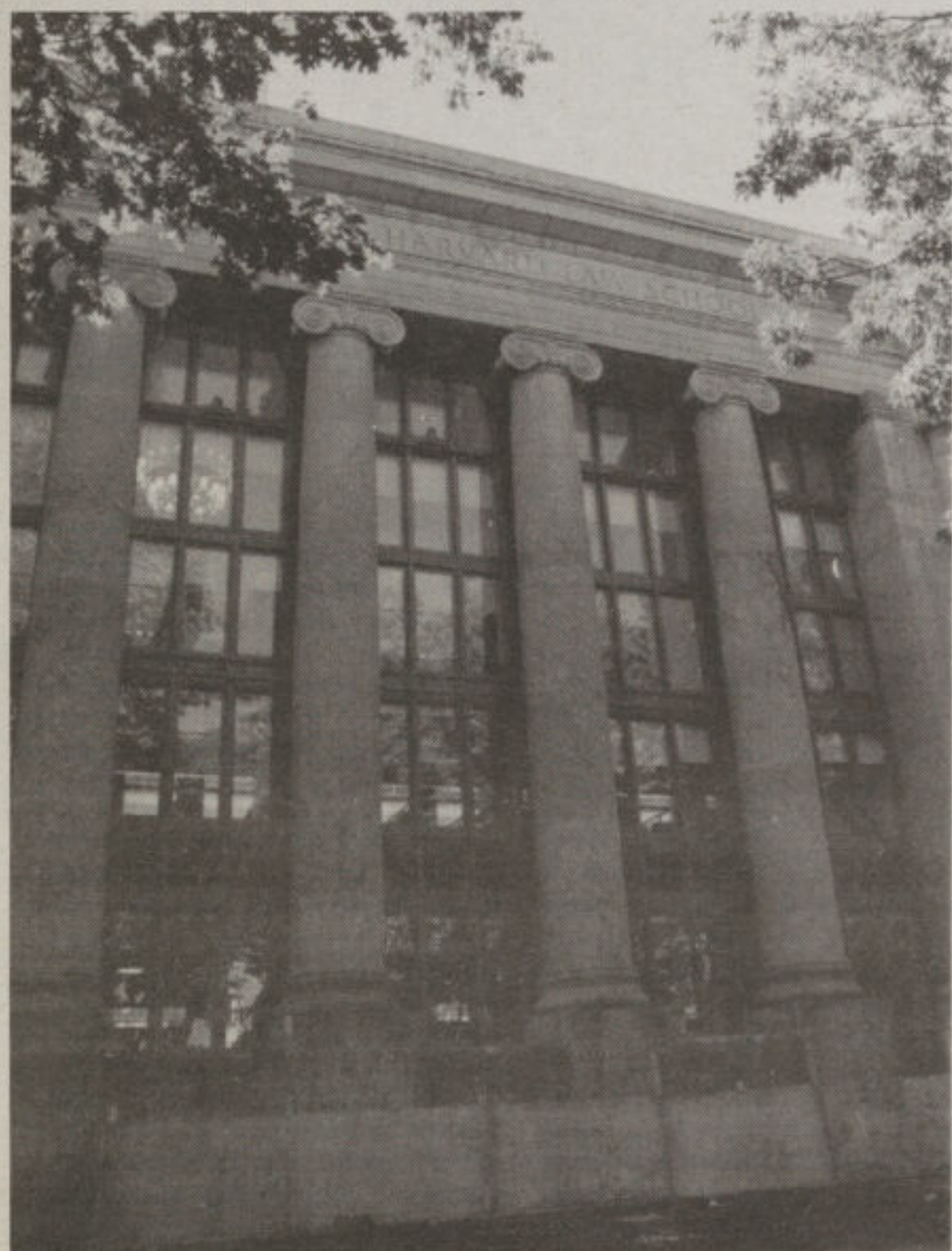




RECORD Photo/Ben Lehrer
The New and Improved Langdell Library

Langdell Reopens With New Lounge, Lights, Lavatories

By Ben Lehrer

After a year of displacement and cramped, temporary quarters in Pound, the HLS library takes up permanent residence in a dramatically renovated Langdell. The monolith of a library requires only some landscaping and a few final touch-ups before the re-dedication ceremony in late October.

The new Langdell features a number of overdue improvements.

A modern climate control system promises more uniform comfort throughout the structure. The old Langdell often suffered from wild extremes in temperature. In winters past, steam pipes running along the basement would heat the second floor to 80-plus degrees while frigid outdoor climes invaded the fourth floor reading room unimpeded.

The upgraded electrical system can now handle heavy computer use without the threat of overloads and shutdowns that plagued previous years.

Whereas plugging in a laptop was once out of the question, practically every seat in the new Langdell is now within stretching distance of an electric outlet and ethernet jack.

Ninety-nine computer terminals have been installed as well as two new copy machines. The number of male and female restrooms has respectively increased from one to four.

The reading room is no longer an aviary for pigeons, starlings, and the occasional screeching owl — no more rude awakenings for students sleeping below.

Langdell has been decked

Please see LANGDELL, p. 3

Ogletree Withdraws Candidacy for Howard Law School Dean

Was One of Three Finalists Before Unexpected Turn

By Rob Friedman

Professor Charles Ogletree '78 nearly became the dean of Howard University School of Law this summer before withdrawing his name after the School's interim dean, Alice Gresham Bullock, unexpectedly announced her interest in the position.

"Serving as the dean of Howard Law School ... is one of the most rewarding and challenging positions any lawyer could achieve," Ogletree said on Tuesday.

"I have always admired Howard Law as an institution that was really a laboratory for the civil rights movement," Ogletree said, emphasizing Howard's historic role in establishing opportunities for minori-

ties to directly impact civil rights law.

"A number of lawyers who have been trained [at Howard Law School] have had a tremendous impact on law and society," Ogletree said, noting that while many top schools can claim to have distinguished alumni, "Howard people have an impact on civil rights, criminal justice, and public interest law."

"With the right combination of circumstances and the right timing, it would be a wonderful challenge to serve as dean at one of the premier law schools as we enter the 21st century," Ogletree said.



The romance between Ogletree and Washington, D.C. can be traced back to his eight-year stint at the D.C. Public Defender Office, an experience Ogletree referred to as "the most rewarding in my legal career."

Ogletree said he was especially drawn to the nation's capital because of the unique opportunities there to influence change.

"Washington is a wonderful city with great people and a lot of challenges," Ogletree said.

Among the immediate challenges facing Howard Law's

Please see OGLETREE, p. 7

West Bar Review Folds

Bar/Bri Triumphs in Review Course War

By David Liu

Students who registered for West Bar Review may soon be calling their Bar/Bri representatives; the West Group announced in August that "all West Bar Review operations (with the exception of Sum and Substance) will cease operations."

In a statement released on August 21, 1997, the West Group said that "While professional development services remain part of West Group's career-long partnership with law professionals, West Bar Review's national 'live session' model is inconsistent with West Group's future technological/strategic plans."

According to the announcement, the West Group had considered divesting West Bar Review to a qualified company. However, the West Group "concluded that closing down the West Bar Review's 'live session' business is our only viable option."

The announcement follows last year's \$3.425 billion purchase of West by Thomson Corp., a Canadian publisher of newspapers and legal and professional publications. The West Group reached its decision to exit the bar review business in the course of its ongoing self-evaluation in the wake of the merger, said West spokesperson Jennifer Moire.

Students had mixed reactions to the news of West's departure.

"It doesn't surprise me," said Jim Filippatos '98. "They seemed to have a small market

share."

Chris Isaac '98, however, said his reaction was "shock and utter disbelief." Nevertheless, he said he was "sure that [West will] do something to make people whole."

The real losers, said Isaac, were the West Bar representatives. "One of my best friends was a West Bar rep, and he had invested a lot of time and energy into [promoting West Bar]."

Phuong Tran '98 voiced similar opinions. "[West's departure] doesn't bother me because there are other options out there. But maybe I'd feel differently if I had been a rep."

Moire said that West had set up two 800 numbers that students with questions could call and would be releasing a letter explaining the situation to reg-

Please see WEST, p. 5

The Class of 2000 Moves In

By Dusan Stojkovic

Last Thursday, 556 freshly branded 1Ls had their first classes at Harvard Law School.

At least descriptively, this year's entering class is markedly diverse. Of the new students, 43 percent are women and roughly a quarter are members of ethnic minority groups, according to information released by the Admissions Office. Eleven percent are Asian, nine percent are African-American, and 4.5 percent are Latino. Less than one percent are indigenous Americans.

The 1Ls hail from 45 states, Washington, D.C. and Puerto Rico, with the most coming from New York (84), California (77), Texas (33), New Jersey (29), Pennsylvania (27), and Massachusetts (26).

Also among the entering class are citizens of eight foreign

countries: Bulgaria, Canada, China, Ghana, Haiti, Korea, Pakistan, and Russia.

The average age is around 24. The youngest is 19 and the eldest 37. Nearly half of the students earned their bachelor's degrees last spring.

They came from 165 colleges and universities. The most graduated from Harvard (52), Princeton (32), and Stanford (27), followed by Yale (24) and Duke (23). Among the top 10 are also three public schools: the University of Michigan (19), University of California at Berkeley (14), and University of Texas (13).

The class has a stand-up comic, a fashion designer, a rabbi, and a Native American tribal prosecutor.

Like the class of 1999, there are two sets of twins.

One student raised cattle on

Please see 1L, p. 14

INSIDE THIS ISSUE

Faculty Hires 3

Kaufman Fellows
Announced 5

Kennedy and Bellow
Speak Out 9

Harvard and
Hollywood 15

Also:
Movie Review,
Comics, the 2L
Experience, and, of
course, Fenno.

34 Years Ago in the RECORD

STUDENT INDICTED FOR FELONY -- PAGE 5



America's Oldest Law School Newspaper

VOL. 37 NO. 1 CAMBRIDGE, MASS., SEPTEMBER 26, 1963 FIFTEEN CENTS

Civil Rights First

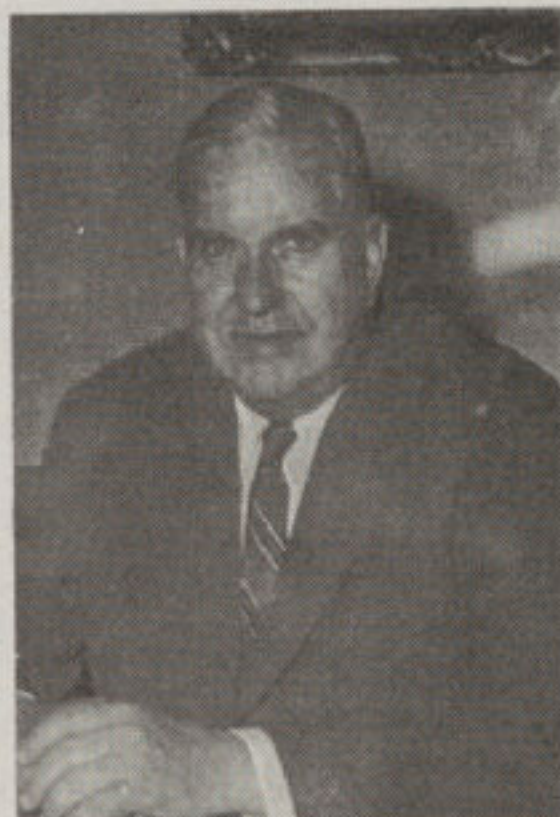
Dean Asks Law Reform

By Donald W. Kramer

Dean Erwin N. Griswold has urged a series of legal reforms, including abolition of the contested election of judges and curtailment of jury trials in civil cases, in his annual report for 1962-63. But he indicates that leadership in the struggle for civil rights is the problem demanding first priority from the legal profession.

Stating the proposition starkly in the first section of his annual report to Harvard President Pusey, published earlier this month, the Dean said that not since the Civil War "have we been so squarely faced with the question whether we can at long last live up to the principles on which our nation has been based."

(Continued on page 12)



Dean Griswold

HLS Marchers Protest Inequality

By Daniel J. Kucera

Impossible . . . violence . . . a joke. So the doubters spoke. But when over 200,000 proud Americans pounded the pavements of protest — ironically named Constitution and Independence — no one doubted any more. They knew.

The March on Washington for Jobs and Freedom is now a part of an explosive and uncertain history. The traffic between the Washington Monument and the Lincoln Memorial moves at its "normal" pace again.

Yet, for those who marched, the image of

Wednesday, August 28, will never blur with time. Why did they go? What did they do? What does it all mean? To get some answers to these questions, the RECORD talked to some of the members of the Law School community who participated in the march.

For Professor Mark DeWolfe Howe, the march on Washington was both "pleasant and uncomfortable" at the same time. The march itself was something beautiful, he said. "It was a stroll. I walked slowly with the

(Continued on page 4)

Third-Year Student Faces Jail

By Charles M. Hamann

What he described as "legal lynching" delayed the return of Fred L. Wallace, 3L, to the Law School last week.

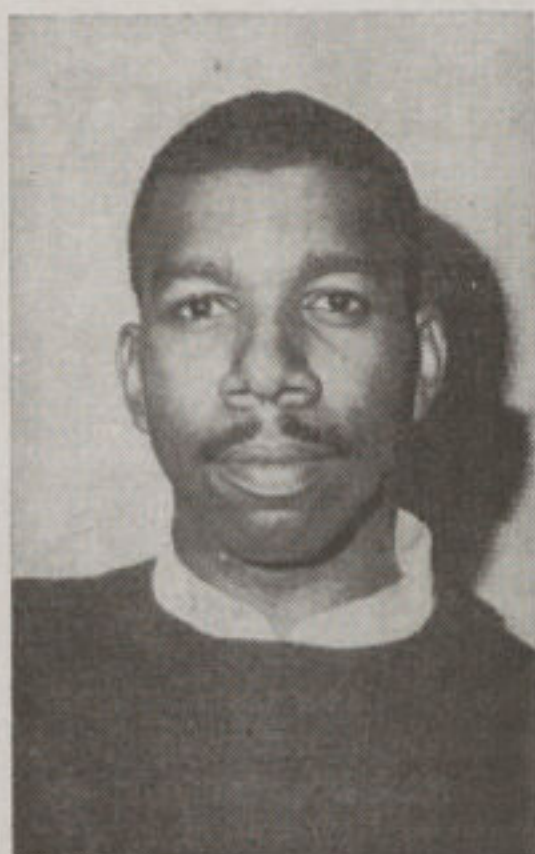
Wallace, a Negro, was indicted September 17, by a Prince Edward County, Virginia, grand jury for felonious assault. Trial has been set for October 23.

If convicted, Wallace faces a possible jail term of 10 years.

In late August he was tried and convicted on five misdemeanor charges. He has appealed all these convictions and will receive trial de novo sometime in November following the outcome of the trial on the charge of felonious assault.

Wallace, who has according to his own estimate an extremely accurate and precise memory, explained in detail the incident which gave rise to his current predicament. The genesis of his saga was a civil rights demonstration in Farmville, Virginia, the seat of Prince Edward County, notorious as the only county in the country which has no public school system.

While working in Richmond during the summer for the Negro law firm of Tucker & Marsh, which represents the NAACP in Virginia, Wallace accompanied two lawyers from the firm to interview several jailed demonstrators. They had



Fred L. Wallace

been arrested after parading in front of the for-whites-only Farmville Baptist Church on Sunday, July 28, on charges of disturbing an assembly of religious worship. The interview, which occurred at about four in the afternoon lasted only twenty minutes. But for Wallace, it was just the beginning.

As the three interviewers were leaving the jail, one of the lawyers, Lester Banks, sent Wallace back to deliver a message to the male demonstrators. Upon emergence from

the building Wallace found his two seniors nowhere in sight. A relative of one of the girls still in jail directed him to the judge's chambers on the third floor of the adjoining courthouse.

The courthouse in Farmville has corridors, which run the length of the building, with stairways at each end. Entering the building, Wallace walked past the Sheriff's Office on the first floor and started up the stairs at the far end of the building.

It was as he climbed the second flight that Wallace's personal drama began. At that point, as Wallace describes it, Officer Phillip F. Gay emerged from the lavatory on the second floor — "obviously off-duty, shirt sleeves rolled up, no hat, no tie" — and barked out, "Where are you going?" "I replied, 'I am going to the third floor to the judge's chambers' and turned to go."

"He said, 'Get down here.' I said I had valid business in the courthouse and you've shown me no reason why I should obey you." Officer Gay called out a second time, "Get down here," adding "the judge's chambers are on this floor." Wallace turned around and came down the steps and said, "Thank you, officer," as he started past.

(Continued on Page 10)

Law Student Describes Virginia Incident

(Continued from Page 5)

At that moment, Wallace claims, Officer Gay grabbed his arm and said "I'm not going to take any of your sass."

Wallace continued, "I told him to take his hands off me and walked off down the hall. He followed me to the other end, telling me what he was going to do with me and coaxing me to curse him. I told him to go away and leave me alone. Every time I came to one end of the hall, as I walked up and down it, he would tell me to 'get down those stairs.' He seemed to have a passion to get me down the steps."

During a respite from his harassment while Gay was at the other end of the hall, yelling for witnesses, Wallace slipped down the stairs nearest to the jail to the first floor. At this time, alerted to the disturbance above them, a number of men, who had evidently been reviewing the events of the day, emerged from the Sheriff's Office.

"I went up to them and said 'one of your men upstairs just grabbed me for no reason at all.' One unidentified member of the crowd said, 'I heard him cuss Phil.' So Officer Jack Overton grabbed me and said, 'You're under arrest.' He hustled me toward the Sheriff's Office."

Business turned toward the manufacture of an arrest warrant, fashioned by Susan Clark, Justice of the Peace, who shared the Sheriff's Office. "Gay suddenly remembered that I had cursed him. He had invited me to curse him up in the hall, but I had told him that wasn't necessary. He mentioned that I had been resisting arrest. I said, 'You can't charge me with resisting arrest because I'm not validly under arrest. You didn't arrest me and the officer who did arrest me — the supposed crime didn't take place in his presence so I'm illegally under arrest. Besides I haven't been served with a warrant.'"

A minute later Mrs. Clark finished the warrant, which charged Wallace with (1) cursing and (2) becoming disorderly in a public place by cursing, two separate offenses in Virginia. "Overton picked up the warrant and was going to serve me with it. I said, 'I consider myself illegally under arrest. I will not participate in this and will not accept any process.' With that I stood up, folded my arms, turned around and faced the wall.

"Overton grabbed my right arm so that he could put the warrant in it. I am kind of big so he failed. That is when six cops jumped on me to help him. Each one grabbed a leg or arm and pulled me down on the floor. My arm got unfolded. I assume they served the warrant on me although the next time I looked at it it was on the floor all crumpled up.

"At some time during the fray, while he was serving the warrant on the floor Overton had nicked his finger. This wound was later the basis for indicting me for felonious assault."

Cursing is a \$10 offense in Virginia, but after the struggle Wallace's bond was set at \$1000 — in

his opinion, "a bit excessive." At the same time that he said he did not have enough money to post bond, he asked to make a telephone call. According to him, no one responded, despite his assertion that he had a Constitutional right to make one.

In spite of his protest that he was capable of walking, Wallace said that he was carried bodily to the jail. Gay threatened to hit him over the head with a short steel billy, Wallace said, but his colleagues restrained him. Two hours later Overton pitched two warrants, which contained multiple charges, into his jail cell. One warrant charged him with (1) "kicking, hitting, beating and wounding one J. S. Overton while he was in pursuit of his duty," (2) becoming disorderly in the Sheriff's office and (3) cursing J. S. Overton while he was in pursuit of his duty. The second warrant, the third of the afternoon, charged him with (1) assault and battery on P. F. Gay and (2) resisting arrest. All the crimes charged were misdemeanors.

He was not discovered until three hours later, when Henry Marsh, a member of his firm who had accompanied him to Farmville, visited the County Prosecutor to investigate a report that demonstrators had been moved. Mr. Watkins, the Prosecutor, asked Mr. Marsh whether he knew Fred Wallace, at which point Mr. Marsh glanced down on the Prosecutor's desk and saw several warrants with Wallace's name written upon them.

Later, Wallace continued, Mr. Watkins refused to set bond, as was his privilege. Efforts to call the county judge, Judge Hay, were unsuccessful from 8 p.m. to 11 p.m. "At 11 o'clock Marsh informed whomever he was talking to that he was going to call every ten minutes all night long until Judge Hay returned home. Five minutes later he 'returned' and bail was set at \$5000 — and I was released at 1 a.m."

During August, Wallace made three trips to the courthouse before he was finally tried on August 26. Before the trial, the prosecutor asked leave to amend the first charge in the second warrant to include "wounding with felonious and malicious intent to maim, disfigure and kill," raising the charge from a misdemeanor to a felony. Wallace said, "We had no choice but to agree because Watkins expressly said that if we fought the amendment he would simply swear out another warrant charging 'maiming.'"

Judge Hay, then heard evidence on the other five counts. "I was found guilty on all of them, of course," Wallace said. "On the amended charge the judge found sufficient evidence to bind me over to the grand jury, making the brilliant argument that I did wound and that since a man is held to intend the consequences of his act that therefore I intended to wound him.

"And this is justice in Virginia." Indicted, Wallace will return for trial next month.



Chandeliers, Made in Vegas, Illuminate the Langdell Reading Room

Students' Patience Rewarded With New Langdell Library

Continued from **LANGDELL**, p. 1

out with both old and new accouterments.

"The overall effect is pretty spectacular," said Cathy Conroy, the Assistant Librarian for the Administration. "The building is elegant, pretty, and totally functional for student use on schedule. The contractors have done a tremendous job and last year [they] were very understanding of the need to keep the disruption to a minimum."

The original reading room tables have been refinished and fitted with custom made lamps that have electric and data outlets built into them.

The old creaky elevator that used to get stuck on its runs from the second floor to the reading room is gone, but its wood ceiling has been reincarnated as a beautiful coffee table.

The Pound desk, custom built for former Dean Pound, has been refurbished and will soon make its home in the Casperson Room. The marble statue of Justice Story that graced the entrance is due to resume its position before the rededication ceremony.

The twenty chandeliers in the reading room were designed in New York and built in Las Vegas.

The only down side to the new library is the rise in copy prices from 5 to 10 cents each. "They're still the cheapest copies on campus, and we're still subsidizing them," Conroy noted.

The library staff is thankful to be

back in Langdell after a year of deprivation in Pound. Still, there were a number of positive things about the experience.

During the renovation, the lion's share of Langdell's extensive collection had to be moved to an off-site storage facility. The staff necessarily had to work closely with the class of 1997 in assisting them with their third-year papers, from quickly retrieving off-site texts to aiding on-line research.

"Students were extremely cooperative; it was wonderful to work so closely with them," reflected Joan Duckett, the head of the Library's Anglo-American Reference Services.

"Students and staff now seem more aware of what services we have to offer. While librarians are generally characterized by a bun, glasses, and a 'don't bother me' look on their faces, that's not the case with us," she said.

The library staff took advantage of the move to reorganize its holdings in a more rational manner. Federal cases no longer occupy distant parts of the library and likewise State cases have been relocated to be in close proximity with one another.

The re-dedication ceremony will take place on October 24 and 25, which is alumni weekend. Faculty, scholars, alumni, and library specialists will attend. One or two of the alumni sitting on the Supreme Court may also come for the event.

Two Professors Join Faculty

By **RECORD Staff**

The 1997-98 academic year is unfolding with two new faculty appointments and a markedly larger body of visiting professors and lecturers on staff.

Prof. Lawrence Lessig was appointed Professor of Law at HLS, having served as a visiting professor here during the 1996-97 winter term. He was formerly a professor at the University of Chicago.

A specialist in the law of the Internet, Constitutional law, and contracts, Lessig points to the Center of Internet and Society at HLS as a big draw for his coming here. "My main interest is with this cyberspace stuff," he said.

Lessig's academic resumé includes a B.A. in Economics and a B.S. in Management from the University of Pennsylvania (1983), a M.A. in Philosophy from Trinity College (1986) and a J.D. from Yale Law School (1989).

During 1996-97, Lessig was a Fellow at the Harvard University Program on Ethics and the Professions.

Prof. John C. Coates IV, former partner at Wachtell, Lipton, Rosen & Katz and previous adjunct assistant professor at New York University School of Law, has accepted an assistant professorship here at HLS.

A specialist in corporate and financial law and regulation, Coates's recent research projects have explored the role of fair value in corporate law as well as the risks of functional regulation to regulatory independence and competition.

In a press release, Coates says, "Harvard's students are the best and the brightest, and I'm already enjoying the ability to collaborate with a stellar collection of peers and colleagues."

Coates received a B.A. in History from the University of Virginia in 1986 and his J.D. from New York University School

of Law in 1989.

This year, the number of visiting professors increased from 13 to 24; lecturers total 32, as opposed to last year's 24.

Assistant Dean Todd Rakoff '75 attributes this phenomenon to an overall increase in demand for teaching staff. Course offerings total 266 this academic year, an increase of 19 percent over 1996-97. According to Rakoff, the rise in the number of classes is a direct response to student demand and a product of greater classroom availability.

Responding to the absence of a corresponding increase in the number of tenure-track positions filled, Rakoff said, "That's a bad thing ... I would like to see more assistant professors hired."

"It's not for lack of trying, though," explained Rakoff, "Under Prof. [Martha] Minow's leadership, the Entrance Committee has been actively seeking out new talent."

"But often after the interview process, there just wasn't enough enthusiasm [for the candidates] during the vote."

Rakoff wondered whether the faculty was applying too high a standard or whether the same standard was simply being applied on "fewer good people." The answer to the query remains inconclusive.

However, Rakoff did underscore, "We are very much 'in the market.'"

Michael Chmura, news director of HLS, echoed the school's commitment to increase faculty.

"The Dean is committed to increasing the number of faculty members from the current 73 to a minimum 78 in the not-too-distant future," said Chmura.

"But it's just difficult when you have faculty departures and that sort of thing," he said.

Rakoff also noted that formal consideration of Prof. Carol Steiker '86 for tenure was initiated this summer.



LEXIS·NEXIS
TOOLS FOR THE REAL WORLD

"Will they ask about LEXIS-NEXIS during my interview?"



Prepare yourself.
Learn the tools for the real world.

LEXIS and NEXIS are registered trademarks of Reed Elsevier Properties Inc., used under license. THE INFORMATION ARRAY logo is a trademark of Reed Elsevier Properties Inc., used under license. ©1997 LEXIS-NEXIS is a division of Reed Elsevier Inc. All rights reserved. 140412-1



FORGET THE REST,
AND
CALL THE BEST!

629-2929

MEDIUM ONE TOPPING AND 2 SODAS -OR-

-LARGE TWO TOPPING FOR ONLY

ADD SECOND PIZZA FOR ONLY \$3.99 **\$ 7.99**



7 DAYS A WEEK FROM 11:00AM TO 12:00AM
WE TAKE ALL COMPETITORS COUPONS
DRIVERS CARRY LESS THAN \$20.00



Recycle the
RECORD



Briefs

Grow Earns HLS's First Summa Degree Since 1982

Accomplishing a feat unseen at HLS since 1982, Lisa Anne Grow '97 graduated *summa cum laude* this past June. Grow also earned the distinction of being the first woman to receive the Fay Diploma, an award given to the graduate with the highest combined average for three years of study at HLS.

In her time at HLS, Grow twice received the Sears Prize, awarded to the two students in each class who earn the highest averages during their first and second years.

Grow is currently clerking for Judge J. Michael Luttig of the Fourth Circuit Court of Appeals. Following this clerkship, she will clerk for Justice Anthony Kennedy '61 of the U.S. Supreme Court.

A native of Sandy, Utah, Grow earned a B.A. in Chemistry from the University of Utah in 1994.

Poon, Spinelli, Kysar, Isserles Win Sears Prize

This year's winners of the Joshua Montgomery Sears, Jr. Prize are Danielle M. Spinelli '99, Julian W. Poon '99, Douglas A. Kysar '98, and Marc E. Isserles '98.

Established in 1912 by Sarah C. Sears in memory of her son, Joshua Montgomery Sears, Jr. '04, the Sears prize is awarded each year to the two members of both the first and second year classes with the highest averages in their course work.

Jamie F. Metzl '97 Named White House Fellow

Following in the footsteps of such luminaries as Henry Cisneros, Colin Powell, and Doris Kearns-Goodwin, Jamie F. Metzl '97 has been named by President Clinton as one of 15 White House Fellows for 1997-98.

Metzl's appointment follows a string of accomplishments which include authoring a book on Western human rights responses to the Khmer Rouge killings and the Vietnamese invasion of Cambodia, helping to establish the UN human rights investigation and monitoring system for Cambodia, lecturing on human rights at the U.S. National Holocaust Museum, briefing the White House on the parallels between Cambodian and Rwandese refugee crises, and last but not least, serving as the restaurant reviewer for the Harvard Law RECORD. In addition to his J.D. from HLS, Metzl, a native of Kansas City, MO, received a B.A. from Brown University and a Ph.D. from Oxford University.

The White House Fellows Program, established in 1964, has become America's most prestigious fellowship for leadership development. Fellows spend a year working as a full-time paid assistant to either a Cabinet secretary, an executive branch agency head, or a member of the senior White House staff, and also receive the chance to participate in informal, off-the-record sessions with other business, academic, and media leaders.

Todd Friedbacher '94 Named to Legal Stage Program at the Court of Justice of the European Communities

Selected by the Court of Justice of the European Communities to participate in the Dean Acheson Legal Stage Program, Todd Friedbacher '94 will spend the spring of 1998 working for Advocate General Fennelly of the Republic of Ireland.

Coordinated by the American Embassy in Luxembourg, the Program places *stagiaires* from selected U.S. law schools in three-month internships with the Court of Justice and related institutions.

Friedbacher studied European Community law with Prof. Joseph Weiler, and received an LL.M. degree *summa cum laude* in European Community law from Katholieke Universiteit Leuven in 1995. Friedbacher is currently an associate at Powell, Goldstein, Frazer & Murphy in Washington, D.C. working on international trade and international business law matters. He received a B.A. with honors in Communication Arts from the University of Wisconsin in 1991.

Traci Douglas '97 Named Edith W. Fine Public Interest Fellow

Traci Douglas '97 has been named the second recipient of the Edith W. Fine Public Interest Fellowship to support her work at the Neighborhood Defender Service of Harlem.

Named for the late associate justice of the Massachusetts Appeals Court, the fellowship is designed to support public interest work by a HLS graduate demonstrating extraordinary leadership and commitment to public service work, especially in the areas of civil or criminal legal assistance to the poor, women's reproductive rights, and anti-discrimination work.

The fellowship was established in 1996 by friends, family, and colleagues of Judge Edith Fine '57 to honor her distinguished public service career and her pioneering role as one of the first graduates of HLS. One of five women in the class of '57, the fifth graduating class at HLS to include women, Fine had a diverse career which included serving as an administrator in Lima and Peru through the Peace Corps, working in the Office of Economic Opportunity in Washington, D.C., and teaching law at Yale and the University of Puerto Rico, in addition to her roles as presiding justice of the Brookline Municipal Court, justice of the Massachusetts Superior Court, and justice on the state appeals court. Fine died of cancer in 1995 at the age of 64.

THE RECORD WOULD LIKE TO
CONGRATULATE
FORMER 1L

JACOB APPEL

ON HIS RECOGNITION
BY THE ABA.

The American Bar Association
Law Student Division
Newspaper Contest

Award of Excellence

to

Harvard Law Record
Harvard Law School
"HLS Takes its Toll"
by Jacob Appel

Second Place
Humorous Article

1996-1997
LSD
LAW STUDENT DIVISION

Michelle A. Kuhn
Chairperson
Law Student Division

HOLLEB & COFF

ATTORNEYS AT LAW

Chicago, Illinois

We will be interviewing
second-year and third-year law
students
during our on-campus interviews
on

MONDAY, OCTOBER 6, 1997

at

The Sheraton Commander

1:00 p.m. to 8:00 p.m.

HLS Awards Kaufman Fellowships To Public Interest Graduates

By Timothy Kiefer

Dean Clark '72 recently announced the 1997 Irving R. Kaufman Fellowships for 32 recent graduates "who have shown truly exceptional promise for careers in public interest law."

Established in 1990, the Kaufman Fellowship Program honors the late Judge Irving R. Kaufman of the U.S. Second Circuit Court of Appeals for his distinguished public service career, which included 40 years on the federal bench.

The program receives support from a \$1 million gift from The Annenberg Foundation, chaired by former ambassador Walter H. Annenberg.



Traci Douglas '97



Maria Green '97

The fellowship program is administered by the Law School's Office of Public Interest Advising (OPIA). Established in 1990, OPIA assists students who are interested in careers with government and public interest organizations.

The following are this year's winners.

Muneer Ahmad '96 will work as a staff attorney at the Asian Pacific American Legal Center in Los Angeles.

Jayne Bigelson '96 works for the New York Association for New Americans.

Matthew Bodie '96 will work as a field attorney in the Manhattan Regional Office of the National Labor Relations Board.



Jamie Metzl '97



Maria Henderson '97

Hilary Cohen '95 works as a assistant public defender at the Philadelphia Defender Association.

Nina Dastur '97 will work at Community Legal Services in Philadelphia.

Traci Douglas '97 will be doing juvenile justice work at the Neighborhood Defender Service of Harlem.

Peter Eliasberg '96 works for the

ACLU of Southern California.

David Gordon '97 works for the Office of General Counsel of the U.S. Trade Representative.

Maria Green '97 hopes to start a human rights and poverty program in conjunction with the New York-based Center for Economic and Social Rights.

Alex Hanafi '97 has been awarded a Luce Fellowship to work in Southeast Asia on the legal aspects of sustainable development in developing countries.

Louise Hayes '96 will work for Philadelphia's Community Legal Services.



David Gordon '97

Judith Lurie '96 works for the Northwest Justice Project in Washington state.

Jamie Metzl '97 will be working as a Fellow at the Council on Foreign Relations in Washington, D.C.

Jane Muigai '96 works for the national office of the ACLU in New York.

Suzanne Nossel '96 will work for Children's Rights, a public interest advocacy group in New York.

Ngai Pindell '96 works for the Empowerment Legal Services Program in Baltimore.

Kevin Reuther '96 will be working at the Minneapolis Legal Aid Society. Mary Beth Schultz '96 will work for the Southern Poverty Law Center in Montgomery, Alabama.

Brad Sears '95 will be starting a new legal services program in Los Angeles County for persons living with HIV.

Jenny Semmel '96 works for the Neighborhood Defender Service of Harlem.

Hannah Stires '97 will work at the U.S. Department of Health and Human Services.

Heather Friedman '97, Carla Halpern '97, Mark Hickernell '97, Philip Hwang '96, Kimberly Parker '96, Cathleen Price '96, Susan Vickers '97, Paul Weinberger '97 and Joan Weiner '96 are seeking employment.



Hannah Stires '97



Alex Hanafi '97

West in Peace

Continued from WEST, p. 1

istered students "shortly." Moire also said that "all students who put down money will be receiving a refund, the details of which will be spelled out in the letter."

Moire emphasized that the West Group would continue to "serve the legal education group." She noted that West last week released The West Legal Education Network (TWEN), which will among other things allow students and professors to communicate in chat forums. "We are focusing on more technological ventures," she said.

West's exit from the bar review business leaves Bar/Bri Inc., which controls about 70 percent of the \$50 million dollar bar review business, alone in the Hark. According to Bar/Bri president and founder Richard J. Conviser, however, West never significantly affected Bar/Bri.

"We really basically have had the same number of students the last couple of years. The number of students taking the bar has also been more or less constant," said Conviser.

Conviser said that Bar/Bri has always striven to improve, regardless of the competition. He attributed Bar/Bri's success to the atypical nature of the bar review business.

"The consequences of the bar exam are far more important than those of any other exam a person takes in his lifetime," said Conviser. "In the average state, there are 20 subjects, 30 in New York. There are typically four back-to-back examinations in two days. Unlike any other major exam — take the LSAT, for example — no one flunks, it's your own business. That's not true of the bar exam. If you don't

pass it you have the whole deal all over again. There's nothing secret about it. Nobody's gotten into Harvard Law School unless their whole life long they've had incredible academic success. Yet some people aren't going to pass the bar exam.

Conviser said that in light of the importance and difficulty of the bar exam, students look for substance, not fancy advertising.

"I could have every fancy four-color brochure in the world, but the reality is everyone sitting in the same building [taking the bar exam]. All of those posters don't do it. I'd like to believe we are where we're at because of word-of-mouth. Down the pipeline, the word is that this is the course to take. We are and have been for some decades the nation's most popular course."

When asked if Bar/Bri was planning to raise its prices now that West was out of the picture, Conviser replied, "Let me assure you of this. Our prices are not being raised at all because of this. We had our prices established for this year long before this happened and we're not raising them. This is not the first time a course has gone out of business. Kaplan was in here in the early 90s. Kiewit, a European company, in the early 80s. We have always been very sensitive. [Gauging students] is not what we're about. It's all about the word-of-mouth thing. We won't do it, that's not where we come from. I would regard it as unconscionable and we're not about to do that. We wouldn't dream of it."

Students who registered for West Bar Review can call (800) 693-7822 for more information.



LEXIS-NEXIS
TOOLS FOR THE REAL WORLD

"And, of course,
you're familiar with
LEXIS-NEXIS?"

Prepare yourself.
Learn the tools for the real world.

POSTMASTER: Send address changes to Harvard Law School Association, Harvard Law School, Cambridge, MA 02138.

ALUMNI/AE ADDRESS CHANGES: Alumni/ae 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, MA 02138.

Each alumnus/a receiving a RECORD subscription through the Harvard Law School Association should be on notice that \$5.00 of H.L.S.A. annual dues are used to purchase the RECORD subscription that he or she receives. Dues paid at any time during the H.L.S.A. fiscal year that began on July 1, 1995 and ends on June 30, 1996 purchase a subscription that begins in January 1995 and expires in December 1996.

Return Address:
Harvard Law School Assn.
Harvard Law School
Cambridge, MA 02138

SECOND CLASS POSTAGE PAID AT BOSTON, MA AND ADDITIONAL OFFICES.

LEXIS and NEXIS are registered trademarks of Paid Elevation Properties Inc. used under license. The INFORMATION ADVISORY logo is a trademark of Paid Elevation Properties Inc. used under license. ©1997 LEXIS-NEXIS is a division of Paid Elevation Inc. All rights reserved. LEXIS-NEXIS

Across the Country



News From the East, West, South and Mid-West

Connecticut Can Apply Megan's Law to Pre-1995 Sex Offenders

HARTFORD, Conn. (AP) — The state's Megan's Law, which requires communities to be notified when high-risk sex offenders are released in their midst, can be applied to offenders convicted before the law took effect in 1995, a federal appeals court has ruled.

The decision, issued Monday by the 2nd U.S. Circuit Court of Appeals in New York, overturns an August 1996 ruling by a federal judge in Connecticut who held the law could not be applied retroactively.

Public notification of the release of sex offenders convicted before Jan. 1, 1995 can now go forward, Attorney General Richard Blumenthal said Tuesday. State officials said thousands of sex offenders could eventually be affected by the ruling.

A three-judge panel of the appeals court said the law could be applied to those earlier offenders because community notification of their crimes is not a punishment but rather a way to protect neighbors from high-risk sexual offenders.

Only offenders classified as high-risk through a clinical assessment are subject to the notification requirement.

The decision came in the case of an Enfield man, identified in the court complaint by the pseudonym Robert Roe. He filed a lawsuit after probation officials notified his community, including his employer and his landlord, that he had pleaded "no contest" to six counts of sexual assault in 1991.

After serving three years of a prison sentence; he was released, only to be returned to prison until 1995 after violating parole.

"We conclude that the intent underlying the policy was regulatory and that any burdens resulting from notification are incidental to those nonpunitive purposes," Judge Jon Newman wrote in Monday's decision.

U.S. District Judge Dominic Squatrito had issued an injunction blocking en-

forcement of the law for pre-1995 offenders after finding that community notification represented a form of additional punishment.

Blumenthal, who fought to get the decision overturned, said he believes the decision will help "deter these offenders from re-committing crimes and provide an incentive for rehabilitation."

"Notification is not punishment — it simply is protection for the children," he said.

In arguing his case, Blumenthal had said sex offenders are not targets of hostility just because people know about their past. He said that Roe remains in his community, his apartment and with the same job, although his employer put restrictions on him since learning of his past.

But Roe's lawyer, Eliot Gersten of Hartford, described the law as a double punishment and argued that hostility does occur.

The appeals court disagreed.

"Roe has not provided the 'clearest proof' that notification pursuant to the policy constitutes punishment in fact," Newman wrote.

Gersten would not say whether he was planning to appeal. "We are considering all our options at the moment," he said.

Notification laws similar to Connecticut's have been rejected by state Supreme Courts in Alaska, California and New Hampshire, and a federal court in New Jersey, according to the American Civil Liberties Union.

The Connecticut law is designed after a New Jersey statute named for Megan Kanka, a 7-year-old who was raped and killed in Hamilton Township, N.J., in July 1994. The man charged with killing her was a neighbor whose record of sex offenses was not known in the community.

On Aug. 20, a federal appeals court in Philadelphia upheld New Jersey's Megan's Law, and lifted a freeze on its application.

Jury Awards \$140,000 Against Oakland Police

SAN FRANCISCO (AP) — Five men who claimed abuse by Oakland police during a disturbance at a 1994 festival at Lake Merritt have been awarded a total of \$140,000 in damages by a federal court jury.

The jury awarded no damages to three other men in Monday's verdict. Lawyers for both sides claimed victory.

The suit was originally filed by 15 men who claimed they were illegally arrested, beaten, or pepper-sprayed at the 1994 Festival at the Lake. Seven of the men settled out of court, also for \$140,000, said their lawyer, John Burris.

Burris said police claimed they were responding to riotous behavior, but "this was as much of a police riot because of indiscriminate use of pepper spray and batons." He said the verdict told "police officers who mistreat people that they're going to be held accountable."

Assistant City Attorney Randolph Hall noted the jury, despite finding that

police violated the civil rights of several of the men, found no policy or practice of rights violations by the city. As a result, he said, the city should be able to recover court costs from Burris' clients.

Hall said the city would use the case as "a learning experience," noting statements by jurors that not enough supervising officers were on the scene.

The largest damage award, \$80,000, went to Kedar Ellis. Burris said the jury found that police mistakenly accused Ellis, a Menlo College football player, of throwing a bottle, then struck him with a baton and later lied about it. Ellis was not seriously injured, Burris said.

Another plaintiff, Diallobe Johnson, tried to tell a policeman he had arrested the wrong person and then was arrested himself, Burris said. He was awarded \$32,000.

The remaining \$28,000 was awarded to a man who was pepper-sprayed and two who were hit with batons, Burris said.

Ohio Woman Accused of Neglecting her Children for Internet Is Sentenced

CINCINNATI (AP) — A woman accused of letting her three children live in squalor while she spent up to 12 hours a day on the Internet was put on probation Tuesday and ordered to take parenting classes.

Police said there was broken glass and debris in the playroom of Sandra Hacker's apartment, and children had made hand prints in human feces on the walls. Her children are ages 2, 3, and 5.

But the area around the computer was clean, said officers who arrested Mrs. Hacker on June 14.

Her husband, Alexander Hacker, who is divorcing her, told police that Mrs. Hacker spent up to 12 hours each day browsing on the Internet. He complained that the couple's children were not receiving adequate care.

Mrs. Hacker pleaded guilty to a misdemeanor count of child endangering.

Appearing in Hamilton County Municipal Court, she was given a suspended six-month jail sentence, placed on probation for two years and ordered to pay \$100 in court costs.

Hacker had lived in the apartment for two years but did nothing to improve the children's living conditions, Mrs. Hacker's lawyer, John Burlew, said Tuesday. He said Hacker made the complaint because of bitterness between the couple.

"Yet they point the finger at her and say, 'She has the responsibility,'" Burlew said. "That doesn't diminish what she did."

Hacker complained to a children's protective agency, which reported the problem to police.

Mrs. Hacker was working full-time at a public housing agency and trying to care for the children, Burlew said.

Alexander Hacker was unavailable to comment Tuesday. There was no phone listing for him. He and the children have been living with his parents.

U.S. Justice Department to Review AOL-CompuServe Deal for Antitrust

WASHINGTON (AP) — The Justice Department is reviewing America Online's plan to acquire the customers of its closest competitor, CompuServe Corp., antitrust spokeswoman Gina Talamona said Tuesday.

Under the three-way deal announced Monday, WorldCom Inc., the nation's fourth-largest long-distance phone company, will pay \$1.2 billion for CompuServe, in which Kansas City-based H&R Block owns 80 percent of the

stock, and sell its online consumer business to AOL. WorldCom will keep CompuServe's 1,200 corporate customers.

America Online would acquire 2.6 million subscribers through the transaction, which would erase its biggest competitor. AOL now has about 9 million subscribers and is the nation's biggest online service company.

By law the government must review the deal to make sure it won't stifle com-

petition or lead to higher consumer or business prices. Antitrust reviews are divided between the Justice Department and the Federal Trade Commission.

For its part, WorldCom becomes a giant in its corner of the Internet, expanding its business of providing networks for online services and business customers.

Executives involved in the proposed transaction say they expect it to be cleared by antitrust regulators.

Across the Wire...

Students Cope With Effects of Anti-Affirmative Action Ruling

AUSTIN (AP) — Aja Henderson and Latosha Lewis aren't exactly in a class by themselves, but it's close.

They are among just four new black students who entered the University of Texas Law School this year.

Both women say the prospect of a top-flight education outweighed their concerns over plummeting minority enrollment at the law school, which followed the anti-affirmative action court decision known as Hopwood.

But they also say the education offered by the law school would be even better if the student body were more diverse.

"It's not just because I'm black," Ms. Henderson, 22, of Baton Rouge, La., said of the consideration she gave to the Hopwood decision before coming to UT.

"I feel any race should be apprehensive about going into a school where basically there's almost no diversity," she said.

While enrollment figures won't be finalized until Friday, the 468 new law school students who started class last month included four blacks and 26 Mexican Americans. Last year, there were 31

blacks and 42 Mexican Americans.

School officials blamed the drop on the Hopwood ruling by the 5th U.S. Circuit Court of Appeals, which has resulted in universities being barred from considering race as a factor in admissions and scholarships. The U.S. Supreme Court allowed the decision to stand last year.

The case started when four whites who wanted to attend UT's law school, including Cheryl Hopwood, sued. They contended the school's affirmative action policy discriminated against them by admitting minorities with lower test scores.

Ms. Lewis, 23, of Houston, said she doesn't believe she's getting a different education than did students who enrolled two years ago. Still, she said, "I think we are missing a lot by not having ... a diverse population of ideas or views or experiences."

Many at the law school agree. Last week, about 350 students turned out for a rally calling for increased diversity.

"The idea of 90 Caucasian students sitting together and discussing criminal law without a minority perspective is the most outlandish thing that could happen

at a law school," said Cris Feldman, 26, of Houston, a white second-year law student who helped organize the rally.

He cited the need to get a perspective "from those who have seen the law arbitrarily applied to them."

"It's a travesty when this university will be producing future judges and politicians that have not been exposed to a diverse array of viewpoints," he said.

Ms. Henderson said, "I do feel that different minorities, different types of people, might have different experiences with law enforcement ... that might color or add to the discussion. We might not get some of that."

But Marc Levin, a UT senior who has applied to the law school, said diversity "is more than just skin color" and that admissions shouldn't be linked to race.

"I recognize that blacks and Hispanics and other minorities have been discriminated against in this country in the past, and I regret that, but I didn't have anything to do with it," said Levin, 21, from Houston. "I think that we ought to just admit the most qualified students and let the chips fall where they may."

Both Ms. Henderson and Ms. Lewis

note that they became accustomed to being in the minority as undergraduates — Ms. Henderson at Texas A&M University in College Station and Ms. Lewis at Tulane.

But at UT, there is a heightened sense of scrutiny.

"The whole Hopwood thing hangs in the air here," Ms. Henderson said.

Ms. Lewis said that whereas her previous classmates may not have thought much about it if she were the only black woman present, after Hopwood, "They're going to think about it."

"That is something that I was apprehensive about, because I didn't want someone overly accommodating for the fact that I came in after the Hopwood situation," she said.

Ms. Henderson said she wondered whether some might question her presence or see her as "a token," but that she has only felt support.

"People have expressed a lot of support — white and black students — and really just admiration for coming. ... And the administration has been extremely helpful and accommodating," she said.

'Tree Remains Planted at HLS

Continued from *OGLETREE*, p. 1

Dean Bullock is improving Howard's image. While the School enjoys a unique and celebrated history, it was also embarrassed by a recent report that showed only 29 percent of its students passed the July 1995 Maryland bar exam on the first try. The state's overall passage rate was 75 percent.

Adam Levi, a third-year Howard Law student, said he believes Ogletree's accomplishments would have improved Howard's reputation within the legal community.

"We missed out on a great opportunity, particularly in light of the rolling back of affirmative action programs," Levi said.

"Minority students would have looked at Howard with Ogletree here and a handful at least would have enrolled because he was here."

Ogletree said he first became involved in Howard's search for a new dean as a result of "not so subtle encouragement from Howard Law alumni." A number of Howard alumni, lawyers, and judges in Washington informed Ogletree of the vacancy and urged him to consider coming back to Washington.

Ogletree said he was interested because the possibility presented itself as a "challenge and an opportunity."

But the summer romance came to an abrupt end after Bullock unexpectedly threw her hat into the ring. Ogletree said Bullock's decision to become a candidate so late in the process "surprised a number of people," including himself.

Ogletree said he had decided in the beginning that he would not compete with Bullock for the job, and never would have begun the process had he known Bullock was interested. He and Bullock are close friends and share family ties.

"[It was] inappropriate to go forward given our close personal friendship," Ogletree said, adding that he believed Bullock "would make an excellent dean."

Bullock, who graduated from both Howard University and Howard Law School, became Howard Law's interim dean in August 1996. At the time, she was associate dean for academic affairs.

According to a July 21 article in the Legal Times, Howard University President H. Patrick Swygert stated that he did not wish for Bullock to be a candidate for the permanent position. But Bullock's stock rose over the summer, especially with alumni who wished to see a Howard alumna in the position. Bullock announced her formal candidacy in July.

Donald Thigpen, national president of the Howard Law School Alumni Association, said that Ogletree was an "outstanding candidate." Thigpen interviewed Ogletree for the position.

Thigpen also said he was surprised by the sudden turn of events. Thigpen said he was not notified that Ogletree had withdrawn his candidacy.

"It generally took me off guard because the president was to select from three candidates," he said.

Associate Dean Michael Newsom '67, who had chaired the search committee the last time Howard looked for a new dean, said that he was not surprised that Ogletree withdrew from the process.

"The reasons for withdrawal are as complex and diverse as human beings are capable of being," he said, adding that people allow themselves to be considered for dean for all kinds of reasons.

"It can be a learning experience, whether you ultimately get the job or not or pull out for some reason," he said.

"I think we had some strong candidates and I'm perfectly delighted with the choice the president made."

Ogletree is entering his thirteenth year as a professor at HLS. He founded the Criminal Justice Institute in 1990 and last year was named the director of clinical programs, replacing Prof. Gary Bellow '60.

RENÉE AND FENNO...PERFECT TOGETHER

on page 12 of this week's RECORD



LEXIS-NEXIS
TOOLS FOR THE REAL WORLD

"In the real world, it pays to know LEXIS-NEXIS."

**Prepare yourself.
Learn the tools for the real world.**

LEXIS and NEXIS are registered trademarks of Reed Elsevier Properties Inc. used under license. The INFORMATION GROUP logo is a trademark of Reed Elsevier Properties Inc. used under license. ©1997 LEXIS-NEXIS, a division of Reed Elsevier Inc. All rights reserved. L8412-3

Harvard Law RECORD

PUBLISHER
Rob Friedman



EDITOR-IN-CHIEF
Janie J. Kim

FOUNDED IN 1946

An Oasis Within Law School Confines

HLS is a specimen in the pathology of largeness. Mammoth enrollment — about 1900 candidates for one degree or another — can make the individual feel mighty small.

Minimal space is a perpetual challenge to student function and morale. Try to claim enough desk space in Austin West for both your casebook and a legal pad — without being double jointed. Ask the taller Gropians among us if it's thrilling to live, study, sleep in a room the width of their wingspan. There are crowd control ordinances against the entire student body simultaneously occupying the lounges of Harkness Commons — or at least there should be.

Largeness can shrink perceptions of personal potency. Largeness requires that extra modicum of bureaucratic management that so constricts the individual life.

The principal medium of information flow at the Law School is an oblong stretch of plywood papercomb. Refrain from wearing down the linoleum trail to your little Hark box at your own risk; the disobedience is an exercise in self-imposed ex-communication.

A general bad mood is a necessary by-product of embarking on registration and add/drop. The procedures seem designed to create slow human queues (two hours long that first Thursday) just to hand in bubble sheets live and in person. Is telephone registration with secret PINs so wrong?

Of course I overstate my complaint. So what if our quarters are cramped, our behavior forcibly modified in subtly annoying ways? We're here principally to inhabit the infinite expanse of legal ideas.

But the heavy-handed griping makes a tart counterpoint to the sweet relief of the new Langdell experience. The shining jewel as big as the Ritz with all that glorious, luminous interior space: a place that offers choice about how surrounded or solitary a soul can be, where paths can be carved in carpet to quiet nooks or to the managed interaction of a study room.

This is the monolithic fount where the occasionally bewildered, exhausted, disempowered law student can replenish herself ... where the self confined by rules, format, convention and other densities can decompress back to full stature.

We submit a whole-hearted hurrah for our new library.

— Janie Kim

Staff

MANAGING EDITOR
Timothy Kiefer

EXECUTIVE EDITOR
Seth Persily

STAFF COLUMNIST
Renée Kaplan

CONTRIBUTORS
Kim Isbell
Dusan Stojkovic

EDITORS EMERITI
Jaclyn Liu
David Liu

BUSINESS MANAGER
Chih T. Cheung

ADVERTISING MANAGER
Steve P. Chen

OFFICE MANAGER
Michelle A. Jones

PRODUCTION
Cathleen Bryant
Ben Lehrer

COLUMNISTS
Michael Bennett
Chris Manning

CARTOONISTS
Margie McWilliams
Alfred Steiner

Printed By The Harvard Crimson

Editorial/Letters Policy

The Harvard Law RECORD (ISSN 0017-8101) is a publication of the Harvard Law RECORD Corporation, a non-profit, independent, student-owned and run corporation of the Commonwealth of Massachusetts. Harvard Law RECORD, Harvard Law School, Cambridge, MA 02138-9984. Telephone (617) 495-4418. Fax (617) 495-8457.

The RECORD is published weekly on Fridays throughout the academic year and is distributed free of charge to Harvard Law School Students and at a minimal charge to Harvard Law School Alumni. Copy and photo deadlines are 5:00p.m. on the Monday preceding publication. Advertising deadlines are 5:00p.m. on the Tuesday preceding publication.

Submissions may be sent to The RECORD at the above noted address, dropped in the RECORD box located in Harkness Commons, or left in the 2L Hark box of Janie Kim. All copy must be typed, double-spaced, and submitted on paper and on a computer disk (Macintosh or IBM). The RECORD reads and appreciates every letter we receive; we reserve the right to edit letters for space as necessary. We will return your disks. Off-campus subscriptions are available. Subscription price: \$45.00 year mailed; \$50.00 year mailed outside U.S. Individual copies: 35 cents at newsstands, 50 cents at the Law School, \$1.00 mailed, \$2.50 for back issues and reprints. Second-class postage paid at Boston, MA and additional mailing offices.

©1996 by the Harvard Law RECORD Corporation and by the contributors.

The RECORD is committed to equality and diversity. We strive to provide a forum for the free exchange of ideas. As a result, the opinions reflected in articles, editorials, and cartoons are those of the authors and do not necessarily reflect the opinions of the RECORD.

"Congress shall make no law...abridging the freedom of speech, or of the press;..."

—First Amendment, US Constitution

Letters

HLS Behind Technological Curve

At the end of last school year, without any consultation or publicity, HLS Information Technology Services reorganized the HLS web site. One of the "improvements," in addition to typographical errors and broken links, was that the address of every student organization web page was changed.

I sent an e-mail to Susan Vik, Director of HLS Information Technology Services, pointing out how this frustrated the efforts of organizations to publicize their web pages, both to the HLS community and the outside world. I received a most extraordinary reply:

"We typically recommend that HLS organizations and

other groups with pages linked from the HLS home page use:

'www.law.harvard.edu' as their address, rather than the specific page address due to the dynamic nature of Web sites. This approach gives the organizations more flexibility about changes that they might want to make as well."

This is pure nonsense. Web surfers do not want to wade through several levels of pages to reach their intended destination. And if student organizations cannot publicize their direct web addresses, because HLS ITS might change them again at its whim, they have less flex-

ibility, not more. Not to mention that I am the Webmaster for two HLS student organizations, and have never heard this "typical recommendation."

Harvard has always been behind the curve in technology; the last thing it needs are nonsensical policies that push it even farther back. Indeed, as of last May, HLS ITS had not responded to the recommendations issued in November by the Ad Hoc Committee on Class E-Mail Lists; perhaps this year it could devote more of its effort to serving students, instead of frustrating them.

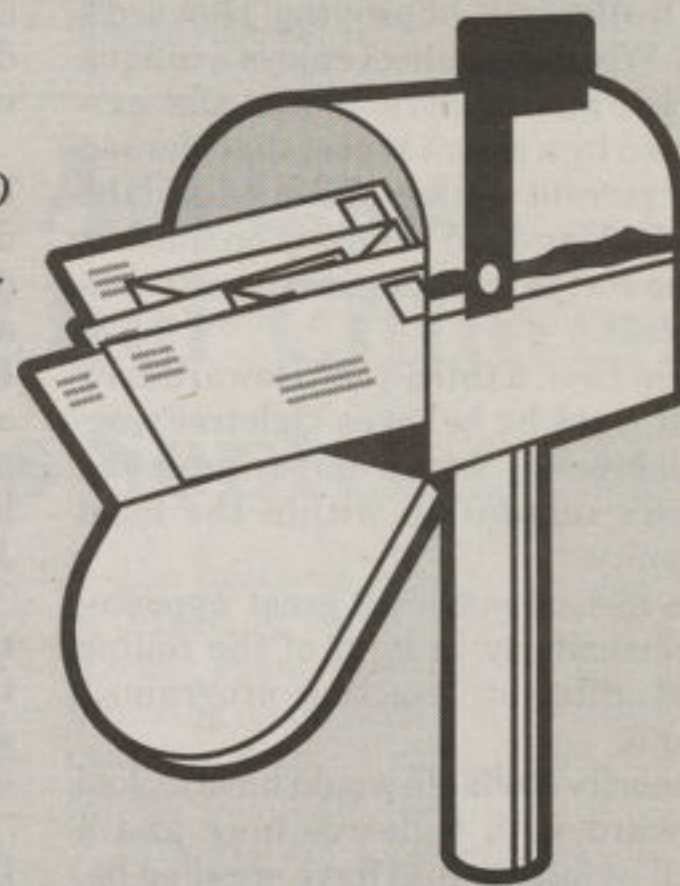
Jol Silversmith '98
August 5, 1997

What are YOU thinking?

Send us a letter. We like letters. Feed us letters.
Mmmmm...letters.

Place them in the RECORD
box next to the 1L Hark Boxes.
Or send them to

Harvard Law RECORD
Harvard Law School
Cambridge, MA 02138



FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

SEEKING

HARVARD LAW STUDENTS

WHO ARE INTERESTED IN A NATIONAL PRACTICE AND
ARE WILLING TO ASSUME EXTENSIVE RESPONSIBILITIES
AT AN EARLY STAGE IN THEIR CAREER



WE WILL CONDUCT INTERVIEWS AT
THE LAW SCHOOL ON

MONDAY, OCTOBER 13, 1997

AND ENCOURAGE INTERESTED STUDENTS TO SIGN UP

HOUSTON AUSTIN DALLAS LOS ANGELES NEW YORK
SAN ANTONIO WASHINGTON, D.C. HONG KONG LONDON

FROM WHERE WE STAND

By Gary Bellow '60 and David Kennedy '80

The New Harvard Law School

Harvard Law School has been dramatically transformed in the nineteen nineties. Twenty three of the seventy three current full time faculty have joined the school since 1989. Fourteen from the 1989 faculty have departed or died and five 1989 assistant professors have been promoted to tenure. Capital projects have transformed the campus — a new library, faculty office building, legal services center, a remodeled Hark. A successful capital drive has remade the school's finances. New research programs and pedagogic initiatives abound, often based on new technologies. The graduate and doctoral programs have been upgraded and expanded. The work of numerous faculty, students and staff, these changes also define Bob Clark's first eight years as Dean.

As we see it, however, the institution is not altogether healthy. Beneath our periodic rituals of collective self-congratulation lie questions about our intellectual and institutional direction which many of us fear have no avenue for resolution. We offer this occasional column as one effort to spark discussion, to think about what has gone awry, and about how we might improve our institutional life.

Perhaps reacting to the disappointments and dysfunctions of the old HLS, faculty have turned from collaboration on our central mission of teaching and thinking together about law to a cornucopia of individual initiatives aimed at constituencies outside the school. The two of us have certainly shared in that withdrawal. But as collective action has withered, a bureaucratic ethos has grown and has flourished. Opportunities for meaningful engagement between faculty and students about the school's direction have fallen off. Our internal discourse has become ritualized, disenfranchising students and alienating us all from a common project. As an institution, we have overinvested in administrative regularity at the expense of deliberation and dissent. As a start, we put forward here four broad interpretations of HLS today, a check list of issues for consideration.

As an institution, we have a vigorous foreign policy and no domestic policy. Perhaps we have never recovered from the imperatives of the recent capital campaign to focus on external constituencies and keep doubts about our pedagogic or scholarly projects to ourselves. We address issues and one another too often as if we were speaking to strangers in the language of public relations. Students, alumni, administration and faculty have become for one another constituencies to be wooed rather than partners to be consulted. Where there is planning, it is too often driven by contributors strategizing about what might appeal to future contributors.

As individual faculty and research program initiatives have become more dependent upon outside funding and an institutional culture of self-promotion, it has become more difficult to ask hard questions about the conception of law and legal education imbedded in our proliferating initiatives. Issues within the school — teaching, placement, grading, recruitment and admission of students — are getting too little collective attention. Those small domestic activities which once defined our pedagogy and scholarly practice are now too often lost in the shuffle — one on one teaching, scholarly contemplation, shared responsibility for the quotidian management of the institution.

An institutional culture has been lost, and many of us mourn its passing, even if we would differ on precisely what was good and ill about it or who was to blame for its demise. Many on the faculty, including the two of us, harbor nostalgia for a more intellectually engaged faculty. For some the loss is a culture of collegial cooperation and civility, for others a vibrant collective discussion about law,

politics and institutional life. We must all admit, however, that all of us on the faculty, both those who were here before 1989 and those who have come since, those on the left, as well as those on the right and the center of the faculty, shared in the unmaking of that culture. Despite our nostalgia, all of us are also unwilling to resurrect what we feel glad to have left behind.

At the same time, it is increasingly clear to us that we threw some babies out with the bath. Our sense is that there remain complex feelings across the faculty about those changes. We are each uncertain whether all that has come since has been necessary to end whatever we found or heard was unsatisfactory before 1989. This widespread uncertainty and a loss of opportunity to share our aspirations and fears about the institution and its history has left an uneasy stillness at the core of the school. Those who remember civility and those who remember engagement share a discomfort with the new culture of intellectual isolation and administrative necessity.

We are an increasingly fragmented community. Size has always been our problem. Twenty years ago the faculty began compensating for a loss of energy in large classroom teaching by multiplying curricular offerings and encouraging the dissipation of student energy in private extra-curricular activities. These activities soon took on an institutional and self-promotional life of their own with which only the most charismatic teachers could compete. The clear delivery of information about complex technical matters became the highest form of pedagogy, outside the niche markets sustained by extracurricular initiatives. Throughout the institution, we began to think this was normal, even salutary, the multiplicity of student activity evidence of a vital pedagogy.

What was once a pedagogic problem has spread elsewhere in the institution. The faculty has drifted apart, into an institutional culture of baronies and private initiatives. The new geography of the school has further separated the community along functional lines — faculty dispersed, students, administrators, and library architecturally isolated from one another. The legislative institutions of committees and faculty meetings have been eviscerated by withdrawal and lack of focused responsibility. In the new law school, the faculty is organized by myriad personal arrangements over matters bureaucratic and financial.

We unraveled a gentlemanly faculty culture to find that our common discourse and project had disappeared along with it, replaced by a harsher world of competition and self-promotion. Many faculty who withdrew to research programs or special initiatives seeking autonomy and a respect which only seemed available outside the school now find themselves caught in a web of administrative or financial struggle, cut off by specialization from colleagues and the broad range of our students.

At the same time, an institution-wide intellectual struggle about the meaning of law and the purposes of legal education has been replaced by the timid mutual courtesies and private contempt which emerge when a common discourse disappears. With no opportunity for repair, public intellectual discussion loses its edge. In the absence of a common discussion, it is difficult to engage anyone on what they may have selected as a project for inquiry, a development as visible in the classroom as in the faculty.

Intellectual or academic leadership is being displaced by an administrative ethos. In an externally oriented and fragmented community, intellectual leadership is difficult. When pedagogic and scholarly initiatives are planned and packaged for sale by isolated faculty members or teams, their intellectual claim on the institution, on our thinking about law and public order remains

obscure, whatever their success with outside constituencies. We have come too often to mistake programs for ideas and to accept accidents of external funding as measures of wisdom.

The curriculum has become a list of topics and personalities, rather than a structured debate about ideas. Our course descriptions stress topicality, just as the student evaluations stress personality. If we structure a curriculum which asks only that students notch a stick as they march through our specialties, can we blame them for rewarding clear exposition and entertaining personality? How much different course selection would be were we to stress the ideas and commitments we offered for exploration, or if students would publish a one page description of the ideas at play in each course, alongside their review of professorial style.

Looking only at our own specialties, the school has made much of our new international focus and our renewed commitment to public service and clinical education. But in both areas it is easier to count the programs or to struggle over funding and administrative power than to debate competing visions of "internationalization" or "public service" in American legal education today.

The faculty has also changed, as each of us has accommodated the new style, and as we have been joined by new colleagues. In appointments we have moved away from an attraction for strong, even idiosyncratic intellectual positions, in favor of demonstrated mastery in a defined field. As appointments have become more specialized, the possibility for a general faculty discourse has diminished. Intellectual diversity has come to mean covering ever more specialized terrain rather than attracting ever more diverse and contestable ideas about law. There is, of course, the claim that knowledge about law has itself simply become more specialized and routine, but if HLS has come to stand for a technical and specialized conception of law and the role of the lawyer in American society, let us say so and debate it.

It may be a lonely debate, for one consequence of the new technocratic vision of law has been a failure, as we expand the faculty, to reproduce, let alone increase, the diversity of ideas and approaches we bring to legal scholarship and teaching. Since the political battles of the mid-eighties, we have developed a culture of caution in discussing ideas. The same caution in appointing and advising assistant professors has left our younger scholars, perhaps sensibly, to pursue their formative intellectual work with their heads down. As for most of us, intellectual risks are taken well off the institution's screen.

But we needn't be so cautious about our ideas. At HLS today, politics is no longer about appointments or pedagogy — it is about finance and administration. Over the next ten years, the most important questions facing our community will be posed and answered in the discourse of budgets and bureaucratic plans. The emergence of a law school which defines its research and educational objectives in the language of special programs and new funds, in which the faculty involved are administrators more than intellectual leaders, and faculty and students alike have withdrawn to niche activities, has increased the administrative pressures on the Dean, placing him at the center of ever more numerous initiatives. At the same time it becomes increasingly difficult for students and faculty to insist upon an academic voice in matters which present as matters of finance and administration.

The institutional politics of alternatives and opposition has become uncertain. Those of us on the left of the faculty remember a time of vibrant col-



lective discussion of the school's intellectual and political direction, by both faculty and students.

The ideas and methods of that time are no longer possible or appropriate, but the loss of a collective method for developing and voicing alternatives has real costs. Mechanisms for engaged discussion about our goals and perceptions have atrophied and students remain part of the discussion only in oddly formal ways. It has become more difficult to think of ways to pose questions about our collective ideas and commitments, to identify sites for discussion and innovation, to avoid absorption by administrative and programmatic initiatives. Take diversity, once a rubric under which students and faculty posed a wide range of questions about the nature of legal education and the direction of the school. The institution's interest in gender and race has been routinized in curricular and administrative responses to what are conceptualized as one or another special interest.

Like others, we have had a role in making what seems askew about HLS today, and our sense is that only a broad collective engagement with the institution's future can set things right. What has been made together will need to be unmade together. In institutions with established practices of self-examination and regularly altered faculty and decanal responsibilities, moments of transition can provide opportunities for a broad collective rethinking of priorities, even if it is usually fanciful to hope that such changes could or would redirect the institutional culture on their own. In any event, at least for the present, this is not our situation. Perhaps this column will be a start in a broader discussion of educational policy and institutional culture.

Some proposals for reform. We hope to end each column with modest proposals for reform which might sharpen discussion of the issues we raise. We could hardly come to agreement about our situation overnight, let alone remake our institutional culture. But it would not be difficult to begin. This year we could start to reset the balance between foreign and domestic policy, to address our fragmentation and to replace administrative routine with intellectual leadership, deliberation and debate.

We might start with more frequent faculty meetings, on a day other than Friday, open more often to more students, framed for broad and general discussion of educational policy and institutional direction. We could also consider scheduling one or more of such meetings in a longer "retreat" format in which there are presentations, proposals and probing of specific aspects of the school's efforts. It would not be difficult to introduce more transparency in the administrative and financial arrangements structuring individual faculty or program initiatives. Appointment of an Associate Dean for Administration and Finance would lend an academic voice to institutional questions of domestic policy. We could expand opportunities, in the catalog and elsewhere, for faculty and students to enunciate their ideas about law, about society, and about the profession at work in their pedagogic and institutional initiatives. Periodic and genuine debates could begin to rebuild a common language. Faculty lunch style events, open to students, devoted to faculty expositions about the ideas at play in their area of expertise, rather than the results of their own particular research could break down the walls of specialization.

In future columns, we take up specific areas of the school's collective life. We welcome your reactions at dkennedy@law.harvard.edu or bellow@law.harvard.edu. **Next column: faculty governance.**

THE VERDICT

Casualties of Summer Sci-Fi

By Michael Bennett

The summer was a typical one for American cinema. Sci-fi was the rage, storming screens across the country with big budgets, big stars, and mostly big flops (cinematically, if not financially). Most films made it safely into the hollow belly of the bell curve as poorly made, imagination deficient things. A few, however, were exceptional — either for their atrociousness or their moments of beauty.

Paul Anderson (III)'s **Event Horizon**, an inter-galactic, haunted house flick that fell safely into the former category, used space like some painted, sterile backdrop akin to those in *Casablanca* instead of tapping into its intrinsic scariness. The multitudinous references to Edgar Allen Poe's work — *Berenice*, *Bon-bon*, and especially *Descent into Maelstrom* — caused anticipatory anxiety in the filmgoers. My neighbors and I vied for positioning on the arm rests but all for naught. Horror never came. Just empty visions of and flashbacks to the spasm and scream inducing films we've known. Like the Kubrickian moment when the blood fills a large glass tank, stressing it until it explodes. Even depictions of the reality waiting on the other side of the black hole "anomaly" at the heart of the ship,



think Anderson would have been a bit more imaginative.

A sad trend in this summer's fantasy/sci-fi litter, mimicking the stale, rearview mirror, self-obsessed style prevalent among the majority of the hip-hop and R&B worlds, is an ideological and conceptual cut and paste style more blatant than we've seen in some time. I'm as much for parody as Justice Souter but **Men in Black's** rehashing of territory covered and mapped by last summer's **Mars Attacks** was boring at its best. One of the only mitigating scenes, the body-snatching alien's arrival and adjustment to its new wife, with all its scare potential, was held back and forced into the comic ring with minimal success. Will Smith has saved the world for two summers in a row, most recently with his own soundtrack. He should think about letting it blow up once in a while.

By far and away the worst film of the summer was **Batman and Robin**. A gigantic waste of money. Schumacher should be dressed as the caped crusader

a kind of cosmic, flesh crazed hell, were poorly regurgitated Milton episodes. With the incredible computational power at his beck and call, you'd

and crucified in Times Square to memorialize the demise of America's answer to Sherlock Holmes. Ever since the original Burton Bat film, the sequels have been sliding down a glass hill coated with Vaseline. The most recent installation's lack of coherency, total disregard for the main character and his dementia, and poor, poor writing (except one line — Bruce Wayne to Dick Grason, speaking of the femme fool Poison Ivy, "She wants to kill you, Dick."), sank the flick before it even passed its running time midpoint. Save Schwarzenegger's make-up, the brilliantly visualized freezing of Gotham City, and the spurts of sexual energy shot out by Poison Ivy (Uma Thurman), the film is lucky there's no money back guarantee at most theaters. Bones, Thugs, and Harmony's video for a song on the film's soundtrack was better than the movie itself.

As for **Shaquille O'Neal's** successful attempt at vilifying yet another sphere of life in which he should have never stuck his giant head, it is an atrocity. The story is loosely, oh so loosely, based on the Superman comic's death of the Kryptonian. After milking the market during an agonizing series of funeral issues, the powers at D.C. Comics decided to figuratively short the market by reincarnating Superman in the guise of four personas, effectively

discarding his monotheistic, Christ-like vestiges for a more polytheistic, Hindu-like approach.

The sacrilegious O'Neal could care less about all this, though. A tip for the Laker: get out of the recording studio, get off MTV, quickly get off the big screen, and get on that free-throw line. Shaqrendous! Shaqsaster! Shaq stupid.

One of the only beams of hope for sci-fi films this past summer, albeit slim and fluorescent, came posthumously from the brain of Carl Sagan in the form of **Contact**. It tells the story of an obsessed astro-physicist who refuses to relinquish her quest for extraterrestrial intelligence (we'd be better served by a terrestrial search) despite the horrendous effect this search has on her career. When aliens from a galaxy far, far away finally answer our call with an invitation to visit, Jody Foster, playing the outwardly stoic, internally chaotic scientist-iconoclast, accepts.

A sometimes potent mix of **Willy Wonka's Chocolate Factory**, the **Star Trek: The Next Generation** television series, and **The Guiding Light** all hemmed together with occasional genuflects to Citizen Welles, and a dash of rags-to-riches classic, **Kitty**, the film is solid and, quietly, one of the summer's best big films. The first five minutes offer the best intro since Kieslowski's phone cable ride through the English Channel in **Red**.

The Fifth Element, cousin of **Contact** in its imaginativeness and freshness, fell to the backwards-looking disease sweeping through pop culture these days, but gracefully and without the strained results of tunnel vision. The film was released in the spring but ran into the summer where it found a better fit. It was wise after doing battle with the wake of the *Star Wars* trilogy to wait, heal, and beat up on the sucker films marching down the pipe.

The movie deftly mixed its parody mindset with a deep appreciation of the sci-fi curve and fantastic, non-p.c. looks at race and sex (led by Chris Tucker's bisexual, talk-show host character), and fun poking at Bruce Willis's checkered cinematic past. Willis stars as a ex-military killing machine-turned-cab driver-turned-chaperone for the savior of the universe. Sharing the reluctance of all the greatest sci-fi heroes — Han, Johnny Mnemonic, Deckard, Ripley — Willis's character, Dallas, ultimately accepts his destiny. But, sadly, we see too little of *Twelve Monkeys* Willis and too much of *Die Hard* Willis.

Unlike **Event Horizon**, **The Fifth Element** took advantage of the billions of chips and work-stations to create some beautiful scenes. Its three-dimensional vision of hover-car traffic in New York, à la **Metropolis**, was dizzying and fresh. The horrendous Mr. Shadow, a hellish scourge of the universe bent on corrupting our fair world, was mainly a black ball of fire flying through space. But with the assistance of a few Silicon Graphics Indigo machines, the spherical menace was made as visually stunning as anything sermon dreamt up by a Baptist preacher in a while.

Unfortunately, **The Fifth Element** and **Contact** were good, not great. And anomalies instead of rules for the summer. With the thermometer swelling to 90 degree plus on more than a few days, I'd rather think I spent my money on cool air conditioning and ice cream wrapped in chocolate than the majority of the pictures I saw. The movie that made the summer worth while, you ask? A three-way tie between Marilyn Manson's music video for **The Man You Fear**, the Busta Rhymes/Hype Williams co-directed effort, **Put Your Hands where My Eyes Can See**, and The Foo Fighters' **Everlong** video.

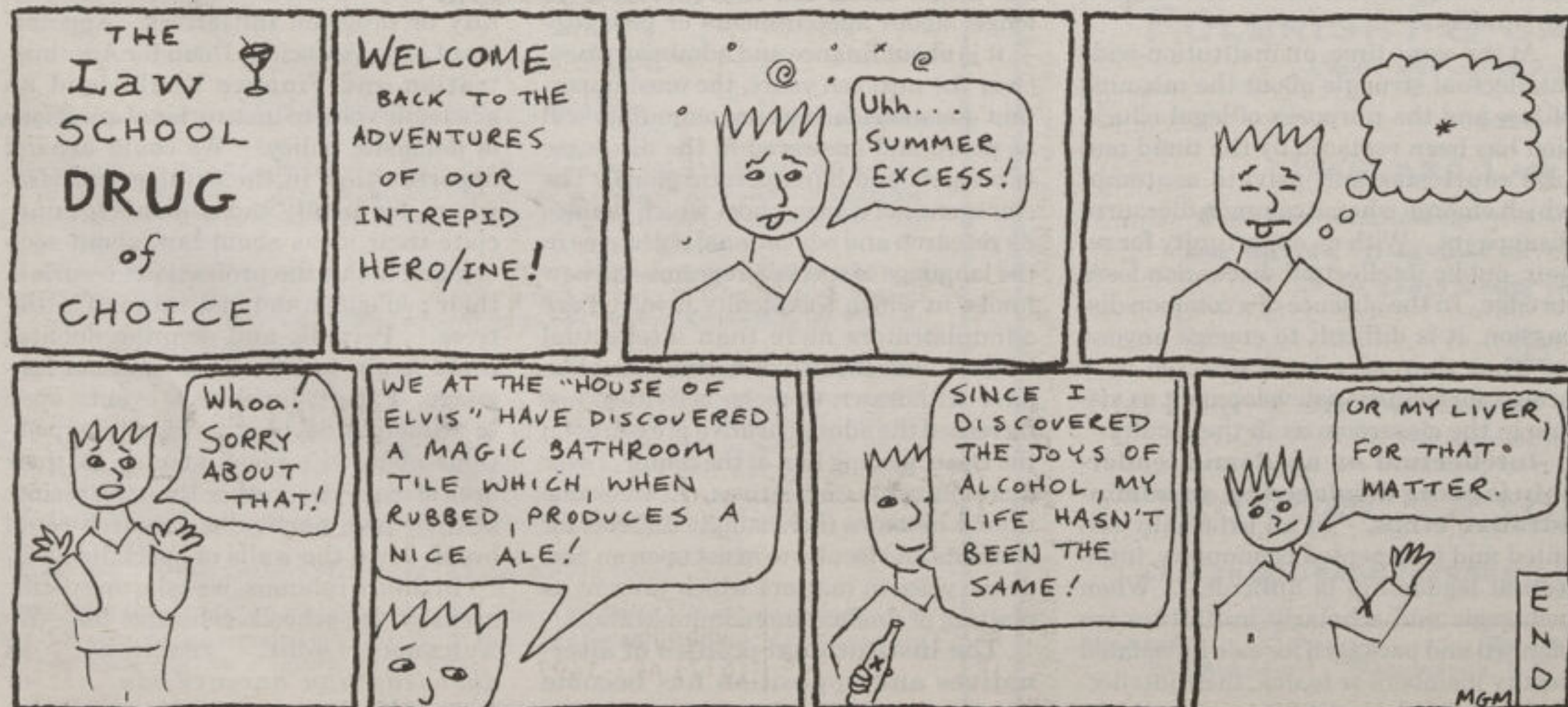
Reasonable Man Goes Back to School

By Alfred Steiner



Spike

By Margie McWilliams



Journal of a 2L

By Renée Kaplan '99

Staff Columnist

There's no good reason or bad reason or any very clear rational reason at all, but the sight of 1L's brings on relief. Massive waves of grateful relief that that year of unknowns is over, that expectations have dissipated, that the mystery is gone, that we've all slipped into something more comfortable. It used to be that we yearned for the excitement of the initial weeks and the thrill of firsts, that we savored the *frisson* of novelty and the promise of unknown potential — but, ooh, honey-child, that's all over. Being a 2L is like the flannel pajama stage, like peeing with the bathroom door open, like wearing no makeup on weekends — this is comfortable, uneventful, eeeeasy-going.

I don't want to jump to any hasty conclusions, of course, because it has only been one week so far. But it's been a week of greetings and unpacking, of checking waitlists and filling in bubbles, maybe doing some work or perhaps subciting or note-writing, of conciliatory and calm activity; nothing to get too excited about, nothing to be too unhappy about. You know, welcome back, really glad to see you, so how was your summer, got to do some really interesting work but a firm job next summer, liked what you did but



you'd like to get a different experience, New York, maybe San Francisco, a good litigation practice, a biotech firm, maybe a clerkship later.

There seems to be some latent sense of serenity or indifference, and most likely some commingled feeling in between, some feeling of greater wisdom, of maturity, of crude satisfaction. It doesn't really seem to matter, from the present perspective, what we did over the summer; just that we did and that we are done, that grades are, for many of us at this point, relatively inconsequential, that classes remain, for the most part, basic and introductory. It's kind of all over, the mystery is gone, preferences have been determined, plans have been made and we're just waiting for the already visible bigger picture — after fall interviews and some spring applications — to come into clearer focus. The next two years are just a long, comfortable engagement, and BarBri is going to make sure that we're well rehearsed for the wedding by the time we reach the state bar altar.

And the sight of 1L's brings it all gratifyingly home; not that last year was so bad, not that they are so conspicuous, not

that this isn't a wonderful time in their lives, that so much doesn't lie ahead, that maybe they have never felt this way before and that it couldn't be the real thing. It's just that seeing them tender and bemused at point A, from our perspective at much less bemused point B, makes us realize that in some way our relationship has evolved. Whether we're the more enlightened for it or not, whether we're the more certain that Harvard Law School really was the one, and whether or not further conjugal strife or bliss lies ahead, the first rocky rockin' times — the law school high highs and the law school low lows — are over. So bring on more loan applications and accruing interest, more casebooks and multilith materials, bring on the internal revenue code and agency law, bring on more journal work and free student organization food, resume revising and employee guides. It's quite simply that we've already been through some pretty darned ornery bits since we accepted the admission letter ring — the scenes in public, the broken dishes — so that it seems that what follows — joint tax returns, Hamburger Helper casserole, PTA newsletters — can only faze us so much.

Of course some medium highs awaited us at our return, like Langdell, which is actually no joke — no rich, plush, quiet, bright, vaulting, dee-luxe carpeted joke at all. And then there's the Hark's even higher medium-high

high with their new Seattle's Best brand coffee and those sexy domed coffee cup tops with the no-frills, no-anoyance, no-need-to-fold-back-some-stupid-plastic-flap drinking hole. Good stuff, both. And surely the lows aren't all behind us, and the 2L and 3L years will bear their own share of little disappointments and sticklers. Fall interviewing will certainly offer a whole series of new charms and challenges, a little something to bring the old magic back. There'll be the tie'n'shirt challenge for the brave few who choose daringly to eschew the white shirt for the patterned or colored one, and there'll be the pantyhose quandary for she who is unsure whether off-white is right for October, not to mention the ubiquitous, happy clickety-clack of heels and dress shoes, some friendly competition and career services camaraderie, and the general impression that we're important people doing important things; suits can make you feel that way.

Perhaps we should count our blessings that we've ended up in such a comfortable relationship, with such a good provider, you know, a solid bet, an education you can take home to your parents, one that will invest in life insurance and come home for supper. Who needs romance when you can have reliability? It's time to settle down.

Fenno

The last six months have been the roughest on Fenno since his unsuccessful 1984 campaign as Gus Hall's running mate. From the accusations of racism and anti-Semitism, the Billion Dollar Charlie debacle, and the infamous Bobby-Clark-and-roofie incident, Fenno's spirits were as low as they could get.

The depression hit hardest over the summer. Staring plaintively into a large glass of whiskey, Fenno finally understood that this year there would be no hiding under the protective shadow of Alex Boldizar's foreskin. The idea made Fenno shudder. And rightly so.

It came at a time when Fenno believed all was getting well again. Fenno was back on the road of respectability as a summer associate in Sullivan and Cromwell's flagship New York office. Fenno had enough money to fully support his alcohol and drug habits and, best of all, his wallet contained more cobwebs than the Hark's condom machine.

Fenno's future plans finally seemed to be firming up like an overblown mamoplasty. Fenno imagined the high life as a big firm associate in New York. The perks. The attractive members of the opposite sex. All the shrimp wrapped in bacon Fenno could eat!

Fenno was certain an offer would follow. Aside from the unfortunate first-class upgrade misunderstanding, and the slight grumblings over Fenno's in-flight expense report, all the signs were positive.

Fenno had successfully avoided performing any work all summer by feigning death any time an attorney approached. Half of the word processing department stared longingly as Fenno staggered to the rest room. And Fenno's colorful imitations of Don King and Ralph Nader during happy hour regularly left the partners in stitches. All that, plus two or three lunch offers every day, even on Sundays, could only

mean that Fenno was in with the big boys.

But as the end of summer approached, Fenno's world came crashing down. Balding white male #14 galloped up, smirking and breathing stale martini and Macanudo down Fenno's neck. "Boss fellow wants to see you posthaste."

"Why is it that people take so much pleasure in other people's misfortune?" Fenno thought, recalling the ecstasy in the faculty members' faces as they crucified Skippy for daring to suggest that professors do regular human things like sleep around and take cold frothy bong hits before class.

"Fenno," the boss began, his double chin quivering with disgust, "this time you've gone too far. We are willing to forgive the hydroponic garden in the copy room. We're happy to forget about the cadavers on the kitchen table. We don't even care about your passes at the managing partner's spouse at the summer formal —"

"You mean the Latin one?"

"Portuguese."

"Whatever."

"There are limits to our patience," continued Fenno's boss, beads of sweat forming on his pallid forehead. "As far as we're concerned, you could napalm a kindergarten and we wouldn't care, as long as every month you turned in your requisite billable hours."

"But ... I've been busy," Fenno stammered.

"Busy!" shouted the boss, leaping from his fur-lined chair. "We know how busy you've been! You see, we've been watching you. We hire extra associates from second-rate schools like Chicago and NYU just to keep tabs on you Ivy League brats. And we know where you've really been going when you take those daily trips to the courthouse..."

"No!" cried Fenno, reaching instinctively for his trusty flask.

The boss's face turned the color of Dennis Rodman's hair, whatever that may be. "How dare you ... how dare you even set foot into the legal aid office?"

Fenno sat stunned. Hand in the cookie jar, pants at the ankles, caught red-handed. There was no getting out of this one.

"You said during interviews that your firm lets associates do some *pro bono* work," Fenno whispered meekly.

"And you believed that?" laughed the boss. "Did you believe Bush when he said 'no new taxes?' Did you believe Charlie when he said he hadn't smoked a 'J' in two years?"

"Well, no ..." Fenno began.

"Exactly!" proclaimed the boss, lighting a cigar. "We tell you that *pro bono* sham so that you don't feel like an asshole in front of your other friends working the same hours for one-fourth the pay, doing the exact same meaningless crap from the other side of the machine. Shit, we at the firm enjoy a little charity work every now and then; even I sponsor a pig-roast for the NRA every year. But any effort more than symbolic is totally unacceptable. Just what were you doing there?"

What could Fenno say? Tell the truth, that everyone but the most unhip knows that the bureau is where the best bud in town can be found? That the receptionist there puts the bone in *pro bono*?

Fenno had become the first summer associate since Jeremiah Kasner '17 to be fired.

Next week: Fenno pads the résumé while going through a year's worth of free printed pages at Langdell.

Quote of the Week

"Doctors have an ingenious talent for inventing new orifices."

— Dr. Alan Stone, explaining one theory on the rising cost of health care.

welcome back to
Cheap tickets.
Great advice.
Nice people.

Council Travel

CIEE: Council on International Educational Exchange

273 Newbury St.
Boston
(617) 266-1926

12 Eliot Street, 2nd Fl.
Cambridge
(617) 497-1497

MIT Student Center W20-024
84 Massachusetts Ave.
Cambridge
(617) 225-2555

THE BOSTON CONSULTING GROUP

AMSTERDAM	BUENOS AIRES	HONG KONG	MELBOURNE	OSLO	STUTTGART
ATLANTA	CHICAGO	JAKARTA	MILAN	PARIS	SYDNEY
AUCKLAND	DALLAS	KUALA LUMPUR	MONTERREY	SAN FRANCISCO	TOKYO
BANGKOK	DÜSSELDORF	LISBON	MOSCOW	SÃO PAULO	TORONTO
BOSTON	FRANKFURT	LONDON	MUMBAI	SEOUL	VIENNA
BRUSSELS	HAMBURG	LOS ANGELES	MUNICH	SHANGHAI	WARSAW
BUDAPEST	HELSINKI	MADRID	NEW YORK	SINGAPORE	WASHINGTON
				STOCKHOLM	ZÜRICH

In conjunction with the Office of Career Services, The Boston Consulting Group invites all 2Ls and 3Ls to a presentation:

A Career in Consulting

*Presented by Senior Vice President
David H. M. Matheson, H.L.S. Class of 1980*

- *Tuesday, September 23, 1997 at 6:00 p.m.*
- *Sheraton Commander Hotel, Cambridge, Mt. Vernon Room*
- *Reception to follow with staff from North American offices*

North American, Australian, New Zealand Offices Contact:
Ms. Susan DiTullio
Phone 617-973-6030

The Boston Consulting Group
Exchange Place, 31st Floor
Boston, Massachusetts 02109

European Offices Contact:
Ms. Caitlin A. Foley
Phone 312-993-3158

The Boston Consulting Group
200 South Wacker Drive, 27th Floor
Chicago, IL 60606

Latin American Offices Contact:
Ms. Susana Gonzalez
Phone 52-8-368-8436

The Boston Consulting Group
200 South Wacker Drive, 27th Floor
Chicago, IL 60606

Asian Offices Contact:
Ms. Carolyn Scanlon
Phone 415-732-8050

The Boston Consulting Group
Two Embarcadero Center, Suite 2800
San Francisco, CA 94111

THE BOSTON CONSULTING GROUP

AMSTERDAM	BUENOS AIRES	HONG KONG	MELBOURNE	OSLO	STUTTGART
ATLANTA	CHICAGO	JAKARTA	MILAN	PARIS	SYDNEY
AUCKLAND	DALLAS	KUALA LUMPUR	MONTERREY	SAN FRANCISCO	TOKYO
BANGKOK	DÜSSELDORF	LISBON	MOSCOW	SÃO PAULO	TORONTO
BOSTON	FRANKFURT	LONDON	MUMBAI	SEOUL	VIENNA
BRUSSELS	HAMBURG	LOS ANGELES	MUNICH	SHANGHAI	WARSAW
BUDAPEST	HELSINKI	MADRID	NEW YORK	SINGAPORE	WASHINGTON
				STOCKHOLM	ZÜRICH

Harvard Law School 2Ls and 3Ls

Resume due by Monday, October 6, 1997

at the Career Services Office

Interviews are scheduled for Monday, October 20 at The Charles Hotel, Cambridge

North American, Australian, New Zealand Offices Contact:
Ms. Susan DiTullio
Phone 617-973-6030

The Boston Consulting Group
Exchange Place, 31st Floor
Boston, Massachusetts 02109

European Offices Contact:
Ms. Caitlin A. Foley
Phone 312-993-3158

The Boston Consulting Group
200 South Wacker Drive, 27th Floor
Chicago, IL 60606

Latin American Offices Contact:
Ms. Susana Gonzalez
Phone 52-8-368-8436

The Boston Consulting Group
200 South Wacker Drive, 27th Floor
Chicago, IL 60606

Asian Offices Contact:
Ms. Carolyn Scanlon
Phone 415-732-8050

The Boston Consulting Group
Two Embarcadero Center, Suite 2800
San Francisco, CA 94111

Overachievers Abound

Continued from 1L, p. 1

an Indiana farm. Another was Miss Washington National Teenager.

Two were Peace Corps volunteers: one in Hungary and another in Kazakhstan. One student spent seven years in Beijing working for CNN and leading hiking trips on the Great Wall.

Many have military backgrounds. The Army, Air Force, and Marines are all represented. One ex-Marine spent time in the west Pacific and Middle East. Another spent six years in the Navy. Another was a flight officer in Bosnia and the Gulf War.

The class has its share of jocks as well. There is a Pac-10 varsity football player and a Division 1 baseball player. One student played minor league hockey and another played professional basketball in France.

"I'm sure there are at least fifty other students who deserve to be in this year's entering class," said Joyce Curll, Assistant Dean of Admissions and Financial Aid, "But I don't think there's a single student who shouldn't be here."

Curll said that deciding which students to let in is a very involved process, to which the administrative staff and four faculty members on the Admissions Committee must dedicate a great deal of time and effort. There are currently no students serving on this Committee.

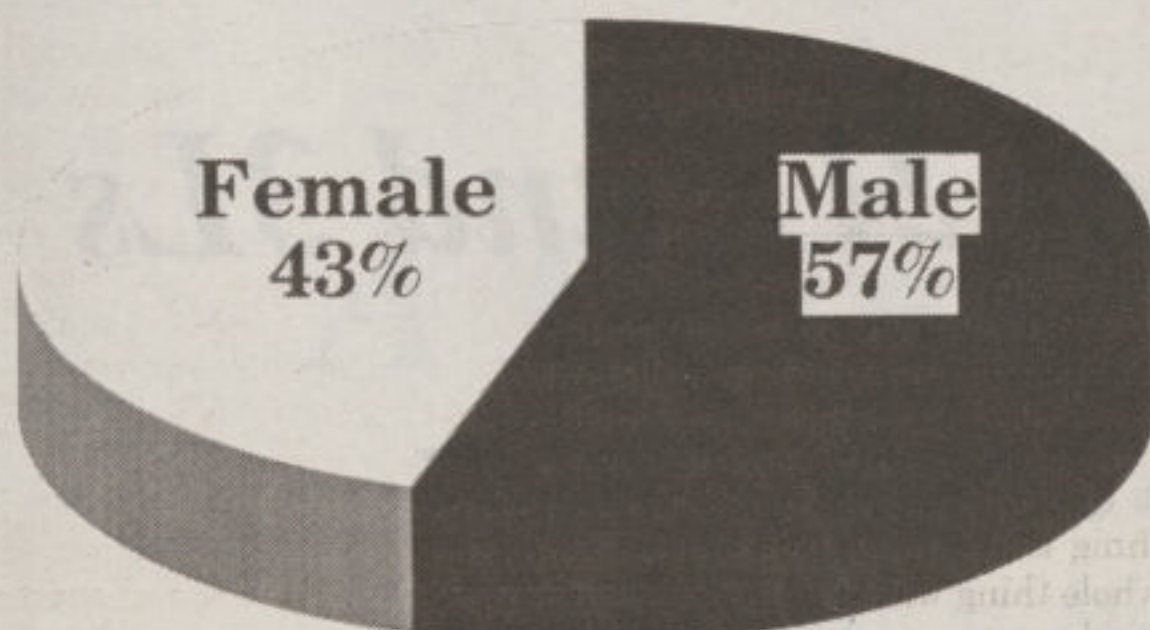
"The students are very involved at the recruitment end of things," says Curll, adding, "There are many who share their positive experiences at the School, either by calling prospective students or by serving as tour guides for applicants in the fall and for admitted applicants in the spring."

As for the criteria by which the new students were chosen, Curll said, "We basically take a holistic, Gestalt view of each applicant and ask ourselves: 'What will this person bring to the class? Have we already seen enough people who sounded like this?'"

The result is a multi-faceted melange of people from various social, ethnic and ideological backgrounds. The diversity is one of the biggest assets of the School, Curll said.

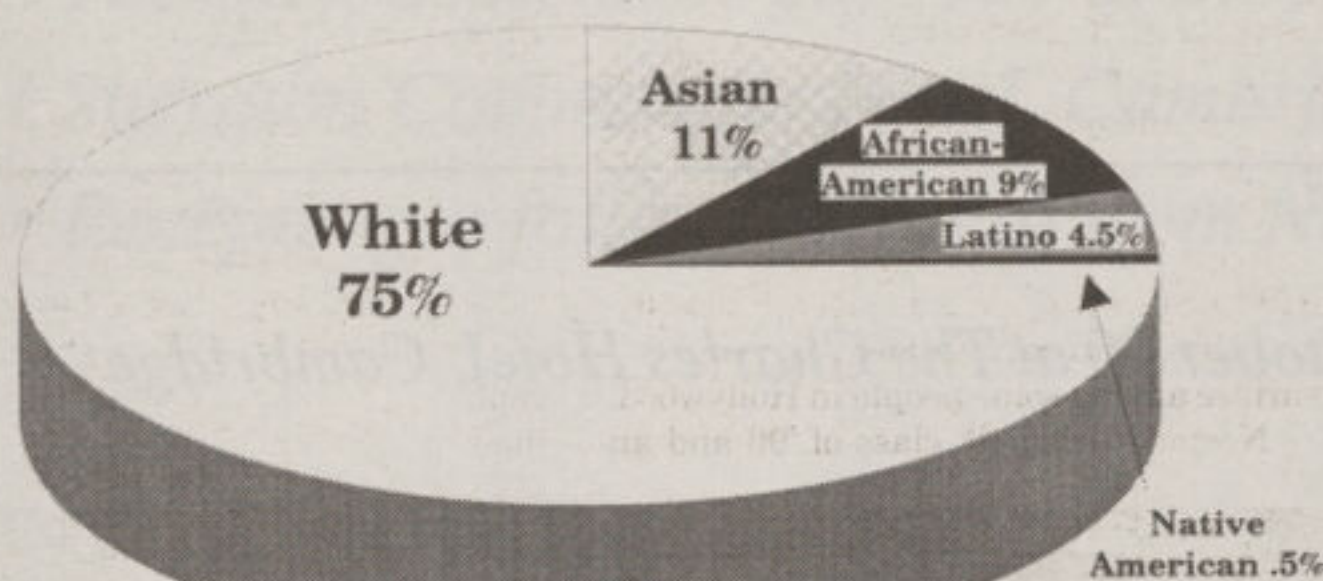
"In the end, the students will learn from their classmates just as much as they will learn from their teachers and books," Curll said.

The Class of 2000: Gender



Source: Harvard Law School Office of Admissions

The Class of 2000: Ethnicity



Source: Harvard Law School Office of Admissions

DRUNK DRIVING DOESN'T JUST KILL DRUNK DRIVERS.

If you don't stop your friend from drinking, who will? Do whatever it takes.

FRIENDS DON'T LET FRIENDS DRIVE DRUNK.

Ad

SPORTSGUY

Lord, Show Me the Money!



By Chris Manning '98

Sports Editor

The Lord works in mysterious ways, but few seem to understand this quite as well as Sean Gilbert.

Gilbert is a defensive tackle for the Washington Redskins, and widely considered to be one of the best pass rushers in the National Football League. Last season, for example, he consistently drew two and even three of the opposing team's pass blockers, thereby freeing up his teammates to pressure the quarterback. Obtained in a trade with the St. Louis Rams in 1996, Gilbert's play immediately reaped rewards for the Redskins pass defense (although against the run, Gilbert would have had better luck tackling the Metroliner).

Alas, at the end of the 1996-97 season, Gilbert's contract with the Redskins expired. To prevent Gilbert's departure, the Redskins named Gilbert their "franchise player." Each NFL team's franchise player is essentially joined at the hip to his current team, unable to test the free agent waters. In return for Gilbert's loss of market power, however, he is guaranteed a minimum of a one-year salary equal to the average of the five highest-paid players at his position. In Gilbert's case, that works out to a cool \$2.977 million for the 1997-98 season — an average of \$175,117 per week for the season.

This is where God comes in. You see, during the off-season, God entered the contract negotiations process on Gilbert's behalf (and if you thought Roger Fisher could get to yes, you ain't seen nothing yet). According to Gilbert's secular agent, Gus Sunseri, God — I am not making this up — has told Gilbert that his services are worth \$5 million per year (although during the negotiations process, God has appeared willing to let Gilbert settle for a paltry \$4.5 million per year). "[The dispute] is over money, but it's not about money. It's a spiritual thing," Sunseri said, "Sean feels he's had a revelation from God that this should be the figure."

I don't know about all of you, but once I heard this story, I started having some divine revelations of my own. Imagine going to Dewey, Cheatum, & Howe, and saying, "I'm terribly sorry, but I cannot accept your \$85,000 starting salary. Seems God thinks I should be earning \$5 million. I'm sure you understand." Oh, that'll fly (if you're David Boies). Of course, the Lord's Name doesn't carry as much weight in the legal community as it does in the NFL. We all know that you won't find too many lawyers in heaven.

Being a good, God-fearing organization, however, the Redskins were willing to negotiate, offering Gilbert a five-year contract worth \$3.6 million per season, plus a \$5 million signing bonus. Our modern-day prophet, however, was unwilling to deviate from his divinely-ordained figure. At \$5 million per year, Gilbert would conveniently become the NFL's highest-paid lineman, on offense or defense, and one of the top-paid players in the league. And in today's theater of the absurd National Football League, players think that if they're paid more than anyone else, they must be better than anyone else. Thus, there's a lot of incentive for players to roll the dice in salary negotiations. And Gilbert is one holy roller.

Unfortunately, in demanding \$5 million per season, Gilbert appears ready to martyr his career. He has already missed all of preseason training camp, as well as two of his team's regular season games, resulting in a loss of more than \$350,000. (Show me the money!) He could sit the entire season, although if the Redskins again choose to make him their franchise player, they'll all be back where they started. And even if the Redskins release him, any other NFL team would be hard pressed to justify paying \$5 million per season to any player who has not seen action for over a year. I just hope Gilbert is checking his spiritual voice mail.

God is also speaking to Michael Chang, but Chang is hearing a different message entirely. Chang has quietly become the second-ranked tennis player in the world with a work ethic that is truly amazing. Chang hustles after every shot as if he's a rookie pro trying to make enough to cover his rent, yet his hustle has paid off in millions of dollars in winnings and endorsements. As Petr Korda puts it, "If you don't have legs, you can't beat Michael Chang." Given his intense and prolonged efforts, you know Chang must be exhausted after each match, yet he remains in the tennis complex to sign every last autograph and signing each one, "Jesus loves you. —Michael Chang." He certainly doesn't act as if he's counting the zeroes on his checks.

The world of athletics is clearly accustomed to the presence of a Supreme Being. Players routinely give thanks to God (or Allah) after a stellar performance. Many players, win or lose, thank their Supreme-Being-of-Choice just for the opportunity to compete. Some, like Chang, use their success as a means to expose others to their religious message. Even less devout players have been known to raise the Lord's Name, although it's usually accompanied by a certain four-letter word (no, not "golf," although there's a reason why that's a four-letter word as well).

In Gilbert's case, however, I am reminded of something a high school coach of mine once said to our team after a rash of this latter sort of verbal less-devotedness: "I'm sure God has much more important things to worry about." In our case, God probably could have cared less about whether our team could catch and throw the ball. In Gilbert's case, God's probably not too concerned about Sean Gilbert's earthly glory as measured in dollar signs.

The Lord may work in mysterious ways, but there's no mystery to why Michael Chang continues to savor the thrill of victory (and a paycheck), while Sean Gilbert continues to watch, and wait, from the sidelines.

Watch for the 1997 HLSFL (Harvard Law School Flag Football League) preview next week.

This will be Chris Manning's last SPORTSGUY column, as he is currently training for a career as an NFL franchise player.

From Harvard Straight to the Tube: As Writers and Producers, Graduates Find They Can Make a Lot of Money in a Hurry

By James Sterngold, New York Times

Richard Appel was a Harvard man for the 1980's. He graduated with a degree in history and literature in 1985, went directly to Harvard Law School, like many of his classmates, and later joined the United States Attorney's Office in Manhattan, a conventional step in a high-flying career.

And today? Mr. Appel is a Harvard man for the 1990's: he writes for "The Simpsons."

Welcome to the other Hollywood. Without a doubt, the movie industry continues to be the most visible and glamorous side of the entertainment field. But head over to the second most fashionable tables at the city's must-see lunch spots, or peek inside some of the biggest houses in Los Angeles's toniest neighborhoods, and you will find the frequently better-paid and at times better-educated writers and producers of television shows.

Prime-time television may be reviled in intellectual circles for its supposedly lowbrow sensibilities, but many people in the medium regard this as a second golden era, both in terms of money and the quality of writing.

Few things demonstrate the growing attractiveness of the field more than the presence of dozens of Harvard graduates (as well as many other Ivy Leaguers), particularly in the realm of comedy. Writing staffs of shows such as "The Simpsons," "King of the Hill," "Saturday Night Live" and "The Late Show With David Letterman" have come to look like Harvard alumni clubs.

Many other shows, including "Party of Five," "Cracker," "News Radio," "Third Rock From the Sun," "Seinfeld," "Veronica's Closet," "The Larry Sanders Show," "Suddenly Susan," "Murphy Brown" and "The Naked Truth," have or have had Harvard writers and producers and even a few Harvard-educated actors. It is a career path that, as many of these people admitted, at one time seemed déclassé by Harvard standards, but has gained considerable cachet with the soaring salaries and numbers of graduates heading out here.

"It's like there's a conveyor belt of people now coming out here," said Mr. Appel, who added that many of them, like himself, had worked at The Harvard Lampoon, long a launching pad for television comedy writers. ("The Lampoon has been the end of many a promising career in cancer research," said David Sacks, class of '84 and a co-executive producer of "Third Rock From the Sun.")

These people are, of course, endowed with varying degrees of talent. But, more important, they tend to be exceptionally ambitious, and the world of television now has credibility as a place that bright young Ivy Leaguers can go to show off their skills, something they were far less likely to do a generation ago.

Jonathan Aibel, class of '91 and a writer at "King of the Hill," said he recently went to a reunion and spent time with two classmates who are currently law clerks to United States Supreme Court justices. He said he had feared some subtle sense of rejection but was pleasantly surprised.

"They said they enjoy the show," he said. "It was really good to hear that."

It is a business that pays huge sums even to very young people and is rising in prestige because of heavy media coverage. It requires not bursts of output and solitary efforts, as in writing screenplays or novels, but an ability to churn out consistently snappy scripts in collaboration with other writers, week in and week out.

"It's the same thing motivating these people that motivated graduates in the past, just in a new area," said Carolyn Strauss, class of '85 and a vice president for original programming at HBO. "The focus of money and power just shifted in a way."

At a show like "The Simpsons," fairly

typical for sitcoms, a story editor, who holds one of the most junior positions, earns about \$110,000 in a 22-episode year. (Payment is made by the episode.) The job of supervising producer, a mid-level writing position often reached after a few seasons, pays roughly \$550,000 a year, and the top writing job, that of executive producer, \$700,000 to as much as \$3 million a year.

By contrast, the top salary for a first-year associate at a major New York law firm is roughly \$86,000 a year, a figure that rises to about \$170,000 after five years, according to the National Association for Law Placement.

"I think we'd all be doing this even if it paid \$16,000 a year," insisted Bill Oakley, class of '88 and a consulting producer of "The Simpsons." "But it does help that you can make as much after a few seasons as someone who's been at a law firm for 40 years."

Steven Peterman, class of '72 and an executive producer of "Suddenly Susan," said, "This has become a fast-track place where a smart person can make a lot of money in a hurry."

It helps, too, many said, that television shows are run by writers rather than deal makers. This produces a work environment that many regard as more intellectual and more in touch with the craft than film, which some writers complain is an endless series of pointless meetings.

"In television you work for other writers," said Jonathan Collier, class of '83 and a consulting producer on "King of the Hill," which was created in part by another Harvard alumnus, Greg Daniels, class of '85. "In film, you work for people who want to have lunch with you."

Indeed, there is a sort of reverse snobbery now, with many television writers looking down on film as generally less interesting than good television.

John Romano, an executive producer and co-creator of "Michael Hayes," a one-hour drama series that will make its debut this fall, was an English professor at Columbia University before coming to Hollywood. He said he had been drawn here in part because he felt that the literature of the medium was more interesting than movies, or even many of today's novels.

"Television dramas are genuinely intelligent and interesting in the complexity of the situations in which you can put your characters," said Mr. Romano, who attended Yale, not Harvard. "Television in that sense is rich in character and complexity, even in a way film generally is not. There are many writers who find film language poor. And the novel has really turned inward."

Heavy news coverage of the television industry has also added sex appeal to the business. "In the 1980's investment banking got the same media play that Jamie Tarses gets today," Ms. Strauss said, referring to the embattled young president of ABC Entertainment.

And one should not underestimate the draw of the relaxed character of the television writing business, in which a pressed shirt is as welcome as a tie-dyed T-shirt and dreadlocks in a corporate boardroom.

"There's a tremendous amount of work, a tremendous amount of competition, tremendous job insecurity," Mr. Sacks said. "There are lots of periods of unemployment. Nevertheless, just the opportunity to show up and work in jeans and a T-shirt is a huge magnet to young people."

Which is not to say there is not a knee-jerk defensiveness among these Harvard graduates.

"Yeah, I have had encounters with people recently who thought not only that television writing was for morons, but have said things like, 'Don't you of all

people wish you wrote for something more positive?'" Mr. Appel said.

Mr. Appel, who is married to the novelist Mona Simpson, said he never felt a need to apologize for his work in her literary circles but added, "I guess you can't help but be a little defensive."

Irene Ng, a Harvard pre-med student who stars in a Nickelodeon show, "The Mystery Files of Shelby Woo," said there was still some divisions among students in their views on television.

"One group is fascinated by television and impressed and happy for you," Ms. Ng said. "They think it is really just great. The other group is like, well, one friend said: 'Acting on TV, it doesn't help people. It's so self-promoting.' I do get a sense that some people think that working in TV's not socially responsible."

William Wright-Swadel, head of Harvard's career services office, said that the largest number of Harvard's 1,600 or so graduates each year still went into

"It does help that you can make as much after a few seasons as someone who's been at a law firm for 40 years." – Bill Oakley, consulting producer of 'The Simpsons.'

what he called "the big four": law, business consulting, medicine and investment banking. Nevertheless, he said that a media fair, the first ever, was set up last November to introduce students to jobs in the entertainment business. It drew nearly 800 students in a half-day.

"The thing that was important was that the whole thing was student-generated," he said.

Lucy Fisher, class of '71 and the vice chairman of Sony Pictures Entertainment, said that for a number of years she had hired her assistants from Harvard. She said she no longer did so but that she was receiving a growing volume of inquiries from undergraduates.

"If I opened those floodgates, I know about a zillion Harvard people would come out here," she said. "There's a lot of interest."

Some Harvard graduates said they had had to conceal their alma mater because of anti-intellectual attitudes just below the surface among some people in Hollywood. Nestor Carbonell, class of '90 and an

actor who plays Luis, the passionate Latin photographer, in "Suddenly Susan," said he had hid his Harvard background at times because some directors thought he could play only highbrow parts, not street toughs.

But the name and the network can clearly help. Christopher Keyser, class of '82 (and class of '85, Harvard Law School), is the co-creator and executive producer of the drama "Party of Five." He said he had never obtained a job because of his Harvard connections, but he admitted that they could help get a young writer a second look, which can make a big difference. "The world is an unfair place like that," he said.

But, he insisted, "there is not a secret handshake."

All this still leaves open the question of whether these well-educated writers are raising the quality of prime-time television or trying to appeal to what some critics describe as the lowest common denominator. GQ magazine raised the issue several years ago in an article titled "Smart People, Dumb TV."

For their part, the writers tend to regard their work as lifting the quality of television, citing the popularity of their shows as evidence.

"For me it's the perfect synthesis of high and low," said Mr. Sacks of "Third Rock From the Sun." "You can make a great insight into the human condition and then have a guy tumble down a flight of stairs."

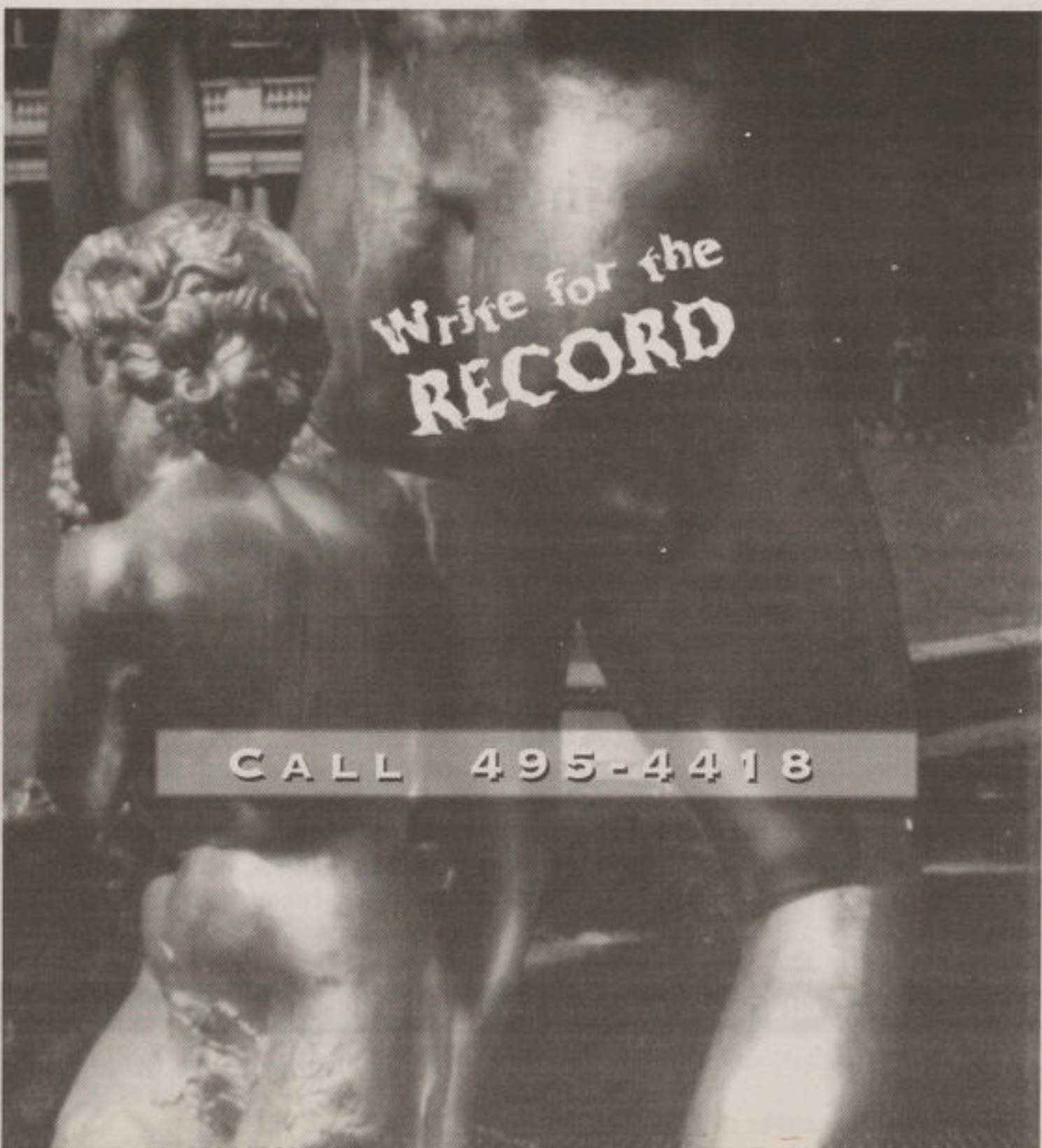
Well, let the reader judge. Mr. Sacks cited a "Third Rock" parody of the show "E.R.," in which the characters in his show, aliens in human form, had insinuated themselves into a hospital, pretending to be physicians.

"When's our next shift?" Sally asks. "Hard to say," Harry replies. "We're not doctors."

"I can't wait to go back to that place," Tommy says. "It's like Disneyland. Only with a really high fatality rate."

In another episode, which is to appear on Halloween, Tommy and Sally buy costumes at a shop and dress up as Sonny and Cher. Dick, the group's leader, asks who they are supposed to be.

"Julius and Ethel Rosenberg," Tommy replies. "But I think the guy at the store made a mistake."



Y RECORD

America's Oldest
Law School
Newspaper

35 CENTS

Friday, December 6, 1997

Professors Consider Slashing Student Body, Packaging 2L Basics

By Jaelyn Liu

The Harvard Law RECORD, America's oldest law school newspaper, invites you to an information session. Come and learn how you can get involved in HLS's prime information source.

The RECORD is read by the HLS community and most alumni, including partners, judges, DAs, i.e. the people who hold your future in their hands.

*Newspapers quote us.
The Administration fears us.
The Faculty listens to us.
The Students trust us.*

Get involved! Come to an information session on Tuesday, September 9 at 6:30 p.m. in the RECORD office, located in the basement of Ames. Feel free to call 495-4418.

One phone call will change your life.

*Shakespeare!
Nietzsche!
Dershowitz!
Proust!*
*One of these people has
written for the RECORD*

News Writers

Editors

Production Staff

Cartoonists

Columnists

No experience necessary. Commitment may lead to paid positions.