

HARVARD LAW RECORD

America's Oldest Law School Newspaper

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TWENTY CENTS

1L Poll Shows Corporate Plan, Liberal Ideals

By Bruce Howard

A startling survey of first year law students indicates that five of seven 1Ls expecting to be corporate lawyers would rather be involved in noncorporate careers after graduation.

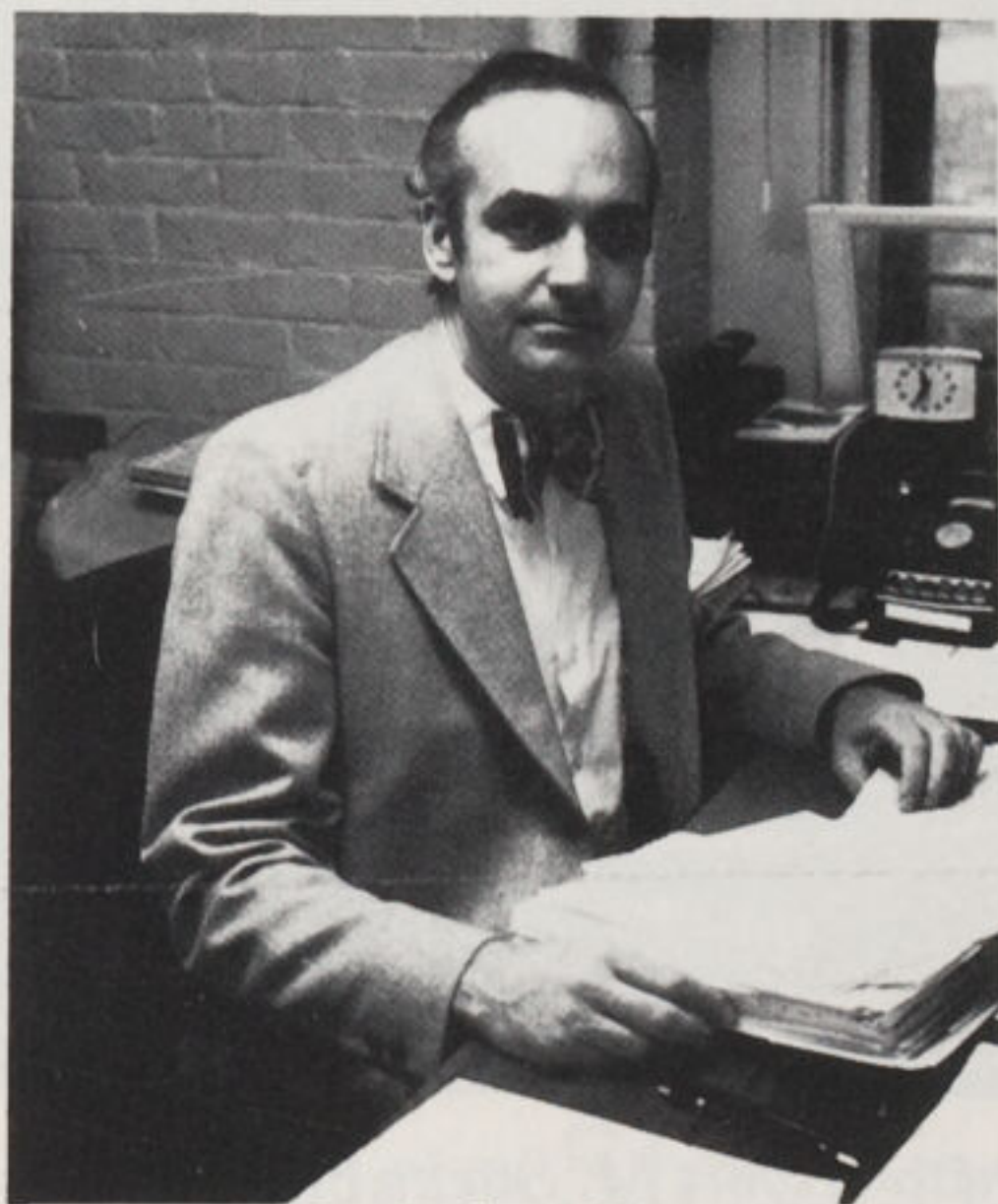
The survey, conducted this fall by the Harvard Law Students Guild, was distributed to all first year students. Two hundred nineteen students filled out the questionnaire, which asked students to pick their ideal career choice, their expected career choice, and the minimum salary at which they would be willing to work.

The average minimum salary stipulated in the survey was
(Continued on Page 6)

Sacks, HLS Fund Directors Seek Help from New Alums

By Frank E. Sisson

In an effort to strengthen the ties between the Law School and its younger alumni, Dean Albert M. Sacks and directors of the Law School Fund are going to greater lengths than ever before to keep recent graduates informed about the Law School and to address their interests concerning the institution and its future.



C. Cabot Easton
Fund Director

C. Cabot Easton, one of three assistant directors of the Fund, accompanied Sacks on his visit to New York City last month to meet with a small group of alumni who had graduated in the '70's.

Easton, interviewed by the RECORD earlier this week, noted that while the results of that meeting were "not all that definitive," there was "a lot of sharing of ideas on a number of topics."

"Dean Sacks and those of us in the Fund Office have been interested in the attitudes of the younger alumni towards the Law School" Easton explained. "We have the feeling that the younger alumni are interested in such things as clinical education programs — the things they were promoting when they were in law school."

The November meeting was suggested by Michael Sonberg, '71, Vice Chairman for New York City for the classes of the '70's. But the

(Continued on Page 2)

Erie R.R. Crew Hits Its Marx: Miller "Discusses" the Case!!

Tuesday was "Erie Day" for Harvard's "Marxist" Professor Arthur R. Miller — Groucho Marx, that is.

Photostory . . . Page 7

Gearing up for the greatest case Civil Procedure has ever known, Miller and a motley assortment of 2Ls led off the class with a pun-filled approximation of the Brothers Marx.

The skit, more or less acted by Chico Orton, Harpo Gottstein, and Groucho Miller, was directed by Thomas E. Foster, produced by David A. Bricklin, and written by Ivan L. Orton.

The collection of vaudeville one-liners and

sight gags seemed for a while unsurpassable, rivaling even last year's carefully-engineered musical "Erie Railroad." But then, coming (or going) around the bend, nine justices from the first year class snake-danced to their front-row seats. The Erie court relived history.

For once, it was Miller's turn to answer questions. Representing both sides at the same time, Miller dissembled nicely. For a finale, Miller recaptured center stage and actually discussed the case with his students, under the guise of "You Bet Your Life."

Looking down the tracks, law students can anticipate new heights of dramatic impact at Erie Day next year, to be held, rumor has it, at the Harvard Square Theatre.

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Fund Solicits from New Grads

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suggestion came in response to Sacks' requests for reactions of recent alumni to the Law School as it is today.

Sacks described the motivation for such "exchanges" as "primarily a sense that we want to give younger alumni a feeling that the school maintains contact with them; I have the sense that their questions about the Law School may be a little different."

Easton noted that such increased efforts stem from a general desire to keep communication lines with recent alumni open, and perhaps more crucially, from an increasing dependence on younger alumni to meet the goals of the Law School Fund.

The Fund has set its sights on \$2 million in alumni contributions this year, as compared with \$1.8 million last year. In its 26 years, the Fund has continually increased the magnitude of its contribution to defray the costs of operating the Law School. It contributed \$50,000 in its year of inception, increased support to \$550,000 by 1960-61, and \$1 million by 1970-71.

Easton pointed out that students and younger alumni are too often unaware that tuition represents only two-thirds of the actual cost of a student's education. The other third comes from alumni and friends, and income from the Law School's endowment of \$40 million. The Law School's budget now exceeds \$10 million.

"Without the Fund, either this would be a drastically different school, or else tuition would undergo a \$1,500 or \$1,600 increase," averred Easton. (If financial aid were not a factor, this increment, representing \$2 million costs allocated to 1,800 students, would be \$1,100. But Easton emphasized that one half of the Fund is applied to student aid.)

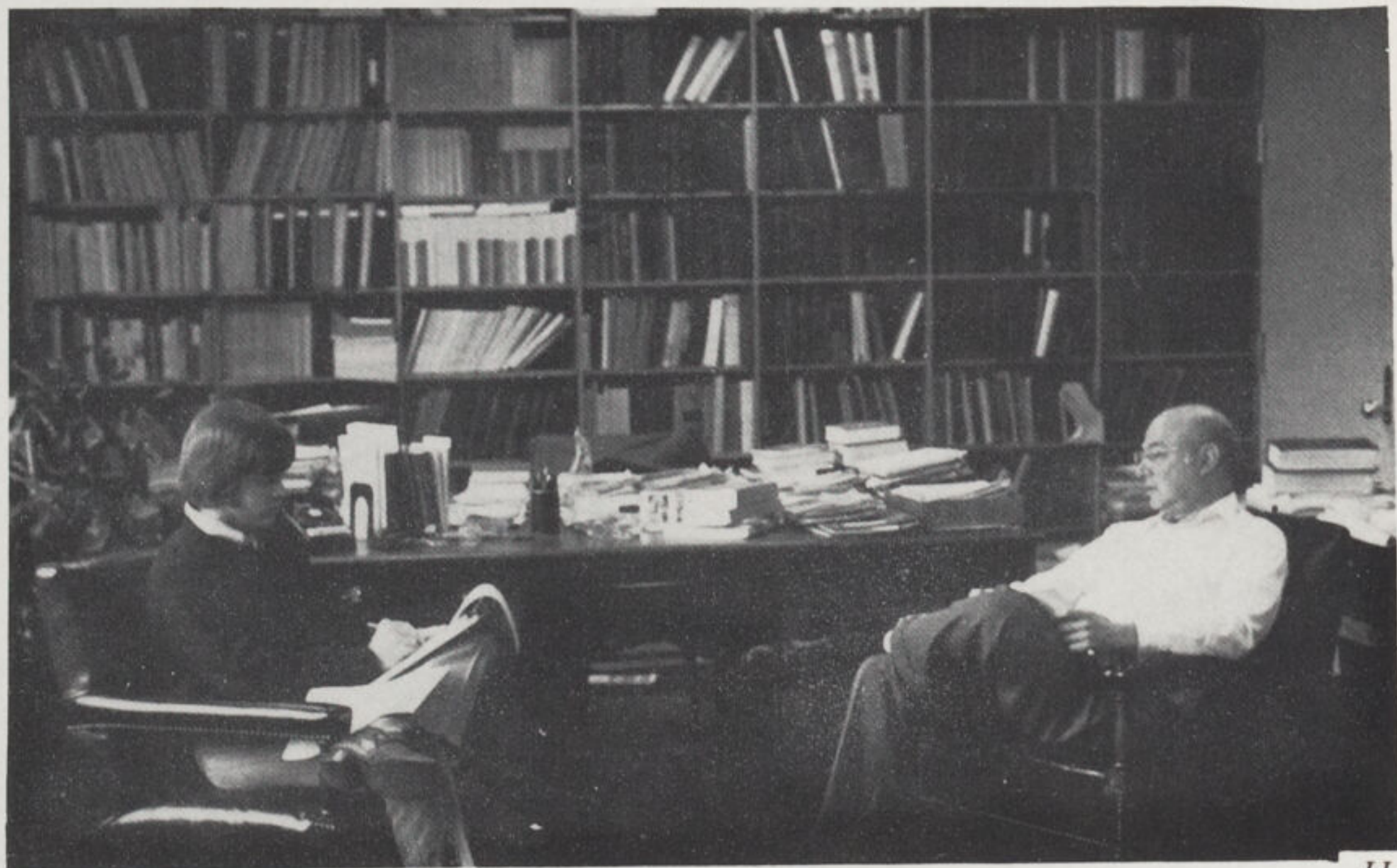
Noting that more than 40 per cent of today's graduates are faced with the need to repay loans which have financed law

school and college educations, Easton stressed that the Law School is more interested in the participation of the young alumnus or alumna than the amount of his or her contribution. At the same time, however, the Fund "is trying to do a better job in saying to younger alumni that students in the Law School are looking to them to provide the same type of assistance they received when here."

Easton said that only 11.85 per cent of the Class of '74 had contributed to the Fund last year. This

groups have different interests and markedly different questions about HLS. He believes that a "people approach" meets the desires of the younger alumni more than an "institutional approach," noted that the Dean has written a special letter to '75 graduates focusing on issues he felt would be of particular interest to those who have just left the Law School.

The Fund is spearheaded by over 1,200 people working on a voluntary basis to solicit contributions from an alumni body of over 21,500 (a-



Dean Albert M. Sacks being interviewed in office recently by Frank E. Sisson, 3L.

figure is "somewhat lower" than in past years (probably, Easton thought, due to increased debt responsibility). While class participation in the Fund has traditionally increased with years out of school (both in size of gifts and in numbers participating), Easton hopes that the initial participation figures for the classes of '75 and later years will be much larger.

The Dean may travel to Chicago later this year to meet with alumni of the '70s. While such focused efforts are new this year, according to Easton, the Dean has always acknowledged the gifts of every contributing graduate, and has always been willing to communicate with alumni on specific issues of interest to them.

Easton remarked that alumni

bout 43 per cent of whom contributed to last year's Fund). Every decade of the twentieth century is represented.

As the Fund approaches the halfway point of its current fiscal year, the relative importance of younger alumni is increasingly clear. This reliance on those who have recently warmed Langdell's benches will no doubt continue.

Sacks stated: "We simply do not know at the present what the impact of the loan problem has been." Sacks noted, however, that information he has seen does not indicate a sharp decline in class contributions from recently graduating classes. The Dean conceded that the 11.85 per cent figure was "lower than I would like to see it."

HLS Professors Mildly Favor Stevens

By Stephen Jacobs

Uncertainty and guarded optimism mark the reactions of Harvard Law School faculty to President Ford's nomination of John Paul Stevens to the Supreme Court.

Because of their unfamiliarity with Stevens, who was appointed to the Court of Appeals in the Seventh Circuit by President Nixon in 1970, Loeb University Professor Paul A. Freund and Williston Professor of Law Archibald Cox declined to comment on the nomination now before the Senate Judiciary Committee.

Dean Albert M. Sacks, who like many others on campus has spent time recently reading old Seventh Circuit decisions, remarked that "once you begin to read his opinions" it becomes clear that Judge Stevens is "technically a highly qualified person."

Noting that these opinions reflect Stevens' performance in an appellate capacity, Sacks remarked that "they do not tell you how he will perform on the Supreme Court." Sacks also expressed the view that while the nomination of a woman should have been a consideration, President Gerald R. Ford should not have felt bound to break the all-male tradition of the High Court.

Royall Professor of Law Vern Countryman was disappointed that Ford did not nominate a woman, but said that he was not surprised. Two women he considered qualified for Justice Douglas' seat were Carla Hills, Secretary of Housing and Urban Development, and California District Judge Shirley M. Hufstedler.

Nevertheless, Countryman found the Stevens' nomination "the best we can expect from President Ford." He predicted that the new Court will continue to restrict the decisions of the Warren era.

In a recent column in the *New York Times*, HLS Lecturer on Law Anthony M. Lewis wrote that Judge

Stevens "seems thoughtful, moved by the facts of particular cases, non-doctrinaire." "The impression one gets from his opinions," Lewis wrote, "is of a forceful mind, candid, occasionally unconventional, with a turn of phrase now and then."

Surveying selected opinions, Lewis concluded that Judge Stevens has exhibited a "concern for fair procedure" and a "particular care for the Fourth Amendment's protections against unreasonable search and seizure."

In an interview with the *Harvard Crimson*, Professor Lawrence H. Tribe described Stevens' opinions as "elegant, insightful, and carefully reasoned," which show a "refreshing struggle for just results." Associate Dean Jerome A. Cohen lamented the "loss of very interesting justices" and was quoted as saying: "I don't want them to be replaced by an entire generation of able craftsmen who aren't able to walk that last mile."

High Court Appointee's Clerk Glad to Move to Washington

By Phil Spector

"I was stunned. It's like winning a lottery without buying a ticket."

Gregory D. Huffaker, Jr., 3L, had no thought of clerking on the Supreme Court when he applied last May for a clerkship with Seventh Circuit Judge John Paul Stevens. On Friday, November 28, President Ford announced the nomination of Judge Stevens to fill the Supreme Court vacancy created by the resignation of Justice Douglas.

Huffaker, who was home with his family for the Thanksgiving recess, learned over the radio that, as 1976-1977 law clerk to Judge Stevens, he would be spending a year in Washington rather than Chicago. Says Huffaker, "I've been celebrating ever since."

Judge Stevens didn't have to ask him twice

The Columbia graduate met Judge Stevens through his father, who had attended the University of Chicago with the Judge. (Judge Stevens had also become acquainted at the University of Chicago with Illinois Senator Charles Percy, an important sponsor of the Judge's elevation to the

bench.)

Huffaker talked to Stevens the summer before starting law school and recalls being impressed with his advice on the study and practice of law. At that time Stevens told him that, if his grades were good, he should apply after his second year for a clerkship with the Judge.

In May 1975, near the end of his second year, Huffaker wrote Judge Stevens. In June he was interviewed. According to Huffaker, the Judge asked his opinions on questions then before the Seventh Circuit and seemed to enjoy discussing differences in their views. Huffaker then spent the summer working for a New Mexico law firm.

He applied in July for a '77 clerkship to a Tenth Circuit judge, but was told that the selection process had already been completed. On August 1, the date the Seventh Circuit judges had agreed upon as the earliest date on which they would make clerkship offers, Judge Stevens phoned Huffaker, who immediately accepted.

(Continued on Page 5)

Rank in Section Used to Choose Staff of Review

By Susan Gillette

Ed. Note: An unsigned letter in the November issue of the RECORD raised questions about the method of selecting students to the Law Review and alleged that errors had been made in determining the list of students eligible for Review membership on the basis of their first-year grades.

The RECORD invited the Review to provide a response to that allegation, but no information was provided. Due to continuing inquiries from readers, this article was prepared to review questions raised in the letter.

It is true that the 20 first year students with the highest averages were not selected for the *Harvard Law Review* last summer, as alleged by unidentified readers of the RECORD in a letter printed earlier this fall.

Students earning the top five averages in each section qualified for *Review* membership under a selection procedure adopted by the faculty last year. In one section there was a tie for the fifth highest average and the names of both students were submitted to the *Review*.

This means that students in some sections had higher averages than students selected for the *Review* from other sections, according to Registrar Mary D.

(Continued on Page 14)

Red Line Extension Will

By Charles Jordan

What do the Epworth Church, the Pound Building, Wyeth Hall and the Everett Street Parking Deck have in common? All may begin to lean in the direction of Massachusetts Avenue when construction on the Massachusetts Bay Transit Authority's Red Line Extension begins in the fall or winter of 1976.

Despite many false starts, years of political infighting and endless fact-findings, it appears that the Massachusetts Bay Transportation Authority will soon begin construction on a subway line connecting Harvard Square with Porter Square. A station in Porter Square, near the present train station, is also planned.

The route chosen by the MBTA will follow Massachusetts Avenue. According to a planning document commissioned by the MBTA, the need for "under-pinning" (extending or shifting the original foundations of a building) is "questionable" for all the buildings previously mentioned. What this means is uncertain, but the MBTA informational brochure provides this reassurance: "There is no certainty that a structure will be unaffected by a tunneling operation beneath it. What is certain, is that methods are available to prevent distortion tolerances of buildings from being exceeded during construction."

There may also be a problem with

noise once the trains start to run. Official projections make no predictions as to exactly when service will begin, but construction should end late in 1978 or in 1979. By that time the MBTA will have installed what they call "intermediate noise and vibration controls" to protect "sensitive" buildings. Presumably the Pound Building will be insulated, but no specific plans have been made yet.

Otherwise, the Law School campus itself will be relatively undisturbed. A method of construction known as "deep boring" will be used from Gannett House north to Porter Square. This tunneling method leaves streets open to traffic and cuts the noise to a minimum.

The impact of construction on the Yard and on Harvard Square itself will be much greater. Surprisingly, the MBTA chose another construction method — "cut and fill" — for the section of the extension running from Wadsworth House north along Massachusetts Avenue to Gannett House. This section will become an open trench for two or three years, overlaid with a temporary cover.

The traffic nightmare one may imagine will hopefully be avoided by careful planning. A minimum of two moving traffic lanes will be maintained in the Square at all times, though pedestrians will find the going a little difficult. In the inimitable words of the informational brochure, "modified traffic patterns . . . are needed for optimum effectiveness." Quincy Street, along the east side of the Yard, will bear the brunt of re-routed traffic.

A new station will also be constructed in the Square, just north of the present station. The present "kiosk" entrance will serve the new station.

Bus and trolley traffic in the Square will be significantly reduced. The MBTA is expected to route many lines through the Square which presently have a holdover there. The hope is that

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HLS Students Spice up Their Legal Studies

By Nancy Yates

If a descent into hell sounds interesting to you, and you don't feel the Law School has provided the same, how about trying a Danté course next semester?

What does a course on Danté have to do with law? Aside from the *Inferno* as an allegory of Jurisdiction, not all that much, admits Elizabeth M. Olmsted, 2L, who is presently enrolled in the course at Harvard College.

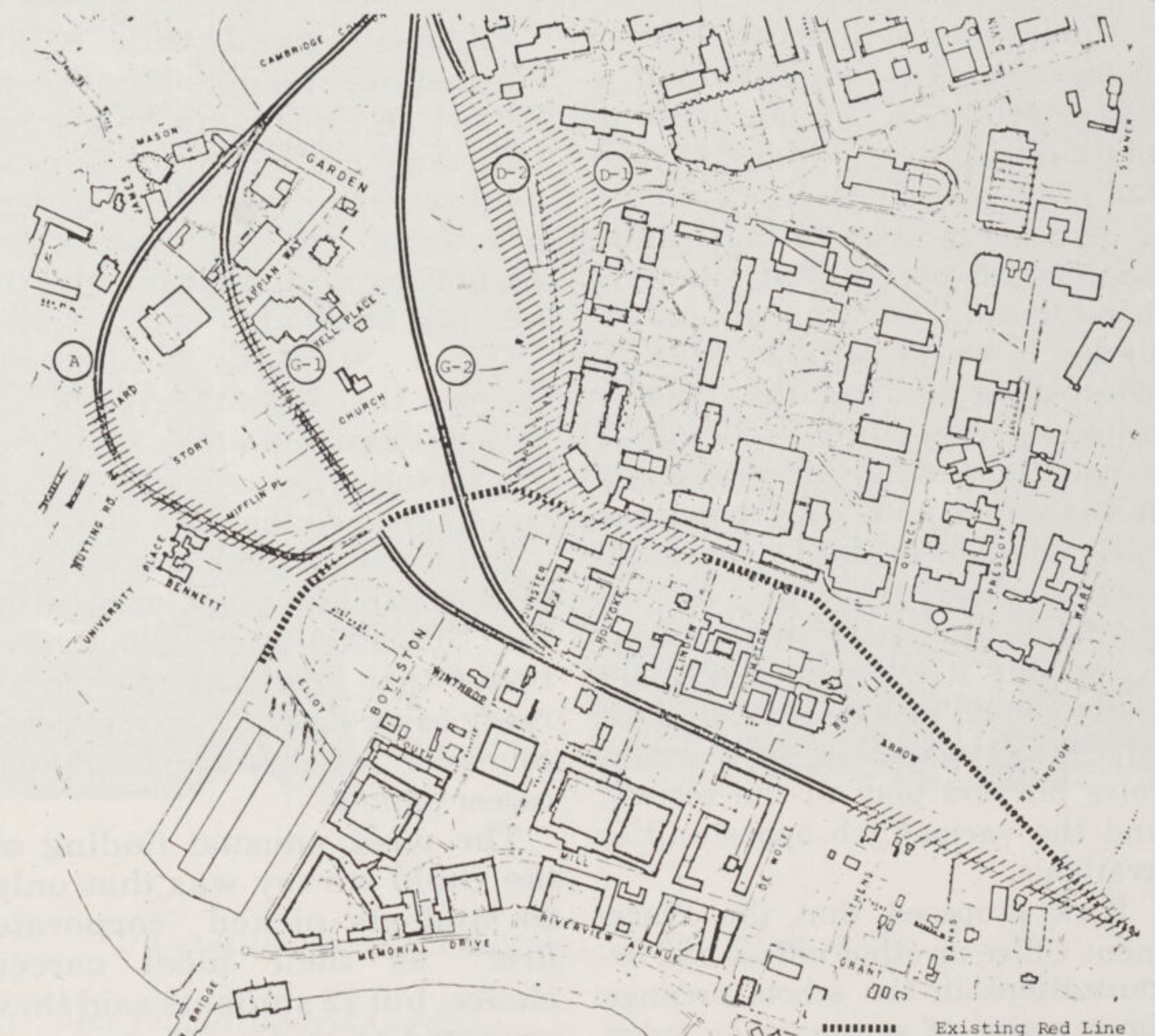
But as a relief from antitrust it does wonders for her sanity, and it's part of a legitimate program of cross-registration for which second- and third-year students at Harvard Law School are eligible.

One hundred twenty-six law students are currently taking advantage of this program through courses in other departments of Harvard University — Arts and Sciences, the Kennedy School, the Divinity School, the School of Education, and the School of Design — and at the Massachusetts Institute of Technology and Boston University.

By far the largest group of cross-registrants (72) is working at Arts & Sciences (at both the undergraduate and graduate levels). A good percentage of these are studying languages (with a strong showing for Japanese) and economics, but there are a scattering of interesting courses being taken in music, art, film, philosophy and the like.

Associate Dean Stephen M. Bernardi, who wasn't yet at the Law School when the faculty voted on the institution of the program (during the 1968-69 academic year), imagines the rationale at the time was simply that the law school faculty recognized the value of lawyers engaging in other intellectual disciplines.

Since then, cross-registration seems to have been accepted as a
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ALTERNATE ALIGNMENTS AND DISRUPTION AREAS

Source: "MBTA Harvard Square Red Line Extension Information Brochure"

Map of the various proposed extensions of the Red Line through Harvard Square. One of the "D alignments" has been chosen. Thatched portion represents areas where traffic will be disrupted during construction.

Huffaker Celebrates Judge's Shift to Supreme Court Post

(Continued from Page 3)

The Chicago native will find that his law school background differs from that of most of his fellow Supreme Court clerks. Active in the Committee on Military Justice, Huffaker has not worked on any of Harvard's four law reviews, and his only legal writing experience to date has been as part of his summer employment.

He will be meeting the Law School's written work requirement this year, however, by writing on a commerce clause issue that may be decided by the Supreme Court during his year there. The topic was selected before he knew that he would be clerking on the Supreme Court.

Huffaker phoned Judge Stevens at his home two days after the nomination was announced. After receiving Huffaker's congratulations, the Judge asked whether Huffaker would be willing to go to Washington next year. Huffaker commented later, "He didn't have to ask twice."

The future Supreme Court clerk has the additional distinction of being Judge Stevens' first Harvard clerk. He plans to talk with members of the faculty who have clerked on the Supreme Court recently in order to learn more about what the job entails.

Huffaker expects to practice in New Mexico when he finishes his unanticipated year as law clerk to a Supreme Court Justice.

Poll Finds Varied Job Ambitions

(Continued from Page 1)

\$13,000 for the first year out, \$22,000 for the 10th year out, and \$28,000 for the 20th year out. These figures are considerably lower than actual average salaries of Harvard Law School graduates. An informal survey of alumni attending the 15th reunion this fall revealed that the average salary of those working as lawyers was \$70,000.

"One thing this survey shows," said J. Robert Kirk, 1L, the Guild member who designed and conducted the survey, "is that 1Ls are a lot less obsessed with big money and corporate work than everybody, including themselves, think."

While labeling the survey "very interesting", Alfred C.W. Daniels, Assistant Dean and Director of the Office of Placement and Counseling, said "You have to wonder why 230 students didn't fill it out. My guess is that a lot of those who didn't fill it out had a stronger corporate bias than those who did."

But Daniels added that it "was intriguing that so many students speak of a public service-quality of life bias, and then go where the money is when they graduate."

Daniels suggested several reasons for this phenomenon, including 1) "when you choose an ideal career in a survey, you don't have to pay the price of your choice," 2) "marriage, children, loans, and other tugs lead people to adjust their plans," 3) "competition for good public service jobs is tight, especially because lawyers two and three years out are competing for the same places," and 4) "with 550 firms coming to you, it's relatively easy to find a place."

A less surprising finding in the survey was that most 1Ls think the vast majority of their classmates consider working for a corporate law firm their ideal career choice.

But in fact, according to the survey, corporate firms rated a distant sixth in ideal career choices. Only 20 of the 219 students surveyed said corporate firm work was their ideal job choice.

Public interest work came in first, being selected as the ideal career by 37 students. Next came political office (29), other (27), government (22), and general practice (21).

"Another interesting thing that came out of the survey," Kirk noted, "was that most students have very little idea of what these jobs are like. There's a large group who have a vague sense that they aren't interested in corporate work, but they have little or no information about alternative careers."

"If the survey shows anything," Kirk said, "it's that the Placement Office should make a greater effort educating students as to the various roles lawyers play in the society, and the various job opportunities available."

Kirk proposed that the Placement Office or other offices and organizations in the school arrange for a series of seminars or guest speakers by which students could learn more about the various career opportunities available.

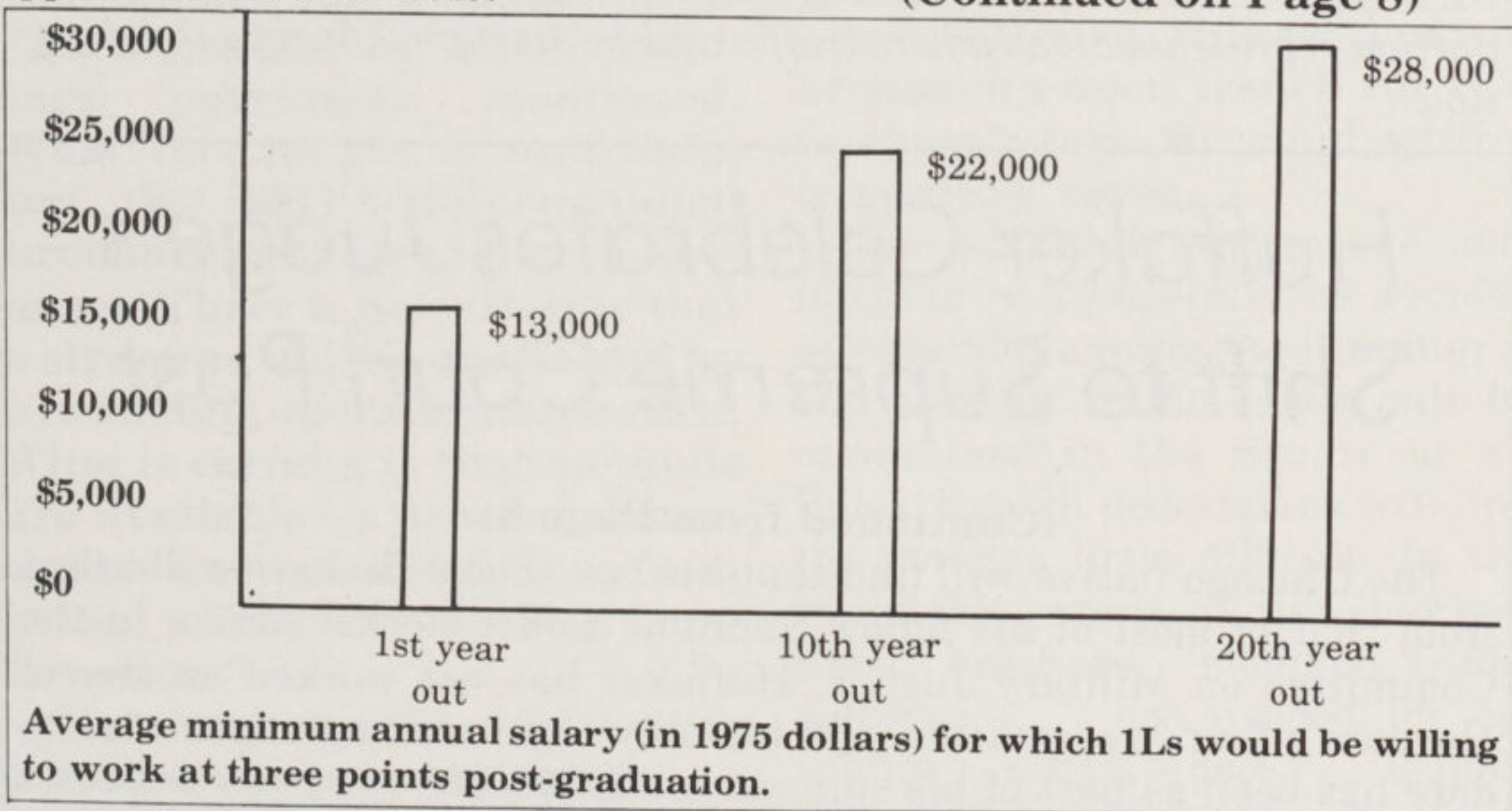
Daniels agreed with Kirk's suggestion, and noted that Dean Albert M. Sacks and he are arranging for a "Visitation Series" next semester in which lawyers practicing in various non-corporate jobs will meet with interested students.

"Dean Sacks is anxious to broaden the students' exposure to various careers," Daniels said, "and the visitation series is only part of our effort to do that."

Daniels said that most of the placement office plans are still in the "formative stages", but mentioned that arrangements are already being made for a "vocational counselor" to help students consider career options.

The most unusual finding of the Guild survey was that only 20 students picked "corporate firm" as their ideal career choice, but 72 students said they expected to end up in a corporate firm. This means that approximately 50 students, or one

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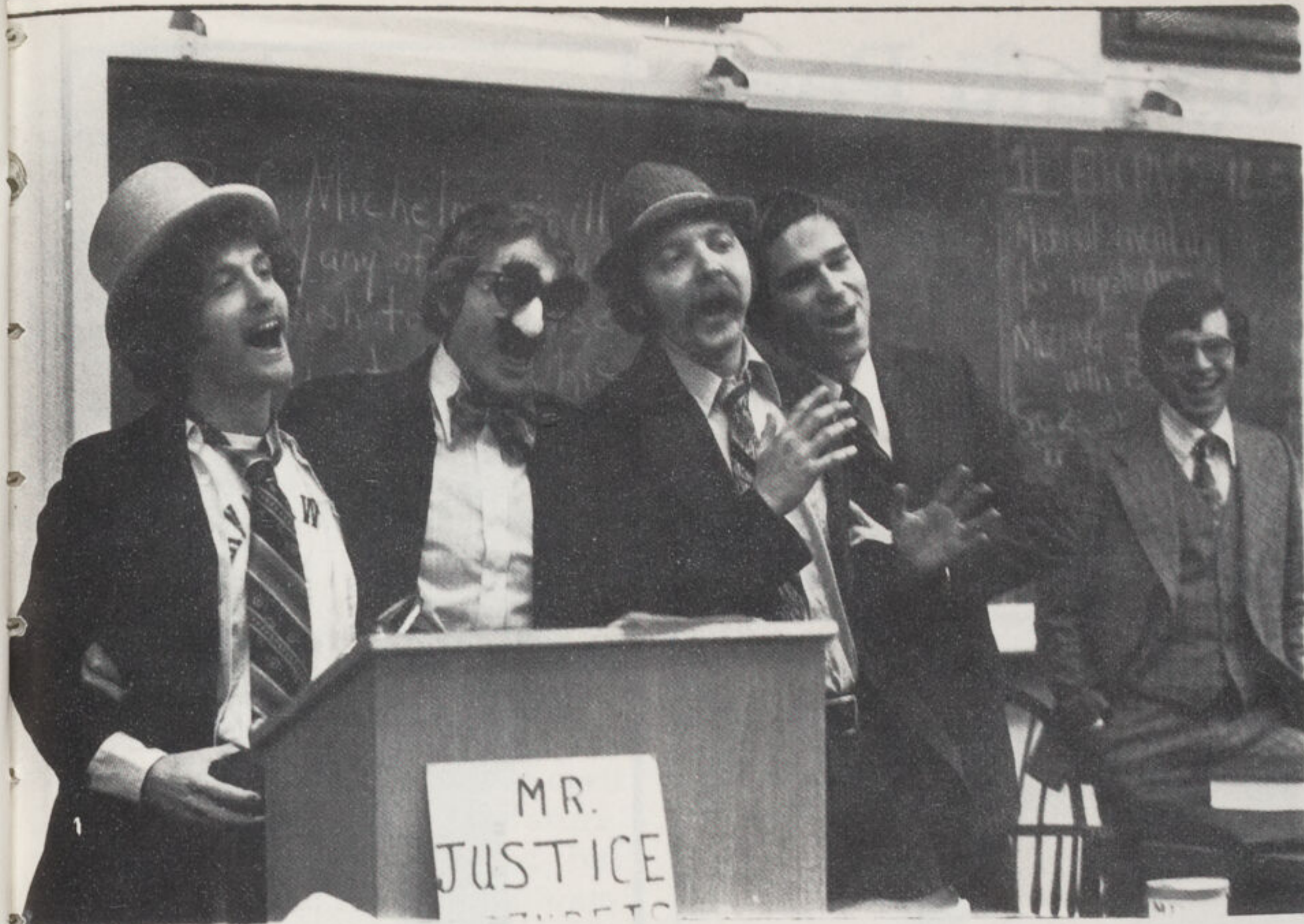
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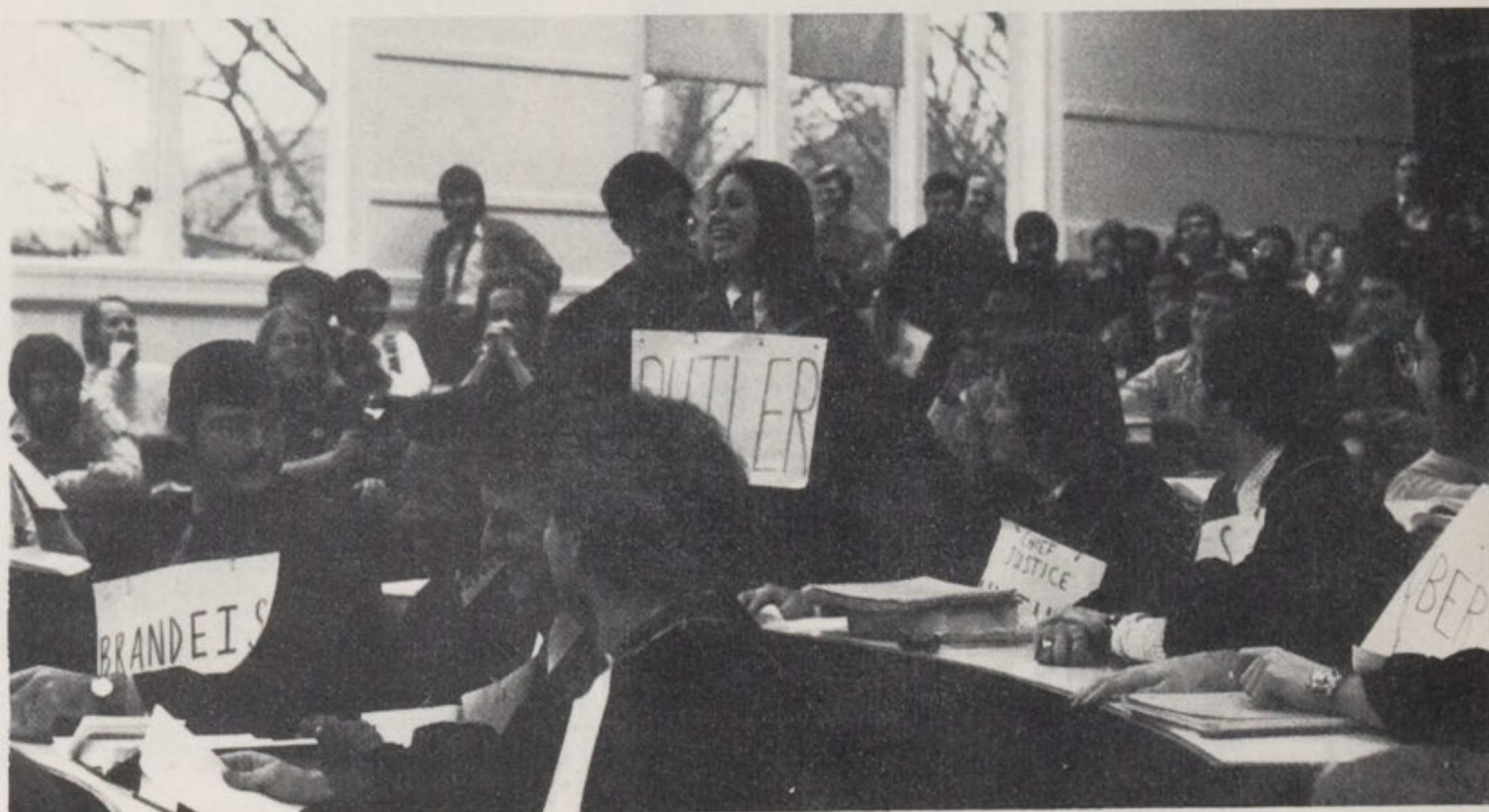
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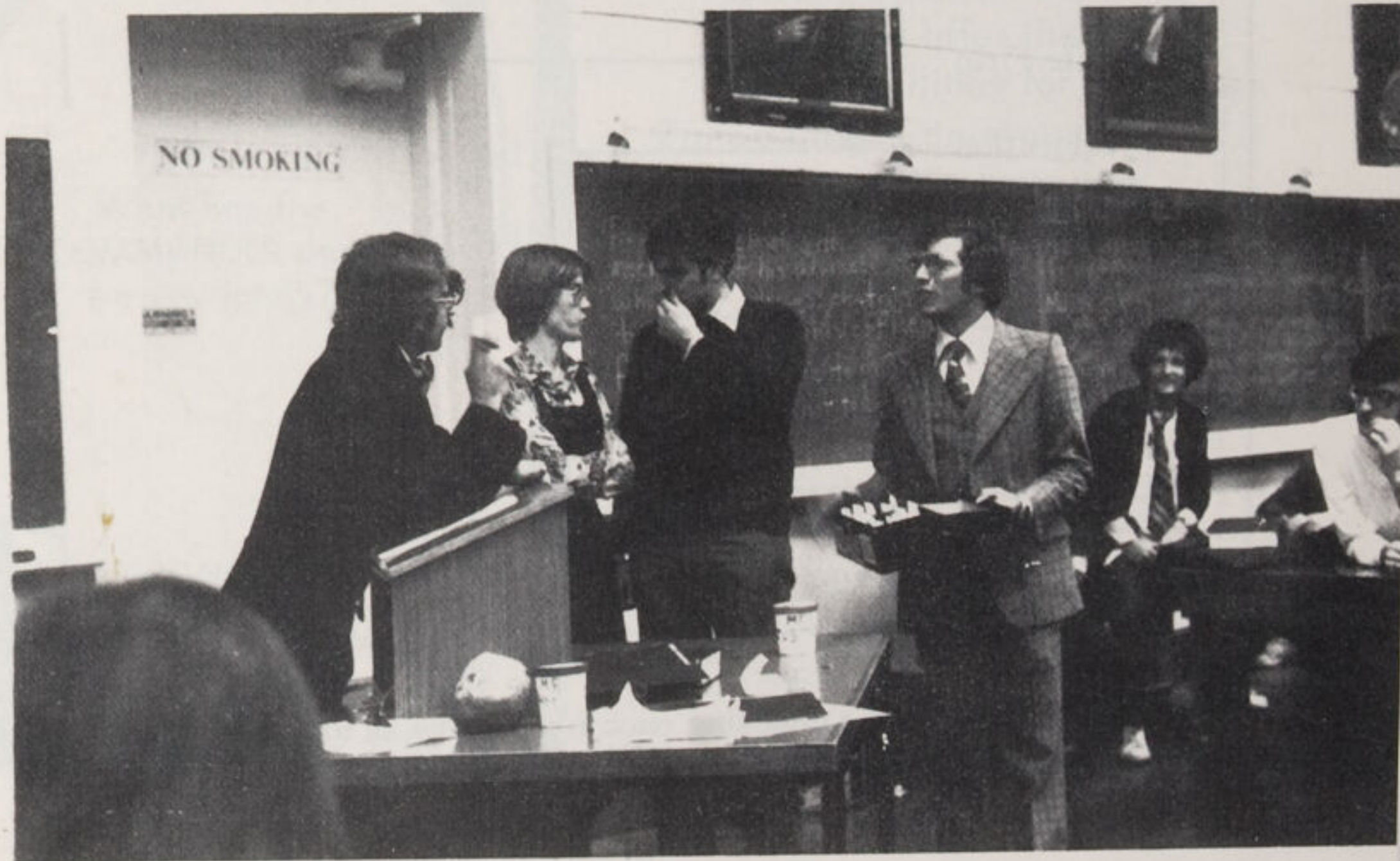
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"I join with my Brother Butler"

SJ

"And the secret word is . . ."



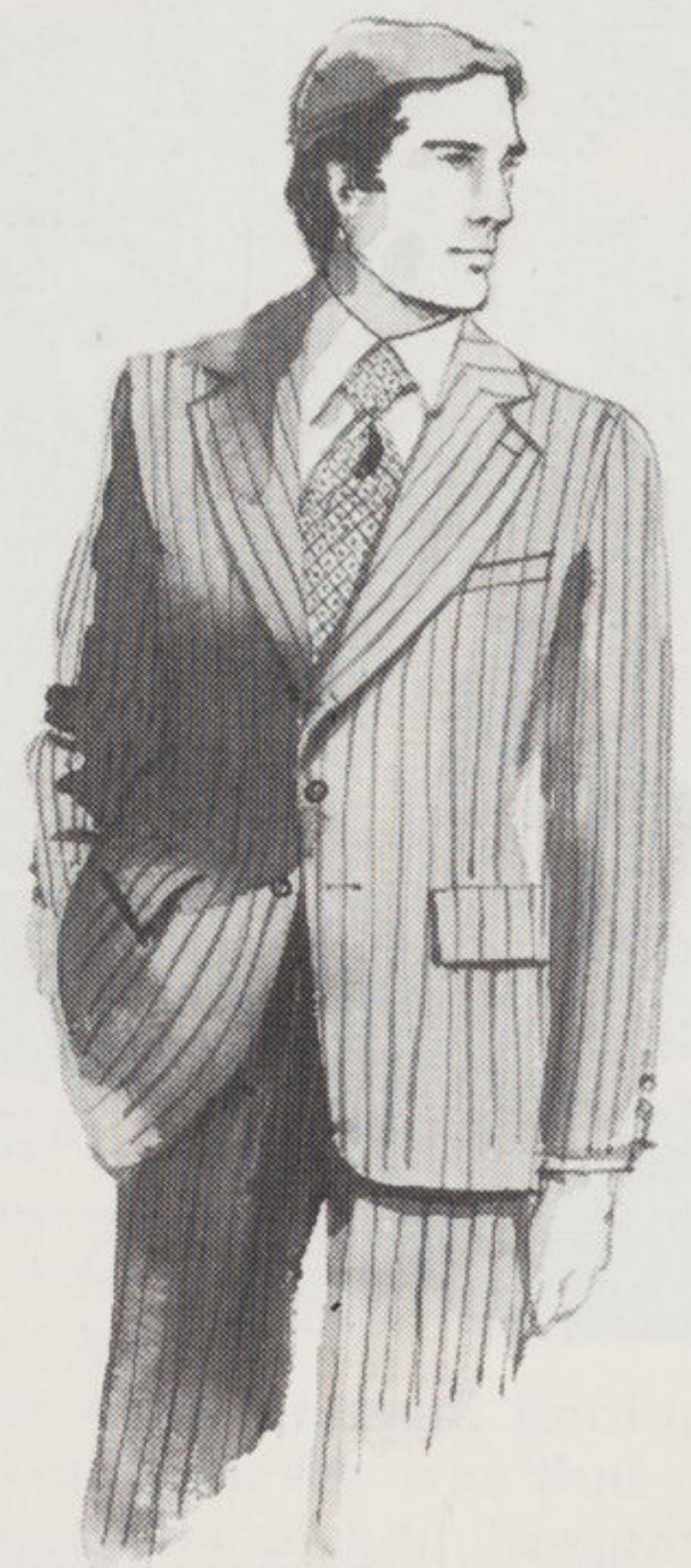
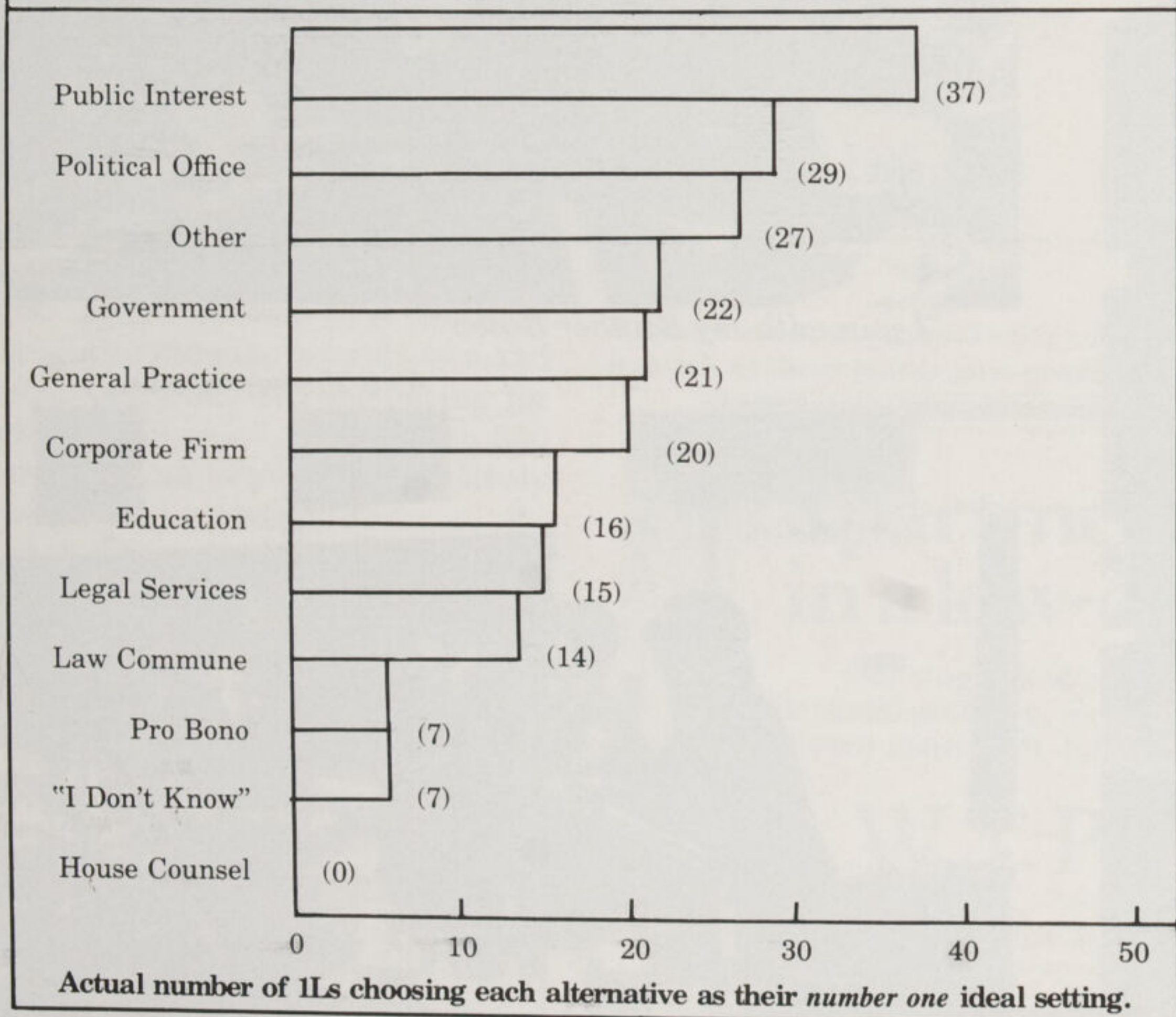
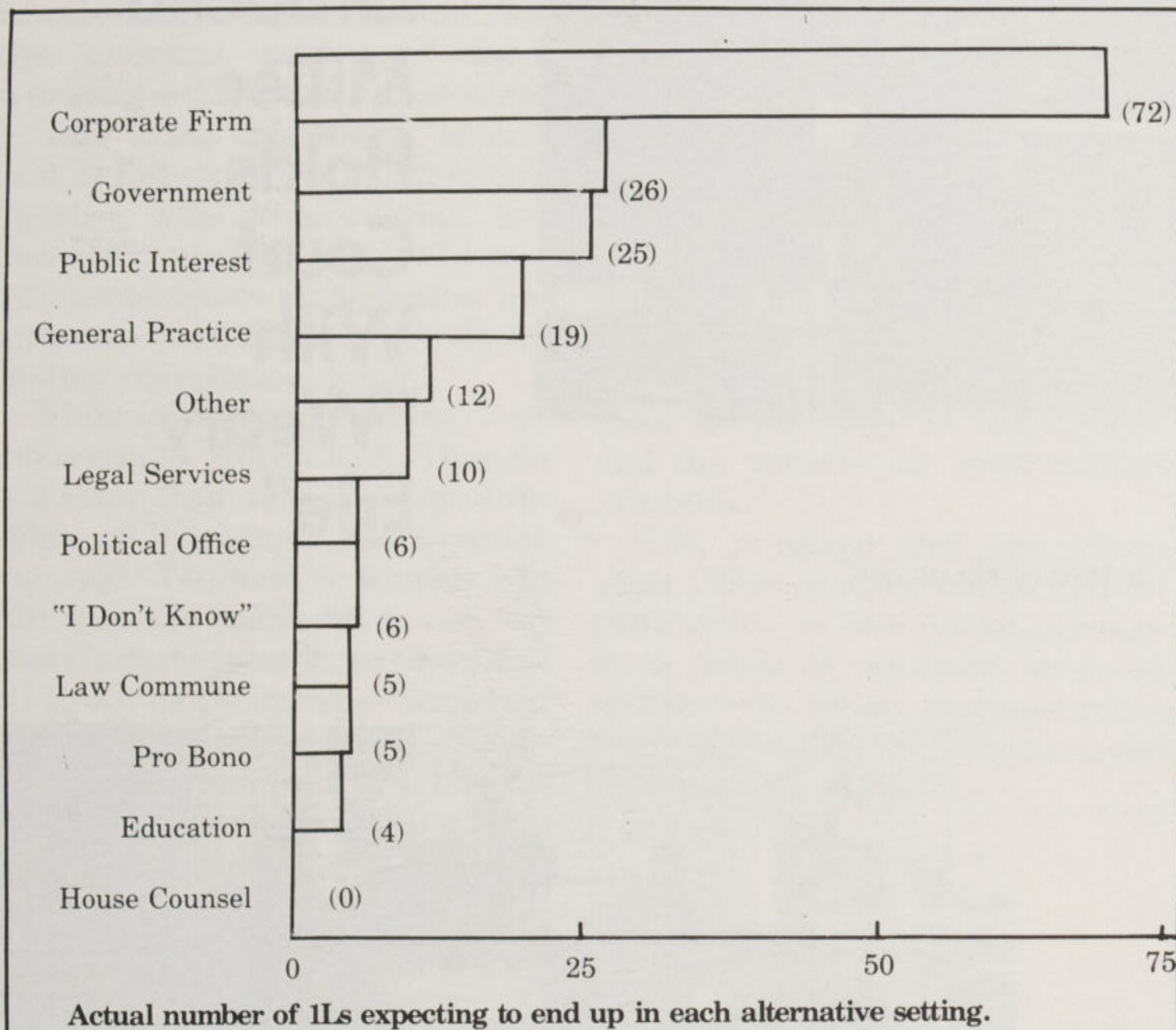
Pollster: Job Info Poor

(Continued from Page 6)

out of four surveyed, indicated that would end up in a corporate firm although it was not their first or even second choice.

Kirk speculated that the "mystery 50" were just being realistic about their needs and desires after

graduation. "I don't think they're attracted by the money," Kirk said, "so much as the security and lack of responsibility that goes with being a junior associate. The law school beats up their self-esteem so much that the big firm womb becomes the only option."



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Christmas Heat Policy: Less of It

By Ann T. Bailen

During Christmas vacation, the heat in the Law School dorms will be maintained at a level only high enough to keep pipes from freezing. The decision to keep temperatures at this level was made by the Law School Energy Committee and is consistent with policy in the past two years.

All HLS buildings except the International Legal Studies Building will close officially at 5 p.m. on December 19. ILS will remain open and at a normal temperature. Langdell will not be heated, but people who need to use the library will have access and necessary services will be provided.

Although the dorms will be locked, students wishing to remain may obtain keys at the Caretaking Office in Child Hall.

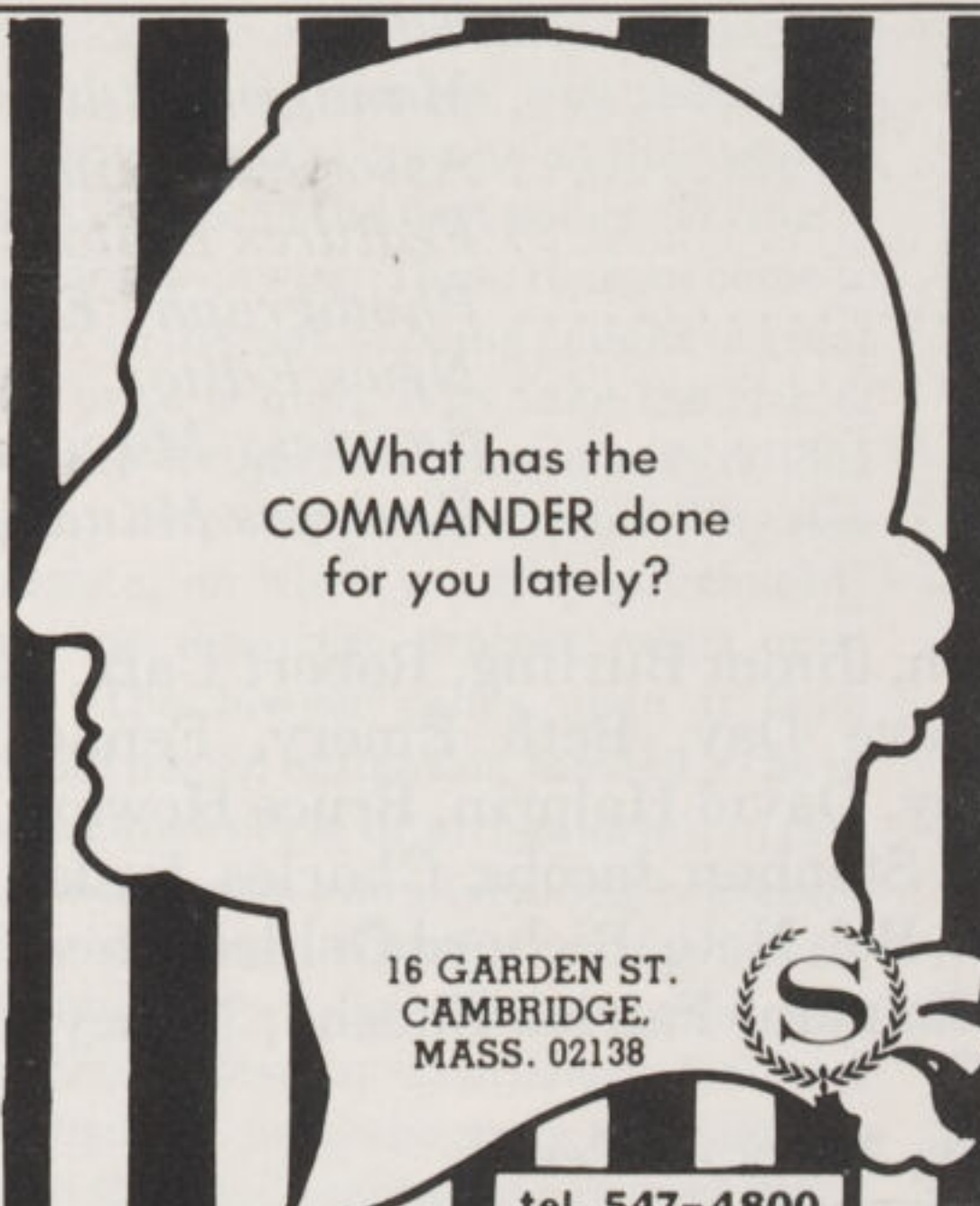
All of the Harkness dorms are on a single heating system. According to Vice Dean William E. Bruce, this can result in widely varying temperatures in different rooms. Some rooms may be at 80 degrees and it is expected that no room will be at a temperature below 50. Bruce warned that much depends on the wind chill.

Bruce stated that the Law School heating policy poses no health hazard to students: "If I thought there were health problems, I'd say go home, go to a hotel, go anywhere." He further pointed out that the Law School will make arrangements for students to stay with host families in Cambridge. Last year no one took advantage of this offer.

Bruce acknowledged that the Law School has been very successful in conserving energy in the past.

Heat in the dorms will be turned up again on Saturday, January 3, but is not expected to reach its normal level until noon on Sunday. Normal temperature is 68 degrees during the day and 64 degrees at night. Law School offices will remain closed until 9 a.m. on January 5.





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Clipping

The specific plan proposed by the Law School Council involving subsectioning of first year torts or criminal law classes did not receive the overwhelming support of students polled.

It should be recognized, however, that 300 of 433 students participating in the poll expressed some interest in experimentation in the direction of smaller first year required classes. It is this result, and not the hesitancy of many of those polled to endorse the particular suggestion of the Council, that should be carefully considered by the Committee on Legal Education. Clearly, students feel that the present first year system needs some change.

Delay of Game

As the fall interviewing season edges fitfully to a close, some reflection on the process is in order.

Is it necessary that the heart of the fall semester be devoted to 20-minute stints at the Holiday Inn, shuttles to New York, and flights across the continent? To have half of the second and third years of law school devoted to the quest for a job can only reinforce the image of the Law School as trade school, as a massive job placement agency. Scores of classes are missed; reams of cases remain unread.

A procedure similar to Columbia's "Job Fair", in which all New York firms meet students at one time early in the fall, might be considered. Over a three or four week period, representatives of firms from individual cities could journey to Cambridge for interviewing. Perhaps three days could be set aside for New York, one day for Atlanta or Minnesota, a half day for areas with less representation. Under the system, resumes could be submitted and interviews arranged in advance. The use of a computer could be avoided.

Each student would receive an indication of his or her status earlier than is now possible. Trips to firms could be more effectively combined. More accurate comparisons between firms could be gleaned.

Firms would also benefit. Early in the season, each would know how many students to expect from Harvard. No firm from a city would be prejudiced by a too-early or too-late interviewing date.

The RECORD welcomes student and lawyer response to this proposal.

HARVARD LAW RECORD

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Fenno

"Well," Fenno said to the 1L, "how did the review session go?"

"I don't know," the 1L replied diffidently. "He started by telling us not to check our common sense at the door of the examination room."

"That does sound like something I've heard before," Fenno admitted.

Then he said, "No matter what happens, when you look at the exam for the first time, don't panic."

"And that worried you?"

"To tell you the truth, it had never occurred to me until that moment that I might ever have occasion to panic about a Torts exam. I mean, you can panic about Property or Civil Procedure, or even Contracts. But who could panic over Torts?"

"Has that always been your attitude?"

"Sure. Ever since I first came to Law School, all the wise 2Ls and 3Ls have told me, 'You only have to know five things to do well in a Torts examination: duty, injury, proximate cause, time of the examination and place of the examination.' I believed them."

"And the warning not to panic has caused you to change your mind?"

"Not just that," the 1L assured Fenno. "After the warning, he asked for questions, and the first question was whether footnote 63 to section 13.21 of Prosser was consistent in its discussion of interacting negligence in a joint venture context with the concept of *res ipsa loquitur* evidenced by example 3 under comment b to section 571 of the Restatement Second of Torts."

"What was your instructor's answer?"

"Yes."

"And a little thing like that has you worried?"

"You call that a little thing?" the 1L cried in anguish. "I was so upset that I went to the library for the first time this year."

"Did you manage to resolve your doubts?"

"No, I just made it worse. I couldn't find either Prosser or the Restatement, so I compromised and spent two hours reading SCOTT ON TRUSTS. That didn't clear anything up."

"Just be thankful you didn't latch onto the Uniform Commercial Code instead."

"The what?"

"Hmm," Fenno said. "It's a shame you didn't enjoy your review session."

"Oh," the 1L asked, "why's that?"

"Because I have a feeling it's the only review you'll be associated with during your stay at the Law School."

"I don't get it."

"Just remember: duty, injury, proximate cause. If you find you have time left at the end of the exam, just write those words over in different combinations. And don't put anything in Latin: you'll never get away with it."

Letters to the Editor of the RECORD

'Licfjni' Xrwjhdt? H Fntlt Zm Lhdt

Jz jvt Tenjzi:

RE: Licfjnl Yhb, 12/5/75

N mnge "Licfjnl Yhb" h fythwhgj en-
ktiwnzg zg Minehc hmjtigzzgw. N bzrye
hffitlnhjt nj, vzbtkti, nm czr bzrye etkzjt
aithjti lhitjz njw finginga, jz iterlt wzriltw zm
lzgmrwnzg. Ftggwcykhgnh nw wftyte "F-
t-g-g-w-c-y-k-h-g-n-h" hge jvhj nw wftyte
"j-v-h-j," gzej "j-r-h-j." Jvhgd czr mzi czri
hjtgnzg.

Wngltityc czriw,
H 1Y

Record on Time, Writing Sublime

To the Editor:

In the December 5 issue of the RECORD there was a letter entitled "Humorless Firm Not Late, Lazy or Racist" which leveled heavy criticism at the RECORD staff and the production staff that handles the printing. It appears that the gentleman from D.C. never receives his RECORD on time.

Our company has handled the RECORD for two years; during this time we have reduced the production schedule by one day and the mailing schedule by the same amount — but only with the cooperation and coordination of the RECORD staff. Also, to try and improve the quality and timeliness of the RECORD, as much as 20% of the text is being set only moments prior to going to press.

Perhaps the gentleman from D.C. should check with the local Post Office — with the amount of junk mail coming out of that area a quality publication such as the RECORD may be sidelined.

Harry W. Rogers, Jr.
Grafacon
Hudson, Massachusetts

Class May Be Grind But Real Life Unkind

To the Editor:

Three cheers to Professor Miller for having, according to your November 21, 1975, issue, "harshly chided a student who answered 'unprepared.'" Three cheers more to him for not bothering to respond to the letter he is reported to have received from certain members of his class who objected to the chiding.

The students' letter of complaint, as quoted in the RECORD, certainly shows how far its authors have been able to develop

their professional skills — indeed, the letter might well serve as a model for their future legal practice. "Judge, it is my sincere hope that I will be able to arrange my time on the job in such a way that I can achieve maximum benefit from my preparation for each of my cases. I ask, however, that, should I again answer 'unprepared' when you ask me to cross-examine, your's [sic] be a more restrained response." Or: "Dear Client, it is my sincere hope that I will be able to arrange my office hours so that I can achieve maximum benefit from serving my clients. I ask, however, that, should I again execute a rare failure to make a timely filing of your proposed appeal, your's [sic] be a more restrained response."

It seems fitting that the protestors have organized themselves into their own "Section Five," where presumably they plan on teaching themselves whatever it is they do not already know, without suffering the pain of any pedagogic unpleasantness. When they get to the "ethics" they say they plan to study, I hope they will find time to consider the "ethics" of the lawyer who arranges his time to serve his own convenience rather than that of others to whom he may owe a professional obligation, whether client, court, or colleague.

Charles R. Braun '66
Washington, D.C.

Too Much Trickery Not Good Tactically

To the Editor:

If the article in the November twenty-first issue entitled "LM Orients 1Ls to Tactics, Not Ethics" accurately reflects the concepts of 1Ls on how to prepare a case for trial, it does much to explain the low esteem in which lawyers are held. The ideas expressed (a) do not coincide with my experience in trial practice, (b) are, in my opinion, poor tactics.

Most trial lawyers operate on the assumption that candor is the best policy. Trying to play games is unwise. Three reasons come to mind: First, the risk of being caught is great and the price is high. Why take the risk of shredding a document when you have no idea how many Xerox copies are extant? Why risk your reputation when you may get caught? Second, the discovery process relies upon honesty. The lawyer relies upon it from others and has an obligation himself — as in preparing answers to interrogatories, in producing documents, and in making representations to the Court. Third, even if you don't get caught, if you are shifty, word gets around the profession surprisingly fast and doing business becomes more complex. A lawyer with a good reputation can work more efficiently than one with a poor reputation.

Both the lawyer and his clients benefit from a good reputation.

Witnesses would rather tell the truth and will do a better job if you tell them to do so. Unfavorable facts hurt less when the lawyer brings them forward than when they are extracted. The legal system is a good one because it rewards honesty. Good ethics makes good sense. People who look on the adversary process as a means of achieving results by trickery have as much to learn about tactics as they do about ethics.

Roger P. Stokey '48
Boston, Massachusetts

Can One Sport With The Court?

To the Editor:

Re: 11/21/75 Issue — Page 3 "Impertinence Conceals Contempt"

Two worthy items which I do not find in your article:

(1) The judge in the Scopes evolution trial at Dayton, Tenn., to Clarence Darrow, for the defense:

"I hope, Mr. Darrow, you do not mean to reflect upon the Court."

Mr. Darrow: "Your Honor has the right to hope."

(2) Lady Astor (in the House of Commons) to Churchill:

"If you were my husband, I would give you poison."

Churchill: If I were your husband, Madam, I would take it."

I find the RECORD amusing, interesting, instructive. Any "redundancy" there?

John M. Sheffey, '27
Westfield, New Jersey

SOLUTION TO CRYPTIC LETTER

To the Editor:

RE: Cryptic Law 12/5/75

I find Cryptic Law a pleasant diversion on Friday afternoon. I would appreciate it, however, if you would devote greater care to its printing to reduce sources of confusion. Pennsylvania is spelled "Pennsylvania" and that is spelled "that", not "tuat." Thank you for your attention.

Sincerely yours,
A 1L

Solution to "Cryptic Law"

Defense of Others" (5).
nal Code (1953). §339.48 "Self Defense and
Wisconsin Judiciary Report on the Crimi-
use of force intended or likely to cause death.
privilege does not extend to the intentional
son from committing suicide, but this
such force is necessary to prevent such per-
another if he reasonably believes that to use
A person is privileged to use force against

SPORTS QUIZ

By Katz, Noto and Zagrans

1. The Pittsburgh Steelers had the original NFL rights to all of these quarterbacks, except:
 - a. Lenny Dawson
 - b. George Blanda
 - c. Bobby Layne
 - d. Sid Luckman
 - e. Johnny Unitas
2. The New York Giants gave the NFL title to their archrivals, the Cleveland Browns, in 1964 when they traded Dick Modzelewski to the Browns. Who did they get in return?
3. In the 1975 Super Bowl, who scored Minnesota's six points?
4. Who coached the Detroit Lions during their glory years in the 1950's, when they won NFL championships in 1952, 1953, and 1957?
5. What great linebacker racked up Frank Gifford with a severe head injury during the 1960 season, thus causing Gifford to take off the 1961 season and devote himself to announcing sports for WCBS in New York?
6. A pint-sized older quarterback taught Dandy Don the tricks of the trade in the early years of the Dallas Cowboys. Who was he and where did he play before he was traded to the Cowboys so that he could practice law in Texas and still play football? If that's too easy, where did he go to college and who was his coach there?
7. Who was the second regular placekicker the Cleveland Browns ever had?
8. Who holds the NFL record for the longest return of a recovered fumble?

Sports Answers

1. b. George Blanda.
2. Tight end Bobby Crespino.
3. Terry Brown, who recovered a blocked Bobby Walden punt in the end zone.
4. Buddy Parker.
5. Chuck Bednarik, Philadelphia Eagles.
6. Eddie LeBaron, 5'7", played for the Washington Redskins before being traded to the Cowboys. He graduated from College of the Pacific, where his first coach was Amos Alonzo Stagg. By the way, he went to law school at George Washington U.
7. Sam Baker, during Lou Groza's one year retirement in 1960.
8. Agile George Halas, 98 yards.

And now some housecleaning chores. We'd like to thank our readers for their interest (?) in the quiz. Andrew Levy wrote in the November 7 issue concerning Don Larsen's perfect game. He took a swing at us and missed.

Dale Mitchell did *not* swing and miss. The confusion was created by the fact that Mitchell did begin to swing, but checked his swing, and Umpire Pinelli called a third strike.

John Ballantine wrote in the December 5 issue that Kentucky, not Notre Dame, ended the Oklahoma winning streak in 1951. We rechecked our reference book which indeed said Notre Dame, but further research was able to confirm that Mr. Ballantine's eyewitness testimony was correct. We plan to get a new reference book before the RECORD gets some new writers.

Finally, we offer our most abject apologies to Austin Carr fans. Last week we erroneously placed him at De Matha High School, when in fact he starred for rival Mackin.

Cryptic Law

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

U wachit zh wczbzdaef ri xha nicoa ueuz-
thr utirqac zn qa cauhitukds kadzabah rqr
ri xha hxog nicoa taoahhucs ri wcabatr hxog
wachit nciy oiyyzrrzte hxzofa, kxr rqzh
wczbzdaea fiah tir apratf ri rqa ztratzitud
xha in nicoa ztratfatic dzvads ri ouxha faurq.

(Solution on Page 11)

The Law RECORD's final issue of the semester will be available next Friday, December 19.

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Law Notes

Joan Lebold Cohen, Lecturer, School of the Museum of Fine Arts in Boston, will speak on "**The Journey of the Buddha**" at 7:20 p.m. on Tuesday, December 16. Those interested in the lecture should meet inside at the Fenway entrance of the MFA at 7:20 p.m. Admission is free. There will be a holiday party at the Cohens the same evening at 9 p.m., 21 Bryant Street, Cambridge.

* * * * *

A panel discussion on "**The Implications of the UN Zionist Vote**" will be held Sunday, December 14, at Science Center, Hall D, at 7:30 p.m. The panelists are Richard Pipes, Professor of History; Nathan Glazer, Professor of Education; David Harman, Lecturer; Benjamin Varon, Former Israeli Ambassador to Dominican Republic, Uruguay and Jamaica.

* * * * *

The BSA and the Law School Council are co-sponsoring an evaluation of all law school courses. Results will be published to aid students in selections during spring pre-registration. Survey questionnaires for fall classes will be distributed with the Adviser and are also available at announced locations. The success of the project depends on the student input. In view of the low return rate on past surveys, students are encouraged to take a few moments to complete the questionnaires before Christmas break. Boxes will be provided throughout the Law School campus.

* * * * *

The Harvard-Radcliffe **blood drive** at Memorial Hall continues until 3:30 p.m. today.



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Rule 26: Nickels and Files

By Gary D. Hailey

Q. Where do all the nickels we put in the library photocopying machines go?

A. The machines are not self-supporting; in other words, the credits are greater than the debits, so don't hope for any price reductions in the near future. Readers can find the whole dollars-and-cents story of the machines in the question and answer book at the Langdell circulation desk. (Not a particularly exciting question, but we were able to avoid the misuse of you-know-who's registered trademark.)

Q. Under the Committee on Student Files procedures, faculty members have access to student files for purposes of "legitimate educational interest," a phrase which is not really defined in the Buckley Amendment. Is there any way I can protect myself against faculty abuse of this access to my files?

A. Registrar Mary D. Upton seemed surprised by this question; she didn't think that students need worry that faculty members would abuse this access. Under the access rules, which were distributed to all students in the September 8 Adviser, professors seeking to look at student files must "sign in and out" and have a reason for wanting to look at the files (a reason which shows "legitimate educational interest"). Registrar Upton suggests that any students who feel strongly about keeping their files out of the faculty's hands speak either to her

or to Professor Arthur R. Miller, who is the chairman of the Committee on Student Files.

Q. What's the latest in Goldie Hawn's life?

A. Goldie's still married to Gus Trikonis, but they've been separated for quite some time now. Her latest heartthrob is Bill Hudson, of the singing Hudson Brothers. (Next time, write to Walter Scott's "Personality Parade," instead of to us. Okay?)

Q. How many professors decode students' examination numbers before placing a grade on final exams or research papers?

A. No one's going to give us a straight answer on this one. Responses ranged from an indignant "None of them!" to a slyly whispered "All of them," and also included "only a few of them" and "quite a few of them." You figure it out. The basic student rumor is that they may decode to raise a grade, but that they won't lower a grade because of lack of or faulty class participation (do we appropriately recognize your fear?).

Upton Defends Procedures for Review Choices

(Continued from Page 4)

Upton, registrar. She would not reveal the exact grades of Review members or the spread between minimum grades in the sections.

Upton was displeased about an allegation in the letter to the RECORD that her computer "goofed" or that a person in her office deliberately altered grades in order to ensure certain students a place on the Review.

Upton oversaw computation of the first year grade averages and determination of the highest grades in the sections. No student in the class has challenged the Review selections, she said. Recording of grades, averaging, and selection of the highest averages was done both manually and by computer, rendering the process virtually foolproof, in her opinion.

The same process of double-checking averaging was used to determine the names of second year students eligible for the Review. Four students were chosen on the basis of their combined first and second year averages. Four more were chosen on the basis of second year grades alone.

Student averages are determined by using the median number grade in the range of numbers corresponding to letter grades designated by professors. Grades are weighted according to the number of credits received for a course. Courses taken in other departments of the University are not considered. (See cross-registration story, next page)

Further questions raised about the Review in recent weeks have concerned its subsidies received from the Law School. The Review's space in Gannett House is provided by the Law School.

The Law Review's operating expenses are about \$250,000, according to F. Whitten Peters, 3L, its president. None of this money is received from the Law School, Peters said.

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Sub-Sectioning is Favored By Harvard Law Students

By Fairlea Sheehy

The results of the referendum on the proposed sub-section system for the first year have been tabulated. The Law School Council, which sponsored the balloting, has voted to recommend to the Committee on Legal Education that the faculty consider such a proposal.

Four-hundred and thirty-three students responded to the poll. In favor of a small sub-section format for one of the required first year courses were 212 respondees. One-hundred and thirty-three students opposed the plan and 88 supported the theory behind the proposal but were opposed to the specific plan set out.

A breakdown by classes suggests that the first year class represents the major opposition to the plan, with 79 voting in favor, 66 opposing the proposal, and 29 remaining on the fence.

Noting that 1Ls comprise nearly one-half of the plan's opposition, Jeffrey F. Reiman, 3L, President of the Law School Council, concluded: "1Ls are clearly the most afraid of the new system. I think that many of them must fear that a smaller class would simply subject them to four times the terror that they are presently the victims of."

Among 2Ls and 3Ls, support for the system was much more unequivocal. Seventy-one of the 2L responses were in favor of the system, 43 opposed, and 31 supported the theory but not the proposal. Voting in favor of sub-sections by more than two-to-one were 3L participants in the poll, with 48 in favor, 18 opposed, and 19 favoring the idea but not the specific plan suggested.

Although support for the plan was not overwhelming, Reiman is "quite satisfied" with the results of the balloting. He explained: "We took this issue to the students in the form of a referendum in order to get as much empirical support as possible. We presented the issue fairly, and received a favorable

response, particularly from 2Ls and 3Ls. Now it is up to the faculty, who will be considering it, hopefully sometime in the spring."

The Board of Directors of the Harvard Law School RECORD will meet on Wednesday, December 17 at 7 p.m. The agenda includes a proposal to amend the by-laws to change the number of directors, as well as the election of officers for next semester. Current directors, as well as all those interested in serving on the Board, are urged to attend.

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Red Line Plan— Burrow North Under Harvard

(Continued from Page 4)

this will reduce congestion and eliminate the need to close the Square to vehicles altogether. The frequency of transit service along Massachusetts Avenue will not be reduced, at least until train service begins.

The environmental impact study commissioned by MBTA is not yet completed, but preliminary studies indicate that the extension will have little or no effect on Cambridge ecology. Some special measures will be taken to protect trees in Harvard Yard from "dewatering," which damaged them when the existing subway line was constructed.

Anyone who knows the *modus operandi* of the MBTA will tell you that all this could change in the twinkling of a politician's or engineer's eye. But keep your fingers crossed and in 2 to 3 years, there will be peace and quiet in Pound, trees in the Yard and a train to Porter Square. But you'll still have to walk to the Square to catch it.

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Many at HLS Cross-Register

(Continued from Page 5)

given by the faculty. Unfortunately, the only time Bernardi gets much student feedback is when a snarl occurs, with the most common problem being scheduling problems with final exams for cross-registration courses.

Students who haven't been careful to check the dates in the appropriate catalogue before registration have found themselves with simultaneously scheduled bar review courses.

Cross-registration becomes available to an HLS student during the second year. During that year, a student may receive up to four credits toward the J.D. degree for work done in other departments of the university (or, if a course appropriate for cross-registration isn't available within Harvard, possibly at another university) which will help further any "special law study objectives" he or she may have.

Third-year students may receive up to six credits for any courses chosen, whether or not law-related.

Before enrolling in any course outside the Law School, however, students should check the requirements of the bar in the state in which they intend to practice. In New York, for instance, the Rules of the Court of Appeals state that only courses "related to legal training" may be counted toward the 50 credits required in the second and third years by the New York Bar.

Any questions on this problem should be brought to Dean Bernardi's secretary.

Outside courses may not sig-

nificantly overlap any course work previously undertaken by the student and credits are limited to the number of hours of required lecture meetings under faculty supervision each week. Ordinarily, there is no extra charge imposed.

Students taking courses in other Harvard departments or at other universities are subject to the rules of the faculty offering the course, and must successfully complete the course on schedule in order to avoid losing credit or having to pay additional tuition fees.

According to Bernardi and

dramatic difference occurs when a particularly relevant course is given.

It could be that students just aren't aware of the opportunities involved, which range from indulgence in an offbeat interest to obtaining a solid background in a particular specialty in law.

Olmsted's Danté course has provided her with a means of determining whether to stay in law school or switch to graduate school. She commented that most students who hear about it think that she's "getting away with something."

"cross-registration designed for 'special objectives' "

Registrar Mary D. Upton there hasn't been any significant change in the number of students enrolled in cross-registration courses over the years. Susan Zdonik of the Registrar's Office says that the only

If that's the case, plenty of time remains for them to get away with the same thing during spring semester.

The process involved begins with the completion of the appropriate petition (one for the Business School; another for all other departments), which can be picked up at Bernardi's office. The petition must be signed by Bernardi, the instructor of the course into which the student is cross-registering, and, in certain special cases, the faculty chairman.

It should then be filed with the registrar of the appropriate faculty by whatever deadline is specified. For spring courses, the Arts & Sciences deadline is February 27, 1976; and that for the Business School is January 9, 1976.

Memos setting forth all the necessary information are available at Bernardi's office.

Dorm Council Activities

TGIF — Today, 4-6 p.m.
Harkness Downstairs Lounge

HOLIDAY PARTY—

Tuesday, December 16
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