Leary On (of) New Library

You may have noticed that the library construction seems to be taking over the middle of the Quad with large dirt piles. Contrary to the rumor, the Administration has not decided to build us a ski slope and toboggan run off the library roof. In an interview with Margaret Leary, the Assistant Director of the Law Library, and liaison with the construction people, the R.G. learned that the dirt is to be used to backfill the southwest end of the excavation (the area next to P section) now that the foundations for that area have been laid.

The plans call for raising the level of that end of the excavation more than twenty feet. To accomplish this "backfilling", the construction company brings dirt it excavates from the other end of the hole through the Quad, and pushes it over the edge by the blue fence. Then they use a compacting machine to compress the dirt to 95% compaction. This can only be done efficiently by compacting one foot of dirt at a time. The problem right now is that the compacting machine has broken down, and the construction company has to stockpile the dirt it is removing from the other end of the hole in the Quad. The contract limit on construction encroachments into the Quad is the blue fence, but because it is much more efficient to bring all the dirt around the Quad at one time, the company is being permitted to go past the fence for a short time. Ms. Leary expressed the hope that the dirt piles will be gone by next weekend.

In the process of bringing all the dirt and equipment through the Quad, many of the flagstones in the sidewalks have been broken and chipped. The construction company has contracted to replace all the flagstone from the library entrance to South U., and the diagonal that goes over to P section. Assistant Dean Edwards - Bakke & Employment

What effect will the Bakke case, dealing with minority admissions in higher education, have in the area of employment?

Michigan labor law specialist Harry T. Edwards says the ruling appears to give "strong support" for continuation of ratios and quotas in hiring and promotion, "retroactive seniority" measures and other court-ordered actions, provided there is a specific finding of past employment discrimination.

Speaking at the School of Industrial and Labor Relations at Cornell University, Prof. Edwards noted that U.S. Supreme Court Justice Lewis Powell, who served as the crucial "swing man" in the 5-4 Bakke decision, "expressly approved of preferential quotas when predicated upon judicial findings of identified discrimination." Four other justices also approved these measures, he noted.

But Edwards warned that "there is some reason to worry that the Court may soon narrow its position." In particular, he cited the first post-Bakke employment case, City of Los Angeles v. Davis, which will be decided by the Court this term.

"If the Court uses this case to impose a requirement of discriminatory intent in order to make out a case of discrimination under §1981 of the Civil Rights Act of 1866, then the result may be a damaging one to civil rights advocates," said Edwards.

He was at Cornell to receive the eighth annual Judge William B. Groat Alumni Award honoring his work as "teacher, lawyer, writer and labor arbitrator." Professor Edwards is vice president of the National Academy of Arbitrators, and has been active in many recent arbitration cases. He has also written widely in the field, co-penning three books to date, and is presently working on a fourth book dealing with higher education and the law. Edwards joined the Michigan faculty in 1970.
Senior Day!

Dear Graduate:

Senior Day for December graduates will be held on Sunday, December 10, at 2:00 o'clock in the Hale Auditorium at Hill and Tappan Streets. The ceremony will be followed by a reception in the Lawyers Club Lounge.

The purpose of Senior Day is to honor the graduating class in a way more personal than possible at a University-wide ceremony, though it is not intended to take the place of the University Commencement exercises. We hope you will be able to attend as we feel this will be a memorable occasion for you and your parents and friends.

It is important that we know whether each graduating senior is or is not planning to attend, since seating arrangements are made so as to facilitate the awarding of certificates to each graduate of the class present. We would greatly appreciate hearing from you on this matter as soon as possible. You may respond by stopping by room 320 Hutchins Hall and giving Mrs. Howe the information she needs. We will send invitations to guests whom you wish to invite.

James J. White
Associate Dean

(Leary continued from page 1)

J.J. White has suggested that at the same time those areas are replaced, the Law School should pay to replace the rest of the flagstone. No action will be taken on any of the flagstone or landscaping at least until the roof is on the new library, which is still more than a year away.

Ms. Leary talks with the construction people every day to keep up with what they are doing. She does this, she says, partly through her duties as Assistant Director of the Library, but mostly through interest. She has the blueprints of the new library addition in her office on first floor of the library, and invites any students with questions or interest in the construction to stop in.

For the time being though, as to dirt piles, rough paths, and traffic through the Quad, it's Law Students Beware!
TENTATIVE FLOOR DIAGRAMS FOR THE NEW UNDERGROUND LIBRARY

LEVEL -1

LEVEL -2

LEVEL -3
practised labor law in Chicago for five years, and re-joined the faculty after spending two years teaching at Harvard in 1975-77.

In Bakke, the Supreme Court ruled that the University of California-Davis Medical School could not use race as the sole criterion in setting aside 16 places out of 100 in its entering class for minority students, at the exclusion of non-minority applicants, where no previous discrimination had been shown on the part of the university. Among other points made by Prof. Edwards regarding the effects of Bakke in the employment area:

--In view of Bakke, the courts are likely to continue to award preferential remedies--including preferential hiring quotas--in cases where previous discrimination has been proved.

--The courts, as in earlier rulings, will not allow a minority person to displace a non-minority person, even if the minority is a specific victim of discrimination. Thus, such a measure as "fictional seniority" (which could interfere with vested seniority rights of non-minority persons) has not and will not be awarded by the courts to minority persons.

On the other hand, such measures as "back pay," "retroactive seniority" and "front pay"--designed to compensate victims of past discrimination without affecting the job status of non-minority persons--are more likely to be awarded by the courts.

--The most serious problem now raised by Bakke is the continued legality of "voluntary" affirmative action taken by employers and unions to comply with Executive Order 11246 (which required affirmative action programs to be established by federal contractors). The voluntary programs, said Edwards, "may not stand up now without specific findings of discrimination."

Edwards also pointed to the significance of Bakke as an indicator of social sentiment regarding civil rights progress.

"If Bakke is seen as a further sign of retrenchment, then the net result may be to sap force from Title VII of the 1964 Civil Rights Act and other laws designed to deal with the problem of employment discrimination."

On the other hand, "if Bakke is seen as a clear statement from the Court in favor of race-conscious remedies, then it may serve to quiet the cries of 'reverse discrimination' being heard from those objecting to preferential remedies and affirmative action in favor of minorities and women," he noted.

Edwards also stressed that the need for "strong remedies" to eradicate employment discrimination is "no less now than it was a decade ago."

"The overall income gap between black and white families actually widened during the first half of the 70s. In 1970, the income of black families was 61 per cent of that of white families. By 1976, the gap had increased so that the income of black families was only 59 per cent of the white families."

"The unemployment figures are equally disheartening. For example, the seasonally adjusted unemployment rate for all workers in August 1977 was 7.1%; for black workers the unemployment rate was 15.5%, the highest such rate since 1954.

"Women have fared no better," observed Edwards. "In 1976, the incomes of white women were only about 59 per cent of those for white men and 82 per cent of those of black men. Black women, with a double burden of discrimination, had incomes of only about 55 per cent of those of white men and 77 per cent of those of black men."
Machle's Musings

I've heard a lot of "war stories" about interviewing lately. Somehow, though, my Pollyanna blood prompts me to say, "It could be worse."

Imagine, for example, interviewing with the senior partner of Kamisar, Quinlan & Miranda. This guy in a rugby shirt starts marking up your resume...a big red "SO WHAT" goes through Phi Beta Kappa, and a "WHO CARES" blots out your work experience. Then he asks one of those winning questions: "If a woman has Siamese twins plugged into a life support system and both of them will die unless her husband throws a beer mug at a kerosene lantern, is she justified in throwing her grandmother out of the lifeboat?" Of course, the proper answer is: "What the hell does that mean?" but you never think of it until it's too late.

Or what about a 20-minute session with Sanders, Elhart & Rite. You are cordially greeted by a man in cowboy boots and bolero tie, then the questions begin. Trying to get the worst over with quickly, you tell him of your law school record. "Did the world begin with a G.P.A.?” he responds. "I'll tell you, ma'am, you have to get on top of the world and look down with no flyspecks. My beloved 86-year old mother could come up with the common-sense answer, but you've got a chance to be a hero and answer it like a lawyer...ma'am."

You smile, open your mouth to answer and an impatient knock on the door tells you the interview is over. All that intimidation has come to naught. Oklahoma will just have to do without you for one more summer.

And think about the embarrassment of falling asleep during your interview with Fellows, Conard & Dulles. Or watching as Mr. Pierce, of Pierce, Legislation & Alia, shakes with silent laughter as he reads over your resume.

Or having to check the dictionary for definitions of six words in the question posed by the representative from Soper, Iphique & Confusing—and finally figuring out that all he wants to know is why in the world you'd want to go to Baltimore. Or interviewing with Bollinger & Redford, P.C., and wanting to sink through the floor (if you're male) because the interviewer is so much better looking, or (if you're female) because he's beginning to notice you drooling.

Yes, interviewing could be a great deal worse. A firm could ask you back to their

WASHROOM FACILITIES UPDATE

Professor James White, in his new role as Assistant Dean in Charge of Plumbing, is rumored to have ordered all the urinals in Hutchins Hall and Legal Research to be raised five inches. This action should have the desired effect of keeping all male students on their toes.

Women students have not been forgotten, though. By not expanding existing inadequate facilities, Dean White presumably hopes to keep all the women students hopping.

* * *

Alternative Placement Conference

Bill and I would like to thank the many law students and friends who attended the Alternative Practice Conference over the past week. The interest you showed ensured the success of the activities, and has encouraged us to follow through with plans for the second half of the conference next term.

The speakers sincerely enjoyed talking to Michigan law students about their work, and in return we learned a little more about the kinds of options we have in building our legal careers. As Mike Moran emphasized in keynote address on Monday, our decision to enter law school was not the last choice we will ever make. We all have the opportunity to choose the employers and the clients we will serve, and this choice should be a conscious, informed one. The lawyers we met during the conference are proof that choosing to work for "nonmoneyed" clients and unpopular causes does not preclude one from making a living or becoming an excellent lawyer.

We especially thank the Placement Office and the Placement Committee for their assistance with publicity and other details, the Lawyers' Guild for their help in keeping our signs up, and P.A.D. for co-sponsoring Thursday's lunch.

/s/ Bob Hagelshaw
/s/ Bill Dritsas
Law Quad Origins: PART 3

I, WILLIAM W. COOK, of the City County and State of New York, which I hereby declare to be my domicile, being of sound mind, memory and understanding, do hereby make, publish and declare this to be my Last Will and Testament, hereby revoking all wills and codicils by me at any time made.

TENTH: Believing, as I do, that American institutions are of more consequence than the wealth or power of the country; and believing that the preservation and development of these institutions have been, are, and will continue to be under the leadership of the legal profession; and believing also that the future of America depends largely on that profession; and believing that the character of the law schools determines the character of the legal profession, I wish to aid in enlarging the scope and improving the standards of the law schools by aidsing the one from which I graduated, namely, the Law School of the University of Michigan.

Therefore, in order to accomplish this purpose, I give, devise and bequeath unto my executors and trustees hereinafter named, and their successors, all the rest, residue and remainder of my estate, real, personal or mixed, of every nature, kind and description, wheresoever situated, and however held, to have and to hold the same forever, in trust, nevertheless, to hold, manage, invest, reinvest, and administer the same; to collect and receive the income therefrom, in perpetuity, and to expend the net amount of such income in aiding and promoting Legal Education throughout the United States in the manner hereinafter set forth.

In the expectation (not condition) that the Law School of the University of Michigan will continue to be maintained by the Regents of said University, (out of funds supplied by the state and/or others substantially as great as at present) upon standards of efficiency and excellence, which correspond generally to those of the best law schools of the country, I direct that the net income of said trust shall be devoted by the trustees hereunder to aiding and developing the said Law School of the University of Michigan by expending the same for one or more of such of the following purposes as may from time to time be agreed upon by my said trustees and the Regents of the said University of Michigan; that is to say:

a: To construct and equip at the said University of Michigan, upon land to be furnished for that purpose by the Regents of said University, in the same general style and character of architecture as that of the Lawyers Club Building, such of the following buildings as may not be completed at the time of my death, first utilizing any trust funds that I may have set aside for that purpose in my lifetime:

1: A Legal research building.
2: Additional dormitories for students.
3: A class room and administration building on the southwest corner of the "Law Quadrangle".
4: Such other dormitories and buildings outside of said "Law Quadrangle" as may be deemed advisable by my said Trustees and the Regents of said University for the accommodation of said law students and said Law School.

All dormitories constructed and equipped pursuant to the provisions of this subdivision shall be controlled and operated by the Lawyers Club of said University for its purposes, and shall be furnished by the said University with heat, light and power free of charge.

b: To establish and maintain in said University one or more departments for one or more of the following purposes:

1: To formulate and state all branches of the law in a form intelligible to law students and lawyers and laymen.
2: To study and advocate (orally and by publication) improvements in criminal and civil procedure and other branches of law. To prepare and publish legal articles, pamphlets and textbooks on important questions of the day, bringing to bear the jurisprudence and experiments in America and Europe; to study and write, historically, critically and analytically, on constitutional law, and judicial, executive, administrative and legislative problems and proposals.
3: To pay the salaries of research professors and their assistants, and the latter may be in whole or in part by fellowships.
4: To pay the incidental expenses of such Research Department.
5: To purchase books for the Law Library, other than books the University will continue to purchase as heretofore.
6: To publish productions of said department or departments, and also publish and sell at printer's cost my book on "American Institutions and Their Preservation".
7: To engage eminent jurists and lawyers to deliver lectures at Ann Arbor, and to publish such lectures when desirable.
8: To pay higher salaries to professors in the Law Department generally so as to retain and obtain the highest class of professors.
9: To establish new law professorships and also fellowships.
10: To inaugurate a professorship of or annual lecture courses on American Institutions

(Continued on next page)
and Their Preservation, either in the law department or literary department, or jointly for both, and to pay the salary of the professor thereof. This provision No. 10 to be Mandatory

11: To assist the American Law Institute so far as its work is done at the University of Michigan.

C: To aid and improve the said Law School of said University in such other manner as my said trustees and the Regents of said University shall determine, so as to produce superior lawyers, judges, legislators and executives; in other words, intellectual and reliable leaders.

I trust that this gift of my residuary estate may cause others to realize that the University can no longer be extended in its main developments by state taxation alone, and that if its standards of scholarship and mental discipline, and its service to the state and nation, are to be maintained and advance, they should be generous in their financial support. That University is and should be the pride of the State of Michigan.

The provisions of Cook's will were given effect only after a claim by Ida O. Cook, Mr. Cook's former wife whom he had divorced thirty years prior to his death, was settled. Mr. Cook had made no provision for Ida and she claimed that, because the divorce was invalid, she should be entitled to dower and her statutory interest in the personal property. The University approved a compromise of this claim with a settlement of $160,000. Cook's generosity to the Law School thus consisted of construction funds amounting to $8,643,370 and his endowment of the research fund. The William W. Cook Endowment Fund as of June 30, 1977 contained investments valued at $8,351,937.

To dispel some unfounded rumors and to inform the L.S.S.S., consider what the will does not say. First, it contains no reference to ice cream or Thursday night steaks in the Lawyers' Club. Second, Mr. Cook died before Prohibition was repealed and he made no comments regarding the use of liquor in the Lawyers' Club.

Third, the funds for Cook's inter vivos gifts, as expressed in his letters previously published in the Res Gestae, were provided by several trusts which terminated at his death. The remaining trust corpora reverted to his estate and passed to the University through the residuary clause of his will. The validity of conditions placed on his inter vivos gifts can be questioned, especially considering the effect of the condition that the Lawyers' Club not be used for housing of summer students. Also, one may wonder if the condition that the dormitory buildings be perpetually managed by the Lawyers Club governing body is being satisfied.

Fourth, no evidence of Cook's opinion regarding housing for female members of the Lawyers' Club has been found. The possibility of the need to house women law students apparently never occurred to him. Finally, the Martha Cook Building and its residents were not originally intended for the use, aid, or comfort of the Lawyers' Club residents. Martha Cook was built in 1915. The location of the Law Quad was not even determined until 1921. However, a letter from Cook to be published next week may indicate other purposes for the Martha Cook Building in relation to the Lawyers' Club.

I wish to express my gratitude to Mrs. Samuel D. Estep, Secretary to the Board of Regents, Mr. Chandler W. Matthews, Controller of the University, and the staff of the Chief Accountant of the University for their able assistance in locating the source documents for this series.

—Ridley Politiski

NEWS FLASH!!!

SOPER ADMITS CONFUSION

Professor Philip ("Legal Phil") Soper admitted to being confused by what Ronald Dworkin had to say in his "Reply to Critics" in Dworkin, Taking Rights Seriously, (1978). The unexpected and almost unprecedented admission startled several students into wakefulness. Several cynics have commented, however, that since Legal Phil is one of the critics to whom Dworkin replies, the comment was simply another skillfully-phrased law professor put-down.

Fans of legal philosophy are eagerly awaiting the appearance of Soper's upcoming inspirational guide, The Power of Positivist Thinking, publication of which has been delayed until Soper finishes his assignment as technical advisor for the animated T.V. special, "On Beyond Penumbra".

—S. Carlson
Misty Makes Money

Friday and Saturday nights at Hutchins Hall witnessed a Michigan Law School first.

Gargoyle Films, the alias of the L.S.S.S. Film Committee, sponsored what it termed its "First Annual First Amendment Film Festival" with the showing of the pornographic special, The Opening of Misty Beethoven. It proved to be an incredible success, if mere dollars and cents can be taken as a reliable measure of success. Gargoyle swept up nearly $1200 in gross receipts, rendering them a $600 profit. This compares to a $20 profit for It Happened One Night, a $25 loss on Carade, and a $60 loss for To Have and Have Not.

Hopefully, the profits from the films with little or no socially redeeming value, but with big audience appeal, can be used to fund some newer and better films to the Law School next term.

The twice-nightly showings were not without their casualties. One anonymous student had to be taken for psychiatric help, as he was heard to endlessly repeat, "How can they do such things with the six Supreme Court Justices watching on?" apparently referring to the six oil portraits in Room 100 that weren't hidden by the screen itself. Another student left under his own power, though apparently perturbed, after 50 minutes of avid note-taking when he realized that it was not his case club's movie of Doug Kahn on appellate advocacy.

Joel Russman, chairperson of the Film Committee and head Gargoyle, expressed his thanks to the members of the R.G. and to the Law School and non-Law School community-at-large who gave their to help selling tickets, putting up posters, and tearing down posters. He did request that next time they wait until after the movie until they help take down the posters.

Ask The Dr.

DEAR DR. DEMURRER:

This weekend I suddenly got a strange urge to make an anonymous telephone call to a Martha Cookie--any Martha Cookie, it didn't matter. I did, and it went something like this:

(Pant . . . pant) Hello, do you (pant . . . pant) know what I have (pant . . . pant) for you, little (pant . . . pant) girl? Well, (pant . . . pant . . . pant) let me tell (pant . . . pant) you . . . .

/s/ Horny

Dear Horny--

It seems as though you went to see that--that piece of trash the Gargoyle put on in the hallowed halls of Hutchins this weekend. You should recover after a cold shower or two.

Dr. D. would like to throw off his vaunted shawl of objectivity this week and give vent to his own feelings on the subject of First Amendment rights as applied to filth and perversion.

As a famous judge once said, "I can't define obscenity, but dammit, I know it when I feel it." I agree.

If you start allowing this sort of thing in law schools (i.e. showing dirty movies), the next thing you know, medical students will start wanting to see naked bodies too. And from there, who knows? Do we really want our youngsters growing up thinking that you can have fun without your clothes on? Do we want them to stop believing (at the tender age of 18) what Mommy and Daddy told them about the stork?

The showing of this movie, The Opening of Misty Beethoven, was a regression into the depths of foul licentiousness from which only too recently have most law students emerged.

When's the next showing?

Oyez-Oyez

PRE-REGISTRATION ENDS THIS WEDNESDAY!!!

Watch out for the Pass-Fail deadline, too.
Bridge Problem

CONSEQUENCES OF UNEVEN DISTRIBUTION
AVOIED BY CREATING TRUST

Uncle

♥K Q 5
♥ J 10 8 6 3 2
♥ 3
♥Q 10 6

Nephew

♥ A 8 7 6 4
♥ 9 7 4
♥ 2
♥ J 8 7 5 2

Niece

♥ 3 2
♥ K Q 5
♥ 10 7 6 5 2
♥ K 9 4

Executor

♥ J 10 9
♥ A
♥ A K Q J 9 8 4
♥ A 3

Dealer: South
Vulnerable: East-West

South  West  North  East
1D  Pass  1H  Pass
3D  Pass  3H  Pass
5D  Pass  Pass  Pass

Opening lead? ♥4

PROBLEM

After learning that, because of voidness, his suit was stopped unexpectedly, how did Executor manage?

SOLUTION

Uncle passed out upon leaving the contract, with Executor whose task, in accordance with Uncle's will, was to devise appropriate means. Executor, with future contingencies in mind, played the ♥Q and the ♥10 or the ♥4. A lead to the ♥J, on which Nephew played the ♥2, revealed the awful distribution which would be ruinous if allowed to take effect. Although failure appeared certain unless a revoke were discovered, Executor did not concede the contest, but played the ♥J. Nephew, believing that Uncle was dead, won the ♥A and returned the ♥4. Executor played the ♥J, which created a trust, the profit and principal benefit of which was Niece's deposit of the ♥Q. Executor played the ♥A and then the ♥A, ♥K, ♥Q, and ♥9. Niece took it and greedily attempted to cash the ♥K, but Executor ruffed and led to the ♥X. It was by now apparent that Uncle had a good heart. Executor took the remainder himself.

Executor was a beneficiary of the trust which he created by deception, taking an interest both real and personal; Nephew and Niece should have spotted where the shortcoming was. If at trick four they knew the real situation, Nephew could have beaten Executor with a spade or Niece could have laid low in waiting, forcing Executor to lose the contract.

Classifieds

FOR SALE—Marantz Model 26 Receiver (20 watt/channel), $75. Call Buck at 662-7149

8-TRACK TAPES—prerecorded and homemade, large selection, $1 each. Al, 662-7149.

This Friday:

THE CAINE MUTINY
*** Starring ***
Humphrey Bogart

7 & 9 p.m. Room 100 Hutchins

Admission:
Law Students - 50¢
Others - $1
Merveilleuse Dimitri, a Swiss clown-mime, more than lived up to his billing as "extraordinary." He displayed an array of talents in a performance which enraptured the audience.

Dimitri conveyed a variety of emotions, juxtaposing moments of quiet intensity with brash, harrowing acrobatics. Ironically, he accomplished this while performing alone and without words.

His body language is articulate: each movement, however slight, has a purpose. This requires tremendous concentration by Dimitri. It also demands concentration on the part of the audience, who must pay close attention to appreciate the meaning of each gesture, rather than absorbing only the overstated as with most other media.

This minimalism reflects Dimitri's training as a mime. In contrast to a classic mime (such as Marcel Marceau, with whom he studied), he uses props and incorporates many of the techniques of a circus clown.

In the first act, Dimitri, costumed in an oversized, worn jacket and made up in clown white but with black diamond-shapes surrounding his eyes, begins by walking slowly onstage, each foot carefully placed before the other. He strums on a small stringed instrument, but the tune is disrupted when the strum falls inside the instrument. To the audience's delight, he repeatedly attempts this tune, but each effort is frustrated, either by the strum being consumed by the instrument, or because he seems unable to sit still without his feet becoming entangled.

His performance also involves quite a bit of tumbling. Typically, he makes each dive, roll or balancing act seem impossible, then suddenly accomplishes it with apparent ease. At 43, his coordination is amazing.

What Dimitri does best of all is to involve the audience. On several occasions, he comes out into the audience to select someone to help him with his next gambit. This made everyone feel as if they were a part of the show, especially those selected who, rather than being self-conscious, revelled in their opportunity to participate.

There is a change of tone in the second act. Dimitri is garbed as before but with the addition of a conductor's cap. In his charge are several suitcases, which, one by one, he furtively opens. As he joyously discovers (with a sound something like "yooeyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyyy...
Al's Sports Corner

Michigan Bar Association splashed to a 9-6 innertube water polo victory on Thursday night. Kristin Sigesmund's 6 points paced the Bar. Mark Eby played a superb game in the goal. MBA must win tonight to make the "A" playoffs.

There is a sign-up sheet on the Sports Bulletin Board for IM wrestling. Up to 4 wrestlers can be entered in each of the 10 weight classes. Anyone with any wrestling experience at all is encouraged to sign up and help Law Gold in its battle for the Graduate All-year championship.

In the world of partying, Le Chateau de Bacchanalia held its second incredible party on Friday night. Over 250 people consumed 3/2 kegs and 20 gallons of "Microbrew". The evening was highlighted by the "Bar & Dance, and the best hat contest, won by Jeff Liebster and Marceta Farris. Meanwhile, Jon Golomb claims to be in sole possession of the Fraser's lead, with a perfect record of 11 FAP's. Golomb commented, "I didn't think I'd be in first place at this point, since I had planned to miss a lot of Thursdays interviewing in other cities." But wouldn't we all rather be guzzling beer at Fraser's than be a Wall Street law office?

And look who's going to win the Big Ten this year- the Spartans of MICHIGAN STATE. Thank God for recruiting violations. Word has it that L. Hart Wright has one less person to call on in Tax after his Sooners fumbled away victory to Nebraska. Finally, there is a new sport in the law school- Tennis Ball Bombardment on the upper floors of the library. George "Doctor of Gun" Brandon is looking for revenge against John "Heisman" Lonsberg, after being chased downstairs.

Sports Calendar

MONDAY, November 13
- All-campus pre-holiday basketball tournament entries due 2:30 Sportcomm mailbox; managers' meeting 7pm IMSB

SATURDAY, November 18
- Purdue at Michigan football, 1pm

SUNDAY, November 19
- Turkey Trot (3 or 6 mi), Huron High School, 10am. Entry blanks available at the Athlete's Shop on State St. ($2 preregister, $5 at race)

IM Scoreboard

COREC FOOTBALL
- Michigan Bar Association W, Wenley CR F
- Law Maroon 0, Little Pups 0
- Newman 18, Law Dirt 0
- Williams W, Law Dirt F

COREC INNERTUBE WATER POLO
- Michigan Bar Association 9, Markley Blagdon 6

GRADUATE FOOTBALL
- Corpus Delecti 14, Law Booters 8
- Corpus Delecti 10, Stannous Knights 0
- Nu Sigma Nu W, Law Booters F
- Pebble Creek Country Club 6, Law Wackers 5
- MBA Blue 6, Law Wackers 0
- MBA Red 0, Law Black'n'Blue 0
- Phi Alpha Kappa 14, Law Black'n'Blue 0
- Law Phids 6, Law Orange 0
- Gold In Lays 18, Law Orange 0
- Abar Cadavers 14, Law Phids 6
- Law Gold 40, MBA White 0
- Phi Rho Sigma 8, Law Silver 6
- Law Gold 14, Law Silver 0

"B" Playoffs First Round
- Law Black'n'Blue 6, MBA All-Stars 5
- Phi Rho Sigma 8, Law Orange 0
- Phi Alpha Kappa W, Law Silver L

"B" Quarterfinals
- Law Phids 12, MBA White 0
- Law Recreational
- Law Red 12, Law Purple 2
- Law Bronze 12, Law Purple 2

GRADUATE RACQUETBALL
- "B" Playoff Semifinals
- Law Booters 3, DSD A 0
- Law Gold 2, Dental Derelicts 1

INDEPENDENT FOOTBALL
- Good Times 12, Random Samples 2
- Canyon 23, Positrons 0

INDEPENDENT RACQUETBALL
- "A" Playoff Semifinals
- The Canyon 2, The Forum 1

WOMEN'S VOLLEYBALL
- Law Gunners 4, Alpha Delta Pi 2
The winner of the sports poll for the weekend of November 4 was Marc Abrams with a season high score of 33-7. Second place was a three way tie at 32-7 between Tom Walker, Jeff Behler and Dave Lipkin. David Werneke came in dead last at 20-20. The average score was 28-12, also a season high. Marc should call me at 994-3516 to claim his prize.

As for this week, just circle the winners, cross out the losers, and place your entry in the box outside Room 100 by 4:00 on Friday.

COLLEGE

Purdue(6½) at Michigan
Illinois(9½) at Minnesota
Ohio State at Indiana(16½)
Wisconsin at Iowa(3½)
Michigan State at Northwestern(24½)
Central Michigan at Western Michigan(3½)
Bowling Green at Ohio University(6½)
Iowa State(7½) at Colorado
Kansas at Kansas State(6½)
Missouri(6½) at Nebraska
Oklahoma State(24½) at Oklahoma
Notre Dame at Georgia Tech(10½)
Georgia at Auburn(9½)
Clemson(7½) at Maryland
Texas A&M(6½) at Arkansas
Stanford at California(8½)
USC(2½) at UCLA
Baylor at Rice(12½)
SMU(3½) at Texas Tech
Texas at Texas Christian(27½)
LSU at Mississippi State(13½)
Florida(4½) at Kentucky
Navy at Florida State(3½)
Washington State(6½) at Arizona
Arizona State at Oregon State(7½)
Duke(14½) at North Carolina State

PRO

Atlanta at Chicago(5½)
Buffalo(6½) at Tampa Bay
Cincinnati(9½) at Pittsburgh
Cleveland at Baltimore(3½)
Detroit(10½) at Oakland
Green Bay(6½) at Denver
Los Angeles at San Francisco(10½)
New England at N.Y. Jets(8½)
New Orleans(7½) at Dallas
Philadelphia(7½) at N.Y. Giants
St. Louis(9½) at Washington
San Diego(6½) at Minnesota
Seattle at Kansas City(7½)
Miami at Houston(3½)

TIEBREAKER: How many yards running will Mark Herrmann have against Michigan?_____

NAME:__________________________

Tom Meyer
Ned SEARIGHT, Plaintiff,  

v.  

STATE OF NEW JERSEY, Defendant.  

Civil No. 76-262.  

United States District Court,  
D. New Jersey.  

May 6, 1976.  

OPINION  

BIUNNO, District Judge.  

The complaint says that in October, 1962, Searight was taken to the Eye, Ear and Speech Clinic in Newark, while in custody, and that the State of New Jersey there unlawfully injected him in the left eye with a radium electric beam. As a result, he claims that someone now talks to him on the inside of his brain. He asks money damages of $12 million.

The State has moved to dismiss for failure to state a claim, F.R.Civ.P. 12(b)(6), on the ground that it appears from the face of the complaint that the claim, if otherwise valid, is barred by the statute of limitations.

[1] Ordinarily, that bar is a matter to be pleaded as a separate defense, but when the essential facts appear on the face of the pleading, it may be raised by motion as a matter of law as though by demurrer.

[2, 3] The incident is said to have happened in October, 1962, and the complaint was filed in February, 1976. Absent an Act of Congress (there is none), the lex loci governs. **** The applicable New Jersey statute allows 2 years after the cause of action accrues to file suit, N.J.S.A. 2A:14-2. Thus, suit was filed here more than 16 years after the statute had run out.

There is clear ground for dismissal. Yet, because Searight sues pro se, the court ordinarily would direct that judgment of dismissal not be entered within a period of perhaps a month, during which he would be allowed leave to file an amended complaint that surmounts the bar, if he can.

[4] But in this case, the court observes that for other considerations, equally obvious, it lacks jurisdiction to entertain the claim, and so may also dismiss for that reason, F.R.Civ.P. 12(h)(3).

Searight is a citizen of New Jersey, suing his own State; thus there is no diversity jurisdiction under 28 U.S.C. § 1332, and no suggestion of a federal question appears under 28 U.S.C. § 1331. ** ** *
BRUNCH WITH BACH

Bus trip has been CANCELLED due to insufficient interest. Ticket refunds will be made 9:15-10:45 and noon-2:30 Tuesday in the LSSS office, 217HH. Persons still interested should contact the Detroit Institute of Arts directly. (ph: 1-832-2730.)

BRUSSELS FELLOWSHIPS FOR 1979-1980

Exchange with Brussels Free Universities, Belgium for 1979-1980 commencing Oct. 1:
One full scholarship at the French Law Faculty, for a French-speaking senior at the Law School who will graduate prior to Oct. 1, 1979 (sound ability to understand lectures in French is a prerequisite);
One full fellowship at the Flemish Law Faculty in the Program on International Legal Cooperation. Lectures and seminars are given in English. Requirements: graduation from Law School prior to Oct. 1, and reading knowledge of French. Interested students should see Professor Whitmore Gray (334HH) for further information. Completed application materials must be submitted to Professor Gray by Jan. 15, 1979. Decisions will be announced in early March.

ATTENTION ALL STUDENT ORGANIZATIONS

If you need food, equipment or labor from the Law Club Food Service, you must fill out an entertainment requisition at the Food Service Office. Two-weeks notice is required on food and one week notice is required on equipment and labor.

We provide so many food services to the Law School and law students that with the shortage of student labor we have to have plenty of notice to coordinate everything.

LAWYERS' CLUB CAFETERIA

EMERGENCY VOLUNTEER WORKERS NEEDED

Law students interested in earning money while helping out their fellow students, and the Law Club, on an occasional basis please leave your name and phone number with the Law Club main desk.

We are attempting to assemble a list of students who will be willing to work on an emergency basis at such jobs as manning the desk, bartending, short-notice party set-up and clean-up, for snow storms, etc.