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RES GESTAE

Volume 22, No. 9
November 10, 1967

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The Weekly Newspaper of the U-M Lawyers Club

DEAN JOINER SPEAKS ON MICHIGAN JUDGES

Michigan's method of electing judges, which purports to give the decision to the people, "does not really permit them to choose intelligently." Dean Joiner made this observation at a recent Michigan Citizen's Conference on Judicial Selection and Tenure.

Candidates are often chosen by name and without knowledge of their ability, he said. To get rid of lazy, poor, or corrupt judges, Prof. Joiner said, "Michigan relies on periodic elections and the cumbersome methods of address and impeachment."

Under the elective method of removal in Michigan, he continued, "another candidate must always be presented against the incumbent judge and so, therefore, the choice is not an abstract choice of quality but simply a choice by comparison."

Even then, he said, "the choice at times has been more illusory than real, for in the largest of our counties hundreds of lawyers have run at one time for the relatively small number of judicial vacancies."

To provide tenure in office, "the factor that tends most to promote independence of thought and action" Michigan relies on a term of from six to eight years plus a designation given to each judge at election time indicating that he is a judge of a certain court.

"During the last 15 years, however, two good supreme court judges have lost out, both with common names, Adams and Smith."

Prof. Joiner explained that "many men have been chosen because of a name. For a while the significant name in this state was Murphy. At another time it was O'Hara and at still a third time it was Brennan."

The prime qualifications for judicial office, said Prof. Joiner, are reasonable legal ability and the exercise of independent thought and action. To achieve this, Michigan relies entirely on the elective system.

"With the exception of the supreme court, any lawyer can be a candidate for judicial office. For the supreme court, any lawyer may be a candidate and present his candidacy to a partisan political convention which in turn is supposed to choose" those with the best legal ability who will exercise independence of thought and action.

The citizens at large then vote. However, he indicated that while many qualified men have been so chosen with this method, many others have been selected for reasons such as their name.

"As long as the elective system exists," he said, "I don't think this can be changed."

The conference was supported by the Michigan League of Women Voters and the American Judicature Society.

INTERNATIONAL LAW SOCIETY

The International Law Society will be carrying on several activities this coming week. On Tuesday, November 14, there will be a dinner meeting at 5:45 in the Faculty Dining Room. Mrs. Helene Bauer-Bernet, staff member of the Legal Service of the European Commission for the Common Market in Brussels, will speak on the problems inherent in international organizations established under multilanguage treaties. Her main reference will be the European Common Market, whose Treaty was originally drawn up in four texts,

each in a different language and each equally authentic. Mrs. Bauer-Bernet's competence in the several legal systems as well as the languages involved testifies to her expertise in this area. The sign up sheet is posted in Hutchins Hall. Those not having dinner who wish to hear the remarks may join the meeting at 6:30.

On Thursday, November 16, at 3:00 p.m. in the Lawyers Club Lounge, the Society will hold a Panel Discussion on Opportunities for Legal Employment in the International Sphere. The participants will be David MacDonald, a partner with the international firm of Baker & McKenzie in Chicago; Carl Salans with the Office of the Legal Adviser to the State Department; and Paul Heinen, a senior member in the international section of the legal department of the Chrysler Corporation. We also tentatively expect the participation of a single practitioner from Detroit who is heavily involved in international activities (providing his business in Mexico can be wrapped up by Thursday). We have attempted to select a panel of prominent international practitioners who represent the full range of corporate, firm and government practice. Thus we strongly encourage the attendance not only of those who may be interested in international legal practice, but also of those who would like to see the pros and cons corporate, firm and government practice compared. Professor Gray will serve as moderator. The quality of the participants, and the range of legal activities they represent will insure a program profitable to the whole of the student body.

--Mark Sandstrom

THE VIETNAM PANEL

While any forum for well reasoned comment is a welcome addition to campus controversy, it can easily become a vehicle for applying a slick veneer to significant issues. Tuesday's "teach-in" is a case in point. The issue which sharply divided the law school was whether or not the administration of the school should take a "moral stand" on the war in Vietnam. In order to express a negative opinion on the war, a segment of the University community drew up a petition which asked that Dow Chemical Company be denied campus facilities for interviewing prospective employees. The administration refused to deal with the request directly, but agreed instead to participate in a "discussion" of the vital issues.

Discussion may or may not apply some constructive perspective to controversy. However, this proposition is predicated on the assumption that the discussion meet, directly, the problems presented by the controversy. When the discussion, or at least half of it, is a pretense, no problems are solved--indeed by being aired in a negative forum they are only aggravated.

Professor Sax stated that one of the major forces of decision making in a society such as ours was the conglomerate institution--the university, the corporation. From this premise came the conclusion that the university should face the moral issue presented by the war. Having reached a decision, the University should then act in a manner consistent with its decision.

Dean Allen, in a general sense, denied this proposition on the grounds that, since the University's main source of funds was governmental, then the University should not jeopardize its life source. The fallacy here is apparent: in playing a neutral role, or in alleging to, the University, aside from admitting that it is selling its freedom to make moral decisions, also, and more importantly, is putting itself effectively behind the decisions of the government--which we must presume are themselves moral decisions.

In other words, any action the University takes in this highly volatile field represents a moral choice of sorts. It is in pretending to play a neutral role that the law school is not only fooling itself - but it is insidiously undermining the options of others to make vital moral decisions.

REPORT FROM THE BOARD

The following motion was passed at this week's Board of Directors meeting: December graduates and those students planning to get married during the course of the school year will not be allowed to sign one-

semester contracts to live in the Lawyers Club. This motion, aimed at maximizing the efficient use of the Lawyers Club facilities and alleviating the problems created by mid-year vacancies, was passed after considerable discussion.

In other action, the Board discussed operations of the Law Club Store, hashing over possible ways to stimulate students to patronize the store and considering possible innovations in its goods and services.

As the final budgetary authorization for the 1967-68 Budget, the Board voted to allocate \$750 for bus trips to visit Jackson Prison in February and March. Board member Chuck Michod is in charge of this program, but he would like to find an underclassman interested in being coordinator for these trips. Anyone interested, call Chuck at 769-4648.

Doug Jones of the Publications Committee announced that this year's Law School Directory (with the addresses and phone numbers of all law students) is presently at the printers and should be ready for distribution in the next couple of weeks.

Mike Mason of the Stores Committee reported that he had conferred with the owners of the vending machines in the Lawyers Club recreation room, and that they had promised to service the machines more frequently, and that the ice cream machine is in the process of being fixed. It was also pointed out that funds are now available out of which refunds for losses on these machines can be obtained through the Law Club office or night desk.

--Mike Cole

LAW QUAD STORE

The Law Club Store, located in the basement of the lounge of the Law Club, is a service provided to students by the Board of Directors. Its function is to provide a near-by place for students to obtain their everyday needs, thereby saving trips to the local drug stores. It is strictly non-profit and the prices are comparable to the local stores.

We try to carry as many items as possible but due to a lack of space we are forced to limit our merchandise to the most requested items. A few of these are: shaving cream, razor blades, toothpaste, candy, gum, cigarettes (at the lowest price in town - 30¢ per pack), all school supplies (i.e., legal pads, pens, hi-liters, etc.), various drug items, Law Club stationery, etchings of the Law School, and recently the Coif Series Outlines.

As it stands now, sales are not enough to cover overhead and if student interest does not increase, the store may be forced to close. If you would like to see the store remain open, try to patronize it more often and bring your friends. The store is open from 11:30 to 12:45 and 5:40-6:30. If you have any suggestions on some other items you would like to see stocked, please fill out the attached form and drop it in the box outside the Law Club office or drop in and speak to either myself or Sol Schultz. Your suggestions will be most welcome.

--Kenneth Dresner, Mgr.

Suggestions

- 1.
- 2.
- 3.
- 4.

LAW CLUB LOUNGE

The Board of Directors of the Lawyers Club wishes to remind the members of the Club that the magazines and other publications in the Law Lounge are for the enjoyment of all, and that removing publications from this room deprives others of the opportunity to read them. If the magazines are continued to be removed, serious steps will be taken against offenders.

LEGAL AID NOTES

Happy Hour for Legal Aid members. Five o'clock, Friday, November 10, at the Clinic. Cover charge for self and spouse: 25 cents each.

Graduate students from the School of Social Work have begun work this week at the Clinic. Eleven social workers, who are serving two-hour shifts, will make their professional skills available to law students for their clients upon request. It is hoped that this alliance between social workers and law students will provide a more complete range of services for indigent clients.

--Michael Houlihan

LEGAL AID COURT APPEARANCES

On Monday at 2 p.m. before Judge Elden of the Ann Arbor Municipal Court, Spencer Denison will appear to defend an auto negligence case.

On Wednesday, at 9 a.m. John Davis and Denis Robbins will defend a client accused of being a disorderly person. This will be a jury trial before Judge Deake of the Ypsilanti Municipal Court.

Thursday is Motion Day in the two Circuit Courts in Ann Arbor. In Judge Breakey's Court the docket starts at 8:30 a.m., and the appearances will include Marisa Buttrey responding to an order to show cause why a family should not be evicted and Belinda Best with a motion for default divorce.

The motion docket starts at 10 a.m. in Judge Ager's Court. Fred Gruber, John Davis, Andy Stone, and Frank Guthrie will present motions pertaining to divorce actions when their respective cases are called.

Also on Thursday in a jury trial starting at 9 a.m. in the Ann Arbor Municipal Court, Bob Francis will conduct the defense of a client charged with malicious destruction of property. At 3 p.m., in the same court, Mike Neiheisel will have a pre-trial in a case of alleged negligence causing an apartment fire, and at 3:30 Tony Lopucki will be defending a client charged with larceny.

On Friday, at 9 a.m., in Judge Ager's Court, Bob Francis will appear in a divorce trial.

SENATOR MC CARTHY TO SPEAK AT U OF M TODAY

Senator Eugene McCarthy will speak at an open rally to be held at the Union steps on Friday, November 10 at 7:15 p.m. The topic of his speech will be Vietnam. Senator McCarthy has in the past been quoted as saying that he would oppose President Johnson if the bombing of North Vietnam is not halted and it is now widely believed that the announcement of his candidacy for the Democratic Nomination for President is imminent.*

*See N.Y. Times, Fri., Nov. 3, 1967.

--Chuck Barnhill

TRIVIA

The answers to last week's questions are:

1. Jack Barry was the host of the Winky Dink Show.
2. The witch in Kukla, Fran, and Ollie was Beulah.
3. Roger Bannister first broke the 4-minute barrier running the mile in 3:59.4.

There are but two questions this week. To true trivia men, the answers should come within five seconds of reading the questions.

1. Who was Paul Newman's female costar in his first movie?
2. Discuss in one sentence the relationship between Boris Karloff and English romantic poetry.

--G.R.

WEEKENDER

"I will be master of what is mine own.
 She is my goods, my chattels; she is my house,
 My household stuff, my field, my barn,
 My horse, my ox, my ass, my anything;
 And here she stands, touch her whoever dare."

The Taming of the Shrew

The Taming of the Shrew is at the Michigan. Shakespeare's boisterous comedy has seldom been better performed than in this production of Franco Zeffereilli. Burton's lusty, brawling Petruchio and Taylor's bawdy bitch of a Kate are excellent and turn the film into a hilarious romp. From the time Burton arrives in town seeking filthy lucre till he has the shrew tamely and obediently beside him at the end, both they and all the characters play Shakespeare for his wild fun.

Sand Pebbles with Steve McQueen and Candy Bergen continues at the State. If you're out for a good movie and haven't seen this one yet, give it a go.

The Trip is a tour of Peter Fonda's mind through the courtesy of the miracle drug LSD. The movie goer is subjected to a built-in trivia session of famous movies that goes along with the other goodies in a regular drugged dream. The photographer exhibits good skill in his presentation of the LSD inner sanctum. How accurate it is, I don't know. Recommended for those who like to see wild couples rolling around in blue and red lights and for vicarious rollers. At the Campus.

The Vth Forum is offering two flicks from the extremes. The short subject (which is probably longer than the feature) is a Russian-made biography of Sergie Eisenstein. The main feature, Dutchman, is the film version of LeRoi Jones' one-act play. In the setting of a New York subway, the black militant Jones voices his opinions on race relations through the increasing lewd dialogue of the play's two characters, a white girl and a middle class Negro man. The film is bizarre, but very well done; and it leaves you emotionally drained at the end. LeRoi must be a genius in a warped sort of way. (Ed. note: This review was done by the Law School's answer to Leonardo da Vinci; that great expert of Botticelli, the great George Allen.)

The Cineme Guild continues the Sergei Eisenstein Festival on Friday with Ivan the Terrible, Part I, and on Saturday and Sunday with Ivan the Terrible, Part II.

The Fox Village is presenting two flicks this week, both dealing with the same subject--Art Miller's classroom. In Point Blank Artsie's relentless and merciless questioning drives a student out of his mind, and from this questioning emerges the sequel, Naked Runner. This is a fun show for the entire family. You must show proof of New York citizenship at the door.

Cineme II is presenting Bergman's Smiles of a Summer Night.

The U-M annual (?) Soph Show, on Friday and Saturday nights, presents Once Upon a Mattress, a sport not limited to Sophs. I think that this sophomoric production, done with the easily flowing expertise and the lightning swift movement of a Roger Cunningham class, is the old tale of the Princess and the Pea, where the princess can't sleep because of this pea. (Hell, it ain't easy to sleep when you've got to go that bad.) Recommended for that mild mannered reporter for the great metropolitan newspaper who, in his secret identity, is really Supersax.

SPORTS

Now that I have returned from my "brief" vacation I would like to extend my appreciation to our guest columnist George Allen. George proved to be quite an analyst as he compiled a .778 pct. in the college picks last week. I plan to bring him along on my next vacation--to Las Vegas.

This week's article is devoted to a criticism of the Rick Stern (Daily) article criticizing the Joe Falls (Detroit Free Press) article criticizing the general lack of criticism of Bump Elliot. In short, I feel that it is time for the University of Michigan to reevaluate its athletic goals and the role football is to play in the overall scheme. I realize this is an inopportune week to be venting my wrath but I do not consider a 7-3 victory over a weak team to be a tide-turning season saving accomplishment.

No one can question the general success of Michigan sports over the past decade, but I firmly believe that the average sports fan would trade in ten gymnastics titles, ten wrestling, golf and tennis championships for solid winning football on a year-in year-out basis. Rick Stern, supra, mentioned that the majority of the Michigan fans go to the games for the spectacle, and victory is not essential. If this is true then why do the stands echo with boos when Michigan is losing, why do 62,000 people show up in miserable weather when any possibility of a spectacle has been obliterated, and why did this campus go into a frenzy when Michigan did win in 1964. Why? Because victory is essential. People go to see a winner: not to see the execution of the game or the color of the crowd.

In order to produce this winner I would advocate two immediate steps. First there must be increase in the scouting and recruiting program, and secondly there is a need for a new head coach. I am in no position to judge the quality of Bump Elliot as a recruiter or strategist, but I do know that with the exception of a couple of years Michigan has been at best a mediocre team under Bump. It is time for a change. Oftentimes baseball managers are fired in mid-season merely to shake up the team. Well it is time to shake up the entire football program.

Michigan is playing in the big leagues, they have a big league stadium and are charging big league prices--the fans are ready for big league ball. A winning team adds a lot of color to a University and, if anything, enhances the spectacle of college football. The athletic department has a responsibility to make every effort to return this University to its role as a traditional football power.

This week's Picks

MICHIGAN over Illinois
 LSU over Alabama
 GEORGIA over Florida
 HARVARD over Princeton
 PURDUE over Minnesota
 NORTH CAROLINA ST. over Penn St
 OHIO ST over Wisconsin
 YALE over Penn
 DAVIDSON over Wofford
 HOPE over Ashland

MICHIGAN STATE over Indiana
 DARTMOUTH over Columbia
 MIAMI over Georgia Tech.
 NORTHWESTERN over Iowa
 WYOMING over New Mexico
 NOTRE DAME over Pitt
 SOUTHERN CAL over Oregon St
 UCLA over Washington
 WILLIAM JEWELL over Hastings
 WALLED LAKE over Ann Arbor High

--Chuck Tobias

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