailable. In addition to this economic problem, the two-year law school would further institutionalize disturbing trends in legal education, while discouraging greater innovation.

Instead of working for a two-year law school, those concerned about public interest law should concentrate their energies upon getting funding for more public-interest jobs. For if the supply of lawyers today significantly exceeds demand, the problem can only be greatly exacerbated by the introduction of a two-year law school. In addition to the initial, one-time doubling of the graduating class, each lawyer would have his/her working life extended by one year, making an additional 25,000 "lawyer-years" for each year's graduating class of 25,000 (the current number graduating in the nation).

There are other, educationally-related reasons for preferring the current three-year law school. The many "vocational school" aspects of the present law school would inevitably dominate a two-year school. Student concern about passing the bar and about not missing any of the "gut" courses perceived as vital to practicing law would intensify if there were only two years available. The courses that help make today's lawyers somewhat more well-rounded and less materialistic — *Jurisprudence, Constitutional Law, Human Relations in Legal Practice, Law and Social Change*, to name only a few from the catalogue — are also often perceived as somehow "softer" courses that can be skipped. If students had only two years, these courses would unfortunately be the first to go.

If students could not do anything

useful for society while in law school, the argument for a two-year school might become more compelling. But opportunities abound at Harvard and most other schools for participation in legal aid, criminal defense, prison legal assistance, and applied research on environmental and civil liberties issues. Because this type of student legal labor usually comes free, a rate which is cheap even by public interest standards, both students and clients gain something they could never get if lawyers were out in practice one year earlier: the opportunity to give or receive top-quality, committed representation, with few of the time pressures of practice, in effect subsidized by the students' parents or the law school financial aid office.

"What's the Hurry?"

The financial difficulties created for some students by attending an expensive, private law school for three years should not be minimized. The two-year law school, however, would only reduce those expenses by one-third, rather than addressing the roots of the problem. If some students are experiencing hardship and cannot get adequate financial aid, then financial aid programs should be expanded, perhaps by soliciting additional funds from the legal profession, which directly benefits from the graduates supplied by the law schools.

To argue that the three-year law school should be retained is not to argue that no change is needed in legal education.

Clearly the law school should be constantly seeking new courses and methods of teaching and should be listening to, responding to, and at times leading students, faculty, and the profession. Precisely because it allows more flexibility for experimentation, the three-year curriculum can and should be a greater stimulus to educational innovation than a two-year program could be.

My final comment on the two-year law school is somewhat more personal. Few occupations in life allow as much freedom in scheduling work, recreation, and leisure as being a student, and few provide such long vacations for relaxing or for trying out new occupations on a temporary, uncommitted basis. Even fewer, moreover, allow the time and provide incentives, rather than penalties, for "unproductive" contemplation of both one's narrow area of study and of far wider questions about the meaning of life and one's place in it. Most of us will spend some 40 years immersed in the "real world." What's the hurry?

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Mark McNeil

A diligent RECORD photographer captures the first picture of an HLS streaker.

Q. Why aren't the official bulletin boards, which all students are required to read, kept up to date? They still contain the January exam schedule and assignments for the first week of the second semester.

A. Dean Bruce is "looking into the matter".

Q. Are there any plans to extend the tunnel to Hastings Hall?

A. No

Q. How much do the editors of the yearbook get paid?

A. According to co-editor Fred Seegal, 3L, slightly more than last year. Last year's editor, Marley Sue Weiss, is reported to have received in the neighborhood of \$1800 and this year's slightly higher allotment will cover Seegal, co-editor Mark Halperin, 1L, and other members of the editorial staff.

Q. Why do the residents of Ames Hall periodically give concerts consisting of George M. Cohan classics and something called "Attila the Hun"?

A. According to a usually reliable informant, the songfests are given by Ames 3rd as a "unique contribution to the patriotism and music appreciation of the school" as well as "driving the book weanies up the wall". The songs also serve as a warm-up for Teddy Bear's Picnic.

SPORTS ANSWERS

1. Kenneth R. Heitz '72
2. Bobby Knight of Indiana
3. Elvin Hayes of Houston with 358
4. Dave "Big Daddy" Lattin (center); Bobby Joe Hill (guard)
5. Fred Schaus, West Virginia; Pete Newell, California; both have been GMs of the Los Angeles Lakers (Newell is presently)
6. Fred Slaughter
7. Oregon
8. John Egan, Jerry Harkness, Les Hunter, Ron Miller, Victor Rouse
9. University of Utah (the NCAA champions).
10. a. Bill Bradley, Princeton, 1965 - 177 in 5 games
- b. Jerry Chambers, Utah, 1966 - 143 points in 4 games
- c. Austin Carr, Notre Dame, 1971 - 158 points in 3 games



Paula Bonnell

Debora A. Luth, 1L looks on while Marcia Goldstein and Sara Parsons attempt to read Robert L. Ryken's, 2L mail, in the Paper Waste continuing through Sunday.

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