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University of Michigan Law School

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This week, as last, we drop our Janus-mask and come out as one-sided as we really are. The most salient cause, again, is the vagary of faculty reprint demands on the Copicenter. If John Peter Zenger had the production difficulties we have, he'd still be an obscure if not totally unknown New York smut peddler.

The news this week here at Michigan Law School is scant. Which should not come as news to anyone.

On Wednesday afternoon a group, largely of irate first-year students, met to scald the faculty for its allegedly amorous relationship with the current grading system. No faculty were expected to show up (just as last year, when a similar session was called, no students showed up) which should give those concerned some

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Reform Group

Some General Thoughts to Ponder

Student attempts to deal with faculty and administrative committees are often analogous to eating soup with a fork. One generally comes away either hungry and frustrated or frustrated and hungry. Yet strange as it seems, student reform movements continue to arise from the ashes (for an interesting discussion see Phoenix, 28 Greek Mythology 751) of many disappointments and a few gratifying successes.

As we begin this attempt at reform we must put the entire process in perspective. Long range goals are seldom reached without step by step planning, execution, and determination not to be brushed aside. We must also realize from the outset that many needed curriculum and evaluation process changes, no matter how overdue, will very likely not take place soon enough to affect us. With this in mind, we must initiate a dual approach, we must ask for a mile but whenever feasible take every inch that we are offered. Let's take a look at some of the short-term possibilities.

Our own section four case clubs offer a readily accessible point from which to begin. Should we collectively spend thousands of hours researching driveways in Georgia, Colorado, and California, when we could be helping friends, acquaintances, or people from other departments in the university with real and pressing legal problems?

It's interesting that grading -- that sacred institution which so grips the faculty and gripes the students -- is theoretically so important, yet, not one of our (section four pros with the possible exception of Prof. Harris) instructors has taken even a "minor fraction" of one class period to definitively set out (1) what approaches might be useful in preparing for classes and exams or (2) what basic concepts he considers important. Nor have we been told exactly what the December examinations will count

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assurance that indeed nothing has changed. By the time you read this the "Reform Group" (so-called) should have discovered the magnitude of the apathy they've undertaken to shake. This may prove especially burdensome if the group is intent upon achieving any consensus from classmates, no less upon presenting a united front or meaningful proposals to the third floor mandarins. Pre-final exam anxiety is already creeping over the student body, and let's be frank, grades are important....

Nevertheless, the status quo should not be allowed to stagnate. Even if belatedly then, we offer the observations of one of the movers, Tom Koernke, behind the Reform Group and their tentative agenda which was to guide the Wednesday meeting. Their initial proposals seem quite modest, feasible, and deserving of further consideration.

Next is an original essay, "Five Easy Leases," which in keeping with its author, speaks for itself.

Following hard upon it are the usual notices, announcements, and asides that form the "grist" of any great paper.

Last but not least, for the hotbloods, is GRIDDIE GOODIES, holding out once more the tantalizing prospect of grunting down one of Nick's torpedoes while gloating over having confounded both Al Ackerman and Jimmie the Greek with your picks.

All in Res Gestae THIS WEEK.

-- The Editors

cont. from p. 1

toward our overall grade. Not one instructor has indicated, much less promised, that he will (a) have the exams graded by a specified date, (b) return the exams, or (c) hold some sort of feedback session to let the student know what his grade means, if anything, (although I'm tempted to say that Prof. Browder is so thorough that he will probably do something along these lines). Also, (d) there is no standard law school testing policy to which any of our instructors must adhere (as far as Dec. exams), other instructors are (e) at least varying the format to include research assignments and take-home exams. December exams, if given, do not have to be figured in your final grade. All this adds up to the formation of a rather elusive and flimsy concept -- grading is a sacred cow, but (a) - (e) above indicate to me that it shouldn't be and certainly doesn't have to be.

Those of you who have yet to crumple this stirring essay in disgust with my not turning immediately to more forceful steps on our part, will now be rewarded for your patience.

If the adage "Michigan does what Harvard does - five years later" is correct, we have no more than three years to wait for a pass-fail option as freshmen. At least as early as 1969-70, freshmen at the Harvard Law School had three options as to how their first year performance was to be evaluated; (1) traditional grading, (2) high pass-pass-fail and (3) pass-fail. Could we do the same thing at Michigan?

Implementing this plan, even partially, should not prove difficult. One would merely indicate to the registrar at the beginning of the freshman year which of the options he wanted. Since a 2.0 is the average that is needed to graduate, it could serve as the minimum necessary for a "P". If you are among the 12-15% of the section getting a 1.5 or lower, your transcript would either list an "F" in place of a grade, (only temporarily if you can retake the exam and replace the "F" with a "P"), or just don't list the class on the transcript unless or until you retake the exam. Since the instructor has no idea whose paper he's grading, there is also no reason he need know whether the student is
taking the course pass-fail or for a grade. Obviously, the above is not intended as an exhaustive analysis but again I think you can spot the issue and come up with a few arguable solutions. I don't pretend to have any of the answers but I think that before we get to them all of the issues I've mentioned deserve some consideration.

Some are saying "why bother with evaluation at all", I don't feel knowledgeable enough to discuss that, but I will be glad to give you my undivided attention when you discuss the subject.

One last morsel for thought -- if you take regular courses, (T&E, Mortgages, Estate Planning, More Estate Planning, Old People For Fun and Profit II, etc.), you generally only have to take four classes to reach the required twelve credits for residency purposes. Should you be interested in seminars in areas of the law that you'd like to practice, you have to take three of them (at two credits per) to make up for two regular classes. That seems strange since, (a) there are no longer supposed to be any "required" courses after your first year and (b) you are supposed to really immerse yourself in a seminar, read a lot and really get into it, yet you only get 66% as much credit for it as you do for most "regular" courses.

I hope this brief treatise helps you to focus on some basics of the reform issue. We must chart our course and choose our objectives before we swing into action. Attending Wednesday's meeting at 4:15 in Room 100 is a start. Thinking about what you would like to see changed is also a start. See you Wednesday.

-- Tom Koernke
Law School '74

RE reform group meeting
November 17 4:15 P.M. Room 100

Tentative Agenda

The following is only a proposed and partial list. If you have any suggestions for amendments to this agenda please feel free to write them down and put them in the box outside the Res Gestae office.

Also if you have substantive recommendations for changes in the curriculum -- especially revolving around reform of the examining-evaluation process -- please place those in the box so they will be incorporated into the Wednesday agenda.

1. Introduction: Why we're in the dissatisfied state we're in ... how we got there.

2. Short history of attempts at reform of the grading process previous to our entering the Law School.

3. Quick summary of information gathered thus far on the testing system:
   a. feedback from educators and practitioners concerning the present approach;
   b. comparison to other schools, other departments.

4. Discussion of recommendations.

5. Narrowing of the alternatives:
   a. selection of immediate action proposal if several alternatives are presented;
   b. decision on more long term activity subsequent to initial foray.

6. Formation of subcommittees.

7. Determination of next meeting.

8. Miscellaneous.
At the outset let me say, so that no one will impugn my motives, that my sole purpose in writing this or any other article for Res Gestae is to satisfy my own egotism which is heavily laced with acute sour-grapism.

If I were editor-in-chief of the Law Review and destined for great things I would, doubtless, believe that this is the best of all possible worlds. But, in a world where Rod McKuen is a great poet, Leontyne Price is a great soprano, and Henry Kissinger is a great lover, I feel no shame. I would also like to issue a brief apologia to all of those to whom these generalizations do not apply. I do this not out of intellectual honesty but, rather, out of an understanding that many students are twice my size and all have at least three times my courage.

Walking into the law quad is like entering a time tunnel. One is greeted by prematurely old faces...pennyloafers...cuffs...serious looks...pipes...mirthless smiles...class rings...ponderous books. Everyone seems to look like Alan Polasky's college graduation picture come to life. (For New York Jews substitute a cross between a long-haired Doug Kahn and Mischa Auer.) Careerist dreams, spawned in the Hush Puppy era, are still alive and well. Even the stylistic trappings of the 1960's have by-passed the Michigan Law Student (hereafter known as the MLS) busy assembling credentials for the big JOS. (The word "job" is to be said aloud and pronounced with three syllables in the same manner that a preacher says the word GOD to his flock, pride, horde, brace or whatever.)

If you want to strike up a conversation with an MLS I suggest kicking it off with football. Once it has been determined that the Ron Johnson trade really made the Giants, go on to the topic of law school. He will give you the ins and the outs: "Kamisar is boring but funny; Browder is boring but not funny; Chambers is a good guy; Regan, an idiot savant. Tax is important to take if for no other reason than it will enable you to make out your own tax return. Girls come to the law library because the MLS is such a good kitsch." Carry a copy of Ulysses with you to Dominicks and a MLS will ask you what course it's for. To the MLS, reading is confined to law texts and the sports section. All other reading is clearly non-functional.

The MLS's lot is not, alas, a happy one. He did not get into Harvard or Yale. He was never good in organic sciences so that Medical School hardly seemed a possibility. His Phi Beta Kappa was built on a solid edifice of multiple choice exams and the law school format is different. He has the lower middle class obsession with getting up in the world. (Or getting it up in the world if you prefer.) While he is not familiar with Genet or Shornhauer he has heard Jesus Christ Superstar and even bought it for his parents (if he is considered the family radical.) New York Jews have not heard Jesus Christ Superstar but hate it and have heard of the two writers but have read neither.

The uptight -- Iowasshole -- upwardly mobile -- high GPA ethos of our student body is a product of the genius of Matthew McCauley. We take in 300 kids from Indiana with 4 points and we turn out 300 Richard Kleindinschts. (I have not included Blacks and women in this essay because the former are too different from the group I am...
discussing and the latter are too similar.) The MLS is armed with his notions of stare decisis and federal pre-emption doctrine while a great and proud nation goes bullshit right before our eyes. We have talent here but there is no reason to waste it on those with the tool personality who for all intents and purposes are pre-stamped traditional lawyers the day they enroll.

Once elite law schools are posited, new legal roles must go with them. Probing, searching, and ingenious minds are the skills we should be sharpening at Michigan. Fuck the trusts and estates mentality; let's get some kids here who are going to learn to do something to help us all before it's too late.

**Notices, Announcements, & Asides**

**Monday -- November 22, 1971 ---**

**ROBBEN FLEMING**

Speaks to the Law School Community on "The American University: What Lies Ahead?"

8:00 p.m. Law Club Lounge

All students and spouses, faculty and staff are invited to attend

Sponsored by the Law School Student Senate & Law Wives Association

**CODICIL**

To the Res Gestae:

**SENIORS WHO DID NOT HAVE THEIR PICTURES TAKEN BY THE YEARBOOK:**

In order to have your picture appear in the yearbook you must turn in a good quality, glossy, portrait type photograph to the Codicil mailbox at the Lawyers Club front desk by no later Tuesday, November 23. As announced earlier, acceptance of pictures is entirely within the editor's discretion.

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**PHOTO PHREAKS**

The Law School Photo Lab has once again resumed operation. Consisting of enlarger facilities as well as tanks and trays for developing, the lab is open to members of the Law School Community. Users supply their own film and paper; other materials for black and white processing are in the lab. Initially, anyone who wishes to use the facility should pay $1.50 at the Law Club desk and leave the requested information. Thereafter, each time one uses the facility one must draw the key to the lab and return it after use.

Those without previous experience in darkrooms are requested to seek the assistance of some user of the lab before launching into a major developing task. For further information call Joel Newman, 764-9010, or Thomas Watts, 665-0181.

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**BENJAMIN DE MOTT**

Professor of English, Amherst College will speak at the

**Saturday Seminar Series**

of the

School of Education

Mr. DeMott is the author of several articles in Change Magazine and of Survival and the Seventies, which deals with Columbia University.

Saturday, November 20, 1971
in Rackham Assembly Hall, 4th floor
Coffee -- 9:30 A.M. Presentation at 10

**Trial Practice** will be offered in the Winter Term from 3:15 to 5:15 on Thursdays by Edward Stein, a practicing attorney from Ann Arbor.

Enrollment might be limited.
Two credit hours.

Because the services of Mr. Stein were just obtained, this course is not listed in the preclassification information memorandum.

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**R. Mason**

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**Bailey Kuklin**
REPORT ON STUDENT FILES

On November 1st the Law School Student Senate Ad Hoc Committee for Student Rights submitted a report which deals with Student Files policy. Excerpts from this report follow:

I. Placement Office File

1. The placement office maintains a file for employer use on each student registered with the office. This file contains a transcript, data sheet, resume, and such confidential faculty appraisals as the student requests.

2. Recommendation: The student senate should go on record as favoring abolition of this confidential file.

II. Records Office Permanent File

1. A permanent file is maintained in the records office for administration and record-keeping purposes. This file contains undergraduate transcripts, law school application, undergrad references, final law school transcript, transcript requests, and bar certificate requests. On occasion a faculty member may submit for inclusion in a student's file unsolicited statements, for example, a copy of a reference written on behalf of the student for a fellowship. Such statements are reviewed before including them in the file. Material which does not seem to be in the student's interest is not added to his file.

The permanent file is not open to the student, however, he may inquire in detail as to what is in the file. Our conscientious records supervisor fends off FBI and CIA agents attempting to view a student's file. However, a long-standing policy has allowed faculty access to any or all student permanent files.

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III. Student Privacy

1.a. Presently, a student desiring to have his transcript removed from his placement office file may do so by submitting a letter to the placement office stating that desire.

b. Likewise, permanent files and transcripts will be closed to faculty members upon written notice to the law school recorder.

2. Recommendation: The student senate should go on record as being in favor of a closed permanent file and closed transcripts. Access would be allowed only upon written authorization by the file subject. Copies of all unsolicited material should be submitted to a student before inclusion in that person's file.

IV. Students and Law School Government

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2. Recommendation: The student senate should study the channels of communication and the governance structure of the law school to determine if present procedures allow effective assertion of vital student rights.

On November 8th the Student Senate adopted resolutions favoring:

1. closing the permanent files in the Records Office (access to be allowed only upon written authorization by the file subject),

2. changing Placement Office policies to prevent the automatic inclusion of the student transcript in his Placement Office file.

Further study and action by the Senate is anticipated.

-- Brian I. Brown

WORKSHOP WILL MEET NOV. 20

The next session of the Women's Rights Workshop will be November 20, 10 A.M. in Room 138, Hutchins. Carolyn Stell will talk on the subject of women and the criminal law. All are welcome.
There, unfortunately, will be no Griddie Goodies this week because Limpy is on the West Coast making Rose Bowl arrangements for the R.G. sports staff. A lot has to be done out there in the way of getting press passes, arranging transportation, checking security arrangements, jockeying for good parade position for the Res Gestae Float and finding offices and a high-speed printing press which can keep up with the avalanche of play-by-play witticisms expected from Limpy. According to Mrs. Limpy who was on the West Coast for the Weekend helping with arrangements (no, she's not the brains behind the whole operation), and who returned to Ann Arbor late Sunday to pick this week's winners, Limpy has discovered a Dominic's West in the shadow of the Bowl which will give a D.W. Special (fresh graded coconut, pineapple slices and rose petal grinder) to the person who wins the R.G.R.B. Contest. Of course, the winner must be there to collect. Limpy thinks he can talk Greyhound into providing a free, one-way, standing-room-only, non-stop ticket from Ann Arbor to Pasadena in return for some free press coverage. One difficulty is that, as Limpy shrewdly observed, he won't know the winner until after the game. Any suggestions?

For this week there will be a Dominic's East prize as usual. Good luck. This is the big one.

-- The Editors.

Ohio State at Michigan
Michigan State at Northwestern
Purdue at Indiana
Iowa at Illinois
Wisconsin at Minnesota
California at Stanford
Oklahoma State at Iowa State
North Carolina at Duke
Harvard at Yale
Air Force at Colorado

Texas Tech at Arkansas
Missouri at Kansas
Oregon State at Oregon
UCLA at Southern Cal.
Washington State at Wash.
Penn State at Pittsburgh +20
Virginia at Maryland
West Virginia at Syracuse
Notre Dame at Louisiana
Eastern Kentucky at Morehead

TIE BREAKER: Score
Detroit Lions
You tell Us

Somehow, they always come back wrinkled

seven