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1965

Vol. 18, No. 12, December 2, 1965

University of Michigan Law School

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Recommended Citation

University of Michigan Law School, "Vol. 18, No. 12, December 2, 1965" (1965). *Res Gestae*. Paper 862.
http://repository.law.umich.edu/res_gestae/862

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RES GESTAE

The Weekly Newspaper of the U-M Lawyers Club

December 2, 1965

Vol. ~~18~~, No. 12

19

FINAL ISSUE
OF THIS YEAR

MOOT COURT TEAMS FINISH FOURTH & FIFTH IN COMPETITION

The six top finalists of last year's Campbell Competition once again represented the Law School at the regional moot court competition held in Detroit on November 19 and 20. The Michigan entry, which was comprised of two three-man teams, took fourth and fifth places among the 20 teams which competed.

Team one, which captured fifth place, was composed of Duane Ilvedson, John Provine, and John Schmidt. Team two, which nailed down fourth place, included Jesse Lasken, Sanford Passer, and Richard Smith. Team two also won the award for submitting the best brief in the competition.

The competition concentrated on the following two issues: 1) Can a state's bonding statute be considered constitutional in a federal district court without depriving a defendant of due process of law? 2) Is a foreign direct action statute applicable in a U. S. district court? The answers to these questions were judged by lawyers and judges from the Detroit area.

The region will be represented in the New York moot court finals by Wayne State Law School and Ohio State Law School, the winners of the Detroit competition. These two schools were able to capture the first three places overall.

Prof. Carl S. Hawkins and Prof. Roger Cramton were the advisors to the teams; special assistance was also provided by Tim Wittlinger.

--Jay Witkin

NEWSBEAT: Prof. Yale Kamisar Speaks at Legal Aid Convention

Scottsdale, Arizona, was the scene of the 1965 Annual National Legal Aid and Defender Conference, where on Nov. 17 more than 200 prominent lawyers and judges from all parts of the country assembled to exchange information with the view to improving their legal aid services to the public.

Yale Kamisar, Professor of Constitutional and Criminal Law here at Michigan, delivered a speech before the Conference, defending the role of the courts from the Supreme Court on down in supervising police practices. He roundly criticized the complacent attitude of law enforcement agencies that "every old familiar police practice is hunky-dory unless and until a court says it is not."

Professor Kamisar went on to say that the courts have had to fill the gap where the police have refused to police themselves through "a continuing re-evaluation of their own policies and practices to insure that they are both fair and effective." Thus, the complaints about recent Supreme Court decisions--that they are "tying the hands of the police and are allowing criminals [to run] loose because of legal technicalities"--must be viewed with these traditional police attitudes in mind. "In the long run," Kamisar said, "most Americans will be proud of the much-maligned constitutional procedures of our day."

Newsbeat, cont.

- Big Daddy Pays the Bill -

E. Clinton Bamberger, director of the national program to provide legal services to the poor, told the annual meeting of the NLADA that the Office of Economic Opportunity aims to make the law a full-fledged arm of the war on poverty by providing federal funds for legal service projects designed to bring legal service to the poor. Bamberger said proposals would be funded which best accomplish the following objectives: provide legal advice and representation; use experimentation and innovation to find the best methods; educate the poor to understand and seek the aid of law; sponsor legal education, research and publications in the areas of law related to poverty, and acquaint practicing lawyers with "their essential role" in combating poverty. He concluded that the program's aim is "to provide the means within the democratic process for the law and lawyers to release the bonds which imprison people in poverty--to marshal the forces of law to combat the causes and effects of poverty."

Speaking at the same conference, Theodore Voorhees, president of the NLADA, urged the nation's Legal Aid services to take advantage of the financial support now offered by the federal government, asserting that there were few deficiencies in such services that could not be cured by an adequate budget. He named among these deficiencies the following: rules governing types of cases handled are too limited; the general eligibility policies are too restrictive; more of the services should be geographically decentralized; governing bodies are not sufficiently representative of the community; and staff salaries almost everywhere are shockingly low.

Also laying stress on the need to provide legal service to those unable to afford them was Edward W. Kuhn, president of the American Bar Association, during his recent visit to the Law School. Mr. Kuhn emphasized that recent developments such as the Criminal Justice Act of 1964 and the President's War on Poverty place a tremendous burden upon the legal profession, a burden the meeting of which may require that the legal profession be spread very thin. He challenged the seniors to recognize and accept their future responsibility to the profession and the public.

- Law Wives Give Concert Next Monday -

Students are invited to the Law Wives Christmas Concert, Monday, Dec. 6, at 8:30 PM in the Lounge. President Judy Cunningham and concert director Amy Adelman promise Christmas carols and Chanukahs. No admission charge.

- Enrollment a Record -- "We're Everywhere" -

The University of Michigan Law School is currently providing a legal education to the largest number of students in its century-plus history. The record enrollment of 1114 students surpasses the previous high of 1108 set when many World War II veterans enrolled in the fall of 1947, says Assistant Dean Roy F. Proffitt.

The long-standing tradition of being a "national" Law School is preserved with the current student body. The U-M Law School students represent 198 different colleges and universities located throughout the world.

Forty-four students are from 11 foreign countries--Argentina, Belgium, Canada, Egypt, England, Germany, Japan, Okinawa, Philippine Islands, Sudan and Thailand.

The law students hail from home towns in 58 different states, territories and countries. Every state and the District of Columbia is represented except Arkansas, Nevada, South Carolina and Wyoming.

Of the 1114 students, 380 are freshmen and 314 did their undergraduate studies at the University of Michigan.

--Wm. H. Conner and Steve Petix

COHEN'S CORNER: Legal Education ex rel U. S. v. Britain

BEVERLEY POOLEY received his LL.B. at the University of Cambridge, England in '57, his LL.M. at Michigan in '58, an S.J.D. here in '60, and lectured at the University of Ghana Law School from 1960 to 1962. As a contracts professor last year, he is reputed to have combined Corbin's knowledge with Mort Sahl's wit, and this year during a slide show about Ghana in the Law Club Lounge he has proved that one need not be dull to be a law librarian.

Having been educated both in his native England and in the U.S., Prof. Pooley is well equipped to compare the two systems of legal education. He feels, "The aim of the American law school is to produce professionally trained practitioners so that virtually all students in the major schools intend to practice law, while in England the emphasis is on a more 'academic' approach and many students go into business or the civil service."

IN ENGLAND law is an undergraduate subject, unlike in the U.S. where a bachelor's degree is required for entrance to law school. (Curiously enough, we still follow the British practice of granting a bachelor of laws degree.) The English approach is that law is deserving of academic study just like history, Greek, or physics. Graduate will have had no taxation, little criminal or civil procedure, and nothing on labor, anti-trust, or land use planning. In Prof. Pooley's opinion, "The system is far too conservative and the schools are too much concerned with the traditional subjects of contracts, torts, and property and too slow to recognize that new and developing areas of public law have just as legitimate a claim on the attentions of scholars as do the more ancient foci of interest." For this reason he finds it much more rewarding to be a member of the American legal academic community which is more concerned with the frontiers of legal science. He cites especially the U. S. Supreme Court, which during the last decade has taken a strong interest in matters such as civil rights, church-state relations, reapportionment, and standards of police behavior.

In England, the universities feel that the more practical subjects may best be learned during the period of apprenticeship. Prof. Pooley points out that as a consequence, the practicing profession there has assumed a far larger responsibility for training lawyers than that now assumed in the U.S. For example, the solicitor (office lawyer) must serve an apprenticeship of five years if he has no university degree and three years if he has a degree. (Interestingly enough, it need not be a law degree!) Although there is no comparable requirement, the young barrister (trial lawyer) must in fact serve an apprenticeship to a senior barrister for one or two years before he can develop any sizeable practice of his own.

THE SOLICITOR and barrister work as a team, but with differing areas of concern, rather like a family doctor and hospital specialist. Prof. Pooley feels that the system keeps lawyers reasonably honest, since each branch of the profession has a strong interest in the other's effectiveness and integrity. It also allows specialization in different aspects of legal work. On the other hand, the costs of litigation are increased since every case involves four lawyers. But because it is the British practice (a good one, librarian Pooley feels) that the loser pays all costs of litigation for both sides as well as court costs, the gamble discourages inconsequential suits. For people below a certain income level, there is a national legal aid system which pays for a solicitor and barrister in both civil and criminal cases. Prof. Pooley adds that there is a need for small claims courts "where aggrieved widows, orphans and law students can sue recalcitrant capitalist purveyors of bum goods and services, or each other, informally."

LAWFULLY YOURS: The Exam You Save May Be Your Own.

To the residents of the Law Club,

Exams, and the preparation they entail, are at hand. Although the regulation against unnecessary noise in the Quad is in effect throughout

Lawfully Yours, cont.

the year, residents are herewith forewarned that this regulation will be strictly, very strictly enforced until the completion of the exam period.

Past experience dictates that the usual infraction of the "Absolutely No Unnecessary Noise During Exam Time" rule occurs quite unintentionally. A student returning from a morning exam turns on the stereo to relax, not realizing that in the next room or across the hall, someone else is preparing for an exam an hour away. So, don't let carelessness strain neighborly relations.

Law Club Board of Directors

To the Res Gestae:

The nesting instinct is a familiar human trait; but surely, when it's carried to the extreme of keeping all one's belongings at a seat in the library, it can be controlled, especially when adequate locker space is close at hand.

Those trusting souls who have moved their notebooks, textbooks, horn-books, datebooks, novels, and bookends into the library on a seemingly permanent basis misunderstand the practice of note and brief writers who amass their materials in one place with the idea of using it for a relatively short period of time. Both practices restrict the number of available seats in the library, but surely there is no need for the former.

Could we have some ruling from the library staff? It would seem to be required not only to make more space available but to protect the health of those few who have made the library their prance, shunning the camaraderie of the locker room.

Pat McCauley

COMMENTARY: Don't Go 'Way, We'll Be Right Back

Barring any unpredictable news stories, such as a Midwest Blackout (we're next), Santa Claus cancelling his interview schedule with Placement (we're kidding), or the invasion of Ann Arbor by Hell's Angels (by the sounds of it, they may be here already), this will be the final issue of Res Gestae for the semester. Looks like it's back to the New York Times for a while, at least until the middle of January. In the meantime, the staff wishes all our readers, loyal or otherwise, a meaningful holiday season.

--Art Dulemba

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