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TWENTY-FIVE CENTS

Faculty Asks Review to Reconsider

By Mary Tarduno

The HLS faculty has adopted a resolution requesting the *Harvard Law Review* to reconsider the membership selection policy which the *Review* adopted this February. The action came at the end of a four hour faculty meeting on Wednesday.

The faculty resolution was based

on a proposal by the Special Committee on Law Review Selection, chaired by Prof. Detlev Vagts. After defeat of a substitute motion and after amendments to the Committee proposal, the faculty accepted the final resolution by a vote of 25 to 2.

The resolution as passed reads:

1. The Faculty shares the goal of the editors of the *Harvard Law*

Review to achieve greater heterogeneity in student membership on the *Review*. That goal must be pursued in a manner consistent with other values of the Law School community.

2. The Faculty requests the *Review* to reconsider the policy on membership selection it has adopted, consult with the Committee and other interested groups, and postpone implementation of any plan until the fall of 1982.

3. The Faculty wishes the Special Committee to pursue discussions with the *Review* with the goal of arriving at a plan, which might include changes in *Review* personnel selection policy, that meets the criteria of paragraph 1.

Michelman Report Favors Pass-Fail, More Feedback

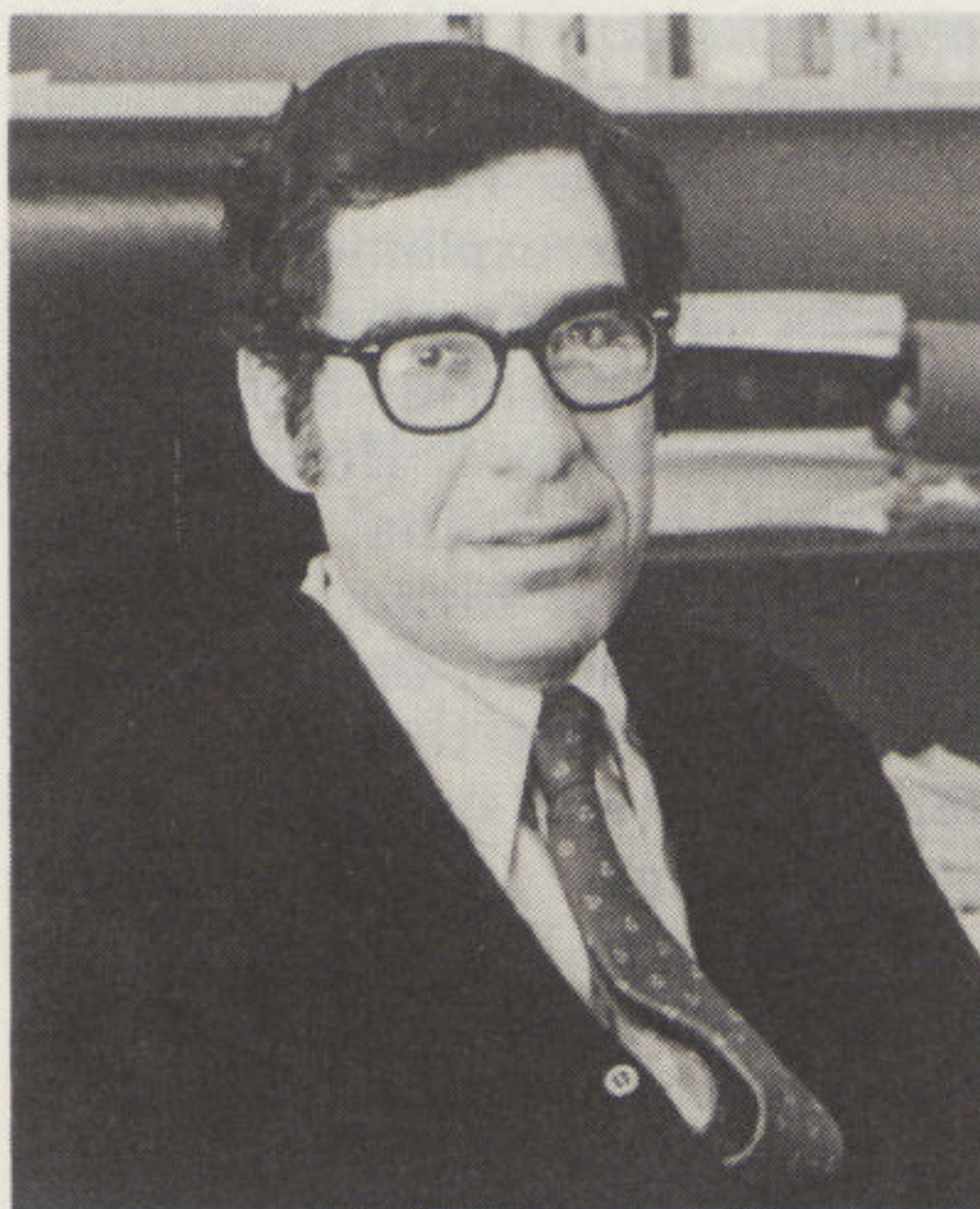
By John Morris

The long-awaited Michelman Committee report on first year grading policies was released last week, containing three major recommendations which would significantly alter the first year for HLS students. It proposes that the Law School:

- *Increase feedback for 1Ls.* Mid-term exam exercises would be given in fall-term courses and short January exams would be held in the full-year courses (Contracts and Civil Procedure). These would be evaluated by teaching assistants who would return them with comments.

- *Implement pass-fail grading for first term exams*, including the new January exams for the full-year courses. These grades would be entered on students' transcripts.

- *Require students to request that their transcripts be sent to the Law*



J.M.

Prof. Frank Michelman

Review if they wish to be considered for membership. Currently, the records of the top students are forwarded unless a student sends the registrar a request that they

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Continuing Debate

The faculty vote was the latest voice in the continuing debate on the Law Review's adoption of an affirmative action policy for membership selection. In February, the *Review* decided to offer membership to 16 students on the basis of a writing competition, to 16 students on the basis of grades, and to 8 students on the basis of submissions to an admissions committee. The submissions in the case of the last group of students would include 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* member-

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Six Women to Join Faculty for '81-'82

By Newton White

In case you failed to notice, there are six women listed in the new faculty section of this year's edition of the Preliminary Registration Advisor. In case you don't know, this is unusual.

According to the 1981 yearbook, there were nine women with teaching positions at HLS this year: two professors, one assistant professor, four lecturers and two visiting professors. Among the new faculty for next year are six women: three assistant professors and three visiting professors. The most interesting change is in the number of women in full-time, tenure-track positions: a total of three women this year, and an additional three women for next year.

Ruth Bourquin, 2L, the new president of the Women's Law Association (WLA) said that she viewed the increase in women on the HLS faculty this year as "a very positive first step towards getting some representation of women on the faculty," but added that "the WLA does not feel that this solves the whole problem." Prof. John Hart Ely, the member of the Faculty Appointments Committee who is specially charged with recruiting women for the faculty, agreed that hiring more women than normal this year was a strong first step, but not a solution. Prof. Richard B. Stewart, the chairman of the Faculty Appointments Committee, said that the Committee will "... continue to make a strong effort to hire well-qualified women."

"Critical Mass"

In a statement at the beginning of this year, the WLA recom-

mended that at least five women be hired to assemble a sort of "critical mass." The theory, according to Bourquin, is that assembling a group of women professors would make them feel more comfortable and less like "token women." Stewart explained that "the image of the school to women considering teaching here has not been good, and one way to correct that is to get a sort of 'critical mass' of women here." Ely said that he and Dean Sacks had discussed the idea of trying to get together a core group of women on the faculty as early as the spring of 1978.

Special Efforts

Some special efforts were made this year to try to hire more women. According to Stewart, women candidates were "told that we were aiming to substantially increase the number of women [on the faculty]." And on two occasions, members of the WLA met with women who had received offers but had not yet decided whether to accept them. Normally, students are not told about offers to join the faculty until after candidates have been accepted.

Cheryl Hoffman, 2L, who was president of the WLA for most of this school year, explained the sharp increase in the number of women hired for next year by saying "the timing was right." Hoffman and Bourquin both felt that the faculty had the idea of hiring a "critical mass" of women on their own, and didn't think that the WLA could claim any credit or glory for the recent hirings.

Although the WLA had no direct input into who received offers, and generally did not hear about offers

until after they had been accepted, they did meet with people on the faculty appointments committee throughout the year to encourage them to hire women. Hoffman and Bourquin stressed that the faculty was receptive to their comments, and that they were pleased with the number of women hired this year.

Ely explained that one big reason the number of women hired went up sharply this year is that "we were lucky to find several very qualified candidates who accepted our offers." He stressed that no changes had been made in the school's hiring criteria, and that no one was hired simply for being a woman.

Threat of Suit?

There were some rumors this spring that the threat of an EEOC complaint against the Law School was responsible for the decision to hire more women this year. The main impetus for such rumors was the filing of an EEOC complaint against the JFK School of Government. When asked about the possibility of such a suit, however, Stewart said, "I never heard any discussion of such a possibility." Ely also claimed not to have heard any threats, and was not worried about the possibility because "the Law School's position was not as precarious as [the K-school's]."

Bourquin admitted that the WLA had looked into the suit at the Kennedy School, "because it had to do with women's discrimination." She said that WLA never seriously considered filing such a complaint. When asked why they hadn't considered filing such a complaint she explained that "we didn't feel the situation warranted it — in light of the efforts that were made at that time and which eventually bore fruit."



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Law School Council Faces Absences

By Erich Merrill

In an attempt to correct attendance problems which have reportedly crippled it during most of the year, the Law School Council (LSC) passed a motion April 23 to remove three Council members from office if they did not show up for the following meeting. The motion was the last of many at a meeting in which the Council discussed a proposed job fair, an expansion of the Legal Aid program, and Law School policy on release of grades to the *Harvard Law Review*.

Bud Gilbert, 1L, made the motion to remove the three representatives, two of whom, he said, had not attended any Council meetings this semester, and none of whom were present at the meeting. The motion passed easily, with little discussion. However, several LSC members asked that the names of the three not be released, since they did not think the motion was valid under the LSC constitution.

Second Attempt

The motion was the second in several weeks passed by the Council in an attempt to overcome attendance problems. Several Council members commented that a quorum had been present at only a very few meetings this year. "We were paralyzed for a while by not having a quorum," said LSC president Marjorie Corman, 3L. Gilbert said this particularly hindered the Council in its major project for the year: an attempt to merge with the Dorm Council to form one student government.

After the merger attempt floundered, the Council enacted an attendance requirement, according to Gilbert. The requirement specified that any Council member who missed three meetings in a row or five meetings during the semester would be dismissed from the Council. The requirement was passed with "only six or seven" of the Council's 14 members present, he noted. To enforce the requirement, the Council at its April 23 meeting

enacted the motion dismissing the three members if they did not show up at the next meeting.

The three were upset and angry when they heard of the action taken by the Council. All three felt the action was unfair, saying that they had taken an active role in the Council's work this year, though not by attending meetings. One of the three said he had been on the committee which worked extensively with the Dorm Council on the merger proposal and had attended meetings consistently throughout the year until he became discouraged by the fact that a quorum was never present.

A second said that she had not been able to attend any meetings this semester because she had had a class off campus at the same time as the Council meetings. She said that she had told Corman early in the semester that she would not be able to attend meetings. She nonetheless felt that she had carried out her representative role adequately through her involvement on several student committees and by attending faculty meetings.

All three students said they felt the resolution was not constitutional. The LSC constitution provides that a representative may be removed after a hearing by a vote of three-fourths of the Council members. The three also stated that they would be present at the next LSC meeting so that they would not be removed from the Council. Said one, "I think the question [of dismissal] is moot, illegal, and will be cleared up on Thursday," when the next meeting is held.

Disapproval for Job Fair

In other business, the Council voted to send a letter to the faculty expressing the Council's disapproval of a faculty proposal to hold a job fair before classes start next fall. Gilbert, who made the motion, began by saying, "I'll refer to it as a job carnival, because that's what I think it will become." He explained that the proposal calls for

students to return to campus one week early to interview with employers who would come to HLS to participate in the job fair. Council members felt that such an interviewing system would cause problems for students who could not return to school early, would not decrease lost class time since flyouts would still occur during the year, and would further discriminate against public sector employers. Will Hunter, 1L, noted that such a proposal would be "reform at tremendous cost" since each student who returned early would suffer the loss of one week's wages.

Hunter also proposed that the Council form a committee to study the lack of space for a large number of students interested in participating in the Legal Aid Bureau. "In a time when everyone is worried that Legal Services may not survive, it's ridiculous to be turning away students who have expressed an interest in doing volunteer legal work," he said. This year, of 112 applicants to the Legal Aid Bureau, almost two-thirds were turned down. The Council passed the motion to appoint a committee which would make recommendations within one or two weeks. Hunter said he hoped Legal Aid could be expanded by next year.

Tim Casady, 1L, then directed the Council's attention to the release of grades to the *Law Review*. Presently the school assumes that students consent to their grades being released to the *Review*, and withholds them only upon a student's request that they not be released. Casady felt this possible violation of the Buckley amendment was not justified. The Council passed a motion to support a change to a grade release system "requiring an affirmative act by the student" before release of grades, according to Hunter.

In the latter part of the meeting, the Council elected new officers for next year. Hunter was elected president. Norma Villareal, 2L, and Brian Curran, 1L, will be vice president and secretary, respectively.



Dean Sacks Tells Alumni State of HLS;

By Mary Tarduno

If the faculty and the *Harvard Law Review* staff fail to come to a resolution of the *Review's* affirmative action plan, "there is a serious chance that the *Law Review* will suffer grievous harm," said Dean Albert Sacks in an appearance before the Council of the Harvard Law School Association last Saturday.

The Dean talked about the *Review* issue, as well as others, in response to questions from alumni after delivering a "State of the Law School" speech. The speech traced major changes that have occurred in Law School programs and personnel over the past several years; Sacks included recent developments such as the hiring of several new women professors and the presentation by the Michelman Committee of pass-fail grading and feedback proposals.

A Difficult Issue

Dean Sacks did not address the *Law Review* issue in his speech, but was asked to comment by the President of the Association, John R. Mahoney, '46, because of alumni concern over the *Review's* affirmative action plan. Sacks explained that the issue was a difficult one both for *Review* staffers and other students; he added that the faculty committee chaired by Prof. Detlev Vagts was formed to work "in a cooperative way with the staff — not assuming they are adversaries."

Sacks characterized the controversy as centered on different views of the role of the *Review* at HLS. He explained that if one believes that *Review* membership represents recognition and reward, "then what the *Law Review* has done couldn't be defended on any terms." He continued, "While there is a measure of recognition in [membership], this is a training institution, too. We need to be sure that all our training opportunities are available to all people" in the same way.

The thing he most worries about, said Sacks, is that the *Review* and the faculty may fail to resolve their differences on an approach to affirmative action. If that occurs, he said, "the relation of the *Review* to various other parts of the school will be hurt, and it won't be able to do its work well." Because of the nature of the disagreement, Sacks added, "I don't think you can predict success on this one."

"A Plateau Situation"

The Dean's main address, his "State of the Law School" speech, focused on two topics. One was that of the "people" at HLS — students, faculty and administrators — and what changes have occurred over the past ten years. "Over this period we have had an extraordinary assembly of students here. . . . we have reached a plateau situation in this regard." Later in his discussion, Sacks jokingly said that the fact that the students are so highly qualified "makes them arrogant, prima-donna-ish, and un-

reasonable in their dealings with us — in that respect they're just like the faculty." He cited the increased enrollment of minority and female students today as adding to the diversity of the HLS student body.

The appointments process this year has especially added to the diversity of HLS faculty. Said Sacks, "I am particularly pleased because for the first time we have made a major dent in . . . a difficult problem — the addition of women to the faculty." Three of the four assistant professors joining the staff next year are female, he said.

"That [the women] should come in a group is an extremely healthy thing," Sacks commented. "It has taken me a long time to realize that this school has some intangible atmosphere that makes [it] more difficult for women than for male professors."

Sacks noted that the fourth assistant professor hired is a minority member. Offers are still outstanding to other candidates, some

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Association Seeks Answers

Why doesn't the Harvard Law School Association attract more recent graduates of HLS as members? This question was asked by alumni at the Association's Council meeting held Saturday morning. The Law School Association is the alumni association for Harvard Law graduates, and the Council is its governing body.

Some of the alumni present at the meeting attributed low enrollment to the fact that students graduating Law School in recent years have increasingly had substantial debts and have had to pay large taxes, with the result that they do not have nearly as much take home pay as they might have thought they would. Some suggested that the membership fee be waived for the first year after graduation from Law School. One alumnus,

however, pointed out that it is hard to believe that economic problems are keeping new alumni away from the association: the membership fee for those alumni is only \$12.50.

Those present at the Council meeting also discussed the success of the student-alumni program. In this program, 1Ls are paired with alumni in the Boston area and often get together socially or to talk about the law. This year 400 students requested pairings, and 377 were set up. Next year students will be matched up two-to-one with alumni. Dean Sacks told the gathering that such a measure will enable interested students to get paired with alumni, and might stimulate shy students to take advantage of the program.

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Cites Gains in Hiring Women Faculty



Photo by John Morris

J. Taylor Greer of Lincoln, Neb., Dean Sacks and Dr. Avarid Fairbanks admire the new bust of Dean Roscoe Pound unveiled at the Alumni Council meeting on Friday. The sculpture is the work of 84-year-old Jonathan Fairbanks, who was represented at the unveiling by his son, Dr. Fairbanks, who is curator of the American Decorative Arts & Sculpture at the Boston Museum of Fine Arts. The first casting of this sculpture was done for the Nebraska Hall of Fame and this copy has been obtained by HLS with the help of Otto Kotouc of Humboldt, Neb. and the Nebraska Harvard Law Association.

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of whom are minorities, he added.

Pedestal Too Low?

Sacks discussed with the alumni the process of attracting highly qualified teachers for HLS professorships. Over the past decade, he explained, approximately 20 professors have left HLS; joining the faculty ranks have been 12 "young people who have or will, we hope, become regular parts of the place" and 12 others who first came to HLS as visiting professors and then later joined the faculty with tenure.

The problem with the system of hiring talent, however, said Sacks, is "the difficulty of attracting those candidates of this and other law schools who in our view would make excellent teachers." Such graduates, he explained, will also make excellent attorneys and members of the bench and therefore have a choice. "We're having more trouble attracting them into academic life than we used to," Sacks said.

The Dean attributed the hiring problem to several factors, including money, the glamor of other available careers, the location constraints on two-career families, and the declining respect and admiration of students for faculty members. On this last point, Sacks said that while he believes the "pedestal" was too high in the 1950s, he also believes that if something doesn't happen to increase student respect for faculty that the hiring problem will continue.

Despite such difficulties, noted Sacks, the appointments process was "extraordinarily active" this year. In addition to the hiring of women and minorities, the process also brought about the return of former professor Phil Heymann to HLS.

Sacks "Skeptical" on Pass-fail

The other main focus of Sacks's address was "programs" at HLS — how they have changed over the past decade and how they may be changed in the future. In the latter

of these areas, the Dean explained to the alumni the proposals of the Michelman Committee. (See story p. 1.)

The proposal that first semester courses in the first year be graded pass-fail, said Sacks, is being presented to reduce what the Committee sees as academic and competitive pressure on 1Ls. The Dean characterized the proposal as a "replay" of past faculty discussion of the issue. "I'm skeptical," he said. "Certainly no harm will come of it . . . Some students will think it a good idea."

Sacks urged the faculty to "keep an eye" on another idea of the Michelman Committee — the proposal for increased feedback on 1L work. He felt that this issue was more important than the pass-fail question and hoped that it wouldn't "get tangled up in a lot of politics."

Clinicals and Perspectives

Looking backward instead of into the future, Sacks discussed what he saw as the two main changes in programs at HLS over the past decade: the shift to clinical study and the implementation of "perspective courses." "Perspective courses," he explained, are those focusing on topics, such as philosophy and economics, which are related to the law but which are not usually addressed in Law School courses.

According to Sacks, students have reacted very positively to clinical work. "Students are motivated to work twice as hard, three times as hard as elsewhere — that has got to be a major positive indication," he said. He added that the programs have "an air of excitement" about them and that the Law School has been spreading out experiments on new clinical study ideas. "We haven't gotten firm answers that we know how to do it or that it is top-notch education," Sacks said. He added that questions are being asked and studies being done on clinical programs, and that the Michelman Committee has put to-

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Mixed Prospects for Legal Services

By Will Hunter

Students at Harvard Law School, like their counterparts in the legal profession all around the country, have reacted strongly to President Ronald Reagan's proposal to eliminate federal funding of the Legal Services Corporation.

Local student response has included writing thousands of letters to Washington officials, rallying several hundred strong last Wednesday in front of the Federal Building at Government Center, and volunteering in unprecedented numbers to work doing actual legal services work at the Harvard Legal Aid Bureau. This week, as the day for Congressional action on the Reagan budget neared, the response escalated as the Harvard Coalition to Save Legal Services urged students to send Western Union "public opinion messages" to their Congressmen — at a cost of \$3.50 for 20 well-chosen words.

The Coalition is an informal steering committee created several weeks ago by a group of second year students who gathered after Constitutional Law one day to talk about the legal and political implications of Reagan's proposals. The group has staffed letter writing tables in the hall in Harkness Commons, provided students with fact sheets about the Legal Services Corporation, mobilized support for continued funding among student groups, and cooperated with similar groups from other Boston law schools to organize last week's Government Center rally.

Budget Cuts Decried

The rally drew several hundred law students, practitioners, and clients on a windy Wednesday to downtown Boston, where they raised their voices in unison to protest the President's plan to wipe out the Legal Services Corporation's annual appropriation of \$321 million. That money pays for more than 300 legal aid programs throughout the country, which to-

gether handle more than 1.5 million cases annually.

Speakers, ranging from Dean Richard Huber of Boston College Law School to Greater Boston Legal Services client Elizabeth Rosen, praised the efficiency and effectiveness of legal aid, and decried the insensitivity of the administration that is proposing its elimination. Chants, led by Emily Joselson, 2L, urged listeners to "Save Legal Services" and "Stop Reagan's War on the Poor," a slogan which has found its way onto lapel pins and bumper stickers in recent weeks.

Despite the efforts of Harvard students, which have been matched by law schools and bar associations around the country, the outlook for continued federal funding appears bleak. The United States Senate version of the budget, passed several weeks ago, cuts the appropriation level back from \$321 to just \$100 million. Prospects in the House are even worse, where Congressional observers are predicting the body will go along with Reagan's requests for no funding whatsoever. According to Joselson, early hopes that Democrats would rally behind the alternative budget proposal of Rep. James Jones, which included \$200 million for legal services, have faded. It now appears, she said, that the arch-conservative Latta-Gramm bill will pass, totally eliminating legal aid funding as of October 1, 1981.

No Shortage at HLS

While legal aid bureaus may be hurting for lawyers soon, that won't be a problem for the Harvard Legal Aid Bureau, which provides free legal services to eligible residents of Suffolk and Middlesex counties. There, the problem is a very different one. The bureau, staffed by volunteers from the second and third year HLS classes, announced that it had 28 openings for next year. Students responded with a virtual deluge of applications: 112 1Ls, more than a fifth of the class,

volunteered for next year. Two weeks ago, the bureau ran a lottery to decide who would be admitted, and put the remaining 84 applicants on a long waiting list.

The number of student volunteers the bureau can accommodate is limited. According to Deval Pat-



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Demonstrators protest the proposed cuts in legal services.

rick, 2L, president of the Legal Aid Bureau, while there is plenty of legal services work to do, there is not enough money in the bureau budget nor enough space in Gannett House to make use of more volunteers. (The money, less than \$100,000 a year, comes from the Law School and from alumni contributions, and pays for supervision, support staff, telephone, and court fees.)

The current bureau staff is considering the merits of expanding the present operation, and a committee of the Law School Council is studying options available for providing more legal services opportunities for students. "I think anyone at law school who is committed and interested enough to want to do it should be able to have a clinical experience in legal services," Patrick said. "It's especially reassuring to have so many people volunteer at a time when legal services are threatened. It's sensible for us to think about expanding, both to provide clinical opportunities for students and to take up the slack in case federal funding of other legal aid programs is cut back drastically."



Grendel's Den: No Libatious Iniquity

By Marisa Manley

On April 7th the United States First Circuit Court of Appeals upheld a Massachusetts law giving any church the right to veto the grant of a liquor license to any establishment within 500 feet of church property. In a two-to-one opinion, the court rejected the claim made by plaintiff, Grendel's Restaurant of Harvard Square, that the law unconstitutionally mingled church and state. The same opinion upheld the restaurateur's right to a trial under its claim that the veto power granted churches may allow them to violate federal anti-trust laws by restraining competition.

Blue laws, generally, may not seem like a hot issue, but Herb Kuelzer, owner of Grendel's, intends to persist and to carry his case to the Supreme Court. His efforts will be guided by able counsel, Profs. Tribe and Rosenberg of HLS.

The First Circuit decision was just the latest rebuff for Kuelzer in a quest that began more than 10 years ago with his first application for a liquor license. The issue for Kuelzer is more than being able to offer customers a drink with their meals: it's a matter of principle.

Arbitrary Decisions

Kuelzer claims that under the challenged law churches have unfettered power to decide which of their neighbors get liquor licenses and which do not. Because no government review of the churches' veto is possible under the challenged law, Kuelzer fears the power can be used in arbitrary and discriminatory ways. Depending on a particular church's decision-making structure, a single person may veto one restaurateur's license application simply because he or she doesn't like the restaurateur,

or for no reason at all. Or, suggests Kuelzer, a church decision-maker might be bribed by neighboring restaurateurs to deny a new applicant a license and thus restrain competition. To highlight the arbitrariness that may result from unchecked church discretion, Kuelzer points to the fact that, since his initial application for a liquor license in 1971, the same church that vetoed his request has allowed 14 other establishments, all within 500 feet of its premises, to be awarded licenses.

Unchecked Power

Kuelzer's greatest dissatisfaction is not with the churches' decision-making power, but with the facts that no review of a church's action is available, and that the church is not required to give any reasons for its decision. According to Kuelzer, if a restaurateur is denied a license by the Cambridge Licensing Commission, he or she can request a hearing before the Alcoholic Beverage Control Commission of Massachusetts. In 1978 after the second denial of his application for a permit, Kuelzer requested such a hearing. He traveled to the hearing expecting that the church would have to appear and explain the reasons for its veto, but instead at the hearing was simply told that the Commission is legally bound by the church's veto.

According to Kuelzer, the Alcoholic Beverage Control Commission claimed to have no power to review or investigate the church's decision. Kuelzer said he doesn't think that is what a hearing should be for, or that a church should have such unchecked regulatory powers.

He believes that when the state legislators gave churches this power they assumed it would not be abused; Kuelzer, however, said he doesn't think one can make that assumption, and that there must be guidelines when such power is put into private hands.

Kuelzer believes the delegation of power issue would be an inter-

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Aussies Win Jessup Title

Unheralded Australia National University of Canberra, Australia scored a stunning upset victory in the world finals of the International Moot Court Competition in Washington, D.C. last Saturday, defeating an equally surprising team from McGeorge Law School of California in the final round. Three days earlier, a foursome of Harvard 1Ls was eliminated in the American finals after clashing with Emory, American, Washington, and Washington & Lee Universities.

For the Harvard team — Cole Brecheen, Frederick Knowlton, Jody Jakosa, Lloyd Randolph and alternate John Loder — the defeat snapped a string of victories that began at the HLS Jessup Competition last fall. After winning at Harvard, the team captured the New England regional championships and became one of 11 American teams to advance to the finals in Washington. (See RECORD, Mar. 13) Other regional law school winners were NYU, University of Cin-

cinnati, Loyola, University of Minnesota, South Texas College of Law, and the schools mentioned above.

"They worked awesomely hard," said Harvard adviser Laverne Woods. "Harder than we did last year." Woods noted that Harvard is one of the few schools that annually fields an all-1L team in international moot court competition, but she did not believe the difference amounted to a disadvantage. Woods did feel strongly about the overall operation of the Nationals. "Compared to the Regionals, this event was run very poorly," she said. "The bench was distinctly unimpressive."

McGeorge, a recently accredited night school, defeated a smooth group from the South Texas College of Law to win the American side of the competition. Australia, meanwhile, knocked off an impressive Singapore team to win the "world" side of the ladder and set up the championship match.

SIA: A True Melting Pot at HLS

By Wanda Payne

While many of us frittered away our March vacation in some warm, sunny spot or, in the case of many 3Ls, churned out papers, Julie Martinez, 2L, was busy writing a constitution. Her efforts resulted in a charter for La Sociedad Inter-Americana (SIA), the youngest student organization at HLS.

Martinez said that sometime last spring she decided to try to integrate the shared values, interests and goals of those from the various Hispanic backgrounds that are represented on campus. After speaking with many students and talking to members of the administration to inquire how other student organizations got started, Martinez held the first organiza-

amongst the disadvantaged minority groups in America in order to better effect a viable, collective political voice," Martinez said. At present there are 38 members in SIA, including Anglos, Blacks, Native Americans, and Hispanics. Next year Martinez hopes to increase the membership to at least 50.

According to Martinez, "Anyone interested in the issues of the organization is able to join. It is more effective to unite all of those with a common interest, and by working together we can accomplish a great deal more."

Another unique characteristic of SIA is its inclusion of LL.M. students. In fact, by virtue of the SIA constitution, the vice presidency must be filled by an LL.M. student.

of SIA keeps me abreast of Latin issues." She continued by saying that she also "enjoys the *ambiente* one feels being with Latin Americans." Other non-Hispanic students expressed similar reasons for joining the organization.

Numerous Functions

The organization has been quite successful in sponsoring numerous social, cultural, and educational functions over the course of this academic year. The social events have included bake sales, a Halloween party, dinners, and various trips to some of Boston's finest museums. SIA has held numerous Spanish, Italian, and Portuguese conversation nights since September as part of the cultural experience afforded its members. Additionally, SIA has sponsored many educationally enlightening forums and informal talks including a talk by Prof. Jorge Dominguez on "Attitudes of Latin American Businessmen Toward Multinational Corporations," a film on the El Salvador crisis "Revolution or Death," guest speakers from various departments of Harvard University, and an Immigration Law Seminar featuring New York City attorney Jack Sachs, Immigration Judge Thomas M. Ragno, and Lawrence D. Bastone of the New England Council of Immigration Lawyers. SIA is presently in the process of receiving funds from the Massachusetts ABA and the Equal Justice Foundation of Harvard University to finance the group's recently developed "access project." The project will print pamphlets in Spanish on legal issues such as the rights of aliens and people who are arrested.

A recent SIA dinner at the Brasilia Restaurant on April 8 was both a cultural and social extravaganza — with Brazilian food, Spanish conversation, and Latin music. Administrators, J.D. candidates, and LL.M. students honored the new board and paid tribute to Martinez for her noble efforts.



W.P.

Julie Martinez and Norma Villareal, 2Ls, of S.I.A.

tional meeting of SIA during April 1980. When she received a favorable response from interested students Martinez continued, over the summer, to contact students currently enrolled at HLS as well as incoming 1Ls.

Promoting Unity

Martinez was elected President of SIA during September, 1980. Since her election she has continued to expand the membership of SIA to include other disadvantaged minority groups. "I am committed toward the goal of promoting unity

"The presence of LL.M. students clearly demonstrates the melting pot characteristic of SIA, as LL.M. students are by and large from different countries that clearly have different values from those of Hispanic Americans," Martinez stated.

Cookie Horne, 2L, one of SIA's non-Hispanic members, stated that she feels that the group's goal of promoting "intercultural mingling" has been quite successful. When asked what prompted her to join, Horne replied, "I have had an interest in Latin America for some time and lived in Latin America for three years. Being a member

Knowledge is Trivial at Law School

By Ben Littauer

All right trivia fans! Who won the HLS trivia contest? (Answer on page 15.)

The finals of the HLS Dorm Council Trivia Contest were held

last Thursday, April 23, in the Ames Courtroom. Competing were three teams who had demonstrated their "trivial" knowledge in two earlier elimination rounds. The teams were: Team 1, Bill O'Brian, 3L, Wayne Eastman, 3L, and Brian

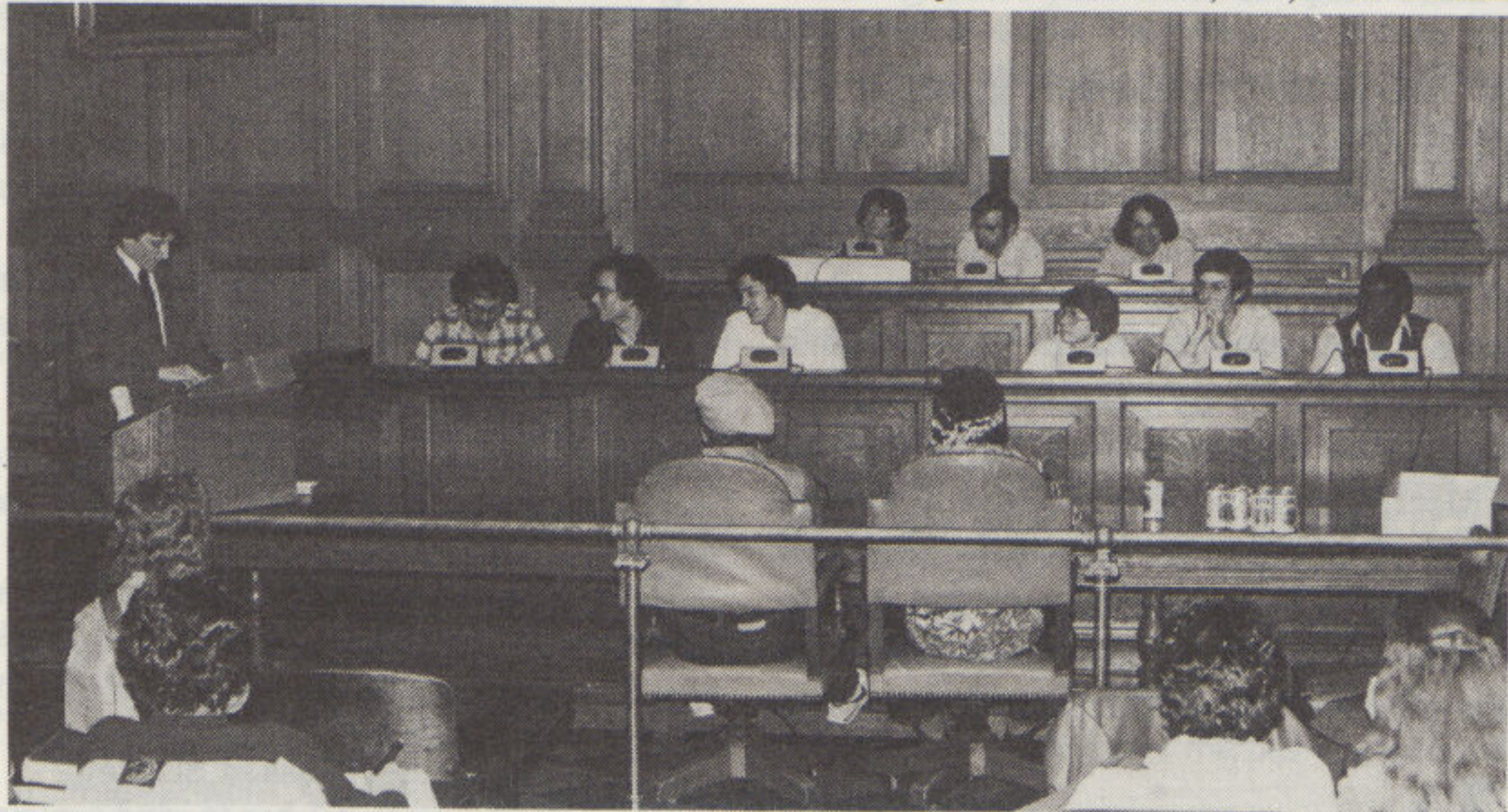
Meyer, No-L; Team 2, Bob Irving, Pat Fields, and Jack Reed, all 2Ls; and Team 3, Mary Whisner, 2L, Al Lewis, 2L, and Morgan White, Jr., No-L. The contest was to 500 points, with no time limit.

Dennis Saylor, 3L, director of the contest, wrote many of the questions and was the master of ceremonies at the final round of the competition. He was ably assisted throughout the proceedings by Bonny Garcia and Ed Mishow, 3Ls.

The questions ranged from sports to current affairs to history to music to movies to television, and, of course, HLS trivia. Whisner was able to name the currency of Vietnam, and so her team scored the first points of the contest. Fields knew what brand of toilet paper is used in the HLS facilities, and O'Brian knew what was found carved on a doorpost after the Lost Colony disappeared from Roanoke Island. None of the teams, however, were able to tell Saylor what the three easiest courses at HLS are.

Only one complaint was heard from the contestants (including one from a previous round), and that was about the lack of questions on literature and science fiction. These contestants felt that there was an overemphasis on sports questions. The situation might be remedied by recruiting a larger pool of people to aid in the monumental task of writing the questions.

The winners were able to pull a come-from-behind victory to take the HLS trivia crown. The teams fought a hard battle, and in the end only one could claim victory . . . but that would be telling. ☘



Dennis Saylor, far left, selects a question for the Trivia Finalists. Left to Right: Teams 1, 2 and 3.

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Heed Michelman's Advice

The Michelman Committee's report on first year grading is finally out and it offers real hope for some needed change at the Law School.

The report says that the Committee unanimously supports the recommendation to increase the amount of information first year students receive about their progress, even though the plan to achieve this will require the addition of as many as 66 teaching assistants. While the sort of feedback proposed will not make up for the excessively large classes 1Ls must face, it is certainly a good first step toward improving their environment.

The Committee was not so united on the issue of pass-fail grading for the first term. We think the proposal of the majority, though, is very reasonable, and probably the best that could stand a chance of being passed by the entire faculty. It is ironic that the report makes no mention of the successful experience of other top law schools — most notably Yale — with a very similar scheme, and one cannot help but sense a bit of Harvard's traditional center-of-the-universe syndrome.

If the haggling over the *Law Review* that characterized this week's faculty meeting is any indication, the Michelman proposals face a rough road ahead. While the *Review* issue is probably more emotionally charged for the faculty members, so many of whom were once editors, the Michelman reforms are potentially much more crucial to the Law School's functioning as an educational institution. We hope the faculty adopts them.

Promises, Promises

Now that the end of the year is (finally) upon us, it is perhaps time to stop being so patient about unkept promises. One comes to mind immediately: that of new door locks for the graduate center dorms.

The situation surrounding the promised new security system in Ames, Dane, Holmes, Shaw, and Story can best be described as a grand farce entitled "Man Meets Lock; Loses." Work that was originally slated to be done over last summer has yet to be completed. One outside door (in Holmes) has yet to have *any* lock installed, and one (in Ames) had the old hall (QJB) lock installed instead of the new (QIB) one. The administration, while offering constant reassurances to the students, seems to have forgotten to tell the workmen that they should still be working. As a result, only one door, (of the doors in Holmes that *has* a lock) is locked (sometimes), and the grad center dorms stand as easily accessible to intruders as before. Harvard Security can put up all of the cute little signs that it wants to, but without locks the admonitions fall on students unable, but not necessarily unwilling, to comply.

HARVARD LAW RECORD

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Fenno

Almost May. Fenno was tired of worrying about the weather. Worrying about sports and/or women had also proven less than rewarding. Time to worry about exams.

"Ah, exams." Fenno leaned back in his chair and took a deep breath. "I never take them."

Fenno prided himself on never having actually registered for a course or taken an exam under anything but an assumed name in the many years he had spent at HLS. Not that he didn't worry about exams, though.

"I find that worrying about exams, third year papers, and salaries in New York helps me to empathize with the other students," said Fenno to his new friend Stanley.

"How," Stanley asked, "do you go about worrying if you'll never actually take the exams?"

"Just like anybody else does," came Fenno's rejoinder. "I sweat a lot at first, and drink gallons of coffee. In Phase II, I call my mother on the telephone three times a day."

"Why your mother?" asked Stanley.

"It's a great way to get her to send aspirin and cookies. Plus, she's very tolerant of my bringing laundry home in December and May," Fenno laughed.

Stanley was a 1L. He had not yet mastered the fine art of exam avoidance. He listened intently.

"Next, I organize outline groups for all of my courses. Actually, I organize groups for any courses that strike my fancy. If you organize the group you can avoid writing a section by not letting anyone else see the list of participants. It's an interesting game," Fenno said knowingly. "Besides, I guess someone must find them useful. They're in great demand, especially when I write '*Law Review*' across the top. Great for pocket money," laughed the crafty Fenno.

"You know, some people are *so* gullible," Fenno continued. "Last semester, I sold 50 copies of a '*Law Review*' outline for Torts. How stupid can you get?"

"Oh," said Stanley quietly, trying to hide his embarrassment. (Need I say more?)

"Finally, I set aside two hours each day as worrying time during the last three weeks of the semester," confided Fenno. "To calm my nerves, I drink beer and watch TV. You should try it sometime."

Stanley scribbled all of this down in his notebook, simultaneously highlighting it in pink. "What do you do when the exam dates finally arrive?" he queried.

"That's easy." Fenno exuded the confidence of a semi-L who'd learned the ropes inside out. "I pack a novel, thumb my nose at the boys with the typewriters, hop the first plane for L.A., and I'm off for the summer."

"Take care," shouted Fenno, as Stanley rushed off to buy a '*Law Review*' stamp for his Crim Law outline. He could use a new tie.



HARVARD LAW RECORD

Clarification of Job Freeze

To the Editor:

An article by Carl Oppedahl in the February 27, 1981, issue of the *HARVARD LAW RECORD* discussed the views of several Harvard law students who were directly affected by the recent Federal Government civilian hiring freeze imposed by Executive Order shortly after President Reagan's inaugural address on January 20, 1981. Since my office is responsible for recruitment efforts at the Department of Justice and since many of those students who expressed an opinion in the previous article had accepted offers of employment under one of our Programs this year, I feel it important to advise you of the situation as it existed in Washington and how it was handled and resolved at the Department of Justice.

The President delegated authority for implementing the hiring freeze to the Office of Management and Budget (OMB). Subsequent details issued by OMB on January 24, 1981, and January 29, 1981, further defined the scope of the President's action and made the freeze retroactive to November 5, 1980. The very specific and inclusive nature of the OMB communiques triggered this agency's initial difficulty in immediately confirming commitments made previously to third year law students under the Attorney General's Employment Program for Honor Law Graduates.

One specific class of exemptions identified by OMB in their initial memos, however, applied to "seasonal hiring of temporary employees consistent with historical hiring patterns" which clearly seemed to apply to our Summer Law Intern Program, so we were better able to reassure second year law students who had accepted positions under that Program. Of course, we had to qualify our remarks to reflect that our interpretation of "seasonal" employment was subject to verification by OMB.

OMB also specifically instructed agencies that requests for exemptions from the freeze be sent as a package directly from the head of each agency to the Director of OMB. In past situations of this type, each agency head had been empowered to grant exemptions within his or her own agency. Since that was not the case with this freeze, the timetable for resolution of exemption requests was expected to be delayed somewhat and we tried from the very beginning of our discussions with our Honor recruits to inform them of the unlikelihood of immediate resolutions to the various questions raised.

On Monday, January 26, I convened a meeting of coordinators representing all the litigating Divisions involved in the Honor Program. During this meeting, I informed these coordinators of the latest guidelines issued by OMB and my proposed action in

response. I insisted that all Honor recruits be called immediately and appraised of our concern for their positions and given as much substantive information about the OMB freeze implementation and our proposed action in response. . . .

The Department's package of exemption requests was not limited to programs affecting law students, but also had to address bona fide cases where substantial duress and "hardship" were experienced by persons who had relocated to a particular area in anticipation of beginning work in reliance upon an offer accepted after November 5, 1980. Various organizations within the Department of Justice, including the Federal Bureau of Investigation and the Immigration and Naturalization Service each of which had entire entry-level classes of law enforcement officials on hold pending clarification of their status, immediately began compiling and scrutinizing information as to the effect of the freeze and commitments which had been made during the time in question. . . .

On February 18, 1981, William French Smith signed and forwarded a letter to the Director of OMB arguing that all Honor Program offers accepted in good faith during the normal recruiting period in December should be honored. Some of the key points addressed by Mr. Smith were the long and reputable history of the Honor Program, the sizeable expenditures of Department funds and attorney time for recruiting these candidates, the highly selective nature of the Program, and the impressive qualifications of students who successfully competed in this process. We were all aware as well of the potentially damaging effects of such a delayed determination on the careers of the students and Judicial Law Clerks involved and the perhaps irreversible damage to the credibility of all of our recruiting Programs and the Department's future recruiting efforts.

The same day that the Attorney General signed and forwarded his exemption notification to OMB, I sent a letter to the Deans of all 87 law schools from which candidates were selected under either the Honor Program or the Summer Program. This letter detailed the situation as accurately as we could then define it, especially the efforts undertaken by the Attorney General to ensure an early resolution to this vital issue. Each student from every school was identified by name and Program in the letter to his/her respective Dean and copies of this letter were mailed directly to every student. We also urged the Deans to contact these students and to monitor the situation in their interests.

On March 2, 1981, in the early evening, I received a telephone call from an official of OMB, informing me that the Honor Program had been declared outside the purview of the hiring freeze and confirming the 114

commitments for Honor Program positions at the Department of Justice. Shortly thereafter, I convened a meeting of Honor Program coordinators from all of the litigating Divisions, shared with them the good news, and urged them to convey it as soon as possible to students hired by their Divisions. It is my understanding that calls began as soon as the meeting ended.

On March 19, 1981, as soon as possible after the President's final revised budget for 1981 was issued and a careful examination of Division funding levels and personnel ceilings could be ascertained, I signed and sent letters to all Honor Program recruits providing written confirmation of the OMB decision. The Department of Justice will honor all 114 commitments previously made to graduating law school seniors and Judicial Law Clerks from 65 different law schools. This group includes 7 law students currently attending Harvard and 2 graduates who are now serving Judicial clerkships.

The following week we were able to confirm that the 1981 Summer Law Intern Program would proceed as originally scheduled. Letters were signed and sent out on March 27, 1981, to all Summer Law Interns indicating that the Department of Justice will honor all 101 commitments previously made to second-year law students from 71 different law schools for placement under this Program. Eight Harvard law students fall within this category.

Less than 4% of all Honor recruits and approximately the same percentage of Summer Law Interns selected this year have made alternate employment decisions during the months of February and March. In previous years, we generally experienced a 2-3% attrition rate for both Programs between the time offers were accepted and the time employment was to have commenced. We remain pleased with the results of our efforts, despite the frustration which understandably resulted from the temporary uncertainty regarding the positions.

I have just signed and sent follow-up letters to the Deans of all law schools whose students were affected by offers under these Programs this year. These letters reiterate our pleasure in conveying such good news as the final outcome of a difficult period and our desire to maintain continued direct communication with the academic community. We remain committed to fairness and reliable practices throughout the Department's recruiting efforts and will continue to strive for credible and lasting achievements in this critical area.

William R. Robie
Deputy Associate Attorney General
U.S. Department of Justice
Washington, D.C.



Faculty Asks Review to Reconsider

(Continued from Page 1)

ship 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; otherwise such factors will not play a role in the committee's deliberations.

In response to criticism of the policy from alumni, faculty, and the national media, Dean Sacks formed a faculty committee to study the Law Review's action. After initial investigation and consultation with *Review* members, the Committee concluded that reconsideration and postponement of the newly adopted selection process were desirable. It then forwarded its tentative conclusion to the *Review*, hoping to persuade staff members to adopt such a position.

In response to the Committee's views, the *Review* membership on April 23 adopted by a vote of 45 to 14 a resolution setting forth its position on reconsideration. The resolution first spelled out the principles that the membership felt it had adopted in its decision to modify its selection procedure: "We believe it is desirable, for many reasons, to increase the diversity of the *Review*'s membership. Consequently, any set of criteria for *Review* membership selection that is adopted should be designed to ensure that groups, such as blacks, hispanics, and women, to the extent that they have been historically underrepresented on the *Review*, will be represented to some significant, or at least nontrivial, extent." The motion also stated, "If the faculty votes that it accepts the principle quoted above and also votes that a year's delay would improve implementation of that principle, then the *Review* will delay for one year."

Mark Helm, 2L and newly elected president of the *Law Review*, attended the Wednesday faculty meeting with four other staff members, answered questions from the faculty, and explained the *Review*'s position. Helm said that for the

Review to delay implementation of its membership policy, two criteria would have to be met. First, he noted, "It has to be very clear that if we delay, that we are not repudiating the idea we have adopted"; the staff would delay only in an attempt to improve the plan and not to repudiate the goal of affirmative action. Second, Helm said, the faculty must recognize the tradition of autonomy of the *Review*. Helm contended that faculty action on and *Review* delay of its affirmative action mechanism must not be done so as to give the impression that the faculty would decide questions of *Review* selection procedure in the future.

In the discussion that followed Helm's comments, faculty members expressed diverse views on the acceptability of the Vagts Committee proposals and the *Review*'s position. Many professors, in making their points, addressed larger issues such as the purpose and function of the *Law Review*.

According to Prof. Charles Fried, both the *Review* and the faculty committee have focused on functions of the *Review*, such as training and opening up career opportunities for students, that are "parasitic" to the publication's true function "of being a highly reliable, highly accurate, and extremely intelligent journal of legal intelligence and . . . legal opinion." Given this function, he explained, diversity or affirmative action arguments are "plainly unacceptable" when talking about *Review* membership.

Prof. Ferguson, a member of the Vagts Committee, expressed a different view. He said that he "certainly agreed" with the goal of affirmative action for moral reasons, but questioned whether the plan adopted by the *Law Review* would really change the situation. He also expressed concern over problem of "stigmata"; he felt that such a burden, one that would be particularly heavy for blacks, outweighs whatever slight weight the title of *Law Review* "editor" might give a student.

Many of the faculty expressed the view that the school needs more time in which to study and evaluate the question of *Law Review* membership selection. Said Prof. Bator, "I think that (the Committee report) concludes quite rightly that we need more time not for the purpose of achieving some sort of agreement, but for a very rigorous and systematic examination of some very hard institutional and ethical problems."

According to Helm, the *Law Review* staff will meet May 6 to "decide what to do." As of Wednesday evening, Helm said he had not formed an opinion on the faculty action, adding that he wanted "to sleep on it." ☛

TRIVIA ANSWERS

The winners were team one: O'Brian, Eastman, and Meyer. By the way, the currency of Vietnam is the Dong; HLS uses Nibroc toilet paper; and the word "Croatoan" was carved on the doorpost.

Grendel's Den

(Continued from Page 7)

esting one for the Supreme Court to decide. Before applying for certiorari, however, Kuelzer said he will petition the First Circuit for rehearing. Kuelzer sees this as a test case, one that has already attracted attention statewide. He added that he has been getting calls from all over because many restaurateurs in Massachusetts are in the same position.

So, despite the expense of litigation and the prolongation of what has already been a 10 year struggle, Kuelzer is determined to continue. He acknowledges that if he does not eventually get the license he will have lost a lot. If he does get the license, he believes he may be able to sue under the anti-trust laws for reparation. Then, said Kuelzer, "the lawyer's fees will get paid." "I'm suffering now," he said, "but the principle is a big thing."

Kuelzer's attorneys were unavailable for comment. ☛

From Stuck Up to Button-Down

Harrison "Skip" Eliot Worthington III

Middle America has always been fascinated by the rich; witness the countless biographies of wealthy families and semi-sociological treatises on the manners and mores of the upper class. The news media also devote a great deal of energy to covering the lives of the rich and their latest scandals. Most of these public examinations of the upper class are noteworthy for their shallowness; fads and foibles, not fundamentals, are the focus of attention. *Dallas* notwithstanding, the use of power by wealthy people usually is not scrutinized.

The Official Preppy Handbook, edited by Lisa Birnbach, is cast in this mold. The book, which has been on the best-seller list for months, confines itself to a description of the behavior and appearance of preppies, and not the reasons why they act in their peculiar ways. The all-important preppy thought processes that go into the makeup of the world view of a McGeorge Bundy or a George Bush are not touched upon, and the impact of the prep school network of connections is not mentioned except as an aid to social climbing.

This is not to suggest that *The Official Preppy Handbook* is a failure, because it is obviously not meant to be serious. On the contrary, it is witty, which is certainly more than one can say for any of the drivel such authors as C. Wright Mills (author of *The Power Elite*, a particularly paranoid view of wealth in America) ever wrote. The true preppy would die before he was ever involved in anything as tacky as a conspiracy.

Mills' work is not unique in its hostility toward the guardians of culture and taste in our society; another facet of America's preoccupation with the rich is that there is usually some antagonism involved. Even more than the successes of wealthy people, Americans like to read about the misfortunes of the moneyed classes,

and how the descendants of wealthy ancestors never amount to anything.

The Official Preppy Handbook fills the bill in that regard, for it mocks preppies. The men are too affected and genteel ever to attain true power — who can take seriously someone who wears bright pinks and greens or wears clothes with ducks on them? Similarly, the women are cold, sexless and have thick ankles from playing field

The main reason people buy this book is to know how to act and how to talk. The key to preppiness's appeal is its seeming accessibility.

The book attempts the impossible, however. An integral part of preppiness is that it comes naturally; the dress is unselfconscious, as is the nonchalant manner. In trying to look preppy, Middle America inevitably tries too hard, and that is the book's downfall. *The Official Preppy Handbook* is trying



Photos by Newton White

Preppie paraphernalia for the addict (clockwise from right): the key prep layered look; the key prep shoes; the key prep accessories.

hockey. Both male and female preppies are also ineffective because most of them are borderline alcoholics, the *Handbook* implies.

The ambivalent tone in the book is clearly resolved in favor of the preppy lifestyle, however, and the popularity of preppy dressing attests to the desirability of preppiness. The book's emphasis on the superficial is part of its appeal, moreover. While not everyone can afford to send their children to prep schools and spend time sailing, the price of a pair of Top-Siders is certainly within reach. By dressing in a particular way, you too can look like old, snobbish wealth.

to let people into a club to which they will never be admitted, attempting to give a key to a door that will always stay locked.

Eventually, the current fad of preppy dressing will pass as the fashion designers turn to aborigines or some other cultural group as a source of inspiration. ("The aborigine style is timeless," they'll say), and true preps can wear their button-downs in peace. In the meantime, however, to all you nouveau-khaki-clad people out there: give up, you're not fooling anyone. To paraphrase one of George McGovern's more clever speechwriters: Go home, America. ❦

Michelman Report Proposes Pass-Fail

(Continued from Page 1)

not be.

The report had been scheduled for discussion at Wednesday's faculty meeting, but the lengthy debate over the *Law Review* (See story, p. 1) preempted it. Dean Sacks has scheduled a special meeting for next Wednesday, May 6, to discuss the proposals, but he plans no vote on them until at least a week later, at the next regular meeting on the 13th.

Inadequate Information

The 50-page report is devoted to elaborating the proposals and explaining the Committee's reasoning.

The present grading system, the report says, "falls clearly short of any plausible ideal of informational feedback. . . . the information is tardy and its prescriptive implications obscure." The exam exercises required during the term would not only help give 1Ls a better sense of how they are doing, the report says, but will encourage "more frequent and better spaced review of the material. . . ."

In order to read and grade the additional exercises and exams, as many as 66 TAs would have to be recruited from the second and third year classes based on grades, teaching experience "and other relevant information, such as that pertaining to their interpersonal skills."

Under the proposals, the exercises in the fall and the short January exams would be returned promptly — within two weeks if possible — and the professor would then conduct what the report paradoxically terms a "live *post mortem*" review of the exercise in class. The January mid-term exams and the fall exam exercises would also be followed by conferences between each 1L and his or her TA. (The conference would be optional after the January exams for the fall term courses.)

None of the feedback provisions would apply to the experimental small sections which will be incor-

porated into two sections next year. The report says the professors there already assign exercises and have more opportunity to let students know how they are progressing. Nor will the new proposals effect the spring term courses. An additional change will schedule Property in the fall and Torts in the spring for one section, a reversal of the usual schedule.

Pass-Fail for Fall Only

All three parts of the Committee's proposals are intended to deemphasize grades for 1Ls. "Receipt of first year grades becomes perhaps *the* climactic moment in legal education for many of our students," reads the report. "In our recent experiences as teachers and students we have found that anticipation of the moment can lend to the first year a layer of tension and competitiveness intense enough to detract from the educational process. . . . The Committee favors a policy of reducing the salience of first year grades in the total law school experience. . . ." The pass-fail plan is clearly the central element of the report's overall plan.

To the argument that pass-fail grades will lessen motivation, the report replies that "the novelty, the stimulation, and the apprehension attendant upon beginning law study themselves serve as ample and dependable motivators. . . . [T]he current [system] itself can affect morale and concentration in ways that impair constructive application to first year studies." It also says that the preoccupation with grades towards the end of the term causes "the spirit of inquiry . . . to desert many students entirely. . . ."

The report adds that, given the fact that some people learn what is expected of them at law school faster than others, it is unfair to jeopardize their chances of getting the best jobs on the basis of what may be unrepresentative first term grades.

The two proposals are intertwined, the report explains, for elimination of grades without

something like the feedback outlined in the first proposal would provide students with even less information about their progress than under the current scheme. The report notes, however, that some members think the feedback proposals respond to the criticisms of the current grading system and could thus be implemented without eliminating letter grading. Adopting the feedback recommendation without pass-fail grading though would significantly increase faculty workloads by requiring them to supervise the TA's in addition to grading exams as they have.

Other Proposals Rejected

The committee did not endorse the proposal of its Student Advisory Committee (the Big Mac Committee) calling for pass-fail grading for the whole of the first year. The report contends that the arguments for the change are strongest for the first term only. Grades are more likely to reflect a student's ability by the end of the year, lessening the chance that a student's employment prospects will be harmed by unrepresentative marks. The risk of inhibiting "open inquiry" by grading is also lessened as the year goes on, the report says.

Karen Falkenstein, 3L, a member of the Committee, was the only student member of the Committee to vote for pass-fail for the fall only. She agreed with the report's reasoning that the considerations weighed in favor of pass-fail in the fall, but after that "it was just postponing the inevitable; we're going to have grades in second and third year." For me the most important thing was eliminating grades where they were doing the most damage. She went on to say, "The objection to grades at this place is that they don't tell people anything." She thinks the feedback proposals will do that although she would have liked to go further with them.

Another proposal left out of the report's recommendations was one to include class participation as an element in first year grades. The

(Continued on Next Page)

More Feedback for 1Ls

(Continued from Previous Page) report concludes that there is too much doubt about whether all students could be given a fair opportunity to speak and the effect on students could be to dampen the sort of "open inquiry" which the pass-fail provision attempts to promote.

Optional Grade Forwarding

The proposal to change the procedure for forwarding students' grades to the *Harvard Law Review* will effect most people at the Law School less than the other portions of the report, but it is in keeping with the other proposals to deemphasize first year grades. According to present policy, the registrar forwards the grades of the top 20 1Ls to the *Review* at the end of the year, although 1Ls may submit a request before June 1 to keep their names from being forwarded. The Michelman proposal would require 1Ls who wished to be considered for *Review* membership to request that their grades be forwarded.

The effect of this change would be to make it less likely that the

people selected would in fact be the top people in their section. (The report is quick to point out that this proposal has nothing to do with the current controversy over the *Review's* plan for affirmative action in its selection process. See story, p. 1) It would, however, somewhat limit the pool from which they would select, assuming that some of the top-ranking 1Ls don't ask that their records be transmitted.

More Reports to Come

The Committee is due to issue several more reports, including another major one covering the second and third year curriculum. When the Committee was created, it was anticipated that its work would be completed this academic year. "I wish it had gone a little faster . . ." Michelman said. "It's demanding activity. By the time we're done — some time next year — we'll have accomplished a good deal."

Dean Designate Vorenberg refused to comment on any of the proposals. ❧

Sacks Speaks to Alumni

(Continued from Page 5)

gether a set of questions "far better than anything I've seen to date."

As for "perspective courses," Sacks told the alumni that while he has not "seen students jumping for joy," they are taking these courses. The faculty, he added, are supportive of such endeavors.

Sacks here also spoke of the need for highly qualified faculty. For the "perspective courses," he explained, HLS has done well in attracting faculty; in the clinical area, though, HLS is "struggling." "I am as convinced as I can be that we have maintained a very high quality in clinical work," Sacks commented, however, "In a sense this means that we have had trouble hiring — we have been sensitive to quality."

After discussing these changes and proposals for change in people and programs at HLS, the Dean explained to the faculty that these developments have made the job of administration of the Law School more difficult. "It is hard to convey the degree to which the administration is more extended" and the new things it is called upon to do, he said. Some of these new tasks, Sacks explained, include supervision of the expanded clinical programs and reception of student input.

Sacks said that as Dean he has tried to respond to student input, but that doing so is difficult. While he does not believe that students should be regular members of the faculty appointment committee, for example, he does feel that in many situations student input is necessary. Sacks said that student input will continue to influence events if students make that input intelligent and knowledgeable.

Sacks ended by thanking the alumni for their support over his tenure as Dean of HLS. In turn, several members of the Alumni Council thanked Sacks for his work with them and support of them in the past. ❧

SPORTS QUIZ

NOTE: This week's Sports Quiz deals with athletes or sports announcers whose names are related to currency or financial affairs in some way.

1. A long-time star first baseman for the Chicago Cubs, this home run hitter made it through many hapless seasons with his well-known enthusiasm and love for the game. Who is this player who, when the weather was nice, always said, "Let's play three games!"?
2. Having served as football announcer for the St. Louis Cardinals for a number of years, this man is now known for his work with Hank Stram on Monday night football broadcasts on CBS radio. Who is this famous broadcaster?
3. A solid hitter who can play a number of positions in both the infield and outfield, this player currently covers both third and first base for the Milwaukee Brewers. Who is this athlete?
4. Once touted as the next great center-fielder in the history of major league baseball, this man's career has developed into a travel show as he has been traded

numerous times. Who is this player who has, at one time or another, played for the New York Yankees, San Francisco Giants and Texas Rangers?

5. A former American League batting champion, this former first baseman of the Detroit Tigers was also known for his slick fielding and wild sense of humor. Who is this man who once used a table leg to bat against Nolan Ryan?

(Answers on Page 16)

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Alumni Offer Advice on Course Selection

By Gretchen Rule

The second "Symposium on Careers and Courses: Alumni Advice" was held Wednesday, April 22 in the Ropes-Gray Room of Pound Hall. Twenty-seven alumni from various areas of practice were present to give advice on course selection but also just to chat with the students who attended.

A brief introduction was given by Judge Rudolf Kass, '56, of the Massachusetts Court of Appeals. Judge Kass presently serves as the chairman of the HLS Alumni-Student Committee, the group that sponsored the event. Most of the arrangements for the event were made by Denise J. Karlin, the 1L member of the Committee, with assistance from John Muller, the assistant secretary of the HLS Association.

Diversity of Fields

The symposium was informally arranged, with two or three alumni

at each of 10 tables ready to talk with the students who arrived and departed at will. Approximately 30 different fields of law and law-related careers were listed on the program, a guide to who and what was where at the event. Along with the usual areas of corporate, anti-trust, and tax law, many non-traditional (at least for HLS) fields were represented, including family law, consumer law, employment discrimination, patent law, health care law and children's rights. One of the busiest areas during the evening was the international law table (interest spawned by the recent proliferation of international law courses in the curriculum, or vice versa?).

Although the alumni came from widely disparate practices, many offered surprisingly similar advice: take general and basic courses. The goal, many claimed, is not to learn the substantive law, but to learn how to "think like a lawyer." Substantive law changes more or less rapidly in every field, they said,

and the best training is on-the-job at any rate. According to Judge Kass, students "ought not choose [their] academic curriculum on what may be an ill-formed career preference." But, he conceded, "if people have a predilection, a developed taste, then they might just as well take courses that satisfy that taste."

Other alumni felt that specialized courses were more worthwhile. According to one, "There's no question that you learn on the job, so [you shouldn't] get terribly hung up on course selection. But getting exposure in an organized way helps you to grow and learn on the job. It provides a good foundation, a framework on which to build. Also, [being exposed to specialized areas] helps you to realize when you have a problem that needs more specialized attention."

Useful for Bar Exam?

One oft-asked question was whether to take a particular course just because it was covered on the bar exam. The answer was usually a qualified "no". While it was generally agreed that it would not hurt, one alumnus pointed out that you won't get the details of a particular state's rules in the HLS course, which is what the bar exam will really cover.

Looking back on it all, coordinator Karlin expressed her satisfaction. "Most of the students I talked to found the symposium to be very useful — they enjoyed gaining insight into what lawyers really *do* in various careers. We had a good mixture of alumni, and over one-third [of them] were women — we're very proud of that." Karlin concluded, "Many students didn't get 'The Word' on courses, but they got some guidance, and they enjoyed it. And the alumni enjoyed it, too!"



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