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RES GESTAE

Summer
Is Gone

Volume 4, No. 14

"Exhaust all legal remedies."

September 25, 1970

KUNSTLER!

William Kunstler, Attorney-at-Law, will speak to law students prior to his talk to the campus Sunday night at Hill. He will address law students and answer questions in Room 100 of Hutching Hall at 4:00 p.m. No pecuniary charge will be required.

"We troublemakers would be in deep shit if it weren't for our movement lawyers-fighters like Kunstler. . .

"Everyone else in the courtroom is playing a game. For the judge it's a game. For the prosecution, it's a game. For non-movement lawyers, it's a game. But movement attorneys breathe, play, worry, fuck, suffer with us. When we are on trial, they are on trial. When we go to jail, they go to jail. They cannot afford to be cynical like everyone else in the courtroom. They are defending their brothers."

p. 160—Do It! Jerry Rubin

Dean Selection Committee 'picked'

A faculty-student committee has been formed to select a replacement for retiring Dean Allen.

The committee consists of six faculty members and two students. The faculty members are Professors Browder, Israel, Reed, Regan, Vining, and Hawkins, Chairman.

Student members are Wayne McCoy and Dave LeFevre.

Selection of committee members was made by University officials. Vice-President Allen Smith, asked Dean Allen to submit a list of from 9 to 12 faculty and 4 to 6 students from which President Fleming would select the committee members. Dean Allen polled the faculty for 12 names and submitted them to President Fleming. Fleming then selected six.

Dean Allen contacted Dave LeFevre as President of the Board of Directors and asked him to submit 5 student names to Fleming. According to Board member Ken Siegel, the Board decided, after consulting by phone with out-of-town members, that the most representative students available during the summer were Board members who happened to be in Ann Arbor. Therefore the names of the six Board members in Ann Arbor at the time were submitted to Fleming.

Siegel said the Board wanted to wait until students returned in August to allow a more representative selection process. But Vice President Smith urged that the names be submitted as soon as possible to allow the work of the committee to begin. Siegel said the Board felt "intense time pressure".

The six names which the Board submitted were divided into 2 groups with a stipulation that Fleming pick one student from each group. The groups were Dave LeFevre, Justin Smith and Dorian Sonnenschein; Perry Bulhard, Don Tucker, and Ken Siegel.

Fleming then requested that the names of some black students be submitted in addition to the Board's list. The names of BLSA President Ed Fabre and BLSA Vice President Cornelius Harris were submitted. Smith asked for the names of other Black students. He said more

(continued on page 6)

The Unauthorised Version

The Law is my task-master; I shall not rest--
It maketh me forsake the football game;
It leadeth me towards the Library;
It bloweth my mind;
It toweth me through hours of reading
for my grades' sake.
Yea, though I work fourteen hours a day
I won't make Law Review
For cases confuse me, and my P & R
harasses me.
The Professor calleth on me in the
presence of my classmates,
When I haven't prepared my assignment.
Surely statutes and cases shall plague
me all the days of my life--
And I shall dwell in the Law-Quad forever.
--S. Abrams

Environmental Law Society

The Environmental Law Society is now working on the following projects: revision of the Environmental Law Handbook, research supporting Wild Rivers legislation in the Michigan Legislature, noise pollution at Metro airport, thermal pollution of the Great Lakes, Speakers Bureau, etc.

If you are interested in any of these projects or have ideas about other projects, please call 763-2176 or 769-3939 or stop at the office in Room 234 of Hutchins Hall (clerk of the court's office).

Why No Sign-up?

Will you be dining with Kunstler Sunday evening? In the past the masses of the law school student body have had a chance to sign up on a first come first served basis for such meals with visitors. Why not this time Board of Directors?

In and Around Ann Arbor

Many of us come to the Law School, sit around the Quad all day, and don't really know about anything interesting to do around Ann Arbor. We aren't about to suggest that there is an awful lot to do here (ever think about going to a good restaurant? There aren't any), but a few diversions do exist. From time to time we hope to suggest some. This week-- food.

1) If you haven't been to the Farmer's Market, you're really missing something. The open-air market is on the corner of S. Fifth and Detroit, and operates Wednesday and Saturday. Although the market is so popular that it's a little too hectic now, it's still a trip.. Farmers bring in their produce (along with Salinas Valley lettuce and North Carolina tomatoes) and you can walk by their stalls and pick out the freshest fruits and vegetables in town-- not to mention homemade jams and pottery.

2) A couple of stores in the area are also worth visiting. The Kitchen Port, across the street from the Farmers Market, deals in exotic cooking implements, spices, and teas. It's outrageously expensive but fun to browse in (and they have free freshly ground coffee). If you're into natural foods at all, check out Your Health and Nutrition at the foot of North Ashley. Even better is the Eden Natural Food Store above the bike shop on William. They have good organic brown rice and Tamari soy sauce. At the end of the month Eden will be moving into the old Marshall's bookstore on State, along with the Bead Bag and a couple of other stores.

3) Finally, there are some out of town food trips which are really great. Best is a drive or bike ride out to the Dexter Cider Mill. It's west on Huron River Drive about 10 miles. The Mill has freshly pressed cider and homemade doughnuts in a beautiful country atmosphere which is not at all plastic. Delhi Park, on the way back, is one of the best parks in the area.

--hole in the wall gang

Coming DOWN in the COURTS

Although the Law School can get pretty boring, there's no reason it should be that way. One problem with this Law School, of course, is that we have almost no institutionalized clinical programs. This we have little opportunity (except for "extra-curricular" activities such as Legal Aid, Lawyers Guild, or the Milan Prison Program) to get involved in the process of the law and the process of being a lawyer. The answer is for students to demand more clinical programs and law professors who are also practicing lawyers.

A second source of boredom is the fact that all too often students are unable to see the connection (if there is one) between what we are taught in class and what's happening in the country and the courts. That's too bad, because the law is important and often exciting. Any perusal of a newspaper will offer effective proof of the fact that current legal struggles have a great impact on people's lives and environment. Sometimes the impact is progressive and beneficial--too often it is dehumanizing and repressive. Frequently the cases offer intellectually stimulating new approaches to the law.

A few random examples of recent cases are in order:

1) Currently docketed with the Supreme Court is the case of LSCRRRC v. Wadmond, 299 F Supp 117 (SDNY 1969). Arthur Kinoy, representing the Law Students Civil Rights Research Council, Lawyers Guild, and individual plaintiffs, is arguing that the New York Character and Fitness requirements create an unconstitutional chilling effect of the First Amendment rights of Law Students. A Supreme Court decision should come down this fall.

2) Last may, Judge Skelly Wright held in Javins v. First National Realty, Poverty Law Reporter Par. 11, 4 34 (CADC), that because feudal property relationships have little relevance to the problems of urban apartment dwellers, the traditional doctrine of independence of covenants should be scrapped in favor of a straight contract approach, and that the D.C housing code will now be implied into the landlords' covenants;

3) Last fall the California Supreme Court cleared up a fascinating fiduciary duty concept in holding in Jones v. Ahmanson, 81 Cal. Rptr. 592, that majority shareholders owe a direct fiduciary duty to minority shareholders whether or not any harm to the corporation is shown.

4) California v. Green was decided (7-1) by the Supreme Court at the end of the term. (Mr. Justice Brennan dissenting). It will permit use of preliminary exam testimony at trial as substantive evidence in some instances even where the witness is available and able to testify. Many criminal lawyers take an extremely dim view of the decision, noting that the Court's notion of what occurs at a normal preliminary exam is badly lacking in a real world counterpart.

5) Dandridge v. Williams, 397 U.S. 471 (1970), was equally disappointing in its treatment of the needs of poor people. Applying what had been an economic regulation test to the equal protection challenge of persons seeking to live on a subsistence level, the court permitted Maryland to set a family maximum in AFDC payments (which are supposed to be allotted in proportion to individual needs). Many welfare lawyers view the opinion as the end of the road in attacking welfare laws.

Thus this column. Each week we plan to give short descriptions of a few of the more interesting cases working their way through the courts. We encourage students to do more research into some of the cases and write short statements of recent

developments. To supplement the case descriptions, we will try to compile a monthly list of the more relevant articles appearing in current journals.

This first week we will list some of the resource materials which may prove helpful in finding out what's coming down in the courts:

--U.S. Law Week (essential. Good, short descriptions of federal cases, and the first complete Supreme Court opinions)

--Criminal Law Reporter and the Environmental Law Reporter

--Nedrud on Criminal Law

--Clearinghouse Review (Published monthly by the National Institute for Education in Law and Poverty. Connected with Neighborhood Legal Services and essential)

--Selective Service Law Reporter

--Criminal Law Bulletin

--College Law Bulletin

--CCH services on a wide variety of topics, including poverty law

--The Review of Securities Regulation (published by Standard and Poor, right on top of the law--and the library doesn't have it)

--Law Reviews (including new publications such as the Yale Review of Law and Social Action and the soon-to-be-published Environmental Quarterly)

-- tribe

Narcissism of the Week Award --

This week the award goes to the campaign rhetoric for the Lawyers Club Board of Directors election.

On Monday, September 28, 1970, Dean McCauley will speak at the Lawyers Club Lounge on RECRUITMENT AND ADMISSION OF WOMEN. The meeting will be held at 7:15 and there will be a question and answer period. Any interested persons are invited to attend.

FOREIGN LANGUAGE LUNCHEONS

By popular demand, the days of the French and German luncheons have been changed. The German lunch will meet on Thursdays and the French lunch will meet on Fridays from now on. The times will be the same, 12:00. If these times are inconvenient, please leave a note at the Law Club desk. Also, some interest has been expressed in a Japanese lunch. Would all of those interested leave a note at the law club desk. If enough interest is expressed, a Japanese table will be set up.

not-ab-le

Overheard in the Law School:

"If Professor Browder is appointed to Dean Julin's position, the Law School will be run by Kuklin, Fran, and Olin."

• • •

Graffiti from the Basement:

Is a prostitute a civil pro?

• • •

Be sure to take in Full Faith and Credit at the Martha Cook Mixer Saturday night-- (Girl Law Students take note, all members of the Lawyers Club are invited).

Take heart. You are not the only one the law school makes a little schizo. One of us was seen in class this week wearing a ruffled blue work shirt under his spiffy blue blazer.

Don't forget to keep smiling and eat Crunchy Granola for breakfast.

EDITORIAL

The Placement Office, especially Director Ann Ransford, does a monumental job. Last year, with more than 100 fewer registered student interviewees than this year, they scheduled over 5000 interviews in a nine-week period, a truly Herculean task. Most experience with the placement office shows them to be exceedingly helpful and efficient for which they are owed a debt of gratitude.

In order to maintain standards of fairness in realistic and appropriate evaluation, the office has a policy of not acceding to an interviewer-firm's request that only top point average students be seen. It can only be assumed that part of the reason behind this policy is that grades do not offer the proper means of evaluating a person, and, in fact, as our recent series on academic incentives has brought out, they can be as much hindrance in the creation of a good lawyer as help. The placement office has thus adopted not only a fair policy, but one which also serves to educate the employer.

It is therefore incomprehensible to us why the same Placement Office in its policy for selecting standbys to interview when an employer finds time or manpower in which to see a few more students, will, at that point, go along with an interviewer's request that only the highest grade point averages be seen. Not people, but numbers. We can only assume that the Office did not clearly understand the rationale behind their original, fairer policy. While it is true that they have not "suggested" to firms that they follow this stand-by policy, and also true that they did tell students about it, this is no justification for the continuance of what seems to us to be a discriminatory and educationally unsound method, especially since there will

be a great expansion of the stand-by system due to the large number of enrolled students in the placement program.

As this issue is now being reviewed by the Administration, we hope that the Placement Office will not, as part of this educational institution, foster, in any way more than is necessary, the insensitive, statistically oriented method of our business community.

-- R.T.

* * *

(continued from page 1)

Deanship Committee

black students' names were requested because Fleming wanted a black junior on the committee. (Fabre is a senior, and Harris did not return to law school). From these student names Fleming selected McCoy and LeFevre.

According to Chairman Hawkins the committee's time has so far been largely devoted to working out an effective method of polling students for suggestions for a new Dean. Possibilities being considered are an open meeting, a questionnaire and a general request for recommendations.

In the words of a recently published statement by the committee, "The committee will seek recommendations from and consult widely with faculty, students, alumni and other interested persons."

--Mike Hall.

FOREIGN STUDY/RESEARCH FELLOWSHIPS

Seniors:

The Fulbright-IIE application forms have now been received together with the explanatory literature; those seniors who intend to make their application this fall to spend the academic year 1971-72 abroad should see Mrs. Gomes (L.R. 973), Assistant to Professor Bishop, immediately. The applications must be in by mid-October; campus interviews will take place between November 15-20, 1970.

Editor: Roger Tilles

Associate Editor: Tom Jennings

Feature Editors: Mike Hall, John Powell

Articles Editor: Mike McGuire

Staff: Joel Newman, Helen Forsyth,

Connie Gale Richard, Bert Kau,

Bob Spielman, Freddie the Pig.

HOLD IT

Why is there a sign on the door of Room 309 Hutchins Hall that limits the use of that room to staff? Is it a secret conference room where high level decisions are made? A records room where confidential information is kept? What is this special room that students (and presumably faculty since the sign says staff) shouldn't use?

It is a restroom. A much less conspicuous sign--posted lower down on the door--further limits the use of the room to women.

There is a similar men's restroom on the third floor, though its discrimination against students is much more artfully concealed (there being no sign to call attention to it).

What if a student should find him or herself in need of a restroom when on the third floor? The only logical explanation is that he or she must go down to the basement and use the unrestricted facilities there.

There are actually several restrooms located on different floors on Hutchins Hall and the Legal Research Building, but many students go through their entire legal education without ever realizing that it is possible to find a restroom without going to the basement.

In one instance an egalitarian staff member, with an appreciation of the absurdity of the situation, removed a sign limiting the use of a women's restroom (on the tenth floor of Legal Research) to staff members. In this case the removal went unnoticed, the door was unlocked, and the room is now open for use by mere students.

Effecting a similar result on the third floor of Hutchins would be more difficult. It is within easy view of the parties in the administration who instituted the banning of students and apparently have an interest in the status quo.

Isn't the Law School the place where one studies equity, where one learns that invidious discriminations are suspect, that arbitrary and capricious discriminations are not favored?

Are the things that the staff and faculty do in restrooms so different that the rooms can't be open to students? If not, why the distinction? Students are not issued keys to "their" restrooms so that faculty and staff can't come in.

If a student should become acutely ill on any floor but the basement, he or she could be forced into a very uncomfortable situation to say the least.

Perhaps more significantly, the whole situation reminds one of "separate but equal". The situations are similar in that they both generate "a feeling of inferiority" as to the status of the groups discriminated against. And as the Court states in Brown, "A sense of inferiority affects the motivation . . . to learn".

It would appear that this is another of a group of policies--that are pointed out in Jerry Farber's book The Student As Nigger -- that are intended to point out the inferiority of the student. Is it the policy of the Law School, reminiscent of Jim Crow laws, to make students feel inferior by separating them from their "betters" by making them go to the basement to use a restroom?

--Mike McGuire

* * * * *
fire drill 

There will be a test of the fire alarms on Tuesday, September 29. The alarm will be rung in Hutchins Hall at 2:00 p.m. and in the Law Library at 2:30 p.m. Anyone in either building who does not hear the alarm at the scheduled time should notify James J. Gribble, Assistant to the Dean. Evacuation of the building or other extraordinary activities are not required during the test.

The coveted Dominick's submarine award goes out this week to Herb Pappenfuss, who was one of two entrants to correctly pick 17 of the 20 games. Herb, however, bested his adversary by coming within 3 points of the actual Michigan-Arizona game score. This feat was accomplished by following the Hammer Twins' line in all but one game. Let this be a lesson to non-believers: YOUR FEARLESS PROGNOSTICATORS' PICKS CAN NOT BE BEAT. Our record (90%) speaks for itself, sports fans.

-- The Hammer Twins

P.S. Circle your picks and deposit this sheet in the box at the Lawyers Club Desk or outside of Room 100 before 12:00 Noon on Saturday. Also pick score of Michigan game in case of ties.

1. MICHIGAN vs Washington Despite Michigan's meatball performance . . .
2. Air Force vs MISSOURI The wild blue yonder looks gold and black .
3. American International vs NORWICH Yellow Jackets in midst of a 3-game losing streak.
4. Amherst vs SPRINGFIELD The Chiefs in a heartbreaker.
5. Army vs NEBRASKA Cornhuskers to shuck Cadets.
6. BALL STATE vs Butler Ball State on its name.
7. U. OF CALIFORNIA vs Indiana Hoosier pick?
8. CINCINNATI vs William and Mary Bearcats claw the Indians.
9. Dartmouth vs U. MASS. All Amherst teams are tough.
10. GLASSBORO STATE vs Jersey City State Profs teach State a lesson.
11. MICHIGAN STATE vs Washington State No doubt about this one . . . again.
12. Middlebury vs WESLEYAN Cardinals schedule a toughie.
13. MONTCLAIR STATE vs Delaware State With Clazy Anderson as coach, how can you lose?
14. MOUNT UNION vs Grove City Mount Union hits Fat City.
15. NOTRE DAME vs Purdue God squad to nail Boilermakers.
16. OHIO STATE vs Texas A&M Watch out for Kern and Co.
17. Oregon vs STANFORD Jim Plunkett in a duck shoot.
18. Princeton vs RUTGERS The gentlemen from Nassau Street meet the real world.
19. Trinity vs WILLIAMS The Purple Cows moo.
20. Washington U. of St Louis vs WABASH Little Giants stomp.

SCORE OF Michigan/Washington game: Mich. _____ Washington _____