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TWENTY-FIVE CENTS

Journal Issues Slashed By Sacks

By Erich Merrill

As one of his last acts before leaving the Law School, former Dean Albert Sacks cut by a third the number of issues which three of the school's law journals publish yearly. Dean Sacks cited consistent publishing delays and declining quality as reasons for his decision to cut an issue from each of the journals, which are heavily subsidized by

Law School funds. Reactions from the journals ranged from disappointed acceptance to confused surprise.

Strain on Students

Sacks telephoned the editors of the International Law Journal (ILJ), the Civil Rights-Civil Liberties Law Review (CRCL), and the Journal on Legislation in June to tell them that they would be publishing only

two issues per year in the future. In a June 30 letter to Brad Behrman, editor-in-chief of the Journal on Legislation, Sacks stated, "It is clear to me that the Journal on Legislation will be much improved as a functioning periodical if it regularly puts out no more than two issues per year..." The letter cited strain on students which had "impaired the quality of the product in the journals" as a major reason for the elimination of an issue.

"The decision didn't rest on any single thing," said Sacks in a telephone interview on Tuesday. "It was really a combination of considerations." Sacks reiterated that one reason was the problems the journals have had in getting issues published on time. "The journals have been chronically behind. I think they've all had some problem with this, and the problem goes back a number of years for some of them." He said that delay causes problems not only for authors who are anxious to have their articles published, but also for students who have to do extra work to get the journals back on schedule. Sacks felt that this extra work load often interfered with preparation of third-year papers and studying for exams. Asked if he had received any complaints from students on which to base this conclusion, he replied, "Well, I could make my own judgments."

New FISL Regs— Liberal for a While

By John Morris

The Federal Department of Education last week published the regulations which determine the availability of federally insured student loans (FISLs), and they appear to be much less restrictive than financial aid officials had expected. While the RECORD's story on the FISLs was at press last week, the *Boston Globe* published a report that the new rules would allow students with family incomes exceeding \$100,000 to receive the loans in cases where the cost of their schooling was particularly high, as at the Ivy League schools.

At press time this week, the issue of the Federal Register with the regulations had not made its way into the HLS libraries, so Law School officials knew no details of the new formula for computing students' needs.



J.M.

Assistant Dean Russell Simpson

May Not Help

The apparent liberality of the formula may not benefit students substantially, however, because the
(Continued on Page 11)

Goal of Completion

By switching to two issues per year, the editorial boards of the
(Continued on Page 14)

Some Employers Frown on Practice,

By Laura A. Taylor

In recent years, "splitting" of summers by law students has been fairly common. During the summer of 1981, however, the number of HLS students electing to divide their summer work experiences among two or more firms seems to have been unusually large. HLS Placement Director N. June Thompson, while noting that her office has not traditionally kept statistics on the number of students who split their summers in any given year, observed that "there seemed to be more people" splitting this year than in previous years.

Both 2Ls and 3Ls elected to take the multi-firm route this past summer, despite the fact that many employers had sought to discourage the practice in the past. "Some employers think that it's pretty difficult in [a short] period of time to get anything accomplished," said Thompson. "It's not terribly popular with the employers. It is with the students," she added.

The split summers ranged from the more common two-firm experience to several job/several city arrangements. The proliferation of firm branch offices has introduced a new feature to the split summer: a student may work in several cities while employed by a single firm.

"Everyone Should Try N.Y."

Don Tringali, 3L, a native of the Los Angeles area, worked for Skadden, Arps in New York for six weeks, and then spent another six weeks at Rosenfeld, Meyer & Susman in Los Angeles. "I'd worked in L.A. last year and I had never spent any time in New York. I wanted to try New York because I think everyone should try New York," he said, smiling.

Tringali found his employers "very accommodating." He enjoyed his summer experiences, and noted that "one of the reasons I liked it was because I found that after five or six weeks at a place you want to move on. . . . You kind of get

antsy and it looks more like a permanent thing when you get into your eighth or ninth week. It was kind of a mid-summer perk-up."

He does not think that his perceptions of either firm would have been different had he spent the entire summer with one firm. "I think so much of one's perception of a firm . . . is really a kind of gut reaction." He added that "all of the tangible factors," such as the personnel makeup of a firm, "can change" by the time a former summer associate returns as a permanent associate. A six week stay, he said, is sufficient to develop a "feeling" for a firm.

Tringali noted that, having split his summer, he will find it more difficult to make a decision as to where to work after graduation. "In my particular case it will probably [be] harder because [splitting] opened up an opportunity to me that I would not have explored had I not split," he said.

N.Y. and Seattle

Chriss Alexander, 3L, spent six weeks at Lord, Day & Lord in New York, and seven weeks at Karr, Tuttle in Seattle. "I wanted to look at both cities. I guess I wanted to look at New York because New York is sort of a big challenge," she explained. "For a lawyer, New York is the ultimate challenge of stamina and determination," she added. Alexander chose Seattle for the second half of her summer because, she said, "I always wanted to live in Seattle, even though I'd never been there."

The New York firm, she noted, "had obviously [dealt with split summers] before. They tried to get as many weeks out of me as they could." She "negotiated them down

to six," she added. Karr, Tuttle, on the other hand, had never had a summer associate for only half the summer, and was only willing to allow Alexander to split if she "gave them seven weeks."

Alexander "enjoyed both halves" of her summer. "I am leaning toward one," she added, "though I haven't given my answer to either." She felt that the period of time she spent with each firm was sufficient, but only because she was familiar with law firm work, having clerked the previous summer. During the summer after her first year, she asserted, she "was still wet behind the ears after six weeks."

Alexander did not feel that she had a sufficient opportunity to form friendships with the other summer associates at either firm: "I got to know the summer associates, but I didn't get to know them very well. In a sense, it was always on an acquaintance basis. I felt that I was a visitor all summer." The permanent associates at both firms, she noted, were willing to share their feelings about the firms. "Even though I was only there for six or seven weeks," she said, "the associates told me about any possible 'bad vibes,' and all the gossip, so that if there was a bad side to the firm, I saw it."

Higher Paranoia Level

Alexander "really would encourage" other students to go the split-summer route. Her recommendation is not, however, without reservations. "If this was their first summer, or they had not had a legal research and writing job before, I'd be less encouraging," she said. "There's more pressure on every project when you split, to make

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But Students Enjoy Split Summers

(Continued from Previous Page) sure it comes out well." The "paranoia level," she asserted, is higher "unless you have some level of confidence."

Jay Mann, 3L, worked at Woodward, Hall & Primm in Houston and Ivans, Phillips & Barker in Washington, D.C. last summer. He, too, was "interested in both cities" as possible locations for permanent employment.

Mann encountered no difficulties in arranging his summer employ-

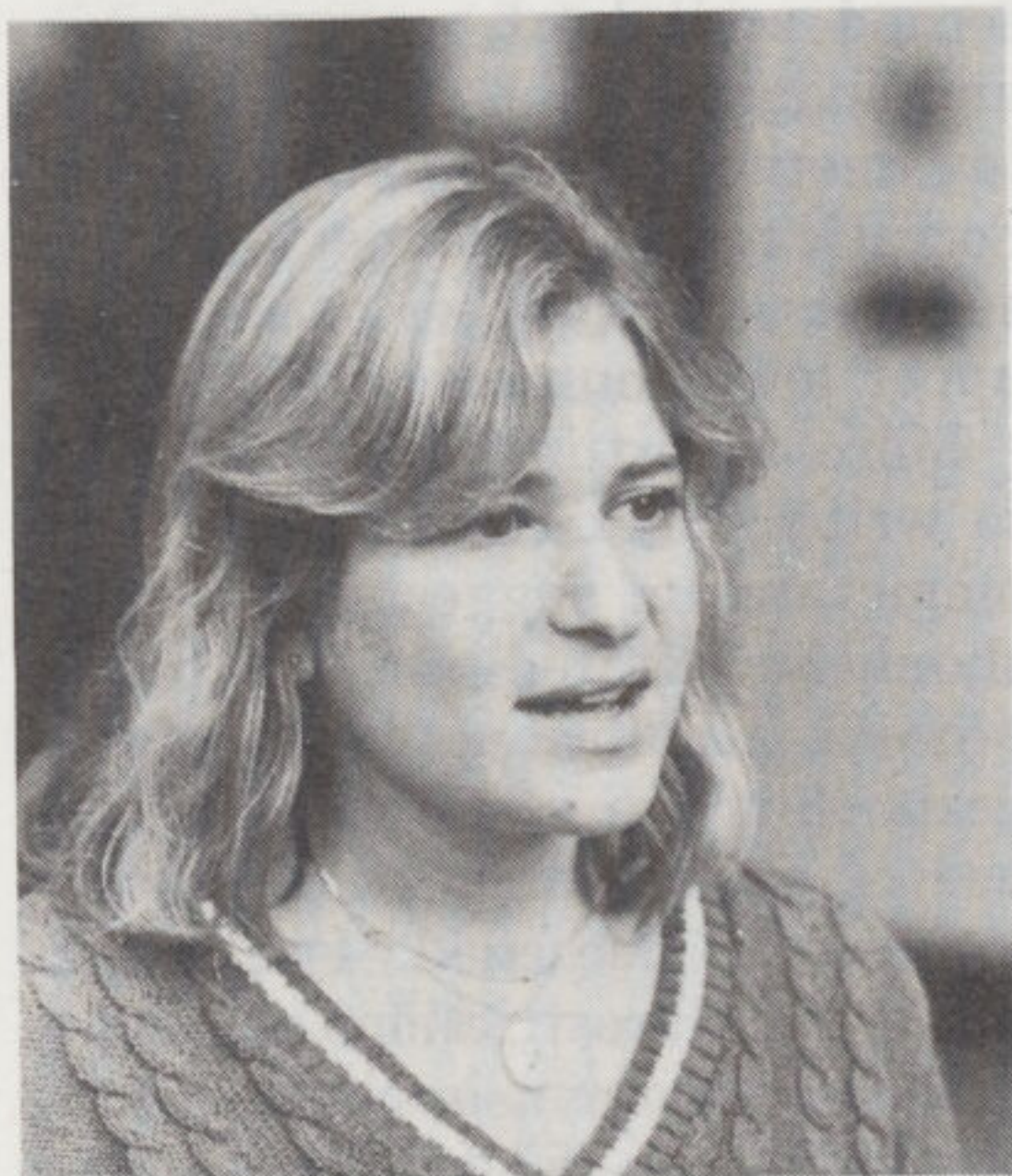


Photo by John Morris

Carole Fern, 2L

ment. "In Houston they do nothing but split summers," he asserted. "All the major law firms do that and appear to prefer it," he continued. Mann's employer in Washington was a relatively small firm; it "was also very receptive" to a split summer arrangement.

"I had a great time in both cities," he said. He does not feel that spending half the summer in each firm colored his perceptions of either. "I think you can learn in six weeks as much as you will learn in 10 or 12 weeks" at a firm, he observed. He feels, though, that his job decision this December will be harder. "I've seen two firms that I've liked," Mann said.

Mann would encourage other students to split their summers. He did, however, add "one caveat: The only problem with working for a place for just six weeks is that if you get trapped into having one lengthy assignment, or a series of

lengthy assignments, you won't get to see as many attorneys." A summer associate who works for a firm for only half the summer, he added, will "have to be a little more aggressive about working for a variety of people."

Private, Then Public

Carole Fern, 2L, decided to try two different types of legal practice for the summer following her first year of law school. She worked for Gordon, Feinblatt in Baltimore for the first half of the summer, and for Bet Tzedek Legal Services in Los Angeles for the second half.

She decided to do a private sector/public sector split because, Fern said, "I wanted to see L.A. and I knew I'd mostly be doing research for the firm, and I actually wanted client contact and to write motions." While working for Legal Services, she noted, she argued Social Security cases in administrative court, did a great deal of landlord-tenant work, interviewed clients and wrote motions. "Legal Services was wonderful," she said.

Fern "enjoyed the first half of the summer because I learned a lot and got to see [what Baltimore firm practice] was like." The opportunity to "compare the two experiences," she said, "was really worthwhile." Fern stated that she would "absolutely" recommend splitting to other students, and added that she intends to split her summer next year.

Greg Martin, 3L, who is from Arkansas, divided his time this past summer between Skadden, Arps in New York and King & Spaulding in Atlanta. "I had to get back to the South a little bit," he explained. He decided to split his summer because "I wanted to see more than one city. I've not had any definite preferences for cities." He added, laughing, that another argument for splitting is that "there is only so much that you can screw up in six weeks."

Martin recommends the practice, but suggests that students contemplating split summers "have to re-

alize that you're there for only half the summer, so you have to make a concerted effort to meet as many people as you can." Martin added that "I didn't feel there was any problem as long as I got around and made myself as visible as possible to everyone else."

Lifestyle Comparison

McCutchen, Doyle in San Francisco and Sullivan & Cromwell in New York were the choices of Nathan Fagre, 3L. "I had never spent any time in either city. I guess I really couldn't decide which city I was more interested in having a look at. I also thought it would give me a comparison of two legal lifestyles," Fagre explained.

"I liked both firms very much. It was good for me just to see both of these different cities," said Fagre, "I think it will help me decide later on," he said.

Fagre thinks, however, that his perceptions of his work experiences would have been different had he changed the order in which he split. "It's very difficult to go into a new firm and city in the second half of the summer with the same enthusiasm for meeting people and seeing the people," he asserted. He felt, Fagre said, that he entered the "tail end" of the Sullivan summer program. "I felt it was harder to get into it. I sort of missed out on what they had planned for the summer people. I always felt like the new person in a firm," he stated.

Fagre would not split a summer again. "I would just choose one or the other," he said, "and spend a reasonable period of time, like nine or ten weeks, and just accept the fact that you have to make choices in life and turn down some experiences."

Six Weeks: "Long Enough"

Cheryl Hoffman, 3L, divided her time last summer among two firms in three cities. She worked for offices of Gibson, Dunn & Crutcher in Los Angeles and Newport Beach,

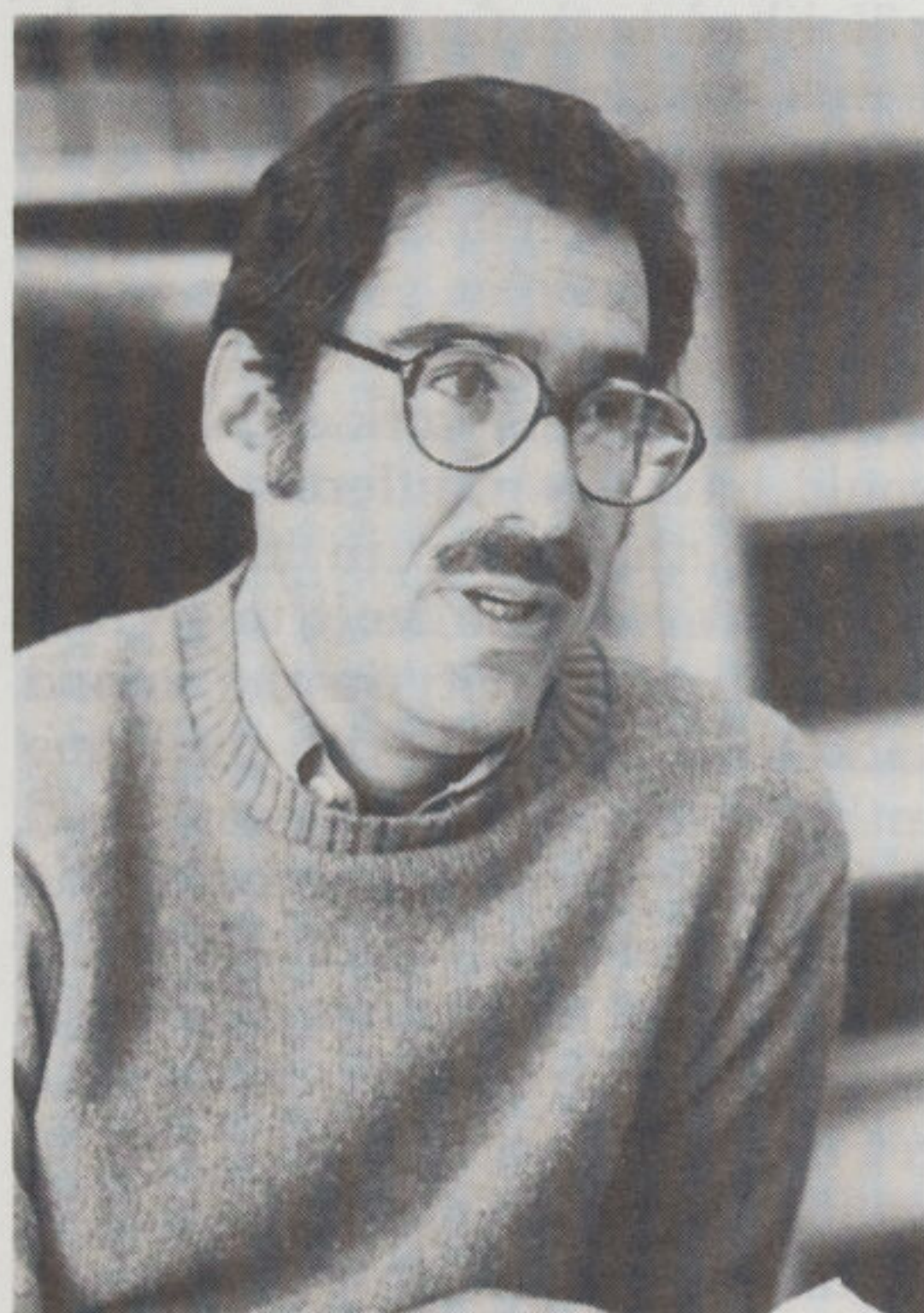
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Michelman Committee Puts Pass-Fail On

By John Morris

The pass-fail grading proposal advocated by the Michelman Committee last spring is unlikely to receive faculty approval, and the Committee is focusing its effort on other reforms at the Law School.

The Committee, formally known as the Committee on Educational Planning and Development, advanced the pass-fail proposal in a report in the spring which was debated by the faculty as a whole in May. Under the plan, first-year students would be graded on a pass-fail basis for their first term. After the report was discussed at two faculty meetings, the faculty voted 20 to 7 to recommit the report. Seven members abstained.



J.M.

Prof. Frank Michelman

Associate Dean Stephen Bernardi, secretary of the Law School, said that it was his sense that the faculty opposed the proposal.

According to Prof. Frank Michelman, who chairs the Committee, the pass-fail provision will not be given priority by the Committee this fall. "I don't think of it as the central or the most important of the matters that the Committee will want to take up with the faculty," he said Monday. "It would be inconsistent with the prevailing sentiments expressed in those votes

for the Committee to treat some modified pass-fail proposal as a top priority item. . . . [So] the Committee ought to proceed with other aspects of its charge."

Michelman would not, however, rule out the possibility that some modified pass-fail proposal might appear in the Committee's final reports, although he would not speculate on what form it might take. Last year, the Committee discussed the possibility of using a pass-fail system for the entire first year, but this proposal was defeated by a vote within the Committee itself.

Committee to Wind Up

The Michelman Committee was originally slated to complete its task of recommending comprehensive reforms in the Law School curriculum last year. Michelman now wants to complete the Committee's work this fall or winter, so that the complete faculty will be able to discuss and deliberate on the proposals this year.

A number of topics must still be addressed by the Committee. When the faculty recommitted the pass-fail proposal, it also expressed support for the Committee's proposal to increase feed-back to first-year students. The faculty did not, however, endorse the Committee's plans for a system of teaching assistants who would comment on exams and mid-term exam exercises. The Committee will draw up new proposals for facilitating feed-back.

Other topics under discussion by the Michelman subcommittees are:

- the role of clinical and field work in the curriculum;
- alternative classroom teaching methods, including the use of business school-type cases with lengthy fact situations;
- the use of course sequences; and
- programmed instruction techniques for individualized, self-paced instruction.

The 12-credit research seminars and small first-year sections, which originated from committee proposals, are due for evaluation. In addition, the idea of founding a pro-

gram on the legal profession will be explored.

The issue of teaching methods was addressed in a memorandum prepared by Prof. David Shapiro. The report was the product of a subcommittee of the Michelman Committee. The subcommittee addressed the problem of "the lack of sufficient interest in, and attention to, the classroom learning experience in the second and third years." The memorandum discusses student and faculty complaints about second and third year programs, and suggests that different teaching methods be encouraged. The Socratic method, the memorandum suggests, may be less necessary in upper level courses.

More opportunities for students to write should be developed, the memorandum suggests, and these should be factored into the grading process. In addition, the report suggests that the restrictions on the use of classroom participation in grading be loosened. It suggests removing all restrictions on the use of that component in classes under 50. In classes of over 50 students, the portion of the grade given on the basis of participation could not alter a grade by more than one grade category. At the present time, class participation can be considered only in classes with fewer than 50 students, and then only to adjust grades upward.

A Full Agenda

Along with the possibility of sequenced courses which allow students to specialize to some degree, Michelman said that there will have to be discussion of the possible implementation of "breadth requirements" to ensure that students do not focus their studies too narrowly. Even if sequenced courses are not adopted, Michelman said, the issue should be addressed.

Ways in which the "grade base can be expanded or enriched" such as those suggested by Shapiro, are also likely to receive the Committee's attention. Michelman also ex-

(Continued on Next Page)

Back Burner

(Continued from Previous Page)

pects further discussions of the need for emphasis on writing in the curriculum.

"There's been a lot of talk and thought on these topics," he said. "What remains is the question of what kind of final package it all comes in. [For instance,] do we submit a package with a proposition about what the aims of the school ought to be and how the proposals relate to them?"

Michelman said that he and some other faculty members planned to discuss the development of an alternative first year program, but that the idea is only at the earliest stages of discussion.

Committee Intact

The Committee continues with essentially the same membership as last year. Dean Vorenberg no longer sits on it, but Karen Falkenstein and Nancy Wiegers, both of the class of '81, receive all of the subcommittee reports. Both want to stay involved. In view of the importance of bringing the Committee's work to a close, Michelman said, the committee has decided not to substitute new members at this point.



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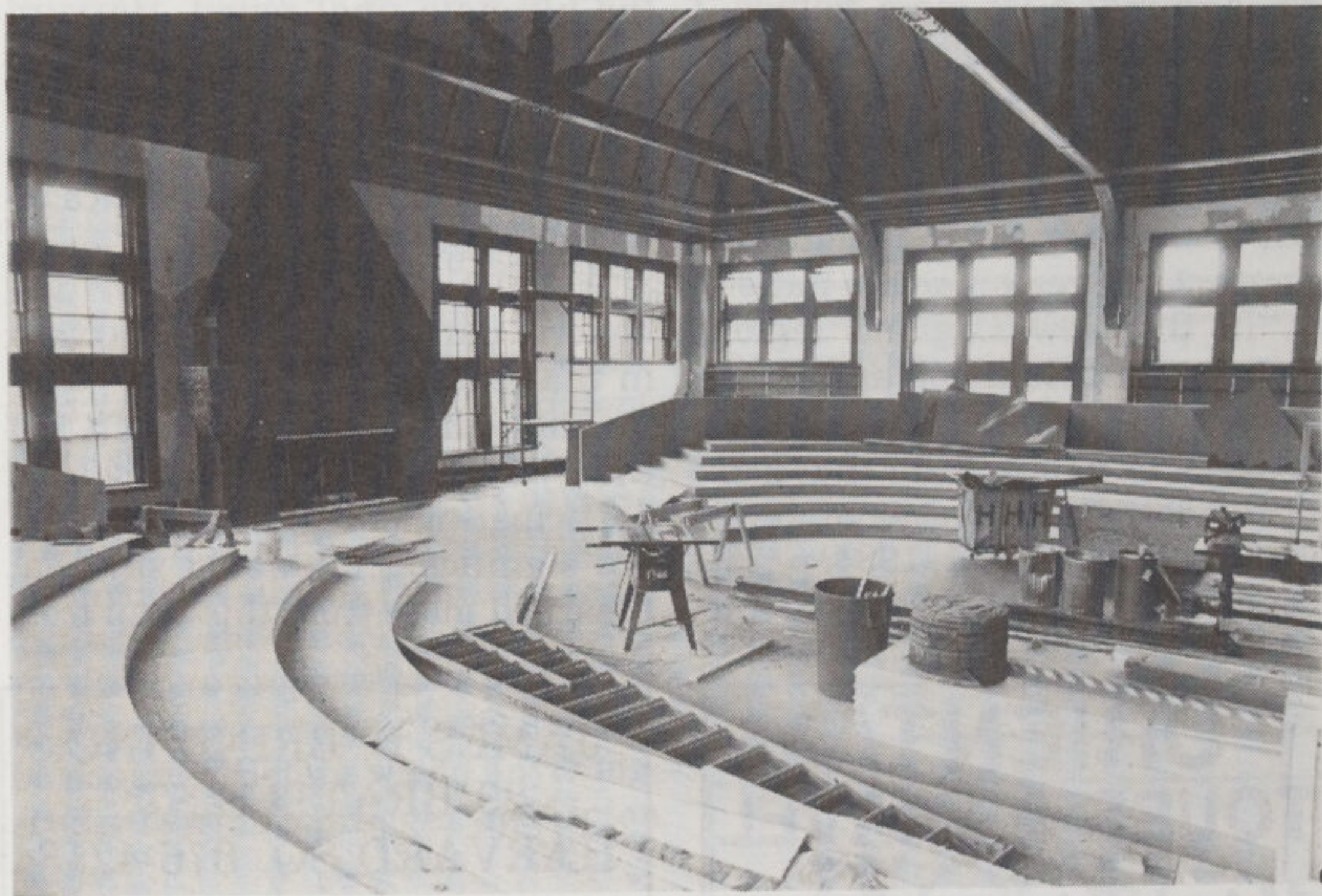


Photo by John Morris

Construction is proceeding on the alterations to the Ames Moot Court Room in Austin Hall. After a delay of more than a month this summer due to a carpenters strike, the room is expected to be completed by late October, said architect Norman Kinsey of Crisman & Soloman. When complete, the room will have fixed seating for 220 on semi-circular risers (see lower photo). Additional floor seating for 350 will be available for lectures.

The upper photo shows the Austin reading room as it was circa 1908. The room was converted to a moot court room in the 1950's. The current renovations will decrease the number of seats but will make the room easier to use for courtroom instruction. In addition, the massive fireplace at the north end will once again be a focal point of the room. ❧

ABA Moot Court Benefits 3Ls, HLS

By Gretchen Rule

To some here at HLS, Moot Court is something to be endured during the first year, along with the Socratic method and LRT. To others, though, it is a valuably instructive experience that tests their appellate skills. But once past the requisite first-year Ames, further chances to participate are severely limited. There is, however, one opportunity that is overlooked by most HLS students — the ABA's National Appellate Advocacy Competition.

John Hammell and Susan Winkler, 3Ls, teamed up to take advantage of the event this year. "It's like [Upper Round Ames], but it's in the spring," explained Hammell, "so there's more time to prepare. You also get the advantages of meeting people from other schools, and [arguing] a lot more rounds."

The tournament began last spring with competitions at the regional level, which involved only oral arguments. Two-person teams vied with each other for the chance to represent the region at the nationals. In the New England region, HLS's team of Hammell and Winkler beat the team from the University of Connecticut in the finals to advance to the national level. (See RECORD, April 24, 1981, p. 16).

The competition then moved into

the brief-writing phase. Each team that had advanced to the nationals had until June 1 to submit a brief (up to 40 pages, plus appendices) on the issues involved. Unlike the oral arguments, however, where the teams had to be prepared to argue either way, only one side of the case had to be briefed — and the teams were allowed to choose their sides. The briefs were judged over the summer, with the results being posted during the nationals.

The finale of the competition occurred at the annual ABA convention, held this year at the beginning of August in New Orleans. Nineteen teams from 13 regions

Finale in New Orleans

assembled to vie for advancement through two preliminary rounds, then quarter-finals, semi-finals, and the ultimate final round. Harvard advanced to the semi-final round, losing there to Florida State University Law School. Florida State then went on to defeat Chicago-Kent in the final round. Florida State also won top brief-writing honors, narrowly beating Harvard in that category.

Hammell and Winkler both felt that the benefits to be derived from participating in the competition are significant. "I would say that I learned more from this than from

anything else at the Law School," said Hammell. "In addition, I think the students involved benefit tremendously by meeting people from other schools and by doing things with students from other schools." Winkler added that due to the strength of other law schools' clinical advocacy programs, the students "are really well-trained in the style and procedures of litigation — which we can learn from. There's a real emphasis on communication and persuasion . . . an emphasis on how to persuade judges."

The two felt that Harvard profits as well from having teams enter the competition. "A lot of people have the impression that Harvard keeps aloof from activities that other schools participate in," Winkler noted. "Our participation favorably affects other persons' perceptions of HLS." Hammell added, "It's like when we participate in Jessup. They [the other schools] see us as friendly participants in the same activities as they're participating in."

Winkler also commented that another real benefit was the exposure to different backgrounds and different styles. "Judges all come from different areas and look for different things — which is what the real world is all about."



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"BETTER BUYS AT BRINE'S"

Hark Changes in Stages

By John Morris

The \$2 million plan to renovate the Harkness Commons presented to Dean Sacks a year ago by the Harkness Committee will not be implemented. That was the decision reached this week by Dean Vorenberg and a group advising him on the Hark.

Last year's proposals called for extensive remodeling of the structure of the Hark. The actual construction was delayed until money could be raised to complete work. In addition, Sacks said last year that he did not want to make any commitments to the work until a new dean was appointed.

In an interview with the RECORD last week, Vorenberg said that he preferred to proceed in stages, experimenting with changes in the building, because he thought it was too hard to predict the success of renovations. The group advising him on the changes hopes to put together an agenda for the Dean within a week or two, said Dean of Students Mary Upton. "I think the Dean is very anxious to go forward with improvements to Harkness as rapidly as possible," she said.

"There are a range of changes, from minimal or cosmetic to structural, [that can be made]. . . . It will give us an opportunity to experiment. We're not going to spend a lot of money on any one thing at this point," she continued. She said that there were many proposals in the plan of last year that were very valuable and which may well be recommended.

Upton said that there are a number of possibilities for the group to consider. They will consider renovating the Mallory-Smith room at the south end of the second floor of the Hark. Sound-proofing could make it more useful for meetings during the lunch hour, she said, as it is now too noisy because of the adjoining dining hall.

Additional lounge space is also a possibility. She said something like a library lounge might serve students well, as a place for informal meetings. Space behind the Law School Coop which is now taken up with corridors, employee lounges and storerooms might be converted to student offices or typing rooms.

One idea that has been raised before, and seems likely to be acted on, is a proposal to move the student mailboxes in the Langdell tunnel to the Hark. Upton said she thinks it might be possible to have food available in the afternoon from carts in the Swain Room where the Friday T.G.'s are held.

Some students have favored the addition of a pub. Upton said that this would be very costly, however, because plumbing would have to be installed on the first floor. She said that there was little student support expressed for a pub in a survey taken several years ago. As a substitute, wine and beer might be made available from the carts in Swain, she said.

After the proposals are presented to Vorenberg, student response will be sought. "Before we do anything, students will be brought in," Upton said.

SPORTS ANSWERS

1. Randy White.
2. Vida Blue.
3. Mel Gray.
4. Gary Green.
5. Joe Laverder.



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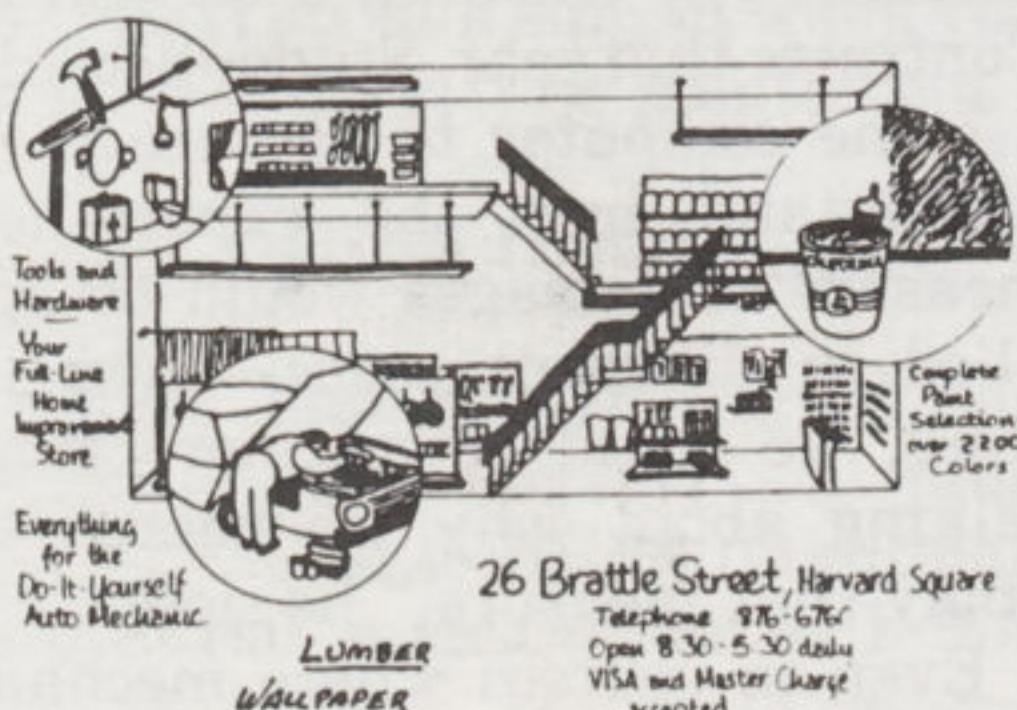
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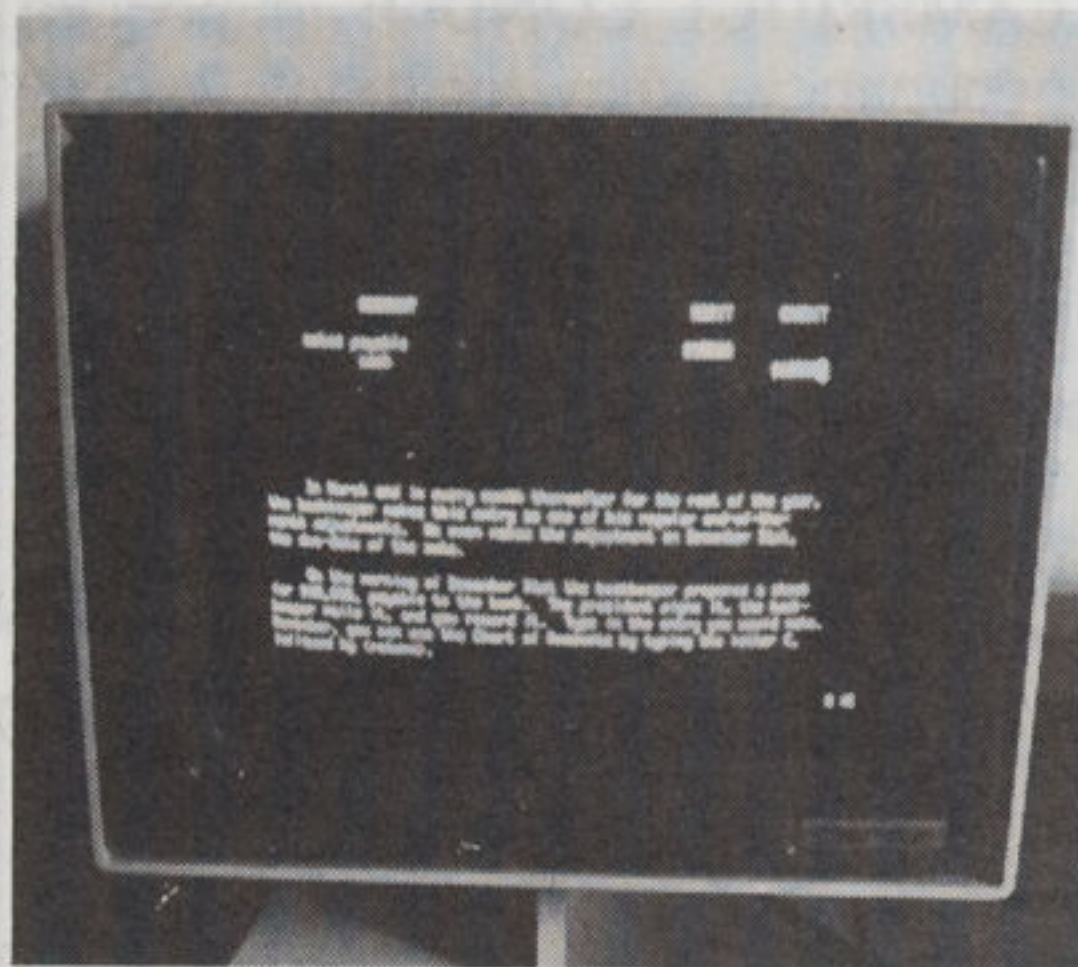
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Computers to Help HLS Professors;

By Erich Merrill

A new HLS student organization was formed this fall. Calling itself Harvard Individualized Instruction Series (HILIS), It aims to make computer-aided instruction at Harvard a reality. The group has applied for official recognition as a law school organization. HILIS plans to produce several computer-supervised lessons by the end of this year. The lessons will be part of a larger legal education package which will be shared with other universities once it is completed.

Cole Brecheen, 2L, one of the founders of HILIS, said the group will produce two or three lessons during its first year. The computer-directed lessons will consist of text and questions displayed on a TV screen, with instructions to type in an appropriate answer. Once the answer is entered, the computer will tell the student whether the answer was right or wrong, and often include an analysis of any mistake the student may have made. When a student enters a wrong answer, the computer, after explaining the error, will prompt him with another question in a



E.M.

similar area. When he finds the correct answer, the lesson proceeds to a new area.

Student Writers

Students will write the lessons that will eventually make up the legal education package. After narrowing the lesson to a particular area of law, the writer will make

a general outline of the points in the area that he wishes to cover. He will then design the "frames," or text and questions that the computer displays to the student. Once the frames are designed, the writer is to prepare a "flow chart" showing which frame the computer should display after a student answers a question on the current frame. This flow chart will indicate how responsive the lesson will be when a student gives an incorrect answer. Finally, the flow chart and frames will be turned over to an HILIS editor, who will enter the lesson in the computer. The lesson will then be ready for use.

HILIS is currently made up of about 15 students who have expressed interest in writing lessons. Harry Fox, 2L, and Brecheen work on the mechanics of the organization and the lessons, while Prof. Donald Trautman, whose work with computers last year spawned HILIS, provides the basic direction. "[Trautman] comes up with the ideas," joked Fox, "and I point out how they won't work."

Eventually, HILIS will be organized like the law journals. Students will work on segments of a lesson, overseen by an editorial board which will combine the segments into complete lessons. One faculty member will be associated with each lesson and will keep track of what is being written, suggesting changes when necessary. Once the student editorial board has put a lesson together, a faculty committee will examine it, and will decide whether it should be put into the package of lessons that will eventually be shared with other universities.

Educational Advantages

This summer, Brecheen and Fox wrote the three accounting lessons that are currently available. These programs, in addition to leading students through the basics of accounting, are designed to produce graphs and charts that summarize the right and wrong answers that students enter into the computer,

allowing professors to spot those points that seem most confusing to their classes. The two also worked some of the bugs out of the computer programs that students may use to write lessons of their own for use by other students.

Prof. Trautman said that the



E.M.

Prof. Donald Trautman

major purpose of developing computer-aided instruction in law is "to make teaching more effective and more fun." Leaflets describing the organization and inviting students to join point out that the lessons "may someday greatly reduce the cost of a legal education."

Trautman was quick to explain the advantages of computer-aided instruction from a teaching perspective. The lessons, he said, will free professors from spending most of their time explaining how a particular rule of law works, and allow them to concentrate on what is often the more interesting question of why a particular rule has been chosen. "I'm teaching a section of Contracts this year. Students could use the computer to be sure they understand how the expectancy measure of damages would be applied in different cases. Then in class, we could spend more time talking about why we choose to apply that measure," he noted.

Even in courses where mechan-
(Continued on Next Page)

HILIS Sees Legal Education Changing

(Continued from Previous Page)

ical rules do not seem to exist, Prof. Trautman finds the lessons useful. "In Conflicts, or Federal Courts, I could use the lessons to be sure students had read and understood background reading assignments. The lessons could focus on particular points which I think are important in understanding the rest of the subject."

Individualized Assistance

Brecheen, in a memo to Dean of Students Mary Upton, noted that "computer-aided instruction is the closest thing to one-on-one legal instruction that the law school is ever likely to find affordable." Trautman agreed that the computer's ability to focus on those points that a student finds confusing makes the lessons particularly valuable to students. The ability of the computer to tell a professor which points his students are consistently missing will make the lessons valuable for professors. Lectures could be tailored to the needs of each class, Trautman noted, and those points that are confusing to a particular class could be more thoroughly explained.

Fox observed that students learn much more from the computer than from books because the computer makes students apply the law to various situations. "The student who reads a statute and figures out how it would apply in different cases will have a much more thorough understanding of the law than someone who just reads the statute."

Fox also thinks that those students who write lessons for HILIS will benefit. "It's amazing how much you learn about a subject when you have to teach it," he pointed out.

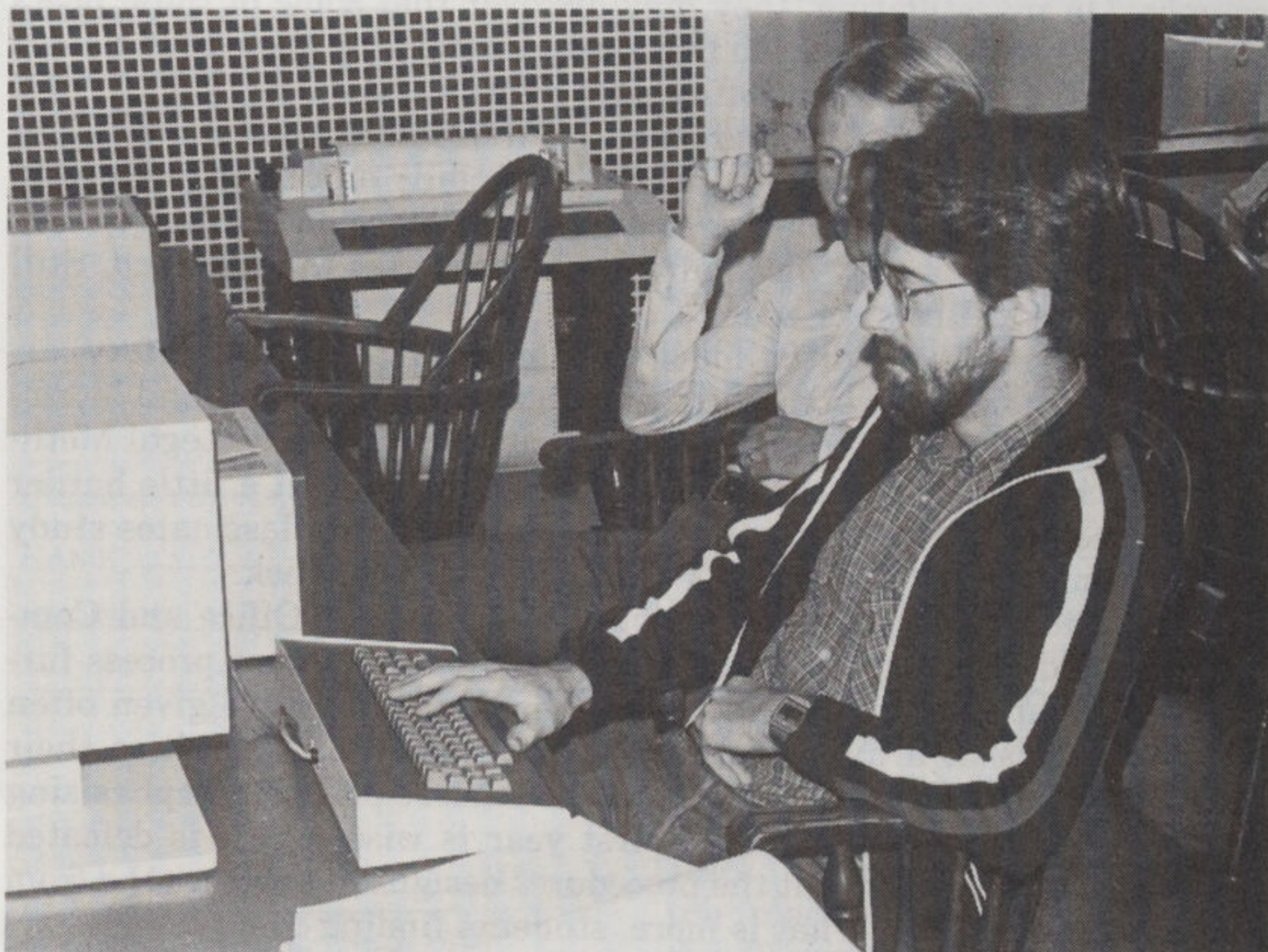
HILIS History

When asked who started the computer-aided instruction projects which led to HILIS, Trautman responded, "It started out with Bob Keeton, I guess. He wrote lessons for torts, trial practice, and insur-

ance law. Then the programming was done at the University of Minnesota." When Keeton was appointed to the federal bench two years ago, Dean Sacks asked Trautman if he would "keep an eye on what was going on with computers. I was intrigued that everybody in Professional Responsibility had been using a computer lesson

grams for writing lessons were available at the University of Utah. He spent one week in Utah learning to use these programs and brought a copy of them back to Harvard.

It was then that Fox and Brecheen entered the picture. Last spring they began to write an accounting lesson. Soon, the two be-



E.M.

Harry Fox, foreground, and Cole Brecheen, 2Ls, at CRT terminal.

written by Roger Parks, which was on the computer at the University of Minnesota," he continued. Harvard students had access to both Keeton's and Parks' programs through terminals that could be connected to telephone lines.

Trautman found that there were problems with telephone access to Minnesota's programs, the most frequent being getting cut off in the middle of a lesson. He began "pushing" to get the Minnesota programs put on magnetic "diskettes" that could be brought to Harvard and used to run the lessons on a computer in Cambridge. Minnesota eventually put some of the lessons on diskettes, and last fall Harvard purchased its own computer.

Trautman learned from the manufacturer of the computer that pro-

grams for writing lessons were available at the University of Utah. He spent one week in Utah learning to use these programs and brought a copy of them back to Harvard.

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Early Birds Get the Jobs?

As October approaches, 2Ls and 3Ls can be seen filing in and out of the placement office in somewhat orderly fashion preparing for interviews. One Ls, on the other hand, have good reason to be perplexed about the whole placement system. The Placement Office says, "Wait until November. Relax and concentrate on classes now." One Ls who heed this advice will doubtless see some of their peers busily typing resumes. On investigating, they may discover that some of these peers had sent letters and resumes to firms before attending their first classes this fall. But the Placement Office says wait.

Soon these first year scholars note that some of their friends are actually interviewing employers who are officially on campus to talk to second and third year students. Asking about a friend's absence, they are told that he has a fly-out and will be back after the weekend. Still the Placement Office says wait.

Finally November, and the much awaited 1L employer directory, arrive. Those who have waited must rush to get their resumes and letters in before the December 1 deadline which so many firms set. Legal Methods research projects and the proximity of exams make it a little harder to find time to get those letters out. Meanwhile, some classmates study calmly, comforted by the job offer they received last week.

The solution is not self-evident, but the Placement Office and Committee should consider institutionalizing the 1L placement process further. As it stands now, 1Ls who follow the advice they are given often find themselves at a disadvantage, having missed opportunities their more ambitious friends have grabbed. The school's policy of emphasizing studies in the first months of the first year is wise, but it is defeated if many students circumvent the procedures designed to protect 1Ls from the recruiting ratrace. What is more, students finding their friends racing to xerox their resumes may be panicked at the sight.

To tell employers not to interview 1Ls in the fall is not a particularly appealing solution. Firms are unlikely to conduct a second round of interviews later in the year. A better answer would probably be to establish procedures for 1Ls to set up interviews which minimize the number of those interviews. Then at least, all 1Ls would be on equal footing in the job search and could take the Placement Office seriously when it says, "Wait."



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Fenno

Fenno's cold was no ordinary ailment. His head throbbed more painfully than the first time he met *res ipsa loquitor*. His throat was drier than diversity jurisdiction. His brow sweated and his hands felt hairy. Fenno was a mess.

Bruno called to fill Fenno in on the Red Sox's surprising success. "Fenno," Bruno said, "you sound worse than Reggie's average."

"Bruno, I want to die. I haven't left Somerville in weeks. Drop-add period passed without a drop or an add."

Bruno didn't cheer Fenno very much with his graphic description of the Yankees' weekend losses at Fenway. Though few things depressed Fenno more than another losing season for the Red Sox, one of them was a winning season that he couldn't attend. Fenno sucked back more Tropicana and decided to take action. Tonight he had to make the Milwaukee game. Without fail. Fenno swept away a mound of wadded Kleenex and struggled out the door.

Oxford Street felt like the Boston Marathon. At campus-edge Fenno swooned into the arms of a startled Lesley freshman — a dramatic role reversal. But when he reached Langdell he couldn't take another step. Fenno shuffled into the Root Room and shoved a *Forbes* across his face to block the sickly green glow of the overhead lamps.

Fenno slipped into dreamland. It was Fenno Day at Fenway. Every cynical adult received two free beers. All seats were bleacher-priced. Fenway Franks were free, but had to be eaten with ketchup. It was Sox 10, Brewers 0 in the middle of the third. Fenno was delirious with joy.

A whining voice awakened Fenno with a jolt. "This is the Root Room, O-Group Double-O. Here you'll find periodicals, ashtrays, and the only fiction in the place. It's also good," with a wink and a nod to the prone protagonist, "for napping."

Titters rippled through the 1L group as the BSA sheepdog herded them off to the regional digests. Why, Fenno wondered, was each class misled so diligently? Why couldn't Fenno show them the truly meaningful sights of Langdell? On your left, Maggie's dressing room. Deep in the stacks, the Tomb of the Unknown Squid. Ahead, the celebrated smut of *Lason v. State*, 12 S.2d 305, and the less famous but kinkier *Martin v. Commonwealth*, 477 S.W.2d 507. Why delay useful education until second year, when fun and games begin in earnest?

Fenno hopped to his feet. The Sox game would start in twenty minutes. The Green Line would be packed. The crowds would steal his personal space and the scalpers would steal his cash. But tonight, Fenno would be there.

After all, you can only feel healthier when you leave Langdell.



SPORTS QUIZ

NOTE: This week's Sports Quiz is quite "colorful", as it deals with athletes whose last names are the same as common colors.

1. An All-American during his college gridiron career at the University of Maryland, this player currently stars as a defensive lineman for the Dallas Cowboys. Who is this player?
2. A rookie phenomenon when he broke in with the Oakland A's, this left-handed pitcher has since moved across town. Who is this current member of the San Francisco Giants?
3. Fleet of foot and possessing a pair of sure hands, this man has performed steadily for the St. Louis Cardinals for a number of years. Who is this wide receiver?
4. The youngest coach ever in the history of the National Hockey League, this man almost succeeded in getting the Washington Capitals into the playoffs for the first time last year. Who is this coach?
5. A steady performer for a number of years in the National Football League, this athlete currently serves as a cornerback for the Washington Redskins. Who is this performer with a "colorful" last name? (If you answer this correctly, consider yourself a true trivia star.)

Answers on Page 7

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FISL Regs

(Continued from Page 1)

regulations which take effect Oct. 1 are effective only through June 30. Assistant Dean Russell Simpson said on Monday that this leaves schools in the same position they were in this past spring with respect to loans, without any means of calculating what will be available. "We'll be caught in almost exactly the same bind we were in this past year," he said. "The educational community should rise up and say 'That's not acceptable for planning purposes.'" The greatest difficulty, he said, will be for students deciding which school to attend in January or February without knowing exactly what financial aid will be available to them.

Simpson said he thinks it is unlikely the regulations will be extended beyond June. "There's already great pressure on the Administration [to trim the budget further], and the Administration is likely to put great pressure on the Department of Education. And since [the FISL program is] one of the places that they cut before, they'll come back again," Simpson said.

Simpson said there is a chance that the Democratically controlled house may oppose further cuts. "It's one place where lots of constituents yell very loudly."



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Getting to Diplomats and Housewives

Gabe Shawn Varges

Roger Fisher and William Ury, *Getting To Yes: Negotiating Agreement Without Giving In*, Houghton Mifflin, \$10.95

A new book by HLS Professor Roger Fisher is attracting attention in the most diverse of circles and is likely to reach best selling lists this year in a number of U.S. and, possibly, foreign markets. The book, co-authored by William Ury, is *Getting To Yes*, is an amazingly practical manual on minimizing conflict and maximizing results in human negotiations at all levels.

The need for such an enterprise at a time of growing conflict in domestic and international society is most obvious. While negotiation, conflict resolution, and joint decision-making processes have been studied by scholars for years, few have succeeded in systematizing their findings and converting them into a distinct, teachable method on how to reach agreement — and how to do so without, as the authors put it, “giving in”.

What distinguishes *Getting To Yes* from some of the other works on negotiation that have appeared in the past few years is both the sophistication of the preparation of the book (the product of years of work by the Harvard Negotiation Project) and which shows through in the conceptual structure and strategies of its chapters, and the simplicity with which its potent ideas are presented in the book. It is this dual feature which makes *Getting To Yes* as useful to diplomats as to lawyers, businessmen, housewives, or students.

It is this dual feature too, which has attracted the attention of such people as Paul Warnke, Elliot Richardson and Cyrus Vance, as well as John Kenneth Galbraith, John Dunlop, and Ann Landers. Galbraith praises *Getting To Yes*

as “by far the best thing I’ve ever read about negotiation” and correctly observes that next to sex, “negotiation is the most common and problematic involvement of one

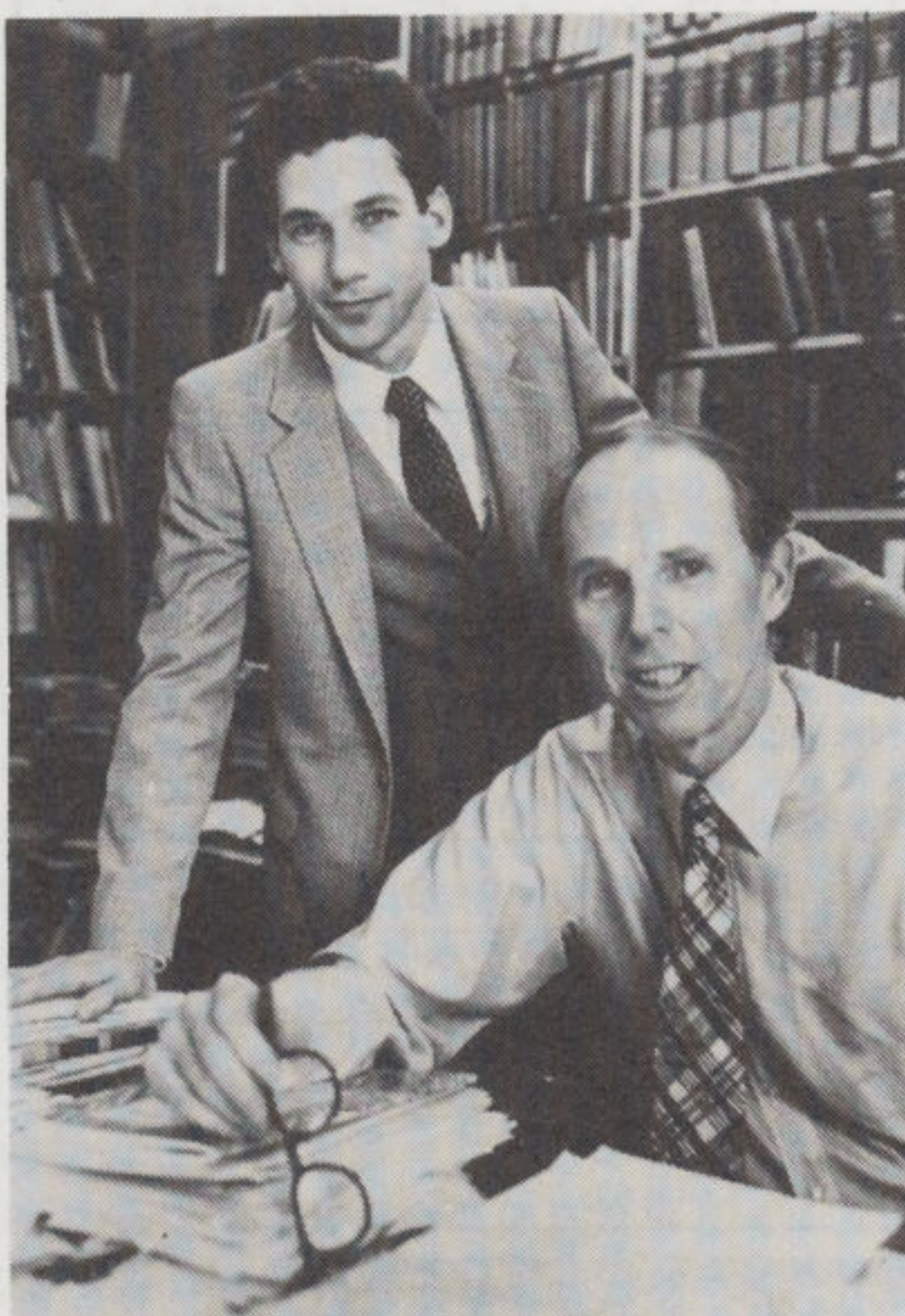


Photo by Alexandra Dor-Ner

William Ury and Prof. Roger Fisher

person with another.” Ann Landers advises her readers: “Have I got a book for you! . . . Grab it.”

Principled Negotiation

The method expounded in *Getting To Yes* is that of “principled negotiation.” The authors describe this approach as one which “avoids your having to choose between the satisfaction of getting what you deserve and of being decent.” Both are possible, they suggest, if the common pitfalls of traditional negotiation are avoided.

One of the pitfalls which Fisher and Ury address most effectively is positional bargaining. Typically, the negotiating parties each come

in with a position, often at opposite extremes, and engage in a battle of wills to see who will budge. But the more each party repeats its position, particularly if done publicly, the greater it “locks” itself into it, leaving itself unable to pursue other options which might meet its interests just as effectively, or even better. Many hours, or days, or years later, if an agreement is reached at all, it is usually one which “splits the difference” — an arbitrary result dependant on the opening positions of each party and having little to do with the merits of the problem — or one which so badly ruins the relationship between the parties that future negotiations are precluded or are so tainted that their failure is all but inevitable. Such results are costly, in human and economic terms, whether the parties are a landlord and a tenant, a plaintiff and a defendant, or the U.S.S.R. and the U.S.

The alternative which the authors offer is inventive interest accommodation. It is interests, not positions, that count, they emphasize. While not all interests can be made compatible, the possibilities for their accommodation are often more numerous than people or governments suspect. The key is to use negotiation as a cooperative undertaking for finding and devising creatively these possibilities, rather than as an encounter which increases the conflict by allowing arbitrary positions to dictate what parties can and cannot do.

Fisher and Ury introduce several notions in connection with their attack on positional bargaining. Among these are “separating people from the problem” and insisting on objective standards for reaching agreement. While these, like a number of other ideas in the book,

(Continued on Page 16)

Drama Society to Hit Stage Twice

By Mary Tarduno

If being back at HLS isn't providing enough drama and laughs for you, the Drama Society will soon fill the void. This fall the Society will not only present its annual fall revue, but also will produce a play, *12 Angry Jurors*.

The play, which will run Oct. 15, 16 and 17, depicts the trials of a jury going through deliberations in a murder case. The play is an adaptation of *12 Angry Men*; according to producer Fred Landau, 2L, the main difference between the adaptation and the original is that the adaptation includes men and women as jurors. The only changes made were those that were absolutely necessary. Landau said, and none will alter the meaning or spirit of the play. Besides, he added, today an all-male jury is a thing of the past.

Second Drama for Society

12 Angry Jurors is only the sec-

ond non-musical effort by the Drama Society. The first was *Caucasian Chalk Circle*, presented to the Law School community in the fall of 1979. Julie Martinez, 3L and president of the Drama Society, said that a problem in the production of *Caucasian Chalk Circle* was that most of the cast members were not Law School students. That is not a problem this year; according to Martinez, all of the cast members of *12 Angry Jurors* are Law School students.

Martinez hopes that *12 Angry Jurors* will be the first of many plays to be presented by the Drama Society. "It would be good if we could establish a tradition of presenting serious dramas because there are a number of people in the Law School interested in acting as opposed to doing musicals. We're taking care of that sector of the student body," Martinez added that the play should also be of special interest to Law School theater buffs

because of its law-related theme.

While the cast of *12 Angry Jurors* is deliberating on the fate of the defendant accused of murder, other Drama Society members are looking to the past — to old films of the past, that is. This year's fall revue, titled *Film Flam*, will consist of skits and dance routines based on great old film classics. The show will be ready to be reviewed by Law School critics in mid-November; the Society will hold auditions on Oct. 4 and 5 from 8 to 11 p.m. in the Ropes-Gray Room.

Long Range Planning

For those of you trying just to make it from week to week at the Law School, the Drama Society should also serve as an example of long-range planning in action. Work has already started — and in fact, has been going on since last spring — on this year's spring show. According to Martinez, writers are now working on another original script.

Last spring, the Board of Trustees of the Drama Society considered presenting this year's spring show in New York, as well as to audiences in Cambridge, said Martinez. The Society debated the idea of performing the musical for the alumni, perhaps at the Harvard Club in New York, but decided against it. "The Board of Trustees decided it would not be feasible but that we should examine the possibility for future Drama Societies," Martinez explained. She added that the group is writing alumni in New York law firms to see whether they would be interested in seeing a spring show in New York in the future. Martinez hopes that the Society will get enough responses to help them decide whether in upcoming years Harvard Law School spring players should go to New York.

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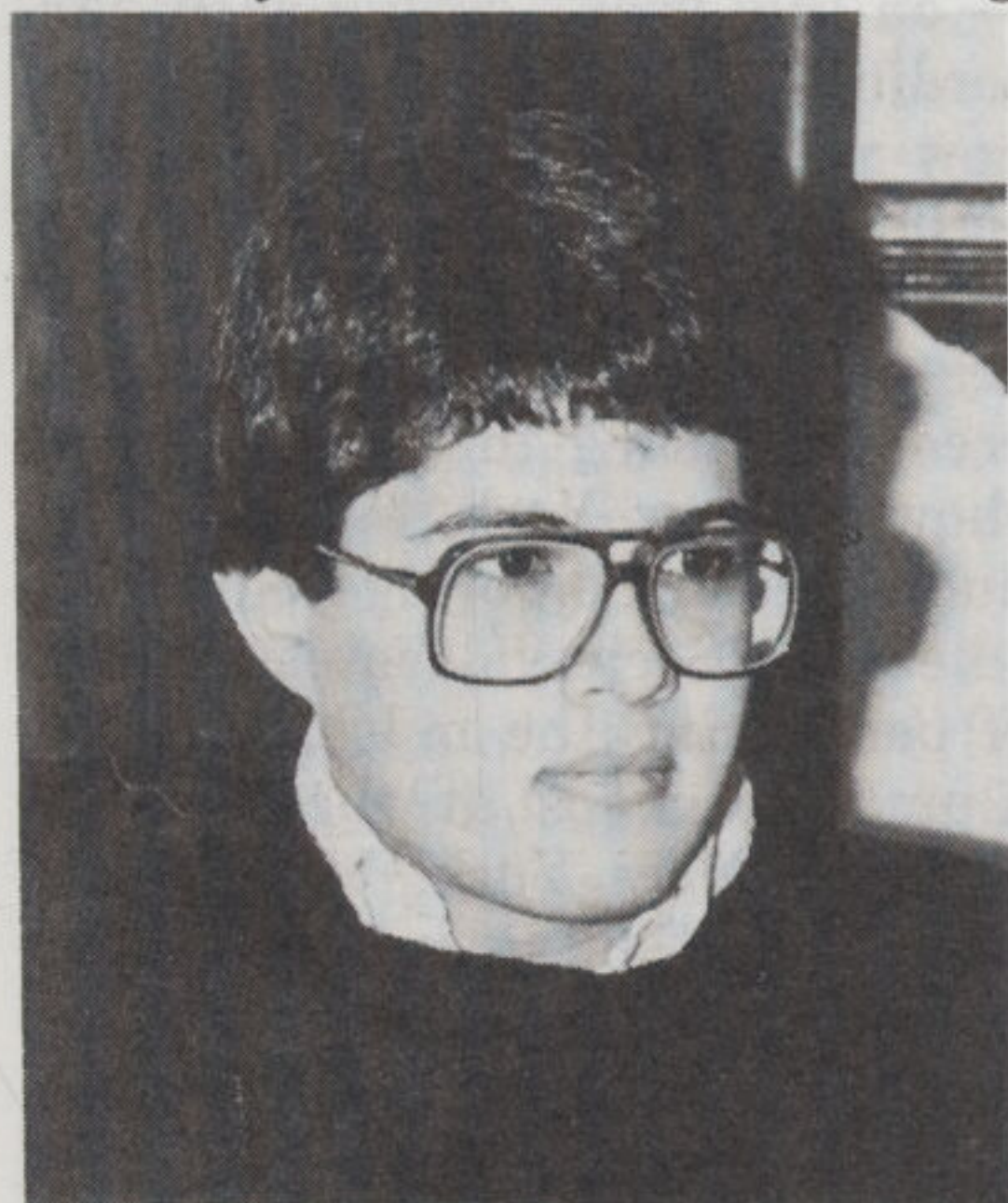
Journal Issues Slashed by Sacks

(Continued from Page 1)

journals should be able to plan, write, and complete a volume of the journal without having to finish the work of previous boards or leaving any work for the next board to finish, Sacks said. The change will also make it easier for those journals which are now behind to catch up, and will allow the students on the journal to finish their work three or four weeks before the end of the year. "I'm not absolutely certain that this is the right diagnosis and solution," he explained, "but I can say it is overwhelmingly the most likely."

Sacks said that a switch to two issues would not only alleviate the pressures on the students working for the journals, but also would improve the quality of the journals since more time and work could be put into each issue.

Since the law school heavily subsidizes the journals, Sacks wanted to be sure the school was getting its money's worth. "I think funding



E.M.

ILJ Editor Ben Pena

these [journals] is a problem. They are not inexpensive publications. The justification for spending school funds on them lies in their educational value. I'll say flatly that we should not spend these sums of money on the journals unless the educational value is there."

Experienced Decision

Some students on the journals wondered why Sacks made the de-

cision to cut the third issue just before leaving the law school. Sacks explained, "I had built up experience with the journals over a number of years. Vorenberg had none. If I had let my experience go, he would have been in no position to make a judgment for another three or four years." Sacks said that perhaps he should have acted earlier, but "this is not part of some Machiavellian scheme to get the journals from three issues to two."

Dean Vorenberg sees the "enormous cost" as a factor to consider in the journals' operation. "The funds for the journals come out of tuition. There's no special fund for it. We have to balance the benefits of this use against the benefits for students of other possible uses."

Reactions from the journals were varied, but all three of them were upset by the decision. Ben Pena, editor-in-chief of the ILJ, saw the cut as destroying the very educational opportunities which Sacks felt justified the cost of the journals. "The greatest loss is the opportunity for students to write," he said. "On a journal you get experience you don't get elsewhere in the law school since writing isn't emphasized in any classes." Pena said that even when ILJ thought it would be putting out three issues this year, it had to turn away 50 of 100 students who expressed interest in writing at an organizational meeting. Even more will be turned away now that ILJ will be putting out only two issues.

Reasons Questioned

Editors of the three journals took issue with the reasons Sacks gave for the cut. Behrman thought inability to produce three issues a year was a particularly inappropriate reason to reduce the Journal's issues to two. "In 1977-78, we were one year behind. We've just finished a three-year catch-up program, during which we've been putting out four issues a year. Now, just as we finish putting out four issues a year and get back on schedule, we get cut back to two issues per year. Even without the

cut, we would have a reduced workload since we would be putting out fewer issues than we produced last year."

Behrman also felt the Journal should have been given more notice of the plan to cut one issue. "We heard nothing about the cutback until this summer when Dean Sacks called me and said he had decided to recommend that we be cut from three issues to two." Sacks realized this was a problem. "There is always the problem with a new class that you have no memory bank. This [cutback proposal] has been a matter of discussion with editors in the past," he said.

Elaine Johnson, editor-in-chief of CRCL, felt that her publication did have adequate notice of the impending decision. She said that last spring, Linda Beyer, who is in charge of Law School publications, told Johnson and last year's editor that she was recommending that CRCL be cut back to two issues, and was sending Sacks a publication schedule showing that CRCL was behind. Pena said the ILJ had notice of the decision. "We certainly had advance notice that there might be a cut."

Pena thought that Sacks's assertion that the quality of the journals had declined was erroneous. "Dean Griswold sent us a letter reviewing the journal each year," he said. "There was never any indication that the work in the journal was of any lower quality."

Manageable Workload

Johnson disagreed with Sacks's description of overworked students staffing the journals. "We have never been short of staff. We even had several members of CRCL who decided to work over the summer. The inference that we have bitten off more than we can chew is just inaccurate." She also does not believe that working on CRCL hurts students in their class work. "A couple of members of our editorial board graduated *magna cum laude* last year."

It's not clear what the journals
(Continued on Next Page)

Journals

(Continued from Previous Page)

will have to do to get their third issue back. According to Sacks, "If we get to a point where [each issue] is coming out smoothly and the objectives are being realized, well, that's a possibility. I can't imagine



E.M.

Journal of Legislation Editor Brad Behrman

that in the present state of affairs, it's the thing to talk about now. I think they should show they can do two." Dean Vorenberg says he really does not know how permanent the decision is, but that for the time being, "I don't intend to re-open it."

"I have done one thing," Vorenberg explains, "not because of or related to Sacks's decision, but which does have a bearing on it. Larry Tribe has been appointed as a one-person task force to look into the operation of the journals." Tribe is to find out whether the journals are a good experience for students, and to decide where the different journals stand in their respective fields of law. Tribe's efforts should help the faculty find out what the journals are doing and fill an information gap which Vorenberg sees as a problem with the journals. Pena said the ILJ and other journals are to blame for this gap. "A lot of the problem is due to lack of communication with the faculty. If there was a lack of information it was at least in part attributable to us."



Students Split Summers

(Continued from Page 3)

and for Orrick, Herrington & Sutcliffe in San Francisco.

"I think six weeks is long enough to get a good impression of the firm," she said, "but perhaps not long enough to really get to know people well." She added that she thinks "it's also harder to split between huge firms than between smaller-sized firms. If you have 150 or 200 lawyers, it is absurd to think that you can get to know everyone."

She would not recommend that other students split their summers. "I think that it's difficult to like the second firm as much as the first, just by virtue of its having not been the first," she said.

The "Jetsetter Award"

The "Jetsetter Award" for the summer of 1981 goes to John Mendez, 3L, who split his summer among three firms in five cities. He spent four weeks at Johnson, Swanson & Barber in Dallas, five weeks at White & Case in Washington, D.C., four weeks in the New York offices of White & Case, one week in the Newport Beach, Cal. office of Fulop, Hardee, a Los Angeles firm that had employed Mendez the summer before, and one week in that firm's L.A. office. "Essentially, I didn't have any loyalties to one particular state and I wanted to shop around and see what the opportunities were,"

Mendez explained.

Mendez stated that he enjoyed his summer "immensely," adding that "I was well received at all three firms." He does not think that spending additional time at any of the firms would have changed his perceptions of the firms. "Overall, my perceptions of all three of the firms was very favorable. The purpose of the summer program seems to be not so much for them to have you do a lot of work. It's an introductory tool to have them see some of your work, but more importantly to allow them to get to know you personally," he said.

He would recommend the practice to both law students and employers. "I think that from a student's perspective, he gets an opportunity to look at future employers and different cities, and also to meet future contacts in other cities," Mendez observed.

"From a law firm's perspective," he continued, "I think that not only do they get the opportunity to meet the student, but they also have the benefit of having that student be an on-campus representative for the firm. That to me seems to be an overriding benefit for firms that should be considered when they decide whether to allow students to split. I think that a firm is much better situated in terms of on-campus recruiting when it has a student who has spent time with the firm, even only a short period of time."



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BOOK REVIEW

(Continued from Page 12)

are actually rooted in common sense, the coherent framework within which they are presented and the specific techniques recommended for their implementation make them much more powerful tools than many, who may unconsciously use them daily, realize they can be. Elliot Richardson's description of the book as "not a bag of tricks but an overall approach" is apt in hinting at the kind of successful synthesis of logical ideas achieved in *Getting To Yes*.

Based On Experience

Getting To Yes is a very readable book, concisely written, and packed with illuminating anecdotes from daily life as well as from such extraordinary events as the Iranian hostage crisis. Many of these come from the authors's own experiences. Fisher has been deeply involved in the areas of nuclear disarmament and crisis management for many years and has been personally involved in several international negotiations.

His efforts in the Iranian hostage crisis were considered by some as having been key in helping break the stalemate which for months blocked the release of the American hostages.

Co-author William Ury, who is a PhD candidate in anthropology at Harvard, similarly has had per-

sonal experiences to draw from and on which to test the theories of principled negotiation, most notably as a mediator in coal mines in Kentucky.

Not a How-to-Book

Getting To Yes is by no means a how-to-book which promises to make everyone an instant negotiation champion. It contains no secrets and unabashedly admits that it does not even aim to help one "win". Negotiation, explain the authors, is not some zero-sum game where a clear winner and loser have to emerge each time. It is a *process* of mutual problem solving and as such, a solution, not a victory or a defeat, should be the result.

Such a view of negotiation might be open to the criticism of lacking certain sobriety. Parties are frequently much less principled and rational than "principled negotiation" seems to require. Certainly a weakness of the book is the lack of discussion of the problems of dealing with — or of being — an opportunistic, cunning, or emotional negotiator. The book also avoids confronting such problems as the legitimization of the other side's interests simply by admitting that they are interests.

But at the end these weaknesses may be more related to our own flawed traditional conceptions of negotiation and our own partisan views than to gaps in the Fisher-

Ury approach. In the last chapters, the authors explicitly drive home two points: (1) an agreement may not always be the best result of a negotiation, and (2) power in a negotiation has less to do with who has the most money or greatest social status or military strength as with who has the Best Alternative to a Negotiated Agreement (BATNA).

These two ideas complete the rationale for having a negotiation theory as Fisher and Ury expound it. Having a consistent theory helps one know when to be tough and when to be soft. It helps one protect one's true interests which at times may mean *not* reaching an agreement. Traditional positional bargaining often betrays the negotiators on this score. They are tough when they don't have to be (as when positions are involved) and soft when they should not be (as when legitimate interests are at stake).

An equally important reason for having a consistent negotiation theory is that it may help one in confronting more basic moral questions. Of great relevance is Fisher's and Ury's insistence on interests and their stressing that the most powerful interests are basic human needs. This recognition rings true in any moral system. Along with the authors' observation that "threats are one of the most abused tactics in negotiation", this helps explain why so little progress has been made in resolving some of the major international and national problems in the world, such as the Arab-Israeli conflict, the North-South differences, and the labor and social strifes in many countries.

The unique contribution that Fisher and Ury make in *Getting To Yes* is likely to be measured in the end not by how many follow their method step-by-step but by how many are inspired by it to change some of their approaches to negotiation and problem solving in ways that will lead to wiser, fairer, and more efficient outcomes to conflicts, be they family or military.

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