

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 59, NO. 3

OCTOBER 4, 1974

TWENTY CENTS

Faculty Panel to Investigate Legal Aid Selection Process

By Michael Bowen

Harvard Law School Dean Albert M. Sacks has appointed a four-member faculty committee to investigate and report on the Harvard Legal Aid Bureau's selection policies.

Asked last Tuesday about reports that a committee had been formed to look into the Bureau's adoption of quotas which discriminate against white male law students, Sacks acknowledged the appointment of Professors Elisabeth A. Owens, Gary G. Bellow, and Paul M. Bator to such a group. Professor Frank E. A. Sander, Legal Aid's faculty advisor, was named committee chairman by Sacks.

Questioned about the committee's assignment, Sacks explained, "The committee is

concerned with the issue of selection. It will deal with the question of the extent to which this is appropriately a Bureau decision, and the extent to which it is appropriately a decision in which the Law School should be involved."

Sander also indicated that the committee's role will be two-fold. "The committee will be concerned with the basic substantive issue of quotas, and with the issue of the proper relationship between a student organization, such as the Legal Aid Bureau, and the Law School," Sander said.

Sacks remarked that he made the decision to form the committee "toward the latter part of last
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Clinical Course Demand Filled For This Year

By Patrick F. Kennedy

Despite fears last Spring that many students who registered for clinical studies courses would be excluded due to oversubscribed enrollments and lengthy waiting lists, a study undertaken by the RECORD has revealed that almost all students seeking entrance into these courses have been enrolled.

The primary change in curriculum which helped accommodate the increased demand was the opening of *Civil Trial Advocacy* to those who had not yet taken *The Lawyering Process*. Nineteen of the students who were on the waiting list for *The Lawyering Process*
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HLS Establishing Chair in Honor of Scott

By Ricardo Hinojosa

The Law School and the Law School Giving Fund have jointly begun a major drive to raise \$1,000,000 to endow a Professorship of Law in the name of Austin Wakeman Scott, Dane Professor of Law Emeritus.

According to Assistant Fund Director John H. Muller, the fund has so far obtained approximately \$600,000 in subscriptions. Present expectations are for the million dollar mark to be reached by June 30.

Commenting on the establishment of the chair honoring Scott, Dean Albert M. Sacks stated "it will firmly fix his name forever more among the stellar teachers and scholars of the school and this university, a



John R. Mallin

Austin Wakeman Scott '09

recognition most richly deserved."

Scott, who celebrated his 90th birthday on August 31, has been at the law school for 65 years — the longest period of service of any member of the faculty in the history of both the Law School and the university. Only two other men at the Law School have been honored by the school's creation of chairs in their names during their lifetimes — Deans Christopher C. Langdell and Roscoe Pound.

According to Muller, one of the largest contributors to the fund for the Scott chair has been the Morgan Guaranty Trust Company of New York, which has given a \$50,000 subscription. That is the second largest contribution the
(Continued on Page 12)

Variety, Freedom Urged For First Year Summer

By Frank E. Sisson

The hectic interviewing process now getting into full gear at the placement office is exclusively the pleasure of 2Ls and 3Ls. But the Placement Office and the Law School plan to provide alternative job-procuring aids for 1Ls who wish to find legal work for the summer before their second year.

Eleanor R. Appel, Director of Placement, commented that the exclusion of 1Ls from on-campus interviewing is a policy reflecting employer preferences as well as the

facts of student life. Appel described 1Ls as "hardly law students when the activity gets going. Recruiting takes a great deal of time out of the students' waking hours during the fall and would probably create some problems which would not appear to be welcome to first year students," continued Appel.

Vice Dean William L. Bruce concurred in Appel's characterization of 1L on-campus recruiting as "not a welcome or desirable activity." Bruce explained, "It would be a travesty to

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Code Violators Are Penalized For Misdeeds

One student has been expelled and another suspended for violations of the law school's disciplinary code during the last year and a half, the administration has disclosed.

According to Assistant Dean Stephen M. Bernardi, the two disciplinary actions represent an "about normal" amount for the time period. Bernardi, however, declined to reveal the names of the students involved.

In the incident which resulted in the expulsion, the student was found late one night just before examination period in the Registrar's office without any "satisfactory" explanation for his presence there. The student had previously been suspended for a term for obtaining materials from the Distribution Center under a false name.

The other case involved a student who obtained questions to two examinations just before taking the exams. Although the Administrative Board which heard the case viewed the offense as a "very serious one", according to Bernardi it decided to suspend the student for a year rather than dismiss him because of "extenuating" circumstances.

Bernardi refused to divulge the nature of the "extenuating" circumstances, claiming that "could help to identify the student."

A student who has been dismissed can petition the Law School to be readmitted. In the case of a suspension, the student is free to return to school at the end of the suspension period.

The Administrative Board which heard and judged the cases is an eight-member faculty-student committee. According to Bernardi, "there rarely is a dispute as to the facts" in these cases, and the considerations of the Administrative Board usually focus on the "motivations" for the actions.

Bernardi pointed out that in these two cases the two students asked that the three student members of the committee not sit in on the hearings.

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1. Title of Publication: Harvard Law Record.
2. Date of Filing: October 1, 1974.
3. Frequency of Issue: Ten times each semester.
4. Location of Known Office of Publication: 23 Everett Street, Cambridge, Ma. 02138
5. Location of the Headquarters or General Business Offices of the Publisher: 23 Everett Street, Cambridge, Ma. 02138
6. Names and Addresses of Publisher, Editor, and Managing Editor:
Publisher: Harvard Law School Record Corporation, 23 Everett Street, Cambridge, Ma. 02138
Editor: Ricardo Hinojosa, 312 Hastings Hall, Cambridge, Ma. 02138
Managing Editor: Patrick Kennedy, 300 Dane Hall, Cambridge, Ma. 02138
7. Owner: Harvard Law School Record Corporation, 23 Everett Street, Cambridge, Ma. 02138
8. Known Bondholders, Mortgagees, and Other Security Holders Owning or Holding 1 Percent or more of Total Amount of Bonds, Mortgages or Other Securities: None.
9. For Optional Completion by Publishers Mailing at the Regular Rates (Section 132.121, Postal Service Manual): 39 U. S. C. 3626 provides in pertinent part: "No person who would have been entitled to mail matter under former section 4359 of this title shall mail such matter at the rates provided under this subsection unless he files annually with the Postal Service a written request for permission to mail matter at such rates."

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11. Extent and Nature of Circulation:		
A. Total No. Copies Printed	11,616	12,800
B. Paid Circulation		
1. Sales Through Dealers and Carriers, Street Vendors and Counter Sales	664	657
2. Mail Subscriptions	9,880	10,702
C. Total Paid Circulation	10,544	11,359
D. Free Distribution by Mail, Carrier or Other Means		
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2. Copies Distributed to News Agents, but not sold	42	66
E. Total Distribution	10,628	11,467
F. Office Use, Left-Over, Unaccounted, Spoiled After Printing	988	1,333
G. Total	11,616	12,800

I certify that the statements made by me above are correct and complete: Kenneth Nyman, Business Manager.

Published weekly ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 495-4418. Subscription price: \$3.00 semester, \$6 year mailed; students, \$3.00 year distributed at the Law School. Individual copies: 20 cents at the Law School, 35 cents mailed. Second class postage paid at Boston, Mass. Copyright 1972 by The Harvard Law School Record Corporation.

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Keeton Programming Legal Studies

By Phil Heagney

Three years of quiet progress toward the application of computers to legal education gained some public exposure last week as Professor Robert E. Keeton invited members of the Law School faculty to try out some programmed problems which are now available on a computer at Northeastern University.

For two days, on September 23rd and 24th, faculty members could use a computer terminal supplied by the Harvard University Office of Information Technology and connected by a telephone line to a Northeastern computer. Programs were available in the fields of *Evidence*, *Federal Jurisdiction*, *Professional Responsibility*, *Torts*, and *Trial Practice*. These programs have been developed over the past three years by Keeton and by Professor Roger Park '69 at the University of Minnesota Law School.

Professor Russel W. Burris, Director of the Consulting Group on Instructional Design at the University of Minnesota, also visited the Law School during the computer sessions to consult with interested members of the faculty. Keeton described Burris as the key figure in the development of computer-aided programs of instruction in several fields including law at the University of Minnesota.

Keeton reported that the faculty responded to his invitation in large numbers. He commented that the faculty's interest in using computer programs at the Law School was high, though qualified by a healthy skepticism about the effectiveness of such methods as a learning device for the law. Several members of the Harvard University's computer staff also attended the sessions to study the technical problems of setting up a computer capability for the Law School.

In a sense, the two-day informal workshop marked the culmination of three years of increasingly active involvement for Keeton in the field of programmed learning and legal education. Keeton explained that his work in this area flowed from

his interest "in the possibility of adding a new technique to the methods we have for teaching and learning the law."

In 1971, Keeton developed some programmed exercises to supplement his course in *Insurance Law* to give students an alternative method for developing and testing their understanding of the issues discussed in the classroom. This project led him to wonder whether a computer could be used to make similar learning exercises available in other legal fields. He subsequently developed a programmed problem in torts, which his first year students have used in mimeographed form for the past two years.

At the same time at the University of Minnesota Law

made it possible for the professor to also learn through student responses, recommendations, and questions.

Keeton is presently working on a problem in *Trial Practice* which will illustrate the strengths and weaknesses of programmed legal education. A student will choose to represent one party or the other in a legal dispute. He is then asked a series of questions about tactics and professional responsibility. The student will type in his response on the computer terminal and the computer will evaluate the answers given. The computer will also provide a selection of responses from leading attorneys and judges who have worked the programmed problem. This feature represents the first time that such information

Computer Use: "Adding a New Technique To Methods for Teaching, Learning Law"

School, Park developed two computer programs in civil procedure for his first-year students. Park, who has been able to use a University of Minnesota computer to test his programs, has been enthusiastic about the early responses of his students. Developing his programs with the hope that they would give his students a more active learning experience than he could otherwise provide in the large first-year classes, Park reported that the computer also enabled him to discover areas where his students encountered repeated difficulties. This information helped him improve both the problems themselves and his classroom instruction.

Keeton's programs are available on the University of Minnesota computer, but, because the Harvard computer will not accept the programs as written, he has not been able to test his programs in computer form with his own students. However, he agreed with Park that while students could benefit from programmed exercises in written form, the use of a computer

has been collected in a systematic way.

The program must anticipate the variety of responses students might make to any question. Invariably it requires a good deal of revision after the first trial runs. In addition, a variety of technical problems remain in making computer time available to large numbers of students. Keeton explained that the Council on Legal Education for Professional Responsibility is now sponsoring some informal discussions with computer companies on methods of distributing programmed legal problems.

Presently Keeton is negotiating with officials at Harvard and Northeastern to set up a trial run of one of the available programmed problems for a class at the Law School this fall. Such a trial will test faculty and student response and determine how costly a full-time computer terminal would be. The Law School will probably pick up the cost of the experimental run, but the long term financial questions remain unanswered.

Students Warm Up to "Icebox"

By Roger P. Evans

Where is it sunny almost 24 hours a day and 70 degrees all summer long? Where do State Supreme Court Justices sit to eat lunch in their shirtsleeves with 2Ls on Monday afternoons? And where did Vice-Dean William L. Bruce unexpectedly appear on the invitation of someone he met in Hawaii?

Anchorage, Alaska? Yes, Anchorage, Alaska!

Three 3L's and two 2L's spent this past summer working on law related jobs in this not-so-

a "frontier society", Sipe has already accepted a permanent offer of employment with the eleven-member firm of Burr, Pease and Kurtz for which she, Larry M. Dinger, 3L, and Frank L. Andrews, 2L, worked.

Greater Anchorage has over 150,000 people and presents intriguing challenges to the young lawyer, according to both Rawitz and Sipe. Much of the law clerks' time was spent on the problems of the indigenous population. Land claims of Eskimos and Indians made under the Alaska Native Al-

with a study of the criminal justice system.

Yet all was not work. Weekends were spent hiking, camping and mountaineering. While Anchorage boasts a non-professional symphony, community musicals and movies "which seemed to stay too long" as cultural attractions, Sipe paints a convincing portrait of an Alaska which is "great for anyone who loves the out-of-doors".

The big adventure of the summer was a 4th of July trip by tiny float plane to Katmai National Park on the Alaska Peninsula. A "huge, delicious and free" salmon dinner was a highlight of the trip, according to Rawitz, as was a visit to the site of an extinct volcano, the "Valley of the 10,000 Smokes".

The temperature stayed consistently in the 60's and 70's and on occasion soared over the 80 degree mark. "It was spring-like and dry, never humid", describes Rawitz.

June saw sunsets at 11:00 p.m. and sunrises two and one-half hours later; by August the setting of the sun had moved back to 10:00 p.m. and dawn broke at 3:00 a.m. Yet "night was much more like twilight", states Sipe. "Mothers would put aluminum foil over their children's bedroom windows to fool them into thinking it was dark outside".

Prices are high and transportation can prove difficult yet, in the words of Dinger, if you enjoy a "delightful climate, unrivalled scenery and very friendly people" you, too, might enjoy Alaska.



CWM

3Ls Peggy Rawitz, Connie J. Sipe and Larry M. Dinger are back in Cambridge after Alaskan summer.

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According to Connie J. Sipe, 3L, "Anchorage is the center of what's happening, cosmopolitan but informal".

Sipe admits to a tendency to sound like "the Cambridge branch of the Alaska Chamber of Commerce", but her enthusiasm for what was once "Seward's Folly" is shared by the other students who spent the three summer months there.

Peggy Rawitz, 3L, worked with the firm of Ely, Guess and Rudd and is seriously considering returning to Anchorage on a permanent basis. She cites the facts that Alaska has "a lot to offer in terms of future development, it has great natural beauty and an opportunity for a big-city law practice".

Although she still sees Alaska as

lotment Act flooded Anchorage law firms just before this Act was superseded by the Alaska Native Land Claims Act in 1971. A large part of the summer was spent in the consideration and disposition of these homestead claims. Stephen J. Ellman, 2L, was busily occupied

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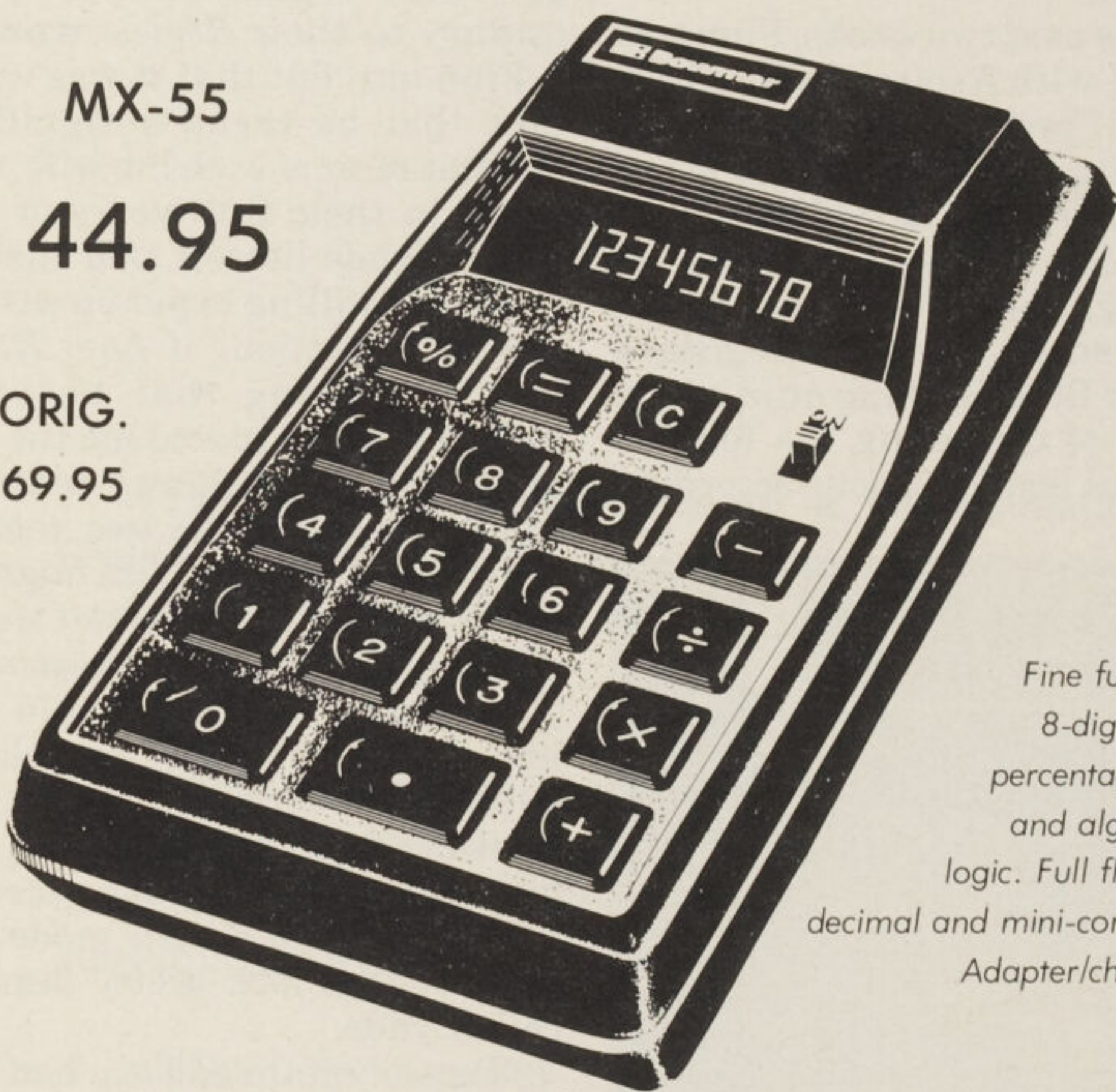
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Dems Regroup To Try Reunion With Liberalism

By Rob Leflar

The Harvard Law School Democrats, an organization moribund for the last few years, has been reactivated according to Professor Abram Chayes, the group's advisor. "With shorter beards and shorter hair, people are returning to party politics," said Chayes.

The HLS Democrats met Monday, September 23, to reconstitute their organization, adopt a temporary constitution, and elect an interim President, Frederick C. Bauman, 1L. Bauman characterized the group as "oriented toward the liberal tradition in the Democratic Party." Chayes, foreign policy advisor to George McGovern in the 1972 presidential campaign, viewed the revival of the group as "another sign that we have left behind the era of protest and direct action."

The Law School Democrats' current and planned activities for the coming year include voter registration, support of candidates in the November election, lobbying efforts in the state legislature, and a speaker program. There will also be social events: "Parties are an integral part of any party," remarked Bauman.

The organization operated a voter registration booth in the Hark last week, aimed at giving law students the chance to switch their registration to Cambridge from their previous residences. "It should give us a little more clout in Cambridge politics," commented Bauman. The group also plans to provide out-of-state students with information about obtaining absentee ballots, and to that end are engaged in collecting the relevant regulations of the various states.

Some members of the organization are active in the Massachusetts gubernatorial campaign of Michael Dukakis '60, and plan to encourage interested law students to canvass for Dukakis in the coming month.

There are no dues for members of the HLS Democrats.

Newlywed 2L Bypasses Review

By Bob Weber

The letter begins, "It gives me great pleasure to invite you, on the basis of your academic record, to join the Board of Editors of the *Harvard Law Review*." These words represent a calling to one of the most prestigious publications of any school in the country. Early last July, Timothy J. Finn, 2L, received such a letter.

"My immediate reaction was apprehension, because I knew that it was an enormous amount of work, but I knew that I had to give it a try because the *Review* is so highly regarded," recalls Finn. Tim resigned from the *Law Review* about ten

needed the money. Finn's first real inkling that he wouldn't enjoy *Law Review* came at a rather unlikely event — a get together softball game. "Most of the guys seemed out of place on a softball field," remembers Finn.

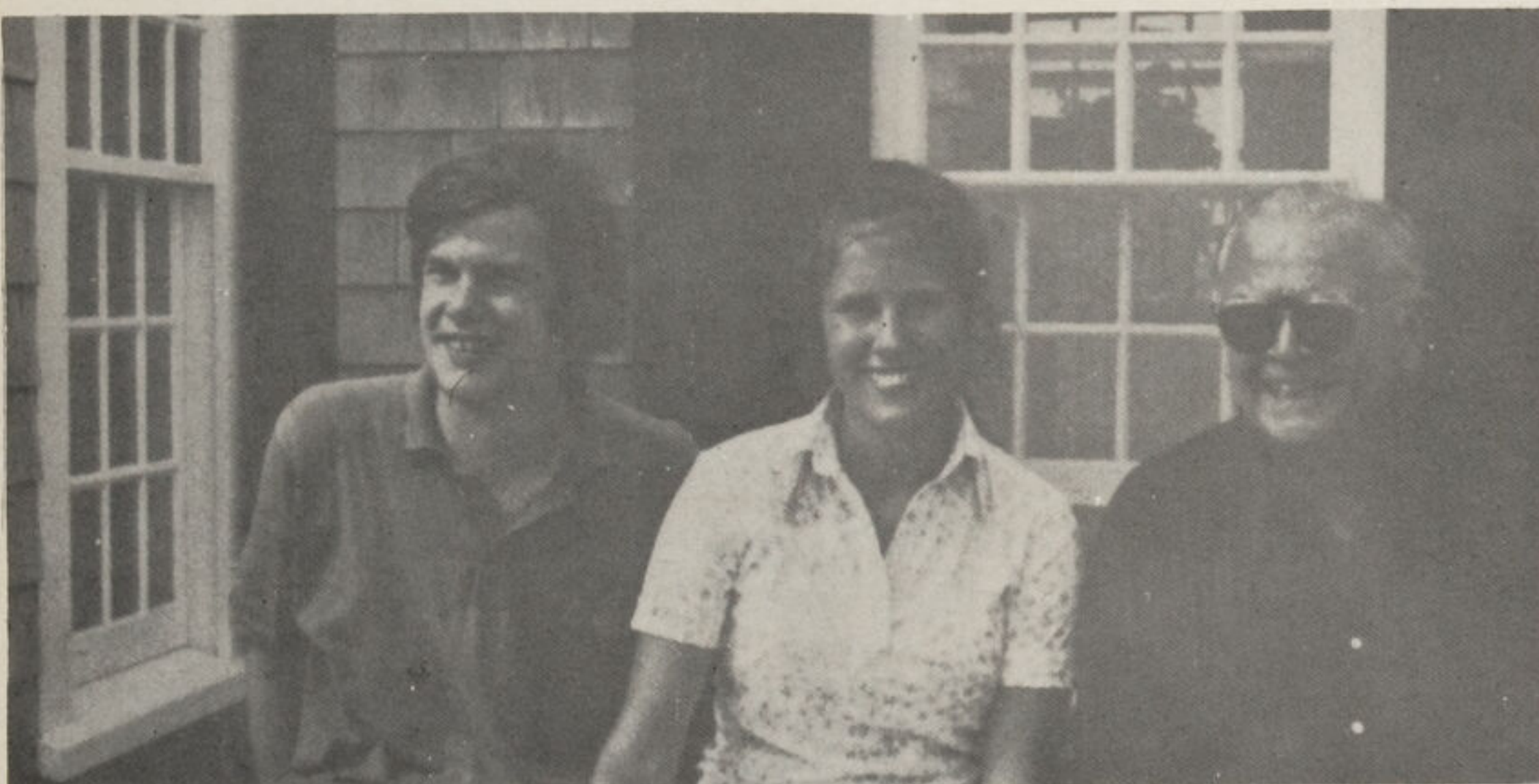
For the next two weeks, Finn was occupied with *Review* work, which included "preliming," which is the process by which the *Review* scans topics in order to select those subjects which would be relevant, interesting, and informative for its many readers. Also, he was given a day-long Blue-Booking quiz, which consists of correcting the form of numerous legal citations according

time for anything else. Finn felt that classes were very important, and did not want to jeopardize his performance in them, although he was aware that members of the *Law Review* generally regard classes as secondary to their *Review* work.

Finn also felt that it was important that he spend a significant amount of time with his wife, especially in their first years of marriage. Lynde herself said that she was quite willing to put up with the lack of attention, if *Law Review* was something that he really wanted. "What scared me the most about the whole thing," remarked Lynde, "was not the two years on the *Review*, but that Tim might get into a kind of 'work track', that he might go from the *Law Review* to a New York firm that would keep him working 70 hours a week, and he would be conditioned to it." For weeks before the invitation, they had "hoped to enjoy each other and Boston, and the *Review* made prospects of that look pretty dim," recalls Lynde.

"Possibly if the *Review* had more members," speculated Finn, "the work time could be reduced, and much pressure relieved, however, this might lead to reduced respect for the diluted *Review*."

Finn and his wife left for a week's belated honeymoon to Nantucket where, at a picnic, they met another ex-member of the *Harvard Law Review*. Only this one had long since gone on to slightly bigger things since his years on the *Review*. Supreme Court Justice William J. Brennan '31 said that he understood Finn's dilemma thoroughly because he, too, had gone through much the same thing. In fact, Brennan, who was married during his years on the *Review*, felt that his problem was solved because he lived apart from his wife at that time. She wrote for a newspaper in New Jersey, while he distinguished himself on the *Law Review*. Finn had to make what he termed, "a most difficult decision," but certainly having the concurrence of Justice Brennan helped to ease his mind.



Timothy J. Finn, 2L and wife Lynde relax with Justice William J. Brennan '31.

days before classes began.

Why exactly did Finn, who thinks of himself as "very ambitious," resign from the *Law Review*? An analysis of the events of the summer provides some answers. When he received the invitation, Finn was working for a law firm in his home town of Cleveland, and a wedding date for him and his girlfriend Lynde had been set for August 24. The reaction from the firm was predictable, they were suitably impressed, but Lynde described her reaction as being "happy at first that Tim could do so well, then, sick to my stomach."

Plans for the marriage left unaltered, Finn returned to Cambridge on August 9 to attend introductory meetings for the *Review*. He said that it was an imposition to leave his job early, chiefly because he

to the Blue Book method. Finn was exposed to "sub-citing," that is, checking the footnotes of articles submitted to the *Review* for accuracy.

With regard to his tasks in general, Finn commented, "Someone is going to have to pay me to do it, beyond the compensation of the repute of the *Harvard Law Review*. Although I realize that much of the work is necessary, it is often laborious, tedious, and not terribly creative or even intellectually stimulating." Finn was working eight to ten hours a day during this period.

On August 23, Tim went back to Cleveland. Tim and Lynde were married August 24, and immediately returned to Cambridge. On their way back, the couple discussed their future. Forty hours a week on the *Review*, in addition to classwork, did not seem to leave a lot of

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1L Firm Work Not Deemed Vital

(Continued from Page 2)

ask a first year student of six weeks to explain what he wanted to do and why — it would set some in a ridiculous light before prospective employers."

Bruce agreed that employers play a major part in the exclusionary policy. He noted their preference for those who are closer to graduation. "The employer is the early bird who is after the most succulent provender."

Appel described several alternative and less direct services which the Law School offers in aid of 1L summer legal employment. The Board of Student Advisors will soon distribute information on possible legal work available to 1Ls. A listing of 2Ls who completed cards for the Placement Office on legal work done over the past summer should be available at the receptionist's desk in Langdell Hall.

The Placement Office will also continue its practice of sending relevant notices to 1Ls concerning employment information later in the year.

An index of public interest jobs, mostly involving legal aid, might be another potential information source. Appel related that some of these public interest organizations invite 1Ls to apply for summer positions.

Legal summer work for 1Ls might be located with the civil service. Appel noted that legal jobs with federal agencies are available to applicants with only one year of law school.

"After the first of the year," continued Appel, "the Placement Office makes an index of positions still available with organizations that came here to interview in the fall." While these "late" openings are presumably addressed to 2Ls, the cards are accessible to 1Ls for reference.

The exclusion of 1Ls from the interviewing process does not mean that they are excluded from using the references and information available on the third floor of the Roscoe Pound building, the location of the Placement Office. 1Ls are "perfectly free to watch notices" and use

books in the office, according to Appel. 1Ls are also free to initiate off-campus interviews with organizations coming to Cambridge.

Appel ventured that 1Ls seeking summer clerkships near homes in "middlesized communities" have the greatest likelihood of procuring them. "Coming from a big city and knowing a lawyer in a smaller firm, they may be able to get a job through their friend or contact; without this, it would be quite difficult," explained Appel. She qualified her reference to difficult larger cities as pertaining to the "six or so" most popular to summer clerks and new lawyers.

While Appel denied any apparent geographical goldmines for prospective 1L clerks, she did denote a "certain regionalism," sometimes unconscious in a firm, which often works against a 1L looking too far from home. Some areas, however, tend to hire more "risk people" according to Appel. She cited Alaska as one area an interested 1L might find a greater than usual welcome.

Appel estimated that "around 100 or 125" of current 3Ls found legal work during their first summer of law school. The figures for this year's 2Ls are not yet available.

Sample letters and resumes will be made available in materials to be distributed, according to Appel. But walk-in interviews over the Thanksgiving recess "might be a good starting point" for the 1L who can stay calm about summer employment until that time. Appel commented that "a letter of appreciation for the interviewing lawyer's time" is much more important than a letter requesting an interview at his convenience beyond his graspable future.

The necessity for the 1L of finding legal work after his first year is far from established. Ray Klein, interviewing attorney from Hahn, Cazier, Thornton, Hough and Leff of Los Angeles, recommended that 1Ls "do something else or at least not feel pressured into being involved with law."

Klein remarked that an inter-

viewer "is not very influenced by what [2Ls] were doing the summer before" for "a variety of reasons." Klein explained that one student might have worked in a law firm because he had to meet certain financial burdens while another might have traveled because he could afford it and recognized that summer as one of his last opportunities to take an extended trip.

The failure of a 2L interviewee to have included past legal work on his resume "is not necessarily an indication of lack of interest in law," according to Klein.

While first year clerking might be beneficial in the long run as one more place to "make a contact and get an impression about the person" on the part of future hiring firms, Klein was doubtful about its real value. "If a person doesn't have to work in terms of money he should use it doing something he wants to do — there won't again be many three month periods off from law."

Appel joined in stressing the lack of necessity for 1Ls to find legal work after one year of law school: "If you have to make a lot of money, find a job to make the largest amount you can; however, if you don't have this need, I would recommend something more interesting."

Appel put forth working in an Alaskan law firm, finding a job on an Indian reservation, and knapsacking through Europe as examples of more valuable ways to spend one's first year summer; these are "things that will broaden your experience — when you do start to work you get a very short vacation and will never see things in the same way."

Bruce expressed similar views about the 1L summer and finding legal work: "Those people who don't want to shouldn't. They should do what they want — go off and crew on a boat, take a trip; if a person has something he wants to do he should do it. A person anxious to get started in his legal career should do that." Bruce was less willing to advise those who are neutral or undecided.

Faculty Panel to Investigate Legal Aid Selection Process

(Continued from Page 1)

week" after consulting "with various people." William D. Coston, 3L, president of the Bureau, was informed of the decision to create the committee Friday morning at a meeting in Sacks's office.

Coston said the Bureau's Board of Directors "was not upset about the decision."

"We anticipate an amiable resolution of the thing," Coston said. "We feel guaranteed that our views will be presented and considered."

Coston refused to comment further. When asked if any members of the Bureau would be appointed to the committee, he said, "Why don't you go ask whoever told you about the committee in the first place who's going to be on it? If Dean Sacks doesn't want it to be known, I don't see why I should tell you."

Sander stated Tuesday evening that the four faculty members appointed by Sacks represented the complete membership of the committee, and indicated that no students would be added. Sacks had earlier said that the committee "will consult with students as it deems appropriate."

In response to other questions about the committee, Coston said that it "would be peculiarly inappropriate" for him to offer any comment beyond what he had already said.

Sources close to the Legal Aid Bureau indicated that members of the Bureau's Board of Directors

have privately expressed "some apprehension" about the formation of the committee.

"They definitely see themselves in a defensive posture vis a vis the committee," stated a student belonging to the Bureau but not a director. Pointing out that the Bureau receives \$40,000 annually from the Law School, he said, "If a decision is made to cut that allocation, all it will mean is that more poor people won't receive legal services."

Ultimately, however, this student indicated, the directors feel that the Bureau will be "vindicated" by the committee.

Sander declined to comment on what steps might be taken by his committee. Saying that he did not know whether the committee would eventually make a recommendation of any kind, Sander remarked, "I don't think it's appropriate to comment on all kinds of things, including disasters, that might or might not happen."

Owens said she would know nothing of what the committee might do until its first meeting, today. Bator referred all questions about the committee beyond his own membership on it to Sacks.

"It is possible," Sanders noted, "that we could get together with Legal Aid and work this thing out between us," without further formal action.

Sander said he expects the committee to complete its assignment "within a month or so."

SPORTS QUIZ

1. The first player to play out his option and move from one N.F.L. team to another was a wide receiver famous for his leaping catches. Name him.

2. Johnny Miller has been the talk of the golfing world by winning eight tournaments this year. One pro however, once won 18 tournaments in a single year. Name this record holder and the year in which he accomplished this feat.

3. Don Chaney recently announced he is jumping leagues to play in the ABA. Name the first great NBA player to make this move. Hint, he is the only man who has led both leagues in scoring and is now back in the NBA as a star forward.

4. Unnoticed by many in the furor surrounding Johnny Miller's great year is the fact that a woman golfer is in the midst of setting a new LPGA money record. Name her.

5. The world of tennis has been dominated by left-handed Jimmy Connors who recently won at Forest Hills. Name the other lefties (if any) who have won at Forest Hills in the last 20 years.

6. Recently, the world's longest consecutive win string in competitive swimming was broken when a young U.S. backstroker defeated his East German rival. Name the great East German backstroker who was beaten.

7. The possibility of a tie for divisional titles in baseball this year brings to mind the playoff between the 1951 Giants and Dodgers. That year the Giants were shortstopped by a man destined to become the manager of one of the top teams in baseball today. Name him.

8. Purdue's recent upset of Notre Dame is merely one game in a great series which has showcased many future greats. One Purdue coach in particular was famous for recruiting and developing great quarterbacks. These included Len Dawson, Bob Griese, and Mike Phipps. Name this former coach.

9. Nolan Ryan recently pitched his third big league no hitter. Name the only player to pitch more than three.

The Sports Quiz is provided by the HLS Sports Trivia Society.

(Answers on Page 12)

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No Students?

We congratulate Dean Albert M. Sacks for his quick and decisive action in appointing a committee to investigate the selection process of the Law School's Legal Aid Bureau.

There have been several questions raised about that selection process and an investigation as to whether or not the Bureau's selection process is justified is proper. This is a study that should be welcomed by the members of the Legal Aid Bureau as well as the rest of the Law School community.

The faculty members of the committee are all good selections and we are sure they will study the issue fairly. However, we must state that we are disappointed that Dean Sacks has not seen fit to appoint any students to this committee.

The Legal Aid Bureau is staffed by law students and their dedication has helped provide legal services for countless clients who would otherwise be unable to afford such services. It is unfair to have a committee appointed to study the selection process of the Bureau's members without appointing at least one member from that organization to the committee. Such a member would bring a different and essential perspective to the committee's proceedings.

The committee has not started its deliberations yet. There is still time for Dean Sacks to provide for student representation in the group. We urge him to do so.

The Price Tag

For the past several years, some law firms have conducted programs whereby associates can work part of the year in firm work and the rest of the year doing public interest work.

Assistant Dean Robert A. Williams has informed us that a New York firm is planning to implement a similar program for some of its summer clerks. The clerks' summer time will be divided between firm work and public interest work with the full summer salary being paid by the firm.

We are all aware that the price tag for adequate legal services is beyond the means of many of the middle class and most of the poor. Members of the legal profession must take the lead in seeing that this problem is alleviated with programs such as those discussed above.

If the legal profession does not succeed in developing fresh ideas for providing legal services for all, the government will probably step in. Such is the fate that has befallen the medical profession for its failure to come up with imaginative ideas for providing adequate health care at reasonable rates for all.

The reasons for the legal profession to take the lead in making legal services available for all is not only that otherwise the government might socialize the legal profession, but, more importantly, that justice will then be best served.

HARVARD LAW RECORD

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Fenno

"Well," Fenno asked more or less solicitously, "how did it go?"

The 2L shrugged non-committally. "I never know how to evaluate these things," he said.

"You mean you don't have any clue at all?"

"Well, I think I impressed him more than the student before me did."

"Why?"

"The student before me was only in for 19 minutes, and I was in for 22."

"That doesn't seem very rigorous."

"I'm sorry, it's the best I can do. I mean you shake hands with a guy and make canned responses to canned questions for twenty minutes. How do you know when it went well and when it didn't?"

"You've got to break the code."

"What does the UCC have to do with interviewing?"

"Not that code. The important code. What interviewers really mean."

"For example?"

"For example, when they say, 'Which course did you like best last year?', they mean, 'Are you *really* interested in corporate practice, or do you want to be a lawyer because that's what Ralph Nader is?'"

"What if they say, 'Which course did you feel most comfortable with last year?' Does that mean the same thing?"

"Not at all. That means, 'Will you please quit playing around and tell me what your grades were?'"

"How about when they say, 'Why do you want to practice law in San Francisco?' What does that mean?"

"If it's a San Francisco firm, it means, 'This had better be good, because we don't like to hire clerks who want to have one last swinging summer before they go to Wall Street.' If it's a Los Angeles firm, it means, 'You got your cities mixed up in your last answer.'"

"Is there any more to the code?"

"Yes. The most important code-phrases deal with money. If they say, 'We pay a salary which we feel is competitive with the other major firms in our area,' it means, 'We haven't had a chance to get together with the other firms to fix the salary scale for this year yet.' On the other hand, if they say, 'Our salary levels are individually adjusted to reflect personal levels of ability and experience,' they mean, 'We don't pay what the big firms pay, but if you were good enough to get a job with a big firm you wouldn't be talking to us anyway.'"

The 2L nodded readily in comprehension. One question remained.

"What about when they say, 'We of course are a corporate law firm and turn out high quality legal work. Therefore, we hire very selectively, and we pay accordingly.'"

"That's the easiest of all. It translates, 'If you go to work for us, you may have to sell your soul, but at least you'll get the going price.'"

HARVARD LAW RECORD

Letters to the Editor of the RECORD

Backbencher Errs; Fights Loss Cause

To the Editor:

I would like to register my disagreement with the September 27th RECORD's "Backbencher" article on Professor Loss' Corporations exam. First, it is hard for me to imagine that a representative sampling of the class of over 200 was taken, and as the author neither took the course nor the exam himself it may not be too far afield to suggest that pure reliance on hearsay may have been an inappropriate basis for an article wielding such a highly critical axe. Second, the description of the questions as "picky" and "little", etc. I believe is simply wrong. Lots of issues were presented in each question and without a good understanding of the material and a careful attention to detail in answering it would have been very difficult to find any solution at all among the choices given. The out presented for the student with all the issues at his or her fingertips was to explain the choice of an answer with the reasons for it or for dissatisfaction with it in the space provided. Thus one's understanding could have been examined in a broader context.

I must say I agree with the conclusion of the article that other Law School professors should not in numbers switch to multiple choice exams, but I believe that strongly because it is so difficult to do it well.

As a firm believer in the system which dictates that even unpopular causes deserve representation, I submit the above comments.

Toby S. Myerson, 3L
Cambridge

Raising One's Voice For Multiple Choice

To the Editor:

No pigeon could be more upset than one who, after years of entering a laboratory box to peck a red light for his food, enters the box one morning for breakfast, only to find that his examiner has changed the light to blue. I would imagine his anger to be somewhat like that expressed by students in Phil Spector's article in last week's Backbencher on Professor Loss's multiple-choice exam. The following are some thoughts submitted in response to Mr. Spector's invitation for "dialogue" on the subject:

1) There is evidence that obfuscation is easier in essay exam answers than it is in multiple-choice answers. And, although many people at Harvard would deny it, there are times when the answer to a legal question is clearer than the responder might wish it to be. Mr. Spector praised the "On the one hand — On the other hand" sorts of answers. Those answers are often attempts to show that the question can be resolved "on no hand." We should all realize that the tendency to be vague is a remunerative part of a lawyer's talents. We should realize also that the tendency exists.

2) Prof. Loss allowed students to explain their answers. He has stated that he read these explanations and, in a not insubstantial number of cases, they improved a student's grade.

3) If the multiple-choice exams free professors of the time wasted in grading other types of examinations, then they have that much to be said in their favor. I fear that students who think otherwise do so only out of a sadistic and egalitarian desire to know that the professor will endure some measure of pain in reading answers produced with a considerable measure of pain.

4) The essay exams of the sort favored recently have very few, if any, of the attributes that the multiple-choice critics claim. Anyone who has ever heard law students comparing their answers following such exams knows that their main purpose is perceived to be to force students to put in their answers all of the "black letter" statements directly or tangentially related to the Byzantine factual situation put forth in the question. Such exams tend to elicit far less scholarly essays than exams in introductory college courses.

Finally, it was stated that some students feared to give their names because they had to face Professor Loss in a course this year. The implication that Professor Loss is ruled by a code of honor that would allow him to seek retribution from students sincerely critical of his behavior as a teacher is an unfortunate one, and should not have been made.

Robert E. Mack, 3L
Cambridge

Law Notes

Applications for White House Fellowships will be accepted until December 2, 1974. Information and application forms can be obtained at the Placement Office or by writing the President's Commission on White House Fellows, Washington, D.C. 20415.

A photographic exhibit entitled "Self-Portraits and Other Photographs by Women" will be featured at the Science Center until October 30. The show is organized by Paula Bonnell, 2L, and includes the work of 13 Boston photographers, free lancers and teachers of photography.

The Harvard International Law Society speaker program continues on Thurs-

day, October 10, with a speech by Nils Koch-Peterson, supervisor of legal aid in Denmark. HILS offers a placement service for summer legal jobs abroad open to 1Ls. An organizational meeting for prospective participants in the Jessup International Moot Court competition, which is an acceptable Ames alternative, will be held October 10 at 4 p.m. in Pound 200. Contact John Perkins, 523-1857, for answers to questions about HILS.

An eight-man shell race will take place on the Charles River between the Law School and the Business School in late October or early November. Over twenty persons responded to the notice in last week's Adviser, and Phil Fargotstein, 1L coordinator, stated that a second boat might be added if interest continues. Interested HLS rowers, coxswains, and coaches should contact Doug Miller, 3L, at 498-4801, or Fargotstein at 498-5153.

The East Asian Speakers Program will present a speech entitled "New Dimensions of Asian Politics" on Wednesday, October 9, at 1:10 p.m. in Pound 419. Speaking will be Hongkoo Lee, Professor of Political Science at Seoul National University and Rockefeller Fellow. An informal bring-your-own lunch beginning at 12:45 is open to all who wish to converse with Lee.

The 1974 Fall First Circuit Roundtable Conference sponsored by the American Bar Association and its Law Student Division will take place on Friday, October 18, in the Roscoe Pound Building. The Conference is open to all interested L.S.D. members. Registration is at 1:00 p.m. A 5:30 p.m. reception will follow the roundtable discussions and a speech on "Public Regulation and Planning of Energy Production."

Volunteer law students are needed for a project involving student suspensions in Boston public schools. Volunteers will advise students on their rights and represent them at hearings. If interested, contact Marsha Weinerman at the Boston Mayor's office of Human Rights (722-4458; 722-4459).

Towing has begun in all of the University parking lots. The ILS parking lot and the Austin Hall parking lot are kept under particularly tight surveillance. Visitors should be advised to go to the garage and identify themselves to the parking attendant as a visitor of a specific person or office in the Law School.

HLS to Name Post to Honor Austin Scott

(Continued from Page 1)

bank has ever made to an educational institution.

Muller stated that the drive, which is under the direction of Francis T. P. Plimpton '25, has received an "encouraging response" from a mailing sent out to alumni this summer. The mailing was sent to all classes through 1962, the last year Scott taught at the Law School before his retirement.

Muller also noted that last year the Law School Alumni Association gave the school \$70,000 besides the annual scholarship funds that it regularly provides. Dean Sacks has set aside \$50,000 of that sum for the Scott Professorship.

SPORTS ANSWERS

1. R.C. (Alley-Oop) Owens
2. Byron Nelson in 1945
3. Rick Barry
4. Jo Anne Gunderson Carner
5. Neale Fraser, Rod Laver
6. Roland Mattes
7. Al Dark
8. Jack Mollenkoff
9. Sandy Koufax

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Clinical Course Demand Met Despite Student Apprehension

(Continued from Page 1)

chose to enroll in *Civil Trial Advocacy* when it was opened to them.

According to Seva J. Kramer, speaking for the Clinical Studies office, all students remaining on the waiting list were given the opportunity to get into the course this Fall. Kramer added that "people seemed generally satisfied with the way things were handled."

Last Spring a controversy was precipitated by the announcement that Professor Gary G. Bellow would not teach at the Law School during 1975. Bellow teaches the popular *Lawyering Process*. Enrollment figures for the course were swelled by the announcement. Because 2Ls had preference for enrollment over 1Ls, only 37 of the 97 1Ls who requested the course at pre-registration were enrolled. Responding to the situation, an ad hoc committee of 1Ls collected 350 1L signatures on a petition requesting that the administration "redouble their efforts" in seeking a replacement to teach *The Lawyering Process*. At that time Dean Albert M. Sacks said that an effort would be made to open up opportunities in clinical courses for as many students as possible, but added that the search for a replacement for Bellow would be "essentially futile" in light of the unrewarded efforts by the faculty and the administration to find a replacement.

Although Bellow originally planned to teach *Civil Trial Advocacy* this Fall and take a sabbatical during 1975, a heart attack last Spring caused Bellow to revise his plans. Subsequently, *Civil Trial Advocacy* was moved from the Fall to the Spring to give him more time to prepare for the course which will be offered for the first time. Bellow's present plans regarding the sabbatical are uncertain. If someone else can be found to teach *Civil Trial Advocacy*, Bellow will take a semester sabbatical this Spring. It is more likely, however, that he will take one semester during the 1975-6 academic year.

The prospects for enrolling in a clinical studies course this Spring appear good. *Civil Trial Advocacy* which can handle up to 40 students, currently has only five students on the waiting list who, according to Kramer, are virtually assured of admission. *Appellate Trial Advocacy*, which will be taught by Professor Nathan Lewin, can handle 30 students and also has a small waiting list.

Criminal Trial Advocacy, taught in the Spring by Professor John C. Cratsley, still has places open. Although this course is currently limited to 3Ls, a proposal is now pending before the Supreme Judicial Court of Massachusetts which would allow second-year students to appear in criminal trials. Should this measure be approved, *Criminal Trial Advocacy* will be opened to 2Ls.



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State Legislator Barney Frank

By Robert E. Mack

Barney Frank is a hard-driving, talkative first year law student. He's bright, affable, liberal, and deeply interested in politics. In fact, he loves politics. That's part of his reason for being at law school. Frank is like a lot of other first year students, except for the fact that he is a state representative, running for re-election at the same time that he is studying negligence and learning that not all professors are of the Mr. Chips variety.

Frank represents the Fifth Suffolk Representative District, "Back Bay, Beacon Hill, and a little bit of South Boston." He was first elected in 1972, aided by a high turnout of young voters from the Kenmore Square area. In one of the few parts of the country where George McGovern's coattails were made of something other than tissue paper, Frank posterized walls with a photograph of McGovern and him, underneath which appeared the words: "Who's That Guy with Barney Frank?" He saw McGovern a year ago and told him that his presence at the top of the Democratic ticket had helped bring him victory. McGovern responded that Frank was the only person to have told him that.

Frank is 34, single, and a 1962 graduate of Harvard College, where his field of concentration was Government. He served as a Teaching Fellow in Government at Harvard from 1962 to 1967, and was Assistant Senior Tutor at Winthrop House from 1964 to 1966. He intended to have his work as a graduate student in Government lead to a doctoral thesis on the Massachusetts legislature, but, as the time for writing the thesis grew closer, the willingness to write subsided. He left Harvard College in June 1967, right before work on his thesis should have begun.

In September of 1967 he went to work for then Secretary of State Kevin White, who was locked with present City Councilwoman Louise Day Hicks in a tough contest for Mayor of Boston. Frank went to work for White "mainly out of un-

happiness with Louise." After White won in November, Frank went to work for him, "and never stopped working for him." Well, not quite. The job of Executive Assistant to the Mayor was busy and hard. He kept it for three years, and says now, "At that point I was exhausted." He resigned.

Frank worked for U.S. Representative Michael Harrington from June 1971 to June 1972. But the lure of academia was still strong, and he accepted an appointment at the Kennedy Institute of Politics in January, 1972. Hopeful of produc-

self. He went on to defeat three opponents in the Democratic primary, and to swamp three opponents in the final. This year he is unopposed, due to the fact, according to him, that he has been busy keeping his political fences mended. "I worked very hard to make myself safe from democracy," he was happy to report.

Frank sports a Guzzi lapel button as he goes from class to class. He met Paul Guzzi while they both served in the Massachusetts House, and is helping to direct his



John R. Mallin

1L Barney Frank in Law School while seeking re-election to state assembly.

ing some scholarly work on government, his stint at the Kennedy Institute resulted in one article for the *Boston Globe's* Sunday magazine, a piece on how he had lost considerable weight. Although today Frank is not svelte, he is a lot trimmer than the photographs carried by the *Globe* that Sunday. His decision that the academic world was not the one for him was not easy to make. "I realized I wasn't temperamentally going to make it as an academic. I wanted to, but I couldn't."

When he heard in May, 1972 that the Republican incumbent from the Back Bay district had decided not to seek reelection, Frank went to talk to him, and decided to run for the seat him-

campaign for Secretary of State. He also is helping Michael Dukakis '60 in his attempt to replace Governor Francis Sargent. Frank has been asked by Dukakis specifically "to fight for liberals." And Frank thinks that Dukakis is doing well there: "He's winning them. He's winning everything."

A native of New Jersey, Frank "came up here to go to Harvard" and "just sort of stayed around." After graduating from college, he was undecided about going to law school or pursuing graduate studies in government. He had applied to Harvard Law in December, 1961, and had been accepted. But he just couldn't decide whether he should go. One friend suggested that he should stand in Harvard

Enjoying 1L Status

Square, wheel about a few times, and then go to work in whichever part of the University he was facing. Frank was afraid that that scheme would result in his working at the Coop, and so he rejected the advice.

The thought of law school came back to him more than ten years later. "I started to think about it again when I got into the legislature." Frank is fully aware that most people "are down on the legislature." But, after being there awhile, "I decided I liked the legislature. I do like it." He also came to feel that "I would be better at it if I was a lawyer. There is a dimension of the work you can't reach without the law." He came to feel that training in the law would help him in his efforts to get certain legislation passed, such as his own bill for speedy trials, which was defeated in the last session.

Another reason to go to law school was financial. A law degree would help to augment his income. "The other thing is — make a little money on the side. The legislative salary isn't enough," he stated.

Unlike many students here, he does not plan to tack his law school diploma to the wall of a large, comfortable firm. "I'm not going to quit the legislature," Frank said, "and go to work for Cravath, Swaine & Moore." After a short pause he added, "My mother used to work for Cravath. As a secretary." Frank concedes that eventually he might want to teach law in some capacity, since he would also have the benefit of legislative experience. But he is quick to warn that "it would be a little presumptuous to decide to do all that three weeks into law school."

Law school is "working out even better than I thought,"

Frank concluded after almost a month of studies. He has found all of his first year courses to be "directly relevant" to what he does as a legislator. He believes that his courses are forcing him to consider questions on a more abstract basis than he would otherwise. He feels that he needs this sort of training: "I'm not a very disciplined guy intellectually."

A few of his colleagues have kidded him about his present status as a Harvard Law student. But he estimates that seven or eight legislators are also studying law. The only difference is that they are attending night school. Working nights for a Suffolk Law School J.D. is something that Massachusetts legislators have done for years, but Frank couldn't afford to get the degree that way. "I couldn't go nights," he said. "I need my nights politically."

Frank is confident that his law school schedule will conflict minimally with his legislative schedule. The formal session of the legislature doesn't begin until January, when work is conducted on Monday, Tuesday, and Wednesday afternoons. Frank has no classes at those hours. By the time the legislative meetings move into mornings, it will be May, and the need for attendance at Law School classes will have disappeared. Some might say that Barney Frank is lucky that the two schedules complement each other.

Others might say that he is lucky that he can go to classes this semester untroubled by a political opponent. He had to take a gamble last April, when he was trying to decide whether to accept admission to the Law School. His canny political sense told him that he was going to be free of opposition, unopposed in his first bid for reelection. Barney Frank is glad that his judgment was right, and that he doesn't have to rush from classes to campaign rallies and back to classes. "Arthur Miller and an opponent would be more than any man could bear," he said.

Steiner Memo Wins Tacit Nod Of Derek Bok

Harvard University President Derek C. Bok '54 Tuesday obliquely expressed support for the views outlined in a sharply criticized legal memorandum recently released by University Counsel Daniel Steiner.

The memorandum dealt with the risks potentially incurred by non-resident students who register to vote. Bok indicated his support indirectly by associating himself with the views expressed in a Harvard Law RECORD editorial which had defended some of the memorandum's legal positions.

When asked about charges that the University had released the two-year-old legal opinion in order to undermine a voter registration drive then being conducted on the Law School campus, Bok said, "I suggest you read an editorial published in the Law RECORD last week. It's a pretty good editorial."

The editorial referred to, which appeared in the September 27, 1974 edition of the RECORD, said in part:

"The proponents of student voter registration in Massachusetts have cited no statute or court ruling to say that the information in the Steiner memo is incorrect in any area other than in the six-month residency requirement."

Bok's comments came last Tuesday during a conference with representatives of various news media connected with Harvard University.

In other remarks at the conference, Bok said his main priority at the present time was fund raising. He said that private foundations would be the "primary source" of funds during the "foreseeable future" and that he was "somewhat heartened" by the fact that these foundations had encouraged the University to submit detailed proposals for various projects for which financial assistance had been requested.

"This doesn't mean they've made the hard decision that they have the funds or that they're willing to spend the funds in this area," Bok cautioned, "but it does mean they're interested."

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Midget Menu Packs Hidden Punch

This is the first in a series of RECORD restaurant reviews.

The waitresses look like aunts, the sort that show up at Christmas and birthdays to give you a gift you don't want. They have improved noticeably in service in the last few years. Their commander is the bald man with horn-rimmed glasses who makes the Midget Restaurant an oasis for lovers of delicatessen food and substantial (but inexpensive) lunches.

A prospective diner should not be frightened off by the tasteless decor or the piped-in music, intended to be inoffensive. Instead, he or she should be willing to enjoy a leisurely lunch or dinner aided by a basket of bread, unusually good cole slaw, and such Boston rarities as pickled tomatoes and sour cream dishes.

The Midget menu is coded. Most of the waitresses are helpful in interpreting it, while a few are more tightlipped. When an entree is starred it will be ac-

companied by a vegetable, soup, and beverage. The soups are generally hearty (this includes the chowder), and the vegetables well-cooked. This comes as a pleasant change to those people used to the Harvard-New England style of cooking vegetables, which proudly turns them out soft as a pebble. Starred lunches range in price from about \$1.50 to about \$3.00, and their quality is generally good.

For supper one has the same selection as for lunch. For either meal you can order one of the Midget sandwiches, which cost about the same as a starred lunch and are reputed to be substantial. They are named generally after

schools or school colors. For those with long memories of Cambridge, there is even one named after the Sargent School. An inexpensive dinner which appeals to many students is the Brandeis Special which includes one knish, one potato pancake, and a number of other similar goodies.

For those tired of seeing the same sorts of faces and hearing the same types of conversation day after day, the Midget's clientele is an apparently peaceful mixture of students and Cambridge taxpayers. The younger sorts who make dining in the Square an often unpleasant experience are absent.

One can only guess at the inspiration for the restaurant's name.

Dorm Council Activities

This Weekend

TGIF — Today, 4-6 p.m.

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