March 30, 1971

University of Michigan Law School

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There has often been a good deal of cynical grumblings about the methods used to determine who would be on Law Review. The top-of-the-grade-point-slice method has always been faintly suspect; yet experimentation with other selection methods has been rare. A writing competition has been used at other law schools, and discussed at Michigan for several years. Last January, Prospectus and the Law Review introduced their own modest version of a joint writing competition.

About 120 freshman signed up for the competition, but by March 12, only 30 actually submitted written work. The Law Review and Prospectus have each agreed to take four from the competition. On the basis of odds the competing members of the first year class stands a much better chance of making one of the magazines than does the non-competing member.

While the competition this year is admittedly not the ideally universal undertaking that it ought to be, the Law Review is pleased with the response. 120 is a higher sign up figure than expected and 30 is a higher finishing figure. Law Review Editor Alan Loeb reports that it was felt that an imperfect program this year would be better than waiting an indefinite length of time for a perfectly coordinated program.

One of the criticisms voiced against the competition was the timing. The work was due March 12, one week after the conclusion of case club activity. Many freshman felt they could not do a good job on both at the same time and maintain their classwork, so they had to make a choice. However, the figures tend to belie that belief. Ten out of the thirty finishing the competition also placed in the top three in their case clubs. This last figure, which is much higher than the percentage of the Case Club winners in the entire freshman class, may only indicate that those who participated in the program were the hard workers or aggressive students who normally do well in grades anyway.

Several pieces of information are needed before a complete evaluation of this semester's writing competition can be made. First, the quality of the work itself must be appraised. Second, the percentage of the competitors who make Law Review on the basis of grades will indicate whether the competition was an exercise in overkill. And third, after a few years, the performance of the writing competition staffers versus the grade point staffers will help determine the value of this selection method.

Next year's proposed abolition of P+R and the institution of an integrated writing program for first year students might provide the Law Review and Prospectus with an opportunity for a more universal program. Until that opportunity, and until the final evaluation of the present program, the writing competition stands as a weak and shaky, but valuable first step.

Brian Hayes
Rosenblatt runs for SGC

Jerry Rosenblatt, a freshman law student, is running for vice-president of Student Government Council. He is running with Rebecca Schenk, LSA, '73, candidate for President on the slate. Although a vote must be cast for the ticket as a whole, Jerry feels that this is an advantage since he and Rebecca reflect a representative ballot for the University community.

If elected, Jerry intends to stand an advocate for the Law School and graduate students in general as SGC appoints students to policy boards, allocates funds, and purports to represent student views. He has proposed an all-university body composed of one representative from each student body, chaired by the President and Vice-President of SGC, and advising SGC on any matters of substance. An alternative plan would be to include on SGC one representative from each school.

While Jerry is not strongly in favor of the proposed addition of $1.85 per semester to tuition for funding of student governments, he finds the present proposals for spending the money, on projects such as a co-op, daycare centers, and course critiques, appropriate uses of the funds should the student referendum make them available. He is strongly in favor of more direct control over the Daily in order to encourage objective reporting. Jerry believes the Law School should have a representative on SGC in order to maintain contact with the machinations of that organization.

The election is March 30 & 31 and voting areas will be set up outside Room 100, Hutchins Hall and in the Lawyers Club.

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NOTES

Mr. Carhart still has a poster up in the foyer of Hutchins Hall by the quadrangle door. There are also remnants of Sandy Thompson's sign there.

Speaking of the late, great election: the election committee did not tell the voters this, but write-in candidates are not provided for in the By-Laws. The election rules require all valid candidates to follow the petitioning procedure.

Lest you think the Law-as-a-Fraternity myth is dead, take a very close look at that picture on the front page of the Women's Section of the Ann Arbor News.

Speaking of obscenity, a Nebraska divorce law depriving women who commit adultery of all but their personal property is being tested in a federal lawsuit by the state ACLU. Men are not similarly penalized. The ACLU says the discrimination violates the equal protection clause.

PLACEMENT

1st and 2nd year students

The Placement Office is in the process of preparing the 1971-1972 Placement Directory, which is sent to employers who schedule interviews for the coming fall and spring interviewing seasons.

Included in the Directory will be the following information about each student: name, date of birth, parents' home address, marital status, military classification, expected date of J.D. degree, undergraduate school, degree and date received, major and minor fields of study, and, if known, Ann Arbor address as of September, 1971.

If for any reason you do NOT wish your name included in the Directory, please inform the Placement Office by FRIDAY, APRIL 2.
True to the ancient traditions of student journalism these pages have abounded in harsh criticism of the law school and have offered numerous simple minded proposals for the cure of law school ills. I write not to question the intelligence of the student critics, for they seem noble and passionate if a bit righteous, nor do I dispute the merit of some of the criticisms, for many are well-founded. Rather I write to dispel the idea inherent in most of this criticism that the job of providing an effective and interesting legal education is a simple one, and to dispute the proposition that the cures for legal education's ills (whatever their nature) are simple and inexpensive.

In the first place some student dissatisfaction is merely a reflection of differences of opinion about the law school's goals and about the method appropriate to achieve those goals. Neither student nor faculty opinion is unanimous on goals or methods. Doubtless most believe that the school should devote most of its time and energy to the training of lawyers, but how one best trains a lawyer is a matter of much dispute both among students and within the faculty. Some believe that clinical experiences are the best way to learn; others dismiss those as an early apprenticeship, easily and cheaply duplicated in practice. Some think that a student retains only lawyer skills (telling dictum from holding; writing and arguing persuasively; sorting the relevant out of the irrelevant); others believe that practicing lawyers draw heavily on the substantive law learned in law school. Short of dividing the faculty and student body in two, there is no way entirely to avoid the dissatisfaction which arises because students and teachers do not agree on law school goals and methods.

Secondly, even if all agreed on the proper solution to law school ills, our problem would not be solved. Assume for example that we agreed that clinical legal education was the best way to train lawyers. The cost of clinical education far exceeds the cost of classroom work. Neither the state nor the federal government nor, least of all, the students and their parents have stepped forward to pay the bill for such education. Of course it may be possible to make effective use of practicing lawyers as teachers or to find other less expensive ways to offer a clinical experience, and we should examine those possibilities, but they are still largely untested and totally unrealized hopes. In short even if we agreed (and we do not) the solution would not be simple. Any change which calls for smaller class size, for clinical work, or virtually any other teaching innovation (e.g. mock jury trials, or a counseling and interviewing course) will cost money.

Finally I suspect that some of the law school's ills cannot be cured, not because we lack knowledge or agreement or money, but because the source of some dissatisfaction inheres in the student. Some of us are always at war with our environment whether the environment be the Army, undergraduate school or law school. For reasons buried deep within us, some of us suffer discomforting even debilitating anxiety in the face of competition, real or imagined, which most perceive at a place like Michigan. Others are having trouble trimming an undergraduate's Phi Beta Kappa ego to fit a mediocre law school record. These are problems which students have suffered for one hundred years at this school, problems which they will suffer for the next one hundred, and they are ones over which we have very little control.
In conclusion, I hope that I have dispelled the myth that solutions to the law school's "ills" are simple ones; they are not. Neither the faculty nor the student body is unanimous in its diagnosis of the school's disease; even less do they agree upon the proper cure.

--James J. White

JOURNAL OF LAW REFORM

We are pleased to announce the 1971-72 Editorial Board for the Journal of Law Reform (Volume V):

Editor-in-Chief
Tom Morgan
Managing Editor
Steve Dawson
Research & Development Editor
Jeff Greenbaum
Articles Editor
Charlie Richardson
Administrative Editor
Ken Kraus
Staff Editors:
Dave Powell
Jim Rice
Morty Rosenfeld
Bryan Williams

To the Editor:

The recent Student Senate election appears to illustrate some of the trends evident in the "real world" today. One of the candidates for president ran on a caricature of George Wallace's campaign, but the disturbing aspect of the whole election was the amount of people who took him seriously! Was it really a put-on? Sure we are all tired of this "super-liberal crap" but perhaps that's because there's too much talk and not enough commitment and action toward effectuating some sort of social change.

How many graduates of this Law School have gone into social-political action-oriented programs instead of law firms typified by the request for someone who can "present a conservative, business-like appearance?" We mouth all the "super-liberal crap" but opt for the cushy job once we get the chance.

Law students should at least not kid themselves into believing that they are here for any reason other than the acquisition of a union card allowing them to enter a "sacred" trade. Sure a few may be idealistic and want "to help society" but the rest of us rely on other rationalizations (e.g. once I get out and make money, then I'll drop out and help people). Professor St. Antoine is right when he says that law school can only hope to produce good techniciens. Professor Sax is simply being too optimistic in seeing a glimmer of hope. It may not be all dark, but there is certainly little "light at the end of the tunnel." Law students and lawyers will continue to be moral chameleons because that's what a good "technician" is.

--John Watts

P.S. Perhaps the presidential candidate wants to leave his sign for posterity, as a monument to what the school really is.

To the Officers of Law Student Organizations:

The Law School Student Senate is now in the process of drawing up its 1971-72 budget. Your budget requests for next year must be put in the treasurer's mail box in the Lawyers' Club no later than Monday, April 5. All proposed expenses of $25.00 or more must be itemized as to specific purposes. In addition, during the weeks following April 5, a qualified member of your organization should be prepared to answer any questions the senate members may have concerning your requested allocations.

Thank you for your co-operation. We need and look forward to your prompt response in this matter.

--Neil Mullally
Treasurer
To the Editor:

On December 16, 1970, in the capacities of a concerned law student and the president of Legal Aid I distributed a memo to the faculty which follows:

MEMORANDUM

Background - The Washtenaw County Board of Commissioners (WCBC) recently appointed an ad hoc Advisory Committee composed of seven lawyers, a number of whom were from the Prosecutor's office, and three politicians to recommend a structure for the new Public Defender system that WCBC has decided shall be created in Washtenaw County. The Committee did not include representatives from the poor community. It met three times between November 10 and 23 for a total of five hours. The Committee recommended a totally unacceptable system (outlined below) in spite of at least one contact that I now of between a law professor and committee members. There was no consultation with any community group before WCBC adopted the recommendations nor was any provision made for a public hearing on the Committee's recommendations. This process took place without any publicity.

The System - The Public Defender will be an individual attorney appointed by WCBC to serve at their pleasure. He will have an assistant and two staff attorneys. His office will be located in the County Building very close to the Prosecutor's office. The salary comparisons between the Public Defender's office and the Prosecutor's office are quite interesting:

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<th></th>
<th>Defender</th>
<th>Assistant</th>
<th>Staff</th>
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<tr>
<td>Prosecutor</td>
<td>$28,000</td>
<td>$21,000</td>
<td>$11,000</td>
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<tr>
<td>Assistant</td>
<td>$22,000</td>
<td>$15,000</td>
<td>$9,000</td>
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The actual funding of a Public Defender system was tentatively approved by federal authorities before the system was recommended. The comparisons between the present court appointed attorney system funding and the Public Defender system are as follows:

Court appointed attorney system:
- $140,000 County
- $28,000 Federal

Public Defender system:
- $71,000 County
- $35,000 Federal

The court appointed attorney system will cease to exist, of course, as soon as the Public Defender is appointed. The deadline on applications for the position was December 11.

Objections - There are numerous objections to the new Public Defender system which include:

1. The composition of the Advisory Committee.
2. The speed and lack of publicity with which the plan was adopted.
3. The lack of input from the community.
4. The failure to hold a public hearing.
5. The absence of any provision for ongoing community participation in the program.
6. The direct control of the Defender by WCBC.
7. The lack of tenure of the Public Defender.
8. The location of the office.
9. The use of federal money to subsidize the County instead of for the innovative purposes for which Congress intended it.
10. The lack of a written statement as to exactly what the characteristics of the new system are.

11. Etc.
Meeting - On December 15, there was a meeting of concerned community citizens to discuss the new Public Defender system. The consensus of those in attendance was to issue a press release outlining some of the objections to the new system and to call for a public hearing on the system before it goes into effect. Possible court action to block the commencement of the new system was also discussed.

Conclusion - I urge faculty members to concern themselves with this unfortunate situation and do what they can to remedy it before it is too late. This would include making appropriate public statements, exerting private influence, and eventually appearing to testify at any public hearings that may be held. It seems to me that it would be an unfortunate occurrence to have such a deficient Public Defender system pop up right here in Washtenaw County under our very noses; an occurrence that would not reflect very well on the Law School.

END OF MEMORANDUM

It is particularly annoying to me that Res Gestae has seen fit to make no comment on this situation. Res Gestae received a copy of my memo on December 16, 1970.

Since the memo was distributed to the faculty, a number of interesting events have taken place. The first was a vote by the County Board of Commissioners on whether to hold a public hearing on the new Defender system. Five Republicans voted in the negative and four Democrats voted in the affirmative. A public hearing was not held. Next, a committee was appointed to evaluate applicants for the Public Defender position. The committee recommended a fairly well known local liberal lawyer who has served as a Michigan legislator and who has an excellent legal reputation in the community. The County Board rejected the recommendation. A new selection committee was appointed to evaluate applicants. Evidently selection committees are hard to stack, because the same person was again recommended. The County Board then decided to reopen the solicitation of applications. Presumably, some day a person suitable to the County Board who also meets some minimal professional standards will apply.

If there ever was any doubt that the County Board intentionally set up a system whereby the Board could keep its thumb on the Public Defender, such doubt should by this time be dissipate even in the most naive. It is interesting to note that the Federal funds are evidently now in the hands of the County Board. It is merely a matter of time. The poor and the politically undesirable of the community are again about to get screwed. This time the County even saves money by screwing them. Where are the great liberals; where are the radical students; where are the distinguished law faculty?? They are off carrying on the great causes of our time. And they are sorely missed in Washtenaw County.

Joseph Sinclair

CLEAN TALK

On Tuesday, evening, March 30, 1970, the Environmental Law Society will present an open forum to discuss the information brought back from the Environmental Law Course which was presented at the Smithsonian Institute in January. Various aspects of environmental law will be discussed, including procedures for litigating judicial and administrative cases concerning the environment. The presentation will be in Room 120 HH, beginning at 7:30 p.m.
LEGAL AID

To All Law Students:

As you may already know, the Washtenaw County Legal Aid Society depends heavily on volunteer law student help in its effort to render legal assistance to the poor. Last year the Legal Aid Society handled over 2500 cases. There are only four full time attorneys to work on the bulk of these cases, so the need for student help just to ease the burden of the attorneys is great. In addition, the Legal Aid Clinic depends on student help for part of its funding; OEO reimburses the Clinic at the rate of $2.00 per hour for volunteer student work.

In spite of the fact that without the contributions of law students Legal Aid would cease to be an effective agency in serving the County's poor, disappointingly few students offer their services. Any student who has completed 28 hours of law school with above a 2.0 average is eligible to participate. This means that almost every second and third year student could work for Legal Aid. There is a potential work force of about 700 students. However, only 30-35 students currently work for the clinic. This number is not even sufficient to fill all the two hour time slots for interviewing clients. It is terribly inadequate to handle the cases with the close care they deserve.

There are various reasons for the low level of support. Some students find the work less satisfying than they had hoped. Some find the clinic too disorganized. Some are disappointed with the high proportion of divorce cases. There is a grain of truth to all of these complaints.

Yet the truth is also that there are many satisfactions in working for Legal Aid or else no one would stick it out. Although local court rules require the staff attorney to be present with the student in the courtroom, the student does get to appear in court for the client, and the attorney often just looks on while the student runs the show. The student often takes testimony from witnesses and explains motions to the judge. Moreover, far from every case is the run of the mill divorce action. The Clinic also takes on landlord-tenant problems, debtor-creditor problems, and criminal misdemeanors. In addition, there is a good deal of satisfaction in knowing you have helped someone solve a problem. A client's "Thank you" can make up for other frustrating moments. Nor should one overlook the value of practical legal experience while still in law school. Legal Aid work can give you a taste of how the law works in real situations. It can also, although casebooks seem dry in comparison, renew your interest in law school. One has only to work for Legal Aid a short time to discover how much more there is to learn about the law in order to thoroughly advise a client of his rights and alternatives. Finally, one should remember that the poor need legal assistance regardless of how pleasant the work is.

To make a long story short, we need help. If you have a few hours a week to offer, we would greatly appreciate any help you can give. In the past, some have been reluctant to offer their time because the usual commitment involves about 10 hours a week. We would be glad to accommodate any student who would be willing to make a lesser commitment. If you would like merely to interview clients for two hours a week without taking the cases you interview, that is fine. If you would like to take on a few cases without interviewing at all, that is fine too. Don't feel bashful about asking.

If you are interested, please call one of the people listed below.

LEGAL AID DIRECTORS

Tom Blackmar 764-9011
Dave Fitzgerald 663-5136
Charlie Harris 665-3015
Bob Issacson 764-8902
John Pinney 769-2183
Bill Richards 761-4916
John Rosczyk 482-4397
Terry Adams 434-2445

CREASE BALL

The Crease Ball has been scheduled for April 17. Details of this event will be forthcoming.
THE LAWYERS CLUB ROOM DRAWINGS

To: All Lawyers Club Members
From: Max Smith
Re: Room Applications and Draw for 1971-72

Members living outside the Club who desire accommodations in the Club should file an application for residence along with a $45.00 housing deposit at the Main Desk on or before March 30, 1971.

No current resident of the Club may retain his present room unless the room is open at the time he is allowed to choose a room. Everyone desiring to live in the Club next year must participate in the Draw. To be eligible for the Draw, you must abide by the conditions stated in the first paragraph.

Number drawings by class will be held in the Main Lounge. Remember, you will draw a number, not a room. The actual selection of rooms will occur in the numerical sequence of the drawn numbers between April 5 and April 9, 1971.

The priorities in drawing are as follows:

Wednesday, March 31  12 to 1:15 P.M.
1. Prospective Seniors currently in the Club.
2. Prospective Seniors living outside the Club.

Prospective Senior is defined as anyone who will graduate in either May of the next calendar year or August of the next calendar year and has lived in the Club for the previous summer.

Thursday, April 1  12 to 1:15 P.M.
3. Prospective Juniors living in the Club.
4. Prospective Juniors living outside the Club.
5. Mid-year Graduates.

COMMITTEE
STUDENT SENATE

The Law School Student Senate requests that those students interested in applying for positions on the committees described below pick up applications and return them completed to the Lawyers Club Desk before 5 P.M. on April 5th. The applicants will be contacted for interviews at a later date.

Speakers Committee: Members of this committee contact possible speakers for the law school. In addition they are responsible for transportation and housing and for introductory remarks prior to the speakers address.

Social Committee: Responsible for organizing the social functions directly involving the law students.

Orientation Committee: Organizes the orientation activities for the incoming freshmen for the semesters beginning in June and August.

Publications Committee: Review operations of law school major publications.

Sports Committee: Responsible for organization and publication of all Intramural Law School sports activities.