



Camera Shy



RECORD Photo/Timothy Kiefer

A member of a movie crew urges passers-by not to ruin the shot during filming last Saturday afternoon in Brattle Square.

LEC Proposes New Faculty Constraints

By Janie Kim

The future of HLS may include public disclosure of faculty who submit late grades, more faculty judges for Ames, and even free lunches for students and professors, according to a report issued by the Legal Education Committee.

The recommendations are "just the first incremental steps of a campaign to address issues of faculty and student engagement," said Committee Chair Prof. Richard Parker '70. "This is not some grand study."

The report, which is structured as a set of 12 recommendations, has been submitted to

Dean Clark '72 and the faculty at large for their consideration. The proposals would have to be approved by a faculty vote in order to take effect.

The report addresses the general institutional culture of the Law School, described in the report's preamble as "worse than in many of our peer schools."

"I don't know that there is a great or close relationship between student and faculty," said Rob Edmund '98, a student representative on the Committee. "If we make culture a higher priority, we can build on these first steps, and a better place will materialize."

Please see *LEC*, p. 6

Student Drive to Save Hemenway Takes Off

By Jane Ohgami

As part of a last-ditch effort, Law School Council members have proposed two ideas to keep its Hemenway athletic facilities available for HLS students: registering the gym as a historical site and promoting a letter-writing campaign to save the gym.

"Hemenway was one of the first college gymnasiums, and it was built by a man who was very dedicated to college athletics," LSC secretary Betsy Rosenblatt '99 explained. "So the idea is, that the place would have to be maintained as an athletic facility."

Rosenblatt added that the status of the historical site proposal remains uncertain. As LSC Rep Eric Cesnik '00 characterized the plan, it would likely be a measure of "last resort."

"I'm not against it. I per-

sonally don't know if it's a wise move," Cesnik said, explaining that historical preservation would require that the students apply to the City of Cambridge for a nomination.

"It makes more sense for students to try to work within the University first. If Harvard remains unresponsive to this legitimate student concern then, perhaps, we should look at other options," Cesnik added.

Instead, Cesnik and Mike Leitner '00 have organized a student drive to petition the Harvard College Faculty of Arts and Sciences administration to put the gym under HLS's control.

"The letter writing campaign, I believe at least, is the most likely way we will preserve and improve the gym," Cesnik said. "We have 1600 flyers prepared and just from

Please see *HEMENWAY*, p. 7

Nader '58 Warns Students Against Corporate Culture

By Eric Johnson

Ralph Nader '58 portended a grim future for students on the corporate-firm career track, telling students "an empty feeling" could await them at retirement.

In front of nearly 200 students in Pound Hall 102, at a speech sponsored by the HLS Forum, Nader blasted law firms that service America's largest corporations.

Nader started the address,

entitled "Corporate Power and Corporate Law Firms: Where Some of You Are Heading," by weaving a tale of HLS in the late '50s as a factory for corporate lawyers.

"We had a course called 'Landlord/Tenant,' and we never got to the tenant," Nader said.

The Law School's lack of a critical eye toward corporations was not the only thing that bothered Nader.

"It wasn't a very happy time." He made the audience laugh

with a story about how students regarded him incredulously when we wanted to stop to listen to music in the Hark instead of going directly to the library. It was November and they were worried about studying for post-winter-break finals.

"Going to Harvard Square was like a trip abroad," he said.

Nader said he recalled being told in an orientation speech, "You are now members of the law profession. There are no glee clubs at Harvard Law School."

While he was happy about the changes that have come to HLS over the years, including courses in poverty law as well as clinical programs, he still decried the emphasis on producing lawyers for corporate firms.

"You don't even have to go up the ladder. You're on an escalator, just stay on," Nader said. "You'll get along by going along and you won't give it a thought."

But once students have worked 2000 weeks and 15,000 days for corporate clients and head into retirement, Nader said they would be dissatisfied with what they had done with their lives.

Nader encouraged the students to work in the public interest sector instead. "Move from success to significance," he urged the crowd.

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Law School Expansion Looms Over Three Aces

By RECORD Staff

The Law School has purchased the building that houses Three Aces Pizza Restaurant, according to Prof Richard Parker '70.

In an interview with the RECORD this week, Parker said that HLS plans to expand in the direction of Porter Square.

"The Law School has purchased that space at the corner of Everett & Massachusetts [1607-13 Mass. Ave.], Parker said.

Parker said LEC is concerned the current "lack of a

common space [serves] as an impediment to informal social, professional and pedagogical interaction." Parker said he hopes the building purchase may make available new "common ground" for students and faculty.

"We should start planning now," said Parker.

The site currently houses several small businesses along with Three Aces, including Crimson Cleaners, the clothing store Looks, and a barber shop.

Parker said HLS would need to extensively clean the site be-

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HLS Students Learn Advocacy, Organizing Skills at Workshop

By Ben Lehrer

Nearly 30 students gave up their weekend to attend a workshop entitled "Lawyers as Organizers." The workshop was led by Jackie Kendall and Steve Max of the Midwest Academy, a Chicago-based activist training center.

The event was organized entirely by HLS students. Finan-

cial support was provided by student organizations and institutional sources.

"A number of students looked at what was missing from the existing curriculum and realized that students weren't learning the practical skills they would need to be effective advocates in the real world," said Matthew Freedman '99, one of the event's principal organizers.

"We're taught analytical

skills, statutory interpretation, and legal writing, but in the real world, prevailing outside of the

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RECORD Photo/Ben Lehrer

Students storm a simulated city council meeting during last weekend's organizing training.

29 Years Ago in the RECORD



Mike Lacey

Prof. Detlev Vagts fields student queries fired at him during last week's 'study-in.'

Harvard Sit-in Stirs Students

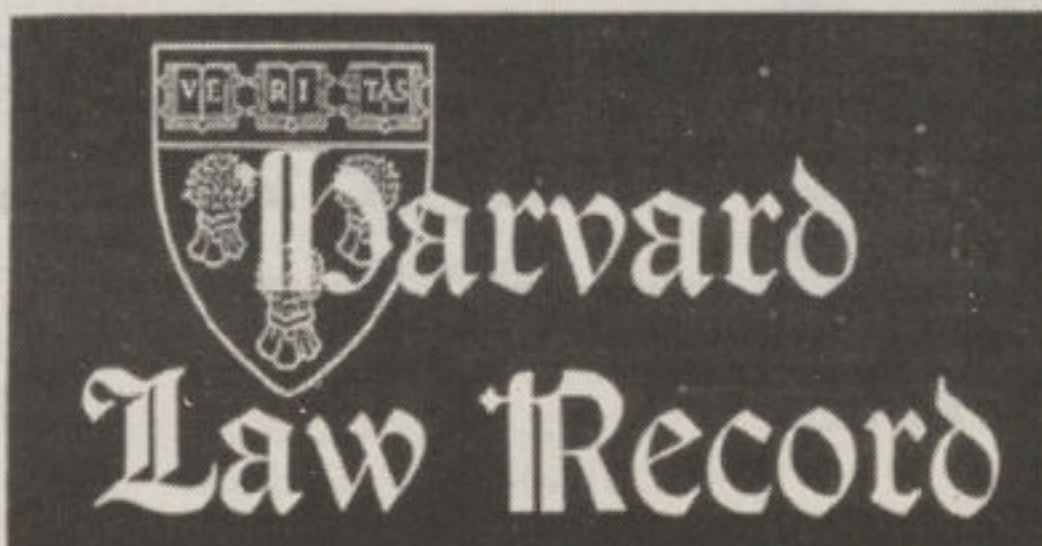
By Richard Hoffman

"We are worried," said Professor Louis Loss, who was addressing about 200 law students while he stood atop a table in the state-report section of the law library last Wednesday at about midnight. "For the first time I've heard colleagues I love and respect say, 'Why am I here?'"

It probably wouldn't make him feel better but Professor Loss isn't the only worried soul to be seen around Harvard Law School these past two weeks. With first-year students watching time run out on reforms by exam week, upperclass law students realizing that the 1Ls aren't the only ones under pressure, and faculty members wondering what happened to the alleged "golden age of Harvard Law School," it's been two meeting-packed weeks of argument, demands, colloquia, strike and confrontation.

And at the law library "study-in" where Professor Loss (and about twenty others) spoke, one could see that law students had grown more concerned about the Law School after a week of observing Harvard Yard goings-on. Indeed, a suggestion that the study-in discuss the eight demands of the Harvard College strikers was hooted down in favor of a free-flowing give-and-take session on grading, evaluation and alienation at Harvard Law.

True, the limits of disruption and dissent were considered in a crowded Ames Courtroom on Friday afternoon, April 11, the same day that the Law



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School was faced with a strike of classes in sympathy with the much more effective walkout by Harvard undergraduates. And almost 500 people spent the next afternoon discussing anything and everything about the events following and including the seizure of University Hall in the Yard by members of Students for a Democratic Society and other radicals.

Theorists and practitioners at the Law School had to make up their minds about the propriety of the police raid early on Thursday, April 10, which ended the University Hall sit-in but not the ferment which fired up almost everyone at the University. Multitudes converged on Harvard Stadium last Monday, April 14, to decide whether to maintain the University-wide strike (it was extended for three additional days).

When their reconnaissance agent passed the word to the Harvard Voluntary Defenders leadership that the bust had begun, members of the group were heading for the Third District courthouse in East Cambridge while paddywagons which said "Watertown Police" on the side were still loading in Harvard Yard. It was a long day for the defenders who gathered information about those arrested so as to arrange for them to be represented. It was a lot longer for the kids in the cells.

(Continued on Page 2)

Study-in Boosts Communication

(Continued from Page 1)

On the night of the library study-in, at about 1:30 a.m., Robert O'Connell, 1L, who's led the campaign for revamped decision-making at the law school, outlined his impressions of the two faculty meetings he had attended in three days. On Sunday, April 13, about twenty students "who had shown a good deal of interest in the problems" were invited by the school administration to the meeting to contribute thoughts for a resolution concerning the sit-in, the bust, the strike and the decision-making process.

A resolution was duly passed at 1:30 a.m. Monday after about six hours of discussion. The faculty resolved that it was "deeply concerned about the events of the past few days and . . . determined to join with the rest of the university community in the effort to redress the harm" and prevent its repetition.

The professors went on to oppose efforts to disrupt the University and to favor consultation with student and faculty representatives should a need for police intervention again arise. A call for University-wide decision-making was also made.

In outlining the growth of faculty power over the years in American universities and speculating on the subsequent moves by students to gain a share in running institutions, Professor Clark Byse recalled at a colloquium on the Saturday after the bust that he had asked Professor Emeritus Austin Wakeman Scott, who had knowledge of Harvard decision-making for half a century, how often the University Council, which represents all parts of Harvard, had met. "A couple of times to consider unimportant issues," Scott recalled.

O'Connell, having attended one faculty meeting, was not about to sit back in an easy chair and light



Mike Lacey

Prof. Countryman, Cox and Fried plus an SDS member discuss the issues at a Law School-sponsored colloquium. Richard L. Brodsky was the moderator.

up a fine Havana. Two days later, on Tuesday, April 15, he again sought admission and had a harder time. He wasn't needed to provide ideas for a resolution this time. In fact, he wanted to talk about student participation. Others sought entry too: grade reform was their bag.

Eventually O'Connell and another 1L, Jon Asher, representing "The Trouble With Grades" reform group, were ushered in, heard out, and sent away. When he got up to talk about it at the study-in last week, O'Connell charged he'd been had. The faculty feared a sit-in at the Tuesday meeting if students weren't allowed to participate to some extent, O'Connell contended. Then after the silently observing students departed, the faculty claimed its resolution was a faculty-student writ.

So students were summoned and then dispatched without ever uttering a word. But after O'Connell and Asher spoke their minds at the Tuesday meeting, a format for student participation was drawn up by the faculty.

For the last three meetings this year, six students or more, selected by the dean from the students meeting with faculty committees or having a particular interest in problems under discussion, will attend faculty gatherings and participate in discussion. Fourteen second-class participants will be selected from anyone interested enough to sign up and they may "also contribute to the discussion if sufficient time is available for this purpose."

Dean Derek Bok and the faculty will probably be pleased to learn that O'Connell and his fellow advocates of student participation in Law School decision-making feel that progress has been made with the plan adopted for this year. The professors proved they could move.

Next year, however, the rhythm may shift, for the would-be student participants haven't given up on gaining voting power at the meetings. Now that the Law School faculty has shown its willingness to open the door to at least 20 silent students, the students no longer suspect total faculty opposition to their presence. Their fired-up expectations are not about to cool off.

"Several proposals to 'restructure' Harvard have been put forward as issues of the strike. Although they may seem an appropriate response to the SDS and Afro demands, in fact they are totally antithetical to those demands. Tactically, such 'student power' or 'restructuring' demands play directly into the hands of the Corporation and those so-called student leaders who are out to establish themselves and save the Corporation from the growing threat of a successful strike on the Eight Demands." — "Student Power is a Trap," handout written by three Harvard-Radcliffe SDS members, distributed at 1st Stadium rally.

You could tell there were almost 10,000 people at Harvard Stadium on the Monday after the bust because it's impossible to fit more than 43,000 or so in even when the extra stands are set up. The place looked at least one-third filled.

The sun beat down upon the remarkable session and when word got out after the meeting was two hours old that there were 10-cent Cokes available under the stands, it was surprising there wasn't a panic.

But history teaching fellow Lance Buhl ran a well-organized meeting. There were three mikes

Twenty-three Receive Kaufman Fellowships

By Ben Lehrer

The Office of Public Interest Advising (OPIA) announced the 1998 recipients of Irving R. Kaufman Public Service Fellowships. These fellowships are awarded each year to HLS 3Ls and recent graduates pursuing careers in public service.

The fellowships were established in 1989 with a gift of \$1 million from Walter H. Annenberg, philanthropist and former Ambassador to England. They are named in honor of Judge Kaufman in recognition of his over 40 years of public service.

"Harvard has created in my name a permanent fellowship to promote public service — the first and only one of its kind," Judge Kaufman said at the program's launch in 1989.

Past fellowship recipients have proven dedicated to the cause of public interest. Of 75 total Kaufman Fellows, only two have left to join private firms.

"The Kaufman Fellowships are one of the crown jewels of the public interest program," said OPIA director Stacy DeBroff. "These fellowships make it economically feasible for graduating stu-

dents to take the lower-paying jobs across the spectrum of public service work."

Award recipients are chosen by a selection committee consisting of Profs. Todd Rakoff '75 and Christine Desan, DeBroff, and Dean of Students Suzanne Richardson.

"The fellowships are meant to reward people who have shown a commitment to public interest and have good backgrounds and ideas on how to use their skills for this cause," said Desan.

Fellowships range from \$1,000 to \$5,000, depending on the recipient's salary. The awards are not counted as income for the purposes of the Low Income Protection Plan (LIPP).

Each year, OPIA sends Annenberg a list of award recipients. "And in return, each year we receive a glowing letter from the Ambassador," DeBroff said.

The program "is enabling more legal and social services for the benefit of the public," Annenberg wrote in 1992.

The number of fellows has increased since the program's inception, while the number of students choosing public interest jobs has steadily declined.

This year's award recipients will be working in a wide variety of public service jobs. Four will be working for the

government, including two assistant district attorneys, and a number of winners intend to start non-profit advocacy groups.

"We define public interest broadly," said Desan. "The committee looks at each applicant's vision and desire to ad-

vocate for the public. We're very inclusive."

"It's a really good, diverse group," said Dean Clark '72, adding that he wished that more fellowships went out to people doing government work. "I think that was the original spirit of the program."

Kaufman Fellowships

Elizabeth Barclay '98	Meg Obenauf '98
Yellow Light Breen '96	Christiana Ochoa '98
Jennifer Y. Buffaloe '98	Melissa A. Rodgers '98
Amy E. Copperman '98	Michael Rosenbaum '98
Scott Cummings '98	Daniel Schorr '98
Stephanie Jill Gendell '98	Tamatha Richardson Schreinert '98
Michelle Guerardi '98	Susan Snyder '97
Tamara Jezic '98	Lauren Song '97
Shannon Liss '96	Jacquelyn Steadman '98
Brendan Lynch '98	Elizabeth Wilcox '98
Amanda Maisels '97	Elizabeth Yap '97
Amy Mayer '96	

Kaufman Renewal Grants

Maria Henderson '97	Kevin Reuther '95
Philip Hwang '96	Brad Sears '95
Cathleen Price '96	Susan Vickers '97

Wilkins, Soultanian to be Honored at Commencement

By RECORD Staff

Prof. David Wilkins '80 and Caroline Soultanian will receive the annual awards presented by the graduating class during the 1998 HLS Commencement Ceremonies.

Wilkins described himself as "very shocked and proud" to be receiving the Albert M. Sacks-Paul A. Freund Award for Teaching Excellence at the 1998 HLS Class Day Ceremonies on June 3. He was elected to receive the award by a vote of the full Class of 1998, including J.D., LL.M., and International Tax Program candidates. The award is given each year by the graduating class in recognition of commitment to excellence and demonstrated interest in the quality of the student experience.

"It's a great honor to receive this award for two reasons," said Wilkins, who teaches courses in Legal Ethics and

Legal Profession. "One, I'm very pleased to get this kind of vote of confidence and appreciation from my students. I became a teacher primarily because I wanted to have a positive difference in the lives of young people. But it's also a great honor to me because Al Sachs was a great mentor of mine in my years as a junior professor here, and I am very proud to receive an award given in his name."

First Class Marshal Michael D. Rosenbaum '98 praised the selection of Wilkins, citing "his engagement in our lives this year, not only through his terrific teaching but also through his commitment to student-organized activities such as the Charles Hamilton Houston Symposium." The symposium honored Houston '22, a prominent civil rights pioneer.

"We are grateful to Prof. Wilkins for his wonderful teaching, for his respect for us as students, and for his interest in

making HLS a better place for us to learn," Rosenbaum said.

For the second year running, Caroline Soultanian, Administrative Coordinator in the Registrar's Office, was elected to receive the Staff Appreciation Award at the Class Day Ceremonies.

"I am just so overwhelmed, to put it in a nutshell, I have been on cloud nine since Michael Rosenbaum gave me the memo nominating me for this year's award," Soultanian said. "A big thank you to all the students for their continuous support of my work and for all the kind notes I have received from them over the year. It is my pleasure to serve such a wonderful group of students."

Soultanian also praised Registrar Steven Kane for his help and support. "He is a great administrator," Soultanian said. "My style of work is a reflection of his. Fortunately, neither of us are bureaucrats who sit behind their desks, full of their own importance, hiding behind

shut doors. Steve is a great people person and in this age of computers, voice mail, and e-mail, it is nice to still have that human touch and be allowed to use that human touch."

In early March, nearly 100 HLS students signed a letter to the RECORD expressing their gratitude for Soultanian's work in the Registrar's Office. "In our routine interactions with her, we students have sensed that Caroline truly enjoys her job," the letter read. "Unlike so many other administrators, she never makes us feel we are wasting her time or that our confusion with relevant procedure is illegitimate."

"We all know of Caroline's tremendous dedication and real commitment to our concerns and experiences as students," Rosenbaum said. "Her great work to help us navigate the intricacies of Harvard Law School rules and regulations is nothing less than angelic."

First Sacks Fellows Named

By RECORD Staff

Earlier this week, the Albert Sacks Research Fellows Program held a dinner at the Faculty Club in honor of the first class of Albert Sacks Research Fellows, each of whom receives a \$500 stipend to conduct independent research addressing the legal needs of low-income people over the course of the 1998-99 school year.

The introductory class of Fellows will be comprised of Sophie Elisabeth Bryan '00, Andrew Ehrlich '00, Rachel Jones '00, Susan Lewis '00, Nicholas Lundgren '00, Kimberly Thomas '99, Heather Bashwiner '99, Janice Ugaki '99, and Michael Hickey '99.

Each Fellow is to be paired with an HLS professor as well as a professor from another University school in order to foster an interdisciplinary approach to addressing the legal and social issues facing low-income communities.

Named in honor of former Dean Albert Sacks, the goal of the Fellows Program is to focus attention and develop a high-quality clinical program focusing on empirical research on issues which affect the low-income community. The Fellows were joined at the dinner by Dean Sacks's wife, Delle, who commended the Fellows for their commitment to research and shared some of her own experiences investigating fair housing issues in the Boston area prior to the passage of the Fair Housing Act.

The six projects selected will explore

a diverse group of civil and criminal topics and involve a variety of research methods:

- Bryan will investigate the effects of welfare reform in Harlem under the direction of Katherine Newman, a Professor at the Kennedy School of Government.
- Lundgren, also under Newman's supervision, will develop Harlem neighborhood analyses using GIS, a computer mapping technology.
- Ehrlich and Jones plan to work as a team to examine various Massachusetts youth offender prevention programs from the public defender's perspective.
- Lewis, who will be supervised by Prof. Monica Roizner of the Medical School, will work to develop better communications between the legal and medical fields with respect to the needs of substance-abusing mothers in the Latino community.
- Thomas and Bashwiner plan to compile an oral history based on interviews they conduct with female prison guards.
- Ugaki and Hickey will evaluate small employers' perspectives on child care provisions. They hope to develop an approach that could be replicated throughout low-income communities.

The Fellows were selected in April by a faculty committee comprised of Profs. Lucie White '81, Phillip Heymann '60, Jon Hanson, and Christine Jolls '93.

The Fellows will present their research and findings to the HLS community in the spring of 1999.

HLS Low-Income Protection Plan [LIPP] Law Related Employment, 1996-97

Type of Employment	Total Participants
Legal Aid and Legal Services	33
Non-Profit/Public Interest Organizations	35
Director — Non-Profit	11
Small/Med. Private Firms	24
Public Defenders/Death Penalty	19
District Attorney/State Attorney	17
Federal Agencies	14
International/Consulting	12
Academic	12
State/Municipal Agencies	9
Self-Employed (Solo Practices)	8
Attorney General	6
Congress/Legis./White House	6
JAG/Navy/Army/Marines/Air Force	5
In House Counsel (Corp. Univ.)	4
Domestic Violence	3
Other	4
Judicial Clerks (Planning to Enter LIPP)	25
Total Participants	227



Briefs

Ames Semi-Finalists Announced

The Board of Student Advisers has announced the names of the 16 contestants who have advanced to next fall's semi-final round of the Ames Competition.

The qualifying round featured mock trials in three fictitious cases, with the winning team from each case, plus a wild-card winner, going on to the next level of competition.

Mick Jurgens '99, Peter Nicolas '99, Maya Kobersy '99, and Stuart Svonkin '99 were members of the team prevailing in *Foster Manufacturing, Inc. v. Ellen Taft*; James Clark '99, Hong Lee '99, Andrew Varcoe '99, and Anthony Wang '99 won in *Reilly v. Reilly*; while Matthew Papez '99, Elizabeth Petrela '99, Patrick Shields '99, and Steve Tidrick '99 were victorious in *Apex Construction, Inc. v. Atlantic Peat*.

The wild-card winner, the team scoring the highest net point total without winning a case outright, included Arlo Devlin-Brown '99, Adam Szubin '99, Dan Gordon '99, and Erin Murphy '99.

Harshbarger '68 Joins Race for Governor

Massachusetts Attorney General Scott Harshbarger '68 officially announced his candidacy for the Democratic nomination for governor last Wednesday, although he has practically been running since last year.

"I've certainly dropped some hints here and there," he said.

The 56-year-old two-term attorney general criticized Paul Cellucci, the lieutenant governor who has been acting governor since last summer, for missed opportunities on education, child care, job retraining, and health insurance.

"The acting governor is squandering the best opportunity in our lifetime to drive this state to a whole new level of long-term hope and opportunity for every man, woman and child in Massachusetts," Harshbarger said. "The truth is, he's just coasting on the national economic boom."

Harman '69 Hired Illegal Nanny

California Democratic gubernatorial candidate Jane Harman '69 said she hired a nanny in 1989 who didn't have legal authority to work in the United States.

Harman is the second member of her HLS graduating class to be caught in a high-profile controversy regarding the employment status of a nanny. The nomination of Kimba Wood '69 to be President Clinton's attorney general was derailed by her problems relating to the employment of a nanny.

Harman, the wealthy wife of an audio equipment manufacturer, said the nanny was in the country legally and was then in the midst of obtaining her legal work permit. She denied any impropriety.

"I believe I complied with the law. I had an attorney work on it. I paid full taxes, and I hired someone who was legally in the country," Harman told reporters prior to addressing a meeting of the National Women's Political Caucus.

The nanny story was first revealed by Harman in 1993, shortly after she was elected to Congress. Harman spoke in defense of Wood and Zoe Baird, whose nominations for attorney general were scuttled after revelations they had hired undocumented women as nannies.

The story resurfaced on Friday after the Los Angeles Times questioned Harman's campaign manager, Kam Kuwata, who confirmed the earlier story.

None of Harman's major rivals for governor commented on her hiring of the nanny. But a spokeswoman for Dan Lungren said he was a co-author and Republican floor manager of the 1986 immigration law Harman apparently violated by hiring the nanny.

Democrat Al Checchi's campaign spokeswoman, Elena Stern, said Checchi, a wealthy Beverly Hills businessman, is confident he has never hired any undocumented household help because they used an employment agency that thoroughly checked on such things.

Lt. Gov. Gray Davis, the third Democrat in the race, did not immediately comment. Davis has no children.

Kuwata said the nanny had previously worked for another Washington family that had been trying to obtain working papers for her, and that Harman attempted to continue that process. He said she later learned that the change in employers required that the application process start over.

Harman has four children from two marriages. Kuwata said the later nanny was hired to care for the two youngest children she had with her current husband, Sidney.

— The Associated Press

Thomas-Graham '88 Sets Mystery at HLS

Pamela Thomas-Graham '88 sets her mystery-writing debut, "A Darker Shade of Crimson," at her alma mater, the Detroit News reported Saturday. The book finds the lead character, economics professor Nikki Chase, stumbling over the body of Ella Fisher, the dean of students at Harvard Law School.

Among the suspects: Fisher's blackmailing ex-husband, and a department head with his fingers in the till.

The author also tackles the heavy issues of race and class (the lead character is involved in an interracial relationship) and steps into the skin-tone divide within the African-American race.

In the book, Chase recounts a general description of the light-skinned "bourgeoisie" blacks who "had grown up and gone to white schools and didn't believe in unduly upsetting white people."

Examinator II: Judgment Day for Finals Software

By Alyssa Caples

As part of an ongoing experiment involving the use of laptop computers for in-class exams, the Office of the Registrar is permitting students in Prof. Kaufman's [54] Constitutional Law and Prof. Brudney's Corporations 100 classes to write their exams on computers.

Students will have to install the ExamSoft program, the Examinator, onto their computers prior to taking the examination. At the exam, they will be given a "virtual bluebook disk" on which to write their exams.

The Examinator acts both as a word processing program, similar to Word or WordPerfect, and a disabling program to deactivate other programs installed on a computer. This will prevent students from generating "canned" answers during an examination. A special safety feature of the Examinator is that it saves an encrypted copy of the exam on the computer's hard drive, so that in the event of a computer failure, the student's work will be saved.

The laptop exams are part of an experiment that began in the fall semester. This summer, the Registrar will evaluate the success of its use at HLS. "I want to look at the grades of students taking the exams and see if they are consistent with previous grades. If they are, there may be no advantage to the system," said Registrar Stephen Kane.

"We've researched it quite a bit. A lot of law schools are using [the program] already, like Georgetown, Yale, and Michigan. It's also been approved for the California bar exam and it is up for approval in New York as well. But we have to make sure that it's right for the culture at this law school."

The student council is also interested in the results of the experiment. "In a survey that I did in November, people expressed concerns that students who use computers might get better exam scores. We'd like to get information about the results of the study and allow the students to be informed about it," said Charles Hokanson '98, Chair of the LSC Academic Affairs Committee.

Currently, students who do not have laptops will be able to take their exams in the computer room in 140 Areeda Hall. But if use of the Examinator becomes more widespread, the Areeda computers may not be able to accommodate the demand.

"There are two big concerns about the program. One is equity and the other is technology. We have to figure out what we can do to supply everyone with a computer," said Kane.

In order to insure that everything runs smoothly on exam day, the Registrar requires that all students intending to use laptops download the test data available at to "familiarize themselves with the program and make sure that there's enough room on their hard drives for the data." Students using the Areeda Hall option will also be required to attend a training session geared towards familiarizing them with the computers there.

"We are striving for a quiet, uneventful exam period. We want to make sure that everyone knows how to use the program before coming to the exam," said Kane.

"Some of the visiting faculty in winter term came to me a week before the exam and wanted to use [the Examinator]. I had to say no because there wasn't enough time to prepare students for its use."

Harvard Law School Has Three Aces in the Hole

Continued from 3 ACES, p. 1

fore it would be ready for occupation.

"There have been dry-cleaning fuels dumped there for years. They've got to take every bit of the dirt out of there before the Law School can occupy it," he said.

Three Aces has been serving subs and pizza to HLS students for twenty years.

"I'd be very sad to see Three Aces go," said Brian Fitzpatrick '00, who called the sub shop a "cherished part of going to law

school at Harvard."

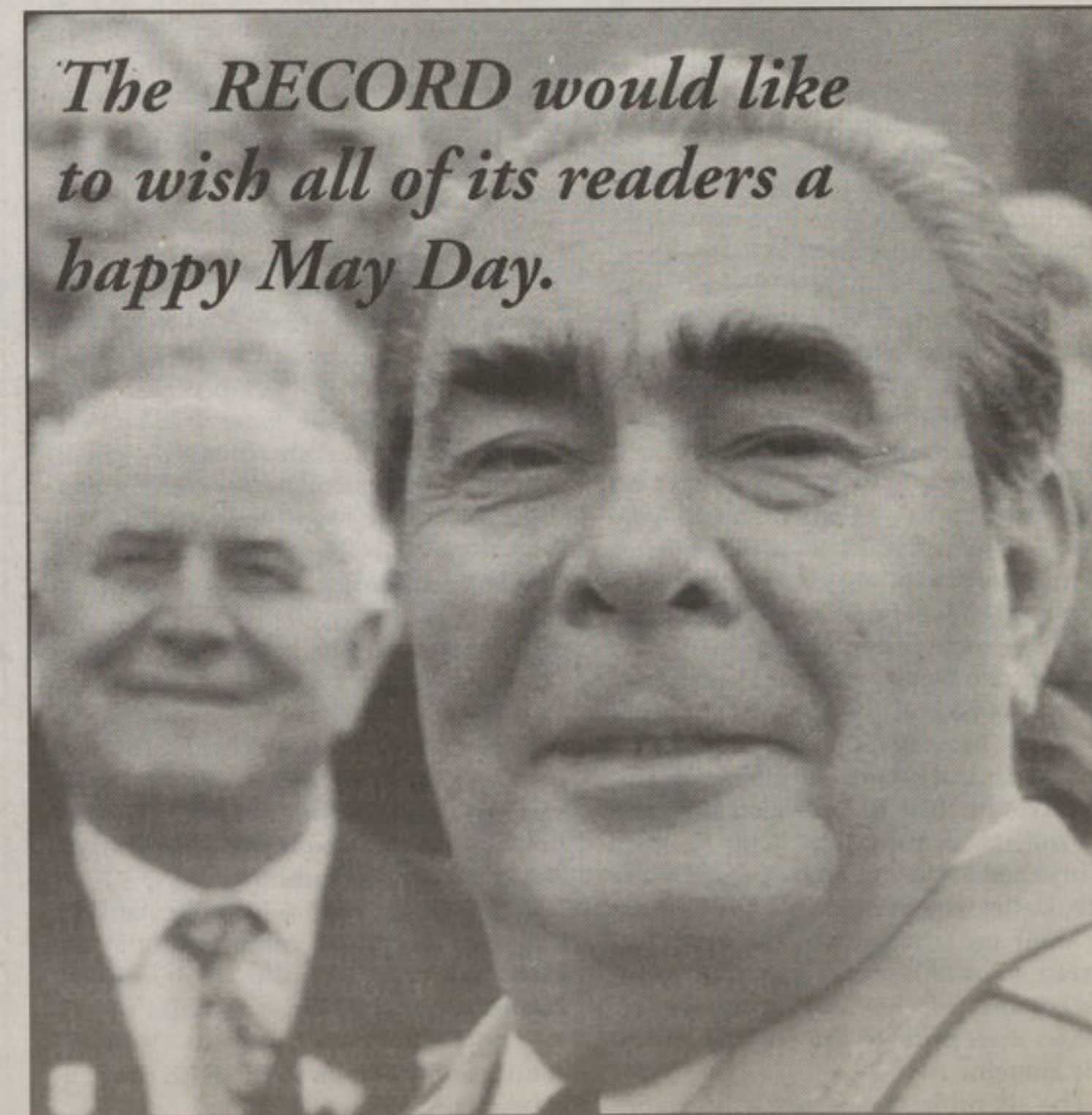
Other students said they wouldn't miss the restaurant.

"I wouldn't mind it leaving," said Steve Lee '00.

Parker also spoke of enhancing current physical resources to facilitate student faculty interaction.

"We have to put real energy into restructuring Harkness Commons," said Parker. "My personal view is that we need smaller, more intimate spaces."

The RECORD would like to wish all of its readers a happy May Day.



FEATURE INTERVIEW: RALPH NADER '58

By Eric Johnson

Ralph Nader '58 arguably has had more impact on the nation than most American presidents. The Environmental Protection Agency, the Occupational Safety and Health Administration, and the Freedom of Information Act are among his handiwork. His third-year paper at HLS led to the recall of millions of automobiles.

If you can burn a hole that big in the pockets of America's largest corporations with an 50-page graduation requirement, you're in rare company.

Yet he has none of the regal air of a head of state. He comes off more like a reluctant parent running for school board. Maybe Ralph Nader is too busy for pomp. Whether you like him or not, you've got to admit this man has gotten things done.

These days, Nader devotes much of his time to the Appleseed Foundation, a public-interest legal organization started by Nader and his friends from the Class of '58. Appleseed's focus is "systematic" change. They won't take on a project to help an impoverished individual defendant unless they believe it will have some farther-reaching impact. To Appleseed, lawsuits aren't about plaintiffs, they're about social change.

Appleseed's philosophy mirrors Nader's. This Princeton-educated son of Lebanese immigrants is not merely a tireless crusader, he's an indefatigable instrumentalist — every minute of the day holds some promise for helping to shape the society in which he lives.

Nader's entourage on Saturday morning consists of a single assistant standing outside Austin West. Inside, Nader is trying to rouse his gray-haired classmates to begin a second career in public-interest work as they get ready to retire from private practice as millionaires.

Those who were 25 when they left Harvard are 65 now. For them, their 40th reunion is a time to look back on a life in the law. But even as Nader comes to Cambridge to see his classmates from decades past, he is trying to sow seeds of activism in a new generation of law students.

The day before, in a packed classroom in Pound Hall, Nader delivered a targeted speech to HLS students with a title that was an unsubtle threat: "Corporate Power and Corporate Law Firms: Where Some of You are Heading." Nader warned students that "an empty feeling" awaited them at the end of their lives if they spent it as corporate counsel. He encouraged them to get off of the corporate "career escalator."

When the reunion program ends, his

assistant ferrets him out from the hand-pressing alumni. Wearing the same suit and tie he wore the day before, Nader is carrying a large bundle of papers which includes sign-up sheets for a mailing list. He offered to send students a photocopied chapter of his book about corporate lawyers, "No Contest," along with other literature. Even after recasting the landscape of federal regulation and writing himself into history, he is still a grassroots organizer, collecting addresses on loose sheets of binder paper.

The only visible spot for the interview is Austin

East, which is cavernous but empty. The door is closed to block out the noise of the Class of '58 chatting in the hall. After several minutes, Nader's assistant pokes her head in to tell him that he's missed the class reunion photo on the steps of Austin Hall. Hearing this, Nader, looking down at the floor in disappointment, says, "That's too bad," and then picks up where he left off, talking about his agenda for change.

On adhesion contracts and the lawyers that write them:

At the Friday speech to students, Nader got laughs from the audience pointing out the brazen one-sidedness of many corporate/consumer adhesion contracts. What does he think should be done about them?

"One is to develop consumer organizations of sufficient membership and resources that they negotiate these contracts. They sit down and negotiate these contracts with Citicorp, Sears, etc."

Has that happened anywhere?

"No, not yet. But with the computer and the Internet and ways of bringing people together for common purchasing, it might happen. If we start pooling our purchasing — and the computer can match purchasers and pool them — then we negotiate the conditions of purchase, whether for automobiles or what have you. That's one approach."

"A second approach is that we just have more forceful advocacy, I mean there need to be some good law review articles that help the judges in this area. And class actions. Third, we need to put some stigma on the corporate lawyers that draft these contracts. [Sometimes] the lawyer should just say to the client, 'No.'"

"And then fourth we need the kind of competition where all the contracts aren't the same. Legislation can basically preempt that. They can basically say these are unconscionable provisions, and they are illegal per se."

On economic efficiency as the normative goal of tort law:

There has been a trend in the judiciary to use concepts of economic efficiency to replace traditional standards of justice in deciding injury cases. How do you feel about this?

"It's the monetization of the law, which is everything the law historically has tried to control and curb. The tort system is supposed to help internalize costs, so you don't have external damage, and big companies can invest in safer products, hospitals, etc. It's almost a grotesque distortion of the functions of tort law to look at it like it's a marketplace exchange."

"The other thing is when they deal with costs they almost invariably take the inflated cost of the industry. It's almost laughable to see how they've rigged the formula. And the monetized mind of the Chicago School can't deal with qualitative dimensions. They can't deal with real but intangible objectives that are furthered, and they tend to maximize the costs and minimize the benefits of the torts system."

There has been a complementary trend in legal education with first-year torts classes focusing on economic efficiency analyses of tort law.

"It is a propaganda epidemic in many tort classes in the country, where there's a party line. And the law-and-economics professors have a lot of outside consultancies that they don't disclose to the students. I'm always suspicious about any intellectual movement that almost always comes out on the side of the corporations. And the formula is such that it favors the corporate defendant."

"The first and primary focus of the torts system has got to be making that plaintiff whole. And then the collateral effects are deterrence, disclosure, which leads to nourishing regulatory safety standards, Congressional hearings, legislative hearings, [and] media focus. The overall benefit of these arching appellate decisions that advance levels of care and the standards of responsibility between unequal parties are all collateral benefits. The key is that brain-damaged infant, the paraplegic teenager, the totally disabled worker."

"[Champions of efficiency-analysis] are heavily corporate-funded, I mean they get paid for their papers, they go places and get paid for their speeches, and they have had almost a 15-20 year holiday. Now the counter-attack is starting."

On law school tuition:

Nader mentioned in his speech that students with large student debts feel compelled to go into corporate law firms pay them off. Is tuition too high?

"I think there ought to be an examination as to why it's racing ahead of in-

flation. There are certain fixed costs in law school. Law schools are largely viewed by universities as profit centers. This was the subject of this controversy at Georgetown Law School a few days ago when the dean was told that she was not going to be renewed for her five-year contract by the head of the university. The nub of the controversy was that they were draining the law school surplus to meet the medical school and the medical complex's [debt].

"When I was at law school, tuition was \$1000; if you have a six-fold inflation factor it's \$6000; add another \$3000 for more equipment. What is it?"

Tuition is \$22,800.

"There you are. So I don't know, maybe the law school is cross-subsidizing other parts of the university. Maybe they're overcharging you."

On the dangers of young lawyers doing controversial pro-bono work:

Many firms support pro-bono work, but are perhaps more reluctant to endorse work that is anti-corporate and politically motivated, such as that done by the Appleseed Foundation. Couldn't it be career suicide for some associates to get involved in doing pro bono for Appleseed?

"In some firms it would be. [Right now Appleseed] is mostly just our classmates who are senior partners headed towards retirement. But we're going to try to have law firms say they will provide significant across-the-board time for x days for Appleseed, and x days that we can call them up for a variety of pro bono services. That will then reach the younger associates. But it's still early in Appleseed's history."

On the conscience of lawyers:

Forty years after law school graduation, your class is reaching retirement. How do they view their careers?

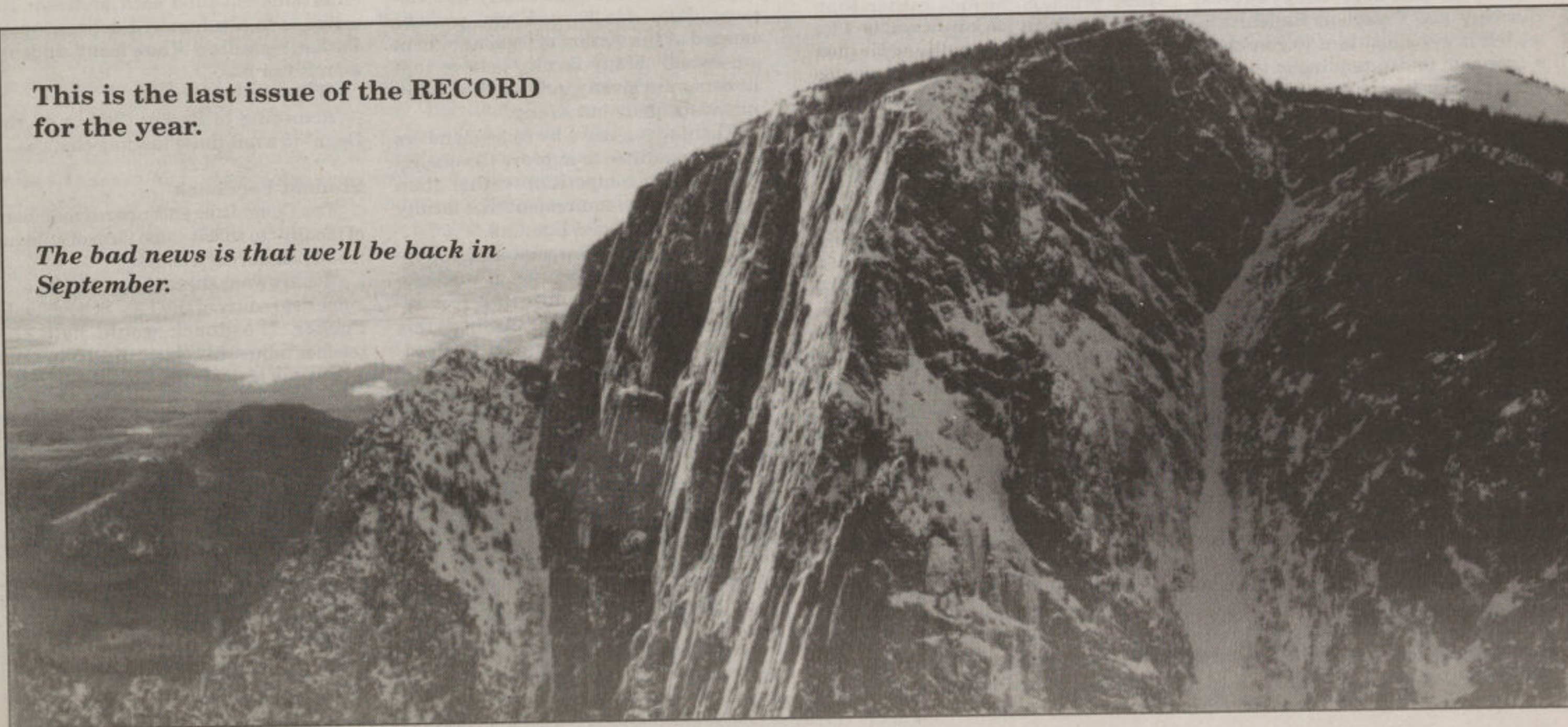
"Many veteran corporate defenders are looking back on their careers and feeling — experiencing — 'a feeling of emptiness.' And it's not just missing the boat [on public interest]. It's that a lot of them know that they over-billed. A lot of them know that they provided fake invoices."

"[As corporate lawyers] they represent awful clients, keep their mouth shut, and go forward — 'good soldier' — knowing that this client could build a safer car, this client could recall a dangerous drug."

"Inside most lawyers is a sense that they have a duty to be sentinels for some sort of justice. There's still that residual when you go to law school that you know that good law is supposed convey fairness. It's supposed to convey opportunity. It's not supposed to jam people or exclude people. So if you go to law school usually you have some kind of orientation like that — until you get it beat out of you in three years."

This is the last issue of the RECORD for the year.

The bad news is that we'll be back in September.



Faculty to Vote on Proposed Measures Next Month

Continued from LEC, p. 1

Edmund predicted that some students may react suspiciously to these proposals in light of the attendance policy controversy and may feel that the recommendations are "too lax."

"I think it's somewhat beneficial that faculty realize that a lot of students would probably feel this didn't go far enough," said Edmund. "I hope it's a worthwhile compromise."

The recommendations will be formally presented to the faculty for discussion this Friday with a vote by the faculty scheduled to follow May 15.

"I expect it will be a big challenge at the faculty meeting," said Edmund. "It requires a big change in the world view of many faculty members — of viewing students as partners in the community."

"Some may view certain proposals as schoolmarmish rules, as a little draconian, as impinging unnecessarily on faculty freedoms," Edmund said.

Parker said that he aimed for unanimity in the Committee's support of these recommendations in order to make them more palatable to the faculty-at-large. The report had to be "softened," according to Parker, to secure the signatures of all ten Committee members.

"Nonunanimity in these matters can produce a kind of frustration in the full faculty's consideration," said Parker. "If there's division, the faculty decides how it's going to divide. Unanimity provides focus."

"Things were watered down sometimes because precise information was unavailable," said Edmund. "For instance, professors not observing office hours was a topic raised. But we didn't

have data on exactly how prevalent this was. So we mandated this to a committee that would treat issues of faculty accessibility in general. Office hours aren't specifically mentioned in the report. We were kind of vague on the exact scope of some of the problems so we broadened the topics."

Parker said he was optimistic about the potential for institutional change, despite less mutable factors such as the student-faculty ratio.

"Even with the student-teacher ratio that we have, we're being held back by other components of educational culture," said Parker. "Last year we moved to expand the number of 2L and 3L basic courses. They said it wouldn't be done. But it did in fact change."

Student Input Sought

The Committee recommended that "all students who have been taught by a candidate for appointment or promotion should be invited to submit a written statement to the Appointments Committee."

This would eliminate the need for a "middleman," Parker said. "With oral interviews, a student's views must necessarily be summarized by a faculty member," he said.

The current procedure randomly selects a few students enrolled in a candidate's class to provide feedback on the professor's teaching skills.

Late Grades

"A record of classes rescheduled without very good reason should be kept by the Registrar and made available to students and faculty," the Committee recommended.

The report stated, "Records of late submissions of grades without very good reason should be kept by the Registrar and made available to students and faculty."

The Committee's report stated that the "very good reasons" which would excuse faculty members from inclusion in such records should involve "academic obligations, personal emergencies, or religious observance."

"The primary bite that's being added here is disclosure," said Parker. "Faculty members would be obliged to tell the class why class is rescheduled or why grades are late. It may seem a minimal courtesy, but its absence is conspicuous and contributes to the divide between students and faculty."

"Also, if students see inadequate conformity to the administrative rules governing faculty, they can take some action — talk to the Dean or faculty."

These recommendations do not specifically prescribe penalties for faculty members found excessively delinquent in turning in grades or too frequent reschedulers of their classes. Such penalties would endanger the recommendation winning a majority faculty vote and be administratively burdensome, said Edmund.

"We didn't want to burden it with baggage that would be unattractive to a faculty vote nor did we want to unnecessarily burden the Dean's Office with inflexibility in administering codified sanctions," said Edmund.

"Our main purpose was to have the rule and disseminate the information. To arm students with info, so then we can use it to apply pressure to the Dean or to faculty."

"It's open to the Dean to back these obligations up in other ways," said Parker. "It's always open."

Ames Competition

The Committee recommends that faculty unable to judge their required slate of two first-year Ames cases be "expected to judge in the second-year qualifying round."

"There are a lot of complaints from 1Ls who put a lot of input and excitement into this effort," said Edmund, "then they get to the actual argument, and there are three 3Ls or maybe a practitioner judging them."

"Some students have picked up a vibe that faculty don't have much respect for the competition."

Parker confirmed Edmund's suspicion.

"The Ames competition has been taken less and less seriously over the years," Parker said.

"Faculty members were concerned by the disintegration of the first-year Ames competition," said Parker. "I think the guidance offered first-year students has noticeably declined. The quality of the arguments has significantly deteriorated. Fifteen to 20 years ago, you'd be amazed at the quality of legal argument presented. Many faculty believe that students are given guidance that is not only inadequate but wrong."

There was a move by some members of the Committee to improve the quality of the Ames competition rather than strengthen the requirement that faculty serve as judges, said Edmund.

"The students' viewpoint said you require the Ames competition of students, the faculty should live up to their requirement also," said Edmund. "Perhaps this will lead faculty to take greater responsibility for the process and quality of Ames."

Written Work

The Committee called for the appointment of a "one-year student-faculty committee to recommend steps to strengthen the writing component of the J.D. Curriculum."

"Expanding writing opportunities would provide an intense intellectual experience. It would draw students into the intellectual life of the law and the intellectual life of their professors," said Parker.

Sharing his own personal opinion rather than that of the Committee, Parker said, "I'd like to see the third-year paper optional rather than a requirement, in tandem with granting more course credit for it. Faculty should provide much more oversight and give real recognition to students. Right now there are just some random prizes."

Parker also pressed for an expansion of independent study. "This might involve giving students more credit hours and actually giving faculty teaching credit for supervising such papers," he said.

Class Scheduling

These recommendations would require restructuring the template for class schedules. The Committee suggests that HLS establish an "uncommitted" time slot during the weekly daytime schedule "to facilitate and encourage participation" in discussions and debates to be attended by faculty and students.

The recommendations also ask that the Registrar move to widen the time scheduled between class meetings "to facilitate after-class extensions of class discussion."

Registrar and Committee member Stephen Kane has a "yes, we can do it" approach to these recommendations, said Parker. "If the faculty agree with this, then it's viable," he said.

Free Lunch

Allowing that students and faculty already meet informally for lunch, Parker said that this recommendation would "regularize and do much to facilitate these discussions," said Parker.

The recommendation asked that a lunch area be set aside for the purpose and that the law School provide lunch for the participants who would sign up on an individual basis.

Student-Teacher Interaction

The Committee suggested that faculty budgets for student entertainment be allocated proportionally to "reflect the number of students in a faculty member's classes" and that special funds be made available for faculty who wish their student research assistants and paper advisees to accompany them on relevant professional conferences. The student entertainment fund each professor receives is "a few hundred dollars," said Parker, regardless of how many students a professor has.

"That's silly," he said.

According to Parker, "it's up to the Dean" to avail these funding changes.

Student Feedback

The Committee encouraged members of faculty "to solicit some form of student feedback during a course."

"I don't want this to play into the consumerist reality of the Law School," said Parker. "Feedback would help the teacher adjust his class, maybe initiate a dialogue about improving the course."

Student Council Reps Strive to Save Gym

Continued from HEMENWAY, p. 1

talking with other students. ... It looks like it may be quite successful. At the very least it will give students an organized way to make themselves heard."

Leiter, who organized the first petition to save Hemenway, concurred and said that this drive will target both HLS and FAS administrators to focus on the nature of the students' concerns.

"Our primary targets are Dean Clark '72, Dean Knowles [of FAS], [HU] President

Rudenstine and HU Provost Fineberg," Leiter said. "We felt it was obviously vital to have the heads of each of the involved schools understand the importance of gym facilities to law students. Since any action that FAS could take needs to be approved by Provost Fineberg and President Rudenstine, we felt it was important to give them a thorough understanding of the students that such a change would affect."

"Eric, [former LSC President] Dina DeFalco '98, and I met with Deans Clark, Smith, Richardson, and Coleman in early April after the petition. All of the deans seemed to recognize the importance of the gym, but they were a bit unsure of what HLS could do until FAS finalized their plans," he explained.

"Dean Clark did not think buying Hemenway was a viable alternative, but he was very supportive of keeping Hemenway in operation and improving its facilities," Leiter said. "There is no doubt that he and the Visiting Committee, were moved by student reaction and are cognizant of student sentiment."

Leiter noted that this current discussion should help prevent "in-fighting" within the University by demonstrating "how opposed the HLS community is to the FAS plan and encourag[ing] them to find more palatable alternatives."

"We asked what actions would be most appropriate, and everyone seemed to agree that administrators outside of HLS needed to be aware of Hemenway's importance. While we thought the petition was helpful, we thought a letter/e-mail drive would be an even more tangible expression of our feelings," Leiter added.

According to both Cesnik and Leiter, letters have now been distributed to all of the HLS Deans, as well as FAS President Rudenstine, Provost Fineberg, the head of the HLS Alumni Association, and the members of the faculty/student Visiting Committee, all of whom were sent copies of the original petition.

Cesnik said he hopes that students will now register their opinions to these officials "sooner rather than later. If we wait too long it will be a lot harder to change (the university's plan to convert Hemenway into the new undergraduate admissions office). It's my understanding that the FAS hasn't come to a final decision."

Leiter agreed, emphasizing the importance of students' prompt response.

"We realize that this is a busy time for students preparing for exams and graduation, but I don't think that is an excuse not to send a quick e-mail," Leiter said. "Students constantly complain about HLS's lack of community and poor student life. We can't sit back and wait for Dean Clark to use his magic wand to make life perfect here. It is our responsibility to fight for things that will make life better. If students really think they can't take five minutes to send an e-mail to administrators, then we have a lot more problems than potentially losing Hemenway."

"You shouldn't need to get an MBA just to have a decent gym!" Leiter added, referring to the comparably luxurious athletic facilities at the Harvard Business School.

**Congratulations Graduating 3L
Supriya Ray '98**

From your friends at the RECORD.

"OFF THE RECORD"

By Eric Johnson '98

RECORD Columnist

NVR. MND. TH. HARV. L. REV.

Ah, Spring! Nature ignites hill sides into a Cupid's palette of floral effulgence and the sun-flushed breeze fills with the fragrance of hyacinths calling birds and bees to a sweet nectar kiss, and naturally enough, young law students' fancies turn to thoughts of Law Review.

Personally, Law Review was my back-up plan for after exams. Sadly, I'll miss it, but I'm happy that I got my first choice of eight consecutive days of experimental non-anesthetic oral surgery at the Dental School. Thanks. Yeah, I'm very excited about it.

Nonetheless, there can be no doubt that the Law Review is one of the most exciting activities at the Law School. And for those of you who will be staying behind for the writing competition, I wanted to give you some important background information to help you in your endeavor.

The most important function of Law Review is to publish seminal scholarly articles such as, "Nuclear Physics, Advanced Rocket Science, and Tic-Tac-Toe Theory: Applications for Tort Law."

Through these articles, the Harvard Law Review helps give birth to new intellectual movements in legal scholarship. One such advance was to apply "game theory" and "efficiency analysis" to tort law. This fascinating and useful line of study involves taking a field of tort law, such as medical malpractice, and taking a game, such as Milton Bradley's "Operation," and then using the game to find the "most efficient solution."

Torts scholars found, after years of research, that in Operation, the "most efficient" way to remove the plastic bones

without making the buzzer go off was to pull the battery out and shake the game board upside-down. Once they discovered this, torts scholars immediately 1) published the results in the Harvard Law Review and 2) spent the next three weeks trying to pick the tiny plastic pieces out of their carpet.

An upcoming Law Review article will apply Milton Bradley's "Battleship" to international legal doctrines of rules of engagement and the use of force. And I hear Law Review editors will be playing "Twister" next semester — and that's just for fun!

More than a third of all 1Ls try out for Law Review. This, of course, has nothing to do with how prestigious Law Review is; it is instead because of these students' sincere love for legal abbreviations.

The Bible of legal abbreviations is the



so many unnecessary *aw's*.

The following is a REAL abbreviation from the Bluebook, if you don't believe me, you can look it up on page 159 of the 16th Edition:

EUR. CONSULT. ASS.

It stands for European Consultative Assembly, and, apparently, it is used so often in legal scholarship,

that the Law Review wanted it to have its very own abbreviation, thus saving scholars countless hours by not having to type, "opean," "ative" and "embly."

When people talk about going to law school to make people's lives better, this is exactly the kind of Lord's work they're talking about.

Just as a sidenote, do you know why they used the abbreviation "EUR. CONSULT. ASS.?"

It's because they thought "CONSULT. EUR. ASS." would sound too rude. Heh heh, get it?

HEY NOW! Don't you dare sigh and roll your eyes! If you're put off by the semi-obscene content of the Bluebook, then you take it up with the people responsible. It's not my fault.

While Bluebook abbreviations have

allowed great time-savings in terms of reading and typing, it is true that the obscure referencing system has caused lawyers, judges and academics to spend days, or even weeks, trying to figure out abbreviations such as "S. EXEC. DOC. W."

Nonetheless, a greater good is done in that over the decades, Bluebook abbreviations have saved approximately a third of an ounce of the world's ink supply. Cost adjusted for inflation, this is a savings of nearly 1.4 cents!

Tireless workers that they are, Law Review editors will abbreviate a word even if they can only trim just a couple of letters off. For instance, Sweden, Russia, Brazil and Turkey are, respectively, *Swed., Russ., Braz.,* and *Turk.*

After seeing those, you might be shocked to learn that they refused to abbreviate "Mauritania," "Côte d'Ivoire," or "Sao Tome & Principe." Oh, you say, those countries are too obscure to abbreviate. OH YEAH?? Check this out: Greece, a country of 11 million, gets spelled out, BUT the Seychelles — an Indian Ocean island nation of just 78,000 people — gets the abbreviation "Sey."

"Why?" and "What, exactly, are these people not inhaling?" are two excellent questions you may very well ask. And you know what? I have no idea. But I'm sure they have their reasons. And after you make Law Review and smell enough of the book-binding glue up on the top floor of Gannett House, I hope you'll call me up and tell me what you find out.

Personally, I thought they should try to abbreviate "Togo" for the 17th Edition. I wanted to communicate this to them, but boy was I surprised to find out that the "Harvard Law Review Tip Session" was *not* intended to be a forum for us to give Law Review members tips on how to improve. Whoops! Hey, who'd have known?

Well, I hope this column has been helpful as you prepare for the competition.

Gd. Lk! Th. nat'n of Togo is cntng. on u. ...

Boy was I surprised to find out that the "Harvard Law Review Tip Session" was *not* intended to be a forum for us to give Law Review members tips on how to improve. Whoops! Hey, who'd have known?

Bluebook, a style manual that the Harvard Law Review publishes in order to "greatly simplify" the process of writing and editing their articles.

The Bluebook has made important contributions to the advancement of human society. For instance, one great achievement of the Bluebook was the abbreviation of the word "law." After many years of working with this awkward and unwieldy word, editors suddenly hit upon the idea of replacing it with the abbre-

Workshop Addresses Lawyers' Role in Community Activism

Continued from TRAINING, p. 1

courtroom requires organizing skills in putting together an effective campaign. For those of us who plan to pursue careers in public interest, these skills are absolutely essential," Freedman said.

Several student organizations were represented in the workshop's attendees, including the newly elected heads of the Black Law Students Association, the Civil Liberties Union, and the Environmental Law Society.

Freedman and a group of students formed a steering committee in February to put the workshop together. They approached other student organizations, the administration, and certain faculty members for money and support. "People said it couldn't be done in such a short time," said Freedman. "We knew that at least eight thousand dollars needed to be raised." The committee received commitments for over \$9000.

The largest financial contributors were Dean Clark '72, the Dean of Students, the Office of Clinical Programs, and the Environmental Law Society. The steering committee also put in a request for support from University President Neil Rudenstine and Provost Harvey Feinberg, but were turned down.

"We were very pleased by the level of support that we received from Dean Clark," said Freedman. He added that Profs. Christopher Edley '78, Charles Ogletree '78, Todd Rakoff '75, and Frank Michelman '60 also provided considerable assistance.

The workshop involved lectures on a variety of topics and several simulations. There were also guest presentations by

Ralph Nader '58, Denine Williams of the Harvard Union of Clerical and Technical Workers, and representatives of two local advocacy organizations, Alternatives for Community and Environment and United for a Fair Economy.

Kendall and Max are both community activists who have been working as trainers for over 20 years. Their manual, "Organizing for Social Change: A Manual for Activists in the 1990s" is used by Prof. Marshall Ganz of the Kennedy School in a required first-year course on organizing.

While Kendall and Max had worked with law students before, this was the first time that a training event was run exclusively for them. They are still developing their materials regarding the role of lawyers in community organizing, and one lecture focused on how overzealous lawyers and lawsuits interfere with the activist agenda.

In the end, Kendall expressed satisfaction with the group. "I thought the students were great. Lawyers can be part of the problem or the solution. It is important for them to learn how to work with community organizations without necessarily representing them."

Some of the guest speakers also noted that lawyers had an important role to play. "People understand immediate cruelty, like being bopped on the head or run over by a car," said Nader. "As cruelty gets removed from the street, institutionalized, and hushed up, it becomes too abstract and the rage dies. Our job as lawyers is to make it less abstract so people can understand just how the system is treating them unjustly." These views were echoed by Clair Allen of ACE, who urged the stu-

dents to "stop sitting around and talking and get out there."

The lighter side of activism was aptly demonstrated by a guest speaker from United for a Fair Economy, a Boston nonprofit focusing on income disparity issues. The group watched a video of "popular theater," where UFE members dressed as corporate executives and armed with cell phones engage in military maneuvers while shouting in unison the virtues of flat taxes and corporate subsidies.

While the weekend was strenuous, with sessions starting at 9 a.m. on Saturday and Sunday, students expressed satisfaction with the training. "I thought it was extremely useful," said Charmain Barton LL.M. '98. "The students here are breaking new ground in the sense of the role that lawyers can play in social and political change. This should become an annual event."

"It was a long, intense weekend," recalled Freedman. "I'm excited for the opportunity to use these skills in the future."

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Graduation Words

*"Fair Harvard graduates,
You stand as a shield in defense of right
And to ward off wrong.
You sit in the shadow of Langdell.
It urges you:
Non Svb Homine Sed Svb Deo Et Lege*

*"The degree conferred upon you today is your license
To assume the world.
As you journey through the province of the law,
Let one word be your beacon: Veritas,
Which on a Harvard diploma, stands for
Truth."*

May you find the justice you seek
Wherever you choose to look
And remain beyond the alluring diversions that
Pursue you.

Don't be hardened by the adversity you meet.
Shake hands with it and smile (It hates that.)
And remember that nobody knows what they are doing
Any more than you do.

Guard your imagination.
(You'll need it.)
And give to Harvard Law School
The exact amount it gave to you.

May the road rise to greet you.
May the wind be always at your back.
May the sun shine softly upon your face.

— Friedman

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—First Amendment, U.S. Constitution

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• Letters •

Miller Flunks Friedman for Uncivil Report Card

I write regarding your exceedingly mean-spirited "Spring Report Card" by Friedman last Friday. On the off chance that facts have any relevance to you, I note the following. I have not done a disappearing act from HLS as you report. Pursuant to the established rules on such matters, I am on leave throughout the year and have absolutely no teaching responsibilities at the Law School. The work I have been doing to develop an on-line course on privacy has been undertaken by me on a completely voluntary basis so that we can begin to understand more about the ability to use various teaching methods with the new technologies and to explore the possibilities of distance learning.

Mr. Friedman's column clearly indicates that he believes that no good deed should go unpunished. As to his remark about my "shamelessly hawking everything," I certainly acknowledge that I have been "shamelessly productive" and "shamelessly prolific" during my academic years. As to "hawking," that is a matter for the publishers. Or is his column's point that one gains approbation here by being a slug, or is he suggesting that I be embarrassed by the fact that my Federal Practice & Procedure treatise, my casebook, my hornbook, my articles, and even my audio tapes are generally regarded by bench, bar, and students to be of value?

Finally, I certainly have not "hawked" the Kaplan

test prep, as asserted in the "Spring Report Card." I have moderated free forums jointly hosted by Kaplan and area law schools with panels of distinguished lawyers for people who are considering law school, whether they be in college or in the midst of a "first" career. The objective is to provide people with some sense of what law school is about and what one can do with a law degree.

So, if I were to give Mr. Friedman his "Spring Report Card," I would tender him a D- for knowledge of the facts and an F for civility. I would, however, give him an A+ for his practicing the presumption of bad faith.

Prof. Arthur R. Miller '58
April 27, 1998

APALSA Members Support CCR/Lambda

We are writing this letter in response to the recent controversy surrounding the CCR/Lambda statement urging the university to replace any financial aid funding that may be lost if Harvard is found to be in non-compliance with the Solomon Amendment. At the outset, we wish to make it clear that we are not speaking for the Asian-Pacific Law Students Association as an organization, and this letter should not be construed as a change in APALSA's decision not to endorse the CCR/Lambda petition.

However, as individuals involved with and concerned about APALSA, we would like to voice our firm support for the CCR/Lambda petition. We feel that it is important that the University support the Office of Career Services' requirement that employers who wish to use OCS resources

adhere to a policy of nondiscrimination, especially since the University is in a position to replace any funding that may be lost. While our personal views are not compatible with the outcome of APALSA's previous vote on the CCR/Lambda issue and we believe that a stance not to endorse the petition cannot be considered "neutral," we acknowledge the previous APALSA board's decision to stand by the outcome of the membership vote. We feel it important, though, that CCR, Lambda, the administration and the student body as a whole are aware that there are APALSA members who strongly support the CCR/Lambda statement.

Puja Batra '99
Enoch Chang '00
Joyce Chen '00

Steve Chen '98
Andrew Cheng '00
Erica Cheng '99
Sunny Chu '00
Angie Hsu '99
Carol Hsu '00
Yong-Sung Jonathan Kang '98
Joan Kee '00
Jae Lee '99
Cindy Kim '00
Phil Lee '00
James C. Lin '98
Rich Lin '00
Janice Liu '00
Vanessa Liu '00
Maya Manian '98
Paul Naik '99
Truc Nguyen '99
Jane Ohgami '00
Eric Pan '98
Trupati Patel '99
Emily Reber '00
Emily Ryo '98
Tai Tran '00
Angela Wu '00
Tim Wu '98
April 28, 1998

Mormons Are Not Polygamists

In last week's RECORD, Mr. Schlanger's article ("Polytheism and Polygamy," opinion column, April 24) made at least one misrepresentation which calls for immediate clarification. As one of his arguments in favor of polygamy he states, "Many polygamous Mormon families share in the collective upbringing of offspring and subsist rather effectively."

As a Mormon I have had many opportunities to correct this misconception with friends and acquaintances, but I remain baffled by the ubiquity of the perception that Mormons still practice polygamy. (I don't argue with the fact that Mormons bring up offspring and subsist rather effectively—but we do it without the assistance of po-

lygamy.) The following facts should help shed some light on this matter:

1. The real name of the "Mormon" church? Church of Jesus Christ of Latter-day Saints.
2. Did the church formerly practice polygamy? Yes.
3. Does it continue the practice today? No, it discontinued the practice in 1890 when polygamy officially became illegal in the United States.
4. Are there polygamists who claim to be Mormons? Yes, there are several fundamentalist communities practicing polygamy in isolated areas of Nevada, Utah and Arizona, but they are not members of the LDS church. Entering into polygamy is grounds for excommunica-

tion, and has been for over 100 years.

I hope this information is old news to the readers of the RECORD, but I suspect the contrary. I recommend to everyone learning more about who Mormons are and what they believe given that the LDS church is one of the fastest growing religions in the world, and that most will encounter Mormons at some point in their lives. I also recommend going straight to the source (i.e., members of the church) for information about the church, in order to prevent the (hopefully unintentional) spreading of unfounded rumors like Mr. Schlanger's statement last week.

Richard Nelson '98
April 27, 1998

Saying No To Federal Money Not Law-Breaking

Do Tim Kiefer '98 ("The Solomon Amendment and Civil Disobedience," op-ed, April 17) and Jason Young '99 ("Federal Statute Trumps Law School Policy," letter, April 24) recall that the federal government has limited powers? The Congress may wish that schools provide services to

military recruiters, but it has not even purported to demand obedience to that wish. It is not "disobedience" or law-breaking to decline to participate in a federal spending program with obnoxious strings attached. The question of law (as opposed to the question of

whether HLS has a moral spine) is how far Congress should be able to go using its spending power to impose the "will of the majority" in areas where that will would not otherwise govern.

Jennifer Hendricks '98
April 24, 1998

Review Explains Selection Process

In the April 17 issue of the RECORD, John Pierce '00 is quoted on p. 10 as saying that "the Harvard Law Review has set aside four slots for affirmative action purposes." I am writing to clarify the actual terms of our policy. The Harvard Law Review selects 12 editors (three from each 1L section) based on a formula of 70 percent grades

and 30 percent writing competition score; 22 editors based solely on writing competition scores; and eight editors based on decisions of a selection committee. The selection committee uses the eight discretionary slots to admit students who narrowly miss selection under the other two categories, as

well as to further our Affirmative Action policy. All editor selection is done anonymously; no editor ever knows how she or any other editor was selected.

Katherine Mayer
Christensen '99
President,
Harvard Law Review
April 27, 1998

Kiefer's Comments About Tuitt Were "Inappropriate and Cruel"

I am writing in response to Tim Kiefer's article in last week's RECORD about the competition for Judicial Clerkships. Although I take some exception to the premise that Harvard is engaged in a race for clerkship positions, this is not the reason for my letter. My concern lies with the manner in which Mr. Kiefer both gathered his material for the article and subsequently wrote with a great deal of insensitivity about a long term member of the Harvard Law School community and Office of Career Services.

I am sure that Peg Tuitt agrees wholeheartedly with me that we would love to be able to hire another person to counsel students interested in applying for clerkship positions. Since January we have been engaged in thinking and discussing ways to improve our services with our current fixed number of staff members, and I am always eager to hear from students about their experiences with our office regarding clerkship applications as well as all other job considerations. There are some changes that we hope to be able to make for next year, and there are some that will take longer due to budgetary and staffing constraints, which continue to be a reality for all administrative offices at HLS. Given limited resources, I have long believed in the wisdom of effective collaboration between the various student service offices, faculty members and graduates who might be interested in assisting students, in this case, about clerkship considerations. This is certainly an area we will be addressing in the coming year. Thoughtful

change takes time, and I encourage students to speak with me about their experiences so that I can be sure our plans include building resources that will best service the many different perspectives represented in our student population.

While I appreciate Mr. Kiefer's efforts to gather feedback on how our office has serviced students interested in applying for clerkships, I was dismayed by his personal attack on Peg Tuitt, who has handled what is an enormous amount of work involving the clerkship application process for a great number of years. Not only did he question Peg Tuitt in an individual interview about her credentials, but he also followed this up with an e-mail to a number of clerks soliciting input on their experiences with the clerkship application process, and particularly asking them for their opinions about Peg Tuitt. Constructive criticism is always appreciated; destructive and highly public comments about members of our community are inappropriate and cruel. I would hope that any students with similarly personal comments about staff members would address their comments to me either by contacting me by phone (495-5469), or by stopping by my office (Pound 323) to speak with me individually.

I look forward to hearing from students about our office services, and wish you all a pleasant and productive summer.

Sally Donahue

Director, Office of Career Services
April 29, 1998

Air Force Officer Comments on Solomon Amendment

I am a retired career U.S. Air Force officer who was stationed at the Pentagon on the Joint Staff during the deliberations that resulted in "Don't Ask, Don't Tell, Don't Pursue" (DADTDP).

The Solomon Amendment forces well-intentioned people, such as members of the Placement Committee, to choose between financial aid for the neediest students and making an exception to an enlightened nondiscrimination policy. Financial aid for needy students and a commitment to nondiscrimination are both proper and NEITHER should be shunted. Harvard should say "no" to the military threats if only because the Solomon Amendment represents immoral, unjust, and contemptible legislation.

By putting needy law school students on the front line in the discrimination battle, our federal legislators are using a tactic not unlike that used by an enemy combatant who places innocent women and children in harm's way, using our greater moral sensibilities as a shield to dissuade the battle.

Whereas the military is threatening to take away funding from some of the neediest students, the military is most generous to those who agree to serve. Active duty officers who attend HLS continue to receive all their pay, allowances, and benefits in addition to having all their educational costs paid in full. If not allowing military recruiters to use OCS is such an egregious issue, wouldn't it be far more equitable simply to remove their direct funding of HLS by refusing to allow their own to attend HLS, rather than cause concern for disinterested, needy students?

For good or ill, Harvard's yes or no vote on the Solomon Amendment will be interpreted

as one of the most important votes in a referendum on DADTDP.

But I believe that in all the ensuing fuss over the Solomon Amendment, there is yet a hidden agenda in which Harvard is being asked to be an unwitting participant; my suspicion is that the military has never had any intent of enforcing or abiding by DADTDP and that the Solomon Amendment is one of the last actions to negate DADTDP and return military discrimination policies to that of a pre-Clinton era. No program has ever been developed to train commanders, investigators, or judge advocate generals in the implementation of DADTDP.

Last year, 997 military personnel lost their careers and their livelihoods simply because they were born gay in America and were "caught" serving our Country in the armed forces. Today, Harvard is being asked to allow an exception to its nondiscrimination policy so that military recruiters can speak to students even while the military discharges people whom it forbids to speak.

I dream of a day when enlightened people abolish the patently discriminatory and unconstitutional DADTDP in favor of nondiscrimination and Harvard can welcome back the military as an organization that supports and defends the Constitution of the United States for ALL her citizenry. Until that day, all votes are crucial in voting for equality under the law. I support Harvard in saying "no" to the Solomon Amendment.

George C. Richwine
ALM Degree Candidate,
Harvard Univ. Extension School
April 28, 1998

Start Looking into Commercial Storage

It is that time of year again, when law students put aside their books and studies to engage in the frantic race to move out of their dorm rooms. It is a time when I am reminded just how little care The System has for the welfare of its students. I present my quandary: I have a desktop computer which I need to complete my take home exams. Thus, after May 15th, I can pack up it up and along with my dorm fridge deliver it to the cages in the basement filling my allowed quota of storage. When I look around my room, however, I have to wonder what I am supposed to do with the rest of my stuff. Where do I store my clothes, books, bedding, a set of Yaffa blocks, and all the other items that I (as well as most law students) have in my room? I doubt any faculty member could fit the contents of his/her office into three moving boxes and yet students are expected to fit all their academic supplies as well as nine months of living necessities in exactly that many. The administration would offer that I store the remaining stuff elsewhere, or ship it home. I wonder how I am supposed to have the time to rent a truck and transport my stuff to an off-campus location while studying for finals worth 100 percent of my grade. This is in addition to the associated cost.

I can understand why the Law School has limited the number of boxes in storage. The cages looked full last year and there are more people returning to the dorms this year. The truth, however, is that this policy simply passes off the Law School's problem of poorly utilized and insufficient storage space onto its students. Had anybody bothered to monitor loading of the cages last year they would have discovered there were large amounts of unused space due to inefficient packing and piling of stuff into the nearest available location. Had the Law School cleaned the cages in the last decade, they would also have removed the empty boxes and those with storage stickers dating from the mid-1980s that are simply packed around otherwise. Sufficient dorm storage is a necessity for many students not only for cost, but also for time. Instead of overburdening students who are already stressed out about finals with concerns about moving, the Law School should take the time to use what it has efficiently and to increase what it has if it needs to. This is a simple problem that should not merit the attention of this letter, yet the Law School seems unable to solve it.

Kirk Damman '99
April 29, 1998

By Prof. Arthur R. Miller '58

Dispatch from Cyberspace

Like several of my colleagues, I'm on leave from teaching at HLS this term. Like many of them, I've been traveling, picking up pieces of wisdom that I hope to bring back to the classroom in the fall. But unlike my globetrotting friends, I haven't left the Law School at all. I've been traveling in cyberspace — teaching an online course on "Privacy in Cyberspace" being offered by HLS's new Berkman Center for Internet & Society. This is one of two experimental courses that the Berkman Center is offering to the public, free of charge. (Professor Fisher '82 is teaching "Intellectual Property in Cyberspace.") Interest in the course, which has been mentioned in the New York Times



course) how to use technology to enhance students' learning experience. In online "chat" sessions, I've been trying to bring a little of the Socratic Method to cyberspace. I've prodded students to ponder hypothetical scenarios. Some (like a few HLS students I've known) have responded with stunned silence — they prefer to "lurk" rather than to join the fray; others have submitted thought-provoking responses. Third, I'm learning a little bit about the shape of public opinion regarding emerging privacy issues. Some students defend the wild frontier status of cyberspace; others call for global Internet governance.

The existence of the Internet has

Unlike my globetrotting friends, I haven't left the Law School at all. I've been traveling in cyberspace.

and Wired magazine, has been overwhelming. Over 1100 people, including several HLS students, are participating.

The Internet is raising a host of complicated legal issues about things — domain names, metatags, cookies — that none of us had ever heard of a couple of years ago. It's also making us refocus our thinking about age-old concepts — privacy, autonomy, censorship, democracy — that are central to the shape of both cyberspace and the real world. The philosophy of the Berkman Center is that the best way to learn about these new issues, and the best way to bring revitalized thinking to familiar issues, is to get out on the Internet and use it in novel ways. The cybercourse that I'm teaching is a manifestation of that philosophy.

What are we learning? To start with, I've had to learn a lot about the new privacy concerns that the growth of the Internet is raising — both for Internet users and for others about whom information is collected in online databases. I've been getting up to speed on cookies and encryption; a lot has changed since I first wrote about the privacy implications of information technology nearly 30 years ago! Second, I'm learning (along with a team of teaching fellows who are helping administer the

important implications for all of the courses I teach. I'm especially looking forward to bringing what I've learned during the cybercourse to future Internet law courses at HLS. But I'll also have some new thoughts to share about the impact of the Internet on civil procedure and copyright, now that I've spent some time exploring cyberspace. Fortunately, I don't have to wait until next year to interact with HLS students on these topics. One of the benefits of being on leave without leaving Cambridge is that I've been able to work with students on this project. Twenty-five HLS students have played some role in the preparation and administration of the course. They have helped me learn about this quickly changing subject matter and, in the process, have gotten to interact with interesting people from around the world.

So, I haven't disappeared into the ether. I'm still here but, like my colleagues doing research in far-flung places, I've been trying to broaden my horizons a bit. I'd like to thank those students who have accompanied me on my journey. I look forward to telling the rest of you more about it soon.

To learn more about the cybercourses and other Berkman Center activities, visit the Center at <http://cyber.harvard.edu>.

SPIN Praises Registrar Kane

On behalf of the Student Public Interest Network (SPIN), we are writing to thank Registrar Kane for his responsiveness to student concerns about the pre-registration process.

Although still imperfect, the pre-registration process at Harvard Law School has dramatically improved over his short tenure as Registrar. We commend Kane for these policy revisions and anticipate that his future innovations, such as the creation of an on-line registration system, will be similarly beneficial to students.

In our interactions with him, Kane has shown a complete willingness to guide students through the narrow straits of the enrollment process. In particular, we thank him for quickly producing and distributing a memo explaining the basic pre-registration process and listing which classes were oversubscribed

last year. Similarly, we applaud his willingness to meet with students to explain the complex system currently used at the law school. Kane's comments at the SPIN Electives Meeting on April 20th helped many students understand the system and make final adjustments to their pre-registration lists. We have received much positive feedback about the meeting.

We students committed to a career in the broadly-defined public interest commend his action and appreciate his support.

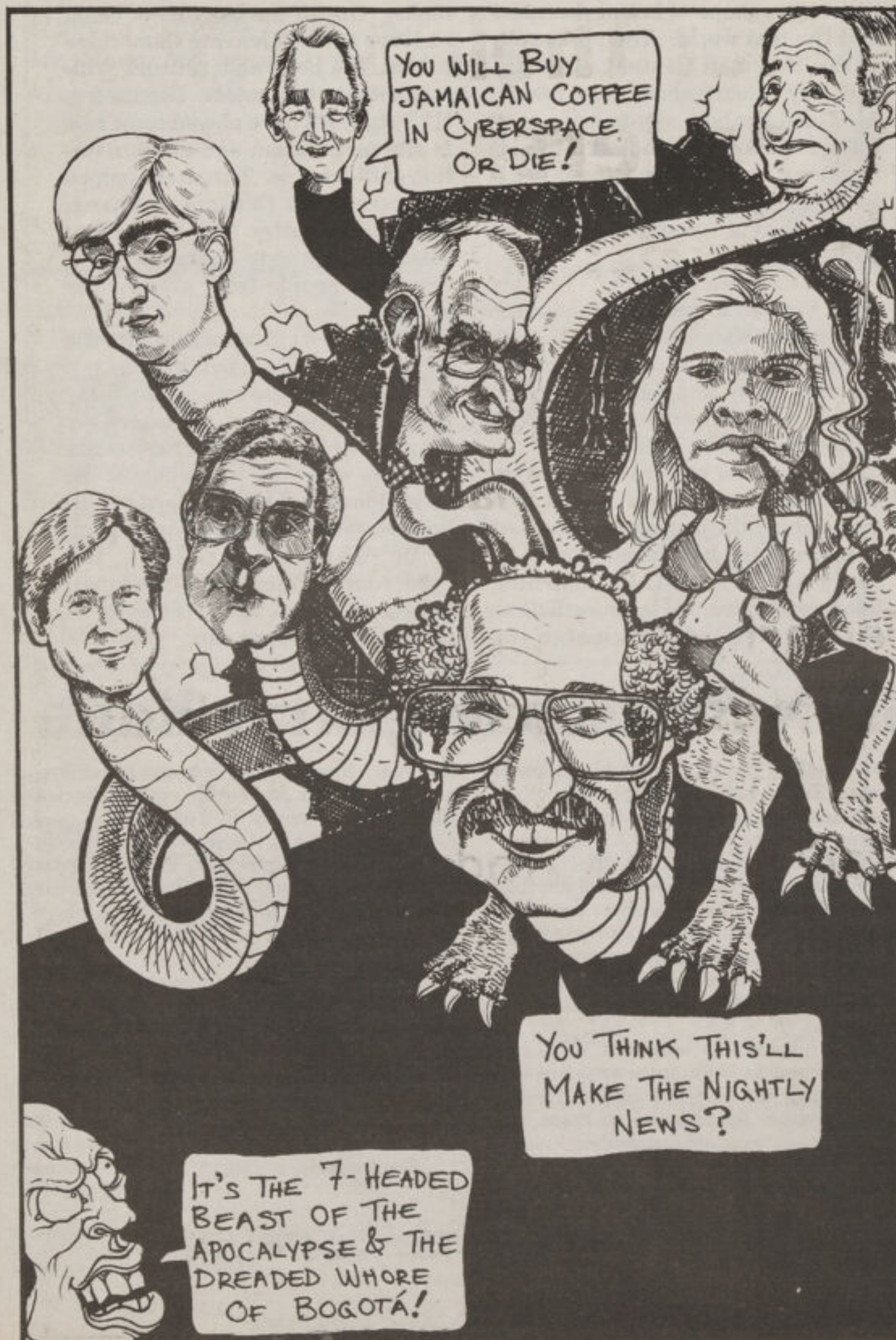
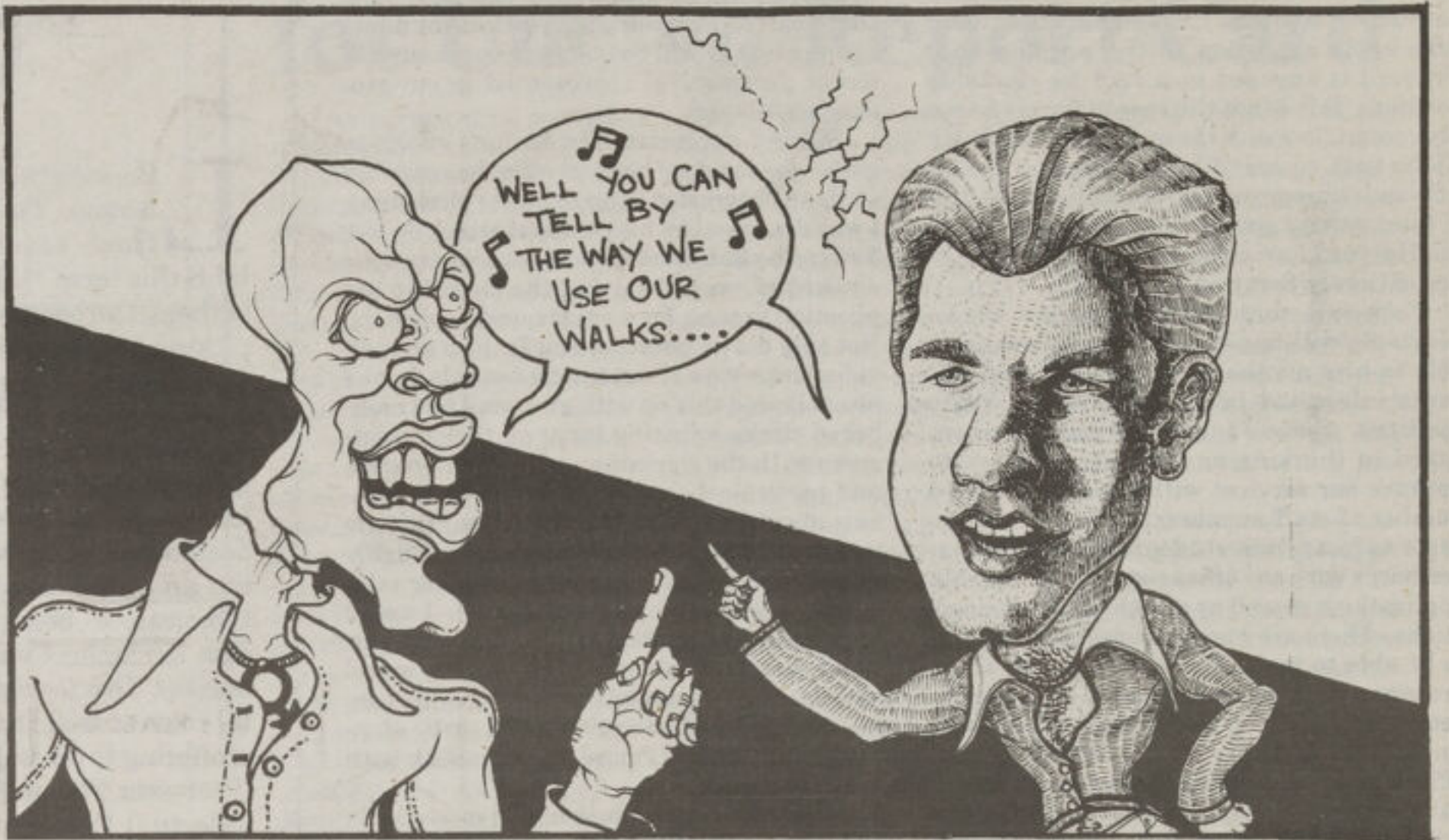
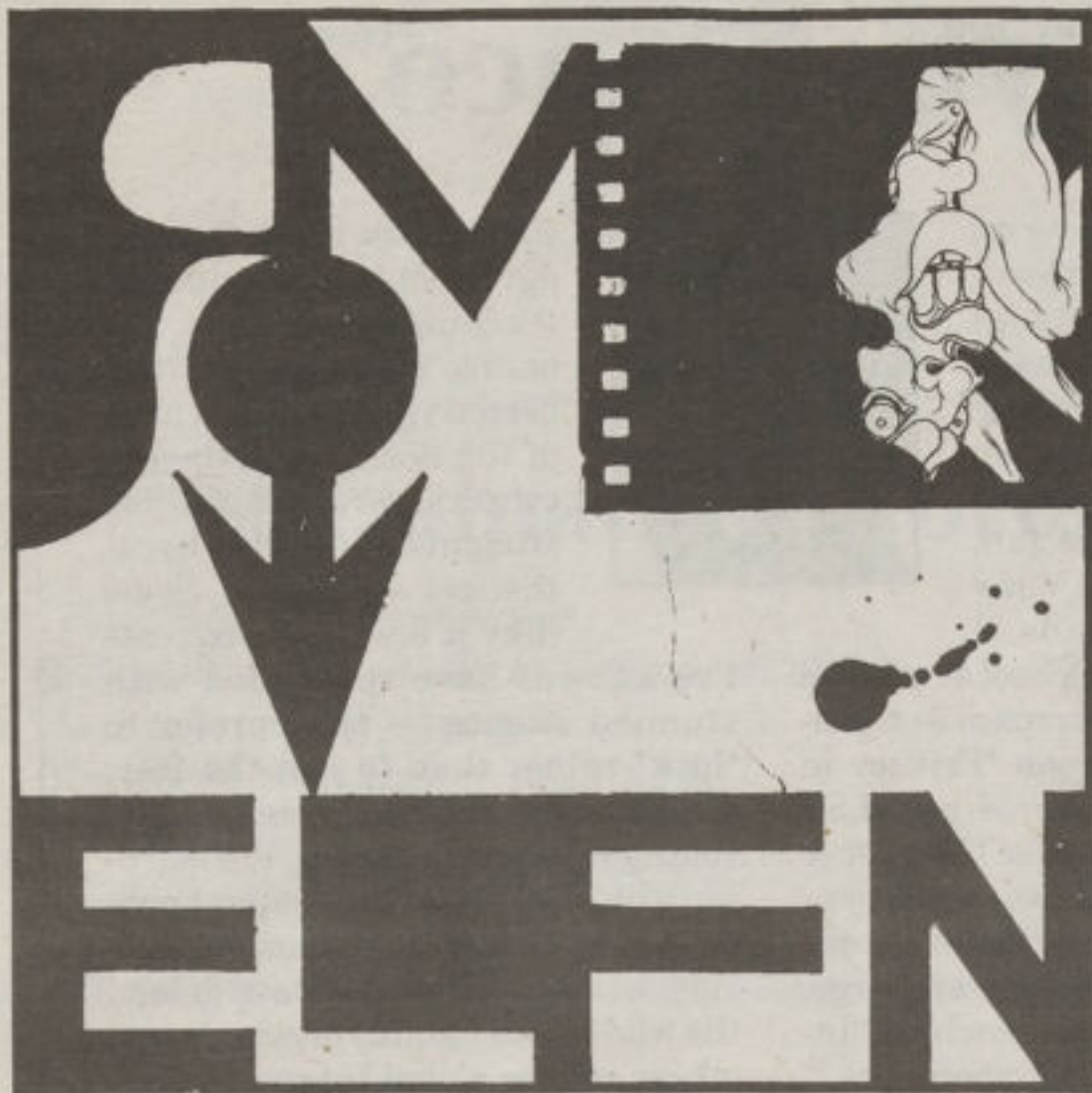
Amanda Rocque '00
Summer Funding Chair
Nicholas Walsh '00
Political Affairs Chair
For the Student Public Interest Network
April 28, 1998

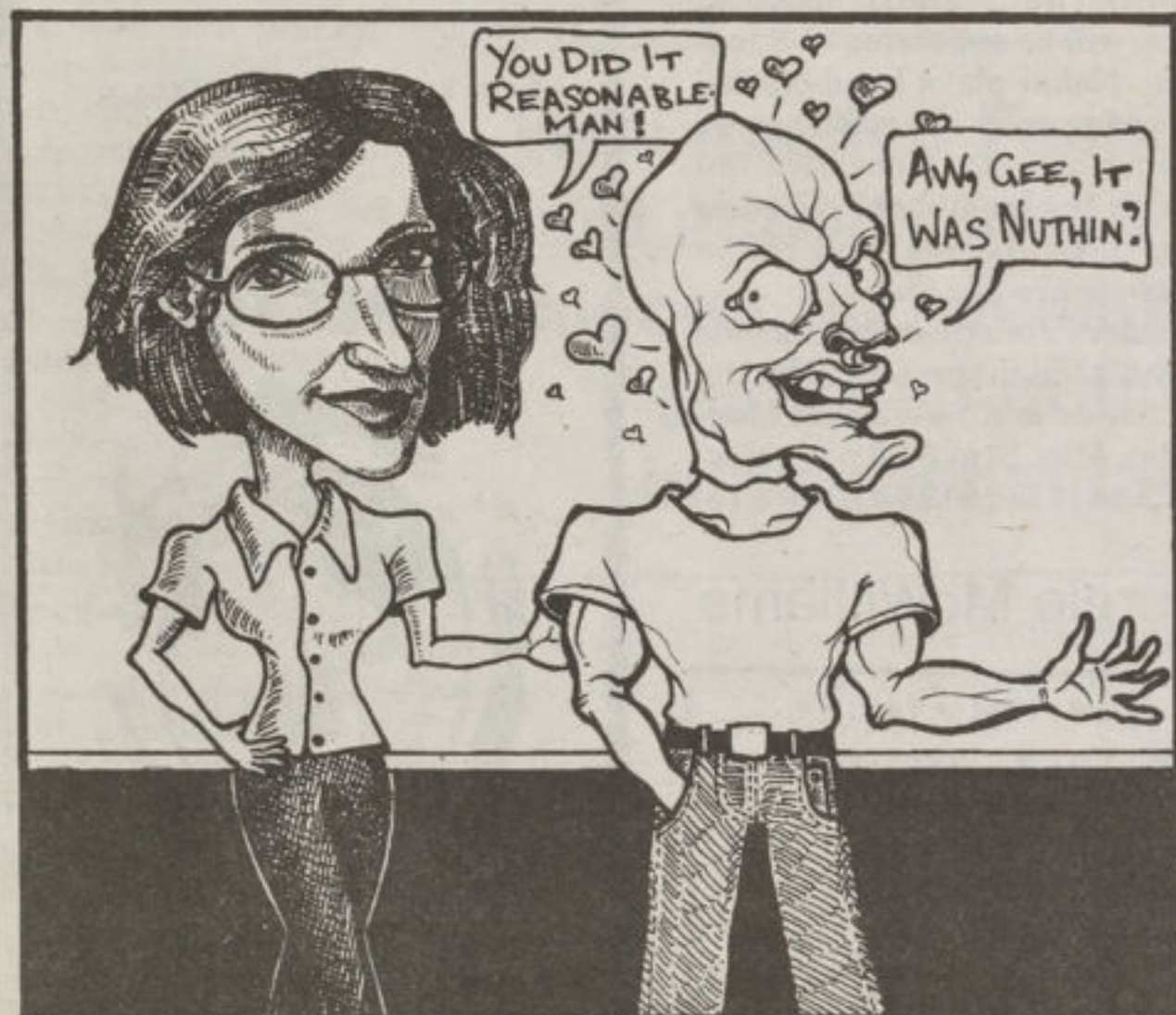
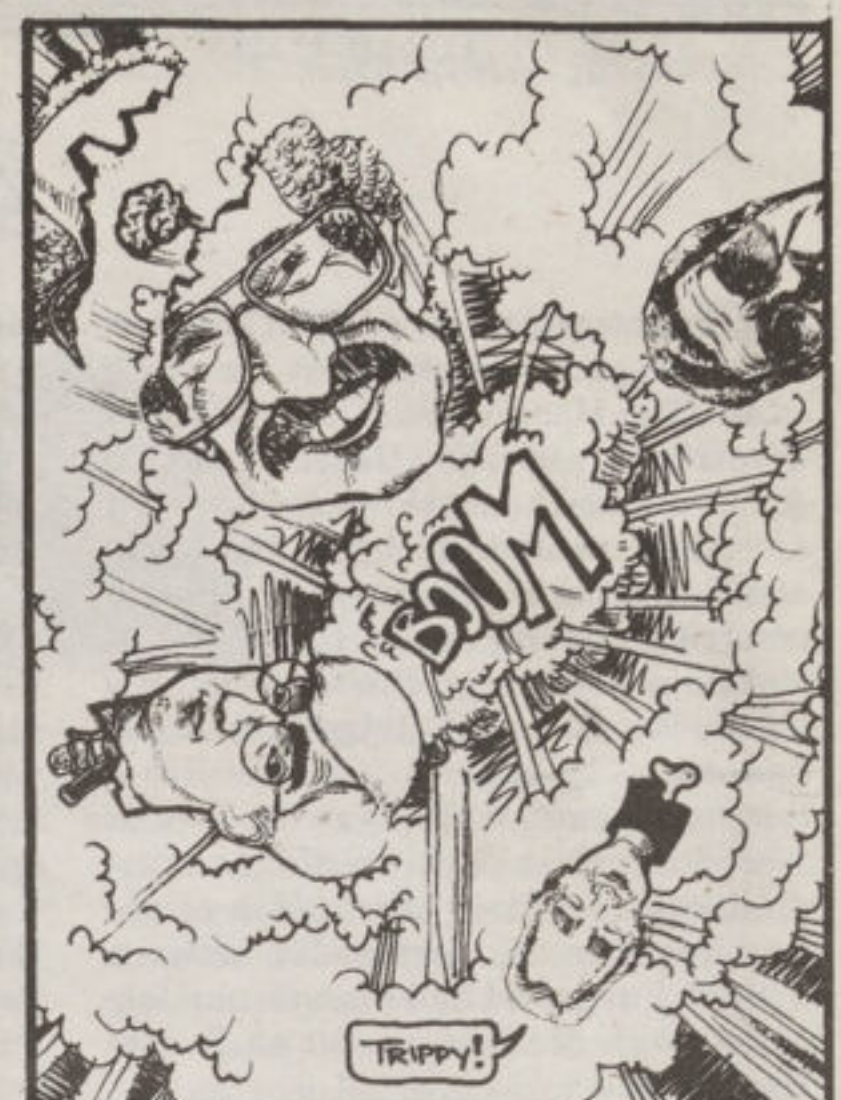
Not done with your 3L paper?

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Reasonable Man Bids Farewell

By Alfred Steiner





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The 2L Members of the Board of Student Advisers

THESE HALLOWED HALLS

By Kate Arms '98
RECORD Columnist

ARTS FIRST, AND LATER

This weekend, April 30 to May 1, is a special weekend at Harvard. The Harvard-Radcliffe Office for the Arts is sponsoring the sixth annual Arts First weekend. Founded by actor and alumnus John Lithgow, the weekend festival is a celebration of student-created art at Harvard.

Lithgow will open the weekend in a talk before the April 30 performance of Tennessee Williams's "Clothes For a Summer Hotel" at the Loeb Theatre at 8:00 p.m. This play, the final undergraduate mainstage production of the year, explores the relationship between F. Scott Fitzgerald and his wife and features Seph McNamara '00 as Ernest Hemingway.

On Saturday, Lithgow will join Harvard President Neil Rudenstine in recognizing Pulitzer Prize winner and College alum John Updike as the 1998 Harvard Arts Medalist. Past Harvard Arts Medalists include Harvard College alums Bonnie Raitt, Pete Seeger, and Jack Lemmon.

The focus of the weekend, however, is the celebration of student and faculty contributions to the arts. The Theatre Festival includes "Henry IV, Part I" at the Loeb Experimental Theatre April 30, May 1,

May 2 at 7:30 p.m., and May 2 at 2:30 p.m. Free tickets will be available at the Loeb Drama Center Box Office. Another free production is Shakespeare's "The Tempest," April 30, May 1, 2, and 3 at 4:00 p.m. on the steps of Memorial Church.

On Friday from 10 a.m. to 8 p.m., there will be an outdoor stage at Holyoke Center where all sorts of music will be played. At 8:00 p.m., the Harvard Glee Club, the Radcliffe Choral Society, the Harvard-Radcliffe Collegium Musicum and the Harvard-Radcliffe Orchestra join together at Sanders Theatre to present "Festival of Ensemble: Splendor of the Psalms." Tickets are available at the Sanders Theatre Box Office.

Saturday kicks off at 11:30 a.m. with the "Arts First '98 Parade" led by John Lithgow, which will march from The Inn at Harvard into Harvard Yard. From 1:00 p.m. to 5:00 p.m., the Performance Fair will feature more than '70s dance, music, film, and theatrical events in the Fogg Museum, the Carpenter Center, Loker Commons, the Science Center, Sanders Theatre, Paine Hall, and Lowell Hall.

Sunday's events are primarily in the undergraduate houses. A full schedule of events is available in the "Arts First

'98 Guide," which may be picked up at the Harvard University Events and Information Center in Holyoke Center or at the Harvard Coop.

Coming next weekend to the Loeb Experimental Theatre is "Ménage à Trois." A semester of experimenting and improvisation has led to the creation of an original theatrical performance piece incorporating songs and texts from musical theater, straight plays, and poetry. Performances are May 7, 8, 9 at 7:30 p.m. and May 8, 9 at 9:30 p.m. Free tickets will be available at Loeb Drama Center Box Office.

On Saturday, May 9th, at 8:00 p.m., Native American flutist and composer R. Carlos Nakai will be appearing at Sanders Theatre. Nakai plays hand-crafted flutes from cedar wood 300 or 400 years old, combining his own innovative impressions with the traditional melodies of the Zuni, Blood, Lakota, and Kiowa peoples. Tickets are \$22 and \$18.

Other Sanders Theatre events include "Mendelssohn's Elijah" presented by the back Bay Chorale and Providence singers on Sunday, May 10 at 3:00 p.m., tickets are \$23.50, \$17.50, \$12.50, and "Cre-



ating the X-Files: An Evening with Chris Carter" on Sunday, May 10, at 8:00 p.m., tickets are \$35 and \$25 with a discount for students/seniors. At 7:30 p.m. on Thursday, May 14th, Boston Baroque presents Mozart's comic opera, "Cosi fan Tutte." Tickets for the

Sanders Theatre Events are available at the Sanders Theatre Box Office.

Spike

By Margie McWilliams



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Musings and Vagaries

By Renée Kaplan '99

Staff Columnist

JOURNAL OF A RISING 3L

And what a year it's been. Last year, at this time, I reflected with honest good humor on the vicissitudes of the 1L year: the Law Review's big sell event, full of cookies and good cheer (come oooooon down and come out for this competition kids! Do Law Review and have a life too!); the ups and downs and all-round generally massive game theory confusion that was that first stab at pre-registration (fill in all 31 slots, children, because honestly you *never* know what Papa Kane might be forced to give you, even though it hurts him more than it hurts you); and the exciting variety of summer adventures that lay ahead for all of us 1Ls, in the private sector, the public sector, at home, inland, overseas, and everywhere — all of it still glowing with the sheen of recent newness and the bright prospects of the unknown competition and the unknown jobs and the unknown courses that lay ahead. I would suspect that this year, for most 2Ls, has had a little bit less of that tingly feel, a little bit less of that Chewels™ burst of novelty. But let's still give it its own retrospective chance and have a little charitable look back.

Well, pre-registration this year was certainly simpler — simply because the parameters have been narrowed, and a few basic truths have emerged with the sageness of experience. For example, credits? Negligible. We've all learned that almost all courses, from a 2-credit seminar to a 5-credit whamee, tend to round out to having just about the same amount of work, that this pretense of a ratio of time to work to credit-measured

graduation value of the course is kind of a crock, so really the generic formula for optimal return on one's pre-registration distribution of priorities is quite straightforward: the more credits per course the better. Then, of course, we came upon the age-old Fed Courts and Sec Reg questions — do you really need it to be a litigator? Do you really need it to be a corporate lawyer? Do we really need to ask or should we trust that, come next fall, they'll already have come out with *Bundle II* or the *3L Clump*, neat clusters of courses regrouping those two essentials together with a dash of Legal Profession and maybe a 3L paper advisor? In any case, pre-registration is certainly worth memorializing for all of its

school community seems finally to have discovered its LL.M.s. Indeed, not only did we discover our LL.M.s, but we discovered that they participate with great integrity in student government, that they have rather factious and ostracizing inclinations tending to lead to the alienation of their student representatives, like so many this year, that they engage occasionally in slanderous e-mail wars, that they cheat, perhaps lie, and otherwise get into the spirit of being abroad and being competitive; basically, that they have thrived. Of course, J.D.s this year were no strangers to cheating either, apparently stretching



time limits, word limits, and parking permits beyond all MPRE-conceivable capacity. And professors know it, of course. Professor Murray claims surprise and disappointment, and Professor Fallon claims he would

pretend — with real people in real firms with real views — where you spoke pretend and you smiled pretend, and they pretend, and we all pretend like none of us know the rules, that it's just genuine interest creating such perpetual harmony and good will. And now with most of us barely a few exams away from that bestest possible firm job or other job, the memory of that harmony-fest fades fast, pre-registration is almost forgotten, the LL.M.s are sliding back into obscurity, and we're thinking that we really wouldn't want to be busted for cheating, because that just might strain even in the most interested firm's limits of good will.

So a few parting nominations and few parting words of advice. I would like to nominate Princess Diana as the mascot for the 1997-98 academic year. I would like to nominate those incredibly opulent flower arrangements in the library as the 1997-98 academic year's flower, in the name of wondering who the hell budgeted for *that*.. I would like to nominate R.E.M.'s "Losing My Exam" as the theme song. And I would like innocently to suggest that as you keep close tabs on your word count, you also back-up with obsessive frequency, and that you print-out with the same paranoia — because why mess now with the fates and the imminently bright future they've allotted you? So may your summers be full of tingly feelings and Chewels™ bursts of novelty, and if not, who knows? Maybe next year will be like a brand new beginning.

Who needed Fenno to stir up Ad Board activity when we had real live deceit and delinquency to see punished in the arena of institutional law-making?

perplexing bubble-filling mystique neatly distilling your academic fate to an impressionistic scatter of lead dots, for all of the obscure and never-seen-before administrators and assistants who sit authoritatively behind desks in Ames courtroom (who *are* these people? and what do *they* know?) generally wielding despotic authority over their fleeting two-day kingdom by some divine right of affiliation with the Registrar's office, and because, most importantly, it was our last pre-registration. Bygones.

Still more exciting, this year the law

be vehwy, vehwy angwy were he to discover that students were surreptitiously stretching the word count on their exams — but Professor Parker is on the ball, and there will henceforth certainly be no more cheating on attendance. Who needed Fenno to stir up Ad Board activity when we had real live deceit and delinquency to see punished in the arena of institutional law-making?

And then, pleasantly smelling of its own brand of deceit and delinquency, there was, of course, recruiting. It was a very most terribly civilized jungle out



Fenno stormed into Caroline Soutanian's office, his dark eyes ablaze with anger. He waved a piece of paper frantically and then slumped into the dusty visitor's chair.

"Can I help you, young man?" Soutanian asked.

Fenno slapped the paper on her desk. "Just tell me it's a terrible clerical error and let me go home," he said, without looking up.

Soutanian reached into her file cabinet and ran her fingers over the folders. She pulled out a file and blew off the dust.

"Oh, yes, Mr. Fenno, the paper is correct. You're graduating. Congratulations."

She handed Fenno a candy cane.

"I know what the paper says," Fenno snarled. "But there must be a mistake. I can't be graduating. I mean, I don't have the credits, for one thing. I've only taken one class for the last forty years — Land Use Planning and the Environment with Charles Haar — and he passed away 30 years ago."

"He's still alive, Fenno," Soutanian said.

"NOOO!" Fenno screamed.

"But ... but I can't get credit for the same class more than once," Fenno stammered. "It's in the course catalogue somewhere. I know —"

"Yes, Fenno. But it says here last semester Professor Haar changed the course slightly and called it 'Land Use Planning and the Internet.' You received one credit for the new content."

Fenno grabbed the file and ruffled through it. "It can't be right. Count the credits again. Please count again," he pleaded.

"I've checked several times, Fenno. You have enough credits. Besides, you're on the official graduate list on the wall behind you."

Fenno swung his chair around. Right there, below James Daniel Fay and above Renata Jasiul Ferrari, was his name. Fenno. It WAS true.

"But I haven't even started my third year paper," Fenno said. "And there's obviously no way I can get it done before graduation. I'll just have to return next year to complete it."

"That won't be necessary, Fenno. I have your third-year paper completion form right here," Soutanian said. She pushed a pink carbon-copied form in front of Fenno's nose.

"What?!? Topic: An Exploratory Critique of the Neuroses of the Harvard Law School Faculty. Supervised by Professor Richard Parker in conjunction with Law and Literature. I didn't write anything like —"

"Professor Parker specifically informed me that your weekly column for that student newspaper satisfied your third-year paper requirement. He signed off on it last week," Soutanian said.

Fenno was in shock. A small tear ran down his bloated face. He sat in stunned silence for a moment. Then his voice cracked as he shook his clenched fist violently in the air and rose from his chair.

"Damn you, Richard Parker! I trusted you. You've changed ... You've changed."

• • •

Fenno tossed and turned in his lice-infested bed. He rose and took a swig of warm brandy and sucked on a Marlboro Light.

"I've got to figure a way out of this," he muttered to himself. "Think, Fenno. Think, you poor bastard."

Fenno pulled out an old legal pad and began scribbling furiously. He authored a letter to the Ad Board admitting he had thought unchaste thoughts about Bruce Patton, framed the entire LL.M. class,

and once donated baby-sitting services to the public interest auction, only to weasel out by claiming he was allergic to children.

Fenno wrote for hours until his eyes grew weary and the page blurred. The room started to spin and Fenno's last years went flashing before his eyes: searching for Arthur Miller; e-mailing with Tym Macleod; searching for Alex Boldizar's foreskin; hanging out with Charlie Nesson in Roxbury; being abducted by Scott Turow; getting fired from Sullivan & Cromwell; being abducted by Richard Posner.

Fenno was stirred by a familiar voice. "Hurry up, Fenno, it's time."

"No. It can't be," Fenno begged as he squinted at the dark shape before him. He could hear the steady rapping of footsteps and as the noise heightened he could see a figure in full academic regalia emerging from darkness, black hood fluttering.

"No. You don't understand," Fenno said. "You see, I'm not ready to graduate. I ... I feel like I just got here."

"You've had plenty of time in this place, Fenno. It's time to move on," the mysterious hooded figure said.

"But I'm not ready. I've barely learned the new bluebooking rules. I need to see how the new attendance policy will be enforced. I need to know if Ron Kasner will return. I need to know!" Fenno shouted.

The dark figure reached out and Fenno could feel himself lifting. Fenno's body floated up the stairs leading from his lair in the Ames basement. All was silent, except for the deep, heavy breathing of the hooded figure.

Fenno floated towards the top of the stairs. The hooded head turned towards his, and Fenno could see the sharp, red, beady eyes.

"It's time," the figure said.

"OK. OK. I do have enough credits," Fenno said. "And I never framed anyone and I'm not allergic to babies — at least not that I know of. Maybe I made

fun of a few thin-skinned professors and got in a little hot water but I've been a good law student. I hate LIPP and all of the blood-sucking public interest people. I'm unsure of my sexual identity but I support Brian Burt. I'd take the military's dirty money, stick out my chest, and salute.

"You see, Mr. Reaper, I'm just a regular shmuck trying to get by. This is where I belong. I can't leave here. There's no place for Fenno outside of Harvard Law School. I NEED this place," Fenno said, weeping uncontrollably.

"I BELONG here."

Fenno floated silently alongside the hooded figure. The air grew warmer as they rose. A thin beam of light peeked from the metal-wired square window in the Gropius door. The light grew brighter, and Fenno could hear the muffled sounds of a brass band and the thunderous clamor of an anxious crowd.

Fenno's body reached the heavy metal buckle in the door and he heard the loud slam of the hinge letting go.

He was stunned by the sharp, white hot light.

Quote of the Week

"GM could buy Delaware in a weekend if DuPont were willing to sell it."

— Ralph Nader '58

ON THE INSIDE

THE SCOOP AND A MANIFESTO SURROUNDING HLS AND LSC

By Raj Goyle '00 and
Eric Cesnik '00
Guest Columnist

Despite the fact that people here tend to disagree about quite a lot of issues, the one thing which is nearly indisputable is that HLS is an institution that is currently resting on its laurels. Sure, we're near the top of the U.S. News list with our LSAT scores, college grades, and so on, but ask students about their quality of life and HLS falls to the bottom of the list. As one HLS professor recently observed, "a class at Harvard Law is like an eight-cylinder car firing on four cylinders."

So as we reflect on HLS and the ups and downs of our 1L year, we keep thinking to ourselves, was the parody really a documentary? And if so, how can we change this place?

To this end, we have the distinct honor (perhaps notoriety would be a better word), of having served as the Law School Council's audacious, annoying, and hell-raising reformers — just ask anyone who regularly attended one of our finely-tuned meetings. And despite the fact that we won a few victories (but encountered far more disappointments), we do feel that we have gained some worthy insights on the institutional lay of the land here, and more importantly, now know how to alter it for the better.

Let's start with the administration and the faculty, neither of which has the gumption to entertain substantive widespread reform. After spending countless hours in meetings where we discussed administrative prerogative, faculty behavior, and student opinion, the overwhelming sense we glean is one of futility, apathy, and stasis — and they emanate from the top. A few quick observations which illustrate our point, and hopefully entertain:

Dean Clark (a.k.a. Ralph Nader's "great disappointment") is a sharply

dressed fund-raising machine and, combined with his trusty scribe who jots happily during faculty meetings, he really does resemble a Hollywood stereotype of a CEO whose only connection to his employees is through focus groups and the company Christmas party. Our favorite quote came when he was asked of his response to student protests which engulfed the school the last time the faculty tried to implement an attendance policy: "I was just a junior faculty member probably thinking of going to a different institution." (But he does get props for his parody cameo...)

The faculty, who are otherwise known as the most powerful collection of former Supreme Court clerks on earth, are actually a bunch of scholars and teachers (more of the former it seems), who attend meetings half of the time, relate to each other like any other collection of ego-driven intellectuals confined by institutional hierarchy, and who in their heart of hearts would love to change this place fundamentally, but are sick and tired of caring. (And don't forget the Crits, who seem to wait in vain for a Molotov Cocktail to scream through the front of Hauser just to cure their boredom of the current goings-on.)

It's not that we think the administration and the faculty don't care. Most of them do. It's just that the status quo reinforces a timidity that discourages critical student action. What we mean is, everyone knows a class with 150 people in a noisy lecture hall just doesn't cut it (even if you have Prof. Rakoff), but what have we students done about it?

It was already in October, after LSC had organized itself, held elections, seated new members, and had its first meeting, that we began to understand the extent of the LSC's powerlessness.

Instead of speaking for the students, the Council, to a large extent, passed that responsibility on to another set of students: appointees who serve on the various (and somewhat mysterious) "university committees" or "student-faculty committees." These committees, which many students don't know exist, are where the real power lies in decision making here at the school. But there is one major flaw in the system: the students appointed to these committees serve for three years, are not accountable to the Law School Council or the student body as a whole, and are appointed by ONE student in the first two weeks of school. Granted, some students, such as David Lancz (who holds two important appointments), are very active and work their butts off, but most don't do anything.

It took the Legal Education Committee leaving us high and dry on the attendance policy to spur us to invoke the "removal" clause in the LSC bylaws. The LSC as a whole rejected our motion; we couldn't even rustle up a majority, let alone the two-thirds needed, and instead chose to recommend that the LEC Three resign. Predictably, they haven't. But in the wake of the uproar, we were able to author an amendment to the by-laws of the LSC which, we believe, might actually make the LSC matter. According to the new rules, future appointees to the university committees must appear before the Council every year and be evaluated, and, more importantly, must be re-approved by the Council each year. Now it's up to the LSC to be held accountable for the activities, or lack thereof, which occurs in these committees.



But this is just one small example of student activism. The heart of the school lies with student activities of all types, and everyone knows it. Four 1Ls have started the Society for Law and Ethics; another LSC member has started the Forum for Academic Exchange; we have helped organize forums on controversies like the military recruitment issue and the loss of the gym; the Public Interest Auction was record-breaking; and the list goes on and on.

And so, with great confidence in our collective ability to organize, we issue a challenge: we ask that you join us in the formation of a new political cause, the Progressive Student Union. (Yes, a blatant political agenda at the Law School.) It won't be an "official" HLS student organization like the LSC because the point is to change the status quo, not succumb to it.

You see, we remain convinced that the nascent potential for activism about the essence of Harvard Law is much greater than most students think. Building a meaningful community, enhancing the intellectual rigor of the classroom, pulling apart the factory-like atmosphere which currently symbolizes the status quo and instead promoting dynamic and vigorous discourse — it's easy to recognize the goals.

What we really need is for students to actually stand up and ask for a better return on their money. What we don't need is Law School Council members to be merely student governors; what we need is actual leadership, and it should be in the form of a Progressive Student Union. We hope you will join us, and lead HLS to better days ahead.



CARPE POLLO

TELL IT TO THE JUDGE

By Jake Zimmerman '00
RECORD Columnist

This column ought, by all rights, to be deep and meaningful. After all, it's my last of the year. In it, I ought to reflect on the ups and downs of the emotional roller coaster that is one's first year in law school. I should comment on the lessons learned in nine months at Harvard, preferably with a dry and detached wit. By all rights, this column should mix fact, opinion, and nostalgia into a mélange that leaves you, my loyal readers, reflecting on what this year of legal education has meant to you.

Sorry, folks, but that ain't gonna happen. This is, in part, because of an obvious problem: my complete lack of a "dry and detached wit." (Except, of course, for what you saw in my column about the giant squid, a masterpiece of subtle and understated humor if ever there was one.) But even if I suddenly developed an enormous capacity for wry drollery, there's a bigger problem here. There's something weighing on my mind and my soul. Until I get it off my chest, I'm going to feel like Coleridge's Ancient Mariner, only without the cool-ass white beard.

So, dear readers (translation: "captive audience"), I'm going to have to burden you with my troubles. By baring my soul and exposing my deepest, darkest secret to the cold wind of the public eye, some sort of cathartic enlightenment seems

inevitable. Or, if I can't get cathartic enlightenment, maybe someone will at least take pity on me and buy me lunch. So, anyway, here goes.

You see, I have this new favorite joke. I find it infinitely hilarious, and just thinking of it frequently starts me giggling uncontrollably. It's really a wonderful joke. Unfortunately, I have a problem: no one else thinks it's even faintly funny. Whenever I tell the joke, I im-

may have its origins in my unusual upbringing. For instance, when I was a child, my parents used to routinely bounce me on my head while singing "Ding, Dong, the Witch is Dead." But that's probably a matter best left to consultation with a therapist.)

Basically, something needs to be done here. Sooner or later I'm going to run out of friends to lose because of this joke; then I'll inevitably move on to professors, employers, and law enforcement officials. I'm desperately afraid that the time is not far away when the response to my dubious punch line will not be a disapproving silence, but instead those five dreaded words: "Tell it to the judge."

In short, I need help. I'd consult a psychologist, but I can't afford it, since I've blown my entire bank account on Ding Dongs™ and Pepto-Bismol™. (Do you suppose this could also be a consequence of my unusual childhood?) I thought about turning to religion for help, but while praying I got carried away and told God the joke. I'm now pretty much convinced that whatever divine being may exist is no longer interested in helping me work this problem out.

I have nowhere to go and no place to turn. My life is looking like a giant downhill spiral toward an eventual career in



the sanitation arts, mumbling to myself incessantly because no one else will dare speak to me. I'm truly at the end of my rope. So, friends, I turn to you as my last possible avenue of salvation. (You see, I'm not only at the end of my rope; I'm also nearing the end of my word limit.)

So, here's the plan. I'm going to tell you the joke. In one fell swoop (assuming optimistic projections about the RECORD's readership), this will enable me to share the joke simultaneously with at least four or five people. Surely one of you — just one — will find it funny. That's all I need, and it's all I ask. One genuine chuckle or smile of delight could be the difference between a successful legal career and a life spent in the back of big trucks that make loud beeping noises when they back up. So, please have a heart: enjoy this joke.

Q: Why are elephants big, gray, and wrinkled?

A: Because if they were small, white, and round, they'd be aspirin.

There. I can feel my soul becoming lighter already as its terrible burden is lifted. At last, I have achieved some closure and can finally draw this year of law school to a close. My one-L year is complete, my Scott Turow-esque hazing is coming to an end. Pretty anticlimactic, huh? Yeah, well, welcome to Harvard.

Have a nice summer. Oh, and do me a favor: if you don't like the joke, just don't tell me. We'll all be better off in the long run.

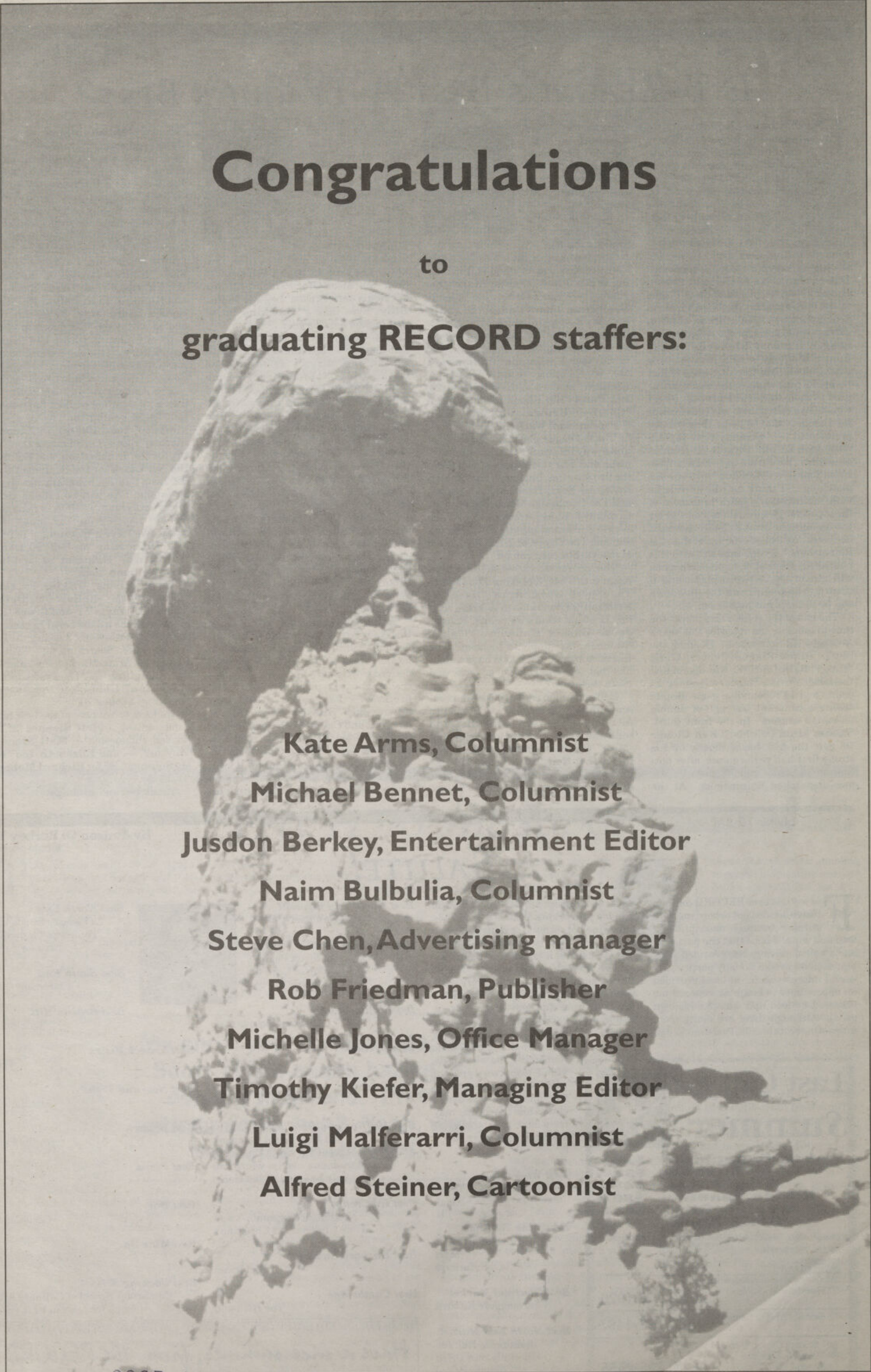
**My one-L year is complete, my
Scott Turow-esque hazing is
coming to an end. Pretty
anticlimactic, huh? Yeah, well,
welcome to Harvard.**

diately find myself surrounded by a sea of blank stares. Basically, it's a total conversation-killer. After a few moments of silence, the other people typically start slinking slowly away, eventually leaving me alone to wallow in the angst of knowing that I am slowly alienating all of my friends.

None of this would be so bad, except that I seem to have a strange compulsion to keep telling the damn thing. Every time it bombs, my psychic need to share this joke just grows stronger. I have no explanation for this phenomenon; I only know that I am a slave to my peculiar mental need. (I suspect it

**By Naim Bulbulia '98
and Josh Swartz '99**
RECORD Columnists

Have a nice summer, from the RECORD



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to

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