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TWENTY-FIVE CENTS

Some Changes, But Not Many, at Hemenway

By Gabe Varges

Athletic and recreational opportunities for HLS students remain deficient in many areas and suffer from a combination of ailments which have existed for several years. Efforts toward improvement have been and are being made, but the net balance is still short of positive.

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COMMENTARY

Bok Isn't Really Heeding Student Voice in Dean Pick

Derek C. Bok, President of Harvard University, held an off-the-record informal session with HLS student leaders on Wednesday, Oct. 1 to discuss student concerns in choosing a new Dean to replace Albert M. Sacks when he leaves office June 30, 1981. It is not possible to violate any confidences by commenting on that meeting because it simply lacked any

substance.

When the one hour and 45 minute session ended with Bok's departure, students present could only conclude that Bok had already decided on his own method of selecting a Dean, would read students' opinions sent to him, and would possibly — and only possibly — meet with certain writers further to hear their very serious concerns. Bok has ruled out the suggestion made last week by the Board of Student Advisors that students be able to participate in interviewing candidates for the job and his convening of a student review board also seems out of the question.

Bok ended up telling student leaders virtually nothing, aside from giving his perceptions of some of the Law School's problems and enumerating those obvious qualities that a new Dean should have. Most significantly, he refused to divulge the names of any faculty members or outsiders he is considering.

What he said could well have been in a classified advertisement in the *National Law Journal*: "Prestigious law school seeks dynamic dean. Sensitivity to students, faculty, alumni, community, legal trends and education required." Some disappointed students might ruefully have added; "Minorities and women need not apply."

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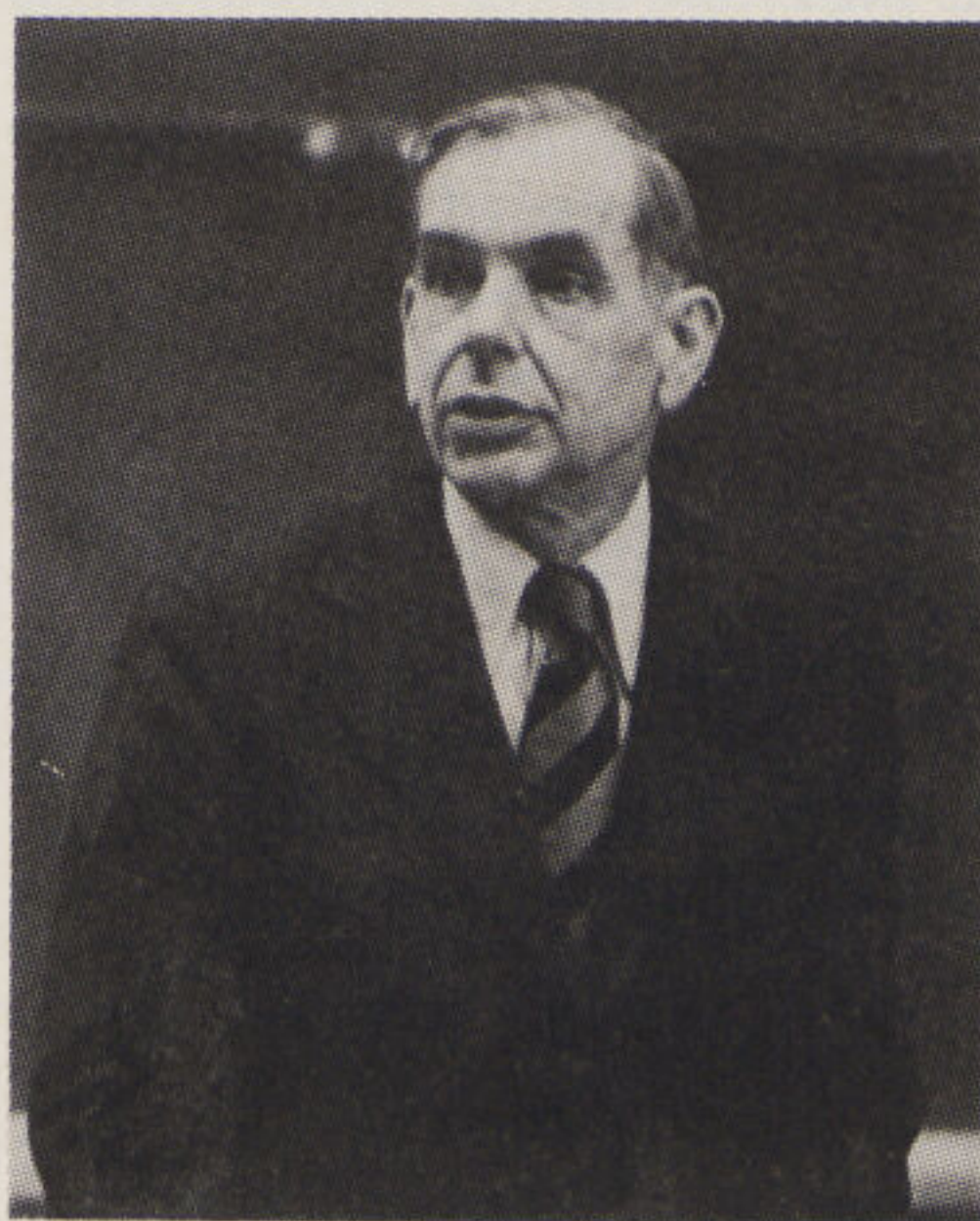
Judge Baxter Dies at 59

By Laura Taylor

Judge Richard Reeve Baxter, of the International Court of Justice (ICJ), and Manley Hudson Professor of Law at HLS, died of cancer on Sept. 25 at Peter Bent Brigham Hospital. He was 59 years old.

Judge Baxter, who joined the Harvard faculty in 1954, was a member of the Permanent Court of Arbitration at the Hague from 1968 to 1975. He also served on the U.S. State Department's Advisory Committee on the Law of the Sea from 1973 to 1978, and on the department's Advisory Panel on International Law from 1970 to 1975.

Baxter was the author on several books, including *The Law of International Waterways*, which was published in 1964. He co-authored *The Panama Canal* in 1965, with Doris Carroll.

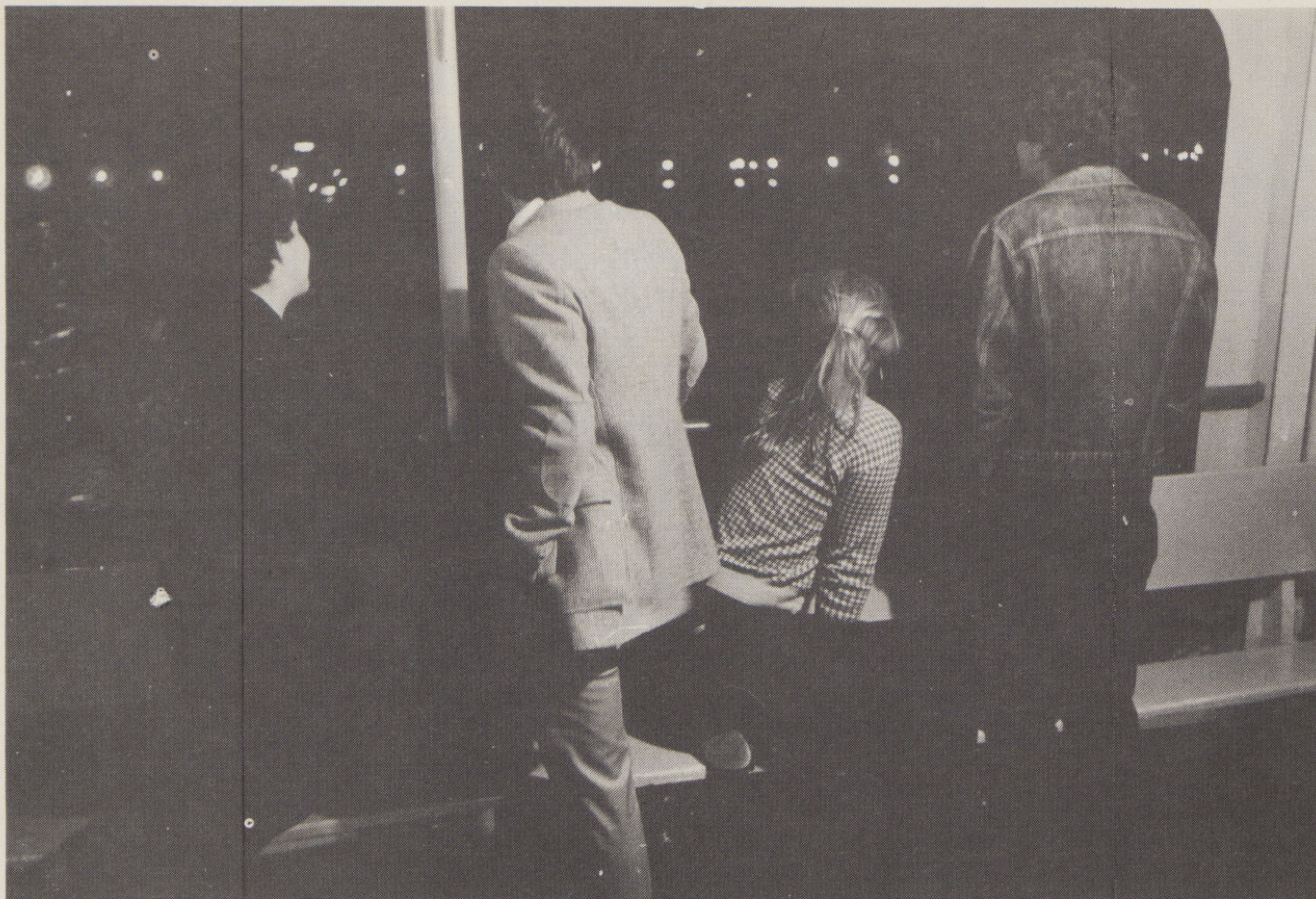


HVLB

Judge Richard R. Baxter

Elected to the ICJ in 1978, he began his term on the Court in February of 1979. "Many of us here don't appreciate how widely Dick

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Students enjoy city lights during BSA cruise last Saturday night.

Photo by John Morris

HLS Students Rock ('n Roll) the Boat

By Steve Friedland

"I want to be sedated!" yelled some of the less sedate 1Ls during the annual Board of Student Advisors Boston Harbor boat cruise last Saturday evening. Instead, they received heavy doses of punk rock from HLS' own contribution to new wave, Quiet Life.

Although it was cold outside, the boat was on fire. The mass of dancers jumped up and down to the throbbing beat like pogo sticks out of control. "I want to be sedated!" the shout went out again. If this was the Love Boat, the captain had better steer clear.

Ted Howard, 3L, the BSA chairperson, said he was very pleased that everyone at the sold-out event appeared to be having a good time. Rich Llewellyn, 3L, who was in charge of the cruise, agreed as he danced to the music and surveyed the perpetual motion before him.

Lower Deck Ambiance

For those who didn't thrill to the heavy beat of Quiet Life, or the chilling crosswind, there was an opportunity to escape to the more quiet and sheltered ambiance of the lower deck. Said Sharon Jones,

2L, upon her return there, "I think I've had as much fun as I can take in one night!"



J.M.

It was strictly social during the Law School's cruise.

Meanwhile, the beat went on. Jeff Smith, 2L, bass guitarist for the group, said before the band started playing that they would
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Harv.L.Rev. Picks Writing Competitors

By Dan Hershman

The *Harvard Law Review*, with 89 editors, has completed its staffing for volume 94. When publication resumes in November, there will be 47 new names on the masthead (see story below), including 40 2Ls and seven 3Ls. Five are women; none is a minority group member.

Twenty-two 2Ls made the *Review* on first year grades, and all but one invited have joined. Nineteen 2Ls were chosen based on their successful completion of the two-stage writing competition. Eight 3Ls were invited to join the *Review*, four on the basis of their two year grade averages and four on their second year averages alone. Seven accepted.

One hundred ninety-four 2Ls entered the first round of the writing competition, which began on Sept. 5, but 80 chose not to return their subciting corrections of a case comment that had been doctored by *Review* President Stuart Singer and Executive Editors Roy Englert and Alan Tenenbaum. Of those 114 who did return the subcite three days later, 46 scored high enough to proceed to the second round.

"We were testing legal ability," Englert said, "the sort of things that test *Law Review* work and are indicative of legal sophistication." Approximately 340 points would have been scored by someone who found all the errors put in the comment, but the highest score made in the competition was 202. Englert said the *Review's* nine member writing competition committee wanted to take 45 people on the second round, but took 46, "because it was easier to separate the scores between persons 44 and 45

than 45 and 46." All veteran 3L members of the *Review* participated in first round grading.

Close cases

A panel of three committee members regraded several papers which were "close cases," to assure consistency. The lowest score accepted was 157 points. Singer agreed that the first round was designed to "test people's ability to analyze the law, to critically read cases and commentary." He felt the subcite format was effective in demonstrating whether a person had the "qualities to do *Review* work."

For the second round, the 46 hopefuls were handed a recent Supreme Court case and told to write a case comment. Their only guidance was a sample of last year's November issue of the *Review*, in which most case comments are published.

Nine different but "uniformly difficult" cases were assigned, with five people assigned to work on each of eight cases, and six on the ninth. In selecting these cases, Singer said, the nine member committee talked to the authors of case comments being prepared for November, and discussed the cases in meetings. The authors of comments currently in the works were involved in grading. Forty-five people submitted their comments

on Sept. 19, six days after they had been assigned.

Grading the second round took one week. Three graders were assigned to each piece: a faculty member knowledgeable in the area of the case through his teaching or interest, a *Review* member writing or editing his own comment on the case and a *Review* member who had not been directly exposed to the case.

Nine Faculty Graders

The committee lined up nine faculty graders without much difficulty, through personal contacts. Of the nine, Profs. Chayes, Countryman, Kaufman, Kobrick, Owens, Parker, Rakoff, Vagts, and Weiler, two had graded last year, and had asked the *Review* for the opportunity to grade again. Singer is encouraged by the apparent revitalization of interest among faculty members in the grading process.

Legal analysis, organization, and writing ability were all considered in evaluating the entries. Englert said the faculty weren't given any specific instructions on grading: "We think [they] know how to judge the quality of a written product." Singer said that the student graders "weren't trying to compare [the entries] to their own work." Rather, he said, they tried to evaluate the

(Continued on Page 16)

Review Adds Members

Forty-seven new editors have joined the *Harvard Law Review*. The 40 new 2Ls are Robert J. Aamoth, Gary R. Battistoni, Dean C. Berry, Bruce Birenboim, William S. Blatt, Donald P. Board, David A. Charny, David Currier, Michael R. Doyen, Mark D. Fabiani, Paul J. Fishman, Michael Fredrickson.

Also, John M. George, David C. Godbey, Thomas D. Griffith, Mark B. Helm, James B. Hicks, Peter W. Huber, Howell E. Jackson, Michael K. Kellogg, David Kelston, Roger M. Klein, Christine A. Littleton, Scott R. McIntosh, Craig F. Miller, Thomas P. Olson, Victoria L. Radd. Also, J. Mark Ramseyer, Christopher Randolph, Michael B. Reuben, Eric J. Seiler, David J. Seipp, John H. Simpson, Stephen A. Spitz, David S. Steuer, Gerald Stoddart, Jeffery D. Ubersax, John E. Welch, Sonya Winner, and Richard M. Wyner.

New 3Ls are Joshua Brain, Leslie A. Hayes, Jonathan C. Medow, Julie Melamud, William E. O'Brian, Jr., Patrick J. Smith, and Michael Valentini.



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F. Lee Bailey Bemoans Lack of Competent Trial Lawyers

By Mary Tarduno

"The worst thing in the world would be that because of the manner in which you practice law, when you get into your 50's you would wind up with nothing more than money . . . Promise you won't let this happen to yourselves."

Thus ended F. Lee Bailey's address to a standing room only crowd in Langdell North Middle on Monday night. Bailey, a noted and, in some circles, notorious trial lawyer, spoke on "What Trial Advocacy Is All About." His appearance was sponsored by the Law School Forum and was that group's first program of the school year.

Bailey stressed the importance of trial advocacy, describing it as "the last step before violence" and as an "escape valve" for pressures that would otherwise erupt. Yet, according to Bailey, there are not enough good trial lawyers.

"The world is very barren" of good trial lawyers, Bailey said. "There are very, very few trial lawyers which you as an advocate would want to represent you if you were in serious trouble," he added.

"Precious Little Insight"

Despite the need for good litigators, advocacy is a subject into which students will get "precious little insight" at Harvard, Bailey said. He explained that no institution in this country trains students to become trial lawyers. The only training students and young lawyers get is in moot court, where they "hack away" at litigation, and in weekend advocacy seminars which all too often are framed around cases the teacher has won, Bailey said.

Bailey asked those members of the audience who were concerned about the lack of skilled litigators to "try to influence an institution [which] is here not to preserve its hallowed name but to turn out people who are better than when they

came." He did note that if Harvard were ever to decide to put together an advocacy program, it probably would be a master's degree program with classes held at night. According to Bailey, the people qualified to teach in such a program would be litigating cases all across the country and would be in court until four o'clock in the afternoon.

Flying Lessons?

Bailey discussed the characteristics of good trial lawyers, as well as a novel way to pick them out. Because good trial lawyers have to be self-sufficient and can't ask for advice at crucial moments, Bailey said, he would select trial lawyers by giving them flying lessons. In a plane "you learn very quickly that if you don't put it on the ground, gravity will," Bailey noted.

Because new lawyers have not been well trained in advocacy, a recent graduate has to make many mistakes in learning not to make mistakes, explained Bailey. He compared the lawyer's learning experience to a medical intern's making his first incision on an "etherized" patient. Noting that a new advocate's clients are in a position similar to that of the patient, Bailey advised that "at times in practice you will wish you could etherize your clients."

Since learning advocacy is a process of trial and error, Bailey advised that anyone who is not prepared for setbacks "shouldn't be playing the game." He cited the imprecision of forecasting developments in trials and all the "ifs, ands, and buts" as frustrating.

Process Problems

A number of Bailey's observations on the trial process would be less than heartening to an aspiring and idealistic trial lawyer.

Bailey criticized the labelling of the trial process as "a search for



J.M.

Famous trial attorney F. Lee Bailey speaks at Forum.

truth," asserting that "That's B.S." He characterized the process as "a search for facts which counsel chooses to bring forward" after "heavily massaging" these facts, with participants in the process often including "professional witnesses who will prevaricate upon a moment's notice if the money is right and the stakes are high enough."

"Like No Other"

Bailey also spoke of specific techniques and ethical issues of trial advocacy. In response to a question after his talk, Bailey said that he didn't feel it was unethical to ask whether a client was guilty. If a client is not guilty, "you have an unflagging obligation to do each thing you can to prevent that person from getting punished," Bailey said. If the client is guilty, "your obligation is this and only this: challenge within reason the proofs against you," he explained. Bailey said that when his client is guilty he will not put him on the stand and will assert only avoidance defenses.

Despite all the setbacks and problems in the profession of trial advocacy, "I can assure you it's like no other," Bailey said. "I have had a lot of frustration and a lot of the people I meet aren't very nice people . . . If I could do it all over again, there isn't much I'd change."



Efforts Afoot to Open Hark Pub Soon

By Newton B. White, Jr.

There may soon be a student pub in the Harkness Commons. A Dorm Council committee, chaired by Council Vice President John Mendez, 2L, will explore the possibility of opening a student pub before the beginning of the second semester.

Mendez explained that his committee is working on plans for an interim pub that could serve the Law School community until a major renovation of the Harkness Commons is undertaken. Such a renovation would most likely include some sort of permanent pub facility.

Early Stages

Right now, Mendez and his committee are trying to put together a detailed proposal for a student pub in the Hark. The entire project is still in the very early stages, but it appears likely that the pub will be combined with the game room and thrift shop currently operated by the Dorm Council on the ground floor of the Hark.

Some ideas that the committee will consider in preparing its proposal include moving the big screen T.V. from the upstairs dining area into the pub, providing some sort of fast food service (e.g., sandwiches or pizza), and perhaps moving the pool and ping-pong tables out of the Hark game room and into Pound Hall. Mendez stressed that nothing has been finalized yet, and that there will be many opportunities for further student input before any final proposal is presented to Dorm Council for funding. Students who have suggestions or who would like to work on the committee should contact Mendez.

Will Seek Funds

Mendez said that, once the plans for a student pub have been worked out more completely, Dorm Council will probably seek funds from the Law School administration to

help with the remodeling costs. He stressed that any administration funding would most likely be used to set up the pub, and not to subsidize its operation.

The Dorm Council decided to go ahead on its own with plans for a student pub after the major Hark renovation proposal presented last year by the Harkness committee was side-tracked. At the last meet-

ing of the Hark Committee, Dean Sacks said that plans for any major renovation of the building would have to be delayed until after a new Dean is selected. (See RECORD, Sept. 19.) Mendez said that the plans proposed last year had included provisions for a student pub, and he expressed his hope and confidence that future plans would contain similar provisions. ☛

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Jobs Get Done at Legal Copy Center

By Tom Heywood

To the beat of Rolling Stones tunes emanating from a well-used but serviceable radio, underscored by the cadence of a whirring Xerox copier, Mark Lepore and Tom McCullough of the Legal Copy Center in the Langdell tunnel lead lives quite different from those of students and professors at HLS. Like all those who spend their days and nights in and around the Law School, these photocopy operators' lives consist of an unrelenting flood of paper. But unlike students and professors, who derive satisfaction chiefly from the logic and cogency of the arguments printed on this torrent of paper, these operators take pride in transforming blank sheets of paper into clean copies of originals by means of well-serviced and smoothly running copiers.

"I love my job," says Lepore, a day-shift operator in the Legal Copy Center. "What I like most about it is the sense of immediate gratification I get from working with my hands to fix the machine, and the chance to stand back when a job is done and know that it is done well."

Always a Tinkerer

Like most of the operators in the Legal Copy Center, Lepore has always been mechanically inclined and developed a fascination with machines at an early age. "As a kid, I always took things apart, much to the chagrin of my parents," grins Lepore. "Yeah, I've always been a tinkerer."

And there can be no doubt that

the photocopiers at the Legal Copy Center require lots of tinkering. "The machine is used 24 hours a day — someone always has a foot on the pedal," comments Lepore, pointing to the pedal on the floor which activates the photocopier.

"Under such continuous use, the machines require constant servicing," adds Lepore. "In fact, we break down the machine every Friday or Saturday for routine servicing. We even stock lots of the parts ourselves."

As much as the operators enjoy

the mechanical aspects of their work, they take pride in their work-product as well.

"Everyone who works here is trained to check copies to insure that we turn out only clean copies that look exactly like the original," says Lepore. "The stress is on doing the job right and doing it on time." As a result, Lepore relates that operators at the copy center very rarely receive complaints and have had very few angry or unhappy customers.

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Judge Baxter Dies at 59

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Baxter was recognized around the world. Not simply the United States, but other countries nominated him for membership in the International Court of Justice," noted Prof. Roger Fisher.

The Court's 15 judges are elected to nine-year terms by the United Nations General Assembly and Security Council. It is the principal judicial organ of the United Nations.

"He was undoubtedly one of the most widely respected international lawyers in the world," continued Fisher, "but those who knew him were even more affected by his generosity as a colleague."

Fisher, who was a classmate of Judge Baxter's at HLS, noted that they had known each other for over 35 years. "He combined the highest professional standards with warmth, unending courtesy, and wit," concluded Fisher. "He will be sorely missed and never replaced."

In his official statement, Dean Albert Sacks said that Baxter "had a quiet manner and deplored pretension. He became a recognized master of his field. It was the widespread support of professional colleagues that brought about his appointment to the International Court of Justice."

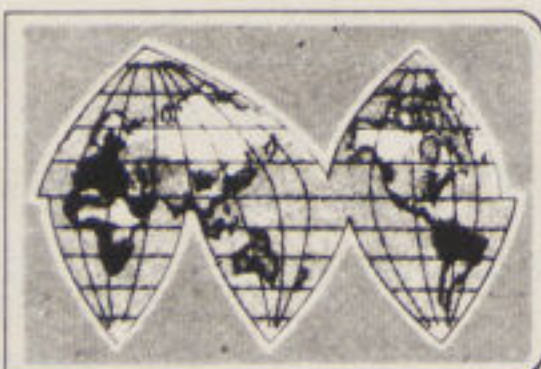
Judge Baxter and his wife, Harriet, who survives him, were the "Heads of House" at Radcliffe Col-

lege's South House from 1968 until 1970. Shirley Broner, the South House secretary, remembered Baxter as "one of God's noble creatures."

"He was both a gentle man and a gentleman," continued Broner. "He was very special and the loss is absolutely unbelievable." Judge Baxter, along with Master Lilley of Adams House, noted Broner, "was responsible for setting in motion the original exchange of men and women which led to coeducation in the Harvard and Radcliffe Houses." Broner concluded, "He was a wonderful Head of House. He had a great love for undergraduates."

Judge Richard Reeve Baxter was born on Feb. 14, 1921. He was graduated with a bachelor of arts degree from Brown University in 1942. He subsequently received a bachelor of laws from Harvard in 1948, and a master of laws from Georgetown University in 1952. Judge Baxter studied international law at Cambridge University in England.

He is survived also by two daughters, Dr. Prudence Baxter of Cambridge, and Alison Baxter of Princeton, N.J. A funeral service was held on Monday at Christ Episcopal Church in Cambridge.



JOSEPH ESKENAS

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Inside Harvard Hall

Bucky Randin

There's a rumor going around that, once a kid gets into Harvard or Radcliffe, it's clear sailing—a job with any bank you might want to name; a free yacht after his or her sophomore year; a mistress; tutorials in Lacoste construction (well, they *do* have one at Eliot House, but that's an exception); good food in the dining halls, the works.

Well, I'm here to tell you that it's simply not true. Those kids work hard down there. They may look like a bunch of spoiled, rich, obnoxious kids with MG's, but the fact of the matter is that 90 percent of each entering class never graduates. Yes—you read it right—Harvard College has a higher attrition rate than most major Wall Street law firms. And the pay's not nearly as good.

The academic standards at the

College are incredibly rigorous. Students are required to hand in 50 page papers every week, and must attend class for at least six hours each day. Each student must be fluent in both Latin and Aramaic before his sophomore year. Many, I'm sorry to say, don't even make it that far.

Those kids we see playing Frisbee in the Yard—they're the ones who couldn't make the grade. It's sad, but they're desperately trying to conceal the fact that they will never join the ranks of educated men and women. Many of their parents don't even know. Harvard cooperates in this by handing out facsimile diplomas printed in disappearing ink on Commencement Day to those who wish to break it to their parents gently.

The College also cooperates by accepting tuition payments from

the parents of those undergraduates who have failed to keep up with their smarter colleagues. "They're very understanding," says one would-be junior, who asked to remain unidentified.

Jean-Paul Mont Blanc de Puissey, Associate Professor of Government, notes that no student has managed to obtain a passing grade in his course in ten years. "Zese students—how do you say? Zey are simply not well prepared *au lycee*. *C'est triste*," laments de Puissey. "Zefact that no student has been able to live up to my exacting standards," says de Puissey, "has contributed greatly to my consideration for tenure. Harvard—how do you say—wishes to maintain its reputation for academic excellence."

Dean for Inferior Students Quincy Whitmarsh Lowell I.A.B. Langdell III insists, however, that the failure to obtain a non-disappearing diploma has not had an adverse effect on the careers of former Harvard undergraduates. "Some of my best friends never received degrees," asserts Langdell, "and they still managed to marry well." "It's all in your bearing," continued Langdell. He added, "It's amazing how many doors a large 'Veritas' signet ring will open. Simply amazing."

Law students should not worry, however, that their fellow students who were undergraduates at Harvard College won't be able to cut the mustard, as it were. Mary McFee, some-time HLS director of admissions, asserts that students who come from Harvard are "just as smart as the rest of those fools." "I hope they all die," she added.

An article entitled "Inside Harvard Law" appeared in the Sept. 25 issue of the Harvard Independent, an undergraduate newspaper. The article asserted that the most difficult feature of an HLS education is the admissions process. —Ed. 

Copying Through the Night Inside Langdell's Tunnel

(Continued from Previous Page)

The Legal Copy Center operates 24 hours a day Monday through Thursday, and during the day the rest of the week. Lepore and Tom McCullough work the day shift, Tom Davidson and Jim Burns run the evening shift, and Chris Kelleher takes the graveyard shift. With a seemingly endless supply of material to be copied at the Law School, these operators keep busy most of the time.

"Things do get a bit hectic just before finals and around the time of the Ames and Law Review competitions," observes Lepore, "but by overhearing the conversations of people at the window we try to anticipate and prepare for deadlines so that people won't have to walk to Harvard Square to have their copying done. We're gener-

ally able to keep up with the work no matter how busy we get."

"Another busy time is at the beginning of the semester," continues Lepore. "When the Distribution Center is backlogged with all of their printing for the professors, they send a lot of the smaller jobs over to us."

Unlike the Distribution Center, which operates an offset printing press and is the official Law School printing center, the Legal Copy Center is a private concern not associated with either the Law School or Harvard University. Rather, the copy center is a branch of Top Copy, an organization which operates copying offices at Boston University and Northeastern University as well as here at the Law School.



Improvements to Hemenway Trickle In;

(Continued from Page 1)

A follow-up to a study of University athletic facilities conducted by the RECORD last year (see RECORD, Oct. 26, 1979) reveals that more needs to be done to make athletic facilities and opportunities more

courts available to law students at Hemenway gym;
—inadequate number of lockers and inequitable distribution of those available;
—general neglect of Law School athletics by the Athletic De-

partment;—student dissatisfaction with the costs of athletic participation.

throughout the gym. In addition, the basketball floor now seems to receive more careful maintenance. Last year, several students were injured when they slipped on courts that had been made slick by dust and dirt build-up.

Shortcomings, however, persist. Hemenway's basketball hoops, for example, went the entire month of September without nets. Faulty lockers sometimes remain inoperational for weeks.

Law students complain most frequently of the difficulty in getting playing time at the Hemenway squash courts. Hemenway gym has 10 courts, while the University Courts on Linden Street have 20. The Linden Street courts, however, are overcrowded and are of inferior quality to those at Hemenway. They are also far enough away from HLS to be considered inconvenient by fatigued and time-pressed law students.

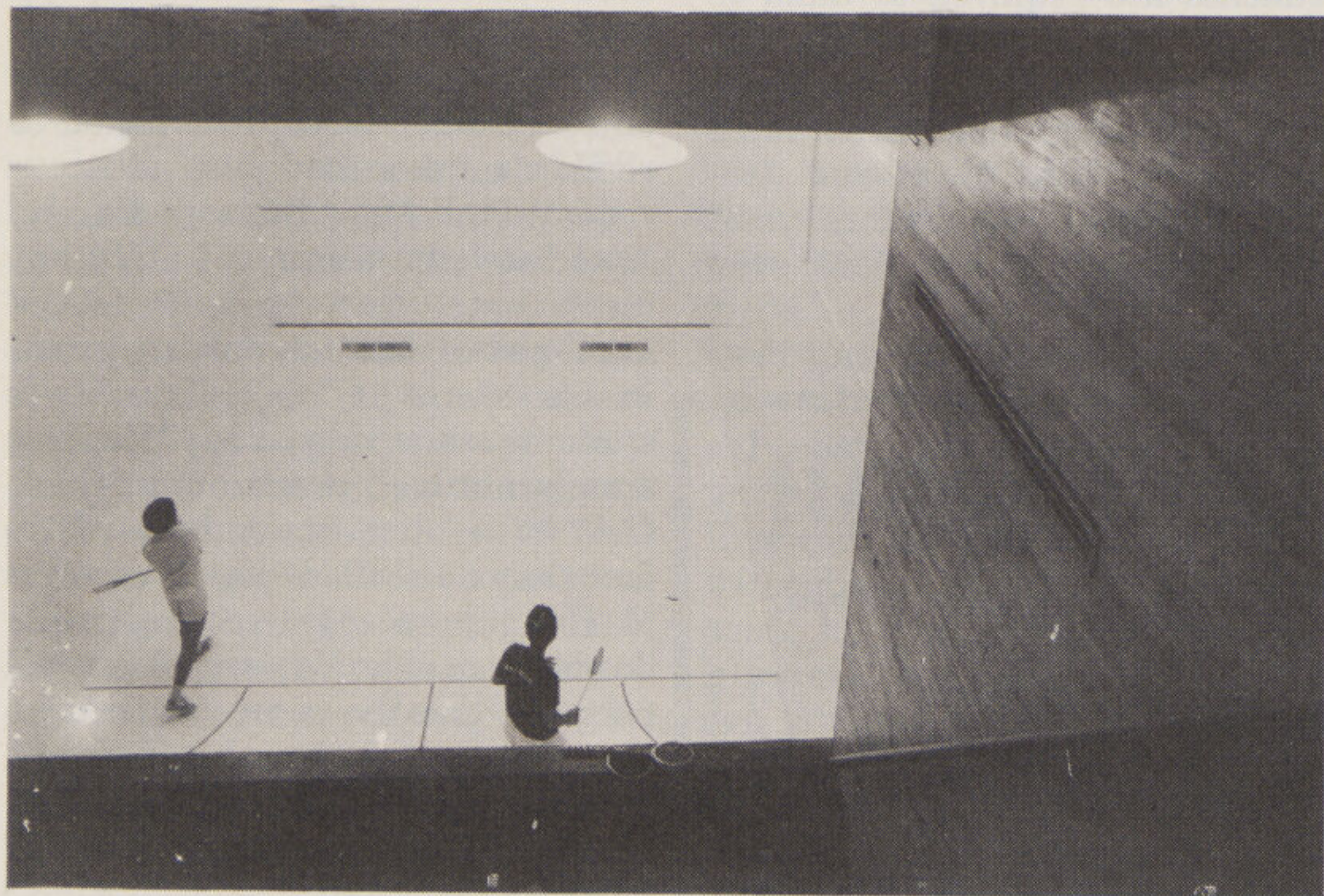


Photo by Rob Woolmington

Squash: Hemenway's biggest attraction.

equitable and responsive to the needs of law school students. The same follow-up, however, also reveals that whereas general neglect by some of the offices involved contributed to the Law School athletic woes of a year ago, this year the chief culprits are financial and physical constraints.

"There is no doubt that [the athletic facilities] are still inadequate," says Russell Simpson, assistant dean at HLS and a member of the University's Athletic Costs Sharing Committee, "but given the limitations some progress is being made."

Last year's RECORD study uncovered several problem areas:

- inadequate weight room facilities in Hemenway gym;
- hazardous conditions on the volleyball/basketball floor of the gym;
- lack of assistance for HLS intramural programs from the Harvard Athletic Department, particularly in terms of scheduling spring-time events;
- insufficient number of squash

Shows Improvement

This year's follow-up shows improvement in most of these areas. The weight room in Hemenway has been greatly improved with the installation over the summer of a new Universal Centurion 15 weight lifting "system". The problems which existed last year with the free weights are being tackled and better upkeep of the room has been promised.

The conditions in the gym itself have also shown improvement. Pads under the baskets have been installed, thus removing a great safety risk about which students angrily complained last year. Chicken wire was placed over the air ducts in which errant volleyballs frequently became stuck.

Most of Hemenway's walls received a fresh coat of paint over the summer, and a number of needed repairs were completed

Higher Quality Courts

The higher quality of the Hemenway courts, unfortunately, serves to attract many users from other Harvard schools and many staff members. Its most taxing users are the undergraduate squash teams which both practice and play matches at Hemenway. Due to this,

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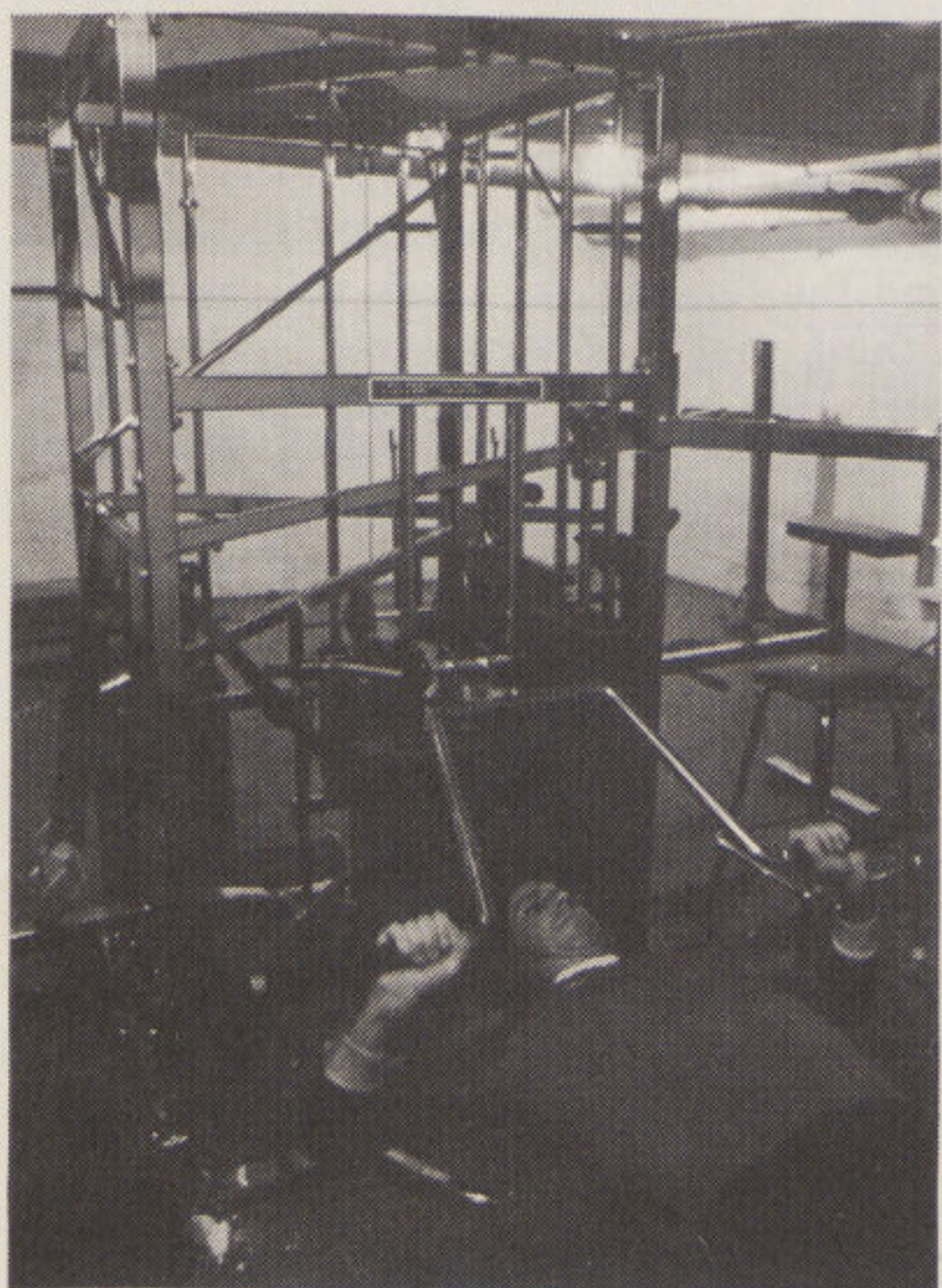
New Universal Machine Finally Available

(Continued from Previous Page)

all 10 courts are usually reserved from two to six p.m. on weekdays and for several hours on Saturdays.

"It doesn't seem fair to have to wait until the evening to get a little playing in", complains one 2L. "I live off-campus and once I leave here after classes it is impractical to have to return at night." Jack Reardon, Director of Athletics, sympathizes with the problem, but points out that Hemenway Gym does not belong to the Law School and that the costs of operating it are shared by all users.

"Part of the problem, not just for squash but in general, is historical," Reardon commented. "The facilities at the Law School are very old. They were conceived for 500 male law students." He explained that, as women became more numerous and as they and University staff members began gaining interest in athletics and fitness in



R.W.

Student builds muscles on Universal.

the early '70's, more demands were made of structures and programs and that this led to wear and overcrowding of athletic facilities. "Our office tries to give the best possible service to everyone, but there are certain things we can't change without more money," added Reardon.

More Courts?

Money indeed would be required to deal with the squash court shortage, since the only potentially effective solution would be to build new courts. But even if the money is obtained, which for the near future seems unlikely, there is a space problem which appears even less manageable. Little space suitable for construction is available on this side of the Charles and if courts are built on the other side of the river, there are fears that potential users, including law students, might find them too far away and might continue to crowd Hemenway.

Several proposals are currently being considered. One of the options is for the Law School to buy Hemenway and thus gain control of its use. According to Dean Simpson, tentative negotiations for a purchase have already been started, but nothing definite can be expected in the near future. The ultimate decision on the purchase option will rest with the law school faculty, on recommendation from the Dean. Because Dean Sacks will be leaving after this year, the issue may be put on hold until a new Dean arrives.

Besides the squash dilemma, the lack of locker space is another problem which, without added construction, might not see a solution. Nevertheless, current policies might be making the problem more severe for law students than it has to be. In past years, many law students have been unable to secure lockers, since none are set apart for the Law School. The present system allows any university student or staff member to rent a locker for the year. Since the Law School currently pays about half of the \$107,000 spent annually for operating Hemenway (the exact amount depends upon the proportion of law students and others using the facilities), and since students from other schools are closer to other facilities where lockers are plentiful, a guaranteed number of lockers for the Law School might be equitable.



R.W.

Hemenway Gym: not quite Madison Square Garden.

A similar approach might be called for to guarantee squash time to law students, particularly during hours which are most convenient to them. The undergraduate squash teams could likely get by with seven, instead of all 10, courts; the others then might be set aside for HLS.

Two-Sided Problems

The problems in regard to relations with the University Athletic Department might be two-sided. Officials there stress their desire to work with the Law School and its students to provide better athletic facilities and programs. But they complain of not receiving enough feedback. "We are often forced to assume a lack of interest on the part of HLS," said one staff member. Furthermore, support for correcting the athletic deficiencies at the Law School is not always to be found at the HLS administration level, largely because of the financial implications involved.

Law students may carry some of the blame, too. The Athletic Department's Intramurals Office says

(Continued on Page 13)

Summer Report Cards

Would you like to know what it is really like to work for a law firm before you sign up for an interview?

Although firm resumes and flyouts can give a student some rough idea of what it is like to work during the summer with a law firm, there is a better way.

At the end of each summer, the students across the river at the Harvard Business School fill out short evaluations of their summer work experience. These reports are indexed by employer and provide a gold mine of useful information.

The report forms currently in use at the Business School ask the reporting students what they feel they should have known before taking the job, how many hours they worked in an average week, what sort of work assignments they had, how they would rate their overall summer experience, etc.

Such a system could be easily implemented at the Law School and should be seriously considered by the Placement Office.

Autumn Shade

Leaf season is here. Along with cool weather, dull classes, and the advent of interviews, the turning of the leaves marks the end of yet another summer.

Although this year's crop of leaves may be a mild disappointment to the thrill-seeking leaf watcher, the muted colors of the 1980 vintage should still provide a pleasing season of foliage touring for those who appreciate nature's subtleties. TV weather reports are a good way to find out where the peak viewing is. Other reliable sources include local farmers (who can tell from knowing what the weather's been like) and 2Ls and 3Ls (who know from first hand weekend exploring). This weekend should be prime time for touring in the hills of Central New Hampshire.

The show should not be missed. There is no substitute for the sight of fall in New England. No Gilbert's outline is available to summarize the experience for you.

So if you are tired of turning the leaves in your law books, turn now to the turning leaves and leave your law books behind.

HARVARD LAW RECORD

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Fenno

Dear Mom,

I've been back at school for almost a month, and so many exciting things have happened that I haven't had a chance to write you. Sorry. Things have really changed around here. I don't know where to begin.

Well, first off, they changed the sign outside the Pound Building to read Pound Hall. That must have cost a lot. It's also very confusing. It took me a couple of hours to find my first class, because I thought they had moved the building or something. Luckily, the sign-changers were considerate enough to leave the one saying "Faculty Office Building" on the wall in the tunnel. Radical changes can be very unsettling; I'm sure that you'll understand.

They've also moved around all the names on the mailboxes in the tunnels, and even added some new names. Mom, I still don't have a mailbox. Could you call Mary Upton about that?

This year's 1L Class is amazingly intense. They never laugh, they don't participate in any extracurrics, and they seem to be convinced that attendance is taken every night in the Langdell library. Silly rabbits.

The big news is that the Dean had an idea this year. The Law School has decided to try a "divide and conquer" strategy with one Contracts section. I think they're planning to teach them all slightly different rules, and let the ensuing arguments count as an Ames Alternative. It certainly will cut down on administrative costs, and with luck a few 1Ls will be killed in the fracas and the lines in the Hark will be shorter. I think that it is very clever on the Dean's part. He's leaving us something to remember him by—blood in the tunnels.

I've given up going to my classes. *Law Review* writing competition results are out, and so many egos are either inflating or deflating that one can hardly hear the profs for all the hissing. One good thing will come of this, though—the *Review* types consider themselves too smart to need classes, so I'll be able to stretch out in my row when they're all gone.

Well, I've got to go and catch a movie.

Hi Dad.

Love,
Fenno

Letters to the Editor of the RECORD

The RECORD's policy on letters is simple. We read all of them. We print most of them, subject only to editorial discretion. We encourage letters on any subject, and especially on subjects which have appeared in the RECORD. Write today and speak your mind to the students, alumni and faculty of the Law School.

Someone Appreciates the Grad Center

By Mary Tarduno

As you sit in your orange and red dorm room at the Law School, do you appreciate what a significant architectural achievement you live in? Do you notice the sweeping glass wall before you as you eat your lunch upstairs in the Hark and gaze at the inspiring steel sculpture in the quadrangle? If not, perhaps you had better visit Boston's Institute of Contemporary Art. The Institute is exhibiting photos, sketches, and floor plans of modern architecture in Boston, and the Hark, the Graduate Center dorms, and even Peabody Terrace are among the main attractions.

The exhibit is sponsored by the Institute of Contemporary Art and the Boston Society of Architects, with funding provided by Jubilee 350 Boston as part of the city's celebration of its founding. All in all, 22 contributions to modern urban and suburban design are featured.

Frightening Sight

Although some may think the Hark is a frightening sight in real life, imagine walking into an art institute and seeing a two by two-and-a-half foot black and white photo of the Hark labeled as a significant contribution to modern architecture in Boston! The Hark's features are described in a plaque next to the photo: "Its slight curve, its free-standing ramp, its well-lit, spacious dining rooms . . . and its sweeping glass wall which gives onto the main quadrangle."

The exhibit also points to "the work of a significant number of artists" as being an "integral part of the interior design of the Commons." On your next trip through the Hark, watch for these works, which include the "brick patterning" of the fireplace upstairs, the tiled wall near the ramp, the wood relief, and the steel sculpture in the courtyard.

The Graduate Center complex, including the Hark, was designed by an architectural partnership formed by Walter Gropius, an ar-



Photo by Newton White

Matt Powers, 2L, surveys the carnage in his Ames Hall lair.

chitect described in the exhibit as "a pioneer of the modern movement" in design. Gropius, as well as other founders of the modern architectural movement, were drawn to this country, and particularly to this region, by the patronage of the region's universities.

Like Those Balconies!

Peabody Terrace, another complex familiar to many a Law School student, is also featured at the exhibit. Located on Memorial Drive, the complex was designed and built in the 1960s to house 500 married student families. José Luis Sert, a Spanish architect and Dean of the Harvard Graduate School of Design at the time, combined the modern with the traditional in Peabody Terrace's design: three towers were clustered around a traditional university fixture, a courtyard.

Again, a plaque next to pictures of Peabody Terrace points out the buildings' better features. "Delicate frame-like balconies acted as sun-shades and articulated the facades at a human scale. Peabody

Terrace reflects an attempt at wedding prototypical ideals of community from the earlier modern movement with a unique site and local context expressed by the courtyard tradition of student residence and the light, wooden balconies of nearby vernacular buildings."

The architecture exhibit at the Institute will run through October 26, giving residents of Peabody Terrace and the Graduate Center dorms plenty of time to increase their appreciation of the buildings in which they live. For the curious, some of the other Boston designs spotlighted include the Federal Reserve Bank, the New England Aquarium, City Hall, and the John Hancock Tower (although there is no mention of that building's most exciting feature — falling windows!).



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Inter-American Society Seeks Unity

By Laura Taylor

There's a new student organization on campus this fall. The Sociedad Inter-Americana/Inter-American Society was formed "because there was no Hispanic student organization at HLS that represented Hispanic students as a whole," said Julie Martinez, 2L, president of SIA.

"The major problem Hispanics in this country face," continued Martinez, "is that Hispanics fail to coalesce." By "striving together," she added, "unity among Hispanics will be achieved."

The groundwork for the SIA was laid last spring, according to Martinez. At that time a decision was made to put forth a concerted effort to include L.L.M. and other foreign students in the planning and membership of the organization. The organizational structure which was finally agreed upon requires that

the vice president of the organization be an L.L.M. Antonio Mora holds that post for the academic year 1980-81.

SIA receives funding for its "academic activities" from HLS, said Martinez. The Law School will provide travel subsidies for guest speakers and has provided SIA with a "meager" Legal Copy allowance. Martinez noted that the Legal Copy budget has almost been used up already; she has made multiple copies of SIA announcements in an effort to attract "potential interested parties" to the organization.

The remainder of the SIA budget is to be made up from membership dues of \$12 a year per member. The dues will be used to cover all of the club's "social" activities, according to Martinez. She noted that SIA already has 23 paid members, and that there are roughly 15 more who have not yet paid their dues.

SIA's first major social activity,

a "Fiesta", was held last Friday night. "It went well. We made some money out of it and we didn't expect that," said Martinez. She estimated that about 70 people attended the event, which featured dancing and conversation with foreign and American students.

"Language Nights" and Speakers

Planned activities for this year include bimonthly "foreign language nights." A Spanish conversation night was held last week; Portuguese and Italian are this week's languages.

A speaker series is also in the works. The first scheduled speaker is José Antonio Alvarado, a former U.N. ambassador from Nicaragua, who is currently an S.J.D. candidate at HLS.

SIA plans to bring "at least four [speakers] a semester" to HLS, Martinez said. Other potential guests include several Harvard College professors. Martinez added that she would like to invite former Representative Herman Badillo (D-NY), who is now practicing law with a firm in New York, to speak to students here this fall.

A pre-Thanksgiving International Dinner is planned as the club's major social event for the Fall. SIA is also considering co-sponsoring a Halloween party with Lincoln's Inn.

Plans for the spring include conferences on "Latin American Women and the Law" and on "European Women and the Law." Martinez says that SIA hopes to use L.L.M.'s as panelists for these discussions. A proposed "cultural fair" for the spring is also being discussed.

Martinez noted that the group hopes to attract a broad membership, one that is not confined to Hispanic students. "I hope that SIA makes an impact on the general Law School community — you don't have to be Hispanic to join SIA," she asserted. "Hopefully," she added, "the word will get around that we're a good group." ☛

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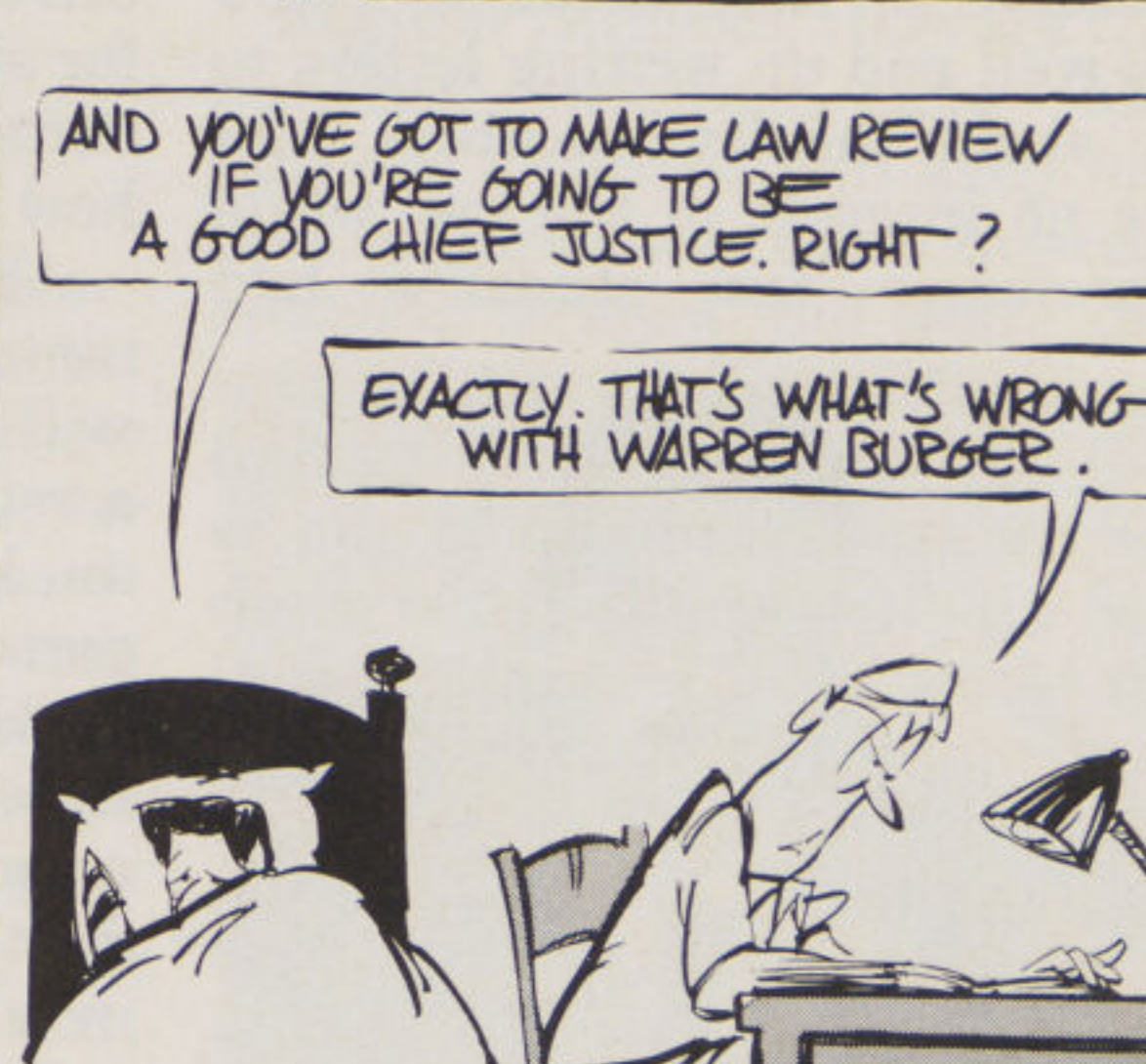
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KELLY AND LEVINE



Improvements to Hemenway Trickle In

(Continued from Page 9)

it has always been willing to assist the Law School with the intramural program. Further, the Department claims to be open to any suggestions which might make more organized athletic and recreational activities available to law students. Possibilities include scheduling some of the offered fitness courses at Hemenway rather than at other distant University facilities. Law students wishing to organize or teach special athletic classes could also bring their ideas to the Department's attention.

As for the costs of athletic participation, the amount students at each Harvard school must pay for athletic stickers is set by the administration and faculty of the given school. The basis for the figure is usually the amount which the school has to pay the Athletic Department for the use of facilities by that school's students.

A count is taken at all Harvard athletic facilities of how many students from each school use them and the costs of operating these facilities is then split up among the schools. The respective school's administration and faculty then decide how much of their school's assigned costs will be paid by the school itself and how much by the students of the school.

The Law and the Kennedy Schools have decided that their students should have to contribute \$35 each toward these costs if they wish to use the facilities. Prices at the other Harvard schools range from \$0 for Business School students, to \$110 for students of the Graduate School of Education. Locker rental for all students is \$10 per year.

The athletic deficiencies at HLS are painful not only to those law school sports enthusiasts who must pay \$45 per year to be able to exercise and shower regularly, but

for those occasional athletes who must relinquish \$1.50 per use of a facility. "Hell," says a IL from Yale, "for that kind of money I expected polo grounds."

☛

FRUSTRATED JOURNALISTS

Tired of banging out briefs? Yearning to bang out hard-hitting features instead? The HARVARD LAW RECORD is always on the lookout for reporters, feature writers, photographers, copy editors and anyone else who enjoys the whirl and excitement of bigtime journalism.

Forget the resumes. Come by the third floor of 23 Everett Street any Tuesday or Wednesday night (our production nights), have some pizza with us, and tell us what you are interested in doing. You can make your own time commitment.

Bok Isn't Really Listening to Students

(Continued from Page 1)

What is likely is that Bok will pick from among the Law School faculty. So who are the candidates? He wouldn't divulge that information. Someone asked, "Nesson? Vorenberg?" "You can figure out who the likely candidates are," Bok said. Still, the only way to determine who might be a candidate is to speculate. The ultimate absurdity is that students could very well end up writing letters to Bok about faculty members who have no interest in the job, while a professor few students had



HLVB

President Derek C. Bok

thought to consider would get the nod.

Who are the candidates? Let's speculate: Charles Nesson, James Vorenberg, Jerome Cohen, Frank Michelman, Paul Bator, Henry Steiner, Lloyd Weinreb, Richard Stewart. Any more? Arthur Miller: maybe. Larry Tribe, John Hart Ely: doubtful. Duncan Kennedy: hardly. But what is likely to happen if a student asks any of these men if he is being considered for the deanship? It is quite possible that none of them knows, although not all of them would be likely to refuse the offer. A student might drop in on any one of these professors and try to ask him an "If You Were Dean" question. We wouldn't be at all surprised if every one of them responded, "Well, I'm not Dean, I don't think I will be, so I'd rather not speculate."

President Bok has dashed students' hopes for a meaningful say in the process. Students can't learn about the candidates' views without knowing who the candidates are. And what can a student say about a professor when she can't ask him the questions that really count? "I learned quite a bit in Nesson's Evidence course so I think he'll make an excellent Dean." Ludicrous. Finally, there is no way for students to know what the student letters sent to Bok contain or how many are actually being sent.

Admittedly, Bok knows the faculty, from whose ranks the Dean will probably come. Bok seems like a reasonable person, a fair person, an intelligent person, an honest person. Once Dean of HLS himself, he knows the job, and in all likelihood, his choice will end up being a good one. But the days when students took leaps of faith are clearly over.

Students still might find their own alternatives for making a meaningful contribution to selecting a Dean. A "Meet the Candidates" night could be held, to which all faculty would be invited to give their views on the deanship. Absences could be conspicuously noted. Students could also hold an open forum without faculty, at which pre-arranged speakers could argue for and against various professors, along the lines of the "Advocates"



HLVB

Dean Albert M. Sacks

TV program. Audience participation would be welcomed.

The point is that there are many constituencies at HLS that need to be heard and that are capable of making President Bok hear them. From the Law Guild to the *Journal on Public Policy*, from the Asian Law Students to the Black Law Students, from the SBR to HGAP, enough voices can be raised to make Derek Bok listen.

We could resign ourselves to the fact that Bok has given us the proverbial empty bag. But if we stay in and fight for what we believe in, we might help HLS. It's worth the try. ❦

HLS Students Rock ('n Roll)

(Continued from Page 2)

play some original material, along with renditions of other groups' music. It was all well received, unless the blood-curdling yells that accompanied the music could be considered indications to the contrary.

"It's Craziess, Man"

The metamorphosis of usually serious, self-contained Harvard Law students amazed some. Said a 2L, "I didn't realize that Harvard Law

students had such talent." A 1L on board commented in his most refined intellectual manner, "It's craziness, man."

The boat pulled into the dock shortly after the last strains of "Rock and Roll Law School" reverberated across the main deck. After three hours of song, drink, and rigors of being at sea, one would think that the Love Boat crew would call it a show. "But Noooooo" said a 1L as he skipped toward Boston. "I've only yet begun to party!" ❦

Guild Begins Year of Political Activism

By Thomas Isenberg

"The National Lawyers Guild is an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers and jail-house lawyers of America in an organization which shall function as an effective political and social force in service of the people, to the end that human rights shall be regarded as more sacred than property interests. Our aim is to bring together all those . . . who look upon the law as an instrument for the protection of the people, rather than for their repression." (From the Preamble to the Constitution of the National Lawyers Guild, adopted 1937, amended 1971).

The Harvard Law Guild and the Massachusetts Chapter of the National Lawyers Guild held their first meetings of the year at HLS on Sept. 23. The Mass. Guild meeting followed a Harvard Guild introductory session attended by approximately 55 HLS students. Holly Maguigan, a Guild attorney from Philadelphia, spoke to an appreciative audience on how to retain self esteem as a lawyer.

"She was amazing," said an HLS student of Maguigan. "She got at contradictory feelings I'm sure many lawyers have but are afraid to admit. She described a very activist, political, human side to practicing law."

Members of the Harvard Guild regularly attend the Mass. Guild meetings which are held at one of the various Boston area law schools

each month. Although technically the Harvard Guild is not an official Mass. Guild chapter, it maintains close ties with the Mass. and National Guild organizations. "This is one advantage that the Guild has over many other student groups at HLS," said Judy Kaye, 2L, a Harvard Guild member and organizer. "The connections we can make with progressive lawyers and Guild activities outside HLS are very exciting."

"Progressive Perspective"

Although in past years the Harvard Guild's activity level has not always been consistently high, Kaye and other Guild members feel the high attendance at the first meeting bodes well for the Guild this year. "There is definitely a place for the Guild at HLS," emphasized Kaye. "The Guild provides a forum for students to question their role as lawyers in a political context, and for legal discussion from a progressive perspective," added member Joan Ruttenberg, 2L.

Members see the Guild as less issue-oriented than most other HLS student groups. This attitude is reflected in their descriptions of projects planned for the coming year. As in past years, the Guild will organize, and co-sponsor with a number of other student groups, a Burger Court Forum to coincide with the upper round Ames finals. Traditionally this forum has taken the presence of a Supreme Court Justice at the Ames arguments as motivation to present a survey of some of the more disturbing trends of the Burger court in recent years.

Another area targeted for action this year by the Guild will be alternative career options and placement. Here again members hope to take advantage of practicing Guild attorneys in the community to provide students with a view of "what's out there" in terms of progressive and innovative alternatives to large firm, corporate or business-oriented law practice.

Among the other projects the Harvard Guild plans for this year

are an unemployment law project, wherein interested students will be trained and then will represent clients before the Division of Employment of Security (DES); a series of political discussions focusing on various legal and lawyer-related issues; a cooperative effort with Dorchester Friends and Families of Prisoners, a group working on prison reform; and a possible coordination with the Mass. Guild anti-draft project.

Regular potlucks, Harvard Guild business meetings and Mass. Chapter meetings will keep members informed and allow interested students to meet and share information. Any students interested in finding out more about the Guild or any of its projects are urged to check out the Guild bulletin board in the tunnel, directly across from Legal Copy. Meeting announcements, agendas, minutes and the names of Guild officers are posted.



SPORTS QUIZ

NOTE: This week's Sports Quiz deals with famous stupid plays made during important athletic contests.

1. This man's failure to touch second base cost the New York Giants a game as well as the National League pennant in 1909. Who is this player who earned the nickname "Bonehead" for this play?
2. In 1974, this former All-Pro defensive end for the Minnesota Vikings recovered a San Francisco fumble and raced 66 yards . . . the wrong way for a 49er safety. Who was this player?
3. During the 1957 Kentucky Derby, Gallant Man was leading and at the sixteenth pole his jockey stood up, thinking the race was over. What jockey committed this mistake that allowed Iron Liege to win the Derby?
4. In the 1979 Stanley Cup semifinals, Boston led Montreal 3 games to 2 and led with approximately 3 minutes to play in Game 6 before receiving a bench penalty which allowed the Canadians to tie and later win the game. What were the Bruins penalized for?
5. In the 1954 Cotton Bowl, Rice's Dicky Moegle was racing down the sidelines on his way to a 95 yard touchdown run when a player came off the Alabama bench to tackle Moegle. Who was this 12th player for the Crimson Tide?

(Answers on Page 16)

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Writing Competition Nets No Minorities

(Continued from Page 3)

submissions by those criteria faculty members would use: analysis, organization, research, and writing ability, with no one factor necessarily more important than any other.

"Different graders had the ability to weigh factors in different ways," Singer said. As a result, all nine members of the writing competition committee regraded each of 11 pieces that seemed to have disparate scores. They did not, however, disregard the prior scores. Singer recalled that more than half of the 11 writers were invited to join the *Review*.

Good Endeavor

Singer feels that the writing competition is "absolutely" a good endeavor. There may be better systems, such as at Yale—where journal membership is gained only by writing—but the *Review* membership, which decides how to run the system, has no immediate plans to change it.

Singer said that the *Review* has considered alternative times for holding the competition, but settled for early fall as the least dis-



RECORD photo

Gannett House, home of the Law Review

ruptive to students. From a production standpoint, the competition would be best held during spring exam time or during the summer, but the obvious burdens of such scheduling make the fall the best time, "from a student's standpoint," Singer said.

No Blacks on Review

Singer expressed disappointment that there are no blacks on

the *Review*, no Hispanics, and only one Asian American. Furthermore, only three of the new 2Ls are women, two by grades and one by writing. The *Review* enclosed a survey with the entries to try to determine whether women or minorities were participating, but the results were not finalized at this writing. Singer said he knew that blacks had entered the competition. An informal headcount of women at the second round meeting totalled 11.

Letters Sent

With the help of the registrar's office, which distributed letters, the *Review* wrote to "women, blacks and every other ethnic minority we could get to," Englert said. A black former *Review* member participated in the letter-writing process. Affirmative action for membership has received "lots of casual discussion," Singer and Englert concurred, but "it has not reached a point of decision," Singer said. "The *Review* is still committed to its traditional method of selection." ❧

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SPORTS ANSWERS

1. Fred Merkle
2. Jim Marshall
3. Willie Shoemaker
4. The Bruins had too many men on the ice.
5. Tommy Lewis