1977

November 17, 1977

University of Michigan Law School

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Ann Arbor ACLU Fights Disclosure of Mayoral Votes

In an Election Day 1977 ruling the Michigan Court of Appeals handed down a decision in the Ann Arbor mayoral election case which Ann Arbor area ACLU chair Don Coleman calls a serious interference with the election process. The Court of Appeals ruled unanimously that two voters can be required to disclose how they voted in last year's election, in which Mayor Albert Wheeler defeated his Republican opponent Louis Belcher by only one vote.

Coleman, appearing at a Law School news conference with attorneys for the two subpoenaed voters, including law professor Vince Blasi, said the ACLU plans to assert its position that the government has no right to ask a person how he voted in an appeal to the Michigan Supreme Court on behalf of Diane Lazinsky.

Coleman and Blasi pointed to three basic individual rights that are at issue in the case: the Freedom of speech, freedom of political association and the right of privacy.

The Court of Appeals, following two nearly 50-year-old Michigan Supreme Court decisions, Gardner v. Board of School District 248 Mich 134 (1929) and Thompson v Cinch 254 Mich 641 (1931) said voters who vote illegally, although without an intent to break the law or knowledge of their doing so, are not protected by the privilege illegal voters have to abstain from revealing how they voted.

On a practical level, Blasi said, the remedy the court approved will not work. "There is a tremendous risk of perjury," he said, since the voters could alter the election results by saying they voted for the other candidate. Making the voters reveal their choices doesn't serve the electoral process and runs counter to democratic values, Blasi said. Other remedies, particularly a new election, were suggested by Coleman as more democratic.

The attorneys believe the Supreme Court can distinguish the Wheeler case from the precedent cases on at least three grounds. In the earlier cases, they said, it appears from the facts that the illegal voters probably knew their votes were being cast illegally. There appears to be no argument that all 20 illegal Ann Arbor voters did not honestly believe they were city residents. Another distinction cited was that in this case the voters themselves objected to testifying while in the Gardner and Thompson cases objections were made only by one of the parties. Finally, they will argue the 1963 State Constitution guarantee of secrecy of the ballot requires a reversal.

If the state court rejects its appeal, the ACLU will consider seeking a U.S. Supreme Court ruling. With only one exception noted by Blasi, state courts have unanimously followed the logic of the Michigan decisions that illegal voters must reveal how they voted or face contempt penalties. That one exception to the general rule is most closely on point with the Ann Arbor case, Blasi said.

The Colorado case involved unquestionably innocent "illegal" voting, but in all other reported cases, Blasi said, there is at least a possibility of fraud implied by the facts.

In an effort to improve communication with students, Dean Theodore St. Antoine participated in an open forum Thursday afternoon, November 3. Several dozen students attended the informal meeting in the Lawyer's Club Lounge to discuss such topics as the status of the addition to the library structure, the copy center, and whether law students "subsidize" the rest of the university.

Valiant efforts to keep a fire blazing in the Lounge fireplace failed miserably, but everyone warmed up when wine and beer was served at the close of the Dean's remarks.

The Dean gave two reasons for calling the meeting. Stating that one of his deepest regrets as Dean has been his failure to sufficiently to break down barriers between faculty and students, St. Antoine expressed hope that such forums would help accomplish that goal. Excusing himself for not having met with students more often, the Dean explained that in his first year in office he held three open forums within a month. Some 500 people attended the first meeting, but only about 25 showed up at the next one, and only two or three embarrassed souls came to the third.

According to Dean St. Antoine, the Committee of Visitors reported that a primary complaint of students was a lack of communication with the administration and faculty.

Addressing the question whether law students subsidize other departments and schools in the university, the Dean first emphasized that even non-resident tuition does not cover the full cost per student of operating the law school. The total cost of running the law school, including its share of university "overhead" such as the President's salary, is about (See DEAN, page 7)
CRUSADER RABBIT

Signs We’d Like to See Around the Law School

Attention Please

Because law students in the Reading Room are extremely horny, students from other schools should use this library to socialize, unless they have an immediate need to study.

Ugly people may be asked to leave

Please - use this library to socialize

(More Signs, page 5)

Day Old Bread

By Steve Fetter

Back by Popular Demand! The John Coogan Story, Part II, where-in John proves that just because you’re two weeks behind in your reading doesn’t mean that you can’t contribute to class discussion-you just have to ask about the case that you’ve finished the night before. Last year, the entire section two loved these departures from the normal routine, and within the first couple of months these moments came to be affectionately labeled, Bicentennial Minutes:

Hello, I’m John Coogan. Two weeks ago today we were discussing Larson v. St. Francis Hotel—a case in which the drunken revelry following the end of World War II led to tortious injury. It seems a piece of furniture that was tossed from a third-floor window of the hotel landed on the hapless Larson on the street below. Knocked unconscious, Larson was unable to identify what had struck him—and the court, citing the “last-clear chance” doctrine, found against him. It wasn’t until years later, during a routine inventory check, that the St. Francis Hotel noticed that a kingsized bed was missing from a third-floor bedroom—though this information was discovered too late to help the three-foot tall Larson, at least he could finally hold his head high. I’m John Coogan, and that’s the way it was two weeks ago today. (This and (See MORE, page 8)
DOCKET

(Meeting notices are also in the typeset part of the RG today)

TODAY

CERCLE FRANÇAIS
Déjeuner ensemble dans la salle à manger du Lawyers' Club, jeudi le 17 novembre à midi. Tout le monde est invité.

À partir de la semaine prochaine nous déjeunerons ensemble tous les mardis à midi au lieu de jeudi. Ainsi le 22 novembre sera notre première déjeuner de mardi.

Après Thanksgiving nous aurons un petit "gouter semestriel" avec une dégustation de vin et de fromage. La date sera précisée prochainement.

ART AND POLITICS

Topical singer-songwriter and occasional law student Fred Small will play a benefit concert for Friends of the Earth on Thursday evening at 8 p.m. in the Halfway Inn at East Quad. Also appearing will be Leo Kretaner, popular folksinger formerly of Aging Children. If you've ever wanted to hear Title IX Reserve Mining, and Boomer v. Atlantic Cement Co. set to music, drop by! Admission is $1.50.

FRIDAY

TRIAL BY BATTLE & ORDEAL:
FIRST YEAR OF LAW SCHOOL
Peter Westen Christina Whitman
Friday at 3:30 p.m. Lawyers Club Lounge

WINTER PRE-CLASSIFICATION

Materials are available in Rm 300 HH.
DEADLINE: 3:30 P.M. FRI., NOV. 18th

SATURDAY

***SOCIAL COMMITTEE NOTICE***

---PRE-GAME WARMUP---

Pursuant to a longstanding (two year) tradition, the Social Committee will be holding the second annual U-M vs OSU pre-game warmup party on Saturday morning.

Refreshments will include Bloody Marys, Screw Drivers, orange and tomato juice, and chips.

Time: 10:00-11:45 A.M.

Place: Lawyers Club Lounge

Volunteers for cleanup will be welcome with open arms, since most of us will be attending the game.

DECEMBER GRADS

Plans are almost finalized for Class-Day-December to be held on Sunday, Dec. 11. You and your families are invited. Check at the LSSS office (second floor Hutchens Hall) for further details next week.

LIBRARY FOR LAW STUDENTS

Once again, the L.S.S.S. Library Committee will be staffing a table in front of the library for the purpose of restricting the law library to law students and those with a need for the books. This will begin the week following Thanksgiving and continue until the end of undergraduate exams. Undergrad. exams end about one week before the Law School's do so the big crunch should be right after Thanksgiving. We need volunteers to work in shifts of one half to one hour. Please stop be the L.S.S.S. office and sign the volunteer list or leave your name and phone number at the library desk in care of Jane McAtee. Thank you.
November 14, 1977

The meeting was called to order shortly after 7:15 p.m. and after approving the minutes of the last meeting the Senate moved on to old business. The "no-smoking" signs recently posted in the lounge seem to be doing the job just fine. Most people are abiding by the new rule so far, but if someone doesn't, just hit them over the head with the sign (they're our signs, let's use them)!

The A.C.L.U. press conference held in the Lawyers Club lounge last week drew one national network (CBS) and most of the local media as well as about 30 interested students to hear the latest from the defense in the Ann Arbor vote-fraud case. The activity was sponsored by the Senate Speakers Committee but no position on the issue one way or the other is to be inferred from that.

In new business, Section V was granted a $60 budget request to help them keep up the good work exploring the area of public service jobs.

A resolution to restrict the use of the Cook Room (in response to a particularly rowdy Rugby-team debauch there last week) was tabled for further formulation. But the Ruggers were duly banished from the Room of Cook for the remainder of the school-year.

The Tutorial Program is still in its infancy, but volunteer tutors are being lined up so the project should be ready for use by the Winter semester. Response from potential participants has been favorable, but more interested tutors are needed. So if you have a couple of hours per week to contribute, stop by the Senate office and sign up.

And finally, the pictures of the mock-up of the new library will be posted on the Senate bulletin board on the 2nd floor. Be sure to stop by, since you won't get to see the real thing until reunion time!

SPORTS POLL

As your sports editor got married last Friday, the results from last week won't be available until next week. The rules for this poll remain the same: circle winners, cross out losers, and put your entry in the box outside of room 100 by 5 P.M. Friday.

Colleges:
Ohio State at Michigan (2)
Michigan State at Iowa (9)
Purdue (3) at Indiana
Wisconsin (10) at Minnesota
Illinois at Northwestern (7)
California (11) at Stanford
Washington State (9) at Washington
Baylor (27) at Texas
S.M.U. (22) at Arkansas
Texas A&M at T.C.U. (21)
Texas Tech at Houston (7)
Kansas State (16) at Colorado
Missouri at Kansas (6)
Western Mich. (7) at Central Mich.
Eastern Mich. (11) at Ball-U
Air Force (35) at Notre Dame
Tennessee (20) at Kentucky
Clemson at South Carolina (6)
North Carolina at Duke (10)
Virginia (27) at Maryland
Wake Forest at Virginia Tech (5)
West Virginia (7) at Syracuse
Utah (3B) at Florida
Mississippi vs. Mississippi St. (31)
Arizona State at Colorado State (15)
L.S.U. at Tulane (14)

Pros:
Tampa Bay (16) at Detroit
Cleveland at New York Giants (7)
Miami at Cincinnati (6)
New England at Buffalo (9)
New York Jets (11) at Baltimore
Minnesota at Chicago (2)
Philadelphia (13) at St. Louis
Atlanta at New Orleans (3)
Denver at Kansas City (13)
Dallas at Pittsburgh (4)
Houston at Seattle (7)
Los Angeles vs. San Francisco (8)
Oakland at San Diego (10)
Green Bay (9) at Washington (Monday)

Tiebreaker 1: Pick one team listed as a 6 point or more underdog that will win their game.

Tiebreaker 2: How many passes will be attempted in the OSU-M game, and how many for each team?

Name: 

---
D. O-B. Presents:

ARE YOU A SAD SACK?

Or at least do most law firms think so? Well, don't fret--Because now those same rejection letters that brought tears to your eyes can bring money to your pocket. Just follow these simple instructions, and maybe come January, our simple judge will proclaim you--the Best of the Worst for 1977!

1) Choose the most OUTRAGEOUS rejection letter you have received so far, whether obnoxious, poignant, humorous (misspelling counts), or perhaps, downright ridiculous, and drop it off in the LSSS office--Room 217 Hutchins Hall. Deadline is Christmas vacation, and we have to limit each student to 2 entries (primarily so that you can drop off one now, and then if you receive a wilder one during December, it can still be considered.)

2) We will sift through all the entries and choose our nominees for each category--then the final decision will be announced at a January Awards Banquet--in front of all the friends who have stood by you through thick and mostly thin, and, of course, the professors without whose grades you could never have sunk to such depths.

3) Prizes have not yet been decided upon, but they tentatively include: a) First Prize-a lunch date with Dean Susan Eklund b) Second Prize-two lunch dates with Dean Susan Eklund c) Third Prize-Two dollars for bus fare to Brighton where you can interview for a summer clerkship in February d) And, of course, the lucky letter will be framed and presented to Nancy Krieger (the person who brought you all this autumn excitement) for enshrinement on the walls of the Placement Office.

So Don't Delay! Send Today

(Watch for additional details in future D. O—B columns.)

RG's Invitation to Interview of the Week:

[excerpt:

"Because I strongly believe that positive aspects of the practice of law in Kansas City exceed those of most other areas...I would enjoy meeting you during the appointed interviewing time in order to discuss these benefits, specifically as they relate to our firm.

In this regard, if you have an interest and would like to discuss this further, would you please sign up for an interview and also send me your resume. With your resume in advance, I would not take your time during the interview period reading your resume.

"I realize that interviewing may have become by that time a tedious task for you, as it is for all of us. However, to us the tedium out weighs the importance of finding the right associates for our firm. From both of our standpoints, I believe the additional hours spent now could save years of frustration in the future."
]
PATIENT: Neuman, Alfred E.

DATE OF ADMISSION: Nov. 8, 1977
DATE OF DISCHARGE: Nov. 10, 1977
CASE NO.: 024321

ESSENTIAL PHYSICAL FINDINGS

- Patient has high blood pressure, possibly due to chronic stress; circulation in lower extremities impaired due to patient's sedentary lifestyle.
- Patient complains of periodic indigestion, nausea, constipation and diarrhea; appears malnourished.
- Patient's complexion is wan, eyes are bloodshot. Complains of insomnia, headaches, strained eyesight, impotence, and severe writer's cramp; patient may be addicted to caffeine and nicotine.

MENTAL CONDITION

- Patient appears out of touch with reality. Is generally uncooperative, gives evasive answers to questions. His speech often degenerates to unintelligible gibberish.
- Patient is subject to flights of fancy in which he suffers from megalomaniac delusions, alternating with severe attacks of inferiority and paranoia.
- Exhibits monomaniac behavior; immerses himself in one activity for hours at a time, refusing food or drink until he literally drops from exhaustion.
- Definite masochistic tendencies. Exposes himself repeatedly to abuse and humiliation.

FINAL DIAGNOSIS

LAW STUDENT

FUTURE TREATMENT

None; Patient is beyond hope.

SIGNED: [Signature]
MORE SIGNS FROM CRUSADER RABBIT

P.A.D.
THURSDAY LUNCHEON
AT NOON
In the Faculty Dining Rm

Everybody Free Welcome Cocktails

This week's speaker
Edward Bennett Williams
"Securing Nolo Pleas for Your Obviously Guilty Client."

FREE
Free chemical physiology tests given daily
Your body chemistry has everything to do with your happiness

FIND OUT MORE ABOUT IT
(It's easy and only takes about two tokes.)

GO TO PHARMACOLOGY
103 E. ANN ST.
ANN ARBOR

DO IT TODAY
A public service of Marijuana Pickers Local #977

There is NO Difference!

Every year, bar review course enrollment increases significantly. We think there is only one reasonable expectation—when the gloss & glitter of the advertising campaigns fade, more & more students see that unless they take a bar review course, they'll be hopelessly lost.

1. BAR courses build bullshit slinging skills.
2. BAR courses have a system of continuous evaluation of your anxiety level.
3. BAR courses tend to build fear (not instill confidence).
4. BAR courses cover more material than you can possibly remember.
5. BAR courses offer a broad range of options to allow the student to spend himself dry.

Association of Bar Review Courses:
B.A.R. [Bullshit Ability Reinforcement]

The University of Michigan
CRITERIA FOR DEANEISHIP OF THE LAW SCHOOL

In addition to being an unusual individual, a candidate for the Deanship should have demonstrated an appropriate combination of the following qualities:

1) Ability to pander to the faculty
2) Scholarly bullshit and intellectual shallowness.
3) Commitment to elitism in professional education.
4) Effectiveness in avoiding faculty, students, and staff.
5) Administrative & management obfuscation.
6) Effectiveness as a fundraiser for the Law School with alumni & other constituencies.
7) Commitment to affirmative action so long as nobody sues.
8) A personal style which will inspire apathy throughout the Law School.
every Bicentennial Minute is sponsored by the Copy Center--where you can be sure that you'll get the same thing time after time. Special this week: 5c/copy, 3 copies for 25c).

"I Teach Because I Love the Law" award goes to Prof. J.J. White, who, after noticing that Dave Glanz couldn't remember the assigned reading from White's Banking Law casebook, said: "That's all right. You don't have to read the book, as long as you've bought it."

And of course when you have early article deadlines, sometimes mix-ups occur that could not be prevented--for instance, my comment about President Ford debating Sappho Green was written a full seven days before I knew that Ford was coming here. May I publicly send my heartfelt apologies to Sappho Green and the entire Green family for any embarrassment that might have occurred by mentioning Sappho in the same article that included a reference to the former President. In fact, before President Ford arrived at Hutchins Hall, an alert Secret Serviceman did notice the article and he wrestled the entire stack of R.G.'s to the ground before they could do any harm. Afterwards, I was interrogated by four Secret Servicemen, but they didn't ask me back to Washington, D.C. for a second interrogation.

Dean St. Antoine had his first press conference of the school year a couple of weeks ago, and he announced that construction on the new library facility will probably be commenced sometime next January, with hopes of completion by 1981--Great for me. I should be just about ready to polish up the final draft of my caseclub appellate brief by then.

And Paul Davis corrects an item from last week's column--Where I mentioned that the fly left when it saw my transcript, Paul alertly pointed out that, if anything, the transcript would probably attract flies. Thanks, Paul.

And I think I've just about reached the end of the line as far as interviews are concerned--I went to sign up with the firm of Lord, Day, and Lord last week, and just as I was about to pen in my name, I heard a loud, deep voice from above that said: ‘DON'T EVEN BOTHER!’ So I didn't--but I still couldn't help but think just what kind of credentials Day must have had to become an equal partner.

Lawyers Club Menu

Thursday, 11/17
Lunch: American Noodles; Mushroom Benedict
Dinner: Grilled Rib Steak; Stuffed Sole Newberg

Friday, 11/18
Lunch: Grilled Cheese Sandwich; Roast Beef Hash
Dinner: Meat Pie; Breaded Pork Chops

Saturday, 11/19
Lunch: Pancakes; Chili Con Carni
Dinner: Roast Turkey; Stuffed Cabbage Rolls

Sunday, 11/20
Brunch: Scrambled Eggs; Roast Beef

Monday, 11/21
Lunch: Seafood Casserole; Open faced Hot Pastrami Sandwich
Dinner: Veal Scallopini; Ham Loaf

Tuesday, 11/22
Lunch: Hamburger; Souffle
Dinner: Thanksgiving Dinner

Wednesday, 11/23
Lunch: Hamburger Creole; Chicken Salad Plate
Dinner: Hungarian Beef Goulash; French Fried Perch

Thursday, 11/24 - 11/27 No meals -- Thanksgiving Break
DEAN: Copy Costs and the New Library

(Continued from page 1)

$6.4 million per year. However, tuition provides only about $3 million annually. Thus, residents pay less than a third of the actual cost of their education, and non-residents pay just over two-thirds of that cost.

The Dean was quick to acknowledge, however, that law students pay a much higher percentage of the cost of their education than, say, medical or music students do. The per-pupil cost in those schools is many times higher than tuition. In fact, law students pay a larger share of their educational cost than do students in almost any other program. In defense of the university’s decision not to set tuition rates in proportion to costs, St. Antoine pointed out that society needs physicians and music teachers, and that without state and federal subsidies most students would be unable to afford such training.

In addition to the $3 million from tuition, state taxpayers provide about $1.3 million of the cost of operating the law school, and the balance comes from alumni gifts, the Cook endowment, and so on.

In reference to the Copy Center, Dean St. Antoine stated that the cost of its operation is borne almost totally by students. The law school fee of $20 per term, which produces about $47,000 in revenue annually, is divided as follows: $12,500 to the Law School Student Senate, and $34,500 to the Copy Center. Another $22,900 was paid directly by students in courses which used photo-copied materials more extensively. The balance of the cost of operating the Center was $1400 last year, which the law school paid. The Copy Center is run by the university under a contract with the law school. The university is paid according to the volume of the work, but the Dean did not know the cost per page.

St. Antoine also described the progress of the effort to finance and build an annex to the law library. As the Res Gestae reported,

several weeks ago, the below-ground structure will occupy the southeast corner of the quad and will feature a huge skylight. According to the Dean, over $6.5 million has been collected and only about a million more is needed before construction can begin. Plans for the annex have been expanded to add 1500 feet of floor space at a cost of $500,000. Responding to a student who seemed concerned that the new library would have “formica tables and plain white ceiling tile”, the Dean assured that the furnishings would be handsome, probably in a Scandinavian style with rich fabrics and lots of wood.

Dean St. Antoine seemed pleased with the hour-long forum, and said that he hoped to hold similar gatherings in the future. With that, the thirsty crowd headed for the refreshments.

U-M Resumes ‘Nite Owl’ Bus Service

The University of Michigan’s “nite owl” bus service resumed Sunday.

It connects the Central Campus with women’s housing areas around Hill Street and west of Washtenaw Avenue, such as Oxford Housing.

“Nite owl” buses operate every 30 minutes on the hour and half hour from 7 p.m. to 1 a.m. Beginning at the Undergraduate Library the buses run counterclockwise on Tappan, Hill, Washtenaw, Cambridge, Hill, Oxford, Geddes, Observatory, and then back to the Undergraduate Library.

The buses were inaugurated last winter after several rapes occurred in areas west of the campus.

Fred Davids, U-M Safety director, urged U-M students to travel in groups if possible and stay in lighted areas.

“If you are accosted,” he advised, “scream, run, kick, but above all, do not let the individual get you into an automobile or into a secluded area.”

The Res Gestae

needs a new
EDITOR-IN-CHIEF

ADVANTAGES: meet people, some compensation, sense of accomplishment, something to put on your resume.

DISADVANTAGES: meet professors, work, if you put this on your resume.

FILL OUT AN APPLICATION OUTSIDE THE RG OFFICE (102A L.R.) or AT LSSS' OFFICE. If you have questions, stop by our office, or talk to our present editor, Bob Brandenburg (764-9077 or 763-4332)
FOURTH ANNUAL STUDENT LEGAL RIGHTS CONFERENCE

The Fourth Annual Student Legal Rights Conference was held in Kansas City, Missouri over the October 14th weekend. The purpose of the conference were to plan strategies to increase students' knowledge of their rights and to consider methods to implement or make more effective the delivery of legal services to university students. The Campus Branch of the Washtenaw County Legal Aid Society sent five individuals to the conference including law students Ron Steinberg and Tim Knowlton. The Law School Student Senate paid most of the law students' expenses.

The Res Gestae asked the law students whether they believed the conference had been successful in meeting its goals. Knowlton responded, "Not for University of Michigan students. Basically the conference organizers started by assuming that most students were ignorant of any rights they might possess and that most of the colleges represented did not have effective legal services. As it turned out the organizers were right on both counts. Unfortunately the average U-M student is more sophisticated about his or her legal status. The organizers' advance literature gave us the impression that there would be a great diversity among the representatives in terms of background and legal knowledge. In fact, 90% of the conference participants were undergraduate student government representatives from small, conservative colleges. They were extremely unsophisticated about the law and the conference was geared toward them. (Marvis Arce, the coordinator for Washtenaw County Legal Aid's Campus Branch) did get some information about possible sources for obtaining additional funds.

Steinberg agreed with Knowlton's comments and added, "If U-M students ever go to another of these conferences it should be as teacher-leaders and not as student representatives."

ENVIROMENTAL LAW SOCIETY

Environmental Law Society presents Mary Sinclair, citizen activist, speaking on the "Midland Nuclear Plant Legal Challenge--From Citizen Action to the Supreme Court." The suit challenging the plant, Aeschliman v. NRC, 547 F2d 622 (D.C.Cir1976), will soon be argued before the Supreme Court. MONDAY, 3p.m. Lawyers Club Faculty Dining Room.

LABOR LAW

Informal discussion with third year students who have had summer jobs with the United Auto Workers. Everyone welcome. Refreshments--Sponsored by Section V. MONDAY at 7:30 in the COOK ROOM.

Friday Night Movie
Stanley Kubrick's

LOLITA
STARRING: JAMES MASON, SUE LYON, PETER SELLERS, SHELLY WINTERS

The ironic screenplay by Vladimir Nabokov veers from social satire through sexual subtleties to tragic farce, presenting a rogue's gallery of middle class monsters within the strange passion of Humbert Humbert for his teenage step-daughter, Lolita. Peter Sellers enacts the various guises of Quilty with sustained brilliance, while James Mason incorporates the role of Humbert with a poignancy that deepens the film into something much more than a ribald comedy or a cinematic tour de force.

"...not only is Kubrick's style and treatment and timing and eye for the telling detail a continual cinematic delight, but under his direction every performance is downright brilliant."

N.Y Herald Tribune

Friday, November 18 7:00 & 9:45
Room 100, Hutchins Hall
Admission: Law Students 25c
Guest 75c
Others $1.00