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Reflections On The Cohen-Sandalow Bakke Debate
by Fred Small

Schools of law and medicine, as Professor Cohen pointed out, are a "scarce resource" in our society. Professor Sandalow cited the application-admission ratio for the nation's law schools as greater than two to one. Logically, this resource scarcity helps explain the great emotion generated by preferential admissions programs, and the presence before the Supreme Court of white ethnic organizations as amici curiae opposed to these programs. If blacks are to gain, whites must lose.

A child's question occurred to me: Why? Why is the resource scarce? Why is there a scarcity of medical and legal services to all Americans? The answer, I think, is professional elitism. I use the word "elitism" descriptively, not epithetically. Extraordinary, artificial status and income accrue to the practice of medicine and law, but this elite position both depends upon and makes inevitable a failure to understand and serve the needs of persons outside the upper and upper-middle classes. Training and deploying larger numbers of people skilled in law and medicine--making the scarce resource ample--would help provide needed services but would threaten this extraordinary status and monopoly profits.

A crucial difference between Mr. Cohen's position and Mr. Sandalow's, then, is the expectation of what kind of doctors and lawyers minority students will become. Mr. Cohen saw little evidence that one's race affects the nature of one's professional practice. Mr. Sandalow predicated much of his argument upon the assumption that it makes a very great difference, e.g., in the quality of criminal justice. Empirically, I think Mr. Sandalow clearly right. I have seen black lawyers who terrified me with their apparent dispassion and lack of social concern. But I have seen many more who refused to surrender their culture and their anger as they reached for their diploma. To put it plainly, they did not sell out.

(See BAKKE, page 3)
CRUSADER RABBIT
WHY LAW SCHOOL TUITION KEEPS GOING UP AND UP

[The following draft of a letter was purloined from the Law School trash shredder by Crusader Rabbit while scrounging his evening meal.]

AN OPEN LETTER TO THE STUDENTS

TO: DA STUDENTS
FROM: DA DEAN
DATE: AUG. 31, 1977
RE: NONE OF YER DAMN BUSINESS

Bitch, bitch, bitch! So law school tuition went up another 10%. Big fucking deal. You'll all be earning 50 thou a year a few years from now, so what are you bellyaching about? Greedy, greedy, greedy. You're going to get rich off of society, so what's wrong with the law school getting rich off of you? And anyway, there are good reasons for law school tuition going up. Let's look at my facts:

Chalk! Do you know how expensive chalk is? We buy boxes and boxes of that stuff. And the professors here every now and then insist upon using it. My God, what sort of visual aids will they want next? And then when the blackboards are all dirtied up, we have to hire someone to clean them! I tell you, you don't know what sort of responsibilities and expenses are involved with running a law school.

Then there's paper. Do you know how much paperwork we put you people through? There's pre-classification forms, registration forms, classification forms, drop/add forms, financial aid forms, GAPSFAS, Parents' Confidential, work-study forms, ACT financial resources forms.

(See RABBIT, page 4)

Day Old Bread

by Steve Fetter

MORE INTERVIEW NOTES: The war continues...the casualties mount up...Bruce Celebrezze reports that missing by a mile is getting a rejection from a Chicago firm with an Ann Arbor postmark (a fortiori--how about a rejection on the back of a Campus Inn postcard!)...and Bruce and two of his roomies, Geoff Silverman and Scott Smith, after interviewing with the same firm last week, are waiting for one letter addressed to the three of them that begins "Dear Sirs:"...and speaking of the Campus Inn, I had an interview over there last week with a 10-man complete litigation firm--all antitrust--so I walked in and said that I've always wanted to be a trial lawyer--only to have them tell me that nine out of ten antitrust cases are settled out of court, and that maybe it would be better if I tried the Attorney General's office.

No harm done--I picked up a busboy application for the summer on my way out...No such problems for Doug Kanarek, who interviewed with a New York firm last week which described its needs as: "We need a backcourt man who can bring up the ball." No better man for that than Doug, but we hear that he's considering a smaller city where he would get more playing time his first season...the way some interviews are going, I begin to get the feeling that buttoning up my vest is like a quarterback buckling up his chinstrap--for instance, my first interview with a New York firm had more blows landing than the Ali-Shavers contest:

Him: "Personality doesn't get clients."
Me: "It only keeps them."
Him: "You realize that if you cut back on some of your outside activities, you could probably raise your GPA half a point."

(See BREAD, page 6)
There seems little to be gained from special programs to admit the elite of the black community to professional schools so that they may join the elite of the white community in serving the elite of the nation. But I believe that minority and women professionals will reflect their divergent backgrounds in their practice. They will demand that their professions serve their own people, and perhaps even all the people.

My hope is that minority and women professionals—outsiders now on the inside—will help make the professions worthy of the people whom they are charged to serve, but too often ignore.

Music: THE RETURN OF HANK JONES

By Timothy Sawyer Knowlton

Hank Jones—'Bop Redux. I started collecting records in 1966. Unfortunately, I didn’t take an interest in jazz until 1974. One of the first jazz records I purchased was A Jazz Piano Anthology, a double album still available on Columbia. It contained one section featuring Hank Jones, “Polka Dots and Moonbeams”, a very lovely ballad. When I finally decided to purchase some of Hank Jones’ albums I discovered that, despite prolific recording for the Verve and Savoy labels, his I ps were no longer available. Even scouring the used record and cutout bins the only Jones’ album I ever found was one on Impulse for which he played electronic harpsichord. It may be a great record, I don’t know. I never purchased it. Instead I relied on one clerk’s succinct statement, to wit, “The reason that this is the only Hank Jones’ album available is that it sucks”.

‘Bop Redux is one of two Jones’ recordings recently released by Muse records. ‘Bop Redux contains eight compositions written by the two seminal figures of bebop, Charles “Bird” Parker and Thelonious Monk. Although the album cuts are played by a trio, Jones’ piano dominates the session.

The five Parker pieces vary considerably in success of execution. It took several playings of ‘Bop Redux just to get used to hearing “Confirmation” and “Blowdido” played without a saxophone. Jones’ work on both of these pieces is very polished, but “Blowdido” strikes me as being delivered without any real affection. The most successful of the Parker pieces is “Yardbird Suite” in which Jones does some impressive improvisations. “Moose The Mooche”, a minor Parker composition played by Bird for its humor, is delivered perfectly straight by Jones and fails.

The three standouts on this album are the three Monk ballads, “Ruby, My Dear”, “Round Midnight”, and “Monk’s Mood”. “Ruby, My Dear” was written by Monk in his teens and has since been recorded hundreds of times. On the Columbia album, Solo Monk, Monk’s rendition features irregular phrasing and almost staccato delivery. He hammers the keys as if angry. The trio version by Monk in the Blue Note Reissue Series is a classic. The irregular timing is retained. The cut features the great Art Blakely on drums and Gene Ramey on bass. Nonetheless I like Jones’ rendition better than either of these Monk versions. Jones plays “Ruby, My Dear” much more quietly and sustains notes to give the work an entirely different phrasing. Based on the number of times Monk has recorded “Round Midnight” one would guess it is his favorite composition. Jones does a particularly fine rendition of this ballad. Again the phrasing is much different than on any of the many Monk versions.

“Monk’s Mood” is also well covered by Jones. In the Monk versions, Thelonious stabs at the keys and the piece is brusquely played classic. Jones takes a more classic approach to the piano on the composition. Hank changes the rhythm, sustains notes and allows the melody to flow. Jones’ approach to these three bop ballads is quite traditional and his style actually reminds one more of Ellington than Monk.
PRECLASSIFICATION & EARLY REGISTRATION FOR WINTER TERM 1978

Preclassification and early registration will begin soon, Tenative dates to note follow.

Seminar and Clinical Law Program Materials available—Now in Room 300 Hutchins Hall.

Explanation of procedures (including method of selecting students)—3:30 p.m. October 17, 1977 in Room 100 Hutchins Hall.

Clinical Law informational meeting—3:30 p.m. October 18, 1977 in Room 100 Hutchins Hall.

Course Selection Panel (this should be of special interest to summer starters)—3:30 p.m. October 19, 1977 in Room 100 Hutchins Hall.

DEADLINE for seminar and clinical course sign-ups—3:30 p.m. October 24, 1977 in Room 300 Hutchins Hall.

Preclassification and Early Registration Materials available (including results of seminar and clinical course selections)—1:30 p.m. November 7, 1977 in Room 300 Hutchins Hall.

First-Year Elective Meeting—3:30 p.m. November 10, 1977 in Room 100 Hutchins Hall.

DEADLINE for preclassification—3:30 p.m. November 18, 1977 in Room 300 Hutchins Hall.

Students may pick up election sheets, substitute new courses for courses from which they were dropped due to oversubscription, and complete the EARLY REGISTRATION process (including identification card validation) — December 9 through December 20, 1977 from 10:00 a.m. to 11:30 a.m. and 2:00 p.m. to 4:30 p.m. in Room 236 Hutchins Hall.

Classification and registration for students who fail to preclassify and early register will take place on January 9, 1978 from 1:30 p.m. to 4:30 p.m. and on January 10, 1978 from 9:30 a.m. to 11:30 a.m. and 1:30 p.m. to 4:30 p.m. in Room 200 Hutchins Hall.

RABBIT [cont. from p. 2]

interview sign-up forms, diploma applications, placement forms, etc. etc. Who pays for those forms?! We do!!! Did you realize that the law school uses as much paper each year as 100 medium-sized McDonalds? That costs money. Do you think that paper grows on trees?

And while we're talking about paper, there are those goddamn supplements that those bandits from West and Shepard's keep jacking the price up on. Why do you people insist upon all this "Modern" law? There's so much of it and it's all so confusing and conflicting. The law that I learned was pretty good for me, and it should be good enough for you punks. The old ways are the best ways, I always say.

Why in the old days, we didn't have students who expected heated classrooms. We didn't build this law school to resemble a drafty old castle just so we could heat it to room temperature. Why, it costs so much just to heat it enough to melt the frost off the blackboards! When you pirates graduate and start working for the oil and utility companies, you'll see how badly they hijack us. And it costs us a lot of money to install that non-functioning air conditioning system.

Speaking of construction costs, I'm sure you've noticed the hammering and banging going on in room 116. We have to pay those workers double-time to make enough racket to disrupt every classroom in the law school. And you wouldn't believe how badly those unions screw you on contracts. If only I knew something about labor law.

And what about our other salary problems? We have to pay top dollar to get prestigious, elitist faculty to come to a backwater boondock like Ann Arbor in order to teach. Like Woody Allen said of Los Angeles, the only cultural advantage to Michigan is that you can make a right turn on red. And then there are those filthy, scummy, smelly students! Thousands of them! Jacking up the price of housing, food, clothing, entertainment, everything. It would be a lot easier to get faculty to come here if it weren't for all these students. If you'd only all go away, tuition wouldn't be nearly as high.

Then there's the faculty prerequisites. We have to provide parking for them. We have to devote a corner of prime real estate at Monroe & Tappan to those faculty. Do you know how much money we could make by renting that corner to McDonalds!? Then we have to provide offices. Have you ever seen the inside of a faculty member's office? Of course not, because they are never in them. But if you did, you'd be amazed. Desks, books, pens, pencils, chairs, shelves, all that costs money. And every time a faculty member steals a book from the library, we have to buy a new one because the students want to use the book also. Why can't you people borrow them from Overbeck's instead?

Speaking of bookstores, our kickbacks are down substantially. And none of the bookstores will give us any kickbacks on Gilberts. Why, we teach law so badly around here that Gilberts is practically a required text! But since we only get kickbacks on assigned texts, we have to keep assigning more of them. Either that or xerox our own course materials at 3c a page and sell them to you at 5c a page.

Finally there's affirmative action. Now, I'm not trying to create racial or sexual disharmony. But if we didn't have to give all that money to those uppity CENSORED and castrating CENSORED, why it would be a lot cheaper for the right people to come to this school. And we have to pay a lot of bribe money to keep those EEOC people from investigating the racial & sexual composition of our faculty.

So when you pay your tuition, realize that you are supporting elitism, waste, mismanagement, an unresponsive bureaucracy, conspicuous consumption, and the profit incentive; in short, everything that made America great. And if you don't like it here, go back to Detroit College of Law!

Signed,
Da Dean
COMMITTEES

(Editor's note: The following is a list of the members of various committees. If you are interested in discussing any problems in any of the areas or in helping out in some of the open positions, contact one of the members and they should be able to help you.)

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* Numbers indicate order of
"seniority."

* Chairperson(s)
# Opening on committee
italics Faculty and Staff Members

$start outlining!$

only 61 days until finals
More Bread

Me: “And just think, if I never spoke to anyone all year I could probably raise it a whole point.”

I dropped a split decision but I’ve been promised a rematch next September... Ethan Falk needn’t worry—the new-found fair-haired boy of Room 200 has had interviewers banging at his door—in fact, I stopped by a party at his apartment two weeks ago, and since I was sitting near the phone, I answered it—another L.A. firm that wanted him—but I told them we weren’t interested—they were only paying $350/week, and anyway Ethan was dancing and the record had just started... And doesn’t it bother you when the interviewers call you by your first name for thirty minutes during the interview, an additional three hours at a cocktail party, and then begin your death certificate, “Dear Mr....”...And, finally, overheard at the shrimp bowl at Vinson & Elkins’ cocktail party—‘The only thing better than having V & E fly you down to Houston and offering you a job, is having V & E fly you down to Houston and not offering you a job.

JOHN COOGAN STORY—Part One—where John establishes his reputation for punctuality (or lack thereof) so well that 1) Tom Green once walked into class and called out to the back of the room: ‘‘Coogan called ahead to reserve a seat in the back row’’; and 2) another time, John’s parents came to visit from Chi-town and they were in seats a full ten minutes before John came waltzing into class eight minutes late. Watch for future installments of the J.C. Story—collect the whole set! Trade with your friends! And if you would like to help John beat this dread disease, please send all contributions c/o this reporter.

Dicta: Witness a strange phenomenon in Copyright class—even without permanent seats, the seating arrangement is 90-95% the same, week after week...and while we’re searching for our unpermanent seats, Gerry Rosberg is ranting and raving: “If I open a hamburger stand right next to MacDonald’s, and I have golden arches right next to theirs, is that trademark infringement?” Can’t answer that one, Gerry, but can you picture it—ROSBERGERS!...And Tom Green reports that his oft-maligned feline Sappho is planning a biting reply to an earlier column—a little “hot under the collar,” eh, Sappho...And I hope you all noticed Lindsey Alton’s National TV debut during the Texas A & M game (a film clip on the Child Advocacy Clinic)—but don’t fret if you missed it—U-M band director George Cavender has told this reporter that the entire band show during the Ohio State game will be dedicated to our fair-haired miss.

Stay tuned for next week’s “Who the hell is ‘Beer Night’ Meyer, and how did he ever get that name?” See you then.

(Continued from page 2)

whose representatives are on the playing field. (Note—when looking at a chart of football seats recently, it appeared to me that the bad types are taking over more good seats in the student quarter. While refusing to reveal any numbers, the woman I called at the ticket office assured me that I was loco).

III

Reaction to last week’s article was unfavorable. But Philip Miller commented, “My son, you are a very brave person.”

I said, “Yes, that is true. But how did you know?”

He answered, “Anyone who would sign his real name to an article that bad is a very brave person.”

In a less critical vein my mother said, “You already have a job. Why did you write that crummy article?”

Said I, “To help kick off my ‘Gordon C. Miller for Dean’ campaign.” Posters, leaflets, buttons, bumper stickers, and information are available in Room 300.

Gordon Miller

Relax this weekend with a rarely-seen Bogart movie...

BEAT THE DEVIL [1954]

Directed by John Huston
With an All-star Cast: Humphrey Bogart, Jennifer Jones, Robert Morley, Peter Lorre, Gina Lollobrigida
Screenplay by Truman Capote

“Beat the Devil is a mess, but its probably the funniest mess - the screwball classic - of all time.” “This 1954 picture is something special: the straight-faced parody of the international thriller that killed off the whole genre.” - Pauline Kael.

SEE IT THIS FRIDAY, OCTOBER 14
SHOWINGS AT 7:00 & 9:00 P.M.
ROOM 100, HUTCHINS HALL
LAW STUDENTS: 25¢
OTHERS: $1.00