

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 61, NO. 1-10

SEPTEMBER 19, 1975 - Dec 75

TWENTY CENTS

Review Quashes Announcement Of 2L Members

By Susan Gillette

Officially, no one outside Gannett House knows the identities of 18 2Ls who have been slaving over Law Review tasks since early August, reaping their reward for receiving the highest grades in their first year sections.

In about four weeks these 18 will be joined by the 2Ls who win coveted membership in the Law Review through the writing competition. At that time the Law Review will announce the names of all its 2L members.

For the time being, though, none of the Law Review editors
(Continued on Page 2)

Tougher J.D. Requirements Confront Entering Students

By Ann T. Bailen

First year students must contend with a new set of requirements for the J.D. degree. The new standards will not apply to second and third year students, but will apply to students re-entering the Law School in September, 1975.

Major changes are outlined in materials contained in registration packets. They include the addition of a Professional Responsibility Requirement, the alteration of semester minimum and maximum credits, and the establishment of new minimum

academic standards, including a minimum grade of B- for the Written Work Requirement.

The Professional Responsibility Requirement may be satisfied in the first year by taking the first year elective Legal Profession or later by taking Legal Profession or Introduction to Trial Advocacy. The requirement is the product of a growing concern expressed by bar associations since the Watergate era about the ethical irresponsibility of members of the legal profession.

Registrar Mary D. Upton and Assistant Dean Stephen M. Bernardi stressed that the faculty was not compelled to adopt the requirement by new conditions for entry to state bars. The Faculty acted out of a recognition that most HLS graduates do become practicing attorneys and a belief that a course in professional ethics is an important aspect of a legal education.

The faculty has abolished the different minimum and maximum credit restrictions applicable to the first and second semesters of the second and third years. Although students still must earn a total of 52 credits in the last two years of law school, they may choose to distribute these credits between the first and second semesters in any manner.

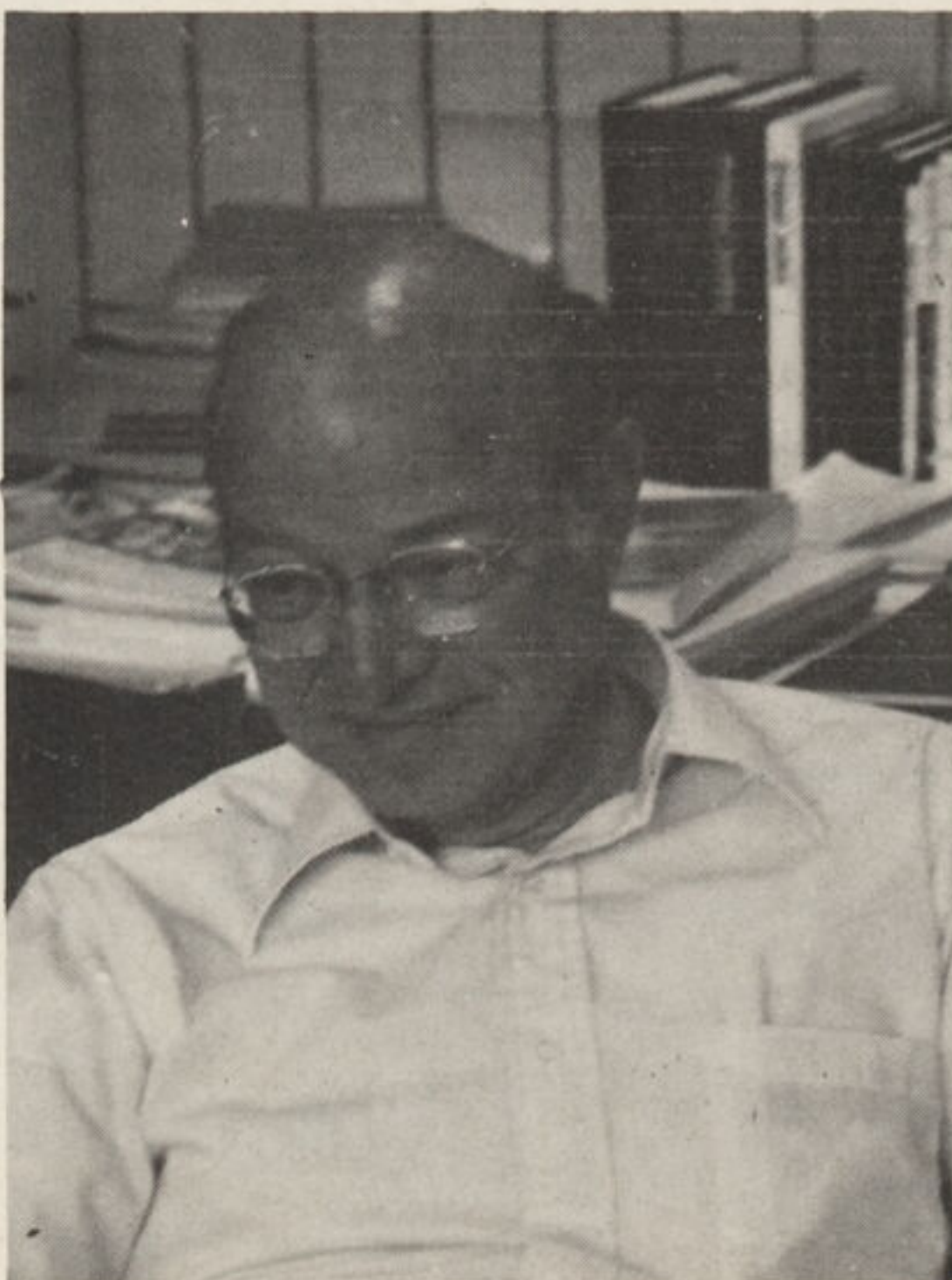
The old system arose at a time when the Law School offered more year-long courses
(Continued on Page 4)

Goldfarb Signals Change In Law 'Business'—Sacks

By Frank E. Sisson

Goldfarb v. Virginia State Bar Association, the Supreme Court case decided on July 16 holding minimum lawyers' fee schedules to violate the Sherman Antitrust Act, may signal important changes in some of the practices of the profession, according to Albert M. Sacks, Dean of the Law School.

Sacks, in an interview with the RECORD, stated that *Goldfarb* is significant in exposing various practices of the legal profession to scrutiny under the "unreasonable restraint of trade" test of the Sherman Act. Such practices had been exempted from examination
(Continued on Page 13)



Dean Albert M. Sacks

Six 3Ls Join Review's Staff; Ninety 2Ls Attempt to Make It

(Continued from Page 1)
will release the names of 2L members to the RECORD or to law firms making inquiries about the Law Review staff.

This "silence" policy is intended to reduce hiring discrimination between students selected for the Review on grades and those selected on the basis of the writing competition, according to F. Whitten Peters 3L, president of the Review. The new policy is "fair,"

to discuss the matter in interviews.

Peters did release the names of 3Ls who were chosen for Review membership on the basis of their 2nd year or 1st and 2nd year averages. Six of nine eligible students joined the Review: Nathan E. Assor, Michael A. Bowen, Thomas J. Campbell, Stewart M. Jay, Timothy J. O'Brien and George G. Yearsich.



Burning the midnight oil at Gannett House

Peters said, because one member of the Review is just as capable as another.

The Review's policy is intended to evade employers' bias in favor of students who are selected for their first-year grades. Employers who want to make a distinction between Law Review members applying for positions will still be able to learn how they made the Review, however. Members are free to state the basis for their membership on their resumes and

The Review staff now includes 36 3Ls and 18 2Ls. Of these, three are women and none are blacks. Special efforts were made to encourage women and blacks to enter the writing competition.

Ninety students picked up writing competition materials Tuesday morning. Winners of this competition will fill about one-third of the 2L slots on the Review, Peters said. Ten or more additional members could be selected.

Non-Resident Parking Ban May Hit HLS

Arnold S. Rosenberg

Parts of the Law School area may be subjected to a 24-hour ban on parking by non-residents later this fall, according to George Teso, Director of Traffic and Parking for the City of Cambridge.

Teso specified Oxford and Sacramento Streets as areas under consideration. If enacted, the ban would become effective in November or December.

About 55 per cent of the curb space in Cambridge is already either in a "No Parking" zone or subject to the City's 24-hour "Resident Sticker" program. To obtain a resident sticker, which entitles owners to park their cars on the street within one-half mile of their homes, one's car must have Massachusetts license plates, Massachusetts insurance, and be principally garaged in Cambridge. This definition excludes automobiles registered out-of-state which may be maintained in Massachusetts by students possessing student permits.

The 55 per cent figure includes 11 per cent which has been added to the Resident Sticker area during the past year, including the area between Linnaean St. and Upland Rd., a popular habitat for law students. However, this progress is too slow to comply with EPA regulations, which required that 66 $\frac{2}{3}$ per cent of Cambridge curb space be subjected to at least a 7-to-10 a.m. non-resident parking ban by last July 1. However, the EPA "doesn't know what's going on" in Cambridge, according to Susan Smith, an engineer in the Air Planning section of the EPA. This could be because the EPA gets all its information regarding compliance from the State's Department of Environmental Quality Engineering, and according to Dick Bates, Senior Planner in that

(Continued on Page 16)

Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 617-495-4418. Subscription price: \$3.00 semester, \$6.00 year mailed; \$8.00 year mailed outside U.S.; students \$3.00 year distributed at the Law School. Individual copies including back issues: 20 cents at the Law School, 35 cents mailed. Second class postage paid at Boston, Mass. Copyright 1975 by the Harvard Law School Record Corporation. The opinions expressed in the Harvard Law Record are those solely of the students comprising the Board of Directors of the Harvard Law School Record Corporation.

ALUMNI: Alumni who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138.

Law School Names New Deans, Adds Titles

By Frank E. Sisson

Several significant changes in the administration of the Law School have occurred since adjournment for the summer.

Professor Paul M. Bator resigned as Associate Dean, effective June 30. His replacement in the position is Professor Robert E. Keeton. Dean Albert M. Sacks, in a memorandum to the faculty, explained the role of associate dean as focusing upon "the planning and development of educational policies and programs in certain key, and often interrelated fields: legal methods, clinical programs, teaching fellow activities; professional responsibility, trial advocacy; novel modes of instruction, particularly involving audio-visual materials or computers; continuing legal education; and any matters that relate to these."

Several changes have taken place in the administration of the graduate program. Profes-

sors Donald Trautman and Arthur T. Von Mehren, after long stints as co-chairmen of the program, asked to be relieved. Jerome A. Cohen, still Director of East Asian Legal Studies, has agreed to act as new chairman. The planning and development of educational policies and programs at the graduate level will be the brunt of Cohen's activities. To assist the chairman in administration of the more routine aspects of the program, Sacks appointed David Smith, who has functioned as Secretary of International Legal Studies, to the role of Administrator of the Graduate Program. He will have the additional title of Assistant Dean for International Legal Studies, and will be the initial contact for all graduate students. Additionally, Dorothy K. Chin, '75, was appointed Assistant Dean and Associate Administrator for the Graduate Program.

The loss of Robert Williams to the Massachusetts Attorney General's Office last spring led to the appointment of Alfred C. W. Daniels, '75, as Assistant Dean effective July 1. Daniels will devote most of his effort to placement and counseling, and working with students and students organizations. Daniels, an ex-Air Force major, entered law school upon retirement from the service after a twenty year career.

James N. Bierman, Assistant Dean and Associate Director of Admissions, left the Law School this summer for private practice.

Patricia Ann Lydon joined the administrative ranks September 1 as Assistant Dean for Admissions and Placement. She had served a similar position at the University of Minnesota Law School since summer, 1972, from which she graduated in 1971. Lydon spent the intervening year as a staff attorney with the Federal Trade Commission.

The price is right. The place is right.

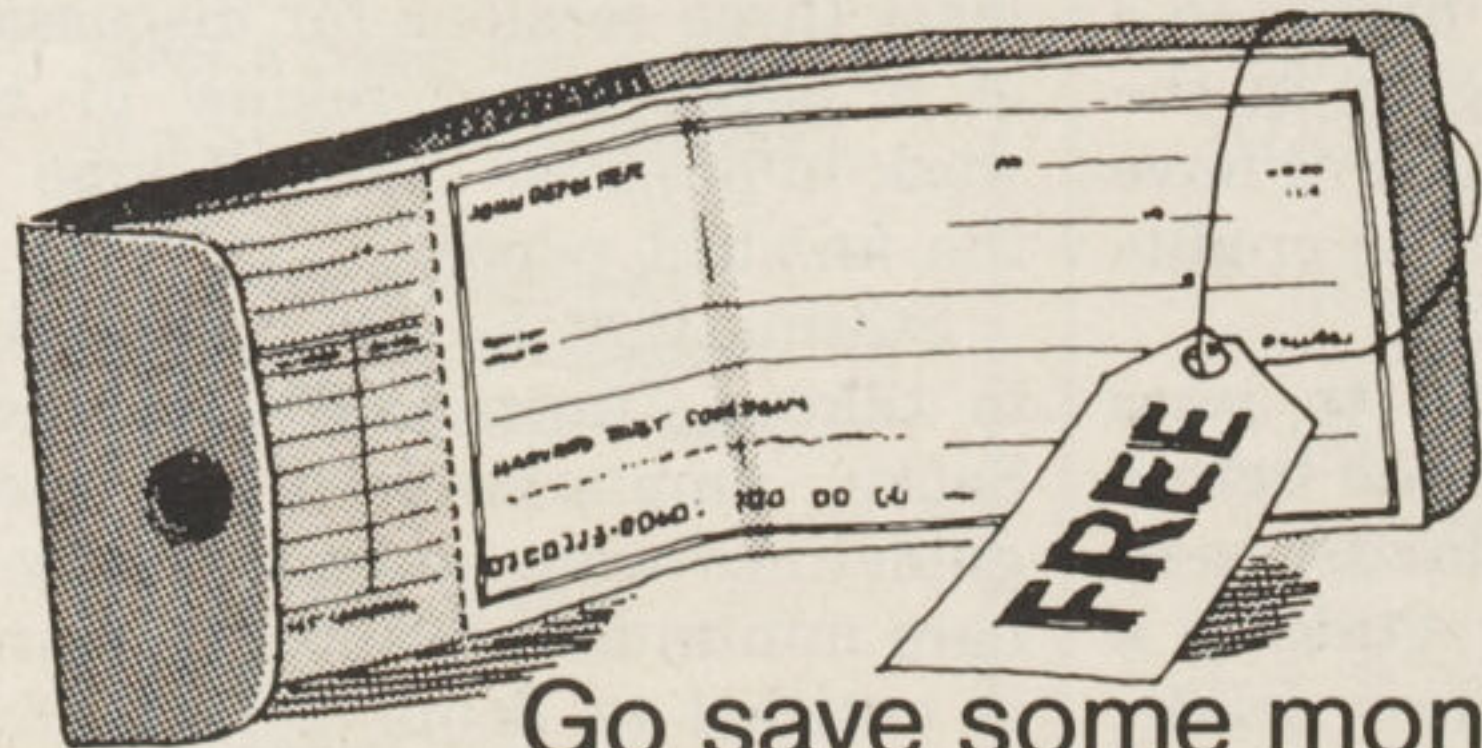
Free Checking at Harvard Trust means just that

No charge for writing checks! No minimum balance! No monthly service charges!

Harvard Trust. We're where you are

Six convenient offices in Cambridge; 10 more in Belmont, Arlington, Lexington, Concord, Littleton and Groton.

Here's how to get a free checking account ►



Go save some money
with Free Checking at:

- Open a regular savings account with as little as \$5.00.
- Open any other Savings Plan.
- Tell us you are over 65.
- Join our Payroll Deposit Plan.

HARVARD TRUST

One of the 12 Baystate Banks

Faculty Reformulates Academic S

(Continued from Page 1)

than at present; the object of requiring more credits in the fall than in the spring semester was to relieve somewhat the burden of taking examinations in the spring to earn credits for the fall. The old format also took into account the student who dropped a course late in the fall semester and had to make it up in the spring.

A new requirement that a student take no fewer than eight credits of law school courses per semester has been added. Since a student must earn a total of 40 law school classroom credits in order to graduate, any student who takes fewer than 10 law

and does not necessarily satisfy the bar requirements of the various states.

The faculty has also promulgated a complex set of minimum academic standards. Under the old system, a student had to maintain an average above a numerical grade — 58. The Buckley Amendment, however, has made it infeasible for the Registrar to keep numerical grades while only informing students of their letter grades. The new standards, drafted by Professor William D. Andrews, set forth the lowest acceptable combinations of letter grades.

Under the old system, a student with four grades of 57 (All D's) would not satisfy minimum

was possible for students to graduate with "F's."

The new minimum grade for the Written Work Requirement is one response to recent discussions among faculty members and in meetings of the committee on Legal Education over adequate supervision of papers written in satisfaction of the Written Work Requirement. According to Upton and Bernardi, low grades are generally the result of procrastination by the student; the minimum grade is intended to act as an incentive to complete the paper in a timely fashion.

Faculty concern over the Written Work Requirement originally was aroused by vague complaints from students about the number of consultations between a student and the advising faculty member. Although the minimum grade partially resolves the issue by encouraging students to take the initiative, the faculty has recognized its responsibility for making the system work.

Although rejecting a mechanical solution proposed by the Committee on Legal Education, the faculty, in a resolution of January 2, 1975, recognized the right of a student to "meaningful consultation," and delegated to Dean Albert M. Sacks the task of effectuating this policy.

In his statement of September 2, 1975 (included in registration materials), Sacks set forth certain minimum guidelines for faculty members to follow in supervising papers. Sacks has suggested that faculty-student contact include at least three sessions for discussion of a paper topic, review of the work-in-progress and critique of the finished paper.

Stating that he was attempting to take a "functional" approach, Sacks emphasized that these guidelines were intended to be a bare minimum. A faculty member is entitled to demand more consultation; and a student who is dissatisfied with such demands may seek another supervisor.



Registrar Mary D. Upton discusses J.D. requirement changes.

school credits in a semester will have to make up the difference at some other time.

The new semester minimum, which formalizes the previous recommended practice, is coupled with a caveat that a student who takes less than 10 law school credits in a semester should check the requirements of residency in law study of the state where he or she plans to practice.

Upton and Bernardi noted that 40 law school classroom credits is HLS's own minimum,

academic standards. Likewise, under the new system, 1Ls must receive a grade of C or higher in 3 credits, and "D" or higher in the other three. 2Ls and 3Ls will have to earn "C" or better in 35 credits and "D" or better in 17.

A student who fails to pass by a margin of one grade below the minimum standards may remain in school by retaking a course and raising a low grade. Any student who has failed a course must make it up. Under the former numerical system it

c Standards Dean Sacks Announces New Members of Faculty

Dean Sacks further noted that his statement reflects only his initial response to the general problem of poorly timed, hastily written papers. He has asked the Committee on Legal Education to consider various methods of encouraging students not to delay the paper until the last semester of the third year.

Noting that the Written Work Requirement, formerly a requirement of the third year, now may be satisfied in either the second or third year, the Dean has recommended to the Committee that some device be developed for encouraging students to write the paper in the second year. For example, the Registrar might be asked to give preference to 2Ls in certain seminars.

One advantage of early completion of the paper would be to relieve student discontent over fulfilling such a major requirement just before graduation, Sacks said. Sacks also believes that papers written in the second year would receive more feedback from the supervising faculty member.

In some cases, the student might seize the opportunity to use constructive criticism in a second paper.

PUBLICATION DATES

The Harvard Law Record will be published this semester on the following dates: September 19, 26; October 3, 10, 24; November 7, 14, 21; December 5, 12.

BRODIE AUTO RENTALS

Rent a Dodge Colt or V-W
For \$7 Per Day & Mileage

Also Compacts and
Station Wagons Available
Bicycle and Ski Racks Furnished
At No Charge

491-7600

106 Mt. Auburn St.
At the Coolidge Bank
Lowest Rates in Harvard Square

Dean Sacks has announced the appointment of fifteen new faculty members for the coming year.

Karl Case, an Instructor and Head Tutor in Economics from Harvard College will be teaching Economics for Lawyers in 1975-76. Mr. Case graduated from Harvard College in 1968, received his M.A. from Harvard in 1974, and expects to receive his Ph.D. here in November of this year.

Those receiving appointments as Assistant Professors of Law include Sally Neely, a graduate and a 1971 J.D. recipient from Stanford, who will be teaching a first year Contracts course and a seminar in Legal Problems of the Limited Partnership.

Also to serve as Assistant Professor is Douglas H. Ginsburg, who received his B.S. from Cornell in 1970 and his J.D. from Chicago Law School in 1973. Mr. Ginsburg will be teaching the year-long course in Labor Law as well as a first year elective.

Hal S. Scott, who received his A.B. from Princeton in 1965, his M.A. from Stanford in 1967, and his J.D. from Chicago Law School in 1972 is also a new Assistant Professor. Scott will teach Commercial Transactions, International Business Transactions, and a seminar in International Trade and Monetary Policy.

Visiting Professors of Law

Dorm Council Activities This Weekend

TGIF — Today, 4-6 p.m.

Harkness Downstairs Lounge

MIXER — Tonight, 8-12 p.m.

Harkness. \$2.00

(Free with HLSDC Card)

Two Rock Bands

LAW SCHOOL FLICK

M*A*S*H

Saturday (tomorrow) 8 & 10 p.m.

Hark, \$1 (50c with HLSDC Card)

Starring Donald Sutherland

and

Elliot Gould.

for the coming year include Allan Axelrod from Rutgers Law School at Newark, who will be here for the Fall semester only. Mr. Axelrod received his B.A. in 1943 from Michigan and his J.D. in 1948 from Yale. He will be teaching a course in Commercial Transactions and one in Debtors' and Creditors' Rights.

Harry T. Edwards of Michigan Law School will teach three Labor Law courses and a seminar with the participation of Dr. Stone, the Lawyer as a Negotiator. A 1962 graduate of Cornell and a 1965 graduate of Michigan Law School, Professor Edwards will be at HLS throughout the year.

Clyde Ferguson, Jr., presently a member of the U.S. delegation to the U.N., will be a Visiting Professor for the next two years at HLS. He received his A.B. in 1948 from Ohio State and his LL.B. from Harvard in 1951. He will teach Civil Procedure and a course in the International Protection of Human Rights.

Gareth H. Jones, Downing Professor of Law, Trinity College, Cambridge, England, will be teaching at Harvard Law School for the Fall semester only. His degrees include LL.B.s from London and Cambridge, an LL.M. from Harvard, an M.A. from Cambridge, and a Ph.D. from London. Professor Jones will be teaching Trusts and Restitution.

Jerome Kurtz, a Philadelphia attorney who received his B.S. from Temple University in 1952 and his J.D. from Harvard in 1955, will have part-time teaching duties for the coming year, including a basic Taxation course and a Taxation seminar.

Shinichiro Michida, Professor of Law at Kyoto University, Japan, received his LL.B. in 1949 and LL.D. in 1962 from Kyoto. He will be teaching Pollution, Products Liability and Torts in Japan (with Professor Keeton), Legal Aspects of Japan's
(Continued on Page 12)

Thrift Shop, Council at Odds

By Beth Emery

Supervision of the Lawbook Thrift Shop and resolution of a contract dispute involving the manager are two problems facing this year's Law School Council.

Karen Richards, manager of the Thrift Shop, has charged the council with neglecting its supervisory duties by failing to implement her December 1974 suggestions.

Richards contends the council should check her accounting procedures, conduct regular audits, and require a co-signer on all bank drafts.

The council committee appointed in 1974 to deal with the matter has never addressed the supervisory issues.

Jeffrey F. Reiman, 3L and current President, said the council has not acted because they have no reason to doubt Richard's abilities.

He admitted that "we were into other things last year, hoping the shop could proceed under its own momentum."

Reiman noted that if Karen is replaced, the council will take an active interest in the shop.

Committee member Ann E. Morelli, 3L, stated that nothing was done about Richard's suggestions because the immediate problem last winter was resolution of Richard's claim for unpaid salary.

Richards contends that the council condoned "shyster lawyer antics" when it approved the salary agreement she claims she signed under duress.

The agreement, a result of the committee's negotiations with Richards, has been termed a "catastrophe," "an unfortunate situation," and "kind of a mess," by various council representatives.

At least two council members would not discuss the controversy without assurance they would not be quoted.

The issue which raised such emotions was Richards' report last December 11 that sales were not sufficient to cover over \$200 of the salary owed her.

away her rights to the salary due because the negotiators told her that she would never recover the salary otherwise.

Morelli denied that charge.

Dec. 18 minutes record a "bitter dispute" over the ratification, with opposition who "felt that the shrewd negotiators were taking Ms.



Karen Richards, Thrift Shop Manager

Richards claims that the council protested the debt and never communicated to her a desire to assume responsibility for paying it.

Reiman contends that the council told Richards it would make every effort to pay. The matter was complicated due to the fact that the 1974 council had never had a budget from which to disburse such funds.

The council charged a committee, which consisted of Morelli and Steve Calkins, '75, with negotiating a new contract in which Richards would receive a larger percentage of 1975 sales in consideration for releasing the council from all past debts.

Richards claims she signed

Richards for a ride." The instrument was nevertheless ratified by a vote of 4-3-1.

Reiman explained that the council felt it was important to resolve the issue in this manner so as not to signal its inability to administrate by asking the administration to pay the debt.

Richards said she did not feel it was her place to go to the faculty or dean for assistance.

"I felt abused by the whole thing. I thought it was risky to work all spring taking in books, not knowing what would happen in the fall. But it has worked out, so now I'm cool," said Richards, adding "But I think it's important for the students to know how the council behaved."

2L's Protest Turns Coop Cash Registers

By Stephen Jacobs

A 2L's complaint about the Harvard Coop's new cash registers last spring developed into a dispute involving the student, the Coop's manager, law professors on the store's governing board, a state legislator, and a former Massachusetts Attorney General before it was settled during the summer.

Howard Davis, the manager of the Coop, replied on April 14 that when contacted, the author of the statute in question said his provision was only intended for cash registers in supermarkets. Nevertheless, the Coop rearranged 18 cash registers so that buyers could see the prices charged.

The dispute appeared to be over when, on May 30, a

machine with totals out of the customer's sight was installed at the Law Coop. At this point, Nerkin renewed his complaint. In a June 2 meeting, Coop vice-president Professor Louis Loss challenged the legal foundations of any suit Nerkin could bring, but promised that the store would bring itself into compliance with the law if it was in violation.

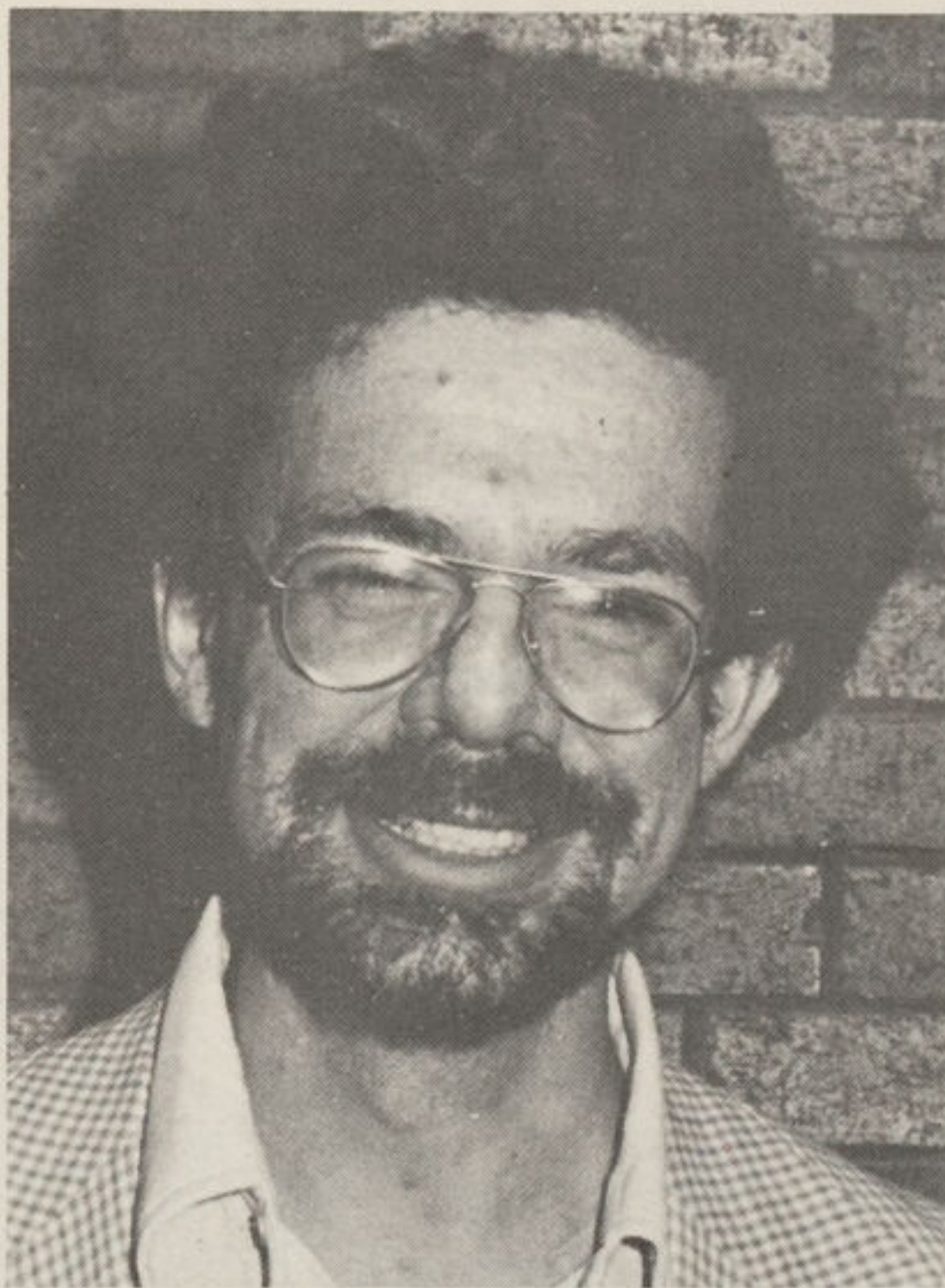
Evidently Robert H. Quinn, former Massachusetts Attorney-General, who had been retained as outside counsel by the Coop, disagreed with Loss, for on August 5, Loss informed Nerkin that viewers had been installed on some machines and that others had been repositioned so as to make totals visible to customers, on Quinn's advice.

In a recent interview, Professor Loss declared that the problem had been "solved completely." Similarly, Davis, the Coop manager, said that the store had achieved "100% compliance."

Nerkin is now satisfied with the Coop, but concerned that the situation may appear in other places.



Byron H. Lowe, HLS Coop Managers, stands by register converted due to efforts of Ira R. Nerken, 3L (right).



On March 8, Ira R. Nerkin, then a 2L, was buying underwear at the Coop in Harvard Square. The salesgirl informed him that the purchase came to \$11.00, whereupon Nerkin asked why the total did not appear on the side of the cash register facing him. "This is a modern cash register; it doesn't give you the total," Nerkin remembers the woman to have responded.

Nerkin paid the money, but decided to pursue his complaint. He discovered a Massachusetts statute, M.G.L. C.95 §5(c), which provides, "Whoever maintains a cash register . . . which is so hidden or in such a position that the total cannot be observed by the customer shall be punishable by a fine of \$50."

On March 10, Nerkin wrote to the legal department of the Coop.

LEGAL RESEARCH

founded by

Harvard Law School Graduates & Students

- INCREASE YOUR VOLUME
- PREPARE YOUR CASES IN MORE DEPTH
- ACCEPT MORE CLIENTS

\$15. per hour for research memoranda
briefs, or pleadings.

Cambridge Legal Research Incorporated

146A Mt. Auburn St.
Cambridge, Mass. 02138
(617)-661-1390 (collect)

Dean Sacks: Seek Change, Stability in Law

On September 3, Dean Albert M. Sacks gave his traditional welcome to the entering 1L class with an address that has become a tradition of its own. Speaking in the multi-purpose room of the Pound Building, Sacks described the law as "as much an instrument of change as an instrument of stability." He reminded the approximately 500 1L's present that a Harvard education entails special obligations and called for them to "commit their special talents to change through law each in his or her own way."

"There is something wrong with a society in which decent people have come to regard law and order as a symbol of oppression and the terms as dirty words," said Sacks as he described his personal notions about the law. "Law and Order is a concept that does not belong to those who use the concept to insist on the status quo."

With the inevitable bowtie and a Pickwickian air, Sacks devoted much of his address to describing Harvard's process of legal education, and to allaying the fears of those about to enter the program. To the nervous titters of his audience, Sacks insisted that the basic principle of "total immersion" in legal studies did not require "pain and suffering." "We do see the value of the first year as a class visibly growing in its capacity to cope with legal problems." But, he concluded, "the aim is to attempt to bring legal education at Harvard closer to what I would call a 'human scale.'"

Sacks commented that "this is an exciting time in the development of the legal profession" and went on to describe a new requirement for graduation, the completion of a course offering, having the legal profession as its subject matter.

Lincoln's Inn: Is It Fun Facing Financial Reality??

By David Halprin

The Lincoln's Inn Society, one of the law school's oldest extracurricular organizations, is undergoing a marked change from eating club to a social organization and gathering place.

"Last semester it became evident that the Inn couldn't function as a restaurant," said Chris Cox, 3L and member of the Inn's Board of Governors. "It was becoming more and more a restaurant and less and less a club. This led to many problems." The problems included escalating food costs and a less loyal membership, which in turn led to erratic turnouts for din-

club to social affairs.

The Inn now serves dinner to members only one night a week, at a cost of \$6.00 for all they can eat. Homemade sandwiches are sold at lunch time and the bar is open each evening from 5 to 7:30 P.M., also on a pay-as-you-go basis. These prices are in addition to the \$40 initiation fee and the dues of \$35 per semester. The dues entitle a member to participate in the club's social events, and to use the building's facilities, which will include backgammon tables and pinball machines. The social events will include parties with other campus organizations, the annual road rally, Christmas din-



Lincoln's Inn: New and Old. Left, Tom Thrash, 3L, reposes in converted dining room. Right, the Spirit of Christmas past.

ner, expensive food wastage, disgruntled kitchen help, and thefts from the club's collection of memorabilia.

The Inn's Board of Directors decided that some kind of change was necessary to keep it alive. One alternative was to substantially hike dues and the number of members, and to somehow regulate the turnout for dinner. This was rejected in order to keep the membership smaller. Instead, the Board decided to eliminate most of the food service entirely, and change the emphasis of the

ner and commemorative photograph, and a cruise through Boston harbor.

This plan will, the Board hopes, allow the membership to remain small (about 150) as well as keep the Inn out of debt. Meanwhile, law school alumnus Edward Cox has promised to tap the resources of past members to aid the Inn of the present.

In short, the Inn hopes to survive, albeit in a form lacking much of its past tradition. Nevertheless, Chris Cox is optimistic. "I think it's going to be really fun," he said.

3L Campaigns for State Rep

By Roger P. Evans

Thomas J. Dougherty, 3L, is a law student who happens to be running for Massachusetts state representative. He plans to be a "lawyer who is also a politician."

Dougherty, also active as managing editor of the Harvard Journal on Legislation, is seeking the post of state representative from his hometown of Quincy, Massachusetts. A vacancy exists in his district because the regular representative has resigned to become a District Attorney. At least six others are also vying for the Democratic nomination for the post. Winning this primary in Roman Catholic Quincy is almost tantamount to election, according to Dougherty.

The likely date for the primary is November 18th; for the general election, December 16th. Dougherty is waging an active personal campaign, concentrating on the small group of voters most likely to go to the polls in a special election.

What makes Tom run? An "interest in legislation" a feeling that "it is a good way for someone with a sense of legislative process to become involved" and an opportunity "to get his name out before the public" are the reasons proffered by Dougherty. The tall friendly Irishman also views running as "great fun . . . a great charge".

Beyond this, Dougherty has a

number of substantive reasons for seeking the elective position. A poll of his district shows that the overriding concern of his potential constituency is the woeful condition of the Massachusetts economy. Dougherty has a strong economics background, having studied economic issues for a year at the Institute for Development Studies in Scotland and for two years at Oxford, as a Marshall Fellow.



Thomas J. Dougherty, 3L

Although he admits that his knowledge of economics has afforded him no instant insight into the solution to the financial plight of the state, Dougherty

feels that he at least understands the issues involved and is in a good position to propose and act upon possible ways to ameliorate the problems.

Other areas of Dougherty's concern include off-shore oil development and the fishing industry. He is also interested in consumer issues and favors the establishment of a consumer watchdog agency. The Massachusetts nursing home scandal, which is the result of the overpayment of 14 million dollars by the state to nursing homes for the care of Medicaid patients, also deserves investigation, in Dougherty's estimation.

The only Irishman in the race, Dougherty is worried about the busing issue in Quincy. Although not yet affected by the court order, voters in the middle-class, predominantly white, suburb south of Boston are apprehensive about the potential effects of Judge W. Arthur Garrity's decision. Dougherty feels that busing is a significant background issue in the campaign, one which is potentially determinative.

Although recognizing that there exist more politically acceptable ways to "handle" the issue, Dougherty has chosen instead to put forth an alternative proposal calling for property tax incentives to induce residential integration. His plan would call for a 10%, or similar, decrease in property taxes for white people who settled in predominantly black areas, and vice versa.

As long as Quincy residents are just opposed to busing, and not to racial integration in and of itself, Dougherty feels his plan will find acceptance with the electorate.

He would, of course, welcome help from interested Harvard students. Barney Frank, 2L, is already a leading Massachusetts state representative, representing a Boston precinct. Perhaps by the turn of the year, two Harvard Law students will inhabit the chambers of the lower House.

ECON-CAR of CAMBRIDGE

905 Main St.

(Corner of Mass. & Main)
(617) 492-3000

- * Economy Cars
- * Cargo Vans
- * Insurance Rentals

SPECIAL SAVING 10% DISCOUNT

with this coupon

Expires Oct. 31, 1975

((Insurance Rentals Excluded))

Goldfarb Cased

Last spring this publication took the position, in light of the pendency of the *Goldfarb* case before the Supreme Court, that the continued blanket exemption of lawyers from the operation of antitrust law would be improper. We recognized that minimum fee schedules do serve some positive ends, such as guiding attorneys who might otherwise have difficulty deciding what to charge for a particular service not often performed by them. But we added that the maintenance of fees at artificially high levels through the instrument of "advisory" schedules made virtually mandatory by state bar rules could not be justified. We applauded the action of the Supreme Court in holding such schedules to be illegal.

But the advances made in *Goldfarb* should only be the beginning of changes to be made in the legal profession. The Supreme Court recognized that state bar associations *are* state agencies for some purposes, and that a "profession" is qualitatively different from a "business" and should be treated differently in light of composition, needs, and purposes. But the recognition by the Court that the legal profession will be subject to scrutiny for anticompetitive behavior should be well heeded by those who want to see positive changes made in the general availability of legal services to all members of society. The ban on advertising by the legal profession has long hindered the efforts of those many groups who seek to inform those they wish to help. And while the large law firms are unlikely to undergo a substantial alteration of present practices subsequent to a declaration that an advertising ban is illegal, the increased communication of the profession with the public enabled by relaxed restraints is a change already long overdue.

Review Reviewed

The *Harvard Law Review* has decided to stop releasing publicly the names of 2Ls selected on the basis of first year grades before the selection of additional staff members from the writing competition. The names of *all* new 2L members will now be released following the completion of the writing competition, and no indication will be made of the basis of selection of staff members. We find this change in policy a welcome one. There is clear evidence that grades are not the best criterion for evaluating the qualities of law students, and there is no reason to endorse in any way the idea that a writing competition yields *Review* staff members who are any less competent than those who achieved high grades. All have exhibited qualities desirable for polished legal writing and analysis.

HARVARD LAW RECORD

FRANK E. SISSON	Editor
ROGER P. EVANS	Managing Editor
ARNOLD S. ROSENBERG	Features Editor
LARRY LIPPOLIS	Photography Editor
SUSAN C. GILLETTE	News Editor
STEVEN S. MILLER	Business Manager
STEVEN R. DAVIDSON	Business Manager

Staff: Bruce Antkowiak, Ann Bailen, Paula Bonnell, Mike Bowen, Jim Burling, Beth Emery, Fenno, David Halprin, Phil Heagney, Stephen Jacobs, G. Bruce Kuehne, Robert Leflar, Charles Loeser, Marilyn Murphy, Fairlea Sheehy, Phil Spector.
Secretary: Joy Felske.

Fenno

Fenno and the 3L walked languidly in front of Langdell Hall, toward the splash of sunlight just beyond the building's southern end. Corps of 1L's buzzed deferentially past them from time to time, commenting absently that they had never expected to find so many copyright cases in Civil Procedure.

"Well," Fenno said, for want of a better introduction, "what are you taking this year?"

"I don't know," the 3L yawned. "My schedule-making is somewhat inhibited by the fact that Professor Lund is only teaching one course."

"Haven't you made any decisions at all?"

"Oh, I've narrowed it down some," the 3L allowed. "To begin with, I've eliminated everything that meets earlier than four o'clock in the afternoon."

"That's a result-oriented principle if I ever heard one," Fenno commented.

"Also, all courses with 'and the Law' in their title — as in, 'Oppressed Peoples' Leather Fetishes and the Law' — are out."

Fenno nodded understandingly. "It makes me feel old to reflect on how long I've known you," he remarked at length. "When I first met you, you were a callow, superficial 1L. Now, lo and behold, you're a callow, superficial 3L. It makes you stop and think."

"It certainly does," the 3L agreed. "Tomorrow is given to no one. Especially to you."

"You have come a long way, though," Fenno offered after a reflective pause.

"Yes," the 3L observed. "Two years ago I was a shy, retiring refugee from the Great Plains, still reeling from the multiple traumas of culture shock."

"And today," Fenno concluded, "you're an 18-karat, gilt-edged grade-A sonofabitch, and a first-class asshole to boot."

"I do my best," the 3L admitted modestly.

"It's obvious that Harvard has aught you to think like a lawyer."

"It may or may not have taught me to think like a lawyer," the 3L commented, "but it has sure as hell taught me how to talk like one."

"To insist on the distinction would be to exalt form over substance," Fenno pointed out.

"Which, after all, is what thinking like a lawyer is all about," the 3L countered.

"At least when your client is wrong," Fenno conceded.

"And as for when your client is right," the 3L suggested, "well, the law does not concern itself with trifles, and there's no reason why we should either."

"I rest my case," Fenno concluded.

Letters to the Editor of the RECORD

RECORD Founder: "Worth the Effort"

To the Editor:

Bruce J. Berger's letter in your April 18, 1975 issue raises a question of whether the RECORD "on balance" is "worth the effort."

My opinion, based on almost 29 years of close observation, is that it is well worth the effort. I'm surprised that counterparts have not been published in more law schools.

I am biased. The RECORD was my idea. I first convinced Dean Landis just before he resigned in 1946, and then, with considerable help from Reginald Heber Smith, the new dean, Erwin Griswold, who soon became an enthusiastic supporter.

Some of Mr. Berger's complaints are fatuous. Others deserve attention. My suggestion is that the RECORD sponsor a conference next year, as a part of its 30th anniversary celebration, to examine and weigh the function of a law school newspaper. Participants should include former RECORD staff members and graduates of other law schools, perhaps including Rutgers law professor Albert P. Blaustein and UCLA law professor Edgar Allen Jones, Jr., who respectively founded the second and third oldest law school newspapers at Columbia and Virginia.

The RECORD was founded to provide Harvard Law students and graduates with a sense of community. A lawyer is also a citizen, one with special opportunities and duties in a government, not theocratic or tyrannical, but *sub leges*, as I recall the message on Langdell's eastern pediments.

Charles O. Porter '44 ('47)

Eugene, Oregon

Public Interest Lawyer Urges Intern Program

To the Editor:

Your May 2 issue, focused on public interest law, was a welcome surprise to those of us who wish more Harvard students would take the initiative to find out about opportunities in the field.

There are a substantial number of Harvard Law graduates in the public interest firms in Washington, as well as Los Angeles and elsewhere. But most have come with no prior experience after starting down other career paths. One of the difficulties is Harvard's reluctance to approve academic credit for semester away internships with public interest firms.

Yale, Michigan, Stanford, UCLA, Boalt Hall, Northeastern, Pennsylvania and other law schools approve and

even encourage these programs. Prior interns at public interest firms form one of the most often-tapped employment pools for the field, and are most likely to choose this career initially.

Our firm, for example, specializes in representing the public in communications litigation. It offers students an experience in research, drafting FCC and court of appeals pleadings, participation in negotiation and client conferences and general knowledge of the administrative agency process.

Most of the over 50 students that have so far participated in it have found this program a far more valuable educational experience than an additional course load for one semester of the second or third year. I am enclosing a description of the program and a brochure about our firm, which I hope you will make available at the RECORD's offices.

The Harvard faculty might respond favorably to a strongly articulated student request for approval of participation in such internship programs. If a sufficient number of Harvard students wish to discuss the program with us, we can arrange a trip to Cambridge. Students wishing further information about Citizens Communications Center might also contact Professor Chayes, who is on our Board of Directors, and Professor Liebman, who also works closely with us.

It takes a little more effort to find career opportunities in public interest practice. Those who have been at Citizens, including Lewis Paper '71, Ellen Agress '71, and myself, think it is worth it.

Frank W. Lloyd '67

Washington, D.C.

Charge of Feminist Hair-splitting Decried

To the Editor:

I would like to apologize on behalf of my fellow (sic) "ladies" and express my regret that such a person!able bloke as Mr. Dunn feels offended by this rife and "ridiculous" feminist hair-splitting. I must add that his lament is not surprising: one who addresses a letter to an "Editorperson," as if striking a blow against some chimerical "Editorman," could not help but be bewildered that fifty-three percent of the population do not identify with the suffixes "man" and "men."

To paraphrase Mr. Dunn, I am in favor of equal rights and equal opportunity for chauvinists, but I wish the pigs would devote their attention to real problems, and not to imaginary ones.

The real problem is that this society

discriminates against women. The discrimination pervades our institutions, our relationships, and our lives. It also pervades the very words we use, since language is largely a reflection of social realities. Luckily for women, the realities of the past are beginning to change. And as any student of history would surmise, the unshackling of women will affect the way we speak as well as the way we behave. For instance, leaders of sovereign states were formerly called emperors, or kings, or czars. Does Mr. Dunn suggest that in the interest of economy we dispense with the term "president" and rename Betty Ford "Czarina"? After all, how picky of our Founding pardon the expression Fathers to insist upon a new name for the executive head. Why won't the old one do?

Mr. Dunn exhorts you, as the editor, to "liberate the ladies (feh!) where it counts" as if liberation could be accomplished by enlightened unilateral male fiat. Liberation, contrary to Mr. Dunn's suggestion, is not simply a matter of boosting the number of women lawyers within the legal department of a French corporation from zero to three. Liberation is in part a revolution of consciousness, brought about by serious criticism of and collective struggle against oppressive patterns of thought. A concomitant of this revolution of thought is the evolution of new words, which arise when those that they replace no longer describe changing conditions or are not felt to prescribe a desired standard.

Substituting "chairperson" for "chairman" does not liberate women, but in my experience, only men who are ambivalent or reactionary on the issue of feminism bother to make this facile point. Terms such as "chairperson" and "gentleperson" are useful, because they help us to break away from traditional assumptions and represent flexibility of thought.

What's in a name, Mr. Dunn? A heluva lot.

Linda Rabin

Boston, Massachusetts

There will be a RECORD party on Tuesday, September 23 at 5:00 P.M. at the RECORD offices on the third floor of 23 Everett Street. The meeting is open to anyone who is interested in doing any type of work on the RECORD this year. Refreshments will be provided.

Cryptic Law

The following excerpt from a rather dated opinion is in "judicial code." Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

"Hgm bhtixtoxb ad aoxuitow ao sarrai
jmajpm ad aco suhumb xa iah btishuai
hgm axao ad hgm etoi ui hgmuo pukuif
yctohmob, tix xa iah omycuom hgm
gacbmzudm ha saihmrijpthm t etoi wtox tb
hgm omsmih teaxm ad hgm gacbm-dpw
teach ha toufgh ai hgm dtrupw daax."

SPORTS QUIZ

By Dave Day

The fall sports scene finds baseball heading towards the World Series and college and pro football gearing up for another season. This week's quiz will test your knowledge of these three particularly American pastimes.

1. A mixed question of law and sport. Only one Supreme Court Justice was also a college football All-American. Can you identify this man and his college?
2. Not counting Baltimore and Oakland, which American League team last won a pennant?
3. Red Sox rookie, Fred Lynn, is being touted as a sure winner of the Rookie-of-the-Year award. Who was the last Boston player to win this prize?
4. Which NFL team has lost the most Super Bowl games?
5. At the start of this season, two major college football teams had unbeaten streaks of over twenty games. Name these two powers.
6. Who did the play-by-play when the broadcasting team of Humble Howard and Dandy Don made their television debut?
7. Oakland has won three consecutive World Series. Can you name the three teams they have beaten to become champions?
8. When O.J. Simpson was setting records at USC his running mate in the backfield was known mostly for his blocking skills. Since then he has become a successful pro runner. Who is he?
9. What do Doc Blanchard, Archie Griffin, Vic Janowicz, Roger Staubach, and Doak Walker have in common?
10. Last season the Atlanta Braves had both the batting and ERA champs in the National League. Name these two leaders.

Law Notes

The Harvard Law Community Association will host a TGIF on Friday, Sept. 19, at 8:00 p.m. in the Peabody Terrace Common Room. Beer and set-ups will be provided.

The Harvard Law Community Association is sponsoring a picnic-boat trip to George's Island on Sunday, Sept. 28, leaving Long Wharf (closest T stop: Aquarium) at 10:00 a.m., with returns at 3:00 p.m. and 5:30 p.m. The cost is \$3.00 per adult and \$2.00 per child. R.S.V.P. by Sept. 24. Call Mary Suarez (492-6724) or Chris Rosino (491-5090) for further information.

The Annual Meeting of the American Academy of Psychiatry and the Law will be held at the Copley Plaza Hotel from Oct. 23 through Oct. 26. For information contact Nathan T. Sidley, M.D. at the Court Clinic (935-4000), 4th District Court, Woburn, Ma., 01801.

Yearbook portraits are being taken through Friday, Sept. 26. Daily schedules for this week and sign-up sheets for next week are posted in Harkness at the foot of the ramp. Although appointments are not strictly necessary, those who have them will be given preference at the times so scheduled.

The Law School Council will be conducting its meetings on Thursdays at 12:30. Check the Adviser for location. Meetings are open and all are invited to attend and participate. The Council will this year be discussing, for faculty approval, such issues as Pass/Fail, a more relevant written work requirement, and smaller classes for first year required courses.

Dean Sacks Announces 15 New Faculty

International Economic Relations (with Professor Cohen), and a seminar, Legal Aspects of International Transactions.

Robert Pitofsky will teach courses in Antitrust and Consumer Protection. Visiting Professor Pitofsky received his A.B. in 1951 from New York University and his LL.B. in 1954 from Columbia and teaches at Georgetown Law School.

Jan Vetter, Professor at Berkeley, received his B.A. in 1956 and his LL.B. in 1962 from U.C.L.A. He will be teaching a course in Labor Law and a first year Civil Procedure course.

A Swiss Professor from the University of Basel, Frank B. Vischer will be teaching a Conflicts of Laws course and a Comparative Law seminar here in 1975-76. Professor Vischer received his Dr.iur. from Basel in 1946.

Two people have been selected as Team Leaders in the Trial Advocacy Workshop.

Richard J. Davis received his B.A. in 1966 from the University of Rochester and his J.D. in 1969 from Columbia. Among other activities, he served as a member of the Watergate Special Prosecutor's Office.

Robert W. Meserve received his LL.B. degree from Harvard in 1934. Mr. Meserve served as Lecturer on Law, teaching a Trial Practice section at Harvard from 1957-1960. He was President of the American Bar Association in 1972.



Holiday Inn®

OF CAMBRIDGE
1651 MASSACHUSETTS AVENUE
Two Blocks north of Harvard Law School
in Harvard Square
CAMBRIDGE, MASSACHUSETTS

RESERVATIONS 491-1000

Good food and drink — nice rooms — Rent-a-car by National — Use your Gulf, Diners, American Express, Bank Americard, Master Charge Credit Card. Specialists in banquet, wedding, and business meetings.

Innkeeper — JAY INCORVATI

HARVARD LAW RECORD

Antitrust Laws Threaten Ad Ban

(Continued from Page 1)

before *Goldfarb* under the assumptions that "state action" (through a state bar association) was involved, and that a "learned profession" required less strict regulation.

"The issue is going to be what practices followed by lawyers are reasonable even though they may have some restraining effect," stated Sacks.

Goldfarb involved a buyer of a house in Fairfax County, Virginia, who was unable to find a lawyer willing to examine title to the property for a fee less than that prescribed by the Fairfax County Bar Association (one per cent of the value of the property involved). He obtained an injunction against the local bar association in the District Court, but that court conceded the exemption of the state bar association from antitrust laws.

The Fourth Circuit reversed the holding regarding the local bar association, reasoning that law is not "trade or commerce."

Chief Justice Warren Burger wrote the *Goldfarb* Supreme Court opinion (43 Law Week 4723). Burger's reasoning was framed in a logical progression starting with questions common to antitrust cases: "Our inquiry can be divided into four steps: did respondents engage in price fixing? If so, are their activities in interstate commerce or do they affect interstate commerce? If so, are the activities exempt from the Sherman Act because they in-

volve a learned profession? If not, are the activities state action . . . and therefore exempt from the Sherman Act?" The Court denied antitrust exemption to both state and local bar associations. "State action" exists only where "the activity is compelled by direction of the State acting as sovereign." Here, the state ethical code merely mentioned and did not require minimum fee schedules, but the state bar association presumed ethical misconduct from habitual charges below "advisory" fee schedules.

Burger stated, "The fact that the State Bar is a state agency for some purposes does not create an antitrust shield that allows it to foster anticompetitive practices for the benefit of its members."

Local bar associations could not be exempted under arguments of professionalism. The Court stated, "The nature of an occupation standing alone does not provide sanctuary from the Sherman Act . . . nor is the public service aspect of professional service controlling in determining whether Section One includes professions."

"I don't think the decision was a surprise," Sacks said, "The Court had held the antitrust laws applied to the medical profession a long time ago."

With regard to the narrowest view of the decision — as a declaration that minimum fee schedules constitute illegal price-fixing — Sacks commented: "I suspect that the impact will vary considerably from area to area." Sacks explained that there is already considerable diversity in fees "in a good many areas."

But Sacks sees the decision as the first in a series that will see the legal profession treated more as business and less as a protected state group.

"I would think that we're going to see the first impact in the area of advertising," explained Sacks. "The total ban on advertising that exists in the

canons of the profession will have to yield." An agreement not to advertise would violate the Sherman Act as a restraint of competition, according to Sacks.

"I don't expect very many law firms to be moving very quickly to change the practice with respect to advertising," Sacks added. He felt that relaxed advertising rules would have the greatest effect on legal aid and public interest groups or clinics which attempt to make services available to indigent or low income clients. Sacks predicted increased advertising on the part of these groups since "to function effectively they need to make the availability of their services known."

But the progression from *Goldfarb* to improve the availability of legal services to those with lower incomes will not be an automatic one. Sacks explained, "I hope that those of us who would like to see the profession give more services to the poor and to the middle class groups in our society would work to fashion the change in a manner that would make the services available and would preserve the high quality of service."

Sacks emphasized that this would have been "a goal with or without antitrust law." According to the Dean, *Goldfarb* merely precipitates a fresh look at the problem that would have come anyway.

"IT'S ALREADY TOMORROW"

A national address delivered by Asa E. Phillips, Jr., of Boston. Illustrated. Reviewed as "the finest thinking of the decade." \$3 pre-paid. From the publisher, Suite 833, 53 State Street, Boston, Massachusetts 02109.

Sports Answers

1. Byron "Whizzer" White of Colorado
2. Detroit (1968)
3. Carlton Fisk (1972)
4. Minnesota (3)
5. Oklahoma (29) and Miami of Ohio (23)
6. Keith Jackson
7. Cincinnati, New York, Los Angeles
8. Patriot Sam Cunningham
9. Only juniors to win the Heisman Trophy
10. Ralph Garr and Buzz Capra

RECORD Names New Staff

In elections held last May, Frank E. Sisson, 3L, of Short Hills, New Jersey, was elected Editor of the RECORD. A 1973 graduate of Colgate University, Sisson served as Managing Editor of the paper last spring and as Associate Editor a year ago.

The newly elected Managing

Editor of the RECORD is Roger P. Evans, 2L, of East Windsor Hill, Connecticut, and Cornell University, Class of 1974. Evans previously held the position of News Editor.

Appointed to the post of News Editor was Susan C. Gillette, 2L. A Laurinburg, North

Carolina native, Gillette graduated from Wake Forest University in 1974.

Arnold S. Rosenberg, 3L, a 1972 Cornell graduate, is the recently appointed Features Editor. Rosenberg lists his hometown as Rochester, New York.

Continuing as Business Managers are Steven S. Miller, 2L, and Steven R. Davidson, 2L. Miller is a native of Oklahoma City, Oklahoma, and a 1972 graduate of Stanford University. Davidson is a Lincolnwood, Illinois resident and a member of the University of Michigan Class of 1974.

Larry Lippolis, 3L, of Suitland, Maryland, commences his duties as the Photography Editor with this issue. Lippolis is a 1970 graduate of Johns Hopkins University.

New members of the RECORD staff include Ann T. Bailen, 3L, David Halprin, 1L, Stephen Jacobs, 1L, and Fairlea Sheehy, 1L. Joining the RECORD as a secretary is Joy Felske, a senior at Lesley College.



Left to right: Jim Burling, Roger Evans, Arnie Rosenberg, Steve Miller, Frank Sisson, RECORD staff members.

Send the RECORD Home! Keep Your Parents Informed

Subscribe to the RECORD

Harvard Law Record
23 Everett Street
Cambridge, Massachusetts 02138

STARTING WITH THIS ISSUE OF THE RECORD
send a subscription to:

Name _____
Address _____

Enclosed is \$6.00 — Bill Me
— Bill Parents

Your Name _____

Asian Programs Abound During Fall Semester

By Steven S. Miller

A small flood of noted speakers on East Asian Law topics ranging from the Japanese view of death to regulating Asia's securities markets are vying for the attention of HLS students as classes begin. At least seven (the number grows almost daily) speakers will visit Harvard as the guests of Prof. Jerome Cohen's East Asia Law Speakers Program during September. Future speakers include:

Sept. 19 — "Regulating Asia's Securities Markets: The Case of Hong Kong" Mary Faith Higgins '74, Graham & James, Los Angeles.

Sept. 24 — "Tradition and Modernity in Dispute Settlement in Japan" Prof. Zentaso Kitagawa, Kyoto University, Faculty of Law.

Sept. 25 — "Japanese Attitudes Toward Death: A Psycho-Historical View," Robert Jay Lifton, Research Prof. of Psychiatry, Yale.

Sept. 26 — "The State of Antitrust Law in Japan," Prof. Mitsuo Matsushita, Faculty of Law, Sophia and Tokyo Universities.

Oct. 3 — "Reflections on a Recent Tour of Asia," David Finkelstein '61, Asia-Pacific Program Officer, Ford Foundation.

The lectures begin at 1:10 p.m., but the speakers can be joined for lunch at 12:45 in Pound 419.

Activity by East Asian scholars does not only take the form of lectures. A paper written by Choon-Ho Park and Cohen which appeared in the Fall issue of *Foreign Policy* has attracted widespread attention. The Harvard East Asian Law scholars report that the People's Republic of China has discovered three new oil fields previously unknown to Western experts.

SEPTEMBER SALE SAVE \$35! YEAR ROUND WEIGHT THREE-PC. VESTED SUIT

regularly \$125

now **\$89⁹⁰**



An impeccably tailored pants, coat and vest combination in striking patterns with a style that only looks expensive. Classically styled with custom fitting. Made of a dacron and wool blend with 2 buttons, flap pockets, center vent. Your choice of herringbones, plaids or plain in brown, blue and olive. Sizes 38 to 44 long, 40 to 42 short.

MEN'S CLOTHING

*

SECOND FLOOR

OPEN
THURS. NIGHTS
'TIL 8:30

**the
Coop**

HARVARD SQUARE, CAMBRIDGE



Rule 26: TG or not TG?

By Rick Carter

RECORD readers with questions under Rule 26 of the Federal Rules of Civil Procedure (Discovery) are encouraged to bring them to the RECORD office, turn them in to your neighborhood RECORD reporter, or leave them at Law School newsstands selling the RECORD.

Q: What explains the demise of free drinks at TG's?

A: Tom Burroughs, 3L, President of the Dorm Council, explains this with difficulty — financial difficulty, to the tune of a \$3500 loss on TG's last year. Last year's free drink per TG is now 50¢, and beer is 25¢, figures calculated to recoup and avoid past losses. A \$1 cover charge will also help restore the Council's liquidity. Any further price changes will be price cuts, assures Burroughs. It should be noted that drinks were 75¢ after the initial freebie last year, so heavy drinkers may come out ahead under the new policy.

Q: What ever happened to Dobie Gillis's girlfriend Zelda?

A: She's a 1L. (Rumor has it that she came to Cambridge to be with her personfriend Maynard G. Krebs, now an associate with the Boston law firm of Beard & Flinch).

Q: The cost of a parking space at the Law School has risen from \$110 to \$240 in one year. Why?

A: According to the Oracle at Delphi, students who parked were formerly subsidized by students who did not park. This subsidy is no more. Hence the increase.

Q: How come people who had their pictures taken for the Yearbook as 1L's but not as 2L's wound up with their pictures in the Yearbook the second year, anyway?

A: The pictures were originally omitted from the Yearbook. However, on the night before submission to the printer, a nimbus formed in the room of the Yearbook's editor, Mark Halperin. The nimbus burst before him, revealing a myriad of minute blue flames which leaped from wall to wall, then came to rest, forming the names of all the student whose pictures were to be omitted. A vision appeared of yearbooks in stacks, which were attacked by the blue flames and burned to the ground. Halperin changed his mind about the pictures.

Q: Who is Fenno?

A: All of the above.

Solution to "Cryptic Law"

"The standards of ordinary or common people of our cities do not sanction the odor of the barn in their living quarters, and do not require the housewife to contemplate a barn yard as the recent abode of the house-fly about to alight on the family food." *Johnson v. Drysdale*, 66 S.D. 436, 285 N.W. 301 (1939) (injunction granted against keeping of horses in a residential district).

SECOND CLASS POSTAGE
PAID AT BOSTON, MASSACHUSETTS

RETURN ADDRESS:

HARVARD LAW RECORD
HARVARD LAW SCHOOL
CAMBRIDGE, MASSACHUSETTS 02138

Non-Resident Parking Ban May Hit HLS

(Continued from Page 2)

Teso notes, however, that even in the absence of information gaps, the EPA has been quite malleable. Thus, while federal regulations require that violators of the parking ban have their cars towed and additionally be fined \$50, the EPA has deferred to Cambridge's no-towing policy and \$15 fines. In addition, the EPA has granted Teso as Director of Traffic and Parking the authority to create "hardship" exemptions, subject to EPA approval. Such exemptions have not yet been granted, but Teso predicts that some will be given out next summer, when the parking ban will begin to be imposed on business as well as residential areas. The EPA also extended the deadline for implementing the parking ban in the final third of Cambridge from last March to March 1, 1977.

Plans to force a 25 per cent reduction in the number of employee commuters at local businesses and universities, including Harvard, "are not going to be enforced," according to S. Bose, Manager of Long-range Planning and Research at Harvard. The EPA has altered this requirement to a 25 per cent reduction in the number of employees commuting in single-person vehicles, a change Teso calls "just a way of saying 'the hell with it.'" Bose pointed out that it is impossible to verify how many employees drive to work by themselves, and how many in carpools.

One would think the EPA's interest in evaluating the effectiveness of parking bans in reducing air pollution would at least match its enthusiasm for imposing them on Cambridge neighborhoods. But in fact, there is only one air pollution testing station in all of Cambridge, and it is located at the Museum of Science — blocks away from downtown Boston.