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RES GESTAE

UNIVERSITY OF MICHIGAN

ANN ARBOR

Stockdale

The Lawyers Club lounge Tuesday afternoon was the scene of a talk entitled "Strengths and Weaknesses of the English Criminal Justice System" by United Kingdom Circuit Judge Eric Stockdale. Approximately 40 listeners heard how in the Judge's opinion the rigorous "professionalism" of the bar in his country brought undelayed high quality justice and fewer problems than experienced in the United States, although it later became apparent more than one interpretation could be applied to the nature of the professionalized bar and speedy justice found in the U.K.

As a preface to his comments on criminal procedure, Mr. Stockdale outlined the British court system noting that a recent reorganization has unified criminal jurisdiction in the Crown Courts. However, subdivisions within this structure do exist so that different courts hear different cases according to the seriousness of an alleged offense. Magistrates courts process the least serious crimes, disposing of around 97% of all cases, and interestingly are presided over by lay persons advised by a lawyer-clerk. The High Courts and Circuit Courts hear the remaining cases and draw their personnel almost exclusively from the select body of 3,000 barristers or trial lawyers, rather than from among the 25,000 solicitors in England and Wales who handle legal matters short of court argument.

Judge Stockdale placed great emphasis on the special nature of barristers, noting that while all are self-employed they each must affiliate with one of the four Inns of Court and loosely associate in even smaller groups in an office or "chambers," in addition to seeing their limited number of colleagues in court all the time. This constant proximity, it was said, deters unseemly behavior and thus keeps professional standards high even in criminal

(see STOCKDALE page 5)

Ex Libris

My first suspicion that the law library was not entirely what it seems occurred last summer. I had entered the library, for the first time, with Cohen's Legal Research in a Nutshell (sequel to his great best seller, Legal Student in a Nuthouse) in hand, and asked a scholarly looking fellow where the "Shepards" were.

"Oh, about forty miles north of here, tending to their flocks.", he said.

"Hum, with a sharp wit like that he must be a law review man", I thought to myself.

I finally found the Shepards Citations. The particular volume I needed was on the table interspersed with: You and Your Tibia, What the Hell are Eczema, Seborrhea, and Psoriasis?, Metatarsals and Proboscis, i.e. Toes and Nose, A Chemical Analysis of Hemoglobin in Hemophiliacs, Ophthalmology in Three Easy Lessons, Is Fecal Gas Flammable? --A Medical Dissertation by Brian Griffon Kennedy, and various undergraduate books: Humpty-Dumpty Examines Freud, Keynesian Economics in the Twelfth Century, Ronnie the Pooh, by J. Hensley, and Fly me to Boston, I Wanna Go Home-- A Travelogue, by Bruce Hallet.

"Strange books for a law library.", I thought.

I began "shepardizing" a statute when I heard someone scream:

"Your elbow is wiping out my cornea!"

In panic, thinking I had inadvertently incurred a Tort action, the loss of which would result in liens on my loans, I quickly retracted my elbow and turned toward the injured person ready to offer my aid.

(see EX LIBRIS page 6)



LETTERS

To the Editor:

The current (Nov. 73) issue of Ms. magazine has an article in it entitled, "Why we aren't laughing...anymore" by Naomi Weisstein. I recommend it to those responsible for the unsigned cartoon (?) which appeared on pg.6 of the Oct. 26 R.G. If the character in that cartoon had been a man, most of the supposed humor would be gone. Why?? Because worrying about being overweight is a peculiarly feminine trait. Women have been taught (and it is all too often true) that society values only the svelte and beautiful woman. A woman can be intelligent, creative, witty, etc., but if she is fat she is subjected to almost daily rejection and ridicule. She is not fulfilling the role of 'woman'; she has failed at being a suitably attractive ornament.

To get back to the cartoon itself, as Ms. Weisstein said in her article, "Much.... humor is pure slander. It serves to put whoever it is in their place by showing that they can't be taken seriously, that they're too stupid or dumb or ugly or child-like or smelly or mean to count as human." To that list, I would add 'fat and female'.

I support the farmworker's struggle. But I strongly object to the degradation of one oppressed group to further the cause of another.

s/ Margorie Van Ochten

mea culpa:

About a year ago, I argued for an RG editorial policy, shortly thereafter adopted, that would allow publication of anything - as long as it was attributed. I regret to say that mere expediency caused me to break my own rule in the above and below mentioned cartoon affair.

Last week, two unsigned cartoons were left

under the RG door and I put both of them in the file intending to insert a notice in the paper asking the cartoonists to identify themselves before their work would be published (the author of the remaining Middle East cartoon may still do so). While composing the October 26th issue, a space the size of the Farmworkers cartoon became apparent. Although a second look at the cartoon aroused my suspicion that a particular person rather than a general attitude was targeted, I dismissed the possible impact along with the no attribution-no publication rule to fill up a blank. Plainly, the impact turned out to be substantial and my judgment rather poor. The rule was designed precisely to deter bad taste like that exhibited in last week's cartoon by forcing acknowledgement of work by its author, and at some cost it has now proved its worth.

- Mike Slaughter

October 28, 1973

To the Editor:

I have been authorized by a unanimous vote of the Law School Student Senate to express the Senate's concern about the propriety of the cartoon which was published on the back page of the October 26 Res Gestae. The Senate fully subscribes to the concepts of free speech and freedom of the press. However, the Senate provides part of the funds for the Res Gestae, and we therefore feel some responsibility for the contents of the publication. This responsibility is founded not only upon our legal liability, if any, but also upon a more general ethical responsibility to our constituents.

We have been advised that the editors of the Res Gestae make virtually no effort to screen and revise material submitted for publication. Henceforth, we would hope that the editors of RG would voluntarily and systematically exercise their editorial responsibilities so that publication of items tending to embarrass or degrade members of the Law School community will be minimized. Furthermore, we strongly recommend that RG clearly identify the author or contributor of every published item which might tend to embarrass or degrade a member of the Law School Community. (The offensive cartoon of October 26 was unsigned.) Identification should be made in order to

(see LETTERS page 4)

PROF PREF

The Michigan Law Critique is now available at the reserve desk of the library. A little effort on your part will pay dividends in the amount of information which you derive from the results of the course survey. This goes for professors too.

First of all, read the introduction which lays out all the variables on which the course was rated by the students and explains how the data was processed for presentation. The real effort will involve getting a feel for the mnemonic names for the variables.

Second, it's important to realize that the first tabular presentation of each course is based on composites manufactured through statistical techniques. These composites are explained in the introduction, which can be referred to as necessary.

Third, don't just read the written comments at the end of the evaluation of each course. Comments were generally few in number, and tended to be somewhat polar. Look at the "responses" table which lays out the percentage of respondents who checked each of the possible responses to the requested rating. If you have a specific question as to either a variable or a composite, the "responses" table is the place to look. In that table you can get the mean response and a good indication, by just looking, of the variance (spread) of responses. Just reading the written comments is unfair to everybody concerned, and especially prejudicial to the value of the course evaluation.

Finally, to those of you who are concerned about the existence of such a course evaluation, I extend an invitation to participate in its continuance. I welcome all comments, but I'm especially concerned with suggestions about an improved format for presentation of the data to be gathered this semester. Further, I would like to hear from those people who would be interested in working on future evaluations and directing them in the future. First year people, give it some thought.

Comments and offers of help in the future will be cheerfully received at 663-3410, 315 Mosley, Ann Arbor, 48104, or addressed to me at the Lawyers' Club Desk.

• David Gross

NOTICES

SECTION THREE, FIRST YEAR CLASS

Don't forget the party next Friday evening, November 9, 1973 in the Lawyer's Club Lounge. Also, don't forget to contribute your financial support.

SPORTS EQUIPMENT

A football and a basketball are now available for check out at the Lawyer's Club desk. There should be another football available in the near future, and volleyball equipment should be available by next Spring. More equipment will be purchased if there is sufficient demand for it. For any suggestions on buying sports equipment contact Charlie Hair, 764-8990.

CLIENT COUNSELING COMPETITION

Anyone interested in the Client Counseling Competition is asked to sign up on the LSD-ABA Bulletin board in the basement corridors beneath the library.

The Client Counseling Competition was described in last week's R.G. It is analogous to Moot Court except that the skill tested is counseling rather than appellate argument. Further information is available on the LSD-ABA bulletin board. If your questions are unanswered, call Don Duquette at 769-7685 or Connye Harper at 971-3580.

So far U of M has not participated in the Competition. If some persons are interested perhaps we can field a team.

SHERRY HOUR

Friday, November 2 (today)
3:30 to 5:30 pm Lawyers Club lounge

(LETTERS cont'd from page 2)

insure effective exercise of the rights of rebuttal and criticism.

s/ Barry White
LSSS

correct advice:

RG makes considerable effort to screen and revise material submitted insofar as changes are needed in spelling, grammar or occasionally sensibleness. However, copy editing powers are strictly construed in order to avoid clobbering up somebody's good work like most student editors around this place do. The no attribution-no publication rule noted above has been breached only once - last week - and will continue in effect.

October 29, 1973

To the Editor:

I am not prone to write letters to the editor; however, there are two omissions in the October 26, 1973 issue which should be brought to your attention. First, there was no listing of staff as has been done in previous issues and second, one major item was unsigned. In spite of the fact that your staff is very modest, I feel that contributors to such a great paper, as we all must admit the Res Gestae is, deserve the appropriate public recognition.

s/ R. W. Nash

explanation:

Because it's become hard to tell who is on the staff and who is not anymore, the names of staff members will appear after the articles they write.

To the Editor:

Since all law students must deal with either Overbeck's or the Cellar to get their books, this story may be of interest. Over the past ten days three casebooks were stolen from my carrel in two separate incidents. In both cases I sought to notify the two bookstores as soon as I discovered the loss. In both cases the books had been bought back before my notification.

Both bookstores will keep an eye out for

stolen books if you notify them; they will try and get the books back for you. If, however, the thief sells them before you can notify them (in one case my book was sold on Saturday of a weekend during which I was not at school), their policies differ.

The Cellar's buy-back operation does not take the names of those who sell back books. When I found my book on sale at the Cellar I was permitted to buy it back, not at the price that they said, but at their marked-up sticker price.

Overbeck's also purchased one of my books. They did not, however, sell it back to me. After I identified the book as mine it was returned to me without charge. Overbeck's had also seen several pieces of identification of the person who sold it to them and taken his name and address. Whether the identification is genuine is yet to be determined. Nevertheless, Overbeck's efforts to avoid becoming a "fence" and thereby fostering book thefts are commendable. The Cellar, on the other hand, while supposedly a "student cooperative," does, by its procedure foster book thefts. With prices at both places as close as they are, Overbeck's has won my economic vote.

S/ Dan Reidy



(STOCKDALE cont'd from page 1)
proceedings-an important contrast to U.S.
proceedings the Judge implied.

Among the distinguishing features of criminal procedure in the U.K. the most important is the absence of elected prosecutors. Police departments, with the aid of solicitors, prepare indictments which are passed along to private barristers for trial. Hence, according to Mr. Stockdale, the prosecutor is not a special "avenging angel" but one who may advocate either side from one day to the next, further maintaining high professional standards and low-key courtroom exchanges. Also, it is improper for the prosecuting barrister to suggest a penalty, which all but eliminates plea bargaining. Politics is alledgedly not in the system because all judges are nominated for life by the Lord Chancellor who is appointed by the Prime Minister, although political scientists might no doubt be more skeptical about the proposition. Finally, one appeal on a conviction is normal, with further appeals extemely rare, but the case is tried de novo rather than on a trial transcript. All in all, Judge Stockdale continuously linked basic fairness in the British system, and an ill disguised sense of superiority to the American system, to the strength of professionalism on the bench and in the bar.

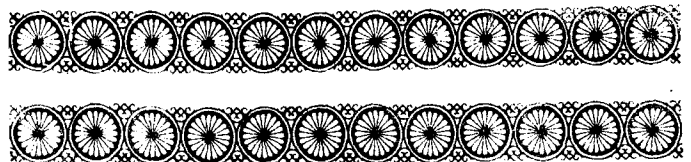
Not everybody was so thoroughly convinced. The question period after Mr. Stockdale's introductory remarks began with a suggestion that the barrister system could be interpreted not only as the highest form of professionalism but also as a low form of "old boy" club whose main duty was to the court institution rather than to the individual defendant. Without blinking, the Judge replied that in fact professionalism has bred excellent advocacy and the greatest regard for those being defended. Other questions brought out that recidivism and poor prison conditions were just as prevalent in the U.K. as in the U.S., that prosecutorial discretion rests with the police, that the 3,000 barristers handle about 37,000 cases a year including guilty pleas, and that representation for indigent defendants is rather limited in the magistrates courts.

Still other questions in the course of eliciting information also drew out what

can only be described as the "establishment" thinking which the first questioner had suspected to be a principal product of the closed barrister-judge system. In response to a query about the number of women barristers, Mr. Stockdale guessed that they were probably nearly 10% of the group and opined, "it shows women are getting their fair share of the positions." Later, upon inquiry about the use of police surveillance, the Judge protested that there was "no bugging," really, It was hard to get because permission had to be obtained from the Home Secretary, he said, slipping over the lack of any judicial role in such matters and the absence of effective suppression procedures. Lastly, in response to a question about the raising of some sort of equal protection issues like improper jury selection on behalf of black and brown immigrants, the former barrister acknowledged that there have been complaints of discrimination and that there were no effective remedies, but again implied "professionalism" would carry the day. Regarding defendants rights in general, Judge Stockdale remarked in closing that while he was against taking away such protections as there were, current feeling in Britain has it that prosecutors are too fettered and should be given more power.

Admittedly, a limited background in British criminal procedure, and a realization of the traditionalism and homogeniety of British culture should lead most American commentators away from definitive judgments about superiority of the U.S. or U.K. systems. Yet it must be noted that however attractive arrest-to-trial-to-appeal in a matter of months may be in Britain, the "clubiness" of the barrister system and the lack of constitutionally based standards, at least leaves room for doubt about judging U.S. criminal justice too harshly. The Framers obviously considered strict procedural guarantees a splendid "waste of time" as against the expedition available from "highly professionalized discretion."

- Mike Slaughter



(EX LIBRIS cont'd from page 1)

There on the table was a three-foot diagram of the human eye.

The individual who had screamed came over and said:

"Pretty nice eye, huh?"

"I beg your pardon?"

"You had your elbow on my eye diagram." he said.

"Isn't that a strange thing for a law student to be studying?", I asked.

"Yes, but I'm an ophthalmology student."

"An ophthalmology student! Then what are you doing in the law library?", I queried.

"Oh me and my thirty-seven classmates here (he pointed around the table) always study around the "Shepards".

"Why is that?"

"Our calculations show that reading the small print in a Shepards results in a permanent loss of vision. Why already today, I've seen six law students with oculatitis, two with glaucoma, and six with cataracts."

"Uh-huh".

"Listen, I graduate in a month. Four of us are going to open up a practice back in the Federal Reporters. Come and see us if you have eye problems."

Reassuring him that I would do so if necessary, I decided to leave the shepardizing for a later date since the large "eye" was having a mesmerizing effect on me and I swore it blinked.

Turning to leave, I walked a few steps when I tripped over a four-foot high plastic model of a molar which had written on it: "PROPERTY OF U. OF M. DENTAL SCHOOL".

As I plummeted head first toward oblivion, I shouted: "damn dental students", whereupon the three hundred dental students in the law library pelted me with scores of empty toothpaste tubes!

Fortunately, I fell into the arms of an

undergraduate girl who, with the 6,087 other undergraduate girls in the library at the time, asked me to marry her. I politely declined and slipped away.

One of the toothpaste tubes had cut my forehead and I was bleeding. Immediately the fifty-seven medical students, who had been occupying the entire west wing of the library with their coughing and hacking patients, rushed to my aid.

"What a madhouse!" I said to myself trying to regain my composure.

Since I had to check some Wyoming statutes before leaving, I went over to the Wyoming section.

"HAAII--EEEE!!!"

Accompanying that horrendous sound was a flying side kick. Having studied Pukang-Tang-Soo-Do in years past I successfully parried the thrust, but the only other law student in the library, who happened to be standing at my side, was knocked clean through the A.L.R. shelf. While the medical students fought over his crumpled body, I discovered to my horror that we had intruded upon the Korean Olympic Karate Team which used the "Wyoming section" for its practice meets.

"A madhouse!" I said as I fled for protection into the "Michigan section".

There among the compiled statutes I sought refuge.

"Tweet! Tweet! Tweet-Tweet-Tweet!" There marching straight toward me was the two hundred forty piece University of Michigan Marching Band playing "Hail to the Victor".

I got up and ran right out of the library, passing through a meeting of the Ann Arbor chapter of the National Organization of Women, and Evel Knievel who was revving up his bike near the reference desk.

Two days later I got up enough nerve to try again. There on the revolving doors was a sign:

"In as much as facilities and space are severely limited, we ask that law students refrain from using the library."

-Joe Fenech

Placement News

REGGIES - If you wish to apply for a Reginald Heber Smith Community Lawyer Fellowship, you must submit applications by January 15, 1974. Applications are available in the Placement Office.

INTER STATE COMMERCE COMMISSION - For students interested in working for the ICC but who did not interview when they were on campus, there will be positions in Washington, D.C. to be had by submitting a 171 form and a resume to Nancy or Carla before November 9th.

RESEARCH GROUP - This employer is current-

ly looking for students to work part-time during the school year, and will also have positions for the summer. Contact Neill Hollenshead.

FELLOWSHIP - The Institute for Public Interest Representation is offering one for the academic year 1974-5. More information is available in the Bulletin Board Letters Notebook.

MICHIGAN ATTORNEY GENERAL'S OFFICE - It will be interviewing on November 15th. A group meeting will be scheduled and signs posted as to the time and room.



No way is the omniscient Turk going to publish everyone's scores! However, I'll give a few top ones. Last week, there was a three-way tie for first (13 correct out of 18). Bill Abbot wins the mighty Greek sub on the basis of the tie-breaker. Mike Peroz and some guy with completely undecipherable handwriting were runners-up. Then there was Joe DeCampo with 4 correct ... nice going, Joe.

I'm going to swear off predicting a spread on the Lions. They just are not predictable. The other top games are the Bengals and the Cowboys, and the Redskins and the Steelers. This may be the week the Turk loses his D.C. girlfriend, for predicting anything but victory for the 'Skins. The fans out there are worse than Notre Dame fans.

- Tommy the Turk

<u>College</u>	<u>Pro</u>
Indiana(24) at Michigan	Buffalo at New Orleans(even)
Ohio State at Illinois(20)	Chicago(7) at Green Bay
Wisconsin(2) at Michigan State	Cincinnati(7) at Dallas
Minnesota at Northwestern(5)	Cleveland(7) at Minnesota
Rice(14) at Texas Tech	Denver at St. Louis(4)
Southern Cal at California(23)	Jets(16) at Miami
West virginia(14) at Miami	San Francisco at Detroit(even)
Army(3) at Air Force	Kansas City at San Diego(3)
Notre Dame at Navy(18)	Washington(6) at Pittsburgh

TIE BREAKER: What famous (deceased) baseball owner attended UM Law School _____

GRAD

BOOKS