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University of Michigan Law School

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Described by professors as "satisfying" and "very enjoyable" and by students as "inspiring," "beneficial," "unbeatable" and "the greatest educational experience since kindergarten," the Clinical Law Program, now two-thirds through its first semester, has earned a unique place among law school courses.

According to students and teachers involved in the program, the course is more rewarding, more fun and much more work than most law school courses.

The program is located on the third floor of the Municipal Court Building on the corner of Main and Huron. (Jack Garris is office on the second.) The Clinical Program shares offices with Legal Aid. The offices are at best functional. Students work in one large room that houses a dozen desks and several typewriters. That room has the air of a newspaper copy room at deadline time. Students are busy drafting complaints, making phone calls and talking over cases. In addition to these office tasks the course gets students into court where they present entire cases from opening statement to closing argument, including jury selection and cross examination.

Professors Jerald Israel and Joe Kalo, a 1968 graduate of this law school, are teaching the course. Israel believes that students "almost without exception" have been enthused about the program. A sampling of students confirms Israel's belief.

Robert Pickett, a second year student, believes the program's success has been largely the result of the enthusiasm generated among its members.

Students agreed that a major source of their enthusiasm was the practical nature of the course. Mark Rosenthal pointed to the interesting and continually changing practical experience the program gives, which he finds "100 times more inspiring than law school." Paul Barrett said the program allows a student to do the work of a lawyer "in every respect." Pickett finds the program is interesting because it gives a realistic view of what it is like to practice law under pressure.

Chuck Silverman emphasized that the pressure is real because students have serious responsibilities to their clients -- compared to "no responsibility in law school."

Good working relationships with fellow students and professors is another key to the program's success. Students eagerly help each other with cases. Pass/fail grading removes grade competition. More importantly, a common desire to help clients and learn in the process produces cooperation.

Students praised the approach Israel and Kalo have taken towards the course. According to Silverman, the Socratic
I. Food Stamps

The Kentucky Fried Chicken food chain has been denied participation in the Food Stamp program. A U.S. District Court held that because Kentucky Fried Chicken did sell "food" as defined by the Food Stamp Act of 1964, because the business was within the definition of "retail food store" and because its customers were within "households" as required by the act, the Secretary of Agriculture was required to allow the chicken company to participate in the program. The Fifth Circuit disagreed. It held that though Kentucky Fried Chicken was definitely qualified, the Secretary could consider "other factors" he deemed "appropriate." The crucial other appropriate factor here was that the applicant sold only a "limited variety of high cost prepared foods." Kentucky Fried Chicken of Cleveland, Inc. v. U.S.

II. Employment

A U.S. District Court in California has held that Title VII of the 1964 Civil Rights Act (dealing with hiring practices discriminatory on the basis of race, color, religion, sex, or national origin) prohibits a company rule authorizing the discharge of an employee whose wages have been garnished. Though the rule is neutral on its face, the court found that its effect was discriminatory because in fact minority group members suffer wage garnishments substantially more often than other employees. And the court found that the more frequent garnishments of minority employees was related to the fact that they are, to a disproportionate extent, from the lower social and economic segments of our society.

III. Soverign Immunity and Kent State

Ohio's tort doctrine of sovereign immunity is "arbitrary," "capricious" and at odds with the Equal Protection clause. The Ohio court of Appeals so held in a case which charged the Governor of Ohio with negligently ordering National Guard troops onto the Kent State campus resulting in the death of four students. The Court found unequal treatment of victims of private torts versus victims of state torts; and of victims of most state torts versus victims of state torts specifically excepted from the sovereign immunity doctrine. The court found that tort suits, to which the state is presently subject did not threaten governmental collapse and the court reasoned that wider tort responsibility would not topple the state. The court found no other possible justification for sovereign immunity. It declared the distinctions underlying the immunity doctrine to depend upon "a gossamer as frail as that supporting distinctions founded on race and nationality." Krause v. Ohio, 40 L.W. 2196 (9/30/71)

IV. Trucking License

A truck driver is entitled to a hearing complete with procedural safeguards before his interstate trucking license can be revoked for medical reasons. Convinced that the effect of the revocation order was coercive, final and therefore reviewable, the United States District Court held that the action taken deprived the driver of his livelihood. The Court said cases such as Goldberg v. Kelly required a hearing if the Bureau of Motor Safety was to rule directly on the licensure of individuals. Pratt v. Kaye, 40 L.W. 2197 (9/21/71)

V. Hair

A male employee whose hair was too long to be covered by a hat but who was willing to wear a hair net required of female employees was protected by the ban on sex discrimination in the 1964 Civil Rights Act and could not be discharged from his job as a food handler because of his hair length, according to the United States District Court for the Northern District of Ohio.

Roberts v. General Mills, Inc. 40 L.W. 2188 (9/21/71)
R.G. PLANS SPELLING BEE FOR COVETED POSTS

LAW FIRMS PROMISE IT WILL NOT AFFECT THEIR HIRING POLICIES

An era has come to an end. The Res Gestae, long a bastion of elitism, will open its coveted staff positions to a writing competition.

The paper's Trustees and its Managing Board, meeting in a rare joint session, after long debate and through hard won compromise, have approved the following resolution:

"In view of the great eagerness shown by many students (not to mention secretaries, student husbands and faculty members) to become members of the staff of our lovable Rag; and in view of our appreciation of the great prestige and educational benefit to be derived from staff membership; and in view of our high regard for democratic processes; and in recognition of the harsh effect of arbitrary grade requirements; and because of our faith in the current R.G. staff; and in view of the high goals the Paper has long pursued, we, the Trustees and Managing Board of the R.G., in joint session assembled, declare that the R.G. shall henceforth select its members by a writing competition to be conducted by the current staff."

Pursuant to this edict, the staff has organized a writing competition. The competition will be separate from that conducted by the other law school publications, despite the kind invitation from those publications to the R.G. (The staff, as much as it appreciated the invitation, felt that to involve the R.G. in a competition which is based partly on grades would compromise the goals set by the Trustees and the Board.)

No longer will R.G. candidates be discriminated against because of grades. However, it must be understood that in adopting this policy, the R.G. is not lowering its standards. It still insists that its staff be dedicated to the same standard of off-the-cuff journalism which has long been the R.G.'s trademark.

To participate in the Res Gestae competition, write something and slip it under the door of our office (next to the men's John).

We will not impose assigned topics but here are a few suggestions: news article, interview (with a judge, a cop, a prisoner, a pusher?), portrait of a professor, poem, autobiography, book-review, fiction, legal research, humor or even a rival Griddie Goodies.

Incidentally, just as good grades will not be held against you, neither will good writing.

-- The Editors

MAIL-ORDER LAW SCHOOL MUST TELL COURSES' LIMITS

The Federal Trade Commission ordered La Salle Extension University, Chicago, to disclose fully in any written advertisement that its three-year law course does not qualify a student to take the bar examination or practice law in any state or the District of Columbia.

La Salle, which advertises widely in national magazines and on matchbook covers, charges $550 for a four-year course. If other requirements are met, California accepts four-year correspondence courses as preparation to practice law. No other state does, according to the FTC.

The FTC's counsel also asked the five commissioners to prohibit the mail-order school from being permitted to say it conferred a Bachelor of Laws degree, but that request was denied. FTC Chairman Miles W. Kirkpatrick and Commissioner Mary Gardiner Jones were in favor of the ban. They said that as long as La Salle claimed it granted a Bachelor of Laws degree, prospective students would be confused and mislead.

-- From Consumer Reports
method is not used, and students get helpful answers to questions. One student said the professors "turned out to be much more friendly and accessible" than expected. Another, who was afraid of Israel and "hated" him before taking Clinical Law, now thinks he's "great" and "fantastic." Students in the program are on a first name basis with "Joe" and "Jer."

Students and professors agreed that the course has taken a lot of time. They also agree that it has been well worth it. Mimi Bernstein, who finds the time demands of the program sporadic, put in 60 hours one week, including several nights and all day Sunday.

Israel said the course has taken "far, far more" of his time than an equivalent number of credit hours in normal courses. As a result he has had little time for research and that on weekends.

Students have been forced to cut more classes than usual in order to make court appearances.

The course has proved an effective teaching tool. Kalo said that it gives important exposure to real trials which often don't follow the standard pattern of procedure which is typical of mock trials. Students get valuable experience dealing with judges, prosecutors, other attorneys and clients. Kalo said they learn to evaluate clients in terms of the information they can supply and their effectiveness as witnesses as a product of their personality and credibility.

Israel sees the course as teaching skills in client counseling, negotiating, drafting and appearing in court. Ability to negotiate with all government personnel is a goal. Much negotiating is done with social work people and police and in one instance with a past office official.

Silverman believes the course is most effective for teaching the technique of "marshalling facts." Rosenthal, Barett and Israel saw the appreciation and understanding of procedure taught by the course important.

The course has made Mimi Bernstein want to do trial work in practice. Before the course she thought she would never want to be a litigator.

Israel fears some budding trial lawyers might be discouraged by one learning experience of the course which he doesn't consider valuable. That is the frustrating art of waiting, mainly for court appearances. Apparently this lesson is repeated mercilessly. Crowded dockets are responsible. Israel recounted one instance recently when he and a student arrived at the appointed time for a court appearance only to see the judge spirited away to an arraignment at a hospital.

Future possibilities for Clinical Law do not seem to include an entirely clinical curriculum. Though one stu-
dent said he would go clinical all the way if he could, other students and the professors felt that structured law courses were a necessary compliment to a clinical program. Students generally felt 16 weeks of the program was sufficient.

Israel said that an all-clinical program would be prohibitively expensive because of the inefficiency of teachers having to work individually with students on legal problems which were similar but sufficiently different to require individual attention, such as jury selection. Such problems are economically dismissed by all-encom­passing hypotheticals in classroom courses. He also questioned whether there would be enough teachers willing to teach such a curriculum. And he explained that the substantive law learned in the Clinical Program, though thoroughly learned, is too narrowly focused and doesn't give a desirable broad perspective of the law.

Kalo believes the program has ironed out a lot of administrative details and will go more smoothly next semester. Israel thinks the course should be full time and worth 12 to 15 credits. He hopes in the future it will be possible for some students to work with the Prosecutor's office and he would like felony cases to be handled by students.

Warren Adler, another student in the course, hopes that the course will be expanded to give everyone an opportunity to take it.

Israel does not think the course should be required since its usefulness depends largely on an individual student's plans. Interestingly, he believes the course may be more important for a student who plans to go into a plush corporate practice than for a student headed for legal aid. The reason is that the corporate lawyer probably would not otherwise get exposed to the type of clients and cases handled by the Clinic.

There are no present plans to expand the course. Surprisingly, however, its present limited enrollment of 30 just about satisfies student demand. The course had approximately 40 nibbles last semester. Now will the fish who wanted someone else to test the water jump in?

-- M.P.H.

SIS!

The Ann Arbor News, Thursday, October 28, 1971

ANOTHER LOST OPPORTUNITY

Those ever alert women's groups have struck at the male power bastions again. The National Women's Political Caucus is put out over having been ignored on the post-freeze pay and price panels.

The women have a good point. No woman was named to the Phase II pay board and only one woman was named to sit on the price commission. (And some segments of labor were objecting to a pay board "weighted 2 to 1 against the workers of the nation."

In other words, labor is crabbing about having 5 members on the pay board while the public sector has 10. But women, who represent almost half of the work force, the majority of the electorate and a sizeable portion of the country's brains, have only one member.

This group is grossly under-represent­ed and once again it appears as though President Nixon missed an opportunity to score some points with a large bloc of voters.

--Thanks to Larry Mills
Institute of Public Policy Studies & Law School '74

note

Writing samples submitted to the Journal of Law Reform in the Spring of 1971 by applicants for the junior staff are available in room 731. Those samples not claimed by Friday, November 12, will be discarded.
CAMPBELL COMPETITION

The quarter final courts of the 48th Annual Henry M. Campbell Competition will convene November 3, 4, 10 and 11. The problem, Epstein v. Johnson Chemical Company, was drafted by Professor Harry T. Edwards and is fashioned after the Dewey Case on which the U.S. Supreme Court recently split 4 - 4. Epstein, an employee of Johnson Chemical refused for religious reasons to work Wednesdays or to make up the time lost. Johnson Chemical discharged him, the question was arbitrated and Epstein lost.

Two questions face the Court: 1) did Epstein's election to pursue his contractual arbitration rights foreclose subsequent judicial action under Title VII of the 1964 Civil Rights Act, and 2) does the Civil Rights Act of 1964 or the First Amendment require the employer to make reasonable accommodations to an employee's religious observance of a weekly day of rest.

Visitors are welcome to the Moot Courtroom at the following times next week:

Nov. 10 before Judges Kahn, Martin and Van Luvanee*
7:15 Richard Thaler and Bob Tait v. John Meredith and Carolyn Stell

Nov. 11 before Judges T. Kauper, White and Schnautz*
3:15 Harley Williams and Rich Silvestri v. Lance Wood and Don Anderson
7:15 David Lang and Pam Shea v. Randy Hendricks and Jim Barnes

* 1971 Campbell Finalists

Approximately half of the participants will advance to the semi-final round to be held in February.

-- Eugene Penn Nicholson
1972 Campbell Chairman

YES, the ELS billboard is being recycled. Don't miss the exciting 60 second art show Friday night (tonight) at 7:00 sharp at the school of architecture and design. Bring your own marshmallows and don't be late.

THE CULPABLE
"Don't call us; we'll call you"

H. Forsyth J.I. Newman
M.P. Hall J. Scott
B.J. Hays J.J. Serritella
Limpy et ux.
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Tie Breaker: Score

Detroit Lions
Denver Broncos
Lately it seems the mailbox outside my office has been flooded with requests to make the GGC (Griddie Goodie Column) more relevant to the law school environment. In an effort to appease these requests, I have endeavored to interview the coach of the most surprising football team in the country -- The Supreme Court Jesters. Here is coach Tricky Dicky's comments:

"Limp, before I begin let me make it perfectly clear that this is not the best team we've ever had. Certainly there are some weak positions (mainly on the left side of the line) but I have striven to achieve a representative team and I am quite pleased with our new acquisitions.

"Perhaps the strongest part of our team is the line, the right side in particular. Stewart is an excellent center whose main difficulty is his inability to go to his left. He also calls the offensive line signals. His ability to "pimp out" the opposing defensive alignment is best summarized by his philosophy "I'll know it when I see it." Along side of Stewart is White. By far the most physically impressive member of the team, Mr. White is the only experienced member of the team. He is also a great advocate of the coach's supreme power to run the team in any matter he sees fit. Just the other day I was listening in on one of his private phone calls, and he expressed complete confidence in my integrity and trustworthiness. Finally, the right end and flanker are two new acquisitions as yet unsigned -- Rindquist and Powell. These are unknown commodities but are certainly a cut above the mediocre list of draftees I had to chose from,

"The left side of the line is more troublesome and undisciplined. Brennan occasionally shows flashes of brilliance but has lately sided with his left-side teammates. Marshall is an excellent guard but is constantly missing the bus to practice. The left end position is held down by Douglas. Though he has a heart of steel, Douglas refuses to run disciplined patterns which often leads to confusion on the left. He constantly urges me to allow all the team members a voice in our decision making -- he just doesn't realize that freedom of speech can be disruptive to team discipline and tranquility.

"The backfield is our strong suit. Quarterback Berger is an able though conservative play-caller. His ability to trick the defense with superb head fakes is legendary. The perfect compliment to Berger is Blackmun who is an excellent blocker. Blackmun's respect for Berger is so great that he will do anything for his quarterback. Together these two form the nucleus of a truly championship team. I hope that's perfectly clear."

Last week's winner is an yet undetermined. Mrs. Limpy was correct on 63% which was not bad considering the many upsets that took place. Still she insisted on one more chance. Incidentally, Mike Garcia's constant badgering is getting to the level of intolerability (and is getting hard to take too!) Someone please tell him that if I were to mention the names of every person who asked me to write about them, this rag would be too thick to hide under your notes in class.

Good luck!

-- Limpy

THIS WEEK'S GRID CLASHES ON OTHER SIDE