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University of Michigan Law School

res gestae

Vol. 4 No. 5 "Exhaust all legal remedies." February 20, 1970

Law Review Selection

The Law Review Junior Staff Wednesday accepted a proposal allowing for a Spring writing competition to determine places on the Law Review. The proposal which will now be presented to the faculty by Professor Miller at its next meeting, provides for the selection of a maximum of five students for Law Review through legal writing competition. These students will join the thirty staff members selected by first year grades.

A committee consisting of Noel Anketell, Jim Barnes, Andrew Gifford, and Jason Horton drew up the proposal. The idea has been discussed for three years now, but this is the first time a concrete proposal has been developed. The Law Review committee also met with members of Prospectus so that conflicts with that publication would be kept to a minimum.

If the proposal is put into effect, it will be on a one year experimental basis. The competition will be held over a three-week period, starting the week before Spring Vacation. Topics will be selected by the staff of the Law Review and Prospectus. A student can compete for a position on one or both of the publications. Selections will be made separately, and if any student is selected by both publications, there will be a draw on an alternative basis: Review picks one, Prospectus picks two, Review three, etc.

The committee acted because of mounting pressure both from within and without the Review to reform the selection process. In addition, there is growing dissatisfaction with the grading system. Other law schools have acted in response to similar pressure.

A Spring competition was necessary because the editors of Prospectus felt that a Fall competition would interfere with its regular selection process, and a Summer competition would give those students who resided near superior research facilities which would be an unfair advantage.

The Spring competition is not favored by everyone. Professor Miller, who favors an opening up of the Review selections, questioned whether first-year students would be "up" to compete right after finishing Case Club.

Faculty members who teach first year courses were contacted by the committee. Their general feeling was that although the competition would probably adversely affect class performance, the problem was not determinative.

Dean Allen stated that he thought the competition would enrich the law school experience by interesting more students in legal writing and that it might provide relief from "post Case Club let down."

According to the committee report, the primary aim is to improve the quality of the Law Review rather than assure equality in selection, and the competition is not meant to be the ultimate answer to the problem.

Nor, as Jason Horton, mentioned in his comments to the committee report, does the report deal with the question of the relationship of the different law school publications and extra-curricular activities.

A joint Law Review-Prospectus committee will be formed to implement the competition. They will, if the proposal is accepted, call a meeting of first year law students during the first week of March to explain the selection procedure.

PROBLEMS AND PROBLEMS

Much agitation has been building in recent weeks around the Problems and Research required course for second-year students. Faculty and students have both been calling for broad changes in this program, designed to allow students an opportunity to write, and have this writing evaluated by responsible critics.

The most serious charge against the course is that it does not accomplish what it purports to offer. Even with the program divided into five sections, which students can choose to suit their interests, the fact that sections have thirty or more students makes what could conceivably be a realistic approach to clinical law into a hypothetical, irrelevant experience.

Many also feel that there are better alternatives available at present to accomplish the established ends. Law Review, Prospectus, Campbell Competition, and certain research assistantships, under supervision of willing professors, will now exempt a student from the P & R requirement (although no credit is given, at present, for these activities). While the first three will guarantee an exemption, the research assistant allowance will only be made on an ad hoc basis, as the request is made. At present only students who have professorial supervision can ask for exemptions, and, it is argued that many students involved in other legal pursuits involving writing and research fulfill the objective as well, if not better, than P & R does at present.

When asked about his selections, Dean Proffitt mentioned that for three years he has uneasily been granting these exemptions on a case-by-case basis. A year ago, Proffitt asked the Curriculum Committee to establish guidelines for P & R allowances. At that time, the Committee did not act because of practical problems and apparent indecision. The Dean has again this year asked the Student-Faculty Curriculum Committee to act.

The exemption seems to be part of a larger problem lingering with the program. The problem is that many students want more clinical law involvement in fields of interest to them. P & R, by pretending to fulfill that need, by its presence, hinders attempts by motivated students who cannot get exemptions. They, therefore, find the P & R experience meaningless, and put it last on their list of priorities.

Commenting on the P & R problem, Professor Sandalow expressed the belief that P & R could be merged with the Case Club program in the first year. A student could choose from a number of areas of clinical work in his second year, if he wanted, and could go on to higher research in his third year. Professor Miller showed enthusiasm for this type of program, which, he said, could also offer a solution to a competition Law Review positions, based on writings done in the first year in such a merger of P & R and Case Club, both of which are floundering now.

It is hoped that the Student-Faculty Curriculum Committee will soon arrive at some kind of solution to the P & R problem. Students should make their views known to Jim Graham, Paul Chassy or Bill McNeil of the Student-Faculty Committee or by letter to this newspaper.

Roger Tilles

CLINICAL COURSE EXPERIENCE
The Students View

For this student, Clinical Law offered in part a chance to evaluate one kind of practice. Ann Arbor's Legal Aid Clinic perhaps approximates a small to medium sized town's practice, without the problems of taxes, businesses and estates. If Clinical Law students had not been so well protected from the flow of problems which came in the door and over the phone, they might have gained a better feel for the "shoot from the hip" requirements of a lawyer whose clients cannot afford hours of fumbling research, and of the advantages of experience over ability to use books in determining how to proceed. An exposure to Clinical Law gives the student who is uncertain about counselling vs. advocacy, careful research vs. superficial but necessarily quick answers, and specialization vs. general practice something concrete to base a judgment upon.

The experience of the course impressed upon me the centrality of procedure, the importance of negotiation and settlement, and the indispensability of complete candor and trust on the part of both attorney and client. Some of this undoubtedly is due to the nature of the problems we handled. Thoroughness of preparation on the facts and the law repeatedly showed itself beneficial, even if utilized in relatively obvious and simple-minded devices like citing in a letter to a creditor the number of the statute which defeats his claim against a client, or dropping selected pieces of statutory information on the opposing lawyer's toes to persuade him to back off or compromise. In a way it was unfair: we spent, often, hours of research on topics the other side had time to spend no more than minutes on, if indeed they got to them at all. Some of our research time admittedly was simply for purposes of bringing our level of basic information and competence up to par on a subject; but the extra duty frequently proved gratifyingly effective.

All this, to be sure, will be learned all over in the first six months of practice, but exposure now to the rewards of ethical conduct and conscientious preparation is surely not premature. I, for one, doubt that standards of professional conduct and work can be taught; they can only be learned -- or, at least, can best be learned -- through personal experience, and the sooner the better. But a good mentor helps, particularly if he has time to give. For this reason alone Clinical Law as structured for experimental purposes this summer should be retained.

I think the concern about the expense of teaching the course should not be exaggerated. Nearly all would agree that they learned what they know about an area of the law in large measure through close cooperation with a small group of people. Legal knowledge can perhaps be efficiently taught by an able man in large courses several days a week. But how to manipulate this knowledge, integrate it, and apply it to a client's particular situation takes a great deal of time-consuming collaboration. If good legal services are expensive, then we should not recoil from the fact that good legal education is too.

I thought the seminars and visits to County Building offices were each worthwhile. I was disappointed that we never saw the Friend of the Court (depressing though it might have been), and I would suggest adding the Probation Officer and some reasonably circumspect and articulate member of a police force, as well as the county prosecutor. I thought the attempt at informal settings laudable, but would exchange an attempted presentation of complicated federal housing statutes in a noisy beerhall for a get-together with several local practicing attorneys (of different specialties) for anecdotes and directed questions. I think more reading could be requested in the course, though with caution because of the demands that some of the problems

place on time needed for research. Perhaps we should read Martin Mayer's book, or Llewellyn's The Bramble Bush, since we never get these elsewhere, or perhaps it should be more of the practical material from Trial Lawyers Quarterly, for example. A seminar on legal writing would be helpful, particularly since this is a void in the curriculum, as it formerly was not. This would also do something to compensate for the lack of attention given our drafts of pleadings because of the need to get them completed and filed promptly.

I could not conclude without a word about the opportunity the course gave to work closely with fellow students and a professor on common goals with common resources. I had not had this opportunity before, and I should like to see this avenue to it kept open. I believe it merits just as much attention as case clubs, legal journals or seminars as a means toward what we presumably all seek: a community cooperating for professional excellence.

William A. Irwin

Letters

[This newspaper, as a forum for Law School opinions welcomes letters on all relevant topics. All letters should be double-spaced typed, and submitted to the Res Gestae mailboxes at the Lawyers Club desk and on the third floor of Hutchins Hall by Wednesday morning, 8:00 a.m.]

SEX DISCRIMINATION IN RECRUITMENT

(The following letter was sent to the faculty by Kappa Beta Pi Legal Sorority as a response to alleged discrimination against women by law firms recruiting at the Law School. The Sorority is now awaiting a prompt response from the faculty.)

The members of the Xi chapter of the Kappa Beta Pi Legal Sorority and the women law students of this law school are becoming increasingly aware of the sex discrimination practiced overtly and covertly by the law firms and companies which recruit students from the University of Michigan Law School.

Last October 27 and 28, 1969, Mr. Leo Larkin, Jr. and Mr. Robert A. Lindgren of the New York law firm of Royall, Koegel and Wells interviewed here. Monday evening, October 27 they invited several male students they have interviewed that day to a cocktail party. In response to a question posed by Mr. Martin Weisman, Mr. Larkin made several remarks about the firm's policy towards hiring women which were interpreted by those present as discriminatory. His remarks were widely disseminated within the law school and brought up at the interviews of both Miss Priscilla MacDougall and Miss Pamela Liggett with Mr. Larkin the following day. We have contacted all but two of the men who interviewed with the firm Monday, October 27, and the statements of those who attended the cocktail party and heard Mr. Larkin's remarks follows:

1. Mr. Martin Weisman: Mr. Weisman says he raised the discrimination question as he is Jewish himself. Mr. Larkin said that there was not very much discrimination on Wall Street as pertains to Jews and Negroes, but that there was "really" a lot against women. Despite what the Acts (Civil Rights Acts) say, Mr. Larkin said, it is no good to invest in women when they only stay a while, get pregnant and leave.

2. Mr. Alan H. Richardson: Mr. Larkin told him it was the firm's policy not to hire women. He was "pretty blunt" about the fact. To justify the policy, Mr. Larkin said that women are not worth the expense because they leave after a couple of years. Mr. Larkin said that

the chances of female law students are "pretty slim."

3. Mr. Lawrence A. Young: Mr. Young "vaguely remembers" the conversation, remembers its having involved Mr. Martin Weisman and that Mr. Larkin exhibited "reluctance" to hire women.

(A fourth student who participated in the conversation does not wish to be quoted.)

Upon hearing that these representatives of Royall, Koegel and Wells had made such remarks, Dean Julin requested Miss Ann Ransford, Placement Supervisor, to write the firm a letter enunciating the University's policy of nondiscrimination. In response to her letter Mr. William R. Koegel wrote that Mr. Larkin had only made a facetious remark concerning the tardiness of one of the firm's associates in making diary entries. Since then firm has been apprised of the accounts of the male students listed above.

In our opinion sanctions should be applied against this law firm. We feel an appropriate sanction would be to forbid the firm to recruit at the University of Michigan Law School for at least one year or until such time as the faculty and women of the law school feel the firm has revised its policy towards hiring women.

We feel also that if such a step is taken, notice thereof should be given to all the firms and companies that interview here.

Since Dean Julin in a conversation with Miss Priscilla MacDougall January 24, 1970 indicated that several other law firms probably discriminate against women, we feel that now is an appropriate time to apply sanctions to all such firms you may know of.

We ask your opinion as to the feasibility of bringing a Title VII suit against Royall, Koegel and Wells. The individuals involved are naturally concerned about being "blackballed" by such an action, and we wish the moral and monetary support of the University of Michigan Law School before undertaking it.

Kappa Beta Pi Legal Sorority

GRADES: A REMNANT OF THE PAST

There are many reasons why the anachronism called grades should be abolished. A few of these reasons will be considered here.

Grades are an inaccurate indicator of a student's capacity to perform as a lawyer. Lawyers do many things. They write briefs, they go to court, they negotiate, they draw up contracts and wills, but they do not take law school examinations. No client ever walked into a lawyer's office and said: "Here is my problem. You have just 45 minutes to analyze it, come up with a solution, anticipate opposing counsel's arguments, and come up with counter-arguments to his arguments. You cannot do any research. If you forget a principle, that's too bad; you can't look it up." Clearly, taking a law school exam is something distinct from what lawyers do. For this reason, grades on law school exams are not valid predictors of a student's ability to function as a lawyer.

Despite the invalidity of law school examination grades as a measure of ability to be a lawyer, the exams themselves are often valuable and thought-provoking learning experiences. They would be even more so if, after the exams were over, students discussed among themselves and with their professors the various ways in which the hypotheticals could have been analyzed and argued. Unfortunately, very little of such give and take learning occurs. Instead, most students refrain from discussing exams at all for fear of discovering points

they overlooked or issues they misinterpreted. Such discoveries arouse anxiety because they bring to mind the recognition that one's grade will be lower than it could have been. Thus, by discouraging dialogue on exam questions, grades have found another way to vitiate our legal education.

Grades are an impediment to the development of new ideas in the law. The law school has many students capable of highly critical and creative thought. There is considerable potential on the part of individual students for critical analysis of the law and innovative contribution to legal thought. Regrettably, for the most part such critical and innovative thought does not take place here because the pressure for grades causes students to feel compelled to analyze legal problems the way in which their professors do. Thus, grades have the effect of stifling original ideas and much-needed growth in the law.

Proponents of the present grading system argue that the elimination of grades will necessarily mean a concomitant elimination of feedback for students. This supposed "defect" of a pass-fail system is illusory. Students who desired to could still be graded under a pass-fail system only the grades would not appear on the student's record but rather would be a confidential matter between the student and the professor. Hopefully, however, a more revealing, more individually oriented feedback system will be developed.

It must be recognized that a law school's primary responsibility is to society and not to the private, corporate firms. The grading system exists to provide a pecking order for these firms but in adulterating our learning experience and stifling the development of critical, innovative legal thought, the grading system causes students to be less prepared to confront the legal problems extant in the society. Thus, the interests of society are subordinated to those of the Wall Street giants. Such an ordering of priorities is unjustifiable, especially at a state institution.

The argument which is most likely to affect that bulwark of tradition and elitism, the faculty, is a very practical one. Berkeley, Harvard, Chicago, and Stanford all have pass-fail on at least an optional basis. Other leading law schools will almost certainly follow. It will not be long before pre-law undergraduates all over the country become aware of which law schools offer pass-fail and which do not. Indeed, the schools which have pass-fail will say so in the catalogues they send to prospective applicants. Michigan will have difficulty competing with other schools of comparable quality which offer pass-fail. Two members of the first-year class have commented to me that had they known a year ago that Berkeley was on pass-fail they would have attended Berkeley instead of Michigan. Pass-fail is being used more and more in undergraduate institutions across the nation and as pre-law students become increasingly used to pass-fail, the probability of their being attracted to law schools which offer pass-fail will likewise be increased. Let us hope that an ironic situation is not in the making--an ironic situation in which the faculty preserves the grading system in order to insure a high level of student performance but where it turns out to be just that grading system which lowers the level of student performance by lowering the quality of future incoming classes.

Kenneth Siegel

ADMINISTRATIVE COMMITTEE REPORTS ON RECENT ACTIVITIES

At a December meeting of student representatives to the student-faculty committees, it was suggested that the student body should receive more

information about the operation and function of the faculty committees. Accordingly, you are about to be informed of the doings of the Administrative Committee of which I am the only student member.

The Committee is composed of Messrs. Proffitt, Julin, Wellman, Kennedy and myself. The bulk of the business of the Committee is to react to student requests for clarification, interpretation, or waiver of the academic regulations. Most of the requests are routine -- dropping and adding classes, extending the maximum credit hour load for one semester, fransferring from assigned classes. As a consequence, the standard requests are handled summarily by Dean Proffitt who makes himself available during classification and other times to all students who need help in these areas. If a student is for any reason dissatisfied with the dean's decision or if he has a more unusual request for the variation of a regulation, he may petition the Committee as a whole for relief. Illustrative of some of the petitions the Committee has received since I have been a member are: a request to remove an E from a transcript because of serious illness incurred during the final examination; a request for additional transfer credits from another law school; and a request to be excused from case club. Pending now before the Committee is a petition by a former student who failed too many courses, and is now seeking to be readmitted to the law school.

The Committee also is charged with handling cases of academic and non-academic discipline. Ordinarily very few disciplinary cases are brought before the Committee, especially in the non-academic area. If, however, the student should be dissatisfied with the Committee's decision on a matter involving non-academic discipline he may resort to the machinery of the Law School Judiciary Council which will hear his case de novo. The current faculty members of the Judiciary Council are Messrs. Hawkins and Polasky. The student representatives have yet to be named. In the last few years only one case which required non-academic discipline reached the Committee. That case involved the unauthorized expropriation of books from the library.

The third and final function of the Committee is to make recommendations for change, especially in the area of academic regulations. Of course, the recommending of new policy is not within the exclusive province of any committee. Accordingly, if any one, familiar with the operation of the academic regulations, has any brilliant suggestions for change short of revolution, see a member of the Committee.

Isaac Schulz

JUDGE CROCKETT TO SPEAK HERE TODAY

Judge George W. Crockett, Jr., a member of the Recorder's Court of Detroit, will address the Law School student body Friday, February 20, at 3:00 p.m. in Room 100 HH.

His topic: Reflections on American Criminal Justice.

This is the first of four lectures by Judge Crockett. Additional dates will soon be announced.

Judge Crockett indicates that he will entertain questions throughout the course of his lecture.

TODAY'S FILM FESTIVAL RESCHEDULED

By reason of Judge Crockett's lecture Friday, the second Film Festival originally scheduled for Friday at 4:00 in Room 100 HH has been rescheduled for Tuesday, Room 100 at 4:00 p.m.

AIR POLLUTION LAW SEMINAR

Thursday and Friday,
February 26 and 27

The Environmental Law Society in cooperation with the Lawyers Club is sponsoring a two-day air pollution seminar for all interested students and faculty.

The speakers will include attorneys Donald A. Nelson (graduate from Michigan in 1968) and Ed Reich from the U. S. Department of H.E.W.'s National Air Pollution Control Administration.

The sessions will begin Thursday, February 26 at 4:00 p.m. in Room 100 of Hutchins Hall. The topic for the first session will be federal legislation to be followed by a hypothetical problem and discussion session at 7:30 p.m.

On Friday morning an informal discussion session will be held in the Lawyers Club Lounge between 10:00 and 12:00. Friday afternoon alternative remedies and emerging trends in air pollution law will be discussed.

Roger Conner, President
Environmental Law Society
U of M Law School

LAW REVIEW TO PUBLISH MERITORIOUS WORK OF ANY STUDENT

Since some of the papers written for the seminars in this law school are probably of publishable quality, the fact that so few of them, if any, ever get published seems to be a waste of good legal material. It has always been the policy of the Michigan Law Review to publish such papers if they are submitted and if the staff feels they merit publication; but that fact apparently has not become generally known among the students, and thus no such works have been published, at least recently. Nevertheless, a few papers in each seminar are likely to be very thoroughly researched and to contain both good analysis and innovative ideas.

Accordingly, the Law Review has decided to make an affirmative effort to examine such material and perhaps to publish it. The Review will contact each of the seminar instructors both now and at the end of the current semester to see whether he has received any potentially publishable papers. If the Review accepts a particular piece, and if the student author wishes to allow the Review to publish his work, the paper will be published as a Comment, and the student author's name will be printed on the masthead page of the Review as a special contributor to the particular issue. If anyone has done work outside of the seminar context and would like to submit it for publication as well, the Review will be happy to consider the piece.

James R. Bieke
Editor-in-Chief
Michigan Law Review

COMMITTEE RECOMMENDS DROPPING REQUIRED COURSES.

The Curriculum Committee recommends that the faculty modify the requirements for the J.D. degree by eliminating Trusts and Estates I, Evidence, and Constitutional Law II as required courses. To permit the faculty to express independent judgments with respect to each of the three courses, the recommendation concerning elimination of each course requirement will be brought before the faculty as a separate motion.

The question whether any courses in addition to those offered in the first year ought to be required has so recently been examined by the faculty that it seems unnecessary to state the reasons which lead to the Committee's recommendation. In view of the dissatisfaction with our current requirements by substantial segments of the student body and of the faculty, the Committee believes that it

is appropriate that the faculty again have the opportunity to consider the question.

Paul Chassy
Luke Cooperrider
James Graham
John Jackson
William McNeill
Donald Regan
Terrance Sandalow,
Chairman

A REQUEST FOR STUDENT HELP FOR THIS YEAR'S ADVOCACY INSTITUTE.

The Institute needs student help for the Advocacy Institute. Three students are needed to help set up at Hill Auditorium and distribute course materials for the Advocacy Institute Program. About ten hours work will be required of each volunteer. The student will attend almost entire Advocacy and receive all materials in exchange for services.

Three students are also needed to drive university automobiles on March 5, 6, and 7 to chauffer speakers during the program. Pay $2.00 per hour.

Contact John Pearson, Room 420 Hutchins Hall or call 764-0533.

CASE OF THE WEEK

People vs. Andrews, ___ Mich. App. ___ (No. 8052) 2/13/70).

After eight years of refusing to believe that Mapp vs. Ohio applied to Michigan when either drugs or dangerous weapons were illegally seized by the police, a Michigan appellate court finally agreed that Michigan was a state in the United States and that there is such a thing as a Supremacy Clause in the Constitution.

REMINDER ON ELECTIONS TO THE BOARD OF DIRECTORS OF THE LAWYERS CLUB

-- Pick up petitions -- NOW!
-- Get them into the Law Club office -- by February 24.
-- The Election is -- March 10
-- We repeat: Elections -- March 10! (We made a mistake last week.)

SUPPORT YOUR LOCAL ROCK BAND

Full Faith & Credit opens at The Schwabin Inn on Ashley Street Friday and Saturday nights this weekend. We need your support.

B. Driver
Tom Trott
T. S. Givens
Red Eaman et al.

repression & the law

On Tuesday there was a noon rally in front of the law library to discuss the incidents surrounding the Chicago Conspiracy trial and to talk about the relation of the law school to what is happening in this country. Neal Bush, along with Ted Spearman of BLSA and Don Kestor, a local attorney, spoke on the issues. In addition, there was poetry recited by Charles Tife followed by a rebuttal from a woman involved with the woemn's liberation movement.

Bush told the audience of about 200 people (almost all of whom were students) that the present role of the law school was the production of "corporate lawyers." He stated that although other law schools have allowed their students to receive academic credit for doing work on political trials such as the Chicago Conspiracy trial, Michigan Law School has not yet done so. Bush also pointed out that faculty members from other law schools have involved themselves in these trials, but the Michigan faculty has not yet chosen to become so involved.

Bush then went on to emphasize the important role that is played by the political lawyer in our society. While noting the need for good political attorneys, Bush pointed out that this law school offers the student little opportunity to pursue a curriculum which prepares him for such a practice.

Following Bush's remarks, Ted Spearman of BLSA spoke on his experiences in the Juvenile Court of Washtenaw County and on the broader subject of the moral code of the lawyer. Spearman discussed the inequities of the juvenile court where defendants are constitutionally entitled to a jury of their peers, but in practice do not get one. He stated that while 37% of the juveniles tried are black, there is really only a 2% chance of a black juror sitting on the jury during the trial of a black defendant. In addition, Spearman pointed out that the prosecutor is entitled to five pre-emptry jury challenges which often means that any blacks who might get on the jury will be dismissed by the prosecutor through the use of one of his preempts. The political nature of these trials and thus the need for political lawyers was emphasized by Spearman.

Spearman then turned to a discussion of a moral code for lawyers. He explained that total involvement with the problems of one's clients is an essential requirement for an effective attorney. A man who lives in a way that is at odds with the principles he espouses is hypocritical according to Spearman. A full commitment is necessary and Spearman claimed that professional integrity and human integrity should not be disassociated. He objected strongly to the dichotomy of the person that exists in this country whereby an attorney preaches a doctrine of social consciousness but does not apply this philosophy to his private life. Spearman said that "We are playing at being free and are not so." He called for a total commitment on the part of these people who claim to be concerned with the important political crisis of our time.

The next speaker was Don Koster, a local attorney. He directed his remarks to the subject of what really happens in the courts followed by a brief discussion of law school. He told of one judge in northern Michigan who bound over one case to the appellate division because he didn't understand constitutional law. Koster also cited the repressive nature of Michigan search and seizure laws just recently changed by a court decision.

Koster then commented upon the role of law schools. He was critical of the high cost of Michigan Law School stating that poor people should be allowed to go to law school too. The fact that law schools act to perpetuate the status quo was seen by Koster as one of the most important defects in the American legal education system.

The crowd's attention was then focused upon Charles Tife who introduced himself as a speaker in favor of legalizing marijuana. What followed, however, was a loosely constructed poem on the role of man and woman in the world. His comments angered a young woman who complained of male chauvinism.

Tom Jennings ended the rally with a brief discussion of the legal problems of the Conspiracy trial. A more complete analysis was offered by Professor Miller at the Wednesday meeting in Room 100 in which an overflow crowd listened to Miller as well as Professors Israel and Chambers presenting analyses of various aspects of the proceedings in Chicago.

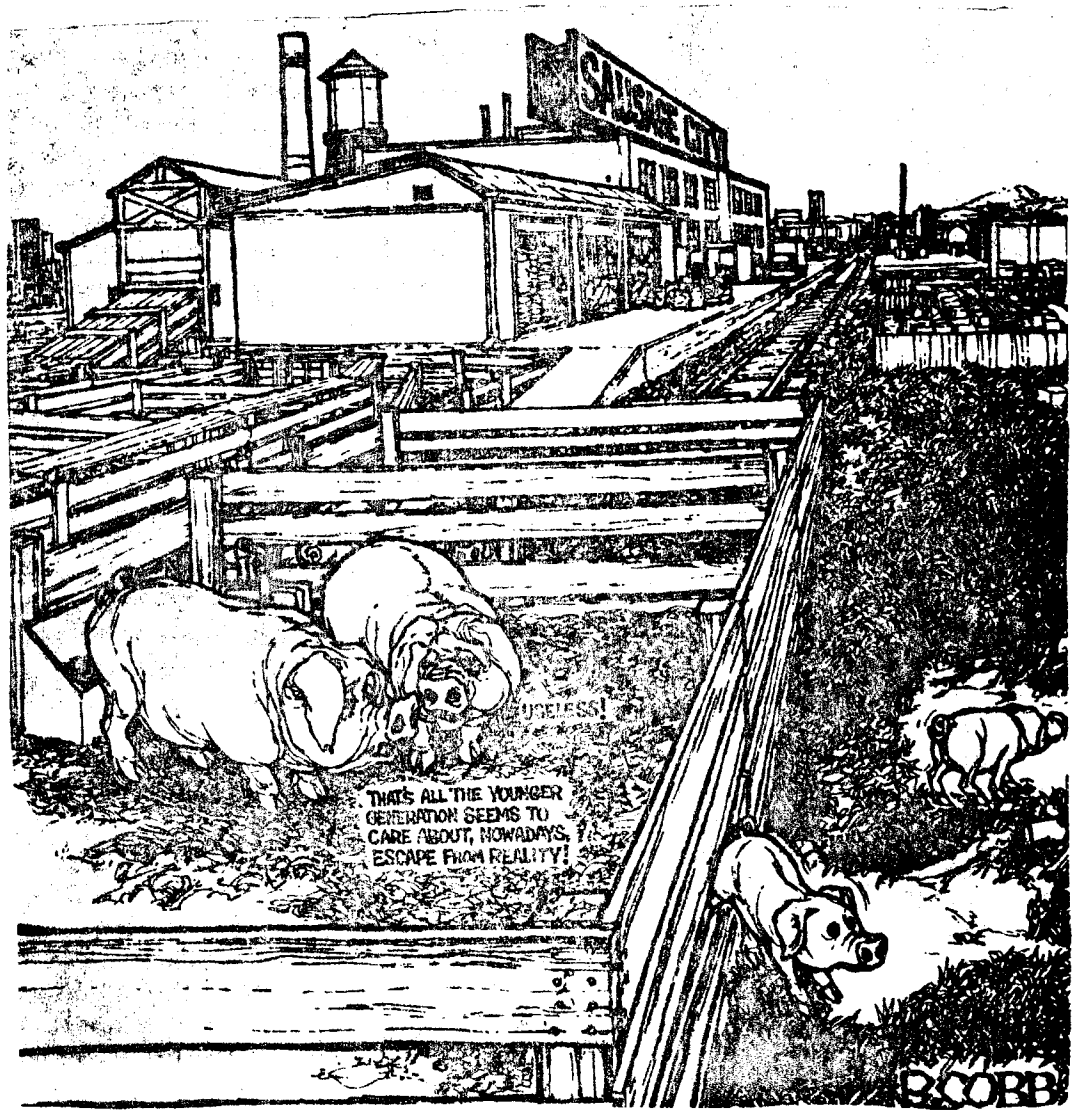
Professor Miller spoke on the historical basis of the contempt power. He touched on the various issues raised by the contempt citations -- the questions of the

use of the summary contempt power, the right to trial by jury, the propriety of Judge Hoffman's use of his discretionary powers, and the distinctions between the use of the contempt power on attorneys and on defendants.

Professor Israel questioned whether the Chicago trial deserved classification as a political trial. Whether or not defendants in such proceedings could receive a fair trial, he felt, depended on each individual case. Professor Israel attempted clearly to distinguish between the existence of laws aimed at the protection of society and whether the evidence in the Chicago trial showed that such behavior had transpired.

Professor Chambers talked about the concept of social justice. He opined that the Conspiracy Statute should not have been passed initially. He further questioned the relatively unbridled power of trial judges to deal with alleged contemptuous acts and the procedural difficulties encountered. Professor Chambers tempered his remarks by questioning whether the behavior of the defendants and attorneys at the trial produced implications for the judicial system which were to its ultimate disadvantage.

David Garfunkle



editorial:
A Day For Introspection

Today the "law school community" shall know whether it is a functioning conglomerate of students, faculty and administrators trying to establish a viable forum for internal communication and critical introspection or whether it is a myth made popular in the school catalogue and faculty rhetoric. The faculty, at today's meeting, will have the opportunity to unilaterally destroy the chances for success of the conference entitled "The Future of Legal Education at the University of Michigan" planned for March 4 and March 5, by refusing to approve or even recognize the students request to cancel classes during the conference.

There are many factors that make this conference much more important than just allowing the opportunity to students and faculty to mingle, discuss and analyze their roles in the legal education process. The first that comes to mind is the general feeling of increased interest in their own legal education that has surfaced this year, the grading system discusion, the clinical vs. classroom forms of learning, the initiative of students which helped bring the faculty-student advisory committees into existence and the subsequent active participation of students on those committees are examples of increased student interest in their legal education. In response to this increase, a group of students have been meeting since the fall semester to plan a program that would involve all students and faculty in a self-analysis and critique, and also to surface in each of our own minds what we feel are the needs that we have determined for our legal education to meet. These students in cooperation with the Board of Directors and the Dean's office have come up with the idea of a conference that would stimulate the students and faculty to make such analyses and then to determine if change is necessary to meet the needs of the "law school community."

The faculty decision today could destroy the potential for such analysis very easily. By holding classes as usual the students will continue to prepare for those classes and the faculty will continue to prepare their lectures. The primary purpose of holding the conference during the week was to provide a stimulus to the community to take a break from their ordinary work to concentrate on a very important period of self-analysis. Without this stimulus and its necessary approval by the faculty, both students and faculty will feel pressed to continue their "work as usual" and will not take the time to participate in the program. The question therefore becomes one of utility for the faculty. They must balance the negative effects of the loss of classroom time with the potential positive effects of trying to bring forth both students and faculty in an open forum to discuss their common bond: legal education. The balance seems clearly to fall to the side of the conference.

There are several general assumptions that the faculty seems to be making which may convince them not to cancel classes. One assumption is that classes and class preparation are the only effective learning experiences from which law students may benefit. This conference, not being such a learning experience, therefore should not replace classes. The only arguments one can make against that assumption are that the Conference itself is being held to bring into analysis questions exactly of this nature. Further, the resulting analysis may prove alternative learning methods are worth trying. The utility of the conference again seems higher than that of holding classes. A further assumption that seems to be held by some members of the faculty is that the system that exists now, with its methods of amendment, is fundamentally sufficient. Again the response must be that the Conference will provide an opportunity for all members

affected by the resent legal education system to formulate and present their opinions to their fellow members of the "law school community." The present system may very well be the best, but it should be provided with periodic analysis such as the conference will provide.

The irony of the situation is that the faculty recently has appeared to be seeking student opinion and student participation in the decisions to be made within the law school. The student-faculty advisory committees, whether created out of fear of students or genuinely seeking student opinion, have opened up channels of communication, however narrow or powerless in decision-making. Now the faculty is faced with a decision that will either spell death to an open forum of all students and faculty or give it a chance to open up channels of meaningful discussion never before present. The faculty members who are ambivalent about this Conference should support it by cancelling classes just to allow the experiment to take place. The faculty members who oppose the Conference because of the over-riding importance of class work should cancel classes because of the tremendous potential of this conference to analyze our system and if nothing, make more meaningful to their students the classwork they prepare every day. This is not a demand by students. It is an opportunity for the faculty to join the students in an experiment which at worst will loose a little classroom time, while the potential for benefits to the Law School seems extensive. With the proper decision today, the faculty will give the go ahead to an event which may prove to bring the myth of a "law school community" into reality.

The Editors

ENVIRONMENTAL LAW SOCIETY TO MEET WITH CONSUMERS POWER COMPANY

Consumers Power Company of Jackson, Michigan owns the frontage on some seven hundred miles of northern Michigan rivers. Some of this land is in relatively unspoiled wilderness condition -- it is forested, the water is pure, the wild life and aquatic ecology is intact and one can float downstream for a quietly delightful hour or two without seeing any of man's "improvements."

Consumers acquired the lands forty or fifty years ago for specifically limited corporate and public purposes (See Preamble, P.A. 1923, No. 238, Eff. Aug 30 and Sec. 2 (Second) and 2 (Fifth) thereof) by eminent domain, purchase under threat of such condemnation or by grant. Over the years Consumers' has carved up many of the choicest of these river lands and leased them to some four hundred selected people for the construction of <u>private</u> summer homes. The identities of these people and their possible relationship to Consumers' corporate structure and business interests are unknown to the public.

Word has recently leaked out from the Jackson headquarters that the next frontage to be added to the leasing system (to gain "the greatest overall public benefit") are on the Au Sable downstream from Mio (perhaps the best stretch of Brown trout water in the state) and on fifteen miles of the Big Manistee in Wexford County. The Mio Chamber of Commerce (!) is greatly concerned about the project, but theirs is literally a voice crying in the wilderness -- the town has about three hundred people. The Environmental Law Society has been investigating the situation and in response to its "Open Letter" on the subject, a Vice President of Consumers, Mr. Youngdahl, will meet with the Society

to answer its carefully drafted questions
in Room 100 at noon on Tuesday, the 24th.
It should be interesting.

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CREASE BALL
APRIL 4
LAWYERS CLUB
BARRISTERS SOCIETY

* * *

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