

HARVARD LAW RECORD

America's Oldest Law School Newspaper

VOL. 76, NO. 1

FEBRUARY 4, 1983

25 CENTS

TWC Calls for Student-Faculty Forum

By Brad Hudson
and John Morris

"We come to you today because you refuse to come to us." Thus began an emotional address to the faculty by the Third World Coalition that included charges that the school's education is "irrelevant." During its presentation at the Wednesday faculty meeting, the coalition asked professors to join students in an open discussion of the school's policies.

The presentation set off an intense discussion among the faculty members of whether a discussion of the criticism would be worthwhile and whether a response was required. A number of faculty mem-

bers were clearly impressed by the intensity of the presentation. While the faculty passed no formal resolution concerning the presentation, Dean James Vorenberg said that he expects to set up a faculty discussion about the issues raised within the next month.

Speaking for the coalition, Cecil McNab, 3L, accused the faculty of "teaching us the tyranny of unchecked power" while failing to discuss students' complaints. He called this a sign of "distrust of our character, undervaluing of our abilities."

McNab said the coalition's complaints go beyond issues of minority hiring. "We're criticizing wholesale the process of legal education at Harvard," he said, referring to ad-

missions, curriculum planning and hiring as specific areas of concern.

Legal Irrelevance

While 42 faculty members listened in an atmosphere filled with tension, McNab called for "professors [to] be part of the community they profess to be teaching about." Asserting that "antiseptic academics are bad academics," he accused HLS of failing in its promise to provide an "education to make me more valuable to my community." "I'm legally irrelevant to my community," he added.

As an example of the school's failure to offer "relevant" courses, McNab cited the fact that no racial discrimination, American Indian or immigration law courses have been regularly scheduled while a Dickens and the Law course has been offered the last two years.

McNab lashed out at the faculty's resolution, passed in December, affirming its commitment to affirmative action in faculty hiring. "Don't patronize us by passing watered-down resolutions," he said. "Our demands are not subject to that kind of tokenism."

Criticizing the faculty's "closed-door decision making," McNab told the faculty that the coalition plans to invite the faculty to an open forum to discuss these issues. He invited Vorenberg to appoint a faculty liaison to the coalition to work out the details of such a meeting. The coalition would use faculty attendance at that forum as a "ther-

Boston Law Firm Labels Placement Pamphlet Sexist

By Mike Isbell

Contents of an informational pamphlet distributed by Harvard Law School to employers who use the school's placement services are sexist, the members of the hiring committee of a Boston law firm recently told HLS Dean James Vorenberg.

Vorenberg promised the firm he would work with the Placement Committee and the Women's Law Association to change the wording.

In a letter to Vorenberg dated Jan. 18, the hiring committee of Sugarman, Rogers, Barshak & Cohen complained that items listed

as "Women's Issues" on pp. 13-17 of the Harvard Law School Placement Information 1982, the pamphlet distributed to employers, "are not women's issues at all, but human issues, which should be addressed with reference to all persons seeking employment."

The section, which was a subsection of a "Special Request to Employers," said, "While our statistics show that women are now receiving the same number of job offers as men, we still hear of special concerns women have that are not always addressed by employers."

Such special concerns, according
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Team Advances to Jessup Regionals

By Jack Robinson

The 1982-83 Jessup International Law moot court competition concluded with two successive evenings of oral argument on Jan. 27 and 28, in Pound Hall. The arguments marked the culmination of several months of intensive research and writing by the participants. This year's case revolved around the economic reprisals instituted by a citrus-producing nation when another state blockaded its export corridor. The action was alleged to be in violation of international law, and of established treaties between the two countries.

The members of the winning team are Karen Bizzini, April Marchese, Donna Mazzaferro and Joseph Poluka, all 2Ls. The runners-up are Lisa Gillespie, David Oskandy, Margaret Pickering and Rowan Wilson, also all 2Ls.

In the past, the Jessup Competition was co-sponsored by the Board of Student Advisors and the International Law Society. This year, however, the International Law Society did not sponsor the competition. The winning Jessup team earns the right to represent HLS at the regional competition and, if successful, at the national and international levels. These advanced competitions are jointly sponsored by the Association of Student International Law Societies and the American Society of International Law. The organizer of the HLS event, David Lakhdhir, 3L, says that competition on the regional level is intense and that the HLS representative usually fares well.

Only Two Teams

Although four teams (each consisting of four members) originally signed up to participate in Jessup, only two teams eventually competed. When asked why two teams withdrew from the competition, Lakhdhir responded that, "It's hard work; people have other commitments." Although only two teams competed, the quality of argument was, generally, very good. In fact,

the arguments which took place on the final evening of Jessup seemed livelier and more interesting than the arguments in the qualifying round of the Ames Competition last fall.

Many students do not participate in Jessup because it begins in the fall and thus conflicts with the Ames Competition. Left with a choice between the two, most students choose to participate in Ames. One student, Rowan Wilson, 2L, competed in both Ames and Jessup this year. When questioned about this feat, Wilson replied, "I participated in both competitions because I was eager for the challenge and, furthermore, I am always looking for ways to get into trouble." Wilson also stated that the Ames Competition required more work than Jessup in terms of research time. When asked which competition was more interesting, Wilson replied, "No comment."

1Ls Barred

This year marked the first time in several years of the Jessup Competition that 1Ls were not allowed to participate. Lakhdhir, in response to a suggestion that since only two teams competed, 1L participation should be encouraged, declared that the decision to bar first-year students from Jessup came "from on high." According to Lakhdhir, the Administration felt that Jessup was too "advanced" for 1Ls because they lack a sufficient background in international and general law. Lakhdhir noted that there is an international law alternative to this year's first year Ames Competition and that he hoped many 1Ls would chose to participate in Jessup next year.

Each argument in this year's competition was conducted in front of a panel of three judges, all of whom have distinguished themselves in various areas of international law. One student likened the atmosphere created by the judges to that at the International Court of Justice in The Hague. The first evening's panel of judges consisted of Prof. Arthur von Mehren, Prof. Narendra Singh (Australia) and Tushad Cooper (graduate student from India). The panel which heard arguments on the second evening of presentations consisted of Prof. Detlev Vagts, Prof. Hector Mairal (Argentina) and Herbert Kassman (Visiting Scholar).

Looking For a Crowd

While the judges, participants and members of the audience all seemed interested in the arguments and subject matter of the case, Lakhdhir hopes to interest a larger audience in Jessup in the future. Additional work is required if the Jessup competition and Ames are to receive equal recognition and are to attract comparable crowds. ☛

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Published ten times each semester by the Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138-9984. Telephone (617) 495-4418. Subscription price: \$8.00 year mailed; \$10.00 year mailed outside U.S.; students \$4.00 year distributed at the Law School. Individual copies including back issues: 25 cents at the Law School, 75 cents mailed. Second class postage paid at Boston, Mass.

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POSTMASTER: Send address changes to Harvard Law Record (ISSN 0017-8101), 23 Everett St., Cambridge, Mass. 02138-9984.

ALUMNI: Alumni who receive the Record as a result of membership in the Harvard Law School Association should mail change-of-address information to the Harvard Law School Association, Harvard Law School, Cambridge, Mass. 02138. Each alumnus receiving a Record subscription through the Harvard Law School Assn. should be on notice that \$4.80 of his H.L.S.A. annual dues are used to purchase the Record subscription he receives. Dues paid at any time during the H.L.S.A. fiscal year that began in April 1982 and ends in March 1983 will purchase a subscription that begins in September 1982 and expires in May 1983, and so on in following years.

Visiting Prof. Discusses Law and Feminism

By Lee Christie

Catharine MacKinnon, a visiting professor from the University of Minnesota Law School, taught a winter term class on law, feminism, and sex discrimination in which a lot of remarkable things happened. The students — about 40 women and 20 men — not only attended the class in consistently high numbers, but actually voted to hold an extra two-hour session that enabled the group to complete, or at least continue, its exploration of the course topics. Prof. MacKinnon is a notable figure for a lot of reasons, the most obvious of these being:

- 1) She is a woman in a field where women are still too few.
- 2) She is still in her thirties.
- 3) She is already in the midst of a meteoric career in feminist scholarship and legal academia.

Prof. MacKinnon earned her B.A. in government at Smith College, a masters (and, soon, a Ph.D.) in political philosophy from Yale, and a J.D. from Yale Law School. Six years ago she founded the New Haven Law Collective, a successful experiment in "cooperative law practice" in New Haven, Connecticut. Her teaching credits include stints at Yale College, Yale Law School, Stanford Law School, her current position at Minnesota, and two winter terms here at HLS.

I spoke to Prof. MacKinnon in her Langdell office one day last weekend. Some excerpts:

Q. What is the women's movement's biggest recent victory, if there is one?

MacKinnon: Making sexual harassment in the workplace illegal — making it a legal injury, making it a sex discrimination claim. [MacKinnon herself, in writings going back to her days as a law student, "invented" the idea that sexual harassment on the job is an actionable injury under sex discrimination laws.]

Q. What do you want students to take with them from your winter term course?

MacKinnon: A critical grasp of the tools of sex discrimination, an

issue in which law, as such, is part of the problem as well as part of the solution. Some feminists seem to think law is everything, and therefore we need to have a lot of laws against sex discrimination. Others think that law is nothing — that law merely reflects society, and that is *all* law can do. My view is that law is more than nothing but a lot less than everything.

Q. Are women really facing socioeconomic barriers in their working lives?

MacKinnon: Sex inequality has prevented improvement in women's



Robert Peterson

Visiting Prof. Catharine MacKinnon economic position even when what's thought of as "men's" work and "women's" work has changed. When typewriters and the like were new inventions, secretarial work was respected as something important and was done by men. Now that a lot of men have come into elementary education, it's thought of as more demanding than before, as more than just elevated babysitting. Now that more men are moving into the nursing field they occupy the top positions, and we are even seeing "physician's assistants," who are mostly men, and who occupy an intermediate level above nurses and below doctors. This happens in Soviet medicine, too, where the doctors who minister to patient needs have low status and are mostly women, while the research doctors are virtually all men.

Q. Have you seen enough of Justice O'Connor yet to decide whether she has anything new and significant to contribute to the otherwise all-male Supreme Court?

MacKinnon: O'Connor has been hesitant, in ways I can understand, to be identified as a "women judge" rather than a judge. That kind of identity would be very much an affirmative act. She is cautious about how she expresses herself in public on issues that are thought of as being women's issues.

Q. The ERA is dead for now — does that matter?

MacKinnon: The ERA issue was really a question of who will define what equality means. In the last go-round with the ERA, the liberals defined equality, and it was relatively easy for the right, including women on the right like Schlafly, to defeat it. If *all* women define what equality is going to mean, then an ERA could be something worth having.

Q. Why are men still afraid of feminism?

MacKinnon: Because it questions their centrality, and male centrality has always been a part of the ground rules. Feminism questions the legitimacy of men's authority to interpret human experience, to make generalities about life and the world. Men are not accustomed to being told, "You think as you do and perceive reality the way you do because you are a man."

Q. Is language important?

MacKinnon: Of course some things are more important than others, but matters of language are by no means trivial. When people use gender-neutral pronouns it can actually *obscure* the fact of sexual inequality. It can make an untrue statement by suggesting that women have been involved in economic life and other activities from which we have actually been excluded.

Q. Some of your winter term students are already mobilizing an effort to get you hired as a permanent professor here. Are you interested?

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Ad Board: Flexibility Can Cause Anxiety

By Ernie Cicconi

The Law School Administrative Board's procedures seem to be so flexible and so indeterminate that students may find it difficult to orient themselves to the board's methods. During the 1981-82 academic year, the board received 214 petitions from HLS students with desires ranging from changing their schedule after the add/drop deadline to spending a year at another law school on a hardship basis. While most of the business of the board involves such routine matters, occasionally the seven-member committee must handle problems of a much more serious nature. The board is also responsible for the administration of discipline at HLS and, for some students, an encounter with that function of the board can provide first-hand knowledge of the due process rights often discussed in the classroom.

Process Normally Not Due

According to the 1982-83 HLS catalog, a "summary of procedures followed in disciplinary cases is available from the office of the Dean of Students or the Registrar." However, Mary Upton, dean of students, a member of the board, noted that these "Administrative Board Procedures for Disciplinary Cases" are not applicable at the time a complaint against a student is being investigated. Although the procedures themselves state that "[t]hese procedures shall . . . be given to any student involved in an Administrative Board matter as soon as it appears that the matter may be treated as disciplinary," Upton explained that it is only at the point when the board "votes to initiate formal disciplinary action" that the written procedures are "routinely sent out" to a student. The past academic year there were only two disciplinary cases handled by the board and there are none pending at the present time, according to Upton.

The procedural rules need not always be followed because, under the

written procedures, "[i]n many instances matters which come to the Board's attention can be dealt with informally, without ever initiating disciplinary process." In such instances the rules provide that a member of the board may investigate the matter "for purposes of determining whether it should be treated as disciplinary"; however, Prof. Richard Parker, chairperson of the board, explained that the investigator need not be a member of the board and may even come from outside of the Law School or the University. Upton added that

the appointment of an investigator is not routine and only two or three have been appointed over the past five years.

The RECORD has learned of at least one case involving a possible financial aid misrepresentation which is currently at the investigation stage. Marion Ruiz, director of financial aid, confirmed that her office reported a case which is now pending before the board involving a dispute about a student's marital status. Upton refused to comment

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HLS to Host Arms Control Conference

By Brad Hudson

START. SALT. Zero Option. Freeze. Arms and arms control are major issues of concern that seem to belong "out there" in the real world beyond the boundaries of Harvard Law School. But next Friday and Saturday, Feb. 11 and 12, these issues will come to HLS in the form of a conference: Law & Lawyers in Arms Control and Peacemaking.

The conference was initiated by Waging Peace, a project of the Boston/Cambridge Ministry in Higher Education, but it is being co-sponsored by a number of groups. Among them are two from the Law School: the Arms Reduction Action Committee (ARAC) and the Environmental Law Society (ELS).

Broad Range

According to ARAC representative Bob Jones, 2L, conference sessions will range from discussing global, theoretical topics to outlining concrete ways that lawyers and students can work toward disarmament. The conference will be "a real feast for anybody that's interested in the issue," said Jones.

The more concrete alternatives will be the subject of several workshops held during the conference. These alternatives include environmental strategies, defending the

civil disobedient, civil defense issues and lobbying.

ARAC and ELS will each sponsor a session at the conference, which they will finance through their organizational budgets. Participation by the Law School community will also include several professors, among them Harold Berman, Abram Chayes and C. Clyde Ferguson.

The goals of the conference are as varied as its sponsors. Conference coordinator Carol Potter described the conference's major goal as one of empowerment — stimulating individual effort at whatever level a person is comfortable with. Potter has been a practicing and academic lawyer and is now a graduate student at Harvard's Divinity School. She hoped that the conference would show lawyers who attend how military concerns intersect with their role as professionals. She also wanted to challenge the panelists to get to higher levels of conceptualization about the problems of arms control.

Jones discussed the role of the conference in leading to creative thinking about dispute resolution and the easing of international tensions in general. He also emphasized that the conference would go beyond weapons talks, focussing on opportunities for students and attorneys to put their lawyering skills into concrete action.

Waging Peace staff member Lucinda Merriam described her hopes that the conference would help involve new people in political work. "That's a major step for people to take," she observed. She also hoped that the conference would help people figure out their relationship to the problem — especially in their capacity as professionals.

The concept of the conference began last December, when Potter circulated a questionnaire at various locations throughout the northeast, including HLS. The questionnaire asked about people's feelings concerning arms control issues and sought contact with other groups involved with those issues.

Coalition Building

Throughout its formulation, the organizers stressed coalition building and interdisciplinary approaches. Besides the two HLS co-sponsors, the Council on Religion and Law, Lawyers Alliance for Nuclear Arms Control, Lawyers Committee on Nuclear Policy, and the Society of American Law Teachers are all co-sponsors of the conference.

One group not included in the list of sponsors is the American Bar Association. Potter, armed with her questionnaires, tried to enlist the support of the ABA's International Law Section at a conference last year in San Francisco. But while some individuals were interested, none would participate as ABA representatives. Potter said she was surprised to see how many members, "weren't concerned about this issue."

The conference has a registration fee of \$45 for practicing lawyers and academicians and \$5 for students and employees of public interest organizations.

Sports Quiz

Note: This week's sports quiz asks you to identify athletes whose last names are the names of institutions of higher learning in the United States.

1. An alumnus of the University of Washington, this former all pro defensive lineman was known for being tough and mean during his tenure in pro football in the 1960's and early '70's and is currently known for his work in beer commercials. Name this former athlete.
2. A draft choice of the Boston Celtics in 1981, this swingman saw limited playing time with the Celtics last season. Name this player.
3. This outfielder-designated hitter who began his major league career with the Bal-

timore Orioles drove in 139 runs in 1979 and has been on the losing side in all four league championship series in which he has participated. Name this American League star.

4. After beginning his career with the New York Yankees in 1955, this man played on the great Yankee teams of the late 1950's and early 60's and was the 1963 American League most valuable player. Name this former catcher.
5. An alumnus of Western Illinois, this athlete played on defense for the Pittsburgh Steelers during their great years in the 1970's and was twice selected to the Pro Bowl. Name this former Steeler.

Sports Answers

1. Ben Davidson
2. Charles Bradley
3. Don Baylor
4. Elston Howard
5. Mike Wagner

The Fate of the Michelman Committee

By John Morris

When the Michelman Committee was formed three-and-a-half years ago, many hoped that it would yield a fundamental new vision of Harvard Law School. Now that the final draft of its report has been circulated, it is clear that those hopes have been frustrated. The committee has stimulated little rewarding discussion of fundamental philosophical issues concerning the Law School, and only a few of its concrete proposals have been endorsed by the faculty.

The Committee on Educational Planning and Development, as it is officially known, has been attacked from all quarters. Faculty members from both the left and the right have complained that its proposals are not innovative. The committee's approach has been criticized both for being too abstract and too piecemeal. And, in a front page editorial last fall, the *American Lawyer* blasted the committee report's frequently opaque language, dubbing it "Harvard drivel."

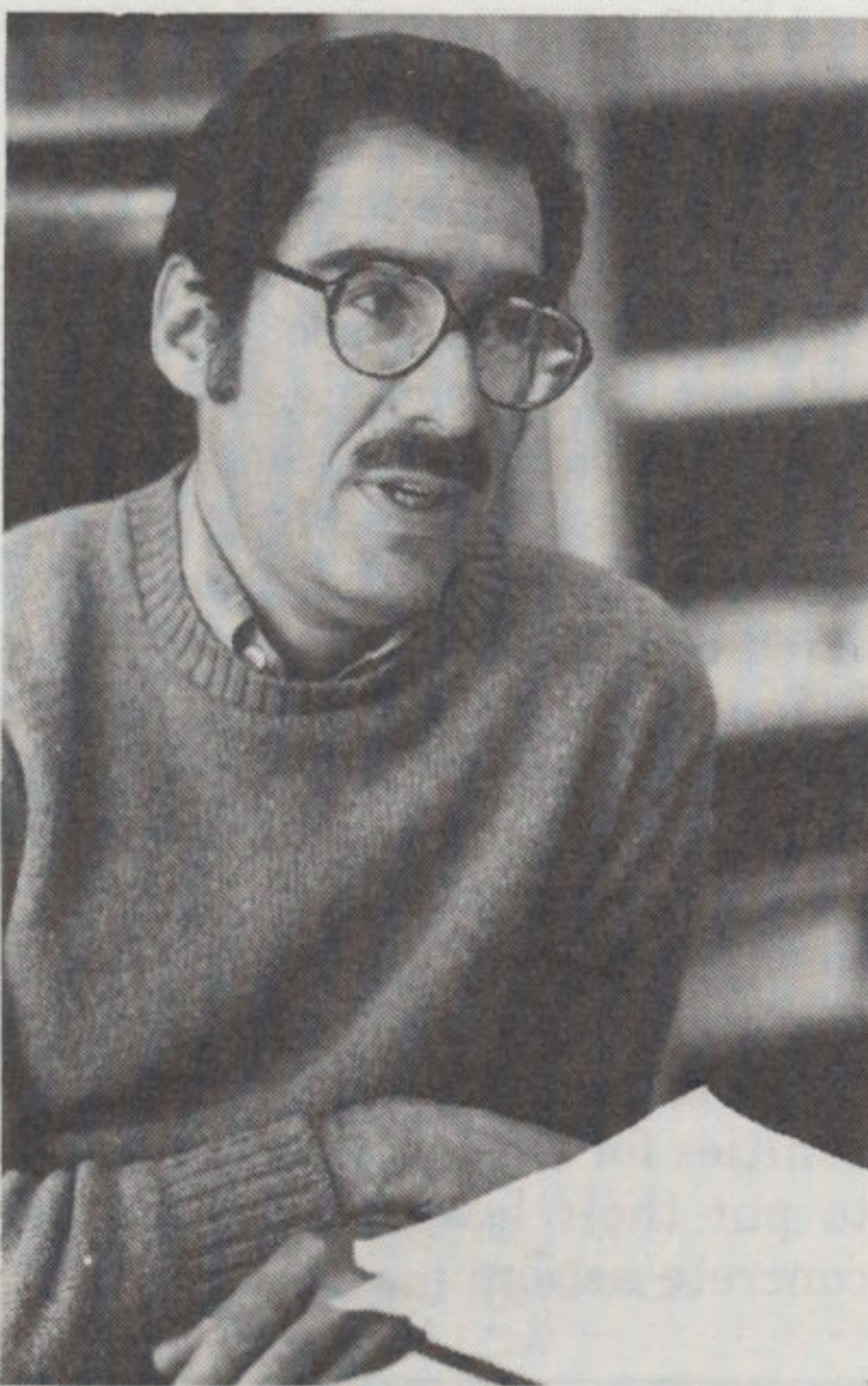
There is no agreement on exactly what effect the committee's work will have in the long run. Committee Chairman Prof. Frank Michelman thinks that the proposals will serve as a framework within which specific proposals by faculty members will be evaluated. But others are much less generous, and fear that the faculty has been so dissatisfied with the proposals and the ensuing discussions that it will avoid any real efforts at reform in the near future. The worry is that the momentum for change which existed has been dissipated by the committee.

But the interesting question at this stage is not whether the committee has accomplished anything substantial, for no one seems to think it has been even a qualified success. (For a tally of committee's proposals and their fates, see box on p. 9.) It is more important now to understand why the committee was so unsuccessful and what hope there may yet be for reform of the

Law School.

The two greatest obstacles to the committee's success appear to have been a deep division that exists within the faculty and the approach taken by the committee.

On nearly every major issue, the faculty splits along what have become essentially partisan lines. The members of the two camps, generally those favoring change and those supporting the status quo, battle so often that the arguments in faculty meetings frequently become personal squabbles. Meaningful exchanges are difficult; most



Prof. Frank Michelman

votes are decided when the meeting opens.

There was so much tension last April that committee member Prof. Charles Nesson characterized it as "an ongoing war with our faculty" and suggested that the committee proposals not even be discussed. Instead, he suggested that what was needed was some soothing "chicken soup."

Although there are some signs that the tension within the faculty has abated over the past several months, the labors of the committee were conducted when the divisiveness was greatest.

The faculty split has many roots. In part it is based upon differences in institutional and political values: at the extremes the difference between viewing the Law School as a model meritocracy and viewing it as an illegitimately elitist institution. The split implicates basic values and outlooks and tends to follow age lines, with younger faculty members leading the questioning of established school practices.

The split is also rooted in differences of a more specifically legal sort. To a significant extent, faculty members' views about curricular and institutional reform parallel their views about the nature of the law. On the left are those who think that there is no legal reasoning independent of more general political and social decision-making, that the law has no independent basis or logic. Viewed from that standpoint, traditional teaching of legal doctrine fosters a misconception that law can be studied without reference to the political choices made within the law and, in particular, by judges.

Committee Split

By contrast, for those who think that legal doctrine and reasoning function independently of politics, the traditional pedagogical methods are legitimate. According to this view, expanding the scope of the curriculum would merely draw the school into areas which are not its proper concern.

The split in the faculty as a whole was reflected in the make-up of the committee. "[O]ur meetings often served only to reflect in miniature the range of political disagreements in the institution around us," wrote committee member Prof. David Shapiro. Describing himself as "at heart an incrementalist," Shapiro wrote that he did "not think institutions like this one can or should be transformed as a result of collective epiphanies. . . ."

By contrast, committee member Prof. Duncan Kennedy argued that

Committee Faced Split in Faculty

"[t]here is no reason to expect that the cautious, sensible suggestions of the committee will stir immediate practical activity in the faculty or that the committee's homilies will set the terms of debate in years to come."

Kennedy submitted a dissenting report entitled, "Utopian Proposal, or Law School as a Counterhegemonic Enclave," in which he set out a radical vision of the Law School. A "new model curriculum" would consist of two years of prescribed courses falling into three categories: doctrinal/rule study; clinical programs; and theoretical (historical, economic, jurisprudential, sociological, etc.) study. Kennedy also proposes using random selection in the admissions process for those passing a minimum threshold; elimination of the tenured/untentured distinction among faculty; equalization of pay for all Law School employees (fac-

ulty and staff); and interchanging of jobs among employees of all levels for one month of each year.

Shapiro termed the Kennedy dissent a "lively, irritating manifesto that would be disastrous to implement but that may well provide sustenance to the eclecticists who will be working on curricular issues in the coming years." The committee never seriously discussed the proposals, however.

Divisions Shape Reports

The division within the committee was reflected in the fact that the committee did not, in its own words, "embody its proposed assessments and standards in a full, concrete model for a reconstructed Harvard Law School." Perhaps no committee could have created such a model, but the committee's specific proposals were cautious and did not

spark any real interest among the faculty.

Part of the committee's hesitancy derived, no doubt, from its perception that there was no clear consensus for change within the faculty. Ironically, at least within the last year, evidence has developed which suggests that such support is forming. One faculty member estimates that 40 percent of the faculty will vote for most proposed reforms. He says that neither of the two camps has a clear majority now and that everyone realizes that fact, making discussion and compromise less difficult than before.

In part this shift is due simply to the increasing number of younger faculty members. But it also seems to reflect a growing acceptance of some of the criticisms made by the left. "I think the left is 'right'; it has won, at least by me," Nesson

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Major Proposals of the Michelman Committee

Status

Small classes for 1Ls

Expanded from one section in 1980-81 to three sections this year; three sections likely to have a small class next year; but the faculty has not voted to make the change permanent

Pass-fail grading for 1L first term

Rejected by informal vote

Increased feedback for 1Ls through midterm exercises to be graded by 2Ls and 3Ls

Tabled after faculty expressed skepticism about the viability of the plan

12-unit research program for 3Ls

Two sections offered last year; one section may be offered for fewer units next year

Course sequencing and concentration in second and third years

Assistant deans consider this factor in scheduling courses; broader plan not discussed

Reexamination of the first year

Discussion awaiting specific proposals*

Innovations in teaching methods: team teaching; role-playing exercises; business school-style cases

Not discussed

Greater commitment to clinical education

Discussion awaiting specific proposals and budgetary information

Computer-assisted instruction

Experimental programs under development

Greater emphasis within the regular curriculum on broader "theoretical" issues of the law

Not discussed

* Next year one section will be taught by four professors who have been interested in developing an experimental curriculum and who will be working closely together.

The Mystery of the Lopsided Week

Peter Lebold Cohen

This year approximately 81 percent of the students (223 people) in sections III and IV of the first-year class will have an average of five-and-a-half hours of classes on Tuesdays, and a few of those individuals will have as many as eight hours of class on that day.

Two scheduling quirks produced the lopsided Tuesdays. Unlike sections I and II, sections III and IV have four hours of required classes on Tuesdays. The vast majority have electives on the same day, because 1L electives are disproportionately scheduled on Tuesdays and not a single elective falls on Friday.

Because section III has no required classes on Friday, the section has a school week of just four days. Indeed, some section members may even have three- (or three-and-a-half-) day weeks, because the section has only one required class on Thursday.

It is generally agreed that the workload of the first-year curriculum is constant regardless of how the classes are scheduled. Given this fact, the high degree of class preparation and participation expected of students, the requirement of class attendance (flouted by some), and the pressure cooker atmosphere often associated with the first-year regime, this heavy course load raises the following questions:

- What is the maximum number of hours that the "average, reasonable" first year student can be expected to attend classes and be alert, attentive and prepared on any given day?

- Does Harvard Law School in fact have any kind of policy on this matter?

When asked what the maximum number of hours a day that the average 1L could be expected to handle might be, both Registrar Sue Robinson and Associate Dean Lance Liebman were unable or unwilling to say. They further indicated that there was no policy on the matter, and that it had not been a consid-

eration in the making up of this year's schedule.

Liebman, who along with the registrar is responsible for the first-year teaching schedule, acknowledged that perhaps it should be a concern and that it was the kind of question which the Committee on Legal Education should examine. He went on to say, "If it were an issue, we would hear from teachers and students. Every year I talk to my Property students about the schedule and they seem comfortable. My experience as a teacher is that it poses no great problems." This should come as no surprise however, because according to the registrar this year's teaching schedule may represent a real departure from those of past years.

Liebman expressed the view that "our system has a 'Wednesday Problem' [the faculty meeting from 2 to 4 P.M.]. We could solve it by going back to Saturday classes." Upon further questioning he admitted that this extreme a measure would not be necessary since there was still the possibility of having some 1L electives on Fridays and spreading the required classes out more evenly over five days. Evidently moving the "Wednesday Problem" to Friday afternoon or Saturday morning is not under consideration.

The reason given by both the registrar and Liebman for section IV's having most classes bunched up on Monday and Tuesday is that originally the schedule was to be more spread out when it was expected that Prof. Clark Byse would teach both section IV of Contracts, and the elective, Administrative Law. However, when Byse was told by his doctor in late December that this would be too great a strain and that one course would be his limit, Byse chose to teach only Administrative Law. Prof. Philip Areeda was appointed to take over section IV's Contracts class, but it was rescheduled to meet on Monday and

Tuesday (causing the bunching up problem) and to start a week later than all other classes (necessitating make-up classes) due to Areeda's "prior commitments."

No attempt was made by Robinson, however, to address the question of whether it was sound administrative policy to be relying on a professor known to be in frail health without lining up a back-up professor whose "prior commitments" would not conflict with a preexisting and reasonable schedule for the section in question. Liebman defended the current outcome of the schedule for section IV as "pretty good."

While section IV's predicament may be explicable, the origins of the schedule of section III remain shrouded in mystery. When asked why section III has no required classes at all on Friday (and thus a four-day week), Robinson had this to say: "I don't remember how it happened. It was early last spring that it was set up. I didn't think it was such a good idea. We don't like to have a section with no Friday classes; it's bad for morale."

Liebman expressed a somewhat different view, saying, "The registrar never came to me about section

(Continued on Page 13)



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Coalition Brands HLS Education "Irrelevant"

(Continued from Page 1)

nometer" to measure faculty concern over the issues raised, he said.

Following the presentation, the coalition members left the faculty meeting. The next item scheduled for discussion was the 1983-84 teaching schedule. But Prof. Morton Horwitz first commented on the presentation, calling it "a deep, powerful and trenchant critique of this institution." "In many ways, this is a deeply irrelevant institution," he said.

Vorenberg then tried to move on to the next item on the agenda. But some members of the faculty did not wish to let the matter drop. "Are we ever going to talk about what they said?" asked Prof. Gerald Frug.

Faculty members were divided as to how to respond to the presentation. Some wanted to make a commitment to discuss the issues at a future faculty meeting. Prof. Lawrence Tribe urged the faculty to take some sort of collective action,

to avoid communicating an attitude of nonresponsiveness to the coalition.

Others saw no reason why the presentation should launch the faculty into a new discussion of the issues. Prof. John Mansfield pointed out that the accusations of irrelevancy should have taken no one at the meeting by surprise. He said that the faculty knows that the issues presented by the coalition are important and have been addressed already in forums such as past faculty meetings, the recent faculty retreat and the Michelman Committee.

No to Technicalities

But Tribe disagreed, saying that a faculty meeting was not "an appropriate forum for the application of collateral estoppel and res judicata." Prof. Hal Scott echoed similar sentiments: "I cannot conceive of us hearing this presentation and

not discussing it."

Throughout the meeting, Vorenberg recommended that the faculty take no formal action at that meeting. Instead, he advised those who desired to discuss the presentation to contact him informally, so that he could determine the best way to proceed.

Prof. Christopher Edley moved that the faculty commit itself to holding a faculty discussion on the presentation. Vorenberg then suggested that Edley withdraw his motion, explaining that he would commit to setting up a faculty discussion. Edley then withdrew his motion and the discussion proceeded to the next item on the agenda.

Following the meeting, Vorenberg said that he had not decided whether that discussion would take place at a regular faculty meeting or in a less-formal forum. He also said that he expects to ask two or three faculty members to work with the coalition regarding its proposed public meeting.

The frustration and anger expressed by the coalition seemed to have a significant effect on many faculty members. Said Prof. C. Clyde Ferguson, "As I sit here, I hear echoes from the past that scare the hell out of me."

❧

Students Find Two-Day Break Super Short



Sandra Yamate

"Pete Axthelm picked the Dolphins to win by two touchdowns?" With the arrival of the end of winter term, 2Ls, 3Ls and grad students took time out for some well-deserved rest and relaxation. These students grabbed a bottle of their favorite beverage and settled back to witness the dramatic climax of the Year of the Hog: Super Bowl XVII.

FRUSTRATED JOURNALISTS

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The Placement Survey — Fill It Out, But . . .

Two thoughts on the Placement Office survey distributed last week. The first thought: Fill it out. One of the legal maxims known to faculty and administrators alike is "When the going gets tough, the law students bitch." It's an all-too-familiar problem. When students are under pressure from (choose one): exams, grades, placement, any issue of your choice, complaints abound. But when the crisis passes, the clamor subsides, taking with it any concerted effort toward change.

So find a pen, pencil or crayon. Do it now — the faculty Placement Committee will be meeting next week. Fill out the survey. Don't be inhibited by the small spaces provided for your answers; write on the back. Tell the Placement Office those same stories you were telling your friends back in November. If the survey generates a low level of response, we won't need Jeanne Dixon to predict what next year's placement process will look like.

The second thought: Haggling over dates, times of day, and notification deadlines is important, but it may also distract from more fundamental recurring placement issues. How does the current placement system affect us as students? Does it influence our choice of careers? How does it make us feel as human beings?

These concerns are tougher to grapple with because of their abstract quality. Perhaps the most familiar is the debate over the proper relationship between public interest and private firm placement. Unfortunately, these concerns have been relegated to the small space in the placement survey following the final question: "Do you have any suggestions you would like the Committee to consider?"

These two thoughts, then, leave us with something of a dilemma: The clamor over the new placement procedures should continue, but not so loud as to drown out deeper, more fundamental concerns.



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Fenno

Senator Tomato gaveled the hearing into order. "A few years ago, I campaigned for the U.S. Senate by denouncing the 'Harvards' who misrule this country. I am pleased to have before this committee a Harvard Law student who nonetheless opposes creeping Harvardism. Today we consider the nomination of Mr. Fenno as a director of the Legal Services Corporation."

"Speaking of corporations," Fenno thought, "this is like being on a one-man panel in Corporations class. I just hope I'm not asked about the Model Corporation Act."

"Mr. Fenno," the Senator said. "Can you tell us about your qualifications to serve on the board of the Legal Services Corporation?"

"Well, Mr. Chairman, I know how to use expense accounts. The Harvard Legal Aid Bureau is paying for my visit here, and they don't even know it yet."

"What is your ideological persuasion?"

"I believe in enlightened self-interest. You might say I'm a Fennoist."

"Thank you. I'm due at another hearing, so I must turn the gavel over to the ranking majority member of this committee."

"Mr. Fenno," said the ranking majority member, "what would you see as your duties as a director?"

"To represent the poor, the debt-ridden, those citizens who are goaded every day by pompous little tyrants who presume to know the law."

"Do you have any particular insight into the plight of these unfortunate citizens?"

"They're my classmates at law school."

"Thank you. I have to meet some constituents, so I turn over the chairmanship to the junior majority member."

"Mr. Fenno," said the junior majority member, "how would you deal with budget cutbacks?"

"No more shepardizing by legal aid lawyers," Fenno said. "It takes too much time, and no one likes doing it anyhow. We could save millions."

"Thank you. I have a press conference to attend." He handed the gavel to the ranking minority member.

"Mr. Fenno," said the ranking minority member, "how do you feel about legal aid attorneys litigating cases involving abortion and gay rights?"

"I defend the right of every lesbian not to need an abortion."

The ranking minority member thanked Fenno, excused himself, and handed the gavel to the last remaining senator, the junior minority member.

"Well," the junior minority member said, "I have to go to the Senate chamber and vote. Is there anything you'd like to add before I adjourn this hearing?"

"Yes. I want this committee — well, you at least — to know one more important thing about me: I love the law."

Fenno was glad he wasn't under oath. ❧

Letters to the Editor of the Record

Placement Changes "A Huge Mistake"

To the Editor:

Although the summer job search is not over for everyone, I think it not too soon for an initial assessment of this year's interviewing process. While I cannot speak for everyone, I know of no one who dissents from my view that the changes made this year were a huge mistake.

As I understand it, faculty pressure was the chief reason for the later, shorter interviewing season. Concerned about missed classes and uncompleted work, the faculty obviously felt that moving the process to November would alleviate many of the problems. Such lack of foresight is not easily excused.

Let's face it, the interviewing process will be exceedingly disruptive no matter when it takes place. The question is therefore how to minimize that disruption. Under the previous system, students took fly-outs (and missed classes) primarily in October. This allowed a relatively undisturbed November and December — the time most crucial to success on exams. This year, all that was reversed: September and October were uneventful, but we were all so busy and distracted in November and December that we barely had time to study at all.

It is time for the faculty and administration to come out of their ivory tower and face up to the facts:

- (1) that unpreparedness and absence are common before, during and after the interviewing season;
- (2) that students do the vast majority of their work in the weeks just prior to exams; and
- (3) that despite all protestations to the contrary, grades are critical (yes, even at Harvard Law School) for jobs, clerkships, etc.

In light of these facts, then, can it really be

doubted that we were better off before these ill-conceived changes?

As could have been easily predicted, both students and law firms were unwilling to wait for the Christmas holidays to take office visits. Many firms are virtually bereft of personnel in the week between Christmas and New Year's. Students who have worked hard are eager for a well-deserved vacation, and do not want to begin flying around the country the moment exams end. I can imagine how the faculty would react if they were told they had to spend the Christmas season traveling instead of staying home with their families. More important, however, is the fact that firms were generally unwilling to wait to make their hiring decisions. The pressure to take office visits as soon as possible was immense this year, with at least one firm saying explicitly that jobs might not be available by Christmas-time, so we had better get there soon. Another I know of refused to allow any office visits at all after Dec. 22. With this in mind, students like myself were taking two, three or more office visits well before on-campus interviewing ended, further increasing the exhaustion and disruption which inevitably accompany the process.

The limited number of potential interviewing days prior to exams also meant that students did not have much choice as to when to take office visits. Students with, for example, one free day per week who could otherwise schedule fly-outs in order to minimize class absence were forced to take these trips at the firms' convenience, regardless of personal preference. In the three weeks before Thanksgiving I missed five out of nine Tax classes — classes I would have otherwise

attended — because I simply could not schedule these trips in any less disruptive way. (As it was, I was still forced to take one trip at Christmas-time.)

Another serious drawback of the new system which seems to have been overlooked is its impact on students who wish to work for small firms. Although large firms in big cities seem to have the flexibility and desire to keep jobs open for Harvard students, smaller firms are often unable to do so. Able to accommodate only a certain number of people and no more, these firms may extend only a few offers (or less) at a time. Many cannot afford to keep even a single place open for Harvard students; unwilling to take the chance of being left short, they hire the eminently qualified people who interview before we ever get a chance. What is more, the smaller firms are not subject to the Placement Office rule that offers be kept open until Jan. 10. They may therefore request a response immediately, although students are not yet ready to make their decisions. I personally had to turn down two offers from small firms who demanded answers even before on-campus interviewing had ended, and I know of other people with similar problems.

While it may be true that the majority of us wants to work for large firms, that is no excuse for short-changing those of us who don't. The fact is that, while HLS claims not to be trying to channel us into certain types of careers, subtle moves such as these do much to close off many of the options.

Perhaps more important, however, is the fact that the new system has disproportionately negative effects on students with below-

(Continued on Next Page)

Letters Policy

The RECORD's policy on letters is simple. We read all of them. We print most of them, subject only to editorial discretion. We encourage letters on any subject, and particularly concerning subjects which have been covered in the RECORD.

Letters should be typed and must be received by 4:00 P.M. on the Tuesday before the issue. We prefer letters of no more than 700 words. Letters should be addressed to the RECORD rather than to third parties. In no event will the RECORD publish letters by writers who have not identified themselves to the RECORD.

Editor E. Merrill Becomes Editor Emeritus

"To capitalize or not to capitalize," that was the question that propelled the RECORD's new editor in chief, Brad Hudson — the Sultan of Style — to power. As arbiter in all matters of form, the staff became so accustomed to following his dictates that it was no surprise when he was unanimously elected by the board of directors of the Harvard Law School Record Corporation two weeks ago.

By the simple insertion of the proofreader's transposition symbol, Editing Manager Louis J. Hoffman, a 2L from Wilmington, Del., was transformed into managing editor, the paper's *numero duo*. Following closely behind him on the new masthead is the RECORD's token Valley Girl, Andy Hartman, 2L, of Tarzana, Calif., who was elected news editor, a position which allows her to assign stories to one and all, fer sure, fer sure.

Two traditional titles were resurrected and attached to living beings. Susan A. Smith, 1L, of Stow, Ohio, has taken responsibility for the layout of the paper and receives, no doubt, less-than-adequate consideration for such a noble job: the title of production editor. Peter Cohen, 1L, a native of Cambridge, will fill the book review editor's shoes.

But rumors of a coup continue to ripple through the staff. Newly elected senior editors Jim Chudy, Adam Eisgrau and Mark Pogue are reported to be hungrily eyeing the paper's stylesheet — the editor's fabled power base. All other names and titles have been left unchanged so the guilt is not spread too widely.

One small problem remains for the wizard-of-the-stylebook-cum-editor-in-chief, however: Are Merrill and Morris editors emeritus, editor emeriti or editors emeriti? Not since the suggestion that Mary Tarduno be labeled an editrix emerita has there been such a stir among the staff. Watch future staff boxes for the resolution of this problem.

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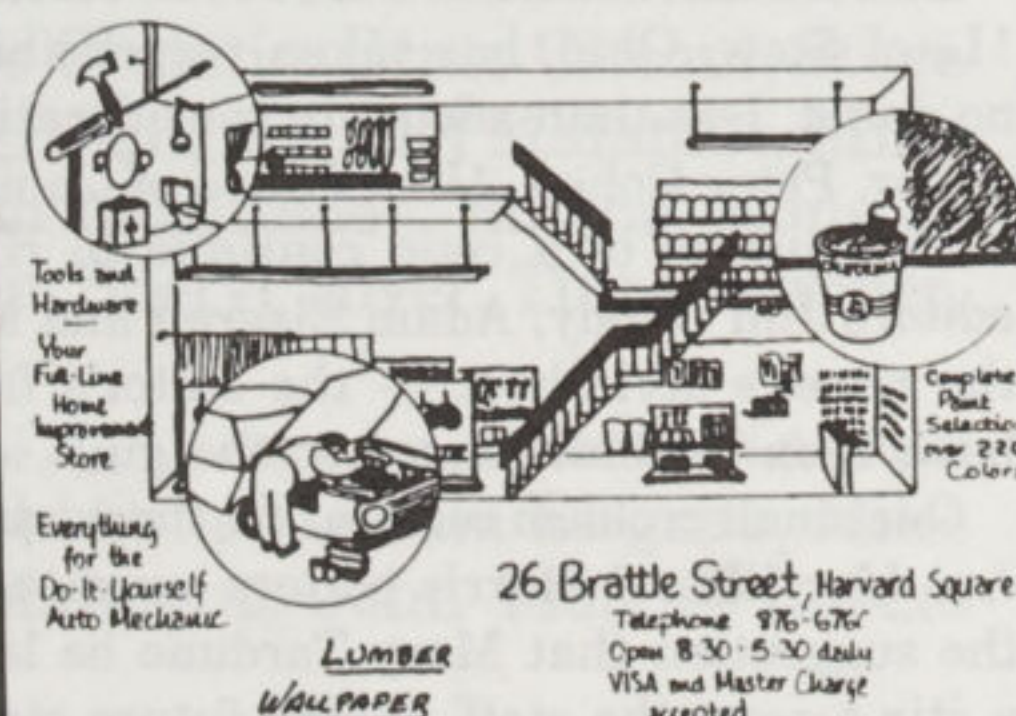
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Letters

(Continued from Previous Page)

average grades. In the past, firms were able to keep open a relatively large number of spaces for Harvard students, and this improved opportunities for those of us with less-than-stellar grades. This year, however, many firms cut back on the number of spaces reserved for HLS students; while students with good grades were, as usual, unaffected, those with less distinguished academic records were more likely than ever to receive short shrift. In this way, the new system has hurt those students it should be most concerned with helping.

I could go on about the adverse effects of the new system, but I think my point is made. I would like to think that the administration will reconsider its actions and not subject us to these changes again next year. Unfortunately, I am not so sure this will happen. The Placement Office survey on the new process is anything but unbiased. Anticipating negative reaction, no doubt, the Committee's cover letter "reminds" us that the interviewing season did not end any later this year than last year. Asking whether we've found the system to be detrimental in any way and then leaving less than two lines for a response doesn't exactly build my confidence in the administration either.

Regardless of the results of the survey, the Placement Committee will no doubt claim that one year is not enough to draw definitive conclusions on the new system. Whatever the rhetoric, though, students know that it is enough. We should not be made to suffer another year because of the administration's intransigence.

Terri A. Steinhaus, 2L

You Can't Fool a Cowboys Fan

To the Editor:

A loyal and dedicated Dallas Cowboys fan for the last 16 years, I do not particularly enjoy certain memories. Nonetheless, the second question in your Jan. 21, 1983 Sports Quiz was slightly inaccurate: while Baltimore Colts rookie Jim O'Brien did kick a field goal with five seconds left in the game to beat the Cowboys 16-13, this took place in Super Bowl V, not Super Bowl III. Just for the record, the following year the Cowboys defeated the Miami Dolphins 24-3, the only time in Super Bowl history in which a team did not score a touchdown. In Super Bowl III, the New York Jets beat the Colts 16-7.

Robby Boone, 1L

You are absolutely correct and we apologize for the error. — Ed.

HARVARD LAW RECORD

A message to Harvard and Radcliffe students regarding nominations for Coop Board of Directors

If you, as a Coop member and a degree candidate, are interested in serving as a student director of the Harvard Cooperative Society for the next academic year, you should obtain an application from the General Manager's office in the Harvard Square Store. Completed applications must be returned to that office by Thursday, February 17, 1983 for consideration by the Nominating Committee of the Stockholders of the Harvard Cooperative Society.

The Coop's Board of Directors has a total of 23 members, 11 of which are students from M.I.T. and Harvard, 11 are members of the faculty and staff or alumni of M.I.T. and Harvard, plus the General Manager of the Society. The Board oversees the operation of the Coop and sets policy for the Coop's operation. The Board meets monthly during the academic year.

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Dormitory Council Elects New Officers

The Dormitory Council elected its officers for 1983 on Monday, Jan. 31. The new president will be Eric Eisenberg, 2L. Clay Creps, 1L, will be the new vice-president. The

treasurer will be Deborah Winter, 2L, the comptroller will be Kathy Patrick, 1L, and the secretary will be Jackie Stone, 1L.

Off the *RECORD*

Lopsided Week

(Continued from Page 8)

III. I don't remember a high priority being set on or agitation for Friday classes."

Dean of Students Mary Upton, a former HLS registrar, said that "the 'common law' of the law school is that there be five days of classes," and that for the real explanation of why section III has no required classes on Friday, one should ask certain professors why they will not teach on that day. She further indicated that the optimal schedule would have no more than three classes on any given day, and that there are no attendance problems for the Friday afternoon classes scheduled for second- and third-year students.

Taking a look into the psyche of the students concerned, Russell Weatherspoon of the Law School Counseling Center said, "The average student can sit there for about three hours before his or her attention begins to fall off rapidly. This crew is pretty willing to take the pressure, though. When they get tired, people hope that others will carry the discussion. The tension and need to prove oneself may prolong one's ability. An hour break between classes will help people regain their concentration."

In answer to the question of how the 223 students in question can be expected to react to their average of five-and-a-half hours of class on Tuesdays, Weatherspoon replied, "Students never cease to amaze me. I wouldn't be surprised if 75% or better can take it." Thus if Weatherspoon's analysis is correct, then up to 25% might not be able to handle it (about 56 students) and would be "losing" anywhere from one to two hours of class time concentration every Tuesday.

If student efficiency is in fact thus sapped due to an unbalanced schedule, one may wonder how it is that the responsible members of the administration and faculty have remained so unconcerned with, and indeed oblivious to, the issue of overloading students for so long.

Proposals Provoked Little Discussion

(Continued from Page 7)

wrote in his memo last spring. He credited the group with "raising the general level of intellectual aspiration and productivity in our school." Nesson's view is certainly not accepted by all, but it shows the influence that the reformers have had on faculty members in the middle.

Had this shift been apparent earlier, the committee's proposals might not have been so piecemeal and so moderate. Several professors privately voice the belief that the faculty could now discuss concrete proposals even if those proposals were more radical. If nothing else, they say, stronger proposals would have attracted more interest, and the faculty would not have actively avoided discussing the committee's proposals. One measure of the general appetite for more innovative proposals was the complaint of Prof. Charles Fried, who usually sides against the left, that the committee's suggestions contained nothing new.

Pass-Fail Rejected

It is hard to know if these hypotheses about faculty reactions would have been born out. The committee did make one relatively strong recommendation: pass-fail grading for the first term of the first year and a system of midterm exercises for 1Ls, to be graded by 2Ls and 3Ls, for the purpose of giving 1Ls feedback on their progress.

There was little faculty support for the pass-fail grading, though. A similar plan had been floated several years earlier and had been voted down. Even on the committee, only a minority of the faculty members supported the proposal; the crucial majority votes were those of the student members. The feedback proposal was tabled when the faculty expressed skepticism about the feasibility of the specific plan. The net result was that the committee expended a great deal of its political capital on a proposal that

had never commanded clear support.

Compounding the problems of the substance of the proposals was their presentation. Faculty members complained that the reports, largely the work of Michelman, were impenetrable. It appears that many professors gave up reading the reports, although the problem was partly alleviated when Michelman began distributing condensed, Gilberts-like outlines of the reports before faculty discussions.

Style and Approach

The style was in part an outgrowth of the way the committee conceived its task and its method of approach. "When the committee was appointed by [Former] Dean Sacks three years ago, it was not given a charter of problems to resolve, but instead [was] asked to identify the issues that would be important to the school's educational program and to legal education over the years ahead," HLS Dean James Vorenberg wrote last spring.

The committee's response to this broad charge was to develop what it termed "normative and diagnostic premises" to focus discussion and to ground specific proposals in its reports. Broad goals would be articulated, and problems and solutions would be assessed with an eye to those goals.

In the first chapter of its draft report, for instance, the committee sets out what it perceives to be the broad goals of the Law School: education, scholarship and community service. Legal education, the report goes on, should benefit future clients of the school's students, the society at large and the students themselves.

More concretely, the report recommended significant changes in the emphasis of the Law School curriculum. On the one hand, it recommended that more attention be given to "theoretical" or institutional issues — the political, his-

torical, and social aspects of the law — rather than to traditional legal doctrine. At the same time, the report urged a stronger commitment to clinical programs within the school's curriculum.

The faculty has not leaped at the chance to discuss the report's abstract propositions. "There aren't really fleshed out programs to see what passages would mean in practice," Michelman said in a November interview. "A lot of members feel uncomfortable being recorded as voting [on abstract propositions]."

In addition to general reservations about voting on abstract propositions, some faculty members express doubts about tackling such a large project as setting out goals for the Law School. One said he thought the task of reexamining the purposes of the institution was too great for any committee and should not have been attempted.

Michelman retains his belief in the value of examining broad issues, however. He defends the philosophical parts of the committee's recommendations: "There are advantages in trying to formulate a kind of general charter for curriculum decisions over a period of years so as to provide general direction for the devotion of energy to concrete proposals, and to provide common points as to assumptions and goals." Of the proposals, he says, "They're not so airy and abstract to make it impossible to figure out what they're about. I tend to be more optimistic about the potential fruitfulness of the discussion at the level of the abstraction of the report than some members of the faculty seem to be."

This optimism was not shared, however, and as a consequence, the normative and diagnostic propositions were never discussed. Moreover, few of the concrete proposals have been aired, and it is unlikely that they will be in the future. Only if an individual or a group of professors requests faculty endorsement of new, more detailed reforms are the Michelman Committee pro-

(Continued on Next Page)

Firm Calls Placement Booklet Sexist

(Continued from Page 1)

to the pamphlet, include flexible work hours, maternity leave and competition between spouses for jobs at the same firm.

No Free Choice

"Women will never have free choice in the development of their lives until the question of juggling home, family, and career through the use of flexible work hours, part time and time sharing are viewed as problems common to men and women and not the sole domain of women," the committee wrote.

The hiring committee also questioned the wording in the introductory materials to the "Special Request," a section which mentioned

special concerns of handicapped and older students, in addition to those of women. With regard to all students included in the "Special Request," the pamphlet said, "We do not pretend . . . that these students resemble the norm in all that matters and that their differences are trivial. Because they have needs, values and skills which sometimes seem foreign to the traditional organization and outlook of the legal profession, you may inevitably find yourself discussing these differences in the interviews."

Women "Not the Norm"

The firm's members said they disagreed with HLS's characterization of women students as not resembling "the norm in all that matters."

"When I look at the introductory language [in which reference is made to the "norm"] I am not very happy with it," Assistant Dean Stephen Bernardi said. "That is definitely going to be changed."

Bernardi said the inclusion of a separate category on "Women's Issues" was agreed upon following a meeting last year between the Placement Committee and members of the WLA. Although the WLA did not approve the specific wording of the section, Bernardi said it would be irresponsible on the part of the Law School to delete the section in the future without consulting the WLA.

"At the end of the placement season last year, many women were concerned with how placement had gone," said Paula Litt, 2L, vice-chairperson of the WLA. "There were questions which just couldn't be raised in interviews."

Special Concerns Recognized

Litt said she felt the wording of the section in the placement pamphlet could be improved but that the section should not be eliminated.

"My own personal feeling is that it would be nice if a statement like [the one included in the publication] didn't need to be made," Litt said.

"Unfortunately, it does need to be made."

"If every law firm was like [Sugerman, Rogers, Barshak & Cohen], life would be great. But for every firm like that, there are 15 others for whom these issues haven't even crossed their minds."

"If there are any men who go into interviews who want to ask the questions [raised in the pamphlet], they are few in number, and among them, the questions aren't so important as they are to women," Bernardi said. "These men don't feel quite so uninformed as a woman does after an interview in which these issues are not raised."

People, Not Women

Katherine S. McHugh, chairperson of the firm's hiring committee, said the committee felt that such issues should be brought to the attention of employers, but that "they should be brought up in the context of how people's lives are changing and not as women's issues. The issue of how law firms deal with the demands placed on the two-career family is not a women's issue; such demands are created by people, not by women. Maternity leave is an issue related to family life, not to women. Women will never be viewed as equal participants until men are viewed as being just as responsible to those concerns as are women."

McHugh said she was offended by the inclusion of women in the same category as handicapped students. "Women are not handicapped. I would be just as offended if I fell into one of the other categories [in the special section]."

McHugh said the firm was pleased with HLS's response. "I felt my complaint was dealt with very adequately by Dean Vorenberg. He responded promptly and made no effort to defend the things I found offensive."

According to Bernardi and Litt, the Placement Committee and the WLA will meet in the future to discuss possible changes in the section dealing with women.

Analysis

Michelman

(Continued from Previous Page)

posals likely to be examined again.

As the committee winds down, Michelman is clearly relieved to see the end of what has been something of an ordeal, particularly in the last year or so when the committee was under fire. The committee's mood is perhaps best captured by Shapiro's statement:

"After sitting for three years on a committee whose charter was to think about anything and everything, I strongly urge whoever makes these decisions to pause long and ponder hard before creating our like again. Such projects tend to suffer not only from excess of jurisdiction but from the elaborate fanfare that necessarily accompanies them and the inflated expectations that built up as a result."

The danger now is not that another such committee will be formed, however. The danger is rather that the pressure for change will have been spent without result, and that the committee's inability to generate and crystalize discussion of the basic issues of legal education will result in those discussions being postponed for too long.

Informality Abounds in Ad Board Process

(Continued from Page 4)

on any pending cases but noted that investigators are appointed when the board seeks further information or when a dispute remains after a student has been given an opportunity to respond. Upton stressed that there is "due process up and down and on all sides" because "from the very beginning the student is always made aware of what goods" the board has on the student. The student would also be given a copy

of the investigator's report, as well as copies of everything the board has in its possession regarding the student.

Parker, who also refused to comment on any pending cases, stated that there is a "good deal of flexibility" in the process. That flexibility can apparently create an awkward situation when a student is confronted with the possibility of disciplinary action. Prof. Donald Trautman, who once represented a

student with a financial aid misrepresentation problem before the board, said there is "lots of anxiety on both sides in such cases." One 2L, whose case was referred to the board in early December but who had never been told of any written procedures for disciplinary cases, told the RECORD that "having the threat of disciplinary action hanging over your head" amounts to a "terribly alienating process." Apparently, for at least some HLS students, the Administrative Board offers a lesson in due process that they will not soon forget. ❧

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MacKinnon

(Continued from Page 3)

MacKinnon: These weeks at Harvard have been very exciting and congenial ones. I think that with the students and faculty members here, there is potential for some very exciting and important work.

Q. This law school has taken a lot of heat for its record in hiring women and minority faculty. How are we doing, really?

MacKinnon: I think the school is doing reasonably well, particularly in hiring women. The administration should get credit for its efforts, but at the same time, it's not enough.

Q. How will they know when it's enough?

MacKinnon: That feels very far off — almost millennial. I think that applies particularly to people of color. There's been much more successful delivery so far in increasing the number of women faculty.

Q. You've described the pace of progress on feminist concerns as "glacial." How do you maintain hope for future gains?

MacKinnon: I'm more into determination. I am agnostic on the subject of hope.