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RES GESTAE

the law school weekly

"How about
some ping-pong,
Yankee dog?"



Ann Arbor, Michigan

"What, me worry?"

March 31, 1972

WOMEN IN LAW II -

Getting a job

What's the most important thing for a new woman law school graduate to have before she goes into practice with a law firm?

Good grades? Legal aid experience? Not on your life. To some male interviewers, a portable toilet and a bag to put over one's head seem absolutely essential to the Compleat Woman Attorney.

Dawn Phillips, a recent Michigan law graduate, and now clerk for Chief Judge Freeman of the federal district court for the eastern district of Michigan, relates how in one of her interviewing experiences, a gentleman representative was very seriously concerned about his firm's lack of a woman's john. And another became over-wrought in speculating what might happen with so attractive a woman in his firm's library, distracting all the other associates.

However, some steps can be taken to reduce such attitudes ranging from misconception to fantasy to outright discrimination. Ann Ransford, the Law School's Placement Office Director, points out that in general "we try to alert women law students to the problems they're going to be confronted with," although other than that support, she says, "we can't create a job." In addition, the Placement Office has a non-discrimination rule, which has resulted in one firm being barred from Michigan's facilities for sex discrimination, and another for religious discrimination over the past few

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Luncheon at The Standard Club

ON AMNESTY

Forgiveness, forgetfulness,
forsaken, for shit....

Some things should now be made clear concerning the hubbub over "amnesty" for Resisters, Evaders, and Deserters. (Acronym is RED!)

Amnestia, Greek, meaning forgetfulness, oblivion, erasing from memory -- and "Amnesty is the abolition and forgetfulness of the offense; pardon is forgiveness." (Knote v U.S., 95 U.S. 149, 1877) Commager says all this in the NYR, 4/6/72.

He also submits that the high incidence of RED is not a commentary on the American character, but a commentary on the war, and that national character does not change in a single generation. I disagree, see Mead, Culture and Commitment for a start. He says that the root cause of this society's malaise is the war. I disagree, see New York Times, Res Gestae, and other reputable newspapers.

Assuming arguendo, (I always wanted to do that) that the Congress accepted the concept of amnesty for RED -- query, (that's another good one) what good would it do? There seem to me to be at least two fundamental problems

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Letters

March 28, 1972

To the Editors:

So far as I am aware, those who favor a mandatory pass-fail grading system have not yet suggested a new means for coping with the external reality which is the source of much of their discontent. For myself, I am having difficulty taking the idea seriously unless it can be put in a more realistic form.

To be more specific, I would like to have some answers to the following questions. If there is no system of formal evaluation, will there not be tremendous need for informal evaluations? How is this need to be met? Is it not to be expected that pandering to faculty favor would become a major student activity?

Is it not to be expected that the total number of attractive jobs available to our graduates, vis-a-vis graduates of other schools, would be diminished if this school offered no systematic evaluations? Is it not to be expected that the absence of any such system would tend to improve the employment prospects of those who are attractive, aggressive and masculine, at the expense of those who are shy, ugly, or feminine?

Is it not to be expected that the vacuum created by the absence of grading would be filled by other alternative forms of evaluation which might be more burdensome and more tension-producing? Thus, would it be better if students seeking employment in a competitive market were required to pay some entrepreneur (Nord? Josephson?) to conduct a comprehensive examination and to certify the results to prospective employers?

Should law faculty be discouraged from moonlighting for such entrepreneurs or should they be encouraged to try to contribute quality to such an undertaking? Should such a service perhaps be provided by the University without profit? If the University

were to give such an examination, would it be better to make it comprehensive, or to give the students the option of separate examinations on particular topics? If the latter, should the students be required to take their examinations all at once, or should they be permitted to take each topical examination at a time when their study of the selected topic is fresh in mind?

I beg for givenness for the offensively Socratic form of this comment.

Sincerely yours,

/s/ Paul D. Carrington



To the Editors:

According to a woman law student writing in the current issue of Juris Doctor, many women law students are still asked by male interviewers, "What method of birth control do you use?" I brought this to the attention of my wife Joan the other night, and commented how irritating this must be to women. Without a moment's hesitation, however, she came up with what may be the perfect response to such a question: "I'd tell them I abstain."

/s/ Bill Richards

Law Wives Association

CULINARY ARTS

The last meeting of the year will be all about hors d'oeuvres. Everyone is asked to bring favorite "finger foods" and their recipes. We will meet Tuesday, April 4 at 8:00 p.m. at 3392 Williamsburg. Also on the agenda will be the election of a chairman for next year.

SEWING AND HOME DECORATING

On Thursday, April 6 there will be an "Accessories Boutique" at 524 South Fourth Avenue (between Packard and Madison) at 8:00 p.m. A home economist from Minnesota Fabrics will demonstrate how to make accessories (scarves, belts, purses, etc.) to enhance a spring wardrobe. Call 769-3939 if you plan to attend.

What's Coming Down in the Courts

1. Blood Test.

The leading case authorizing non-consensual blood tests, Schmerber v. California, 384 U.S. 757 (1964), has been narrowly construed by the California Supreme Court. Finding that in Schmerber the U.S. Supreme Court relied on a prior arrest, which supplied an assurance of probable cause for the search, to validate an involuntary blood test of an unconsenting driver, the California Court held such a prior arrest was an essential requirement of a Schmerber search and seizure of blood. Therefore, a blood test taken from a driver in the emergency room following an auto accident while he was in a dazed condition and apparently incapable of giving a valid consent to the test and prior to his arrest was held illegally searched and seized and inadmissible. People v. Hawkins, 40 L.W. 2607 (3/2/72).

2. Abortion.

The United States District Court for New Jersey has described as "beyond the competence of judicial resolution" the "substantial questions of medical, philosophic and religious dimensions as to whether an embryo or fetus is a human being from the moment of conception." Therefore the Court found no clear compelling state interest to sustain the the State's abortion law (anti abortion law) against the "fundamental right" of abortion in the early stages of pregnancy. Neither the state's interest in regulating conduct inimical to the general welfare, nor its interest in protecting the lives of fetuses, is sufficiently compelling to overcome the fundamental right of abortion. The Court said the right to abortion is based partly on the "fundamental" protection the Constitution gives to the right of an individual to control the uses and functions of its own body.



without unnecessary interference by the state. Another source of the abortion right, according to the Court, is the bunch of common law marriage rights including the right to marriage, to privacy in marriage, to have children, to use contraceptives and to control your child's education. YWCA v. Kugler, 40 L.W. 2617 (2/29/72).

In a similar decision, the New York Supreme Court, Appellate Division, Second Department, ruled there was no violation of Due Process or Equal Protection as to fetuses who are abortable under New York law. The Court found the 24 week cut-off date, before which age a fetus may be aborted, to be rational and the product of a value judgement appropriately made by the legislature. The Court doubted that the drafters of the Constitution intended to include fetal lives within the protection of due process. Byrn v. New York City Health and Hospital Corporation, 40 L.W. 2568 (2/24/72).

3. Seventh Amendment.

The right to jury trial in civil cases and the absolute prohibition against judicial re-examination of jury findings are not so fundamental to the "principles of liberty and justice which lie at the base of all our civil and political institutions" as to be required of state courts by due process. At least so says the United States District Court for the Eastern District of Louisiana. Melancon v. McKeithen, 40 L.W. 2601 (3/1/72).

4. Parens Patriae.

Although a state can bring class actions on behalf of its citizens in certain situations, a Section 4 Clayton Act Suit against Standard Oil by the State

years. The prohibition of use of the school is for one year, though neither of the barred firms have applied for re-admittance.

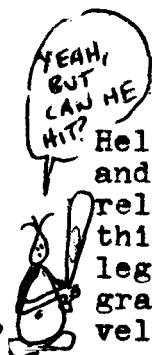
Fortunately, the demand for Michigan graduates makes the sanctions here somewhat effective, but smaller, less prestigious schools without placement facilities offer no sanctions for discrimination. Ransford suggests in these cases, "changing the whole field has got to be worked on. It's changing, too, let me add that. All the employers, particularly the law firms are being hit from all angles from every placement office in the country." Joanna London, a third-year student, has run across a method used at the University of California at Berkeley to reach employers: "every morning they have a little breakfast for the interviewers, and ask them 'what positive steps have you taken to get women on your staff?' and they ask 'did you know that in many firms women are discriminated against in salaries and work allocation?' Berkeley also hands out statistics to dispel the myths about women lawyers such as higher turn-over. London points out the myth "never says the husbands must be going somewhere, too." Harvard Law School found in a survey of its graduates that equal percentages of male and female graduates, 13%, were employed in non-legal fields, helping to scotch another myth that women are prone to "drop out" of law more than men.

Ransford welcomes the idea of morning sessions with interviewers, although there are some technical problems that would have to be worked out. She herself has been speaking with interviewers on a one-to-one basis after 5 o'clock, the only time she has free, but replied affirmatively to the use of an ad hoc placement committee to conduct the sessions. Ransford's optimism for change is based on a theory that the men affected here now will be the senior associates and junior partners several years hence, and have a say in who's hired. She adds, "that's going to make all the difference in the world."

Nevertheless, interviewing now for women can still be a giant leap into the theater of the absurd. A common horror Phillips found among male attorneys was that she certainly couldn't play golf with the firm's clients, or go drinking with them, especially since the clubs they belonged to didn't admit women. Incredibly enough, one fellow wondered about where they could put her on the firm's softball team, but Phillips is quick to point out now that she knows a woman attorney in New York who is a great pitcher and her firm's team has advanced considerably in the standings since her hiring.



SORRY, WE ALREADY HAVE
A GOOD LEFT-HANDER.



Helen Forsyth, a second-year student and member of the Women's Commission, relates an example of the type of thinking that seems to permeate the legal profession: "Caroline Haase graduated from here in 1968, and traveled extensively, working for firms in Brussels, Thailand, and Saigon. She wanted to take a job while waiting to take the bar exam in this country, and she went in for a job interview. The gentleman attorney said to her, after all of that, oh, you're not in this for a career, you're just looking for a husband. Needless to say, she almost throttled him on the spot. At what point are you taken seriously?"

Another recent Michigan graduate with interviewing experience, Sue Westerman, identifies two employer attitudes to key on for discrimination. First, uninterested parties fail to ask any meaningful questions, but rather rattle on about the organization of the company or history of the firm. Secondly, they ask personal questions about marriage plans, child-bearing, and so on which have nothing to do with legal competence. Westerman, to eliminate any waste of time, used to send a resume to a

prospective employer ahead of time, making clear she was a woman.

Attitudes of different kinds of employers vary. Betty Elkins, a recent Michigan graduate, says apparently clerking for a judge is quite non-discriminatory and very flexible, though Elkins notes, "whether the judges figure you can stay unpregnant for the 1-2 year term or what, I don't know." Putting all their comments together, Ransford and the women attorneys agree that smaller firms in conservative locales like small towns and less-populated states are most likely to discriminate. Larger, busier firms in urban areas are much less likely to discriminate perhaps because there is simply a lot of work to be done, and it doesn't matter who does it. Corporations tend to vary in discrimination according to degree of urbanization. Clearly, federal, state, and local governments and legal aid bodies are least discriminatory.

Interviewing has gone well for London in that she says, "I'm the only one I know who didn't get questions about marriage plans and child-rearing, and that sort of thing." She adds, "the letters from the firms have changed markedly - remarkably - since my first year." Janice Siegel, a third-year student, has received no antagonism in seeking a special job in California. Yet, because of her interest in trial work, she is pursuing a strategy of taking on criminal trial work for several years so that when she goes to firms afterward they can't protest any lack of trial experience on her part. In that respect, she says, "there is a definite compromise." Sally Rutzky, a second-year student, had a poor work experience last year in litigation involving a federal regulatory agency in that her boss turned out to be much more communicative to the males working on the project than he was to her. Such conduct drastically cuts one's effectiveness, she concludes.

All in all, according to Ransford, "women in the past have had to do a lot of compromising. I think women here in law school right now are not going to do any compromising. They've given the idea of being an attorney a lot of serious thought and I don't think any of them feel that after seven years they're going to compromise it away."

Leaving law school for a satisfying job is getting easier for women law students, although most by no means are spared a tour through the incredible world of male assumptions while interviewing or doing summer work. Compromise in employment out of one's special interest still lingers in the background for most women lawyers, and the possibility of being shunted into one of the "women's fields" is real. Just as in other areas of change in the relation of women to law school, consciousness-raising for employers living in their dreamland in this case, appears to be the long-term strategy for sexually integrating the legal profession.

-- M.G.S.

cont. from p.1

with such a concept as applied here with respect to RED. First, if an outsider were declaring amnesty for RED, say a victorious nation-state enemy of the U.S., the citizens of this country would not be allowed to forget this most bloody symptom of a sick society. Rather, this noble outsider would come into our territory and build monuments (Fort Ord, San Diego, the Pentagon, Mainstreet) with pictures, histories,

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of Hawaii for the Company's pricing practices should have been brought by private citizens as "private attorney generals" rather than by the State as *Parens Patriae*. The Court pointed to the danger of duplicate recoveries if the State brought its suit. Hawaii v. Standard Oil Co., ___ U.S. ___, 40 L.W. 4246 (3/1/72).

Render unto Caesar

LAW SCHOOL FUND

Results of the eleventh annual Law School Fund campaign have now been tabulated, in anticipation of the Annual Meeting of the National Committee in Ann Arbor, April 14 and 15, 1972. The campaign (which runs each year from February 1 through the following January 31) was a great success -- more dollars (\$363,513.99), more gifts (4,576), and the greatest participation yet by alumni (4,067 which is 40.5 per cent of known living alumni).

Although the entire school benefits from the tangible results of this activity, too few students know about it until after graduation, and learn of its existence and scope only when asked to participate with dollars to help future generations of students. Hence this story.

Professor Roy F. Proffitt has general administrative responsibility for the Fund. Mrs. Lois Richards is in direct supervision of the office, which is located in Room 161 Legal Research. Her assistant is Mrs. Barbara Chaney. A National Committee which meets at least annually in Ann Arbor, composed of alumni, faculty and students, is charged with the responsibility for making the basic plans for each annual giving program. The alumni members come from across the country. Student members are the incumbent and newly-elected presidents of the Law School Student Senate. Mr. Thomas E. Sunderland of Phoenix, Arizona is the current Chairman of the National Committee.

The Fund has grown rapidly. A highlight of the 1971 campaign was that the Fund broke the \$2 million barrier -- reaching \$2,160,592.97 total contributions since the first campaign in 1961. The \$1 million mark was not reached until after the eighth year.

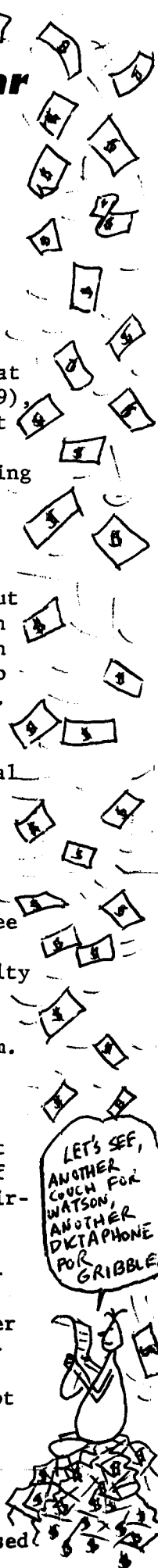
Although extremely pleased with the results for 1971, Professor Proffitt observed that with inflation, increased tuition, and the general increase in

the cost of living for the Law School, everyone connected with the Fund "has to run like the devil just to stand still." Fortunately it has done better than stand still.

Although the 1971 campaign has ended the last complete report available is for 1970. Professor Proffitt will place copies of the printed report for 1970 on the table in front of Room 100. Help yourself. From this you will see the growth pattern for the first ten years. The totals for 1971 were somewhat larger in nearly every instance.

To the extent possible all alumni are contacted personally by a local solicitor early in the fall. Sometime later agents for each of the various classes use the mails to contact those who have not yet contributed. Of course, some of the local solicitors also follow-up on some of their prospects. The "team" of volunteers required to conduct each campaign exceeds 600 alumni. The regional, state, and local chairmen have the final responsibility for organizing their own areas. Service on this "team," as well as making their contributions, is something that students can look forward to.

There is scarcely an aspect of the life of the Law School that has not been enhanced by the presence of the Law School Fund during the years of its existence. About 25 to 30 per cent of the gifts are earmarked one way or another by the donor. The balance is unrestricted. Financial assistance for needy students has drawn heavily on the Fund, and the various student aid accounts have received substantially more than one-half of all receipts. Other direct benefits for the students have included prizes for outstanding scholastic achievement, improved placement and admissions operations, support of the student organizations such as legal aid, case clubs, Legislative Aid Bureau, the National Moot Court team, the Journal of Law Reform, and the senior day ceremonies. Visitations of distinguished leaders and lawyers have been supported through the Fund. The money has been used to assist faculty research, purchase equipment useful in the instructional programs such as closed-circuit television from the Washtenaw County Court House, a



video-tape recorder and player, and recording equipment in the practice court room, and to augment the law library. Some necessary additions and alterations have also been made to the buildings, such as new carrels on the second level of the third floor library in Hutchins Hall, the interview rooms along the edge of Room 200, the remodeling of the library to make levels one and two open stacks, air conditioning and new lights in some of the second floor classrooms. The fund has helped with the rehabilitation work in the Lawyers Club. This list is not exhaustive, but it underscores the fact that it would be difficult to over-estimate the importance of the private giving to the life of The University of Michigan Law School.

It is literally true that the distinction of the School depends on such support and that its future development will require increasing levels of giving from our alumni and friends.

Res Gestae is pleased to announce that it has been chosen select recipient of this year's contributions from Alumni. All law students who have secured lucrative positions with major law firms are reminded again of their bounden duty to shell out for the higher good. Cash contributions can be conveniently (and anonymously) slipped beneath the R.G. door. --Eds.

PLACEMENT -- Reporting Jobs.

The Placement Office would like to know about jobs which have been taken by second and third year students. If third-year students are planning to be in the military or in graduate school or whatever after graduation, they would like to know that too. They need this information so that they can help those who still don't have jobs, for their annual report which comes out in June, and for an address listing of third-year students which comes out in April. If you are third-year and don't want your name on this list, please tell Placement by April 10.

The office would appreciate information on job plans from all students, whether or not the job was obtained through placement.



and large concrete and metal sculptures that read "Never again" in ten languages. (Probably here bumper stickers would also carry the slogan.)

This is not a time to forget, to reduce differences of principle to differences of opinion--to make another Great Compromise. It is time to fess up.

Secondly, and this point is not too much different. Like the urge to study the ghetto when this country was no longer able to ignore or deny certain racial tensions, we should not focus too heavily on RED. As microscopic analysis of the ghetto did not yield solutions, institutionalized white racism was discovered in the suburbs and other insulated places. Similarly, we will not precipitate substantial change in our collision course by pacifying resisters, evaders, and deserters. Rather, listen to what they are saying about this society. They are not only talking about the war. They are talking about life in these United States.

Honesty, not amnesty! Take a RED to lunch.

Starling Spain

PAID SUMMER LEGAL AID INTERNSHIPS

Summer internships, paying \$1000 each for ten weeks' work, are being sponsored jointly by the Summer Legal Aid Program, an activity of the University of Michigan Legal Aid Society, and six legal aid clinics in lower Michigan. (Two other clinics may be able to participate contingent on funding.) The clinics will hire one student each from funds raised by the Summer Legal Aid Program. To date, the clinics serving Jackson, Pontiac, Lansing, Flint, Grand Rapids, and Oakland are participating. Funds have been donated by the State Bar of Michigan, the Steelcase Foundation of Grand Rapids, the Whiting Foundation of Flint, and the UM Law School Student Senate (funds from this latter source are designated specifically for UM students.)

The function of the Summer Legal Aid Program itself is merely to recruit funds and intern positions. All hiring, training, and work supervision will be conducted by the individual clinics themselves. That is, the Summer Legal Aid Program does no screening, handles no applications, makes no recommendations, etc. Interested applicants should furnish a resume to the clinic(s) where they would like to work; directors indicate that they wish applicants to note briefly why they are interested in a legal aid position as such.

Addresses of the clinics are furnished below. Questions concerning specific clinics should be directed to them, but general information is available from Curt Swanson, Brian Sheridan, Bruce Wallace, Stu Lockman and Pete Dodge.

These internships are open to students at the University of Detroit and Wayne State Law Schools as well as the University of Michigan.

Jackson Legal Aid Society
William B. Nichols, Jr., Director
132 Washington
Jackson, Michigan

Legal Aid Society of Greater Flint
and Saginaw
Anthony P. Locricchio, Director
914 Church St.
Flint, Michigan

Kent County Legal Aid Society
Stephen F. Idema, Director
1208 McKay Tower
Grand Rapids, Michigan 49502

Macomb County Legal Aid Bureau
Thomas L. Buller, Director
8th Floor, County Building
Mt. Clemens, Michigan 48043

Greater Lansing Legal Aid Bureau
Carl H. Kaplan, Director
P.O. Box 1071-- 300 N. Washington
Lansing, Michigan 48933

Oakland County Legal Aid Society
Dorothy L. Cottrell, Director
10 W. Huron
Pontiac, Michigan

This is an unpaid, unsolicited, unwarranted and untoward political announcement: **HUMPHREY**

The People's Democrat

Students interested in working on the campaign of Senator Hubert H. Humphrey, who would like to be connected with the Humphrey for President Committee in their home states, or who would like further information, are invited to call Alec Bensky at 764-8932, or stop by H-13 Lawyers Club.

LAWYERS CLUB 1972-73

Many more single rooms are available in the Club. New lounge and laundry facilities (a wire-back chair secreted out of Dominick's and a new washboard). New rates

(scaled to match rises in the cost-of-living index).

Room selections due April 11th. Watch next Week's R.G. or inquire of Club Manager, Max Smith for particulars.