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RES GESTAE

UNIVERSITY OF MICHIGAN

ANN ARBOR

9/11/73

ON THE ROAD

UNIVERSITY OF MICHIGAN

SEP 16 1974

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MYTHOLOGY

CORPUS ET ANIMUS

SAMPLING LAW STUDENT ATTITUDES IN CHICAGO

(Editor's note: This article is the first in a series of vignettes drawn from interviews with various people at law schools across the country that the author visited this Spring.)

Northwestern University Law School is nestled a few yards from the lake shore between the massive structures comprising the Gold Coast and the Loop, perhaps to the passing eye in symbolic pivotal defense of those two centers of wealth and power. Yet, peering within the imposing quadrangle reveals a liberal tradition in legal education generally unmatched in the major mid-western law schools.

The Establishment, it is true, bred Northwestern -- the 300,000 volume library was created and is maintained by the fortune of Elbert H. Gary, steel magnate and noted strikebreaker -- and Northwestern breeds the Establishment's issue -- next year's tuition of \$3,180, the highest in the country, can be afforded only by those of means. This same institution, however, has an equal number of students and faculty on all its committees (although a trial voting power for students was abolished last year) and uses a four-tier grading system of Honors, (25%) -- Satisfactory, (62%) -- Pass, (10%) -- Fail, with pass-fail evaluation for the initial semester of first-year study. Nevertheless, student reaction to the traditions of law schooling, however progressively administered, remains strong in a number of areas.

Harassment -- Since the Socratic method is endemic in legal education, professorial

(see ON THE ROAD p. 4)

It has been said that the Age of Gods and Heroes is past, but I beg to differ. Gods and heroes never really passed away entirely. In fact, "cultism" has experienced a renaissance as of late.

The signs of this re-birth of gods and heroes were first noticed in a New York Subway Tunnel circa 1952. Inscribed on a wall was the epithet: "God is dead. -- Nietzsche," a rather common graffito. However, below that, indelibly etched into the wall was a phrase worthy of notice: "Nietzsche is dead. -- God."

Our society now is deluged with gods, heroes, and idols -- everything from "jocks" to fifteen year old gurus. President Nixon has his George Allen, the Watergate defendants the Gestapo, Max Smith reveres Bozo the Clown, our charming Dean Waterson has St. Peter as her own personal hero (for the dullards among you, he is the admissions officer Up There), and the staff of the Law Review worships money, i.e. potential earnings.

In at least one regard, then, the majority of law students are discriminated against; that is, they have no hero to inspire them. Consequently, RG presents a remedy for the situation.

Who is stronger than the UCC, able to leap tall stacks of statutes annotated in a single bound, and is faster than the appellate process?-----COIF-MAN.

COIF-MAN, who by day masquerades as a pompous, officious, elitist law student, and by night is a pompous, officious, elitist law student.

(see MYTHOLOGY p. 8)



LETTERS

PROFESSOR CHALLENGES LAW SCHOOL'S ROLE IN ETHICS EROSION

September 11, 1973

To the Editor:

Robert M. Smith's witty (if also witless) column in the New York Times, reprinted in last week's Res Gestae, lays the ultimate blame for Watergate on the law schools. For those of us on law faculties who doubt, not without regret, that legal education has any effect on the values of law students, there is perhaps the glimmering of a wish that Smith is right. Not that we cherish evil, but impotence is not highly prized, even among those who have chosen the "ivory tower." Were law schools the source of the ethical vacuum called "Watergate," we might at least have the solace of believing that it is within our power to prevent future Watergates. The dismal fact is that such studies as we have of undergraduate education indicate that, in general, the college experience has no long term effect upon the values of the men and women who attend college. I know of no similar studies of law schools, but the greater maturity of law students might lead one to suppose that they are even less vulnerable than college students to that erosion of values which Smith believes to be the product of the classroom experience.

There is an even more serious flaw in Smith's argument, however. He seems to think (more accurately, perhaps, to feel) that humane values can be maintained only if they are not scrutinized too carefully. Moral principles, Smith seems to be saying, are so fragile that they are likely to be shattered by the effort to subject them to critical analysis. One wonders, if that is so, how well armed Smith and others like him would be to withstand assaults upon their principles "in the real world" even if their values were not undermined in law

school. After all, principles that cannot be defended in the relative calm and security of an academic atmosphere are not likely to fare better when they are subjected to the pressures and strains of real choice.

One more point and I am done. Smith is, it is easy to see, a good man. Were he on the White House staff he would neither have authorized nor participated in (nor closed his eyes to) the burglary of Ellsberg's psychiatrist's office, the bugging of Democratic headquarters, or any of the other "White House horrors." Still, other men who also claim to be good men seem to have come to different conclusions. One wonders how Smith would go about attempting to convince these others that he is right and they are wrong. More, one wonders how, when confronted with an ethical choice, Smith goes about deciding for himself what is the right thing to do. It may be that Smith's intuition is always correct in these matters, but how are either we or he to know that that is so?

s/ Terrance Sandalow

RES GESTAE responds:

Professor Sandalow has confused satire with logic and thus has mistaken elements of caricature for flaws in arguments. Yet he is praiseworthy for taking Smith's piece seriously and seeking to refute the charges raised against his profession, for it shows an admirable acquaintance with the profound student resentment against law school brainwashing, absent in most of his colleagues.

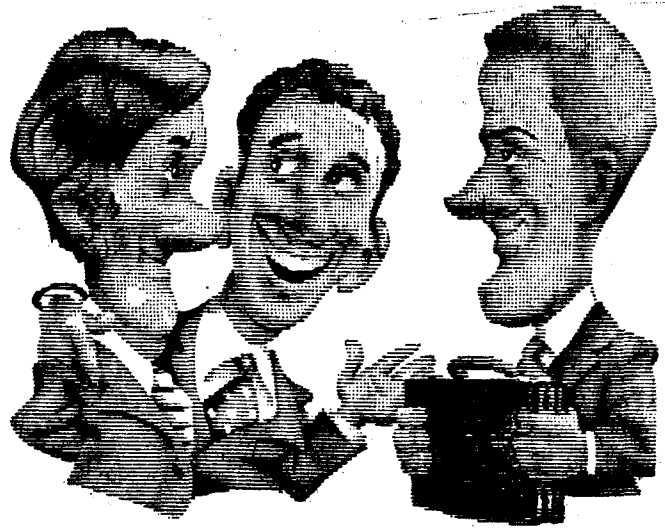
I merely submit that Professor Sandalow's view concerning the culpability of the law school gestalt in creating corruption is wrong, because, by virtue of his position, he is looking through the wrong end of the tube. He's already made it. Whatever he's decided to do with his life, he is secure in the decision.

No such situation prevails for a fledgling lawyer, who in fact is squeezed by enormous pressures into taking up business as usual in some job in order to justify having gone through three years of hell. Professor Sandalow suggests that the
(see LETTERS p. 3)

ABA FEELS STING OF WHITE HOUSE
ATTORNEYS' CORRUPTION

The American Bar Association on August 31, 1973 has named one of the nation's leading authorities on lawyer discipline to head its new National Center for Professional Discipline. He is F. LaMar Forshee, general counsel since 1964 for The State Bar of California, which spends more than \$1 million annually on state bar discipline activities. ABA President Chesterfield H. Smith, who announced Forshee's appointment as the first Director of the Association's Center for Professional Discipline, said: "The ABA, as the national organization of the legal profession, must further develop its leadership role in the areas of lawyer ethics and discipline. Members of the profession have a collective responsibility to police themselves and assure the public that individual practitioners will be honest as well as competent. The new Discipline Center under Mr. Forshee's direction will be the vehicle the ABA will use to be supportive of existing efforts in lawyer discipline and to design new programs to promote this objective," Smith said.

The highest courts in each of the 50 states license lawyers to practice. These same courts also have the exclusive right to discipline or disbar lawyers. The grievance committees of state bar associations, as agents of the court, have the responsibility to investigate and provide information to the courts for possible action. The ABA, as a voluntary national membership group, does not discipline individual attorneys, contrary to widespread public belief that it does. Its new Discipline Center, however, will offer professional training programs and consulting services to state bar disciplinary staffs, course and informational materials on lawyer discipline, and maintenance of a disciplinary index and brief bank. The Discipline Center also will supervise the ABA's newly computerized National Discipline Data Bank, which serves as an informational clearinghouse for disciplinary actions of federal, state and local agencies charged with lawyer discipline. Guiding the Center's activities will be a new ABA Standing Committee on Professional Discipline, headed by S. Shepherd Tate, Memphis. Committee members represent each of 14 ABA geographic districts.



Mr. Attorney General, Harry here has a teensy bit of cash he'd like to donate purely for the good of the Party; uh, but you know Antitrust's been harrassing poor old Harry and we thought...

Forshee, 60, was assigned primary responsibility for state bar discipline in California in 1970. His staff included 16 attorneys and 32 investigative and clerical personnel. He is a past president of the National Organization of Bar Counsel.

A native of Ann Arbor, Mich., Forshee holds A.B. and LL.B. degrees from the University of Michigan and an M.A. in government from Boston University. He practiced general and corporate labor relations law before World War II and in 1942 entered the Navy Reserve as an ensign. He was commissioned a legal specialist officer, U.S. Navy, Judge Advocate General, when the war ended and retired from the Navy as a commander in 1964.

- ABA News

(LETTERS cont'd from p.2)

Smith's of this world squawk because their humane values cannot be scrutinized too carefully, and would crumble anyway out in the "real world." However, in addition to suspecting that even if Thomas More had been reincarnated today he could not take up the law again, one must ask, shouldn't law school try to reinforce moral principles while it challenges them?

That it does not is all too clear from my end of the tube, and until instruction in cleverness is balanced with some discussion of ethics in class, law school will indeed be the proximate cause of Water-gates.

- M. Slaughter

(ON THE ROAD cont'd from p.1)

abuse of recitation likewise reaches all classrooms including those of Northwestern. "It's nearly the worst part of the whole experience," concluded a second-year student who was otherwise satisfied with the program at Northwestern. "In fact, I know one fellow who is considering transferring for that very reason. He said it would almost be better to study three years in the library rather than put up with the harassment." Others less severely affected by instances of brow-beating, the prevalence of which almost everyone interviewed confirmed, suggested several responses to and explanations for the problem. A member of the Law Womens Caucus and faculty placement committee saw intimidation as one particular facet of a general administrative attitude she observed toward students. "Law schools refuse to take seriously the fact they are training professionals and dealing with grown-up people, not children."

While disliking intimidation, a student journal editor dismissed its effect, explaining, "the people who go to law school are themselves pretty aggressive." One younger faculty member acknowledged that he'd "hear a lot of student complaints about arrogant law professors," but thought them to be unfounded. An older professor, however, expressed complete unawareness of the harassment problem.



Job Experience and Placement -- Perceptions differed sharply on Northwestern's performance in this area. An Assistant Dean, one older professor and a student editor expressed general satisfaction with employment services; all other students interviewed as well as a younger professor who runs the clinical law program agreed placement was good as far as it went, but that Northwestern operated something of a draft for Chicago law firms, a few corporations and nobody else. Two students working on a program to contact alumni in smaller cities, government agencies, and

non-law occupations were especially dissatisfied with the narrow field. "Jobs are really bad; people get into their third year and realize this isn't a ticket to anything. It has been a good year for women -- if you don't mind being somebody's woman. But some people interviewed more than 50 times; 25 people more than 35 times. They have to get frustrated." These same students are also trying to compile a list of graduate law fellowships, scholarships and teaching positions which even the AALS does not have, apparently because an "old-boy" system of placement exists.

According to one student, despite the limited range of contacts available at Northwestern, the four-tier grading system has worked to blunt employer fixation on grades. "H-S-P-F is better because we can be more general about qualifications," he says. "Interviewers don't tend to categorize people as much."

Most of those interviewed at Northwestern are resigned to the understanding that national law schools cannot be very practically oriented because local law is so varied, but job experience is still highly valued.

At one extreme is the view of one student that the very nature of professional schooling and high tuition payments create a quasi-contract obligation of the law school to provide practical legal experience and extensive placement services. "\$3,200 is a helluva high price to pay for a union ticket," one student asserted. A younger professor agreed, "placement is a necessary function and is well worth substantial resources," but noted employer idiosyncrasies are unremediable by law schools and limit placement guarantees. He went on to say, "law school should deal with theory and not practice by in large," but was supportive of clinical programs and even credit for legal aid if structured properly. The problem of good supervision is for the student while "granting a degree including outside work is only a technical problem once the decision is made to do it." On the other hand, an older faculty member was incredulous at the idea of credit for legal aid because the work wasn't done at the law school, supervision costs too much and (slippery slopes argument #947)

(see MORE ON THE ROAD p.7)

Games People Play

4th - HAINES - Sholder; Barker -
Munsch

BRIDGE TOURNAMENT

A two-session bridge tournament will be held for members of the Law School community on Thursday, October 11 at 7:00 p.m., and Saturday, October 13 at 1:00 p.m. The form of play will be team-of-four with a Swiss movement, the same as was used in the 1973 Championships held last February. This form of play is enjoyable for players of all abilities, since teams of like ability are paired against each other. We will not be able to award master points this year.

Interested players should sign up at the Lawyers' Club desk before October 6. Sign up in teams of four players, giving the names of all the players, and in addition the telephone number of the captain. If you are unable to form a team, you may sign up individually or in pairs and we will find a team for you.

Swiss movements require that there be an even number of teams; that is, there must be groups of eight players. Everyone who signs up by October 6 will be able to play, and we will bring in non-competing players from outside to fill out the movement if necessary. This requires planning, and we must ask that players who sign up be present at both sessions to play so that the necessary number of filler players can be obtained. At the 1973 Championships held in February, 10 or 12 players did not show up for one session or the other, and the start of play was delayed for over an hour while replacement players were found. In order to avoid these last-minute problems, we ask that players who sign up be present at both sessions.

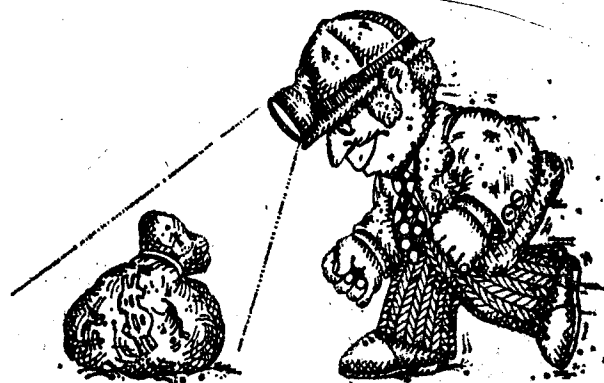
The winners of the tournament held last spring were:

1st - FRIEDMAN - Roberts; Addison -
White

2nd - WIESBORD - Boesche; Kahn -
Lempert

3rd - SWEET - Hilton; Bendure -
Bendure

Further information may be obtained from Mike Haines, 764-9009 or Marcia Proctor - 764-9065.



PLACEMENT NEWS

Welcome back!

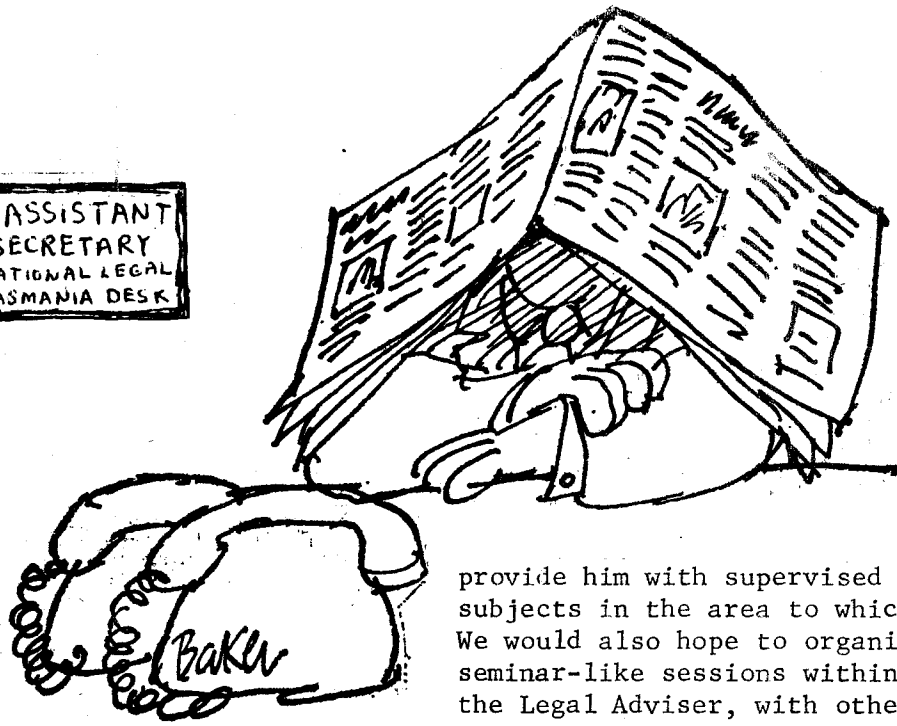
Sign-ups are taking place each day for the interviews scheduled one week later. The initial sign-up is held in Room 220 at 3:15 each day. After that time, schedules will be available on the counter in Room 200 until noon of the day before an interview. Please make sure that we have your resumes by noon of the day before you interview.

H.E.W. will be interviewing this term. If you will be interviewing with them - please stop in and see Nancy Krieger next week.

We are trying to set up a file about cities where students might like to locate. So far we have some information sent to us by the cities, and would like to expand the files by having students add personal comments, i.e. good hotels, cab fares, restaurants to try, etc. Any contributions you may have will be welcomed.

If you have any questions, or just want to talk - please come on in.

DEPUTY ASSISTANT
UNDERSECRETARY
FOR INTERNATIONAL LEGAL
AFFAIRS - TASMANIA DESK



CLINICAL PROGRAM IN INTERNATIONAL LAW

APPLICATIONS FOR 1974 DUE

The United States Department of State has invited the Michigan Law School, along with several other leading law schools, to participate in a clinical program in international law that has been instituted in the Department on a limited, experimental basis. The Michigan Law School has approved the participation in this program which was described by the Deputy Legal Adviser in the following terms:

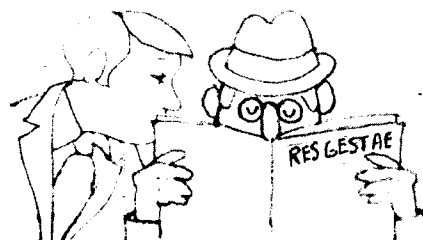
The participating student from the third year law school class "would spend one semester working in a designated branch of the Office. While he would have an opportunity to participate in some of the day-to-day operational work of the Office, his emphasis would be on a selected number of long-range problems of current interest to the Office. He would be expected to do thorough research into these problems and to produce a major written product as a result of his research. This product would be unclassified. This combination of work experience and research-writing would be under the immediate supervision of an Assistant Legal Adviser and under the general supervision of a Deputy Legal Adviser. The Counselor on International Law (currently Prof. Stephen M. Schwebel) would also meet regularly with the student and

provide him with supervised reading on subjects in the area to which he is assigned. We would also hope to organize a series of seminar-like sessions within the Office of the Legal Adviser, with other officials of the Department, with officers of other Government agencies and with individuals from private life in the Washington area."

The Law School faculty may recommend to the State Department one or two second-year students on the basis of their record and proven interest in the international field for a one-term appointment. The faculty will maintain general supervision over the Michigan participant and a faculty committee will evaluate the major research paper which each participant will be expected to produce. Upon satisfactory completion of the term the participant will receive 12 hours "pass" credits toward graduation.

The Department of State appointed one Michigan Law School student for the Fall term 1972.

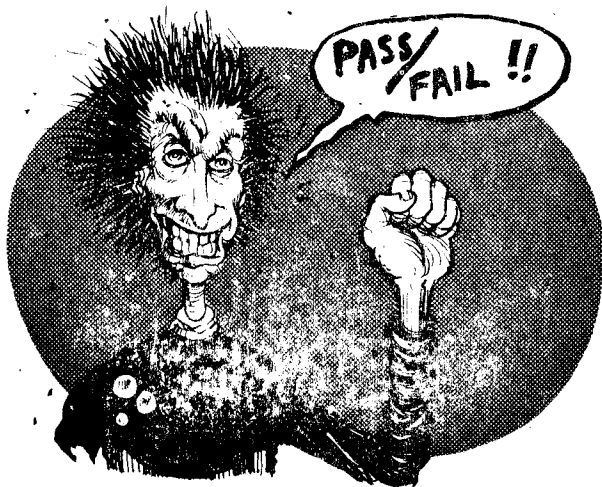
Students interested in an appointment for the winter term 1974 should contact Prof. W. W. Bishop, Jr. (971 Legal Research) or Prof. Eric Stein (918 Legal Research), the Co-directors of International and Comparative Legal Studies at the Law School.



(MORE ON THE ROAD cont'd from p.4)

"once you give credit, where do you stop?" In response, one student declared "it couldn't cost any more than classes," and cited the need for practical experience since everybody knows that when "starting work, you're handed a file which is your case and you don't know what the hell to do with it. You don't know anything."

The shrinking job market has brought out some resentment against the burgeoning numbers of law students in addition to that against placement service shortcomings. Not long ago on a Northwestern Law School bulletin board, the card of a Michigan law student requesting a summer sub-let was marked in large letters by the words "This guy took your job." Yet the crude efforts by the ABA and other bar groups to discourage law school enrollment, such as the infamous "moral fitness" dossiers of last year, have met vigorous opposition by students and faculty at Northwestern.



Student Power -- "Our Junior Bar Association (J.B.A.) is probably one of the most powerful ones that I've run across," remarked one student concerning the efficacy of Northwestern's student government group. Yet there have been setbacks, such as the recent instance in which a referendum for changing the law school calendar so that finals would be held before Christmas was overwhelmingly passed. But the new Dean went ahead and issued an old-style calendar worse than before, along with the notice of higher tuition -- the day before he left for a vacation in Switzerland. The Vice-president of J.B.A. feels that, with respect to faculty appointments, "they wouldn't hire anyone students were really opposed to," and while echoing the sentiment that students were treated much like

children at times, he concluded the calendar controversy was "a gross aberration" from the usual Northwestern student-administration relations.

Number of students - 580	Women - 15%
Number of faculty - 36	Blacks - 5%

-- mgs

NOTICES

MICHIGAN LAW CRITIQUE

The course evaluation needs people to re-design the questionnaire, administer it, evaluate the results, etc. To insure a never before achieved continuity of existence, first and second year people are asked to consider donating their time to the project. Immediate responsibility guaranteed. Please contact David Gross at 663-3410 or at the Res Gestae office by leaving your name, address, and phone number.

ENVIRONMENTAL LAW SOCIETY

The ELS will hold its first organizational meeting of the year on Tuesday, Sept. 18 at 7:30 p.m. in room 132 HH. All students interested in joining or continuing their association are urged to attend. A number of projects are planned for the 1973-4 year, and students who already have a project in mind are encouraged to utilize the resources of the Society. Those who cannot attend should stop by the office room 112 LR or contact Jim Banks at 434-4537.

RES GESTAE MEETING

Anyone interested in writing for the RG this year should drop down to the office in 102A LR on Monday, September 17th at 4:30 p.m. At that time, the mysterious ways of our periodical will be explained, the present staff will be introduced and the method by which one can obtain the galaxy of perquisites attaching to staff membership will be revealed.

(MYTHOLOGY cont'd from p.1)

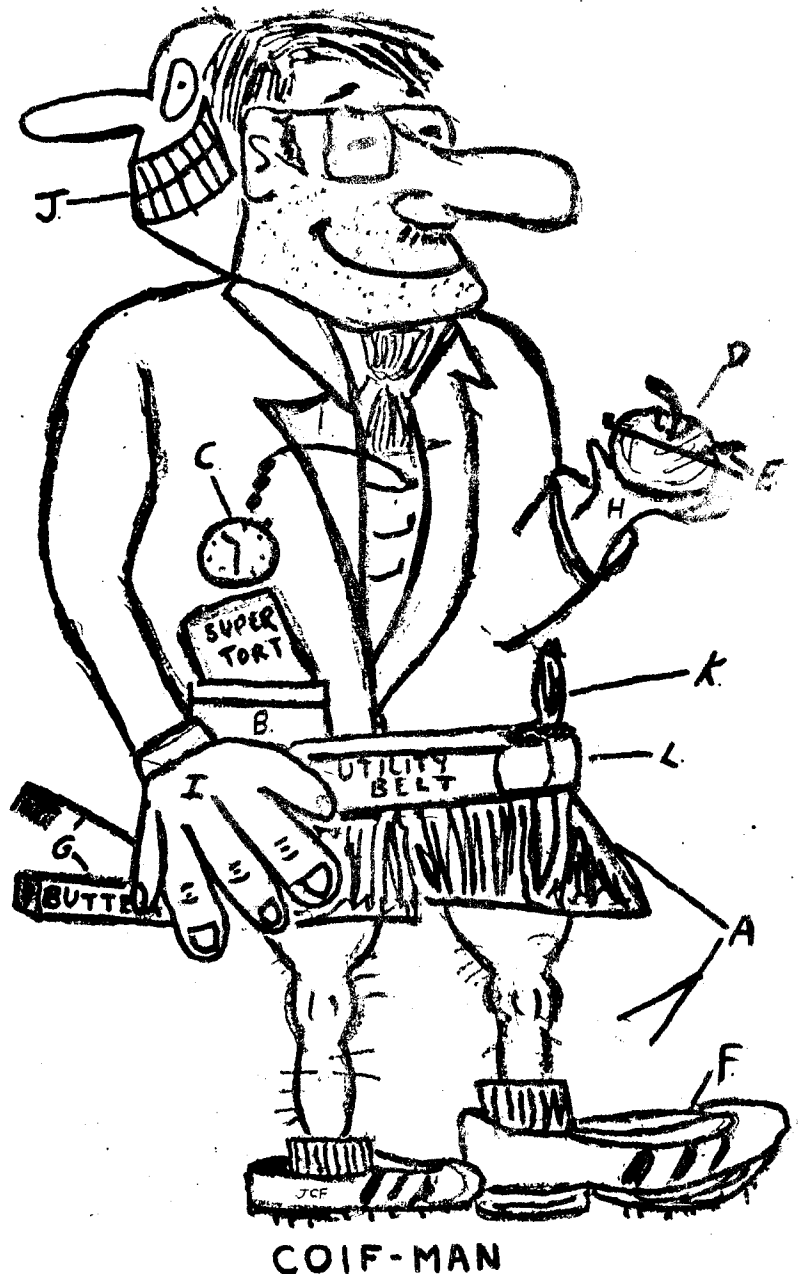
Though he has never been photographed, I was able to sketch COIF-MAN based on the information given to me by eighty-seven year old law student, Gerry Atric, who is purported to have seen COIF-MAN at work one night. An eighty-seven year old law student, you ask? Well, actually he has amassed 6,782 credits but was never allowed to graduate since he has failed Case Club for the last fifty-nine years in a row -- someone keeps hiding the books he needs.

The sketch of COIF-MAN requires some explanation, so I have provided a key:

- A. Track shorts and track shoes so he can get to the library first.
- B. Big pocket for hiding books.
- C. Dean St. Unwound Memorial Pocket Watch for having half of his body in the top half of his body.
- D. An apple for the teacher.
- E. Worms.
- F. Over-sized foot, not due to elephantiasis, but from stomping on people on his way to the top half of the class.
- G. Brush and butter to "butter up" profs with (substitute for excessive oral participation in class and saying things as if no one else in class understood them).
- H. Giving hand.
- I. Taking hand.
- J. Phony face (for use at receptions, sherry parties, interviews, etc.).
- K. For back stabbing, what else?
- L. Utility belt -- a chic item among heroes.

Follow Res Gestae as, in coming months, COIF-MAN will embark on many thrilling adventures with professors and fellow students.

-- JCF



MOVIE!

THE MALTESE FALCON

According to the Law School Student Senate Social Committee: "Relax in the air cooled comfort on the thickly cushioned reclining chairs of Room 100 Hutchins Hall while you watch Bogart at his best." Free for law students.

FRIDAY, SEPTEMBER 14 - 7, 9 & 11