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September 8, 1989

Clark Cuts Public Interest Position

By Patrick Miles

Dean Robert Clark '72 has eliminated the position held by Ron Fox '63, the man who for six years has directed the law school's trend-setting career counseling office for students interested in public interest jobs.

The move was described by Clark in a national publication as a "reorientation of resources, away from things in the past that have been for symbolic, guilt-alleviating purposes [rather] than to get a real result."

The decision to eliminate the office of career counseling angered some students and faculty who have feared that the newly appointed Dean would scale back clinical programs and de-emphasize public interest law. Clark became Dean July 1 and dismissed Fox on Aug. 9.

Because Fox was a national leader in the field of public interest counseling, his dismissal has drawn the attention of the national legal press and from officials who monitor public interest activity at the nation's law schools. Harvard in the late 1970s was the first law school to create the position of public interest counselor.

Clark summoned Fox to his office the morning of Aug. 9 and in a seven-minute meeting informed Fox that his position had been eliminated, along with that of his administrative assistant, Dana Bullwinkel. Fox said he was "stunned" to hear the news.

"It was totally unexpected," Fox said this week. "I sat there during the meeting and tried to figure out if he was saying what he was saying. I couldn't believe it."

(continued on page 7)



Clark welcomes first-year students at Memorial Hall September 1.

Photo By Jan Van Horn

Accused Rapist, Barred From School, Sues Harvard

By Greg Herbert

Kevin T. Watkins, 3L and former president of a student organization named the Society for Black Professional Entrepreneurs (SBPE), sued Harvard University and the law school for \$150 million over the school's handling of a Harvard College student's allegations that Watkins raped her and that he sexually harassed her in connection with the SBPE. The law school has disbanded the SBPE and forced Watkins to leave school.

The woman, a former lover of Watkins' and former officer of the organization, filed criminal

charges last May with the Middlesex County District Attorney's Office. The *Bay State Banner* (5-11-89) reported that the woman claimed Watkins had raped her at his apartment repeatedly over a three hour period. When contacted by the RECORD, the woman declined comment.

In late Aug., Middlesex County Judge Lawrence Feloney found probable cause that Watkins had committed the crimes that District Attorney L. Scott Harshbarger had charged him with—two counts of rape and one count of assault. Watkins now faces potential indictment by a grand jury on the three counts.

In a Sept. 1 letter to Watkins, HLS Dean Robert Clark '72 stated that, based on the finding of probable cause, Watkins was "required to take a leave of absence" from school pending resolution of the criminal proceedings. The letter stated that the "administrative leave" was required "without prejudice" and would not be noted in Watkins' transcript.

These developments are the latest chapter in a bizarre scenario that has unfolded in light of shocking allegations made by the woman and a Harvard Divinity student last spring. The allegations, first printed by the *Bay State Banner*, included claims that Watkins had videotaped himself, the woman and a divinity student in the nude as a requirement for becoming an officer in SBPE. Watkins admitted that the three appeared nude in a videotape, but vehemently denied that the tapes had anything to do with SBPE or that the tapes were coerced by him in any way.

In an extensive telephone interview with the RECORD on Sept. 1, shortly after he received Clark's letter, Watkins disputed the charges against him and blasted the law school's treatment of him. Watkins stated, "Get any girl to accuse you of rape. What can you do? They kick you out of school, publish your name as a rapist and a child molester, your friends say 'that's rough, but I don't want to associate with you.' All I'm asking for is a fair shot. These profes-

sors illegally interfered with a criminal trial. Who's to say what they'll do? They think they are above the law."

Watkins' major complaints with HLS centered around what he claimed was the gross unfairness of the HLS Administrative Board's proceedings and the impropriety of investigating aspects of his private sex life that had nothing to do with the law school.

The Ad Board, which serves as the disciplinary body for HLS, dealt with the woman's major allegations separately. The Board first proceeded on her claims that Watkins coerced members of the SBPE to appear nude on videotapes in order to become an officer in the organization, while postponing investigation of the woman's rape and assault charges. Watkins asserted that the Ad Board members "made up" the charge of "unauthorized videotaping" so they could view the videos and "satisfy their sexual palates."

The Ad Board concluded its investigation of the charges surrounding the SBPE in May, finding Watkins guilty, by "clear and convincing evidence" of "extreme abuse of his authority as the head of a law school organization" for engaging in "unauthorized nude videotaping under the auspices of the SBPE," according to Dean of Students and Ad Board member Sarah Wald. The Board issued a reprimand to be filed with Wat-

kins' permanent transcript, suspended the SBPE for six months, and prohibited Watkins from heading any other law school organizations.

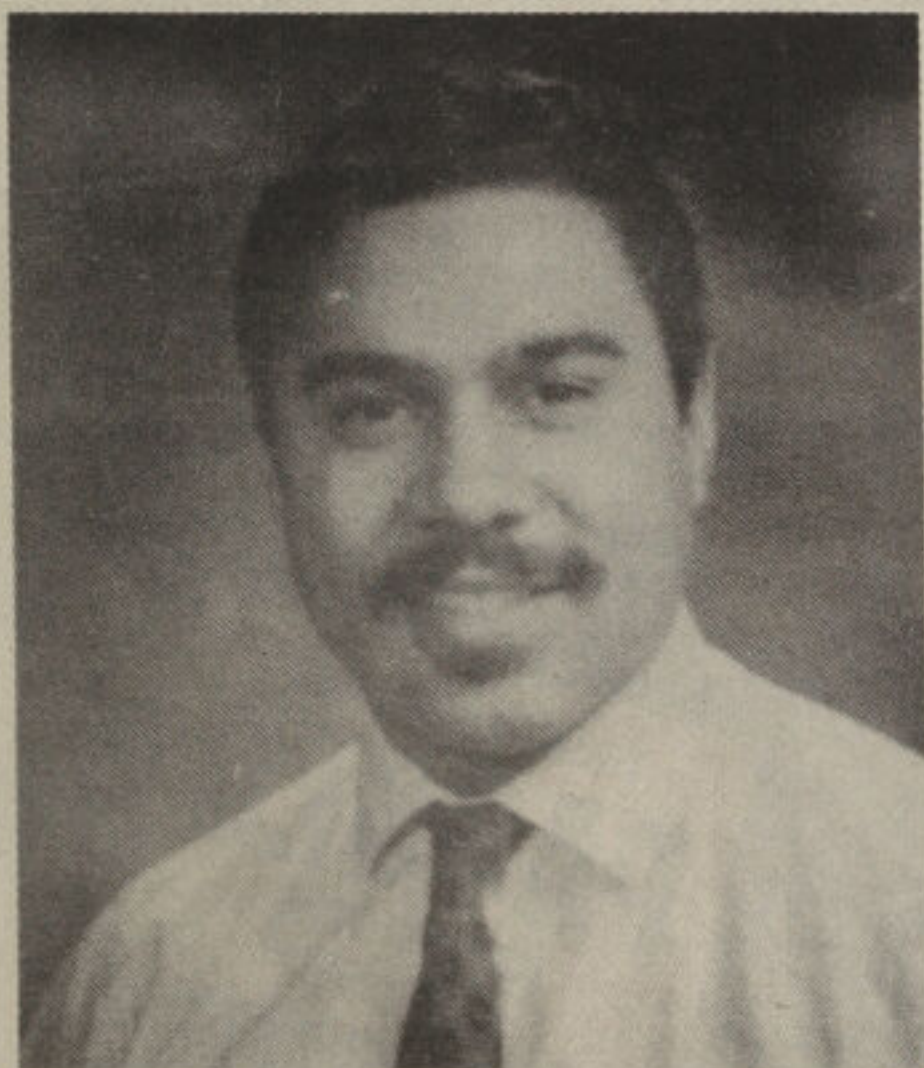
The Ad Board has postponed its investigation of the rape and assault charges pending resolution of the criminal proceedings.

The divinity student, in a telephone interview with the RECORD, repeated his prior allegations that the nude videotapes in which he appears were part of the "security regulations" of SBPE. Watkins and the divinity student both state that the student was at one time named "acting vice president in charge of security."

The divinity student denied any suggestion that he was sexually involved with Watkins, although he said he slept at Watkins' apartment several times. "I do not find Kevin attractive, so there was no lust involved" he said. "I am still a Christian, if I'm going to go to hell, it's going to be for something better than Kevin."

David Wright, 3L and former SBPE member, told the RECORD that he believes the videotapes had nothing to do with the SBPE because he never heard anything about videotapes mentioned by anyone in connection with the organization. "I really think it was something they did among themselves as friends," he said. "I also believe that someone charged with a crime should be presumed

(continued on page 2)



Kevin T. Watkins, 3L

Sex Scandal Inquiry Focuses On Law School Organization

(continued from page 1)

innocent until they are proven guilty," he added.

Wright said he left the organization at the end of 1987 because he felt Watkins unfairly asserted too much power during a meeting. He added, however, that he would still call Watkins his friend and that he thought the law school's charges against Watkins were "a little ridiculous."

Watkins said he was particularly upset that the Ad Board chose to ignore testimony, echoing Wright's comments, from two officers in the law student organization. In two affidavits purportedly submit-

ted to the Ad Board, which Watkins showed the RECORD, two law student officers state that videotaping was never a part of the SBPE. The Ad Board, Watkins said, based its findings and its jurisdiction solely on the testimony of two non-law students, the woman and the divinity student. "This board has not even answered the question as to how it has jurisdiction over my bedroom," he said.

Watkins claimed that both the woman and the divinity student were only officers of the "national" SBPE organization, not the HLS chapter. An HLS administration source, who spoke on condition of anonym-

ity, told the RECORD that substantial testimony was given at the hearings denying any distinction between the "national" organization and the HLS chapter. The divinity student ridiculed Watkins' claims that there were separate organizations, and added that no law students were aware of the videotaping because Watkins kept it secret from them.

Allan Ryan, an attorney in Harvard's general counsel office, rebutted Watkins' claims. "The Ad Board found a sufficient nexus between the videotaping and the law school organization," he said. Harvard expects to file the answer to Watkins' com-

plaint in federal court next week, he added.

Watkins admitted that he was president of both organizations, and that "security regulations" were included in the by-laws of the national organization. The by-laws in question, according to Watkins, applied only to national executive officers involved in security and included such requirements as "fingerprinting, polygraphing, videotaping, blood tests and searches." He said that the initial suggestion for security rules was partially his idea. He stated, however, that he was only concerned with the security of files, assets, etc.

(See Back Page for Chronology)

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Dershowitz Sues Polish Cardinal

By Troy Morgan

Prof. Alan Dershowitz is currently representing Rabbi Avraham Weiss of Riverdale, New York in a defamation suit against the Roman Catholic primate of Poland, Cardinal Joseph Glemp, for Glemp's alleged statement that Weiss and other Jewish demonstrators tried to murder 14

Carmelite nuns at a convent located at the site of the Auschwitz Nazi concentration camp.

Glemp reportedly made the remarks on Aug. 26 in Czeszochowa, Poland. The alleged defamatory language, which appeared first in the *Gazeta Wyborcza*, the Solidarity daily, and then in the *New York Times*, was as follows: "Recently, a squad of seven

Jews from New York launched attacks on the convent at Oswiecim. In fact, it did not happen that the sisters were killed or the convent destroyed, because they were apprehended. But do not call the attackers heroes."

The remarks referred to what Dershowitz described as a peaceful "Martin Luther King-type protest" against the location of the convent. The controversial convent, established in 1984 in a rehabilitated gas storage chamber at the Auschwitz Nazi death camp, was due to be moved by February 22, according to an international accord signed by Polish Cardinal Franciszek Macharski and other Catholic leaders in 1987.

Glemp has called for the accord to be "renegotiated" because he thinks that Macharski and others who signed the agreement did not understand the issues. Marchaski, successor of John Paul II as Archbishop of Krakow, suspended the accord in August due to "aggressive" demands and protests by Jewish activists at the convent," according to the *Boston Globe* (9-3-89).

The *Boston Globe* reported that, "Jews contend the presence of the Carmelite nuns interferes with the camp's special significance to Judaism and with Jewish beliefs on prayer for the dead. Polish Catholics have

argued that many of their own people, as well as others from other faiths, also were killed by the Nazis at the site."

Dershowitz said that on Sept. 6 the State Department delivered to Glemp a letter written by Dershowitz demanding a retraction. He emphasized that "this is by no means a lawsuit against the Catholic Church," but only against Glemp, whom he called an "unreconstructed anti-Semite."

Dershowitz said that Glemp "has a long history of anti-Semitism that began even before he was made Cardinal." Dershowitz claimed that Glemp had "condemned Jews for participating too actively in Solidarity."

Dershowitz has filed complaints in Poland, the United States, and within the Catholic hierarchy requesting internal discipline.

Although venue has not yet been determined, the United States lawsuit "will probably be filed in federal court in New York, where the libel was published," Dershowitz said. He noted that Glemp is coming to the United States on Sept. 15 as the guest of organizations in Chicago and Milwaukee and that Glemp will speak in Boston on Sept. 29 and 30. "Lawyers are ready to serve him [with process] wherever he lands," Dershowitz commented.

HLS MICRO COMPUTER INFORMATION FAIR



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Volume 89, No. 1

Erick Hachenburg Greg Herbert
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Editorial

The Guns of August

The HARVARD LAW RECORD would like to welcome all incoming first year students to Cambridge as they take their first step in "the path of the law." Before giving any of the traditional, soon-forgotten, first-issue advice, we would like to take a moment to get you "up to speed," as they say in the corporate world, on what you are walking into.

We have a new dean, Robert Clark, or "DBC" — Dean Bob Clark — as administrators apparently refer to him. He's the guy with a beard who gave the speech at Sanders Theater last Friday. Harvard University President Derek Bok chose Clark last spring to replace former Dean James Vorenberg, who announced his resignation in the spring of 1988. Clark was a very controversial choice because he has been probably the most outspoken critic of the Critical Legal Studies movement ("CLS" or "crits"), a branch of legal scholarship that has flourished at HLS, of which you will surely be hearing more.

The Clark appointment sent the conservatives at the school jumping for joy and gloating just a bit, while leaving many of the liberals and/or radicals stunned, angry and concerned about the future potential for academic, racial and sex-based diversity among the faculty. Prof. Gerald Frug called Clark "the worst possible choice" while Prof. Charles Fried characterized the crits' reaction as "the usual cry-baby response." Thus, you have probably been

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Fenno

"What a show!" thought Fenno, as he left the Nickelodian. "The Return of the Fenno" was the scariest movie he had ever seen. Not even that Paper-Chase Kingsfield or that neurotic Scott Turow sent such chills down his spine.

Fenno's pet snake Rusty thought that he could never forget Fenno's big debut, the way the crowds hissed and squirmed as Fenno settled down into his swivel chair for

his first class, the way the women jittered and chirped as Fenno popped open his first Meister Brau in Corporate Tax class.

But the most memorable and haunting episode was where Dean Clark's shadow slid across the "public interest" folder Fenno was reading in the Placement Office. Fenno showed again his iron nerve and quick wits by slowly and gingerly blowing his nose into the "poverty law" section and picking up a handy copy of Fortune 500 magazine. Clark's shaggy head bowed solemnly and his shadow glided slowly away.

hit with some HLS puffery about the law school entering a "new era."

In contrast to Vorenberg, who was an ardent supporter of clinical programs and pushing students toward public interest work generally, but who seemed to have a hard time getting things accomplished despite numerous committees, Clark is thought to be a strong leader whose primary concerns are achieving the utmost excellence in legal scholarship and building on the grand tradition of the Harvard Law School. His welcoming speech last Friday seemed to further this perception.

Clark's speech was pleasant and entertaining. Although it went a little longer than planned, the crowd seemed to like it — but then again, it doesn't take much to make a bunch of 1Ls laugh, just ask Arthur Miller. Two portions of the speech, however, may cause some concern about exactly what type of "new era" old DBC has in mind.

To make the broader point that choices of law careers are not as black and white as some would paint them, the corporate law expert chose an unusual example. He pointed out the harmful side of legal services provided for the poor, commenting that in many family-oriented disputes among the poor, the lawyers engage in wasteful and bitter litigation that only exacerbates the situation, comparing such litigation to expensive drawn out corporate legal battles which are often criticized as wasteful and counter- or non-productive in American society. Even if accurate, the comparison was a curious way to make a point in a welcoming speech, to say the least.

Secondly, Clark closed his speech with a lengthy but eloquent appeal to the tradition of excellence and greatness at HLS. It almost seemed as if "Pomp and Circumstance" was about to be piped in as he walked off the stage. Perhaps that is simply the kind of thing he felt obligated to do in a welcoming speech, but, aside from appearing institutionally egocentric, it seemed a bit too reminiscent of his earlier comment describing the crits as performing a "ritual slaying of the elders."

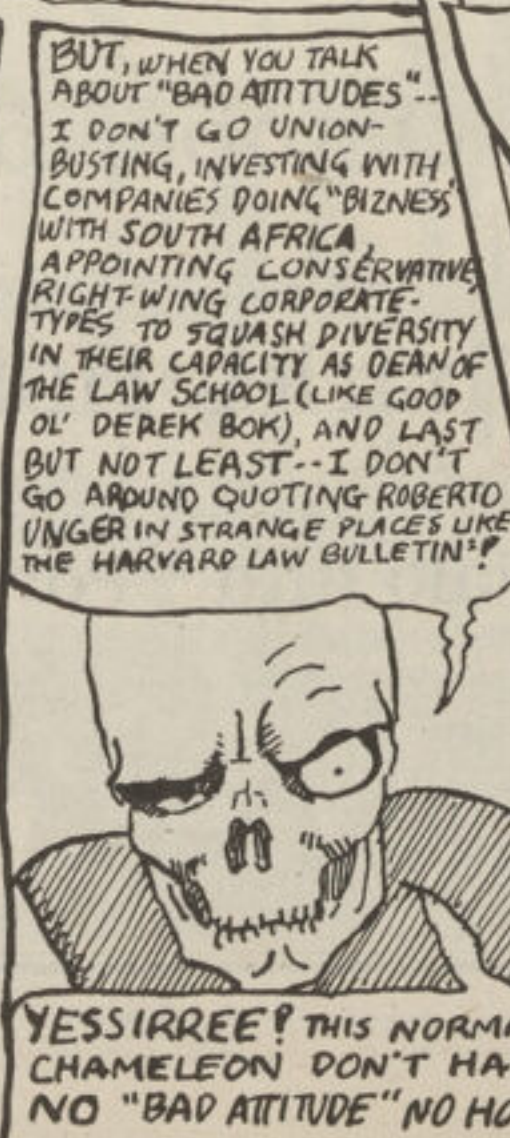
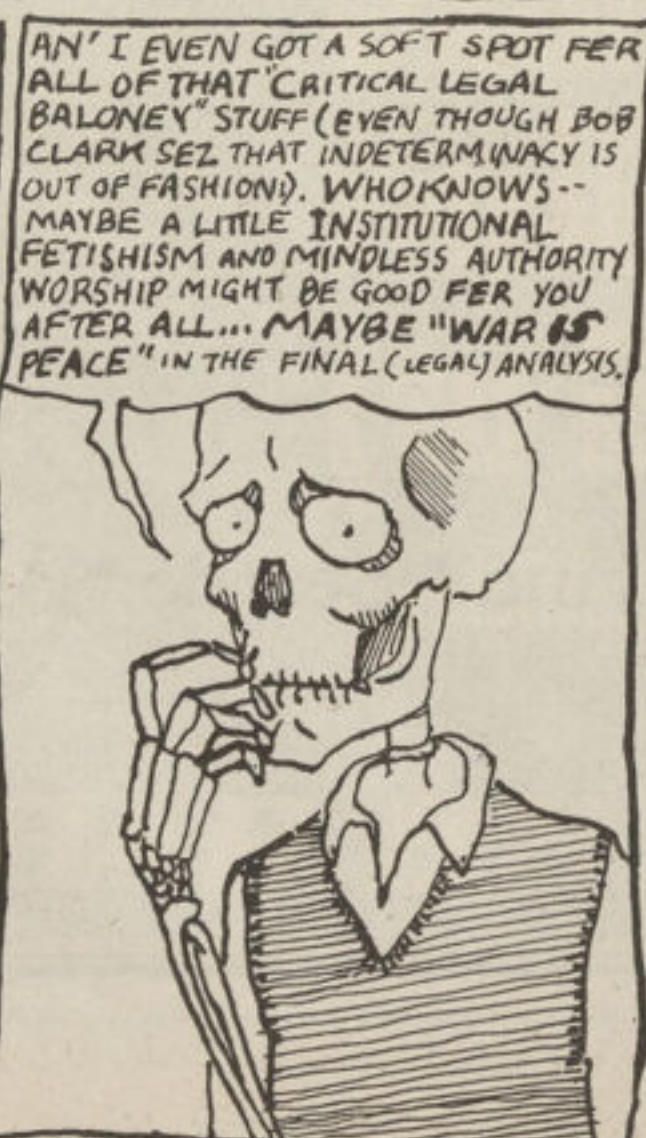
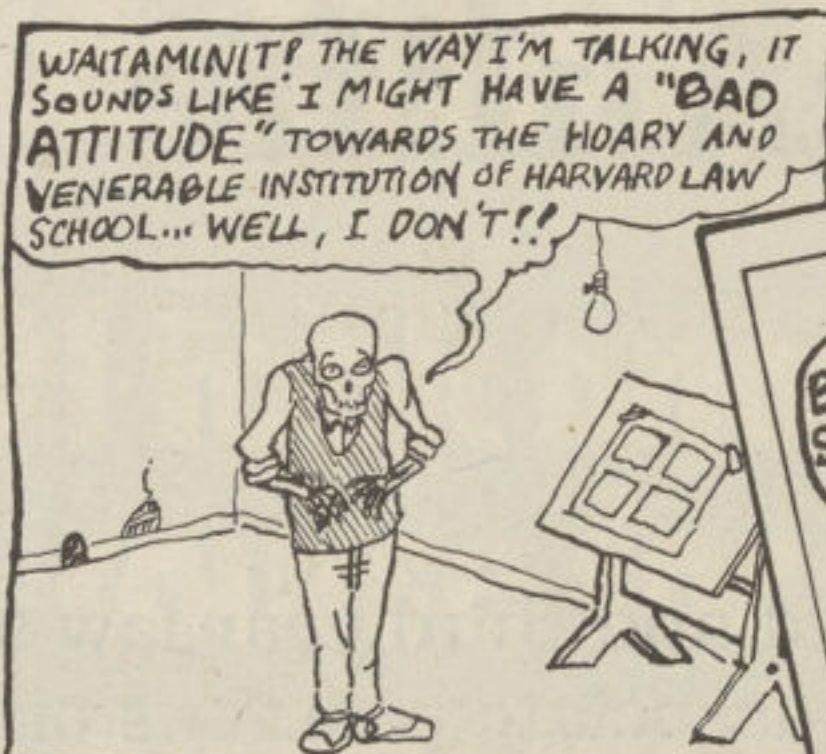
It is hard to explain why this type of attitude might worry some, but perhaps it can be summed up by saying that too much deference to the past, to tradition, to the old can lead to stagnation and to a distorted vision which fails to notice the faults of the past and thus closes its eyes to new and unusual alternatives for the future.

No, we have not forgotten that first-issue advice: Eat a double cheeseburger special at Nick's, and for a laugh, try to tell the waitress you want it medium rare; go dancing at Man Ray's in Central Square; get involved in at least one non-academic student organization, even if it's not the RECORD — it's good resume material and helps ward off boredom and depression; go to a Red Sox game before it gets too cold; don't miss a Friday happy hour in the DSAC Pub; complain to Rocco about your dorm room often; listen to WFNX, 101.7 for the best in progressive music; buy *The Unofficial Guide to Life at Harvard* for much better and more thorough advice on what to do here. But most of all, try hard to maintain some of that youthful idealism, if you have any left, it is much too easy to become jaded and cynical here; or, in other words, don't let the bastards grind you down.

-G.W.H.

Break Downs

By KA



1 Harvard Law Bulletin, Autumn 1989 "Criticisms"

2 Harvard Law Bulletin, Summer 1989 "Bok on Vorenberg"

3 Think I'm kidding? See National Law Journal, "Harvard Dean Eliminates Office for Public Interest Counseling" 4-11-89

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Career Offices Consolidated Into Placement Services

(continued from page 1)

Clark stated that the decision had nothing to do with "anyone's competence". Clark said the move was necessary to "consolidate" the work of the Placement Office and did not represent a policy change. The work of both Fox and Bullwinkel will be incorporated into the job of N. June Thompson, a non-lawyer who is being moved from assistant director of admissions to the placement office.

Barry Fisher, 3L, a member of the Alliance of Public Interest Alternatives (APIA), took issue with Clark's contention that the firing of Fox resulted from a paring back of the bureaucracy at HLS.

"This was not really a reorganization," said Fisher. "Symbolically, it may have been intended as such, but it is being taken by me and others as an attack on public interest and a moving away from the emphasis on public interest under Dean Vorenberg."

"It is frightening that one of Clark's first acts as Dean is to fire someone who has been there for six years and to eliminate two positions that dealt with public interest. Symbolically, that causes a lot of concern."

Clark acknowledges that the change may be seen as a shift in the ideology of the HLS administration.

"Because of who Ron is [and the position he held], this is bound to be interpreted as a change in policy. But, the same functions will continue to be done, but not with a full-time person."

The office of public interest counseling was designed to enhance HLS students' awareness of career alternatives — particularly the public interest areas, government jobs, and small firm practice. It also comes at a time of increasing concern by law schools that more and more students are

shunning public service for the lucrative salaries of corporate practice.

Alice Kaswan, 2L, a member of APIA, explained the apparent lack of interest in public interest work when she stated, "It takes a lot more initiative to find the public interest groups. It is harder for people interested in public interest possibilities [to get information], because firms have the resources to promote themselves and public interest groups don't."

Because of this disadvantage, Kaswan feels that a full-time commitment is a necessity. "There needs to be a full-time person for public outreach, to facilitate the communication between the public interest groups and the law school," Kaswan said.

Fox counts among his accomplishments at HLS the creation of a public interest workshop for first-year students that in 1988 attracted 220 participants. His office also published a public interest directory that has been used by students at 100 of the 170 law schools in the country.

While at HLS, Fox helped found and later headed a task force on public interest law for the National Organization for Public Interest Law (NAPIL). He also gave other law schools advice on how to develop their own public interest counseling programs.

"I'm baffled over the loss of Ron's position, particularly because he has been such a leader in this community," Michael Caudell-Feagan, NAPIL's executive director, told the *National Law Journal*.

Fox also wrote the funding proposal that former Dean James Vorenberg '51 used to get a \$300,000 public interest donation from Kenneth and Harle Montgomery. The money was used this summer to fund 55 students working in non-paying or low-paying public interest work.

According to Fox, only six percent of the HLS Class of 1988 took public interest jobs, despite the fact that 40 percent selected public interest and intellectual challenge as the main reasons for coming to law school.

Fox said Clark told him that the school could not justify a full-time position "when only eight or so students go into public interest law."

But Fox said that figure is misleading. A recent survey of the Class of 1981 indicated that five years after graduation 20 percent of the students had switched from large-firm corporate jobs to public interest or small-firm positions, partly because they were exposed to public interest alternatives during their years at HLS.

In the current issue of the *National Law Journal*, Clark is quoted as saying: "In terms of putting our money where our mouths are, it's a reorientation of resources, away from things in the past that have been more for symbolic, guilt-alleviating purposes [rather] than to get a real result."

Clark also told the *National Law Journal*, apparently in reference to Fox, that "in the future we ought to avoid some of the we-them feelings of the past for some people who think you can only support public interest if you simultaneously bash private practice and portray it as not being socially useful."

Fox does not view the situation as a confrontation of public service versus corporate practice. "We have never 'bashed' private practice," he said. "What we try to do is show students that large firm practice is only one of many career alternatives. I look at the situation and ask: What resources is the school putting into alternative career options?"

"My concern is about career planning

and career development," Fox stated.

Clark said he believes that the way to develop interest in the public interest areas is through clinical organizations, which provide actual public service experiences. "I authorized the Law School's legal services clinic in Boston to get bigger, better offices," Clark said.

According to Clark, the Low Income Protection Plan (LIPP) for loan forgiveness is another way to increase interest in the public interest fields.

"We [the administration] support public interest, LIPP is extremely significant," Clark stated. "I authorized a budget increase from last year's budget, and the program went over budget last year."

"The school is committed to LIPP, but there is a more cost effective way to do it," he added. Clark noted that tuition acts as a "private tax system" to fund public interest programs, which he said would be more secure with private funding.

Fisher, an APIA member, agrees with Clark that LIPP should be independently financed to ensure security in the program. "LIPP needs to be endowed, because one day the Law School will try to cut back on the funding," Fisher stated.

Bullwinkel plans to enroll in the Harvard Education School.

Fox said that he plans to continue the same type of career counseling services to alumni and students in another setting. He said he found his stint at HLS extremely satisfying, despite the way it ended.

"Over the past five years I've worked on things that I think are important and things needed to encourage people in what they do after law school, trying to break down some of the barriers of finances and experience, and maybe some of that was helpful," Fox said.

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The Watkins Case: How The Events Unfolded

1987

Kevin Watkins founded the Society of Black Professional Entrepreneurs a self-help and networking organization for black students with chapters at HLS and other universities.

April 1988

Kevin Watkins met the alleged victim at an undergraduate party. They began dating shortly afterward, beginning a relationship that was to last at least six months. They had sex on their first date. Watkins claimed that in the HLS Ad Board's inquiry report, filed approximately one year later, the woman claimed Watkins coerced her to have sex that first night. Watkins claimed it was consensual. Watkins claimed that in the inquiry report, Lauritsen stated, "[the woman] said that sometimes Kevin pushed her into having sex. She would not describe this as coercive, however."

April-May 1988

Watkins met the Harvard Divinity School student on the law school campus. Watkins and the woman made a videotape of themselves engaging in oral sex. The woman later told the *Bay State Banner*, in its May 11, 1988 front-page story, that Watkins coerced her into performing on the videotape.

Reporters from the *Washington Afro-American* (8-12-89), the *Bay State Banner* (8-3-89) and *New York's Newsday* (7-16-89) to whom Watkins reportedly showed the video, reported that at one point in the video, while performing oral sex on Watkins, the woman looked into the camera and said, "Live, it's Candid Camera. Wheee." Lauritsen stated in

his report that the woman said Watkins talked her into making the video.

September-October 1988

The divinity student said he began sleeping at Watkins' Peabody Terrace apartment occasionally. At some point, the student was named "vice president in charge of security for SBPE."

During this time Watkins made another, separate videotape. In this video, Watkins, the woman and the divinity student each disrobed before the camera. The camera focused on the sexual organs of the three.

The divinity student also claimed that during this time Watkins showed him and the woman a videotape of Watkins engaged in sexual contact with a young man who appeared to be near twelve years old. Watkins vehemently disputes this charge.

October-November 1988

Watkins' relationship with the woman began deteriorating. He claimed it was due to his inability to spend most of his time with her since he interviewed with 76 law firms during this time, and also due to her realization that he would not leave his fiancée. Watkins claimed he had been seeing his fiancée, who lived in New York, since before he met the woman, and that the woman knew about the fiancée from the beginning of the relationship. Lauritsen's report stated that the woman often became upset with Watkins during this time, in part, because "she didn't feel special to him."

Watkins claimed that the woman was removed from her position as secretary of SBPE

during this time. At some point during this period, the woman decided that she wanted the videotapes showing her nude, or wanted them erased.

December 1988

In the *Banner* articles woman claimed she called Watkins in early December and asked him to give her the tapes or to erase them. She claimed that he refused, and she ended up crying and hanging up.

On Dec. 11, 1988, both parties claimed that the alleged victim came to Watkins' Peabody Terrace apartment and that Watkins had intercourse with the woman.

Watkins stated that he was working on a take-home exam for Prof. David Kennedy's evidence course when the woman arrived.

The *Bay State Banner* reported the woman's statements describing that day as follows: "I kept on hitting him and hitting him, but he wouldn't stop! He wouldn't stop! . . . He made me say I liked it . . . and he kept doing it over and over." Watkins said he did not wish to discuss the events of that day under the advice of his lawyer, but told the *RECORD* that the woman offered to have oral sex with him in exchange for erasing the videotape, and added that any sex the two engaged in that day was done with the woman's consent. Watkins also claimed that the woman on that day threatened to accuse him of rape if he did not erase the videotape.

At least one witness testifying before the Ad Board stated that she lived in the apartment below Watkins and that she heard screaming and crashing noises. Another witness who lived across from Watkins testified that he did not hear or see anything unusual that day, according to the inquiry report.

After leaving Watkins' apartment, the woman went to the Harvard University Police. Officer Laureen Donahue's report stated that the alleged victim was in a "hysterical state" and said she stated she was a victim of acquaintance rape. The woman did not file formal charges against Watkins with the Cambridge police. The *Banner* reported that she chose not to file charges at the time under the advice of an attorney.

The woman was then taken to University Health Services (UHS). The UHS report stated that the woman was "treated for a kick to the stomach," and that the woman declined to take a "rape test."

December 1988-January 1989

On Jan. 12, 1989, the woman sent a letter to the law school complaining of sexual harassment and rape by Watkins and asking the school to take action.

January-April 1989

The HLS Ad Board held an inquiry. The school appointed local criminal attorney Martin Gideonse as Watkins' counsel. Lauritsen interviewed Watkins, the woman and other witnesses and filed a report. Watkins later claimed that Lauritsen's report grossly distorted what he said. The

Ad Board held hearings at which Watkins, the woman and the divinity student were questioned by the members of the Board. The woman's attorney, Cheryl Bezis of Boston, attended the hearings as did the Harvard Dean for Coeducation, Janet Viggianni, and, sometimes, Watkins' fiancée and mother. The Ad Board received affidavits from law school SBPE members and other witnesses, and viewed the two videotapes.

April 1989

Watkins claimed that in April the woman began demanding large amounts of cash in exchange for an agreement by her not to press criminal charges or pursue any other legal action against him. Watkins claimed that the woman, through her attorney, demanded \$25,000, a letter of apology to female students at Harvard, and Watkins' agreement to seek psychological counseling to drop the criminal charges, and demanded an additional \$82,000 for the woman's agreement not to sue him.

The divinity student confirmed that a "settlement figure over \$80,000" was discussed, but claimed that the two families had negotiated to reach the figure. He added that Watkins' family had agreed to pay, but that Watkins would not agree to seek counseling. Watkins vehemently disputed this, claiming that the woman had simply demanded the money and that HLS encouraged him to get his family to mortgage their homes in order to pay it. Watkins said that he consistently refused to pay any money to the woman.

May 1989

On May 11, 1989, the *Bay State Banner* published a front page story detailing the explosive allegations of the woman and the divinity student. The woman had reportedly been dissatisfied with the Ad Board's handling of the situation and decided to bring her case to the press and to the D.A.'s office. The *Banner* article contained excerpts from the Ad Board's inquiry report. Watkins claimed that the law school gave the woman the report without authorization, since she was only a witness and not a party to the proceeding, and that they urged her to go to the press, while they threatened to expel him if he talked to reporters. Watkins also alleged that Harvard actively encouraged the woman to press charges. He asserted that Harvard Dean for Coeducation Janet Viggianni, whom Watkins refers to as "Rape Dean" in his complaint, accompanied the woman to the D.A.'s office to file charges. Dean Viggianni failed to return messages left by the *RECORD*.

On the following Monday, May 15, the New York law firm of Kelly, Drye and Warren telephoned Watkins to inform him that he no longer had a summer job with the firm. Watkins alleged that Harvard University or an HLS student sent copies of the *Banner* article to the firm.

June - July 1989

The Ad Board dropped its investigation of the sexual assault charges pending the outcome of

the criminal proceeding, but issued a reprimand of Watkins' behavior which will be included in his permanent transcript. The reprimand disbanded the SBPE for six months and prohibited Watkins from holding any office in a law school organization. The Ad Board's report found Watkins guilty "by clear and convincing evidence" of an "extreme abuse of authority" for "unauthorized nude videotaping . . . under the auspices of a law school organization."

On June 23, 1989 Watkins was arraigned on two counts of rape and one count of assault in Middlesex County Court.

August 1989

On Aug. 7, Watkins filed a \$150 million lawsuit in the U.S. District Court, Eastern District of New York, against Harvard University, the law school, Dean Robert Clark, the members of the Ad Board and Dean Viggianni. The complaint contained counts of extortion, sexual harassment, libel, slander, invasion of privacy, breach of confidential relationship, unfair educational practices and interference with Watkins' right to a fair trial.

On Aug. 17 the federal court in New York denied Watkins' motion for a temporary restraining order (TRO) and a preliminary injunction against the defendants. Watkins' motion sought to prevent Harvard from expelling him and to enjoin the Ad Board's proceedings. Watkins appeared as his own counsel at this and subsequent hearings in the civil suit.

Middlesex County Court Judge Lawrence Feloney ruled, after a probable cause hearing on Aug. 21, that sufficient evidence existed on all three counts to bind the case over to a grand jury. Tom Samloun, spokesperson for the D.A.'s office, stated that the grand jury has not yet returned any indictments, but refused to comment further.

September 1989

On Sept. 1, Watkins attempted to register for his third year at HLS, but discovered a notice in his registration packet directing him to Registrar Sue Robinson's office. Robinson gave Watkins a letter from Dean Clark instructing him that, because probable cause had been found that he had committed a serious crime he was "required to take a leave of absence" from the school pending resolution of the criminal proceeding.

Watkins moved back to New York shortly afterward. The federal court in New York denied Watkins' second motion for a TRO and a preliminary injunction against Harvard on Sept. 5.

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