October 19, 1977

University of Michigan Law School

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Carrington To Head Duke Law School

The Deanship Search Committee can scratch one name from its list of candidates. Professor Paul D. Carrington has accepted an appointment as Dean of the Duke University Law School. He will assume his new duties at the end of the current academic year, and will serve for an indefinite term.

Professor Carrington stated, "I have enjoyed all thirteen years here at Michigan. Teaching here has been a privilege that has given me great satisfaction. I have the highest regard for the students and faculty. I am just at a point in life where I'm ready to do something different, and this seems like the thing to do."

When asked to compare the two law schools, Prof. Carrington pointed out that Duke has only half as many students as Michigan has, and that the faculty numbers 25. He felt that its smaller size makes Duke a more intimate, and at least for students, a more congenial school. Prof. Carrington also emphasized Duke's high academic quality, stating that the scores and other quantitative criteria of Duke students were only slightly below those of Michigan students. These two factors, size and quality, were what attracted him to Duke.

Apart from the fact that Duke is in the South, which he thought might influence the "style" of students, Prof. Carrington asserted that students there were quite similar to those at Michigan. He noted that half of Duke's enrollment is from the Northeast.

Responding to a question concerning his new duties, Prof. Carrington said that he knew of no specific new program that he would be expected to undertake. Observing that the problems which Duke faces are common to most law schools, he stated that he expects his top priority to be faculty recruitment. Prof. Carrington has deferred making specific plans for the law school until he gets to know the institution better.

A number of law schools have approached Prof. Carrington about their deanships. He ascribes this interest in him to the fact that he has frequently written about legal education. Although he did not mention it, Prof. Carrington has held such positions as Chairman of the Accreditation Committee of the Association of American Law Schools and member of the Executive Committee of the Advisory Council for Appellate Justice.

Prof. Carrington admitted that he had thought about the vacancy in the dean's office at Michigan, but said that he thought there were several members of the faculty who are better suited for that position. He declined to name them publicly. Because he was not his own first choice for the deanship at Michigan, Prof. Carrington said he was able to decide to take the job at Duke without regard to the opinion.

(See CARRINGTON, page 4)

PLACEMENT: Problems, Plans

At the start of school last year, 415 law firms had registered to interview at the Law School; this year 550 had registered. That 33% increase in visiting firms is reflected in a corresponding increase in activity in the Placement Office and in waits of an hour or more at sign-up sessions for interview spots.

Things have settled down of late, but Nancy Krieger, Supervisor of the Placement Office, can't forget that September day when she spent 1½ hours running the interview sign-up. Some of the sessions at noon in Room 100 drew crowds estimated at 300.

"The first two or three weeks are always heaviest. People are having a few practice interviews--polishing their technique. No one has received any offers yet. But it improves as the season goes on," says Krieger.

The increased number of visiting firms has created a space problem. There are only 14 interviewing rooms off Room 200, but some days as many as 20 rooms are needed to accommodate all the interviewers. Krieger has a few rooms in the Legal Research Building to take up some of the overflow; still, she relies on faculty members to volunteer the use of their offices at times that the offices are free.

"We're just desperate for space, but the faculty has been very cooperative."

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Day Old Bread

by Steve Fetter

What Are You Doing the Rest of Your Life Dept.: D-O B. has learned from reliable sources that a recent graduate of the University of Michigan Law School has had his degree temporarily rescinded pending a hearing on falsifying records—the charges include: first his undergraduate transcript to get into a different law school, then his law transcript to transfer to the U-M, and finally his U-M transcript to try to get a job. If found guilty, one wonders if the U-M Law School will treat it as if he was never here. More on this later.

Love That Bob [sic] Dept.: LSSSSS Prez Santos has informed this reporter that although he loves the column, his name is Robert, not Bob. In the interest of accuracy, D-O B. apologizes for the oversight, and, Bob, you have my word that it will not happen again...And while I'm apologizing, let me say I'm sorry to Dean Susan Eklund--Sue, as hard as I tried last week, I just couldn't think of anything about you to pick on--please accept my apologies and I promise to try to do better in the future.

Dicta: It's good to see that Prof. Pam Luther is trying to bring current events into the tax classroom. Three of the four students she called on last week were reading newspapers at the time...A And it is not true that Gerry Rosberg started to call on people in class last week—that was just a first-year student who looks like...

(See MORE, page 4)

COLLOQUIUM:

3c A COPY---$250 A BOOK

PROF. ROSBERG: A local copy center offers to do “Book copying” at rates that allow one to “get that much needed textbook for a fraction of the bookstore cost.” Is this a likely infringement on copyrights? If so, would liability also attach to a knowing customer?

Both the copy center and the customer would be liable, in my view, for copying all of a textbook under the circumstances described. Innocent intent is no defense in a copyright action, although it can have an effect on damages. And the making of even a single copy can be an infringement of the copyright owner’s exclusive right to “reproduce the copyrighted work in copies.”

There has been a great deal of controversy about the relationship between photocopying for scholarly purposes and the copyright defense of “fair use.” But I would expect a court to reject the defense of fair use here. The defense is incapable of precise definition. A court will look to all of the circumstances of the case to apply this “equitable rule of reason,” as the fair use defense is described in the legislative history of the new copyright act.

An extremely important factor is the proportion of the work copied in relation to the whole of the work. That the copying here is of the entire work is probably fatal to the defendants’ claim. Moreover, the purpose of the use falls outside the

(See COLLOQUIUM, page 5)
KRIEGER’S JOB OF FINDING JOBS

(Continued from page 1)

The space problem has been compounded by the fact that so many firms are sending more than one interviewer. Some firms always schedule multiple interviewers, but this year many firms are adding extra interviewers for the first time. When a large number of people are on a waiting list for a firm, the firm is informed and frequently decides to send another person.

“Most firms will make an accommodation,” says Krieger. Now that the rush is over “about 90% of the firms will speak to everyone who expresses an interest in them. As for those students with complaints about the system, Krieger says: “I’m sympathetic. I really am. But I don’t know what to do—it works. Most of the people on the waiting list will get an interview.”

Krieger is the person most aware of the fact that the interviewing system is getting unwieldy. With the increased tension among students about jobs and the increasing number of firms coming to Michigan to interview, her job is getting quite difficult. Changes in the system have been proposed. One Eastern school uses computers to coordinate student and interviewer schedules and to take the luck out of the system. Students rank firms in order of preference. Ideally, each student gets to speak with the firm that is his first choice before any student who ranked the firm second gets to speak with them. Unfortunately, this system is expensive and requires access to computer time.

Another plan being considered is quite a bit simpler. Before a firm committed itself to sending any interviewers, there would be a general sign up for all those interested in the firm. This sign-up could be handled by merely posting a firm description and a sheet of paper for a day or two. The firm would then be told how many students had expressed an interest, and would send the number of interviewers it chose. Times would be assigned by lottery or there could be a lottery to determine who gets first choice of time. Drawbacks of this plan are that it would require a great deal of time on the part of the Placement Office and it still relies on luck.

All Krieger will say is that “Next year for sign-ups we’ve got to do something different from what we’ve done this year. Especially if the number of firms increases again.”

There are problems with the current system that go beyond mere logistics. It’s known that occasionally students can cheat the system. “The system works if people play fairly,” says Krieger. “But sometimes at a sign-up session a person will have a friend in another part of the room and each will agree to sign the other up if the list reaches him first. Abuse is almost impossible to control, and students are reluctant to squeal.”

Besides student cheating, Krieger has to keep an eye on the firms, too. There is a formal grievance procedure for dealing with complaints about firms employing questionable interviewing techniques or discriminatory hiring practices. One firm, in Krieger’s recollection, was suspended from interviewing on campus for a year after it was disclosed that an interviewer boasted: “We’ll interview women, but we’d never hire one.” The firm was suspended in 1969 but didn’t show up again until last year.

Krieger welcomes suggestions and complaints from students. Suggestions should be in writing so that they may be submitted to the Placement Committee.

Finally, besides being an administrator, Krieger is a counselor. She can help with resumes and interviewing techniques and help you deal with the aftermath of a really bad interview since she often knows if other people found the interviewer to be a turkey. And don’t get down if you’ve had a few bad interviews. She says: “It’s amazing. The market is really good. There are a lot of employers out there who really want to hire Michigan people.”
More Bread
(Continued from page 2)

Prof. Rosberg who was asking to go to the men's room...Before I was ever accepted by the U-M Law School, I decided that I wanted to go to law school in the worst way--and now that I'm here, that's just the way I'm going about it...And isn't it an upsetting feeling to realize that the only way you will be able to pass the tax final is if they repeal all of the statutes you don't understand before December.

And believe it or not, there are summer jobs that pay more than law jobs do--take Charlie "The Malboro Man" Crosse who took the year off to seek fame and fortune down on an oil rig in the Gulf of Mexico--he reports that the money's great, but with two hospital stays already within the first few months, you couldn't call it "easy money." When he's not on the rig or in the hospital, Charlie picks up his mail twice a month at 1017 Esplanade, New Orleans, Louisiana 70116...And it's not true that Tom "Beer Night" Meyer led the charge onto the field the night frenzied "Nickel Beer Night" fans caused a forfeiture by the Cleveland Indians--he denies it completely: "I wanted to," Tom says, "But when I tried to stand up, I fell off my chair." Tom picks up his mail four times a week at Dooley's, 310 Maynard Street, Ann Arbor, Michigan 48104.

Interview Quickies: Mike Jackson reports that a Minneapolis firm that he interviewed with told him that they couldn't hire him as a lawyer, but that they sure would like him as a client...And did you see the rush yesterday to interview with the Buffalo firm that was here, Hodgson, Russ, Andrews, Woods & Goodyear--perhaps the top "Blimp Law" firm in the country...And you know that you aren't a number one choice when a Denver firm offers to drive you out for a second interview--and this was after I had new resumes printed up with "Spider Fetter" on the top of them--well, I don't like to ski anyway. Gotta run now--I hear the car pulling into the driveway. "Claudine, is that you? I'm in the kitchen." See you next week.

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CARRINGTON TO DUKE DEANSHIP

(Continued from page 1)

ions of others regarding his suitability for the dean's post at Michigan.

The following biography appears in the 1978-79 Law School Bulletin: PAUL D. CARRINGTON is a graduate of the University of Texas and the Law School of Harvard University. He practiced in Dallas. His study of the United States Courts of Appeals for the American Bar Foundation in 1968 and of the appellate divisions of the Department of Justice in 1973 are reflected in the very recent recommendations of the Commission on the Revision of the Federal Appellate Court System. His most recent work in the field of appellate court administration is Justice on Appeal [with Meadow and Rosenberg] published in 1976. He is also recognized for his work on the subjects of legal education and the law governing public education. He came to Michigan from The Ohio State University in 1965.

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NOVEMBER 12th
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(Continued from page 2)
ed. It's easy to see which profs are bucking to be dean. I never imagined such pettiness. I think it would be only proper if the present dean declared a moratorium on any classroom questioning of me until January.

Gordon C. Miller
LSSS Moves to Hutchin's Hall

The Law School Student Senate proudly announces the opening of their new office in 217 Hutchins Hall. This office is very accessible to the students and the faculty and the L.S.S.S. strongly encourages you to drop by and find out what the Senate is all about. The office hours are Mon.-Thurs. 9:00-5:00 pm and Friday 10:30-1:30 pm. In case you cannot drop by during those hours, feel free to drop a message through the drop-slot on the office door or in the mailboxes located in the Lawyers' Club. Also, in the near future watch for the Senate's new bulletin board on the 2nd floor of Hutchins where you will be able to keep up with all of the latest happenings in the Senate. And, last but not least, be on the lookout for the L.S.S.S. articles in the RG. If you have any ideas, messages or criticisms concerning the Senate go and visit them today in rm. 217 HH or call 763-2194.

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Venez déjeuner avec nous jeudi à midi dans la salle à manger (Main Dining Room at the Lawyers' Club). Cherchez le drapeau français! On peut apporter son manger.

Votre présence est encore indispensable. Il s'agit de décider si nous allons nous réunir le mardi ou le jeudi. Si vous voulez assister à la conférence de P.A.D., vous pouvez toujours déjeuner "en français" avant d'y aller (et avoir ainsi l'occasion d'indiquer votre préférence pour le mardi!)

P.S. On a'est bien amusé mardi dernier!

COLLOQUIUM: COPYING BOOKS

(Continued from page 2)

"nonprofit educational" area. The copy center, certainly, is making a commercial use of the copyrighted work. And the customer who copies the entire textbook to avoid paying the bookstore price is probably not making the kind of "scholarly" use of a portion of a work that the fair use doctrine was designed to protect. (It is plainly not an automatic defense that the customer did not sell the work. "Copying" the work is what constitutes the infringement, not selling it.) And a court would certainly take into account the substantial and adverse impact that copying of this kind (as opposed to copying a small portion of the work for purposes of research) can have on the potential market for the copyrighted work.

The liability of the customer and copy center, if established, would be joint and several. Although actual damages would be small, the copyright owner can elect statutory damages "In a sum not less than $250 or more than $10,000 as the court considers just." If the infringer sustains the burden of proving a reasonable belief that his or her acts did not constitute an infringement, the court can reduce the statutory damages to an amount not less than $100. The possibility of criminal prosecution under the copyright laws is extremely remote.

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