

HARVARD LAW RECORD

America's Oldest Law School Newspaper

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TWENTY CENTS

Concerns Report Lists Problems At Law School

By Phil Heagney

Seven months after it was submitted to the Law School Visiting Committee, the report of the Subcommittee on Student Concerns made its long-awaited debut on campus this week accompanied by a memo from Dean Albert M. Sacks

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Monica Cabot
Boston, Ma.
Radcliffe College
BS, Biophysics, '73
Universidad de
San Carlos

HBS Prospectus

Cord's Spouse Grabbed: More Fraud Charges

By Roger P. Evans

While her husband was allegedly defrauding the Harvard Law School as Jason Scott Cord, Mrs. Monette Caulffield Pavlovich was busily attending the Harvard Business School as Cary Monica Cabot, according to the FBI.

Mrs. Pavlovich was arrested this week in New Orleans by the FBI and charged with giving fraudulent information on federally-insured loan applications for the business school's tuition. Her husband, Spiro M. Pavlovich, III, was arrested by the FBI last month on the same charges.

When interviewed last month by the HARVARD LAW RECORD, Ms. Cabot, a first year student at the business school, said she was "shocked" to hear Pavlovich had been arrested. She said they had "a casual dating relationship," and that she had no idea he was using an assumed name. "I found him friendly and nice," she said, adding that a business school professor had introduced her to Cord at a party in the spring of 1974.

Actually, according to a cousin of Pavlovich's, the couple was married in 1972 in New Orleans.

Mrs. Pavlovich had told the business school that she graduated from Radcliffe College in 1973, and La Universidad de San Carlos in 1975. However, many students said they had seen her at business school social functions continuously since

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William O. Douglas: Defender of the Individual

Editor's Note: The following statements are the consolidation of two talks given at Boalt Hall, University of California, Berkeley, in November, 1975, and at Stanford Law School in December, 1975, by Leonard B. Boudin, Regents Professor at Berkeley, at colloquia held in honor of Mr. Justice William O. Douglas.

Boudin is general counsel of the National Emergency Civil Liberties Committee and a partner in the firm of Rabinowitz, Boudin & Standard, specializing in constitutional litigation.

By Leonard B. Boudin

Thirty-six years ago, Franklin D. Roosevelt appointed William Orville Douglas, age 39, Chairman of the Securities and Exchange Commission, author of books on corporate finance and former Professor of Law at Yale and Columbia, to fill Justice Brandeis' seat on the Supreme Court.

On November 17, 1975, after contributing over 1000 opinions to over 100 volumes of Supreme Court Reports—one quarter of all the reports ever published by the Court—and writing more than a dozen books on international affairs, conservation and civil liberties, the Justice retired because of ill health.

It is difficult for a generation
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1L's Follow Their Hearts; Reject Small Class Size

By Steven Prye
and Susan Gillette

Thirty 1Ls enrolled in Constitutional Law have been switched from Professor Archibald Cox's class to Professor Richard D. Parker's class following a mass meeting of between 30 and 40 1Ls with Dean Albert M. Sacks.

The students protested their assignment to the Cox class under a policy of dividing Con Law enrollees into two sections of 110. Cox is renowned as one of the hardest graders at the Law School, but the students said they preferred the Parker class because of their experiences with Parker as the Section IV professor of criminal law.

It was rumored among 1Ls that 85 students in the Cox section sought a transfer after all Cox's students who had registered for the Parker class were contacted by the Registrar on Sacks' orders. The 30 transfers were determined by lottery.

The mass meeting in Sacks' office was calm and rational, although punctuated by a few angry outbursts. It was the Dean's second confrontation with determined students this year. Earlier members of the Law Guild presented themselves *en masse* to demand release of the Visiting Committee report. (Related story Page 1)

This second confrontation occurred before vacation on the day that Con Law class lists were posted. According to Registrar Mary D. Up-

ton, the problem involving the size of 1L Con Law classes has been an annual one, and it is particularly acute when one Con Law professor is also a first year section professor.

Four persons from Section IV met with Sacks before Con Law assignments were posted to express fear of assignment to the Cox class. They said they wanted the other class because of "pro-Parker" sentiment, not an "anti-Cox" attitude. Sacks did not agree to consider their complaint until the meeting was called the next day. His decision to adjust the class sizes was announced during exams.

Following the Dean's announcement of the increase in Parker's class, the students and Sacks engaged in discussion about the best means to select 30 students to be added to the Parker section. Sacks suggested another random drawing among all those who had requested Parker but had been assigned to Cox. Students preferred a process favoring those most interested in being reassigned.

A proposal for an essay contest, requiring students to write out their reasons for wanting to switch sections, was rejected by Assistant Dean Robert E. Keeton. He felt the plan would favor those with the most active imaginations, while penalizing honesty.

Finally, it was agreed to send transfer request letters to all Cox's students. The 30 transferees were chosen from those who returned the letters.

Pound Pipes Down; Exams Frozen Out By Vacation Deluge

After two incidents of water damage in the Pound Building because pipes froze and burst, the Law School is acting to prevent future incidents by modifying ventilators in the building.

Vice Dean William L. Bruce ordered the ventilators shut and insulated last Friday after Law School officials discovered that bursting pipes damaged an office and Pound 102. The freezing occurred on the coldest night so far this winter, when temperatures fell to five degrees below zero and gales of up to 20 m.p.h. produced a wind chill factor of nearly minus 50 degrees.

Apparently the Pound heating system couldn't overcome the freezing air being admitted by the ventilators.

Earlier damage in the building occurred during the Christmas holidays, when Cambridge experienced severe cold and wind while the heating system in the Building was operating at a reduced capacity.

Flooding in 102 required relocation of exams and early 2d semester classes scheduled for the room.

Bruce said that similar problems had occurred a few years ago in the Pound Building when temperatures were severely cold. Unusually mild winters in recent years apparently forestalled further water damage.

The modifications planned for the building should prevent future damage, Bruce said. He reported that no other Law School buildings experienced pipe breakage during the recent spells of below freezing weather.

Bruce said that although temperatures have been severely cold and snowfall has exceeded the average of past years, the Law School is well within its budget for heating and snow removal.

A side-effect of the Pound problems has been a possible resurgence of student preference for the older Langdell Hall.

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Client Counseling Interviews: On the Other Side of the Desk

By Tim Cooper

Under the sponsorship of the BSA and Dean Kettleson's office, the second Client Counseling Competition will take place over the next few weeks. The competition here will select a two-man team to go to the regional competition and, hopefully, the national competition. Both upper rounds are under the sponsorship of the Law Student Division of the American Bar Association.

Open to second- and third-year students, the competition is an attempt to simulate a law office conference with a client. The skills tested will include the ability to come into an unfamiliar situation, interview a client effectively, study his problem briefly, and make some conclusions and give advice concerning the problem.

One week before the actual interview each team will be given a brief memorandum concerning the reason that the "client" is seeking the interview. Each team will then prepare a short memo outlining the legal and factual problems that may arise. This portion of the competition will account for 15% of the total score.

The actual interview and post-interview advice will take place in a

one hour time period. Forty-five minutes will be spent interviewing the client (actually another student) and the rest of the hour will be used to prepare the post-interview oral memorandum. The team will then discuss their interview with a judge who has observed it. Seventy percent of the team's score will be based on the interview and 15 percent on the post-interview discussion.

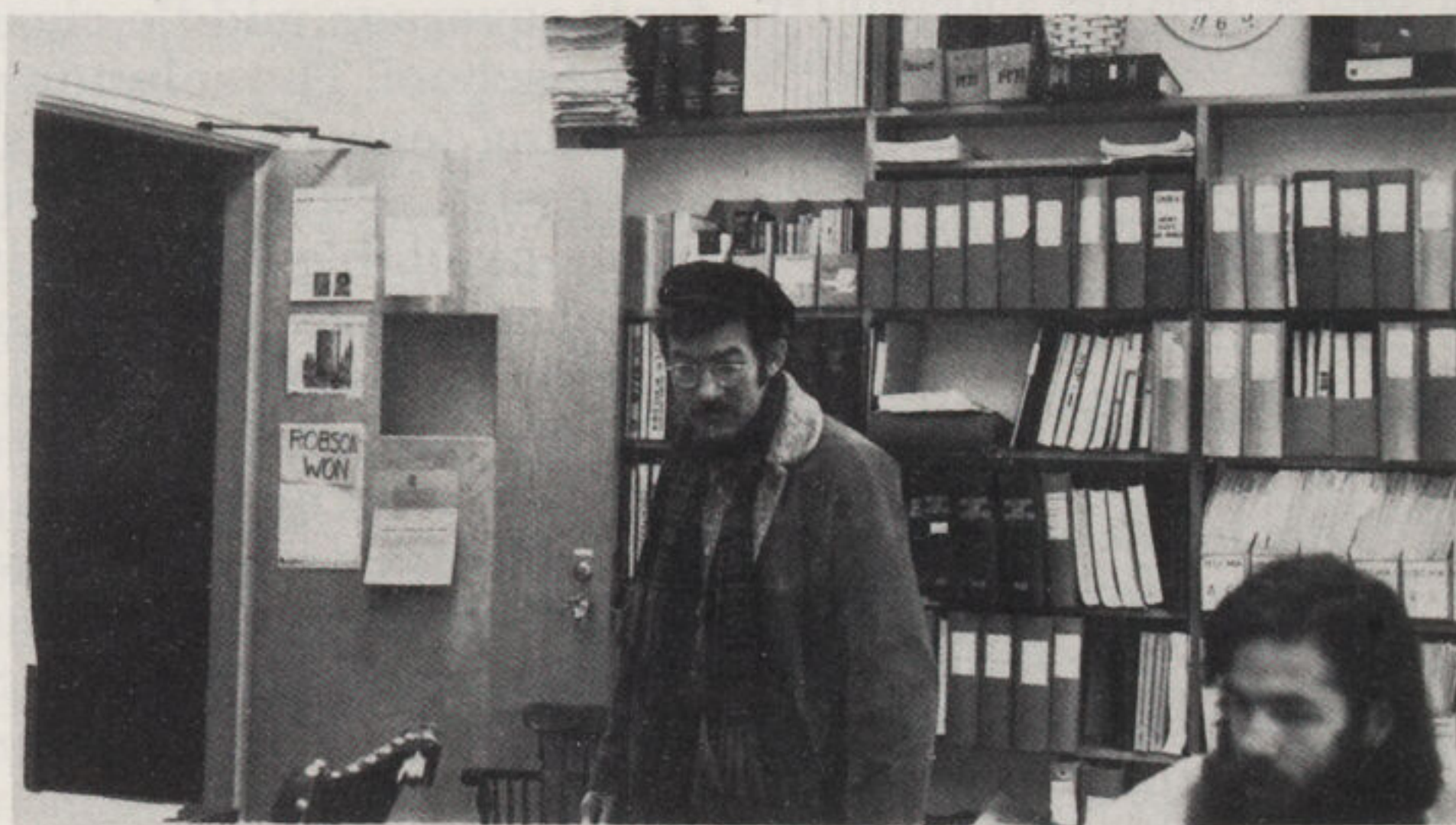
At least one judge will observe each team, and all the interviews will be videotaped so that all the judges can watch them. The criteria for judging the interview include: demeanor, rapport with client, efficiency at ferreting out the facts, counseling, discussion of fees, and solutions or actions to be taken.

The discussion after the inter-

view will be judged according to how well the team summarizes the interview, formulates legal issues, and suggests solutions or areas that need further research.

Last year seven teams participated in the competition and two faculty members served as judges. John S. Pratt, a 2L, who is this year's coordinator of the competition, expects that as many, if not more, teams will take part this year. The judges have not yet been selected, although Pratt hopes that Dean Jeanne C. Kettleson, who served last year, will again preside.

The competition is open to 2L's and 3L's, and will take place the week of February 9-13. Information and sign-up sheets are available now in the BSA office.



Committee on Military Justice staffers in CMJ office ^{LL}

CMJ to Aid Case of Homosexual Challenging USAF Discharge Rule

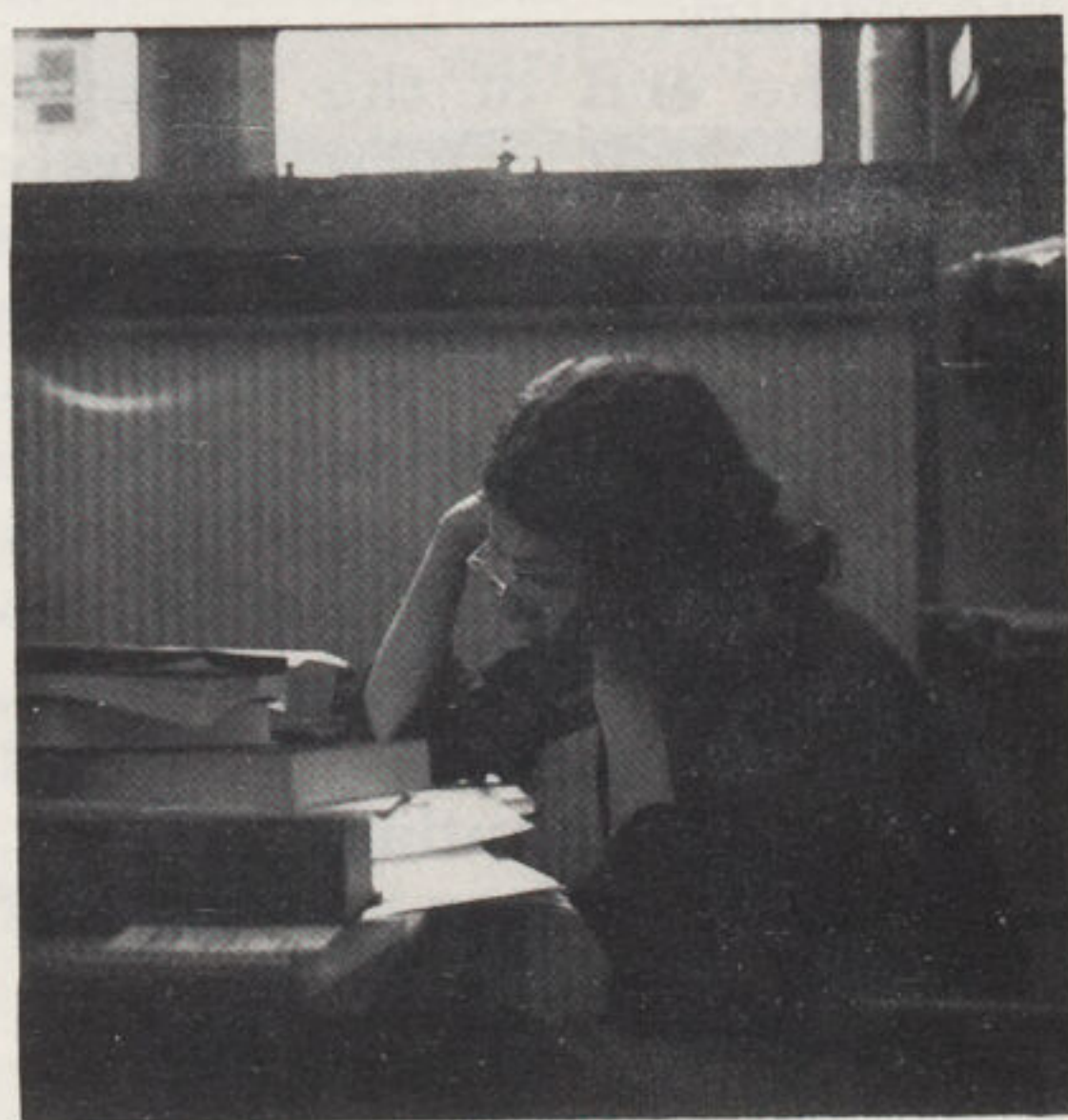
By Harold Cooke

T/Sgt. Leonard Matlovich, 32, a race-relations instructor at Virginia's Langley Air Force Base, deliberately provoked his discharge from the Air Force in order to challenge the military's long standing ban on homosexuals. His case has attracted much attention among civil libertarians, members of the Gay Movement, and now the Committee on Military Justice.

The Sergeant had an impeccable 12-year military record, no known psychological problems, and a Bronze Star and a Purple Heart won on one of his three tours in Vietnam.

Matlovich's dismissal has raised the issue of whether his homosexuality affected his ability to operate as a military officer. He was drummed out of the service on the theory that as

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Judith D. Albert, 3L ^{LL}

HLS 1L Says His Course Could Boost LSAT Scores

By Gary D. Hailey

Your younger brother comes to you with a problem. He has received his LSAT results, and his score was 510.

His score put him in a group whose chances of gaining admission to most law schools are not good. But he's not giving up yet: he wants to take the LSAT again, and he's willing to invest time and money on anything that will improve his score on the second try.

The Educational Testing Service claims that its test measures some sort of inherent ability to succeed at legal study, and law schools must believe them.

But John E. Sexton, 1L, founder and owner of "John Sexton's LSAT Preparation Center", believes that an LSAT-taker can do more than look over old test questions, get eight hours of sleep, and hope for the best.

"Our course teaches substantive material which will help most people to score significantly higher on the LSAT." For example, instruction for the cases-and-principles part of the test includes substantive teaching in logic.

"We know the techniques work for most of our students," said Sexton. "Our latest statistics indicate that students who have taken the LSAT once before will show a median improvement of 110 points when they take the test for the second time. Although most second-timers have somewhat better scores, this increase can't be explained completely by increased familiarity with the test."

Sexton feels that the course helps the average law-school applicant the most. "The people who would score 500 or 550 often can improve their scores enough to have a better chance of admission. In a marginal case, that improvement may make the difference."

Around 5000 law-school hopefuls took the Sexton course in the last year. About half of them enrolled in New York-area classes. The course is also offered in Boston, Washington, D.C., San Francisco, and, through

franchises, in Houston and northern Ohio.

About a third of those taking the course had previously taken the LSAT with less than satisfactory results.

Sexton's organization employs about 80 instructors. "Most of them are practicing attorneys or university faculty members, but about half a dozen of our teachers are HLS students."

Each instructor begins by observing classes and overseeing instruction labs which are offered to supplement regular classroom instruction.

The origin of the course can be traced to a problem that Sexton faced five years ago when he was teaching at a Brooklyn high school. "We wanted something which could be a complete cultural and educational experience for the average, middle-class kids at the school. The solution was a debating team, which was very successful. But there were no funds available for the kind of travel expenses the team incurred, so my friends and I developed a SAT preparatory course to raise money to support the program. Out of that we developed the present course."

When Sexton entered HLS last fall, his role in the organization changed. "The course is financing my legal education, but I leave the day-to-day control of the organization to a full-time office staff. I'm still the nominal head of the whole thing, but I'm here as a full-time law student, and the study of law is my primary concern."

Sexton has big plans for the organization after his graduation. "There will be more franchises in the near future. We hope someday to offer preparatory courses for other professional and graduate school admissions exams, and maybe we'll start a bar review course."

"But my ultimate plan for the profits from all this activity is the support of a public interest law firm that some of us plan to start."

Government, Business, & Satellite Communication

Outer Space & Inner Sanctums

MICHAEL KINSLEY



Foreword by
Ralph Nader

Introduction by
Nicholas Johnson

Satellite Technology Significantly Stifled Reports 2L Author

By Nancy Yates

An association with Ralph Nader which began in 1970 has left Michael E. Kinsley, 2L, an admirer of Ralph Nader, a "little bit exhausted," and close to flat broke. But Kinsley is also a published author. His book, *Outer Space and Inner Sanctum*, went on sale last week.

While a Harvard undergraduate, Kinsley was recruited by Nader to work on a study of property taxation at the Center for Study of Responsive Law in Washington, D.C. The following year Nader suggested to Kinsley what he felt would be an ideal summer project—an investigation of the communications satellite industry.

By the end of the summer, Kinsley felt he'd barely scratched the surface of the topic. Over the next few years he lugged his materials up to Cambridge, over to England (where he spent two years as a Rhodes Scholar), and back to Washington. By November, 1973, the book which had evolved was essentially finished, but Kinsley spent a good part of last year rewriting most of it.

Throughout the project, Nader offered little guidance, and he didn't

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Union Drive to Include HLS Staff

By Susan Gillette

A New York based union will try to organize Law School employees, along with other Harvard University personnel, between now and summer.

The clerical workers union, District 65 of the Distributive Workers of America, will turn its attention to organizing here in Cambridge following a recent National Labor Relations Board denial of a petition for separate representation of clerical workers at the Medical School, where there has been a strong union membership drive in recent months.

While the union contests the Board decision organizers here will push to enlist more than half of the 3,000 eligible Harvard employees into union membership.

Union campaigns in Cambridge began last fall. The major difficulty confronting organizers here is the quick turnover among employees, according to Rebecca Meyer, a union proponent who works at the Graduate School of Design.

The annual 40 percent turnover among clerical workers at the Law School has created particular problems here. Women who set up meetings of Law School employees last winter are no longer employed at the Law School.

A current union member who works here said this week that she and other members are seeking to recruit — or "card-sign" — more

Law School workers this winter. The woman — who will be leaving her Law School job soon — declined to be identified because she did not want to acquire an "undeserved" reputation as a union spokesperson among the Law School staff.

One reason for the turnover at Harvard, she said, is that "Harvard isn't the greatest place to work." Asked to identify union goals for Harvard employees, she said that pay scales were a "big thing" but that "everyone you talked to would give you different ideas."

One of her complaints is that the Harvard system of raises and merit pay increases doesn't give incentives to stay at jobs here for a long time, since 1st year salaries are not much lower than salaries for those who have been here four or five years.

She said that the Law School is one of the "least organized" schools in the University. A survey of Law School employees to evaluate their dissatisfactions has been proposed by some union members working here.

A Union newsletter will be distributed by a representative on each floor of each building as it is published during the winter and spring. It is also expected that meetings will be called to publicize the union.

The Law School makes its facilities available to the union for such meetings, and allows both employees and union representatives to solicit employees to "card-sign" during

non-working time.

Vice Dean William L. Bruce said last week that in his opinion Union organizing efforts at the Law School were likely to be unsuccessful. "This is a good place to work," he said, summing up the reason for his doubts of the potential for organization.

Joanne Lyons, personnel director, seemed to agree with Bruce. According to Lyons the Law School has a good reputation as an employer.

It is possible that a considerable portion of the turnover among clerical employees is not due to dissatisfaction with Harvard or the Law School as an employer. Many secretaries here are young women who plan to drop their jobs later in order to rear families, who have temporary Cambridge connections and who do not demand an increasing income level in future years in order to support a family.

The union member who works at the Law School summed up the chances of unionization: "It would be great if Harvard was unionized — but it would be an incredible thing to do."

Union efforts to organize at the medical school have been more successful than efforts in Cambridge. The medical school employs only about 900 eligible workers; and the union has sent two representatives from New York to work full time coordinating organizational efforts at the medical school.

Union campaigns are also underway now at Massachusetts Institute of Technology and Boston University.

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The RECORD needs a photographer for the next academic year. He or she would receive the full benefit of use of the RECORD darkroom this semester and during his/her tenure. Very little work would be required this year while training. Please contract Larry Lippolis at the RECORD office or leave a note. Also, Fenno's ghostwriter is seeking other environs next year and is looking for a replacement who can carry on in the Fenno tradition. Please leave a note in Roger Evans' box at the RECORD office.

Testimonial of a Civil Libertarian To the Career of Justice Douglas

(Continued from Page 1)
of law students in 1975 to appreciate the comfort we Supreme Court practitioners found 25 years ago in this ringing phrase: "Justice Black, with Justice Douglas concurring, dissenting." The cold print of even the most impassioned opinions cannot tell the full story.

We were in the midst of a Cold War with the Soviet Union; our possession and use of the nuclear bomb fragmented the world's peace of mind. Eager government officials, sometimes with calculation and often hysterically, were acting as though our basic guarantees of free speech, assembly and association did not exist.

And perhaps most sadly, the Supreme Court, the institution ultimately responsible for protecting our constitutional rights whenever governmental action is tested in the courts, was also willing to ignore the First Amendment despite these dissents of Justices Black and Douglas.

Why, when majority votes constitute the governing law, were their dissents so important? First, their reasoned opinions were an authoritative reminder that the Court's majority was dismantling a Constitutional guarantee. They insisted on telling the country that the individuals who lost their jobs, were deported, or sent to jail as felons, were not pariahs but fellow humans on the Index Expurgatorious, punished for their unapproved thoughts, speech or associations.

These dissents, like Albert Einstein's famous letter to Frauenglass, the New York school teacher who was suspended for asserting his Fifth Amendment privilege against self-incrimination, represent an important effort by people with power and prestige to provide *truth and comfort* in troubled times.

Second, the Douglas and Black dissents were a beacon for the fu-

ture. Many of them, at least in part, became controlling law. This occurred by reason of that strange but fortunate combination: their inherent persuasiveness and the new judicial nominations by President Eisenhower of Earl Warren and William J. Brennan to fill vacancies on the Court. Not only were Douglas' ideas about free speech, assembly and association restored, but in other areas such as reapportionment, poll taxes, and confessions in the absence of counsel, his dissents ultimately were embraced in such majority opinions as *Baker*, *Harper* and *Miranda*.

In one respect, Douglas' conception of the role of the Constitution and the Court in modern life are quite different from those of another great jurist. For Black, the voice of Congress (or its absence) had great weight except in the First Amendment area where an explicit, constitutional mandate tells us "Congress shall make no Laws" (abridging freedom of speech). But this effort to read the Constitution as one thinks the Eighteenth Century Founding Fathers would have done led Black, for example, to read the looser Fourth Amendment's proscription against "unreasonable" searches as giving wide latitude to the police authorities.

Douglas, in contrast, was concerned with the application of the Constitution to Twentieth Century problems. His knowledge of government, business and technological advances led him to see the inadequacies of the strict construction approach for challenging the government's use of electronic surveillance devices. His opinions on illegal search and other official misconduct were small Brandeis briefs, long anticipating the revelations of the Watergate investigation, the Ellsberg trial and, most recently, the Church Committee.

Nor could Black's approach provide individuals with the kind of

privacy Douglas believed essential in today's world. His innovation of the concept of rights having penumbras, discussed in the Connecticut birth control case, is an example of Douglas' ability to consider the meaning of the Constitution in Twentieth Century terms.

An even more outstanding example of Justice Douglas' efforts to stand above the battle and see its true issues are his dissents in our most recent period of political turmoil; he alone insisted from the beginning that the Court hear and at least consider the challenges to the legality of the Indochina War. Thus, while the court summarily refused to hear the state of Massachusetts' attempt to adjudicate the constitutionality of the War, Douglas urged that the issue deserved fuller consideration.

Similarly, in the spectacular case brought by Congresswoman Holtzman, he restored Judge Orrin Judd's injunction against the pursuit of the Cambodian War, until Justice Marshall, claiming to speak for the rest of the Court, returned the problem to the Court of Appeals.

Other factors freed us from that terrible entanglement before Douglas was able to muster the four simultaneous votes necessary for certiorari. It is fascinating to observe, however, how his arguments gradually added the votes of other members—Stewart, Brennan, and finally Harlan.

Finally, Justice Douglas stands out in his role as Circuit Justice. To the counsel for minorities, he was an angel in the wings who would save the day with an emergency stay, a grant of bail or other extraordinary relief. The stories are legion of those who followed the trail to Goose Prairie, camping outside his house in the dawn until it seemed reasonably proper to disturb the Justice.

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Boudin: Douglas Tenure One Of Compassion, Controversy

(Continued from Page 6)

One of the most dramatic examples of his actions as a Circuit Justice was his stay of the execution of Julius and Ethel Rosenberg. Since he had originally voted against a grant of certiorari in the Rosenberg case, this new intervention reflected his creativity and willingness to pursue a new line of argument when presented by counsel. His memorandum prepared in record time and based on the idea that the Atomic Energy act limited espionage penalties in the absence of a jury recommendation to a life sentence is a small masterpiece.

Scholars in future years will continue the splendid study of Douglas' judicial record by Harvard Law Professor Vern Countryman; some may discuss his broad reading of the commerce and due process clauses, others will point to the craftsmanship in his opinion in the *Kent* and *Briehl* passport cases in which he secured Justice Frankfurter's necessary vote.

Still others will study his search and seizure opinions which recognize the danger of police abuse. It is difficult to do more here than highlight the fact that Douglas is a man whose profound knowledge of law and early recognition of the evils of government behavior against those who criticize it are equalled only by his determination to protect the individual in order to ensure democracy.

No Justice in the history of the Supreme Court has sought so consistently to protect the individual—rich or poor, radical or reactionary, whatever their political persuasion. Thus he dissented in *Hannah v. Larche* in support of Southern registrars denied the right to confront their accusers in United States Civil Rights Commission hearings. In *Wunderlich* he challenged the government's right to renegotiate contracts. And in *Terminiello* and *Feiner*, he upheld the First Amendment rights of

anti-Blacks and anti-Semites.

Another Justice Douglas may appear some day in time of need. For now, such a protector is no longer on the judicial scene. It is difficult for me to conceive of appearing before a Supreme Court without Justice Douglas; I never have. But we must not be greedy—since we have had thirty-six years of the passionate service of this devoted jurist, we must accept his retirement with the grace equal to that of his last letter to the Court. To the Justice we can only express our admiration and gratitude and our hope for his restored health and productive work on the autobiography which began with that exciting and teaching volume, *Go East, Young Man*.

Ed. Note: The Harvard Law RECORD invites members of the legal profession or the legal community to offer for publication articles regarding current legal controversies or general problems of the law.

"DEEP THROAT"

Why did Harry Tompkin's lawyers keep him locked away in a cheap hotel in Hackensack during the appeal of *Erie v. Tompkins*? Who was Alfred P. Severgninni and what did his suit in *River Plate Corporation v. Forrestal Land, Timber & Railway Co.* have to do with the anti-Peronist coup in Argentina? The answers to these and other questions involving the *real* behind-the-scenes facts in important cases in the law will be the subjects of a new series of "in-depth" background reports in the LAW RECORD, beginning in February.

The series is designed to add color to the otherwise black-and-white quality of both legal education and the RECORD. Candid photos and other visual materials, where appropriate, are also being solicited.

The LAW RECORD invites its readers to contact the RECORD's offices with any information that might be useful in such a series. Any attorney who has been involved in a recent case of historical or popular interest is encouraged to write or call the Harvard LAW RECORD, 23 Everett Street, Cambridge, Mass. 02138; 617-495-4418 or 492-0276. Confidentiality of sources will be protected.

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Lawyer's Advertising Gag Orders Set For ABA's Midyear Meeting Agenda

By Ross Hagen

Amid increasing litigation and stepped-up bar inquiry and debate, the issue of lawyer advertising appears headed for a formal airing during the American Bar Association's midyear meeting in Philadelphia, February 12-17.

At issue are the traditional restrictions on legal advertising contained in the ABA Code of Professional Responsibility. They are followed in most states.

Another major issue scheduled for debate is a proposed court procedure designed to help judges and the news media settle fair trial and free press disputes about judicial restrictive orders. Other important questions expected to be debated publicly before the House include:

—U.S. approval of the U.N. Genocide Convention

—Decriminalization of prostitution

—Limiting political influences on federal law enforcement agencies

—Adoption of standards of judicial administration affecting such matters as scope of right to jury, size of jury, and unanimity of jury verdicts

—Awarding attorneys' fees and other litigation costs to successful litigants who bring law suits that vindicate substantial public interests

—Establishment of a national commission for the protection of human subjects of biomedical and behavioral research

If a formal recommendation on modifying the barriers to lawyer advertising comes before the policy-making House of Delegates, it will be the result of a year-long investigation and discussion by the Association's Standing Committee on Ethics and Professional Responsibility. Undertaken at the request of ABA President Lawrence E. Walsh after the *Goldfarb* decision last June, the committee's inquiry included public

hearings for consumer and organized-bar spokesmen.

The midyear meeting will also feature a "Report on the State of the Judiciary" to be delivered by Chief Justice Warren E. Burger. Burger's presentation is a major feature of ABA Bicentennial activities planned for the estimated 2,000 lawyers attending with their families and guests.

Following Justice Burger's address, the 22-member Board of Governors and invited guests will meet in Congress Hall for a ceremonial meeting and the dedication of a brick enclosed garden in memory of Andrew Hamilton, counsel to John Peter Zenger in the famous pre-Revolutionary War trial which established the doctrine of freedom of the press.

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Report Hits Student-Faculty Contact

(Continued from Page 1)

describing administration responses to the Subcommittee Report.

Copies of the report and memo, along with a cover letter from the Dean, were made available to the Law School community January 19th. The report of the Subcommittee on Student Concerns was completed last May after members of the Subcommittee met with approximately 80 law students on April 25, 1975. The two documents are being distributed at the receptionist's desk and at the reading room in Langdell.

The Student Concerns report summarizes the reactions of the members of the Subcommittee to their meeting with law students. The meeting included an organized presentation by twelve students on a wide range of topics. These presentations had been coordinated by the Board of Student Advisors and represented a departure from the traditional response to the annual Visiting Committee's appearance on campus.

The report notes that the Subcommittee members encountered many familiar complaints about the size of the Law School, the size of classes, the lack of student participation in policy-making, the lack of clinical courses, and the emphasis on careers in corporate law. In addition, Subcommittee members said that they gained the impression that there was "a profound sense among students present (at the April 25th meeting) of a lack of sufficient contact and rapport with the faculty" and that "the level of disaffection among the women in the law school was deep and more aggravated than it had been in prior years."

After describing nine areas of student complaints, the report closes with the Subcommittee's recommendations as to how the Law School should address these concerns. The report proposes that the faculty take a more active role in the supervision of third-year papers, that the creation of a Dean of Stu-

dents position be studied, that a Task Force on the Status of Women be established, that clinical education opportunities be increased, that hiring of minority and women faculty members be actively pursued, and that more non-corporate law practitioners be invited to the Law School.

The Sacks' memo describes the actions taken by the Law School since last spring in response to these proposals. The memo emphasizes the new rules on supervision of third-year papers, the increased offerings in the clinical program, the guarantee of faculty judges for all first-year Ames arguments, the reorganization of the Placement Office into the Office of Placement and Counselling, steps taken to meet criticisms from women and minority students, and measures to increase student-faculty contacts. The memo says that the proposals to establish a Dean of Students position and a women's Task Force will not be followed for the present.

Reactions to the Subcommittee report and Sacks' memo among students who participated in the April 25th meeting have been mixed. Several students expressed surprise that there could have been any reasons for not releasing the Subcommittee report to the Law School community.

Tom Burroughs, 2L, a member of the Law School Council, commented that the two documents, read together, suggested that the faculty and administration may be more ready to deal

with student concerns on an on-going rather than a crisis-to-crisis basis. However, Ann Morelli, 3L, another Law School Council member, noted that, while some of the Subcommittee proposals and administration responses represented steps in the right direction, their tone suggested that the faculty still didn't perceive students as equal partners in the educational endeavor.

Valerie Wolk, 3L, emphasized that the changes inaugurated at the Placement Office didn't go far in dealing with the fact that many students seem to slide into corporate law firm careers due in part to the Law School environment. Victoria Perkins, 3L, a member of the Committee on Legal Education, added that it was unlikely that Dean Sacks' memo alone could convince faculty members to take their third-year paper supervision responsibilities more seriously.

Loretta Argrett, 3L, president of the Black Law Students Association, said that Balsa was pleased with the two outstanding black professors visiting at the Law School this year but was still concerned about the addition of more minority members to the permanent faculty and about continuing problems of discrimination against minority group members in job recruiting. Suzanne Stocking, 2L, a member of the Women's Law Association, noted that the WLA will hold Dean Sacks to his pledge that more information would be made available on the admission of women students. She added that the Subcommittee report was correct in noting that disaffection among women at the Law School is pronounced but this has been the case for a long time. "Women law students have been hearing about good faith efforts for ten years; now we would like to see some good faith results," Stocking concluded.

Judith Albert, 3L, coordinator of last spring's student presentation, said the Subcommittee report has started a few fires burning.

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The Great Imposter

Revelations of the past month regarding the alleged conduct of a law student (and his business school spouse) raise interesting and significant questions. How good are the screening processes by which the Law School evaluates the honesty of candidates for admission? Has anyone ever been admitted to the Law School under false pretenses? Obtained loans by lying? Is anyone now here under fraudulent circumstances? Most importantly, has anyone ever graduated from the Law School by virtue of fraud?

Reports have circulated that there is widespread misrepresentation of grades and activities on resumes shown to employers. Is this true? If so, what can — and should — be done about it?

The RECORD invites our readers to join us in exploring these issues and their ramifications in succeeding issues.

Lost Weekend

The intersession of two days duration scheduled by the Law School annually proves too short to provide a meaningful respite from legal studies. We recommend that the administration investigate the possibility of extending the semester break to a week or of holding examinations before Christmas. It should be kept in mind that this period is the only school year vacation during which there exists no significant academic pressure, as exams closely follow both the Christmas and Spring breaks.

HARVARD LAW RECORD

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Fenno

Fenno sat comfortably by the Hark's large eastern window, reading the *Times* and trying to work up the courage to take a sip from his coffee. He spied the 3L, making his way diffidently through the slush from the dorms, in a casual glance; it was only with a double-take that Fenno realized the significance of the peculiar rectangular object the 3L was carrying. It was as close to running as Fenno had come in six months, but he caught the 3L just before the latter had committed himself irrevocably to the library.

"What's that?" Fenno asked accusingly.

"Oh that," the 3L said with a nervous laugh. "Why that's a book. *Cases and Materials on Copyright* by Professor Shriller et al. Lack of Foundation Press. 878 pp. \$14.00 (1972)."

"What's it worth to you for me not to tell people that you've been seen running around with a casebook during the second semester of your third year?"

"Quite a bit," the 3L admitted. "Actually, I've got a good excuse: first semester exams have just ended."

"Isn't studying after exams a somewhat novel approach?" Fenno asked.

"Not at all," the 3L protested. "I had five exams first semester, and I ended up studying outlines of outlines of Gilberts. When you get to that point, substantive analysis tends to be a bit thin."

"That must have made for some interesting exams."

"It certainly did. I found myself relying a lot on policy."

"That's not necessarily fatal," Fenno offered.

"In *Corporate Tax and Securities Regulation*?"

"Oh," Fenno said. "What are you going to do about your first semester grades?"

"That's easy. I've sent all my teachers a note. It reads, 'This could have been a letter bomb. If you give any grades below B-, next time it will be.'"

"Will they take you seriously?"

"Hard to say. All I know is that last Thursday's *Adviser* had five job offers for students to open mail for faculty members."

"That is encouraging," Fenno acknowledged.

"Yes it is," the 3L agreed. "It looks like I may be able to make my point without poisoning their house pets."

"Which is a good thing," Fenno said, "since in the case of some of them, that could amount to homicide."

"That was not subtle," hinted the 3L.

Fenno shrugged. "How long do you expect your spurt of academic conscientiousness to last?"

"Oh, until April 30th or until first semester grades are out. Whichever happens first."

"If last year is any indication, that could be a dead heat."

"You're exaggerating," the 3L said.

Again Fenno shrugged. "That's what they pay me for."

Letters to the Editor of the RECORD

Harvard Law RECORD: A Cordless Raiser?

To the Editor:

If the Jason Cord story is not a put-on (and it is not always so easy to make that determination about some RECORD pieces), you can sign me up as a charter member of the Rocky Mountain Chapter of the H.L.S. Cord/Pavlovich Society! In the immortal words of the late President Dwight D. Eisenhower, in a different context, "Its unheard of . . . in fact, its the most unheard of thing I ever heard of!"

Peter J. Adolph, '57
Cherry Hills Village,
Colorado

Realist Counters Cohen's Idealism

To the Editor:

Have I missed something? Has the PLAYBOY school of foreign affairs and international relations become HLS's methodology for academic pursuits?

Professor Jerome A. Cohen's personalized, emotional and subjective evaluation of human rights and civil rights in South Korea is well known, but must you follow? ("Suicides and Seoul," HLR, Nov. 21). He seeks to sensitize us "master plumbers" and "lawyers for the wealthy" to human rights with his suicide story of Professor Tsche.

In the June '75 issue of the American Bar Association Journal Cohen dismisses the Korean judiciary as "purged, cowed and deprived of the last vestiges of its independence" and the Korean Bar Association as dominated by "senior, wealthy and established figures" whose inactivity has "plunged the reputation of the legal profession to a new low in society." And he proves his case with a titillating tale of the courageous Korean lawyer who was accused of adultery to discourage his activities on behalf of democracy.

One wonders whether Cohen feels this is the level of attention and comprehension of the profession — both student and practitioner. Or is Cohen simply a romantic with little knowledge and no concern for history or of the environment in which the Korean government functions? Has he paused to reflect on the American response to similar problems when national security was threatened?

Seoul, the capital of Korea with 6½ million people, is three minutes flying time from a Red China and Soviet equipped war machine that exists for the sole purpose of establishing by force in South Korea a "democratic people's republic" with Stalinist style human rights and civil rights.

Cohen's thesis is that "there is a real link in the long term between respect for human

rights and military security" has no basis in fact in this century — with the possible exception of Israel.

Human rights and civil rights exist only in an environment where the people have food, clothing and shelter. It requires a level of literacy that gives these concepts meaning. In a quarter of a century Korea has achieved these things.

Korea has freedom of religion, freedom of travel, freedom of academic pursuits, freedom of a career and freedom of the arts. It has a work ethic and social ethic based on its Confucian traditions that begets civil obedience including safety on the streets and respect and discipline in the schools.

So why the compulsion that the United States must force American style human rights and civil rights on Korea — NOW, when the alternative is North Korean Communism?

Raymond M. Kell, '36
Portland, Oregon

No Mens Rea In CL Cheat

To the Editor:

Just a suggestion: could you print the answer to "Cryptic Law" in a different page from the puzzle itself?

Now one can not help seeing the answer (or parts thereof), which spoils the fun!

Alberto Picó
San Juan, Puerto Rico

Ed. Note: Okay, but there goes our theory about the ability of cryptic lawyers to resist such powerful temptations.

Querie: Leery Of "Weary Erie"?

To the Editor:

I enjoyed the article and pictures about "Erie Day" put on by Professor Miller at HLS. Off such antics, no wonder the Old Howard and the Crawford House bit the dust.

I must take umbrage, however, with the use of the word "weary" just because it rhymes so well with Erie. Erie-Lackawanna Railway Co. runs the finest commuter operation on the eastern seaboard and far from being "weary" it is 95% on time regardless of weather. There is scarcely a radio traffic report in the morning which does not have reports of delays on the Penn Central and the Long Island; the Erie is never mentioned because it is, as I say, an on-time railroad.

It would have been far more apropos had *Erie v. Swift* overruled *Tyson v. Tomkins*.

Bennett H. Fishler, Jr., '43
Ridgewood, New Jersey

Northeastern Crew Depebbles Its Shoe

Ed. Note: This letter was sent to the Dean's Office in response to a RECORD article on law school internship programs (HLR, vol. 61, no. 8, Dec. 5, 1975). A copy was forwarded to us by the authors.

Dear Dean Sacks,

Can it be a form of touching nostalgia that keeps us reading the Harvard Law RECORD? Pouring over its every word and cryptogram? Waiting with baited breath for the basketball scores? Perhaps it is partly nostalgia and partly our never sated thirst for knowledge. In either case, read the RECORD we do.

One result is that we get pretty-excited when we see our name in print. It gives us that cozy feeling that we have arrived. But like all arrivistes, rather than being suitably grateful we have a pebble in our shoe about your characterization of Northeastern's program of co-operative legal education. You got it wrong. The reason for our system isn't money. While we don't purport to have all the answers for all the people, we believe that, as an educational rather than mercenary matter, co-op is a good idea. We think involving work with study makes better students, better faculty, better law schools and most importantly better lawyers. We're sure we take our "pedagogical responsibility seriously."

You said that you weren't sure how much, if any, credit we give for co-op work. We do more than give credit. The satisfactory completion of four quarters of full time professional work is required for the granting of a degree. We don't permit working experiences — we insist on them.

Since we were taught (and still believe) that as lawyers we can change anybody's mind, we'd like to show you how co-op works. Could you spare the time to come and visit us so that you could meet students, watch classes and get a sense of what sort of a difference it makes in a law school to have work and book learning become one and the same thing?

Please spare the time.

John C. O'Byrne Molly T. Geraghty
Dean Assistant Dean
Northeastern Law School
Boston, Massachusetts

Law Notes

Lesley College will sponsor showings of the movies "Siddhartha" (Sunday, February 1) and "One Day in the Life of Ivan Denisovich" (Wednesday, February 4). The movies are in Welch Auditorium, off Oxford Street, and begin at 8 p.m. Admission is \$1 (free with Lesley I.D.)

* * * * *

(Continued on Page 12)

Law Notes

(Continued from Page 11)

The East Asian Law Speakers Program will sponsor the following talks during the next week:

Today, January 30: **Professor Benjamin Schwartz** of the Harvard History and Government Departments — "Thoughts on Ancient China."

Thursday, February 5: **Professor Leonard Bushkoff** of Boston State College — "American Attitudes and Assumptions on the Road to Pearl Harbor."

Friday, February 6: **Professor Ying-shih Yu** of the Harvard Department of East Asian Languages and Civilizations — "The Han Dynasty."

All talks will begin at 1:10, following an informal bag lunch at 12:45, and will end around 2 p.m. Pound 419 is the forum for the discussions.

The Harvard-Radcliffe Hillel Society invites interested law students to participate in a short legal seminar to be conducted by **Dr. Gabriella Shalev**, Lecturer in Law at the Hebrew University of Jerusalem and Visiting Scholar at HLS. The first meeting of the "Seminar on the Legal System of Israel" will be held on Monday, February 9. Subsequent meetings are scheduled for February 23, March 1, and March 8. All sessions will be held in the Leighton Room of the Phillips Brooks House at 4:00 p.m.

Sports Answers

1. Chicago Cubs, after being traded from the Houston Astros during the 1966 season.
 2. Bobo Newsum.
 3. Univ. of Minnesota, 16, 850 per game.
 4. Hal Greer, 1122 games.
 5. Dick Snyder and Kevin Loughery.
 6. Danny Biasone, owner of the Syracuse Nationals.
 7. R.C. "Alley Oop" Owens of the '49ers played out his option in 1961, signed with the Colts for 1962, and the Rozelle rule was unanimously adopted by the NFL on January 29, 1963.
 8. Tufts University.
- This week's scoring — see how you rate:
- 7-8 You are the best "power-speed" trivia expert since Franco Harris.
 - 5-6 You and Bradshaw have both silenced the critics, and you apparently can count to six.
 - 2-4 You'd have to be from Milwaukee to make the All-Star trivia team.
 - 0-1 You are the best "power-speed" huckster since Lindsey Nelson.

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.)

Bfxkemzkhx hnyex xamp xkbbk 'pgpaj qez
hn pyxhxfpq xe khn thanx whxp,' xkp ecypa
et b qez hn yex fhbwpf tea kbav xe b xkhaq
dpany myfpnn xkp qez kbn dapghemnfj
qhndfbjppq ghlhemn xpyqpylhp.

(Solution on Page 14)

SPORTS QUIZ

By Katz, Noto, & Zagrans

This week: a winter warm-up exercise.

1. What was the last major league team for which Robin Roberts pitched?
2. Who was the only man ever to pitch to both Babe Ruth and Mickey Mantle in major league competition?
3. Which school led the NCAA in attendance at basketball games last year?
4. Who holds the record for most games played in an NBA career?
5. Name the only two players to score over 10,000 career points in the NBA without being chosen for an all-star game team.
6. Who invented the 24-second clock and the backcourt foul?
7. When was the Rozelle rule instituted and which player who played out his option and moved from one team to another was the cause for the rule?
8. What was the first college football team to use the huddle and wear helmets? (Hint: It was not the post-Ford University of Michigan team.)

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CMJ Will Investigate Homosexual's Fight Against US Air Force

(Continued from Page 3)

a homosexual he would seriously impair discipline, good order, morale and security.

Initially he was granted a general discharge, which was later changed to an honorable discharge. The Air Force maintains that his homosexuality could impair recruitment and make other young men feel anxious about living in close quarters with him. And it is further contended that a homosexual could not command respect as an officer and would be prey to extortion.

CMJ will do research for the preparation of trial briefs for the civil suit to order the reinstatement of Matlovich. Leslie W. Mullins, 3L, said that CMJ will focus its research on cases which deal with the doctrine of "military necessity." This doctrine stands for the proposition that the overriding demands of discipline and duty allow the military to determine which civilian rights are applicable to service persons.

While service persons are not fully entitled to certain fundamental rights like the right of free speech, they do have the right to prompt arraignment, the right to counsel, and the right to secure witnesses and prepare an adequate defense. Also, in a court-martial case such as Matlovich's, there is a hierarchy within the military which reviews the defendant's conviction.

CMJ will attempt to fit Matlovich's case into a line of civilian cases which have held that before an alleged homosexual can be discharged from a government job, it must be demonstrated that there is a reasonable connection between the status of homosexual and the restrictions the government wishes to impose.

PUBLICATION SCHEDULE

The RECORD will be published on these dates in the spring semester: Feb. 6, 13 and 27; March 12, 19 and 26; April 16 and 23; and May 7.

Ms. Cord Held In New Orleans On New Fraud

(Continued from Page 1)

Christmas, 1973, where Cord had introduced her as his wife, a graduate of Vassar.

"She seemed to spend all her time shopping or having lunch with friends at the Ritz-Carlton Hotel," said one student.

Her arrival at the business school in 1973 as Cord's wife was described by one student as "something of a bombshell," because Cord had frequently dated other women in the fall of 1973.

Cord explained to friends, however, that the two had been married "since they were 16 or 17," but had been separated while independently pursuing their educations. Cord said that his wife had been studying medicine at the University of Madrid, after graduating from Vassar.

A Cary Monica Cabot apparently attended the Louisiana State University in New Orleans for a short time but did not remain long enough to receive credit, according to K. Lance Woodliff, registrar at that institution.

The exclusive River Ridge section of New Orleans is the current hometown of Mrs. Pavlovich's parents, Mr. and Mrs. William Caulfield. When contacted, her parents declined comment on any aspect of the case.

Mrs. Pavlovich is "a good looking blonde with long flaxen hair, beautiful clothes and expensive jewelry," one student said. Other classmates found her "empty-headed" but "nice."

Mrs. Pavlovich submitted a recipe for publication last year in a cookbook put out by business school wives. The recipe was for "Kitchen Donuts." With the recipe came a quote, "The late Dwight David Eisenhower delighted in serving these to his most intimate friends."

Extradition hearings are scheduled for February 3rd in New Orleans.

2L's Book Tells Comsat Link: Outer Space, Inner Sanctums

(Continued from Page 4)

veto anything. It was Kinsley who researched and developed the major theme of the book—how the promise of one of the major technological breakthroughs of the century, satellite communications, was stifled by the self-interest of private industry.

Outer Space and Inner Sanctum details how what should have produced a great benefit for the average taxpayer in the form of dirt-cheap phone calls, multitudes of television stations, and more sophisticated communications systems, has instead served the profit-making interests of large private corporations, with the help of the federal government. It details as well the myth of the semi-governmental corporation, demeaning the notion that such a hybrid institution combines the efficiency of private enterprise with the financial resources and public interest supervision of the government.

Kinsley takes some pleasure in pointing out that while Nader and environmentalists have often been rapped as Luddites who are unreasonably opposed to technological advance, it is quite often the case that huge corporations which supposedly extol such advances do the most to hinder it.

Their motive is profit and their method is the retardation of technology. Regulatory agencies of

the federal government often lend a hand by imposing restrictions which prevent industry from lowering rates and providing better services.

In the case of communication satellites, Kinsley describes how the FCC refused to approve any domestic use of these satellites until the 1970's, though the technology was available years ago. And he believes the prime beneficiaries of this have been AT&T and other communications giants.

In the foreword to the book, Nader praises Kinsley for pursuing his study even though Comsat, a semi-government corporation he investigated, behaved "as if it were a cloistered combination of Citibank and General Motors," and calls Kinsley's analysis a "finely honed, timely and citizen-pertinent treatment of a subject that touches all Americans."

Outer Space and Inner Sanctum, published by Wiley-Interscience, should be in the bookstores here soon. Nader's Center for Study of Responsive Law owns the copyrights and will get any profits. Kinsley is left with whatever he may have banked from the \$2,100 he received as compensation for his work over the last four and a half years.

Kinsley is also left with a lot of enthusiasm for Nader and his work. He says it may motivate him to get involved with the Nader project to study and write about Harvard Law School.

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Unger Lecture Concerns Comparative Traditions

By Steven S. Miller

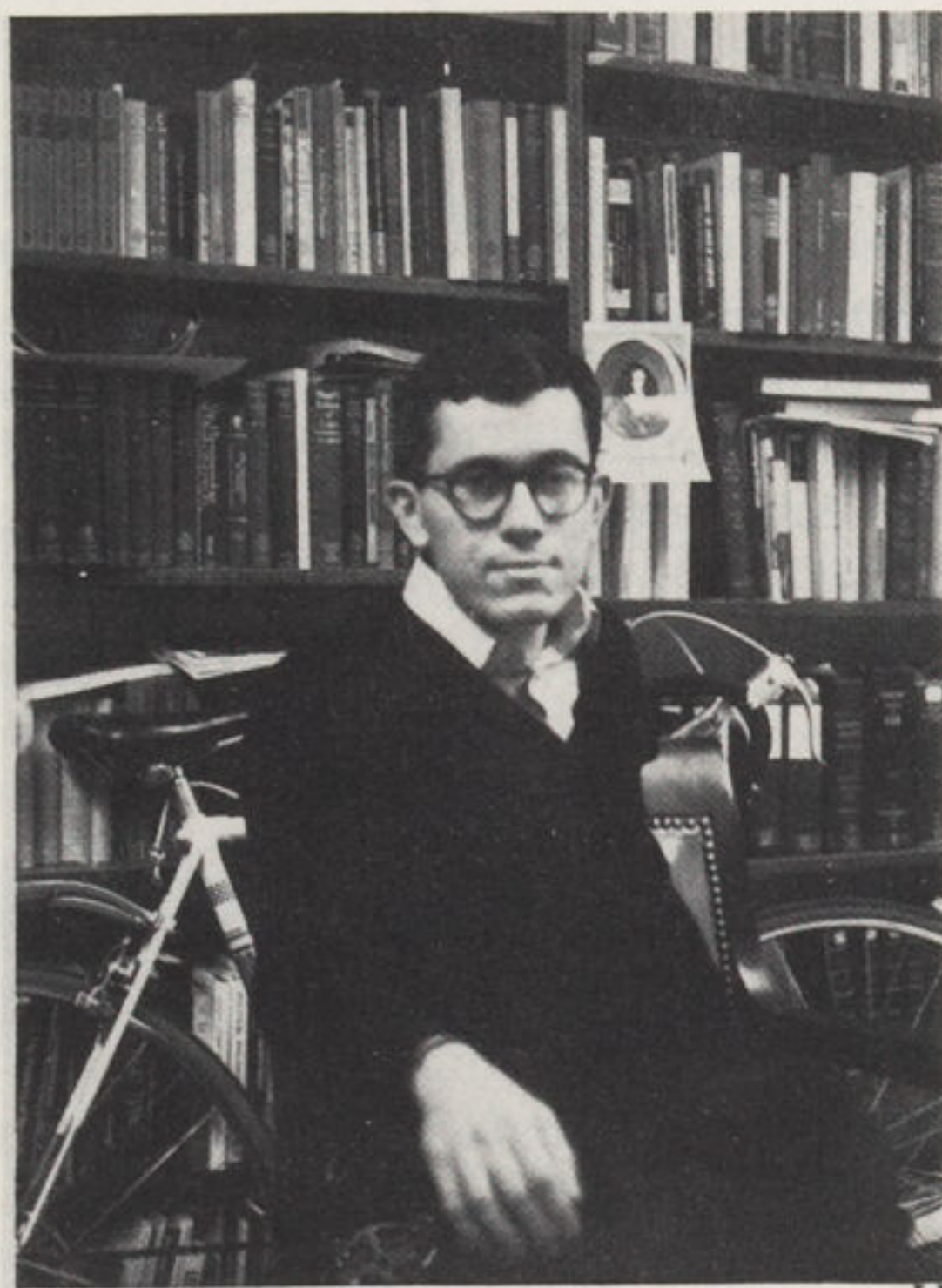
Professor Roberto M. Unger spoke to a packed audience last Friday at the East Asian Law Speakers program. Unger provoked controversy with his comparisons of ancient Chinese and modern Western law and the modes of social organization and consciousness which underly them. Not shying from normative judgments, the Law School's noted young social theorist stood his ground during the lively session.

Professor Jerome Cohen, the director of Harvard's East Asian Legal Studies Program, introduced Unger. Cohen remarked that he had frequently invited Unger as a speaker, but without success, until he cornered his younger colleague by pulling rank.

How could Unger—an S.J.D. candidate here—refuse a request for an S.J.D. examination by the Chairman of the Graduate Program? The "examination" just happened to coincide with the luncheon program of the speakers series.

Since Unger's newest book, *Law in Modern Society* (Macmillan 1976), includes 32 pages on the ancient Chinese tradition, Cohen stated he had been hopeful that Unger would "put Chinese studies on the map," but Cohen joked that most of his legal colleagues said they just skipped the chapter on China.

After Unger pushed aside his chair so that he could address the



Professor Robert M. Unger

crowd in his usual manner, pacing and gesturing, he began his discussion, "How China fits into my S.J.D. thesis."

Unger began on the level of comparative law. A unique conception of a rule of law evolved in modern Western society, committed to generality and the autonomy of law from politics and morals.

China in the pre-Imperial period witnessed the struggle between the Confucian tradition of normative order by custom and the Legalist view of state regulation of conduct, but a commitment in principle to the generality of law never evolved. Any generality was purely the result of expediency and statecraft, and it was to be abandoned when wisdom required.

(Continued on Page 15)

Feldberg-Zagrans Trial Team Wins Bout of the Schools

The trial team of Michael S. Feldberg and Eric H. Zagrans, 2Ls, won the New England Round of the National Mock Trial Competition at the New England School of Law on Saturday, January 24th. A second Harvard Law team of Jeffrey B. Gilbert, Donald E. King, and Arthur B. Leavens, 3Ls, was eliminated in the semi-final round of the New England competition.

The two teams were the winners of the Harvard Mock Trial Competition which was sponsored by the Board of Student Advisers in mid-December. Feldberg and Zagrans will represent the New England law schools at the National Finals which will be held in Houston, Texas in mid-February.

The Harvard trial teams were evaluated on their courtroom skills by panels of Boston judges, practicing attorneys, and law professors. The trial judges highly praised both teams on the handling of their case — a tenant's claim against her landlord for injuries she suffered when attacked in her apartment by an intruder. Besides Harvard, trial teams from Boston College Law School, New England Law, and Vermont Law School participated in the competition.

This is the first year in which the New England law schools have entered the National Mock Trial Competition. Professor Robert E. Keeton and Ronald J. Levine, 2L, helped coordinate Harvard's involvement in the competition.

Most of the Harvard students who participated in the Mock Trial had taken Professor Keeton's Introduction to Trial Advocacy, an intensive clinical program which began this fall.

Solution to "Cryptic Law"

Although it is not true that every dog is entitled to his first bite, the owner of a dog is not liable for harm to a third person unless the dog has previously displayed vicious tendencies. *Squib of Andrews v. Smith*, 324 Pa. 455, 188 A. 146 (1936) from Keeton & Keeton, *Torts* casebook, at 335.

HARVARD LAW RECORD



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PRESIDENTIAL PREFERENCE BALLOT

Please fill out this ballot and place it in the Langdell mail box of Roger Evans, 2L, bring it to the RECORD office at 23 Everett St., Cambridge, or mail it to that address. The results of this survey will be published in a few weeks; hopefully before the New Hampshire Presidential Preference Primary. Thank you very much. Your time is appreciated.

Law School Class ☐ current HLS student ☐ class of '70-'75
 ☐ '60-'70 ☐ '50-'60 ☐ '40-'50 ☐ before '40

Party Affiliation ☐ Democrat ☐ Republican ☐ Independent ☐ Other

(please specify)

Presidential Preference

☐ Bayh	☐ McCarthy	☐ Ford
☐ Bentsen	☐ McGovern	☐ Mathias
☐ Carter	☐ Shapp	☐ Reagan
☐ Church	☐ Shriver	☐ Other
☐ Harris	☐ Udall	_____
☐ Humphrey	☐ Wallace	(please specify)
☐ Jackson	☐ Other	
☐ Kennedy		

(please specify)

Unger's Talk Sparks Discussion; Chinese, Western Norms Explored

(Continued from Page 14)

Unger next explored the social and cultural basis for the development of the peculiar form of Western law and the absence in China of a similar form. In his view, Western legal order was the positive response to the interaction of group pluralism of European society and the religions of transcendence with their notions of higher law to which all human law is subordinate.

Unger found that China, in contrast, experienced more complete state centralization, crushing pluralist groups. It also lacked a religion of transcendence with a judging God intervening from outside

history with divine law.

The underlying ethos of ancient Chinese culture, like many other cultures, oscillated between an ethical worldliness and otherworldly spirituality. Unger pointed to Confucianism as a variety of ethical worldliness with a complete commitment to the real material world tempered by a demand for righteousness. It was a "naturalization of society" which Unger compared to the Burkanian tradition of society mandated by nature. Other-worldly spiritualism in forms like Taoism rejected the historical world as a veil of illusion.

The various Chinese views of the

nature of man, society and the divine order were incompatible with the rule of law doctrine.

The originality of the West, Unger proposed, was in its rejection of ethical worldliness and otherworldly spiritualism for a spiritual striving which must be realized in history and social life although it would not be final, because history was held in perspective by an awareness of the transitory nature of all worldly existence.

The session ended with students and faculty still heatedly discussing Unger's ideas.

Elephants' News: Choose Officers, Invite Candidates

Harvard Republicans elected new officers Monday. The 1976 Executive Board of the Harvard Law 2nd Graduate Schools Republican Club is: President, Paul Strohl, Jr., 2L; Vice-President, Paul Meyer, M.B.A.-J.D. candidate; Treasurer, Mike Williams, 1L; Secretary, David Bradley, M.B.A. candidate; Long-term Directors, Tom Burroughs, 2L, Don Mazzulo, 2L, and Deb West, 2L; and Short-term Directors, Ted Laster, 2L, and Jim Savage, M.B.A. candidate.

At Monday's meeting, the HLS GOP also resolved to approach the Young Democrats with a proposal for writing a position paper on the crucial issues in the 1976 elections. The Republicans plan to invite speakers representing the views of Gerald Ford and Ronald Reagan to speak on campus before the Massachusetts primary and to establish a bulletin board in the Harkness Commons.

Dorm Council Activities

TGIF — Today, 4-6 p.m.

No Movie This Week
(Undergraduate Exams)

"Paper Chase,"

Starring

Timothy Bottoms,

will be shown February 6 and 7.

Dorm Council Activity Cards for the remainder of the year available for \$2.50.

SECOND CLASS POSTAGE
PAID AT BOSTON, MASSACHUSETTS

RETURN ADDRESS:

HARVARD LAW RECORD

HARVARD LAW SCHOOL

CAMBRIDGE, MASSACHUSETTS 02138

National Survey Studies Starting Salaries for '75

A recent survey of over 300 law firms indicates that 1975 law school graduates started at an average salary of \$15,000. The survey also revealed that hourly billing rates are increasing and that increases in lawyer income are directly related to increases in the size of a firm and the city in which it is located.

Altman & Weil, Inc., management consultants based in

were considered in determining average firm salaries before computing city medians.)

In the smallest cities median salaries were 53 percent of gross fees; in the medium cities, 67 percent of gross fees; and in cities up to a million, 70 percent of gross fees.

The survey grouped findings by regional areas, listing four states separately. California

Average Per Lawyer Income (not earnings) for 1974.		Average per Lawyer	
Location	No. Firms	Gross Fees	Net Income
West (excluding CA)	26	\$ 71,470	\$ 41,954
California	25	82,645	50,837
Midwest (excl. IL and OH)	38	62,941	39,555
Illinois	12	71,126	44,447
Ohio	10	63,647	43,716
Southwest	28	65,139	43,416
South (excl. FL)	40	61,760	40,976
Florida	9	71,869	45,973
Northeast	50	67,232	40,309
Canada (excl. ONT)	11	71,560	38,570
Ontario	12	79,933	44,025

Ardmore, Pa., surveyed law firms across the country.

Only six per cent of the firms started new attorneys below \$10,000, while 12 per cent offered initial salaries above \$17,500. Larger firms paid the highest salaries.

Cities of less than 250,000 had a median income of \$36,400 per lawyer in a firm. In cities between 250,000 and 500,000 population, per lawyer income was \$39,900. Cities of one half to one million had per lawyer income of \$47,200. (Salaried lawyers and partners

ranked first in average per lawyer gross fees and net income, with figures of \$82,645 and \$50,837. (See chart.)

Overall, associates recorded an average of 1,655 billable hours per year; partners and shareholders averaged 1,523 hours.

Hourly billing rates increased from 1974. Most areas saw an increase of one or two dollars per hour, but the Midwest showed a jump of six dollars per hour for lawyers with four to five years experience.

California, where gross fees and incomes were highest, topped the average hourly rate charts at \$55. Florida followed at \$50. Lowest rates were Ohio and the Southwest at \$42.

Net earnings information for 1,415 associate lawyers, 2,568 partners/shareholders and 53 counsel indicated median net earnings of \$19,100 (associates) and \$54,200 (partners/shareholders).

The surveyors are offering their full report, the 1975 Survey of Law Firm Economics, to "bona fide employers."