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University of Michigan Law School

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3 Professorships Filled

Three distinguished professors, L. Hart Wright, Olin L. Browder, Jr., and Frank R. Kennedy, have been appointed to professorships at the Law School.

Professor Wright will serve as the Paul G. Kauper Professor of Law; Professor Browder will be the James V. Campbell Professor; and Professor Kennedy will be the Thomas M. Cooley Professor.

The appointments were approved on December 15 by the U of M Regents.

The three professorships, which include annual stipends, are for five-year terms beginning Jan. 8. The Kauper professorship is being funded by contributions to the Paul G. Kauper Memorial Fund, named for the late U-M law professor; and the Cooley and Campbell professorships are supported by a recent gift from U-M Regent Robert E. Nederlander, a member of the Law School Class of 1958. Cooley and Campbell were members of the original faculty of the Law School in 1859.

Professor Wright, who joined the U-M Law School faculty in 1947, is an authority on U.S. federal and European tax procedures. Among other works, he is co-author of the book "Federal Tax Liens" and editor of "Comparative Conflict Resolution Procedures in Taxation," to which he contributed major sections.

Recipient of undergraduate and law degrees from the University of Oklahoma and a master of laws from the U of M, Wright in the 1950's prepared a major study of the Internal Revenue Service for which he

Misleading Ads Get REVIEWED

The use of subtle psychological techniques and misleading "cultural messages" in television ads--such as those implying that processed snack foods are nutritious, or using scenic imagery to emphasize non-polluting aspects of snowmobiles or other vehicles--make these commercials a target for government regulation, suggests a University of Michigan study.

The study, appearing in the Michigan Law Review, notes the widespread impact of these "implicit messages" in reinforcing "myths, stereotypes and prejudices" on the part of viewers.

"A snack food advertisement need not induce a purchase to suggest to the viewer that processed snack foods are nutritious. Although generally ancillary to advertising's commercial purpose, these messages touch upon every aspect of American life," writes author Fred Small, a 1978 U/M graduate now on the legal staff of the Environmental Defense Fund of Denver, Colorado.

Frequently, says Small, "the impressions conveyed by product advertisements are at least partially the result of subtle psychological techniques.... The images they convey are often false, in that they are contradicted by undisclosed facts."

Small notes that strict new regulations have been proposed for children's television advertising by the Federal Trade Commission (FTC). Among other things, the FTC's February 1978 recommendations would ban all television advertising directed at pre-school-aged children; ban televised advertising directed
From The Editor:

A week ago, Monday, January 8, 1979, as law students were eagerly making their way to the first classes of the new term, Law School halls were flooded with copies of a "comic" publication that looked somewhat similar to the Res Gestae (indeed, it was called "Res Jestae" and was described as "The University of Michigan Law School Student Weekly"). To any of the staff members of the Res Gestae (with a "G") it should have been obvious that the "Res Jestae" was the work of some other person (or group)--the layout was too neat, the quality of copy too good. To many persons in the Law School community, however, it was not clear that the R.G. had not put out the "R.J." After all, the format used for the "R.J." was identical to that used by the R.G. and at least once the publication was (inadvertently, we hope) referred to as the "Res Gestae."

Understandably, the "Res Jestae" was unsigned--at least, it was understandable that no one would want their name connected with the cruel and insensitive comments made about several Law School professors therein. At the same time that such anonymous authorship paraded under the guise of our "legitimate" weekly, it was unforgivable because it gave the impression that the libelous statements made about certain persons teaching abilities or sexual preferences were endorsed by the Res Gestae editors.

Neither the Res Gestae nor any of its editors or staff has or had any connection whatsoever with the bogus "Res Jestae". While the Res Gestae supports the expression of individual viewpoints through an open forum approach in our editorial policy, we must condemn the tasteless and malevolent distribution of such "stories", under cover of anonymity, under any standards of fairness and decency.

--Richard C. Stavoe, Jr.
received the Civilian Meritorius Service Award from the Treasury Department, the highest civilian award given by the government.

He has served for many years as consultant to the IRS, has drafted state tax legislation, and participated in many other government activities.

Dean Sandalow noted that Wright teaches "in one of the most difficult and demanding of legal subject matters. His work as a teacher is characterized by remarkably conscientious preparation, high intellectual demands on his students, technical proficiency, and sensitive concern for the broader issues of public policy."

Professor Browder, a member of the Michigan Law Faculty since 1953, is an authority on the law of property and co-author of three casebooks. He is also co-author of the encyclopedic "American Law of Property" and a frequent contributor to many scholarly journals.

Among other posts, he has served as chairman of the American Bar Association's Committee on Rules Against Perpetuities and as a consultant to the Michigan Law Revision Commission in the drafting of the Michigan Powers of Appointment Act.

He is the recipient of the A.B. and law degrees from the University of Illinois and a law doctorate from the U of M.

Dean Sandalow noted that Browder's scholarly work "reflects not only thoroughness and the craftsman's attention to detail, but a concern for the major themes of property law.... He has been one of the Law School's most popular and effective teachers."

Professor Kennedy, who joined the Michigan law faculty in 1961, is an expert on bankruptcy who has held a number of important posts over the past 20 years.

From 1970 to 1973, serving as the executive director of the U.S. Commission on Bankruptcy Laws, he was principal draftsman of the recently enacted Bankruptcy Act, the first comprehensive revision of the nation's bankruptcy laws in more than 75 years.

Between 1960 and 1976 he served successive five-year terms as reporter for the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States.

He has also been reporter for the National Conference of Commissioners on Uniform State Laws in drafting the Uniform Exemptions Act; chairman of the drafting committee and member of the executive committee of the National Bankruptcy Conference; and chairman of the Uniform Commercial Code Committee and the Secured Transactions Committee of the American Bar Association.

The holder of degrees from Southwest Missouri State College, and the law schools of Washington University and Yale University, Kennedy has written widely in his field.

His excellence as a teacher, said Dean Sandalow, "is based not at all on histrionics, but on an unchallengable command of an intricate and difficult subject matter; a tough, analytical mind; and patience in dealing with students."

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**Al's Sports Corner**

The IM basketball season starts this week. Most graduate division teams start Wednesday night. Law Gold (last year's Law Orange), led by Rick Mentzinger, Hal Hamersmith & Co. looks like a good bet to win the grad loop. Gold is in second place for the all-year championship behind DSD"A". Other tough law school entries include Joe Tilson and "Pistol" Pete Kupelian's Pistols, Mark Eby's Law Silver, and John Schrashum's Law Booters. As usual, Jeff Liebster has recruited an all-star cast (led by Jim Pickens) to man the Canyon independent entry.

On the night before the Contracts final last May, the RG sports staff was at Fraser's to see Kevin Smith and Brian Dombkowski tie for the Thursday
at children up to 11 years for sugared foods posing high dental risks; and require that commercials featuring other sugared foods be balanced by nutrition and health messages financed by advertisers.

The Law Review article suggests that the FTC's recommendations raise the question of regulation of television advertising in general, especially advertising whose "implicit messages" foster misleading ideas about such important issues as nutrition, the environment, and sexism.

Among television advertising regulatory schemes which may have some merit, according to the study:
- The FTC, upon determining that an advertising practice is unfair or deceptive, could order a correction or "fair presentation of the facts" by the advertiser.

- The so-called "fairness doctrine" which requires equal time for competing social or political views on TV shows—could also be required for television advertising which is deemed to have a strong cultural impact. But thus far, such a measure has been strongly resisted by the Federal Communications Commission, in view of the heavy financial burden it would place on broadcasters.

Television food advertising presents the strongest case for regulation by the FTC, according to author Small. "That so powerful an educational tool should be used to encourage unhealthful eating habits in a malnourished nation is the most offensive and harmful form of unfairness," he writes. "As part of the price of access to television, food advertisers should be assessed the cost of corrective nutritional messages, both informational and motivational."

"Although the issue has not been directly before it, the Court has stated that the protection accorded commercial speech presents no obstacle to regulating false, misleading or deceptive advertising to ensure 'that the stream of commercial information flows cleanly as well as freely,'" states Small.

Among recent precedents, notes the article, is a case heard by the Court of Appeals for the D.C. Circuit (Warner-Lambert Co. v FTC), in which the remedy of corrective information to counterbalance deceptive TV product advertising was upheld as constitutional.

"Americans have a justified fear of anyone deciding for them what they 'ought' to see and hear," concludes Small. "Television broadcasting, as presently structured, forces an uncomfortable policy choice between delegating this decision wholly to corporate advertisers or permitting representative government to intervene on behalf of perceived public interest.

"Whether called 'education,' 'acculturation' or 'advertising,' propaganda is constantly broadcast to television viewers. The question is whether it is to be accountable to the public."

AL'S Sports Corner (from previous page)

night championship. They both had 16 out of a possible 17 appearances. Again in December (on the night before International Law), the RG was there to see Jay Jensen record his 16th FRAP of the term. This perfect score won the Iron Mug for Jensen.

The Wastemore Manner crew threw a gala New Year's Eve Party this past Saturday night. Plenty of champagne, beer and White Russians were consumed by Ted, Ken, Rick, Dave, Steve and friends. The festivities ended at about 5:00 am with DR. DIAG a notable diehard. Diag reportedly tried to cook chicken barbecue for breakfast, but was escorted out by Dave.

Le Chateau de Bachanalia held its first annual Beaver Dinner last night. Mark "Buckwheat" Norby fried and roasted a beaver his brother-in-law trapped near Houghton Lake (rodent type). The beaver, served with Buckwheat's delicious beaver gravy was a splendid feast for all. If you would like to eat beaver this week, stop by the Chateau for a sandwich.

Super Bowl Prediction—Dallas 21-17.
We Tell You When We !@#$%ç&*! Up Dept.

Yes, we blew it. By placing our collective trust in a scoundrel of a Directory Compiler, enough time was wasted that the regular University Student Directory has now been released. This makes publication of a separate Law School Directory redundant, unnecessary, pointless, and without merit.

We're looking into the possibility of getting some of the University directories in bulk for distribution at the Law School (they're currently available at the U Cellar for 25¢), but until then the Student Locator number (764-2330) will have to do. For the printed-word freaks, or those unable to dial Information due to behavioral conditioning from years of exposure to telephone company recorded messages we hope to have the Law School Directory back next year.

Prestigious Position With Legislative Organization Available

The Senate is now looking for a reliable, energetic entrepreneur interested in putting together next year's Student Directory (see above). A competent compiler can salt away a substantial profit on this project, with not a whole lot of effort, by obtaining a few "deep-pocket" advertisers, many of whom are anxiously lined up outside the Senate office in hopes of reaching the lucrative law student market.

If you're interested, please stop by Room 217 during office hours.

New Board Of Governors Member To Be Appointed

Alan Walton will soon be appointed to fill out the remainder of the year as a member of the Board of Governors, temporarily filling the vacancy left by Betty Rankin-Widgeon, who resigned last term. A vote for the office will be held as part of the regular LSSS
With the end of the Fall season while we await the final polls to come out, some of our colleagues from the Clinic have seen their ratings, and we report a number of their victories.

Mark Goldstein and Rick Littlefield participated in the Clinic's first federal case that actually got tried before a jury instead of settled. The matter involved violation by Belleville High School officials of numerous student rights of a former student body chairperson, including libel and illegal suspension. Successful evidentiary rulings in limine and during trial were the result of Mark and Rick's work. A former clinic student, Diana Autin, joined the Clinic's Alan Kirtley and Michigan Legal Services' Gabe Kaimowitz as trial counsel.

Charlie Cross and Bob Archer won a consumer law victory for a clinic customer unsatisfied with a paint job on her car. In a six hour trial, with lay and "expert" testimony, the judge was persuade the job was not performed in a workmanlike manner.

Barry Ziker and John Carroll won a two day jury trial against three professional witnesses from the Michigan State Police who had accused their client of being threatening, profane and disorderly. Ziker and Carroll convinced the jury that their client, who was injured trying to rescue a friend in a fight, was the victim, not the perpetrator, of a crime. In that upon arrival the state police accused their client instead of pursuing the felonious assailant, his physical and verbal agitation toward the officers was "reasonable under the circumstances." Both counsel received judicial praise on their first trial after the jury returned.

David Miller was involved in writing an extensive brief in support of a motion for award of attorney fees under the Civil Rights Attorneys Fees Award Act of 1976. The case was a class action filed in federal district court on behalf of food stamp applicants who were unable, because of a restrictive state Department of Social Services (DSS) policy, to obtain the full amount of retroactive benefits to which they were entitled. After some discovery and negotiations, a consent judgment against the DSS defendant was entered. A motion for attorney fees and a supporting brief were filed by the Clinic for the "prevailing party." The brief argued that fees were proper in a case terminated by a consent judgment, for public interest attorneys who charged no fees, and that the requested award did not violate the eleventh amendment which bars federal orders against a state that have substantial impact on their treasury. The court decided in plaintiff's favor on all issues. This was consistent with the U.S. Supreme Court case of Hutto v. Finney decided last Spring, which concluded that the fee awards against states were not barred by the eleventh amendment. Incidentally, the Clinic was an amicus in Hutto in the filing of a joint brief for a number of public interest amici around the country.

Dave Miller also negotiated a settlement for a senior citizen client who, having recently lost her spouse, was a fraud victim of a "false friend" who convinced her to mortgage her home to a bank and "lend" her the borrowed funds. The "friend" is long gone now. The bank's efforts to collect from the "poor old widow" were restrained considerably by Dave's negotiations and the Clinic's lawsuit against it for Truth-in-Lending violations.

Another victory for the Clinic came from the Michigan Court of Appeals which upheld a hotly contested custody judgment granting a lesbian client possession of her two children.

(Continued on page 7)
CLINICS WINDUP SUCCESSFUL SEASON
(Continued from page 6)

The Court of Appeals noted that the Clinic's expert testimony at trial indicated little evidence that proved that a private sexual relationship between two women could cause homosexual tendencies in the children.

Not a bad season for a bunch of beginners!

NEEDED: One partner in Patent Law Moot Court Competition conducted on a regional/national level. Please see Prof. Reed or Brooke, 662-7149 for details. Briefs due Feb. 23.

From the "Some Things Never Change" Department: The following editorial and letter-to-the-editor were originally printed in the Michigan Daily. Dec. 14, 1956

Books are the staff of educational life- perhaps more so than are students and teachers.

The Legal Research Library of the Law School is guilty of encroachment in its new policy of not permitting Literary College students to take books from its library.

The Legal Library recently enacted this policy because it is said Literary school people "don't bring them back".

This, it would seem, is classifying the majority of Literary students using the Legal Library's facilities as irresponsible, or worse, thieves.

Perhaps there are not enough Literary School students using the Legal Library facilities for them to "matter". But should lack of numbers constitute lack of rights?

True, a book overdue could handicap a law student's use of it. It would seem that some sort of limited take-out system -- if not a restoration of the old policy -- could be arranged on weekends or during times when such volumes are not in use by law classes so that Literary College students might also benefit more fully.

-Ronald Schelkopf

(Continued on next column)

To the Editor: Dec. 19, 1956

We have noted with interest the editorial (Dec. 14) ...wherein your writer makes a plea for increased accessibility of legal works in the Law Library.

However it seems to us that his conclusion that undergraduates should be permitted freer access to Law Library materials is manifestly absurd. Rather, it is imperative that the Director of the Law Library take drastic measures to bar all undergraduates from the building as the only means of assuring to law students, for whose use and benefit the library is maintained, proper access to the research and study facilities. The study of Law at this University is extremely exacting and arduous work. The competition for academic survival is intense. Bona fide legal research requires an intense concentration which can be accomplished only in an environment free from the frivolous distractions of giggling coeds whispering to their undergraduate "study dates" little girlish confidences about the latest sorority dance, and who is now "pinned" to whom. The undergraduates of both sexes have been turning our Library into a "Teen Age Canteen"-type social center for the pre-Pretzel Bell crowd.

The distractions confronting the serious student of the law are becoming well nigh intolerable: the odds favor his being unable even to find a seat; should he be so lucky, he will find himself in the middle of an ocean of restless idlers whose "need for legal materials" is demonstrated by the elementary Speech or Sociology books open on the tables in front of them.

Should the Law School authorities continue to ignore this ever increasing plague of adolescent visitors, we soon may expect the installation of a Coke Bar and a giant glittering Juke Box for informal dancing in the Main Reading Room.

Undergraduates: Please spare us your society. Leave us alone. Get out and stay out. Find other space for your gossipping, giggling, and letter writing, and other ears to hear your chewing gum snap--snap--snap. We need the chairs, the books, and some semblance of peace and quiet for our own lawful pursuits.

-W. W. Stroup '58Loy.
The Michigan Student Assembly has endorsed a plan to reorganize and improve the Michigan Union, a plan which is facing stiff opposition from the Regents. The Regents had appointed an administration committee, named the Sturgis Committee, to totally reevaluate the Union in view of its dismal performance as a student center.

After months of haggling, the Sturgis Committee made broad recommendations for sweeping changes in the Union structure. The most important parts of the plan would place control of the Union in the Office of Student Services, eliminate the hotel, replace the U Club with a more student-oriented drinking and dining concern, and increase the funding for the Union. Hopefully, the result would be a Union we could use.

Unfortunately, the Regents tabled the proposal at their last meeting and nearly defeated it outright, despite the support of former U President Robben Fleming and Acting President Allan Smith.

Students supporting the Sturgis Plan are now conducting an active lobbying campaign to urge its adoption. I urge everyone to write the Regents to express his or her approval of the plan. More information can be obtained from Jeff LeBow, MSA representative to the Union Governing Board, whose office is at UAC in the Union.

In other matters... Law School organizations have been very successful in obtaining MSA funding. Feminist Legal Services received $1000 to pay for an attorney. The Speakers Committee received $985 for its ambitious program and La Raza has tentative approval of a $200 request for the Corky Gonzales lecture. Other organizations should know that money is still available.

MSA has had a prolonged struggle with the Regents on the issue of a student advisory committee on presidential selection. Basically, we wish to ensure that our participation will be meaningful rather than token. The Regents' original proposal was offensive to our sense of fairness and democracy. Our balking and threatened boycott has brought significant concessions but adequate guarantees of meaningful access to candidates for the presidency of the University and cooperation among the advisory committees are still being sought. As chairperson of the committee I will be conducting the negotiations with the Regents and I welcome anyone's comments. Also serving on this committee is first-year law student Steven Zaris.

--Jeff Supowit
MSA Representative

Classifieds

LOST--Men's watch with black band during exams in or around Hutchins. Great sentimental value. Call Steve at 764-8968.

TO R.K. and L.K.--Thanks for the wonderful gifts. They keep me up all night long. D.L.

SPRING BREAK--Still need 1 or 2 for week skiing in Aspen over Break. Very cheap. Leave note at R.G.

Docket

MONDAY, JANUARY 15
La Raza General Meeting--5pm/La Raza Office, Agenda: Jose Zurita

TUESDAY, JANUARY 16
Environmental Law Society Organizing Meeting--Noon-12:30/ELS Office