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University of Michigan Law School

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"Possession is nine tenths of the law"
--Abbie Hoffman

SONNY ELIOT ON ASCENDANCY; AL ACKERMAN IN HOUSE OF DOGS

STUDENT LIFE

THE ONE THAT GOT AWAY or 1st Year Blues

"Now, let's consider a hypo with the following facts: Defendants Dudley and Stevens attempted to purchase a hermetically sealed coffin for their shipmate Parker, who had died as a result of dietary problems while the trio was shipwrecked. An argument arose over the price of the casket; not unheated words were exchanged and the mortician, Grover, drew a 24K gold-plated letter-opener, which he flourished threateningly. Dudley, believing himself to be in imminent danger of great bodily harm, expropriated a bottle of embalming fluid from a nearby shelf and struck Grover over the head, causing him to drown. At this point, Grover's wife came upon the gruesome scene, had a cerebral hemorrhage, and was unable to work for 16 months. Mr. Moniker, did or did not the defendants enter into a binding contract for the purchase of the coffin?"

Hearing my name, I snapped out of my reverie and cleverly tried to salvage my tenuous position with, "I'm sorry, sir, would you please repeat the question?" "Mr. Moniker," He sputtered, "have you thought seriously about why you are here?"

I was stunned and hurt. The Socratic method is not supposed to be a personal confrontation; we're all in this together. Hell yes, I'd thought about why I was here. I wanted to extend my neotenous period another three years. Law school was the only no-pref field of graduate study, U-M seemed to have a comfortably liberal

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THE LAWYERS GUILD

(ANN ARBOR/U. OF M. CHAPTER)

WILL MEET AT 7:30 P.M.
TUESDAY, SEPTEMBER 19,
ROOM 116 HH, FOR
AN ORGANIZATIONAL SESSION

Lawyers Guild is a national organization of the leftwing legal community. The Guild has provided financial and legal support to the movement since the 1930's. Most recently, Guild-supported and sponsored activities have included the defense of Angela Davis, prison suits throughout the U.S., and defense of the Panthers and other political dissidents. The Ann Arbor chapter is currently sponsoring a suit attacking conditions and practices of the Washtenaw County Jail.

We are interested in reaching those students who wish merely to affiliate with the national organization as well as those who wish to be available for involvement (legal research, investigation, etc.) in Guild projects here and in Detroit, where there is a large and active left legal community.

If you need more info or have questions, please contact me or Elliot Andalman at 761-6953. Thanks.

-- Martha Bergmark

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ANN ARBOR, MICHIGAN**UNIVERSITY OF MICHIGAN LAW SCHOOL ** SEPTEMBER 15, 1972

See STUDENT p.7
Dear R.G.:

There are those in this law school who regard the R.G. as a supplement to the weekend comic strips, even though the R.G. isn't printed in color. Such a view is nearly as superficial as the reporting of the R.G. itself.

Never in recent memory has the R.G. wavered from its unflagging commitment to the highest standards of sophomoric journalism. For example, in keeping with the R.G.'s cherished tradition of reportorial sophistry, last week's edition (Sept. 8) devoted its lead article and the whole second page to a statistical analysis-commentary treating the momentous event that is a matter of life and death not only for all law students, but also for the populace of the entire world - the selection of the Law Review staff.

After spilling gallons of ink decrying the over-emphasis of Law Review in the law school community, the R.G. now devotes a page and a half to minutiae of the selection results. The article even reminds this year's freshmen to be grateful that a combination of "low graders" has been broken up, thus granting the new students a better opportunity by bringing some fairness to what the R.G. has previously described as an intrinsically unfair selection system. The article admits that the statistics are inconclusive, then goes on to draw conclusions termed "oddities." And so when the raw data is inadequate to support the R.G.'s unfairness hypothesis, the R.G. substitutes its own judgments (prejudices?) for what it had hoped the data would show, and then draws its own conclusions. In short, the R.G. admits the statistics prove nothing, then not only publishes them, but also bases an entire article on them. A house built on sand...

The issue is not curing unfairness within the current Law Review selection process. The issue is whether that selection process should exist at all. Although the R.G.'s response to that issue is probably in the negative, articles such as last week's miss the gut issue, and serve to chronicle and perpetuate the present procedure.

In closing, I apologize for occupying this much space with the problems of Law Review selection.

Thank you,

Neil Mullally

Ms. Harper replies:

That you gave last week's issue of RG only a "superficial" reading is evident from your criticism of the Law Review selection article which I wrote.

First of all, never in recent memory has RG committed itself to "high standards of sophomoric journalism."

Secondly, your crude attempt at cynicism notwithstanding ("the momentous event that is a matter of life and death not only for all law students, but also for the populace of the entire world"). there are enough people in the Law School community who are interested in the Law Review selection process to justify our allocation of page one space to it. And given your too obvious opinion of Law Review, I find it odd that you would "waste" so much of your time and effort criticizing it.

Third, Argie has never spilled even a drop of ink.

Fourth, the assumption that the elimination of one combination of "low grading" professors has injected "some fairness" into the Law Review process is yours not mine.

Fifth, even a cursory glance at the selection charts (the use of the term "statistics" here seems a bit unusual) would manifest that my only
Part 2: THE MEETING

Having conferred with his press secretary, Louis Berman, during a plane trip from Washington, D.C. to his home district, Representative Benjamin Arden approached a car in which the political advisor he had depended upon for almost eight years waited grimly, George Field, from the legislative dealing in the final House session which held such importance to his own and Arden's careers, had been traveling about the state checking local party attitudes toward a Governor's race in the Fall by his boss, which George desperately opposed as suicidal. The Senate seat of an Arden patron could easily open up two years hence, but the Congressman's ambition had slid him rapidly toward Berman's assurances of state-wide appeal immediately as the perfect media candidate. And besides, Berman was fond of adding when Arden's far-away look was farthest away, the Senate seat was always there.

Arden swung open the rear door of George's car, threw in his brief case, and crouched to slide over onto the seat.

"How are you, George," Arden began in a low voice.

"All right. How was the trip?" George returned in the same low tones, trying as much as possible to handle their disagreement frankly but without shredding their partnership any further.

"I don't think I told you about my last day at the office before I flew back this way for my, uh, 'vacation.'" said George looking back to see his own smile reflected, albeit weakly, on Arden's face. George intended to control this affair, "A guy walked into my office without a hair out of place and apparently a briefcase to match every suit - this one was plum-colored and went so well with his seersucker outfit." George checked the rear-view mirror and was pleased to find Arden's smile remaining. "Anyway, he hands me this card - Selditz, Murray and Hunt, Legislative Consultants - and informs me he is Harold Hunt on 'that power plant case.' Power plant case? What's he talking about, I wonder, but to give what this type wants, I say 'yes, sir,' and shuffle very humbly out to see Judy and find out if we've been researching any power plant legislation." Another check of the mirror showed Arden with less interest, staring out the window.

"Ben, do you remember anything about a power plant case," George asked to try and reel his boss back in.

Arden brought his head around, "Uh, no I ... or didn't I just give that thing to you to handle?"

"Right. That's what I remembered on the way to Judy's office, and stopped short at the files to get the letter these guys had sent us. The power plant they were talking about isn't even in our state and in fact it was out West somewhere, but a special bill making an amendment on variances for something-or-other has been in your sub-committee for several months without any action. By the way, from the letters I found out it was Harold R. Hunt the fourth I was dealing with, although his blustering prose made me shudder to think there might have been three others just like him and more on the way," George went on when he heard Arden snicker and lean forward a bit.

"So I nosed around after getting the letters and found out the possible variances were ridiculous, and no help to us with anybody else besides; I forgot about it until our bully-boy showed up in person, probably charging his client three times as much as before to compound his failure. Well, you know me, I cont'd next page
couldn't resist; I shuffled back into my office and with a hint of a stutter tell our Mr. Hunt 'oh yes, we got the meaning of that case right away, and we're going to send you to see one of the chief engineers over at FPC - Herman Boros.'

"So he picks up his plum briefcase, smiles this tight little smile and says 'Barnes Construction Company will remember your help, Mr. Field,' then sort of glides down the hall and out the door."

Arden's head bobbed from his chuckling as George turned his head toward the back seat to finish the story. Sensing his peak, George added the epilogue, "You remember Herm Boros, Ben. We got his mother back her Social Security checks. He's one of the head janitors in the FPC building now - even has an office on the second floor. I'm sure he won't mind having a distinguished visitor drop around."


Arden settled back in the seat, more relaxed than at the airport. "George, have I ever said there was anything you couldn't handle?" George chose to strike.

"Ben, it's not going to work this year."

Arden started and whipped his head around to the side, but came back unemotionally. "Look, I value your work highly, you're better than ninety percent of the ham-handed cronies that most Congressmen drag along with them. But you're not my only source of advice. And remember," Arden raised his voice somewhat, "I've been the candidate." Arden withdrew from pressing that point and thought it better to make a case than start flashing brass to someone he needed. "And as a can-

didate, I've got a feeling for this year. It seems right to me, even beyond the good reports I've gotten from Berman. The people are looking for the kind of leadership I think I can provide. They're fed up with the lackadaisical -"

George grimaced and decided to commit himself. "Goddam it, Ben, don't give me 'the people are looking for,' and 'they're fed up with' business - I'm paid to write that stuff for you, not listen to it. You can't be sentimental with me. Maybe you've never really felt it like I have but for crying out loud you must realize sometimes you've gotta wait!" George paused and sensed he'd made an impact, "Permit me to ask what you're going to do about Arnie Wells?"

Arnold Wells was an immensely popular black Attorney General, married to a beauty queen, up to now assured of nomination and a good chance to beat Governor Robert Kellerman, a diffident and uninspiring incumbent. In short, Arnold Wells was a "winner" quite as much as Arden and a primary between the two promised only disaster all around.

"OK, but this is politics. He understands that."

"Have you talked to him?"

"Well, no, not yet, but -"

"Have you talked to anyone on his staff?"

"No."

"Ben, you can be sure we'll hear from them when this gets out. This state could have a black governor and begin a whole new political experience for the country."

"Now who's being sentimental. I've got just as much right as he has to run."

"All right, all right, but waiting two years still has no leaks anywhere. If Wells wins, there's no competition for replacing Storing and you're a hero for staying out of the governor's race. If he loses, he's still no competition because of his loss and being out of office, and you'll be the only star in the sky. For god's sake, don't make a mistake, listen to me!" cont'd next page
Arden sat without a word for eight minutes. The car started to hit the edge of the city after a while and for George the silence from the back seat at last became bearable. Finally, Arden spoke up.

"It's all settled any way. Berman's made the telephone calls to get things started. Kellerman's development scheme up north has apparently flopped and there's even a possibility that some of the money lost it way. Maybe 15 or 20 thousand dollars. After the story breaks," Arden spoke louder, "and Berman knows when and how to break a story, I'm going to announce, Kathy Stein is going to be manager - you and I both know there's nobody anywhere who can handle people like she can; and you can't. But I want you in, George... badly... and I know you won't let me down. We'll call you 'political co-ordinator' this time."

George took a deep breath and let the air out slowly through his nose. Somewhere on the books in a few years he hoped it would be recorded that he had tried awfully hard, "OK, Ben, You know I'll work for you, but it's just that I thought about this one for a long, long time and it didn't make it."

Yet George's failure slipped more quickly from his mind with the mention of Katherine Stein, Director of the District office in the city of Arden. She was good at her work; even better in George's mind than she really was since he had so little social savoir-faire. And they had been seeing more and more of each other despite the hectic political context in which they found themselves. The two would appear to anyone else to be as different as they could be but the arrangement worked be-
LETTERS cont'd from p.2

"judgments (prejudices)" regarding the data are clearly supported.

Sixth, I did not "admit that the statistics prove nothing." Rather, in paragraph three of my article I acknowledged that the available data "are inadequate to prove or disprove (the) hypothesis" that "membership in the section taught by predominately 'low graders' decreases one's chances of being invited to join Law Review" (from paragraph two of my article).

In short, people who live in sand houses, shouldn't spit on the floor.

To the Editors:

"[F]or the seventh consecutive year, none of the new LR staffers are Black, although exactly 10% of the freshman class was. Odd, isn't it." (Res Gestae, Sept. 8). It may be "odd", but it is not necessarily so. There is an implied accusation there, which I think Mr. Harper should spell out. I assume it would be backed up by something more than the statistics already reported.

/s/ L. Ramer

Ms. Harper replies:

My dear Ms. Ramer, it appears to me that your assertion that "it is not necessarily so" (sentence 2) shifts the burden of proof to you.

I, therefore, assume that you are willing to accept it and "back (it) up (with) something."

Also, the fact that you refer to me as Mister Harper implies an assumption on your part that is definitely not true.

It is mildly ironic that the same student body that supports an active Environmental Law Society cannot keep the school clean. The classrooms, halls and library are bad enough, but the lunch room is abominable. If you use the lunchroom, please clean up when you are through. Let's take care of our environment before we start on the world's.

Two days of classes before Labor Day week-end are indeed absurd. The simple solution is to cut those classes. This has worked well for me the last two years. The first two days of classes are rarely vital. In each of the last two years, the entire registration procedure has taken about 30 minutes and no late fee has been required. The only disadvantage to a late arrival is a poor selection of books at the bookstores. But for five additional days of peace of mind, you can live with it.

Brian Hays

The economic history of the nation has been marked in recent years by a rapid increase in the number of union demands accepted by society at the point of an economic gun, as well as a widely remarked decline in the quality of the goods produced. Rather than do without some critical service sector, the nation has opted to pay protection to the new robber barons of the 20th century's mixed economy.

Yet in an intricate economy almost every sector is of crucial importance if it stops operating for a substantial period of time. And it now seems that everyone, even the here-tofore 'nonworldly' professions, has resolved to steal back his rightful due from the group which walked out on the economy last month.
The textbook definition of inflation hinges on a greater amount of money in the economy without equally increased production. Yet this is exactly the result of demands for increased pay solely on the basis of longevity, time served, or any other consideration not related to productivity. The market does not recognize nonmaterial factors -- but the government does, and in many ways prohibits 'scab' labor. Is a scab, a man who can stand alone with his competence, less entitled to honest work because he lacks a union card? No one is so unpopular on a Detroit assembly line as the worker capable of showing by performance how overpaid his fellows are.

Small wonder that we see Thomas Jefferson's meritocracy tottering before the combined onslaughts of the aristocrats of pull. Even the legal profession, usually insulated by its high incomes from such crass infighting over lucre, has deigned to enter the fray when confronted with inexpensive do-it-yourself divorce kits, and the equally rational no-fault insurance.

As more of society implicitly values individual expediency at the expense of enlightened self-restraint, government tends to reflect the approach. The present Administration's legal experts seem completely unfamiliar with the most basic precepts of constitutional law, yet can one really expect a great improvement in government behavior from a protest candidate?

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We'd seek escape through a pick-up football game. "Definie, replevin, trover, hike." Too late. Even dinner offered no reprieve. The pork-and-beans ladler confided in us that he had found two gold rings in the bottom of the pot, and we laughed. Then Fred went back for seconds on "savory Richard Parker."

"You'd better see me after class, Mr. Moniker," he was saying. I realized the entire section was staring snidely at me with that "at-least-I'm-ahead-of-one-guy" look. I flushed and began trembling. Then leaping on the chair, I defiantly ripped my Uniform Commercial Code to shreds, and stomped off to adversely possess the Flame Bar. Reversed and remanded for further consideration. You win some, you lose some.

--John McKay
NOTICE

Clinical Program in International Law

Applications for 1973 due

The United States Department of State has invited the Michigan Law School, along with several other leading law schools, to participate in a clinical program in international law that has been instituted in the Department on a limited, experimental basis. The Michigan Law School has approved the participation in this program which was described by the Deputy Legal Adviser in the following terms:

The participating student from the third year law school class "would spend one semester working in a designated branch of the Office. While he would have an opportunity to participate in some of the day-to-day operational work of the Office, his emphasis would be on a selected number of long-range problems of current interest to the Office. He would be expected to do thorough research into these problems and to produce a major written product as a result of his research. This product would be unclassified. This combination of work experience and research-writing would be under the immediate supervision of an Assistant Legal Adviser and under the general supervision of a Deputy Legal Adviser. The Counselor on International Law (currently Professor John Norton Moore) would also meet regularly with the student and provide him with supervised reading on subjects in the area to which he is assigned. We would also hope to organize a series of seminar-like sessions within the Office of the Legal Adviser, with other officials of the Department, with officers of other Government agencies and with individuals from private life in the Washington area."

The Law School faculty may recommend to the State Department one or two second-year students on the basis of their record and proven interest in the international field for a one-term appointment. The faculty will maintain general supervision over the Michigan participant and a faculty committee will evaluate the major research paper which each participant will be expected to produce. Upon satisfactory completion of the term the participant will receive 12 hours "pass" credits toward graduation. The Department of State appointed one Michigan Law School student for the fall term 1972.

Students interested in an appointment for the winter term 1973 should contact Prof. W.W. Bishop, Jr. (971 Legal Research) or Prof. Eric Stein (918 Legal Research), the Co-directors of International and Comparative Legal Studies at the Law School.
Hey!

If you don't like the way some things are done around here and want to help get them changed--

OR if you do like the way some things are done around here and want to prevent change-- OR if

The law school has several student-faculty committees and student-only committees on which any student member has a vote and therefore has much potential impact. The Law School Student Senate selects interested students to serve on each standing committee from among those students who indicate their interest. The process of showing your interest will begin

Wednesday, September 20

and will continue for one week, through Wednesday, September 27.

During that week, information concerning the activities of each committee and its membership will be posted near the desk of the Lawyer's Club. Sign-up sheets will be available at the desk and must be returned to the desk before 5:00 p.m. on the 27th. Basically, the procedure consists in your writing a little about yourself and your interest in a committee or committees, followed by interviews by Student Senate members, and recommendations and subsequent approval by the Senate.

The law school needs your help!
Sign up for the committee of your choice and give your help. In the process, you'll probably help the law school and yourself. You'll have a good chance to meet some faculty members, find out and influence what goes on in those smoke-filled rooms, and, at least according to the report of April, 1965 instituting student-faculty committees, witness and learn first-hand how lawyers really think.

The Student Senate Committee to Choose Committees

Page nine
Today we're going to learn about contracts.

Oh boy, Kermit! I did it!

Well, we'll see about that.

Ok, Cookie Monster, I'm going to give you a cookie every minute for 5 minutes if you'll sit still for the whole time.

Why should I give you a cookie? How do I know you're going to sit still for the whole time?

Why should I sit still anymore if you don't give me my cookie?

Excellent, you've just learned reliance.

Well, where's my cookie?

You've just learned mutuality.

Now we'll have to go to Roger to straighten this out.

Hey, wait Cookie Monster!

Self-help is not a contract remedy.

Possession: nine points of the law.