



Nader '58 crashes two-party debate

by Mike Wiser

One presidential hopeful's trip to the Boston debates may have begun in Cambridge, but it may very well end in a federal courtroom.

After speaking at HLS last Tuesday, Green Party presidential candidate Ralph Nader '58 boarded a bus heading to UMass-Boston, where he was forbidden from entering the debate between Vice-President Al Gore and Governor George W. Bush. Arriving at the debate with a ticket in hand, Nader was stopped by a security consultant from the Commission on Presidential Debates (CPD) and three state troopers. Now Nader wants the CPD to pay an HLS group \$25,000 over the incident.

Nader, who had been given the ticket to watch the debates in a secondary hall by a supporter, claims that the CPD violated his civil rights. In a letter to the CPD last week, Nader wrote that "the commission's decision to deploy public officers at a public university to bar me from viewing the presidential debates and participating at a subsequent onsite newscast because of my political viewpoints and affiliation with the Green Party violates both Massachusetts state and federal civil rights laws."

In the letter, Nader threatened to pursue "legal remedies" unless the commission apologizes, promises to allow him into future debates and makes a \$25,000 contribution to the Appleseed Center for Electoral Reform (ACER) at Harvard Law School by October 9th. On Tuesday evening — the 10th of October — Tom Adkins, who serves as Nader's assistant press secretary, reported that the dead-



Photo by Murad Kalam

Ralph Nader '58 demands an apology from the Commission on Presidential Debates and a donation to HLS' Appleseed Center for Electoral Reform.

line had come and gone without a response from the CPD. Adkins said that Nader was "exploring legal options" and could take action by the end of the week.

ACER is a student-run organization that is affiliated with the HLS Appleseed Electoral Reform Project, which is directed by Prof. Richard Parker '70. ACER hopes to improve the electoral process by bringing speakers to campus, supporting litigation and policy development and supporting student writing. Adam Hirsch '01, who serves as

president and director of ACER, said that if the organization received the \$25,000 from the CPD they would probably spend it on "some type of research grant to help with staffing, writing contests over the next couple of years, and fund[ing] research and lobbying trips to D.C." He added, "We practice what we preach, so we'll be democratic and talk with the whole organization before making any decision."

However, it appears unlikely that the

Please see **NADER**, p. 2

Committee considers trimming student body

Steering Committee straw poll may signal willingness to drop 100 admitted students per year

Dean Clark '72 made it clear this week that he likes HLS students. He likes us so much, in fact, that he is against any move to reduce our numbers.

This week's meeting of the Steering Committee — the sole committee that still deals with Clark's strategic planning process — witnessed an informal straw vote on a proposal to reduce future entering classes at HLS by 50 to 100 students. That non-binding vote failed by a count of 6 to 4, but the issue will likely be revisited in an upcoming faculty meeting.

Clark is opposed to the measure, and feels that a majority of the faculty are equally against reducing the class size at HLS, which is currently set at about 550. Clark anticipated that the final strategic planning proposal will advocate increasing the size of the faculty. At that time, Clark expects "the minority view will be to decrease the student body size."

LSC President Jay Munir '01 will be soliciting student opinion about the proposal. While the mood of the current student body has not yet been determined, Munir described ongoing student opinions on the issue.

"The LSC has discussed this issue over the past two years and has opposed a reduction of the student body due to concerns that such a move would eliminate some of the advantages associated with our size," Munir said.

\$1,000 coming to a dormitory near you, see p. 3.

Plurality of 1Ls gives thumbs up to 40 hours of pro bono sweat

A poll of first-year students shows a plurality believe that 40 hours of pro bono work would be just the right amount. That results fits in with the estimation of the now-defunct Connections to Practice Committee, which proposed that students be required to perform 40 hours of pro bono work as a requirement for graduation.

The faculty is scheduled to vote on the proposal on Friday, Oct. 20.

The poll did not address whether the pro bono requirement should be approved in the first place, although a number of students addressed that issue in their comments. "What makes pro bono work so exceptional is the passion behind it," said Chi Chang '03, arguing that a requirement would defeat the purpose of pro bono work. Should the requirement be instituted, Chang said, it would simply become another hoop to jump through in order to get a degree.

Michael Dahm '03 agreed with that assessment. "Should the school require volunteer work for graduation, or should it be just that — volunteer work?" he asked.

At the other end of the spectrum were students who felt that 40 hours of pro bono was not enough. Cliff Ginn '03 said that pro bono work should be "part of a lawyer's daily life rather than an obligation." To that end he suggested that the requirement be expanded to 80 hours and that

Do you think that 40 hours of pro bono work over three years is: a) Too much; b) Just right; or c) Not enough.

Answers		
too much	26	(30.6%)
just right	40	(47.0%)
too little	19	(22.4%)
85 respondents		

pro bono work done over summers at law firms should not count towards those hours. He also suggested that the clinical programs would need to be expanded in order to accommodate student preferences in pro bono work.

Susan Goodman '03 believed that students should not be allowed to count clinical coursework towards the 40 hour requirement. That would constitute "double-dipping," she said.

Yet most students felt that if there were going to be a pro bono requirement, then 40 hours was a sufficient amount of time. Edward Manheimer '03 believed that 40 hours was a reasonable demand. "It's more symbolic than anything," he said. The point, in Manheimer's eyes, was for people to help out the community. "People do have a moral obligation to help out, and if they aren't, they should be compelled," Manheimer concluded. "It's in [the students'] best interests and the school's."

Magazine sells survey responses to firms

American Lawyer's privacy disclaimer nonexistent on '99 summer evaluations

by Justin Herdman

Did you work at a firm last summer? If you did, odds are you filled out a response to The American Lawyer's annual survey of summer associates. And you might be surprised by where the answers to those probing questions may end up.

The magazine's annual survey is distributed at nearly all of the nation's largest law firms. One of the questions posed of summer associates this year was: "If you could tell the managing partner of this firm one thing, it would be [what?]" But only those summer associates who read the fine print of the survey's disclaimer were aware of this fact: The managing partner might actually read the comment at some point.

Beginning in 1999, The American Lawyer began offering law firms the option to purchase a "management report" — in essence a more detailed examination of the firm's performance in the annual survey. The bound report includes a summary of the survey's statistical results, along with all of the written comments submitted by respondents. These

comments—which are edited to screen out the respondents' identities—include answers to open-ended questions such as what they liked most and least about the firm.

Respondents to the 1999 version of the survey were cautioned with this warning: "Remember, this survey is anonymous — we won't ask for your name." The survey form did not contain a disclosure concerning the potential sale of respondent's submissions to law firms.

According to Aric Press, the magazine's editor-in-chief, the magazine decided to sell the information to firms after the 1999 surveys had already been distributed—hence the lack of disclosure.

Press explained that the magazine decided to bundle the full responses into a product for sale — the management report — as a response to law firm demand. With an increasing emphasis on recruitment and retention, the firms were hungry for more information than that provided in the magazine's annual survey issue, Press said.

"We didn't have a product at the time that we sent out the forms in late spring and early summer [of 1999]," Press said. "As much as we might like to, we couldn't disclaim something that didn't exist."

Alison Weiss, corporate communications manager for The American Lawyer, said that the

magazine has space constraints that prevent full publication of the survey results. "The whole point of this is to give people all the information [we've collected]," Weiss said.

The 2000 survey, however, did include a disclaimer which cautioned respondents to "note that your firm might purchase a survey report," and that "such survey reports include comments made in response to open-ended questions." The decision to include the disclaimer was made by the magazine's editorial board, according to Press. "We believe in openness; we believe in telling people what we're going to do and then doing it," he said. Press added: "We've got nothing to hide, no secrets."

Once the magazine decided to sell a 1999 report of survey results, The American Lawyer made no attempts to notify respondents that their comments could end up on the desk of a hiring partner. Press said that because the identities of respondents are kept hidden, there was no possible way to inform those who returned the surveys. "I did not know them, and I don't know them now," he said.

Margaret Daisley, special projects editor for the magazine, is in charge of the annual survey's content. "A lot of thought went into this," Daisley said of the decision to

Please see **SURVEY**, p. 5

New fellowship to honor late Prof. Abram Chayes '49

By Juan Pablo Alban

Students seeking summer positions in public international work will have more opportunities to travel abroad and develop their interests thanks to the new Chayes Fellowships in International Public Service. The Fellowships, which will accommodate as many as fifty students for ten-week internships, will be available for the summer of 2001.

The university-wide Project on Justice in Times of Transition will administer the fellowship, working with the Law School's Office of Public Interest Advising (OPIA). Students interested in public international work will still need to apply for public interest funding through OPIA, with the Chayes Fellowship adding up to an extra \$1,500. According to Sara Zucker, director of the Project on Justice in Times of Transition, the money will mainly cover travel expenses and provide a modest supplemental stipend. Though the administrators expect mainly 1Ls to apply, all students will be eligible to receive the funding. "We expect to be over-subscribed," says Antonia Handler Chayes, the wife of Prof. Chayes and one of the creators and organizers of the Fellowship program.

The ideal candidates "[will be] students who are seeking to complement their academic course work at Harvard Law School with practical, hands-on experience with organizations that work to effect change and address

legal and social needs," says Zucker. Prof. Philip Heymann '60, another originator of the project, enthusiastically discussed the type of work that students can expect. "There are people doing important and honorable things" in regions all over the world, including the former Yugoslavia, Eastern Europe, Africa, Asia and Latin America, he says.

The Fellowship program seeks not only to enhance a law student's experience in a field of interest, but to provide tangible assistance to governmental, international or non-governmental organizations that are working hard to build legal institutions and strengthen justice systems in the developing world, Heymann adds.

As examples of potential opportunities, Prof. Heymann cites previous student experiences with the Attorneys General of Mexico and South Africa. Zucker adds that the potential responsibilities of students are unlimited, depending on the needs of the organization and the experience of the student. They could range "from research projects... to the development and implementation of programmatic initiatives," she says.

The goals and expectations of the program do not stop with the end of the ten weeks abroad. OPIA's Alexa Shabecoff mentions that debriefing sessions and periodic meetings with international guest speakers would take place throughout the school year. Prof. Heymann adds that the program may eventually lead to year-long, post-

graduation work experiences.

Mrs. Chayes explains how the fellowship's structure and goals honor her late husband and enhance the ideals for which he worked throughout his career. First and foremost, she says, "Abram had a total commitment to law school students and he spent a great deal of time with them from the time he started teaching in the 1950s."

"He also demonstrated a career-long commitment to public international law and he worked to excite students about what could be done in international law and how students could contribute to it. He recognized the importance of domestic public interest work but observed that not many people were doing much in the equally important field of public international law," she said.

Mrs. Chayes, Prof. Heymann and Prof. Anne-Marie Slaughter, who also helped create the Fellowship but is on sabbatical and unavailable for comment, saw the potential fit between Prof. Chayes' ideals and the work of the Project on Justice in Times of Transition. Prof. Heymann, working with the resources of the Project on Justice, hopes to have a list of job opportunities by early November. Though students may be able to find their own jobs, the selection committee of the Fellowships would have to approve student proposals, says Shabecoff.

As a final inspiration for the creation of the Fellowships, Mrs. Chayes points to the "huge success" of the

multiyear Ford Fellowship Program that Professor Chayes directed. Under the Ford Program, law students had the chance to work for a year after law school in public international law. The Fellowship also directly helped create "a new generation of teachers of international law" in law schools throughout the country.

Prof. Chayes was a professor at Harvard Law School for over forty years before his death of cancer earlier this year. During his tenure at HLS, he built a long and distinguished career in international law. He served as a Legal Adviser to the Department of State during the Kennedy administration, and played a major role in the development of the United States' position in the Berlin Crisis of 1961, the Cuban Missile Crisis, the Limited Test Ban Treaty of 1963 (which banned atmospheric nuclear tests) and the establishment of Comsat (the Communications Satellite system).

Chayes continued his work on international issues throughout the 1980s and 1990s, confronting problems ranging from Cold War tensions to environmental and communications issues. In 1999, he led a team of lawyers in suing Slobodan Milosevic in the U.S. courts for genocide in Kosovo. From September 1999 to February 2000, he served as a member of the Commission of International Legal Experts appointed by the Prime Minister of Bosnia-Herzegovina to investigate and make recommendations on fighting corruption in Bosnia.

NADER

Continued from page 1

CPD will give ACER any money, at least voluntarily. While a spokesperson failed to comment for this article, Janet H. Brown, who is the executive director of the CPD, told *The New York Times* that Nader's civil rights had not been violated. "There was an understanding that if anyone came who had not received the ticket either personally or through their organization, then they were not invited," Brown said. While the tickets did not have names printed on them, Brown said that the tickets were not transferable and that the CPD retained the right to turn away uninvited guests.

Adkins, however, found the Commissions actions to be "anti-democratic" and "arrogant." He was delighted by the idea that the CPD might donate money to Appleseed, which Adkins deemed a "pro-democracy organization."

Nader serves on the Appleseed Foundation's board of directors and was a cofounder of ACER. But Adkins denied that Nader's demand, which would benefit a group that he co-founded, constitutes a conflict of interest. Adkins questioned, "How many public interest groups could he ask for a contribution to without creating a[n] [apparent] of conflict of interest?" Adkins explained that Nader had either been involved with or inspired most "pro-democracy" non-profits in the country.

"Nader won the first debate," Adkins told the RECORD. He said that the "combination of the dramatic exclusion with the lackluster performance of the two candidates" had helped Nader's position in the polls. On Tuesday, a Zogby poll reported that the Green Party candidate was receiving about 5% support.

If Nader goes to court over the incident at UMass, it won't be the first time that his disagreements with the CPD will have brought him there.

Nader is one of several plaintiffs in a Federal case alleging that corporate funding of the CPD is illegal.

Becker vs. FEC

Last Thursday, the U.S. Court of Appeals for the First Circuit heard an expedited appeal of a case filed by the National Voting Rights Institute (NVRI) against the Federal Election Commission (FEC). The suit claims that regulations which allow corporations to sponsor the CPD are illegal. While in September the U.S. District Court in Boston ruled against the plaintiffs — Ralph Nader among them — Gregory Luke '94 of NVRI was hopeful that the appellate court would see things differently.

The case, *Becker v. FEC*, was brought on behalf of a group that in addition to Nader includes Phil Donahue, Susan Sarandon, the Green Party, and Heidi Becker, who is a UMass Boston student. Besides Luke, the plaintiffs were represented by John Bonifaz '94 of NVRI and Scott Lewis '74 of Palmer & Dodge LLP.

In the complaint, the plaintiffs allege that FEC regulations violate an almost 100-year-old section of the Federal Election Campaign Act (FECA). They argue that regulations which have allowed corporations such as Ford, AT&T, Philip Morris, and J.P. Morgan to fund the CPD in past elections conflict with a section of the FECA that states it is unlawful for a corporation "to make a contribution or expenditure in connection with any election" for a federal office. In an Op-Ed piece for *The Boston Globe*, Becker wrote that, "When major corporations provide funding for these debates, they have effectively paid for an incredibly juicy, exclusive forum to promote the two candidates that appear." The plaintiffs are seeking a declaratory judgment that the FEC regulations are illegal; they also have requested an injunction against the FEC to enforce the prohibition against corporate sponsorship of federal candidate debates.

The FEC declined to comment for this RECORD article, citing a reluctance to discuss a pending case. In the past, the FEC has argued that another provision of the FECA justifies their regulations. They have claimed that a section permitting corporations to support groups which "encourage individuals to vote or to register to vote" would allow corporations to donate money to the non-profit CPD. The debates, the FEC argues, do not constitute support of any candidates, but are a nonpartisan attempt to encourage people to vote.

Lewis said that the goal of the Becker suit was simply to eliminate the influence of corporations over the presidential debate. But the question of who should be included in the presidential debates seems to be the major issue underlying both the Becker action and Nader's run-in with CPD security.

Neither Lewis nor Adkins, however, claimed that there should be a complete lack of criteria for participation in national debates. Both suggested that participation could be decided by polls, which would ask whether the majority

of the American people want to hear from a particular candidate. According to Adkins, Reform Party candidate Pat Buchanan and Nader would both meet this criterion. While neither Lewis nor Adkins claimed that this was the only fair option, they both criticized the current system, which requires a candidate to have at least 15% support in polls that ask the public which candidate is likely to receive their vote.

Both the NVRI and Nader's supporters hope that the debate controversy is far from over. While Lewis wasn't sure when a decision in *Becker v. FEC* would be rendered, he believed that the court would issue its decision soon on an expedited basis. Adkins said that Nader would skip the debate to be held this week, since he is not on the ballot in North Carolina. Adkins refused to comment on what Nader might be planning for the debate in St. Louis, but he did promise that it would be "exciting."

Celebrating Sukkot



Photo by Murad Kalam

Members of the Jewish Law Students Association erect a sukkah (a hut built out of branches and various leaves) next to the Gropius Complex.

Clark '72 shells out cash to improve student life in the dorms

by Justin Herdman

What can you do with a thousand bucks these days? Maybe not much, but the Law School Council (LSC) is hoping that, at least where the dorms are concerned, money can buy some love.

Last week, Dean Clark '72 approved the LSC's Student Life 2000 proposal. This plan will provide \$1,000 to be used for funding items to improve student life in each of the school's eight dormitories. Additional funds will be released to the LSC for the purchase of recreational items, such as a pool table, that will be placed in Harkness Commons.

The improvements to the dormitories are expected to be met with widespread student excitement. As explained by LSC President Jay Munir '01, "The dorms suck, and something had to happen about it."

Beginning last Friday, dorm residents were encouraged to contact their resident assistants regarding desired items. These wish lists were expected to include a panoply of smile-inducing durable goods like televisions, VCRs, exercise equipment and stereos. "We will work with the resident advisors to pick out the best product at the best price," said LSC Representative Herschel Hamner '01. The purchase lists were then to be forwarded to the Dean of Students for final approval. Following this official endorsement, the LSC will then order and install the equipment with all deliberate speed.

Clark applauded the increased student control over the purchase of items. "It's a great thing to have students picking out how we spend the money," he said.

"This is one of the few times where the administration has given the power of the purse directly to the students," said Mike French '02, who is an LSC representative for second year students. French added, "I believe that leaving the choice entirely up to residents is more likely to result in a purchase that will make dorm life a little more enjoyable."

Munir echoed this new theme of student participation, which makes this particular set of reforms different than purchases in years past. "For the first time," Munir said, "students have control over the process."

But Munir also acknowledged that this was only an initial step. "Hopefully this will pressure administrators

'This is one of the few times the administration has given the power of the purse directly to the students.'

—Mike French '02

to do even more," he said.

Lest students respond to the initiative with mockery, Sheila Flynn '01 cautioned that dormitory improvements are not mere trifles. "Of course one Stairmaster cannot by itself change a student's life, but creating an overall positive dorm experience can certainly help students," said Flynn, who serves as a resident advisor.

"It's much better to come 'home' to a dorm that isn't just an empty cell," Flynn added. She also said that student requests so far have been for pool tables, exercise equipment, televisions, faxes and printers.

Shira Franco '01, who is also a resident assistant, agreed that the improvements will result in a happier dormitory population. "I think that any attempt to improve student life by making the dorms more comfortable and friendly has some positive impact," she said. "For example, television and cable in the lounge increases student social interaction," Franco noted. She said that her residents had already requested a grill, exercise mats, a VCR, hairdryers, an iron and ironing board, a blender and a coffee maker.

In the wake of these changes to dormitory life, Munir said that the Harkness improvements are not to be overlooked. "The Hark is a student center, but it doesn't look like a student center," he said.

The lack of recreational amenities detracts from the Hark's role in campus life, Munir said, "and that's a problem."

The new game tables will be placed in the lounge area near the Harkbox Cafe. "I think the pool table and foos-

ball table are a positive sign from the administration that they too would like to see the Hark become a true student center, rather than a 'pass through' on the way to class," French said.

French also pointed out that these Hark improvements will have universal appeal. "While money for the dorms will benefit a significant number of students, especially among 1Ls, any changes to the Hark will benefit the entire law school community," he said.

But the LSC is not done with their overhaul of student facilities. "As for the future, I would like to see the administration continue to implement changes in the Hark, and I hope to work within the LSC to further this goal," French said.

Hamner concurred in that assessment. "We plan to address many different issues this year that will improve student life at HLS," said Hamner. He pointed in particular to LSC initiatives for improved information technology services and enhanced career services. "We hope that this will be a successful year," Hamner said, "and the Student Life 2000 Proposal is a huge step in that direction."

Foos that girl?



Photo by Murad Kalam

Students challenging each other to a game of foosball will no longer have to rely on the Lincoln's Inn.

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When the Man becomes a friend

Having something to say can be a curse. Especially when your words fail to reach those who need to hear it most.

Just ask Ralph Nader. He has become a prisoner of his own positions — hog-tied by his opposition to the corporate world, trussed up with his take on mainstream consumerism — Nader has stumbled in the popular polls for president. While his appearances at arenas across the nation continue to draw thousands of paying customers, Nader too often finds himself preaching to the converted. Just how many Bush and Gore supporters are shelling out \$10 a pop to hear their candidates get verbally dissed and dismissed? Very few, very few.

Even guaranteed entry to the promised land — arriving in the form of a ticket to the Boston debates from a faithful believer — could not deliver Nader into the arms of a national audience. A candidate for office forced to watch his opponents debate the issues from afar, with any rebuttals held in check not by Jim Lehrer, but by a crackling television screen.

His exclusion can be blamed in part on a past of ranting against the financial and, subsequently, political clout of big business. Nader has painted himself into a corner populated by thickly bearded anarchists, Birkenstock-wearing undergrads, and a host of people who aren't old enough to vote. Garnering five-percent of the national electorate might happen, as long as his supporters wake up before the polls close.

But even this motley collection of the politically disenfranchised deserves a soapbox. While the Commission on Presidential Debates answers to corporate contributors — including model citizen companies like Philip Morris and Budweiser — that platform will not be found in prime time. Neither Bush nor Gore would be willing to surrender a second of free airtime to a political upstart like Nader.

That day will not arrive this year. But when it does, if ever, then Nader or his successor will not need to worry about the election day results. They will have already won.

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—First Amendment, U.S. Constitution

• Letters •

Firm work need not be for big tobacco

The time of year has come when law students, most of us saddled with debt, accept offers to work at large law firms. Harvard Law students receive many such offers. They have an extraordinary ability to decide where they want to work and what sort of work they wish to do. I am writing to urge my classmates, when making their employment choices, not to accept positions with law firms that represent tobacco manufacturers. The attorneys at such firms as Arnold & Porter, Covington & Burling and Chadbourne & Park (to name the three worst offenders) may not be evil people, but the work that they do is pernicious. History will judge them as harshly as it now does supporters of appeasement and advocates of segregation. Ask yourself whether you wish that to be part of the legacy you leave future generations.

These tobacco-defense firms will assure you that they do not personally endorse the behavior of Phillip Morris and R. J. Reynolds any more than most criminal defense attorneys endorse the past actions of their clients — but everyone deserves a defense. Tobacco compa-

nies may manufacture a lethal product that shortens the life span of the average smoker by 18 years and afflicts not only those who choose to use cigarettes but also the thousands of people who die each year from exposure to second-hand smoke and the underweight and deformed babies of smoking mothers, but they still have a right to legal representation. If the Nazi war criminals at Nuremberg were entitled to a defense, surely Phillip Morris and R. J. Reynolds deserve no less. But ask yourself this: Would you defend Nazi war criminals if you knew that your defense would permit them to continue murdering millions of people? Because that's quite similar to what you're doing if you defend tobacco manufacturers.

Don't rationalize it away: Doing "tobacco work" kills people.

Jacob Appel '02
President, Tobacco Avengers
October 5, 2000

Open letter decries Forum's all-male revue

I would like to know why the Harvard Law School Forum has brought fewer women to the HLS campus over the past year and a half than one might find in an NFL locker room on an average Sunday.

According to the Forum's website, of the 22 speakers and panelists it hosted between February 16, 1999 and September 25, 2000, a whopping 2 were women. That's 2 out of 22 since the spring semester of my 1L year. Looking ahead, the Forum's representation of women appears even more dismal: while its roster through April of 2001 is no

doubt far from complete, as of now it brings that record to 2 women out of 29 speakers.

The Forum does a laudable job of bringing impressive and exciting speakers to campus, thereby broadening the experience and education of students here. I would simply like to encourage its Executive Board to address the gross underrepresentation of women in its future programming.

Tori Jueds '01
October 11, 2000

Don't you dare shrink that 1L class size

I am opposed to shrink[ing] the size of entering classes at HLS by 50 to 100 students for the following reasons:

(1) Having such a large, diverse law school class fundamentally enriches the opportunities available to students here. There are more students, more interests and more academic, intellectual and social niches for students to explore and enjoy than would be possible at nearly any other law school.

(2) Decreasing the size of the class will have the effect of forcing the admissions committee to accept fewer students who would meaningfully contribute to the life of the law school but might not get accepted at other schools (like Yale) for reasons like an LSAT score that is very high but not 170, or an undergraduate degree lacking the pedigree of Harvard, Yale, Princeton or Stanford. These are not sound reasons to reject students from Harvard, but they will become more so if [the] size of the class is reduced.

(3) Harvard Law School has maintained the size of the current class for decades. Generations of students here

have profited from the benefits described in point (1). Why should we deny those benefits to future students at HLS?

(4) What are the benefits of reducing the class size, other than perhaps reducing class sizes and raising Harvard's reputation in spurious national rankings? The faculty has already voted to overhaul the first-year curriculum, which will result in fundamentally smaller classes. This was a positive action, and the school has the faculty resources to make such a change.

(5) The cost for each individual student to go to HLS is approaching \$50,000 a head. Tuition is as "low" as it is because it is subsidized by the institution and alumni gifts. Reducing the size of the class (without reducing the size of the faculty or facilities available at the law school) will likely raise that cost, which could increase the amount of tuition quite significantly.

J.R. Parker '02
October 11, 2000

Something on your mind?

Write us a letter!

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PERSPECTIVE

By Heather WhiteMan Runs Him '02

Two Little, One Little, No Little Indians ...

This op-ed is written in response to the article "HLS Welcomes Soldiers, Scientists and Ballerinas" by Phil Barengolts [RECORD, September 15, 2000]. In this article, Dean Curll indicated that the new 1L class is composed of one percent Native American students. In reality, there are only two students out of 550 who identified themselves as Native American for the purpose of admission. While the average person may think that this is an insignificant difference, to a community that only has a total of five active Native students, it makes a world of difference. Dean Curll qualified the statistics with a caution "that some of this increase may be due to the method by which the ethnicity of applicants is reported." A more accurate qualification, however, would have been: "some of this increase may be due to the method by which the [Law School allows] the ethnicity of applicants [to be] reported."

Currently, applicants to HLS may indicate that they are Native American by simply checking a box in the Race/Ethnicity section of the application. This has resulted in people misidentifying themselves as Native American, and the admissions office reporting and taking credit for a much higher number of Native students than actually exist at HLS. Tribes are distinct political nations, each determining its own "citizenship" just like the United States or any other nation. NALSA and Native American alumni have repeatedly asked the law school to stem the rampant misidentification of people as Native American by requesting the name of the individual's Tribe and their Tribal Enrollment Number.

Negative Effects of "Box-Checking"

There are over 500 Tribes in the United States. Native communities have the highest poverty, suicide, violent crime and alcoholism rates, and some of the lowest education rates. Every Native student admitted to law school offers hope for their Tribe and for the Native community as a whole. The Native legal com-

munity is so small that most Native students enrolled in law school throughout the country know one another. Every time a person misidentifies themselves as Native to HLS, the law school and the nation as a whole is cheated.

Being Native American is not just a matter of race; it is a cultural identity and, more importantly, a political status. In order to be considered "Native American" by the Federal government, you must be recognized by and enrolled as a member in your tribe or be able to trace at least one quarter of your ancestry to one or more federally recognized tribes. While certainly not all those who are Native are enrolled, in self-identifying they should have at least one of two qualities: 1) a familiarity with their heritage in order to represent that nearly silent perspective, or 2) if they have not previously had the opportunity to learn about their heritage, if they identify as Native, the intent to educate themselves.

HLS purposefully allows students to self-identify as Native American without requiring more information because they know their numbers will go down if they do. By identifying as Native with no past knowledge or future intent to acquire such knowledge, people give the law school "credit" for a "diversity" that they do NOT have and cheat all of us at the law school out of a better, more diverse community. While indicating that one is Native does not increase your chances of getting into HLS, the Law School does assume that their Native applicant and acceptance pools are substantially larger than they really are, and they get lazy in their efforts to recruit Native students. The Native community suffers from another year without representation at the law school, and Tribes go another year without one of their children being educated to help their community. Factors that are specific to the Native experience make this problem even more pronounced:

1) There is an increasing propensity for individuals to misidentify themselves as Native.

2) Natives make up only 2% of the general population; out of this 2%, an even smaller number of Native students are in an educational position to attend law school.

3) While all minority communities need legal representation, the actual continued existence of sovereign Native peoples as nations is dependent upon the education of a Native legal force.

What You Can Do

Many of us have a Native ancestor. We should each be proud of all ancestors that make up our unique individual heritages. However, if 1) one of your grandparents is not Native, 2) if you are not an enrolled member of your Tribe, or 3) if you do not have actual knowledge of your culture and heritage, please do not indicate on racial and ethnic identity forms that you are "Native American". By "checking the box," you cheat those around you out of the opportunity to learn from a Native perspective, you cheat Native students out of opportunities, you give institutions credit for diversity they lack, and, most importantly, you steal potential leadership from Native communities.

What HLS Can Do

Dean Robert Clark, Assistant Dean of Academic Affairs Alan Ray, Professor Joe Singer and many other professors have been strong supporters of the Native community. They have consistently supported efforts to hold more Indian law related classes and better integrate Indian law issues into the core curriculum. We hope these efforts to integrate complex Native legal issues into regular law classes will continue, and that someday there will be a full-time Native professor on faculty.

What the Admissions Office Should Do:

The admission of Native American students remains a contentious issue. The Admissions Office, while listening half-heartedly to our concerns, has failed to implement policies that yield results.

We recommend that the admissions

office:

Ask for a Tribal Name and enrollment number from all applicants who indicate they are Native American. If they are not enrolled they can simply provide a "heritage sheet" explaining the importance of or involvement with their native community. This is a standard procedure at many universities.

Make the extra effort to reach out to Native applicants. Call them, fly them in to look at the school, and provide their contact information consistently and quickly to the Harvard Native community so we can contact them and welcome them.

Institutionalize recruitment in Native communities and at Indian events. Currently, the burden falls on students to make special annual requests for recruitment in Indian country.

Loss of Native Students to Other Ivy Law Schools

There ARE qualified Native students out there and HLS is not doing enough to attract them. This year alone, we lost two exceptional Native students to Stanford because it has demonstrated a stronger commitment to building and retaining a Native community.

In sum, the Native American community at Harvard Law School is in danger of disappearing altogether. With continued misidentification and half-hearted recruiting efforts this trend will continue: two little, one little, NO little Indians ...

Thank you for your careful consideration of these issues,

Heather WhiteMan Runs Him '02 is president of the Harvard Native American Law Students Association (NALSA).

• Brief •

Shavell named Rosenthal Professor

Prof. Steven Shavell has been named the Samuel R. Rosenthal Professor of Law. The professorship honors Samuel R. Rosenthal, Class of 1924, an estate and probate attorney, philanthropist and rare-book collector. Rosenthal died in 1994 at the age of 95.

Shavell joined the Harvard Law School faculty in 1980, having served on the faculty of the Department of Economics at Harvard University since 1974. He received two bachelor's degrees from the University of Michigan in mathematics and economics in 1968 and a Ph.D. in economics from the Massachusetts Institute of Technology in 1973.

Shavell's research interests center on the intersection of law and economics. He is president-elect of the American Law and Economics Association and is the director of the Law School's John M. Olin Center for Law, Economics, and Business, and also of the Law and Economics Program of the National Bureau of Economic Research.

Samuel R. Rosenthal was a legal adviser and director for many American and French corporations and served as a partner at the Chicago law firm of Sonnenschein, Nath and Rosenthal. He also counseled individual clients including former Secretary of State George Schultz and movie star Mary Pickford.

Rosenthal was a leader in Harvard Law School alumni activities, serving on the Dean's Advisory Council and supporting preservation of the Law School's library collections. Rosenthal also established book and conservation funds at the University of Chicago, the University of Michigan and endowed a collection of Honore Daumier's art work to the Art Institute of Chicago. The Rosenthal chair was endowed in 1991.

SURVEY

Continued from page 1

sell reports to the firms.

Press dismissed any suggestion that selling the survey information was unethical. "Would there have been any conflict if we had published the full answers to the questions [in the magazine]?" Press asked, responding to his own question with a firm "No."

Press insisted that the magazine has never violated the anonymity of those who responded to the survey. Dubbing anonymity the "core guarantee" of the survey, Press said "we'd be crazy to violate it."

Maintaining the anonymity of respondents is crucial to the success of the survey, according to Press. "At no time did we do anything to jeopardize our guarantee of absolute confidentiality," he said.

Daisley elaborated on this guarantee of anonymity, stating that all written comments that were returned to law firms had been selectively edited to avoid identification. No mention of practice group- or person-specific comments — a respondent stating "As the only African American female at the firm ...," for example — were included in the final reports. "Our cardinal rule is that nothing goes out of here that would compromise the anonymity of respondents,"

Daisley said.

Is the credibility of the survey affected at all by the seemingly cozy commercial relationship between magazine and law firm? Not at all, says The American Lawyer. "It's one thing if we're selling people out, and we're not selling people out," Press said.

The cost of a 1999 survey report ranged from \$1,500 to \$2,500. These figures are in the process of being revised, Daisley said, since it costs considerably more to calculate the results for a firm that has many branch offices.

Press explained that the charge to law firms simply covers the costs expended by the magazine in preparing the reports. "Our credibility is worth far more to us than any piddling amount [that the magazine receives from the sale of reports]," Press said.

Harvard students confirmed the value placed on the anonymity of survey responses. "I didn't fill it out because I was paranoid that my identity might be discovered," said one third year student. He concluded, "Besides, you never know who's going to read one of those things."

Some imputed less-than-noble intentions to the magazine: "Frankly, it's hard to be outraged when I'm already so used to being commodified," said a second-year student.

Meet Jerry Springer and Bob Barker.

We will. Write for the RECORD.

PERSPECTIVE

By Reese Pecot '02

WHERE THE GRASS AIN'T SO GREEN

Like lifesaver candy, people come in all flavors. There are conformists and rebels, there are shiny-happy people and whiny-crappy people, "yes" people and "no" people. Or if you insist on that clichéd adage, there are people who see the glass as half-full and those who see it as half-empty.

Imagine now that our administrative goddess, Caroline Soultanian, walks out onto Jarvis field and draws a thick chalk line down its middle. She asks you to choose a side. Where will you go? If you choose the side where the sun shines bright and the grass glows green, then stop reading, because this column is not for you. This column is homage to being dissatisfied and loving it. An ode to bitching until you get your way. A nod of approbation to the whiners.

Somebody once said, "Grab 'em by the balls, their hearts and minds will follow." Although variously attributed to the green berets, Lyndon Baines Johnson and probably most accurately to Charles Colson — a Nixon White House advisor — the theory behind this bracing expression can be applied to HLS dissidents and the recent reforms enacted by HLS faculty. Let me explain.

Old institutions have a habit of sitting on their laurels in a smug, self-satisfied kind of way. HLS has been no exception. While law schools across the country reformed their grading policies to shift emphasis from competition to cooperative learning, HLS did nothing. While other schools downsized or restrained the growth of their student-



faculty ratios, HLS let its ratio balloon to over 20-to-one. As of last year, the ratio was 18.6, a higher ratio than any other law school in the top 30. And while schools like Yale and

NYU put student culture and lifestyle on their agendas, HLS failed to provide even a suitable gymnasium.

This is not to say that receiving one's legal education here is a valueless opportunity. A hefty endowment and esteemed faculty count among our treasured assets. Those of us venturing out to job interviews or hobnobbing it at bars can find ourselves floating on a venerable little cloud of "Hahvuhdness" — a cream puff of respect tossed our way for simply receiving the admission letter. And yet, the oft-heard phrase remains true for many: "It's a great place to be from, but not a great place to be at."

People have their theories. These include: "It's law school, man. Law school is supposed to suck." And also: "The people complaining are the one's who get bad grades (read Bs) or have no friends or are the people who don't party (read drink) enough."

But there's a better theory. Great institutions take an activist perspective on their own growth and change. They respond to changing times and the intellectual and developmental needs of their constituents. They do not sit on their laurels. And when they fail to do any of

these things, they are no longer great institutions.

So hail to the agitators, the whiners, the "no" people who have reminded Harvard that true greatness requires more than a lofty history. Whether calls for change and voices of dissent come from organized student groups like Catalyst or disgruntled individual students, they can actually matter. McKinsey & Co.'s 1998 survey of eight-hundred Harvard students found that 48 percent were "very dissatisfied" with the social life — social satisfaction received an overall 3.1 on a 7 point scale. Twenty-four percent were very dissatisfied with intellectual life here. Overall, students gave "intellectual life" a 4.3 out of 7. Students' overall satisfaction with the Harvard experience earned a sad 4.7 out of 7, a score only slightly above neutral. When asked to support the expansion of Harvard Law's Low Income Protection Plan, 650 students signed their support for reform in just nine hours. Cheers to those who make their dissatisfaction known. Kudos to U.S. News & World report for dropping HLS from second to third rank, behind Yale and Stanford. This, my friend, is called grabbing HLS by the cojones.

And their minds and hearts have followed. Last week's faculty vote to divide the school into seven cohorts was an adventurous step forward. The recent expansion of LIPP is laudable. And while grade reform was turned down by a 31 to 19 vote last week, this may indicate that you can't teach an

old dog too many tricks at once.

There are certainly a fair number of shiny-happy types here. People so happy to be here, for all that it means and implies, that their critical blinders have been on since day one. There are also miserable folks, who in the model of learned helplessness have shut up and rolled over. And then there are the neutral, who like Pavlov's dogs salivate simply at the stimulus of a Harvard Law degree, and have become oblivious to the baggage that comes with it. But positive institutional change is not about making shiny-happy types shinier and happier, or making neutral types more oblivious; it's also about recognizing that one's critics may have something worthwhile to say. So thank goodness for the grippers.

Of course, to be fair, griping is only one method of inspiring change. Take those LSC types like Mike French, Craig Anderson and, yes, even T.J. Duane — these are activist students who get things done around here, like new gyms and fancy websites, with a smile on their faces. The point is this, it takes all kinds — so if you like to gripe, need to whine and love to complain, step over to the side of the line where the grass is not greener and stand proud.

Fenno

"Hey! Another shot of Jaeger over here!"

It was 3 p.m., and Fenno was sitting at the bar in the Charles Hotel, watching the 2Ls (and a smattering of embarrassed 3Ls) make their earnest pilgrimages to and from the hospitality suites and interview rooms.

As she threw down her sixth shot of the afternoon, Fenno was suddenly thrown back off the stool, as if hit by an invisible force. *Fenno*, said a voice in her head, *I'm back, and I'm coming in.*

Fenno knew that voice. But there was no way — she had graduated. She was somewhere out West. And as far as Fenno knew, she wasn't psychic. So what the hell was Liz Falk doing in her head?

You know why I'm here, Fenno. You know what I need to do. Now get out of the way... and get ready to be entered.

Before she lost consciousness, it occurred to Fenno that no one had said that to her in a long time...

When she awoke, she knew something was different. She could see what was happening around her but had no control over what she was doing.

Oh my God, Fenno thought, I'm Being Liz Falk.

You got it, sweetie, said Liz Falk's voice. You're Lizzo now.

Then Fenno saw herself — saw Lizzo — get up on the table in the middle of the Charles lobby and start to speak in a very loud, very Falkish voice.

"You people," Lizzo said, "need to step back and remember where you are. Every year, I see this, and every year I think I'm going to get used to this. Every year I'm wrong. And not just about men."

Fenno would have blushed if she could. A small crowd was gathering, and people were starting to stare. But Lizzo continued.

"Every year, I witness your natty journeys to and from the Charles Hotel, the Inn at Harvard, and — heh-lo? — the

Sheraton Commander. (Cheap bastards.) It never ceases to amaze me how caught up in the process you all become. Scores of you scrumming for the same spots at Skadden, Cravath, Wachtell, Covington, Arnold and Williams. Scores of you thinking that 20-minute hotel interviews hold the keys to your futures, or at least your conceivable presents. Scores of you waiting for the callback, not quite wanting to ask your friends if they've heard yet, scared that you'll get the letter instead of the call.

"I want to ask you something: What did you do to get into Harvard? How did you think of yourself before you had to interview for jobs? Did you want to do something that actually mattered, or had you always thought you could be happy to champion minutiae, as long as you got paid well to do it?"

A 3L interrupted her. "You sound like Liz Falk. Isn't she at Skadden?"

"I — she — had loans! That's irrelevant!" Lizzo sputtered. "Where was I? Oh, right. Anyway, some of you still haven't lost this sense of calling. Some of you came in wanting to do good and will leave wanting to do the same — after you've bilked these guys to pay off the debts that Bob Clark's too cheap to really help you with."

"Others among you, though, still want to do good but never will. You'll wake up at 35 and realize that the debts are paid off but the money's too good to leave. You'll come to your reunion, and you'll look slightly scared. When people ask you how work is, you'll rationalize yourself into a sweat and try to change the subject."

"The path of least resistance, people, is the path that rules the world. And it's not a happy path. So before you go upstairs and accept that offer or gun for that callback, think about what you're doing. Think! Think!"

People were staring. Some of them, Fenno could see, were actually listening to Lizzo. This was ridiculous! Fenno wanted to see these people go to firms. Where else would people get material for *Esquire* articles and books and movies?

If people were — shudder — happy at

Quote of the Week

'So the Juice is on the stand ... and he's getting squeezed.'

—Prof. David Wilkins '80 on what distinguished the civil suit against OJ Simpson from the criminal trial.

Harvard, Fenno thought, then, then... we'd be like Stanford with a goiter! And no one writes books about Stanford! At least no books without pictures!

It was time for Fenno to do something. Maybe if she thought of the most terrible thing she could, Lizzo would get scared and leave her mind. *Got it!* Fenno thought.

She pictured herself stuck in a yearlong seminar co-taught by Bill Andrews and John Mansfield, with Scott Harshbarger as the guest lecturer who wouldn't leave.

With a vaguely erotic scream, Liz Falk left Fenno's mind. Lizzo was no more.

Fenno shook her head and looked around her. People were still staring.

"Um, heh-heh. Never mind," Fenno muttered.

Fenno got off the table — Lizzo had seemed oddly at ease there — and walked back to the bar.

In the corner of the room she saw two people sitting together and crying. Empty shot glasses filled the table. Fenno walked closer. It was Jay Munir and Crystal McKellar.

"I don't know how it happened, Jay. Didn't you see my slogan? I mean, it's the *Wonder Years*, for God's sake? Who doesn't love that show? How could I lose?"

Munir looked at her groggily. "Crystal, it's over. The *Wonder Years* is... are... is... whatever. They're gone. Kevin grew up,

got ugly, and is becoming the Adam Rich of our generation. Your sister found out she was brilliant and decided to do math for a living, and you, Becky Slater — well, you went to law school. Dumbass."

Fenno laughed. She had never heard Munir so bitter.

"What about me?" Munir said. "I've tried to act all happy about all that money from Dean Clark, but come on — a thousand dollars? To buy a couple of foosball tables and a Stairmaster? Stairmasters! Damn them! They mock my pain. They're a metaphor for the entire LSC — you think you're moving somewhere, and occasionally you get tired, but in the end — what? Your ass hurts and you need a drink."

There wasn't much Fenno could do here, she realized. She decided to leave these two alone with their pain. She'd go somewhere where she could meet unhappy people who were at least *pretending* to be happy.

She walked to the elevators, pushed the button and headed for Cravath's hospital suite.

The Casting Couch

ONE SCARY ASS MOVIE

by Jim Greeley '01
RECORD Columnist

Just when you thought the interminable barrage of teen slasher flicks had finally come to a close, Columbia Pictures churns out a thoroughly awful piece of crap called *Urban Legends: Final Cut*. Perhaps more appropriate titles would have been *Urban Legends: Work in Progress*, *Urban Legends: Outtakes and Bloopers* or even *Urban Legends: How to Drive Viewers to Suicide in Under Two Hours*. It is difficult to believe that the wretchedness I endured was the final cut of anything besides a home video shot by Helen Keller. This movie (and I use the term loosely) made *Vampire in Brooklyn* look like *Silence of the Lambs*. The subtitle *Final Cut* could not possibly indicate that someone took the time to edit this film — I pray that it instead signals the last of the *Scream* knock-offs.

I have only myself to blame for viewing *Final Cut*, since I knew all along that it would be worse than gangrenous death. This first occurred to me when I read that Sean O'Connell of the Citysearch website had favorably reviewed the film. I concluded many years ago that Mr. O'Connell is either a certifiable lunatic or a cruel sadist who takes pleasure in recommending that his innocent victims waste their hard-earned money watching offensively asinine drivel.

The second indicator of the poor quality of the film was the cast of relative unknowns. This indicates one of two things to me: either the studio is unwilling to invest enough money in the film to attract non-starving actors, or the script is so bad that not even Kevin Costner would touch it with a 10-foot pole. Having seen the movie, I believe the latter is true. Unfortunately, this did not stop Joey — pardon me — Joseph Lawrence from signing on in a frantic attempt to resuscitate his failed career. I do not wish to insinuate that little Joey will take any job he can get, but I did hear that Scott Baio and Carrot Top

both turned the role down. I confess, however, that Lawrence's performance proved a great deal to his many critics — namely, that the insults they have hurled his way over the years were wholly accurate.

In my defense, I bought a ticket to *Final Cut* intending to sneak into the sold-out showing of *Meet the Parents*. What I did not realize was that the two theatres were on separate floors, and my little ploy was thwarted. I consoled myself by remembering that the first *Urban Legends* was at least an original, if poorly rendered, concept in which a serial killer commits murders based on popular modern myths. I was surprised to find that the supposed sequel was not a continuation of this theme. Rather, it traces the misfortunes of film students competing to win a filmmaking prize. Amy, played by Jennifer Morrison, decides to make her movie about urban legends. However, when filming begins the actors and crew start dropping like diseased fruit flies. Who could the killer be?

The storyline is a blatantly inept attempt at recycling the concept of *Scream 3*, which was no cinematic gem; but at least audiences were not rolling their eyes at innumerable clichés and disjunctive action sequences like they were in *Final Cut*. The first character to die in *Final Cut* is a film student named Travis, of whom Amy is fond. When she visits the scene of his purported suicide, she encounters a man she believes to be Travis. In fact, it is Travis' twin brother, Trevor, played by the same horrific actor with distinctive facial scars. Sadly — I am not fabricating any of this — someone who makes movies for a living thought it would be a great idea to add an evil twin to the mix. Trevor has appeared on the scene scant hours after his twin's death and somehow already knows that Travis was murdered. Amy immediately agrees to help Trevor investigate his brother's

death. Without explaining himself, Trevor asks that Amy not divulge his presence, and she complies. In fact, she puts her complete trust in this total stranger and lets him sleep in her bed.

One of the most frustrating omissions from the storyline is any rational motive for why Amy does not tell anyone, especially the authorities, about the deaths of her colleagues. Trevor mumbles something about the fact that his run-ins with the law as a youth have resulted in a bad relationship with the police. Evidently, this should be enough to convince viewers that Amy would conceal the fact that there is a serial killer hacking her friends to death and continue to film her senior project. Even when Amy has seen two crewmembers murdered on her movie set and narrowly escapes herself, she informs police that the deaths were accidents. The official police response is, "Stupid kids."

Amy comes into possession of a videotape that shows her director of photography being brutally bludgeoned. The killer attempts to murder Amy and seize the tape. A frantic chase ensues in which the killer shatters windows, overturns sound equipment and forces Amy to leap into a sewer to evade capture. When the sole member of the campus security squad, and the token minority of the film, comes upon Amy soaking wet and terrified, the security guard calls her a "crazy white girl." Upon hearing Amy's story, the guard's professional advice is as follows: "You know we can't call the police. They would say this [mass of evidence in the form of destroyed property that the killer has left in his wake] is just vandalism." Amy is apparently unable to argue with this sound reasoning and continues the quest for the killer on her own.

There are too many inane plot twists to discuss in one article, but perhaps my favorite occurs when Amy, chased by the murderer once again, is shut in a closet full of the half-devoured corpses of her

former friends. She breaks out of the confined space and flees the building. Naturally, she then proceeds to run off campus, into the woods and promptly fall down. For some reason, Trevor is also in the woods. Amy tries to explain what has just happened, but Trevor does not have time to listen as he has just come up with a theory about the killer. Therefore, without so much as a second thought about the pile of dead friends, Amy follows Trevor to the library where he can use a computer to explain the mundane clue he has discovered.

The dialogue in the film is equally atrocious. Simon, the replacement for Amy's dead director of photography, utters one representative line. Entering the set and announcing his presence in the middle of a take, he opens his bag and pulls out a camera. "Wow, nice camera," Amy says. "It's my baby (pause, wink), baby," replies Simon. He is quite the ladies man.

There were several moments where I literally believed I was watching a series of Saturday Night Live sketches. The Wayans Brothers must be livid, because *Final Cut* clearly surpasses their recently released *Scary Movie* in the department of outrageously exaggerated horror parody.

For those that had the slightest doubt, Hollywood motion pictures are not art, but rather the moneymaking vehicles of vast corporate enterprises. Never has this been more painfully obvious than in the case of *Final Cut*. This film is Hollywood's desperate attempt to milk one last lucrative drop from the long-dead cash cow that is the Teen Horror genre.

LSC update

The Strategic Planning Process continues to move forward. The future of the five-tier grade reform proposal, grade standardization measures and the pro bono proposal will be addressed by the faculty in the next few weeks.

The LSC is presenting the faculty with its position statement on the five-tier grade reform proposal and the grade standardization measures which was published in the "Record" last week. The LSC is also forwarding a compendium of student opinions to the faculty on the pro bono proposal, both in favor and in opposition; student opinion on this subject is divided. Surveys of 1L sections from this fall, the LSC survey associated with the Student Bill of Expectations last spring and the LSC's recent e-mail solicitation of opinion show that supporters of the pro bono requirement are out-polling opponents of the measure, though generally not by large margins. In addition, the membership of the Student Public Interest Network (SPIN) has voted to support the pro bono proposal. Below is a sampling of salient arguments voiced by students both in favor of and in opposition to the proposal:

Recurring opinions in favor of the pro bono proposal:

- Harvard Law's reputation has been built partly by those who have served the country and the public interest; that message should be reinforced today;
- Community service requirements in our high schools engendered similar debate, but the result was positive and fulfilling;
- A "real world requirement" would be a nice balance to other academic requirements;
- Harvard Law should provide a concrete, institutional commitment to public interest work;
- Students should take advantage of our collective resources to give a little back to the public for the immense opportunity provided by HLS;
- Students will benefit from learning that public service is an essential component of being a responsible lawyer;
- Other requirements already exist, and we do not consider them draconian or deleterious to student autonomy;
- The exposure of students to pro bono work now might raise their willingness to do pro bono work in their future professional lives.

Recurring opinions in opposition to the pro bono proposal:

- The diversity of opportunities at HLS is a strength that would be undermined by this requirement;

- One of the school's drawing points is that students can have the opportunity to find their own direction among a vast array of choices;
- We should be treated as adults who can make our own choices/the requirement is too paternalistic;
- The additional stress associated with the requirement may cause some students to choose other law schools;
- Similar proposals failed in some high schools;
- "Forced labor" leads to resentment and fails to teach the joys of volunteerism;
- The quality of the work will be low because people will do it begrudgingly;
- "Pro bono" is ill-defined/the types of work that will be defined as "pro bono" will disproportionately benefit liberal causes.

Finally, Dean Clark has asked the Law School Council to provide him and the faculty with student sentiment regarding the following: proposals to shrink the size of each entering HLS class by between 50 and 100 students. The faculty may be taking up consideration of such proposals in the coming weeks. Currently, around 550 JD students enter HLS each fall.

Those with opinions on this matter should take a brief moment to e-mail LSC Academic Affairs Chairman Jeremy Paris at jparis@law.harvard.edu. In your e-mail, please initially state whether or not you are in favor of the general notion of decreasing the size of each entering class by 50 to 100 students. If you wish to qualify your opinion, or list additional suggestions, please do so following your initial statement.

If you need additional information on these proposals, please e-mail Jeremy Paris (jparis).

Thank you very much for your participation in efforts to represent student opinion to the faculty on these important matters.

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