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Former Student Sues U-M

By Mark Harris

A former University of Michigan Law student has filed a \$9 million law suit against Law School Dean Terrance Sandalow, University President Harold Shapiro and the University Board of Regents, as a result of actions stemming from a fire in his Law Quad room on March 8, 1983.

James Picozzi, through the law firm headed by William Kunstler in New York filed the suit on August 24, 1984 seeking a preliminary and permanent injunction, compensatory and punitive damages, attorney's fees and other relief. The complaint charges

Sandalow with intentional infliction of emotional distress and charges all defendants with breach of contract.

The suit centers around Picozzi's request from Sandalow for a "letter of good standing" so that Picozzi could

Dean Sandalow's remarks are on Page 6. Transcripts of correspondences between Picozzi and Sandalow are on Page 7.

transfer to Yale Law School. Correspondence between Picozzi and Sandalow filed with the complaint reveals that Sandalow refused to issue a

letter of good standing without including in the letter an additional statement indicating that there was a question about Picozzi's eligibility to re-enroll at the University of Michigan Law School. Sandalow wrote to Picozzi on May 3, 1983 that "(t)he information available to us had let me to conclude that I would not be warranted in permitting you to re-enroll without a close examination of the question whether you are the person responsible for setting the March 8 fire."

Sandalow also wrote that it was his understanding that Ann Arbor police

had requested Picozzi to take a polygraph test and that unless he did take and pass a polygraph test, an administrative proceeding would be required to determine whether Picozzi would be permitted to re-enroll.

Picozzi replied to Sandalow writing that he "totally reject(ed)" a proposed letter of good standing including a statement that police "regard Mr. Picozzi as a suspect" in the fire. In July of this year Kunstler wrote to Sandalow on behalf of Picozzi requesting that a

See PICOZZI, Page 6

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The Res Gestae

Vol. 33, No. 1

The University of Michigan Law School

September 12, 1984



Sam the Scholar Speaks

Recently, we overheard a third year say, "Man, that class is boring, but I gotta take it." Why? "Because I have to take at least one class with Sam Dimon!" So this week, the RG's Ruth Milkman interviews the legendary Sam Dimon, who reputedly understands tax, and definitely has a Supreme Court clerkship. Read on for the inside story.

RG: The first thing I wanted to ask you about is the Supreme Court clerkship. You'll be clerking for Justice White, right? Is it unusual to get a clerkship right out of law school?

SD: I think so. Professor Whitman said that White is the only person who takes students directly from law school. He takes one person (out of four) every year.

RG: How did you find out about it?

SD: It was pretty funny actually. I wasn't considering applying for clerkships at all because I wasn't on

See DIMON, Page 8

Five First-Years Fail

By Kevin Tottis

"Look to the left of you; look to the right of you. In three years all of you will be here and you'll all get jobs."

— Dean Terrence Sandalow

.... 1982, 1983, 1984 orientations.

Dean Sandalow's tried-but-true variation on a theme just mightn't be completely accurate. Five of last year's first-years flunked out, according to Associate Dean Sue Eklund.

And while at many — if not most — law schools such a measly attrition rate would be meaningless, that figure could be disturbing to a school which boasts in bulletins and handbooks — and orientations — that usually no more than "a couple" students "leave for academic reasons."

Eklund, however, says that the figure is not out of the ordinary. "We normally have a half-dozen people or so on

probation or ineligible to continue for academic reasons," she said.

For instance, for the class which began in 1982, seven students were in "serious academic trouble," Eklund said — one flunked out and the other six were on probation. In last year's class, on the other hand, besides the five who failed, one student is on probation.

To find out how this year's first-year class stacks up, see story, Page 5.

Eklund was quick to point out, however, that the difference between probation and flunking out is negligible. To be ineligible to continue, a student's grade point average must dip under a 1.7; if a student's gpa is higher than a 2.0, he or she is on probation. Hence, second-years needn't worry.

"Everything was normal (last year)," Eklund said. "There were no unusual curves."



It's a shitty job... Employee of the Ratcliffe Roofing & Chimney Co. removes pigeon droppings from Hutchins Hall.

Photo by Bruce Vickmetti

Eklund also pointed out that "flunking out" can be a misnomer. Under the law school's liberal academic eligibility policy, a student on probation can continue on a reduced load. Students with gpa's lower than a 1.7 must retake examinations (or the entire class) to boost their grade points to an acceptable level, although both grades appear on the transcript.

Upperclass students should also be careful when trying to guess why other upperclasspersons are taking first year classes.

"There are a number of upperclass students who will be seen sitting in on a first-year classes," Eklund said. "It would be a terrible mistake to assume these are the ones who flunked out. People have to drop classes for any number of reasons."

"People frequently assume (students who flunk out) are minority students and that's just not true," Eklund added.

Wanted: Anyone To Help Fill Space

Right now, we'll answer the question that you'll be asking when you finish reading this: because we needed to fill space.

So what was the question? Easy. Why is this want ad so long? So why did we need to fill space? Because we don't have enough people to write things to fill it.

Being bright law students (at least you are) we won't beat around the bush any longer. We're writing this because we want you — all of you, if it be the case — to write for the RG. Sure, we love each and every one of us who

See WANTED, Page 8

Editor in Chief: Ruth Milkman
 Managing Editor: Bruce Vismetti
 News: Kevin Totlis
 Opinion: Andrea Lodahl
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 Arts: Carol Shepherd
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 Photography: Dean Bruza
 Staff: Kim Cahill, Mark Harris, Don Itzkoff, Kendra Reif, Laura Kelsey Rhodes, Linda Stark

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Opinion

Myths: Close the Gap Now

by Andrea Lodahl

One of the most pernicious facts about law school — at least, Michigan law school — is the dearth of real information on important things and the tendency to rely on rumor that is not based in reality. One of the things we should all do, especially as law students trained in the importance of hard facts, is to help dispel rumor and demystify certain processes which, it seems, is the novice law students' ordained role to wonder about but be too embarrassed to ask about.

When I first started classes, I remember spending several weeks wondering — stupidly, I thought — what analogizing, distinguishing and reconciling cases was all about. The surface meanings may be obvious enough, but exactly what steps or type of approach is used is not. Then again, one would rather die than ask, and nowhere in the beginning of law school are people given any frank explanations of how to begin law study.

When I first began sending out job letters, I relied (to my grief) on common sense (completely unrelated to job markets) and rumor (often no more attuned with the reality of jobseeking than common sense.) My orientation leaders, for example, made a point of telling us all that any first year who wants a firm job, paying well, can get one.

Wrong. One hundred and twenty letters later, I finally dared to ask some of my classmates directly what their experience had been. Some got jobs in hometowns; most of the rest were sitting exactly where I was, on top of over a hundred ding letters.

Nobody ever told me many of the basic "dos and don'ts" of interviews either. Thank you letters, for example. And everyone told me with absolute solemnity that it was impossible to go to New York from here without an A average, and that Chicago was overwhelmed with desire to hire Michigan lawyers. According to Nancy Krieger, director of Placement, both wrong.

The prevailing view seems to be that although the majority of us spent all of our lives in musty libraries getting the A's to get into Michigan, we should have absorbed somehow, by osmosis, these bits of knowledge that help you survive in professional society. Worse, it seems to imply that if you haven't got those skills by genetics or by instinct then maybe you just don't belong.

Such attitudes, I submit, are a carryover from the days when "welcome to the aristocracy" would have been offensive for a different reason — the people in top law schools were already all from the aristocracy. I came from a middle class family and I know less than nothing about stock; my parents never had any stock. The sad fact is that when I got here I'd rather have died rather than betray my total ignorance in front of classmates who seemed

so cosmopolitan, so wise, so professional.

It's all a myth. When you break down enough to be honest, you find that most of us are similarly situated; some of us are just better bullshit artists. Putting on airs, declaiming on matters we are not really informed about, or pretending cool composure when feeling panic are behaviors fostered by the cold-sweat aura of law school, but they make us smaller rather than bigger people.

They engender unhealthy self-doubt, make us all lousy friends, and if carried to our professional lives could lead to dangerous mistakes. We need to be willing to ask for information from resources like the Placement Office, but we could also use some more nuts-and-bolts orientation and less pomp and circumstance.

How about a couple of workshops on case analysis, legal research, or writing a letter to a prospective employer in place of a speech or two? If case club is supposed to perform this function, it doesn't—the information gotten there is questionably accurate and incomplete. How about a more active attempt to reach out to students with information, rather than merely making it available? Maybe students should seek it out, but experience shows that they just rely on rumors instead. It's hard to ask for help, and when such things are left to individual initiative they all too often end up sliding down the priority list, somewhere after getting the cat vaccinated and answering your grandmother's last letter. Maybe these events should be made "mandatory" like LEXIS and WESTLAW training.

Students, for their part, should stop being so self-conscious and ask if they don't know. More importantly, they should admit they don't know if someone else asks them. We should all make an effort to resist the archaic, upper-class norms that try to make us into pretenders of wisdom without making us wise. That's not what being a lawyer is all about — at least, it's not what it ought to be about — and changing our mystification and alienation from each other here is the first step in changing the profession itself.

Letters policy

We'd love to hear from you. (No, really.) If you have something to say, write us a letter, type it, and deliver it to the RG office, by Sunday night at 6 p.m. There's an envelope on the door of 408 Hutchins Hall. If you've got questions, leave a note, or call 763-0333. We reserve the right to edit letters, especially for length. (That's a hint, shorter letters are more likely to get run, intact.) Hope to hear from you soon.

No Snap Judgments

In March of 1983, second year student Jim Picozzi was badly burned and injured when he fell from his blazing third story Lawyers' Club room. A few weeks later, while recovering in the hospital, he found himself out of law school in more ways than one.

Outside the law school, it was believed other students who disliked Picozzi set the fire. Inside the law school, rumour had it he set the fire himself. With the case unsolved, and no charges brought, Picozzi was disenrolled.

A former student at the Law School has made some serious charges about this institution, charges that if true would be extremely disturbing by their irony.

Jim Picozzi's suit against the Law School, Dean Sandalow and University President Harold Shapiro alleges that these respected administrators and their systems denied him — of all things — due process! Surely he jests — the Law School knows all about due process; professors like Dean Sandalow teach it, after all.

If you only heard second generation gossip around Hutchins Hall, passed on down from graduated students who were Picozzi's classmates, you'd probably even be more convinced than the Ann Arbor police that Picozzi did in fact torch his own Lawyers' Club room in some sad plea for sympathy.

But if you're thinking like a lawyer yet, you've also got to try and see Jim Picozzi's side of the case. Despite any prejudices you might have, his suit is not quite as easily dismissible as a pro se action by some street bum ejected from sub-2.

From Picozzi's position, the law school's actions do seem a bit autocratic. He wanted to stay enrolled here, despite the unfortunate accident that left him burned and recovering in U hospital. He was told he'd be better off taking a leave of absence, if not just fading from Hutchins forever.

When Picozzi decided to leave hostile surroundings and study law elsewhere, Dean Sandalow refused to speed Picozzi's rematriculation by withholding a clean letter of good standing. Seems the local police wanted Picozzi to take a lie detector test.

Should Picozzi prevail, we would all feel misled and duped about Michigan Law School. Whatever becomes of the case, we hope it will be recorded clearly and openly, so that the hushed and paternal administrative dealings that clouded the genesis of the Picozzi affair don't also shadow its legacy.

SFF Thanks

Dear SFF Supporter:

Once again, we would like to thank everyone who pledged and contributed to the 1984 Student Funded Fellowships campaign. As a result of your generosity, 28 Michigan law students were able to take public interest jobs this past summer and also put food on their tables.

Each year a loan from the Law School, based on student pledges, enables SFF to distribute the summer fellowships. We must now repay that loan. Unfortunately, at this point less than half of the record \$21,000 pledged last spring has been received. If you have not yet paid your pledge, please do so as soon as possible. You can deliver your check, payable to "Law School Fund — SFF," to the Law School Fund office on the first floor of Legal Research or to the SFF mailbox in Room 300. Please be sure to indicate your Student ID number on your check.

Thanks once again for your support and cooperation.

Sincerely,

The Student Funded Fellowships Board



Forum

Furniture Displaces Recruiters As Placement Loses Perspective

by Andrea Lodahl

Well, girls and boys, shine up those shoes and prepare to do the interview shuffle. Make an informed judgment about the reaction of Phoenix law firms to Orator typeface. Get your suit dry cleaned. But don't bother trying to go up to Room 200 to look up firm resumes if it's not business hours. Room 200 isn't open evenings or weekends any more.

Lest you panic altogether, I hasten to assure you that the resumes, having been moved in duplicate to the Law Library, will still be available for your week-hours perusal. What rivaled even the most paranoid fantasies of a disgruntled law student in its total disregard for the student's welfare was the decision to leave the room closed this past weekend, prior to the move of the resumes to the Library.

As it turned out, the custodians were not fully apprised of the policy change and the room was open as usual, but students who had heard of the lockout policy didn't bother to go up and try the door.

The reason: when the Placement Office finally got some new furniture this past week, they had to move some books that "are precious volumes" out of their office. Such a decision can be understood, but still leaves much unexplained: why to Room 200, of all possible rooms? Why this past weekend, of all possible weekends? Instead of making a decision to lock Room 200 and preclude all access to the blue notebooks (but for the unwitting staff who unlocked it), why weren't the books moved to an empty lockable room upstairs for the weekend? In

the words of a fast-food commercial, it's getting awfully quiet over there.

Placement director Nancy Krieger took the plans to close the room to the Senate last spring (RG, March 21, 1984) in the larger context of discussing the new interviewing procedures. However, such a move was seen merely as a by-product of the acquisition of new furniture and as a possible way to solve some of the "problems of trash left by students studying in the room at night." These problems have at times been severe, according to Placement staff, who themselves have come at 7 a.m. during the interview season to clean up the trash and try to make the room presentable for interviews.

Nonetheless, closing Room 200 permanently on evenings and weekends also has a down-side besides the extreme inconvenience of the change in access to the blue notebooks. The elimination of the study space offered by Room 200 was justified on the grounds that it's only been study space for the last ten years anyway. The room boasts electrical outlets and individual rooms, aiding special occasional needs such as typing. Insular law students might be impressed by another fact that was revealed to the writer as proof positive of the value of closing the room: often, at night, most of the people in there were — gasp! — undergraduates.

We have no way of knowing how the library reserve system will work out. In the past, when one person was finished with a given volume it was there on the table available for another's use. Now, as many as three notebooks can be taken out from the Main Desk at once, and retained for four hours!

That means students with carrels on sub-3 can take out all of District of Columbia at eight p.m. and keep it until midnight. With cards coming due this Friday, nerves seem likely to fray. Desk staff say, however, that if the students demand greater access they can shorten the period of signout to 2 hours.

Fate can be praised for circumventing the best-laid plans of Placement to keep the blue notebooks completely out of reach the weekend before request cards beganto come due. Such a decision, even if unrealized, reflects either total carelessness of students interests or gross oversight. The generally praiseworthy — almost noble, in fact — performance of Placement suggests that it must be the latter.

All in the name of safeguarding some books that the Placement Office's trendy new furniture — paid for, one assumes, by the new interviewing charge — displaced. Given the obvious impact on the student of this change under the best of circumstances, it seems not altogether off base to enquire why a little of that money wasn't expended to put locking cases, which could be locked at 5 p.m., into Room 200 and leave the rest of the room as before. Krieger has expressed willingness to consider options like monitoring the in the evening.

The choice to lock the room altogether raises suspicion that the powers that be determined that closure of Room 200 was desirable for a number of reasons. If that is true, it would have been nice — if uncharacteristic — for such a decision to be submitted to the students whose facility it is for input.

So — Why are YOU in law school?

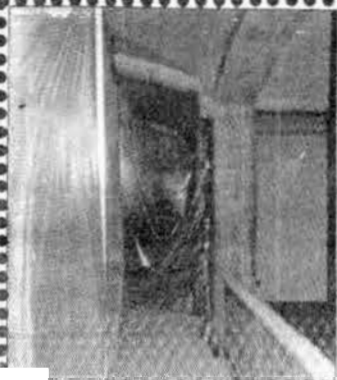
A. Always wanted to be a lawyer

B. Might as well be a lawyer

C. Sure beats workin



Lee Brooks



RG Name That Pub Contest

You've all seen that plastic which has engulfed the walls outside the library. Maybe you thought it was a modernistic sculpture. We know better. Don't stare, but that's going to be our very own pub. Weil, maybe not a pub exactly, maybe more of a sort of lunchroom. (Yes, we know we already have one of those, shut up about it already.)

Anyway, the RG has decided to proudly announce the first annual unofficial Name That Pub contest. Submit your entry on the blanks below or on a 3 by 5 card (borrow one from your nearest gunnerly neighbor) to the RG, 408 HH. Prizes to be announced. Applications for judges will also be accepted. Don't delay, fill it out NOW. Your pub needs you.

Name (yours) _____

Name (pub's) _____

Phone (anyone's) _____

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Prof. Marcus Plant Dies

by Laura Kelsey Rhodes

Marcus L. Plant, who joined the law school faculty in 1946, died this past July at the age of 72. In addition to teaching law, Professor Emeritus Plant had represented the university in the national organizations governing amateur sport. Although Plant had officially retired in 1982, he continued to teach as a Professor Emeritus.

Born in New London, Wisconsin in 1911, Plant received his B.A. and M.A. from Lawrence College in Appleton,

Wisconsin. After teaching high school for two years, he enrolled at the Law School, graduating in 1938. Professor Plant was in private practice in both Milwaukee and New York before beginning his teaching career. He also served with the Office of Price Administration in Washington, D.C.

In addition to his law teaching, Plant was well-known within the University for his 24-year tenure as the school's representative to the National Collegiate Athletic Association (NCAA), and the Big Ten athletic con-

ference. Plant also held the presidency of the NCAA for two terms, representing it on the board of directors of the U.S. Olympic Committee.

A long-time colleague of Professor Plant's, former law school dean Allan F. Smith remarked that he was "the epitome of the scholar-teacher who makes our University a great one. He was thorough in his research, often anticipating developments in his field of expertise, and was devoted to his teaching career. He will be greatly missed."

Regents Appoint Three New Deans

By Kim Cahill

Three members of the Michigan Law School faculty were appointed Dean by the U-M Regents in July. Assistant Dean Susan Eklund was made Associate Dean for Student Affairs and Operations, Virginia Gordan became Assistant Dean of Academic Affairs, and Professor Beverly J. Pooley was appointed Assistant Dean for the Law Library. All three had previously been serving in much the same capacities under different titles.

Deans Eklund and Gordan say the change is more one of title than of any significant change in job responsibility. "I certainly want to stress that both Virginia and I will continue to be available to students for counselling in the same way we have been in the past," Eklund commented.

Gordan, who oversees the graduate programs, externships, and joint degree programs here at the law school, will be taking on more primary responsibility for registration in addition to her prior duties.

Professor Pooley's appointment as Assistant Dean for the Law Library was closely followed by Margaret Leary's appointment as Director of the Law Library. "Actually, I believe the change in titles was to give Margaret a title that more accurately reflected her involvement. She is responsible for the day-to-day running of the library," said Pooley.

Leary will also be in charge of the library during Pooley's upcoming sabbatical.

Oyez, Oyez!



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First-years: Much Like Forerunners

By Kevin Tottis

Although Allan Stillwagon says it just ain't so, this year's first-year class may not be as "diverse" in some respects as previous classes.

Less than one third of the first-year class has been out of college for more than a year, compared with 40 percent in the class of 1986 and even higher percentages in previous years. That means that there's probably fewer first-years who worked on oil rigs in Alaska, dug for ancient artifacts in the mideast, read Walt Whitman while lying in the grass or whatever else it is one does after college and before law school.

And that's about the only thing that distinguishes this new crop of first-years. For the most part, they're like any other garden variety, first-year Michigan Law School class. Note, for example, according to the dean of admissions' figures:

- 44 percent are from the state of Michigan. The rest come from 40 different states and three foreign countries.

- More first-years came from the University of Michigan than any other school. Other schools represented (in order of representation) are Michigan State, Yale, Cornell, Penn, Notre Dame, and Princeton.

Placement Office Changes Policies

By Andrea Lodahl

The Placement Office has instituted a couple of major changes this year in an effort to make the interviewing process less harrowing for both students and recruiters. Resumes are being pre-mailed to employers instead of being placed in folders in the Placement Office, and interviewing has been pushed back to October 1. In previous years it would have begun the third week in September.

The premailing system is used by all of the "majors", according to Placement director Nancy Krieger, and was used by Michigan as well until a few years ago. However, in recent years the cost of pulling and mailing all of those resumes became prohibitive, and the folder-insert method was substituted.

The folder system, however, had a lot of drawbacks, Krieger said. Many students did not put their resumes in after signing up, which kept interviewers running back and forth from Room 200 to the Placement Office trying to track down the missing ones. Many complaints have been received from interviewers about the inconvenience, although (Krieger hastened to add) they have always liked interviewing at Michigan and the folder system didn't seem to keep any employers away.

In response to concerns that the interviewers will pre-screen, Krieger agreed that many employers would probably read the resumes before coming to Ann Arbor but disagreed that they would be making preliminary

- 33.24 percent of this class is women. That compares with 37 percent for last year, but Stillwagon says that change isn't significant. "When it went (up) from 33 to 37 percent. I didn't say it was a rise," he said.

- 17.4 percent of the new students are minority students. That figure includes blacks, chicanos, Mexican-Americans, Puerto Ricans from the mainland, Native Americans, and Asian Americans.

- Although specific statistics aren't available yet, the median LSAT "will almost certainly be 43," the dean said.

And that is the picture in numbers of the first-year class. What might be more interesting is who didn't apply. Law school applications, once again, are down by 12 percent across the country, Stillwagon said. "Lots of schools, particularly national schools, have dropped 20 to 25 percent," he said. Michigan's applicant pool, however, dropped only eight percent to 4100 applicants.

Does a smaller pool mean less qualified applicants? No, Stillwagon says. "If it dropped to 2,000, I think I'd have to notice something happening," he said. "Right now, the pool is at least as good or better than before."

decisions. "I don't think that's the purpose," she said, adding that when only 75 to 80 percent of the resumes were available on interview day with the folder method, it was more harmful to students.

The new system requires everyone interviewing to register with the Placement Office and drop off a full set (up to 25) of resumes by this Friday, September 14. Interview request cards and lists of the scheduled employers are available in the Placement Office, and the cards will be due a few weeks before the employer arrives. If an employer is unable to interview all who sign up, first priority will go to those who filed priority cards (you get five) and random selection will fill the remaining slots.

The second major change from prior procedure was the push back of the beginning of interviews to October 1. In former years, interviewing has begun as early as September 12. Krieger cited several ways in which this early start, earlier than the other "majors" by a couple of weeks, hurt the students. First, she said, people tended not to think through their interviewing goals clearly because things were so hectic early in the term, and interviewed with everyone who came, thereby burning themselves out by midseason. Second, she suggested that firms would not provide feedback to Michigan students until they had interviewed at the other schools, thus keeping Michigan students waiting and greatly increasing the tension about getting flybacks.



Photo by Andrea Lodahl

Jim Narens, reveling in his second-year status at the cocktail party August 21, assured the RG photographer that Tax I need not interfere with your drinking.

Students Log On With Prof. Park

By Dana Deane

Have you seen the guy who looks like Bill Murray, talks like Jimmy Carter and acts like a law professor?

That's visiting professor Roger Park. Park is here from the University of Minnesota Law School and is currently teaching civil procedure and evidence. In both courses, Park will be using computer exercises to supplement regular coursework.

Park's classes will be doing 3 to 5 exercises, each requiring 1 1/2 or 2 hours of the student's time. The civil procedure exercises can be done after some brief background reading, but those for evidence have the necessary information written into the exercise.

Some exercises will provide a simulated trial situation and ask the student to assume the role of attorney or judge in answering the closed questions presented by the computer. When an error is made, the computer diagnoses the reason for the mistake and then asks questions that lead the student to the correct answer.

Park suggests that students work in pairs or threes in order to help each other through the logic or to overcome any fear they may have of working with computers. He has found that law students have little of this fear, but that lawyers may be more reluctant to use the exercises for this reason.

According to Park, Computer-Aided Instruction (CAI) has been used in law schools since early in the 1970's. In 1974 he was involved in creating the Center for Computer-Aided Legal Instruction based in Minnesota.

The Center distributes exercises for all sorts of legal training to its members or rents them to non-members. Forty law schools have joined the Cen-

ter. Michigan is not one of them. Park explains that this is because none of the faculty members here use the exercises.

Park himself has written more than 20 exercises for legal study. He said he is really not much of a "computer person," he just enjoys looking at new approaches to the study of law. At one point he experimented with teaching a course without holding any classes. Video tapes, computer exercises, workbooks and twice the normal reading enabled students to learn just as much, Park says, but Park says he understands the value of human involvement.

Computer-Aided Instruction could be very useful in Continuing Legal Education (CLE) programs, Park said. Lawyers could borrow the disc with the exercises on it and use it on the computer in their homes and offices. CLE program administrators are reluctant to certify education lawyers get outside of structured seminars, according to Park, but he seemed confident a solution could be reached.

The exercises are also being used by a law firm in Chicago to teach associates, by a private group called the Federal Bar Association, and by the Federal Judiciary Center to train new judges. The judges seem to be especially sensitive to being told by a machine that they are wrong and to being scored when the score is less than perfect.

Park expects the legal profession's use of CAI to increase, not only due to heightened awareness, but also because the exercises were just released on floppy discs during the last academic year. Earlier the programs could be accessed only by telephone book-up to Minnesota.

Dean Weighs 14th Amendment Claim

One of the many ironies of the Picozzi suit is the fact that Picozzi is claiming relief under the fourteenth amendment against Dean Sandalow, one of the nation's leading authorities on the fourteenth amendment. In an interview last week with the RG's Mark Harris, Sandalow had some thoughts on the applicability of the 14th amendment to the University's actions in dealing with the Picozzi suit.

RG: Does the applicability of due process requirements turn on whether Mr. Picozzi was a student seeking re-admission or was perhaps denied due process because he was "summarily disenrolled," as I think he puts it?

TS: My view on that is that nothing really turns on this question of disenrollment. We thought we were complying with a request that had been made by the family. I don't want to comment on their allegation that that's not the case. We disenrolled him for a term, but

never suggested that we would try to keep him from returning to school without a hearing. Supposing he had not been disenrolled, we would still have insisted upon a hearing as a condition of his returning to school so I think nothing turns on this disenrollment.

RG: What is the school's position on the applicability of the due process requirements and I guess I'm thinking specifically of the educational due process cases like *Goss v. Lopez* (419 U.S. 565, 1975, before a student is given temporary suspension from public school, due process requires that the student be given oral or written notice of charges against him and, if he denies the charges, explanation of evidence and opportunity to present his side of story.)

TS: I don't have any doubt at all that the school could not expel a student or subject a student to a major form of disciplinary sanction without providing due process. It's always a question of what process is due in a particular situation, but I don't

doubt the applicability of the due process clause of the fourteenth amendment to this school as a state institution. That's not really even an issue.

RG: As I understand it, the school has the burden of proof in the bearing on the question of Picozzi's responsibility for the March 8 fire.

TS: We will have the burden of proof by clear and convincing evidence.

RG: Why is it that the burden was put on the school?

TS: I never assumed that the burden could be anywhere else. First of all, our rules, which under this agreement are not binding in this particular case, impose on the school the burden of clear and convincing evidence whenever a student is subjected to disciplinary proceedings. It's not clear that the rules are applicable to this category of case, but in any event when the school acts to impose a very substantial penalty which might possibly lead to a termination of the student's opportunity to be a lawyer my own view is that simply as a

matter of propriety, whether or not we are compelled to do so by law, the school ought to meet that standard.

RG: Would you think your position as an authority on the fourteenth amendment would have any weight on the question of the propriety of the school's actions in this case?

TS: That's not for me to decide.

RG: I've heard it said that the recently adopted University Code of Student Conduct was created in large part as a result of the Picozzi incident...

TS: I really haven't been involved in the University's efforts to draft a Code. I don't think it had anything to do with the Picozzi affair. If that were really the impetus I think I would have been more involved in it almost as a matter of course. I don't really know enough about the history to comment on the timing.

RG: Did you think that a suit might be filed in this case when you originally took action in the Spring of 1983?

TS: I guess I've understood from the beginning that a law suit was always a possibility.

Picozzi

from page one

letter of good standing issue "sans rumor, hearsay, speculation, and innuendo." The suit asks as part of the requested relief that Defendant Sandalow be ordered to provide a letter of good standing in accordance with Picozzi's requests. The suit also seeks \$2 million in compensatory damages, \$7 million in punitive damages as well as attorney's fees and a public apology from defendants.

Third year students will recall that the fire in question began in Picozzi's third floor room in K section of the law Quad during the early morning hours of March 8, 1983. At roughly 4:20 that morning Quad and Martha Cook residents were awoken by Picozzi screaming for help as he stood on the window ledge outside his room in order to escape the flames. After losing his grip on the ledge Picozzi fell to the ground, cracking a vertebra. Picozzi also suffered from second degree burns on his left shoulder, arm and hand.

Samples taken from Picozzi's room later revealed that gasoline had been present in the room, and the police determined that the fire was caused by arson. After completing their investigation into the fire, city police turned over their gathered information to the Washtenaw County Prosecutor's office. The Prosecutor found insufficient evidence to issue a warrant against any particular individual. Picozzi was eventually flown to his home in Pittsburgh where he underwent back surgery.

During an August 31 hearing on the suit before Judge Feikins, it was agreed by the parties that a public hearing will be held before October 1st on the question of whether Picozzi was the person who set the fire. The University will have to show by "clear and convincing" evidence that Picozzi was the party responsible. Responsibility for the fire has been clouded from the outset as a result of several incidents of harassment Picozzi underwent from fellow law students before the fire.



The charred remains of Picozzi's room after the blaze.

Police documents filed with the complaint include reports that:

1) Picozzi was harassed by fellow students because of his request for extra time on a first year exam, supposedly in order to compensate for the fact that Picozzi was missing fingers on his right hand from a childhood lawn mower accident.

2) Picozzi's room was searched by University officials after a student reported that he had seen Picozzi in possession of a handgun.

3) Picozzi was depicted as a cherub holding a machine gun in a poster placed on the Law Quad around Valentine's Day of 1983.

Currently both sides are preparing for the public hearing on the question of Picozzi's involvement in the fire. Parties are negotiating on procedures to be used and a presiding judge. It was thought by Sandalow that a retired state judge would preside, but no judge has been named.

It is expected that the University's case will rely heavily on the testimony of a gas station attendant named in police reports. Brian Meyers, an employee on duty at the Amoco station on Packard and Hill, reportedly told police that he remembered a white male missing two fingers on his right hand making a small purchase of gasoline. Meyers reportedly also picked out Picozzi's photograph from pages from a Law School "face book" with names blacked out, and stated that the purchaser "looked something like" Picozzi's photograph.

When contacted in New York by telephone, Robert Gombiner, an attorney in the Kunstler firm stated that they would have "no trouble" responding to Meyers reported statements, and said that the "police investigation was somewhat incompetent in this regard." Picozzi's complaint points out that the purchaser described by Meyers in reports is 5-6 inches taller than Picozzi and was wearing a coat that Picozzi never owned or has been seen wearing.

Gombiner also indicated that Kunstler himself may be present for the hearing depending on the schedule of other litigation. Kunstler is well known for his participation as a defense attorney in the trial of the Chicago 7.

Regardless of the outcome of the hearing the case will likely continue in litigation for some time. Sandalow stated that if the University should not prevail in the hearing it would mean that Picozzi would be eligible to re-enroll and therefore Sandalow would write an "unqualified" letter of good standing for purposes of Picozzi's transfer to Yale. However, Attorney Gombiner, though he had no comment on the consequences of a specific hearing outcome indicated that they would still seek judicial review of the University's conduct in the case.

The following are excerpts from correspondence included with the Picozzi complaint. They chronicle the disagreements which resulted in the suit.

DATE: April 1, 1983
TO: Vincent Picozzi
FROM: Assistant Dean Susan Eklund
"We have received your request on Jim's behalf to cancel his tuition for the 1983 Winter term... We have therefore processed the disenrollment and, in due course, any sums already paid toward this term's tuition will be returned to you by the University Students' Accounts Office."

DATE: April 5, 1983
TO: Assistant Dean Susan Eklund
FROM: Vincent Picozzi
"Your letter is not correct. I did not request cancellation of my son's tuition for the 1983 Winter Term. I requested information as to what, if any, adjustments in tuition payments are made if a student did not attend classes for a period because of ill health... I wish to be clear that I will pay all tuition requirements that would be required under the circumstances up to the full amount if that is required."

DATE: April 1, 1983
TO: James Picozzi
FROM: Law Club Director Diane Nafranowicz
"I have received notification that the University of Michigan Law School has disenrolled you for winter term 1983... Your student account will be credited retroactive to March 8, 1983."

DATE: April 5, 1983
TO: Law Club Director Diane Nafranowicz
FROM: James Picozzi
"Please note that I did not disenroll or ask for cancellation of my lease at The Lawyers Club."

DATE: May 13, 1983
TO: James Picozzi
FROM: Dean Terrance Sandalow
"...As you know, no criminal charges have as yet been filed in connection with the fire that was set in your room in the early morning hours on March 8. Whether or not such charges are ever filed, the Law School and the University have an independent interest in determining the identity of the person responsible, especially because the continuing presence of that individual within the community would create a serious risk to its members.

In this connection, I have been informed that the Ann Arbor police have requested that you take a polygraph test and that your father has indicated that you would be willing to do so. I am writing to notify you that if you do take a polygraph test administered or arranged by the Ann Arbor police and if that test indicates that you are not responsible for the March 8 fire, you would of course be permitted to return to the Law School in the fall term.

With regret, I must also inform you that unless you take a polygraph test, an administrative proceeding will be required to determine whether you will be permitted to re-enroll as a student. The information available to us has led me to conclude that I would not be warranted in permitting you to re-enroll without a close examination of the question whether you are the person responsible for setting the March 8 fire.

DATE: November 7, 1983
TO: Dean Terrance Sandalow
FROM: James Picozzi
"I formally request a letter stating what, according to you, my academic standing is at the University of Michigan."

DATE: November 16, 1983
TO: James Picozzi
FROM: Terrance Sandalow
"My understanding is that you are currently on a leave of absence from the Law School, having withdrawn while in good academic standing. A question remains regarding your eligibility to re-enroll. As I wrote on May 13, 1983 and again on June 29, 1983, information that we have received from the police has raised a question regarding your responsibility for the fire in your room on March 8. My hope, as I have previously written, is that the question of your responsibility might be resolved by your taking a polygraph examination as requested by the Ann Arbor Police. Were you to take and pass such an examination, under the circumstances stated in my earlier letters, you would of course be eligible to re-enroll at the Law School. If, however, you decide against taking the

examination or if you fail to pass it, a hearing would be necessary to determine your eligibility to re-enroll.

DATE: November 23, 1983
TO: Dean Terrance Sandalow
FROM: James Picozzi
"...I would like you to reiterate that statement of my good academic standing and send it in a letter to Dean James A. Thomas (at Yale Law School)... Let me admonish you, sir, against editorializing. Any statement you make that in any way calls my character into question I will make you defend in a court of law."

DATE: November 29, 1983
TO: James Picozzi
FROM: Dean Sandalow
"...I would be happy to write Dean Thomas to that effect, but believe that it would be misleading for me to do so without a further statement indicating that there is a question regarding your eligibility to re-enroll at the Law School. Since I am not certain whether you would wish me to write such a letter, I shall defer writing to Dean Thomas until I hear from you."

DATE: December 13, 1983
TO: James Picozzi
FROM: Dean Sandalow
"...I am enclosing a draft letter that I am prepared to send to Dean James Thomas, but only if you authorize me to do so. Although every fact stated in the draft letter is true, I am unwilling to send it without your express

authorization. The mere fact that I might prevail in the defamation action that you threaten is not, in my view, a sufficient reason to expose either me or the University to a law suit. The defense of any such action, however frivolous the action might be, would be very costly both in my time and in the expense to the University."

DRAFT LETTER TO DEAN JAMES A. THOMAS, YALE LAW SCHOOL
As you may know, Mr. Picozzi was injured as a result of a fire that occurred in his dormitory room during the night of March 8. Because of his injuries, he withdrew from School and has been on a leave of absence ever since. At the time of his injury, he was in good academic standing, and he remains so at the present time.

An investigation of the fire has led the police to conclude that the fire was deliberately set. Although no charges have been filed, I have been informed by the police that they regard Mr. Picozzi as a suspect and that he has been asked by them to take a polygraph test.

I have informed Mr. Picozzi that if he takes and passes a polygraph test, he will be permitted to re-enroll at the Law School. I have also informed him,

however, that if he decides not to take a polygraph test, or if he fails to pass one, it will be necessary for us to conduct a hearing to determine his eligibility to re-enroll.

In reporting these facts to you, I do not wish to assert, nor even to suggest, that Mr. Picozzi did set the fire in his room last March. I do not currently have sufficient information to warrant a judgment regarding the question of his responsibility...

DATE: December 26, 1983
TO: Dean Sandalow
FROM: James Picozzi
"I totally reject your proposed letter, dated December 13, to Dean Thomas. First, every statement in the letter is not true. Second, it unfairly calls my character into question, something I have warned you about repeatedly.

Indeed, sir, you have argued that you will not write a misleading letter, yet your proposed letter could hardly be more so. It gives the impression that the police have accused me of arson, which they have not. Conversely, it suggests that you do not accuse me of arson, which you most certainly do. Indeed, you are the only person who accuses me of arson.

I also am not deceived, sir, by the casual manner in which you dismiss a defamation action by me. I do not consider to be "frivolous" any such action against one who accuses me of a felony. Furthermore, I have no doubt that I would prevail in any one of a number of actions against you. Indeed, the facts that you attempt to keep me under your thumb and that you refuse to send a

supposedly "true" statement to Yale without my authorization indicate that — despite your bravado — you, too, respect my ability to prevail in a lawsuit.

However, sir, you clearly have no intention of dealing honestly with me. I, therefore, terminate our correspondence for now. After January 1, I will pursue this matter through more influential channels with other University of Michigan officials.

DATE: July 30, 1983
TO: Dean Sandalow
From: William Kunstler
"I am writing to request that the University of Michigan Law School grant Mr. James M. Picozzi a letter of good standing, so that he may apply for admission to other law schools.

As you know, Mr. Picozzi was the victim of repeated harassment during the almost two years he spent at the University of Michigan. This harassment ranged from the infantile, e.g., placement of derogatory posters about Mr. Picozzi throughout the law school; to the cruel, e.g., making fun of his physical handicap; to the criminal, e.g., filing a false report that Mr. Picozzi had a firearm in his possession, causing a search to be conducted of his room. Mr. Picozzi was hectorated in the classroom, pushed around in the library, and harassed while in his own room. Despite numerous complaints to your office, no action was ever taken against those individuals responsible. This harassment was so obvious that Professor Yale Kamisar felt compelled to personally intervene on behalf of Mr. Picozzi, chastising one of his principal tormentors.

I have reviewed your draft letter of December 13, 1983, and agree with Mr. Picozzi that it is unacceptable. First, your demand that Mr. Picozzi submit to a polygraph examination as a condition precedent to his re-enrollment is not justified by any University of Michigan rule or regulation, and is undoubtedly unconstitutional. To force Mr. Picozzi to submit to a procedure which every court in this nation has found unreliable, forcing him to prove that he did not commit a criminal act, is inconsistent with the most basic notions of due process. You cannot legally condition Mr. Picozzi's re-enrollment upon his submission to such a procedure, and in any event, there is no reason to inform other universities about what you might try to do should Mr. Picozzi attempt to re-enroll. Second, your statement, "I do not wish to assert, nor even to suggest, that Mr. Picozzi did set the fire in his room last March" is a rather disingenuous use of a negative pregnant. Since you "do not currently have sufficient information to warrant a judgment," I would request that you omit references to that which you do not know, and avoid implying that which you state you are not trying to suggest. Lastly, your recitation of police "suspicions" about Mr. Picozzi is unwarranted. Mr. Picozzi is legally innocent of any wrongdoing and it is illegal and unconscionable for him to suffer civil disabilities because certain police officers do not share the views of the District Attorney.

Letters Between Picozzi and U-M

Dimon Puts Family Before Law School

from page one

a publication. Prof. Rosenzweig . . . encouraged me to think about it, and suggested I talk to Prof. Whitman. So I did. I also talked to my wife who told me she wasn't interested in living in strange big cities. So I again had almost eliminated the idea of clerking. But I asked Prof. Whitman, at the risk of seeming overreaching, how to apply for Supreme Court clerkships. . . . I thought I could talk my wife into Washington on those terms. Justice White actually called Prof. Whitman three days later, so she gave him my name, and he invited eight or ten of us for interviews.

RG: What was that like? What did he ask you?

SD: The questions were very personal and low-key. We talked about my background, that is, my family, what I do for exercise. We talked about being from the South. I think it was just White's way of seeing if he felt comfortable with the candidates.

RG: Did you think about Justice White's politics, or was that not important?

SD: Yes, somewhat. I'm sure we'll have areas of agreement or disagreement. (I've been told) Justice White does enjoy discussion and bouncing ideas off his clerks, and isn't just looking for rubber-stamping of his predilections. But I'll be perfectly willing to write opinions the way he wants. That's the job I was hired to do.

RG: Do you have any ideas on what you'd like to do after your clerkship?

SD: Just ideas. I like Atlanta pretty much. . . . I grew up in Georgia.

RG: Have you thought about teaching at all?

SD: I've thought about it. I do enjoy interactions with students. I'm not sure I would enjoy the publishing pressure, as much as I would enjoy

working for private clients—that doesn't necessarily mean paying clients. It's easier for me to think what I'm doing is important if someone else thinks it is.

RG: I think I was told that you were a church social worker before?

SD: Yes, that's true. I've worn a number of hats.

RG: What else have you done?

SD: I worked as a church social worker and in a day care center in Atlanta. Then I came up to Michigan and worked in a factory for a year, and in construction for four years.

RG: As a hardhat?

SD: Part of the time. I did layout and blueprint work some too. I like that kind of work very much. I can't claim that I had a calling to be a lawyer since childhood. It was the fact that there was a depression in the construction market that sent me back to law school.

RG: Why law school?

SD: I wanted a non-academic profession. And I had a friend in Ann Arbor who's a lawyer, and during one of the times I was laid off, I suggested to him that I work for him as a clerk and that he train me in exchange for my services. So he did that, and that was a good way to find out that I like doing legal research and that I could do it well.

RG: I know you have a family, and I also know that you made the Law Review and then decided not to do it. How do you balance your family commitment with your being in law school?

SD: My guiding principle is that my family commitment is more important than my professional commitment. I certainly expect the two to be compatible, but if it were a case of irreconcilable conflict I would consider family commitment more important. I tried to make a practice of setting aside a particular time for

family activities when I came to law school. So I spent on the average of oh, from 5:30 to 8:30 or 9 with my family, and I also did not work on Sunday, but made that a family time. I just set my expectations so that I would finish my work and have that time. It's not hard to do. Actually I think I'm more rested and can think better because I don't spend all of my time on law studies.

RG: How do you feel about the law school as an institution?

SD: I guess I'd say that law school is not the way I'd train lawyers if I had all the resources in the world and an adequate supply of good teachers. I don't think the feedback is adequate. It's very difficult to do on a personal basis when you have a lot of students. I think for a lot of students it's very mysterious why they do poorly or why they do well.

RG: Do you think the law school grading process identifies the students with the best potential as lawyers?

SD: Grading tells you something about a student, but there's a lot it doesn't tell. . . . An exam doesn't directly measure the interpersonal skills such as advocacy or negotiation, however. . . . Then, too, grades can act as a self-fulfilling prophecy, because the students who do well initially get onto a fast track through the job offers—including the summer job offers—they get. The bottom line with grading is that it's a cheap way of getting moderately reliable information about students. Grades are there primarily for employers. They're only marginally helpful—and in some cases harmful—as a form of feedback to students.

RG: Got any tips for a first years?

SD: Yeah, I might. Learn what works for you, and don't be overly concerned with following patterns, like briefing cases. . . . I've never briefed a case. Use class time for learning. Be thinking about what's going on, and don't be afraid to get involved. It's a lot more interesting if you participate, and it's really the only chance in law school to get feedback on your ideas, aside from discussions with other students.

RG: Did working between college and law school help you?

SD: Yes, a great deal. First of all, it helped me learn how to handle responsibility. Also, a little experience gives you a sense of yourself and a little bit of confidence. I felt more sure of who I was and less that my sense of self-worth depended on how I did in law school. It takes some of the pressure off law school.

Also knowing how limited the opportunities are for most people in our society makes me want to make the most of my time here. I like being here. I think it's important for the student body to realize what an opportunity this is. I don't mean just an opportunity to make money. It opens a lot of doors, including a lot of interesting public service jobs.

One thing that helped me do well and I think could help anyone do well is what Coleridge called "suspending your disbelief." See what goes on as drama, you have to put the life into it. Working before law school helped me to do that. It helped me to put flesh and blood on bare bones hypotheticals. It's hard but it's important to believe that this can all matter to real human beings.

Wanted: Anyone to Fill Space

from page one

works here and we appreciate all of the staff's work, but it just isn't enough. We still need more people to write. Heck, you don't even need to write; you can just come and help us lay the paper out on Tuesdays in 408 Hutchins Hall.

So why should you? Because, as a law student, you probably love to write. What better opportunity.

Why else? Because we have good parties. You can even sometimes squeeze free beer or pizza out the place.

Why else? You can tell interviewers you write for a law school publication.

O.K., it isn't the Review, Journal, or Yearbook, but it is published.

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So how do you join? Come up to 408 Hutchins Hall any Monday or Tuesday after 3:30 p.m. and you'll become a member. We're going to have a more formal meeting soon, but right now we're so busy putting this out that we haven't had time to set a date.

So come up and join. If you do, we can stop writing senseless tripe like this.



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DILLONS

Brownstein, Zeidman & Schomer

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is pleased to announce that it will be interviewing interested 2nd and 3rd year students on

Wednesday, October 3

for positions with the firm during summer, 1985.

Students' interview request cards are due in the Placement Office on September 14

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of Las Vegas, Nevada

is pleased to announce that it will be interviewing interested 2nd and 3rd year students on

Monday, October 1

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**Blackwell, Sanders, Matheny,
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of Kansas City, Missouri

*is pleased to announce that it will be interviewing
interested 2nd and 3rd year students on*

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of Minneapolis, Minnesota

*will be interviewing all interested 2nd and 3rd year
students on*

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*Our firm consists of 75 attorneys practicing in the areas of
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GOODWIN, PROCTOR & HOAR

of Boston, Massachusetts

*is pleased to announce that it will be interviewing
interested 2nd and 3rd year students on*

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Students' interview request cards are due in the Placement Office on September 14.

General Motors Corporation

of Detroit, Michigan

*is pleased to announce that it will be interviewing
interested 2nd and 3rd year students on*

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Students' interview request cards are due in the Placement Office on September 14.

Snell & Wilmer

of Phoenix, Arizona

will interview 2nd and 3rd year students on

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hire approximately 15 new and 15 summer associates. The firm's
practice includes a broad spectrum of corporate, commercial, and
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feedback, and evaluations.*

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Varnum, Riddering, Schmidt & Howlett

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*will be interviewing all interested 2nd and 3rd year
students for summer 1985 positions on*

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*Our firm brochure is available for your review in the
Placement Office.*

Students' interview request cards are due in the Placement Office on September 14.

Bond, Schoeneck & King

of Syracuse, New York

*is pleased to announce that it will be interviewing
interested 2nd and 3rd year students on*

Tuesday, October 2

for positions with the firm during summer, 1985.

Students' interview request cards are due in the Placement Office on September 14.

**PHOENIX, ARIZONA FIRMS
SPONSOR OPEN HOUSE
at LAWYER'S CLUB LOUNGE**

*All interested students are invited to an informal program
about living and practicing in Phoenix, Arizona. Join us for
wine, cheese, and conversation on Monday, September 17 from
4:00 - 6:00 p.m. See the Placement Office for interview
dates and firm resumes.*

SAUL, EWING, REMICK & SAUL

of Philadelphia, Pennsylvania

*will be interviewing all interested 2nd and 3rd year
students for summer 1985 positions on*

Monday, October 1

Students' interview request cards are due in the Placement Office on September 14.

Brown & Bain

Jennings, Strouss & Salmon

O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears

Fennemore, Craig, von Ammon, Udall & Powers

Lewis and Roca

Snell & Wilmer

Streich, Lang, Weeks & Cardon

Budget

ATTENTION ALL STUDENT ORGANIZATIONS

The Law School Student Senate is currently accepting applications from student groups for funding for the 1984-85 school year. The process proceeds as follows:

Wednesday, September 19, 1984: all funding requests must be delivered to the LSSS office (217 Hutchins) by this date. Budget request forms are available in the Senate office if your group has not already received one.

Monday, September 24, 1984: Beginning at 8:30 p.m., the Senate will hold hearings regarding the budget requests. All student groups who have applied for funding are invited to attend this hearing for the purpose of making a five minute oral presentation supplementing their written request.

If there are any questions, contact Jim Lancaster, LSSS President by leaving a note in his box in front of the Senate office.

Notices Policy

If you want to announce, publicize, or describe, submit a NOTICE to the RG. Notices should be typed, double-spaced, and submitted to the RG office (408 Hutchins Hall) by Sunday at 6 p.m. Please keep them short, or we'll edit them, and what we cut may not be what you want left out. Please note: **UN-TYPED NOTICES WILL NOT BE PUBLISHED.**

Student organizations ("official" or otherwise): this year the RG will be offering a special ad rate for student organizations. You can have a quarter page for \$15, or 4 column inches for \$7. If you want a different size, or a discount for running lots of ads, talk to us — we're happy to negotiate.

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Notices

ALBERT SACKS, Dane Professor and former Dean of Harvard Law School, will give the keynote address of a year-long symposium on The Future of Legal Education on Sept. 12, 1984 at 12:30 p.m. in Room 120, Hutchins Hall. Sacks will speak on the importance of teaching "Alternative Methods of Dispute Resolution" in law school. The symposium is being sponsored by the Law School Student Senate Speakers Committee.

Sacks is a 1948 graduate of Harvard Law School. After clerking for Judge Augustus N. Hand and Justice Felix Frankfurter, Sacks joined the faculty of Harvard Law as an Assistant Professor in 1952. He became a full Professor in 1955, and has held the title Dane Professor since 1969. He served as Dean of Harvard Law from 1971-81. Sacks' areas of expertise include Civil Procedure and Constitutional Law; Legal Process. He has written extensively on the subject of innovative legal education.

A luncheon will be held for Sacks in the faculty dining room following his speech. Students interested in having lunch with him may sign up on the sheet located on the bulletin board outside the Student Senate office.

By sponsoring this year-long symposium, the Law School Student Senate hopes to promote both student and faculty discussion of issues related to both the substance and process of legal education. Future speakers will include Professor Roger Crampton, Visiting Professor of Law at U of M, 1984-85, and Charles Halpurn, Dean of the City of New York Law School at Queens College. Persons interested in proposing future speakers should put their suggestions in the Speakers Committee mailbox outside the Student Senate office.

WANTED: M.S.A. REP. The law school representative to the Michigan Student Assembly (M.S.A.) has resigned. Those students interested in filling this position should submit a one-page statement detailing their qualifications and interests to the Law School Student Senate by Friday, September 14. A replacement will be selected at the September 17 LSSS meeting.

ANNOUNCING: 1984-1985 Campbell Moot Court Competition
General Topics: Criminal Law and Evidence

Facts: Celebrity Rape Trial
Goal: Primary emphasis on polished oral presentation and brief, with less technical legal research.

Eligibility: All second and third year law students.

Assistance: Seminar in mid-October on appellate brief writing and argument.

General Meeting: Tuesday, September 18 at 4:30 P.M. in Room 120 Hutchins Hall (additional information will be posted on Moot Court bulletin board, second floor).

Chairmen: Darrell Graham, Joe Gunderson, Jon Frank.

THE WOMEN LAW Students Association invites all law school women to a potluck dinner in the Lawyers Club Lounge at 6 p.m. on Sunday, September 23. Second and third year students should bring a dish. First year students need only bring their appetites. Spouses and friends are welcome. All those interested in attending should sign up on the WLSA bulletin board in the basement of the Legal Research Building.

OPPORTUNITY Available for Program Assistant at: Student Advocacy Center, 420 North Fourth Avenue, Ann Arbor, MI 48104. Law student needed. Must be able to articulate issues and develop strategies to relieve systemic problems which adversely affect students in the public schools. Small, public service agency environment. The program monitors especially the requirements of poor, minority and special needs students. Estimated time commitment per week: 15 to 20 hours. Compensation: \$5 per hour (College Work Study Program). If interested, please contact Ruth Zweifler, 995-0477.

ENVIRONMENTAL LAW Society Meeting: The ELS will have an organizational meeting at 7 p.m. on Wednesday, September 12 in Hutchins Hall Room 236. We will discuss proposed projects for this year. We need volunteers in all capacities, and everyone is welcome. Refreshments will be served.

ON FRIDAY, September 14, at 7 p.m. in the Lawyers Club Lounge, UM Law students will hold an Alternative Orientation. First years are urged to come hear a range of fellow law students discuss their efforts to chart an alternative course here at Michigan, or to cope with the decision to follow more traditional paths. Brief accounts of legal work, both within and without the Law School, will be mixed with efforts to address many of the hassles of law school life. The talk will be informal. First years are encouraged to bring their questions. Refreshments will be served. The program is sponsored by the National Lawyers Guild.

OFFICE SPACE: The LSSS is soliciting comment and response to the proposed allocation of newly available office space on Level 7 LR. Two or possibly three student groups may be able to obtain office space, and the LSSS is aware that both LGLS and JLSU have been seeking office space for some time. Student groups interested in applying for consideration of office space are invited to attend the LSSS meeting of September 17 at 8:30 p.m. in Room 212. For more information, please contact any member of the Student Senate.

ELECTIONS. The Law School Student Senate (LSSS) will hold elections for first-year representative on October 4, 1984. Nominating petitions will be available in the LSSS office on September 19. Candidates have until September 26 to have them signed and returned to the Senate office. Senate representatives will be visiting all first-year sections during the next week to explain the electoral process in more detail.

FRIDAY, September 14, 1984, 3:30 p.m. - Room 150 H.H. The view from recent grads — "If I'd only known then what I know now!"

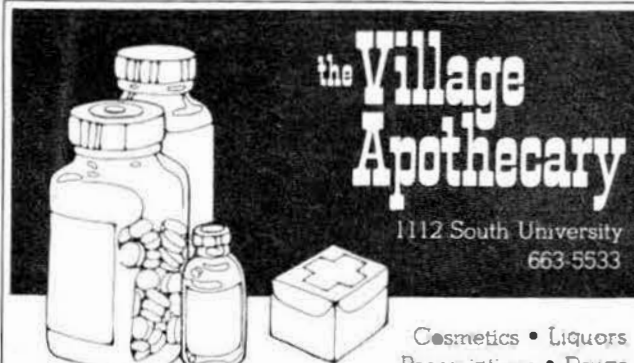
These recent grads will briefly discuss their jobs and how and why they are there. Then there will be ample time for questions and discussion. **please attend**

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How I Spent My Summer Vacation

By Don Itzkoff

Summer is over and the paychecks have stopped. During the month of August, second and third years at law firms everywhere relinquished posh associateships to resume a subterranean existence here in Ann Arbor. Not everyone defended the bastions of corporate capitalism; a few did contribute to the social welfare.

Not me. For ten weeks, I sold myself to the Washington, D.C. office of a major Philadelphia law firm. I survived, enjoyed the experience even. This is my story.

On the first day of work back in June I arrived at the appointed time, underwent orientation, took a tour of the place, and settled into my office. My office. Along the back wall, a huge picture window. On my left, a potted tree, two bookcases, a coffee table, and an overstuffed armchair. In front of my desk, itself of imposing size, perched not one but two inviting cane seats. All this, and a telephone console sophisticated enough, it seemed, to launch a preemptive nuclear strike.

As I sat at my command post in the moments before the storm, I envisioned my entry upon the legal landscape. A small battalion of paralegals would do my bidding. Armies of secretaries would screen me from trivia. A bit of research, perhaps, and then aboard for lift-off, headed directly for the very apex of the legal right stuff itself.

Reality in the form of the library, unfortunately, brought me spinning back to earth. They paid you, I learned, to

work. And work, in my case, meant railroad law:

"Itzkoff, I need you to analyze this pile of trackage rights agreements dating from 1904. Tell me how we can break them."

"Itzkoff, provide me with a complete summary of passenger train discontinuance procedures: federal, state, and local. Twenty pages. Tomorrow."

"Don," (there were some nice partners at this firm), "we've been litigating this application for modification of joint intra-territorial freight rates for over three years now. Give me an idea of the distinction between mootness and loss of ripeness, will you?"

I handled other matters besides railroad law, too. Some trucking work. Some choice of law doctrine. I even sampled telecommunications. But although the subjects of memos varied, one constant remained — the library. I spent many hours on behalf of the firm (most of them at a carrel; few of them in my office), but on only one assignment did I glimpse a client.

Such was the life, I discovered, that beginning associates led. Their jobs paid well, and many of them owned expensive sports cars like the kind I wanted. These young attorneys drove in the fast lane, but they paid their dues at the library. Only after the first few years of the partnership gestation period would they emerge, bug-eyed, from the world of Lexis.

As a privileged summer associate, however, I escaped devoting my every

waking minute to the reporters. By spending an inordinate amount on fine food and wine, the law firm itself insulated me from the realities of the workplace. Partaking of the recruiting honeymoon meant extravagant meals, classy cocktail parties, expensive theater and sports tickets, and a moonlit cruise on the Potomac. Only a clod could fail to appreciate such largesse, but these social affairs, it sometimes seemed, constituted a double-edged sword.

For, while I enjoyed, the firm evaluated. Even library superstars could be weeded out as social misfits. I needed constantly to watch everything I said or did. Attending one night ballgame with two partners, for example, I dared not leave my seat or even open an umbrella to ward off the drenching rain lest I be branded as lacking some mystical legal quality crucial for success. This tension affected me perhaps most acutely during the last inning of the last game of our winless softball campaign. For the final three outs, a very senior (and very immobile) partner decided to replace our slick-fielding first baseman. Trying from my shortstop slot to aim the ball directly at His Eminence, I tightened up, lost my cool, and committed two consecutive throwing errors. We did not win the game.

All of this play — the lunches, the tennis, the limousines — spawned a fantasy world for the summer. Hitch up with the firm permanently, and the hay ride would cease. No more concert

tickets, at least until partnership. On the river cruise, I counted all of the summer associates (naturally), and most of the partners, but only one full-time associate. Work beckoned for all the rest.

My assignments contributed to the make-believe atmosphere. Once I joined the firm, the structured, instant feedback, one-memo-at-a-time set-up would vanish. So would my weekends. I might be holed up in the library for years, or even worse, stuck in the bowels of one case forever.

Most surreal of all, the paychecks kept rolling in. Each week of library time equaled 200 hours of work at McDonald's. The money was so seductive — if I signed on, I could have my Porsche at 25.

Now it's all over. Having returned to the Midwestern wastelands, I can finally get some perspective. To be honest, I'm not sure if the big-time corporate practice is for me. For, when you get right down to it, the trade-off is pretty simple:

If you want a fast car, you'd better enjoy the Shepard's life.

Don Itzkoff, a second year, will be searching this fall for an alternative legal lifestyle. His first book, Off the Track, will be published next July by Greenwood Press.

THE FUTURE OF LEGAL EDUCATION: A SYMPOSIUM

KEYNOTE ADDRESS

ALBERT SACKS

Professor of Law and former Dean of Harvard Law School

September 12, 1984 at 12:30 P.M., Room 120, Hutchins Hall

University of Michigan Law School Student Legal Services Symposium, sponsored by the Law School Student Society



Feature

A One Way Ticket to Palookaville

By Michael Barnes

Boy am I glad to be back home. Michigan — where a "white tie" dinner means you have to lace up your high tops. This is the place that brought us Gerald Ford, Pasties, Amway, and the Mercury Comet. Even Norman Rockwell thought this state is hokey: you never saw his freckle-faced models playing with toxic wastes or shooting each other on drunken hunting sprees.

On behalf of the law school, the city, and Gov. Blanchard's "Say Yes to Michigan" campaign (designed and packaged in New York City), I welcome all of the newcomers to the Detroit metropolitan area, the Hoboken of the Middle West. For those of you who are merely returning here, what can I say? Dust off your white loafers and iron those bell bottoms, it's time to drink light beer and go bowling.

By way of an introduction, I should tell the new students and faculty that this newspaper is the *Res Gestae*, the meaning of which nobody knows because it was an evidentiary term at common law and we are taught the new federal rules. There is a modern counterpart to the *res gestae* witness rule in the hearsay exceptions, but we simply couldn't change the name of our paper to *The 803(9)*, or whatever the rule is.

Besides, everyone calls the paper "The RG" because he or she does not know how to pronounce "res gestae" and "RG" sounds kind of homey and folksy, making the paper something you wouldn't mind lining your hamster cage with or even eating, on those nights when the Lawyers Club is having cheese souffle.

Technically speaking, this particular page is called the "Feature" page because, back in early days, we used to save it for interesting human interest stories and short did-you-know type ar-

cles. In the last few years, however, the back page has degenerated into the Feature Editor's personal syndicated column, in which he or she is given free reign to expound upon whatever minor triviality ticked him or her off recently.

As a policy matter (torts professors always approach things this way — why can't I?), things approach a perfect equilibrium. That is, the more obnoxious and tasteless the ramblings of the Feature Editor are, the greater the incentive for other RG readers to offer contributions of their own. In fact, the Editor takes judicial notice of the fact that he is the *editor*, not the *writer*, and will gladly print any dull, inappropriate, rude, filthy material that comes along so that he may sleep in on Sunday mornings. Or at least watch the Abbot and Costello movie.

Moving onward and upward, I introduce you, as well, to the University of Michigan law school. As you probably know, the law school (with a little help from the Western Europe division of the Comparative Government department) is solely responsible for people across the country thinking that Michigan is still a great university. I advise you to carry your status proudly: it is known that even after solving the Riddle of the Sphinx, Oedipus was not allowed to proceed further until he showed his Michigan Law School diploma; it is a further known fact that the Red Sea consistently refused to part until Moses sacrificed a recent volume of the *Journal of Law Reform*.

At any rate, there's not much left to say about the law school that I haven't already stated in polemics past. My advice to first-years is pretty much the same from year to year: don't be too intimidated by the guy next to you because he has a briefcase and sub-

scribes to the A.B.A. Journal. The guy next to *him* — the one on roller skates who's reading *High Times* magazine — is going to kick his butt all over the place in court. You probably will too, if you get off the golf course in time.

Moving along, you have probably noticed that this is Ann Arbor, Michigan, which was the drug capital of the Midwest until Aspen began to be considered Midwestern, kind of. You'll probably like Ann Arbor because it has become the quintessential Yuppie college town. It has trendy stores, health clubs, ultramod architecture, California nouvelle restaurants, and a Saab dealer. It's a real neat place but don't get the idea of staying here and trying to practice law: of the 100,000 people in town, one-third are students and the rest are attorneys.

Incidentally, a few of you may remember names like the SDS, Tom Hayden, Black Panthers, and the like. I am happy to report that the revolution is still alive and well in Berkeley, where hundreds of Willie Nelson look-alikes lie around on the sidewalks, selling gray rocks and smelling pretty bad.

Most importantly, though, this is Michigan. The Middle West. The Heartland. Good people. Down-to-earth people. You won't see them in Ann Arbor, but they're just down the road a piece. If you are coming from another part of the country, you will be tempted to make quick judgments about Michigan. It is ugly. It is flat. The people are shaped strangely and dress like slobs. The cities — what is left of them — are crumbling, decaying, symbols of obsolescence and ruin, and the ever-cloudy skies only add to the sickly pallor of the landscape. It is all true, every thought and word. But those are the easy observations.

Standing in line at a San Francisco restaurant this summer, I overheard a conversation between two men who were obviously clerking at another firm. My home, said one, is pretty rough. It's flat and ugly. The railyards and factories of the city are abandoned, the weather is unbearable most of the year, and the people are uncouth and provincial. I interrupted, asking if he was from Detroit. Cleveland, he said, and together we joked about how that description could only have described the industrial Midwest.

But, as I say, that is the easy part. If you are around here long enough, you will see another side of the Midwest. It really is the heartland, as corny (no pun intended) as that sounds, and if you are into decent, modest, hardworking people, they're probably here if they're anywhere. There is a reason why ABC chose Lawrence, Kansas to obliterate: that's where the good, innocent, middle Americans are. Kansas isn't that far from Michigan. I hope that you don't take school so seriously that you don't explore Michigan while you are here.

So, this is my introduction to the RG, the law school, and my neck of the woods. I don't really know whether I like it here or not, although I approve of it. Having always thought of the Midwest as a place where people still get married and buy Oldsmobiles, I guess I'll always have a little of that in me: wherever I go, my wife and Cutlass will be right by my side.

For now, it's good to be back. Preparing to leave California, I thought of Marlon Brando's proverbial ticket to Palookaville in *On the Waterfront*, and ordered one for myself. Better make it one-way, I thought.

Law in the Raw

compiled by Dana Deane

The Uncoupling Process

Custody of the children was no problem; they were already in their twenties. But custody of the \$4,000 in toy trains was the issue when Noel and Sondra Kay Buckner of Garland, Texas got divorced. They worked it out so that he got the American Flyer, the water tower, the coal loader, log car and caboose, among other things. She got the 1935 Comet locomotive, three passenger cars, a bridge, another tunnel — and visiting rights to his toys. Judge Josh Taylor was satisfied, but said that he too wanted rights to visit the trains, if only at Christmastime.

ABA Journal July, 1984

Reagan's Illinois Hopes Sink

President Reagan seems to be spending a lot of time campaigning in Illinois, but it may not be helpful in electing him. In recent elections, four out of every two persons in Cook County has voted democratic.

Paul Harvey, ABC Radio 9/5/84

The People Speak

Mary Goode Rogan is a former judge of the Los Angeles County Superior Court. She was presiding in a criminal case and the day came for imposing a sentence. The defense lawyer made an impassioned plea for leniency. Judge Rogan turned toward the district attorney and said, "Do the People care to make a statement?" On hearing this, a little old man in the back of the courtroom stood up and said, "Yes, your honor, go easy on him. He seems like a nice guy."

ABA Journal May, 1984

Quotes

"I feel good, I'm living and breathing.... I got a good lawyer." — Singer Jerry Lee Lewis after being freed on bond while facing charges of tax evasion.

"Don't you realize," he said, "there are men who'd give their right arm to be in this law school, men who would use their legal education" — Transportation Secretary Elizabeth Dole recalling a male classmate's remark to her on her first day at Harvard Law School in 1962.

Legal Route to Top

About 8 percent of the chief executive officers of major business organizations got to the top by way of legal work, according to a study by Heidrick and Struggles, a search firm. The legal path ranked fifth among routes to the chief's office, after sales/marketing (31 percent), finance/accounting (25 percent), manufacturing/operations (21 percent) and engineering/research (11 percent). The survey was conducted among the heads of the nation's 500 largest industrial companies and 500 largest nonindustrials; it drew 321 responses.

ABA Journal July, 1984

Attention: Resume Writers

At least HALF of all resumes contain some kind of false material, say experts in the employment field. They say lawyers are less likely than others to distort the facts, because of the repercussions involved, but are not above embellishing a fact or two.

ABA Journal July, 1984