

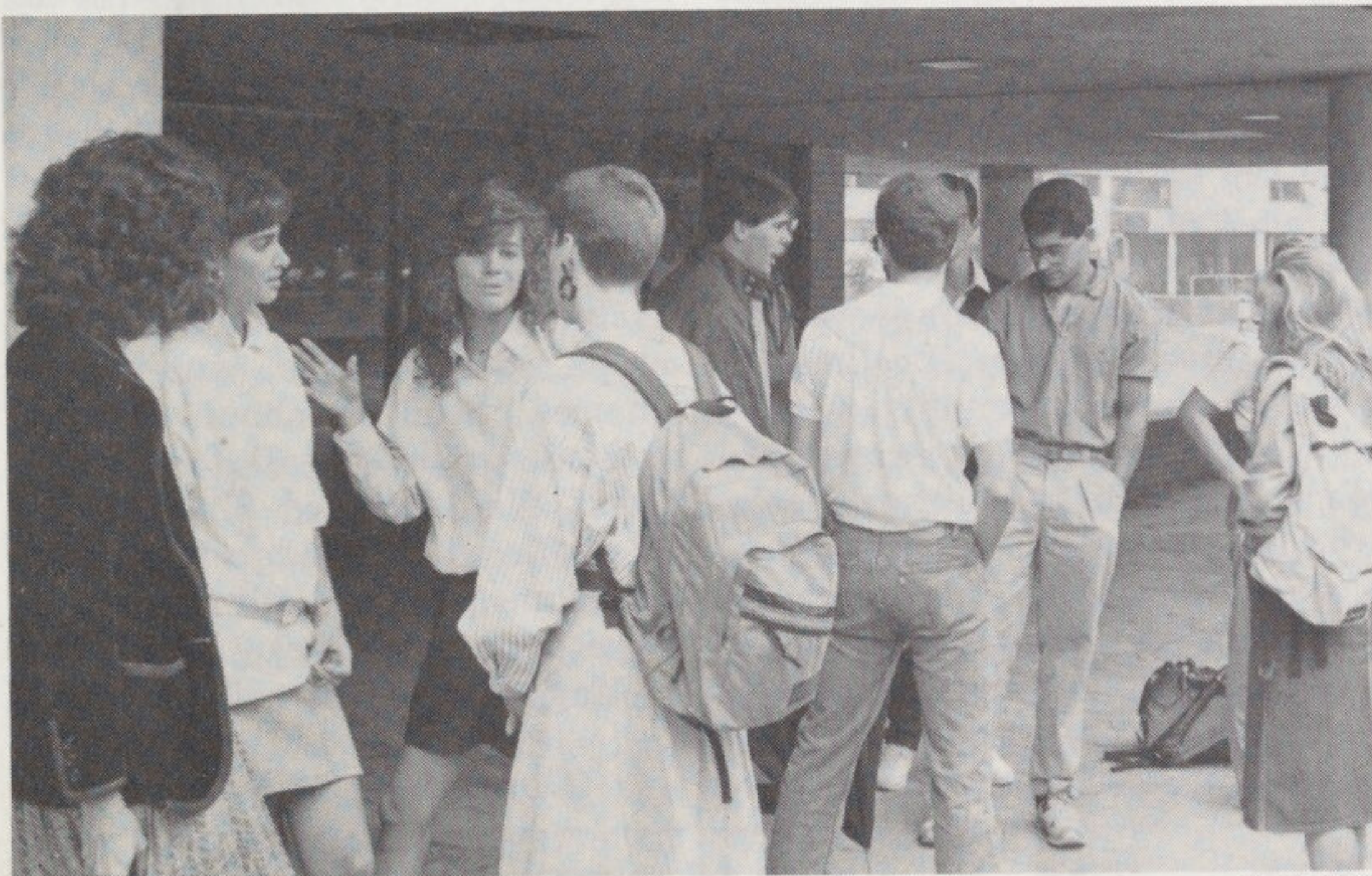


Harvard Law Record

America's Oldest Law School Newspaper

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SEPTEMBER 16, 1988



Kevin Reed

HLS students enjoy the sun during an otherwise fickle fall.

One L Class Is Select & Diverse

By Erick Hachenburg

The Harvard Law School Admissions Office found itself swamped last year due to an 18% increase in the number of applications over the previous year. "The big change this year is that we received over 7,100 applications," said Joyce Curll, Director of Admissions.

The deluge of applications is not expected to let up soon, Curll added, noting a 20% increase in the number of people taking the LSAT this June over the number who took it in June 1987. Curll said that this number is generally taken as a good indicator of how many applications to expect at the top schools. "We may not receive more applications," Curll said, "but I would be surprised if the number decreased."

From the 7,100 applications, HLS offered 800 people a spot in the 1L

class. Of the 800, 548 accepted for this year, and about 95 deferred until next year — "a fairly large number," Curll added.

"Like every year, we have an extremely diverse 1L class," Curll remarked. The basic statistics, according to Curll, show that the 1L class is made up of 40% women and 22% minorities. The students come from 133 colleges, 45 states, and 12 foreign countries. They also come from many different backgrounds and professions. Finally, the average age of the class, like last year, is 23 years old, and between 5% and 6% of the class is over 30 years of age, down from 10% last year.

Curll elaborated on many of the statistics, such as the breakdown of the number of minority students. The first year class includes 57

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Dean Search Lacks Input, Students Claim

By Greg Herbert

While claiming to have forged a truce among warring factions of the HLS faculty, the six-member Faculty Dean Search Committee now faces charges that it lacks student, female and minority input as it narrows the list of possible candidates.

The committee is expected to recommend a candidate to replace Dean James Vorenberg '51 by the end of the fall semester, according to Steve Bernardi '55, assistant dean for academic administration. Harvard President Derek Bok '54 will make the final decision on who will replace Vorenberg, who announced last spring that he would be stepping down as dean of HLS.

Although no professors would comment on specific potential candidates, the RECORD has obtained a list of professors who are purportedly under serious consideration by

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Survey Sparks Campus Changes

By Erick Hachenburg

Several changes instituted this summer at HLS have been designed to improve the quality of student life. Most of the changes, according to Sarah Wald, dean of students, were initiated in response to concerns outlined in the quality of life survey taken two years ago. Wald stated that, although minor, the most immediately noticeable change was the implementation of a meal plan at Harkness Commons. Wald said the meal plan was instituted on an experimental basis in response to student requests.

A more dramatic change was the appointment of Gwenn Bookman to a newly-created position designed to assist with student issues, said Wald. Bookman is an attorney who worked previously as assistant to Harvard President Derek Bok '54 on affirmative action policy.

HLS counseling services, according to Wald, were entirely revamped as well. Wald said the changes were

necessary because students were not certain how to use the counseling services HLS offered.

First among the services' new features is Dr. Mary Sheldon, a psychiatrist who will head up the health services. Another part-time psychiatrist will be on staff as well. Finally, the Office of Counseling Services, formerly under Health Services, is now affiliated with the Dean of Students' Office.

The psychologists who work for the Office of Counseling Services will, according to Wald, focus primarily on predictable kinds of adjustments. Wald said these issues include concerns about relationships, exam stress, and career choices. "Students should feel free to come in just to talk for 15 minutes," Wald stressed. She also said the office will conduct "outreach programs," which will be general sessions on how to enjoy life at HLS.

Mark Byers, who will spend half

(Continued on Page 12)

Visa Snag Kills Fall Courses

By Dawn Ross

Many HLS students were surprised to find upon returning this fall that the corporate finance and corporate law theory classes they registered for last year have been cancelled. Visiting Professor Lucian Bebchuk, LL.M '80, who was scheduled to teach these courses, has been unable to return to the United States from Israel due to visa complications.

Bebchuk has traveled back and forth between Israel and the U.S. for a number of years using an H-1 visa, according to Stephen Bernardi '55, academic dean. When Bebchuk last went to Israel in early 1988 he was aware that his H-1 visa would expire before his return to the U.S. He accordingly obtained advanced clearance for renewal of his visa from the Immigration and Naturalization Service (INS), but the approval was overruled by the American Consulate in Tel Aviv.

Any American Consulate may routinely review and evaluate applications approved by the INS.

The H-1 visa, also known as a "temporary worker visa," may be issued by the INS to an individual for a maximum of five years, according to Mary Henderson of the Harvard International Office. Henderson stated that the criteria for receiving an H-1 visa includes being a "person of exemplary merit and ability."

Although Professor Bebchuk has traveled with such a visa for a number of years, the American Consulate in Tel Aviv required him to apply for a permanent resident visa, commonly known as a "green card," before returning to the U.S.

Issuance of a green card routinely takes at least one year. According to Henderson, whose office assists faculty and students with immigration matters, the process for vis-

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Ogletree's Tenure Prospects Brighten

By Chris Crain

Visiting Professor Charles Ogletree '78 cancelled plans to leave HLS after being told the Appointments Committee will make a recommendation this fall on his appointment to a tenure-track position. His improved position has been linked by some to a student sit-in and protest in May about faculty diversity.

Dean James Vorenberg '51 will not comment on any changes in Ogletree's relationship with the law school until the Appointments Committee makes an official recommendation to the faculty and the faculty votes on that recommendation.

Vorenberg did say that it was his "very strong expectation that Ogletree will be here for the fall and the spring." This marks a clear change from Ogletree's previous plans to leave HLS after teaching the fall Trial Advocacy Workshop.

All appointments to the regular faculty tenure track are made by a vote of the faculty after an official recommendation from the Appointments Committee, which researches the qualifications of potential tenure-track professors.

Ogletree said he decided in early June to stay at HLS for another year rather than return to his law firm in Washington, D.C. Ogletree made his choice after he was told that "the Appointments Committee had made sufficient progress to make a recommendation to the faculty this fall."

Ogletree said he was "not at liberty to say what the recommendation is because they haven't made the recommendation, but it is pretty clear they're serious about the process — if not, I'm sure they'd be candid enough to let me know."

Ogletree's plan to leave HLS without any offer of a tenure track position was a source of a large protest and sit-in at Vorenberg's office in May. The protests, organized by the Black Law Students Association (BLSA), centered around demands for greater faculty diversity and consideration of minority candidates

to replace Vorenberg, who has announced his resignation, as dean.

Ogletree was among those who addressed the rallies, along with former HLS assistant professor Clare Dalton, LL.M.'73, whose controversial tenure denial sparked charges of sex discrimination.

When asked about whether the protests might have spurred the "offer" he received in early June, Ogletree said, "It depends on who you ask. I can't say. I certainly think it raised a number of important issues, and my case was inconsequential in the face of those other issues."

Vorenberg refused to comment about any effect the protests might have had on Ogletree's situation.

BLSA President Rob Wilkins, 3L, said he believed the Appointment Committee's imminent recommendation "probably does have something to do with the protest," adding that he was "happy at the progress but not overly optimistic. [The recommendation] still has to come to the faculty for a vote."

Wilkins said he thought Ogletree's offer might be tied to the sit-in because "every positive action this administration has made in

bringing in black professors has been the result of protest," citing protests before the arrival of Derrick Bell in the late 1960s, and, more recently, Randall Kennedy and David Wilkins '80.

"I hope we don't have to keep protesting for the next 20 years for the faculty to be diverse," he said.

When asked why he thought more black professors had not been appointed despite Vorenberg's public commitment for diversity, Wilkins said "sentiment isn't action."

"Saying Harvard's policy is not to discriminate is nice but why not say Harvard's policy is that we will take action to remedy the past and to increase diversity," he said, adding that "Vorenberg alone doesn't make the decision about who will be appointed."

"A lot of professors hide behind the secrecy of faculty meetings . . . [and] hide their bias or reluctance to do anything about the problem until they're confronted and pushed into the action mode," Wilkins said.

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Exhibit Commemorates Dean Griswold's Career

By Dan Kroll

On Friday, Sept. 9, HLS faculty, administrators and personal friends gathered in the Treasure Room of Langdell Library to honor Erwin N. Griswold '28, S.J.D. '29, former HLS professor and dean, and his wife Harriet Ford Griswold. The reception marked the official opening of a major exhibition being displayed in Langdell entitled *Erwin Nathaniel Griswold: Illustrious Alumnus*. Personal and professional papers and photographs from Griswold's extensive legal career are featured on this sixtieth anniversary of his graduation from HLS.

Thirteen display cases cover aspects of Griswold's professional, public and personal life. One display case "is devoted exclusively to Griswold's equally remarkable wife, Harriet, a polio victim, who has become an internationally recognized and admired champion of the disabled and the handicapped," according to the exhibit's literature.

Griswold, who served as a president of the *Harvard Law Review*, received an LL.B. *summa cum laude* in 1928 and an S.J.D. in 1929. He briefly practiced law in his home city of Cleveland before serving in the Office of the Solicitor General from 1929 to 1934. From 1934 to 1967 Griswold was a member of the HLS faculty, teaching courses in conflict of laws, trusts and taxation, and serving as dean from 1946 to 1967.

In 1961, Griswold was appointed by President John F. Kennedy to serve on the United States Civil Rights Commission and in 1967 he was appointed by President Lyndon B. Johnson as Solicitor General of the United States, where he served until 1973. He is currently a partner with the firm of Jones, Day, Reavis & Pogue, in Washington, D.C.

Among the nearly 150 guests to honor Griswold at the reception on Friday was Dean James Vorenberg '51, who was the first of four speakers.

Vorenberg praised Griswold as "a lawyer of whom his professors would be proud." Through the exhibit's

depiction of Griswold's life and accomplishments as teacher, dean, author and public servant, Vorenberg continued, "we see reflected . . . the important events of American history," citing Griswold's public opposition to Roosevelt's court-packing plan and his ardent support of the Fifth Amendment and civil rights as examples.

Paul A. Freund '31, S.J.D.'32, Carl M. Loeb University Professor Emeritus, spoke next, joining Vorenberg in praising the exhibition and its creator, Erika S. Chadbourne.

"Best of all," Freund stated, the exhibit will be open to view by "hundreds and perhaps thousands of students, who, on viewing it, will discover the potential for . . . productive lives in the law."

Griswold's tenure as dean did not come in a tranquil era, Freund said, observing that "the time of Senator McCarthy made uneasy the role of academics." Nevertheless, Freund continued, Griswold stood firm to his convictions. "His defense of academic freedom in the face of threats received a vote of appreciation from the University faculty as a whole," Freund stated, adding that Griswold wrote the book *The Fifth Amendment Today* "in defense of the rights of accused in a time when it was anything but fashionable."

Freund noted that it was during Griswold's deanship that women were first admitted as students, and that under Griswold the school extended its reach to a great number of other nations and other continents. "The school was never parochial under Erwin Griswold," he said.

Chadbourne was the third to speak, expressing her gratitude to Griswold for the numerous papers which he has bestowed on the law library and presenting him with a hardbound copy of the inventory to his files.

Griswold himself spoke the closing words of the ceremony, telling his guests that "this is of course a very moving occasion for Harriet and me. I suppose the chief quali-

fication for having a sixtieth anniversary celebration is longevity," he said, "and for that I can claim no credit except for the wise selection of my parents and their forebearers." Saying that he spent a number of "extraordinarily happy years" at Harvard, Griswold praised the school. "I think that what credit there is for these past sixty years . . . comes from the background and traditions and strength of this school."

Admitting that he made a number of changes to the University, not the least of which was the replacement of the Langdell receptionist who "was a genius at insulting people who asked for information," Griswold said that the one accomplishment which he would want engraved on his tombstone is: "He kept the Harvard Law School from getting any bigger." While keeping admissions down, Griswold said his idea at the beginning of his deanship was to "double the size of the faculty — although I didn't tell the faculty that." Griswold said he steadily threw a few new names a year to the appointments committee, and that by the end of his 21-year tenure as dean, the faculty reached his goal of nearly doubling in size.

Griswold concluded with the same theme with which he began. "This is a great school, a great institution, a great resource of the United States . . . and it has been an ideal place in which to work. I have worked in Washington as a government lawyer and in private practice, but my heart is in Cambridge and in Langdell Hall."

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Students Cheated by Courses

The beginning of the academic year at HLS once again finds students in the perennial pursuit of dropping, adding and manipulating their class assignments in the hope of eventually creating schedules that meet their perceived individual needs. However, it is becoming increasingly clear that many students are frustrated by a selection of courses that in no way accurately reflects these desires. The sad fact is that once one gets past the required first year courses and the second year "basic" recommendations there is a dearth of courses that reflect what many students at HLS want: preparation for a non-academic professional legal career in any of a number of areas.

This is not to denigrate any particular area of the law or any type of course being offered. But, taken as a whole, the schedule of classes offered results in many leaving HLS with the perception that they are unprepared for their new roles and responsibilities. It is sadly ironic that today's course selections, which force the future tax attorney to pad her schedule with poverty law against her true preferences, is as much a travesty as was the foisting of corporate tax on the '60s student dedicated to civil rights and the troubles of the oppressed.

At the same time that HLS makes less than half of the constitutional law classes it describes in its catalog available to students, it stocks its schedule full of esoteric and exotic courses that seem to be viewed as important and exciting solely by the faculty and a handful of similarly disposed students.

The trouble is not that such courses exist: these subjects are valuable in educating well-rounded attorneys familiar with law in all its guises. The problem is that this type of course is offered to the exclusion of other, more desired selections.

This year there is only one course offered in each of the areas of bankruptcy, copyright, corporate finance, and securities regulation, all large and active areas of contemporary legal practice. It might seem surprising to someone interested in the field of intellectual property that that complex and rapidly expanding field generates only as much concern and interest as Islamic law or Anthropological Approaches to Law. That HLS presents as many courses in Japanese and Chinese law, and far more in family law and human rights law, as it offers in advanced United States criminal law seems odd indeed.

The realization that some students interested in careers in the real world end up choosing these exercises in academic self-interest out of a sense of frustration with their inability to enroll in courses that they truly desire casts a pall on a school that presents itself to the world as a bastion of excellence in the preparation of attorneys. At a time when education is a key issue in national politics and when the Secretary of Education and others call for a return to basics and classics, it seems appropriate that HLS reevaluate its course offerings and tailor them again to the needs of its students and society.

J.A.G.

HARVARD LAW RECORD

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Fenno

"Aha," Fenno exclaimed as his eye caught the one credit pass/fail accounting class listed in the bountiful academic lineup for the Fall. "Finally! After twenty-six years of law school, I've finally arranged the perfect schedule," the ebullient Fenno snorfed as he downed his first Meister Brau of the school year.

"A six-day weekend every week and no final exams will be great," Fenno thought as he handed the Registrar his carefully thought-out selections. "Lots o' time to recover from my Monday afternoon courses and to pursue hedonistic excesses. Yep, yep, yep, many opportunities to meet potential Fennofillies at these schools I cross-registered with," he concluded. "Lesley College, Wellesley, Pine Mattress and a 1/2 unit gym credit with the women's semi-Olympic Volleyball team practicing for the summer (soon to be fall) Olympics."

"Your schedule, der iz no problem?," the kindly woman asked as Fenno proudly submitted his finely-honed masterpiece.

"Yep, no problem," he responded before bolting out the door to catch the tail end of the big Friday TG at the Pub.

While enjoying the sobering effect of a few cool frosties, however, Fenno's placid mind experienced what appeared to be a thought.

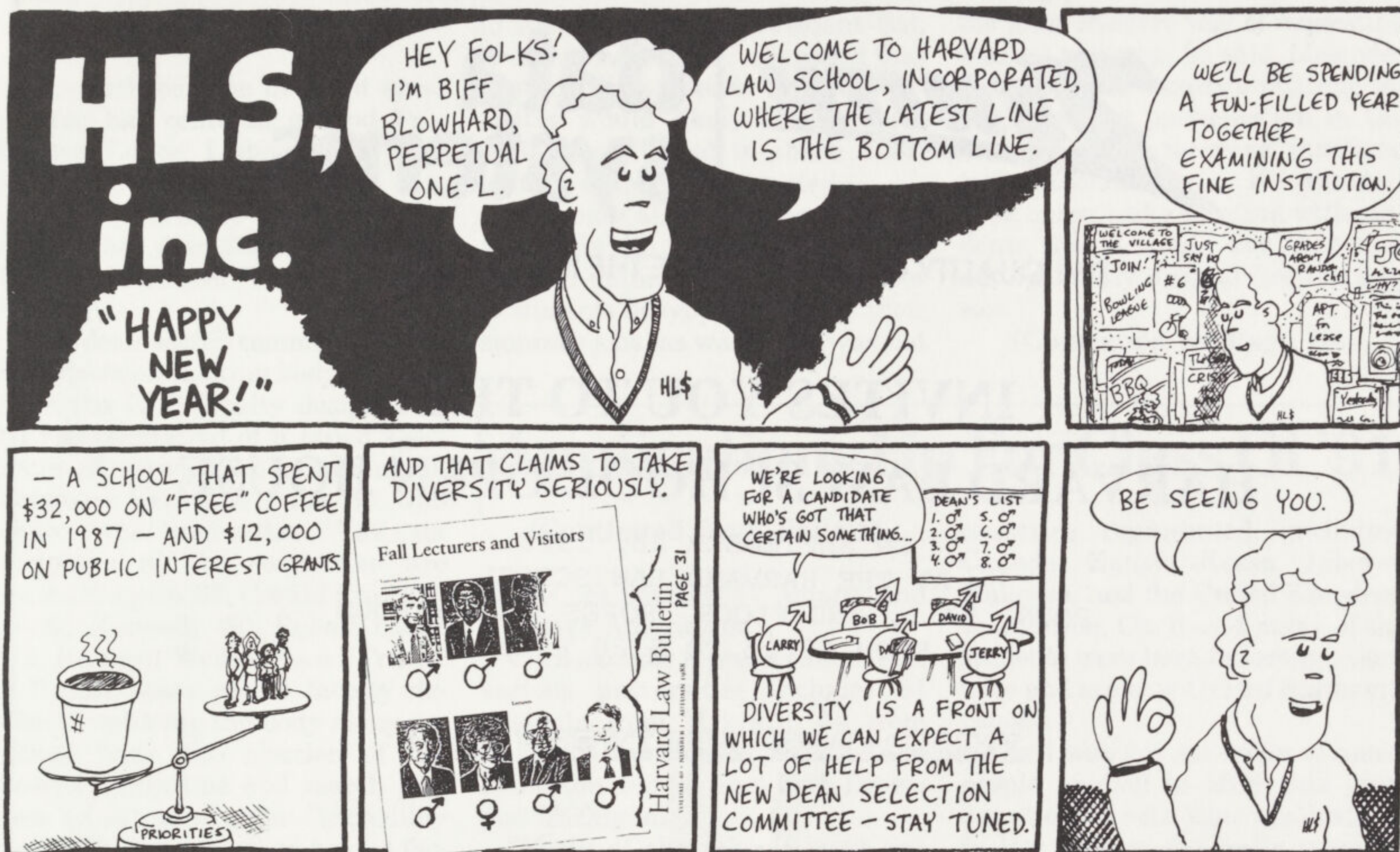
"I forgot to drop my spring pre-registration classes," he realized. "Fifteen units of Antitrust, Fed Courts, Bankruptcy and a seminar in The Economic Underpinnings of Modern Constitutional Law. Oh well, just a minor detail I'll worry about on Monday," Fenno wisely decided.

"Deze classes are oversubscribed, Mr. Fenno. It eze too late to drop," he was informed by the now not-so-kindly registration lady the following Monday. "Who did your schedule anyway . . . SATAN? You vill receive W/Ds on your transcript."

"W/Ds," pondered Fenno. The horrific spectre of the impending humiliation loomed large. Suddenly, however, a wave of relief swept over him like a case of icy M.B. "Great," shouted Fenno. "I've never completed a course 'with distinction' before!"

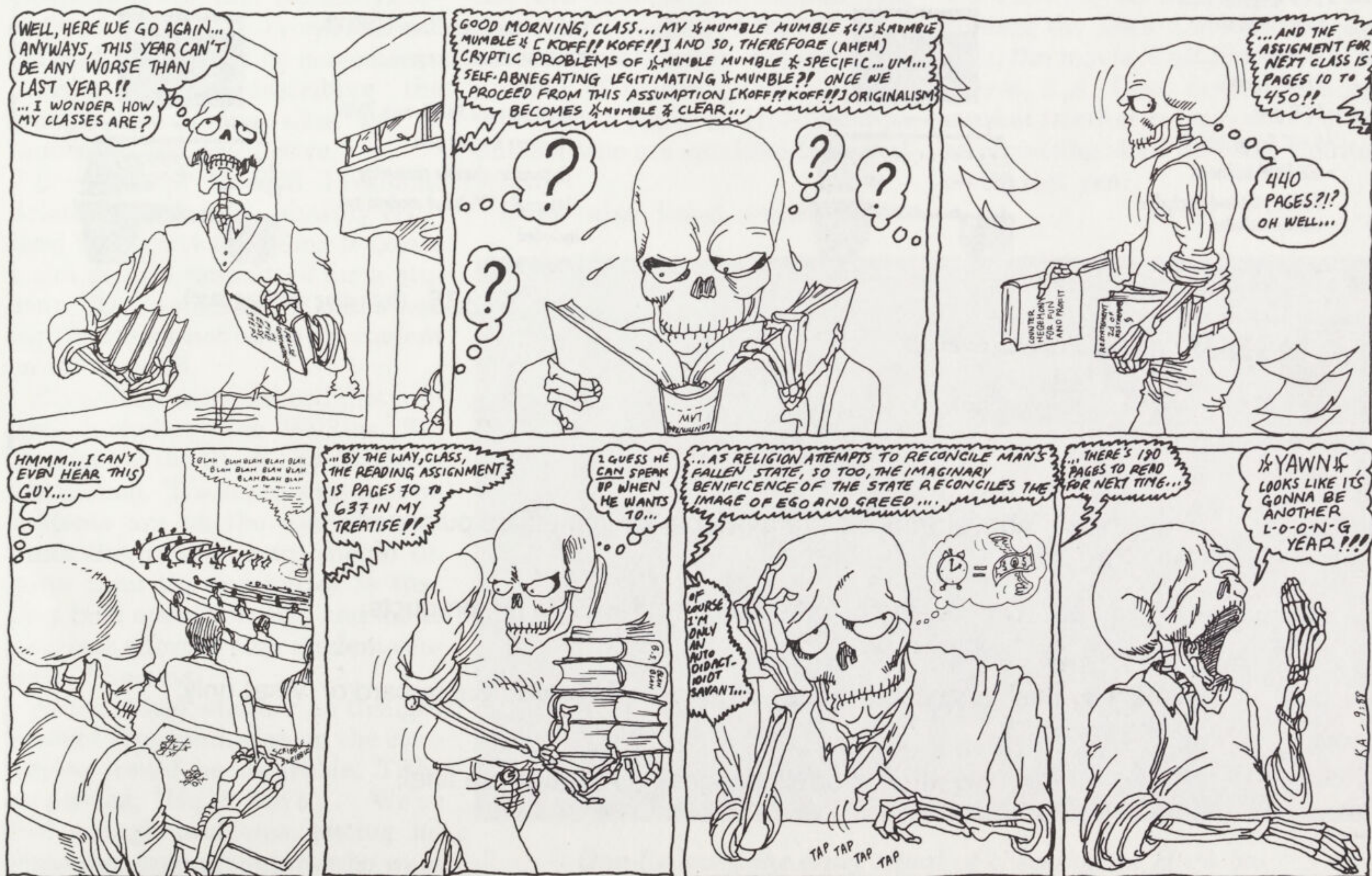
"The administration here is so friendly and willing to help," Fenno thought to himself as he headed to the volleyball courts. "Fifteen units of honors without even having to take the courses. That's an adequate reward for scoring such a killer schedule," he gloated.





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by KA





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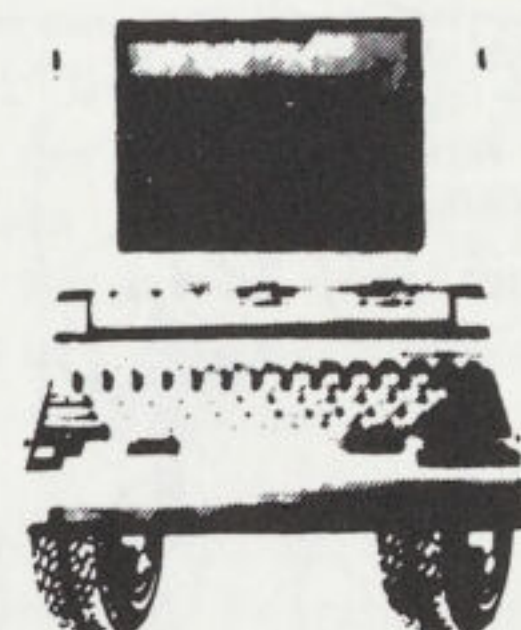


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Students Seek Voice In New Dean Selection

(Continued from Page 1)

the committee. The heaviest speculation has centered around Professors Lance Liebman '67 and Richard Stewart '66.

Other professors on the list include Mary Ann Glendon, Derrick Bell, Todd Rakoff '75 and Martha Minow.

The dean search committee is the first decision-making body selected from the HLS faculty designed to be representative of a broad spectrum of viewpoints, according to Professor Laurence Tribe '66, who chairs the committee. The six members of the committee are David Shapiro '57, Gerald Frug '63, David Kennedy '80, Robert Clark '72, Bernard Wolfman and Tribe.

Unlike other recent faculty decisions splitting the body along political lines, the election of the search committee and search process so far have gone "incredibly smoothly," as described by one faculty member. Those previously divisive factions are represented on the committee, which includes two members (Frug and Kennedy) associated with the controversial Critical Legal Studies movement.

Tribe agreed, describing the group's functioning thus far as "amicable and productive."

Law School Council President Brian Melendez, 2L, sharply criticized the faculty for failing to create a slot on the committee for a student. "The committee is much less legitimate for not having a student on it," he said.

Several students echoed this concern, including Rob Wilkins, 3L, president of the Black Law Students Association. "It's distressing that no students are on the committee. I think the minimum we should require from the committee is that they hold open meetings and make a serious effort to hear student concerns," he said.

When asked whether he thought student representation on the committee would be desirable, Tribe responded, "No, I don't . . . We've had enough problems getting information from professors who want

to speak only with President Bok or one or two others." He added that a student's presence on the committee would likely ensure some professors' refusal to share information with the committee.

Melendez also criticized the committee for its method of soliciting student opinion. Sending a letter to students heavily involved in their summer jobs, as was done, was not

the most effective way of requesting student response, he said. Melendez described the faculty's attitude toward student participation in the dean selection process as "insulting to the student body . . . If a potential dean doesn't like meeting with students then I would say that that automatically disqualifies the person."

(Continued on Page 10)

Applications Up For Class Of '91

(Continued from Page 1)

blacks, 29 Latinos, 27 Asians, and 5 Native Americans.

Curll said the representation from various universities includes 64 students from Harvard, 52 from Yale, 23 from Stanford, 22 from Princeton and 20 from both Brown and Michigan.

"Many of the schools send one student," Curll added. The number of colleges represented in this year's 1L class is down substantially from the 178 schools represented last year. Curll suggested that there is a loose relationship between the number of students from a given school who apply to HLS and the number who are admitted from that school.

Curll also listed some of the

countries represented, including Canada, Kenya, Korea, Liberia, Malaysia, and the United Kingdom. In addition, Curll said many of the students were born in foreign countries and are now United States citizens.

Curll was not sure why so many people applied to HLS this year, but she did note that applications to law schools generally were up this year. Curll said the increase could possibly be attributed to two factors. First, the media focused more heavily on law this year, including the Bork and *contra* hearings, the movie *Wall Street*, and, of course, *L.A. Law*. Second, the job market in other careers may not be as promising since the stock market crash last year.

✿



Kevin Reed

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Dean Hunt On

(Continued from Page 9)

The committee sent letters requesting input on the decision to all HLS students and thousands of alumni this summer, Tribe said. Although Tribe declined to estimate the amount of student replies, he noted that the committee had received a great deal of response from alumni. One HLS staff member, who spoke on condition of anonymity, described student response as "minimal."

Tribe pointed out that the committee was designed by the faculty in 1984 and that "it would have been presumptuous of us then to purport to speak for the [future] students," but admitted that "this committee was never designed to represent the law school as a whole."

Several students also expressed concerns that the committee lacked a woman or minority member. "It is very distressing that there are no women or minorities on the committee," stated Rana Sampson, 3L. "The lack of diversity on the committee will probably be reflected in the recommendation they make for the new dean."

Professor Martha Field agreed that the next dean would probably not further recent efforts by students and some faculty to increase the number of minorities and women on the faculty. "The faculty in general is just not that interested in diversification," she said.

Field blamed the lack of diversity among the committee mainly on the electoral process used and the lack of women or minorities with enough time to fulfill the burdensome duties of a dean search committee over the summer. Field commented that she, as well as a number of other women and minority faculty members, withdrew themselves from consideration as potential committee members.

To ensure student participation in spite of exclusion from the committee, the Law School Council (LSC) is forming a Student Dean Search Committee which will be made up of six students.



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Bebchuk Without Green Card

(Continued from Page 2)

iting faculty usually begins with the school's employment offer. In order to obtain the prerequisite Department of Labor certification, the job opening must have been advertised nationally and proof submitted that the hiring of a foreign individual will not displace a United

States citizen. This certification process can take up to six months.

Students who had planned to take Bebachuk's classes may find the wait a bit too long. Instead, HLS Registrar Sue Robinson states that students who were registered for Bebachuk's classes have been allowed to transfer into Professor Victor Brudney's corporate finance class.



Wald Hears Student Concerns

(Continued from Page 2)

of his time on career issues, and Jay King, who will work on minority issues, are also joining the Office of Counseling Services. Yet another person will be added to the staff to address women's issues.

The 1L orientation was also changed this year. Wald said there was a new emphasis placed on diversity and multicultural issues. A panel discussion about diversity in which 1L attendance was mandatory was added to the schedule, and

the RAs and BSA members were required to attend a training session on the subject.

According to Simone Reagor, administrative dean, changes were also made to the physical plant of HLS. The computer facilities in Langdell Hall are being upgraded and expanded. In the dorms some kitchen facilities were improved and some rooms were carpeted and painted. Finally, new athletic equipment was added in Hemenway Gym.



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