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RES GESTAE

UNIVERSITY OF MICHIGAN DIV. OF MICH.

ANN ARBOR

SEP 18 1974

Ethics

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GOING IT ALONE

THE MICHIGAN WAY

It was the middle of August, and there we were, ninety "summer starters" about to take our first final in law school.

Naturally, we were nervous sitting there in cavernous room 100. We were facing Torts--the nemesis of all sane men.

"Let's see," I said to myself, attempting one more review. "Consequences have to be foreseeable except in certain situations where they don't, and plaintiffs have to be foreseeable except in certain instances when they don't. Means never have to be foreseeable. What about unforeseeable consequences of foreseeable causes, or is that foreseeable consequences of unforeseeable causes?"

Looking around the room, I saw my classmates staring at the ceiling mumbling the same phrases.

"My God," I thought, "We're going to be the first class in history to have 90% of the students in the bottom half of the class!"

Before the exam started the proctors said:

"Okay, everybody come up to the desk and turn in your bluebooks." Of course, we complied. We knew of our duty to uphold the Michigan Law School tradition against the honor system. After all, isn't the purpose of law school to make one petty, suspicious, aggressive, and competitive?

We all went back to our seats expecting the proctors to redistribute the bluebooks when they said:

"Okay, everybody come up to the desk and
(see ETHICS page 4)

(Editor's note: For all of you who don't like bosses or entering into even more years of tutelage after graduation at a firm, RG offers the following article by Wayne Hughes, a single practitioner in San Diego, California, which originally appeared in San Diego Law School's The Woolsock, September, 1973.)

It's not too early to start thinking about those FIRST TWO YEARS A.B., i.e., AFTER THE BAR. Many of the courses you'll be taking this year are pre-requisites for these years. Yet despite all this great preparation, there will be surprises . . . almost daily . . . and in areas where law school seems to have failed.

Don't misunderstand. The charge that law school does not prepare you to practice law is false. There is no greater preparation than three years of upset stomachs, periods of sheer terror and that vague feeling that you're the only person in the room who doesn't understand what's going on. The very design of the lottery system whereby your chosen classes have been "unchosen" is indicative of the administration's concern for you as an attorney. After all, a great deal of the operation of the law is more arbitrary than logical.

The purpose of this article is to suggest changes in the law school curriculum designed to prepare you for your brave new world. For Example:

INTER-OFFICE MANAGEMENT OF PARA-LEGAL PERSONNEL WITH A MINIMUM OF INTER-PERSONAL FRICTION.

or

THE SECRETARY: CARE, FEEDING AND PULLING YOUR HAND OUT BEFORE IT GETS BIT.

A good legal secretary knows more real law
(see GOING page 4)



LETTERS

GRADUATE LOOKS AT BAR REVIEW COURSES

September 18, 1973

To the Editor:

Having graduated last May, and just having taken the Michigan bar exam, I would like to offer some comments for the benefit of those with a bar exam in their foreseeable future.

First, I think the RG could do a great service to its readers if it could contact grads who have recently taken the various bar review courses around the country, and request an honest appraisal of each course for publication in the RG. Ideally, in the interest of fairness to the course, at least three opinions should be sought on each course. Presently about all most seniors have to go on is the propaganda of the courses themselves. I will offer some comments on Josephson's Michigan course, and it would be good if some of Nord's students were contacted as well.

As for the Josephson course, I thought it was good overall, although not the gem that Josephson's spiel would have you believe. The course materials were very good. Of the lecturers, two were lousy, three or four were excellent, and the rest were good. Interestingly, all of the lecturers from the U of M faculty were generally regarded as either very good or excellent.

The problem with Josephson's course, and it is a major one, is time. Anyone going to the live or tape lectures and working a full 40-hour week simply could not get the reading done. Taking off two weeks prior to the exam for full-time study cannot adequately compensate. It is crucial to get through the materials thoroughly at least once before the last two weeks, especially to coincide with the lecture schedule. But Josephson crammed his course into seven weeks, with three weeks of four class nights, and four weeks of three class

nights. Had he stretched the same number of classes over eight instead of seven weeks, it would have helped. (I understand that Nord does it in nine weeks, with no more than three classes per week.) Josephson should be questioned about this when he comes out to give his sales pitch, and should not be allowed to dismiss this issue as unimportant because there was a lot of bitching about it.

The lectures are helpful and should be attended regularly. They serve as a reinforcement device, and the lecturers will often give tips on the exam or on particular problems that do not always appear in the outline materials. But unless Josephson resolves the time problem, and if you must work full-time, it might be better to take the correspondence course. This was the opinion of all those with whom I spoke who were in that situation this summer.

I personally feel that Joseph's (and Nord's) high passing rates are due more to the fact that everyone works their buns off than to any unique virtues of either course. The bar exam is basically a three-month-long Hell Weekend, and about as pointless. I wish you luck with it.

S/ A May 1973 Graduate

(Editor's note: RG welcomes any comments on the bar review courses and will take action itself to examine BRC's in the future.)

READER LOOKS UNDER SUN - SEES NOTHING NEW

September 24, 1973

To the Editor:

"The Law," Samuel Johnson observed, "Is the last result of human wisdom acting upon human experience for the benefit of the public." While Dr. Johnson's dictum is heartening, I gather that one of the principles behind Res Gestae is that the Law and the legal profession is in more need of self-criticism than self-congratulation. With that in mind I offer this rather long passage on the law, lawyers, and legal processes written by an English divine in the generation before Johnson:

(see LETTERS page 7)

Soft Sell

WHAT! - JOIN THE ABA?

Despite what many students here think about the American Bar Association, membership in its Law Student Division offers certain benefits that you may not want to pass up.

Certainly the most important of these is section membership. The ABA has approximately twenty-five sections, each devoted to research and development of a particular branch of law or area of professional concern. As a student member, you will be entitled to the full rights and responsibilities of membership that are shared by practicing members of the Bar. This includes receiving their journals and publications and becoming actively involved in the various committees and subcommittees within the section. Additionally, you can meet the foremost practitioners in a particular area of law and establish valuable contacts for future job placements.

Secondly, included in the \$3.00 per year membership fee is a year's subscription to Student Lawyer, a journal that is itself well worth the investment. It features timely informative articles about current issues facing law students in particular and the legal profession in general. More importantly, it has lots of pictures, a feature that most books around Hutchins Hall lack for some reason.

Finally LSD membership will provide an opportunity for you to literally escape the routinized humdrum of law school as a LSD delegate. Travel to two regional meetings and the national meeting in Hawaii next summer will be subsidized by the ABA, the LSSS and the Law School. These positions serve the dual functions of giving Michigan a voice in LSD's decision making arena while giving you a chance to interact with law students from other schools, who often have different ideas about what the legal profession should be about. Particularly, there is a position available for a female LSD member as the regional representative to the Women's Caucus.

To join LSD and any of the sections, fill out and mail an application available on

(see SELL page 5)

The Sports Wire



The tennis match between Bobby Riggs and Billie Jean King, otherwise ballyhooed as the "Battle of the Sexes," came and went last week, with the result, as we all know, that King took home \$200,000 and Riggs took home \$100,000. Really, that's about all that you can say about it. King's victory did not mean that women will soon start taking over the sports world (hopefully, we will see an increase both in coverage of women's sports and in the number of female sportscasters and sportwriters), and Rigg's defeat does not signal the demise of masculinity, nor unfortunately, the demise of male chauvinism. Those who are endeared to Bobby and his wonderful cliché about the joys of pregnant, barefoot women will soon find other pulpits from which to preach their anachronistic rhetoric. The rest of us can revel in a well-won King

(see SPORTS page 6)

(ETHICS cont'd from page 1)

pick up a bluebook." That's when the complaints began, the seeds of rebellion began to sprout and the fires of resistance flicker. There was a lot of grumbling over the great issues of our time:

"I put in a 15 cent bluebook, but I only got back a 10 cent bluebook!"

Strangely enough there weren't enough bluebooks to go around. This puzzle was compounded by the fact that the student sitting next to me, Brian Kennedy, had brought thirty-seven bluebooks with him to the exam. It wasn't until later that I learned the proctors had gone into the bluebook selling business and were taking some off the top.

By the time we got back to our seats the exam time was half gone. We were all set and ready to go.

"Everybody come up to the desk and turn in your pens!" This elicited further grumbling, but I didn't mind since I got a ten dollar Parker fountain pen for my 19 cent Bic. Again we were back at our desks awaiting the exam papers.

"Okay everyone turn in your wristwatches. These will be x-rayed and fluoroscoped to be sure they don't contain Prosser on Torts microfilmed!"



Again, I didn't mind so much since for my humble Timex I eventually got an Omega. Incidentally, the reclaiming of watches from the pile on the desk got quite vicious. Numerous torts were committed that day.

Finally, all of us were seated, thoroughly disgusted and quite angry with those in charge of administering the examination. We had wasted well over an hour already.

"Okay, everybody come up to the front and take off your clothes!"

(GOING cont'd from page 1)

than you will learn in those first two years. Real law is defined as that 98 percent pure part of the practice never touched by the likes of Perry Mason or Owen Marshall. This 98 percent revolves around a mystical beast called THE CLIENT. Your secretary is essential to the capture and maintenance of this exotic creature. Unlike Owen's practice, they don't just come wandering in off the streets into your office. However, unless well cared for they will wander out of the office. Seeing that they stay is a partnership effort between you and the secretary.

Do not offend the secretary by pretending to know both of your jobs. The para-legal probably knows more about both jobs than you will know for sometime.

Example: Before I knew better, I used to let clients make appointments without asking them before the appointment what the problem was in general terms. Very dangerous.

One of my first interviews was with a woman who came into my then small office (10'x 8') with four of the most energetic boys between the ages of six and six and one half. Ah . . . ha . . . a client.

She sat down. We looked at each other. Her youngest son threw a wad of paper at me. She spoke. "What is your speciality?"

I spoke. "What is your problem?"

"I want a divorce."

I reply, "Good." She starts crying, "What's so good about a divorce when you have four kids and no job?"

Actually my comment, "Good," had been taken out of context. What I meant was "Good . . . you have just eliminated everything they taught me in three years of law school." Since she didn't own any property, my community property course, which I had booked, was out. Oddly no one had ever taught me which forms to fill out or how to proceed with this lady.

I did the smart thing. I told the lady I had to give my secretary some instructions and I left the office. Quietly, I approach-

(see MORE GOING page 6)



Placement News

Standby lists - If you have signed the standby list for a firm - please check the first floor bulletin board periodically for an interview time. You may also inquire at the counter in Room 200 to find out if times are available.

Transcripts - The Placement Office has a single copy of your transcript in your permanent Placement file which interviewers may see after they have interviewed with you. We do not make copies of this transcript, and if you wish to give the employer a copy, you must provide it.

Sign-ups - There have been numerous complaints about students wandering around looking for specific schedules during the initial sign-up period. Everyone is required to take a seat in the sign-up room (220) and remain seated. The schedules are **passed out at random** and then travel up to the back of the room, and are brought forward. In the future, anyone who does not follow these instructions will be removed from the interview list, and be permitted to sign up only after others interested have signed.

Justice Department-Anti-Trust Division - will have an informal meeting next Tuesday to talk with students interested in the Anti-trust division. The meeting will be at 4:00, in a room to be announced later. All students are invited.

(SELL cont'd from page 3)

the LSD/ABA bulletin board in the basement of the library.

For further information feel free to contact Don Duquette at 769-7685.

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NOTICES

INTERNATIONAL LAW SOCIETY

Following our traditional "Dinner With Wine" for members and guests in the Faculty Dining Room at the Lawyers Club, Professors Giorgio Bernini, Italian representative at last week's GATT talks in Tokyo, and Alexander Jaquemin, Director of the Institute of Law and Economics at Louvain, Belgium, will speak on "Antitrust Goes International" in the Main Lounge of the Lawyers Club at 6:45 p.m., Monday, October 1st. Everybody is invited to attend.

JUDICIAL CLERKSHIP

Applications for a clerkship with Judge Lumbard, senior judge U.S. Court of Appeals for the Second Circuit, can now be obtained at the Copy Center.

FIRST-YEAR LSSS SEATS

First-year student Law School Student Senate seats will be up for election on October 9th. Four seats will be available. Further information will be posted or set out on a notice at the Lawyers Club desk.

ERRATUM

Last week's PASS/FAIL AT A GLANCE column omitted an important clause in the third paragraph. It should read:

"What are the limits on the option? Only 2 Ungraded Credit for a Graded Course(UCCG) courses per regular semester and 1 UCCG per Summer Session is allowed if such sessions are one's last before graduating."

MOVIE - TRISTANA

Luis Buneul, Director
with Catherine Deneuve, Fernando Rey and Franco Nero. Produced 1970, 95 min., color. Free for law students; all others 75¢.

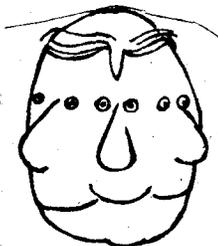
FRIDAY, SEPTEMBER 28th 7, 9 & 11 Rm 100 HH

(MORE GOING cont'd from page 4)

ed this wise veteran. "She wants a divorce. What do I do?"

The reply? "Fill these forms out, be understanding and don't worry, it's her first divorce too. In ten minutes I'll come to your office and ask you to come help me. That way I can answer any new questions you might have."

I thought -- "who was running this office?"



ADEQUATE RESPONSE TO STIMULI UPON INITIAL CONTACT

or

SURVIVING THE FIRST INTERVIEW

One of your earliest lessons is to make sure that the person who makes the first interview for you with a client gets a general notion of the area of law involved. Preparation for the first interview may be the difference between being retained and not being able to make the overhead that month.

Most clients don't expect you to know everything. They do expect you to be enthusiastic; that if they hire you, you will fight for them. Don't guaranty victory. Guarantee that you will work hard and that you'll be honest with them. Honesty with a client requires you to forecast the bad as well as the good. VICTORY is seldom the triumph of the good guy over the bad guy. Victory may be a gray area in which you bargain for a year in jail whereas a trial would mean five years in jail.

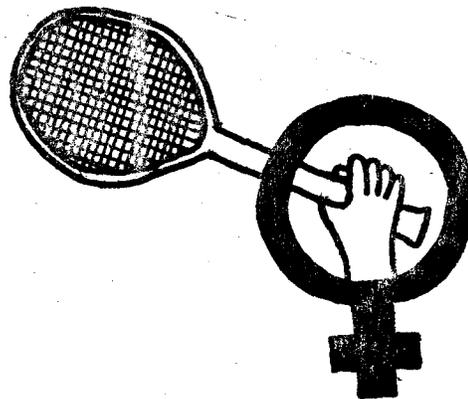
The first interview is usually the most important. Here you start to build the attorney-client relationship. Here you gain "client control" which means he starts to trust you. I would recommend the upcoming attorney-client competition and law clerking as about the only preparation available.

CONCLUSION

In the first two years of practice as a sole practitioner, I learned more tolerance and humility than I had learned in the prior twenty-six years of life. These lessons came by what may charitably be described as getting the . . . When I think about it again, there is no charitable way to describe the process. You'll see what I mean. Don't hesitate to ask for advice. Your secretary will save you time and again; court clerks will patiently and quietly tell you which of those two tables you and your client are supposed to be sitting at; and other lawyers will always be willing to shrug their shoulders and tell you they don't know the answer either.

SIS!

sees all



(SPORTS cont'd from page 3)

victory, and the knowledge that Bobby Riggs, 55 year-old little boy hustler, was unable to put his racquet where his mouth and money were.

One last comment. For those who maintain a semi-official "enemies" list vis-a-vis public figures who are definitely off-base in regard to the women's issue, be sure to add Howard Cosell to the list, if he does not already appear. Cosell made the reprehensible comment before the match that King would be a good-looking woman if she would remove her glasses and grow her hair long. All I can say is that I hope Cosell lost a lot of money on the match.

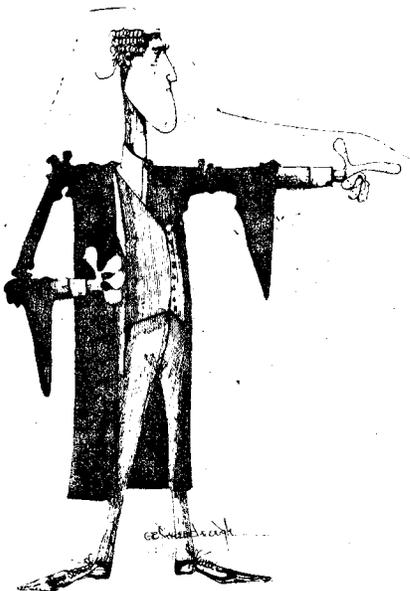
- Elyse H. Fox

(LETTERS cont'd from page 2)

"I said there was a society of men among us, bred up from their youth in the art of proving by words multiplied for the purpose, that white is black, and black is white, according as they are paid. To this society all the rest of the people are slaves.

For example, if my neighbor hath a mind to my cow, he hires a lawyer to prove that he ought to have my cow from me. I must then hire another to defend my right, it being against all rules of law that any man should be allowed to speak for himself. Now in this case, I who am the true owner lie under two great disadvantages. First, my lawyer, being practiced almost from the cradle in defending falsehood, is quite out of his element when he would be an advocate for justice, which as an office unnatural, he always attempts with great awkwardness, if not with ill will. The second disadvantage is, that my lawyer must proceed with great caution, or else he will be reprimanded by the judges, and abhorred by his brethren, as one who would lessen the practice of the law. And therefore I have but two methods to preserve my cow. The first is to gain over my adversary's lawyer with a double fee, who will than betray his client by insinuating that he hath justice on his side. The second way is for my lawyer to make my cause appear as unjust as he can, by allowing the cow to belong to my adversary; and this if it be skillfully done will certainly bespeak the favour of the bench.

Now, your Honour is to know that these judges are persons appointed to decide all controversies of property, as well as for



the trial of criminals, and picked out from the most dextrous lawyers who are grown old or lazy, and having been biased all their lives against truth and equity, lie under such a fatal necessity of favouring fraud, perjury, and oppression, that I have known several of them refuse a large bribe from the side where justice lay, rather than injure the faculty by doing anything unbecoming their nature or their office.



It is a maxim among these lawyers, that whatever hath been done before may legally be done again: and therefore they take special care to record all the decisions formerly made against common justice and the general reason of mankind. These, under the name of precedents, they produce as authorities, to justify the most iniquitous opinions; and the judges never fail to decree accordingly.

In pleasing, they studiously avoid entering into the merits of the cause, but are loud, violent, and tedious in dwelling upon all circumstances which are not to the purpose. For instance, in the case already mentioned; they never desire to know what claim or title my adversary hath to my cow, but whether the said cow were red or black, her horns long or short; whether the field I graze her in be round or square, whether she was milked at home or abroad, what diseases she is subject to, and the like; after which they consult precedents, adjourn the cause from time to time, and in ten, twenty, or thirty years come to an issue.

It is likewise to be observed that this
(see MORE LETTERS page 8) 7

GRIDDIE PICKS

It has been decided that our weekly winners will once again receive a free sub sandwich from Dominick's! Our first winner is Rod Fonda '76. Just stop in at the RG office about 17 times and sooner or later you'll find someone there, Rod.

Notice that this week I won't give any conflicting instructions on how to fill out these forms. Everyone knew what they were doing anyway. Just remember that the team followed by a number in parentheses is the underdog. Circle winners.

By the way, despite the fact that I neglected to tell you to put your name on your picks, only one idiot failed to do so. Way to go, guys! (and gals; Ed.)

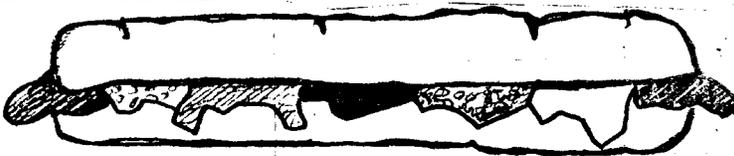
Iowa(19) at Penn State	T.C.U.(25) at Ohio St.	Oklahoma(20) at So. Cal.
Navy(38) at Michigan	Minnesota(13) at Kansas	Miami at Fla. St. (no sp.)
UCLA at Michigan State(15)	Pitt at Northwestern(3)	New Mexico(10) at Air Force
Notre Dame at Purdue(22)	Montana(11) at Rice	California at Army(9)

Chicago(4) at Denver
Green Bay at Minnesota(7)
Los Angeles(8) at San Francisco
New Orleans(11) at Baltimore

Oakland at Kansas City(12)
Pittsburgh at Houston(19)
St. Louis(17) at Dallas
Atlanta(10) at Detroit

-- Tommy the Turk

GRIDDIE GOODIES



(MORE LETTERS cont'd from page 7)
society hath a peculiar cant and jargon of their own, that no other mortal can understand, and wherein all their laws are written, which they take special care to multiply; whereby they have wholly confounded the very essence of truth and falsehood, of right and wrong; so that it will take thirty years to decide whether the field left me by my ancestors for six generations belongs to me or to a stranger three hundred miles off.

In the trial of persons accused of crimes against the state the method is much more short and commendable: the judge first sends to sound the disposition of those in power, after which he can easily hang or save the criminal, strictly preserving all due forms of law.

Here my master, interposing, said it was a pity, that creatures endowed with such prodigious abilities of mind as these lawyers, by the description I gave of them, must certainly be, were not rather encouraged to be instructors of others in wisdom and knowledge. In answer to which I assured his Honour, that in all points out of their own trade they were usually the most ignorant and stupid generation among us, the most despicable in common conversation, avowed enemies to all knowledge and learning, and equally disposed to pervert the general reason of mankind in every other subject of discourse, as in that of their own profession."

(Gulliver's Travels, Book IV, Chapter V)

S/ George A. Kresovich