February 22, 1974

University of Michigan Law School
What with the rising tide of law shows on television, and with due respect to the "What Things Will Be Like When This Trend Really Gets Out of Hand!" format made banal by MAD magazine, I submit the following page from a TV Guide of the near future:

(2) OWEN MARSHALL-PLEADER IN EQUITY. The fate of a three bedroom split level in the exclusive Jejune Estates subdivision hangs in the balance as Owen races against time to demonstrate the inadequacy of the remedy at law. (Repeat)

(4) WHAT'S MY ACTION? -Game. Bewigged panel celebrities do wisecracking imitations of XVIII Century English jurists as they compete at guessing whether fact situations submitted by viewers should be pleaded as trespass n't et armis or case. Lord Holt: Buddy Hackett.

(5) MOVIE-Thriller. "Sieg Heil" Four Nazi chieftens escape detection for 30 years after WWII, ultimately achieving a working majority on the U.S. Supreme Court.

(7) ABC's WIDE WORLD OF TORTS. Jim McKay reports on the degradations wrought by a beserk reindeer in Lapland, a pair of defective golashe in Hungary, and an overzealous New Mexico store detective (90 min.).

(9) DIVORCE COURT. "While the attorneys argue this point of law, we pause for these messages---"

(11) BASEBALL. Minnesota Twins at Washington.

(13) INTERVIEW. Alex Bickel, Paul Freund, Charles Alan Wright, and Solicitor General Robert Bork discuss the rising trend of liberalism and protofascism among law (see TV page 2)

The first of these restaurants is the Old China, located at 505 W. Cross, in Ypsilanti. I've been going there for about a year, on the average of twice a month, and found that with careful selection one can eat very well. If there is one main complaint it is that the food is not consistently good, but good experiences far outnumber the bad. My favorite dishes are the chicken with peanuts, szechuan style, and the moa shih pork, which is a dish of shredded vegetables, pork and egg, wrapped up in thin pancakes. The fried meat dumplings, while
To the Editors:

Presently I am still undecided whether to congratulate RG or to sue for damages.

Last Friday morning during Prof. L. Hart Wright's Tax II, as I was engrossed reading the usual insanities in the RG, to wit:

"Horoscope: ... you are also about to be called on because you are reading this instead of paying attention to the professor."

L. Hart Wright after that very moment, zeroed in on me. Aside from not knowing the question, I goofed disgracefully. I feel that Bill Hays put a hex on me and is responsible, in solidum with RG, for restitution for a dented ego.

s/ A hexed ex-reader

P.S. I bet you can't do that again.

This letter, addressed to Res Gestae, was postmarked "General Delivery-Springfield, Illinois."

February 18, 1974

To the Editors:

It has come to my attention that Professor Cnard spent much of one class period last week asserting that I would not have been admitted to law school were I living presently. Among his allegations was that I would not have "passed" the LSAT.

Though I knew Alf personally and thought him to be a fine fellow, I must respectfully disagree.

I might also point out, that he will never be President.

s/ A. Lincoln
expensive (8 for $3.60) are very good, and also recommended by others are the double cooked sliced pork szechuan style, and the shrimp with sizzling rice. However, the best bet in my opinion, is to get together a group of four and order the Peking Duck dinner. This must be ordered at least 24 hours in advance. The cost is $17 for four (though we found one needed to order one additional dish), and for that you get hot and sour soup (good but very hot), the duck, which consists of pieces of meat, crisp skin, scallions and a wonderful sauce all to be wrapped up in pancakes, and dessert (fried bananas). This last item is often soggy, but you can always go to Baskin Robbins next door and hope it is the month for Mandarin Chocolate sherbet, the closest thing to a frozen chocolate mousse outside of Julia Child's kitchen. The service is by and large pleasant, the atmosphere nil (though there is a beaded curtain a la Anna May Wong), and the ventilation terrible.

Another Mandarin restaurant has recently opened, and is located in the Georgetown Mall. It is called Hung Wan, and is open every day but Tuesday. I went there for the first time about three weeks ago, with great expectations, and was sadly disappointed. Since then, I've been back twice, with much better success -- whether it was the kitchen or my ordering, I don't know. The menu is extensive, and offers chicken, pork, duck, etc. in a variety of Chinese cooking styles. The food is extremely well-prepared, with no overcooking -- the vegetables especially are crisp, and the ingredients, as far as I could tell, seem to be very fresh. Visually too, the dishes are pleasant, with concern for color and texture, and each ingredient is cut to uniform size -- an important aspect of Chinese cuisine. My principal complaint is with the seasoning. My first time at Hung Wan we ordered the chicken and pork dishes we had liked so well at the Old China, and found that neither had any particular flavor. We spoke to several friends who had been there and the blandness of the food was the major complaint from all. On our subsequent visits, we had leaned toward the foods prepared Szechuan style, and while our palates were burning, there was often still a lack of subtlety in the seasoning. The most successful dish so far has been an excellent shredded chicken with bean sauce. We've also enjoyed hot-sweet prawns (very hot), prawns szechuan style (the prawns themselves are excellent -- never overcooked and tough), and szechuan cabbage with shredded pork. An order of twice-cooked pork turned out to be more like once-cooked cabbage -- the dish was delicious, but we counted six thin slices of pork in amongst the vegetables. An order of hot-sour soup cost $3.25, barely served three people, and had a few vegetables swimming in over-cornstarched broth. On the other hand, the meat dumplings, called kuo-teh, were half the price as at the Old China, and just as good. With something to start with, and one main dish per person, your dinner should average $6 a person, including tip. (Beware: rice is 40 cents per person, and pancakes, 25 cents each). The restaurant is airy and has a pleasant atmosphere, but the service is not particularly attentive. (Our waitress brought out the soup and one of the main courses at the same time, and seemed surprised at our objection). In spite of these drawbacks, it is a pleasure to go to a restaurant which obviously cares about the food, and prepares it freshly. If you are willing to forsake chop suey and chicken chow mein, you should be in for a pleasant time at both the Old China and Hung Wan. Reservations are recommended for both restaurants. Old China: 483-8333; Hung Wan: 971-9500

---Luculla

ABA PRESIDENT SAYS LAW PROFESSION SHOULD WEED OUT INCOMPETENTS

President Chesterfield Smith of the American Bar Association recently challenged the practice of granting life-long licenses to attorneys. "No longer should we as professionals allow marginal lawyers repeatedly to accept cases that they cannot competently and proficiently handle, or let some drift in and out of the profession without some demonstration that they have retained at least a minimal level of competence," the Lakeland, Florida, attorney said in remarks prepared for the National Conference of Bar Presidents. "It is also obvious to me," the ABA president said, "that even the very best lawyers are usually truly competent and proficient in only a few areas of the law-minimally competent in
some other areas, and ---most likely---incompetent, or at least inefficient, in the rest. It is the organized bar's public and professional responsibility to "face these issues and promptly correct any abuses resulting from them." He warned that failure to act "will inevitably lead to a loss of the time-honored right of lawyers to govern themselves..." and would result in "letting some consumer agency--government or otherwise--do it for us." Noting that "clients are not readily able to discern or evaluate the ability of attorneys, even when they have received terrible or bad service," he also said that "it is not sufficient to rely on the economic marketplace as the means to insure that lawyers provide good service, stay up-to-date and render competent legal counsel."

Smith suggested that lawyers be required to prove their legal competency through periodic recertification. The recertification programs would be established and implemented by the states through their state bar associations and other leaders of the legal profession. Conceding that many factors bear on competency, Smith added that the legal profession "must design systems establishing, enforcing and maintaining at least minimum levels of competence needed to protect the public from the shoddy or incompetent practitioner."

The ABA president said there are several methods and solutions that could be improvised to measure legal competence, including peer group evaluation tied into a program of continuing legal education requirements. Such programs are in formative stages in Kansas, Minnesota and California. Smith emphasized that there also should be an overall program for regulation of specialization. He applauded efforts in several states including Arizona, California, Florida, New Mexico and Texas, for pioneering in the field.

Disciplinary action should be taken against attorneys who fail to maintain or exercise competence as attorneys, Smith said, pointing out that Canon Six of the ABA Code of Professional Responsibility requires lawyers to represent clients competently. Those who "render shoddy or bad service because of basic incompetence are guilty of ethical misconduct." The ABA president urged grievance committees and disciplinary committees to "begin to involve themselves in disciplinary sanctions against those who habitually give bad service to clients."

Smith said that he feels the organized bar "should not oppose--and perhaps should even encourage--malpractice suits against incompetent attorneys..." In addition, he said, "state and local bar associations might well look into the feasibility of establishing competency boards to review questions of malpractice, and in all cases in which a complaint is justified, make recommendations for recoverable settlements by the guilty lawyer--or, if that fails--furnish witnesses for the injured party in a malpractice suit."  

WHO WILL BE SNARED BY THE "ANTI-INCOMPETENCE" NET

While normally sympathetic to efforts to raise the level of honesty and performance in just about any area, I find that ABA President Chesterfield Smith's latest harangue about incompetence in the legal profession leaves quite a few questions in my mind. Most of them arise, I admit, because of the nature of the source of the "reform," the same American Bar Association that two years ago fostered an eventually aborted proposal to require preparation of moral fitness dossiers on all law school applicants. The obvious intent of that Inquisition was to deter non-conformist behavior in aspirants to the legal profession.

Now, between the lines of President Smith's ostensibly attractive attacks on crumby lawyers and especially the methods he advances for dealing with the problem, there is substantial groundwork proposed for floating over Establishment duds and instead harassing activists, malcontents, radicals and independents not in the mainstream of the profession. Anytime I hear talk about "certification," review boards and professional oversight, I see the image of old men with short gray hair reclined in overstuffed black leather chairs around a broad mahogany conference table confronting a slightly longer-haired or fire-eyed young attorney on his or her admission to practice. Multiplying the number of gauntlets a non-traditional lawyer

(cont'd next page)
has to run, past potentially narrow and vindictive local review bodies, would have a significant effect on the ability to promote the rule of law in new and anti-traditional ways. At least I can imagine the chilling effect from my experience with certain attorneys and perception of much of the bar.

It seems to me that the gearing up of a more effective system of malpractice actions and more active use of traditional bases for disbarment would clear away a lot of the deadwood, and without the social costs I've suggested flowing from layers of review boards. Even with judicial review of such boards' actions, local discretion vested in the old guard is too dangerous a deterrent. All the same, Smith's proposals would be fought to the death anyway by that half of the profession that he implies is incompetent.

- Mike Slaughter.

MORE ABOUT LAW STUDENT DIVISION
- AMERICAN BAR ASSOCIATION

Only one-half of the excerpts from LSD-ABA President Howard Kane's letter appeared in last week's RG. Mr. Kane noted that the Divisions provides services and opportunities to the law student who reaches out and takes advantage of them. He listed some of the ABA law revision and legal reform committees on which student participation is sought. Interested students should contact their local LSD representatives.

In the same letter Mr. Kane wrote:

"There are other services the Division offers to the students.... Twice a year we hold a circuit-wide [i.e. each LSD circuit corresponds to the Federal Court of Appeals Circuit] conference at which time the student officers get the opportunity to meet with their counterparts at other nearby law schools.

"Once a year we hold an annual meeting in conjunction with the American Bar Association annual meeting. This year the annual meeting will take place in Hawaii. We are negotiating with the American Bar Association presently to have them cover the expenses of one Law Student Division representative from each school. If this does not materialize we will hold our annual meeting somewhere within the continental United States. I will communicate to the student bar association officers and the Law Student Division representatives the exact outcome of my negotiations.

Our second function is more abstract and not of immediate benefit to each member. We represent law student opinion and policy to the organized bar and to the legislative and official bodies of the separate states. We vote in the ABA House of Delegates. We lobby in Washington, D.C. for more funds for clinical education. We communicate with other graduate student associations in order to better represent our membership.

* * *

"In response to the traumatic incidents in Washington recently, the Law Student Division has petitioned in a nine-page document the American Bar Association President to call for the impeachment of the President of the United States. This was done only after polling over 15,000 law students, taking a vote of each circuit governor and a consensus of student bar presidents who wrote letters and telegrams to the president of the Law Student Division. We have also called for the ABA to lobby in Congress for an independent special prosecutor appointed either by the courts or by Congress.

"The Law Student Division is an organization that offers much to the individual who wishes to take advantage of it. It is difficult for us to in any way pressure a law student to join our organization. However, 30,000 law students have already joined and it is important that we increase our membership so as to more ably represent the law student community collectively. If there is anything that the Division or I can do for you in the future, please do not hesitate to call upon us."

The full text of the above letter appears on the LSD-ABA bulletin board in the basement of the library.

- Don Duquette
TEACH LAW TO UNDERGRADUATES?

The Undergraduate Law Teaching Seminar provides a valuable opportunity for law students to gain law teaching experience, receive two hours of pass-fail credit and fulfill a much needed and requested service to the undergraduate community. Administered by the Law School through Professor Paul Carrington and the L.S. & A. college Course Mart office, the seminar allows law students in their second and third years to teach such subjects as Environmental Law, Constitutional Criminal Procedure, Introduction to the Legal Process, and Women and the Law. It is possible to teach other subjects provided adequate teaching materials and thorough course-planning meet with faculty approval. Other courses taught this semester include Medicine and the Law, Consumer Protection, Current Constitutional Issues, and Juvenile Law to name but a few. The seminar enrollment is unlimited so there is no pressure for early preclassification. However, interested students should begin now to plan their respective courses, i.e., choose textbooks, consult with faculty members as to available materials in particular areas of law and develop course descriptions and tentative course outlines.

Courses are team taught to insure an adequate division of labor and to prevent overload for the law student teacher. For the sake of planning and publicizing law courses in the L.S. & A. school, it is important that students give firm commitments as to their teaching plans for next Fall before the Winter semester ends. Once final preparation and L.S. & A. approval of courses have been finalized (in late April), students will be highly discouraged from dropping the seminar.

Requirements for seminar credit consists of satisfactorily completing the teaching obligation, including grading, and attending one or possibly two sessions where all law teachers meet to deal with common problems in undergraduate legal education.

If this sounds like the type of law school experience you would enjoy, keep an eye on the second-third year bulletin boards for the date and time of an introductory meeting to be held just after Spring break. If you have questions please direct them to Bill Harris, via the College Course mailbox outside Rm. 300 HH or by calling 665-8231, and/or by contacting Prof. Carrington’s office.

AMERICAN UNIVERSITY ANNOUNCES 1974 SUMMER PROGRAM IN ISRAEL

The American University School of Law, Washington, D. C., will hold its fifth annual summer session for law students from the United States at the Hebrew University in Jerusalem during a six week period from approximately July 14 through Aug. 23, 1974.

The program offers two courses: "International Law Issues of the ME Conflict" and "Comparative Law of Israel and the Middle East." Each of these courses will be given for three hours credit, transferable to other law schools upon approval of the Dean. The International law course will concentrate on legal aspects of the Middle East situation and will deal with such topics as the U.N. role, Suez passage, the status of Jerusalem and the occupied territories, refugee rights, the law of warfare, belligerency and reprisals, and peace keeping responsibilities. The comparative law course will provide an introduction into the structures and methods of different legal systems, with a special emphasis on Middle Eastern law: ancient, Islamic and Israeli. The course will examine the substance, procedure, institutions and social policies underlying the Israeli and other legal systems found in the Middle East.

The distinguished faculty will consist of American, English, European, Israeli and Middle Eastern scholars. It will include members of the judiciary, practitioners and ranking government officials. All classes will be in English.

The total cost of tuition, and room and board, and travel in Israel for the program will be $893. This fee includes tuition payment for six semester hours transferable credit at the American University, health services registration at the Hebrew Univ., lodging and meals in Israel, and several days of sightseeing and field trips in Israel. Arrangements for low-cost transportation between the U.S. and Israel will be available through the Institute's travel agent.

Classes are open to students at all accredited law schools and to members of the bar.

Enrollment will be limited and interested students should contact as soon as possible: Director, Law and Policy Institute Abroad, The American University School of Law 2139 Wisconsin Ave., N.W. Washington, D. C. 20007 (Tel.202-686-3800)
PARIS SUMMER LAW PROGRAM

The University of San Diego summer law program in Paris, France, will be significantly expanded in 1974, according to Associate Dean Herbert Lazerow, Director of the program. This summer, in addition to the four 3-credit courses offered last year, two 1-credit courses will be offered, permitting the student to elect between 3 and 7 semester credits for the summer.

This Institute on International and Comparative Law, co-sponsored by the University of San Diego School of Law and the Centre d'Etudes Juridiques, Politiques et Economiques of the Institut Catholique de Paris July 1-August 13, is the only English language program for the study of international and comparative law subjects in Paris. Each course will be taught by a full-time professor with American teaching experience. Distinguished European faculty and lawyers will participate where appropriate.

The course offerings provide a good grounding in international and comparative law. The 3-credit courses are Comparative Law, taught by Professor Stefan Riesenfeld, University of California, Berkeley; European Communities Law, by Professor Herbert Lazerow, University of San Diego; International Trade and Investment Regulation by Professor Warren Schwartz, University of Virginia; and Public International Law by Professor Joseph Darby, University of San Diego. The 1-credit courses are Comparative Labor Law by Professor Xavier Blanc-Jouvan of the University of Paris I; and Comparative Legal Profession by Dean Donald Weckstein, University of San Diego.

Classes will be held at the Institut Superieur des Sciences Economiques et Commerciales, a modern, air-conditioned facility near the Champs Elysees. Rooms for both single and married students are available at the Cité Universitaire, a student housing complex convenient to classes.

Despite the escalating inflation, tuition for the 1974 program remains at $360, and room expenses have actually been reduced to $200 for single students and $330 for married couples.

For further information, write to Dean Herbert Lazerow, School of Law, Univ. of San Diego, Alcala Park, San Diego, Calif. 92110, U.S.A.

PRACTICE AIDS

Manual on Habeas Corpus for Jail and Prison Inmates, a joint publication of the Prison Law Project and the San Francisco Barristers Club is now in its second printing. A practical guide to legal research for the imprisoned, this manual contains detailed but not complicated procedures and sample forms for filing habeas corpus petitions. $2.50

Copies of the Manual are available directly from Meiklejohn Institute, Box 673, Berkeley, Ca. 94701.

Women's Rights Litigation is the subject of a special issue of Meiklejohn Library's Acquisitions. Significant law suits recently brought by women against private corporations, public institutions, and government agencies are described. The documents filed in these cases provide crucial information for women seeking to successfully litigate for an end to sex discrimination in their places of employment. $2.00 (Vol V, No 12, November, 1973).

The Meiklejohn Civil Liberties Institute provides photocopies of all materials described in ACQUISITIONS (at 15 cents per page).

Meiklejohn Institute also distributes the following 2 publications which are of particular importance to women:

1) Women in the Labor Movement. Speeches and resolutions presented at the California State Federation of Labor Women's Conference in May, 1973. Women lawyers, trade unionists, and screen writers discuss a wide spectrum of issues, ranging from negotiating women's issues, to working women and the law, to organizing the unorganized, to the role of women in the labor movement. $2.50.

2) Time-And-A-Half for Overtime Brief. Discusses state and federal overtime and equal pay acts and U.S. Civil Rights Act, Title VII. Presents history of women's struggle to protect rights of workers. This is an amicus brief filed in the case of Homemakers, Inc v California Industrial Welfare Division. $1.25.

Copies of these 3 publications are available directly from Meiklejohn Civil Liberties Institute, Box 673, Berkeley, Ca. 94701.

Meiklejohn Institute is a non-profit organ-
BASKETBALL POLL

Margaret and Dave Woodcock acquired possession of the sub, as joint tenants and not as tenants in common, by guessing correctly in all but three cases. Their percentage of 862 was well above the mediocre average of 523 achieved by the other entrants. They may pick up their sub at the Res Gestae office.

Cross out losers. Place in box in front of room 100 by 5:00 p.m. Friday. Please take care to put your name on the paper and don't forget the tiebreaker.

Purdue(2 1/2) at Michigan
Northwestern(10 1/2) at Michigan State
Indiana at Minnesota(12 1/2)
Iowa at Illinois(5 1/2)
Wisconsin at Ohio State(6 1/2)
Centenary(4 1/2) at Houston
Alabama at Kentucky(5 1/2)
Utah(1 1/2) at Arizona
Brown(10 1/2) at Pennsylvania
Cincinnati(6 1/2) at Davidson
W, C. State at Clemson(15 1/2)
Creighton at Hawaii(6 1/2)
Marquette at Detroit(12 1/2)
Maryland at Duke(12 1/2)
South Carolina at Duquesne(10 1/2)
George Washington(8 1/2) at Syracuse
Oklahoma(8 1/2) at Kansas State
St. Bonaventure at Niagara(5 1/2)
Virginia(12 1/2) at North Carolina
West Virginia(15 1/2) at Notre Dame
Stanford(8 1/2) at Oregon
Pittsburgh at Penn State(8 1/2)
Purdue(6 1/2) at LaSalle
Tennessee(6 1/2) at Vanderbilt
Washington(12 1/2) at UCLA

Tie-breaker: Total number of points in the Michigan-Purdue game_______.

- George A. Pagano

WOMEN'S LAW ASSOCIATION EVENT

At a luncheon discussion on Tuesday, February 26th at 12 p.m., in the Faculty Dining Room in the Lawyers Club, Mary Lou Fellows will speak on the question "Does the law discourage marriage?"

PAD LUNCHEON MEETING

On Thursday, February 28, 1974, Judge Pieter G. V. Thomassen of the Fifteenth District Court will be our guest speaker. The Judge's topic will be:

"Driving Under the Influence: An Unjust Law and its Misuse by Judges."

All law students are invited to attend. Bring your lunch, either brown bag or Lawyers Club tray. Free coffee is provided. The Faculty Dining Room is open at noon, and the speaker will begin at 12:30 or so.

REQUEST RECEIVED

A gift of $115,674 to The University of Michigan Law School will serve as an endowment fund for needy law students. The fund has been named in honor of the late Emra H. Ireland, a 1905 U-M law graduate who practiced law in Evansville, Ind., for more than 50 years. The scholarship was made possible through a bequest from his wife, the late Eva Coryell Ireland. In announcing the new fund, Prof. Roy Proffitt, chairman of the Law School's Scholarship Awards Committee, said "there are few needs of the School more important than trying to furnish adequate financial assistance to highly qualified students who, without such help, would be unable to attend the School."

Mr. and Mrs. Ireland were well-known in Evansville for many years. Ireland began his practice of law there soon after his graduation from the U-M Law School, and he continued his legal practice until his death in 1958. He had also served as city judge, city attorney and president of the Evansville Board of Public Safety. Active in the Masonic lodges, he was chosen potentate of the Evansville Shrine. He also contributed to local and national activities of the U-M Alumni Association, serving as director of the national organization in the 1930's. Mrs. Ireland continued to live in Evansville until her death in January 1971.

--UM News