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University of Michigan Law School

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"ETHICS"

Law schools and the legal profession in general should make changes to ensure the ethical performance of lawyers in the post-Watergate era, says Dean Theodore J. St. Antoine. At the same time, Dean St. Antoine urges a realistic perspective in evaluating the effects of Watergate on the organized bar.

"Although I concede that the public has linked the bar with Watergate, almost none of the lawyers implicated in the affair were practicing attorneys. Most were politicians or administrators who happened to hold law degrees," St. Antoine writes in an article for Law Quadrangle Notes, a Law School publication. "Furthermore, an energetic, flinty set of lawyers can be credited with key roles in bringing the wrongdoers to justice."

And on the role of legal education, St. Antoine writes: "I cannot believe that any of the culprits needed a course in legal ethics to know that they should not engage in burglary or perjury or the obstruction of justice...On basic questions of moral right and wrong, I feel that most persons will come to law school with their values already formed, and our capacity to affect their thinking, even if we wished, is probably marginal."

But St. Antoine notes that the U-M Law School has offered an elective course on professional responsibility for the past several years, and he observes that many law schools are gradually coming to grips with the question of values in legal education. "Law schools bear a substantial part of the responsibility for the ethical standards of the profession," St. Antoine says. "In a host of small but revealing ways, implicitly and explicitly, a law teacher in every conventional course conveys to the students a sense of their calling, whether shabby or exalted." Traditionally, (See COMMENT page two)
NOTICES

Res Gestae is published weekly by students at the University of Michigan Law School. Articles, notices, cartoons and letters are most welcome. The deadline for submission of a work in order that it be published the same week is Tuesday noon. Materials should be submitted at the Res Gestae Office, 102a Legal Research. (763-4332)

BOOK REVIEWS

Anyone interested in reviewing materials submitted to Res Gestae by various publishers, please contact Joe Fenech. R.G. office (763-4332), or 764-8990.

REPORTERS NEEDED

Res Gestae is in great need of several reporter-writers who would prepare short articles on a weekly basis. Topics would include: the Clinical Law program, Legal Aid, faculty interviews, etc. There is some remuneration, though slight. Hopefully, such activity will prove personally enjoyable, as well as profitable to the law school community. If interested please contact Joe Fenech at the R.G. office, or at 764-8990.

ICLE SEMINARS

Two "Great Lakes Summer Seminars" -- one on bank and trust matters and the other on estate planning -- will be offered by the Institute of Continuing Legal Education (ICLE). The seminars, to be held at the Grand Hotel on Mackinac Island, Mich., follow this schedule: the third annual Banking and Trust Seminar opens June 30 and continues on the mornings of July 1-2; and the Intermediate Estate Planning Seminar will be offered on the afternoons of July 1-2.

Among the topics in the Banking and Trust seminar: legal implications of electronic devices in banking; consumer protection laws and banking; the Michigan financial (See ICLE page three)

he notes, many law teachers have avoided the question of value judgments for fear of "sliding from teaching into indoctrination."

"Good teachers will force their students to press a legal analysis to the point where all logical fallacies are uncovered... Then the teacher usually stops, possibly with the wry remark, 'Well the choice here is a political question,' or 'What's left is a value judgment.' "Yet throughout the world of education," St. Antoine continues, "there are murmurings these days about the adverse consequences of neglecting the consideration of values, and harbingers of change are appearing. While family, church and earlier general education may be the major influences on a law student's values, I have increasingly come to believe that the law schools cannot escape all responsibility."

"I of course do not mean to say that the law professor should abuse his position by proselytizing, subtly or otherwise. But it is one thing for a conscientious teacher to refrain from making a student's ultimate value choice for him, and quite another to refuse so totally to come to grips with these fundamental issues that the student is left to infer that value judgments are no significant part of the lawyer's function."

As for the legal profession itself, St. Antoine urges consideration of a system of institutional safeguards --- such as revised qualifications for lawyers --- as a possible way of ensuring ethical performance. "As I talk to judges... it becomes clear that nothing is more distressing to them than the deficiencies of knowledge and technique on the part of many lawyers who appear in their courts. Simple or gross incompetence must, in my opinion, be considered a far graver problem for the bar than the aberrational behavior of Watergate." To offset this problem, St. Antoine suggests an expanded program of "post-degree legal education" to provide "an adequate supply of capable, obsolescence-proof lawyers." "What is needed, I believe, are intensive programs of a month or so, which practitioners would undertake periodically throughout their careers," the law dean says.

Such programs, according to St. Antoine, (COMMENT con'd from page one)
"would afford an opportunity for some quiet, concentrated thinking about the underlying problems of the law, or of a person's particular area of law. Out of such unhurried reflection, away from the rush of day-to-day practice, might emerge a far deeper appreciation of just what it means to be a professional."

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(ICLE cont'd from page two) community; and formation of a new bank. The lecturers will include Prof. Douglas A. Kahn of the U-M Law School; Edwin M. Bladen, assistant Michigan attorney general in charge of consumer protection and charitable trusts; J. Dennis Burns, director of legal and trust services of the Michigan Bankers' Association; attorney Richard B. Foster of Lansing, Mich.; Richard J. Francis, commissioner of the Financial Institutions Bureau in Lansing; and Homer J. Kirby, senior vice-president and general counsel of Docu tel Corp. of Dallas, Tex.

The program on Intermediate Estate Planning will be taught entirely by Prof. Kahn. His topics include: revocable trusts; inter vivos gifts; life insurance; divorce; marital deductions; and buy-out arrangements.

Further information on the seminars is available from ICLE, 417 Hutchins Hall, Ann Arbor, Mich. 48104 (Phone: 313-764-0533).

HUMOR

LAW PLACEMENT BLUES

Smith, Anderson, Milton & Jones
Plaza Building
Washington, D.C.

Mr. W. L. Fang
Law Weekly Trailer
University of Virginia

Dear Mr. Fang:

I was glad to have met with you recently to discuss the possibility of a summer clerkship with our firm. We appreciate your interest but regret that we are not able to ask you to continue the interview process.

As I am sure you realize, an attorney's time is extremely valuable and a member of a firm has a responsibility both to himself and his associates to be frugal in its expenditure. The immense expense of interviewing the large number of job applicants we see each year, therefore, must be justified in some way. As to those students whose grades, extracurricular activities and personalities make them attractive prospective employees, we tend to view the expense as an investment in the firm's future, whether we eventually hire a particular individual or not. Others give us invaluable insight into the changing nature of legal education and the profession as a whole. Still others present us with an opportunity for invigorating and refreshing dialogue, the value of which we feel should not be discounted.

However, on the rare occasion when we interview a student whose credentials, demeanor, conversation, appearance and background can in no way justify the amount of time expended on his behalf, we are certain you will agree that it is only fair that student be billed for the reasonable value of that time. Therefore, please find enclosed our bill for $24.68 (twenty-four dollars and sixty-eight cents), figured at an hourly rate of $50 (fifty dollars) and including secretarial, mailing and other costs.

Best wishes for your future professional success.

Sincerely yours,
Fred R. Milton

-From The Virginia Law Weekly
University of Virginia Law School