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TWENTY-FIVE CENTS



The dice roll at Casino Night last Friday. Story and more pictures, page 8.

Students Meet Vorenberg for Discussion of Issues

By Rob Woolmington

Dean-designate James Vorenberg traded quips, questions and tentative opinions with students last Thursday in a one-hour session characterized by one of his interlocutors as "candid and cautious."

Vorenberg declined to take a stand on the *Harvard Law Review's* affirmative action plans, and demurred on questions about his ideas on ways to increase the percentage of women and minorities in the student body and on the faculty. While shunning discussion of particular mechanisms of affirma-

tive action, Vorenberg affirmed his support for the goal: "I don't come with a packet of plans . . . but I guess I feel that I will not have been very successful in this job, for whatever period I am in it, if there is not a substantial increase in the number of women and minorities on the faculty."

The Dean-designate, who will take office on July 1, 1981, repeatedly invited individual students or groups to visit his office and "tell me what you think I should do."

Vorenberg received several doses of advice at the informal meeting

(Continued on Page 16)

Review Amends Minority Policy

By Mary Tarduno

The *Harvard Law Review* last week replaced the affirmative action proposal adopted two weeks ago with a new system designed to meet the problem of female and minority representation on the *Review* without quotas or targets.

The new plan offers *Review* membership to 16 students on the basis of grades, to 16 students on the basis of the writing competition, and to 8 students on the basis of submissions to an admissions committee. The committee will consist of the *Review* president and randomly selected *Law Review* members, said Stuart Singer, 3L, *Review* president.

The admissions committee will consider students' grades and writing competition scores as well as an optional statement including any information or special circumstances, such as race and sex, that a student believes relevant to the committee's decision. If the first 32 students offered *Review* membership under grade and writing competition criteria do not include a sufficient number of women and minority students, sex and race will be considered by the admissions committee, according to Singer; otherwise, such factors will not play a role in the committee's deliberations.

The *Review's* decision came after two weeks of debate among law students and *Review* staffers; two *Review* members resigned after the

(Continued on Page 15)

In Pursuit of the Average at HLS

By Rob Woolmington

Quick: would you rather be a cabbie or a cop? Almost half of the first and second year students at HLS disposed of that question and equally weighty ones in a blur of test-taking before arriving in Cambridge. From such morsels are statistical norms derived, and personalities reduced to graphs and numbers.

The Strong-Campbell Interest Inventory, sent to all entering students, is a 325-question exercise in fast choices, designed to map one's interests. Its command, simply, is not to ponder, just to choose. Would you rather be a dog trainer or juvenile parole officer? Students who complete the form receive in return a multi-hued computer printout of their scores, with asterisks and numbers bristling on a grid of occupational categories. Dr. Mark Byers, HLS' career counselor, also receives the data. From it he has graphed the average profile of a Harvard Law student, meandering characteristically through the "interest scales."

High Writing, Low Art

Yes, there is a dominant personality type at HLS — a revelation almost as startling as the news that students were denied a meaningful voice in choosing the new dean. The average law student here tends to score relatively high in interests associated with adventure, writing, public speaking and athletics, while relatively low in art, nature, mechanical activities and sales. The women tend to score slightly higher than men in social service fields. The least likely occupation for the average HLS stu-

dent is to be an agribusiness manager.

Besides the average profile, which shows sharp focus on relatively few interests, there are characteristic patterns that Byers sees with regularity. He has learned to recognize people from these groups, and has divided them loosely into three categories: the "displaced human-



R.W.

Dr. Mark Byers

ists," the technical people, and former teachers, journalists and such who left their old profession for three years of toiling with the casebooks.

The displaced humanists, usually students with advanced degrees in the arts or sciences, tend to feel that, when entering HLS, they have come into the cold from the warmth. Many tell Byers that they "feel caught." The former teachers, engineers and journalists tend to have high interest scores in the fields they abandoned. They show the characteristic interests of lawyers but their printouts also

show an overlay of interests not widely represented in the law school.

An Uneasy Balance

Byers said that because these students have a variety of interests which are not nourished at HLS, they must perform "a complicated balancing act. I tell them they are not alone and confirm some of their perceptions about what legal education is about, and tell them that professional education is often a caricature of practice. There is more latitude when they get out."

"One of the things I do," Byers continued, "is tell people that they are indeed different, that there are others like them floating around. It's like looking for life in the universe — it's distributed so thinly, it is a joy to find."

Byers does not claim that there is a single model of education in the classrooms of Harvard Law School, though he often counsels students who feel that the structure has an oppressive unity. Students commonly tell Byers how little they care to be an editor of the *Law Review*, how little they crave power, how uncompetitive they feel. Byers said that he believes them, "but I think it is clear that they are not free of those concerns . . . Sometimes insecure people exaggerate the dimensions of the monolith in front of them."

Exit Testing

Byers hopes to administer the test to students when they leave Harvard, to see how interest patterns have changed after three years' residence amid the arcana of the law. Studies at medical schools have shown that students' interest in social service activities declined significantly by graduation. Byers is curious to compare results here. Though law students at Harvard tend to show a slightly greater interest in social services than do most law students, there is a rel-

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(Continued on Page 12)

HARVARD LAW RECORD

Pass/Fail May Survive First Hurdle

By Erich Merrill

The Michelman Committee would probably accept a pass/fail grading proposal if a vote were taken today, Big Mac announced in a recent open meeting. Big Mac members Jeremy Paul and Nancy Wieggers, 3Ls, felt however that more signatures on Big Mac's petition and further research concerning faculty doubts would be needed before the full faculty would be likely to approve the proposals.

Big Mac History

The Michelman Committee was formed in the fall of 1979, according to Paul, to examine the educational system at HLS. When the eight professors and four students on the Committee requested that a student advisory committee be formed to further the Committee's work, Big Mac was born. While Big Mac's original purpose was to present a broad range of issues to the Michelman Committee, the major part of its energies have been spent on the pass/fail grading proposal. Both the Michelman Committee and Big Mac must finish their work by the end of this academic year, when their charters expire.

Big Mac made a presentation to the Michelman Committee on January 22, with about 15 students present. Paul, Ellen Friedenberg, 3L, and Stuart Landers, 2L, each spoke to the Committee about the problems with the current grading system. Several of the faculty members of the Committee had objections to changing to a pass/fail system, and asked members of Big Mac to conduct further research to determine whether or not the objections were warranted. For instance, the Committee wanted to know what the effects of pass/fail systems at other law schools have been, and whether the current grading system causes Harvard students to become demoralized, forcing them to take high-paying corporate firm jobs as a way of reaffirming their feeling of self-worth.

The Committee delayed a vote until such questions are answered.

Both Wieggers, who is one of the student members of the Michelman Committee, and Paul were "sure" that if a vote had been taken at the January 22 meeting, the Committee would have approved a pass/fail system, even without the votes of student members. But Paul felt it was imperative to allay the fears of those on the Committee who are against pass/fail before any vote is taken. The members of the Committee are not a representative sample of the faculty, Paul said, and if any committee member presents strong arguments against pass/fail to the rest of the faculty, "I think there's a good chance we could lose a faculty vote."

Faculty Not Convinced

Hoping to convince the faculty that students are really in favor of pass/fail, Big Mac began collecting signatures last fall from students who would support a pass/fail system. In January, forms on which students could indicate which pass/fail option they supported were put in student mailboxes. Big Mac added to its petition the names of any students who returned and signed the forms, said Wieggers.

Wieggers said that at least a few students misunderstood the purpose of the forms. "About twenty"

returned the forms with comments saying they preferred the current grading system. "We're not trying to get an idea of what the general sentiment is [with respect to grading]," Wieggers said. "This was a petition drive, not a vote."

Final Effort

Although she said no final count was available, Wieggers estimated that about half of the first year class, and roughly one-third of the second and third year classes had indicated support for pass/fail grading of the first year's first semester courses. By signing a petition or returning a form, about one-fourth of the first year class, and one-fifth of the second and third year classes said they were also in favor of mandatory pass/fail for the whole first year, and optional pass/fail in the second and third years of law school.

Wieggers organized a final effort at the Wednesday night meeting to get "about 100" more 1L signatures on the petition before grades were released. Since there have been charges that only students who have received low grades favor a pass/fail system, she felt that signatures of students who had not yet received any grades from Harvard would "have a lot more credibility with the faculty."

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Four Win \$200 for Williston Hostage Accord

By Erich Merrill

Four 1Ls met at Georgie's five weekends ago to have a few pitchers of beer. They talked about prisoners and politics. The only thing unusual about this meeting is that it made the four \$200 richer. They had worked out the terms of the winning contract in this year's Williston Competition.

"Winning was a surprise," said John Donahue, "though we thought we'd drafted a pretty good agreement." Donahue and Tom Edwards represented the prisoners in this year's problem, negotiating with Larry Corman and Michael Feldman, who represented the state. The four won the \$200 prize for the best contract produced by the 24 groups who took part in the competition.

In addition to the prize for best contract, two prizes of \$50 each were awarded for the best contract for each side. Robert Packard and David Lakhdhir drew up the agreement most favorable to the inmates. Mark Karlan and David Westenberg negotiated the best settlement for the state. Honorable mention for best contract went to David Golden, Mark Roosevelt, Richard Silver and Wade Woodson.

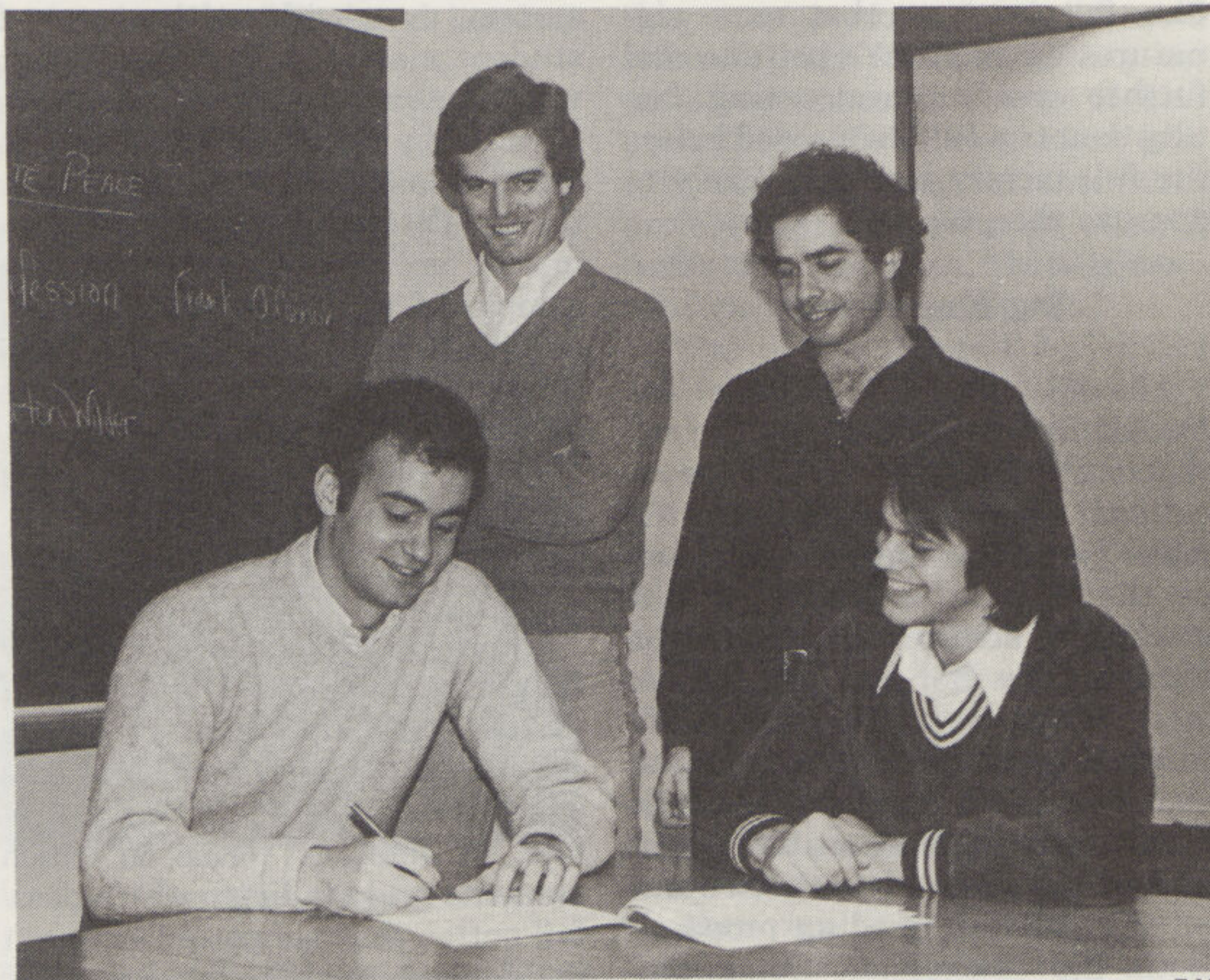
Prison Revolt

This year's problem involved a prison revolt in which inmates had taken prominent citizens hostage. In return for release of the hostages, the prisoners demanded a reduction in prison population, better food, more recreational facilities, job training programs, conjugal visitation, a new warden and free flights to third world countries.

Both teams in the winning group approached the competition in a relaxed manner, looking for solutions which they thought were reasonable for both sides. "We threw some things out right away, like putting greens, and went into it suggesting some middle ground," said Corman. "We weren't sure

what the other side would be like, but they responded well and everything worked out."

Donahue and Edwards came up with the idea of meeting at Georgie's, a nearby bar frequented by law students. Donahue noted that negotiations went very smoothly "after a couple of pitchers."



Williston winners Tom Edwards, John Donahue, Larry Corman and Michael Feldman

The clause which was probably the key to their winning the competition, according to Donahue, was a stipulation that prisoners be trained and used to build the new facilities which they demanded, such as cell blocks and recreational facilities. Also important was drawing up an agreement which was exact and concise, he thought.

Karen Falkenstein, 3L, agrees. "Creativity was rewarded, as were good drafting skills. Basically, we were looking for contracts in which the negotiators sought to fulfill their clients' interests. We were particularly looking for ones where both sides' interests, not necessarily their positions, were met." Fal-

kenstein, Sharon Jones, 2L, Rich Llewellyn, 3L, and Margaret Avril, 2L, made up the Williston Committee, which judged all of the contracts and ran the competition.

The secret to winning the competition perhaps lies in the successful group's attitude. When asked why he participated in the competition, Donahue responded, "It was just for fun." ☛

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Portraits
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Correction

Perhaps it was the date, but four of the five names in the caption for the photo of the Jessup Competition finalists in the Feb. 13 issue of the RECORD (p. 6) were incorrect. The finalists were, left to right, John Loder, Frederick Knowlton, Jody Jakosa, Lloyd Randolph and Cole Brecheen.

Students Lend A Hand Through VITA

By Gabe S. Varges

"I'm 68, widowed, and retired. I receive \$1,250 in Social Security benefit checks, \$3,400 in pension, and \$400 from work I do for my son who owns a grocery store. Do I have to file a tax return?"

"I'm blind and only occasionally employed. What tax benefits do I have?"

Non-English speaking father of 6; wife does not work; he supports wife's parents who still live in Haiti; he wants to know if he can claim wife's parents as dependents.

While hardly a pleasant diversion for most taxpayers, filing an income tax return each year can be a particularly burdensome task for many low-income, non-English-speaking, illiterate, handicapped or elderly Americans. Deductions, schedules, joint filings, itemization and the like are confusing concepts which become even more difficult when joined by mathematical computations and the many exemptions and exceptions that exist in the tax code.

Those who both have access to and have confidence in the various commercial tax preparation services can pay anywhere from \$14 to \$25 (or much more if a state income tax or several schedules are involved) to have a single income tax return prepared. A family of three wage earners could thus spend upwards of \$75 to comply with the IRS each year — and even then not be fully assured of avoiding payment of extra tax. Some commercial services in busy communities have been known to provide less than individualized attention to low-income clients or those with language difficulties.

Bermudas and Cowboys

Partly as a response to these problems, Congress has for several years funded Internal Revenue Service programs for training volunteer assistants. The volunteers help disadvantaged Americans with their tax returns. Last year more than 40,000 individuals volun-

teered and were trained through VITA (Volunteer Income Tax Assistance), a program which has attracted much attention throughout the country.

In Arizona, for example, television viewers have watched as two galloping cowboys with 1040 forms in hand ride up to a pencil-armed young woman seated in the middle of the desert behind a simple desk bearing the VITA sign. In Connecticut, the late Governor Ella Grasso proclaimed a "VITA Day" in May of last year. In Hawaii, colorful VITA booths manned by volunteers in Bermuda shorts and sandals have become popular sights in many communities.

While volunteers for VITA come from all walks of life, the program has prompted special interest

among college, business, and law students. At Harvard, the Law School Council has been involved in the program over the past few years and this year participation by HLS students has reached record numbers.

"We have tripled the number of people that helped out last year and we were sad to turn away a couple of dozen more simply because we were overwhelmed and hadn't prepared for so many people," said Fred Haber, 1L, who along with Bud Gilbert, 1L, is coordinating the program this year. In total, over 70 students are participating, and Haber and Gilbert hope that next year the IRS will be able to accommodate more.

(Continued on Page 9)

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Clinical Programs: Actual Lawyering

By Wanda Payne

While a significant majority of the student population within the HLS community is scanning digests within the confines of Langdell library, briefing cases from the University Casebook Series and wondering what it will be like to be a lawyer, there are some who are presently experiencing what it is like to be a lawyer. There are five clinical programs — Harvard Defenders (HD), Harvard Government Attorneys Project (HGAP), Legal Aid Bureau (LAB), Prison Legal Assistance Project (PLAP) and Students for Public Interest Law (SPIL) — offering real legal experiences to students, where participants handle real cases for real clients.

Harvard Defenders

The Harvard Defenders, with approximately 65 members, is the largest clinical program. It is designed to both serve indigents in the Boston area as a public interest organization and aid students in their legal education by affording them actual experience.

Students satisfying certain requirements (i.e., a 3L who has been certified) participate in criminal work in the district court of Massachusetts. 2Ls who have completed a course in evidence are allowed to handle show cause hearings. Even 1Ls may participate in the activities of the organization by interviewing clients and doing other preparatory work.

The major portion of HD's work involves representing persons who have been charged with misdemeanors or minor felonies. Bench trials are held in the district court but defendants have a right to a trial de novo, with a jury, if judgment is rendered against them. HD also handles juvenile matters, but again only 3Ls are allowed to handle these criminal cases.

In addition to its academic year activities, HD also offers a summer program to interested students. This

program is open to any student who has completed at least two years of law school and has taken Evidence. The organization hopes to have five students participate in this year's program. While applications are still being accepted, two of the five spots have already been filled.

Commenting on HD's achieve-

and federal government agencies, like the regional office of HUD.

Contrary to popular belief, the prosecutorial experiences offered by HGAP do serve public interests. For example, last year HGAP conducted a "lead paint" project. This project involved representing the city of Cambridge in the prosecution of landlords for violating the



W.P.

Richard Wright, 3L, and Jorge Vega, 2L, Harvard Defenders

ments, incoming president Jorge Vega, 2L, stated, "Success is relative. It depends on what you start out with. You try to get the best disposition of a case for your client."

HGAP

HGAP began as the Harvard Student District Attorneys, a group whose sole purpose was that of offering students prosecutorial experience. HGAP assumed its present name five years ago, and during the last two or three years has extended its program to include civil matters. Its primary purpose remains to give students clinical experience in government lawyering. The prosecutorial program involves placing students in the DA's office and the civil program involves internships in both state

lead paint laws, i.e., using lead paint in buildings housing families with small children. More exciting is its ongoing project in the Housing Court in Boston. Presently, if a tenant feels that his landlord is violating the Massachusetts Sanitary Code he may bring a *pro se* case "prosecuting" the landlord. HGAP is now able to represent such injured tenants.

While its 12-member executive board performs much of the work, other students are involved in some of the other programs that HGAP offers such as its current research program. As in the case of HD, to do work in court a student must be a 3L, have taken a course in evidence, and have been certified. Two Ls are allowed to do show cause hearings and other preparatory

(Continued on Page 14)

First Circuit Reverses Hantzis Case

By Marisa Manley

When is a home a desk drawer? When you are in the First Circuit. Every second year law student knows the answer. It was announced on Jan. 7, 1981 by Judge Campbell, writing for a three judge court of the United States Court of Appeals. The case in controversy was *Hantzis v. Commissioner of Internal Revenue*.

Catharine Hantzis is a graduate of Harvard Law School. During the summer of 1975, after her second year, Hantzis, like many other legal tyros, clerked for a New York law firm. She rented a small apartment in New York while her husband, who had teaching duties at Northeastern, remained at home in Boston. At tax time, acting under section 162 ("Trade or Business Expenses") of the Internal Revenue Code, Hantzis deducted the cost of transportation between New York and Boston and the cost of duplicate living expenses attributable to her summer job: the cost of meals and lodging incurred during her ten weeks of employment. Hantzis made several personal trips back to Boston during the summer but did not deduct any of those expenses when she filed. Sometime after graduating from law school Hantzis's tax return was audited and the IRS disallowed her deductions, asserting a deficiency of \$433.33.

Challenging the Auditor

Hantzis decided to challenge the auditor's decision. The case came to trial in 1979. Hantzis represented herself in Tax Court and won. Judge Raum, in a two page memo, said that during the time in question Hantzis had a bone-fide home in Boston and that one of the purposes of section 162 of the Internal Revenue Code is to provide relief from duplication of living expenses attributable to employment. Other law students, before and after *Hantzis*, have relied on similar reasoning when filling out their 1040's. As of Jan. 7, for residents of the First Circuit at least,

that reasoning has been discredited and the deduction disallowed.

The IRS appealed the Tax Court decision and Judge Campbell reversed. The First Circuit opinion, 21 pages long, discusses at length the meaning of "home" and says that both homes a taxpayer affiliates with must be desk drawers — that is, related to business, before deductions for duplicate expenses will be allowed. Hantzis disagrees with the court's reasoning, as, she said, do three other circuits, and is considering an appeal. Not for the money — obviously — and not just to help summer law clerks. A number of professionals are affected by this decision, said Hantzis, like actresses and construction workers. More important, however, is the state of the law in this area. "It's very unclear," said Hantzis, "and as unclear as it was two months ago, it's much more so now."

Clear Conflict

Because Hantzis believes there is a clear conflict between the way the First Circuit analyzed the case and the way other circuits have looked at these issues, she petitioned for rehearing, but the request was summarily denied. Hantzis also points out that according to *Commissioner v. Flowers*, 326 U.S. 465, whether such expenses are deductible under section 162 of the Code depends on three issues of fact to be determined by the trial court — whose findings of fact are not to be overturned unless clearly erroneous. Hantzis said the First Circuit effectively overturned the findings of the Tax Court without giving any reasons.

Although Hantzis has not yet decided whether to proceed with an appeal, she is certain about the most important and interesting issues in this case. She believes it is partly the extent of unclear and conflicting decisions in this field that leads auditors to make arbitrary decisions. She described the experience of a law school classmate who, like her, had taken the same deduction and was audited,

but whose deduction was allowed. Limited legal resources available to many persons make clarity of the rules auditors administer extremely important, said Hantzis. Not everyone can go to court. Hantzis has the legal skills to represent herself, so out of pocket costs were reduced, but according to outside estimates, to proceed as far as she has would have cost \$10,000 if she had hired a lawyer.

"Graven in Cement"

Most interesting to Hantzis is the interplay between the few cases that make it to the appellate level and the great number of taxpayers whose claims are determined by uncertain court-made rules that auditors too often treat as if "graven in cement." Auditors, said Hantzis, are often not attorneys and not tax experts. Their only basis for decision may be a manual of rules. This is why it's important to Hantzis that those rules be as clear as possible.

Many taxpayers, said Hantzis, are deterred from taking claims to court because the economics of litigation are so poor. She cites her own case as an example notwithstanding that she has avoided the mammoth costs of hiring a lawyer. If she had won in the Tax Court and the matter had ended there, recounted Hantzis, she would have pocketed about \$100. Had she lost there her out of pocket costs would have been \$433.33 plus interest, in addition to the expenses of typing and xeroxing. After losing in the First Circuit, Hantzis was assessed the IRS's costs — about \$200. If Hantzis decides to apply for certiorari, the fee is \$100, plus another \$50 if cert is granted and a "couple of hundred for having briefs printed." Just for paper — exclusive of legal fees, she will spend more than the claim is worth.

"Who can afford to litigate tax claims," asked Hantzis, "no matter how right? That's why I'm considering an appeal; I feel an obligation to leave the field as clear as possible."

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Hiring Freeze Frustrates Students

By Carl Oppedahl

President Reagan's federal hiring freeze, which is intended to be retroactive to Nov. 5, has threatened the employment plans of more than fifty HLS students. The reactions range from quiet acceptance to outrage. The Placement Office held an informational meeting on the problem two weeks ago, but has not yet been able to do much more than collect names and make inquiries at the various agencies.

All Offers In Jeopardy

Doug Phelps, HLS administrator for public service placement, explained that Reagan's executive order to the Office of Management and Budget, signed on the day of his inauguration, puts in jeopardy all job offers given after Nov. 5. While the order exempts certain seasonal jobs, and allows agency heads to seek special exemptions for particular jobs, the OMB has not yet explicitly exempted any law jobs.

"I feel like I've been punched in the stomach," said Lorraine Pratte, 3L, who may lose a job with the Chicago regional office of the NLRB. She has telephoned the office twice, and found people there to be "sympathetic" but "frustrated" that they cannot give her definite answers. She will try to work part-time while studying for the bar exam, but will not yet start looking for another job.

Individual agencies have responded in various ways to the OMB order. Peter Maier, 3L, accepted an offer from the Seattle regional office of the FTC, but later received a letter from the Commission indicating that the offer had been rescinded. He'd be "interested in suing for damages," but knows it would be an uphill battle. Maier asserted that the SEC has also sent out rescission letters.

Justice Department Optimistic

The Justice Department, on the other hand, has not sent out letters of rescission. Jeremy Henderson,

2L, noted that he has spoken with people there who are optimistic that OMB will exempt the 25 year old honors program from the freeze. Ruth Colker, 3L, has not been given such encouraging signs. She's "looking quite seriously elsewhere."

Longrun Outlook Bleak

Sylvia Herrera, 2L, pointed out that even if OMB exempts some or all of this fall's legal hirings, "the outlook is still not good in the long run." She accepted a Justice Department offer just before December exams, intending to split the summer with a San Antonio firm. She suggested that Reagan's proposed budget cuts within various agencies, and the more conservative climate, may make public service in some agencies less attractive generally.

There is the possibility that legal action may restore some of the jobs that were accepted before the order was signed. Phelps noted that several class actions and individual

suits have been filed by employees of various agencies, though many of the plaintiffs are people who, unlike the HLS students, reported for work before the order was signed. He feels that there is "some chance" that the retroactivity of the order would be found unconstitutional or otherwise unenforceable.

Any such court action will take time, however, and that aggravates the frustration for those affected by the order. "It's really a very stressful situation", said Barry Coburn, 3L, who may lose a Justice Department position. "It's very upsetting. You turn down private firm offers, and make vacation and bar exam plans, and then this [the freeze] happens." Colker expressed similar feelings: "Those of us who are interested in public interest law have trouble anyway. Now we're suffering additional trauma."



'Contempt of Courtship' Opening

Preparations for the 21st Annual Law School Show are now in full swing. Cast members, musicians, technical assistants, directors and producers are working long hours to insure that this year's musical will be as successful as those of previous years.

According to director Robert Emerson, 2L, the script and music for "Contempt of Courtship" are original works created primarily by Law School students. Unlike past productions, however, the show is not based on a past or current commercial theatrical production. Instead, it is intended to take a humorous but thought-provoking look at the trials and tribulations of attempts to find romance at law school amid keeping up with course work, taking interviews and contemplating the proper future (i.e. corporate versus public service) for a law school graduate. Performances will feature guest appear-

ances by HLS professors, and refreshments will be sold before the show and at intermission.

"Contempt of Courtship" will be presented in the Ropes-Gray Room of Pound Hall at 8:00 p.m. on Mar. 5-8 (Thursday through Sunday) and Mar. 12-14 (Thursday through Saturday). Tickets for reserved seats will be sold, unlike in past years when the early arrivals got the choicest seats. Tickets will be available at the door, and advance sales take place every day in the Hark from 11:30 a.m. to 1:30 p.m. Advance tickets are also available at the Holyoke Center Ticket Office. Prices are \$3.50 for the Thursday and Sunday night shows and \$4.00 for the Friday and Saturday night shows, with a 10 percent discount for groups of 10 or more. For more information call the Harvard Law School Drama Society at 495-4933.



Orphanage Wins Big at Gala Casino Night

Over 600 people made their way to the Ropes-Gray room of Pound Hall this past Friday night for the Dorm Council's second annual Casino Night. Inside they gambled their money away at poker, blackjack, craps, roulette and the wheel of fortune.

This vice was all to a good end, though, for the proceeds from this year's event will go to Los Niños,

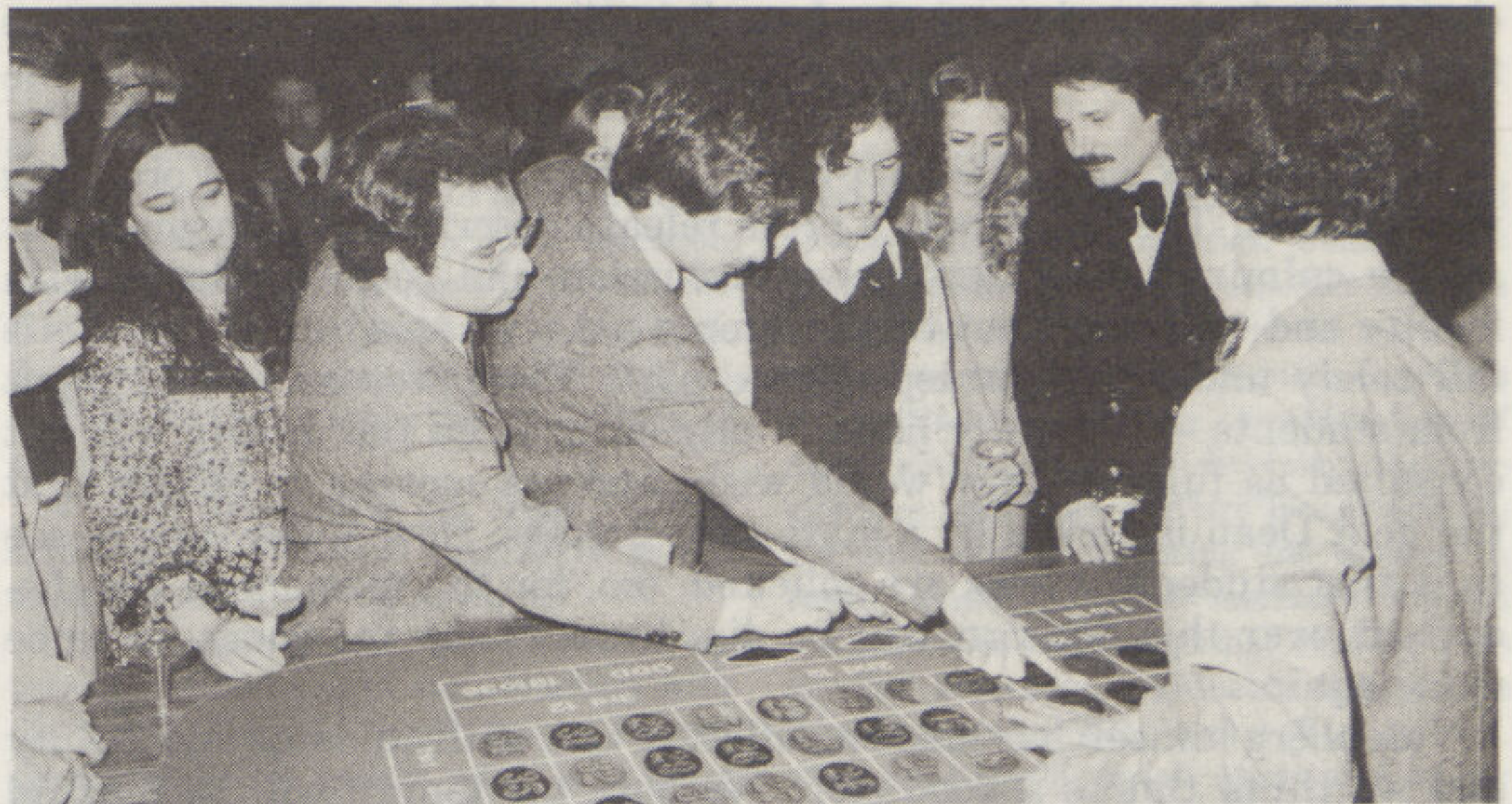


Prof. Nesson deals blackjack.

a charity providing orphans in Tijuana and other Mexican border towns with food, housing and medical care. The money was hustled off to a Harvard Police safe at the end of the evening and hadn't been counted as we go to press, but with a much larger turn-out than last year, the donation is expected to be sizable.

The poker and blackjack tables were graced with dealers like Profs. Nesson, Oldman, Dershowitz and Judge Markus, and Dean of Students Mary Upton spun the big wheel of fortune. On the dance floor, couples swayed and swung to the strains of Larry Cooper and his orchestra's swing music.

The big winner of the night was Bruce Fraser, 3L, who won the grand prize in the raffle: a week in Jamaica for two.



Photos by John Morris

Gamblers crowd their way in to place bets.

VITA Aids Needy Taxpayers

(Continued from Page 5)

Before going out to the various community sites where the program services are offered, each volunteer receives 12 hours of intensive training and is given various materials for self-study and reference. The tax returns prepared with the help of VITA volunteers are specially marked so that the IRS can monitor for accuracy and completeness. A VITA Hot-Line is also available: when a tax question arises which the volunteer cannot answer, he can call and receive immediate expert assistance.

While the free training given by the IRS is no doubt helpful to any taxpayer, and the chance to obtain general practical taxation experience is of benefit to business and law students, most participants seem to be motivated by a desire to provide a needed community service.

"The poor and the elderly in Cambridge are very appreciative of the VITA program as we've run it for the past few years," noted Haber, and this, he said, seems to convince volunteers of its worthiness.

The responsibility of handling someone else's taxes is, to be sure, big, something which volunteers readily recognize. Larry Connery, a student from Bunker Hill Com-

munity College, admitted to being nervous when his first "client" brought in nine W-2 forms — her entire family's returns! "I calmed down," he said, "when I realized the people whom I was preparing taxes for were more scared than I was. Some were even trembling."

Haber emphasized that this reassuring role played by volunteers is key to the success of the program. "Probably the greatest service we provide is just holding people's hands as they face those big, bad bureaucracies which they are afraid will somehow punish them if they do wrong." He added, "The knowledge and the smile that the volunteers bring are both very important."

Plans for expansion are already in the making. Currently, HLS students are covering Cambridge only, roughly from Central Square to Porter Square. The sites include the Cambridge Public Library (Main and North Branches) and the Office of the Council on Aging. Volunteers are also present most Mondays at City Council meetings. Gilbert and Haber hope that next year the Harvard VITA efforts might be extended to cover other areas of Cambridge and perhaps will include the Spanish- and Portuguese-speaking communities.



A New Dean At Last

The Law School finally has a new Dean. Everyone is glad that the choice has been made and the Law School's administration can move forward on matters such as curriculum reform and renovation of the Hark.

Unfortunately, no one is happy with the way in which Prof. Vorenberg was selected. The University's press release described the appointment as the culmination of "extensive discussion and correspondence with faculty and students," but this is simply not true at all unless students fall solely under the correspondence part. There was no formal input from students — virtually none in any form. Even the faculty was not consulted as fully as they would wish, and are moving to ensure that the next Dean is picked by a more open process. Now is the time to see to it that students' views are solicited, too, for the memory of the discontent over this decision will be dim by the time the choice is to be made again.

Vorenberg himself has made an effort to talk with students and faculty and we think this is a good step. We hope his tenure will be marked by more such efforts.

No Investment in Racism

We usually criticize the University for its actions or inaction. This time we come to praise Harvard, not to bludgeon it. Quietly, and without fanfare, the University has divested itself of more than \$50 million in notes and CD's in Citicorp, which has been planning to extend credit to the apartheid regime of South Africa (see letter, "Hooray for Harvard," page 11).

There is no conceivable defense to apartheid, and there is every reason to try to end it. Harvard's act is not merely symbolic: \$50 million is too great a sum to be that. And despite how many billions of dollars Citibank does have, it can't afford to lose many more customers like Harvard.

Perhaps more people will begin to hear the voice of Harvard (it could be their alma mater calling) and start taking action, withdrawing money from Citibank and other guilty lenders, selling stock of corporations that support South Africa, telling their Congressmen that they don't think Americans should be supporting an evil nation.

Mountains don't move over night, but when Harvard rolls its boulder, there's no doubt that change is not a dream.

HARVARD LAW RECORD

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Fenno

It was nearly springtime. Fenno could tell. The snow had disappeared for a bit and the squirrels were out again. Fenno liked the squirrels for they reminded him so much of his fellow law students — they maintained a frantic level of activity with no apparent purpose. It also seemed to him that the habit of stashing vital volumes of *Nebraska Words & Phrases* in obscure carrels in the stacks was akin to hoarding acorns. But at least one can eat acorns, he thought.

With the coming of a new term, Fenno had decided to utilize his time more wisely. He first thought of this last fall in Accounting. In between gazes at the girl in the pink pants with a green sweater over her yellow blouse (she reminded him of a television color test pattern — he thought his color guns had gone out of alignment), he had noticed the frenzied hi-lighters in his class, transforming their casebooks into coloring books. Like children painting by number, or connecting the dots of facts, principles and holdings, and they filled in entire pages. This rainbow created by the hi-lighters and the test pattern girl moved Fenno to think about the Universe. What is color, anyway? he thought.

But he didn't think for too long, for he was struck with inspiration! All those turkeys with the hi-lighters were only making more work for themselves. By the time they were through with their magic markers, their pages were solid yellow — or pink or green. (Maybe they're in league with the test pattern girl, he thought.) And what good was that? The point of hi-lighting was to cut down on what you have to reread, right? But there was a much easier way to do that, Fenno thought: you simply black out the irrelevant portions. Why, a little non-water-soluble, jet black Magic Marker and even the most ponderous of Ben Cardozo's opinions could be pared down to manageable proportions. All those ineffectual Douglas dissents could be excised with a few simple, squeaking strokes of the old felt-tipped pen!

And there would be no going back with indelible black, no need for time-consuming second thoughts about whether one had grasped the essence of the case. True, the resale value of his books might be reduced somewhat, but only until the idea caught on, which he was sure it would.

But what would Fenno do with all the time his technique would free up? Plan for the future, of course. He figured if he could arrange enough New York fly-downs, he could clear enough from the sale of the shuttle coupons to buy a new Gucci pen and a box of David's Cookies. And squirrel away in his lair . . .



Letters to the Editor of the RECORD

Dean Vorenberg

To the Editor:

While I am delighted that Prof. James Vorenberg has been chosen to succeed Dean Sacks, and while I believe that he is extremely well-qualified and is potentially a great Dean, I am at the same time disturbed by the light this announcement casts on the process by which he was selected.

Way back in July of 1980, when I first heard that Dean Sacks was stepping down, I guessed that Prof. Vorenberg would replace him, and I discovered that among recent alumni and students who paid attention to HLS politics Vorenberg was the favorite candidate from within the Law School.

Nonetheless, President Bok announced a mysterious and dramatic nationwide talent search. Dark hints were dropped that the new Dean might even be — gasp — an "outsider." Weeks passed without any word. Most important, student pleas for some voice in the selection process were coldly rebuffed.

I can understand the Administration's concern that students might not have much to contribute to the hunt for a new Dean. Having just been a law student myself, I can say confidently that I wouldn't trust many of them to play a useful role requiring some philosophical depth and insight any further than I can throw the Brooklyn Bridge. But the students who called for a student role in the selection process were, as their public statements showed, characterized by intelligence, good sense, a realistic conception of HLS as an institution, and concern for its future: in a word, they were responsible. Thus, it is all the more disappointing that the Administration felt it necessary to brush them aside in order to get on with a talent hunt that, after all the mystery, hoopla, and blue smoke, produced a result which, because it was obvious from the first, exposes the process for what it was — a sorry and unnecessary farce.

Richard B. Bernstein, '80
New York, NY

More on Review

[The following statement was submitted to the *Law Review* during its consideration of an affirmative action plan and to the RECORD as a letter.]

To the Editor:

La Alianza, which represents the Chicano/Latino community at Harvard Law School, acknowledges the spirit of the plan to rectify the problem of underrepresentation of women and minority students on the *Harvard Law Review*. However, our membership feels that the adopted plan is inadequate because it offers a mere remedy to treat a serious symptom which should be addressed at its root. It is our belief that a thorough diagnosis would reveal that cul-

tural, social and academic biases produce grades that are unfitting indicators of women and minority students' ability to meet the high scholarship and intellectual demands of the *Law Review*. Recognizing this problem, the *Law Review* should not hesitate to reject grades as a criterion in the selection process; rather, the *Review* should welcome the opportunity to institute substantive changes that not only confront the problem head-on, but also avoid the side-effects of stigmatization.

A unanimous vote at our latest meeting approved the following alternative as the accepted position of La Alianza.

The selection process for *Review* membership should be open and voluntary with the board of editors chosen from this staff membership. The editors would earn their positions by meeting specified research and/or writing requirements. This system has worked well at other national law schools, including Stanford and Yale. Under such a system the benefits of *Review* membership, including career advancement and the teaching of writing skills, would be extended to those willing to contribute their time and energy.

While the promotion of minority representation on the *Harvard Law Review* is a worthwhile goal, the time has come to recognize that the underrepresentation of women and minorities is merely one facet of a fundamental problem of membership selection. A truly merit system would be voluntary, extending the advantages of membership to those willing to meet the inherent obligations. While the past system offered membership to those "both willing and able" it is time for the Law School community to accept the proposition that ability should not be a questioned threshold for this diverse and talented student body. The members of La Alianza state that we, the student body, are "able" — by any definition and regardless of race or sex — and that a merit-based selection process should focus only on the willingness, enthusiasm, and effort of individuals who volunteer to undertake the *Review* experience.

La Alianza

To the Editor:

The need for affirmative action at HSL exists because a systemic bias against minorities and/or women exists, as evidenced by their numbers among the student body and faculty and their grade patterns. But rather than focusing on other, more relevant criteria — criteria less prone to this systemic bias — the *Review's* first affirmative action plan to diversify its membership continued to condition selection of its membership on grades alone, albeit adopting a different grade criterion for minority and/or female students. The effect was a paternalistic *Plessy v. Ferguson* approach, heedless of *Bakke's* implications. By adding only a token few minority members to its

ranks, the *Review* achieved no more than cosmetic improvement of a problem deserving far more substantial and serious consideration.

The *Review* didn't seek meaningful discussion or advice from those most affected by the plan, i.e. minorities, women, first year students. Nor did it consider any of a wide range of alternative plans (e.g. volunteerism, the BSA model, more emphasis on writing competition, consideration of more factors promising diversity) that are effective elsewhere and are less stigmatizing and more far-reaching and assured in result. Finally, *Review* members adopted the plan with knowledge that because of its peculiar structure, a probable faculty veto would prevent its ever taking effect. At best, their plan would permit 4 minority and/or female students to join the *Review* — not nearly enough to provide the much needed diversity or power to upgrade the *Review's* membership and policies. In the meantime, the plan's potential for perpetuating paternalistic attitudes, reinforcing the sacrosanctity of grades, and stigmatizing all minority and/or female students on campus was great.

Finding the *Review's* actions deeply disturbing, I circulated to all students copies of a petition which both opposed and requested reconsideration of this particular plan. I acted alone and didn't include my name on the copies of the petition because my name, standing alone, couldn't mean anything to the vast majority of students on campus who don't know me. Perhaps because the petition — clumsily written and anonymous — was interpreted as opposing affirmative action of any kind, it was greeted with distrust and anger.

Fortunately, the *Review* did reconsider and has now voted in favor of a different plan, which doubles the potential increase in minority/female representation over the first plan, reduces potential stigmatization, deemphasizes grades as the be-all and end-all, appears immune from faculty veto, and is therefore a considerable improvement. I am grateful for the *Review's* final efforts, as a significant first step in a much-needed overhaul. But it's still perhaps worthwhile to remember that the *Review* has complete institutional freedom to eliminate grades altogether as a criterion for membership.

Lynn Ashby, 3L

Hooray for Harvard

To the Editor:

In October, 1980, Citicorp became the first United States bank to offer new credit to the apartheid regime in South Africa since the riots there in 1976. In protest against the bank's action, Harvard University sold all of its \$50.9 million in Citicorp notes and CD's. The process of unloading such a large position in Citicorp paper took

(Continued on Page 12)

Letters to the Editor of the RECORD

(Continued from Page 11)

several months. Announcement and explanation of the move by Harvard was made only this past week.

We salute the stand that Harvard has taken in divesting itself of Citicorp debt securities. Higher education should not be funded with the profits of apartheid. Each university must be responsible for ensuring that the vast economic power of its endowment is not used for investments which support racist regimes.

It is possible that Harvard could have sharpened the impact of its moral statement. While the \$51 million has been reinvested in "similar high-quality paper," according to Lawrence Stevens, secretary to the Harvard advisory committee on shareholder responsibility, Harvard could have easily invested the funds in Citicorp equity, had the price been right. "[A]s shareholders we could voice our dissent through the proxy," Stevens said to the Wall Street Journal. "If we did (own Citicorp stock), we would have continued to hold the equity and communicated our views to the bank."

Whether or not proxies are an effective means of easing the troubled conscience of a shareholder, they are, at law, no means of instilling a social conscience in a corporation. This is true for two reasons. First, management control of a corporation is entrusted to the board of directors. Shareholders using the proxy mechanism can do no more than *request* that the directors *consider* a course such as withdrawal from South Africa. Second, the directors operate under a general duty of care, imposed by state corporation statutes, to manage assets in the economic interest of the corporation. Management would be subject to shareholder derivative suits unless able to show that such otherwise profitable operations as loans to South Africa were also resulting in financial harm to the corporation.

While Harvard cannot effectively influence policies by voting its proxies in companies which do business in South Africa, Harvard and other institutions can play an important role by selling off their shareholdings in such companies. The resulting pressure on corporate access to equity capital might provide just the type of financial harm management must show to justify ceasing operations which support the South African regime.

Meredith J. Kane, 2L
Mark S. Cohen, 2L

Errors of Iran

To the Editor:

Some of the leading newspapers have featured even more foolish editorial writing than yours on the subject of the release of the 52 prisoners, but I expected more sense from you than from James Reston and other *bien-pensants*.

There certainly are "empty spaces on a political chess board" out there. The United States, as well as other Western industrial nations (but apparently not OPEC nations) are year in, year out asked to fill the spaces with vast mounds of weapons and aid. The aid portion has been for the most part perfectly adequately described as a transfer of wealth from the working people of the West to the rich people in the small nations.

Indeed, if there is anything that Iran teaches it is the futility of squandering vast amounts of aid without firm controls over the recipients of that aid.

Aid will go on, in one form or another, to South Korea and to Poland, to El Salvador and to Zaire. It will be given to fat cats, hangmen, crooks, to bureaucrats and uniformed thugs and very occasionally even poor people. It is fueled by a constituency of people who derive power, position and income from such waste, and its supporters range from Andrew Young to Alexander Haig, from the World Council of Churches to our representatives on the World Bank.

And as long as such vast transfers of wealth and power will go on being made, should there be a question that the wiser course would be to impose and enforce basic requirements of honesty, efficiency, anti-communism and charity to the poor. And, above all, a decent appreciation and respect for the source of the funds. We should not pay a penny to those who despise or disregard us.

I am afraid that such an approach would be precisely what you implied by your characterizations political chess, and presumption. And I think that is very foolish on your part. The way we "played" in Iran during the years of the Shah was feeding a slot-machine. It is time to play chess.

Raoul Gersten, '57
Ridgewood, NJ

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.

Interest Tests

(Continued from Page 2)

atively small number of students at HLS who score very high in social service fields. Byers is curious whether they will pursue their interest in practice.

Byers has compared the HLS norms with the scores of students at Harvard Business School. He reported that the interest patterns tended to be very similar with one difference: while business students tend to have a strong interest in law, law students do not tend to show a reciprocal interest in business. Byers explained: "Law students tend to be more theoretical in their interests. Both groups tend to be power oriented but they like to exercise their power in different ways."

Tentative Assessments

These assessments, like all conveyed here, are tentative. The Strong-Campbell Interest Inventory has only been offered for two years at HLS. Byers would like to continue the program so the school can develop a broad empirical data base. He particularly hopes to correlate interest patterns with practice experience, to see how people with particular interests respond to various sorts of work. But the test is offered primarily for the benefit of individual students. Strong-Campbell measures interests, not aptitudes, and Byers said that students are usually not surprised by the results. The scores, though, are quite useful in counseling, and it is a matter of common curiosity to see how closely one's own interests hew to Byers' jagged graph of the HLS norm.

Students who took the Strong-Campbell Interest Inventory last summer may pick up their charts in Byers' office on the third floor of Pound. He will gladly help interpret the scores; indeed, it is in these sessions that he often confirms students' perceptions that their interests are different from those of their classmates.



Harvard Law School

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Administrative and Regulatory Courses

Business-Oriented Courses

Comparison of Legal Systems

Constitutional Law

Procedurally Oriented Courses

Taxation

Miscellaneous

Program of Instruction for Lawyers

July 13 - 25, 1981

Director: Louis Loss, *William Nelson Cromwell Professor of Law*

Assistant Director: Hallie Buford Stephenson

The Program, all of which is given by regular members of the Harvard faculty, is designed to afford an introduction to subjects that are new to the participants, to refresh past learning experience, to inform of current developments, and to afford an opportunity for an exchange of views among professors and participants.

Courses and Colloquia

Arranged by Categories

Administrative Law I: Current Issues of Judicial Review - Byse

(July 13-18; 11:30am-1:00pm)

Administrative Law II: The Constitutional Right to a Hearing - Byse

(July 20-25; 11:30am-1:00pm)

Antitrust Law - Areeda (July 13-25; 9:45-11:15am)

Banking Regulation - Scott (July 20-25; 9:45-11:15am)

Health Care Regulation - Clark (July 13-18; 11:30am-1:00pm)

Land Use Planning and Regulation - Haar (July 13-18; 11:30am-1:00pm)

Local Government Law - Michelman (July 13-18; 9:45-11:15am)

Securities Regulation - Loss (July 13-25; 8:00-9:30am)

The Welfare State - Liebman (July 20-25; 8:00-9:30am)

Accounting for Lawyers (Basic) - Herwitz (July 13-18; 11:30-1:00pm)

Accounting for Lawyers (Advanced) - Herwitz (July 20-25; 11:30-1:00pm)

Antitrust Law - Areeda (July 13-25; 9:45-11:15am)

Banking Regulation - Scott (July 20-25; 9:45-11:15am)

Bankruptcy: The New Law - Countryman (July 13-18; 9:45-11:15am)

International Commercial Transactions - Berman (July 20-25; 8:00-9:30am)

Securities Regulation - Loss (July 13-25; 8:00-9:30am)

The American Legal System: An Introduction for Foreign Lawyers - von Mehren

(July 13-18; 8:00-9:30am)

Comparative Law - von Mehren (July 20-25; 9:45-11:15am)

International Commercial Transactions - Berman (July 20-25; 8:00-9:30am)

International Negotiation Workshop - Fisher (July 20-25; 11:30-1:00pm)

(enrollment limited) (prerequisite - Negotiation: Theory and Practice)

Roman Law - Donahue (July 20-25; 11:30am-1:00pm)

Soviet Law: The Struggle for Legality in the Soviet Union - Berman

(July 21; 4:00-5:30pm)

Constitutional Law: Recent Developments - Parker (July 13-18; 8:00-9:30am)

Local Government Law - Michelman (July 13-18; 9:45-11:15am)

Our Ubiquitous Constitution - Freund (July 16; 4:00-5:30pm)

The Press and the Law - Lewis (July 20-25; 11:30am-1:00pm)

The Adversary System: Civil - Miller (July 13; 3:00-5:30pm)

The Adversary System: Criminal - Nesson (July 20; 3:00-5:30pm)

Evidence: The Federal Rules - Nesson (July 13-25; 9:45-11:15am)

Federal Jurisdiction I: Recent Developments in Jurisdiction and Practice - Bator

(July 13-18; 8:00-9:30am)

Federal Jurisdiction II (Advanced): Constitutional

Litigation in the Federal Courts - Bator (July 20-25; 8:00-9:30am)

International Negotiation Workshop - Fisher (July 20-25; 11:30am-1:00pm)

(enrollment limited) (prerequisite - Negotiation: Theory and Practice)

Negotiation: Theory and Practice - Fisher (July 13-18; 11:30am-1:00pm)

Estate Planning - Casner (July 13-25; 9:45-11:15am)

Taxation I: Federal Income Taxation of Individuals - Warren

(July 13-25; 11:30am-1:00pm)

Taxation II: Federal Income Taxation of Partnerships - Andrews

(July 13-25; 9:45-11:15am)

Taxation III: Federal Income Taxation of Corporate Transactions - Wolfman

(July 13-25; 8:00-9:30am)

Taxation IV (Advanced): Tax Planning in Divorce - Sander (July 20-25; 9:45-11:15am)

Admiralty - Trautman (July 13-18; 11:30am-1:00pm)

Legal History and Lawyers' Thought - Horwitz (July 14; 4:00-5:30pm)

Legal Research: New Technology - Cohen (July 23; 4:00-5:30pm)

Psychiatry for Lawyers - Stone (July 13-25; 8:00-9:30am)

Torts: Principles, Policies, and Processes - Keeton (July 13-18; 9:45-11:15am)

Please write or call for a catalog and an application for admission.

Clinical Programs: Actual Lawyering

(Continued from Page 6)

work up to the trial stage. Similarly, 1Ls may do research and other preparatory work.

Legal Aid Bureau

LAB's primary purpose is to provide legal services to indigents in the Boston-Cambridge area. Its primary areas of activity include landlord-tenant disputes; domestic law, including child custody disputes and divorce matters; and matters concerning a variety of government benefits such as Social Security and AFDC.

Several hundred clients per year find their way to LAB through the courts, social service organizations, other legal aid bureaus, and friends. Consequently, the 52 members must satisfy a time commitment of some 20 hours per week, while handling three to five cases at a time.

While most of its cases are usually in the lower court, this year LAB concluded a case in the Supreme Judicial Court of Massachusetts and is presently working on a case in the State Appeals Court. LAB sponsors other projects such as its Impact Advocacy Program, work on the Simplex Steering Committee (a tenants' organization representing tenants trying to prevent eviction from M.I.T. property), and its assistance to women who give birth while in prison. Finally, LAB conducts an official summer program, offering jobs to six students. Participation in this program also allows a student interested in joining LAB to by-pass its lottery selection process.

Although LAB technically can be sued for malpractice this has never happened since its inception in 1917. It maintains such safeguards as in-house supervisors and periodic reviews by both other members and the attorney working on the case.

When asked how successful the organization is, Vice President Mark Partridge responded, "We are successful in our cases most of the times. It is sort of rare when we can't satisfactorily reach our clients'

goals. Also, we are definitely successful in helping students become better lawyers."

PLAP

PLAP was established approximately 10 years ago with the primary purpose of assisting inmates in the Massachusetts Correctional Institution at Concord. PLAP's major activities involve attending parole revocation and disciplinary hearings. Along with SPIL, PLAP affords 1Ls an opportunity to handle their own cases.

Like HD and LAB, PLAP offers summer jobs to students, with the unique opportunity for 1Ls to participate. There are five openings for these positions and applications are tentatively due on March 20. Decisions on the applications will be made in early April.

When asked how their clients feel about student representation, co-director Cindy Mitchell responded, "Generally very glad, as with inmates it's either us or nobody." The state does not appoint counsel for inmates, so if an inmate cannot afford counsel, he must represent himself.

PLAP receives its clients through the disciplinary officer of the prison, who asks the inmate to fill in a form consenting to or rejecting representation by PLAP at his disciplinary hearing. To gather parole revocation cases, PLAP mainly relies on calls from family members and friends of the parolees or the parolees themselves. While PLAP has a very high rate of success in its parole revocation hearings, it is much less fortunate in its disciplinary hearings.

SPIL

Although SPIL has been around for approximately five years, it had been dormant for a time and was not reactivated until last year. Its primary purpose is to organize students interested in public interest law and to serve as their support group. Additionally, SPIL acts as a "voice" for these students on cam-

pus matters concerning public interest law. For example, SPIL served as a major advocate for the public interest law facilities presently in the Placement Office.

The organization's major area of activity is in landlord-tenant disputes before the Rent Control Board. When a tenant is about to be evicted or when a landlord is trying to convert a building to a condominium, SPIL represents these tenants before the Rent Control Board and also offers general advice.

Over 100 clients found their way to SPIL over the last year through various routes, including referral by the SPIL supervising attorney, Lynn Weissberg, the Cambridge Tenants' Organization, the Cambridge-Somerville Legal Services, and even the Rent Control Board itself.

Like PLAP, SPIL affords 1Ls the opportunity to fully represent their own clients at Rent Control Board hearings. Also like PLAP, SPIL does not have a minimum hours requirement for membership as students simply take on a case when they have the time.

When asked whether he thought SPIL lived up to its purpose as a support group for students interested in public interest law, acting director John Hammell responded, "We should do more in terms of tying the people together so they can know that corporate law is not the only path for a student to take. Just talking about jobs in public interest law is supportive." Conveying to the student population what the organization is all about is the major problem facing the organization. "The organization can be very supportive and it isn't a heck of a lot of work," stated Hammell.

According to Hammell, SPIL has had a very substantial impact on Rent Control Board hearings. There is a much higher success rate for tenants represented by SPIL members than for those who do not have representation. SPIL has also succeeded in having an impact on the Rent Control Board in its assessment of a fair rent increase.



TO: Members of the Bar Interested in Continuing Legal Education

Harvard Law School will hold its Thirteenth Session of the Program of Instruction for Lawyers (PIL), July 13-25, 1981. The Program is directed by Louis Loss, the William Nelson Cromwell Professor of Law.

Recognizing the need for innovative, up-to-date continuing legal education programs, Harvard Law School has put together a 34-course Program, taught by 30 members of the Law School Faculty, which is designed to inform the participants of the latest developments in numerous areas of the law. Among the courses in the 1981 Program are Antitrust Law, Banking Regulation, Health Care Regulation, Local Government Law, Securities Regulation, Accounting for Lawyers, Bankruptcy: The New Law, The Press and the Law, Negotiation: Theory and Practice and Psychiatry for Lawyers, as well as five tax courses. The 1980 Program included lawyers from 22 foreign countries, 95 government lawyers, 30 judges (including 16 federal judges sponsored by the Federal Judicial Center), 29 full-time law school teachers and 20 public interest lawyers.

The combination of a prestigious faculty, an enthusiastic group of participants from almost every area of the law, and a diverse curriculum makes the Program unique in the world of continuing education.

In order to get a \$50 discount on the regular tuition rate, the 1981 application must be submitted to the PIL Program Office no later than June 1. The majority of applications are received in April and May, and by June some courses are fully subscribed. Late applications will be accommodated whenever possible; but some classes are constrained by classroom size. For information, write or call the Program Office, Pound Hall 205, Harvard Law School, Cambridge MA 02138 (tel. (617) 495-3187).

Correction

The phone number of BRC Representative Julie Martinez was incorrectly listed in last week's ad. The correct number is 498-5158.

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Review Votes Modified Plan

(Continued from Page 1)

original plan was adopted. It took *Review* members over four hours to agree on the new membership system, which was adopted by a 44 to 36 vote with two abstentions. Considering the two resignations, the latest vote was almost identical to the 45 to 39 vote by which the *Review* adopted its first plan, Singer noted.

The affirmative action plan adopted two weeks ago offered membership to the top four students in each 1L section on the basis of grades. The fifth slot was to be filled by the top minority student in positions five through 29, with the top women in those positions being chosen if no minority student met the criteria. If neither a woman nor a minority student were in positions five through 29, the last position was to go to the student ranking fifth gradewise. The writing competition was to remain unchanged.

In the days before the reconsideration, several efforts were made to get student reaction to possible affirmative action plans. On his own initiative, *Review* member Tom Mayer, 3L, distributed a survey to 1Ls, asking them to rank several proposals in order of preference. Mayer explained that he distributed the survey because he thought it would be a good idea to get systematic input from the students who would be directly affected by the *Review's* decision — 1Ls. "We were getting the haphazard input you get from friends," said Mayer.

Mayer's survey drew 115 responses. Many 1Ls who answered the questionnaire did not rank possible requests as requested by Mayer; as a result, interpretation of the data was difficult. What it did show, however, was that the respondents disapproved of the plan first adopted by the *Review*. The data also indicated slight approval of an affirmative action plan like that adopted by the *Review* last week.

On the same day that Mayer distributed his survey, Lynn Ashby, 3L, distributed a petition to all students asking them to sign their

names if they were opposed to the affirmative action plan originally adopted by the *Review*. Ashby received approximately 100 responses, most of which were forwarded to the *Review* for its consideration before the revote.

After distributing the survey, said Ashby, she realized that many students met it with suspicion and anger since she had not put her name on it. Ashby also felt that many students interpreted the signature request as a move against affirmative action. While she is strongly in favor of change, said Ashby, she objected to the nature of the *Review's* first proposal. "I like the *Review's* second plan a lot better," she added.

Before its final vote, the *Review* also received position papers on affirmative action from several student organizations, including the Women's Law Association, La Alianza, and the Black Law Students Association. ❦

SPORTS QUIZ

NOTE: This week's Sports Quiz deals with athletes whose names may be honestly mistaken for parts of the body.

1. Currently a member of the Chicago Cubs, this man previously was a catcher for the Montreal Expos and is currently being mentioned in trade rumors involving the Boston Red Sox. Who is this player?
2. This mustachioed marvel was a star relief pitcher during the championship years of the Oakland A's before trying the free agent market for more money. Who is this right-handed pitcher?
3. An All-Pro defensive end with the Detroit Lions during the early 1970s, this man was known for being slow of foot but sure of all his tackles. Who is this player?
4. Looking like Kojak on the basketball court, this player has starred as the play-making guard at Syracuse for the past two seasons, leading the Orangemen to their best records in recent years. Who is this man?
5. Once one of the best players on the PGA tour, this man has faltered on the links recently but has filled the void by writing a regular column for a golf magazine as well as a popular book concerning life on the road for a professional golfer. Who is this athlete?

(Answers on Page 16)

Vorenberg Trades Quips With Students

(Continued from Page 1)

in the Root Room, along with general questions. Nancy Wieggers, 3L, asked Vorenberg whether he would favor or promote student participation in faculty appointments. He responded that he had seen no plan for such participation that "made sense." Vorenberg listed three problems with student involvement in faculty selection: possible breaches in confidentiality, student transience and the importance of having people on the hiring committee who have served over a long period, and "limited student perspective" in the first year. "My perspective," he added, "is that in the third year, students' minds and focus are elsewhere."

Offends Student

Wieggers responded that she found Vorenberg's first reason offensive, and he then admitted that, having served on every committee in the school, he knew of no breaches of confidentiality by students. Vorenberg said that outside applicants, however, might still object to student participation. Wieggers also argued, in essence, that students should be given a voice in the selection of faculty precisely because their interests were different from those of the hiring committee. Students should not be excluded simply because their experience does not replicate the faculty's. Vorenberg listened, acknowledged the "power" of Wieggers's argument, and indicated that the issue remained "discussable."

Asked what he considered to be the "toughest problems" for HLS in the immediate future, the Dean-designate responded that there were

"two sets." The first is to decide the future of clinical education and of new teaching methods in the latter half of the school's program. The second is to review the "impact on the school of the recruitment process and placement, and the pressures" they generate. Vorenberg said he saw a "leadership role" for HLS in trying "to think these problems through."

"Hopeful" on Michelman

Vorenberg also said he was "hopeful" that the Michelman Committee, now studying proposals to alter the curriculum and structure of the Law School, would produce "much broader" proposals for exposing HLS students to public service work.

The Dean-designate fielded several questions about student morale; each inquiry included the assessment that many students were unhappy at HLS. At one point Vorenberg responded: "I really do know quite a few people who are happy here . . . I must know an unrepresentative sample. I don't think the starting point for me is that I'm dealing with a lot of miserable people."

He acknowledged that "one of the central problems of the school is size," and noted that the experiment with smaller 1L contract sections last semester was "worthwhile." But Vorenberg reserved judgment on the experiment until

the official evaluation is complete. If the smaller sections are judged a success, and the decision is made to permanently reduce the size of some first-year classes, Vorenberg said the choice then becomes whether to expand the faculty or shave the number of offered courses.

Discussed Grading

Asked his opinion of a pass/fail system in the first year, Vorenberg responded: "At the moment, I am skeptical or an opponent." But he said he was "troubled" by the current system which provides, as the sum of faculty evaluation before the end of first-year classes, only two letter grades. Without supporting any alternatives, Vorenberg said he was open to other possibilities.

Vorenberg, queried about comments by Prof. Alan Dershowitz to the effect that the new Dean might take an active role outside the law school as a critic of the Burger Court, responded simply: "I think Alan thought my name might be confused with the Chief Justice's."

At the end of the hour a questioner, after noting that Vorenberg had seemed "candid and cautious" in his response to student queries, asked what tone he would like to be remembered as bringing to the dean's office. After a brief moment of deadpan, Vorenberg responded, "friendly, dynamic, warm," and then he laughed.

SPORTS ANSWERS

1. Barry Foote
2. Rolfe Fingers
3. Larry Hand
4. Marty Headd
5. Frank Beard

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