



Faculty approves overhaul of first year

by Justin Cooper

The 1L year at Harvard Law School — immortalized in film and novel, beloved by some and decried by others — will never again be the same. The traditional division of each entering class has been four sections of about 140 students each. But last Friday, the faculty voted unanimously to change that storied structure.

"I thought the vote last Friday was a grand moment in the history of the law school," said Dean Clark '72 of the decision to divide future entering classes into seven sections of 78 to 80 students each. "It was a unanimous vote with no abstentions; there was a great spirit in the room," Clark said.

The new program aspires to more than a mere re-arrangement of bodies. The hope is that each

first-year section will grow into a "law college" that will serve as a locus for advising, intellectual activity and social interaction. Each law college will have a faculty adviser to oversee intellectual and social life, and each may ultimately acquire physical space as well. To back up these changes on an academic level, the faculty voted to include some form of mid-term written feedback in each required first-year class and to allow first-year students to sign up for upper-level electives during their second semester.

"It would be fantastic," said Barbara Karuri '03, who felt that the extra feedback would alleviate some of the pressure associated with final exams.

Dean of the J.D. Program Todd

Please see **REFORM**, p. 4

LSC resolution urges action on grade reform

Whereas the faculty will vote this Friday, September 22, on the future grading policy of Harvard Law School, and

Whereas this issue was highlighted by students, through the McKinsey survey, as a top priority for reform, and

Whereas this vote constitutes one of the most important aspects of the ongoing strategic planning process;

The Law School Council encourages students, individually and in groups, to bring up and discuss the issue of grading with their professors and administrators and make their voices heard, whatever their opinions on this issue may be.

Friends recollect, pay tribute to life of admired classmate

Mooney would have been third-year law student.

by Justin Herdman

For those who called him a buddy, there was something about Craig Mooney that made a story out of every goodbye.

Friends, classmates and acquaintances gathered to say a final farewell to Mooney on Tuesday night. Mooney, 24, was killed in a one-vehicle motorcycle accident during the early hours of August 16. He would have started his third year at HLS this September.

The tribute, fashioned in the tradition of an Irish wake, was held at the Lincoln's Inn. As friends sipped whiskey and Guinness in his honor, Mooney's absence was all the more acute. "There was never a time I wasn't happy to have him around," remarked one observer. "He always added something."

Yet eventually the somber atmosphere of the memorial was punctured by laughter and succumbed to fond memories. Mooney, who had taken a leave of absence from HLS last spring in order to focus on creative writing, would likely have appreciated the stories that circulated throughout the evening.

Classmates recounted tales from Mooney's first year at HLS. Though one friend noted that Mooney preferred to dress as a "cat burglar" — often donning a black wool cap and gloves — such dark attire did not infect his classroom humor. During one exchange with Prof. Alan Dershowitz on the issue of self-defense, Mooney delighted his section when he remarked, "Dersh, if it ever comes down to you and me — I'm sorry, but you're gonna be pushing up daisies."

Whether it was by "typing as fast as he could talk," playing the guitar, or giving a late-night reading of an Irish short story, Mooney continually impressed others with his intelligence and passion. Those who knew him best deemed him a "romantic" and said that his life was "ruled by emotion." Another remembered Mooney as a "talented and introspective soul."

Mooney was described by several in attendance as "fiercely loyal." "You could trust him," one friend recalled. "You could always count on him."

Others remembered Mooney as an unabashedly genuine man. "He wasn't afraid to be himself, even if that meant standing out," said a friend. Evidence of this individuality could be found in the full bar that Mooney and his roommate built in their Hastings dormitory; with a faux marble counter and beer on tap, it contributed much to the otherwise drab social life of Harvard Law. And though Mooney was jokingly remembered as a terrible card player — "He couldn't win a poker hand with four wild cards," said one friend — he never flinched from organizing a nighttime gathering.

Often, these parties led to late-night conversations of a more serious nature. Mooney was mentioned by friends as a person who challenged others, continually telling those around him to question the seemingly inevitable march towards the corporate world. One friend recalled him asking: "Are you doing what you want to with your life?"

Feeling it to be indicative of Mooney's life, a friend paid tribute in reading a passage from "On the Road" by Jack Kerouac. "The only people for me are the mad ones, the ones who are mad to live, mad to talk, mad to be saved, desirous of everything at the same time, the ones who never yawn or say a commonplace thing, but burn, burn, burn like fabulous yellow roman candles exploding like spiders across the stars and in the middle you see the blue centerlight pop and everybody goes 'Awwwww' ..."

The friend followed this passage with his own words: "I was in awe of Craig Mooney."



Craig Mooney

Law Review dreams dominate 1L survey

A poll of first-year students has revealed that the Harvard Law Review is a much-desired destination for first year students after only two weeks of the law school experience.

An email sent to the 1L class solicited responses from those students who have already made definite decisions about their intentions to enter the Law Review competition. Out of 99 responses to the RECORD poll, there were 74 students who plan to apply for a place in Gannett House. Twenty-five students said that they would not enter the competition. The survey itself asked those students who were unsure of their intentions to abstain from replying.

Anne Small '01, President of the Harvard Law Review, was understandably encouraged by the positive results of the RECORD survey. "I'm thrilled that so many 1Ls are interested in the Review," Small said. "It is a fantastic institution



Question: At this point in the academic year, do you plan to enter the Harvard Law Review competition in the spring?

(Only Yes or No answers were considered. 99 respondents)

Yes	74
No	25

and, over the course of the year, I hope the other 25 will reconsider."

One of those that Small hopes to win over is Dan Hoffman '03, who does not intend to enter the Review's writing competition. Hoffman arrived at this conclusion

since coming to HLS, citing the timing of the competition — right after the end of 1L spring finals — as a discouraging factor. Instead of trying out for Law Review, Hoffman intends to become active in a student organization or journal. To help his employment prospects, he will try to "get really good grades."

Despite those apprehensions, the vast majority of the survey's respondents agreed with Andriy Krahmal '03, who plans to enter the Review's competition. He said that the Harvard Law Review is a "first class law journal," pointing to the prevalence of articles from the publication in his first year casebooks. In addition, Krahmal was intrigued by the "challenging" nature of Law Review work.

Small advised would-be editors to keep the competition at arms-length for the near future. "The Law Review competition is a long way off," she said, "and the 1Ls should enjoy their year in the meantime."

Student body elects new slate of LSC reps

by Juan Pablo Alban

Defying the conventional wisdom of upperclass alienation, all nine of the LSC positions reserved for second- and third-year students were filled in LSC elections, signaling renewed interest in student governance at HLS. With enormous change imminent at the Law School as a result of the Strategic Planning Process, twenty-three first-year students, more than seven LL.M. candidates, and two International Tax Program (ITP) students decided to test the waters of student politics.

According to Mike Adams '01, HLS student election coordinator, an "unprecedented number" of candidates ran for elected office this year. The available slots for 2Ls and 3Ls will be full "for the first time in memory," says Adams.

The victorious candidates' backgrounds range from the normal — standard undergraduate experience in student government — to the extraordinary — ITP candidate Rolando Ligon worked as the

youngest member of the Bureau of Internal Revenue for the Philippines.

Students who threw their hat in the ring pointed to an ambitious leadership that highlights the Council's potential to make a real difference in the law school. LSC President Jay Munir '01, who ran unopposed last year, stated: "This is going to be the most active student government HLS has seen in some time. We are going to see big changes at HLS this year, and it's an exciting time to be a student here."

Returning Council members Taryn Fielder '02, Steven Jones '02 and T.J. Duane '02 also expressed optimism at the agenda of the student government body. LSC officers will "provide some awesome leadership incentive to other students and take the lead in making HLS a better place," said Fielder, who will represent 2Ls. Jones pointed out that the Council has already played a significant part in improving life here, citing its role in last year's improvements of

Hemenway Gymnasium and the recent faculty vote to reduce class size as just two examples. Duane noted the "great deal of potential" that the LSC has to have a strong positive force in the administrative arena.

Despite their recent arrival on campus, first-year candidates likewise emphasized the importance of the LSC's role in student governance. While some enjoy student government from past experience or just generally want to get involved, others already believe that the Council offers an opportunity to influence the school's policies and student life. "I'm impressed by the level of involvement of the LSC," said Kathy Gainey '03, who will represent Section II on the LSC this year.

Munir pointed to five goals that the LSC has been working towards over the course of the Strategic Planning Process: class size, advising, feedback, grade reform, and an

Please see **ELECT**, p. 5

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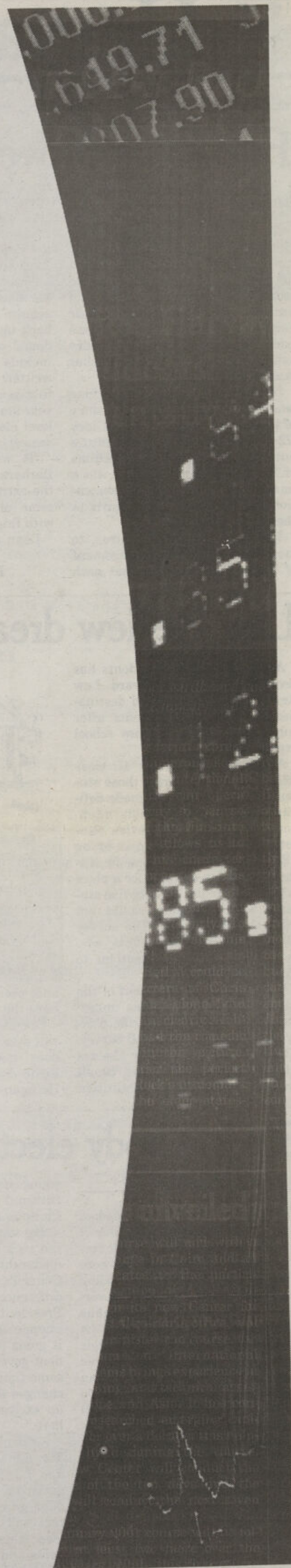
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Looking out for the little guy — RAP counsels young artists

Clinical program reaches out to urban talent

by Phil Barengolts

From MC Hammer to TLC, recording artists who seem to have it all sometimes end up losing it all. One of their mistakes: inadequate legal representation. While Hammer and TLC could afford top-notch lawyers, many artists are simply struggling to survive, and that makes them prime targets for the seamier side of the music industry.

Enter Harvard Law students. The Recording Artists Project (RAP) is a clinical program that assists up and coming urban musicians. These young rappers and hip-hop performers are usually long on talent and ambition, but fall far short when it comes to proper legal representation.

The music business is full of self-serving individuals, people looking to take advantage of an artists talent as well as their lack of industry experi-

ence. If an artist does not arm himself with good legal representation then he will likely end up where he began—with no money and a wealth of talent.

"[Legal representation] is the name of the game. If you have it, you can survive the pitfalls of this business," said RAP Director Aaron Rosenberg '02.

RAP offers students the opportunity not only to practice entertainment law, but to help artists from poorer communities achieve a level of success otherwise not available to them. "We practice community outreach first and entertainment law second," Rosenberg told a crowd of about 40 attendees at RAP's first organizational meeting.

"Many people use music as a way out of less than perfect situations and by providing them with good representation, we allow them to make the most of that opportunity," Rosenberg explained.

The clients are diverse and bring with them a host of legal needs. "Clients come from varying musical backgrounds and range from the very

talented to the completely untalented," Rosenberg said.

The students enjoy not only a high level of client contact but also real world experience. "It provides me with an excellent opportunity to get some real world experience aside from the law school education," said Jamaal Lesane '01, a participant in the program.

RAP can already claim its share of success stories. Brian Price, who acts as the clinical advisor to the program, mentioned a client who had signed away the rights to a song for \$200. Shortly thereafter, the song became a small hit and the artist realized that he should be getting some money for his work. He came to RAP, where the law student participants discovered that as a co-writer of the song he was entitled to publishing royalties. The artist soon started collecting \$2500 royalty checks. That income stream can help push a young artist over the top by allowing them to focus more on the music and less on the bare necessi-

ties.

While Harvard Law alumni populate top positions in the most well known publishing houses, students are helping get the next big stars get off their feet. "One of my boys is starting a record label, Sunmoon, and I referred him here," Lesane said. "[RAP] did some good contract work for them."

Last year RAP maintained a low profile on the HLS campus, but Rosenberg is optimistic about the organization's direction. "What we're trying to do is get a core group of people who are able to dedicate themselves to the program and spend time with the clients," he said.

Not every artist will be a success, but RAP can provide those that are, and those that will never be, with protection from the exploitation that runs rampant in the recording industry. And then the artists will have someone protecting their interests in an industry where many only look out for themselves.

WELCOME TO BEANTOWN

Playing hooky.

Or, What to do when you want to get the hell out of Harvard Square

CULTURE

Boston Museum of Fine Arts: Take the green line (E) to the BMFA stop. So, like, there's this big building with lots of really cool paintings by really famous people and it's, oh my God, totally free!! Count me in. Wait, what's that? No way, a 40-minute T ride? Screw it. Then again, aren't museums a great place to meet intelligent, well-groomed members of the opposite sex? With all those rock-solid Greek gods around, you'll get lots of exposure to one medium in particular: wood.

Boston Symphony Orchestra: Take the green line to the Symphony stop. For more traditional classical music fare, check out the Symphony Orchestra. For students on a budget, the open rehearsals cost \$10, or show up 90 minutes before a performance to try to get your hands on student rush tickets (usually available Tuesday and Saturday evenings, and Friday afternoons).

Museum of Science: Take the green line to the Museum of Science stop, or walk from the red line Charles/MGH stop. We'll begin with the presumption that you're a dork. Though you may be trying desperately to avoid being pigeon-holed, tough luck. So get in line with all the other geeks and get on down to the Museum of Science. Make your loved one's hair stand on end within the Theater of Electricity. Boston's largest movie screen is here — an IMAX number currently showing "Attack of the Fifty-Foot Woman." Just kidding. But seriously, four-eyes, you haven't really lived without seeing the Museum's laser "rock" show. This cunning combination of multi-colored light beams and Def Leppard tunes will leave your pasty-white skin flushed with excitement.

Museum of Bad Art: Take the Orange Line to Forest Hills, take the Dedham Mall bus to the end of the line (the mall). Ask the first passerby you see how to get to Dedham Center. This is not a joke. Collected from around the nation, this museum of truly horrific artwork is a must-see. The masterpieces "Pablo Presley" and "Sunday on the Pot with George" are classics. With the amount of framed crapola on the walls of MOBA, you're sure to walk away with a personal favorite.

New England Aquarium: Take the blue line to the Aquarium stop. Did you see "Next Stop Wonderland"? Have a penchant for fishy-smelling, wetsuit-wearing college graduates? Then the Aquarium is the place for you. Even better, it's got its own T stop. Although the seal tank has been boarded up (too many noise complaints about poor trumpet playing, apparently), they've still got

sharks. And, unlike Harvard Law School, the predators here are all safely behind glass.

SHOPPING

Downtown Crossing: Take the red line to the Downtown Crossing stop. Two words: Gap Outlet. Three more: Eddie Bauer Outlet. Add in a huge Barnes and Nobles, a Borders, the original Filene's Basement, a Macy's, and a number of other random stores. And nothin' but nothin' beats a buttered one from Pretzelmakers.

Faneuil Hall: Take the red line to Government Center, go down the big stairs and cross the street. Faneuil Hall is a favorite hangout for tourists during the day and twenty-somethings barhopping at night. With a number of outdoor eateries, several bars including the Purple Shamrock and the Black Rose, as well as a Brookstones, a Warner Brothers Store, and a number of other cool shops, Faneuil Hall has something for everyone. For a truly unforgettable experience, forget the touristy eateries inside Quincy Market. The one thing your taste buds need to get a hold of is the hot sauce labeled "Inferno" at the Spice Rack.

The Garment District: Take the red line to Kendall/MIT, 200 Broadway. If you're the type that likes shopping at Salvation Army, and you don't mind putting on someone else's used clothes, then this is the place for you. Check out the garbage pile — only 50 cents a pound on Fridays — to find the leather midriff of your choice. Most of the items are in the \$10 range — aside from the occasional sweet find, you get what you pay for. Better selection for gals.

OUTDOOR ACTIVITIES

Community Boating: Take the red line to the Charles/MGH stop. Located just across the river and open from April 1 through November 1 each year, Community Boating offers discounted memberships to students. Membership gives you access to beginning and advanced instruction in sailing and windsurfing, as well as free use of their sailboats and windsurfing equipment.

Whale Watching: Hop a ride at the docks by the New England Aquarium. (\$21 for students, four hours.) Big, blubbery, barnacle-encrusted mammal with soft, soothing voice seeks young, intelligent human with a fondness for animals. Likes: swimming, diving, and singing sub-sonic love songs. Must have enormous lung capacity and respect for ocean ecosystems. Card-carrying members of Greenpeace preferred. Norwegian applicants subjected to strict scrutiny.

Walden Pond: Commuter Rail. Take a stroll through Henry David country. Purify mind and soul in the sacred waters of America's most transcendent pond. Sit and contemplate your worldly detachment in the replica of Thoreau's stoic log cabin. In short, take in some nature and philosophy by one of the New England's most idyllic historic landmarks.

PROFESSIONAL SPORTS

Red Sox: Take the green line to the Fenway stop, or get out at Kenmore Square and follow the crowds. There's a Green Monster in this town, and it ain't Godzilla. Don't let the fall pass you by without a visit to the historic confines of Fenway Park. It won't be there too much longer. Cheer on some of the best known names in baseball, Nomar and Pedro, from butt-bruising seats while chomping on boiled hot dogs and, of course, drinking a beer. Don't get too fond of the hometown boys, though, as the curse of the Bambino still haunts the team. Purge your post-game frustrations with a Beantown drinking binge in the neighboring pubs and clubs of Lansdowne Street.

Celtics: Take the green line to North Station. The fabled Celtic legend lives on under the tutelage of Coach Rick Pitino. The current crop of b-ballers may not inspire awe, but the raw talent of youngsters Paul Pierce and Antoine Walker just might make a Celtics fan out of you. The Fleet Center itself is modeled along the repetitive lines of nineties arenas (read: atmosphere-controlled airplane hangers with annoying, less-than-hip announcers who spout off "Aw, yeahs" after every lay-up), but more than makes up for its sterility by straddling the T line. Another bonus: Alan Dershowitz sightings are not infrequent.

New England Patriots: Take the commuter rail from South Station. Contrary to what you may have heard, not all fans at Foxboro are Massholes. Some of them are from Rhode Island. Even though they've struggled as of late, the Pats are always contenders in a crowded AFC East. So throw on your Tony Eason jersey, grab some kielbasa, and arrive early for the tailgate. Exorbitantly high opinions of Drew Bledsoe encouraged, though by no means required.

Boston Bruins: Take the green line to North Station. There's only one way to watch hockey. Live. No illuminated puck to strain your vision. Not a single toothless French Canadian with a stupid haircut to provide superfluous color commentary. Just the crisp scent of skate-shaved ice, the sweet sight of frozen blood droplets, and the heavenly chorus of blue-haired grannies pounding glass after a particularly hard cross check.

REFORM

Continued from page 1

Rakoff '75 said that he hopes to begin implementing the program next fall, although limitations of space and staffing may make that difficult. He mentioned that HLS has been physically designed to accommodate large classes since at least the construction of Austin Hall in 1883. "This will affect building decisions in the future," he said. "For the moment, we'll be having 80-person classes in 140-person rooms." Rakoff added that some 1L classes may have to be scheduled in the afternoon, a practice which has been avoided in the past.

The faculty's willingness to overcome such practical limitations highlights what Prof. Einer Elhauge '82 — partially responsible for the "law colleges" idea — considers one of the most exciting aspects of the decision. "This process was very idea-driven," Elhauge said. He further explained that substantial research was done on classroom dynamics before the optimal section size of 80 students was chosen.

In fact, one of the only serious objections raised to smaller "law colleges" was that they will mean the loss of the 47-person small section offered to 1Ls each fall. Elhauge pointed out that a study of relevant literature reveals that as class size increases, there are certain breaking points, typically at 25 students and again at around 100, at which classroom dynamics change drastically. But between those points, the changes are relatively subtle. If this theory of classroom dynamics is true, then future 80-person classes should feel only marginally different from 47-person small-sections, but dramatically better than 140-person large-section classes.

Andrew Nelson '03 believed that decreased class size would be beneficial to future first-year students.

Smaller classes would result in "more intimate learning or make learning more accessible," he said. But Nelson questioned whether the faculty vote was a condemnation of the current system. "They're [the faculty] basically admitting that something isn't working," Nelson said. "The larger class sizes are not effective for professors to communicate with us."

Elhauge envisions a future in which each law college, through the combined efforts of students and faculty members associated with the college, will take on its own individual character and serve as a center for a rich intellectual and social life. "My hope is that there will be experimentation among the law colleges, sort of a competitive federalism, the way that Brandeis called the states 'natural laboratories,'" Elhauge said.

Prof. Elizabeth Warren echoed Elhauge's sentiments. "The law college system invites students and faculty to experiment," she said. Warren hopes to see student-initiated seminars and speaker-series, as well as debates sponsored by individual colleges. The colleges may also compete against each other in moot court exercises. "This should be a place where people with lively minds have a chance to come together," said Warren.

That the faculty shares this vision pleasantly surprised several observers. "We don't have a reputation for unanimity," said Prof. Dan Meltzer '75, who is heading the strategic planning process from which the 1L-reform plan emerged. "I think the faculty surprised itself."

Meltzer was very enthusiastic about the switch to law colleges, which he described as part of an answer to dealing with the issue of student engagement. He added that it is not yet clear how the law college system will be carried into the second and third years of law school, if at all. "It's an open question whether randomly selected, heterogeneous groups can maintain student interest over the second and third

The new section structure at HLS shapes up well against its competitors ...

Harvard (new proposal)
550 students in the 1-L class
Number of sections: 7
Students per section: 78-80

Yale
183 students in the 1-L class
Number of sections: 3 large,
2 small
Students per section: 15-90

Stanford
183 students in the 1-L class
Number of sections and students per section varies, but every student has at least one section of 30 students.

University of Chicago
175 students in the 1-L class
Number of sections: 2-3
Students per section: 58-87

New York University
400 students in the 1-L class
Number of sections: 4
Students per section: 100

worked toward: smaller classes, better advising and greater feedback," Munir said. "If implemented correctly, the law colleges may facilitate programming and advising that create a greater sense of social and intellectual community within the 1L sections."

When and how the law colleges plan will be implemented is still somewhat unclear. The faculty handed over the various administrative tasks involved to Rakoff and to the Legal Education Committee. For example, the Legal Education Committee will consider reducing the number of credit hours required in the first year to free up more space for elective courses.

As the law colleges develop, some major physical changes to the law school may also become necessary. Classrooms may need to be modified, and other changes may be in order. At last Friday's meeting, Prof. Charles Fried spoke of the need for some physical space — a meeting place of some kind for each college — if the colleges are to fulfill their potential.

It is not yet clear how building decisions will be made or how they will be affected by the progress of the law colleges. But since the school is already in the process of considering its long-term physical plan, most professors agreed that this is a perfect time to begin the law colleges.

In the immediate future, the law colleges are likely to consist primarily of 1L sections and their masters. Warren, who will be involved in the appointment of the masters, said "faculty have expressed great interest" in the available positions.

Some students are concerned about what the faculty's decision says about the legal education currently being offered at Harvard Law. Have the faculty in effect judged the current system to be inadequate? Responding to this concern, Dean Clark said, "[the change] means we've got a great thing, and we'll make it even better. It doesn't mean you can't do even better."

years," Meltzer said.

The overwhelming support for the proposal extended beyond the faculty. Registrar Steve Kane said, "I am an enthusiastic supporter of the idea of seven sections. I think it will have a great impact on student morale and will have the benefit of giving a small feel to a large institution. Given the limitations of physical space and the number of classes we offer as an institution, it will require a great deal of work, but I am optimistic about the possibilities of such a change."

Law School Council President Jay Munir '01 was similarly enthusiastic. "The law colleges idea potentially addresses three goals the LSC has

Crossword 101

" Revolutionaries "

By Ed Canty

ACROSS

- 1 Swedish rock group
- 5 Religious organizations
- 10 Colony dwellers
- 14 African nation
- 15 Weight unit
- 16 Chute opening
- 17 Revolutionary hero
- 19 Bag
- 20 Dir.
- 21 Again
- 22 Expressed pleasure
- 23 Poses
- 24 Warsaw Jig
- 26 Scrubs
- 29 Role
- 30 UN home
- 33 contested
- 34 S. China seaport
- 35 Pronoun
- 36 1976 Wimbledon champ
- 37 Vote yes
- 38 Parent
- 39 Served at Boston Party
- 40 Gooled
- 42 Sayers and Gordon
- 43 Important nmb.
- 44 July 4th, e.g.
- 45 Foreigners
- 46 Assists
- 48 Overwhelmed
- 49 More competent
- 51 Fed. job safety law
- 52 Holiday resort
- 55 Wage adj.
- 56 Revolutionary hero
- 59 March
- 60 Tripod
- 61 High hour
- 62 DC VIPs
- 63 Remove
- 64 Colorless

DOWN

- 1 Current units
- 2 Barnyard sounds



- 3 Sad
- 4 Feel ill
- 5 Fragrances
- 6 Roof overhangs
- 7 Work force
- 8 Feather's partner
- 9 Fr. Sainte
- 10 Vertical position: Nautical
- 11 Revolutionary hero
- 12 Right
- 13 Stated
- 18 Stormy
- 22 Choir member
- 23 Follows garage
- 24 Stroke
- 25 A man mouse
- 26 Heart to hearts
- 27 Misplaces
- 28 Revolutionary hero
- 29 Name on a check
- 31 Asian nation
- 32 Crude
- 34 Mercantile establishments

- 38 Young woman
- 40 German river
- 41 Tell on
- 42 Gather grain
- 45 For a short time
- 47 Snouts
- 48 Cigarette problems
- 49 Statutes
- 50 Send to sleep
- 51 Greek peak
- 52 Greek portico
- 53 Office kitty
- 54 Frau Frank
- 56 Teeny
- 57 Swiss river
- 58 Presidential concern

Quotable Quote

"I must study politics and war that my sons may have liberty to study mathematics and philosophy."

... President John Adams

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The increased enthusiasm for student government resulted in a slate of disappointed candidates who failed to gain a seat on the council. Munir urged defeated candidates to remain involved. Positions are available on a number of committees for those who wish to engage in policymaking at HLS, he emphasized.

Section winners are denoted with an "x", and at-large winners are denoted with an "a".

LLMs (in section)		Section III		2Ls (elected without opposition)	
Gustavo Oliveira	47 x	Holly Yoshinari	31	Nick Brown	
Luis Hurtado	40 x	April Rinne	37 x	Arlene Delgado	
Fabio Filocamo	51 x	Tony Chan	26	Stephanie Denton	
Scott Hirst	44 x	Gregory Parets	35 x	T.J. Duane	
Marcus Fontes	28 *			Taryn Fielder	
Ajit Joy	16			Steve Jones	
Dotan Oliar	31			Bobby Klinck	
				Katarina Rutkus	
ITPs (in section)		Section IV		Sarah Brackney (appointed by LSC President Jay Munir)	
Rolando Ligon	11 x	Andrew McNair	30 x	3Ls (elected without opposition)	
Christine Keenan	9	Lowell Plotkin	12 *	Rakiyya Ali	
		Thomas Stenger	10	Moshe Gerstein	
LLMs & ITPs (together at-large)		Nekia Hackworth	23 *	Herschel Hamner	
Marcus Fontes	21 *	Paul Krieger	36 x	Aaron Hutman	
Dotan Oliar	4	Catherine Karuga	8	Erika Page	
Ajit Joy	6	Melissa Marrus	17	Jeremy Paris	
Christine Keenan	6	Andrew Raymond	17	Frank Rossi	
		Neeta Toprani	16 *	Baxter Wasson	
				Mike Adams (appointed by LSC President Jay Munir)	
		1Ls (at-large)			
1Ls (by section)		Edward Manheimer	34		
Section 1		Tony Chan	32		
Benjamin Longoria	30 *	Lowell Plotkin	46 *		
Crystal McKellar	15	Gary Slossberg	33		
William Dance	58 x	Benjamin Longoria	46 *		
Joi Chaney	44 x	Gregg Peeples	42		
		Melissa Marrus	31		
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Harvard Law RECORD

PUBLISHER
Stephen V. Scali



EDITOR-IN-CHIEF
Justin Herdman

FOUNDED IN 1946

The times they are a changin'

The faculty vote in favor of changing the first-year curriculum puts the RECORD in unfamiliar territory. Here is a plan that was borne from Dean Clark's brain trust, passed through the faculty gauntlet with nary a scathe, and has come to rest upon the suddenly less-burdened backs of future Harvard Law students. All this process, all these results — and horror of horrors, the RECORD likes it. We really like it.

Skepticism is the natural weapon of every law student, even more so for those who also consider themselves journalists. When disarmament arrives in the form of genuine change, then, it comes as quite a shock. Cynical questions are kicked up as a matter of course. Is there something ominous beneath the skin of this reform? Will next year's class of 1Ls be subjected to a hideous educational experience that recalls Turowian visions of Pound Hall hell? Is it all just a grand scheme for more money?

Exhale. And the answer is... no.

The changes to the 1L curriculum are a perfect synthesis of student need and administrative give. The reforms are nearly the Holy Grail of student activism — an identified problem, a proposed solution and the ultimate institutional consent to self-improvement. They are fundamental alterations to the common fabric of Harvard Law, the 1L year.

Contrast these first-year reforms with the proposed changes to HLS's grading system, which faces a faculty vote on Friday. Let us begin from the controversial premise that under the current system, grades — while externally valuable as a sorting device — are meaningless from an internal perspective. The lack of a mandatory curve, combined with fine distinctions between performance levels, mean that many students coast through upper-level courses embittered by the disconnect between work and payoff. After first-year, a fear of C's becomes the adult version of a bogeyman.

The problem of arbitrary grades has two components. Both of the grade reform proposals would institute a mandatory curve — this solves the arbitrariness of grading preferences among different professors. It is on the second element of arbitrariness — the random assigning of grades within a class — that the two proposals diverge.

The Rakoff proposal, with its five grading levels that essentially replicate the current system, would be a change for the worse. While making slight structural adjustments to the grading institution, it would certainly increase student anxiety with the heavy hand of a rigid curve. Better than nothing? Hardly, we think, and dismiss it as a proposal that would sour student life.

The Warren proposal, however, is infused with the spirit of genuine change. Like the 1L structural reforms, this plan directly addresses student concern and offers a novel salve to the burning issue of random grading. By extending the middle tier of honors to encompass 70-percent of the student body, the plan would acknowledge a widely-held HLS belief — we're all smart, but some of us are super-smart. More importantly, its passage would result in a substantially different Harvard Law School. And isn't that always the point of change?

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—First Amendment, U.S. Constitution

• Letters •

Boycott Kraft ... it's the easiest

I am writing to urge you to join me in boycotting Kraft and Philadelphia cheeses, Post cereals, Maxwell House coffee and other non-tobacco products manufactured by cigarette maker Philip Morris, Inc. Instead of harassing smokers (the vast majority of whom are victims of the tobacco companies and would like very much to quit), the time has come to lodge an economic protest against the manufacturers themselves. Here are five good reasons to boycott Kraft:

1. Each year three million people around the world die from tobacco-related illnesses. In the U.S., tobacco kills more than 400,000 people each year, and medical care for tobacco-related illnesses costs \$50 billion annually. The World Health Organization projects that the yearly death toll from tobacco will rise to 10 million by the 2020s with seven million of those deaths striking economically poor countries. Of the one million U.S. teens hooked each year on cigarettes, one-third or more will eventually die from tobacco-related illnesses. If current trends continue, over 200 million of today's children and teenagers around the world will die of smoking-related illnesses.

2. Philip Morris spends on average \$5 billion annually in the U.S. alone to advertise and promote their products. Most of this promotion is aimed at children, something the FDA has recognized and taken action to prevent. In 1996 there was a flood of internal industry documents revealing just how much, and for how long, the tobacco giants have known about the addictiveness of nicotine and the lengths to which they have gone to conceal the facts. The industry has colluded at least since 1964 to hold off lawsuits and regulations. Industry executives, including Philip Morris CEO Geoffrey Bible, have repeatedly given evasive and grossly misleading answers to questions posed by Congress and in the courts.

3. The tobacco industry provides one of the clearest cases of corporate influence drowning out the public's voice. Tobacco is a key crop in just six U.S. states, but the tobacco industry's power is entrenched in every state as well as in Washington, D.C. Until 1983, the tobacco lobby had never lost a battle in Congress. Measures that appeared to rein in the industry were actually shaped in large part by Big Tobacco to avoid more serious regulations. Of some 174 pieces of federal public health legislation introduced in the late 1980s and early 1990s, only two passed. The tobacco industry even sued the FDA to prevent regulation of tobacco in 1997. The judge in the case was a former tobacco lobbyist, and RJR Nabisco's lawyer, Richard Cooper, is former general counsel of the FDA, with insider knowledge of the agency and credibility with his former colleagues.

4. The pernicious influence of Philip Morris, Inc. and CEO Geoffrey Bible extends well beyond the arena of public health. Both the corporation and its president have a long history of contributing to and lobbying in support of extreme right-wing candidates and political causes. The money you spend on Kraft products does not just fund tobacco advertising, but also lobbies against gun control, hate-crimes legislation and public arts funding. Senator Jesse Helms of North Carolina has alone received more than \$175,000 from Bible and Philip Morris since 1992.

5. It costs you absolutely nothing.

So please join former U.S. Surgeon General C. Everett Koop, INFACT and nearly five hundred health care organizations in boycotting Kraft products.

Together we can make smoking history.

Jacob M. Appel '02
September 19, 2000

Something on your mind?
Write us a letter!

Place them in the RECORD box next to the 1L Hark boxes,
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VIEWPOINTS

THE LIBERAL

BACK TO THE ISLAND: REAL WORLD/SURVIVORS

In the interest of full-disclosure, I'll let you know up front that this is supposed to be the Record's "liberal" column. To be honest, I'm not exactly sure what writing a liberal column entails. Maybe the label just indicates to JLPP staff members that they need not waste their time reading this section of the paper. I don't know.

The column presents me with many opportunities to do what we liberals purportedly do best: complain. I could dwell, for example, on the current bias of the Supreme Court. Yet, as tempting as it would be to spend my time lampooning Antonin Scalia and associates, two things counsel against that approach: 1) As an alumnus of this august institution, it is somewhat likely that he reads this publication — and if you're reading this, Mr. Justice Scalia, I'd like to say "Hey Scalia, what's up?"; and 2) he and his friends on the Court do such a fine job of self-parody every time they open their five mouths that it seems a waste to discuss their opinions here. The RECORD's Supreme Court analysis will probably return when the term is underway, so we won't need this space to point out the flaws in the majority voting bloc's reasoning.

I could also use the balance of the fall semester to make fun of George W. Bush and the comedy of errors that is his campaign. That, too, just might be redundant. After all, there are plenty of people out there — Gore staffers, DNC hatchet men, and the like — who are paid good money to catalogue this walking malaprop's most embarrassing moments. The most amusing aspect of this circus is that the Republicans seem positively devoted to aiding the Gore-Lieberman cause on a regular basis. After all, there would be far less humiliation for us to chronicle if the Grand Old Party hadn't placed all of their eggs in this increasingly suspect basket. Maybe they really do practice what they preach on the civility score ... at least when it comes to people who do not write for the New York Times. We need only recall the Bush-Cheney 2000 "public-relations-blunder-of-the-week" strategy whenever we falter in our search for evidence of the Republican ticket's true selflessness.

I could devote my time to a liberal critique of popular culture, exploring the wild popularity of dumb television shows like "Who Wants to be a Millionaire?" and "Survivor." Of course in Republican parlance "dumb" equals "charm," and perhaps the success of these shows bears that equation out. I really don't know, because, unlike most people who profess disdain for these programs, I do not watch them.

Yet is there a more time-honored, stereotypical role for the liberal than that of wet blanket? While the invisible hand of the market guides the rational American audience to escapist fare, it's the liberal's self-imposed duty to remind everyone that there are children going to bed hungry somewhere in the world.

George W. Bush can tell us, hunger or no, that the rhetoric of class war no longer has any place in American political discourse. At first glance, this



Matt Wood

statement seems inherently "charming." Isn't it true, we liberals might ask, that the gap between rich and poor in this country continues to grow? Isn't it true that children increasingly find themselves living below

the poverty line and that single mothers increasingly find themselves unable to survive on an unrealistic minimum wage?

The sentiment that the class war is over is easier to fathom, however, once we understand the mentality of the person declaring victory. It's plain to see why any member of the Bush family would seek an early end to the conflict. If the war were truly over, then rich oil men like George and Dick could keep all of the cash for themselves. Who wants to be a millionaire?

Judging by "Survivor," to say nothing of charities that solicit donations for children overseas, maybe it is just easier for Americans to become invested in problems at a comfortable distance. When it takes place on an island, we can dive in and appreciate the show at a distance. When it comes to feeding the poor in this country, suddenly, watching people starve isn't such light-hearted entertainment. The guy asking for change in Harvard Square may not know where his next meal is coming from either, but he can be reasonably sure that CBS won't pay him a million dollars to find out.

If real debates are too humdrum for the Bush campaign, maybe they should look for more popular platforms than even "Larry King Live" to spread the compassionate conservative message. Like to watch people eat rats? Tune in to the Campaign 2000 version of "Survivor" to watch George W. Bush chase down the "subliminal" rats scurrying around in his TV ads. Fascinated by Machiavellian alliances? Keep it right here to watch a millionaire governor and a multi-millionaire former cabinet member attempt to position themselves as political outsiders.

Just think of all of the charm that Bush could showcase in that type of debate format. Perhaps he could short circuit not just the campaign, but the whole election process. His only difficulty with the Campaign/Survivor hybrid might be getting his running mate to vote for him at the end. As everyone knows, Dick Cheney doesn't like to vote for anything or anyone — education, gun control, Nelson Mandela, or even George W. Bush himself. Republicans thrive on low voter turnouts, but you'd think they'd at least vote for each other.

So without the necessary votes from the other islanders, maybe the whole "Survivor" campaign idea is no good. I hate to put the brakes on like that, but Republicans are used to abrupt changes in momentum. That whole debate controversy has really emphasized their resiliency and once again underscored a peculiar Republican strength — the ability to give up long after everyone else realizes that an idea is no good.

THE CONSERVATIVE

MASSACHUSETTS 101

For the first column of the new school year, I thought of taking the usual approach of giving unsolicited advice to the incoming 1L's. You know, the typical "Listen to me, for I am the wise 3L. The future is yours, carpe diem, don't let the system destroy you, don't join the evil corporate world, fight to extend LIPP to \$90,000 a year — anything less is intolerable, end the unfair grading system, blah, blah, blah."

Instead I have decided to focus on the International LL.M. students. They are the future leaders of their own countries — I fear what impression of the United States they will return with after living in the People's Republic of Massachusetts. Imagine the warped views of democracy and capitalism that LL.M. students from former communist countries will take back to their homelands.

If the International LL.M.'s only experience Massachusetts, they will return home with new ideas of government regulation, intervention, paternalism and other ideas that, if applied worldwide, will cause mayhem and bedlam. In order to avoid such world chaos, my unsolicited advice to the LL.M.'s is to think of Massachusetts as Little Cuba and look to other parts of the United States to learn about the power of capitalism and economic freedom. O.K., maybe the fate of the free world doesn't hang in the balance, but be forewarned that all of the ivory-tower liberals make for a wacky state. Here are some of the highlights:

For the Overactive Activist: Protest Anything and Everything

At times in Massachusetts, there are some incomprehensible protests. They had a candlelight vigil to protest welfare reform. Despite the fact that the government was still providing subsidized housing, food stamps and who knows what else, the protesters were outraged that the government decided to stop giving free money to able-bodied people who go for two years without a job. Protesting for more government hand-outs in Massachusetts is like protesting for more executions in Texas.

My favorite protest was last year, when bashing the display of the confederate flag in South Carolina was all the rage and one Massachusetts town jumped on the bandwagon by protesting its use in a civil war reenactment. Of course, I think these activists were on target, but they just didn't go far enough back in history. I have enlisted their support in my latest cause of banning the display of the British flag in any Boston Museums. After all, aren't the British the biggest imperialist conquerors in history? Yep, time to get rid of the ol' Union Jack. The mere sight of it conjures up images of the early settlers being oppressed by taxes imposed by the crown. I don't mean to offend anybody from England, but I will warn you that I am also planning a lawsuit for reparations.

Regulate, Regulate, Regulate
Massachusettsites are well known



Aaron Olsen

for their faith in big government. The best regulation is the one that prohibits people from throwing diapers away in the public restrooms. The most appalling feature of this regulation is

that it is only posted in the women's bathroom. How can such chauvinism exist here? Do they think that men don't change diapers? Shocking.

Now I could understand the government's desire to protect people from having a bathroom smell like the elevator at a T station, but there are some functions that just can't be regulated. This past summer I noticed that Seattle has a novel idea for how to deal with the problem. They put a "diaper genie" in the bathroom. (It was also only in the women's restroom — I guess rampant sexism is a nationwide problem.) For those of you who don't know what a diaper genie is, it is a

self-sealing garbage can used for diapers. If you have any friends with kids in diapers, it makes for a great shower gift if you plan on spending any time over at their house and don't like that "new baby smell."

And what liberal state would be complete without gun control laws that

only apply to the law-abiding citizens? A recent gun control bill had to be amended since it would have prohibited the use of guns in Revolutionary War re-enactments. Of course it is shocking to some that the early patriots even had guns in their homes. Fortunately the law was amended so we don't have to watch the battle of Lexington and Concord relived through a giant water balloon fight.

Compassionate Liberalism (i.e. Criminals don't belong in jail)

Only in Massachusetts would a judge refuse to imprison a man who kidnaps and attempts to rape an eleven year old boy — not because of any doubts about his guilt, but because she feared for his safety and emotional well-being behind bars. Since the child molester was sentenced to house arrest in a family-filled public housing complex, maybe this unique remedy will actually help solve the housing shortage. I am sure that spaces will open up soon. If someone wants to raise their family in public housing without the threat of living next to someone who preys upon small children, they should probably move to the jails which will soon be a "child-molester-free zone."

Feminism Run Amok

And finally, please don't judge the rest of the United States by the lack of courtesy in Massachusetts. In most other parts of the country it isn't considered sexist to offer your seat to a pregnant woman or a mother with her small kids. But I guess one of the "victories" of the liberal feminist ethic is the end of chivalry.

Imagine the
warped views of
democracy and
capitalism that
LL.M. students
will take back to
their homelands.

Fenno

A rose by any other name, Fenno thought as she nursed a Diet Coke in the Hark, would smell as sweet.

Then why couldn't the Strategic Reform people seem to figure that out? The leading proposal for grade reform — the one from Rakoff — would change the current system into exactly the same thing, but with different words. Instead of A's, we'd have "High Honors"; instead of B+'s and B's, we'd get "Honors"; C's would be a "Pass" and D's a "Low Pass." In essence, the grading system would be exactly the same as it had always been — but with new names! Why Liz Warren's more sensible, Yaleish proposal wasn't winning, Fenno had no idea.

Only Harvard Law School could come up with an idea like Rakoff's and call it reform. Fenno hoped that the leading lights on the committee, the ones with good, old-fashioned common sense — Andy Kaufman came to mind — would call a spade a spade and convince the faculty to vote against this foolishness. Couldn't they see that if this were done, it would change nothing, and we'd have to go through this whole thing all over again in another five years? Probably not, Fenno thought. They probably thought this was really reform.

The idea that you could change something by changing its name, though, did have potential. Fenno had to admit that. If Carol Steiker changed her name to Larry Tribe, would she

become a respected scholar? If Scott Brewer changed his name to Bruce Hay, would people like him? If Harvard Law School changed its name to Yale Law School, would it top the U.S. News rankings and support public interest work?

Fenno didn't have time to ponder impossibility. She had to get to the Law School Activities Fair before it closed.

As she climbed the Pound steps on her way to Ropes Gray, Fenno almost collided with Makambo Tshionyi.

"Hey! Watch it!"

Tshionyi took off his enormous headphones and grinned sheepishly. "Sorry, baby, I didn't see you."

"S'okay," Fenno giggled. He had such a... way about him. And if his headphones were that big...

"What do you listen to, anyway?" Fenno asked.

"Uh, you know — stuff. Cool stuff. Cool stuff. Miles, Coltrane, Edie Brickell — that kind of thing."

Fenno noticed that small beads of sweat were beginning to form on Tshionyi's forehead. What could he be nervous about?

"I love jazz. Mind if I take a listen?"

"No! I mean, um, I've gotta run."

"Oh, come on — just real quick."

Tshionyi's eyes began to dart nervously. He wanted a way out. But Fenno wasn't going to let that happen. She quickly grabbed the headphones from his hands and put them on. This wasn't jazz...

Fenno began to sing along. "Ain't nothin' but a heartache... ain't nothin' but a mistake... I never want to hear you say... 'I want it that way'."

Tshionyi's face looked as strained as the reasons for giving Janet Halley a

Quote of the Week

'I was wearing these ties before Regis Philbin.'

—Prof. William Stuntz commenting on his monochromatic neck wear

teaching position.

Fenno smiled at him. "Hey, Makambo, don't feel bad. I love the Backstreet Boys. Who doesn't? They're cute, they dance, they have neat facial hair, and they always seem so happy."

"Sure, Fenno, but when you look like me — and come on, we both know how cool I look... well, there are some things you just have to keep to yourself. Know what I mean?"

"Sure I do. And I won't tell anyone. Now move. I have to get to the Activities Fair."

"Okay. Hey, Fenno — thanks."

"Don't mention it. And Makambo — Bye bye bye!"

As Fenno entered Ropes Gray, she was struck by the sheer number of 1Ls who seemed honestly interested in getting involved in life at HLS. God love 'em.

Some law school organizations were having better luck than others. Fenno decided to take a loop around and see who was doing what.

She glanced quickly over at the RECORD's table, where she was happy to see a couple of One-Ls, both female, talking to Justin Herdman. Maybe they wanted to write for the RECORD; maybe they were just making googly eyes at Herdman. (How a man that cute and with pants that tight managed to get less play than a Sears Prize winner, Fenno would never understand.)

Fenno looked over at the Law Review table. Steve Moeller-Sally — whom Fenno had always found strangely attractive, in an intellectual sort of way — was standing behind the table, generously fielding questions from timid One-Ls who seemed to think that if they said the wrong thing, they'd never make it on. Other One-Ls circled the table warily, afraid to look too long and unsure if they should go over. Fenno smiled. According to the RECORD's rough poll, about 75 percent of current 1Ls

say they will apply for Law Review in May. That kind of optimism could warm even Fenno's icy heart. She had a feeling, however, that come first semester grades, those numbers would change.

As she was heading over to grab some free candy from the Christian Fellowship group, Fenno walked by Jacob Appel, the guy who was advocating a boycott of all Philip Morris products — Kraft, Post cereals, Maxwell House coffee. The whole shebang.

Fenno was used to listening to self-righteous HLS students whine about one thing or another, but this was too much. Boycott the finest macaroni made by man? Boycott Grape Nuts? Shredded Wheat? Social protest was one thing, but this verged on un-American.

And the tobacco thing had been going on for a while now — wasn't this a little late? What's next — telling people not to buy gas because of that whole Exxon Valdez thing? Somebody, Fenno thought, just wants to get his name in the paper.

"Jacob! Hey, Jacob!"

Appel looked over at Fenno. "Yeah?"

"What's up with this boycott thing?"

"Do you know how many smokers — the vast majority of whom are victims of the tobacco companies and would like very much to quit — die every year?"

Fenno laughed. "Do you know how many law students get all of their starch from Kraft products? Do you realize what would happen if people stopped eating mac and cheese? Jesus, Appel! Don't you know it's the cheesiest? Besides, if no one buys it and the company goes out of business, where am I gonna buy smokes? Oh, the humanity!"

And right there, in the middle of the Activities Fair, Fenno began to cry like Thomas Stenger, the One-L who only got 10 votes from his section in the LSC elections.

Q: Why would Ben Zeigler '97, Troy Tessier '93, Greg English '92, Will Crawford '89, John Moylan '87, Wallace Lightsey '83, Marshall Winn '82, Carl Muller '77, Cary Hall '75 and David Freeman '49 join a 27-lawyer firm in Greenville, South Carolina?

A: To outnumber the 5 Yalies in the firm.

Find out what you're missing.

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• Brief •

Dean Clark's public relations guru to step down

HLS News Officer Michael Chmura, author of the Law School's press releases for the past 15 years, will be leaving HLS for a new opportunity at Babson College (MA) as Director of Public Relations. Chmura's last day at the Law School will be Monday, September 25.

During his lengthy tenure, Chmura's role has been to keep the Law School at the forefront of news locally, domestically, and internationally. A farewell gathering will be held Monday, September 25 at 4:30 pm in the John Chipman Gray Room in Pound Hall.

RECORD

Write for us.



'BETTY' BRINGS THAT BEAT BACK

A black and white photograph of a young woman with blonde hair, wearing a light-colored, short-sleeved top, standing next to a man lying down. The man is wearing a dark jacket and a cap, and is smiling. They are in front of a vehicle, possibly a truck or bus, with a large wheel visible in the foreground.

• Brief •

[illegible]

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