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Res Gestae

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# RES GESTAE

Volume 22, No. 12  
February 9, 1968

The Weekly Newspaper of the U-M Lawyers Club

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## REPORT FROM THE BOARD

The operation of the Law School Book Exchange was considered at this week's Board meeting. Bob Chulock, manager of the Book Exchange, has agreed to be open five hours a week throughout the semester. The Board discussed possible variation of the mark-up policy of the Book Exchange, but made no recommendations as to change, pending further investigation of the factors involved in setting prices.

Senior Book editor, Tully Rogers, met with the Board to describe the all-new format that has been decided upon for this year's publication. He mentioned that all persons who have not turned in a photograph and/or senior information may still do so if they give the picture (wallet size) and information to the receptionist on the third floor of Hutchins Hall. This MUST be done by Monday noon.

Some contractual difficulties as to the running of the Law Club Store were ironed out during the meeting and the Store will be reopened shortly under the proprietorship of Ken Dresner.

A motion was passed 5-4, with the president breaking a tie vote, stating that the Board favors a continuation of the current motor vehicle regulations of the University. This action was taken in response to a request by Vice-President Cutler for a statement of Board sentiment concerning a proposal which is under consideration that would permit all undergraduates to have automobiles on campus.

- Mike Cole

## GUEST EDITORIAL

The lawyer is an orphan in the world of the armed forces. He has

no status as a professional. It is time for the legal profession to take action by defending their brethren. The limited positions in the JAG program cause the law school graduate to lose several years of growth in his profession.

A young attorney upon passing the bar is subject to the draft, not as a professional skilled in jurisprudence with an opportunity to utilize his skills but as any other draftee. There is no reason that law school graduates should not be given the same opportunity to serve their country while practicing their profession as are medical and dental school graduates. This concept was passed in the form of a resolution at the American Law Students Association convention this summer with plans to submit a possible course of action to Congress. This is a resolution that needs the support of everyone in the legal community. The strength of our profession lies in a united stand for recognition as professionals all the way down the line.

- The Barrister  
U of Miami Law School  
Newspaper, January 68

## THE ATHENEUM AT ATHENS-ON-THE-HURON

The University of Michigan Law Library has recently acquired many new works of interest, including one entitled "Conference in the Matter of Pollution of the Navigable Waters of Moriches Bay and The Eastern Section of Great South Bay And Their Tributaries, Patchogue, N.Y. 1966. Proceedings. (1967) 496 pages.

## RES GESTAE AD HOC COMMITTEE

A new ad hoc committee has been formed to study the feasibility of removing Res Gestae from the mimeograph machines and onto the presses.

Members of this committee are: Dale Berry, Joel Cooper, Alan Ernst, Jane Forbes, David Goldstein, Robert Kaczmarek, Richard Kepes, Ivan Moskowitz, Pat Murphy, Robert Olson and Ed Weinberg.

#### ABA CONTINUES STEADY GROWTH

The American Bar Association recorded a net gain of 5,049 members in the last year. The ABA roster stood at 128,460 as of Nov. 30, 1967. In addition, enrollments in ABA's new law student division passed the 10,400 mark in early December, less than 4 months after the division was created. Admissions to the bar for 1966 (latest available figures) rose to a record 14,243. There were 316,800 lawyers as compared to 296,000 in 1964. The number in private practice rose from 200,586 in 1964 to 212,662 in 1967. Law school enrollments at the 136 ABA-approved schools for the 1967 fall term reached a new high of 64,406. The comparable figure for the fall of 1966 was 62,556. Including law schools not approved by ABA, the total student enrollments were 70,332.

#### RIDE ALONG PROGRAM AT UMKC

In order to learn more about the functioning of the police force, University of Missouri at Kansas City law students, in cooperation with the Kansas City, Missouri, Police Department, have been privileged to ride with patrolmen Friday and Saturday evenings during the highly active interval from eight p.m. until midnight.

Each student is assigned to a patrol car or paddy wagon and he accompanies the policeman on his rounds of the area normally assigned for that car. Patrolmen in charge of an area are responsible for everything from parking tickets to major crimes. The student observer sees first hand the reactions of the patrolman as an individual and in conjunction with the rest of the force.

#### EDITORIAL COLUMN

##### THE LIBRARY AND YOU

On Sunday, February 4, there were approximately 1200 volumes off the shelves and on the tables. We learned that, on Saturday, the man who is scheduled to spend 4 hours shelving books did not appear. On

Sunday, no one is scheduled to reshelve. Thus, any book left out on Saturday morning was not put away until Monday morning. One obvious cure for such a situation is for the library to schedule someone to shelve on Sunday. Yet, much like a case in Contracts, although one theory may fit the situation, it may not be the best one.

The best cure, and the only practical one, is for each student to reshelve the books he uses. It is a simple policy, but an effective one. According to Al Lewis, there are 30,000 volumes on the main floor. Level one is now open, and level two soon will be open, allowing each of us to use any of 100,000 books. No amount of scheduling or hiring is economically feasible to meet the challenge, unless each of us meets his obligation to put the book he uses away.

This is a crisis time in the library; the use of its facilities is up 500% of normal. The same Case Club problems which drastically increase the use of the library also prevents the students working in the library from working increased hours during the rush. We hope that the Case Club and Campbell Competition directors will evolve a simple, effective solution to this problem, such as putting the clubs and programs on a staggered basis. In the meantime, and all the time, please reshelve your books.

#### GEORGE M. HUMPHREY FELLOWSHIPS ANNOUNCED

The University of Michigan announces the establishment of the G.M. Humphrey Graduate Program in Law and Economic Policy. The work will encompass, not simply technical legal problems of governmental regulation of the economy, but fundamental analysis and critique of underlying policy assumptions. Fellowships are open to recent graduates with serious research interests in the field of law and economic policy. Candidates must satisfy the Law School's requirements for the S.J.D. program. A strong economics background will be required. The stipend for the academic year is \$9500, plus an allowance to cover tuition and fees. Persons interested in applying should contact Director of Advanced Studies, U.M. Law School.

JOB OPPORTUNITIES SYMPOSIUM #3

The third and final symposium on job opportunities will be held this Friday, Feb. 9, at 3:00 p.m. "Law Practice in an Organizational Setting" will include the panel members listed below with Whitmore Gray as moderator.

Norman A. Jacobs, Trust Officer, The First National Bank of Chicago.

Jerome Halperin, Attorney, Lybrand, Ross Bros. & Montgomery (CPA firm).

O. K. Petersen, Legal Department, Consumers Power Company.

A. L. Zwerdling, Labor Union Attorney, Zwerdling, Miller, Klimist & Mauer.

THE LAWYERS CLUB BOOK EXCHANGE

The Lawyers Club Book Exchange located in Rm 110 of the basement of the Legal Research Building is another service provided for the student body by the Law Club Board of Directors. The functions of the bookstore are to provide an enlarged market for used casebooks and hornbooks, to spread in a limited manner the risk of obsolescence over the whole student body, and to greatly decrease the profit in the used book market. The books are purchased in a wide variety of conditions and are priced accordingly. The bookstore will be open five days a week this semester: Mon., Tues. & Wed. - 9:00-10:00 and Thurs. & Fri. 10:00-11:00. The hours will of course be enlarged for greater buying at the end of the semester. At the present time we are buying and selling mainly hornbooks, so if you have one to sell bring it in. (Note to any professors who have reason to believe that a textbook they are using this term or used last term might not be used again next year, please leave a note in the bookstore's mailbox on the third floor of Hutchins Hall.)

-Robert Chulock

Law Club Book Exchange  
Manager

LAW STUDENTS AND BAR EXAMINATIONS

At the end of ones' three years of professional preparation, one faces a two or three day examination which one-fourth (to one-third) of those taking the first time fail. Although bar examiners generally advocate that law schools undertake the responsibility for bar examination review courses, the schools themselves have for the most part refused to do so, necessitating

creation of non-school-affiliated commercial bar review or cram courses. Despite their shortcomings, in most states where bar review courses exist, it seems to be exceedingly difficult for non-takers to compete successfully in the bar examination with those who undergo the organized review. Bar examinations now show a remarkable correlation with law school performance, as they should, and law school administrators and teachers agree that bar examinations serve the function of freeing the schools to grant degrees to persons who are not fitted to become lawyers, but who are entitled to have the opportunity to obtain a legal education.

In almost all jurisdictions, the bar examination is composed of essay-type subjective questions, differing from law school examinations only in that the time allotted is shorter. It is the content of the answer rather than the answer itself which is graded. Although either answer is able to receive an equally high grade, a result should be reached in each question. Undoubtedly, the best method of making the adjustment from law school examinations to bar examinations is by writing answers to as many prior bar exam questions as possible, using actual time limitations. Lastly, in most jurisdictions, a large number of graders grade each paper, a single grader grading the answer to the same question throughout the examination. If a person's paper is graded by ten or twenty different people and he fails, he at least knows that a jury convicted him rather than a judge.

- adapted from an article by  
R. A. Sprecher in The Student  
Lawyer Journal, Jan. 1968

LEGAL AID COURT APPEARANCES OF THIS WEEK

Monday - Mel Shotten represented the plaintiff in an Order to Show Cause why the defendant should not be held in contempt of a restraining order.

Tuesday - In Juvenile Court Steve Hrones achieved a dismissal of a petition alleging shoplifting by his client. Also in the same court, Dan Bambery's hearing was settled with an agreed disposition for his client.

Wednesday - Mike Staebler appears in Juvenile Court representing 3 defendants charged with Breaking & Entering, at the hearing on disposition.

Thursday - Both Walt Lindsay and Steve Page are on the motion docket with separate Motions for Temporary Restraining Orders.

Friday - Bevo Francis will conduct another jury trial in Municipal Court! The defendant is charged with receiving stolen property.

#### UM LAW SCHOOL DEANS ON THE GO

On Friday, Dean Allen was in New Orleans, at a seminar of the American College of Psychiatrists. He delivered a speech on "Legal Problems of Psychiatric Practice." During the weekend of February 27, Dean Allen will be in Memphis, lecturing a series at Southwestern College, taping a television show, and meeting with University of Michigan Law School alumni. Dean Proffitt at this time is in the midst of a six-month sabbatical, traveling around the world, looking into administration of legal education in different countries.

#### LETTER TO THE EDITOR RES GESTAE

Sir:

The editorial column in the February 2d Res Gestae provided an interesting contrast to an article in the Sunday New York Times of January 28 concerning a proposal under consideration at Yale Law School for the abolition of letter grades. With all due sympathy for the freshmen, with a confession of having shared their anxieties, but with a strong suspicion that there is at best a tenuous correlation between attaining a high grade average at law school and being a competent attorney thereafter (however one may define the term), might I suggest consideration of a means of ending or mitigating the tyranny of the decimal point as an alternative to getting grades out without delay?

Yours very truly,  
Louise Lander '69

Editor's Note:

We hope we did not convey to other readers the idea that we look with favor on the great importance put on "the tyranny of the decimal point." We do not.

However, as long as grades are important, we would like professors to take that importance and its effects into consideration in deciding how to spend their post-examination time.

#### SENDAR ON SPORTS

Out of the mouths of babes often come some strangely prophetic words, so it is no surprise when as knowledgeable a basketball man as Fordham University coach Johnny Bach can call the turn on a future all-American.

It was almost four years ago to the day and Bach's rams had just fallen to a surprisingly quick Syracuse team. The Orange were led by Dave Bing, a little thinner then, not quite as good a shot as he is today, and considerably less heralded, but who had passed, scored and rebounded with enough fury to prompt Bach to call him "one of the five best ballplayers in the country right now."

Other coaches echoed the remarks of Bach as Bing went on to pace the Orangemen - who had set an NCAA record for futility by dropping 23 consecutive games just two years before - to a 17-8 record and a berth in the NIT. Capping the season against Barry Kramer - led NYU in the first round of the tournament, the 6-3 jumping jack from Washington, D.C., scored 32 points in a losing cause and dazzled the capacity Garden crowd with a playmaking ability and court sense remarkably reminiscent of Oscar Robertson.

He was something to watch in those days. He was a skinny sophomore on a perennially-weak independent and it was a toss-up as to which of them went more unnoticed by the press; but when he walked out on the court and bounced a few of those stick-to-your-hand dribbles, you knew he and the ball had something going.

He was a lithe jetstream with hands who could do more in midair than most mortals could so on their feet. With the ball, he threw more fakes than a fighter, and he was about as easy to defend against as an attack of the flu. He passed, scored, and playmaked with the accuracy of a man with four eyes. He was sophistication in shorts.

But despite his heroics, Dave Bing was probably the least publicized collegian for his talents in the history of the game. While the likes of Ron Bonham and Kramer were being hailed as all-Americans, Bing received no better than honorable mention in the polls his first two years and was virtually unknown outside of the east where rival coaches kept the secret to themselves.

It was not until mid-point of his senior year, after he had been voted the most valuable player in the Los Angeles Classic (103 points in three games, 46 points against Vanderbilt, both tourney records), that Bing emerged from the long shadows of Bill Bradley, Cazzie Russell, and Jimmy Walker to cop some of the headlines for himself. His 25 rebounds against Cornell were a Syracuse record and for his performance against hometown Lasalle, the Philadelphia sports writers acknowledged the Capitol Comet as the best visiting ballplayer of the year. His one-man show against Davidson in the NCAA Eastern Regionals in Raleigh, North Carolina (20 points, 15 rebounds, 12 assists in less than three quarters of play) was hailed as one of the most brilliant court shows seen at the Coliseum in years.

At season's end, Bing had averaged 28.4 points per game and was the third leading vote-getter on the 65-66 consensus all-American team behind Russell and Clyde Lee. His team, Syracuse, vaulted into the top ten AP poll for the first time in ten years, and their over-all record of 20-5 was the best in the school's history.

After all this, Bing might justifiably have taken his place as one of the prize plums in the upcoming NBA college draft. His heart set on playing ball for New York, he had been reassured by the Knickerbockers as early as February that he was high on their list. Under the existing NBA rules, the club with the worst won-lost percentage in the league chose first and so on up the ladder; and with Detroit -- which had publicly announced its desire to draft player-of-the-year and former UM star Cazzie Russell -- firmly niched in the cellar of the western division with an abominable record and the Knickerbockers about to come in next-to-worst in the eastern basement, Dave Bing and the Pistons looked like they would both get their wish.

Fate, of course, upset the applecart. In the now-famous sequence of events an NBA rule change deprived Detroit of its priority and the clear shot at Russell. The first draft pick would go to the winner of a coin flip between New York and Detroit, the loser of the toss to pick second. The \$20 gold piece spiralled into the air, Piston coach Dave Debusschers called "heads," it landed tails, and Russell was a Knick and Bing was a Piston.

After the Piston brass had finished gnashing their teeth long enough to look their "sloppy seconds" in the eye, Dave Bing was signed to a \$15,000 contract. The flamboyant Russell, happy in his new environment, inked a three-year pack with the Knicks for \$200,000. Bing was about as wanted in Detroit as King Faisal at a Bar Mitzvah ceremony, and he'd missed out on the big bonus, but when he reported to the Piston camp in the fall of '66, he determined to let bygones be bygones.

He went out and played the best basketball he knew how and that was good enough to make him the fifth player in NBA history to score 1600 points in his first season.\* On the way he was named rookie of the year and one season later, he's an all-star and the league's leading scorer.

The words of coach John Bach on that sultry night in Syracuse four years ago have come home to roost. Only now they're on everybody's lips.

\* Oscar Robertson, Elgin Baylor, Walt Bellamy, Wilt Chamberlain were the others.

#### WEEKENDER

This Friday the Michigan Theatre is starting a W.C. FIELDS Carnival; they don't answer their phone, and the ads don't say, so there's no way of knowing just which W.C. efforts they'll have. Best bet: THE BANK DICK and NEVER GIVE A SUCKER AN EVEN BREAK. Regardless, unless you've seen it too many times already, whichever one they show will be more than acceptable and thoroughly enjoyable.

Unfortunately, the Wayside Theatre is losing THE HAPPIEST MILLIONAIRE; in it's place, they have been able to find an even more unimpressive sub: VALLEY OF THE DOLLS, with

Patti Duke (no longer a child star), Barbara Parkins (the only "normal" doll in the flick), and Sharon Tate, exuding "girl-next-door" warmth as she chest-exercises her way through this utterly absurd film tragedy. The point (?) of the film would appear to be that bennies, dexedrines, amphetamines, etc., etc., really won't, contrary to "popular" belief, solve your problems. This is supposed to be "Hollywood uncut." The book on which the film was based, while certainly no epic, at least told a good story. The screen adaptation has taken even that away, and nothing is left except pointless jumping from one bed to another. It's plain ridiculous, except for Dionne Warwick's magnificent background singing.

The State is offering SERGEANT RYKER, which, the ads say, is "based on the TV production 'The Case Against Sergeant Ryker'", but which we know to be simply a full run of a two-part TV drama, now with no commercials. That, however, doesn't detract from the quality of the film. Lee Marvin puts out another excellent performance as a man who appears to be an army deserter trying to prove that he's really been a hero. It's a very convincing film, more than adequately supported by Bradford Dillman, Vera Miles, Peter Graves, and (believe it or not) Lloyd Nolan, as the nasty big-brass. It's a real "edge of the seat" thriller; will he, or won't he, be able to prove his innocence? For those Lee Marvin fans out there, this certainly shouldn't be missed.

On Thursday and Friday nights, the Cinema Guild will show Part 2 of the GORKY TRILOGY, based on the life of Maxim Gorky.

THE ACCIDENT is to be at the Campus. Starring Dirk Bogarde, the appeal of this Cannes award-winner is well summed up by Time and Newsweek: It "unleashes the pent-up violence of sexual longing and onrushing age. A dissection of human passion, accenting the mood of haunting irony." It's like a "punch in the chest; put together breath by breath, look by look, lust by lust, lie by lie. A compelling film." All we can add is that it's the first time we've ever been impressed with Mr. Bogarde.

Bogart and Hepburn are still fighting their way down the river over at the Vth Forum. AFRICAN QUEEN was even better the second time

around. It probably won't be here much longer, and there's no telling when it'll be back. Try not to miss it. Except for possibly CASABLANCA, it's Bogart at his best.

But the Editor's Pick of the Month, and maybe the Year, is Mike Nichols' THE GRADUATE at the Fox Village. While this is one of the most hilarious films we've seen to date, every instant of humor is solidly packed with frightening realism and drama. Dustin Hoffman, a fairly successful 29-year-old off-Broadway actor, displays power and ability coupled with a personality with which many of us might often identify. His anxiety and frustration over what the future might hold truly strikes home. [However, it's questionable whether many of us have been confronted with the likes of Anne Bancroft, to confuse us even more.] Everything that everyone does in this film hits the audience with stark reality. Hoffman is the campus BMOC returning home with his cum laude packed away under the dirty laundry, where he is quite content to leave it. But, no such luck; his parents, throughout the film, throw big parties in his honor. Everything they do and say emphasizes to him the frustration of his position. See if any of you recognize anyone or anything familiar in this great movie event. As a sidelight, Simon and Garfunkle sing the background theme, and, for a rarity, truly seem to add something integral to the film.

- Jim Burdick

#### RES GESTAE STAFF

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