1977

January 21, 1977

University of Michigan Law School

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The Res Gestae
Midwest Edition

CHARLIE'S ANGELS
1-21-77
Today's lunchtime offers something for everyone. For those with (or without) a sack lunch there are four different meetings, all scheduled for high noon. The Women Law Student Association is holding the first meeting of the Steering Committee in the WLSA Office. Topics on the agenda include: newsletter editor, alumnae conference, Susan B. Anthony dinner, national conference and more. Everybody is welcome. There is an important Jail Project meeting, same time, in Room 236. Dean Cohen will be holding forth and answering questions in Room 132 for all persons interested in the 1977 client counseling competition. For those whose tastes run in somewhat different veins, the weekly PAD luncheon features Professor Rosberg discoursing on "Impact of the New Copyright Law."

And, for those who need money to pay for their lunches, the proceeds of the PAD book sale are being disbursed from 9 a.m. to 3 p.m. in Room 118 (Hutchins Hall). Cash and/or unsold books will be available; if you don't pick them up today, you will not have another chance for another month.

The Black Law Student Alliance will meet this afternoon at 3:30 in Room 138.

PEANUTS TO YOU!

The Social Committee is celebrating the inauguration, and so should you. To aid you in this task, America's favorite drinks, beer and wine, will be served, Thursday, Jan. 20, 3:30 PM, Law Club Lounge. There will be peanuts, but Stevie Wonder called and will not be able to perform. Decorations will be mixed -- 1/2 the room will be green and white for those of you who remember or ever knew the Carter campaign colors, the other half will be black because Dennis Mullins is a fascist mourning the demise of conservative fascism.

THURS, 3:30 PM, L.C. LOUNGE
Coming up: Sherry Hour, Friday, Feb. 4, and finally, at long last, (probably), a DANCE with beer and dancing and everything, Fri., Feb. 11.

In the works -- a trip to the Detroit Institute of Art and a Tigers game.

Friday

For anyone who didn't get their fill of both words and lunch at noon yesterday, luncheon meetings are in vogue again today. The Legal Aid Society will hold an organization meeting for the winter term at noon in Room 116. Further information is available in the notice printed infra. Also at noon in the Environmental Law Society Office (112 LR) the ELS features John Dernbach discussing "Mining and Reclamation in the Upper Peninsula," one of a series of informal and informative student talks in areas of current interest. All are welcome -- bring your lunch.
Friday Nite

The Law School Student Senate Film Committee again lights up the Silver Screen in Room 100 Friday night with "Dial M for Murder," starring Grace Kelly (aka Princess Grace), Ray Milland and Robert Cummings. Show times are 7 and 9:10 p.m. Note: Due to circumstances beyond the control of the Committee, they have become recidivists and reverted to their old policy of admitting only law students for free -- all others will be charged $1.00.

Wednesday

Entertainment Law Society Meeting
Wednesday, January 26
Room 220 3:30 p.m.

Thursday

I.L.S. -- HELSINKI CONFERENCE -- EVERYONE WELCOME

Mr. Brian J.P. Fall (British diplomat, former student at this Law School, currently a Visiting Fellow at Harvard Center for International Affairs) will be the guest of the I.L.S. on Thursday, Jan. 27, as follows:

*5:45 PM -- Served dinner, Faculty Dining Room, Lawyers Club

7:00 PM -- Conversation on the Helsinki Conference, where Mr. Brian acted as British Representative; discussion on European Security & peaceful settlement of disputes, British perception of Soviet intentions. Questions and participation from the audience will be encouraged.

*I.L.S. members and guests coming to this dinner must sign up at the I.L.S. door before Wed., Jan. 26, and must bring own meal ticket from Lawyers Club to dinner on the 27th.

Notices

PLACEMENT

Some interviewers will be coming to campus this term. Employers will be posted on the first floor bulletin board and firm descriptions and sign-up sheets will be in the Placement Office.

Fri., Jan. 21 - R.L. Burns Corp., San Bernardino, CA, seeking 3rd year students and recent graduates. Corp. is an energy-related exploration and production company...

Thurs., Jan 27 - Wilson, Jones, Morton & Lynch, San Mateo, CA, seeking 2nd year clerks.

If you have accepted a job, please report it to the Placement Office. Forms are available in the office or on the table outside Room 100.

LSD-ABA NATIONAL MOOT COURT

The Law Student Division of the ABA is sponsoring a national moot court competition. The competition may be entered by up to two three-person teams from each ABA-accredited law school. It is based solely on oral arguments -- no briefs.

The preliminary round for this area will be in exotic Dayton, Ohio on March 5 and 6. The final round will be at the ABA convention in August. The problem involves the legal effect of a "living will" -- a request not to use artificial life support on a brain-dead individual. Expenses of any team will be defrayed by the school.

For further information, call Mike Herbert (G-15, 764-8929) or Jim Schnare (H-11, 764-8930) by Monday.
Notices

1975-1976 CAMPBELL COMPETITORS

The following people have never collected their pens from last year's Campbell. Please contact Mike Herbert (G-15, 764-8929) to collect:

Steve Brock
Stuart Jones
James Brunner
Andy Campbell

BAKE SALES

WLSA is sponsoring a series of five bake sales beginning Jan. 26 to raise money for the 2nd annual Alumnae Conference coming at the end of February. The bake sales will be held each Wednesday from 9-12 in front of Rm. 100. We need people to contribute bake goods, running the table and buying the food! Sign up sheets are posted by the Women's Lounge and the WLSA office. We are an equal opportunity employer. All students and faculty are encouraged to participate. BAKE/SERVE/EAT

SENIORS

(Planning to graduate in May)

Senior Day has been finally and officially designated as Saturday, May 14, 1977. The agenda will consist of a morning program at Rackham Auditorium with a guest speaker and special recognition of all graduating students and an afternoon program in the Lawyer's Club and possibly on the lawn with lots of good munchies.

LEGAL AIDSOCIETY ORGANIZATIONAL MEETING
FRIDAY, JANUARY 21, 1977
NOON, ROOM 116

The U.M. Legal Aid Society will have an organizational meeting this Friday, January 21, 1977 at noon in Room 116. All law students interested in working at Legal Aid should attend.

A law student who works at Legal Aid gains invaluable experience in the field of legal practice and will find Legal Aid fun and challenging. First, he or she is involved in the community's legal issues and problems. Second, a law student under the supervision of an attorney, interviews and advises clients, prepares legal papers, negotiates with attorneys and engages generally in the various aspects of law practice. Third, a law student can specialize in certain topics, such as, but not limited to, criminal, consumer, family or housing problems. In addition, a second and third year student is eligible to practice in the state courts pursuant to Michigan General Court Rule 921, for that reason, we especially encourage second and third year students to apply, but first year students are more than welcome and does everything upperclass students can except appear in court. Last, but not least, the Legal Aid experience will be an asset when it comes time for employment, especially in legal services. The bulk of the law students work at the campus branch, conveniently located across State Street from the law quad in the Michigan Union.

The Legal Aid Society has revised and improved its orientation procedures. We will hold a training session next Saturday, January 29, after which we will organize students into work teams.

PLEASE ATTEND AND VOLUNTEER YOUR SERVICES!

Morris Klein, President

The Law Spouses Association will be sponsoring its annual Progressive Dinner on Saturday February 12. All law students and faculty are invited to participate in this event. The evening begins with cocktails at se-
several homes, then couples move to different locations for salad, then move again for dinner. For desert everyone meets back at the Lawyer's Club Lounge.

Everyone is expected to contribute in some way, so there is no charge for the evening. The Law Spouses Association provides chicken for those who host dinners. It is a fun way to get to know your professors and fellow students.

For reservations, call: Deb Bruemmer (769-3839) or Cynthia Yund (662-6345) before January 31.

(Unmarried students with or without dates also welcome.)

THE ADVENTURES OF PEEP "N TOM

"MR. PEEP, WHY DID THE EDITORS PUT THIS CASE IN THIS SECTION OF THE TEXT?"

"BECAUSE THEY HAD EXACTLY ENOUGH SPACE FOR IT?"

"BUT THAT MAKES NO SENSE!"

IM NOTES

All schedules for Grad Basketball, Women's Basketball, Ping-pong, All Campus Mini Soccer, and Co-Rec Racquetball are posted on the IM bulletin board by 120 Hutchins. Good luck to everyone.

UP COMING ENTRY DEADLINES

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<thead>
<tr>
<th>Co-Rec</th>
<th>Badminton</th>
<th>Feb. 1</th>
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<tr>
<td>Bowling</td>
<td>Feb. 14</td>
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<td>Swim Meet</td>
<td>Feb. 15</td>
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<td>Women's</td>
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<td>Bowling</td>
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<td>Swim Meet</td>
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<td>Racquetball</td>
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<td>Squash and Ping Pong</td>
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<tr>
<td>Graduate</td>
<td>Squash</td>
<td>Jan. 24</td>
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<td></td>
<td>Paddleball</td>
<td>Jan. 24</td>
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<td>Swim Meet</td>
<td>Feb. 4</td>
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PATRONS DON'T LET ROBBER INTERRUPT BAR'S TV TIME

CEDAR RAPIDS, Iowa - The patrons at Harry's 420 Club just weren't in the mood to be robbed.

It was 7 a.m. Thursday, and the bartender and three customers were engrossed with the CBS Morning News when a man entered the bar with a pistol and announced, "Don't anybody move."

One of the customers told the armed man, "Nobody is getting robbed while I'm watching the news."

"You think I'm bluffing?" asked the would-be-robber.

"Yes, I think you are bluffing," came the reply.

The bartender, who identified herself as a woman "over 39 and hanging on," said the armed man then cocked the pistol twice but still was unable to get the attention he wanted.

"You aren't taking this seriously," the man complained. He then ran out the door, saying he was going to get his other two friends and come back.

When he left, police were called. They arrested Ernest Burton, 32, Cedar Rapids, a few blocks away.
INTERESTED IN PUBLIC POLICY?

During the past ten years, at all levels of government, there has been an extremely rapid increase in the use of advanced economic analysis, complex management information systems, computer simulation models and other forms of statistical analysis. As government expands and difficult problems of management and resource allocation arise, the knowledge and skills acquired through classical legal training are no longer sufficient to meet the needs of the public sector.

Although administrators with legal training have an understanding of the framework within which legislation is formulated and judicial interpretations take place, they often lack the skills needed to administer government agencies and the analytical tools necessary for policy analysis.

In order to prepare attorneys to serve the highest echelons of public service, a joint program in law and public policy is offered by the Michigan Law School and the Institute of Public Policy Studies. The aim of the program is to provide a better understanding of the political environment which constrains policy-making as well as the quantitative methods and economic foundation necessary for government decision-making. Graduates with this broad professional background will be in demand throughout the public sector in the years ahead.

Students enrolled in the joint law and public policy program will receive both an M.P.P. and J.D. degree upon completion of 109 credit hours, including at least 76 obtained in the Law School and not less than 24 outside of the Law School. Students in this program usually attend Law School during the first academic year, and the Institute full-time during the second school year. The third and fourth years are spent primarily at the Law School.

Anyone interested in hearing more about the joint degree program in law and public policy is invited to attend a brief meeting. A meeting is presently planned for Thursday, January 27, 3:15 p.m. in room 138, Hutchins Hall. For further information please call Nancy Berla at 764-3490.

READ-ONLY MEMORIES

By The Malevolent Memo Maker

Back again, for the (hopefully) last three semesters. Since I'm half-done, I guess that now makes me an official half-assed lawyer, right?

The nicest thing about second year is not having to take a class for more than a semester. Sure beats last year, spending the whole break worrying about a postponed Civil Pro exam.

This semester's new classes aren't worth much comment yet. But I'm really disappointed by Enterprise Organization. All we've talked about so far are companies and corporations--I thought it was a course about my favorite TV show, "Star Trek".

On the political scene, the peanut farmer takes over at just about the time this issue of the RG emerges from the Library's dungeon. Good luck to him--he'll need it to keep all of his promises (which, according to his aides, fill a 110-page book).

Carter won't have any trouble cutting one small item in the budget--the fuel bill for Air Force One. The President's personal 707 is expected to use 5% less kerosene, now that the ski rack has been removed from the top of the fuselage.

Did you get lots of goodies from Santa this Christmas? (Other than good grades, which come under the heading of miracles, not gifts). I received one present that I don't know what to do with--a beautiful pair of cufflinks. But since I don't wear French cuffs, I guess that now I've got to have my wrists pierced.

Thinking of Christmass--belated thanks to the residents of room B-22 in the Law Club. Their Xmas tree and lights helped brighten the Quad during the last few weeks of last semester.

(CONT. NEXT PAGE)
MORE MMM (cont.)

Read a case over break by a Federal Appellate judge named John Minor Wisdom—perhaps the next Learned Hand?

* * * * *

When my car was broken into last year, were the AA cops anywhere around? No. When it was broken into this year, were they around? Nope. But when I was overparked on State last week, were they around? You bet your sweet ticket they were—complete with tow truck.

WARNING!! The "No Parking 4-6 PM" zones on State are operative every day, not just during the week when it makes some sense to have them. And if you think the AA police will be nice for once and just give you a ticket—don't bet on it, unless you have $30 to spare.

So, dear Ann Arbor Police, you are the recipients of this semester's first "Thanks For Nothing" award.

* * * * *

By this time, I assume that you have gone thru the traumatic experience of giving the bookstores 47% of your year's earnings. This semester, I shopped around a bit first, rather than just buying all the books and supplies from one place.

There's not too much difference in book prices—but supplies (paper, typewriter ribbons, notebooks, etc.) are a different story. Depending on where you shop, you can pay anything from 97¢ to $3.75 for the same 3-ring binder. Remember, we already support this whole town—why increase their standard of living any more?

* * * * *

Stay tuned 'til next week, campers—I might do something totally different, like say something nice about George Vinyard (note I said "might", George, so don't get your hopes up).
heads the clinical law program in child advocacy.

"Few lawyers or judges are familiar with psychological and family dynamic implications of child abuse cases, nor are they fully aware of the expertise available from social workers and physicians in treating child abuse and neglect problems," says Duquette. "And most psychiatrists, pediatricians and social workers are equally limited in their legal perspectives."

Lawyers in particular could benefit from a broader perspective. In many cases, child abuse or neglect is a symptom of serious but less obvious family or personal problems. A negotiated settlement out of the judicial spotlight is often more productive and less destructive to the child and his family---as long as the child is legally protected. The ultimate goal of the court is to preserve and foster family life whenever possible.

"But it is difficult to convince a young lawyer, eager for trial experience, of the benefits of an out of court settlement," says Duquette. "This is one of the points we are getting across in the clinical program.

"Although negotiation and mediation skills are important in child advocacy," Duquette continues, "These skills depend to a large extent on one's ability to try a case well when called upon. When trial is necessary we do not shy away from it."

As part of the program, Duquette and his law students consult with U-M pediatric, psychiatric and social work specialists on many of their cases. By broadening their knowledge of the facts, family and personal dynamics, and the possible alternatives available, the students can make legal judgments that are in the best interests of their clients.

Such interdisciplinary collaboration is not new in the medical field. At U-M Medical School an interdisciplinary group known as the Suspected Child Abuse and Neglect (SCAN) team frequently consults on child abuse cases. The law students participate in SCAN committee meetings and call on the specialists for consultation.

Most of the cases handled by the U-M student lawyers are referred by two Michigan agencies, the Wayne County Juvenile Defender's Office and the Washtenaw County Prosecuting Attorney's Office. In Washtenaw County cases, the students represent the Protective Services Division of the State Department of Social Services, the agency charged with responsibility for investigating instances of child abuse and neglect in Michigan. In Wayne County cases the student lawyers represent the children directly.

"Ultimately, the goal of any intervention by the Protective Services Division in child abuse cases is the rehabilitation of the family," notes Duquette. "It is only when therapeutic intervention breaks down---when the family refuses treatment, or the social worker concludes that the child must be protected from the family---that legal action will be initiated. And this occurs in only 10 or 20 percent of the cases handled by Protective Services," says Duquette.

Aside from dismissing a case, the judge usually has the option of returning the child to his own home under supervision of the Department of Social Services, placing the child with a relative, sending the child to a foster home, or placing him in a group home or other institution.

Duquette and others involved on the U-M child advocacy program stress that recent national statistics showing widespread child abuse underline the need for efforts to investigate the problem and train professionals to work in the area. According to recent figures, there are more than one million cases of child abuse and neglect reported nationally each year and an estimated 600,000 unreported cases.

The long-range goals of the U-M clinical programs in the three professional schools are to generate research and to develop training materials for students and professionals.

Another goal for the Law School is to motivate students to work in the general area of "family law," which includes child abuse cases.
"Generally, within the legal profession, family law has a low status," says Duquette. "Actually, family law presents complex, intellectually taxing and socially relevant challenges both in law and in interpersonal relationships. One of our hopes is to attract students to this area, and we seem to be achieving this."

Eventually, Duquette would like to establish continuing education programs dealing with child abuse for practicing lawyers.

Having trouble making the Res Gestae last through an entire day of classes? Here's a little something to help you out. This cryptogram is like all of those that you had so little trouble solving when you were a kid in grade school -- if it seems harder now, that may give you a guide as to the value of your legal education. Nothing fancy here: each letter represents a different letter in the solution. Of course, since this is a law school publication, this is an excerpt from a legal opinion. (One hint: if it had not been for the legal problems of this individual, Jerry Ford might not have been an incumbent last November. Solution on back page.)

"JQ JI KJO01GDVQ QL OTTV GLPYEIIJLH OLU EH EQUUHTX SRL JI IL PLUEVVX LMQDIT QREQ RT GLHIGJLDIVX GRTEQI OLU RJI LSH YTGDHJEUX AEJH QREQ ALZTHBTHQ RT REI ISIUH QL TTUZT, GLPYVQTQTX KJIUTAEUKEI QRT SLUKI LQ QRT LEQR RT DQQTUTK SRTH OJUIQ EKPKQDQ KQ QRT MEU, EHK EMILVDQTQX OEJVI QL YTUGJXT RJI YULOTIIJLHEV KDQX QL ECO RLIHTQVX JH EVV PEQQTUI."

- Maryland State Bar Association v. IYJUL Q. EAHTS

CHICKEN HUNTERS HOPELESSLY LOST ON FREEWAY

LOS ANGELES - A flock of chickens apparently growing wily in the wild, embarrassed a confident herd of officers from the city's Animal Regulation Department by refusing to get themselves trapped.

In what was billed as The Great Freeway Chicken Roundup, only four birds were corralled in four hours Thursday.

I think those chickens are extra smart, said officer Jim McNamara.

The chickens - about 50 Rhode Island Reds have been wandering in the brush off the Hollywood Freeway since a poultry truck overturned eight years ago.

The environment is dangerous, and the animal experts decided the chicken faced an additional problem because prime benefactor - a wrinkled little old lady named Minnie Blumfield - is 94.

"I'm getting old," said Minnie, who feeds the flock regularly. She went along with the city's plan to move the chickens to a farm.

The chickens, however, did not.
MEETING SCHEDULE

New Time -- 6:30 PM

Dates -- the following

Thursdays:

- January 27
- February 10
- Feb. 24
- March 17
- Mar. 31

Individuals and organizations who anticipate presenting requests for funding or proposals for other action to the Senate should carefully note the above dates. In particular, requests relating to the budget should be submitted in writing at least one meeting in advance of the meeting at which final action is required. Special meetings can of course be called in emergency situations, but don't count on it.

TENTATIVE AGENDA FOR NEXT LSSS MEETING (Thursday, Jan 27)

(the meeting will be in the upstairs lounge of the Lawyers Club at 6:30 PM)

1. Proposal to reallocate $100 from R.G. to the WLSA Newsletter.

2. Midyear budget report and recommendations for re-allocation of funds to the extent made necessary by overspending or shortfalls in revenues.

3. Appointment of a student to the Admissions Policy Committee.

4. PAD book exchange commendation.

5. Reports on -- Election planning, Grievance procedures in the Law School, ABA proposed resolutions on affirmative action in Admissions, upcoming Board of Governors Meeting, etc.

SPRING FACULTY/COURSE EVALUATIONS ??

Joe Medved, the current Evaluation Czar, has begun the process of tabulating the results of the Fall course evaluation and is apparently feeling pretty mellow about the cooperation he got from students and faculty and the general way in which administration of the evaluation questionnaires went off in December.

In fact, Joe is feeling so mellow that he as suggested the possible desirability of conducting the evaluation in some or all of the Winter Term classes this spring. If any first or second year students are interested in heading up the Winter Term evaluation, Joe has generously offered his assistance and sage advice. Contact Joe Medved (662-6710) for information about how much time and hassle is required; contact George Vinyard (764-8944) or via LSSS mailboxes) to submit your application.

-- George Vinyard
LSSS President

For heaven's sake, George, learn to relax.
On November 18, 1976, the Law School Student Senate adopted the following resolution:

"That, in the interest of developing a greater sense of community among Law Students and Faculty Members and in the spirit of Michigan's new Open Meetings Law, the Law School Student Senate respectfully requests that the Law School Faculty terminate its policy of meeting only in closed sessions (resorting to closed sessions only for consideration of personnel matters or other matters similarly sensitive in nature), and that the Senate further requests that the Agenda and Minutes of the Faculty be routinely made available to Students."

The resolution deals with a matter that is one of longstanding concern to LSSS President George Vinyard and to Pam Hyde, last year's LSSS President. Last year a system was negotiated by which the Senate was to receive summaries of Faculty actions. That system has yet to be implemented.

In December, George sent a memorandum to Dean St. Antoine and to all members of the Faculty explaining the Senate action and its justifications. First, the memo dealt with the symbolic effect of closed meetings. It took the position that the effect is to set faculty and students apart, to suggest that the Faculty conducts its business at a higher level, when, in theory, matters which the Faculty deals with should be of equal concern to students.

Second, the memo dealt with the ways in which closed meetings actually do impede communications between Faculty and Students. Even though student members of Faculty committees are permitted to attend meetings at which their committees deliver reports, the communication is too much one-way and the students are often excluded during debate. The lack of communication is especially apparent to members of the LSSS as they attempt to influence Law School Policy and answer the questions of constituents who wonder what is going on.

Too often the Senate and other interested students are placed in the difficult position of trying to change a result after judgment has been entered (the appeal process is prohibitively costly in time and effort). Students learn about major policy changes such as the recent one in the first-year student and financial aid application procedures (last spring) after the fact, when their opinions have become moot.

This is not to suggest that the Faculty and Administration deliberately contradict the best interests of students, but the policies which are adopted could often be improved by the addition of perspectives from the student body at-large. Moreover, it is the Faculty and Administration which possess the necessary resources to elicit student opinion and keep students informed. The current system places unnecessary obstacles in the path of the average student who wants information about pending policy decisions.

Though the Open Meetings Law almost certainly does not apply to the University and the Law School (the University being constitutionally insulated from the legislature for most purposes), it is clear that the spirit of the law does apply to the Law School. Matters considered by the Faculty are matters of public concern delegated to the Faculty by the Board of Regents (which, incidentally, has open meetings). These matters are of even greater concern to Law Students, not only because we may be directly affected, but also because of our responsibilities to the profession and greater society that we are about to join. There is simply no rational justification for a blanket exclusion of the public and members of the student body from deliberations over a public University's basic policy.

To date there has been no official response to the Senate's resolution, but George has been invited by Dean St. Antoine to attend the Faculty Meeting Friday (January 21) along with other interested members of the Senate for the purpose of presenting the proposal and expanding upon it. Any student interested in this issue or wishing to express views upon it to the faculty should contact John Kralik (764-8973) or George Vinyard (764-8949 or via LSSS mailbox) before 3 p.m. Friday.

-- John Kralik
Mr. George Vinyard  
President, Law School Student Senate

Dear George:

Following up on some of our conversations, I should like to provide you and the student body with information you have requested, and with news about a number of recent developments at the Law School.

Copy Center. Many questions have been asked about the operations of the Law School's copy center, and specifically about the use of the Law School fee in covering the cost of reproducing class materials. Figures were compiled for me by Mrs. Helen Betts, Registrar; Mr. James J. Gribble, Assistant to the Dean; and Mrs. Ann LaVacque, Director of Secretarial Services. This is the result of their report:

<table>
<thead>
<tr>
<th>Law School Fee Income and Copy Center Costs, FY 1975-76</th>
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<tr>
<td><strong>Income:</strong></td>
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<tr>
<td>Law School Fee, FY 1975-76 ($20 per student per regular term; proportionate amount in summer)</td>
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<tr>
<td>Less: Allocation to Law School Student Senate ($5 per student per regular term)</td>
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<tr>
<td>Balance allocated to teaching materials</td>
</tr>
<tr>
<td><strong>Reproduction Costs:</strong></td>
</tr>
<tr>
<td>Total cost of teaching materials only</td>
</tr>
<tr>
<td>Less: Sales for individual classes</td>
</tr>
<tr>
<td>Net cost of general distribution of teaching materials</td>
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<tr>
<td>Allocation from Law School fee</td>
</tr>
<tr>
<td>Deficit (subsidized by Law School)</td>
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</tbody>
</table>
Although you have already communicated directly with faculty members concerning such other complaints as illegible copies, excessive distributions, use of only one side of sheets, failure to pre-punch paper with three holes, etc., I shall also deal with these matters at a forthcoming faculty meeting. On the question of using outside copying firms, I feel we are precluded from that on any large-scale basis both by the extra costs and inconvenience of delivery and pick-up, and by the University's commitments under the union contract. My experience is that the Law School's Copy Center can ordinarily produce satisfactory work if given legible originals and adequate time.

Open Faculty Meetings. I appreciated the thoughtful and understanding memorandum communicating the Student Senate's resolution on the opening of faculty meetings to students (except during the consideration of personnel and similarly sensitive matters). You know my personal belief that both students and faculty members have probably exaggerated the practical importance of this issue. Nonetheless, I recognize that it is a perennial matter of concern for many students. As we have agreed, I shall arrange to have you and other student representatives make a presentation to the faculty on this question as soon as it is mutually convenient.

For the benefit of any students unacquainted with our existing procedures, I should mention that student members of the major committees dealing with policies affecting students currently attend faculty meetings to participate in the presentation of their committee's report. These include the Academic Standards and Incentives, Administrative, Admissions Policy, Curriculum, and Scholarships and Awards Committees. Student views on hiring decisions are transmitted in writing to the faculty. In addition, I have committed myself to report periodically on significant decisions by either the faculty or the administration. During the past term, there were no notable developments except the opening of the capital campaign and plans for the new building. Perhaps I should have reported on the latter, but University press releases covered most of the particulars.

Cheating. The faculty and I are deeply disturbed by some of the egregious examples of cheating that have come to light, and by reports of much more widespread cheating (including some that is systematic and concerted) that has gone undetected. I hope that no one will suggest that any law student is in need of a more extensive, compulsory set of "ethics lectures" to realize the wrongfulness of such conduct. It is outright thievery against fellow students; it is a disqualification for a profession in which integrity is the one indispensable attribute; and it is a denial of one's own personal worth and identity.

To make sure that students do not conclude that the faculty is long on talk and short on action in these situations, I have decided, somewhat reluctantly, to relate the dispositions of a few specific cases that I have dealt with during the past half dozen years. (These were all administrative "settlements," which the student accepted in preference to invoking the formal procedures of the Law School's Judicial Council.) One involved the plagiarism of key ideas and much phraseology in a law journal writing competition, without adequate citation; there was no line-by-line copying, and the student did organize the material in an original way. The sanction was a one term suspension, and of course disqualification from any future participation on the journals. Two other examples consisted of about the most flagrant cheating violation I can imagine: alteration of a Law School transcript. In one of these situations a one year suspension was imposed, and I'm sure some of my colleagues thought that much too lenient. The other transcript alteration involved a graduate already admitted to the bar. The victim, a prospective employer, did not wish to press charges with the local bar association,
and the Law School, again perhaps too charitably, simply prevented the individual malfeasant from moving for two years to the jurisdiction where he wished to practice.

In all of these instances, I suppose the severest penalty is the awareness that the dean or another faculty member has knowledge of the incident, and will be obligated to respond truthfully to inquiries from appropriate authorities. Even so, a number of faculty members believe we have an affirmative obligation as an institution to take more positive steps to alert outsiders about such misconduct, and this may be the route we shall follow in the future.

In the meantime, we are going to note on all transcripts that they are not official without the seal of the Law School. I don't intend this as a device to raise revenue. I merely hope that students' realization that prospective employers may seek verification of unsealed transcripts will reduce the temptation to tamper.

Visiting faculty members. On a happier note, I should like to thank the many students who have taken the trouble to inform me or other faculty members about the excellence of a visiting teacher. We value such views, and sometimes student evaluations have been the critical factor in an appointment. Even if we do not act at once, opinions can be filed for future reference; we constantly reexamine many of the same people as their careers progress. I urge students, however, to put their recommendations in writing so they will survive the turnover of Personnel Committees.

Sincerely,

Theodore J. St. Antoine
Dean
Mid-January already, and the effects of exams, mercifully, seem to have worn-off. Only in retrospect, however, have I realized what a potentially disastrous situation had developed. Why, if exams had gone on one day longer, I would have been forced to wear pajamas to the library! Too many hours of studying had resulted in an unprecedented shortage of clean clothes which threatened my very dignity. Yes, all things considered, December left something to be desired.

There is, however, no doubt that exams bring people closer together. By the middle of the exam period, I was having intimate discussions with perfect strangers about the best way to fall asleep before an exam. Valium seemed to be the People's Choice, with warm milk running a distant second. After a near-fatal bout of Pre-Administrative Law Insomnia, I foolishly followed someone's advice and tried drinking myself to sleep. I ended up at the Brown Jug (concededly not a four star establishment), with a sloe gin fizz that looked and tasted suspiciously like Lavoris on the rocks. Alas-all to no avail. By the end of finals, I looked like the Sominex Mascot.

One constant source of aggravation was the fact that nothing keeps our loyal library buddies from other schools away. Despite the posting of dire warnings, there wasn't a med student or social worker on campus who didn't find their way into the library during exam time. The eminently reasonable request that "people with no need for legal materials" study in their own libraries had no effect. Someone finally pushed another sign below that which read: "i.e. if you're not studying law, go away!" Everyone got a good laugh from that...however, still no seats. My nominee for the "Distinguished Display of Unmitigated Gall" Award goes to the med student who, I swear to you, while sitting across from me in our own overcrowded library, took his shoes off and stuck his literally stinking feet up on the table, right in my face! To add insult to injury, he had worn his favorite pair -- the one with holes all over the bottom. Well . . . that was enough for me. No more wasted sympathy for doctors' increasing malpractice insurances costs . . . this is all out war!

I should mention that I finally figured out the Business School Mind during finals. One night, two business folks were sitting across from me. I started talking to the woman, who proudly told me that her studying partner, who had left the table for a minute, was at the top of his class in the business school. They were studying at the law library, she said, so that all of the people who wanted to see his notes wouldn't be able to find him. He was no dummy! Of course, that didn't surprise me, having been in this law school for a few years, but the next event did. He came back to the table, and they picked up their books to leave. He asked me for change for a dollar, since the crowds had emptied out the dollar changer. I gave him 80¢ in silver, and started to give him the rest in pennies. He said "I don't like pennies. Keep them." I said "fine, if you can afford your preference." They left, but five minutes later he came racing up the stairs in a panic. "The deals off . . . there's no candy in the machine!!" I should laugh--he'll end up being a millionaire.

Well . . . I can tell you one thing for sure . . . I'm not waiting as long this semester before I prepare for exams. I've learned my lesson -- you've got to buy your Gilberts well in advance, since they run out during finals! Gunners: For your marks, .. Get set . . . Go!! Finals are only three months away!

### Souperbowl

**French Onion**........Ned Othman  
**The Manhandler**........Carol Sulkes  
**Navy Bean**.............Bob Brandenburg  
**Won Ton**...............Don Parman  
**Duck Soup**.............Stew Olson  
**Bouillabaisse**........Ken Frantz  
**Welsh Rabbit**........Crusader Rabbit  
**Shark's Fin**...........John Mezzanotte  
**Tomato**..............Dot Blair  
**Vichysoise**...........Earl Cantwell  
**Alphabet**.............Sandy Gross  
**Clam Chowder**.........Dennis Fliehman  
**Turkey Noodle**........Kevin McCabe  
**Borscht**...............Murray the K  
**Beans & Bacon**.......Clarissa  
**Birdsnest**............Pete Westen
THE PLAGIARIST

While relaxing at home, reading past volumes of Federal Rules Decisions, the plagiarist ran across the following case. The RG feels that it might be of interest to the law school community, especially those who remember "The Devil and Daniel Webster" from their Junior High Days. The cite is 54 F.R.D. 282.

United States District Court, W. D. Pennsylvania.

Civil rights action against Satan and his servants who allegedly placed deliberate obstacles in plaintiff's path and caused his downfall, wherein plaintiff prayed for leave to proceed in forma pauperis. The District Court, Weber, J., held that plaintiff would not be granted leave to proceed in forma pauperis who in view of questions of personal jurisdiction over defendant, propriety of class action, and plaintiff's failure to include instructions for directions as to service of process.

Prayer denied.

Federal Civil Procedure C=2734


Gerald Mayo, pro se

MEMORANDUM ORDER

WEBER, District Judge.

Plaintiff, alleging jurisdiction under 18 U.S.C. § 241, 28 U.S.C. § 1343, and 42 U.S.C. § 1983 prays for leave to file a complaint for violation of his civil rights in forma pauperis. He alleges that Satan has on numerous occasions caused plaintiff misery and unwarranted threats, against the will of plaintiff, that Satan has placed deliberate obstacles in his path and has caused plaintiff's downfall.

Plaintiff alleges that by reason of these acts Satan has deprived him of his constitutional rights.

We feel that the application to file and proceed in forma pauperis must be denied. Even if plaintiff's complaint reveals a prima facie recital of the infringement of the civil rights of a citizen of the United States, the Court has serious doubts that the complaint reveals a cause of action upon which relief can be granted by the court. We question whether plaintiff may obtain personal jurisdiction over the defendant in this judicial district. The complaint contains no allegation of residence in this district. While the official reports disclose no case where this defendant filed an action of mortgage foreclosure as plaintiff, the defendant in that action was represented by the preeminent advocate of that day, and raised the defense that the plaintiff was a foreign prince with no standing to sue in an American Court. This defense was overcome by overwhelming evidence to the contrary. Whether or not this would raise an estoppel in the present case we are unable to determine at this time.

If such action were to be allowed we would also face the question of whether it may be maintained as a class action. It appears to meet the requirements of Fed.R. of Civ.P. 23 that the class is so numerous that joinder of all members is impracticable, there are questions of law and fact common to the class, and the claims of the representative party is typical of the claims of the class. We cannot now determine if the representative party will fairly protect the interests of the class.

We note that the plaintiff has failed to include with his complaint the required form of instructions for the United States Marshal for directions as to service of process.

For the foregoing reasons we must exercise our discretion to refuse the prayer of plaintiff to proceed in forma pauperis.

It is ordered that the complaint be given a miscellaneous docket number and leave to proceed in forma pauperis be denied.

WITH THE WISDOM OF SOLOMON, Eugene Schneider of Carteret, N.J., responding to state divorce laws requiring equal division of property between spouses, cut his $80,000 home in half with a chain saw. His wife, Phoebe, has charged him with malicious damage.
By Ronald Goldfarb

Most lawyers must plead guilty to killing the English language.

Since lawyers speak the words and write the documents that define and govern our lives, there should be a keen public interest in their skillfulness. Yet legal language is little examined and rarely challenged. It is a paradox that a group that is so well-educated and that relies so crucially on communication uses such bad language.

In law schools, poorly trained students who do not write well get no help, and those who do write well are indoctrinated to write "legalese."

The models of legal writing that guide neophyte lawyers are bad. Law journals, judicial opinions and legal textbooks are all loaded with jargon, pomp, Latinisms — what Yale law professor Fred Rodell once called "high-class mumbo-jumbo." Rodell claimed decades ago in his book, "Woe Unto You Lawyers," that though it deals with everyday business and government, our language is so well-educated and that relies skillfulness. Yet legal writing that defined such bad language.

"Dear, my car keys are on the kitchen counter. Would you please throw me said keys?" Who would write, "I was telling my secretary. hereinafter referred to as Cuddles...?"

All specialized groups use linguistic shorthand, but it is more of a public problem when lawyers do it. Consider this excerpt from a divorce decree, composed by a lawyer and signed by a judge:

"There should be a finality to litigation; all types of evils can arise from a situation where a party seeks a divorce, such party obtains their own independent counsel, such counsel prepares agreements and documents to consummate a divorce, such counsel presents the documents to the court and the same are approved by the court and made a part of the final decree and thereafter the party who initiated such divorce action and sought such counsel and had the same presented to the court challenged such agreement of the parties that became part of the divorce decree, no matter what the grounds of challenge might be."

In reviewing a book about crime and punishment written by a group of prominent lawyers and law professors, I came across this sentence:

"It may be possible to delineate the limits on magnitude better than we have done, but the foregoing should suffice to illustrate the basic idea: in deciding the magnitude of the scale, deterrence may be considered within whatever leeway remains after the outer bounds set by a scale of a certain magnitude has been chosen, however, the internal composition of the scale should be determined by the principle of commensurate deserts."

Judged by standards of esthetics, efficiency or accuracy, legal language comes from an archaic melting pot. Its etymological sources are Celtic, Saxon, Jute, Danish, German, French and Latin. We still use Old English (mansion, ward), Latin (de minimis, arguendo), Gallic (deceit, fee tail, cy pres), and such combinations as breaking and entering, free and clear (Old English and French), peace and quiet, will and testament (Latin and Old English).

This archaic language leads to awkward jargon. Such phrases as "assume arguendo" and "ipso facto," pepper lawyers' conversations and briefs.

Lawyers would rather utilize something than use it. They use what Rodell has called "the back-handed passive," encumbering their remarks with such hedges as "it would seem" and "it is suggested." They love polysyllabic prose, preferring "notwithstanding" to "despite" or "however," and loading on all the "alleges," "thereinafter," and "thereupon" that will fit their forms.

Lawyers are so careful they become clunky and repetitious. They alone find the need to "cease" as well as "desist," "to give" as well as "bequeath and devise."

An Arkansas judge tells of a contempt order that was reported to have been "reversed, vacated, and held null and void." He suggested: "and stomped on."

Courtroom talk is more baffling than it needs to be. "I direct your attention to October 1975 and ask you if there came a time when..." takes the place of "What happened in October 1975?"

I recall a Kentucky judge's telling a jury that he wished he didn't have to give them long-winded technical instructions. Instead, he said, he would prefer to tell them what Andrew Jackson told a jury when he was on the bench: "Go out and do right by these people."

The style of legal writing is bad enough to warrant alarm and reform, for bad substance follows bad form. Poor language, even erroneous punctuation, has caused litigation and brought about unwanted results. Consider these examples:

Many lawyers use forms and canned legal lingo. One attorney added a set clause to a client's will, directing the executor "to pay all my just debts" before distributing the estate's proceeds. A New York court ruled that the addition of this clause (not requested by the client) revived a debt that had been barred by the statute of limitations.

Faulty punctuation can cause serious problems, too. The Kentucky Court of Appeals was called upon to interpret a clause in a will that gave a large estate to nine different individuals and institutions. The clause enumerated equal shares but did not place a semicolon between the names of two of the recipients as it did between the other seven. The question was whether there were eight or nine shares.

An Alabama judge told me about a divorce trial he presided over where the issue was whether the husband had committed adultery. The wife's lawyer asked a woman witness whether she had had sexual relations with the husband. She replied that she had. As she was leaving the courtroom, she stopped and asked the judge: "Did you mean to ask whether I had intercourse with this guy?" When the judge replied that that indeed was the purpose of the question, she returned to the witness stand and testified that she never had "intercourse," only "sexual relations."

It is time for lawyers to shape up their language. Unfortunately, Rodell's dated and hyperbolic charge, that lawyers are "purveyors of pretentious poppycock" whose "writing style is unfit for the consumption of cultured men," still hits uncomfortably close to home.
Here we go again with the RG's answer to Thursday afternoon and Friday morning classes. This week's poll will be sort of a trial run, because as we all know the coverage given to college basketball by the local media makes it impossible to keep track of any team located more than 50 miles from Detroit. Therefore I expect everybody's picks to be done as randomly as was the setting of the point spreads.

For those who have never entered an RG sports poll, here are the simple rules. Just circle the team that you believe will win the following games, given the indicated point spreads, and cross out your predicted loser. For example, if you think that Michigan will beat Illinois by 23 or more points, then circle Michigan and cross out Illinois. Vice versa if you think Illinois will beat the spread. Note that in several of the games neither team is getting points. In these just picks the winner. Finally, place your entry in the box outside Room 100 before 5 P.M. Friday, or deliver it to K-43 Lawyers Club before noon on Saturday. There will be a small cash prize for the winner. Remember to put your name on the page.

Here are this weekend's games.

Illinois (22 1/2) at Michigan
Indiana at Ohio State (8 1/2)
Northwestern (10 1/2) at Iowa
Purdue at Michigan State (9 1/2)
Wisconsin (20 1/2) at Minnesota
Alabama at Tennessee
LSU (16 1/2) at Kentucky
Mississippi State at Georgia (15 1/2)
Florida at Auburn
Clemson at Virginia (9 1/2)
NC State at Duke
North Carolina at Maryland (5 1/2)
Holy Cross at Boston College (8 1/2)
Canisius (25 1/2) at Detroit
Cincinnati at Tulane (13 1/2)
De Paul at Dayton
Kansas at Kansas State
Louisville at St. Louis (10 1/2)
Xavier (24 1/2) at Marquette
Nebraska (7 1/2) at Missouri
Pepperdine (20 1/2) at Nevada - Las Vegas
Oregon at Oregon State
Temple at Penn
Pittsburgh (19 1/2) at Syracuse
Princeton (6 1/2) at St. John's
Boston U (21 1/2) at Providence

Cryptogram Solution:

"It is difficult to feel compassion for an attorney who is so morally obtuse that he consciously cheats for his own pecuniary gain that government he has sworn to serve, completely disregards the words of the oath he uttered when first admitted to the bar and absolutely fails to perceive his professional duty to act honestly in all matters."

- Maryland State Bar Association v. Spiro T. Agnew