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TWENTY CENTS

Ginsburg Talk Highlights Celebration 25 Activities

By Jorie Roberts

Women are changing the legal profession as they enter the field in rapidly increasing numbers, Columbia Law Prof. Ruth Bader Ginsburg told Celebration 25 participants on Saturday. "Men need experience in working with women as equals within the legal profession." Ginsburg also presented continuing examples of problems which women face in the legal world while underscoring the advances which women have achieved in today's professional life.

Ginsburg began her presentation
(Continued on Page 4)



TL

Ruth Bader Ginsburg

Women in Political Office 'Honored and Lonely' Group

By Charles Johnson

Women running for public office must meet major issues head on to keep from being sidetracked by "women's issues," a five-member panel addressing a Celebration 25 audience agreed last week.

Kicking off a weekend of festivities celebrating the 25th anniversary of women in the law school, the panelists spoke on getting women elected before a predominantly female crowd of about 200 students and alumnae last Friday night.

Two state legislators on the panel, Elaine Noble of Massachusetts and Janet Reibman of

Pennsylvania, stressed the need for more women to get involved in politics as well as in other professional fields. But they agreed that women politicians should confront the same issues as their male counterparts.

"We want women to be able to do their own thing," said Reibman, Pennsylvania's only female state senator, but activist women can turn some people off.

"I don't duck the issues," said Noble, the controversial Massachusetts representative who is a Democratic candidate for Edward Brooke's U.S. Senate seat.

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Joel Seligman Leads Assault On the Citadel

by Larry Zelenak

After having spent two years working on *The High Citadel*, Joel Seligman, '74, believes his book may have a real effect in reforming the nature of legal education in America. Seligman, an assistant professor at Northeastern Law School, feels that traditional law schools cannot possibly supply the needed quantity and quality of public interest lawyers. The solution his book advocates is the creation of separate schools of public interest law. For example, he would like to see Harvard create a new public interest law school, while maintaining the traditional school as well.

The work which culminated in *The High Citadel* began in June 1975, when Mark Green, the Director of Ralph Nader's Corporate Accountability Research Group, hired Greg Smith, then a second-year Harvard law student, to prepare a preliminary report concerning Harvard Law School and American legal education. The report was completed in September 1975, and shortly thereafter Nader and Green asked Seligman to assume direction of the project.

Couldn't Have Done It Alone

During the project's first year much of the research, including most of the more than 400 interviews, was conducted by seven

(Continued on Page 2)

Citadel Asks Right Questions But Supplies Few Answers

By Tammy Jacobs

"Langdell is still running every law school in this country in a very real sense," says Joel Seligman. He thinks that's wrong, and he's written a book about it.

The High Citadel: The Influence of Harvard Law School, scheduled for publication April 28 (Houghton Mifflin Co., \$10.95), is the book Seligman wrote under the patronship of Ralph Nader, after coordinating a two-year study by a team of seven student researcher-interviewers.

The title seems to promise an investigation of Harvard's influence on the rest of the world. Seligman indicates the book's purpose is to criticize the Christopher Columbus Langdell case-study, Socratic-discussion method and to propose an alternative.

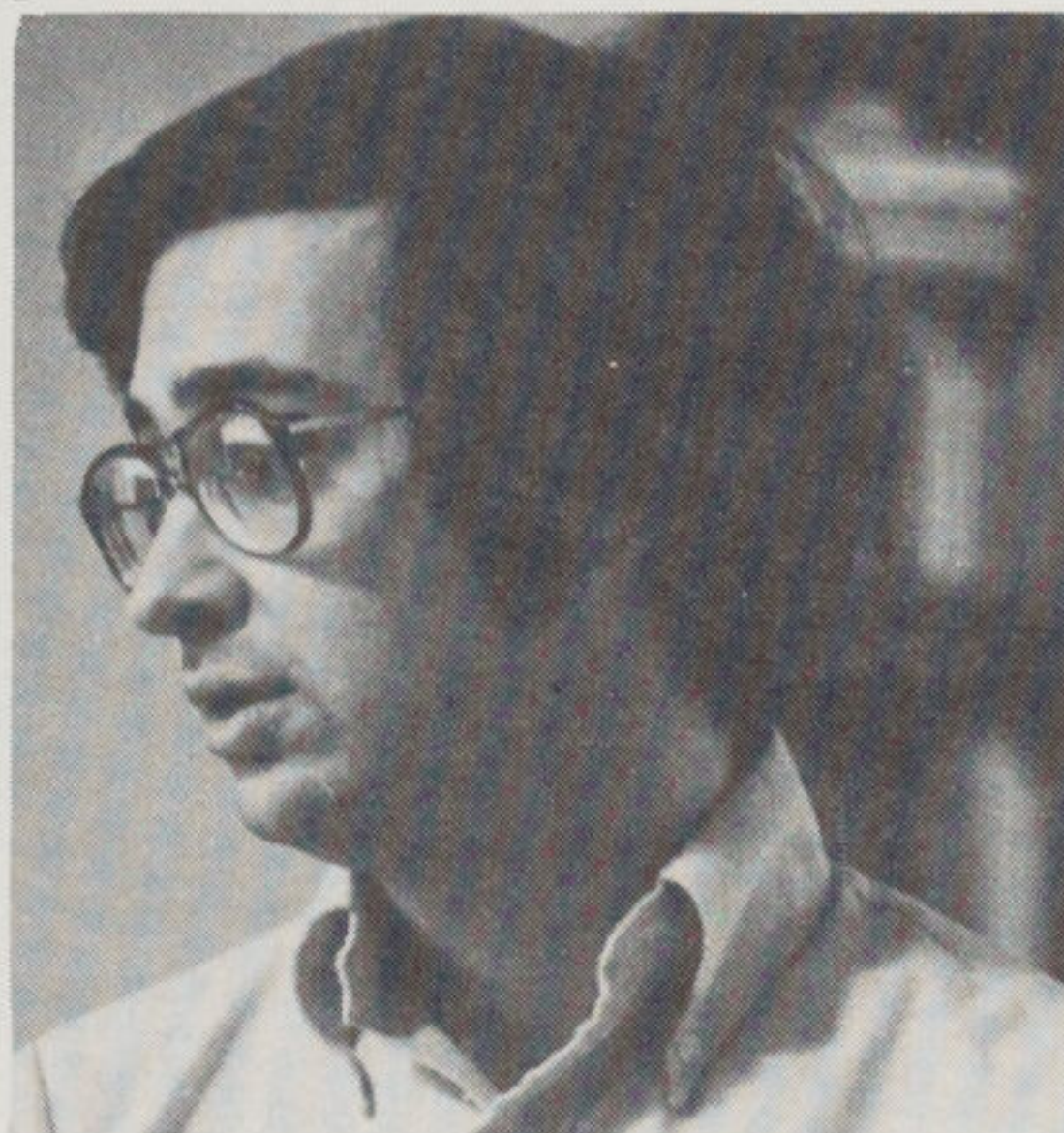
Promises are meant to be broken, and Seligman's book doesn't really live up to its title or to the stated purposes, exactly. That's not to say it's not worth reading. It is.

What the book does do is to present a critical history of the Law School, an even more critical look at HLS today, and a final chapter call-to-arms.

Seligman's solution is separate public-interest law schools, highly clinical, perhaps completely separate from a traditional law school, perhaps loosely attached. What is needed most, Seligman rightfully concludes, is money.

For those who want to know exactly who has adopted the Harvard model and why, or who from the High Citadel has influenced the cosmic state of affairs and how,

this book, despite the title, is not the answer. Seligman tells us what the Harvard model is, asserts that most American schools have emulated it, states that the vast majority of law firms have bought it; and we take him at his word, having no particular reason to doubt.



Joel Seligman

For those who want to explore an alternative, Seligman's final chapter proposes the outlines of a model, and speaks highly of the prospective public interest school of HLS Prof. Gary Bellow; but the nuts and bolts aren't there.

What is there is a careful, cogent, apparently well-researched look at HLS. There are also some valid criticisms about how this place works, who it produces for, and what it does to its students. The book offers a series of reasons why alternatives are needed, even if reasonable persons can differ as to whether Seligman's model is the answer.

There are no surprises, to be sure. Most people who have thought with any degree of seriousness about education at HLS

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Book Calls For Public Interest Law Schools

(Continued from Page 1)

Harvard law students: Lynne Bernabei, Elizabeth Bernstein, Gail Bowman, Bruce Howard, Roger Howard, Alan Jakimo, and Don Russell. "I'm very eager that people realize it isn't just my book," Seligman emphasizes. "There was no way I could have done it alone."

But despite Nader's funding and the contributions of the researchers, all the editorial judgments are Seligman's. "Nader didn't even read the book until it was time for him to write the introduction," Seligman says. "He left us completely free to outline the project and make editorial decisions. In fact, on a few points he disagrees with the ideas in the book."

The Harvard Law School project was perhaps the most subtle and difficult study any Nader group had ever undertaken. As Seligman pointed out, most of the institutions Nader has investigated have been comparative sitting ducks: "To criticize the FTC, for example, was no more difficult than walking around with your eyes open. But Harvard Law School is considered a success. If it should be changed, it's because of philosophical differences, and not because it's a failure at what it has set out to accomplish."

Because the Law School considers itself a success, the task of the researchers was made easier in one respect. Nobody refused any requests for interviews or documents; instead the faculty and administration were eager to talk about and defend their position.

A New Kind of School

"I was impressed with how much had been written before about the need for changes in law schools, with how little effect," Seligman recalls. "For 100 years leaders of the legal profession have exhorted

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Tuition To Jump \$450 Next Year

By Bill Ross

Inflation and special expenses have forced the Law School to increase its tuition by 12 percent — from \$3550 to \$4000 — for the 1978-79 academic year, according to Dean Albert M. Sacks.

"All academic institutions have had difficulty in keeping up with inflation," Sacks told the RECORD this week. "Faculty salaries, for example, are an acute example of this. We must keep tuition at a level which enables the school to meet its needs."

Sacks pointed out that tuition pays only two-thirds of the costs of education here and that the remainder comes from alumni donations. He noted that the alumni's tradition of giving has been a major factor in enabling Harvard to keep tuition levels substantially lower than those of other leading private law schools.

Stanford will have the highest law school tuition in the nation next year, charging \$5280. Tuition at Yale and Columbia will be \$4900, at Chicago \$4800.

Sacks noted that although he does not know how per capita giving among Harvard graduates compares to giving among alumni at other schools, Harvard has an older tradition of soliciting alumni support than do some other schools

and also that Harvard Law has worked particularly hard to encourage voluntary support.

"Our graduates have been quite generous in their support of the school," Sacks said. "They have done a great deal for it. For example, the expansion of the physical plant during the past decade could not have occurred without alumni contributions."

Sacks noted, however, that the first loyalty of alumni in making contributions is to their colleges. He said this probably is attributable largely to psychological factors. He stated that the Law School rarely receives large gifts from alumni, as do most colleges.

Annual alumni contributions have usually totalled about \$2 million in recent years.

Although the Harvard Corporation has not yet formally approved Sacks' proposed tuition increase, the Corporation usually approves the Dean's recommendation without substantial change.

"It is an aspect of the fiscal autonomy of each unit of the University that the recommendations of a dean carry a good deal of weight," Sacks said. "If they have any questions about our reasons, they will ask."

Sacks said he relies on "informal advice" in formulating his annual recommendation on tuition. "I go over the data and check with a va-

riety of people," Sacks said. He said that he also studies carefully any recommendations made by students during the previous year's recommendation. He said he hopes that the students will offer comments and suggestions about this year's tuition increase in order to help him evaluate it and formulate his plan for next year.

For the 1977-78 school year, the Law School will spend \$12,575,000, exclusive of government financed expenditures, according to Sacks. He said that the Law School will probably run a deficit of about \$50,000.



Cryptic Law

This week's excerpt will be of interest to those who have had a course in Contracts. Decode it. (Hint: each letter stands for a different letter of the alphabet.)

"Ika nwcabxyrwac Zb. Lawehzyw Gnzgat,
mdxxaxxdb dq Kab Zheaxit'x ikahiba hi
Gdwedw, hwc dq ika Yihgyhw Dmabh hi
Mhbyx, dq ika dwa mhbi, hwc Zhcaz-
dixagga Edkhww Phrwab, shwihibysa dq
ika Sdnbi dq Kyx Zheaxit ika Oywr dq
Mbnxxyh, pyik ika sdwxawi dq kab qhikab,
Zb. H. Phrwab, baxycywr hi Labgyw, dq ika
dikab mhbi, khja sdwsabiac hwc sdwsgnac
ika qdggdpywr sdwibhsi: — . . ."

(Solution on Page 14)

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Sex Bias Fades Slowly But Surely: Ginsburg

(Continued from Page 1)

with a recollection from her first year at Harvard. "I was a 1L in 1956-57; days of an entering class of nine women and hundreds of men. I doubt that anyone then had a sense that something was amiss in the sameness of our classmates, or wondered why women's numbers had actually decreased." When Ginsburg and several of her classmates did question the Dean about possible discrimination, he replied that, to the contrary, the Law School gave considerable weight to anything strange or unusual in the admissions process.

Were Women Lazy?

Ginsburg then went on to probe the reasons behind the continuing idea that there is something strange about women in the law. She questioned "Were women to blame for their exclusion because of laziness?" Ginsburg's subsequent remarks pointed, instead, to broader, tradition-based fears as shaping women's difficult entrance into the legal profession.

Until the 1920's, women were excluded from most law schools because, according to a maxim of the times, those who cannot vote or make laws have no business in the legal world. Later, in 1928, Columbia Law School reluctantly did decide to admit women, despite qualms that such a move would "drive outstanding male students to Harvard."

Since then, Ginsburg stressed, the entrance of women into the legal field has been a slow process, with rapid advancements only being made within the last decade. At Harvard, Ginsburg and other women students in the 1950's were "good humoredly" asked what they were doing by holding seats which could have gone to men, and women students were only allowed to talk in class at special "Ladies' Days."

In the early 1950's, no women taught law or held major clerkships. As late as 1967, in fact, women only comprised 4.5 percent

of the nation's law school population. However, Ginsburg said, by 1973 the number had risen to 16 percent and is presently nearing 28 percent. Moreover, from 1971 until 1976, 14 women were selected to clerk for the Supreme Court, while only a total of three women had had such an opportunity before then.

Women Bring Reforms

And the increasing numbers of women in law school have brought significant reforms. Scholarships formerly reserved for male students have been opened to women; hissing and complaints by women (and increasingly men too) students have discouraged law professors from constantly using "he," addressing the students as "gentlemen," and filling in the names of women to denote incompetent parties in hypothetical cases. Ginsburg cited one example in which women students at Rutgers, by constructively criticizing a comment in a test casebook which equated the high degree of litigation stemming from real estate brokerage cases with the high percentage of women working in that field, convinced the author to delete the unfounded assessment.

In a humorous anecdote, Ginsburg also demonstrated that women's increasing enrollment in law schools has had one negative consequence. Before 1970, a colleague of Ginsburg's at Columbia commented that his women students were "always prepared and had the right answer nine-tenths of the time," unlike his lazy male students. "Now," he recently lamented to Ginsburg, "there is no difference, the women aren't prepared either."

Prejudiced Comments

Finally, Ginsburg discussed several unique characteristics of the inter-relation of women and the law in the 1970's. She pointed out several negative encounters in the Supreme Court early in the 1970's, when Chief Justice Warren Burger

named women as "making the best secretaries," and Justice William Rehnquist called women "man's best friend but their own worst enemy." Ginsburg said she had not witnessed similar encounters in the federal courts since 1974, happily. Recent years have demonstrated, to Ginsburg, the development of a strong consciousness towards sex discrimination among some members of the Court. In 1976, Justice John Paul Stevens wrote that habit had made it acceptable to pigeonhole by sex, and that sex discrimination was controlled by the same inertia which had permitted segregation.

Ginsburg then stated her hope about the future policy of the Supreme Court; that it will "take pregnancy, abortion, and gender-based discrimination and treat them as part of a larger sex-equality issue instead of relegating these issues to separate pigeon holes, as has been done in the past."

Ginsburg then underscored some positive signs, such as the frequency with which women now argue before the Supreme Court. Changes have come, too, in the traditional practices of big firms. Rogers and Wells now forbids any firm events to be held in clubs where women are not allowed, and some firms put pressure on any clubs to which the partners belong to admit women. Woman lawyers had brought Title 7 class actions against Rogers and Wells, in 1976, and Sullivan and Cromwell, in 1977, to force the firms to admit qualified women to partnership.

Ginsburg closed by reading the reflections of a woman lawyer in 1900, which essentially express the importance of the legal profession for women, today and then. "The legal professions" the early lawyer mused, "gives to women autonomy and that sweet sense of independence, which once known is not easily relinquished."

In discussing the inter-relations of women and the law during the

(Continued on Next Page)

Women Twice As Qualified

(Continued from Page 1)

Most of the women who have been elected to political office around the country ran on bread and butter issues, said another panelist, Audrey Sheppard, but they are still strong feminists.

One Issue Voters

"There are very few people who vote on one issue of any kind," said Sheppard, who heads her own political and communications consulting firm in Washington, D.C., and who has conducted studies on women's involvement in politics.

But female politicians still can have a dramatic effect on important issues which affect women, the panelists agreed.

Noble cited abortion as the most volatile political issue now affecting the rights of women. "Very few men or women want to take a strong stand on it," she said.

Women advocating freedom of choice in abortions have faced powerful and vocal opposition from right-to-lifers, according to Sheppard, and the financial strength of abortion opponents undermines the work of those advocating it.

"There is one issue that all women have in common, and that is the fact that they are women running for political office," said Nadine Strossen, '75, a Minneapolis attorney and chairman of the Hennepin County chapter of the National Women's Political Caucus.

Gender An Asset

Far from being a liability, women now can use their sex for political leverage in her liberal district, she said.

Women in politics still face years of cultural bias, however.

Noble said her early years in the Massachusetts House were marked by subtle and express criticism from her male colleagues, but that has begun to change.

There are now 17 women in the house, and they have formed a women's caucus which spans ex-

tremely divergent political views, she continued. The women in the house are twice as qualified as the men and have to work twice as hard to stay there, she added.

Although Reibman was first elected to the Pennsylvania House in 1955, she said she has seen few changes in the number or influence of women. She is the only woman now in the Pennsylvania Senate, and there are only nine women in the state's 253-member house, compared with 13 when she was first elected.

"I think that 'honored and lonely' summarize the American woman in political office," she said.

There are about 30,000 women serving in elected office, Reibman added, but that's only 5 per cent of the total, and most of those serve on school boards in unpaid positions.

"As long as we are excluded from leadership, we are then excluded from real political power," Reibman said.

Fewer Women Vote

Reibman also cited the image problem women have in getting elected. While men have a tendency to vote for men, women do not have a corresponding tendency to vote for women, she said. Besides, fewer women than men actually vote.

Reibman, a lawyer, said the increase in the number of women lawyers may be a harbinger of increased participation by women in politics. "The law is a great background for politics," she added.

Noble kept the discussion alive with quips about her male colleagues and good-natured pleas for campaign contributions.

She said she used to teach phonetics to students who were going to teach deaf and handicapped children. "I must say my background in teaching people with special needs has come in handy in speaking with some of my colleagues," she said.

Ginsburg Talk Keynotes "25"

(Continued from Page 4)

years before and after Harvard Law School's enlightenment, Ginsburg was reviewing a changing world in which she had been a first-hand participant. Ginsburg attended HLS from 1956 until 1958, and then transferred to Columbia, graduating in 1959. In 1963 she began teaching at Rutgers University's law school and became a professor of law at Columbia in 1972. As director of the Women's Rights Project of the American Civil Liberties Union, Ginsburg has successfully argued eight sex discrimination cases before the U.S. Supreme Court.

Ginsburg was introduced at Saturday's keynote session by Sheila Kuehl, chair of Celebration 25, who also sketched the two years of preparation for the "giant party." Dean Albert M. Sacks then welcomed Ginsburg and the participants, but wished that he was "welcoming everyone to Celebration 125 instead." Sacks revealed that in 1910, Harvard Law School lost an opportunity to lead "when the faculty of nine defeated Dean Ames' proposal that women students be admitted." However, Sacks rejoiced that "women are here now and having an impact, so that the legal profession is being transformed for the better."



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Rolling Acceptances for Job Offers

By Howard Zaharoff

Harvard Law School is considering a new job-acceptance procedure which would give students six extra weeks to make a final decision on their preferred job offer. On April 13, ten students showed up to voice their concerns about this proposal to Deans Albert M. Sacks and Alfred Daniels.

The proposal contains the following provisions: Until December 15 a student could hold no more than two job offers from any one city (with a grace period of ten days to decide on any new offer). From Dec. 15 to Feb. 1 (or perhaps Feb. 15 — the date isn't definite yet) a student could keep only one offer outstanding. On Feb. 1 students would have to make a final decision about their outstanding offer.

One exception to the general plan involves students who, prior to Oct. 1, receive an offer from their summer employer. Such students, knowing full well what their employers were like, would have to decide by Nov. 15, unless they negotiate an extension with the employer.

The proponents of this revised

procedure claim it has a number of advantages. First, by requiring students to keep no more than two offers from any city, it prevents students from unduly "collecting" offers. Typically during job hunting season "first tier" students, those whom employers view as most desirable, get numerous offers. By forcing them to retain only two per city, more offers should pass more quickly to second and third tier students, giving them greater opportunities and security.

Six More Weeks

Secondly, by extending the final deadline to Feb. 1 students will have six additional weeks for their first preference employers to come through with offers. The possibility is facilitated by the Dec. 15 deadline, which forces students holding several offers to relinquish all but one. And of course, during these six additional weeks government or public interest jobs might also become available.

Finally, by giving students until February to make their final decision, some pressure is taken off the mid-December decisions. This will be particularly important next year, since under the 4-1-4 plan the fall examination period will begin in mid-December.

Student Concerns

The students at the meeting voiced a number of worries and

doubts about the proposal. One concern involved the question of how many students will feel capable of making the important decisions called for by Dec. 15. The answer to this, basically, is that most students will have the information they need to make up their minds prior to the December deadline, so no student need wait until the examination crush to start deciding. Students who don't have that information, because they haven't visited the employer now expressing interest, probably don't have offers yet, either.

In other words, as Daniels explained, students typically do not receive firm offers from employers unless they have actually visited the firm and met with some of its members. Under the old system, students had to make final decisions by Dec. 15, which means they had to fly out to firms during the fall, wreaking havoc with their fifth semester. Under the new system, students will have to make important decisions by Dec. 15, but they will also be able to visit interested firms after Dec. 15 (perhaps during winter vacation). In short, the new procedure would have built-in momentum, with offers rolling in and acceptances and rejections rolling out from the start of placement season; but it would also let students visit firms and make important final decisions after December — at least until Feb. 1.

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SPORTS QUIZ

1. In the 1951 "shot-heard-round-the-world" playoff game, the Dodger manager had just removed the starting pitcher for the unsuccessful reliever Ralph Branca. Who was the manager and starting pitcher in Bobby Thompson's favorite game?
2. In 1968, Dancer's Image finished first in the Kentucky Derby but was disqualified for "running while under the influence". What horse had the last "horse laugh" at Dancer's Image's expense by being promoted from the second place finish to the winner's circle?
3. A baseball game on April 11, 1912 between Columbus and Kansas City tied a record for number of balls used. How many balls were used in the game during which 15 runs were scored and 28 hits were recorded?
4. During the 1940's, the New York Rangers yielded 15 goals to Toronto without changing their goaltender. Who was the "puck-shocked" victim of Toronto's scoring rampage?
5. What player holds the Major League Baseball Record as "the oldest rookie?"

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Students Funding Student Fellowships

By Pat Hanifin

Student Funded Fellowships' third annual fund drive climaxed this week with a telephone campaign designed to ask every student for a contribution. As of Wednesday, a total of \$14,660 had been pledged.

Last year 376 students pledged almost \$13,000 and contributed more than \$10,500, according to Tobey Oxholm, one of SFF's directors. Sixteen fellowships were awarded.

The basic idea of SFF is that students working in well-paid summer jobs in private law firms would pledge at least \$25 of their earn-

ings to help support students doing public interest or legal services work which pays less than \$125 per week. Grants are given out first to those who will have the lowest total income from jobs and other sources such as work-study programs.

Oxholm noted that less than 25 percent of the student body donated during the previous two years. "This is discouraging," Oxholm said. "For the vast majority of students \$25 is an insignificant amount, but it is very significant for SFF." He stressed the community values of a program which is based on "students helping students."

Grants have already been promised to five 2L's who needed to be sure of funding before they made their employment decision last fall. These grants will be paid for with money pledged in the current drive. SFF hopes to hand out more fellowships. In the past years "SFF has had to turn away many fully qualified applicants because of a shortage of funds. We are hoping this year will be different," Oxholm said.

Alumni may contribute by writing to SFF in care of the Board of Student Advisors' office. Gifts are tax deductible.

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Law and Lawyers in Medieval England, Thorne

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Welcome to New York, John Harvard. Have You Considered Joining The Harvard Club Of New York City?



On Friday, April 21, members of the Admissions and Membership Committees of The Harvard Club of New York City will be in Cambridge at the Program for Management Development lounge of Mellon Hall at the Business School and at the Hasty Pudding Club at 12 Holyoke Street between 11:00 A.M. and 5:30 P.M. to make it easy and convenient for Faculty, University Officers and graduates to become a member of the Club.

Candidates for membership will be proposed, seconded and interviewed in one step. Requirements for supporting letters, etc., are waived for this event. Information about the Club will be available and Committee Members will try to answer any questions you may have concerning membership.

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Brochures describing the Club in detail are available at the A.H.A. office in Wadsworth House, at the desk in the Faculty Club and in the Business School Faculty Club.

DATE: Friday, April 21, 1978

PLACES: PMD Lounge, Mellon Hall
Business School
and Hasty Pudding Club
12 Holyoke Steet

TIME: 11:00 A.M. to 5:30 P.M. (No appointment necessary)

Harvard Club of New York City

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Panel Presents the "How To's" Of Starting Your Own Firm

By Howard Zaharoff

Starting a private law firm is no picnic, but it can be very personally rewarding, four panelists told about three dozen audience members in a presentation last week.

Joan Racklin; Edward Selig, '63; Robert Glass, '66; and Ansel Chaplin, '59, gave autobiographical talks, interspersed with tips, warnings and advice. The panel was moderated by Asst. Dean Alfred C. W. Daniels.

Racklin did volunteer prison legal assistance work while a student at Suffolk Law School, in addition to working for a health law firm and at the Department of Human Services. Upon graduation she remained with the firm, but found herself deluged with calls for legal assistance from prisoners. She referred the calls to a friend, and eventually the friend convinced her that there was plenty of work to support the two of them. With the backing of her firm and at the urging of her friend, the two formed a partnership.

That was a year and four months ago. Today they have their own offices, a third partner, two associates, and a paralegal. They provide a wide range of legal services for institutionalized (i.e. hospitalized and imprisoned) clients, frequently the indigent. And she's doing exactly what she wants: she took thirteen weeks of vacation her first year, makes her own hours, is currently involved with Harvard's School of Public Health, and contends, "No \$25,000-a-year job could replace the way I've structured my life."

Moving from the Firms

Selig realized that a large firm was not for him after spending his first year-and-a-half out of law school working on one case for Washington, D.C. law firm Covington and Burling. He left for the government, returned to Harvard to work for its Council on

Law-Related Studies, found himself studying and advising on environmental law, then moved to his attic to operate on his own as a legal consultant.

Finally, another lawyer convinced him to start a firm. Today they have a three-partner firm, specializing in environmental law and with a primarily government clientele. They have offices on Beacon Hill and enjoy what they're doing, said Selig, though they earn much less than they would in a large law firm.

Glass had been a graduate student in classical philology until he switched to law, hoping to escape living in a library. After seven years spent clerking, prosecuting, and advising the Boston Police Department, he joined a Boston firm. He might still be there today if not for a minor, but important, disagreement: He wanted to do a cross-country bike trip, but he was allowed only one month's vacation.

He made the trip in 29 days. But this minor clash, coupled with a general annoyance at the way large firms do things, cast the die. "I realized I could run a better firm and have more independence," he says. So, 11 years out of law school, with no clients, he and a friend began a firm. And he loves it.

The last speaker, Chaplin, clerked for the Supreme Judicial Court, then spent 14 years at an established Boston firm before he was tempted to try to make it on his own. He had the support of a

working wife, but still expected to fall flat on his face. To his surprise and pleasure, after four years he's a partner in what is now a six-partner, five-associate operation.

Steps before the Plunge

From the discussion came some advice on the planning process for would-be private practitioners:

- Make sure you learn the ropes of legal practice. Experiences during school may be helpful, though it's likely that closely-supervised work experience will matter most.

- It's better to have some capital, though the amount needn't be large. You can always begin in your own home, but this may mean infringements on your privacy. And even here you may need some money to sustain you until things start rolling.

- Although it's nice to begin with one or two big clients, at least you should have contacts who are willing to send you clientele.

- Finally, if you've worked for a well-to-do firm and have developed expensive habits and tastes, be prepared to cut back.

Starting Your Firm

There were also hints for those who are actually starting a law firm:

- Be clear about work and financial arrangements. Will partners draw identical salaries, or will there be complete decentralization, except for certain overhead and expense sharing? Perhaps salaries should reflect time put in, clients brought, speak-

(Continued on Page 16)



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Alumni Giving

HLS tuition in 1978-79 will increase to \$4000. In this rather gloomy picture, we sometimes overlook a positive factor: annual alumni gifts now total roughly \$1.8 million. Dividing that amount by the 1800 students at HLS quickly demonstrates that the alumni are subsidizing our legal education by \$1000 per student, per year.

Alumni fund solicitation materials usually do not speak in terms of a tuition subsidy. They mention particular projects for which money might be spent. But the bottom line is that every dollar received from the alumni is a dollar that HLS does not have to raise somewhere else — primarily, through tuition.

If the pattern of tuition hikes — an 11% average annual increase over the past four years — continues into the future, by 1982-83 the tuition will be \$6060. We are deeply concerned that a very large number of students may not be able to attend HLS because of the financial hardship.

The Classes of 1976 and 1977 voted to boycott HLS. They are refusing to contribute any money until such time as the Law School makes broad-based changes in its overall policies. We agree that certain changes are badly needed, but this sort of flat refusal leaves no possible ground for compromise.

The members of these two classes cannot ignore the benefit that they received, as students, from alumni giving. If these former students believe as a general proposition that students should have the opportunity to attend HLS regardless of financial background, they as alumni should contribute to the Law School in order to help moderate the size of future tuition increases.

The Classes of 1976 and 1977 could pursue several options that would not violate the spirit of the boycott. They could support the Student Funded Fellowships program, which is independent of the Law School. They could also contribute directly to HLS but *earmark* their gifts for specific programs consistent with their goals — for example, financial aid, which will become increasingly important as tuition goes up.

If members of the Class of 1978 are concerned about the problem of tuition increases, we hope they can adopt an intermediate approach more constructive than the total boycott of giving that the two preceding graduating classes imposed.



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Fenno

(Ed. Note: The following does not take place in the early 1940's in a small French colony on the north coast of Africa. This is the first of two parts.)

From Los Angeles, Berkeley, and San Francisco on the West Coast; from the Midwest; from Dallas, Houston, and Atlanta in the South; across the Rockies and the Continental Divide, through plains and swamps, past the Appalachians; they have come to Cambridge — to Harvard — from which they hope to reach the high-paying jobs in New York, Washington, Chicago, and under the golden sun of California. To Harvard they have come for success and happiness. But mostly they wait. And wait. And wait.

Two 3L's were walking on the Law School campus, discussing what seemed to be the only thing on any 3L's mind: getting out of Cambridge.

"Did you hear the news, Sam? A courier transporting Professor Unger's collected lecture notes was waylaid and the notes were stolen. The word is that they will be sold to the highest bidder."

"Are you kidding, Louise? Those notes will bring a fortune. There's no other way to make any sense out of that class, and a lot of 3L's need to pass in order to graduate, myself included."

"Well, if anyone in Cambridge knows where those notes are," Louise said, "it's Fenno. Let's go talk with him."

With that, she made an unexpected turn and walked into a building with a sign on it which read, "Fenno's Cafe Americain."

"You know, I don't think I've ever been here before," Sam said.

"Really?" said Louise. "Everybody comes to Fenno's."

Inside, Fenno sat at an empty table. In front of him was a large bottle of coke and a single shot glass. He looked up through squinted eyes.

"We'll always have Paris," said Fenno significantly.

"Er, excuse me, Fenno," Sam said, "but we haven't come to talk about international law."

Louise interrupted, "Unger's lecture notes. Where are they and could you get them for us?"

Fenno bared his teeth. "I stick my neck out for no one," he growled.

"But Fenno," pleaded Sam, "I need those notes to pass, and I need to pass in order to graduate."

"Of all the courses in all the law schools in all the world, you had to sign up for his," said Fenno ruefully. "You knew what you were getting."

(To be continued next week.)

Letters to the Editor of the RECORD

Possible LSAT Bias?

To the Editor:

Howard Zaharoff's article in your March 3d issue raises the question of possible bias of the LSAT against blacks. Isn't this issue easy to resolve? How does the correlation of LSAT scores to first year grades of blacks at HLS compare to the same correlation for whites? It would be very interesting to get this data which should not be too hard to put together.

Max Singer, '56
Chevy Chase, Maryland

Perspective and Cynicism

To the Editor:

With my tenth reunion only a few weeks away, Jay Darby's reflections on the "secret" Choate Club have prompted some observations of my own regarding Harvard Law School in 1968 and Harvard Law School today. When "Deep Choate" '69 decided to blow the whistle on his confederates he was touching a nerve in the larger body politic as well. The issue seemed to some of us at the time to be one small part of the growing "campus revolution" which grew and receded with the Vietnam War and which, in April of 1968 at least, was passing the Law School by. In April 1968, Johnson, Humphrey, Bundy, et al were the chief apologists for a war which appeared to be the creation of the same "liberal" establishment which the Law School so vigorously serviced. At the same time that undergraduates were preventing the Dow Chemical Co. recruiter from easy access to prospective recruits, in an attempt to confront whatever University war-participation could be ferreted out, Professor Bator was speaking out on the rights of an elite group of students and faculty to secretly hobnob.

In reading Jay Darby's article, I am struck by his humor and maturity. To make such arch observations of the Harvard Law School scene requires real detachment, the hallmark of a good reporter. It is obvious that he has not abandoned all compassion for the "preppies" huddled in their secret society against the cruelties of a world gone haywire. Darby has a healthy perspective which derives, no doubt, from his understanding that what happens among a handful of faculty and students at Harvard Law School is really not very important. Contrast, e.g. my righteously indignant letter to the "Crimson" of April 30, 1968. With the ozone layer being destroyed by Right-Guard deodorant cans, the polar ice caps melting and 26 nations in possession of nuclear weapons, who cares which students are chosen to sneak off to lunch with Paul Bator?

The year 1968 was a passionate year, full of issues and turmoil; and I am sure that much of the passion of the times came from our belief that we *could* somehow effect change and that what happened at the Law School *was* important. The worldly-wisdom of the 1978 generation puts things in perspective, but the question is really one of cynicism. What does it mean for all of us if this generation of lawyers understands so much more than my generation ever did, but doesn't believe that anything can really be changed?

Roger A. Lowenstein, '68
Newark, New Jersey

To Each His Own

To the Editor:

The March 10, 1978 issue of the RECORD (which gets to Decatur, Illinois about a month later) contained a disapproving article about "secret societies" at the law school by Jay Darby. I knew nothing of such while I was a student, and based on what Mr. Darby says the qualifications for membership are, I have always been outside the rather narrow channels from which new members by "invitation only" are drawn. The Darby article recalls the "exposé" from about 1968, when these "secret societies" were first publicly noted and criticized in somewhat the same vein that Mr. Darby applies. My "so-what" feeling then has stayed with me. If people wish to associate with one another because they went to Prep

School together, or come from well-to-do families, or are coreligionists, or share an ethnic origin, etc., and they can draw in any faculty members to add some additional distinction to their groupings, they are merely actively exercising the right of association. The exercise of that right should be so commonplace and accepted as to draw no comment whatever, either critical or approving.

We are all subject in some degree to stereotyped thinking, and one of the main ways it manifests itself is in a felt desire to associate more closely with those who have shared some common experience in the past. Harvard lawyers are fairly scarce in my neck of the woods, but if I chance to meet one at a gathering, my interest in talking with him immediately becomes more animated, and I think I note the same feeling on the part of my fellow Harvardites. If either of us is then overcome by feelings of smugness, vis-à-vis our less favored brethren, why we have the sense to keep it to ourselves in that private part of our persons we reserve for special ego trips.

Tolerance is a frame of mind which manifests itself in bold as well as very subtle ways. I observe that the more self-assured one imagines oneself to be, the more tolerant and, significantly, intolerant, one feels free to be and openly to show.

Mr. Darby finds an ethical question in the membership in such "secret societies" by faculty members. I see no such question. Association, like taste, is not a matter for dispute. *Chacun à son goût* or *Chacun tire de son côté*.

John E. Fick '65
Decatur, Illinois

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Ladies' Day Was Fun

To the Editor:

Your March 10 coverage of Celebration 25 inspires me to reminisce a bit, and possibly in the process to tone down the "Ladies' Day" legend.

Twelve women entered the law school in September 1958 and were among the 513 members of the class who stayed around long enough to take the final exams. Two of us were among the 25 who "made" Law Review, and two were among the 25 who flunked out. (One of the latter resumed the study of law elsewhere and is now, I think, practicing in California.) One married a third-year student and did her second year of law school at Penn while her husband clerked and her third year at Columbia when he went to Wall Street. Two quit in the second year because they found they hated law school, and another went into a combined law/far eastern studies program to come out a year late with both an LL.B. and an M.A. So six of the twelve graduated from Harvard in 1961.

So far as I know, "Ladies' Day" was the exclusive property of W. Barton Leach, who taught two sections of Property I. Leach was a clown at heart, which had its advantages in perking up the course. *E.g.*, the hour he spent recounting in great detail the Battle of Leyte Gulf, with emphasis on the failure of communication that occurred when Admiral Nimitz used the word "shall" as a present imperative and Admiral Halsey took it as a future indicative. Moral: Eschew ambiguity.

But back to "Ladies' Day." At the beginning of the year Leach announced, tongue in cheek (at least I took it that way), that he considered it improper for the "young gentlemen" to argue with the "young ladies," so he would call on the latter only on two preannounced "Ladies' Days." The first of these involved a rather stupid case, tenancies by the entirety or some such "appropriate" subject, and was routine except that he called principally (not exclusively) on the four women in the class.

The spring edition of "Ladies' Day" was, however, memorable. I got a mysterious anonymous note requesting that I present myself in Dean Livingston Hall's office at a specified hour. When I got there, I learned that Dean Hall was out of town. Puzzlement, and a vague odor of rat. So I took the note literally and marched into Hall's office. There was Bart Leach, grinning like the Cheshire cat, and my roommate who was in his other Property section. He handed out scripts, which called for us to turn the tables on him, ask him questions, and take him to task for less-than-

perfect answers in classic One-L fashion. He demanded (and got) sworn secrecy, except for one male stooge, to be selected by us, for whom there were a few lines in the script.

On this occasion he *did* seat us at the front of the classroom. The charade went beautifully, to the amusement of most of the class (and the discomfort of a few of my friends who expected to see him take my head off at the knees). It went so well, in fact, that many class members didn't realize it had been staged by Leach himself, so I came out of it with an unearned reputation for unparalleledchutzpah.

It is not true, incidentally, that we were not allowed to speak except on Ladies' Day; we were free to volunteer our pearls of wisdom, and he occasionally called on us in the course of discussion, though not to "state the case."

In my second and third years, those of us who had lived through Ladies' Day held briefing sessions for the women in Leach's sections with the hope that they would be so incredibly well prepared that he would get bored with the whole idea and drop it. I don't know whether it worked.

Clearly, the Law School was a very different experience for the handful of women students in those days than for the majority. But it wasn't all bad. We certainly did not suffer from the anonymity that many of our male counterparts resented. We were probably overmotivated, on averages, just to be there, since the Law School made no effort to recruit us (interviewers went to see seniors at Harvard, Yale, Princeton — but never Wellesley, Vassar, Smith). So we got better than average grades, as a group. So far as jobs were concerned, there were still firms that openly declined to hire women lawyers — but there were others that wanted to demonstrate their broadmindedness by hiring a token woman or two, and what better than one from Harvard? Quite possibly, half the faculty and student body resented our presence — but the place was big enough that they didn't really matter. So we gritted our teeth each time someone told us the "talking dog" joke (Why is a woman lawyer like a talking dog? It doesn't talk very well, but it's remarkable that it can do it at all.) and went about our business.

I have good feelings about my law school experience, overall. But there was something other-worldly about it, and the changes that have taken place in the past 20 years are undoubtedly good for the women students, for the whole law school community, for the legal profession, and for society.

Elise B. Heinz, '61
Arlington, Virginia

Seligman Hopes Book Will Spur Education Reform

(Continued from Page 2)

law schools to be more concerned about legal ethics, legal services for the poor, and so on, with little success. It's better to go out and create a new kind of law school, rather than just keep on exhorting the old ones to change."

Seligman explains that the book was focused on Harvard because that's where the currently prevalent model of American legal education was developed. He also pointed out that it will be difficult for other law schools to change unless Harvard sets an example. "The Harvard system has had tremendous influence on law school accreditation requirements and the designing of bar exams. Professors feel tremendously insecure when they deviate from how things are done at Harvard and a few other major schools. It isn't realistic to expect them to change until Harvard does."

No Miracles Expected

No one involved in the project that led to the publication of *The High Citadel* expects any miraculous changes as a result of the book. But Seligman notes that if 20 years from now even ten percent of the nation's law schools emphasize public interest law, it will be a huge improvement over the current situation. He is optimistic that such schools will develop, because of the rapidly increasing demand for public interest lawyers.

Even if nothing else comes out of the project, Seligman believes it has helped to make him a better law professor. "In terms of teaching, it's helped me unbelievably," he remarks. "Reading over the hundreds of interviews the researchers conducted, especially the interviews with students, was tremendously valuable in reminding me how law school looks to students. I'm much more sensitive to my students' concerns because of the book."



No Hoarding by 'First Tier' Students

(Continued from Page 6)

A second issue bothering some students involved professional couples: how can a law student be expected to choose one offer in one city if, by Dec. 15, the student doesn't know where his or her spouse will get offers? Both deans agreed this could be a problem, though in some cases it will have to be unsolvable — after all, even by Feb. 15 some spouses may not have received any offers, and law schools aren't going to force firms to keep their offers open beyond that date.

Still a partial solution may be possible. Sacks would like to revise the proposed revisions to allow students, or at least those facing such dilemmas, the option of holding one offer from two or three cities between Dec. 15 and Feb. 1. Even if this isn't adopted, said the Dean, students with such problems might be allowed to negotiate deadline extensions with a few firms.

Enforcement Problems

A third concern of students was how this proposal could be enforced. How could the Law School ensure that the "first tier" or others wouldn't hoard job offers? One possibility, the deans noted, would be for employers to register their offers with the placement office. However, apparently employers are reluctant to do that.

So instead proponents of the plan may simply view obedience to it as a "professional responsibility." Students who violate the rules and are discovered would be held liable.

For example, they might be denied use of placement services.

There are other minor aspects of the plan, and some details remain to be worked out. Furthermore, Harvard is not alone in considering the proposal, but has been consulting with a number of other schools, signatories to an agreement spon-

sored by the Committee on Problems Concerning the Recruitment of New Lawyers of the New York City Bar. Nevertheless, it appears fairly certain that the proposal will soon become the law of the land at Harvard.

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4. Ken McAuley
5. Satchel Paige — Paige was known to be over 40, but what his exact age was, is anyone's guess.



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Going Solo

(Continued from Page 9)

ing engagements, and the like, Racklin suggests.

- Start with a good accounting system. It's probably wise for you or your partner to be familiar with accounting.

- Also, you had better enjoy, or be prepared to tolerate, administrative tasks. In fact, says Glass, you or your partner had better have a flair for them.

- As most of the speakers stressed, it's crucial that you have good back-office support: competent secretaries and good legal assistants.

- You may want to engender good will, and start bringing in clients, by doing a lot for a little at first.

Finally, as Chaplin noted, you should remember that being a good lawyer is like being a good cobbler. Once you've mastered the craft, "You should never starve and never fear going out on your own."



Citadel: Raising Right Questions

(Continued from Page 2)

(and, by inference, in American law schools in general), have pondered the questions raised by the book: Why do students come in as idealists and go out as Wall Street corporate machine cogs? Why, if clinical programs centered around poverty law are so popular, do students take them, then head for any career *but* poverty law? Why, when HLS has been home base for some of the most innovative and progressive individual minds in the field, does the school still live by a century-old teaching model? Why, if this is the 20th Century and Harvard opposes Bakke, are there so few women and minority faculty members?

Nothing brand new. But sometimes, it's good to have the questions raised again, to remind us that there are serious, crucial questions to be asked.

Also, the book is fascinating to those on the inside. Perhaps it's ego, but for those with an interest in legal education, whether law students, faculty, members of the

bench and bar, the book draws like a mirror.

There's good stuff in here: A portrait of former Dean Erwin Griswold as the man who could have made the changes but didn't; a not-unkind description of now-Dean Albert Sacks' willing-to-experiment approach (he'll make room for new courses and programs, but the basic structure remains the same); a true-to-life peek inside a Clark Byse contracts classroom; the truth about admissions (at least the 1975 version of truth). The information and anecdotes that flesh out the critique add a dimension to an insider's understanding and draw a good picture — without the *Paper Chase*, *One-L* dramatics — for the outsider.

Seligman isn't overly ambitious for his book. In an interview, he noted that he wants to spark lawyers and educators to discussion and consideration of alternatives to traditional legal education; and he hopes he can also reach part of "the mythical creature called the informed public" in order to let outsiders see his view of how crucial to society the need for change is.

The book should do what Seligman asks of it. It doesn't trace the "influence" of HLS; and it doesn't give all the answers to the problems it raises. But to anyone who cares, or has reason to care, about how the legal leaders of tomorrow are formed, the view of — and from — the High Citadel is too important to overlook.



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