Report to the President for the Year, 1975-76

University of Michigan Law School

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PROFESSOR ERIC STEIN
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PROFESSOR PETER O. STEINER
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DR. ANDREW S. WATSON
"Legal Education Plays Some Strange Psychological Tricks on You," J. Student Law, 23-
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"Lawyers and Professionalism: A Further Psychiatric Perspective on Legal Education," 9
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ASSISTANT PROFESSOR PETER K. WESTEN
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PROFESSOR JAMES J. WHITE
"Impossibility, Impracticability, and Supervening Illegality" and "Drafting Contracts in a
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PROFESSOR L. HART WRIGHT
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Belgium).
Mr. President:

During the past year the plans for the Law School's first capital fund-raising drive in the School's 117-year history finally came to fruition. The idea was germinated in the late '60s, when alumni became disturbed about the rapid deterioration of the Lawyers Club, the Law School's residential facility. It was decided, however, to make emergency repairs of the Club with internal funds, and to postpone a major capital effort until a broader program could be devised to meet a variety of the School's needs.

The most critical situation exists in the Law Library. A building designed to hold less than 200,000 volumes is now housing a collection that is nearing 500,000. For all practical purposes, the shelves are full. Books are stored in stairwells, in the stack aisles, and in the basement of Hutchins Hall. Inadequate access to library materials has been a growing impediment to teaching and research in the Law School for several years.

In addition to a shortage of library space, there is a shortage of offices and seminar rooms. Since the present complex was built, the size of the faculty has doubled from 25 to 50, and the size of the student body has almost doubled from 600 to 1100. Classrooms are showing their age, and need to be renovated to facilitate the use of modern teaching techniques and devices. More funds would also be welcome for student financial aid, endowed faculty chairs, and special instructional and research programs.

A professional consulting firm conducted a survey of a representative sample of Law School alumni across the country in 1972, and concluded that it would be feasible to launch a capital campaign.
with a goal in the range of $10,000,000. During 1973 an alumni development committee was organized with John H. Pickering of the Washington, D.C. bar serving as chairman. The committee held its first of many meetings in Ann Arbor in October 1973. To provide professional guidance, Robert A. Jones, who holds a B.A. and M.A. from Michigan and who has had extensive experience in public relations and fund raising, became the new full-time Director of Law School Development.

In the meantime, a faculty building committee under the chairmanship of Associate Dean William J. Pierce had completed an extensive study of space needs, and recommended that the School seek a new facility to provide extra offices, several seminar rooms, and storage space for about half a million additional volumes. The committee then interviewed six nationally known architectural firms in day-long sessions to determine who should design the new library structure. Gunnar Birkerts, one of the most imaginative and honored of contemporary architects, with much-applauded library buildings to his credit, was ultimately selected. He started to work in the summer of 1974.

Architectural woes. The reaction of any Law School alumnus, upon being informed that we are planning a library addition, is almost invariably the same. An uneasy look crosses the face, and then come the identical two questions: "Where is it going to go? And what is it going to look like?" Understandably, anyone who has spent three years amidst these noble Gothic edifices is likely to take an almost proprietary interest in them, and to shudder at the thought of anything being done to mar their splendor.

To replicate the existing architecture, which is most persons' first love, would be prohibitively expensive. Figures of 25 million dollars and up have been suggested. But even if the cost could be managed, the architectural and craft skills are no longer available to provide more than an ersatz version of the existing stacks. To others, it was an abomination, if not a literal breach of the trust of William W. Cook. The alumni committee was not unwilling to accept a building cost of $12,000,000, and to set an overall campaign goal of $15,000,000. But a majority was plainly unwilling to approve the proposed design.

Meanwhile, it had fallen to me to search out, with the help of the alumni and University and Law School staff, those potential major donors whose commitments of substantial sums are a prerequisite to the opening of the public phase of any large capital drive. Regrettably, the economic climate was hardly propitious, and for almost three years there were more disappointments than accomplishments. Yet, even the failures produced some memorable and occasionally amusing experiences. I am sure you will not soon forget, Mr. President, the two trips you so generously took on our behalf to see J. Paul Getty, and to inquire whether he would be interested in providing a suitable memorial for his father, an alumnus of the Law School. True to form, he was not so interested. But at least, thanks to the persistence of alumnus Henry Bergstrom in arranging the visits, we had a chance to make our appeal.

In mid-1976, after much frustration, the pieces suddenly began to fall into place. The Kresge Foundation made a challenge grant of $5,000,000, and the general campaign goal was raised to $25,000,000. A major donor who has been very active in the field of library science made a substantial commitment, and to satisfy our request that we have a name for the library, the donor agreed to make a contribution on the condition that we name the library after him. Thus the present library, the William W. Cook Library and Hutchins Hall, thus tying the two buildings much closer together. This would mean, of course, filling in the gracious Hutchins courtyards that are so popular from spring through fall. It would also mean that anyone in the central Quadrangle would have to gaze upon what many would regard as an alien intrusion among the Gothic towers. The architect was finally instructed that the new structure would have to be entirely behind the Library, with no part visible from the center of the Quad.

In the summer of 1974-75, Mr. Birkerts unveiled his recommended solution. To meet most if not all the faculty committee's expressed desires, he had to design a building of some 100,000 square feet, with a price tag of approximately $12,000,000. To avoid excessive bulk and overcome the limitations of available space, he had to place two-thirds of the structure substantially below grade. Once the faculty, staff, and students saw the proposal for the remaining one-third above ground, however, it was enough to cause the battle lines to form as if for Armageddon.

The design called for a straight-lined, starkly modern structure of glass and metal which would have enclosed (or replaced) the existing stacks, and linked the Law Library and Hutchins Hall while doing away with the present aluminum bridge. To some, the design was handsome, exciting, and ingenious. To others, it was an abomination, if not a literal breach of the trust of William W. Cook. The alumni committee was not unwilling to accept a building cost of $12,000,000, and to set an overall campaign goal of $15,000,000. But a majority was plainly unwilling to approve the proposed design.

Indeed, if function were made wholly controlling, we were advised the new structure should be placed in the empty spaces between the Library and Hutchins Hall, thus tying the two buildings much closer together. This would mean, of course, filling in the gracious Hutchins courtyards that are so popular from spring through fall. It would also mean that anyone in the central Quadrangle would have to gaze upon what many would regard as an alien intrusion among the Gothic towers. The architect was finally instructed that the new structure would have to be entirely behind the Library, with no part visible from the center of the Quad.

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In mid-1976, after much frustration, the pieces suddenly began to fall into place. The Kresge Foundation made a challenge grant of
$1,500,000. The Dow Foundation came through with another $1,000,000. Portland alumnus Calvin N. Souther presented deferred gifts totaling in excess of $1,000,000. The Towsley Foundation gave almost $700,000 to fund an interdisciplinary clinical program in the prevention of child abuse. When these were added to an earlier bequest by Detroit alumnus Thomas Long in the neighborhood of $1,000,000 and to several other six-and-five-figure gifts and pledges, we found ourselves with commitments of more than $4,500,000 toward the library addition, and almost $6,000,000 toward the total campaign.

About this point, as you will recall, Mr. President, you stepped in to advise me that it was time to trim back our goals to realistic levels, and to get on with the public portion of our drive. Apparently it is axiomatic among knowledgeable fund raisers that in campaigns seeking substantial amounts, 50 to 60 percent of the objective must be committed by a few major donors prior to the announcement of the public appeal. As a modest contributor myself, I instinctively reject this assessment, but much experience at this University and elsewhere seems to bear it out. Since we had been engaged in the process since the beginning of our campaign considerably longer than usual, it seemed likely that we had previously identified and solicited most potential major donors. Therefore, we should be somewhat cautious, and assume that the higher figure, or 60 percent of all we might anticipate, was already in hand. This meant that a reasonable goal for the library addition was about $8,000,000, and a reasonable goal for the total campaign about $10,000,000.

It struck me that the amount we could fairly expect for the Library was two-thirds of the $12,000,000 total the architect had indicated was needed to meet all the faculty’s immediate priorities. It also struck me that the above-ground, modernistic one-third of the Birkerts’ design was the part which was causing all the conflict among faculty, alumni, and students. I was satisfied this dispute could not be resolved within the foreseeable future, and my view was shared by numerous other participants in these discussions. The solution had an almost mathematical nicety about it. We should reexamine our priorities and reduce the desired 100,000-square-foot structure by approximately one-third; we should trim back the estimated cost from $12,000,000 to $8,000,000; and we should put the whole of the manageable two-thirds underground.

The alumni committee found this approach easy to accept. It quieted a total campaign goal of $10,000,000, of which the Lawyers Club portion $750,000, of which the Lawyers Club portion $500,000 would be designated for the Lawyers Club, which initiated the whole notion of a capital effort. Originally, the Lawyers Club was to receive $1,000,000 from the capital campaign, but this amount was decreased by $250,000 to reflect the extent of the interim assistance provided by the Law School and the University.

Some faculty members expressed misgivings about the below-grade solution. Had sufficient studies been made to determine the psychological effects of working underground? Wasn’t the most used portion of the collection now going to be farther than ever from the faculty? Would the present main reading room with its glorious soaring space become a deserted mausoleum? These were all good, serious questions, but I believe they had received adequate consideration in the preceding two or three years. Eventually there comes a time when decisions must be made. Following a final review of the proposal by a new advisory committee headed by Professor Thomas E. Kauper, the faculty approved the project. In October 1976 the Regents of the University gave the green light to a public announcement of the Law School’s capital appeal. By the end of the year a brochure describing the goals of the campaign, and soliciting support, would be in the hands of every alumnus.

Mr. Birkerts has since presented his initial design concept, and it would be hard to imagine a below-grade structure with less sense of underground confinement. The upper two floors of a three-level building are constructed like balconies, thus forming a great vaulting space along several sides. Large, deeply sunken skylights bring natural light and a feel of the outdoors down to every level. A wide, sweeping staircase knits the existing reading room and the new addition together. Yet from ground level, one will scarcely be aware of the beehive of activity going on below. Visually, there should be no clash with the traditional Gothic.

The new facility is obviously a compromise—in my judgment, a happy compromise. It avoids an architectural dilemma that could have stymied the whole project. It does not provide as much new space as we would have liked, but it does enable us to put 200,000 volumes on open shelving, readily accessible to all users, under climate-controlled conditions. It solves our on-site book storage problem for several decades, and, given the potentialities of microform, perhaps indefinitely. It also makes available some 300 new carrels or reader stations, adaptable to the coming electronic technology. True, the faculty is left a substantial distance from the core of the collection. But this can easily be alleviated by main-...
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taining a satellite library containing the most frequently used items on the upper levels of the stacks. Finally, what the new structure will most surely accomplish, and I believe with genuine elegance and style, is to place our students in an ideal atmosphere in which to study and do research.

Goals of instruction. As can be seen, the dean of the Law School spent a good deal of his time last year in other than academic pursuits. With a faculty like ours, however, there are many persons ready to fill any breach. Under the chairmanship of Professor Paul D. Carrington, the Admissions Policy Committee undertook a stem-to-stern overhaul of the Law School’s catalogue, with an eye to making it more informative and helpful for prospective applicants. In the course of this endeavor, the committee developed a statement on the goals of instruction at the Michigan Law School which is so wise in content, and so felicitous in phrasing, that I feel it should not be confined to law school applicants, but should be shared widely with alumni and legal educators:

“Most students come to the Law School aspiring to be useful, rich, and/or powerful. The Law School is not opposed to the attainment of any of these objectives, and is quite willing to be used for such individual ends. But applicants should understand that assuring such attainments is not the primary end of the School. It aspires to link the quest for truth and understanding to the human insight to bear on the study of the law and its institutions. Its goal is to bring the whole of present forms and functions of law, and a sense of wonder about its evolution and future development. It seeks also to provide students with such goals in mind.

It is believed that the range of intellectual experiences which the School provides is intensely useful to persons engaged in careers in law. At one level, it is necessary in order to participate successfully in the School’s program to learn quite a lot about law; this learning is itself saleable information. At another level, these experiences enable the successful student to gain a perspective on his or her field of endeavor which will contribute substantially to his or her ability to plan creatively, to counsel wisely, and to learn more when more learning is needed. At yet a third level, they enable practitioners to perceive what is intricate and beautiful, what is idealistic and uplifting, about the materials of their daily work. Much of the work of the law is tedious or prosaic. The ability to see beyond the immediate task adds not only to the ability to perform it well, but also to the ability to enjoy it by seeing its place in the texture of our common experience.

In these senses, the Law School is very much a professional school. But it is distinctly not a vocational school. Students are not trained to perform many, or even most, of the tasks that its graduates may be called upon to perform as lawyers. Through work in the legal aid clinic, the trial practice class, clerkships with prospective employers, and various other “clinical” opportunities, students may acquire or begin to develop some practical or technical skills and may gain confidence in their ability to perform as a lawyer. Nevertheless, students coming to the School should not expect to be fully prepared to deliver a wide range of legal services on the day of graduation. The reason for this is that the costs, to students and to the University and its supporters, both in coin and in unwelcome side effects on the institution, outweigh the benefits of any additional vocational skills training that might be provided. This assessment is made partially in light of a judgment that much learning of skills is best done on the job, under the supervision of experienced practitioners who share with the novitiate responsibility for the quality of the service rendered. Inevitably, the university is poorly organized to provide such on-the-job experience efficiently.

Applicants should know that there are other law schools which are more ambitious than The University of Michigan in providing for skills training preparatory to first-job tasks, and correspondingly less preoccupied with intellectual development and insight than is Michigan. This is likely to remain so. Hence, Michigan is not the right choice for students who are in haste to acquire the vocational skills of technicians or technocrats.”

FACULTY

Alan N. Polasky, a member of the faculty since 1957, died suddenly on July 22, 1976 at the age of 52. He was a dynamic and
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It is believed that the range of intellectual experiences which the School provides is intensely useful to persons engaged in careers in law. At one level, it is necessary in order to participate successfully in the School's program to learn quite a lot about law; this learning is itself saleable information. At another level, these experiences enable the successful student to gain a perspective on his or her field of endeavor which will contribute substantially to his or her ability to plan creatively, to counsel wisely, and to learn more when more learning is needed. At yet a third level, they enable practitioners to perceive what is intricate and beautiful, what is idealistic and uplifting, about the materials of their daily work. Much of the work of the law is tedious or prosaic. The ability to see beyond the immediate task adds not only to the ability to perform it well, but also to the ability to enjoy it by seeing its place in the texture of our common experience. In these senses, the Law School is very much a professional school. But it is distinctly not a vocational school. Students are not trained to perform many, or even most, of the tasks that its graduates may be called upon to perform as lawyers. Through work in the legal aid clinic, the trial practice class, clerkships with prospective employers, and various other "clinical" opportunities, students may acquire or begin to develop some practical or technical skills and may gain confidence in their ability to perform as a lawyer. Nevertheless, students coming to the School should not expect to be fully prepared to deliver a wide range of legal services on the day of graduation. The reason for this is that the costs, to students and to the University and its supporters, both in coin and in unwelcome side effects on the institution, outweigh the benefits of any additional vocational training that might be provided. This assessment is made partially in light of a judgment that much learning of skills is best done on the job, under the supervision of experienced practitioners who share with the novitiate responsibility for the quality of the service rendered. Inevitably, the university is poorly organized to provide such on-the-job experience efficiently. Applicants should know that there are other law schools which are more ambitious than The University of Michigan in providing for skills training preparatory to first-job tasks, and corresponding-ly less preoccupied with intellectual development and insight than is Michigan. This is likely to remain so. Hence, Michigan is not the right choice for students who are in haste to acquire the vocational skills of technicians or technocrats."

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stimulating classroom teacher, a witty, colorful, extraordinarily popular lecturer at professional conferences, an influential partici-
pant in a wide variety of bar activities, and a frequent consultant to
federal and state governments. His teaching interests ranged broad-
ly, from evidence to federal taxation and accounting, and he made
an art of his specialty of estate planning. A faculty memorial resolu-
tion declared: "This humane man, this brilliant man, this superbly
professional man, this complex and useful man enriched our lives
and served our school with high distinction."

During the University year of 1975-76, sixty-one persons held
professorial appointments in the Law School. Included in this count
are nine visiting or part-time faculty members and one serving as
President of the University. Not included in the total are four
professors emeriti, and several professors from other departments
in the University who taught at the Law School.

For the fall term, Professor Ralph S. Rice visited from UCLA to
teach a course and a seminar in federal income taxation, and
Professor Dominique G. Carreau visited from the Paris law faculty
to teach international economic law and relations and a seminar on
the world energy crisis. Professor Roger C. Henderson of Nebraska
came in the winter term to handle torts and a tort law reform
seminar, and Professor Donald P. Rothschild of George
Washington came in that term to handle labor law, as well as collec-
tive bargaining and labor arbitration. Other winter visitors were
Professor Judith C. Areen of Georgetown, who taught family law
and a juvenile court seminar, and Professor John Peschel of Tulane,
who offered federal income taxation and a seminar in natural
resources income taxation. In addition, Professor Sidney Winter of
the University's Economics Department taught economic analysis
and Judge Charles W. Joiner of the federal district court in Detroit
taught trial practice in the fall, and Judge A. Leon Higginbotham of
the federal district court in Philadelphia presented a course in race
teach a course and a seminar in federal income taxation, and
Professor William T. Kerr.

The summer term of 1975 brought as visitors Professors Albert
W. Alschuler of Texas (constitutional law), William D. Andrews of
Harvard (federal income taxation), Judith C. Areen of Georgetown
(family law), Jan G. Deutsch of Yale (enterprise organization),
Ernest A. E. Gellhorn of Virginia (administrative law), Charles
Haworth of Washington University (conflict of laws), Jeffrey
O'Connell of Illinois (torts), and Stephen A. Saltzburg of Virginia
(evidence).

The Law School took considerable pride in the outstanding
qualifications of its first two female professorial appointees.
Associate Professor Sallyanne Payton received both her B.A. and
L.L.B. from Stanford. After three years as an associate in a major
Washington, D.C., law firm, she went to the Domestic Council of
the White House as a staff assistant to the President. She completed
her government service with three years as Chief Counsel of the Ur-
ban Mass Transportation Administration in the Department of
Transportation. Professor Payton will teach administrative law,
regulated industries, and local government law, as well as her
specialty of transportation law. Assistant Professor Christina B.
Whitman holds three degrees of the University of Michigan, the
B.A., M.A., and J.D. After law school she clerked for Judge Harold
Leventhal of the District of Columbia Circuit and Justice Lewis F.
Powell of the United States Supreme Court. Professor Whitman
will handle torts and conflict of laws initially, and later capitalize on
her graduate work in Chinese studies.

During the year Professor Harry T. Edwards resigned to accept
an appointment at the Harvard Law School. I am pleased to report,
however, that numerous other faculty members resisted the blan-
dishments of institutions seeking them for either deanships or dis-
tinguished chairs.

Augmenting the regular offerings of the Law School, the annual
Thomas M. Cooley Lectures were presented by a trio of younger
American legal historians, Professors Morton Horwitz of Harvard,
Stanley Katz of Chicago, and William E. Nelson of Yale. They
spoke on "The Emergence of an American Theory of Law." The
William W. Cook Lectures on American Institutions were given by
Professor Richard E. Neustadt of Harvard. His subject was "Presidential Power Revisited: Reflections on Johnson and Nix-
on."

Unfortunately omitted from last year's report was mention of the
death in December 1974 of a venerated professor emeritus, Lewis
M. Simes. He was 85 years old. Professor Simes was a true giant in
the field of property, and his classic three-volume treatise on future
interests remains the definitive work on the subject. As a faculty
memorial resolution stated, the career of Lewis Simes was "full,
rewarding and influential in the legal affairs of the world."

STUDENT BODY

The total student enrollment during the regular 1975-76 session
was 1155. Women numbered 254, and members of minority groups
The Law School took considerable pride in the outstanding qualifications of its first two female professorial appointees. Associate Professor Sallyanne Payton received both her B.A. and L.L.B. from Stanford. After three years as an associate in a major Washington, D.C., law firm, she went to the Domestic Council of the White House as a staff assistant to the President. She completed her government service with three years as Chief Counsel of the Urban Mass Transportation Administration in the Department of Transportation. Professor Payton will teach administrative law, regulated industries, and local government law, as well as her specialty of transportation law. Assistant Professor Christina B. Whitman holds three degrees of the University of Michigan, the B.A., M.A., and J.D. After law school she clerked for Judge Harold Leventhal of the District of Columbia Circuit and Justice Lewis F. Powell of the United States Supreme Court. Professor Whitman will handle torts and conflict of laws initially, and later capitalize on her graduate work in Chinese studies.

During the year Professor Harry T. Edwards resigned to accept an appointment at the Harvard Law School. I am pleased to report, however, that numerous other faculty members resisted the blandishments of institutions seeking them for either deanships or distinguished chairs.

Augmenting the regular offerings of the Law School, the annual Thomas M. Cooley Lectures were presented by a trio of younger American legal historians, Professors Morton Horwitz of Harvard, Stanley Katz of Chicago, and William E. Nelson of Yale. They spoke on "The Emergence of an American Theory of Law." The William W. Cook Lectures on American Institutions were given by Professor Richard E. Neustadt of Harvard. His subject was "Presidential Power Revisited: Reflections on Johnson and Nixon."

Unfortunately omitted from last year's report was mention of the death in December 1974 of a venerated professor emeritus, Lewis M. Simes. He was 85 years old. Professor Simes was a true giant in the field of property, and his classic three-volume treatise on future interests remains the definitive work on the subject. As a faculty memorial resolution stated, the career of Lewis Simes was "full, rewarding and influential in the legal affairs of the world."

STUDENT BODY

The total student enrollment during the regular 1975-76 session was 1155. Women numbered 254, and members of minority groups
Students came from 56 states, territories, and foreign countries. The presidency of the Law School Student Senate was held by the capable, sympathetic, and open-minded Pamela S. Hyde. Among the other prominent persons in an exceptionally talented student body were Robin Neuman, editor-in-chief of the Michigan Law Review; Peter R. Spanos, editor-in-chief of the Journal of Law Reform; Mark A. Luscombe, Campbell Competition chairman; George A. Lehner, president of the International Law Society; Beth Garfield and Gaylen J. Byker, chairpersons of the Women Law Students Association; Barbara A. Harris, chairperson of the Black Law Students Alliance; Juan Tienda, chairperson of La Raza Law Society; William P. O'Neil, ABA Law Student Division representative; Gaylen J. Byker, justice of the Phi Alpha Delta Law Fraternity; Diane L. Fowler, coordinator of Feminist Legal Services; and such outstanding academic performers as Ellen Borgerson, Charlotte Crane, and Eric T. Freyfogle. Judge Harold Leventhal of the District of Columbia Circuit was kind enough to substitute at the last minute for an ailing Justice Thurgood Marshall as presiding justice of the final round of the annual Campbell Competition. The winning team was composed of Elizabeth R. Hilder, Gayle A. Horetski, George A. Lehner, and Peter D. Winkler. The runners-up were Joseph Freedman, Ralph F. Hall, and Michael J. Herbert.

Financial aid from Law School funds alone neared the million dollar a year mark. A total of $994,309 in scholarships and loans was distributed to 427 students during the financial aid year of February 16, 1975, to February 15, 1976. These figures compared with $955,175 for 422 students in 1974-75. More than half the amount provided continued to be in the form of loans rather than scholarships. In addition to scholarships and loans, the Law School awarded $10,198 in prizes during 1975-76. Thus, the grand total of funds distributed by the School to students actually exceeded one million dollars for the first time, the exact figure being $1,004,507.

Funds from outside sources again increased slightly, despite a sharp decline (over 50 percent) in the amount available for veterans under the “G.I. Bill,” which is now being phased out. The gap was filled by hometown banks, federally insured loans, and the work-study program. In all, a total of 681 students (62 percent) received $1,871,540 from all known sources of financial aid in 1975-76, as compared with $1,875,158 during the preceding year.

After a moderate but continuing decrease in applications over the past several years, there was a modest upturn in 1976 as 4513 applicants sought acceptance for some 360-370 first-year places and about 20 transfer openings. Moreover, the credentials of the entering class again soared, following a slight dip the year before. The mean undergraduate grade point average of initial regular admittees was approximately 3.7, and their mean Law School Admission Test score on an 800-point scale went over 710. For non-residents of Michigan, the latter figure was above 735.

The stratospheric numerical levels may soon be lowered, as the result of a new admissions policy adopted after much deliberation. Extensive studies now seem to leave little doubt that the best predictors of likely performance in law school are such “hard data” as LSAT scores and undergraduate GPAs. At the same time, however, the faculty recognizes that the primary aim of a legal education is not the production of effective exam-takers; it is the development of effective practicing lawyers. There is reason to think that the two may not necessarily be the same, since success in practice requires not only intellectual ability but also such other, more subjective qualities as motivation, conscientiousness, maturity, sound judgment, and personal rapport. Beginning with the entering class of 1977, therefore, the Law School will attempt to admit approximately one-half its students on the basis of a more searching assessment of these nonquantifiable factors. Some alumni will even be asked to help in this evaluation by interviewing candidates. The new procedure is described as follows in the current Law School Bulletin:

One half of the entering class is selected on the basis of a statistical prediction of their success in law study. . . . The other half of the class is selected by a different process. A pool of applicants is first established on the basis of the same predictive data. The minimum standard for inclusion in this pool varies according to the competitive pressures of the year. Once included within this pool, selection is made with little regard for test scores or grade point averages. Within the pool, selections are made for the purpose of making the School a livelier place to learn and improving its service to the profession and the public.
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ADMISSIONS AND PLACEMENT

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Placement of seniors rebounded from a mild slump in 1974-75, when the rate dropped to 70 percent. By May 31, 1976, 270 (74 percent) of the 365 persons in the senior class had reported definite job plans. In addition, the number of interviewers at the School increased from 436 to 453, and the total number of job opportunities from 1224 to 1292.

As usual, most graduates securing employment (176, or 65 percent) went into private law practice. Only one hung up his (her?) own shingle. Thirty graduates chose federal or state government, and sixteen received federal or state clerkships. Fifteen decided to go with corporate legal departments, banks, or CPA firms. Legal aid, public defenders, prosecutors, and VISTA accounted for another eleven. The rest were divided among a variety of graduate and fellowship programs, teaching and research, and JAG. Encouragingly, the percentages of persons in the second, third, and fourth quartiles of the class reporting employment were almost identical, and in fact the percentage in the fourth quartile was the best of the three. The average starting salary in law firms was $16,530, up from $16,215, with the range being from $9,500 to $22,500.

A welcome innovation in placement activities was the presentation of an Alternative Practices Conference, which introduced students to less conventional career opportunities in criminal law, labor law, environmental law, consumer law, and so on. Prime movers in the organization of this conference were the Lawyers Guild and "Section Five," a group of students interested in law as an instrument of social activism.

LIBRARY AND LAWYERS CLUB

The opening of the Law School's capital campaign, in large part for the benefit of the Law Library and the Lawyers Club, has been recounted earlier. Urgently needed repairs and refurbishing of the Club will be continued in the meantime, but major renovations will probably await the outcome of the capital effort. The smallest number of volumes in four years, 10,680, were added to the Law Library in fiscal year 1975-76. The total holdings are now 461,465. A harbinger of things to come was the notation, for the first time, that the equivalent of 595 volumes was added in microform, bringing the total of microform volume equivalents to 9,642.

PRIVATE GIFTS AND CONTRIBUTIONS

Under the spirited leadership of National Chairman Samuel Kruglik, the Law School Fund had another banner year. The 1975 campaign's $453,148 collected, 5,336 gifts received, 4,959 donors, and 43.1 percent of alumni participating were all new highs in the fifteen year history of the Fund.

In reporting the results of the 1975 drive, Mr. Kruglik remarked: "We have some alumni who, unfortunately, over the years have not joined our 'partnership.' With a special effort this year directed to this group, we were able to achieve some success. The answer, of course, is that we must rededicate and renew ourselves each year because of the importance of our program. I can promise you: that we will do." In my response I said: "Such recent developments as expanded interdisciplinary studies, small-group and individually supervised instruction, and the growth of clinical programs, worthwhile as they are, have been expensive undertakings. Stated simply, Michigan could not hope, in the face of these pressures for expansion amidst budget cuts, to remain in the forefront of the nation's major schools without the help of dedicated Fund volunteers like you, and without the support of all our loyal alumni and friends."

Respectfully submitted,

Theodore J. St. Antoine
Dean

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Professor Samuel D. Estep was a member of the Executive Committee of the Michigan Memorial-Phoenix Project, the Executive Committee of the University Telecommunications Policy Project, the Constitutional Law Committee of the Michigan State Bar, and the Board of Trustees of Emporia Kansas State College Endowment Association. . . . Professor Whitmore Gray was invited by the U.S. Department of Commerce to participate in the Joint Seminar on Organizational and Legal Aspects of US-USSR Trade held at the Ministry of Foreign Trade in Moscow in December 1975. He traveled to China to study social, economic and legal aspects of contemporary society from February to March 1976. In March 1976 he spoke before the Ann Arbor Rotary Club on "Impressions of the Chinese Legal System." In September 1975 he attended the Lawasia Biannual Meeting in Tokyo. He was Chairman of the Law School's Committee on Academic Standards and Incentives. . . . Associate Professor Thomas A. Green was appointed to the Editorial Board of the American Journal of Legal History. . . . Professor Jerold H. Israel was appointed as Executive Secretary of the Michigan Law Revision Commission. In addition, he spoke on "The Supreme Court of the 1970s and Criminal Procedure Reform" as part of "The Legal Forum" series of the University of South Carolina Law School. He was Chairman of the Law School's Research Committee. . . .

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Judicial Conference at Mackinac Island, the ICLE Conference on Higher Education and Law in Ann Arbor, and both the AALS Section on Civil Procedure and the AALS Section on Teaching Methods in Washington, D.C. He spoke at an ABA Special Course on Appellate Advocacy in Phoenix. He was Chairman of the Law School's Admissions Policy Committee... Professor David L. Chambers was a member of the Michigan Supreme Court Committee on Defense Services, Chairman of the Board of Michigan Legal Services, Inc., and a member of the Board, Washington, D.C. He spoke on the City Legal Aid Society. He delivered addresses in New Orleans, Washington, D.C., Seattle, and Chicago at conferences on child support sponsored by the National District Attorneys Association and the Department of Health, Education, and Welfare. He also spoke at a conference on Alternatives to Mental Hospitalization at the University of Wisconsin Medical School... Lecturer Robert A. Choate gave a speech on "Writing a Valid Patent" before a combined meeting of the Michigan State Bar Patent Section and the Michigan Patent Law Association in Lansing... Professor Alfred F. Conard participated in the ABA-AALS reinspection of the Vermont Law School in May 1976 and in the subsequent preparation of a report. He continued as a member of the Corporate Laws Committee of the ABA Section of Corporation, Banking and Business Law. He was Chairman of the Subcommittee on Dissenters' Rights, and a member of the Subcommittees on Professional Corporations, on Award of Litigation Expenses, and on Stock Certificates. Professor Conard continued as Director of the Rotary Club of Ann Arbor and became President-Elect. He served on the University Committee on Broadcast Media, the University Advisory Committee on the Center for Research on Learning and Teaching, and the University Committee on American Institutions Lecture... University of Wisconsin Medical School... University of Michigan. Professor Cunningham also was Chairman of the Law School's Curriculum Committee, 25th Annual Meeting of the American Society for Legal History, and commented on Bruce Frier's paper, "Rental of an Apartment in Imperial Rome," at a Classical Studies Seminar at The University of Michigan. Professor Donahue was a member of the American Society for Legal History Nominating Committee, and has been appointed Chairman of the 1977 ASLH Program Committee. He serves on the Board of Editors of the American Journal of Legal History, and is a member of the Golden Society, the Church History Society (England), the Société d'histoire du droit (Paris), the Société internationale pour l'histoire des droits de l'antique, and the Société pour l'histoire du droit des pays picards, wallons et flamands. Professor Edward H. Cooper addressed and ran seminars at the first Symposium on Antitrust Law of the Southwest Legal Foundation, was appointed advisor to the Restatement of the Law, Second, Judgments, and served on the Civil Procedure Committee of the State Bar. He was Chairman of the Law School's Curriculum Committee... Professor Luke K. Cooperrider continued to serve on the University's Budget Priorities Committee and on the University Senate, Admissions Policy Committee until his Winter Term sabbatical leave... Professor Robert A. Cunningham served as Chairman of the Law School Committee on Graduate Studies, the Advisory Committee SP20-6 of the National Cooperative Highway Research Council, Washington, D.C., and the Ann Arbor Zoning Board of Appeals. His speech on a Chicago Housing Discrimination Case was heard on a WUOM broadcast "Law in the News."... Professor Charles Donahue was a Visiting Professor at Columbia Law School for the Winter of 1975 and the Spring of 1976. 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University of Brussels (Flemish) during the Fall Term. He delivered lecture series to students and faculty at the Europa Institute, Amsterdam, on GATT and United States Trade Law, lectured on GATT and the new international trade negotiations in Delhi, Bombay, Madras and Calcutta, and lectured on GATT and international economic institutional reform in Geneva, Switzerland, at the invitation of the United Nations Conference on Trade and Development, Intergovernmental Project on the Multilateral Trade Negotiation. In Bonn, Professor Jackson lectured on "Aspects of the Multinational Trade Negotiations and the United States Constitutional Law," and in Munich he spoke on "The United States Trade Act and United States Constitutional Law as Related to International Economic Policy." Professor Jackson also lectured on similar topics at the University of Antwerp and after the Economic Advisory Group, Ministry of Economics in Germany, for the Wylyen/State of Illinois. Professor Douglas A. Kahn spoke on Recent Developments in Estate and Gift Taxation at the Twenty-Fifth Tulane Tax Institute in New Orleans, and on taxation of life insurance at a meeting of the Washenaw County (Michigan) Estate Planning Council. Professor John P. Lempert spoke on "Symposium on Current Developments and Trends in Criminal Procedure" at the Twentieth Annual Judicial Conference of Circuit Court, Court of Appeals and Recorder's Court Judges of the State of Michigan at Boyne Highlands, Michigan, and delivered an address on "Symbolic Speech and the Constitution" at the University of Michigan Pilot Program, Ann Arbor. Professor Kamisar spoke on criminal procedure at the College of Criminal Trial Lawyers Seminar on the Black Defendant in Atlanta, at the Toledo Student Bar Association Criminal Law Symposium in Toledo, Ohio, and at the Seminar on Human Values in the Life Sciences in Boston. In addition, he participated in a discussion of the Karen Quinlan "right to die" case with Professor Robert A. Burt before the Law School student body. He was Chairman of the Law School's Personnel Committee. Professor Thomas K. Kauper continued on leave serving as Assistant Attorney General of the United States in charge of the Antitrust Division.

Professor Frank R. Kennedy continued as Chairman of the Uniform Commerical Code Committee of the ABA Corporation, Banking and Business Law Section, as Chairman of the Drafting Committee, and as a member of the Executive Committee of the National Bankruptcy Conference. He remained as a Reporter for the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States, and as Reporter on the Uniform Exemptions Act for the National Conference of Commissioners on Uniform State Laws. Professor Kennedy continued as a member of the Committee on Accreditation of the ABA Section of Legal Education and Admissions to the Bar. He participated in Montreal as a panelist on a program of the General Practice Section of the ABA entitled, "Bankruptcy—Old and New." Professor Kennedy was a faculty member for the First Annual Workshop on Bankruptcy and Business Reorganizations at the New York University School of Law, and for a Basic Bankruptcy Course of the Institute of Continuing Legal Education in Detroit. He acted as Chairman of an ABA-AALS reinspection team at the University of Illinois College of Law, and as Chairman of the Hearing Commission for the ABA Section of Legal Education and Admissions to the Bar at the University of Maryland School of Law. In addition, Professor Kennedy spoke before groups on bankruptcy in New York and Washington, D.C. ... Professor Richard O. Lempert continued as a member of the Editorial Board of the Law & Society Review. He participated in the Conference on the Development of Legal Indicators and as a consultant to the Research Conference on the Delivery of Legal Services. Professor Lempert served on the National Science Foundation's panel on law and the social sciences. He refereed numerous articles and grant proposals for various journals and funding agencies and was chosen to organize a section on The Sociology of Law at the 1977 meetings of the American Sociological Association. ... Professor James A. Martin was appointed by the Michigan Supreme Court to serve on the Committee to Revise and Consolidate the Michigan Court Rules. He was also a member of a committee to advise the U.S. State Department on a draft treaty concerning the law of agency (conflicts issues). He substituted as a United States delegate to the Hague Convention for the same treaty. ... Associate Dean William J. Pierce was appointed by Governor Miliken to the State Administrative Law Commission. He served as Consultant on the Public Health Statutes Revision Project and on the State Relations Committee. Dean Pierce continued to serve as Chairman of the Law School's Building Committee, Chairman of the Law School's Wolfson Trust, and Chairman of the Executive Committee of ICLE, and as Lawyers Club Liaison. ... Professor Marcus L. Plant spoke to the Law School Committee of Visitors on "The Medical Malpractice Crisis," and participated in an ALI-ABA seminar on Current Trends in Torts. ...
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Professor Alan Polasky was an honorary member of the Council of the ABA Section of Real Property, Probate and Trust Law (having served as Chairman of the Section in 1967-1968), and served on or chaired various committees. He was named the University of Tulsa's first Distinguished Professor of Law during the Spring Term. He was appointed Adjunct Professor of Law at the University of Miami and designed and chaired the Business Planning course in that University's new Graduate Program in Estate Planning. He taught or participated in Estate Planning and Income Taxation Institutes and Trusts at the American Bankers Association's National Graduate Trust School at Northwestern University, and conducted a three day course in the new Federal Rules of Evidence, for judges, sponsored by the American Academy of Judicial Education. He testified before the Commission on Revision of the Federal Court System and worked with committees of the American Bar Association and the American Bankers Association on Federal Estate, Gift Tax Reform. He continued to serve as a consultant to the Treasury Department's Bureau of Alcohol, Tobacco and Firearms and as a member of the Advisory Committee on D.S.P. regulations, taking part in field investigations in Kentucky and Texas and hearings in Washington. He worked with professional groups in a number of states in connection with the Uniform Probate Code and the Uniform Disposition of Community Property Rights at Death Act. The latter Act, for which Professor Polasky was the Reporter, was enacted in Kentucky and Michigan (having been previously enacted in Colorado, Hawaii, and Oregon), and is pending in a number of other state legislatures. Professor Polasky was appointed to the Editorial Boards of the Community Property Journal and the Journal of Income Taxation of Individuals, having served previously on the Editorial Board of the University's Office of the Journal. He was also on the advisory and planning committees of several Institutes. He spoke at the Tulane Tax Institute, Denver Tax Institute on Estate, Miami Institute on Estate Planning, Michigan Institute of CPAs First Annual Estate Planning Institute. He also spoke at more than 30 professional meetings on accounting, evidence, estate planning, oil and gas conveying, taxation, and trust and probate topics in Seattle, Phoenix, Denver, Chicago, Dallas, and Dallas, and New Orleans, Mobile, Washington, D.C., Manchester (New Hampshire), Portland (Maine), and other cities.

Professor Beverley J. Pooley addressed a panel of the National Microform Association on "Microforms in Law Libraries." ... Professor John W. Reed served as Chairman of the Committee on Legal Education for the State Bar of Michigan, of the Public Relations Committee of the Washitaw County Bar Association, and of the Evidence Committee of the Multi-State Bar Examination Project. He was a member of the ICLE Executive Committee, of the Committee of Visitors of the Army JAG School, of the Board of Governors of the American Academy of Judicial Education, of the Committee of Visitors of Case Western Reserve University, of the Standing Committee on Continuing Legal Education of the AALS, of the University Committee on Studies in Religion, and of the Advisory Committee to the Board of Directors of the University Musical Society. Professor Reed also served as Reporter for the Supreme Court of Michigan Rules of Evidence Committee, trustee of Kalamazoo College, President of the Ministers and Missionaries Benefit Board of the American Baptist Churches, liaison representative of the ABA Section of Legal Education to the ABA Special Committee on Specialization, consultant to the University Medical School Honor Code Council, and hearing referee for the Michigan Civil Rights Commission. He spoke at many legal conferences across the country. ... Professor Donald H. Regan was a George A. Miller Visiting Lecturer at the University of Illinois. ... Assistant Professor Gerald Rosberg served as a member of the University of Michigan Senate Advisory Review Committee. ... Dean Theodore J. St. Antoine was appointed to the Scope and Correlation Committee of the Michigan State Bar, and continued as a member of the Judicial Qualifications Committee of the State Bar. He was named one of the three Committee Chairmen of the NLRB Chairman's Task Force on the National Labor Relations Board. He continued as President of the Resource Center for Consumers of Legal Services, and as a member of the Advisory Board of the University's Office of Budgets and Planning. He addressed various alumni and professional groups throughout the country. ... Professor Terrence Sandalow participated in a panel discussion of recent Supreme Court decisions at the Annual Conference of the Sixth Judicial Circuit of the United States. He testified before the Sub-committee on Improvements in Judicial Machinery of the U.S. Senate Judiciary Committee and addressed the Research Club of Oklahoma City, Tulsa, Chicago, Detroit, Minneapolis, New Orleans, Mobile, Washington, D.C., Manchester (New Hampshire), Portland (Maine), and other cities. ... Professor Joseph L. Sax received the 1976 American Motors Conservation Award. He spoke on environmental protection before the International Congress of Scientists on the Human Environment at Kyoto, Japan, at the Conservation Society of Southern...
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Faculty Publications, 1975-76

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PROFESSOR LAYMAN E. ALLEN


PROFESSOR WILLIAM W. BISHOP, JR.


PROFESSOR VINCENT A. BLASI

"Das Journalistemprivileg und das Forscherprivileg: Ein Vergleich," in Forschung Im Konflikt Mit Recht und Ethik (Ferdinand Enke Verlag, Stuttgart, 1976).

RESEARCH ASSOCIATE VERA BOLGAR


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"Nonconsensual Medical Procedures and the Right to Privacy" (with M. Price), id. at 93-111.


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PROFESSOR PAUL D. CARRINGTON

PROFESSOR DAVID L. CHAMBERS


"Alternatives in Mental Hospital Treatment," excerpts from speeches at a conference of the University of Wisconsin Medical School, in Hospital and Community Psychiatry 186-92 (Mar. 1976).

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"A Definition of Liabilities in Code Sections 357 and 358 (d)" (with D. Oesterle), 26 Mon. Dig. Tax Articles 16 (Dec. 1975).

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"Mobilizing Private Law," id. 3-29.

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PROFESSOR L. HART WRIGHT
Statement, Hearings Before the Subcommittee on Oversight of the House Committee on Ways and Means on Proposals for Administrative Changes in Internal Revenue Service Procedures, 94th Cong., 1st Sess. 52 (1975).
PROFESSOR JAMES A. MARTIN
1973 Supplement, Michigan Court Rules Annotated.


PROFESSOR MARCUS L. PLANT

PROFESSOR ALAN N. POLASKY


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PROFESSOR JOHN W. REED

DEAN THEODORE J. ST. ANTOINE


PROFESSOR TERRANCE SANDALOW

"Comment on Work v. Sanders," 27 Land Use Law & Zoning Dig. 7 (1975).


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