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University of Michigan Law School

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THE VOCABULARY OF VICTORY

The word this week is vindication. History has a way of vindicating the victorious, and since Nixon has announced that U.S. goals in Vietnam have been met, his decision to devastate the country in order to save it has apparently been vindicated. (... shown to be reasonable, just or acceptable against denial, disbelief or criticism--Webster's).

The barbaric B-52 bombing of Vietnam may itself have vindicated (... avenged, taken vengeance for--Webster's) the victims of a similarly inhuman bombing which occurred on August 25, 1970 at the University of Wisconsin. In that explosion, a 33 year-old physics research assistant at the Army Math Research Center was killed when the building was demolished by anti-war radicals.

U-W Chancellor Edwin Young, assessing the damages, noted that "the explosion ruined the life work of five physics professors and wiped out the Ph.D. theses of two dozen graduate students who lost their records, equipment and research results." Last month, American warplanes, in the normal course of destroying Vietnamese people and their villages, wiped out the home of one of Vietnam's leading historians, Tran Quoc Vuong, and his 30 years' compilation of research, writing and documents--his life's work. Those whose value-calculus is sufficiently distorted may

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BAR REVIEW

by Bo Abrams (nationally recognized authority on bar selection; author of the treatise, Defending the Imbiber and the widely-acclaimed student edition, Cases and Cans: Malt Beverage Regulation.)

This year we hope to continue our line of quality bar review courses. Last year 94% of Bacchus-prepared students successfully entered the bar (the remaining six percent either tripped, could not manipulate or could not find the door).

PRETZEL BELL

This review began to cover two places visited Saturday night by the Bacchus Bar Survey Team. We started at the Pretzel Bell -- a bit too early, as it turns out. On Saturdays, they won't seat straight drinkers until ten o'clock (already tight drinkers are of course covered by the Michigan Dram-shop law). However, the exception to the general rule can be worked by people who know the checker or who want to eat; these two classes can get in before ten.

The RFD Boys (a group of postal employee renegades) play there alot to the tune of a cover charge of a

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cont'd p.3

cont'd p.4
Dear R.G.:

I would like to offer some preliminary observations on the effect of the pass-fail option on the present grading system. Having read the presentation in the R.G. and listened to the Student Senate discussion, I have come to the conclusion that the proposed/adopted changes are not at all what was anticipated. In fact, I would be opposed to them on the grounds that they benefit those students who need the help least and are likely to hurt those students they were intended to help.

Let me clarify the assumptions that I have made. As I understand it, the present reforms were advanced because it was thought that the grading system was inherently unjust in that it benefited a certain group of students at the expense of others based upon criteria that were at best questionable and at worst arbitrary. The notion was that you could upgrade some of the students who were getting shafted without threatening the basic system of meritocracy.

As I see it, the changes do not genuinely address themselves to this initial concern. I would suggest that in this case, something is worse than nothing.

I have two reasons for thinking that the changes will not help the student with a C or B average to improve his employment opportunities by allowing him to elect a pass-fail option on some of his courses.

First, the assumption upon which the system is based is that by taking some courses pass-fail, more time can be spent on other courses; and that there is a correlation between time spent and grade received. Unfortunately, this is not true as a general proposition. Those for whom it is more likely to be true are those who already have an A average because they know what is expected on an examination and how to prepare the materials so that they are ready for it. Those for whom it is least likely to be true are those people who are already spending every waking hour trying to learn the law but are still performing poorly on examinations. In fact, there are an incredible number of other factors which enter into the formula out of which grades come. These may include faults which the student simply cannot identify such as poor analysis, poor study techniques, inability to write or simply an inability to respond well in a testing situation of the law school type. On the other hand, they may also include things which have nothing to do with the student, such as professorial bias, poor teaching quality, bad examination or a grading system which requires professors to make a distinction without a difference. Allowing the student to prepare more for some of his classes does nothing about these problems and unless they are dealt with a student may find himself with the same grade point, but in a worse position because it will be accompanied by several Ps.

My second reason for opposing the system is that far from allowing more students to distinguish themselves, it may be more difficult to get a better grade than it was with the old system. This is due to a problem only alluded to in the report, namely, the effect of the changes on the curve in individual classes.

Assume a given number of students take a course pass-fail. If more students with B, C, or D averages elect the pass-fail, and the normal curve is imposed, the result will be that it will be more difficult to get a better grade. Moreover, the fact that those who are taking the course for a grade have more time to study for it may upgrade the curve notwithstanding what was said above. This could mean that students will be forced to take some courses pass-fail because the competition for grades will be more fierce.

cont'd p. 5
take some comfort from this tit-for-tat.

Wisconsin Governor Warren Knowles said at the time that the U-W bombing was part of a "conspiracy of a very small minority who do not believe in our system of government." This exact description may be aptly applied to Nixon and the military bureaucrats who have conducted the war in the manner to which we all became accustomed. Whether Congress, and perhaps the judiciary, should be indicted as co-conspirators will be determined shortly as they attempt to restore the balance prescribed by our system of government.

Nixon's assurance that our people have not died in vain and that we have obtained a "peace with honor" leaves the taste of a vinegar-soaked sponge in the mouths of millions of Americans who spoke out, marched, petitioned and prayed for an end to the war.

We can only express relief that the killing halted and apprehension over what form the vindication of the peoples of the world will eventually take.

jm

FACING GRADES

Grade reform has befallen us again a subject of discussion. The most disturbing thing about the current debate over alternatives in the Law School's system is the focus on grading, as such, as the source of the problem. It seems to us that the entire inquiry would better be advanced by asking some first questions: what ends grading achieves now and what different objectives we would have it achieve as a result of reform. The corollary question would be: even if grading does achieve ends we consider desirable, are its side-effects so harmful as to require reform of the current system in any case.

For a moment, let's cut away the crap about arbitrary grade curves, invidious competition, and employer meat markets. Law students need examinations and grading to get them on their sticks. It is no secret that the study of law is difficult, that law students (believe they) are overworked, and that, if they can get by without doing it, they won't do it. In the face of this, students need incentive of some sort to force them to ponder, analyze and, hopefully, resolve the hard questions raised by any well-taught course. You have to be under pressure in order to "get it together."

Fundamentally, the awareness of oncoming graded exams induces that pressure. To the extent that it compels us to tackle problems we would probably just as readily avoid, the pressure is beneficial, if not pleasant -- a necessary evil.

In broad terms, exams serve to enhance the vitality of intellectual endeavor among law students. Proposals to reform the grading scheme should aim to preserve this incentive as a positive and useful function of the system. And, discussion of reform generally should be kept on the point of assuring the best possible education, not necessarily the least stressful. -- J.J.S.

For another view on the grade reform question see LETTERS, this issue.
BA R REVIEW
Cont'd from p. 1
dollar on weekends and less in be-
tween. The rebel letter carriers
play country music and are really
good. Beer is $2.25 a pitcher,
mixed drinks a variety of prices
from 60¢ for rotgut to twice that
for fancies. We couldn't wait til
ten o'clock because of the pressure
of deadlines so we went instead
around the corner to The Scene.

THE SCENE

As far as we can tell, The Scene is
not unique. There are places just
like it in other suburbs of factory
towns (i.e. armpits) around this
great land. An outstanding analogy
is a place called Wild-Life in
Poland, Ohio which nestles in the
shadow of the Youngstown Sheet & Tube
Steel factory 281 U.S. 756. Draw
your own conclusions.

It is a big joint. There are lots of
smallish rooms and plenty of nooks
(sound cozy? forget it) in which to
pack the throngs. It probably will
hold 200 sweaty swingers in the
pincen (fire regulations to the
contrary notwithstanding). It is
rich or more accurately its owners
are rich. For your dollar, you get
less and pay more. A cover of 75¢
earns you the ministrations of a
live drummer and canned music. That
is not so bad as it sounds because
the tapes they play are generally good
for dancing which is supposedly the
raison d'etre (so to speak) of the
establishment. Of course, the dance
floor is smaller in area than
Dominick's basement, but the
psychedelic flashing colored light
show illuminates the plexiglas
partitions if light refraction is
your bag. Supplemneting this is a
sideshow of stills showing vintage
Bell customers enjoying themselves.

Drink prices are typically high and
the low end of their spectrum is
gone. Beer, for instance runs two-
and-a-half the pitcher and that with
a healthy head, which is not con-
ductive to a healthy head on you.
All of which is probably why we're so
down on the place.

Now -- we move onto another topic
(Head up your notes with "b.")
Games People Play at The Scene.
No one except us seemed very drunk,
which confirms our suspicion that
their prices are for social drinkers
only. People danced, the dance floor
was always crowded and it was not
always the same people dancing. We
weren't near the door so we don't
know if people were coming in paired
or alone, but we think (and we were
told by the women in our survey team)
that there was a lot of picking up
going on. One sort of nice thing is
that because its broken up into
smaller rooms (the old Hubiyat) the
noise level from the music is lower.
Name Game

WHAT'S IN A NAME?

Last year I got married and was given a new name, not by my own choosing or that of my husband or friends, but by the State. In this country, a woman automatically acquires her husband's last name; the only way she can even legally be known again by her own is through a name change in court. Because I like my name and my identity associated with that name, I exercised what I understood to be my right, i.e., to use any name - in this case my maiden - other than my legal name as long as I had no intention to defraud anyone. I kept all of my identification in my old name.

After living happily for almost a year, I heard of a Supreme Court case involving a woman who could not collect on her auto insurance policy because it was registered in her maiden name rather than her "legal" name. The Court ruled that each state had the prerogative to determine whether a woman may use her maiden name after she is married. A woman, therefore, could run into trouble in a state which followed this procedure. As a future law student, my problem was how to register for the bar.

I looked into the requirements for a legal name change and discovered that in Washington, where I was living, the filing fee is $25 ($75 in California) and there is no requirement to show good cause for the change, only that the reasons be stated. A friend of mine told me that he had his name changed a week before in the judge's chambers, the entire proceeding taking all of 10 minutes.

A lawyer friend and I filed a petition, paid the money and mosied into court, expecting no hassles. When my case came up, I took the stand to state my reasons and that I had no intent to defraud. The judge nodded along until he realized that I was a "Mrs.", at which point he began asking me if I was living with my husband, separated or divorced. When I stated that my husband and I were living together, he started to ruffle. He said he had never heard of such a case and was bothered by what would happen to the entity of "Mrs. Parnes," and would I be introduced as "Miss Cohn" or "Mrs. Cohn" at social gatherings. When I stated that "Ms." might be used, many of the lawyers in the courtroom tittered and uttered remarks such as "ha, women's lib!" When the subject of my husband's "consent" was raised, the judge said that it might help him in making his decision if Andy would give his permission because after all, this was very similar to a "guardianship" case.

The judge took the case under submission. After getting no response for a few weeks, my "guardian-husband" signed an affidavit of consent and my lawyer wrote a 5-page Memorandum of law in support of my case. Three months and many phone calls later, the judge finally signed the order, giving State sanction to my normal behavior.

Although names are not of major political importance in the scale of things, this case illustrates a very typical example of the way women are treated by the State and the courts.

---Margie Cohn

LETTERS

Of course, the key to this problem lies in the response of individual professors. I do not believe there is a uniform policy that could handle this fairly. On the other hand, to leave it to individual profs would simply add another element of arbitrariness. I don't think you can get profs to include pass-failers in the curve because the main reason they accepted the new system is that they won't have to grade those exams.

cont'd p. 6
Having made these observations, I suggest that you be allowed to elect a pass-fail grade at any time, even after you have received your grade. I don't see why I should be forced to decide if I am a great Tax lawyer until I have taken the course and had some evaluation. Furthermore, I suggest that the computer be asked to give us the grade distributions for all the faculty so that we can draw our own conclusions on their possible response to the new system.

These are some of the problems as I see them, and I don't think they will go away on their own. Inadvertently or not, I think the faculty passed a bad reform. As card carrying aristocrats of this meritocracy, I can fully appreciate their reluctance to relinquish some of their privileges. Even so, they ought to recognize that they are part of a dwindling minority, enjoying the benefits of a system that is increasingly unjust in its practical operation. Noblesse oblige requires that they deal fairly and honestly with these questions.

/s/ R. Michael Gadbaw

For the editors' view on grade reform see EDITORIALS, p. 3.

To the Editors:

(Re: RG, Jan. 19, '73, page one, second column, lines 5-9 from the bottom)

My mother does not feel angry or embittered or useless (or any of the two or all three together) in the kitchen.

I occasionally feel angry, embittered and useless at my job as I occasionally do in my home. These attacks are due to the fact that I'm human, not due to the fact that I'm female. A huge majority of the time I feel happy, fulfilled, and totally useful wherever I am. These usually blissful feelings are due to the fact that I'm secure in myself as a person, also not due to the fact that I'm female (not in spite of it either).

/s/ J. Ehrman

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Lucid and urbane, Ambassador Charles T. Cross was the most recent Monday night speaker in the International Law Society's speaker program. Cross is presently ending a year as U of M's Diplomat in Residence. Having served in Cyprus, London and Saigon, his most recent post was Ambassador to Singapore. His next assignment is to the Policy Planning Staff at Foggy Bottom in Washington.

Discussing recent economic and political developments in Southeast Asian countries, Ambassador Cross used Singapore as his model -- although qualified -- of successful development in Asia. Perhaps, however, the most notable quality of Cross' presentation was the optimism he expressed for the future of the whole region.

Without impugning Ambassador Cross' observations or his sincerity he was candid and straight-forward in dealing with his subject -- it was odd to hear such optimism applied to Southeast Asia. In all fairness Ambassador Cross, before beginning, disclaimed any attempt at covering all the important issues and attempted to deal only with economic development. Nevertheless, I found it hard to dismiss the nagging fact that thrust of American policy in Southeast Asia in the last decade has not been economic and it has not been in Singapore. It has been in Viet-Nam.

Anyone who has been to Southeast Asia, and there are many in this law school who have, will recall the soothing optimism that was the official American attitude for so long. Now, it does not take a book as pointed as David Holberstam's The Best and the Brightest to make us uneasy about the official optimism we believed so long. Now, perhaps the best we can say is that we are, at last, leaving Southeast Asia. We have squandered, if not misused, our chances for a positive effect there.

Bernard Fall, who foresaw so much of our trouble in Viet-Nam, recorded a revealing interview with North Vietnamese Prime Minister Pham Van Dong in 1961. Fall found the Prime Minister surprisingly sympathetic to the problems of the French prior to Dien Bien Phu. In their conversation, Dong said, "The French pour more men and money into Viet-Nam and this makes the people angry and they join the Vietminh." Fall responded, "Yes, it's like a vicious circle." To this, Dong replied, "No, it's like a downward spiral."

It is a tragedy that the downward spiral did not end with the French defeat in 1954 and that America climbed aboard for the long descent. Our best hope now is not in optimism for the future of Southeast Asia, but rather in the realization of what we have done and should not do again.

SPECIAL WATCH-OUT-FOR-YOUR-FRIENDLY-LOCAL-LIBERAL AWARD

The City Council recently passed an addition to the city Human Rights Ordinance which outlaws publication of discriminatory help wanted ads in newspapers in Ann Arbor. Prof. Burt was instrumental in the decision of the local ACLU Board to issue a statement against the proposed amendment.

This week in a radio interview Prof. Burt reacted against the Supreme Court abortion decision, stating that the Court should leave abortion law to the state legislatures.

(Would you care to comment on busing, Professor?)
NOTICES

JUSTICE WILLIAM O. DOUGLAS

Hear the controversial jurist discuss the future of our political system (in a few brief words) on Tuesday, January 30, from 3-5 p.m. at Hill Auditorium.

Following, from 5-6 p.m., will be a reception in the Lawyers Club Lounge. All are invited to attend both occasions.

A dinner ensues. If you would like to dine with Justice Douglas, sign the list which will be available at 8 a.m., Monday, January 29, L.C. Front Desk. Seat allotment at dinner is on a first-come, first-served basis.

ENACT -- BICYCLE QUESTIONNAIRE

For all law students who ride a bicycle at the University, there is an opportunity to provide information and express opinions in the problem areas of bicycle security and bicycle circulation on campus. Please fill out the questionnaire cosponsored by ENACT (Environmental Action for Survival) and the University, available on the table outside room 100, Hutchins Hall. The questionnaire is a campus-wide beginning effort to evaluate the present situation on bicycle storage and circulation, and propose viable alternatives. Please complete and return the short questionnaire as quickly as possible since our deadline is near. Thanks.

ATTENTION:

ALL UNDERGRADUATE LAW TEACHERS

If you have assigned, or are contemplating assigning to your students, a research paper involving use of the Law School Library, or legal materials, Please contact Rhoda Berkowitz, in the Reference Office of the Library.

MIAP Needs Volunteers

The Michigan Inmate Assistance Program is ready to begin operations for the Winter 1973 term and is in need of volunteers.

Although there have been some delays due to uncertainties about funding, it now appears certain that MIAP will be able to meet its operating expenses for this period.

With the backlog of applications for assistance at both DEHOCA and Milan, and the eventuality of an ability to appear in Federal District Courts in a limited capacity, MIAP now needs law student volunteers more than ever.

If you feel that your "legal education" here at U. of M. leaves something to be desired; if you feel a certain emptiness left by ancient appellate decisions; if you are concerned about the dismal prospect of entering practice never having tried to help someone solve a legal problem other than in flighty bluebooks, perhaps you should try MIAP.

There will be a meeting of all concerned law students on Thursday, February 1 at 3:15 p.m. in Room 218. Please come. If you can't make the meeting and are interested, leave a note in the MIAP office, Room 217 Hutchins Hall. You will be contacted.

Placement Information

2nd year students interested in a summer clerkship with the Michigan Attorney General's Office should turn in their resume to our office as soon as possible. These resumes will be forwarded to Lansing, and you will either be interviewed here, or in Lansing.

2nd & 3rd year people Scott Paper Co. will be interviewing on Jan. 31. They are based in Philadelphia. Sign-up in the Placement Office.

Edward L. Cobb, P.C. from Jackson will be interviewing 2nd year students on Jan. 31st. Sign-up in Placement Office.

PLEASE REMEMBER TO REPORT JOBS TO OUR OFFICE!

Thanks.
NOTICE TO GRADUATING SENIORS
(MAY 1973)

Believe it or not boys and girls, your application for a diploma is due on or before January 31, 1973. That's right, January 31. Just trot on up to Room 304, pick up your application from your friendly administrator, fill it out in quadruplicate, using red and blue ink, and return it to Mrs Betts.

You might look at SIS! this issue for a sample of one of the little gems.

Environmental Law Society -- Mass Meeting

On Tuesday evening, Jan. 30, the Environmental Law Society will have a mass membership meeting. ELS is interested in finding people who have time and desire to work on a broad range of environmental/legal problems.

A variety of possible projects will be outlined; you may choose to over-involve yourself in any or all of them, forgoing even the formality of attending classes -- ELS alone, among the great institutions of this school, will forgive such academic heresy.

Among the proposed projects for this semester are:

*An in depth consideration of the legal issues involved in stopping the construction of Fast Metal Breeder Reactors, and the related area of a possible legal challenge to the building of the Midland Nuclear Power Plant.

*A critical analysis of the proposed Michigan State Land Use bill.

*An immediately urgent look at the new Michigan D.N.R., aiming towards a redefinition of its role as state super environmental agency.

*Continued work on consideration of alternate routes for State Highway 131 around Reed City, Michigan.

*Constitutional considerations of effective population control legislation.

*Of special interest to anyone who would like to do some novel research in constitutional law, a look at the chances of success of a possible state suit against President Nixon for impounding authorized water pollution abatement funds, voted by Congress last year.

In all probability, the meeting will be in Room 100, Hutchins Hall (watch the bulletin board area for further announcements); the meeting will definitely be at 7:30 p.m. All are invited.

PSURFS UP

All law students, female and male, who like to sing, drink, or both, are invited to a special try-out-practice PSURFS PSING Tuesday, Jan. 30, at 7:30 P.M. in the Law Club Lounge. The PSURFS are the law school's one (and only) close harmony a cappella singing group. They sing at various law school functions during the year, as well as at conventions and meetings in the Ann Arbor area. Their repertoire ranges from oldies-but-goodies such as "Coney Island Baby" to such contemporary songs as "Yesterday", "Let It Be", and "P.D.Q. Bach". Those interested in the group but unable to attend the PSURFS PSING either call Bill Kaspers, 662-4917, or tell L. Hart Wright the next time he calls on you in tax class.

LAW SCHOOL BRIDGE TOURNAMENT

1. Interested professors, students, spouses sign up in teams of four by Feb. 4. Please give name and phone number of your captain. You may sign up individually and we will get you in touch with others. Sign up at Lawyers' Club desk.

2. Swiss teams; probably two sessions Thurs. Feb. 15 evening and Sat. Feb. 17 afternoon; ACBL Master Point Awards; refreshments

3. Do not be scared off because you are afraid of stiff competition. Swiss team competition works so that teams of like ability are pitted against each other.
Volunteer Researchers Sought

The Legal Aid Society is looking for volunteers to work on a research project in cooperation with the Association for Retarded Children and the Washtenaw County Probate Court. The project involves research into the rights retarded persons have (or lose) when the court appoints a legal guardian and the possible alternatives to the guardian system.

If you are interested, please contact Kathy Gerstenberger at 761-7826. Thank you.

Legal Aid Volunteers

Upperclassmen who are interested in volunteering for Legal Aid but cannot commit themselves to eight hours a week at the Ann Arbor Clinic are invited to work at the Willow Run Office or the Student Legal Aid Office in the Michigan Union. The eight hour time requirement does not pertain to these offices. If you are interested in working in Willow Run, please contact Ray Mullins at 484-0789 or leave a message in Ray's box in Room 217. If you are interested in working at the Student Office, please contact John Rose, the staff attorney in charge of that office, at 665-6146. Thank you.

Open House Sunday

All members of the Law School Community are invited to an Open House Sunday, January 28 in the lobby of the Washtenaw County Bldg. sponsored by the Advisory Committee on the Status of Women.

For all Lawyers Guild members:

from 4:30 to 5:30 on Wednesday, January 31, we will be leafletting for the Lettuce Boycott at the A & P foodstore at Stadium and Industrial Highway. JOIN US. Our picture will be taken there for the 1973 Law School Yearbook.

--Executive Committee
Lawyers Guild

"Then after I made law review
I was selected for Campbell competition"

Aloysius
Kurt R. Thomlison