May 2, 1975

University of Michigan Law School

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HAPPY MALTESE FALCON DAY

TUESDAY
MAY 9, 1975

UNIV. OF MICH.

MAY 2, 1975
FILM SUGGESTIONS

The Film Committee is in the process of selecting films for next year. If you have any favorites that you'd like to see, write down your choices and place them in the box outside Room 100.

PHOTOGRAPHS FOR SALE

A color print of the Law School library at dusk has been produced by a local photographer, David Capps. Dr. Capps does the printing and mounting himself, and signs each copy. The color work is of the highest quality, and the print is appropriately matted and framed. The price is $55.00. Twelve are available for delivery by graduation date. For an appointment to see the print or to place an order see E. J. Simmons, 663-8839 evenings.

SUMMER SUBLET

Your own large bedroom in a 4 bedroom house. Furnished, carpeted, paneled. Great location - just 2 min. from UGLI. $60/mo. Available mid-May thru Aug. Call Mark at 994-3545 (preferably between 5 and 8 P.M.).

I hope you all have a good summer! If you need names of alums in an area, help with a resume, or anything of that sort - we will be here all summer, so please write, call or stop in if we can be of help. Second year people who will be looking for a judicial clerkship should come in and pick up the handout on clerkships, and get started as soon as possible on your letters. Some judges will be making their selections as early as May and June.

Later this summer we will have a list of the third year people and their addresses. Seniors who would like to receive a copy should sign up on the sheet hanging on the Placement Bulletin Board on the first floor. If you do not wish to be included in this listing, please let us know!
Parting Shot

(AND THE REAL STORY ABOUT WHAT HAPPENED TO SYKUT!)

No one has accused my veracity of being tainted with mendacity. Therefore I must admit to you, my dear colleagues, that I really don't know what happened to Sykut (In Re Regina v Onufrejczyk). Rumor has it that the esteemed gentlemay changed his name to "Borgsdorf" and now occupies some obscure post in academia.

The purpose of the leading headline was to entice you to read these humble words—the swan song of the latest in a long line of befuddled Res Gestae editors. (And to quote Jack Benny's immortal line: "we will now pause to give everyone a chance to say 'who cares?!")

(PAUSE)

I am aware, of course, of the minor controversy which arose from my predecessor's farewell comments. Do not judge him too harshly. One is tempted to a sense of raging cynicism at this job—especially when you didn't want it in the first place! I found few things more disquieting than constantly having my name associated with something as inconsequential as Res Gestae. My comment now is as it was previously: AAARRGGH! Upon all those who introduced me to strangers as "the editor of R.G." I place a curse, and now impose a fitting punishment—a lifetime subscription to R.G., and your names forever in the staff box. So suffer, you wretches! (Heh-heh)

Let us proceed to a more serious vein. I'm not going to boast about all the fantastic improvements in R.G. during my tenure, because I'm sure your congratulations will be forthcoming. I understand some group has rented the cellar of Roma Hall for a fête in my honor.

I do wish to apologize to anyone offended by my occasional attempts at satiric wit, unless, of course, they deserved to be offended. Kudos in particular to Dean St. Antoine and Alf Conard, who have borne kidding with unfailing good humor. And of course my good friends on the law review are likewise to be commended for accepting hyperbolic chastisement so good naturedly. I do give credit for the raising of social conscience on the Review this year (which consisted of changing the color of the Review's cover from green to blue—a more aesthetically appealing hue to the poor and huddled masses).

Though I graduate in August, this is my last issue of R.G. I want to thank George, Harry, Jessie, and Dot, without whom there would not have been a publication.

I wish you well, my friends. Special regards to the Summer Starters of 1973, and to one member of that group in particular, whom I cherish.

If you will allow me a platitude, love one another. Now, Coif-man, Teddy St. Unwound, the Law Revue Flea and I fade into the sunset .......

- Joe Fenech
LSSS

LSSS MINUTES
April 28, 1975

The meeting was called to order at 7:00 p.m. in the Faculty Dining Room. The minutes of the last meeting were corrected to change the votes on travel requests (12th paragraph) to 5-6, 5-6, and 6-5.

Barb Etheridge gave a report from the LSSS Building Committee. The students on that committee were invited to a slide presentation on the new building proposed for the Law Quad, which the architect describes as "modern flying buttress." This was the first opportunity that the student committee had for input regarding the plans for a new structure although the committee has been in existence for four months. The Senate passed a motion to set aside $150 as a credit limit (if the Dean won't pay the cost) to hire an architectural student to sketch plans and estimate the cost for a Gothic building. The work will be done under the direction of the Student Senate Building Committee.

The LSSS next took up a proposal by George Vinyard for Placement Services Reform. George's proposal called for the administration to assign responsibility for an Annual Alternative Practices Conference to the Placement Office which would plan and carry out the conference in cooperation with student organizations and groups. Nancy Krieger from the Placement Office and Jennifer Schramm from Section V both said that the conference would suffer from a lack of student enthusiasm if the Alternative Practices Conference were institutionalized. George defended his proposal, arguing that it is unlikely that a group of students will spring up next year to put on such a program and that students should have the benefit of such exposure to alternative careers without having to do all the work themselves. Paul Ruschmann moved to amend the proposal to strike giving priority to students from Section V in a Placement Committee proposed under this plan. That amendment was passed 5-7, but the main motion to accept the proposal was defeated 4-5.

Aubrey Verdun of the Black Law Students Association reported that negotiations between the BLSA and the administration had led to the suggestion for a committee to study the feasibility of setting a ceiling on amounts which could be loaned to Black law students and to formulate a policy for determining what mix of loan and grant would be used for students who accrued the maximum in loans. Aubrey said he would appoint two students to this committee, and he requested that Pam Hyde appoint two others. Two of the members will be paid for their work. The LSSS passed a motion giving Pam authority to appoint two non-BLSA members to this committee.

The BLSA wished to communicate the fact to the students that items are being defaced or removed from the BLSA bulletin board; they request that people refrain from vandalizing the board.

The Senate approved a request from BLSA that they be allowed to begin drawing on next year's funds so that the BLSA office can be kept open all summer.

Aubrey Verdun reported that a magazine rack placed in the Lawyer's Club Lounge was not being used. He said that some students had suggested that this rack be placed in the foyer of the offices of BLSA, La Raza, and Women Law Students; but Aubrey recommended that the Senate stock this rack with newspapers and magazines. Dave Dawson moved that the LSSS revoke the allocation for a new magazine rack and that the one in the Lounge be used instead. The motion was passed by 7-1.

The Senate discussed purchasing a flag for the flagpole but discarded the idea by consensus.

A motion to tell the LSSS Sports Committee to consider purchasing frisbies for the Lawyer's Club desk passed 7-1.

George Vinyard moved that up to $500 be appropriated to have the piano repaired, funds to be spent at Bertie Butts' discretion. There was no opposition to this motion.

The Senate also passed a motion by George that the LSSS communicate to the Law School administration notice of the omission
THE BABBLING BROOK

Some people have taken offense at the idea that I proposed last week, namely that the Law School institute a pictorial gallery for famous criminals. And I must admit that there is some validity to their line of thought. They reason that such a display raises serious prospects for producing an unpleasant reminder of a bad experience in the following way:

If there were no criminals, there would be no need for criminal law; if there were no criminal law, there would be no need for criminal law courses; if there were no criminal law courses, there would be no need for criminal law professors; and if there were no criminal law professors, there would be no need for certain nameless members of the faculty (at least in their present incapacity-sic).

Is there a fallacy in this argument? There must be; otherwise wouldn't U of M law grads have solved the criminal problem long ago. The only rationale that readily suggests itself is the old case (written or maybe drunk by Learned Hand) of the I had to suffer through it, let those after me bear the same cross.

But there is also a flip side. I have heard unconfirmed rumors that there exist people who enjoy/enjoyed their introduction to criminal law. It seems logical that these individuals (let us assume for the sake of argument that they do exist and if they don't what difference does it make given the general lack of concern law school has for the real and personal world) would favor the suggested gallery as perhaps a shrine to the great legal minds that have taught them about this area. As this reporter sees it, there are two choices:

1) keep the professors and construct the gallery,
2) scrap the professors and abandon the gallery. It's hard to say which is better but doesn't either one represent an improvement?

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JOURNAL

JOURNAL STAFF SELECTION

The editorial board of the University of Michigan Journal of Law Reform wishes to remind all first year students interested in writing for the Journal next year to submit samples of their legal writing to the Journal, 731 Legal Research, before leaving for the summer. Participants in the Journal-Law Review Joint Writing Program need not submit additional work, but may do so if they are so inclined. The deadline for the submission of non-Joint Program entries is May 16, the final day of exams, but it is recommended that entries be submitted before this date.

Writing samples may include any work completed during the first year of law school; typically this will include case club memoranda and briefs. Each applicant should attach his or her name and summer address to the sample. Journal editors will be available in 731 Legal Research to answer any questions which arise concerning the Journal or the staff selection procedure.

You got some wheels going East soon? I need a lift to Boston. Estimated time of arrival is June 1. Will share costs.
- Alan Barak (please leave message in ELS office, basement of library)

THE ABOVE ARTICLE DOES NOT REFER TO ANY LIVING PERSONS THOUGH THIS DOES NOT LEAVE IT FREE FROM INFERENCES ABOUT THOSE WHO ARE DEAD FROM THE NECK UP.

s/ Richard M. Kamowski
The University of Michigan Law School team in the sixteenth annual Philip C. Jessup International Moot Court Competition won the "Rutgers Award" last weekend in Washington, D.C. The Rutgers Award is given to the team placing first in the writing of briefs for both sides to a hypothetical international dispute before the International Court of Justice. This year's problem centered on the pollution by a developing country of a river which bounds both -- that country and a developed country.

The Competition, sponsored by the American Society of International Law, the Association of Student International Law Societies, and the U.S. Department of State, is named for a distinguished U.S. judge of the World Court. This year over 100 American law schools, as well as about 20 foreign countries, participated in the Competition. Michigan shares the first prize award in the Competition with the University of Syracuse Law School.

Team members on the brief were Tom Brooks, David Hanson, Gregg Jones, George Lehner, and Russ Scarlett. Robert Wessly was Michigan's Competition Chairperson and accepted the award at ceremonies in Washington, April 24.

The new Ethical Considerations

The following Ethical Consideration 2-33 was one of the amendments to the Code of Professional Responsibility adopted in Chicago:

"As a part of the legal profession's commitment to the principle that high quality legal services should be available to all, attorneys are encouraged to cooperate with qualified legal assistance organizations providing prepaid legal services. "Such participation should at all times be in accordance with the basic tenets of the profession: independence, integrity, competence and devotion to the interests of individual clients. "An attorney so participating should make certain that his relationship with a qualified legal assistance organization in no way interferes with his independent, professional representation of the interests of the individual client.

"An attorney should avoid situations in which officials of the organization who are not lawyers attempt to direct attorneys concerning the manner in which legal services are performed for individual members, and should also avoid situations in which considerations of economy are given undue weight in determining the attorneys employed by an organization or the legal services to be performed for the member or beneficiary rather than competence and quality of service.

"An attorney interested in maintaining the historic traditions of the profession and preserving the function of a lawyer as a trusted and independent advisor to individual members of society should carefully assess such factors when accepting employment by, or otherwise participating in, a particular qualified legal assistance organization, and while so participating should adhere to the highest professional standards of effort and competence."

-- B. Dylan

This has got to be brief because for some strange reason I have the feeling I should be doing something else. The dump truck is an apt analogy for this particular period. Everyone is intent on loading up his particular mind and getting ready to drop all the contents at once into one large pile.

Over the next two weeks as you take exams and consider the results thereof, ponder the definitions of "dump" v.t. in the Random House Dictionary of the English Language: "to fall or drop down suddenly; to throw away or dump garbage, refuse, etc.; to offer goods for sale at a low price, esp. in large quantities." Or cheer yourself up with the second meaning of "dump-dumps" n. (informal): "a depressed state of mind (usually preceded by "in the")."

Anyway let me give some patronizing advice from Edmund Burke (the one who reflected on Revolutions): "Never despair, but if you do, work on in despair."

Larry Halperin
Cast of Characters:

Daniel Tarantula-- ISAT 915, college graduate summa cum laude, and charter member of "Pie-Kill".

Tom Grinch-- Rhodes Scholar, ph.d in philosophy, and baritone in the Toledo Barbershop Quartet.

Jim Piller-- Vietnam green beret, author of three treatises on William Faulkner, and former campaign manager for Dizzy Gillespie.

Muddie Pond-- heir of founder of ITT, first in undergraduate class at Harvard, and notorious midnight flasher.

Chester LaBotch-- all-Ivy tackle, vice-president of the Debating Society, and co-founder of the Chuck Wepner Bloodbank.

Setting:

Section one:

Professor: Mr. Tarantula, is this a federal or state court case?

Tarantula: The answer to that is entirely contingent upon one's perspective. That is, the geographical territory upon which the respective courts sit may well overlap.

Professor: In other words, you haven't read the case.

Tarantula: That certainly is one way of looking at it.

LaBotch: If I might interject. It is a state court case.

Tarantula: That may be factually correct. But it is morally fallacious.

Professor: Could you clarify that Mr. Tarantula?

Tarantula: Gimme a few days. I'm gonna write Dear Abby.

Pond: I think Mr. Tarantula's statement could be illustrated by the following hypo:

A is waxing his Ferrari Z 452 with four barrel carburetors, mag wheels, fuel injection, equipped with a quadra-sonic stereo system. B is walking his pedigreed German Shepard, Esquire. Esquire, having an aversion to Italian made cars, pisses on A's trunk. What result?

Grinch: A gets a tax rebate!

Piller: Which brings us to the collateral source rule that I've decided to rename Piller's Law. So when reading your casebooks, be sure to scratch out collateral source and insert Piller's Law.

Tarantula: Can you do that?

Piller: Can Pond lose his logic link?

Grinch: I was making a serious academic contribution.

Pond: I'll believe that when Jacksonite wears flare pants.

Professor: Moving along, what do you think of the $10,000 requirement for federal jurisdiction?

Tarantula: Morally its reprehensible. It discriminates against the rich.

Professor: You mean the poor.

Tarantula: No, I mean the rich. You realize the taxes we pay on $10,000?

Grinch: Hiss, hiss. Let's direct our attention to more meaningful endeavors--tax shelters.

LaBotch: According to the note case--

Piller: Dammit, LaBotch, why are you always citing note cases?

LaBotch: Because I don't read the principle cases.

Piller: Now that's sharp.
(ELDER)

Grinch: Hypo! A, an impotent hunchback, enraged by B's insults grabs a knife off the table and buries it in B's back. B staggers down the street, the dagger handle barely protruding. What result?

Pond: B gets busted for carrying a concealed weapon!

Grinch: That's ridiculous. Nab B via the F-L rule.

Professor: The F-L rule?

Grinch: Yeah, felony-loitering.

Professor: Well, the hour's just about up.

Piller: Already? It was just getting good.

Pond: Yeah, where's everybody going?

I m Bitch: Some people just have no incentive.

Tarantula: C'mon, let's go up to my room and spin hypos.

---

(LSSS)

of first-year members of the 1974-75 Senate from the Honors Convocation Program. These members were: Barbara Etheridge, Bill Ellison, Dick Millard, and Ross Miller. The LSSS requests that these students' records be corrected to reflect their service on LSSS as elected representatives of the first-year class.

Dave Benson moved that the Senate buy a set of Gilbert's Outlines to be put at the reserve desk in the library. This motion failed 7-2.

Dave was appointed to look into the Clinical Law Program to see why it can't be made available to more students.

George Vinyard volunteered to draft new LSSS bylaws over the summer which the Senate can consider in the fall.

The LSSS voted to let Pam Hyde and Bertie Butts appoint students to steer the LSSS committees over the summer.

Otila Saenz moved that La Raza be allowed to reallocate $45, budgeted for subscriptions, to supplies. There was no opposition to this motion.

The Senate unanimously approved a motion by Jon Karp that another $1,000 be allocated to purchase new half-size lockers.

The meeting adjourned at 8:50 p.m.

Phyllis Rumaf
Secretary
too late

As I enter my last weeks at this school an old Dylan song I ran across has come to mean a great deal to me. I quote—this song is for all those law school people so "near and dear" and so "true and blue" that I have met here.

Positively Fourth (State) Street
by
Bob Dylan

You've got a lot of nerve to say you are my friend
When I was down you just stood there grinning
You got a lot of nerve to say you got a helping hand to lend
You just want to be on the side that's winning
You say I let you down
You know it's not like that
If you're so hurt why then don't you show it?
You say you've lost your faith
But that's not where it's at
You have no faith to lose
And you know it.
I know the reason that you talk behind my back.

Do you take me for such a fool
To think I'd make contact
with the one who tries to hide what he don't know to begin with
You seen me on the street, You always act surprised.
You say, "How are you? Good luck!" But you don't mean it.
When you know as well as me
You'd rather see me paralyzed.
Why don't you just come out once and scream it?
No, I do not feel that good
When I see the heartbreaks you embrace
If I was a master thief perhaps I'd rob them.
And now I know that you're dissatisfied with your position and your place
Don't you understand that's not my problem!
I wish that for just one time you could stand inside my shoes
And just for that one moment I could be you
Yes, I wish that for just one time you could stand inside my shoes.
You'd know what a drag it is to see you.

Goodbye to this place. I am really glad it's over.

---Tom Burden
1975 seemed to be a year of demands. Women students chastised professors in the middle of their lectures for using sexist pronouns. Black students demanded a black professor, black secretaries, black scholarships, and a dozen other concessions. The Student Senate demanded, and got, an end to the discrimination against students exercising the pass-fail option by withholding that information from professors until after the grades were in. Patiently these groups awaited the inevitable backlash against them. And waited. And waited.

Finally the backlash has come: Several professors have become so upset from our constant insults and harrassment that they cannot take it anymore. They have threatened to resign from the faculty unless something is done. Now, aren't you students ashamed for hurting the professors' feelings?

According to legend, law school professors are rigorous intellectuals who have abandoned the pursuit of money in the outside world in order to live in the monastic tranquility of the law school community, where they are free to write and pursue projects without the interference of a nasty senior partner breathing down their necks. For this privilege, they forego all but a pittance in salary and bear the periodic nuisance of delivering a lecture before a class of worshiping and obedient graduate students. Now, the monster of Harsh Reality has invaded this world.

The first insult came late last year, when several students said that certain unnamed professors were discriminating against them for taking courses pass-fail. Next came the women's demands, branding certain not-so-unnamed professors as sexist reactionaries and demanding that our favorite Aunt Tilly be moved from the status of innocent victim in the stock manipulation hypothetical to a junior partner in a Wall Street firm specializing in anti-trust law. Finally came the black demands, asking for both the sun and the moon: not only must a black professor be recruited, but financial aid to black students must take the form of gifts, not loans. Facing a mortal blow to its' pocketbook, the Administration went into a stall, telling us about all the black intellectuals who refused an offer to come here. The other demands, they said, were being worked on. Some students didn't believe a word of it, and said so. One afternoon they walked through the halls to show this.

Now the professors are fed up with the insults. If something isn't done, they're going to leave. My immediate reaction is: good riddance. If something wasn't wrong with your work, the insults wouldn't have been made in the first place. It takes a big man (another sexist expression - see how easily they creep in?) to admit that he's wrong. By resigning rather than trying to face the problem openly, you are showing that you lack the most essential quality a teacher must have: the ability to communicate with his students.
If you're being insulted, it's because you've lost their respect somewhere along the line. And respect is something that a teacher must earn. True, there is a little respect inherent in that raised platform in the front of the class. But you lose that in about a month if you can't deliver the goods.

The professors complain that the form of the protests are objectionable. The articles in Res Gestae are no longer witty satire, but bane and insulting. What other graduate school newspaper would refer to the dean as Teddy St. Unwound? What other law school paper would run a student poll for the worst professors? It's undignified, they say. Do something about it, they demand.

There is a solution, of course, a simple one. Before students are admitted, have them agree to protest unfair conditions in the "old club" spirit, by writing foggy articles of abstract intellectual criticism and beginning every sentence with "Sir,..." This would eliminate the hard-line radicals who stand in the halls in protest, force professors to run the gauntlet of silent protest, and label them "sexist" and "prejudiced" in print. With the legal talent in this place, we might even get such a requirement declared constitutional. But I doubt it.

But even if you could, even if these professors managed to silence the libelers, you would lose one of the major reasons for academia's existence: the exchange of new ideas between young and idealistic students on the one hand, and old and experienced teachers on the other. We're demanding changes, and demanding them now. Such is the nature of things.

So now we come down to the demands themselves. In response to the demand for a black law professor, there has been a lot of talk about "lowering standards," of how a less than qualified token would feel after he's hired. There is supposedly a great demand for "qualified" blacks, creating a shortage in the market. There is such a demand, in fact, that the third (or second) best law school in the country is unable to recruit and keep a single one. Something sounds strange here, and I think I know what it is. It goes back to your definition of "qualified." In recent years, we have hired a number of young professors straight from a judicial clerkship; in fact, a woman has already been hired but will not come here until she completes her present clerkship. This method does not automatically guarantee good teachers. It does not automatically guarantee adequate teachers. It only guarantees that we get teachers that look good to alumni that have never been in a class with them. I think there should be more emphasis on the "teacher" aspect, and less on the "scholar" aspect, simply because I paid money to come here for a legal education and I don't think a national reputation compensates for poor lectures. Of course such an attitude is parochial and narrow-minded, but what the hell. I think that there are many black teachers out there who haven't been recruited because they lack the "credentials," black teachers who would meet the needs of the students better than some "qualified" white professors hired in recent years.

Next we come to the admission requirements for black students. It is no secret that there are black students here who wouldn't have been admitted on their grades and law board scores if they had been white. There is a preferential treatment for minorities in admissions here, and the administration thinks they have exceeded the amount necessary to compensate for "cultural depriv-
I think they have the support of the overwhelming majority of the student body, black and white, and I think any further demands in this area are going to be answered with a polite but firm "no."

But what does this have to do with the faculty backlash? Nothing, really - as usual I've tried to cover too much at one time and end up saying little at all. Simply let me conclude my final article for the Res Gestae with a few observations about the Law School in general. I think that many students become disappointed during their first year here, sitting in a classroom taking notes all day from a professor who's been over the material a hundred times and knows that nothing original is ever going to come from the discussion. There is no intellectual challenge in memorization. It's like the first step in brainwashing, wearing down the resistance of the subject to make him more receptive. But the goal is to challenge us, not brainwash us. Perhaps every student should take one oral examination in the class of his choice, lasting at least an hour, with the professor asking questions not covered by the lectures. Then at least one professor would know enough about you to write a meaningful letter of recommendation. And every student would face the situation at least once in law school of being asked a question he has never been given the answer to, and try to come up with an answer "on his feet."

But these are new ideas, and the old ways die hard. We are an "entrenched institution," as a friend of mine put it, trying to teach an antiquated and complicated system of laws and customs to young and innovative students. There will be conflicts there, and often the professors will bear the burden of seeming "unyielding" and "prejudiced." If you don't want to be put in the position of defending the institutions, or your own viewpoints, to a new generation, then perhaps you shouldn't be teaching at a university. It's your choice.

The Collared Corral

Mons' and is not going any farther. In doing this I think they have the support of the overwhelming majority of the student body, black and white, and I think any further demands in this area are going to be answered with a polite but firm "no."

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John Connally was acquitted last week when his lawyer successfully argued to the Court that the bribery was only a self-help remedy.

Course Awards are given to those courses which, by reason of their quality, content, or professor, are so heavily demanded that the administration could not possibly (but somehow does) ignore the fact that such demand and waiting lists means that many students are being denied access to the education that they are paying for and demanding. The awards go, of course, to The Clinic, The Lawyer as a Negotiator, Stein's Trial Practice, Reed's Evidence, and Family Law. The course Most-Likely-To-Be-Included-In-This-List-Next-Year is Reed's Problems in Civil Litigation.

The course most needed in this law
ABA PRESIDENT ISSUES LAW DAY STATEMENT CALLING ON LAWYERS TO HELP THE POOR

To achieve America’s goal of justice through law, the organized bar will have to devote special energies to provide delivery of legal services to the poor, near-poor and middle-income, the president of the American Bar Association said today.

James D. Fellers, Oklahoma City, said the legal profession has done a remarkable job of establishing a structure for delivery of professional services to the poor, but “it is imperative to recognize that less than one-quarter of those persons eligible for free civil legal assistance are receiving it.”

In a statement prepared in connection with the 18th annual observance of Law Day, May 1, Fellers said “the organized bar must work to increase substantially, probably quadruple,” the amount of financial support for indigent civil legal aid programs.

Enormous steps also need to be taken to provide similar assistance in criminal cases, Fellers said.

“We should strive for a 10-fold increase in governmental support of the indigent defense systems,” the ABA president said.

“To help the next strata of Americans, the near-poor to middle-income,” Fellers said it is “vital that lawyers find ways and means to reduce their costs and pass on this reduction to their clients. We also should do our utmost to assure that reasonable and desirable plans are developed for financing payments for legal services.”

Fellers predicted a revolution is forthcoming in the field of legal services, resulting in a change in the practice of law from being crisis-oriented to preventive.

“We have not done enough to promote the practice of preventive law among lawyers, and perhaps even less to encourage the habit among the public of seeking preventive legal help,” the ABA president said.

The Professor—Most-Likely-To-Be-Dumped—Despite-His-(Not-Her)-Tenure—if-The-Students-Ever-Have-Anything-To-Say-About-It is Mr. Cunningham.

Tax III: When a recent investigator called different IRS Tax Assistance Offices for clarifications or answers to questions, 75% of the questions were answered differently by different offices or operators.

The Hart Trophy, for Most Valuable Player for the season, in a most unpopular decision by Hockey Night in Ann Arbor, does not go to Messrs. Nixon or Ford for inspiring all sorts of fascinating discussions, nor to Our Great Dean or Big Bertha Betts (one of the original Betts sisters) in humble recognition of the tremendous power they can display, nor to any member of the Faculty (Bruins though they may be), nor (unfortunately but expectedly) to any student. By reason of the failure of any progress in this law school (other than getting the Microwave Oven back in the lunch room), the Hart Trophy cannot be awarded this year.

Free Richard Nixon! (oh, he is too?)
Free John Connally! (him too, huh?)
Free Ted Agnew! (it’s not possible!)

Well then, Free Doug Kahn!

—G. Burgess Allison
Dear R.G.:

Bureaucracy is a peculiarly costly and time-consuming way to run a revolution. A number of things prompt me to say this and I have been thinking about writing something to this effect to R.G. for several weeks. However, it took a shock to my own ego along with the nearness of the end of this first year of law school and the publication of Susan Gzesh's reply to Peter Winther (in last week's R.G.) to put me over the brink to action.

First, let me explain my own bruised sensibilities—Monday night LSSS refused to approve a proposal which I had submitted after much serious consideration and considerable effort at articulation. The thrust of the proposal was to push the Administration towards the institutionalization of the Alternative Practices Conference by giving responsibility for the conference to the Placement Office under the direction of a student-faculty committee (hopefully composed at least in part of the initiators of the Section Five Alternative Practices Conference). The proposed committee would also be assigned the task of evaluating the Placement Office services and making suggestions for making the Office more responsive to the needs of those students desiring "alternative" employment.

The rationale for this proposal is rather extensive, but what it boils down to is my feeling that the Law School as an institution that takes our tuition money in exchange for services of one kind or another should be made more responsive to the needs of all society. Students should not have to spend inordinate amounts of time and energy doing for themselves what the Law School should be doing as a matter of course.

This proposal was defeated, at least in part, as a result of opposition by some members of Section Five (of which I am also a member) and in part as a result of my own over-confidence that the LSSS could not fail to recognize what seemed to me the obvious merit of my argument. That is the way it goes in any kind of politics; I am disappointed but have no harsh feelings towards either my colleagues on the Senate or those in Section Five (with whom I identify more closely in spite of their opposition). I cannot refrain from some comment, however, on what I take to be an inconsistent and perhaps counter-revolutionary position on the part of several Section Five members. My disagreement is not one of basic principle, but rather one relating to the pragmatic choice of political means to an agreed-upon end.

For example, I agree with Susan Gzesh that the Conference was inevitably political and that there need be no apology for this, but I was very disappointed in her paradoxical elitist implication that the revolution does not need those who are not already committed (those who might be "put off by Marxist rhetoric"). I recall several discussions in Section Five meetings in which the desire to make the Conference useful and educational for all students, regardless of how "left" their politics, was made explicit. Unless the members of Section Five are to go out and represent the interests of the disadvantaged in our society alone, this educational function of the Conference is absolutely necessary. There is something almost Calvinistic in the attitude that those who have not yet made the "choice" to join us (and are thus "against" us by definition) may be written off forever. Without being patronizing, I would like to suggest that some sensitivity to the needs and insecurities of those who are less aware or committed politically could produce greater results in the long run. Without the commitment of the latter people, the cause may as well be considered lost anyway.

Institutions, like people, can and must change and become involved in efforts to remake the social and political structures which are so inequitable and iniquitous. This is recognized by Ms. Gzesh in her challenge to the faculty to become involved and respond to student demands for alternatives in the curriculum of the law school and in their careers. The need for institutional change is also pointedly acknowledged by such organizations as BLSA, WLSA, and La Raza. The big struggle outside the law school is what we should be concerned with, but so long as the school remains unchanged our energies will be drained by the struggle for survival within the school. Yet several members of Section Five resist placing responsibility for the continuation of the Alternative Practices Conference on the administration, preferring...
instead to have either another ad hoc Conference or (presumably) none at all.

The basis for this anti-establishment position seems to be centered upon a fear that future conferences under the direction of the Placement Office would lack the spontaneity and political bite of the first conference. The possibility that fewer students would work on the conferences was raised with the implication that a conference might not come off at all without massive grass-roots student effort. I had anticipated those concerns and hoped to counter them with provisions in the proposal for a student majority on the Conference planning committee. As a matter of fact, I agree to some extent with each of the concerns, but feel they lack merit overall. For the very reason that nearly all the people engaging in alternative practices tend to the left in their political thinking, I believe the political perspectives of the Conference would not change too drastically under the direction of a student-faculty committee. This would especially be true if some of the Section Five organizers were committed enough to their concept to become involved with the institutionalized conference. Further, I felt it would be a good thing if less student effort were consumed in planning and carrying out the conference since I consider it the duty of the Law School to provide students with exposure to the complete spectrum of career options anyway. While Section Five members benefitted greatly from the experience of putting on the conference in terms of morale and awareness of what is going on in the legal profession, such personal benefit was not the primary purpose or value of the conference. Finally, I believe it is safe to say that the Conference would not wither on the vine if the Law School were committed to doing it and if the student interest manifested last month is truly genuine. Students who might otherwise derive benefit from working on the conference can obtain the same personal rewards and perhaps accomplish more good doing other things more directly related to the needs of present or future clients.

So much for my arguments; the issue is moot for the time being. I would just like to close with some observations about the Law School in general. To me the Law School is, or should be, a community. Martha Bergmark (the lawyer at the Alternative Practices Conference from Mississippi) pointed out that in order to accomplish anything in a law practice one must become a part of the community. I feel the same is true when it comes to reform of the Law School. It may be more comfortable psychologically to assume a stance of alienation with the school, but like it or not, all of us are to some extent identified with this institution by virtue of our presence here. I feel this identity carries with it a responsibility to participate in the entirety of the institution and to recognize not only what is wrong with it but a responsibility to make some effort to change it for the future. Identifying with the community qua community does not entail acceptance or endorsement of all the vicious, petty and ugly behavior of the other members. Such identification does entail a somewhat more complicated existence however because it requires abandonment of any purist self-image and the assumption to one degree or another of some of the collective responsibility for what the community is or continues to be.

The entire structure and atmosphere of the Law School appears to conspire against any sense of community, and I believe it is this aspect of the institution which most desperately needs to be changed. Students are factioned and fragmented in nearly every conceivable way by the inherent conflicts of diverse ideologies and the competitive approach of legal pedagogy. Communication between students and administration or between students and faculty concerning the nature and future of the Law School is virtually non-existent. It is not just Section Five, but all of us, who have for too long accepted isolation and alienation as the norm. This passive acceptance leads to the facile incongruity of demanding expansion of the Clinical program at the same time that we say the Law School cannot be trusted to put on a career alternatives conference. We need not agree on everything or anything, but let us recognize that we do live in the same world.

-- George Vinyard

To R.G. Editor:

I am writing to call attention to the Senate's refusal to allocate $500 for the Summer Legal Aid Program. Members of Legal Aid here at Michigan have operated this program since 1972. We serve simply as a conduit, raising money which is passed directly to legal aid
CLASSICS

GOOD LISTENING (CLASSICAL)

(Note: The purpose of this series is not to identify "the" ideal recording of any particular work. Rather, it is to mention one or more versions of a piece that I have found consistently satisfying and to try to explain the reasons for my preference. In this article particularly, readers should note that the "value" of my recommendations is constrained by the limited number of alternative recordings of each piece that I have heard.)

4. Some Favorite Piano Concertos
("Concerti," for the purist)

After spending two weeks on "soul" music, I want to turn to a very different genre of music: the piano concerto. Unlike the sonatas and string pieces I've described, the piano concerto strikes me as a "public" kind of piece, in the sense that the large concert hall, rather than the living room, seems the more appropriate place in which to experience it. This is not to suggest that the concerto is an inferior kind of composition, but that its characteristic qualities -- brilliance and display, rather than intimacy and intensity -- are very different. The four concertos to be discussed here all exemplify this "public" quality, albeit in different ways.

Beethoven's Third Piano Concerto, in C Minor, has long been one of my favorites. Though not so subtle, perhaps, as the Fourth, this piece has a boldness and clarity that recall the Beethoven of the Fifth and Seventh Symphonies. I hear the piece partly as a grand procession of scales and "home-key" chords uncluttered by elaborate ornamentation and partly as a brilliant play on the notes E-flat and E-natural. For the latter claim, I cite as evidence (1) the continuing contrast of C-minor (whose "chord" includes the note E-flat) and C-major (which uses E-natural in its place); (2) the unusual choice of E-major (whose scale begins and ends on E-natural) as the key-center for the second movement of a piece nominally in C-minor (whose scale prominently employs E-flat); and (3) the obvious movement between these two notes in the final movement of the piece. Of the recordings I've heard, I prefer Schnabel's mid-1930's performance with Sargent (available at Liberty Records in a four-record set containing all five Beethoven piano concertos, on the "Historia" label) to Serkin's recent recording with Bernstein, primarily because of Schnabel's greater ability to convey the E-flat -- E-natural interplay in the third movement.

Chopin's "First" Piano Concerto (so designated because it was first to be published), in E-minor, is another of my favorites. While hardly a model of orchestration, this work contains a rich and florid piano part that continues to impress on repeated hearings. I especially like the first movement, with its use of the F-sharp minor diminished chord (E-C-A-F#, often played descending for several octaves over the same four notes played simultaneously) as an approach to the dominant chord of B-major. For recordings, I prefer Lipatti's late-1940's performance on Seraphim because of his delicate use of rubato (the lengthening of some notes over their printed time values, at the expense of the time given to other notes) but can also recommend Rubinstein's recording with Skrowaczewski (on RCA) for those wanting better sound.

Brahms' Second Piano Concerto, in B-flat, Op. 83, was the one Brahms composition I
liked during my pre-music theory days -- which may say something about the immediate appeal of this work. Like the Beethoven Third Concerto and unlike so much of Brahms' music, the B-Flat Concerto has a bold and uncluttered quality that makes it a great favorite both for listeners and performers. I particularly enjoy the "triumphant" climax on D-major at the end of the development of the second movement, just before the return of the movement's initial theme. While none of the recordings I've heard fully satisfies me, I can offer the following reactions. Watts, in his performance with Bernstein, conveys total command of the music but is given weak orchestral support. Ashkenazy sounds less compelling but conveys perhaps more sensitivity to phrasing; Mehta, however, makes the orchestra sound coarse. Gilels and Jochum offer a thoughtful performance that some may find sluggish. By contrast, Gilels' earlier recording, on Victrola, may seem too fast. Richter gives an exciting performance on RCA with Leinsdorf but plays in a way that gives no sense of how consecutive phrases relate to one another. Serkin, by comparison, in his recording with Ormandy, takes the piece less quickly but conveys more warmth. In his recording with Szell, however, he bangs unforgivably. Overall, I would advise sampling several of these, together with the recordings by Fleisher (on Odyssey) and Anda (on DGG). Among all, I would give Serkin/Ormandy a very weak preference.

The final piece I shall mention here is the Prokofiev Third Concerto, in C. Unlike much of Prokofiev's piano music, this work is melodious, clear, and obviously tonal. It is also fun, both to play and to hear. While my favorite section is the introspective, "dreamy" variation that appears midway through the second movement, there is plenty of excitement and wit in this piece for listeners. Of the recordings I've heard, I prefer Browning/Leinsdorf on Seraphim to Cliburn's performance on RCA because of Browning's greater willingness to "shape" phrases, rather than merely play the notes.

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For those who have misplaced my earlier articles, or who would like a list of their suggestions, I repeat them here: Schumann, C Major Fantasia: Ashkenazy (London 6471); Chopin, Ballades: Frankl (Turnabout 34271); Tchaikovsky, Sixth Symphony: Giulini (Seraphim S-60031); Schubert, Sonata in B Flat, Op. Posth., D. 960: Schnabel (Odeon-EMI 3(C153-01220/22)M, "Schnabel & Schubert); Beethoven, Sonata No. 32, in C Minor, Op. 111: Schnabel (Seraphim IC-6066); Beethoven, "Late" Quartets: Yale Quartet (Cardinal, VCS 10101/4 -- for all of them) or Budapest Quartet (Columbia, MS 6385 - for Op. 131); Schubert, String Quintet in C, Op. 163: no recommendation, but hear Heifetz-Primrose (RCA, LSC-2737) and Budapest Quartet (Columbia MS 6536) as example of different ends of the speed-and-energy spectrum.

Joshua Greene
clinics in Michigan who use it to hire law students for a ten week internship, paying a $1,000 stipend. The majority of students who have been hired for these internships have been from the U. of M. Needless to say, they have proved invaluable to the clinics who are always understaffed. The Program's purpose has been to foster the movement toward more and better legal services for the poor in Michigan.

The Senate has chosen to draw what I feel is a dubious distinction, labelling the program as support for one-half of a student for a summer, rather than support for a program to encourage legal services. The Senate's money would have gone into a pool which would have been divided among the clinics. This was not a request to fund one particular student in one particular clinic. The clinics have complete control over hiring; we have none.

I feel that this was an arbitrary classification of a program which uses 100% of its money to really accomplish a worthwhile purpose. None of it was to be used for travel, conventions, or entertainment. It was a relatively small request, only 2% of the budget. By comparison, the Senate allocated over 20% of our money for sherry hours etc. and funded most organizations in the four-figure range. I am not satisfied with the priorities which the Senate has established for spending my money. Thank you.

s/ Ken Lawson

PROPOSAL

UNCOVERED TRUCKS CAUSE BROKEN WINDSHIELDS

by Neil Hushberg, M.S.U. Student from Pirigm Reports

Have you ever been caught behind a tandem truck that showered your car with sand or gravel? Or day by day watched a crack slowly span the length of your $100 windshield and wondered how it got there? If so, you may be one of more than 50,000 Michigan motorists who yearly suffer 5.5 million dollars in windshield and headlight replacement costs.

One motorist described her experience this way: "I was just getting in the expressway exit lane. The closer I got to this truck, the louder became the tapping sound. I realized this sound was actually gravel being blown off onto my car. I slowed down and turned off at my exit. The next morning I found a five-inch crack in my windshield and a broken headlight. The insurance claim was $110."

Not all cases of uncovered truck loads involve merely property damage. There is the particularly gruesome case of an engine block bouncing out of an overflowing junkyard truck and going through the windshield of a car, decapitating its driver.

Current Michigan law makes prosecution in such cases difficult unless a policeman actually saw material falling from a truck. Even then, it isn't clear whether the driver, the yard foreman who supervised loading, or the trucking company owner is liable. As a result, Michigan State Police issued only 462 citations in 1973 for violations of the insecure loads law.
same year, A.A.A. alone was paying out $5.5 million to replace 50,000 broken windshields.

Over flowing truck loads not only cause property damage and personal injury, but cost the state thousands of dollars to clean up roads. The luckless motorist thus is forced to pay not only higher insurance premiums to replace broken windshields but higher taxes to pick up the mess overflowing trucks leave behind.

Why doesn't the Michigan Legislature require trucking firms to either limit load size or cover their loads with a tarpaulin? The answer is that cartage firms and the Teamster Union don't want it to.

Since 1971, Representative James F. Smith (R-Grand Blanc) has unsuccessfully tried to pass a bill to require covers on such trucks. In what Rep. Smith calls "a classic example of business interests preceding public interest," key committee chairmen have done everything politically possible to keep his bill from ever seeing the light of day.

The bill has been supported by every major newspaper and television station, as well as four hundred Michigan insurance companies. A.A.A. received 45,000 favorable responses in a coupon campaign among its members to support truck cover legislation.

This year, a bill sponsored by Rep. Michael Novak (D-Detroit) and Rep. Smith was reported out of the Committee on Public Safety and passed by the House. This weakened bill requires covers only on loads less than six inches from the brim of the truck.

Cartage firms and the Teamsters have fought legislation with three main arguments. First, they assert that windshields are not broken by material blown off trucks but rather by gravel ejected from underneath the tires, and thus covering trucks with tarps will have no real effect. Second, they suggest that the dangers of truck drivers falling off their rigs while covering loads would outweigh the dangers of an uncovered truck. Third, they argue that installation of tarps will cost $100 to $150, which will be reflected in higher hauling fees.

Proponents of covered trucks have ready responses. First, motorists wouldn't have to worry about gravel ejected from under tires if trucks would stop spilling gravel on the highway.

Second, A PIRGIM check verifies that eight states already have laws requiring covered truck loads. The Florida Department of Transportation, for example, reports to PIRGIM that their law has been "quite successful in preventing accidents caused by material spillage on the highway." The state of Florida has covered its trucks at a cost of only $42.90 per cover, substantially less than the trucking industry figures. State-owned trucks in Michigan have also been covered. These facts, combined with millions of dollars spent on insurance premiums, personal injury, property damage, and higher taxes, all point clearly to the need to cover all hauling vehicles.

The House-passed bill, HB 4223, has now gone to the Senate Highways and Transportation Committee. A letter to your Senator, letting him know you want it strengthened to apply to all trucks with loose loads, may save you money -- or even save your life.
CENSORED by Joe Fenech

If I don't see you all again I'll have a nice life.

Aloysius.