

HARVARD LAW RECORD

VOL. 51 NO. 6

NOVEMBER 5, 1970

TWENTY CENTS

Governing Boards Issue Guidelines on Conduct at Harvard

By Jerry Snow

The Governing Boards of Harvard University—the Board of Overseers and the President and Fellows of Harvard College—have adopted an interim *Statement on Rights and Responsibilities* at Harvard.

The statement is the same as the Resolution on Rights and Responsibilities formulated and adopted last spring by the Faculty of Arts and Sciences in the wake of sit-ins and demonstrations at the College. The action of the Governing Boards makes the Statement applicable to the entire community.

Adoption of the Statement was proposed by the University Committee on Governance, a student-faculty committee which includes Law School professors Paul M. Bator and Archibald Cox, and one law student representative—at present Joseph D. Gebhardt, 3L, serving as a member *pro tempore*. While operating under general university guidelines, the Law School has had since last fall its own Committee on Governance which has been exploring ways of improving student participation in decision making, particularly in the areas of discipline and administrative responsiveness.

The Governing Boards also amended the University Statutes to permit any Faculty to appoint students to disciplinary committees that consider rights and responsibilities violations and to delegate its power to expel or dismiss students. The composition
(Continued on Page 15)



Charles Soberman

Secretary sitting in senior partner's lap at Friedman, Wilcox, Lichstein & Scott takes dictation. SEE CENTERFOLD.

Law Review Chooses Eight 3Ls

By John York

Eight more 3Ls have received invitations to join the *Law Review*, some on the basis of first- and second-year grades and some on second-year grades alone. Earlier this year the publication chose ten 3Ls on three-semester

grade averages and all of its 2L invitees on either grades or the writing competition [See RECORD, Oct. 1 and Oct. 15, 1970].

The third-year students accepting are Terence M. Considine, Daniel Coquillette, Daniel S.
(Continued on Page 2)

Teaching Methods Challenged

'Sole Proprietorships' Bust Socratic

By Bob Junghans

Move over Socrates, your monopoly on legal teaching methods is being challenged!

It is unlikely that the old Ph.D. holder from Athens U. who cavorted around the Parthenon about 400 B.C. expected to be the holder of a monopoly in the twentieth century A.D., but since the turn of the present century the Socratic method is about all there has been in the way of legal classroom experience.

It hasn't been the full-scale assault of an anti-trust suit but the incursion of a few "sole proprietorships" that has loosened the

Review Chooses Eight New 3Ls

(Continued from Page 1)

Goldberg, H. Mitchell Gould, Kenneth T. Lopatka, Arnold B. Panzer, and Marc I. Rohr. John L. Lalor was invited but is currently not in school.

Four more 3Ls may be eligible for the *Review* if inclusion of a presently "incomplete" grade in their averages brings them above the lowest average among 3Ls just selected.

In the mechanics of selection, a list of the 12 top-ranking 3Ls was prepared. Four of those listed had already joined the publication in August, leaving the eight just invited. According to *Review* president Allen R. Snyder, "The other six chosen in August would not have made the *Review* under our ordinary criteria."

This has been a record year for 3L invitations to join the Gannett House gang, with 18 getting invitations so far. Last year — itself a record — twelve third-year students were invited, and two years ago only eight.

Socratic stranglehold (although, to be sure, he still controls most of the market).

"Legal education five years ago was too uniform in the methods and techniques of both instruction and materials," noted Dean Derek C. Bok, one of the mavericks who sees as part of his job the promotion of educational variety. "We've had a good deal of innovation in new courses which increase freedom of choice among the students and serve to meet new fields as the need becomes apparent."

But these new courses have most often followed the 15-20 pages-a-day, classroom discussion format.

"I would like to see variety introduced in the method and presentation format," continued Bok, "as well as in the skill taught, the kind of readings and the integration of clinical work in the classroom." The object of such changes would be threefold: to decrease boredom, increase involvement of the student in the classroom and teach a wider range of skills.

Bok has found that two standard methods of invoking such an institutional change (committees and student involvement) bear little fruit in this realm. "Usually all you get is a suggestion for a

Ending Boredom— Up Involvement!

new course. Sometimes you don't even get that," he said. "The thing to do is get people thinking; create an atmosphere from which individual things evolve."

Bok was one of those who did his "individual thing" in his specialty, labor law. He had some help doing it, coming from Roderrick M. Hills — of Munger, Tolles, Hills & Rickershauser of Los Angeles — who last year took a leave of absence from his firm

to teach *Collective Bargaining* here.

"I felt that in the past there has been far too much discussion of policy; the course was too NLRB-oriented," said Bok. "We tried to make it much more similar to what labor lawyers actually do."

Let the Lawyers Lead the Way

Toward this end Hills drew up several 50- or 60-page problems based on cases from his personal practice. The students viewed them from the perspective of "how do I solve it" and took part in bargaining, brief writing and other facets of practical problem solution.

Although Hills is back in Los Angeles, the problems and format are again being used in *Collective Bargaining* this year.

It is hoped that the yearly addition to the staff of one of the nation's top practicing lawyers will add some of the hoped-for variety. This year's visiting professor is Leonard B. Boudin whose specialty is advanced Constitutional litigation.

One of the more intriguing of the teaching method innovations was used last year by Professor Charles M. Haar in *Land-Use Planning*. One weekend a computer was put into use, feeding back ramifications of the students' proposed solutions to given urban problems. The electronic feed-back ranged all the way from who won the next election to how the tax rate was affected by the particular solution. Each solution, in turn, created more problems which had to be answered.

"This is a marvelous way, after you've gotten the basic material, to give them application in realistic nature," said Bok.

The computer has possibilities in a wide range of academia, but

Monopoly

its major problem is expense. Haar managed to do it on a shoestring last year, but if this approach is to be broadly integrated as a teaching technique some permanent method of financing will have to be worked out.

Still other unusual techniques were instigated by Professor Frank I. Michelman in his *Local Government Law* class and Professor Frank E. A. Sander in *Public welfare law*. In the former, 20 students were placed in part-time jobs in government and private law offices last year. The papers they are writing about the legal issues with which they worked are being used to form the course which will be offered second semester this year. In welfare law, students were given the opportunity to represent indigent clients in welfare appeals cases.

Still other innovations are expected to arise in the future. Among them may be a six- or eight-credit course for third-year students with a strong interest in a particular field. The course would be the "pet project" of a professor who would have no other teaching duties for the semester (or year) the course was given.

The idea, which originated with Bok, would combine most of the activities in which a practicing lawyer in that particular field takes part, as well as advanced academic investigation of the subject. Clinical work, observation of proceedings and integration of the third-year paper are also possibilities. It would not follow the 20-pages-a-day approach. These possibilities are not exhaustive but suggestive.

Thus far the idea is still just that — an idea. But it, as well as those other present and future innovations in legal education seem to be a positive response to the familiar student cry for "relevance" in the educational experience.

Placement Office Replies

[The following is the text of a Placement Office memorandum to all interviewers.]

During the summer the Placement Office sent to your firm a booklet entitled, *The Third Year Class — 1970-1971*, which contained brief information about all students who had registered with the Placement Office a year ago as second year summer clerkship candidates. Obviously, the information filled out by students then is no longer up to date, and in many instances is out of date. For example, many stu-

dents have changed their career and geographical preferences. They feel strongly that the booklet is prejudicing them from locating employment. Other students are concerned that the Placement Office would forward information to potential employers.

The Placement Office has destroyed all its copies of the booklet. We urge employers to destroy their copies also.

Eleanor R. Appel
Placement Director

System Pressures Poor, Lawyers

Students in Lecturer Derrick A. Bell's Criminal Law section received a first hand report on the problems of representing impoverished criminal defendants when a New York lawyer, Sheila Rush '64 addressed the class on October 23rd.

Miss Rush, reportedly the first black woman to graduate from the Law School, is associate director of the Community Law Office in East Harlem. She told the students that only a small percentage of criminal cases are brought to trial. The pressure of heavy court calendars, the setting of high bail beyond the defendants' means, the inability of overburdened defense counsel to spend much time on any client's case, and the steady erosion of the presumption of the defendant's innocence by judges and juries, she said, all contribute to the decision of most defendants to accept the results of the plea bargaining process.

She stated that this is particularly true in serious crimes where defendants often spend a period in jail awaiting trial equal to the minimum sentence that might be imposed if they are found guilty. At that stage, many defendants plead guilty in the hope of having their sentences limited to time served rather than face the hazards of a trial.

As a result of the pressures in the system, Miss Rush advised that the lawyer in the average criminal case finds little opportunity to apply the protections contained in Supreme Court decisions of recent years. She believes that a revamped bail system and more courts and judges might improve the present level of criminal justice.

After the Criminal Law class, Miss Rush lunched with black 2L and 3L women law students, and spoke later in the afternoon to about 50 members and friends of the Harvard Black Law Students Association. Prior to joining the Community Law Office, Miss Rush worked with the NAACP Legal Defense Fund Inc., and served as counsel for a housing group in Harlem.

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Dean Stephen Bernardi Keeps Cool,

By Hoffer Kaback

Dean Stephen M. Bernardi's relationship with the students at the Law School is, for want of a better term, straightforward.

"Geez, Dean, it's freezing in here!"

"I know, I'm the only one who likes the air conditioner turned on this high."

"And it's *your* office, eh Dean?"

Informality Marks Student Relations

"Now you're getting the picture. . . ." Big grin.

The above exchange is not atypical, as most students who have talked with him can attest. Those to whom formality is by no means a necessary concomitant of dealing with authority will find Bernardi no adversary. On the other hand, the Dean is equally as comfortable hob-nobbing with The Powers That Be.

As Assistant Dean and Secretary, Bernardi '55 deals with students on a wide variety of matters. Certainly all are aware that he administered the take-home final exam option this past summer (and fall). He is a little grayer now as a result of that episode.

The other areas with which he is involved are legion. Under his aegis fall the Board of Student Advisers, the *Civil Rights-Civil Liberties Law Review*, and the *Journal on Legislation*. In addition, he is responsible for programming and course scheduling and their incidents. And, of course, cross-registration. ("Now look, Dean, it's clearer than the noon-day sun that a strong argument exists as to the relevance of Soc. Sci. 144 (Women and Social Uplift) to my second-year courses. . . .")

The exact division of authority between Assistant Dean Bernardi and Vice-Dean Bruce is not clear-

cut. Suffice it to say that Dean Bruce is mostly concerned with financial aid, withdrawal/readmission problems, Buildings and Grounds, the general administration of the physical plant, and extra-curricular activities which are not, directly, "educational."

Whatever the precise delineations of Bernardi's job, though, he professes to enjoy it thoroughly. Three years before attaining his present position, which he has held since 1969, he was involved in fund-raising for the Law School. Prior to that, he practised law in Cleveland for ten years. In the course of that practice — which included corporations, commercial transactions, zoning, real estate, trusts, but no litigation — he became intimately connected with a public community college in the Cleveland area. Although technically only "of counsel," he found that he was drawn into the basic administrative aspects of the college, quite apart from his legal role, a situation he found intriguing. Very soon afterward, he was in Cambridge.

The Dean is Harvard all the way. A resident of Winthrop House for three years, he did virtually nothing extra-curricular at the College, but moved on to Langdell and its environs in 1952 anyway.

Bernardi felt that, without question, the level of instruction at Harvard College was very high — and this was one of the things of which he was most conscious. In addition, he did not in the least feel oppressed or constrained by any of the distribution requirements.

The Dean noted, somewhat ruefully, something which everyone realizes after the fact, namely, that what is distinctive about one's student days is "the enormous amount of time which the undergraduate has, to do whatever he pleases. You have a larger amount of free time than at any other point in your life,

especially if you're only taking six hours a week, as I did in my last year. Of course, the 15 class-hour a week load at the Law School necessitated a sharp change of style. The whole morning was shot, just going to class."

Bernardi remembers with fondness Warren Seavey, who taught him Torts. Prof. Keeton is still using the old *I de S* case to greet first-year students ("Is this a question of fact, or a question of law?" Mr. Keeton demands in a severe tone, at 9:12 A.M. of the first day of classes), and that comes from Seavey's original casebook. Other professors who taught Bernardi include Mr. Field and Mr. Casner.

The HLS of the fifties, Bernardi recalled, had far fewer "law-oriented" extra-curriculars, and no other "law reviews" except The One. The non-*Review* students had far fewer options open to them. The course offerings are now far more extensive; but whether this is the chicken or the egg with regard to the increased number of faculty is hard to determine.

The occasional visitor may miss it, but the practised eye reveals the fact that, opposite Dean Bernardi's desk, there is a Joshua

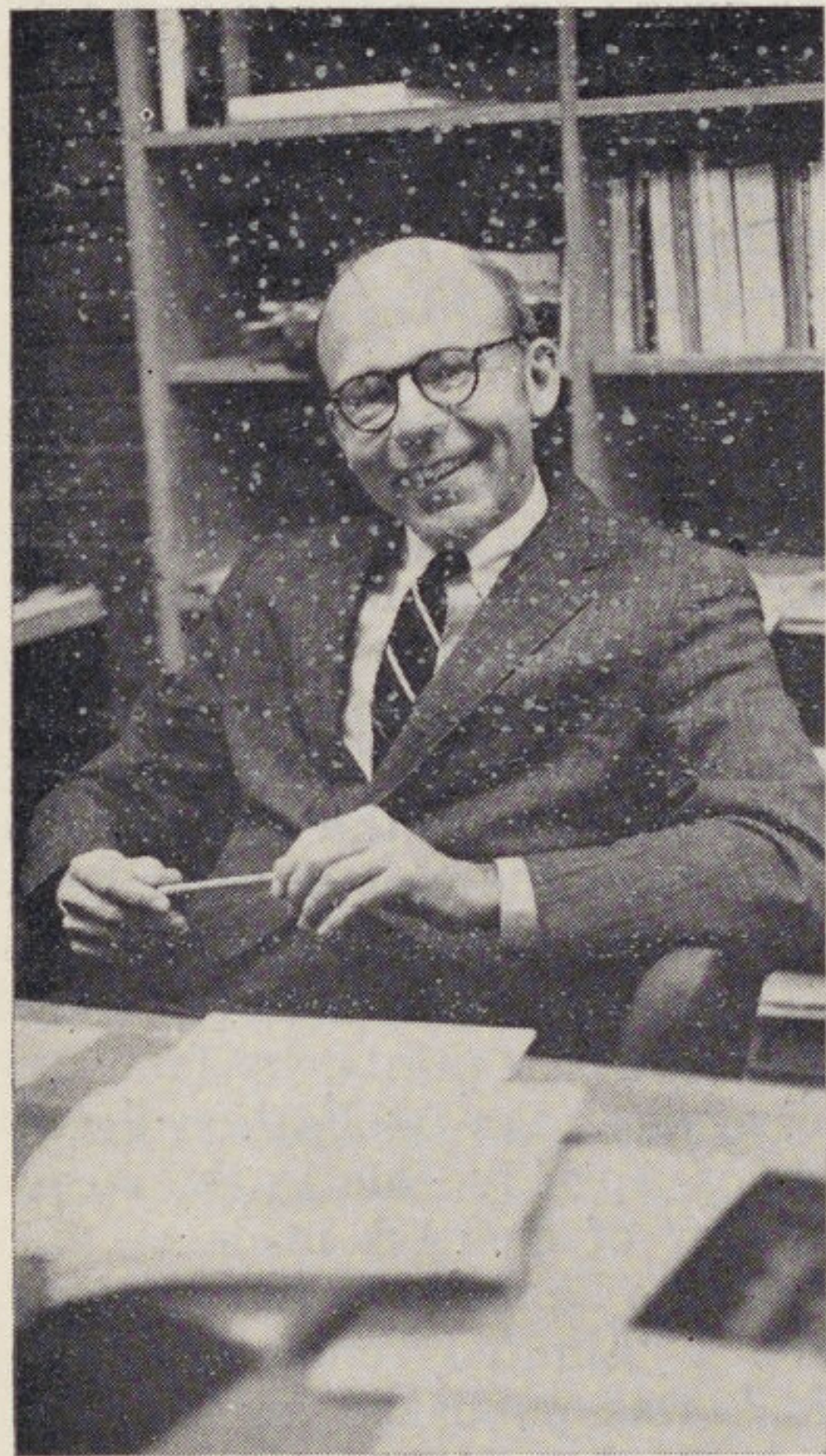
Prefers VW's To Sports Cars

Reynolds portrait of Sir George May. This was one of two which Miss Quinn, one of the Dean's cohorts in The Administration, had in her possession. However, she expressed her distaste for the work, whereupon the Dean did not tarry a moment, but made his move, deftly, swiftly, and with vigor.

Unlike Grayson Kirk, Bernardi does not couple his interest in art with a fascination for sports-car driving. Instead, he transports himself from Cambridge to

Provides Informal Administration

his Beacon Hill flat in a 1969 VW, which would still have been his old 1962 VW, except for the unfortunate happenstance that the Dean apprised himself, too late, of the fact that the car would



Charles Soberman

Dean Stephen M. Bernardi

drive well enough without water, but not, however, without oil. Exit the 1962 VW (in the middle of a bridge).

Why do you like being Dean, Dean?

"It's where the action is. My job involves helping to administer a great institution in the process of change. One which is under attack. One which needs support. To aid in this process of change—within the framework of an orderly and progressive development—is challenging. It's fun to be part of it.

"What is quite valuable about the job is the opportunity it gives me for an exchange of ideas with students, on all sorts of subjects. Aside from that, it's simply the satisfaction of helping to keep a great institution going, on a day-to-day basis."

Aiding the Dean in his pursuits is a "staff" of two. Blonde Elizabeth Adams answers the phone, handles questions of varying complexity from diverse students, and in general channels traffic from the outside world into the Dean's inner sanctum. It is at almost all times a very steady flow.

The other component of the distaff staff is the ubiquitous Mary Davis Upton, world-traveler and administrative assistant extraordinaire. Last situated on the first floor of Langdell, Miss Upton has since repaired to the first floor of FOB. She played a substantial role in the exam crisis and works mainly in the areas of programming and the course catalog.

The grapevine has been known to report that Dean Bernardi is an administrator *par excellence*. But he protests that he has no "theory" of administration.

"One of the bad things about this job is that there is not enough time for me to think, in a systematic way, about the future. That is, what changes should be made in the long-term. Who to consult with. How to identify problems. For the demands of the present do not allow sufficient time to reflect on the contingencies of the future and their possible ramifications.

"This, to me, is very frustrating. Somewhat peripherally, it should be noted that the exam situation was very frustrating in a different way. That is, the sheer number of man-hours that had to

be spent on it will take its toll insofar as it will detract from the time allowable to other matters. This emphatically does not mean that we should or should not have done it. But it has had a strong effect in terms of the allocation of resources; here, time."

When the Dean can get away, he leaves the cares of Cambridge behind and bakes himself under the Bahaman sun, as supplemented by a few weeks in Martha's Vineyard. But the Dean does not allow thoughts of beautiful white sand and clear blue Adriatic-like waters to becloud his mind or distort his desire.

"The gas has not yet gone out of this balloon. I'm still very excited about the job. It's the same as when I was practicing. For almost all of that time, I was very

'Gas Not Yet Gone Out of This Balloon'

interested in being a 'practicing lawyer.' It was only when I got involved with the community college that I felt that academic administration would be interesting to me. As of now, I haven't come near to reaching the point where I even ask myself the question: where do I go from here?"

As of now, then, Stephen Bernardi is firmly ensconced on the second floor of the Faculty Office Building. But hopefully he won't be utilizing his air conditioner again until May.

Lincoln's Inn Fête

This Saturday Night

Cocktails and Dinner . . . 5:30 at the Inn

Rock Dance . . . 9:00 in Big Whoopee Room,
2nd Floor Pound Building

Electric Acid Kool-Aid Punch

Faculty Critics Force Removal

By Greg Ward

In response to criticism from several faculty members, three photographs have been removed from the 1970-71 Harvard Law School Catalog.

at Harvard Law School, which had appeared on page 144 below the section heading "Financial."

The third photograph depicted four female participants in the Law School Show. An opened

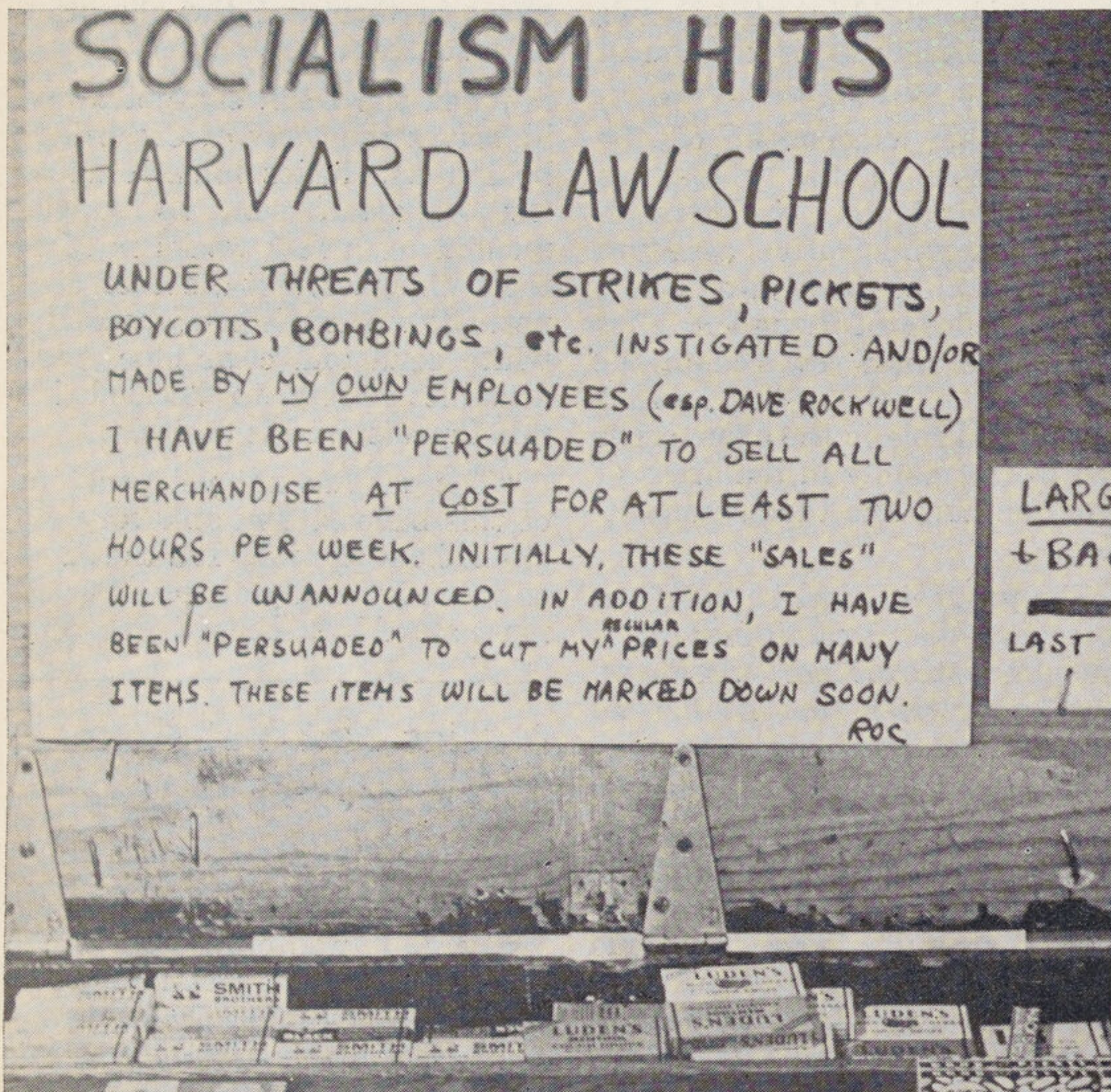
publication a more lively as well as a more organized lay-out, and said that the vibrant green-covered catalog had been "meant as a fun thing."

She admitted, however, that she hadn't realized the impact the catalog would have on some people because of their feelings about the Law School. "I wasn't trying to be flip at all," said Miss Upton, who has edited the catalog for the past four years.

Fortunately the changes were able to be made without too much trouble. This year the catalog was produced in two batches, and the changes were made before the second and larger batch had been printed. There was no additional cost to the Law School other than the cost of three new photograph plates, about \$15.

Ordinarily all catalog copy must be at the printer by January 15 to meet the publication deadline of April 1. Due to the large number of changes made or expected to be made in the curriculum, a "Limited Temporary Edition" was published on April 1, and a final edition was planned for September. The printer, however, was unable to produce the requisite 26,000 catalogs in time for registration and the two batch production method was devised.

Only 3000 catalogs were produced for registration purposes. The 23,000 "revised" final editions have now been printed and these catalogs will be sent to prospec-



Bradford F. Herzog

O'Connell's profitable socialism made limited catalog appearance.

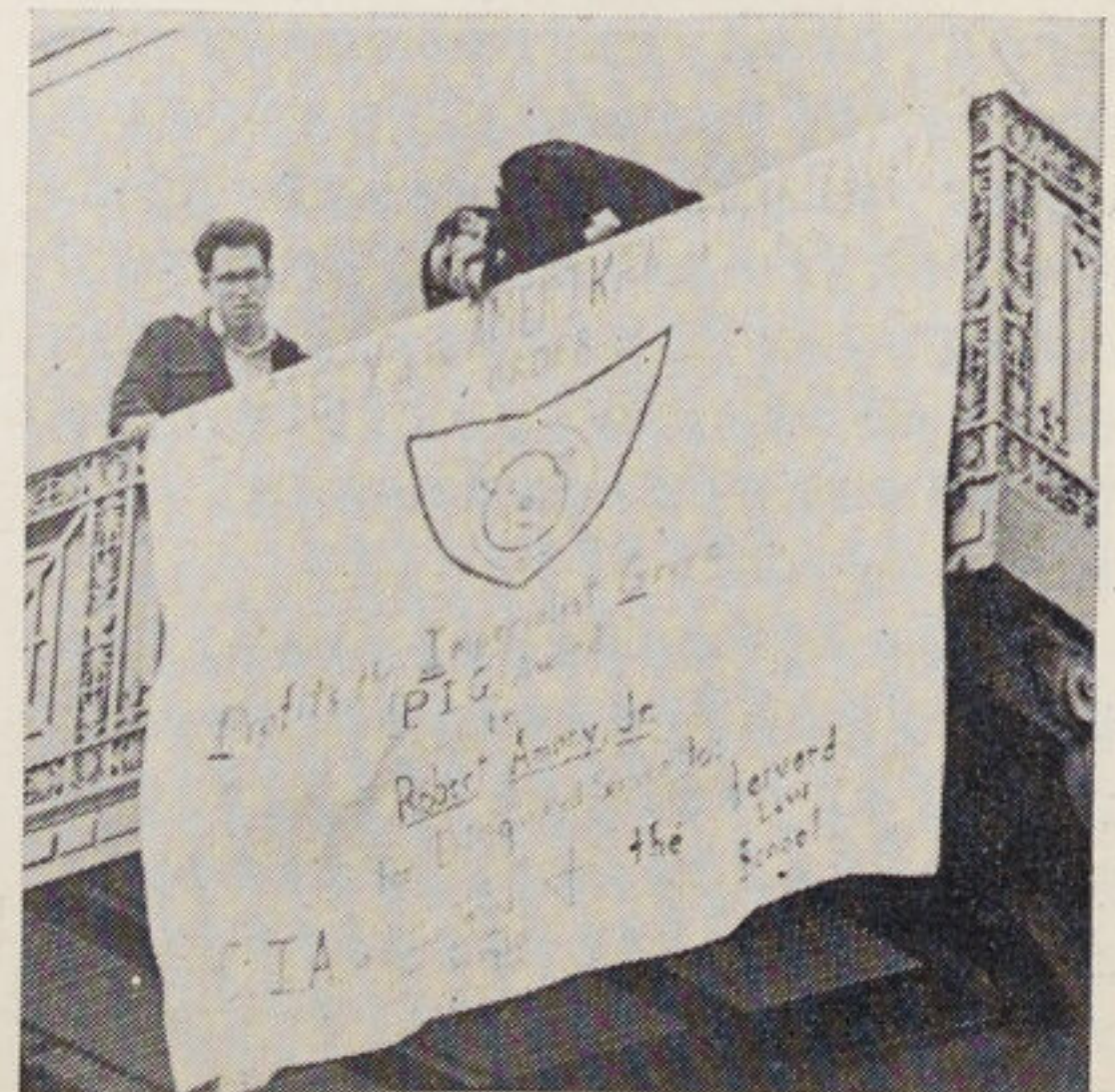
The photographs, which appeared in the initial batch of catalogs available at registration, were regarded by some as disharmonious with the distinguished tone required of all law school catalogs. Subsequent printings of the catalog have replaced the offending photographs with more acceptable depictions of life at the Law School.

Signs accounted for two of the exorcised photos. A sign protesting the visit of Robert Amory Jr. originally appeared on page 128 under the section heading "Student Organizations." A picture of the interior of the New Faculty Office Building has replaced that of a sign in O'Connell's store proclaiming the arrival of socialism

lawbook and fuzzily diligent law student now fill the gap on page 140, the middle of the "Student Activities" subsection.

Dean Derek C. Bok, to whom the disapproving faculty memos were sent, said that the changes were made summarily in order to appease those who objected to the photographs, as it was felt that no one would be upset at the photos' exclusion.

Mary D. Upton, assistant to the secretary and editor of the catalog, dismissed the complications with the air of someone who long ago realized the futility of trying to please everyone with a publication. Miss Upton, who works with a designer in producing the catalog, has attempted to give the



Faculty censored protest picture.

of Controversial Catalog Photos

tive applicants, college libraries, and interested alumni.

Miss Upton said that not much time was given in which to make the changes and that the choice of replacement was generally based on size and not content in order to fit the hole left by the uprooted photos. This choice was also limited, said Miss Upton, by the lack of good photographs available. Most catalog photos are taken by professional photographers.

This shortage is perhaps best evidenced by the recurrence of some photographs from year to year, and this tendency of photographs to reappear with nagging consistency may have caused the great concern felt by some faculty. The pictures of Mr. Justice Story and Hastings Hall are making their ninth catalog appearance this year.

In the case of the four women,



Gwendolyn Stewart Brooks

Picture of Law School Show chorines booted for undistinguished character.

however, the complaint may have been made largely on the ground of false advertising — none are Law School students.

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Firm of Friedman, Wilcox, Lichstein

By Lisa Friedman

A faint glimmer of joviality filtered into the résumé-ridden Pound Building last week as Cam-

bridge's first lady lawyers' commune — Friedman, Wilcox, Lichstein & Scott (all 2Es) — began intensive recruiting efforts with

the posting of a now-notorious *Notice of Interview* in the Harvard Law School Placement Office. The firm résumé was inspired

PLACEMENT OFFICE — HARVARD LAW SCHOOL

NOTICE OF INTERVIEW

DATE OF INTERVIEW: November 14, 1970

November 15, 1970

FIRM: FRIEDMAN, WILCOX, LICHSTEIN & SCOTT

ADDRESS: 30 State Street
San Francisco, California

INTERVIEWER(S): K. Millet

APPLY FOR APPOINTMENT

BY 10 A.M.: October 29, 1970

DESCRIPTION OF FIRM: We are a medium-sized firm, 15 partners and 32 associates, engaged in an increasingly diversified national and international corporate practice in San Francisco and Hong Kong. Our corporate practice includes all phases of trusts and estate planning, corporate counselling, corporate finance, taxation and commercial transactions. Litigation work is concentrated in the fields of antitrust, labor law, copyright and securities regulation. We also have a substantial alimony practice.

The firm has shown a steady growth since its inception in 1968. We are presently seeking to employ four permanent associates and at least an equal number of summer associates. Permanent and summer associates have the option of selecting a legal specialty or being put on the rotation system. Advancement will be as rapid as ability permits: incompetence will be rewarded by prompt dismissal. Associates may expect to do time in our Hong Kong office on the average of once every three years.

Participation in community work is actively encouraged and is subsidized by the firm. Members are expected to devote a substantial part of their energies toward the prediction and prevention of harmful conduct and other laudatory pro bono activities.

We do not discriminate on the basis of race, religion, objectionable personality, national origin or sex. The average age of our partners is 40, our associates 31. We have (at last count) four women partners, none of whom will reveal her age. Members of the firm are drawn from a vast array of accredited, semi-accredited and downright disreputable law schools. Most have clerked, or at least filed. Almost all of our members have read a law review. We are looking for young, virile men who can be metamorphosed into bright and industrious lawyers. Standing in the upper 95 percent of the class and membership in the Order of the Coiffeur are preferred but not required. In order to facilitate Placement Office policy, we request that no student reveal his grades. We believe that grades do not make the man. We also consider athletic ability and a student's character. We value in particular perfunctory poise, industrious initiative, incorruptible integrity, maximum maturity and an ability to alliterate.

Salaries are comparable to those of other equally outstanding San Francisco law firms.

and Scott Now Reveals Everything!

by an oft-told Placement Office tale that thirty-plus students, early in the interviewing season, had signed up for a firm which did nothing but patent work. A joint effort by the Appel Corps and Friedman, Wilcox, Lichstein & Scott tried to test whether 2Ls and 3Ls were actually reading firm descriptions before submitting requests for interviews.

The notice, beginning with a relatively run-of-the-mill description of firm activities and progressively deteriorating into an absurd catalog of associate athletic and personality requirements, was designed to reward the persevering with a chortle and to entrap the slothful and unwary.

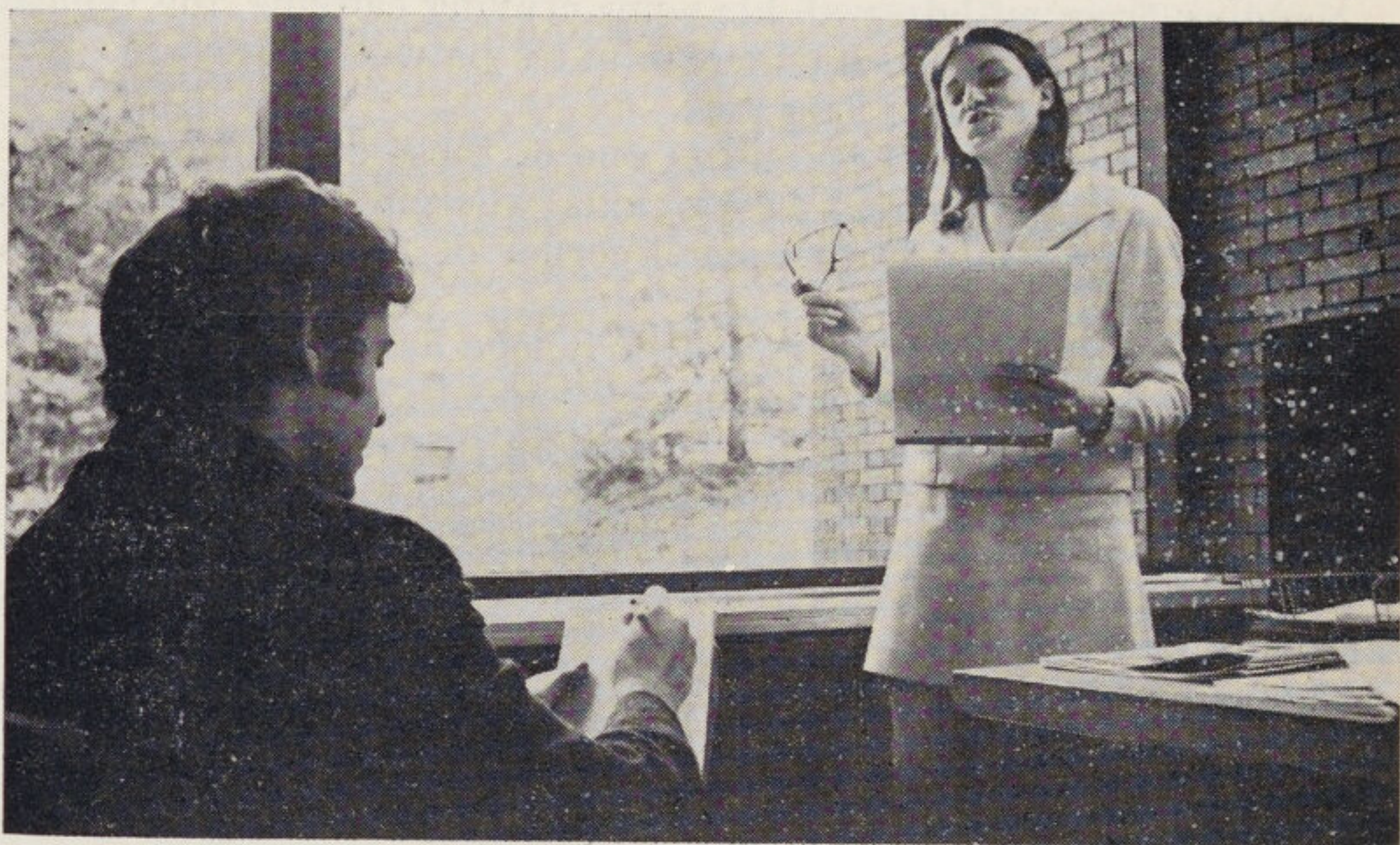
It was an acknowledged success. After less than three days as undisputed star of the Placement Office Bulletin Board, the notice elicited, *mirabile dictu*, 50 — count 'em — 50 IBM cards (120 is average for a San Francisco firm posted for six days) from second- and third-year students of all races, religions, sexes and national origins.

This figure does not include those students who, discovering the error of their ways, retrieved their cards from the file and then

proceeded to bend, fold, spindle, and mutilate either the cards or members of the Placement Office Staff. Nor does it include those students who would have signed up but for a timely admonition from a wiser classmate.

Spanning the class academical-

made a futile search through *Martindale Hubbell* before being informed by a quick-witted Placement Office official that the firm was only listed in the 1970 edition. Another added an indignant P.S. to his IBM card which is bound to win Roscoe's undying



Charles Soberman

Private secretary takes Judy Wilcox' letter to Hong Kong associate.

ly, the prospective interviewees included members of such venerated organizations as the *Law Review*, the Board of Student Advisers, the Board of Governors of Lincoln's Inn and the International Law Club (presumably attracted to the Hong Kong Office), as well as finalists in the *Law Review* Writing Competition. To avoid inciting the moral condemnation of the community, no list of individual names will be published.

Student reaction to the notice soon convinced the firm that its sociological testing technique was less than flawless. One student suggested that a latent fear of being bumped from over-subscribed interview lists for firms in very popular locations has been motivating indiscriminate sign-ups.

A number of students admittedly signed up for the firm because, in the words of one 2L, "any firm with a sense of humor like that must be a groove to work for."

One enterprising young man

affection: "I don't care if this firm is a fake. I WANT AN INTERVIEW!"

The firm contends that it is still quite serious in its quest for four virile male partners. The four well-coiffed seniors are presently matching names with faces to determine which of the lucky sign-ups will be granted the scheduled Saturday night interviews.

The firm is an avid advocate of equal employment. "We believe it is possible for a man to be a househusband and a good lawyer at the same time," Miss Wilcox noted positively.

"We are quite willing to consider even those individuals who do not have great manual dexterity or are not attentive to detail," added Miss Scott.

"We do not even ask a student to reveal his sex during the interview," chimed in Miss Lichstein and Miss Friedman.

Since résumés will not be collected at the Placement Office any interested party with shapely legs is invited to forward his résumé to any of the partners.



Charles Soberman

Myopic partners Toni Lichstein and Lisa Friedman, standing, and Judy Wilcox and Michelle Scott, seated, doff glasses.

Returning Library Books

Now that student-recommended changes in library operations have been instituted, all members of the Law School community must cooperate to make the liberal lending rules and open stacks positive accomplishments. Student search-and-destroy missions aimed at assigned readings — a feature of earlier library-use days here — are unlikely to return. But unwitting book-hoarding must be avoided and faculty charges must return from professors' offices to create a really accessible library.

Craving Vendees, Arise

Nodding from withdrawal, his veins craving caffeine, the typical coffee-seeking student has only ten minutes between classes to trot Harkward for a fix. It is a long trek.

Not so, however, if he frequents one of those student organizations handy to the Langdell-Austin axis wherein the black liquid is kept a-brewing. Only in this small corner of Amerika could such inequality exist.

There is no easement for special privilege here. Why are there no public vending machines or concessions south of the Rutherford B. Hayes portrait? Why must the non-organization man lug a coffee or cola thermos and melting chocolate bars from class to class as though in the wilds on a camping trip? Must deprivation accompany learning? Are we not as civilized as well as a capitalistic people (entrepreneurs take note)?

This is just another example of the simmering social decay which will boil over some day and cause trouble.

Finding Law School Humor

Bonne chance!

HARVARD LAW RECORD

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Published Thursdays ten times each semester by The Harvard Law School Record Corporation, 23 Everett St., Cambridge, Mass. 02138. Telephone 495-4418. Subscription price: \$3.00 semester, \$6 year mailed; students, \$3.00 year distributed at the Law School. Individual copies: 20 cents at the Law School, 35 cents mailed. Second class postage paid at Boston, Mass.

Statement of Ownership November 5, 1970

Title of Publication: Harvard Law Record. Frequency of Issue: Ten (10) times a school term. Location of Known Office of Publication: 23 Everett Street, Cambridge, Massachusetts 02138. Publisher: Harvard Law School Record Corporation, 23 Everett Street, Cambridge, Massachusetts 02138. Editor: John Christopher York, 23 Everett Street, Cambridge, Massachusetts 02138. Managing Editor: Michelle P. Scott, 23 Everett Street, Cambridge, Massachusetts 02138. Owner: Harvard Law School Record Corporation, 23 Everett Street, Cambridge, Massachusetts 02138. Known Bondholders, Mortgagees, and Other Security Holders owning or holding one per cent or more of total amount of Bonds, Mortgages or Other Securities: None.

10-A. Total Numbers Printed: Average preceding 12 months 12,400; Single issue nearest filing date 11,350.

10-B. Paid Circulation: (1) News stands and counter sales: Average preceding 12 months 1,000; Single issue nearest filing date 900. (2) Mail subscriptions: Average preceding 12 months 10,900; Single issue nearest filing date 10,000.

10-C. Total Paid Circulation: Average preceding 12 months 11,900; Single issue nearest filing date 10,900.

10-D. Free Distribution: Average preceding 12 months 300; Single issue nearest filing date 300.

10-E. Total Distribution: Average preceding 12 months 12,200; Single issue nearest filing date 11,200.

10-F. Office use, Left-over, Unaccounted, Spoiled after Printing: Average preceding 12 months 200; Single issue nearest filing date 150.

John Christopher York, Editor

Fenno

"Once upon a time there was a big big Law School with lots and lots of money. It had so much money that it had to build whole new buildings to hold it all, and the room called the Multi-Purpose Room couldn't be used for anything else."

"What did they do with all that green, Unca Fenno?" asked my 1L nephew.

"Well, they went down to Filene's Basement and asked the man behind the big counter what they could buy."

"And what did they buy?" asked another tenderfoot.

"By the time the man waited on them, almost everything that had been on sale was grabbed up," I read on, "but there was one thing left, back on a dusty old counter where no one ever shopped."

"What was it, Unca Fenno?"

"It was a Board of Student Advisers, kids. And the Law School has kept it around ever since."

"What does a Board of Student Advisers do, Unca Fenno?"

"It used to run something else for the big Law School called an Ames Competition. But then all the people got tired of that."

"Why did they get tired of it?"

"Because times changed, but the dean still wrote articles in a magazine called the Bulletin with lots of numbers called statistics telling people who graduated from the Law School that students were still the same and liked to do the same things."

"Did they, Unca Fenno?"

"Are you kidding? Of course, the Board of Student Advisers people still liked to collect \$700 each a year for not doing anything. And they still got good jobs because all the old grads thought the Board still did something or meant something."

"What did the Board do?"

"Well, they tried to revive this other thing called the Williston Competition, which nobody entered. Then they all went out for a big banquet."

"Oh boy, Unca Fenno, can we go out for a big banquet too?"

"Shut up and eat your Mighty Moes, you silly geese. If you behave, I'll let you stay up to see 'Case in Point.'"

Law Notes

Professor James Vorenberg, director of the Center for Criminal Justice, announced the Center's nine Fellows for 1970-1971. They include four police officers, three correctional officials, a prosecutor and a former public defender. Three are black. The Fellowships, financed by a Ford Foundation grant, provide a semester or a year of research in the field. The program is in its second year.

The Fellows are:

Philip Arreola, Detroit, a Uniform Sergeant in the Detroit Police Department.

William J. Connors, Belmont, Mass., the attorney for the Massachusetts Department of Youth Services, the state juvenile correction agency.

Bertram S. Griggs, Pasadena, the parole administrator for the Los Angeles district of the California Department of Corrections.

William R. Hill, Jr., a part-time Fellow at the Center for Criminal Justice during 1969-70 who will continue in 1970-71, while he works for the LL.M. degree at the Law School; before coming to Harvard, Mr. Hill was a lawyer with the Legal Aid Agency for the District of Columbia and has been a staff attorney for the Criminal Division of the Department of Justice.

William P. Kelly, Hartsdale, N.Y., a lieutenant in the New York City Police Department.

Gary R. McCune, Hopewell, Va., Chief of Classification and Parole at the Federal Reformatory at Petersburg, Va.

Dermont Meagher '62, Worcester, administrator of Law Enforcement Planning there; he is co-author, with Dr. Joseph Brenner and Dr. Robert Coles, of a recently published book, *Drugs and Youth*.

George H. Powers, Cambridge, a detective in the Cambridge Police Department.

Hubert Williams, Newark, a sergeant in the Newark Police Department.

* * *

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Belli Incites Law Revolution

By Kermit Kubitz

The King of Torts spoke in the Ames courtroom Sunday night and as Melvin Belli dropped names of places he's been and former deans of the Law School he's known, one could see why his San Francisco office has been a center for what Belli called the Law Revolution.

Whether discussing sharing a "sauerkraut" office in Germany with F. Lee Bailey or waiting in a San Francisco television studio for the Zodiac killer to arrive,



Charles Soberman

Attorney Melvin Belli

Belli always seems to be speaking to a jury. His stream-of-consciousness style reflects both vast experience and the sincerity of his view of the law.

"The layman wants to know how much he's going to get and how soon he's going to get it," said Belli, commenting both on developments in areas of consumer protection and on the use of lawyers as *pro tempore* judges to clear clogged court calendars.

"Young lawyers no longer want the security of the fifty man firm and the gold watch if you come in enough on Saturdays and even-

ings." Belli says that the attitudes of recent law school graduates have forced the large law firms to follow their lead in paying more attention to personal injury cases.

He compares this with the medical profession where the willingness of young doctors to testify against other doctors is causing a similar revolution. In some specialties malpractice insurance costs \$15,000 a year. When Belli asked for a show of hands at a recent medical convention, he found that one-third of the physicians could not obtain insurance at all.

Yet, Belli still defends the rise in what he always calls, "the adequate award." He criticized the statement that a person could not define pornography but knew it when he saw it, as used by a Justice of the Supreme Court.

"If the court comes down with decisions retrenching on obscenity," predicted Belli, "then we will see more conservative decisions coming down in other areas."

His law office is currently negotiating with unions an agreement to provide "Legalcare" to the membership, paid for by a monthly deduction from wages. Belli closed by saying that the next time he came he would bring his 500 Legalcare lawyers with him.

And so the sartorially elegant Belli, flowing white hair, and voluble manner left a trail of sugarplums and class actions dancing through the minds of the audience.

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Public Invited

Steiner Becomes University Counsel

By Richard J. McManus

Harvard has a new top lawyer. This summer, Daniel Steiner, '58, became the first person to fill the newly created post of General Counsel to the University.

The Boston firm of Ropes & Gray which has provided legal counsel to the university for many years will continue to do so, according to Steiner, but the distribution of labor between the law firm and his office has not been determined.

"Right now I'm working very closely with Ropes & Gray," Steiner said in his Massachusetts Hall office last week. "I'm getting a feel for the job and trying to find out what kind of people I will need on my staff."

He plans to gather a small legal staff and is hoping that present law school students and recent graduates will be interested.

Staff to Include Students and Grads

"We've hired no lawyers as yet," he said, "and I would love to see some third-year students and perhaps add one or two to the staff in June."

The decision to create the Office of General Counsel was made by the Harvard Corporation last spring.

"They had thought about it for many years," Steiner said, "as the legal work of the university grew and as the legal problems became internal as well as external."

"It was a joint decision with Ropes & Gray," he added. "They (R&G) felt it would be useful to have someone within the university."

Steiner described the internal problems of the university that his office would handle as "the changing relationships among the various constituencies — the faculty, the administration and the students — which have a quasi-legal character."

"Some of the problems grew out of the troubles two years ago," he said, "but also the university itself has grown much larger in recent years and is simply more likely to have problems."

"This is consistent with trends in society," he said, "at all levels of government."

Steiner has been deeply involved with Harvard's internal problems for the past year as secretary of the University Committee on Governance. The committee, which examined the entire structure of the university, released a report on rights and responsibilities which led to the adoption this fall of an amendment to the university statutes permitting students to sit on

boards with disciplinary powers.

The committee will present three more reports this year, according to Steiner, one on Harvard and finances, one on the

Presidency and Rules Concern New Counsel

Presidency and the governing boards, and one on the possibility of a university senate.

Steiner also participated in the negotiation of construction contracts with provisions for minority group employment.

"We have five or six projects now in construction where the contractor has agreed to reach targets for minority employment for all different crafts," he said, "and they're all running close to the targets."

"The targets differ from project to project," Steiner said, "but as a whole minority employment is now about 16 per cent of the construction work force — a substantial increase over the past."

Before coming to Harvard last fall, Steiner was general counsel for the U.S. Equal Employment Opportunity Commission for two years. From 1965 to 1967 he was assistant general counsel and then chief of legislative programs for the Agency for International Development (AID) in the Department of State. He also practiced for five years with the New York firm of Patterson, Belknap & Webb.

Asked how the legal problems of Harvard differ from a large business organization, for example, Steiner responded: "There are some differences, there are more copyright problems but on the other hand no serious financing problems. — But by and large, in an organization the size of Harvard — 12,000 to 13,000 employees, 16,000 students and \$25 to 30 million of construction — problems run the gamut of legal experience."

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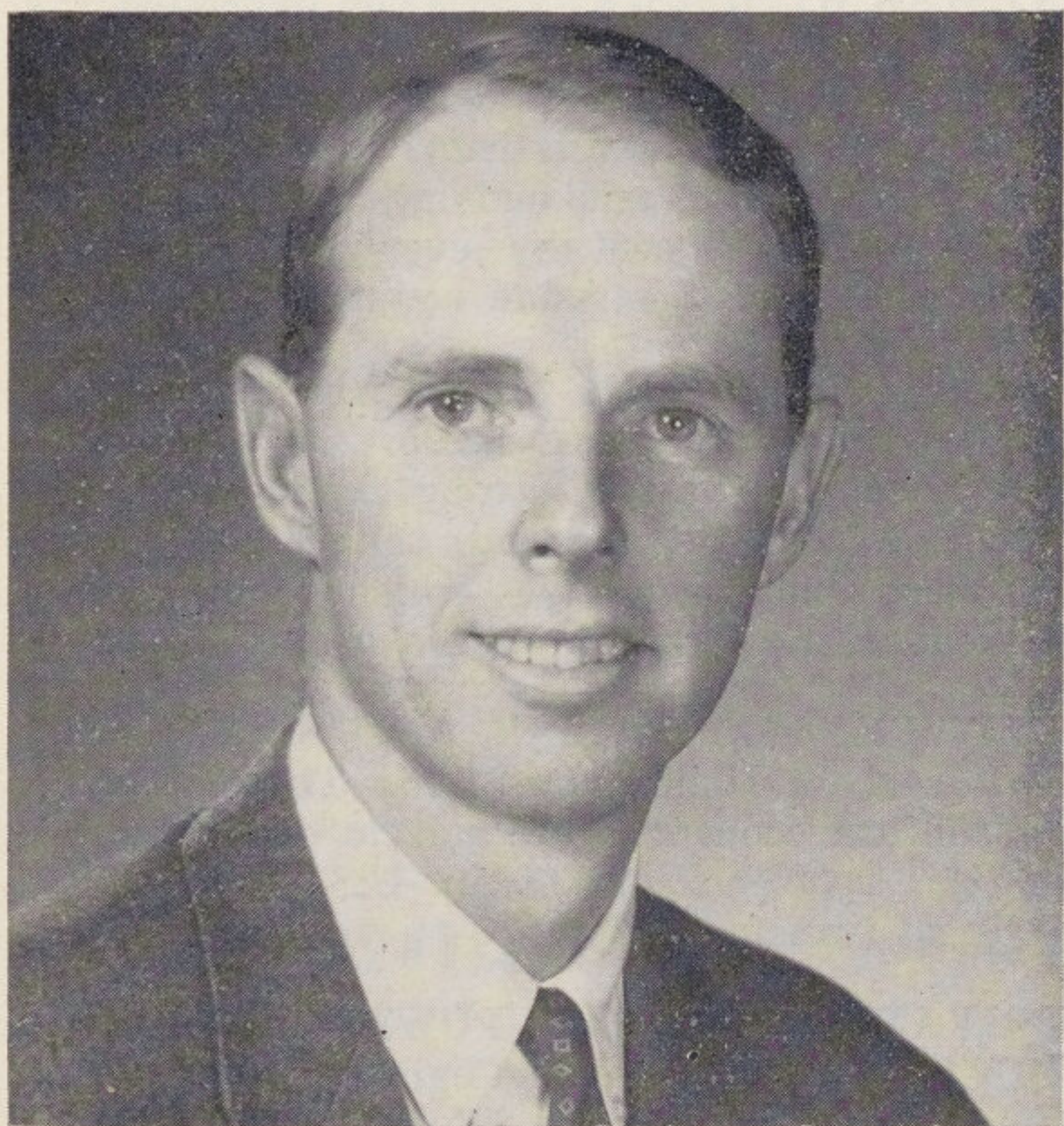
Fisher Works to Correct TV Mediocrity

By Susan Carlson

Television is in one way like the weather. Everyone talks about how bad it is, but few people do anything to change it. Professor Roger Fisher is one person who doesn't believe that television's mediocrity is inevitable.

He started in the spring of 1969 with a program on WGBH-TV (channel 2) called *It's Up to You*. This program featured a guest who had to make a decision, with two other guests arguing each side of the issue. By telephone, the public expressed its views on which way the guest should decide, although he was not bound by these "votes."

This concept was expanded into *The Advocates*, an hour-long weekly show on controversial topics. Fisher serves as the moderator when the programs



Professor Roger Fisher

originate on the East Coast. Now in its second season, the program has already won a Peabody Award for excellence.

One result of Fisher's contact with the media, as executive editor of *The Advocates* from July, 1969, to June, 1970, is that he has lost any lingering illusions he may have had about the power of TV and the way this power is presently being used.

"The problem with TV," says Fisher, "is that its content is determined by TV people. It's as if the telephone company decided what was said over the telephone."

Fisher cites several reasons for the mediocrity in TV programs. First, there is the problem of "keeping the television busy." Since there must be something showing on TV virtually all the time, it is very difficult to always have high quality shows.

Second, "success is measured by how well people forget their problems by looking at TV." These two reasons are related, for the purpose of TV is to kill time (*i.e.*, show a program on drug abuse) rather than make people start doing something about the problem (actively combat drug abuse). The object is to attract the maximum number of viewers, but without "high quality communication of important messages."

Fisher suggests that TV should be operated along the lines of a public utility so that "if someone has an idea on how to solve a problem he should be able to talk to those people who could do something. . . . The impact that TV can have is quite evident in commercials. Unfortunately, the programs themselves are designed *not* to have this impact because it would divert viewers from the ads."

The educating power of TV has not been exploited as much as it could be, Fisher believes. The average high school graduate has spent more time watching TV than studying in school by the time he graduates.

Fisher sees some hopeful notes, however, in the vast "wasteland." In Boston, channel 44 (channel 2's UHF station) is thinking of experimenting with allowing any group with something to say to get time on TV.

There are also some programs on TV which are designed to have an impact on the viewer. *Sesame Street*, for example, has proved that "it is easier to do something well if one is trying to do something." This is, in part, a realization that "it is hard to kill time brilliantly."

Other programs also treat the audience as something more than pure spectators. "At least Julia Child gets them doing something," Fisher explained.

Another hopeful element is the increase in the number of channels through cable TV. This will aggravate the "program hungry" aspects of TV — it will become so desperate for material that it will even have to take programs which will not fit the traditional ideas of what people will accept.

Fisher has ideas for at least two new programs he would like to see produced. He suggested a program on mental health which would present anxiety-producing situations experienced by many people. It could be called something like "What's Your Hangu?" and would show people that some of their hangups aren't unique, hopefully reducing some of their anxieties.

Another program would present the other side of some stories we take for granted. Examples are the Cuban's attitudes toward Guantanamo Naval Base, the Canadian's views on American investment, and Japanese ideas about U.S. textile import quotas.

View From Vintage 70

FROM VINTAGE '70

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Football Intramurals Reach Mid-Season

By Jim Schuyler

Intramurals . . . Football intramurals have just about reached mid-season, and definite patterns have emerged in each of the three leagues. The Backbenchers appear to be on their way to a league title. They decisively defeated Noah's Lark, last year's "A" champions, and Justus Black, "B" League winners last season. Coached by Rich Lyon, the team remains undefeated at 3-0. There is a race in the "B" League, between unbeaten Easy Rider Orphan School and The Turkeys, both at 3-0.

Three teams share the "C" lead, The Crimson Swine, The Spartans, and The Red Pigs, all 3-0. The Swine meet the Spartans in a key game this week. Dick Spoor, football commissioner, noted the "surprising strength in the "C" League which should make the championships interesting." However, he realized that the

tough Backbenchers would be favored in the playoffs.

Of interest particularly to 1-Ls who want to organize a new team for intramural basketball—the football season ends late this month. Basketball teams can be formed now, so that rosters can be presented to Dick Spoor when he begins to organize the leagues. A memo concerning intramural basketball should be released this week.

* * *

Harvard . . . With quarterback Rod Foster and his team poised in the middle of the Ivy League standings at 2-2, a Crimson sports enthusiast looks toward the winter to see Harvard at the top of the Ivies. The soccer team is undefeated at 7-0, scoring an Ivy League win over Penn last Saturday.

But the real excitement is at the Indoor Athletic Building, where Coach Harrison's basketball squad is getting

ready to be recognized as an Ivy threat this season. As Coach Harrison said early last year after the team's first loss, "People are going to stop laughing at us next year. Give us another year and we'll be ready to make our move. We'll be ready to play with anyone."

Already tabbed as one of the top teams in the East in pre-season scouting reports, Harvard looks to sophs James Brown, a 6'6" forward-guard who averaged 21.1 last year, and Floyd Lewis, a 6'7" forward center who matched his teammate in scoring while averaging 14.2 rebounds. Two 6'7" starters return, Brian Newmark and Mike Janczewski, and one of them should be the fifth man. The backcourt is set, with guards Dale Dover (18.6) and little Matt Bozek (16.9). Only Penn, picked No. 6 in the nation in some pre-season polls, should stop the Crimson from reaching the top in Ivy standings this year.

Governance

(Continued from Page 1)

and method of selection of such committees would be subject to the Governing Boards' approval.

Disciplinary sanctions presently available range from "admonition," a sanction with no immediate consequences other than a notation on a student's record, to "expulsion," constituting final

separation from the university. There are five intermediate sanctions.

The Statement on Rights and Responsibilities is highlighted by an emphasis on certain freedoms "essential to [the University's] nature as an academic community. Among these are freedom of speech and academic freedom, freedom from personal force and violence, and freedom of movement."

The Statement condemned interference with any of these freedoms, as well as "interference with members of the University in performance of their normal duties and activities."

Noting the "special autonomy" of and the vital role of "reasoned dissent" in the University, the Statement declares it to be "the responsibility of officers of administration and instruction to be alert to the needs of the Univer-

sity community; to give full and fair hearing to reasoned expressions of grievances; and to respond promptly and in good faith to such expression and to widely-expressed needs for change."

Those affected by decisions in the University are to be consulted in the process. "Failures to meet these responsibilities may be profoundly damaging to the life of the University," the Statement points out.

By way of interpretation of its foregoing provisions, the Statement concludes with pointed reference to what it considers to be "implicit in the language of the Statement . . . [viz.,] that intense personal harassment of such a character as to amount to grave disrespect for the dignity of others be regarded as an unacceptable violation of the personal rights on which the University is based."

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Von Braun Justifies Space Spending

By Kermit Kubitz

In the first of the Harvard Law School Forum's lectures held last Friday evening in Sanders theater — entitled "After the Moon . . . What?" — Dr. Wernher von Braun seemed more concerned with justifying the American space effort than in describing future plans.

In an effort to counteract criticism that we explore space at the cost of the quality of life on earth, Dr. von Braun, who is deputy associate administrator for planning in NASA, assured the audience that every dollar of the twenty-three billion spent on the Apollo program was indeed spent here on earth.

The major part of von Braun's slide presentation was a description of the manned orbiting laboratory (MOL) and the uses to which it can be put. Dr. von Braun envisions the MOL as the basis for a system of world resource management, using the space station's ability to observe most of the planet every two days.



Jeff Petrucelly

Dr. Wernher von Braun spoke on the moon. He was for it.

Computer analysis of the pictures taken in different colors including infrared would enable to develop worldwide agriculture, find and assess geological resources, and manage the oceans as food sources.

"We must find where the food is," said Dr. von Braun, "and where the eaters are."

The missions planned beyond the moon include orbiting and landing on Mars by instrument in the early 1970's. In 1977 and 1979 the outer planets, Jupiter, Saturn, Neptune, Pluto, and Uranus will be in an alignment which occurs only once every 179 years.

As Dr. von Braun said, "President Jefferson missed the last opportunity for a Saturn fly-by so we don't want to miss this one."

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