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TWENTY CENTS



Nearly two feet of snow fell on Cambridge last weekend, but through it all Harvard Law School survived. Classes were held as scheduled and the library stayed open for near-normal hours.

Committee Lauds Added Flexibility of New Schedule

By Bill Ross

The January interim semester established under the new "4-1-4" schedule will give the Law School an opportunity to experiment with innovative educational programs, according to faculty and student members of the Legal Education Committee.

"The curriculum at Harvard is extremely rigid — just like a strait jacket — but this breaks it wide open," said Joan Williams, 2L, a committee member. "The thrust of education here is away from what people use in practice. This is a real structural change that moves us away from the Langdell model. I hope that people get on the stick to take advantage of this."

The committee recommended to the faculty last fall that exams be scheduled before Christmas, with the concomitant shortening of fall and spring semesters from 15 to 13 weeks, with an interim semester in January. The faculty voted last month to accept the proposal.

Offers Innovation

"Of all the plans we discussed, the 4-1-4 was the best because it offered the greatest opportunity for educational innovation," said Phoebe Salton, 3L, a committee member. "This is the perfect thing for really intensive clinical work. It will mean that students won't be required to neglect their other

Boycotted Firm Not Alone Handling S. African Interests

By Terry Keeney

Editor's Note: This is the first in a series of articles about representation of foreign clients by American law firms. The next article will appear in next week's RECORD.

Last fall Harvard Law students organized a boycott against a Washington, D.C., law firm that was the registered lobbyist for the Republic of South Africa. Students were urged to boycott interviews with the firm in protest of the repressive apartheid regime of the firm's client. As a result of the boycott, only three students signed up to interview with Collier, Shannon, Rill, Edwards & Scott, and the firm cancelled its trip to Cambridge.

Today, two months later, the success of the boycott is open to question. Collier, Shannon has had more than 1,700 nationwide applicants for a handful of new associate positions. In addition, the activities of other law firms, some larger and more renowned than Collier, Shannon, have escaped notice in their representation of South African interests.

Representation of foreign clients is today a vital component of American private law practice. Such representation can often be as diverse as that of domestic clients and may entail everything from filing SEC documents for foreign corporations to advising foreign governments on U.S. law to drafting wills for diplomatic personnel to lobbying.

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Law Professor Dominates Basketball Court

By Bob Ruxin

He can't slam dunk or even shoot a jump shot, much less make one. He'd have trouble naming five NBA players. But visiting Professor Telford Taylor, '32 may be one of the most influential people in professional basketball.

Taylor is special master under the consent decree of *Robinson v. National Basketball Ass'n.*, a class action antitrust suit brought by Oscar Robinson and 13 other players.

The settlement of the suit in part increased the ability of a player to change teams by his own volition. Until 1981, however, the player's new team generally must compensate the former team. That is where Taylor's role may be crucial.

After an all-day hearing last July, Taylor vacated NBA Commissioner Larry O'Brien's award of a third round draft choice by the New York Knickerbockers to the Atlanta Hawks as compensation for signing guard Dean Meminger. Since the Hawks "made no attempt to reach an agreement" with Meminger, the club suffered "no compensable loss" when the Knicks signed the player in mid-season.

The NBA Players' Association hailed Taylor's decision as encouraging free agent signings by limiting the amount of required compensation.

"I can't give an estimate on its effect without indicating how I'm likely to rule on future cases," Taylor said this week. Neither would he predict other issues likely to arise during his three-year term. "I don't want to foment cases for myself before they happen."

Ignorance an Asset

Before last July Taylor had no contact with basketball—even as



Visiting Prof. Telford Taylor,
NBA Superstar.

fan—or legal experience in sports labor relations. But several of the lawyers involved in the Robertson suit knew him as a Columbia Law School professor.

"They wanted someone who had no prior ties with one side or the other," Taylor said. "In a sense the less I knew beforehand, the better." Although Taylor follows baseball closely and plays tennis and squash, his basketball vocabulary was limited to Wilt Chamberlin, Julius Erving and a few other superstars. He has never attended a professional game.

Taylor's legal credentials, however, include numerous counsel positions in the Roosevelt and Tru-

man administrations, chief prosecutor in the Nuremberg war crime trials after Justice Jackson resumed his Supreme Court duties, and author of six books. This year, he is teaching a six-credit constitutional law course and a seminar with Professor Alan Dershowitz on the subject of international human rights.

Pivotal Role in NBA

The second case before Taylor involved a dispute over whether the Golden State Warriors retained option rights to Gus Williams. As in the Meminger case, Taylor sided with the Players Association in finding that the Warriors' basis for the claim was insufficient under the settlement terms.

Since Taylor's role is only advisory to Federal District Court Judge Robert L. Carter, either side, if dissatisfied, can proceed to Carter for a fresh consideration. But neither of Taylor's first two decisions was challenged.

Another Robertson proceeding is pending. Taylor would only say that it deals with compensation to the player's former team.

Asked if he sees professional sports labor relations as entering an era of lawsuits and arbitration, Taylor responded, "As the monetary element goes up, it's bound to bring into play legal problems. It took some time for basketball to get organized."

Taylor, who will celebrate his 70th birthday next month, believes the antitrust exemption for professional baseball has no ground in statutory interpretation. "The old Federal Baseball case never seemed to be the brightest jewel in Justice Holmes' crown," he said. "Team sports that involve large amounts of money are bound to give rise to problems with which the antitrust laws deal."

After completing the spring semester at Harvard, Taylor plans to return to New York to teach a constitutional law course at Columbia and possibly one at the new Benjamin Cardozo Law School of Yeshiva University.

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The 4-1-4 Plan In 14 Easy Lessons

By Tammy Jacobs

Reporter's note: In an effort to quash rumors and otherwise clarify matters pertaining to the new Law School schedule, the RECORD interviewed Registrar Mary Upton, read materials given the faculty as it made its decision, and otherwise extrapolated the following bits of veritas.

Q: What, briefly, is 4-1-4?

A: It is a new calendar for 2L's and 3L's, involving roughly — very roughly — four months of fall term, one month of winter term and four months of spring term. The schedule allows for fall term exams to be held before Christmas, for a one-month intensive winter term during which students will take one or two courses meeting daily and have an exam period at the end of the month, and a spring term beginning after a five or six day break.

Q: What will 4-1-4 mean to 1L's?

A: Not a whole lot. They will follow basically the same schedule as they do at present, with Christmas break being the "percolation" period for everything to come together before exams. The reading period is ostensibly a bit longer, in terms of when students are expected back on campus. Best news for the new comers is that they will get a nine-day winter recess after exams, instead of the three-day weekend given 1L's this year.

Q: What will be required of 2L's and 3L's during the new winter term?

A: Students must be in residence and registered for two or three credits course-work. Each credit will involve one 50-minute class hour per day, every weekday for the 15 class days of the term. Some of the courses will be winter-spring courses beginning with the intensive daily schedule in winter term and continuing in the spring. A few courses, for example, Introduction to Advocacy, may involve more than the stated number of class hours per credit.

Q: Can students receive credit for writing their third-year papers during the winter term?

A: No, at least not during the 1978-79 school year, although the subject may be reopened next year. Students must be in residence during winter term, and must be signed up for at least 10 classroom hours.

Q: With the shorter fall and spring terms, will there be any problem passing bar residency requirements?

A: No, all bar requirements will be met. The amount of time in residence will be the same, notes Upton, "we're just slicing the pie differently."

Q: Besides the new winter term, what other changes are involved in this "re-slicing"?

A: Classes will meet for slightly longer periods during fall and spring terms, to keep the total number of hours the same. There will be 64 or 65 class days in the fall semester, as opposed to the current 66-72. There will be 64 class days in the spring term, and 15 class days during the winter term. During fall and spring terms, credit loads will be a minimum of 10, maximum of 14 instead of the current 10-16.

Q: What will the exam and vacation schedules be like?

A: Since fall exams will take place before Christmas vacation, the current three-to-four day post-break weekend reading period will be extended to a six-day pre-break period. The exam schedule will be six days long, as it is now. For the winter term, the two-day exam period will start the day after the end of classes, and there will be a five or six day winter recess before spring term begins.

Q: When will the course offerings for next year be decided?

A: The schedule is still being discussed, and will probably be set at one of the next two faculty meetings, on either Feb. 1 or Feb. 15.

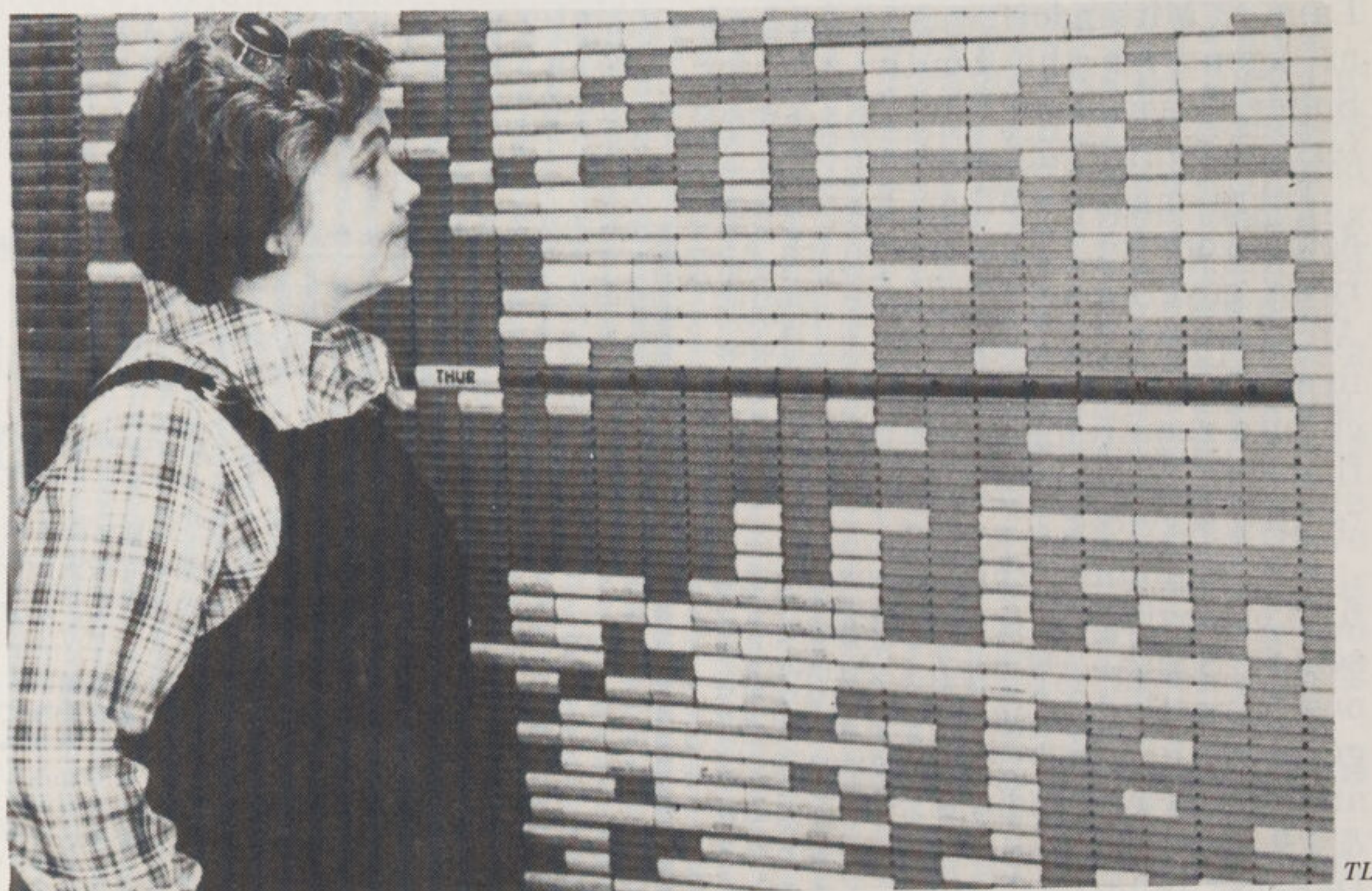
Q: When do students have to make their decisions on what courses to take?

A: Registration for all three terms of the next year will be held this spring.

Q: What is a winter-spring course?

A: It is a course starting with one or two credits in the winter term, carried over to the spring term, where one-to-three more credits will be earned, depending on the course. For example, instead of earning four credits in Administrative Law during the spring term, a tentative schedule has students who opt for winter-spring Ad Law

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Registrar Mary Upton surveys the Master Plan of semester courses.

Washington, D.C. Law Firm Not Alone . . .

(Continued from Page 1)

Under the Foreign Agents Registration Act, all persons or firms engaging in political activities, such as lobbying, on behalf of a foreign principal must register with the Department of Justice. Registration requires disclosure of the identity of the foreign client, the nature of the work performed and any compensation received for such services.

In the latest Report of the Attorney General on the Foreign Agents Registration Act for calendar year 1976, three law firms are listed as agents for South African interests:

The public record provides an interesting glimpse at the nature of foreign representation and hints of possible misconduct.

Collier, Shannon is the only registered agent of the government; the New York firm of Shearman & Sterling represents ASA, Ltd., a large investment firm headquartered in Johannesburg; and Casey, Lane & Mittendorf was registered as agent for the South African Sugar Association, but has since terminated its registration.

There may be other law firms doing work for either the South African government or large South African corporations. But these firms may be exempt from the disclosure requirements of the Act if they are performing strictly law-related services.

For example, the Washington firm of Covington & Burling represents South African Airways, owned partly by the South African government, in American courts and agency proceedings. Shearman & Sterling has also represented DeBeers Industrial Diamond Div.

Ltd., a South African mining firm, in antitrust litigation in 1976. These activities were exempt from the Act because they involved legal proceedings in open, public forums.

"The statute talks about activity that is political," explained Joel S. Lisker, chief of the foreign agents registration unit at the Justice Department. "It's basically a propaganda statute," he said.

Other law firms may now be performing legal tasks for the South African government or other South African interests without registering as agents. W. Lotz, press official with the South African embassy, noted that, besides the retainer of Collier, Shannon as lobbyist, the embassy may retain a law firm "as problems come up." If a particular problem requires a particular specialty, a firm is retained for that purpose, Lotz said.

Piecemeal Work

One attorney, whose work involves human rights issues in South Africa, speculated that there may be several other law firms providing legal services to South African interests. "I'm fairly certain there are others doing piecemeal work for South Africa," he said.

Whether there are other firms yet uncounted working for South Africa, the public record provides an interesting glimpse at the nature of foreign representation and hints of possible misconduct.

The Justice Department filed

charges last July under the Foreign Agents Registration Act against Casey, Lane & Mittendorf for making false and fraudulent statements and failing to disclose material facts about their representation of the South African Sugar Association (SASA).

False Statements?

The charges stem from Casey, Lane's lobbying activities to obtain sugar quotas from 1970 to 1973. The firm, a partner, an associate and two other defendants, are charged with filing misleading statements in not disclosing that SASA financed several trips to South Africa for members and staff

"To criticize a lawyer for who his client is goes back to the Scopes Monkey Trial."

of the House Agriculture Committee, including its chairman Rep. W. R. Poage.

The second count charges that the partner channeled SASA funds to Poage through the Casey, Lane books to make it appear that the funds came from the partner's personal account. The contribution to Poage of \$1000 was to be used for eight roundtrip fares from Wash-

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Others Represent South African Interests

(Continued from Page 4)

ington to Dallas in connection with Poage's 1972 re-election campaign.

Penalties for willfully making a false statement or willfully failing to disclose a material fact under the Act are fines ranging up to \$10,000, and imprisonment of up to five years. The suit is still pending in U.S. District Court for the District of Columbia.

Money

In contrast to Casey, Lane, Shearman & Sterling's activities have not run afoul of the Justice Department. Shearman & Sterling is registered as the American general counsel for ASA, Ltd., formerly called American-South African Investment Co. Ltd. In documents filed in April, 1974, the firm described the functions it performs: preparing annual proxy statements, filing of periodic SEC reports and rendering legal advice to its South African client. The report stated Sherman & Sterling receives a \$2,500 quarterly retainer, plus fees for legal services and expenses.

ASA has proven to be a steady client for Shearman & Sterling. From 1974 through 1976, the firm has billed ASA for approximately \$40,000 each year.

Collier, Shannon has billed its client, the Republic of South Africa, significantly more. On Sept. 12, 1977, the firm reported over \$70,000 in legal fees and \$30,000 in expenses on behalf of South Africa for the previous six months. The figures for March 12, 1977, totalled over \$50,000 in legal fees and \$34,000 in expenses for six months.

Law Students' Boycott Frightening

Donald E. DeKieffer, the partner with largest responsibility for the South African account, expressed regret that one firm has been singled out for boycott by Harvard students on the basis of a single client. DeKieffer believes that a

law firm should not be condemned for its clients.

"I think it was a sad commentary on Harvard that this happened the way it did," said DeKieffer. "To criticize a lawyer for who his client is goes back to the Scopes Monkey Trial."

He pointed to Collier, Shannon's policy of full disclosure of all its activities on behalf of its client. DeKieffer would disclose those activities that may or may not require disclosure under the Foreign Agents Registration Act. "I read the act very conservatively," he explained.

DeKieffer was willing to supply Harvard a list of all the firm's clients, provided all other law firms were required to do so. He criticized the Law School and the students for singling out Collier, Shannon with no apparent justification.

"Why is it the policy of Harvard to require this kind of disclosure? Why isn't this policy applied to other law firms?" he asked.

"A boycott against attorneys for representing clients is pretty frightening for the profession generally," said DeKieffer.

The Truth About 4-1-4

(Continued from Page 3)

earning one credit in the winter term and three more in the spring. Thus, the introductory portion of a winter-spring course will be served in one intense class-every-day-for-three-weeks dose, with things loosening up in the spring.

Q: Is there such a thing as a fall-winter course?

A: Maybe. The Introduction to Advocacy people are considering a section that would start in the fall term and end during the winter term, but that is the only such course currently under contemplation for the first year of 4-1-4. Since one of the goals of the new program is to give students a real mid-year vacation, Upton says, any fall-winter courses will be segmented,

so that there will be no assignments over Christmas.

Q: Speaking of Intro to Advocacy . . . ?

A: There will almost definitely be at least one Intro to Advocacy section starting with the intensive trial work-shop part of the program in the winter term, worth two credits, with the remainder of the course given for eight credits in the spring term. The possibility of a fall-winter section is (as noted above) being considered.

Q: How will professors be affected?

A: It is contemplated that the new schedule will give professors more flexibility. They can spread their standard 10-credit teaching load over three terms instead of two; and those who opt out of teaching during winter term will have a long break for research and writing. Professors who are teaching spring term 1L courses plus an upper-level course during winter term will have two or three days overlap; but spring 1L classes will end only two teaching days after 2L/3L classes instead of the current week later.

Q: Why all the confusion about 4-1-4?

A: "I don't know," says Upton. "It's all very simple, really."

SPORTS QUIZ

1. About 50 years ago Ellwood Geiges, a college football referee simultaneously revolutionized law enforcement and modern football. What is Geiges claim to fame?
2. What are the events in the modern pentathlon, and why?
3. What was the last baseball franchise to change cities?
4. Name the former football player who served as a bodyguard to Robert F. Kennedy and has guest-starred in episodes of *Daniel Boone* and *Kojak*?

Cohen: New Patterns in China

By Terry Keeney

The government of the People's Republic of China is showing heightened sensitivity to the human needs and human rights of its people, according to Harvard Law School Prof. Jerome A. Cohen, fresh from a two-week visit to Red China with Sen. Edward M. Kennedy and the Kennedy family.

Cohen noticed that the attitudes of the Chinese people he met on this trip differed markedly from those he encountered on his last trip five years ago. The Chinese people seem more relaxed in their relations with foreigners, and Cohen attributes this new attitude to the new ruling regime.

"The overthrow of the so-called 'Gang of Four' has led to a general loosening up that is bringing China back to the pre-Cultural Revolution days in relations between the individual and the state and between the Chinese and foreigners," Cohen said.

Cohen's itinerary through China was highly structured, a product of months of negotiations before the trip, and even intense negotiations with the Chinese hosts each day of the visit. Kennedy and Cohen met with political leaders, visited courts, toured communes and also met some of China's ordinary people.

Cohen saw great significance in the daily habits of the people he saw. "People smile and aren't afraid. In 1972 certainly people felt very awkward about talking," he said.

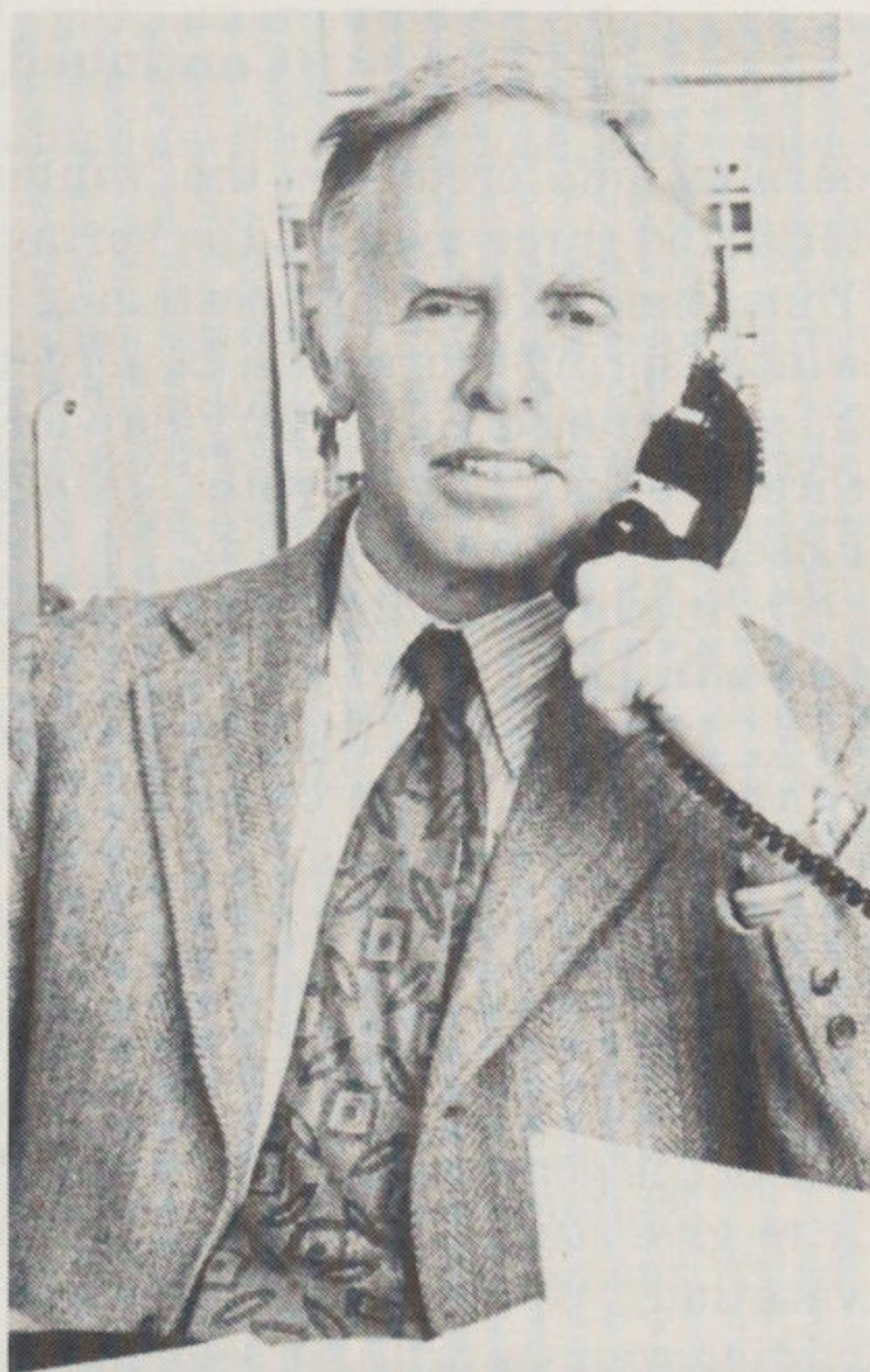
Cohen found some visible changes: the people are better-dressed than on his previous trips, the food in restaurants was better, and the interest in culture among the masses has grown significantly.

"We saw and heard some things you couldn't have heard in China in the last ten years," Cohen said. For example, traditional and international music replaced what used to be only revolutionary music in concert repertoires.

He found that what is happening

in China on a day-to-day level provides cues as to the political direction the country is now taking. He recalled one evening in Hunan province when he attended a traditional regional opera that had been banned since 1966, but was now being shown as a result of the more liberalized policies of the new regime.

The opera told the story of an appeals court judge under the ancient Chinese judicial system who overturns the conviction of an innocent murder suspect. After having discussed the opera with his Chinese hosts, Cohen believes that its mere performance illustrates a kind of official statement that the traditional judicial process is self-correcting.



Associate Dean
Jerome A. Cohen

"They're talking about the same things that bother us," he explained. "They showed that justice should triumph and they define justice as we would."

Increased Chinese response to human rights and needs can be seen in several developments, Cohen said. The number of publicly available books has increased slightly, wages have been in-

creased for the first time in 20 years, and the government is considering adopting a new constitution.

The Chinese are becoming sensitive about uniting families which have separated to go to different countries. Cohen noted that the Chinese are now making it easier for relatives to visit their families in China and for Chinese to visit family members abroad. Sen. Kennedy was the first U.S. official to be permitted to visit the family of one of his constituents.

Cohen believes these events illustrate a greater Chinese awareness of human rights, although "the Chinese wouldn't call it human rights in the current parlance."

Cohen admits that at least part of his Chinese itinerary was intended for the benefit of Sen. Kennedy. But he believes that during free time he was able to get an accurate picture of China. Kennedy and Cohen met with Chinese political leaders Vice-Premier Teng Hsiao-ping, Foreign Trade Minister Li Chiang, and Foreign Minister Huang Hua. Cohen came away impressed with the internal political reform now taking place.

"It's an exciting time to be in China because they're trying to define the limits of the possible," Cohen said.

Besides the obvious strategic interests the United States has in promoting Sino-American relations, Cohen noted a more fundamental American interest, based on human rights.

"You have to understand that China, by feeding, clothing, housing and organizing one-quarter of the world's population is doing a marvelous welfare job that can best be understood if you ask, 'What if it failed?'" Cohen explained.

"We have a great interest in some government being able to govern that country successfully."

One of the most impressive sights of the entire trip, Cohen said, came as his party was driving through the countryside and witnessed some 10,000 people trying to level a mountain for a field. Although they worked with the simplest of tools, they seemed like happy people, he said.



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New 4-1-4 Schedule Sparks Innovation Plans

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courses in order to immerse themselves in clinical work."

Mike O'Brien, 1L, another student member, noted that under the present schedule, it is hard or impossible to offer an intensive course."

Prof. Robert Keeton agreed with Salton and O'Brien that the semester will give students an excellent opportunity to participate in clinical or workshop courses but said that he guessed that most students will opt for traditional courses. "I suspect that a number of basic courses will be taught during that period," Keeton said. Some will be taught in their entirety during winter term and others may be taught in part during that term, with the remainder of the course's credits being offered in the spring.

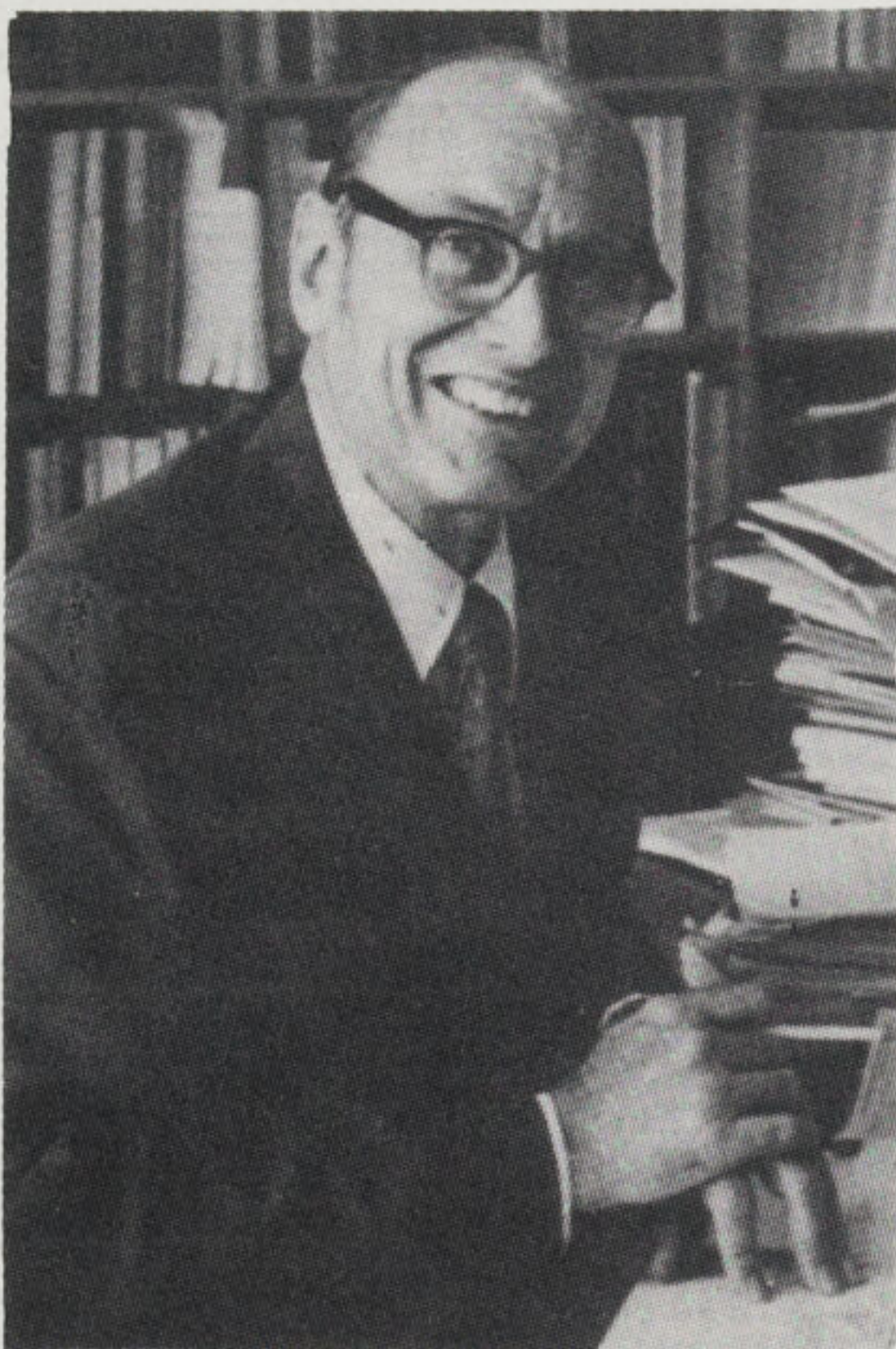
Course Possibilities

According to Williams, Evidence is one course that some professors have suggested would lend itself to the January semester format.

Keeton noted that "no professor will be pressured into course duty during this period but there should be no problem in finding professors who are willing to teach."

Williams and Keeton said that another advantage of the new schedule is that it might encourage practicing attorneys to participate more in courses. "People working in firms could much more easily take three or four weeks off to teach here than they could fly up here from Washington every week for a semester," Williams said.

Another advantage of the new schedule is that it might encourage practicing attorneys to participate more in courses.



TL
Associate Dean Robert E. Keeton,
4-1-4 advocate.

"I think that shaking up the calendar will give us a fresh outlook, providing new offerings in different settings."

3L Paper Proposals

Prof. Paul Bator proposed allowing 3L's to take the semester off if they have completed their third year papers and allowing those who have not completed them to work on them exclusively during that period. But the plan might conflict with New York bar requirements for the length of residency at Law School, according to committee members, so the faculty remanded the issue to the committee for further study.

"There is strong faculty support for this proposal," according to Williams. "But it is doubtful that 3L's will be able to take any time off next year, unless there is a big push among students for this plan."

Current plans are that students will be required to be in residence during next year's winter term.

Current plans are that students will be required to be in residence during next year's winter term.

Salton said that the committee "has a commitment to think about the proposal and to talk about it. That's it."

According to Salton, it is "an excellent idea" to allow 3L's to work on their papers during the interim semester but "there would be a lot of administrative hassles," such as providing for faculty monitoring of students who are supposed to be working on their papers.

Criticisms Noted

Not all faculty members support the January interim semester. The faculty vote was 37 to six in favor of the proposal and some committee members noted that many of those who supported the plan had reservations.

"Many faculty members worried about the educational justification for the change," Dean Stephen M. Bernardi said. "They were concerned that this might simply be a way of moving up the exam schedule without paying the price of returning to the Law School in August."

"Another thing I got a whiff of was the feeling of some professors that there are many courses that are better taught in a leisurely way over a longer period of time than in a short and intensive course. For example, a number of years ago when Constitutional Law was changed from a year-long course to a semester course some professors were concerned because they believed that students should have the chance to brood about the subject rather than gallop through in a semester. Some professors fear that

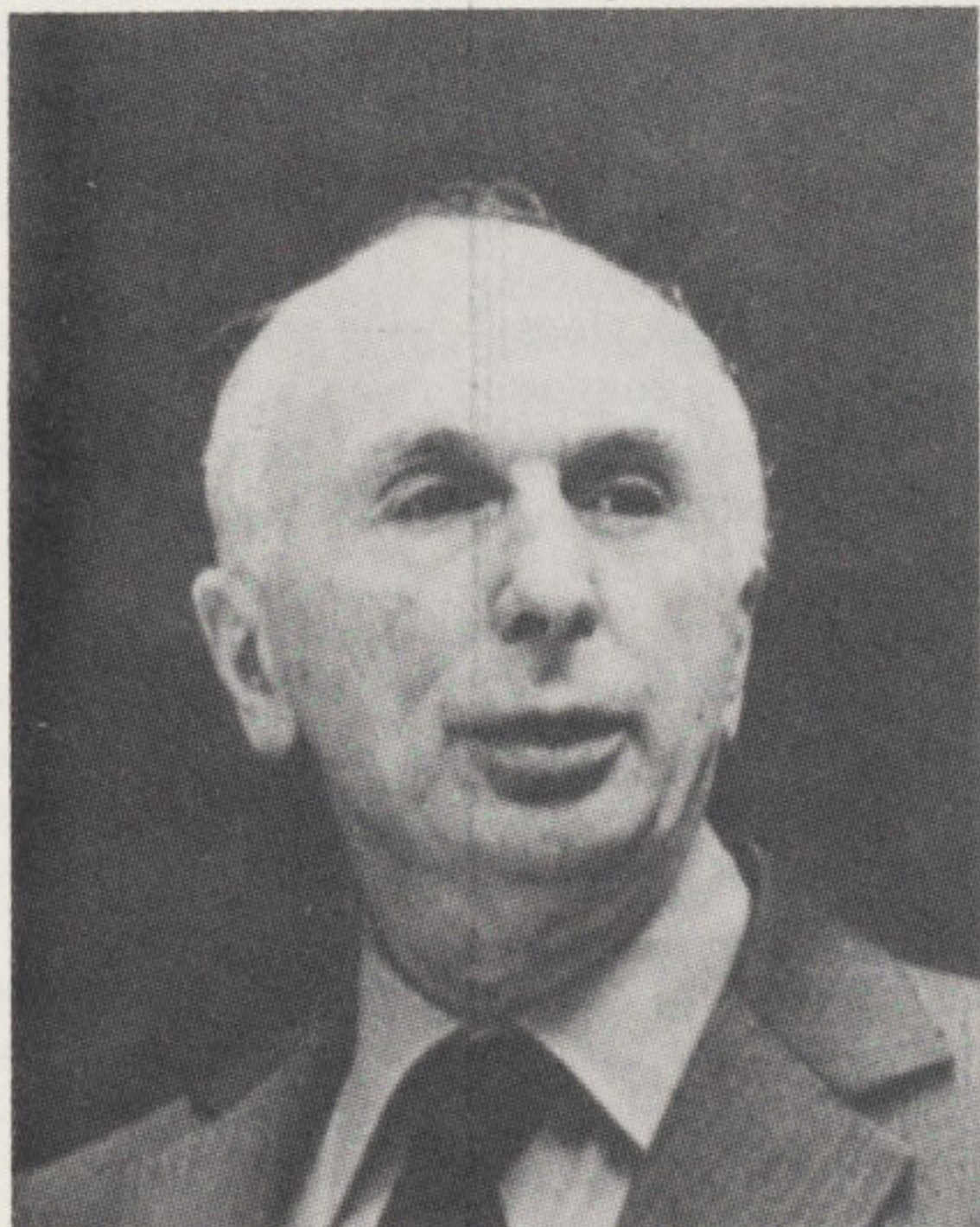
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Septuagenarians Step Down Gracefully

By Larry Zelenak

Harvard Law School will soon lose three of its most distinguished professors because of its policy of mandatory retirement at age 70. Prof. Milton Katz and Prof. Samuel Thorne will retire at the end of this semester, while Prof. A. James Casner, who retired from full-time teaching in 1977, will teach his final law school class next year.

Harvard has a University-wide regulation requiring retirement by age 75, but schools and colleges within the University may estab-



HLSY

Prof. Milton Katz

lish earlier retirement ages, as the Law School has done. After retirement from full-time teaching at 70, a Law School professor may, if he wishes, teach one course each of the next two school years. If he wants to continue research and scholarship after retirement, the Law School will cooperate by supplying him with office space and some secretarial assistance for as long as he desires.

Dean Albert M. Sacks reports that no faculty members have expressed any dissatisfaction with the retirement policy to him. As he views it, the system has "the virtues and the vices of an impersonal policy. If we were to go to an individualized system, whether that would be better would depend on how good our judgments were. It would inevitably leave a sense of bitterness and ill-treatment with

those not allowed to continue teaching. But there certainly are instances where one would like to have a particular teacher continue teaching awhile longer, and an impersonal system prevents that."

Retirees May Remain

Realizing the value of keeping teachers actively involved in the school after formal retirement, Sacks several years ago introduced the policy of allowing a professor to teach one course a year for two years following his retirement. Casner took advantage of that policy last semester by teaching Estate Planning, and expects to do so again next year. Katz plans to take the opportunity next year to teach a course on the First Amendment which he is teaching for the first time this semester.

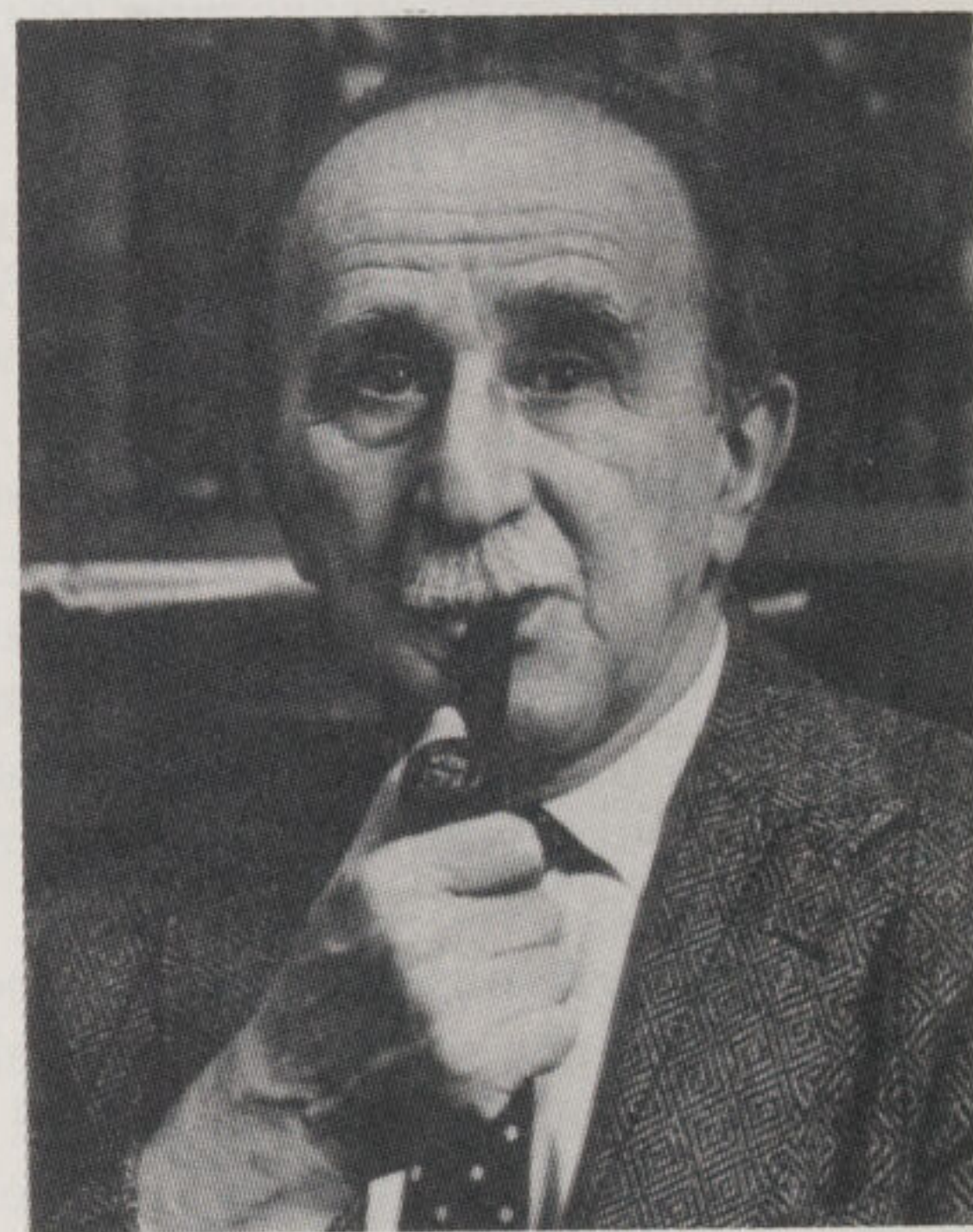
Neither Casner nor Katz objects to the retirement policy. Casner says, "When I was Dean I sort of inaugurated the mandatory retirement policy, so I guess I have to stand behind it now." Katz emphasizes that while he is willing to retire from full time teaching, he has "no intention of retiring personally. I'll remain fully active until I check in."

If a teacher really wants to continue teaching, he will usually have little trouble finding a

classroom job at another law school. Professor Emeritus John Philip Dawson, for example, teaches at the Boston University Law School and also retains his office at Harvard.

Recruiting Effort

Besides the considerable number of law schools that will hire professors who have been forced to retire elsewhere, there is one school that



HLSY

Prof. Samuel E. Thorne

actively recruits elderly legal scholars. Hastings College of the Law in San Francisco, which has no mandatory retirement age, currently has almost thirty professors — about one third of its faculty — in its "Sixty-five Club."

Hastings began its practice of recruiting retired professors during World War II, because of the wartime shortage of teachers, but the program proved so successful that it has been continued ever since. Present and former members of the Sixty-five Club include Roger Traynor, former Chief Justice of the California Supreme Court; Arthur Goldberg, former United States Supreme Court justice; the late William Lloyd Prosser, of torts fame; and a handful of former law school deans from across the country.

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Forced Retirement: A Waste

Earl Warren didn't even begin his 17-year tenure as Chief Justice until he was 62 years old. Roger B. Taney presided over the Court until he was 87; John Marshall served until he was 80. Oliver Wendell Holmes stepped down as justice at 91. And at Harvard, Samuel Williston was still contributing to contract law doctrine at 100 and Austin Wakeman Scott is still active at 94. Good lawyers and legal scholars never retire — they keep improving with age.

We therefore see no reason why the Law School curbs the teaching duties of its professors at 70 and forces them from the classroom altogether at 72, even though under University policy they could continue until 75. Although no senior faculty members are complaining about this policy, there may well come a day when a highly competent professor is forced out against his will.

Some elderly professors may be unfit to teach, although we don't know of any instance where this has happened here. But the Law School needn't provide for this possibility through such a drastic policy of mandatory retirement. Rather, it could deal with such cases individually by refusing to assign the professors first-year sections. And most 2L's and 3L's would know enough to stay away from their classes anyway.

One of the main reasons given for any policy of mandatory retirement is that it stifles young talent by clogging available billets and thereby depriving the young of jobs. We have seen no data that indicate that the hiring of younger professors is directly linked to the retirement of older ones. Even if this were so, the answer to the dilemma would be to hire new professors even while retaining senior teachers.

For the same reasons, we disagree with the general University policy of relieving faculty members of their teaching duties at 75. It is most unfortunate that the Law School compounds this folly by setting its mandatory retirement age at even a lower level.

Mandatory retirement is a shameful waste of one of the Law School's most valuable teaching resources — the knowledge, wisdom, and grace of its senior professors.

HARVARD LAW RECORD

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Fenno

Cruising through the tunnels during rush hour one morning, Fenno became stuck behind a knot of people disrupting the usual throbbing flow of traffic. At the front of the stalled caravan was the heavily clad figure of a law student crawling around on all fours.

Anxious to push his way forward, Fenno assumed the sense of false authority and groundless bravado necessary to allow law students to be pushed aside. Impersonating first an MBTA conductor, then a tenured professor of law, he reached the front of the pack.

"Trying to pick up the pieces after first semester?" Fenno asked of the crawling 2L.

"No," the 2L said without looking up. "I dropped my shopping list for second semester."

"No-Doz, ear plugs — what more could you use?" Fenno suggested thoughtfully.

"Not that list. I mean the one with all the classes I was thinking of taking." Discouraged, the 2L stood up.

"Take heart," Fenno said. "You're part of a great tradition. As Sir Edward Coke once said, 'nothings is ever final untill the droppe date.' You can go read it for yourself — it's carved in the frieze encircling the Registrar's office."

"Well," said the 2L, "I've read all the ads for the courses and have done comparative shopping. All that's left is to go to the market and, so to speak, squeeze the fruit."

"What factors have you taken into consideration?" asked Fenno.

"Most important, of course, is when the class meets. Then the number of credits and the type of final given, both factors given about equal weight."

Fenno was puzzled. "What about the subject of the class or the name of the professor?"

The 2L became upset. "Who the hell do you think I am, Mary Upton? I can't take every little detail into account."

"Quite right," Fenno admitted. "But the matter is complicated by the catalogue of courses not having been written with the shopper in mind."

"Very true," said the 2L appreciatively. "You'd think they could introduce a system of unit pricing or something."

"Perhaps a line of 'no name' courses along the Star Market model, or a 'Dean's Special'."

"By the way Fenno, how do you select classes?"

"First I consider only courses which are interesting or well taught. Then on the off chance that any are still remaining, I apply a final criterion."

"Which is what?" asked the 2L.

"I only select courses not offered during that term."

Letters to the Editor of the RECORD

Lawyers or Lobbyist?

To the Editor:

The stir caused by the proposed interview by a firm representing South Africa has angered me. If there is one firm principle of the law it is that the unpopular client is entitled to legal representation. Some years ago, a Jewish friend of mine, David Shapiro, at the request of the American Civil Liberties Union, agreed to represent the Nazi (George Lincoln) Rockwell in a criminal case. He was nearly excommunicated by the Washington Jewish community as a result, but, loathing Nazis as much as he did, I felt that this courageous action was in the highest tradition of the profession.

Whatever its practices, and however much they may be questioned, South Africa is entitled to legal representation. Because a lawyer undertakes to represent them, it does not follow that he adopts apartheid as his view, any more than it should be assumed that a lawyer representing a murderer condones murder.

That the administration should attempt to embarrass their recruiting efforts, rather than praising their willingness to represent an unpopular client, stands these traditions on their heads. And I fear for the future if the present generation of law students does not understand that there is no higher legal tradition than the representation of the weak, the scorned, the unpopular and the outcast.

Gerhard Van Arkel '33
Washington, D.C.

Attila in Kid Gloves

To the Editor:

Your article about law firm hiring practices (December 2) quotes a number of interviewers about the relative importance of interviewing second and third year students. The import of the article is that all firms believe that a person who has not worked for them during a summer might, as a practical matter, forget about ever getting a job offer. Lest your article create unnecessary anxiety among second year students, we would like to note our dissenting opinion.

For a firm to suggest to a second-year student that it is "now or never" only displays, we suggest, basic insecurity in the fundamental appeal of the firm to law students. As important as a summer associate program may be, it is not the primary way *this* firm hires permanent associates. Indeed, the vast majority of our new associates are not graduates of our summer program.

Your publication frequently pokes fun at seemingly conciliatory phrases routinely in-

serted in rejection letters from law firms. Our rejection letters for second year students frequently note the highly selective nature of our summer program and urge rejected applicants to reapply the following year. We mean what we say. Our summer program — like that of many firms — is extremely selective, because we try to keep it small and manageable so that students who come here will have a rewarding summer. For this reason, we do not and cannot meet all of our hiring needs from the pool of summer associates who have worked here. Talented third year students and recent graduates in clerkships and other temporary positions are now, and always have been, of great interest to us, regardless of their employment experiences after their second year in law school.

For these reasons, we have always enjoyed meeting with both second and third year students when we come back to Harvard. We hope to see many more again next year, including third year students who work elsewhere this summer. It would be a tragic mistake if students thought that their whole legal career must be charted by the middle of the second year in law school.

Daniel K. Mayers '60
Ronald J. Greene '68
Washington, D.C.

Dorm Council Replies

To the Editor:

On behalf of the HLS Dormitory Council, I would like to comment on Gary Betow's article on the room lottery system which appeared in the December 9 issue of the *Record*. Although Betow's description of the new dorm room allocation procedure is substantially accurate, several of his remarks require correction or clarification.

Betow states that the new plan will, "virtually guarantee that any 2L or 3L who has never lived in the dorms, or has lived there only one year, will be offered a room." This is not true. The lottery procedure establishes nine priority groups, with the highest priority going to handicapped students. Whether or not a current 1L or 2L in a low priority group will receive a room is wholly dependent on the number of students who fall into the higher priority groups. Betow goes on to remark that since, "the new priority system operates to give all 2L's a room before 3L's, the new system may produce a ratio of . . . less than 25 percent successful 3L applications." This is also incorrect. Among current 1L's and 2L's who do not have high priority status (e.g. incoming resident assistants), the highest priority goes to current 2L's (that is, next year's 3L's) who have never lived in the dorms. We also question the source of Betow's 25 percent figure.

As Betow points out in his article, the

basic problem is that there are just not enough rooms to satisfy the demand for on-campus housing. In response to complaints we received during last year's room lottery, the Council has attempted to develop a procedure for allocating the available rooms as fairly as possible. The new procedure has provisions for giving students adequate notice of the mechanics of the procedure and deadlines for applications; increasing the number of rooms available to women; closing the loopholes in the old procedure which allowed some students to manipulate the system to the detriment of other students; and a revised penalty schedule.

The determination of the percentage of rooms to be set aside for incoming 1L's was a difficult one to make, and we realize that the increase in this percentage to [accommodate] approximately 60 percent [of 1L applicants] is only a partial solution. As a further response to this problem, members of the Council have formed a committee to initiate an off-campus housing information service. We hope that the information thus provided will make finding a place to live somewhat easier for all students at the Law School.

Susan B. Miller, President
HLS Dormitory Council

Ed. Note: Betow's article made a projection based on data from past years. The new plan gives handicapped students, R.A.'s, and dorm council members the same preference that they had last year and it is unlikely that the number of rooms filled by these three groups will increase significantly. It is improbable that there will be any huge influx of applications from students who have never lived in the dorms, since there is no greater incentive for such students to apply, even if there is a much greater chance of acceptance after they apply. If a similar number of off-campus students apply as in past years, and a similar percentage of 1L's and 2L's in the dorms reapply, the new plan will "virtually guarantee that any 2L or 3L who has never lived in the dorms, or has lived there only one year, will be offered a room." We stand on the accuracy of the article as written.

Lefty was Right

To the Editor:

Your recent sports quiz asked who were the five players that Carl Hubbell struck out in the All Star game.

I suggest, as a follow-up question, the following:

"After the fifth batter, George 'Twinkletoes' Selkirk got a hit. Hubbell proceeded to strike out the sixth man. Who was he?"

[ANSWER: Lefty Gomez.]

Harry C. Martin '48
Senior Resident Superior Court Judge
General Court of Justice
Buncombe County
Asheville, North Carolina

Letters to the Editor of the RECORD

Behind the 8-Ball

To the Editor:

Your answer to Sports Quiz No. 6 (Dec. 16, 1977) reveals a generation gap of which I was previously unaware. The correct answer, of course, is that there is no five ball in billiards. Billiards is played with two white cue balls and one red object ball, none of them numbered.

The badge of a misspent youth in Madison, Wis., in my high school days, which I bore with pride, was to play a respectable game of billiards. Pool, the exercise you have in mind, was regarded as a refuge for those who had insufficient delicacy and expertise for billiards.

If you meant to use the effete modern solecism of "pocket billiards," you should have said so. *O tempora, o mores.*

Stuart W. Scott, '30
New York, New York

A Slip of the Lisp

To the Editor:

Re: Humor in Indexes (RECORD, Dec. 11)

Mr. Victor M. Gordon of New Haven, for many years editor of the *Connecticut Bar Journal*, also believes that an index can always stand a little leavening. In the index he prepared to the Hundred-Year History of the Connecticut Bar Association, he made the following entry under the heading "Shellfish" (49 Conn. B. J. No. 4 p. 645):

SHELLFISH

Unshellfish Devotion of Victor M. Gordon to Cause of Legal Scholarship 353

Jay E. Rubinow '37
Manchester, CT

A Common Fallacy

To the Editor:

A common syllogism goes "You favor minorities; X is a minority group; hence you must favor X.", or conversely, "You oppose X; X is a minority group; hence you oppose minorities." Put in this way, the fallacy is obvious. None the less, time and again the assumption is made that people should support minorities to which they are opposed.

There are many minorities. One consists of gays (used here to include both male and female homosexuals). It is exemplified by the sign in the Harvard Law Record of November 23, 1977, saying "Same-Sex Love is Here to Stay." Many people support certain minorities, but agree that just because a person doesn't care for Anita Bryant (or does like particular persons) doesn't mean that the person can't be opposed to gays.

Some people, in talking about one minority, espouse the importance of role models; they may not want persons of another group to serve as a role model.

The significant fact is that supporting a particular minority does not mean that a person must or does support all minorities. Something more must be shown than the fact that a group is a minority.

Roger P. Stokey '48
Boston, Massachusetts

Public Interest Gold Mine

To the Editor:

Can law firms engaged primarily in public interest law practice earn as much as major Wall Street firms? Yes, indeed! Your article "Public Interest Law Practice Full of Conflicts and Rewards" (Dec. 9), stresses that public interest practice poses a completely different array of challenges and frustrations than traditional private practice. You completely overlook the vast potential of private practice of public interest law on a fee award basis.

Some lawyers are motivated by charitable objectives and will offer to provide services free or at greatly subsidized rates to pursue small individual claims on behalf of citizens, rich or poor, where the claims involved do not justify separate litigation within the normal economics of legal practice. Experience has demonstrated that reliance on charitable motives of the legal profession to provide legal services for the enormous legal needs of middle and low income persons, is totally inadequate to provide for appropriate delivery of legal services for these needs. Lawyers have personal and family obligations like anyone else and must apportion their time so that they can assure themselves of a reasonable means of livelihood. Both the U.S. Supreme Court and Congress have recognized this legitimate need, on the one hand, to afford adequate legal services to middle and low income persons, and on the other hand, to provide adequate fee incentives to lawyers to undertake to represent these interests.

In *Alyeska Pipeline Service Co. v. Wilderness Society*, 421 U.S. 240, 95 S.Ct. 1612 (1975) the court held that in the absence of express statutory provisions authorizing the awards, the court had no general equity power to award counsel fees to the prevailing party in public interest litigation. The Supreme Court ruled that Congress and not the courts must make the threshold assessment whether private enforcement of a law is to be encouraged in the public interest, by means of creating a fee award incentive to litigants who successfully prosecute such actions. Under this rationale, the Supreme Court has identified as public interest litigation, those suits brought under federal statutes in which Congress has expressly

authorized attorneys' fee awards to a prevailing plaintiff. Moreover, the Civil Rights Attorneys Fees Award Act of 1976, 42 U.S.C. §1988 and its Legislative History now provide expressly for fee awards in most constitutional litigation under statutes not otherwise specifically authorizing fees.

With respect to small claims, however, even the incentive of express authorization for fee awards, is not sufficient to encourage attorneys to undertake private enforcement of these important national laws. Thus, in *Eisen v. Carlisle & Jacquelin*, 417 U.S. 156, 94 S.Ct. 2140, 2144 (1974) an antitrust suit in which a prevailing plaintiff was entitled to treble damages plus an award for reasonable attorneys' fees, the Court observed:

"A critical fact in this litigation is that petitioner's individual stake in the damage award he seeks is only \$70. No competent attorney would undertake his complex antitrust action to recover so inconsequential an amount. Economical reality dictates that petitioner's suit proceed as a class action or not at all."

Thus the economics of the public interest law overlap considerably with the economics of class action litigation. It is not surprising that one of the earliest and leading class action decisions under Rule 23's amendments of 1966, characterized class actions as "semi-public remedy." *Dolgow v. Anderson*, 43 F.R.D. 481 (E.D. N.Y. 1968). In *Dolgow* the court went on to observe:

"In some areas of law, society is dependent upon 'the initiative of lawyers for the assertion of rights' (*Escott v. BarChris Construction Corp.*, 340 F.2d 731, 733 (2d Cir.), cert. denied sub nom. *Drexel & Co. v. Hall*, 382 U.S. 816, 86 S.Ct. 37, 15 L.Ed.2d 63 (1965)) and the maintenance of desired standards of conduct. The prospect of handsome compensation is held out as an inducement to encourage lawyers to bring such suits. See *Murphy v. North American Light & Power Co.*, 33 F. Supp. 567, 571 (S.D. N.Y. 1940) ('allowances in cases of this kind *** to be encouraged'); Hornstein, Legal Therapeutics: The 'Salvage' Factor in Counsel Fee Awards, 69 Harv.L.Rev. 658, 662-63 (1956).

[43 F.R.D. at 494]

I find that my private practice of public interest law on a fee award basis is both economically and personally satisfying. Large attendances at recent CLE seminars on this subject demonstrate that traditional lawfirms also appreciate these potentials to expand their practices on a fee generating basis to serve the public good. Public interest law practice, with economic rewards comparable to contingent commercial litigation has definitely arrived!

Herbert B. Newberg '61
Philadelphia, Pennsylvania

HARVARD LAW RECORD

Cheatham Rides Into Town, Moves In As RECORD Editor

The Oklahoma Kid just rode into town. . .

The HARVARD LAW RECORD ain't big enough for two editors, so Charlie Cheatham is riding in from Pawnee, Oklahoma to be editor of the RECORD for the spring semester. Terry Keeney, last semester's editor, is riding into the sunset, but will be back to replace Cheatham as managing editor.

Cheatham has rounded up a posse to get the job done this spring, including some of the fastest writers and editors this side of

the Pecos: Bill Ross as associate editor, Charles Jordan and Andrea Brown as senior editors, Larry Zelenak as executive editor and Tony Licata as photo editor.

Tammy Jacobs, a tenderfoot from Thomaston, Georgia (and other exotic locales), is joining up with Cheatham's gang for the first time as news editor.

Cheatham has gained a reputation around these parts and he promises to be shooting from the hip this term.

Cryptic Law

Welcome back, Cryptic Law fans! Those of you who have taken family law should enjoy this week's selection. Decode it. (Hint: Each letter stands for a different letter of the alphabet.)

". . . [S]m rc-jidnsmf ejpdr gptzrt eogr
nrvszr s mim esd frmorf yrtzomsyopm pg jod
[zpmjyau] saozpmu qsuzrmy. Jod sthizrmy
yjsy qsuomh yjr zpmru yp yjr vpmbrmy
vpmbrtyrf jod qsuzrmy yp s traohopid
qitqpd om bopasyopm pg jod vpm-
dyoyiyopmsa tohgyd, fof mpy qrtdisfr yjr
Oaaompod Diqtrbr Vpity yp jrst jod sqqrsa."

(Solution on Page 14)

Frustrated Journalists

Ever dreamt of winning a Pulitzer? Wearing a crumpled, faded hat with a "Press" card stuck in the brim? Screaming 'Stop the Presses' just on deadline?

Well, you can't do any of that working on the HARVARD LAW RECORD. But we want you anyway, and there's lots you *can* do. The RECORD is always on the lookout for reporters, feature editors, copy editors, photographers, would-be wits and anyone else willing to put in a few hours a week in exchange for pizza, companionship, a byline and a look at the law school you won't get from sitting in Langdell South.

So come by and check us out, any Tuesday or Wednesday night. We're on the third floor of 23 Everett Street, and we welcome new faces. Put in as much or as little time as you want, doing practically whatever you want. (Looks great on a resume — shows you're "balanced.") No experience necessary.

Law Notes

The Harvard Law School Forum has announced two speakers for the spring semester. Jules Witcover, writer for the Washington Post and syndicated columnist, will address the Forum on Feb. 9.

CBS News correspondent Fred Graham, who is a lawyer and reports on legal matters, will speak on March 1.

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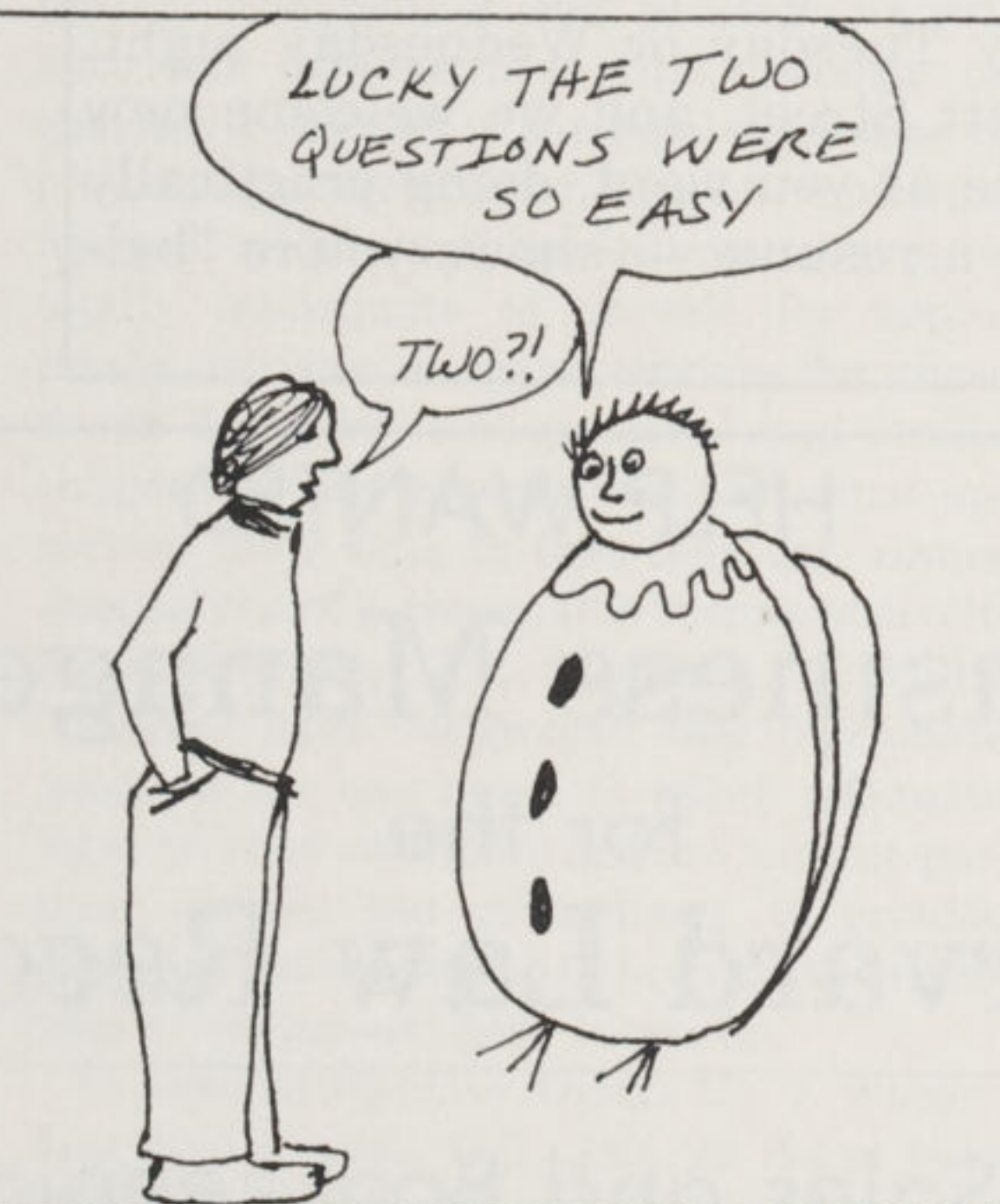
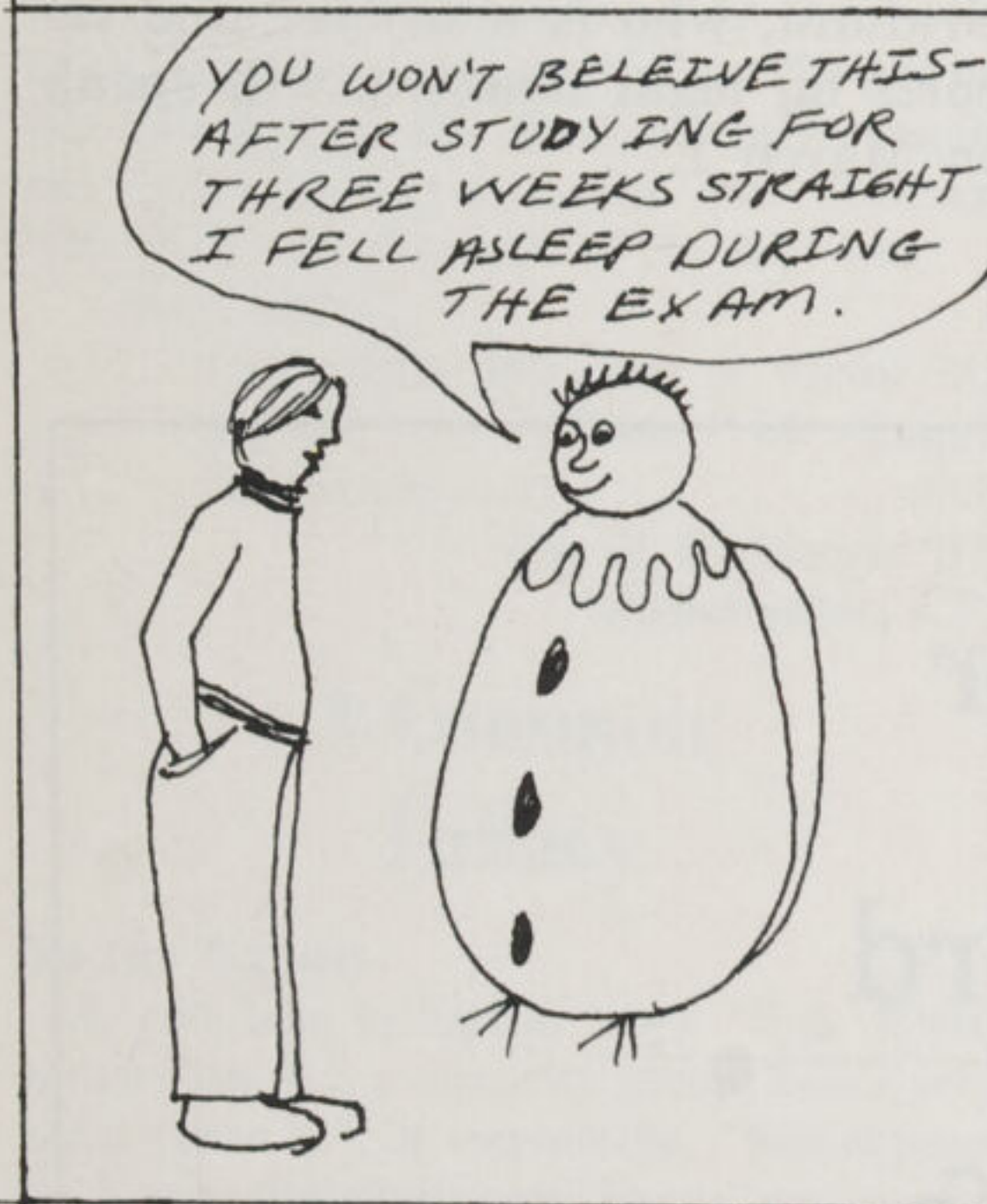
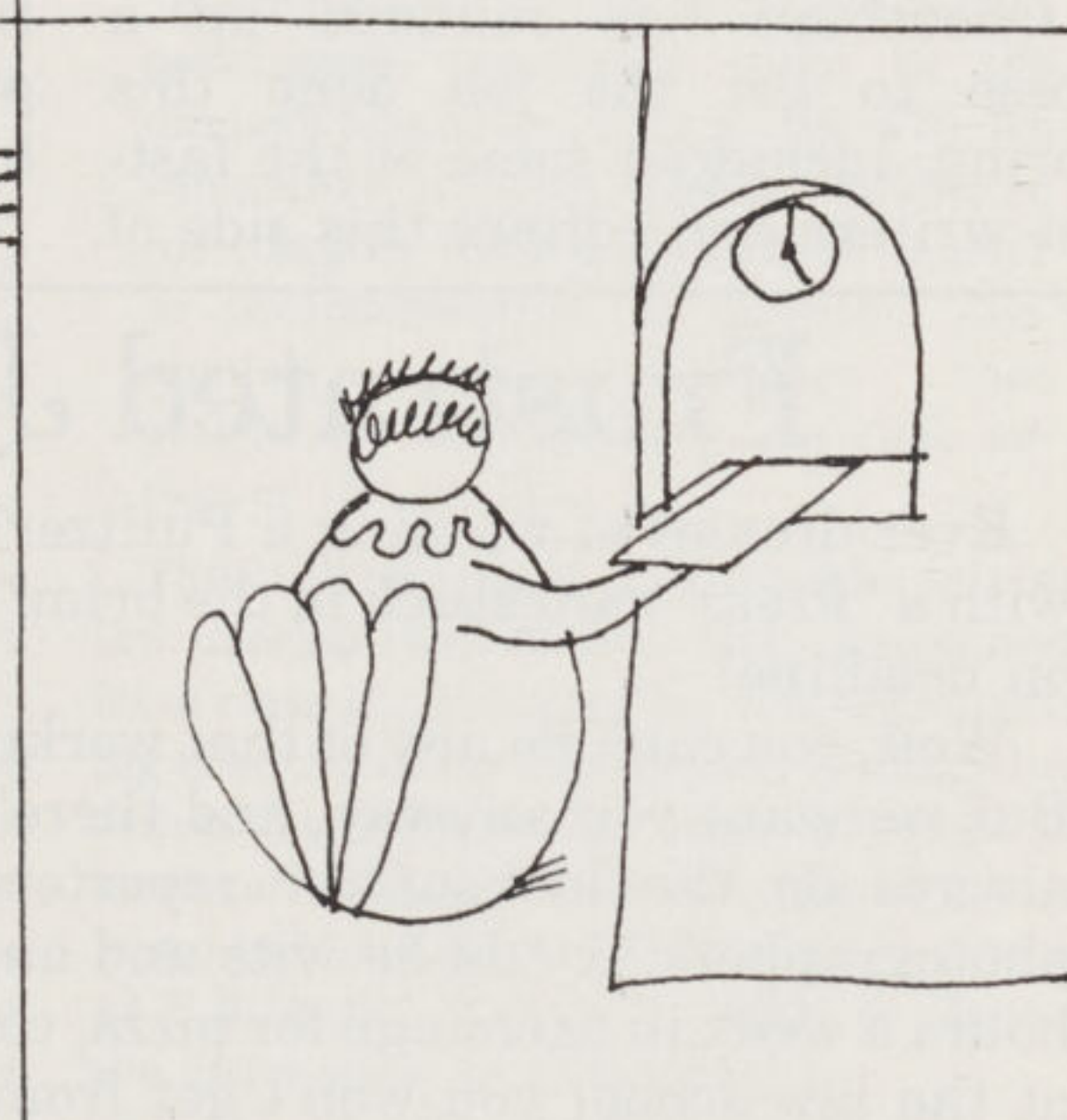
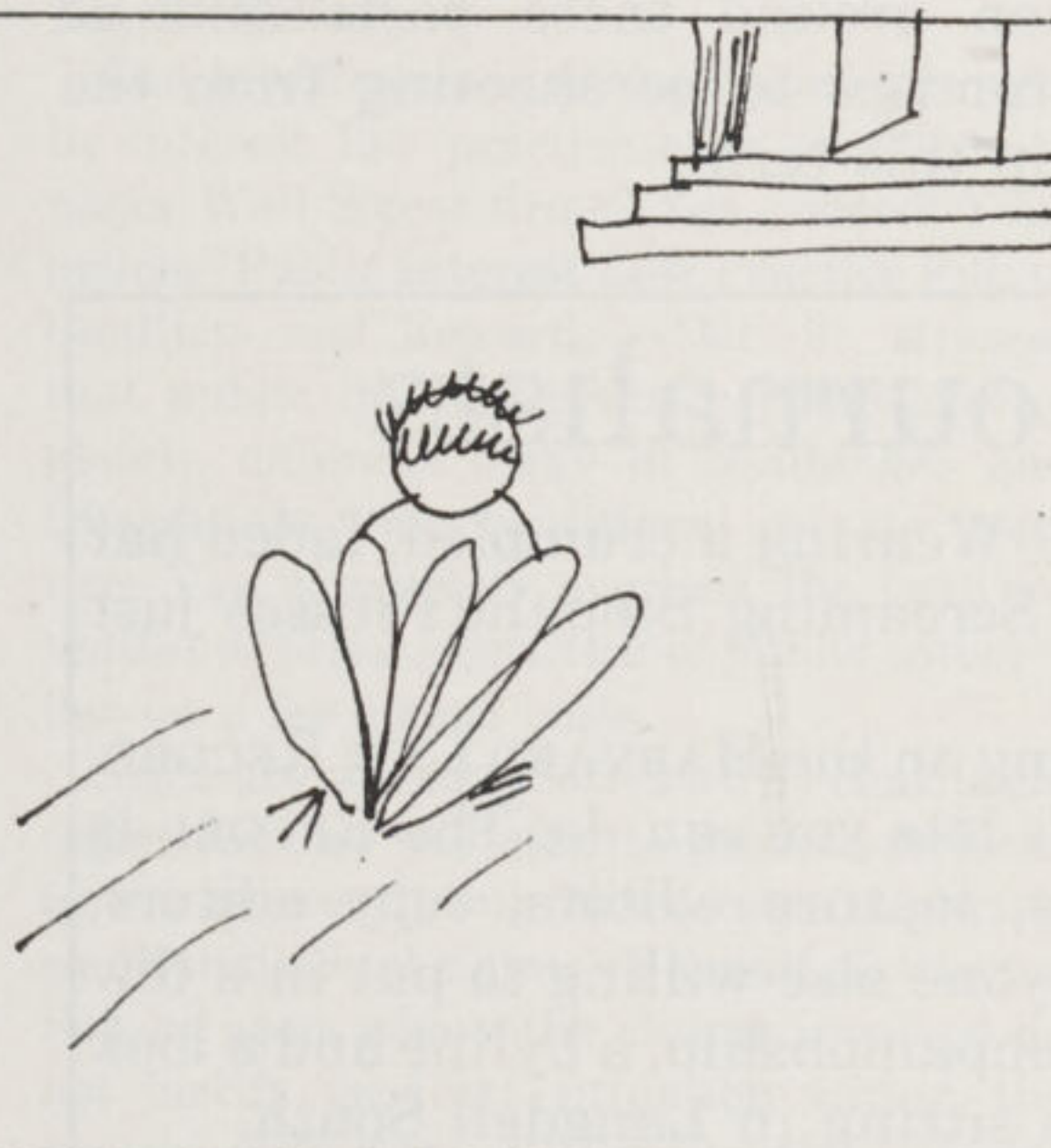
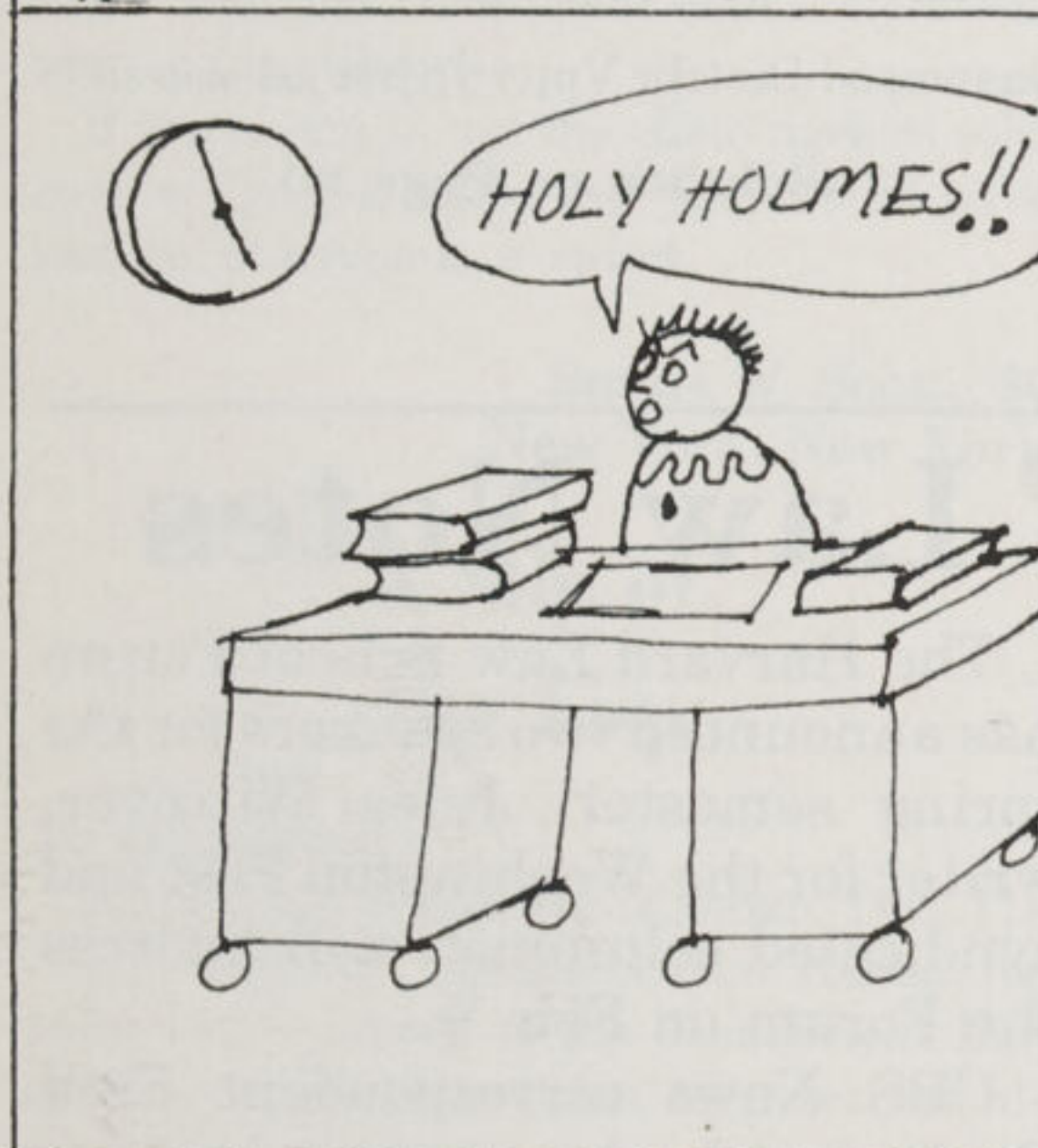
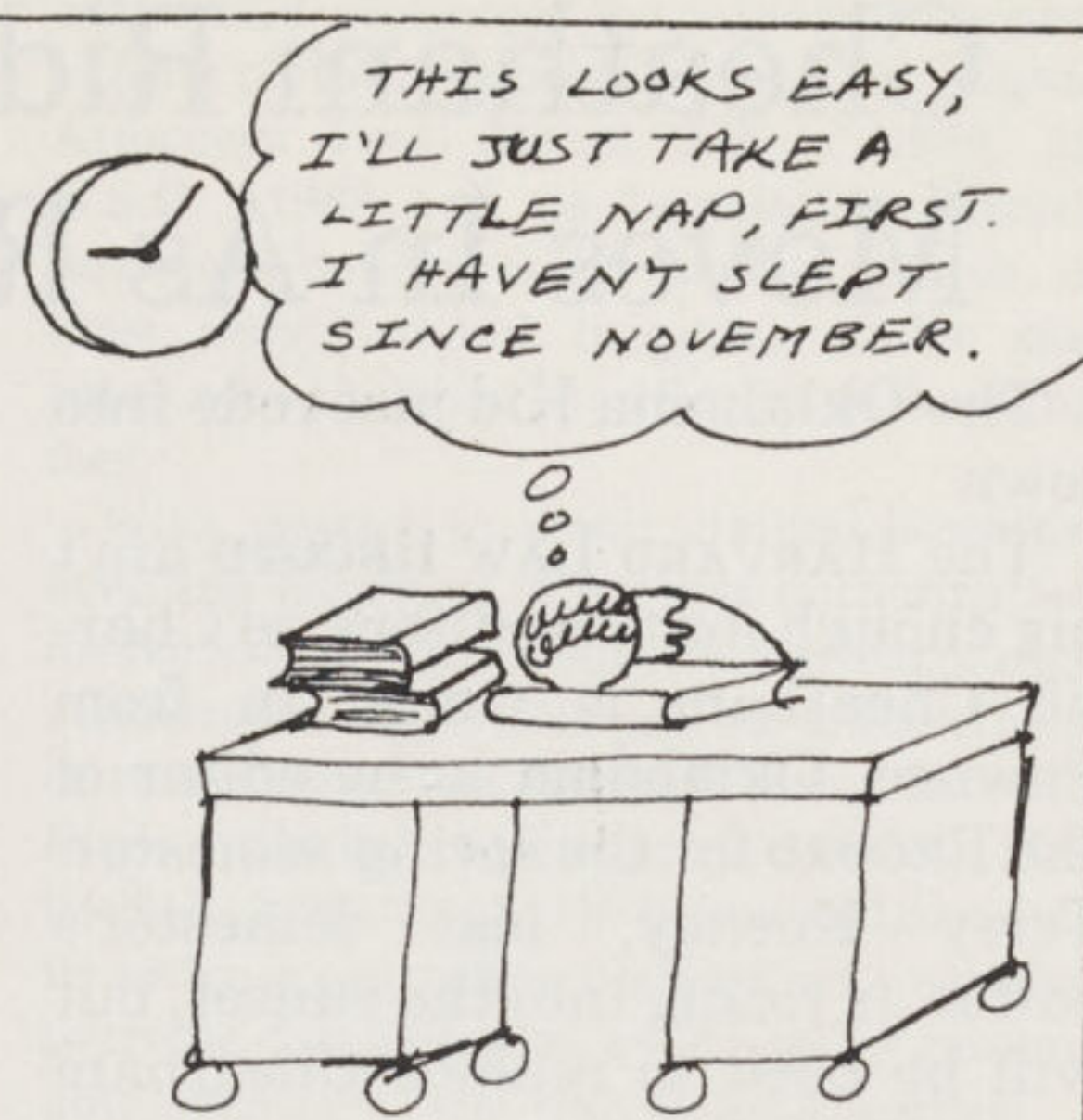
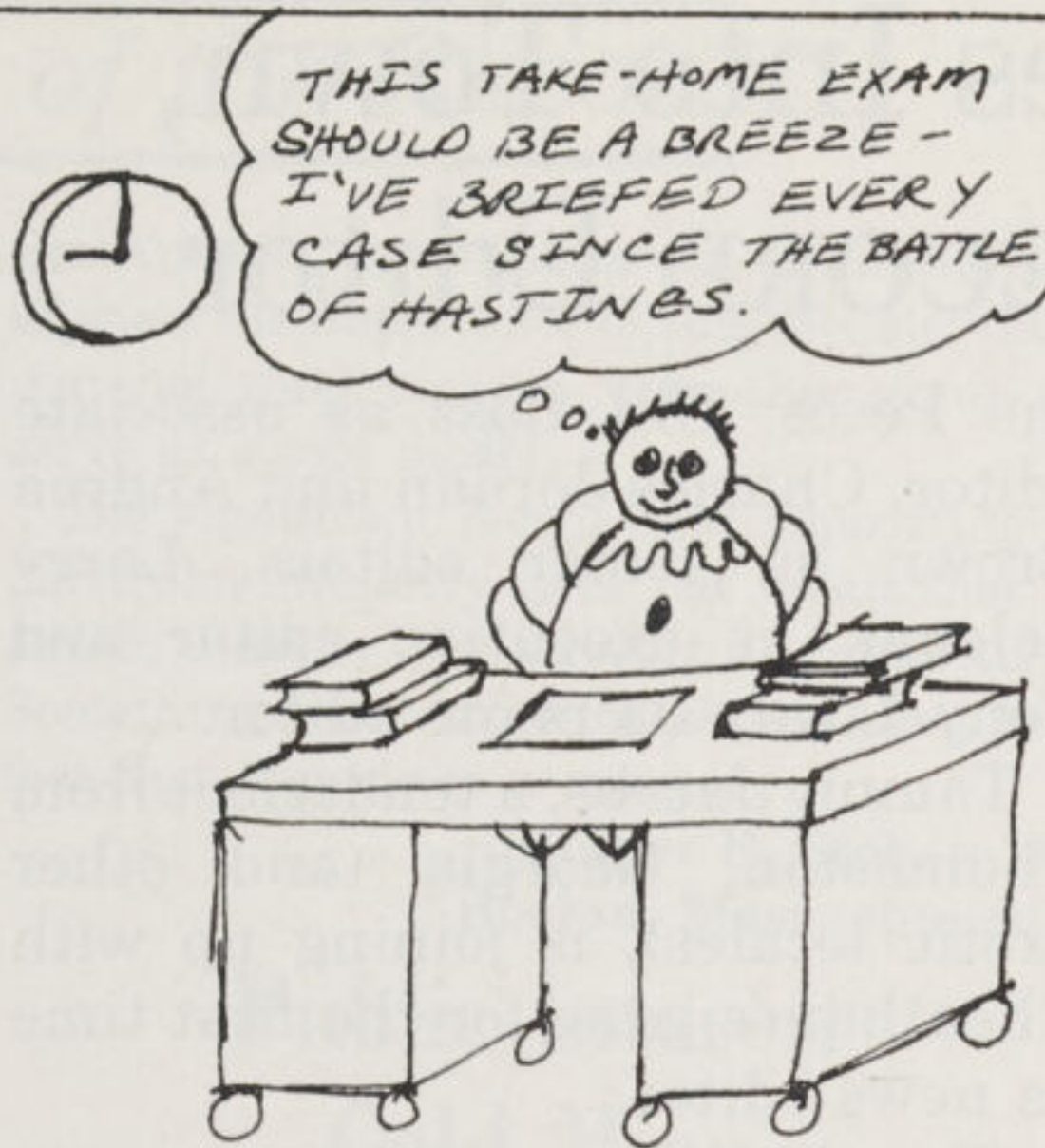
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Please contact:

Charles Cheatham, Editor
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Sports Answers

1. Geiges is the inventor of penalty signals.
2. The five events are: Riding, Fencing, Shooting, Swimming and Running. Such events are intended to simulate the mission of a military courier in the 19th century.
3. The present day Texas Rangers were the last team to jump cities having fled the confines of Washington, D.C. as the Senators.
4. Roosevelt (Rosie) Grier.

Solution to "Cryptic Law"

"... [A]n ex-husband whose former wife became a nun was denied termination of his [monthly] alimony payment. His argument that paying the money to the convent constituted his payment to a religious purpose in violation of his constitutional rights, did not persuade the Illinois Supreme Court to hear his appeal." *Lane v. Lane*, 35 Ill. App. 3d 276, 340 N.E.2d 705 (1975), *appeal denied*, 63 Ill.2d 552, *cert. denied* 97 S. Ct. 238 (1976), *squibbed in* H. KRAUSE, FAMILY LAW IN A NUTSHELL (1977).

HELP WANTED

Small publishing company requires services of second or third year law student for one to two months, part-time. Legal case analysis and writing skills essential.

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Cross-Country Skiing: Rx For the Law Student

By Larry Vilardo

The *Boston Globe* claims that it rivals tennis as our nation's fastest growing sport. *Sports Illustrated* featured it in a recent issue. And a first year student at Albany Law School says that it can be therapeutic for those who want to get away from their studies for a while.

Cross-country skiing is taking the country by storm. Known also as ski touring and Nordic skiing, the sport boasts a rapidly growing band of followers of all ages, shapes, sizes and degrees of athletic ability.

One such follower is Albany Law School's James T. Shed. A 1977 graduate of State University of New York at Albany, Shed has been a cross-country skiing enthusiast for a number of years, and is not surprised by the sport's recent popularity boom.

Super Sport

"It's easy, it's inexpensive and you can do it anywhere there's snow," Shed said. "I think it's a super sport."

The East Aurora, New York native has found another advantage to cross-country skiing, especially since the beginning of his days in law school.

"I think it's important for all students, and especially law students, to get away from their books for a while and to forget about studies completely," Shed noted. "Cross-country skiing provides an ideal opportunity for just that."

"Cross-country takes so much less concentration than downhill skiing," he continued. An experienced downhill skier, Shed says he prefers cross-country skiing to its more exciting counterpart. "It's far more relaxing and you don't have to wait in ski lift lines," he said.

Forget the World

Even those who have not been endowed with athletic talent find cross-country skiing pleasurable. "If you can walk, you can cross-

country ski," Shed claims. "And once you're on your way, you can forget about everything except the nature that's surrounding you."

Once each winter Shed takes a group of apprentice cross-country skiers to specially designed trails near Coudersport, Pennsylvania. "The place is actually called 'Potato City', and there is excellent cross-country as well as downhill skiing nearby," he said. "My uncle (Joseph Shed) has a cabin there."

Though he recommends such specially designed cross-country trails for the beginner, Shed notes that the sport can be done almost anywhere. "Parks, fields and even snow-covered city streets often provide good spots," he said.

The sport can be done almost anywhere. Parks, fields and even snow-covered city streets often provide good spots.

Doctor's Order

The greater Boston area provides many opportunities for cross-country skiers. Numerous clubs for cross-country skiers are located in the Boston area, and nearby are various resorts where one can rent skis and try his or her hand — and feet — at what might prove to be just what the doctor ordered for the overworked student.

One need not go all the way to Joe Shed's cabin in Potato City, Pennsylvania to enjoy cross-country skiing. One need not even go out of his own back yard to learn the sport. As one law student says, it's easy, it's enjoyable, and it's therapeutic.

And it just might be practical for getting around Cambridge, if last weekend's storm is any indication of what Old Man Winter has in store for the rest of the season.

4-1-4 Calendar Stirs Optimism For Next Year

(Continued from Page 8)

a three-week class would almost resemble a bar review course. There is the feeling that if we have people here for three years, we might as well take advantage of that fact."

Keeton also acknowledged that "there is an educational debate about whether total immersion is as good as allowing students time to percolate, to absorb material over a longer period of time. We won't know the answer for sure until we get some experience. There are distinct advantages to total immersion — I've seen it in the trial advocacy setting and I don't believe that those advantages are distinctive to trial advocacy."

Fresh Outlook

Bernardi noted that he personally favors 4-1-4. "On the whole, I think the advantages outweigh the disadvantages. I think that shaking up the calendar will give us a fresh outlook, providing new offerings in different settings."

Salton agreed with Bernardi that the faculty voted to support the plan because it was convinced of its educational advantages and was not merely trying to avoid returning to the Law School in August. Salton noted that if the faculty had only been interested in prolonging the summer vacation, it could have supported an alternate proposal, considered by the committee, to establish a 13-week fall semester and a 17-week spring semester. "The feeling was that such a plan forced all the tinkering with course length that 4-1-4 causes without providing any of the educational benefits of the 4-1-4."

Poll Support

Salton also noted that a spring poll showing strong student support for the 4-1-4 and overwhelm-

(Continued on Page 16)

Sacks Names Vorenberg As New Associate Dean

Prof. James Vorenberg has been named Associate Dean of the Law School with special duties of developing the curriculum and of long-range academic planning.

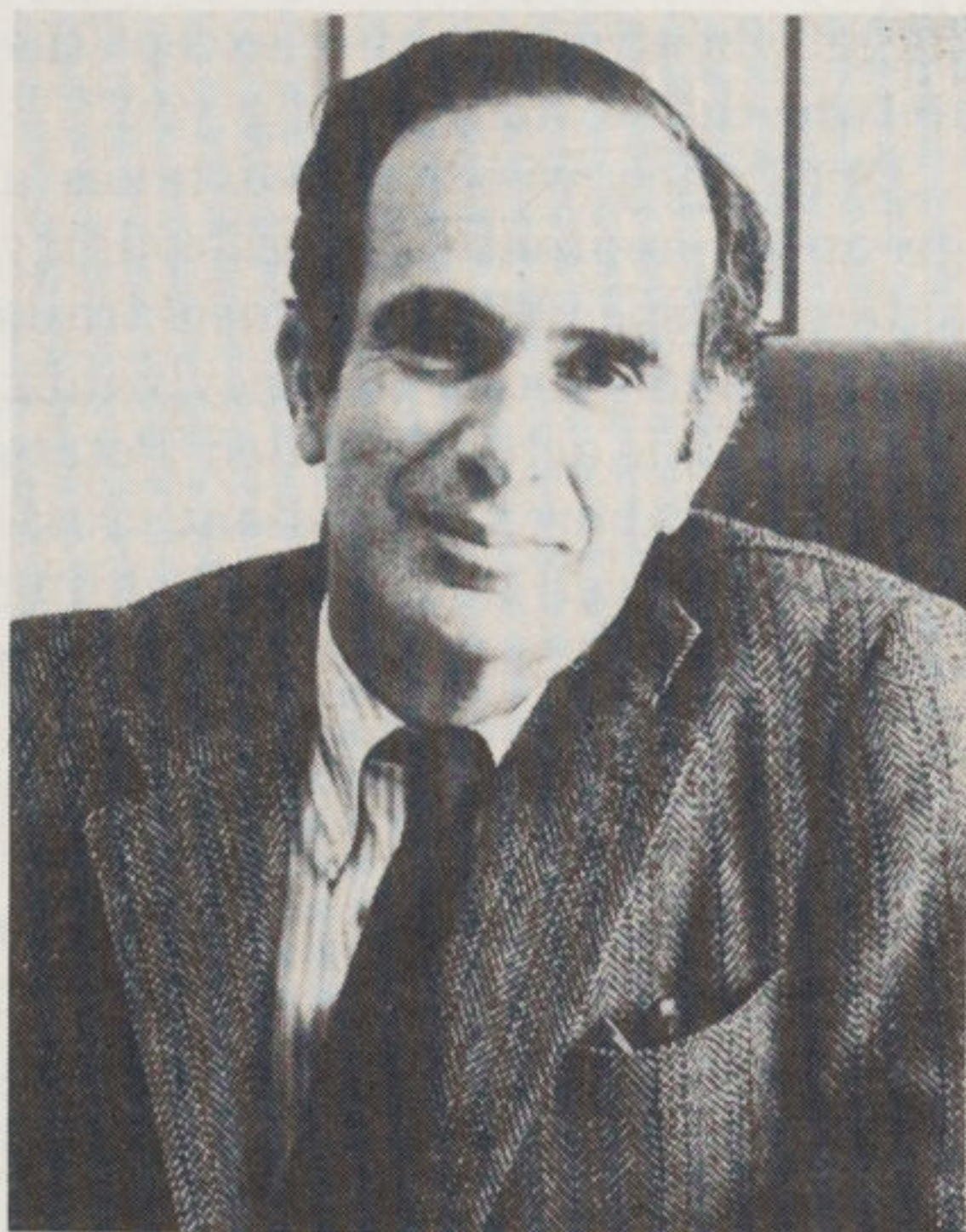
In a memorandum announcing the appointment last month, Dean Albert M. Sacks stated, "Mr. Vorenberg will work with Robert Keeton and me in developing the annual teaching program; he will assist in longer term planning relating to the curriculum and other aspects of the educational program; and he will help me with some of the administrative tasks of the School."

Vorenberg stressed that his new position will not involve him in the day-to-day administration of the school. He sees himself as more of a "catalyst" for faculty ideas on course improvement.

"My principal role will be to work with members of the faculty in different substantive areas to explore what our long-term needs are and what possible changes in curriculum might be," Vorenberg said.

Filling a Gap

Vorenberg's appointment fills a void in the administration of the Law School, given that the two existing associate deans are not directly concerned with curriculum planning in the J. D. program. Associate Dean Keeton recently has been working with the trial prac-



*New Associate Dean
James Vorenberg*

tice, advocacy and legal methods programs. Associate Dean Jerome A. Cohen is charged with directing the graduate program.

Vorenberg's immediate task will be to help finalize the curriculum for the winter term under the 4-1-4 calendar. Although he expressed some caution about assuming his new position, Vorenberg felt confident that cooperation with the faculty would bring successful results.

"I think that a great strength of the school is that on the educational program the faculty takes a joint responsibility," Vorenberg said.

4-1-4 Schedule

(Continued from Page 15)

ing support for scheduling exams before Christmas influenced the faculty but was not a decisive factor.

"There was not a feeling that this was an issue for which students would go to the wall," Salton said.

Salton said the major advantage of the poll was that it assured student representatives on the committee that their support of the 4-1-4 accurately reflected student opinion.

"When you're a student representative, there is always the fear that you are doing only what you want rather than what the students want."

O'Brien said that he at first wanted the committee to consider extending the new schedule to include 1L's but that he saw merit in the argument that December would be too early in the year for 1L's to take their first exams. "The consensus was that there's no way that 1L's could be prepared for exams in December."

Williams noted that the plan was not the result of "political compromise. Rather the feeling was that all is not well with legal education at Harvard and you just need something to improve it."

Thus far, "I'm very optimistic about the new plan," Keeton concluded. "It's falling together in a satisfactory way."

Law Notes

The Law School Library is currently featuring two new exhibits through March 5.

CHIMNEY SWEEPS — THEN AND NOW, an exhibit prepared by Erika S. Chadbourn, Curator of Manuscripts and Archives, is on view inside the basement entrance to the Law School Library. The exhibit includes illustrative material, trade cards, statutes, regulations, clippings, and books. It is based on two historical studies of chimney sweeps by George Lewis Phillips.

The second exhibit concerns the case *the Regents of the University of California v. Allan Bakke*. The *Bakke* exhibit was prepared by Zena Friedman, Reference Librarian, and is located near the Receptionist's Desk in Langdell Hall.

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