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The RES Gestae

Vol. 32, No. 14

The University of Michigan Law School

February 1, 1984

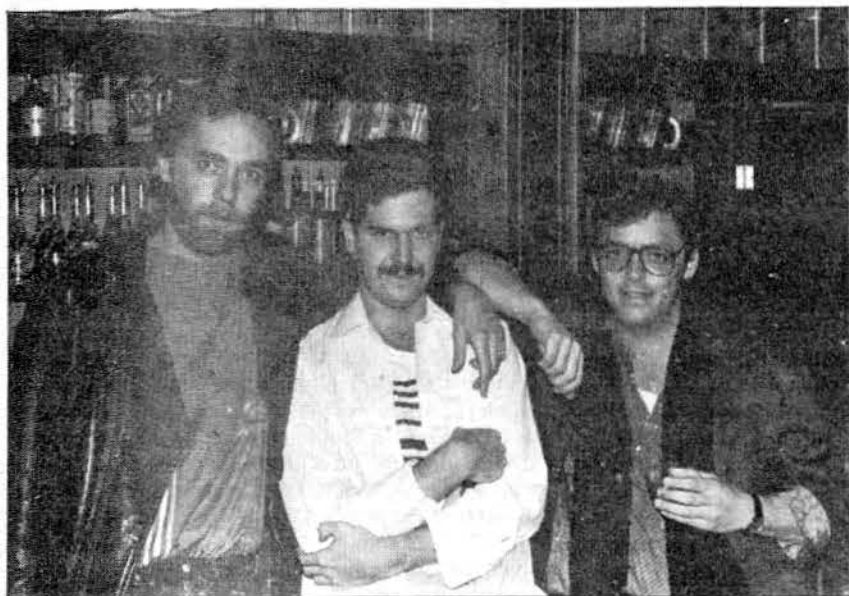


Photo by Dean Bruza

But where's Scott Dew? All duded out, it's the Peorians themselves. Dan Sherrick, Joe Cohn and Mark Schreier pose for the camera in front of some of the interior artwork at the Club Peoria. See PEORIAN page seven.

SLS Flooded With Requests

By Bruce Vielmetti

Got a yen to try some real lawyering and gain some practical experience, but can't fit a clinic into your schedule? Consider crossing the street. The University's Student Legal Services (SLS) has almost tripled its staff of law student volunteers this semester.

If the program works well, said SLS Director Margaret Nicholls, more law students might be needed next year.

Student Legal Services, located on the third floor of the Union, previously had three law student volunteers, but has taken on eight this semester, six second-year and two first-years.

"We will see how this works out," said Nicholls. "This is an experimental process we're trying. You can have only so many people feeding stuff up

through the office, before the actual attorneys get overloaded."

For now, Nicholls credited the extra student volunteers with helping the office attack the early semester casework pile-up, partly as a result of the more than usual number of landlord/tenant problems caused by frozen pipes over the semester break.

Nicholls said that when students began returning from vacation, about every third call the SLS took was about frozen pipes, flooding and damaging property. Until recently, she said, there was a two to two-and-a-half week wait for an appointment. Now it's down to a week or less, she said.

In addition to the law student volunteers, SLS employs four attorneys, one intern, a law school graduate awaiting

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Judges Ignore Deadlines, Shaft Clerkship Applicants

By Ruth Milkman

Although the final results are not yet in, it looks like the change in the judicial clerkship process has claimed a few casualties.

"Some people got hurt by the new system," said Placement Director Nancy Krieger. "Our students seem to have almost uniformly cooperated (with the new September 15 deadline). Apparently that wasn't the case at all schools."

Because the time for clerkship hiring was creeping back into early spring of the second year, the Judicial Conference this year asked judges not to hire un-

til September 15. However, a number of judges did not comply with the deadline.

Tom Frederick, an article editor of the Law Review, got two interviews, but no clerkship. "I didn't send out letters until September 15. Then I got back letters saying, 'we left it to judges to decide whether to comply... I didn't.'"

Frederick and Managing Editor Marie Deveney agreed that the Law Review didn't do quite as well this year as it usually does. "There were an unusual number of people on Law Review who didn't get clerkships," said Frederick.

Added Deveney, "there is some sense that some people who did not get clerkships may have been hurt by adherence to the suggested deadline." Last year at least 12 law review members got clerkships; this year the number has sunk to 9.

However Deveney said that she thought a lot of non-review people got clerkships. This suggestion tallies with Krieger's data. According to Krieger, 35 to 40 students have gotten clerkships each of the last three years. So far this year only 20 students have reported clerkships to the placement office, but

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Faculty Bytes; Buys Computers

By Bruce Vielmetti

While the rest of the University community ponders the possibilities of scalping discount Apple computers to the less fortunate computer-buying public, faculty at the law school are learning all the pleasures and frustrations of having an IBM personal computer sit right in their offices.

For the past month, the law school has been installing some 40 IBM personal computers throughout the offices of faculty members who have chosen to spend some of their annual professional development allocation on the new equipment.

According to Henrietta Slote, administrative assistant, about a quarter of each system's approximately \$3,000 cost will be paid over two years by each faculty member from his or her annual allocation of about \$1,500.

"There's no personal money involved

here," said Associate Dean Edward Cooper. "These are all law school funds." Cooper explained that each regular faculty member's allotment may be spent on research, books, office equipment or professionally related travel.

Slote credited students for the impetus to further computerize the law school. "They have been returning from summer jobs, saying, 'Hey, we need more of these!'" she said.

The primary use foreseen by most faculty, Slote said, is wordprocessing. Even if professors themselves don't use the computers extensively, she pointed out, they have appreciated the fact that their secretaries wouldn't have to leave their offices for extended periods to use the wordprocessing facilities on the seventh floor of Legal Research.

In addition to wordprocessing, many of the computers will allow access to

LEXIS, Westlaw and MTS, the University's main computer system. Link up to such other information networks required the installation of additional phone lines in Legal Research, but Cooper said the cost of the extra wiring was minimal.

Cooper also pointed out that faculty who choose to use their computers to link into such services will have to foot the bills for that time.

About 30 of the systems have dot matrix printers, said Slote, and two letter-quality printers will serve all the systems jointly.

Students should benefit from the new computers' arrival too. Slote said that when secretaries have word processing right in their offices, the seventh floor facilities should open up, allowing greater access during the day for Journal of Law Reform and International Yearbook staffs.

See COMPUTERS, Page 6



Photo by Dean Bruza

Reingold Captains Clinic

With the departure of former Clinic director Steven Pepe to the federal bench, Paul Reingold, 32, has taken over as interim Clinic director. Before joining the Clinic last year, Reingold worked with Legal Services of Southeastern Michigan for five years and put in a short stint for the city of Ann Arbor. A Boston University Law School graduate who recalls getting through all of Proust as a memorable law school achievement, he stole a few minutes from a busy case conference schedule to talk to **RG** managing editor Bruce Vielmetti about Clinic.

RG: What do you see as the primary benefits a student can gain from taking Clinic?

PR: I think the main benefit is the

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Res Gestae

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Dear Professor

Dear Professor,

Please, please, please stop your classes on time. We're fascinated by the material, we hang on your every word, but this is getting to be too much.

Do you really expect the eighties superwoman to leave the second floor at three minutes past the hour, whiz to her locker, make that brief but necessary stop in the bathroom, and still make it to her next class which starts at five minutes past the hour? Man, we're good, but we're not that good.

You put us in the position of being rude in your class, or being rude in our next class, and of course, we'd rather not be rude at all. But given the choice, we'll start leaving early.

Moreover, nobody really gets anything out of those precious last few minutes because our eyes are on our watches, and our minds are on getting out the door.

You know you are upsetting whichever esteemed colleague follows you into that classroom, not to mention the angry hordes massed outside the door, who nearly trample us in their eagerness to get into the room.

You don't even have to admit you got the idea from this editorial. We'll never tell a soul. And just think how many thankful students and professors there will be the very first time you finish speaking on the hour. You might even get fan mail (watch this column).

We think Prof. Kamisar has the right idea. He appoints a timekeeper to yell "time" on the hour. Look, if Prof. Kamisar can stop on time, anyone can.

Here's our offer. You stop when the big hand is on the twelve and we promise to stop slamming our books shut, rustling papers and sighing loudly. Deal?

P.S. Please do not take this column personally. Please do take it seriously. We don't for a minute think that you intend to cause the fidgeting anxiety that bladder discomfort brings, but you can understand the dangers involved in going three minutes over the hour.

Let us not degenerate into personal problems. For truly, this is everyone's problem. Just think, when one professor runs over, the next starts late, so he or she runs over, and voila, it's the domino effect. Dear professor, do be a Do-bee. Don't be a domino.

Opinion

Meese as Attorney General: Law and Order at Any Price?

By Andrea Lodahl and Brad Heinz

President Reagan has appointed Edwin Meese, 3d, the former White House counsel, to replace William French Smith as United States Attorney General. Though his confirmation seems relatively certain, critics wonder how well Meese will be able to defend his anti-civil liberties get-tough policies in the heated atmosphere certain to prevail at the hearings.

Meese, a former assistant district attorney for Alameda County, California, has a law-enforcement perspective rather than a broad legal policy perspective — an outlook reflected by his favorite hobby, listening to police radio. During his tenure as White House counsel, he has frequently aired views unsympathetic to the underdog. He has consistently opposed Legal Services and recently announced his disbelief in American hunger. What political views and objectives will Meese bring to his new job, if he is in fact confirmed?

Meese is committed to law and order, apparently law and order at any price.

Meese's desire to reform the criminal justice system includes enthusiasm for Administration initiatives to federalize certain elements of criminal justice, notwithstanding the usual Republican

sidered.

Meese also seems to feel that the Justice Department's role includes straightening out the Supreme Court. He approved the June 1982 filing of a Justice Department brief denouncing the *Roe v. Wade* decision and urging that the Court vacate the judgment and remand the decision for more "deferential" treatment in light of state objectives and legislative practices. That filing was unprecedented in Justice Department history in that *Roe* involved neither a federal law nor the United States as a party.

Another aspect of current criminal procedure that is a target for Meese's disapproval is the bail system. As part of a larger focus on "victim's rights," Meese favors a bail-release system that would permit judges to consider "dangerousness to the community" as a factor in bail decisions. This would amount to nothing less than a veiled attempt to institute a system of preventive detention, a prospect rife with due process issues.

Meese also opposes the insanity defense. He favors some kind of federal action to severely curtail its use, apparently because he thinks it is a large loophole by which guilty criminals escape justice.

Meese reciprocates the hostility of the civil libertarian community. In a May 1981 speech, he



distaste for federal intervention. Meese enthusiastically supported a 1981 Administration proposal to make murder-for-hire a federal offense, though punishment for murder is traditionally under the states' purview. He also supported a proposal for federally legislated mandatory sentencing for crimes committed with weapons. Additionally, he has spoken in favor of legislation to enable federal courts to intervene in criminal cases which have been decided at the state appellate level.

Civil libertarians have never felt very comfortable with Meese. He adamantly opposes the exclusionary rule for illegally obtained evidence. Apparently Meese thinks that the desirability of convictions completely outweighs any pernicious effects of the means used to get them. Should the exclusionary rule be abandoned, criminal suspects would lose the protection of one of the major disincentives to illegal searches, seizures and wiretapping. Meese seems willing to wink at illegal practices by law enforcement agencies as long as they result in convictions; the impact upon the innocent is something that Meese has not yet publicly con-

denounced the American Civil Liberties Union, accusing them of "abetting the nation's criminals." He stated that the ACLU and other groups had formed a "lobbying body" which was "regularly opposed to law enforcement."

According to the U.S. Government Manual for 1983, "... the Department of Justice serves as the counsel for its citizens. It represents them in enforcing the law in the public interest . . . The Attorney General, as head of the Department of Justice and chief law officer of the Federal Government, represents the United States in legal matters generally and gives advice and opinions . . ."

Meese comes across like a frustrated policeman rather than a legal policy analyst. The attorney general is designated the nation's "chief law officer"—a description which can not be translated simply to "Top Cop." The role requires more than sympathy and support for the current and potential victims of crime. It requires a commitment to uphold the legal system and protect the rights of the poor and accused as well. Perhaps, once in office, Meese can rewrite the job description to bring it more into line with his Clint Eastwood image.

Letters

More Than Pocket Lining

To the editor:

The old joke goes something like this: Q. How can you tell if a lawyer is lying? A. His lips are moving.

In last week's RG you told of ABA President Riley's appearance here to drum up student membership in the ABA. You correctly reported the thesis of Riley's speech, but there is *no correlation* between the increase in the number of lawyers and the "litigation explosion." You then referred to a series of questions I asked of Riley as follows:-

"One student asked Riley why the ABA tries to deny or diminish the correlation between the number of lawyers and increasing litigation, *asserting that more lawyers means more work and prosperity, economic and otherwise, for everyone*, and that the ABA should't have to lie about it." (emphasis added.)

The emphasized portions above are not only erroneous, but contrary to what I stand for. To set things straight, here is what really happened.

I suggested with my first question that Riley was lying about the lack of correlations between more lawyers and more litigation, and he admitted as much when he replied "of course there is a correlation between the number of lawyers and the oddball suits, the non-traditional suits that are handled on a contingency fee basis."

Now we all know what Riley was talking about here: the suits on behalf of tort victims, the dead, injured, and crippled; and the suits on behalf of the victims of race and sex discrimination, the kind of people who otherwise couldn't afford competent lawyering. We all know that if not for the contingency fee, only corporations and rich people could afford competent lawyers, and the cost of litigation, but then I guess that is what Riley means by "traditional litigation."

I suggested to Riley that the increase in the "oddball suits" can be defended as a good development. It means that more rights are being respected and that more innocent tort victims are being compensated. In this area more litigation means more justice, and that's something we can be proud of. My argument said nothing of anyone's prosperity.

But I also suggested that there is another kind of increase in litigation that is related to the growing number of lawyers, a kind of increase one doesn't fully appreciate if one merely counts the number of cases. The Big Firms that do the "traditional litigation" have each grown like a family of rabbits. These firms not only file more lawsuits than ever before, but they do more work on each suit than ever before, and the produce more papers and motions than ever before.

The AT & T antitrust litigation, for example, might be a small number of connected law suits, but just look at the amount of human talent that has been wasted here over the years. And for what? Can any rational person doubt that Harvard's Derek Bok is right when he says too many of our brightest students are going into law, to the extent that they are not only unproductive, but even counter-productive? Riley says these additional corporate lawyers "grease the complex legal gears," but we all know what they really grease.

My position is simply this: the more "traditional litigation" we have, the LESS prosperity for EVERYONE; that is, everyone except the lawyers doing it, whose prosperity I couldn't care less about. Most of the increase in "non-traditional litigation," on the other hand, is justified by the increased advancement of justice for people who have gone without it for too long.

Finally I object to the words "have to" in the last line of the above indented quote, for it implies exactly what I am against, and what I am afraid people like Riley stand for. I am not against lawyers lying when they don't "have to;" I am against lawyers lying period. I asked Riley to stop lying about the lawyer/litigation correlation and instead try to justify the result.

Riley said: "If I did that, people would think I was just arguing from self-interest."

Hedges: "So instead you lie because it's more convenient?"

Riley: "No, I'd just call it stretching the truth."
And the lawyer's lips kept on moving.

Robert F. Hedges
3L

Never Mind

To The Editor:

What's all this I hear about the Headnotes needing a bass? Don't they know you can't catch bass in the winter? They probably don't even have a permit. The whole idea is preposterous. Of course, if they could make do with cod or perch, I'm sure it's available on the East Coast somewhere.

While I'm at it, why the fuss about the President balancing the budget? Can't it stand up by itself? What's really important is getting those poor Marines out of bear routes . . . when the bears wake up in the spring they get awfully dangerous.

Please look into these matters.

Emily Littela, 63L

P.S. Where's the beef?

Senate Wants Comments

To All Law School Student Organizations:

There was much controversy over the procedure used last year in setting the 1983-84 budget for student organizations here at the Law School. To improve the budgetary process for subsequent years, members of the Law School Student Senate have decided to gather comments from the various organizations for suggestions and improvements which could be implemented in the future. We also intend to hold limited hearings this semester concerning this matter. We then plan to modify the budgetary procedure following the suggestions we might receive.

A letter went out to the organizations at the end of last semester asking for any suggestions for improving the budgetary procedure. Thus far, we have received no written responses. We are still open to ideas for improvement. Please put your written comments in my senate mailbox located on the second floor of Hutchins Hall near the Senate Office.

Thank you.

Dennis Terez, Second Year Rep

Notices

Ramsey Clark

By Eric Hard

Civil rights activist and former Attorney General Ramsey Clark will deliver the keynote speech for UM Law School's Public Interest Law Conference on Friday, Feb. 10, at 3:30 in HH 100. As Attorney General under the Johnson Administration, Clark supervised the federal presence at Ole Miss following the admission of James Meredith, handled federal enforcement of the court order protecting the march from Selma to Montgomery, and headed the Presidential task force to Watts following the riots.

In criminal law, Clark increased the annual indictment rate of organized crime figures sixfold, reorganized federal narcotics enforcement, and helped to secure the first federal gun control law in over thirty years. In civil rights, Clark assisted in the drafting and passage of the Voting Rights Act of 1965 and the Civil Rights Act of 1968, authorized prosecution of police after the Chicago Democratic Convention, and argued Jones v. Mayer for the U.S.

in the Supreme Court.

During his tenure, Clark filed a record number of anti-merger cases and required voluntary disclosure of unlawful wiretapping by federal prosecutors in more than 50 cases.

Since 1968, Ramsey Clark has written and travelled extensively on behalf of human rights for Soviet Jews, prisoners in Brazil, Greece, Ireland, Spain and elsewhere. He has testified before numerous legislatures, and has represented Craig Moran, President of Kent State student government, indicted following the Kent State tragedy, Father Philip Berrigan in the Harrisburg trial, and Charles Parnallice in the Attica prison prosecutions. Clark is presently Chairman of the National Advisory Committee of the American Civil Liberties Union. His speech at the Law School will be followed by a potluck dinner and music by UM Law graduate and folksinger Fred Small.

THE LSSS — SOCIAL COMMITTEE is sponsoring its annual Tropics Party on February 11, 1984, from 9:00 to 1:00 in

the Lawyer's Club Lounge. Tickets are \$3.00 in advance and \$3.50 at the door. The door price is a trip to Freeport, The Bahamas, during the Law School Spring Break. THE TRIP IS NON-TRANSFERABLE.

Free Film: *The Willmar 8*, a documentary detailing the courageous efforts of eight women bank workers to form a union, will be presented TODAY, Feb. 1, at 12:15 p.m. in 116 Hutchins. The film, which inspired the recent television movie *A Matter of Sex*, is part of the "Women in the Labor Force" film series, sponsored by WLSA, which will continue each Wednesday at noon during February. All are encouraged to attend and bring their lunch.

BORN, on Wednesday, Feb. 25, to Golla Vega-Byrnes (3L), a healthy, bouncing, 7 lb., 13 oz. baby woman, Jean Marie Vega-Byrnes. Mother and baby are doing fine. Congratulations to Golla and Tom!

FOUND: Palmer's *Trusts and Successions* casebook. To claim, please contact Kim Jones or leave a message at the library main desk.

ANY LAW STUDENT attending law school in 1983-84 is eligible to participate in the Corliss Lamont Law Student Essay Contest on CIVIL DISOBEDIENCE AND THE FIRST AMENDMENT, Meiklejohn Civil Liberties Institute recently announced. First prize is \$1,000; second prize is \$750, and third prize is \$500. This is the first in an annual series of contests on key First Amendment Issues.

Judges of the essay contest will be Ann Fagan Ginger, President of Meiklejohn Institute; Thomas I. Emerson, Lines Professor of Law Emeritus, Yale Law School and author of numerous books and articles on the First Amendment; and Professor John Brittain, University of Connecticut Law School, member of ACLU Academic Freedom Committee and Board member of National Conference of Black Lawyers.

Contestants should submit no more than 5,000 words, postmarked no later than July 1, 1984. The Institute announced that entries should be typed, with footnotes, double-spaced on white paper, suitable for photocopying.

All entries should be submitted to Meiklejohn Institute, Box 673, Berkeley, CA 94701.

Forum on the Socratic Method

When the Adrenalin's Gone

This is the first in a two-part series examining student impressions of the law school experience. Ted Lee, of the *Res Gestae*, asked three third-year law students, Martha Davies ("MD"), Tom Larson ("TL"), and Eric Sinrod ("ES"), about the Socratic Method. All three students are in the upper half of their class in terms of grades.

(It may be worth noting that the grade point of each of the three students after their first year of law school was above a 3.50.—Ed.)

RG: Is the Socratic Method relying on an assumption that we (the students) have all the answers and the lecturer is supposed to draw them out of us?

TL: That's the theory that Socrates used. Of course, just logic does it under that theory.

MD: The impression I got from reading Plato's *Republic* was that Socrates was not particularly a nice person. He seemed to have an idea of what the answer he was looking for was. It wasn't as if he was going after people's natural wisdom.

TL: That's the middle dialogue. In the early dialogues he didn't slant his questions and they couldn't come to any answers. That's why they're called the Aporetic Dialogues. Aporetic means ending in confusion and doubt.

The impression I got from reading Plato's "Republic" was that Socrates was not a particularly nice person.

RG: What value does the Socratic Method have in law school?

MD: I get the impression that the whole point of the Socratic Method in law school is to make sure that you are prepared for class, so you learn this stuff throughout the semester instead of cramming it all in at the end of the term.

ES: Yeah, I think the professors have a format of what points they want to get across within a certain amount of time, and within that format, they take potshots at students to get their points across.

MD: Every once in a while, a student will come up with something that is genuinely original. But these professors who have been teaching this stuff for years and years, they've probably heard pretty much everything you've got to say; it's not like they're doing

this vast experiment to try to find out what the law is.

TL: One of the goals of course is to help you learn to interact in this type of thing, by putting you on the line.

MD: That's true. And it does really help. When somebody else is being called on, generally, at least back during first year when I was still thinking (laughs), I would try to develop my own answer to the question.

ES: My complaints are more fundamental than (looking at the system's potential value). Too many students are crammed into the classes and you don't get enough feedback and individual attention. First year, I think we all had so much adrenalin and we all sat there thinking we could be called on any moment, that we were really hinging on other people's responses and we were pretending like we were in the dialogue ourselves. But I think after that point, you come into class and realize that you are going to have to talk once or twice a semester, unless you still have that adrenalin and you start raising your hand. That just isn't much attention. It is a really passive process and I think it's really dull.

TL: It seems that there are some classes that it works better in than it does in others. It didn't work in my Tax course.

MD: I thought it worked in my tax course.



When you are called on once during the semester, it is a very important moment and people tend to fall on their faces and feel stupid.

ES: I find the Socratic method particularly useful when you know that you are going to be called on. They put your name on the board or they follow the rows of students. That means that those two or three students are really well prepared and the dialogue is really a high-level discussion, and the other people can follow.

MD: Sure, but the problem is that the other people generally don't do the reading for that day. I will be more likely to do the reading and stay caught up if I know there's a chance of being called on. I'm not the type who raises her hand, so I'm not going to be called upon.

ES: So you still operate on the fear of being called on.

MD: Yes, I do.

ES: I tend to do most of my reading after class. The professor has sort of helped crystallize the important issues, and then I'll go back in my readings and find it much more effective. It saves a lot of time and I get a lot more done.

MD: I prefer to do the reading before the class, because then I can follow the

class discussion much better. My preference in classes is to be one step ahead of the professors because then I know where he's going.

TL: Of course, it's more efficient to go to class, listen to lectures, find out what's important, and then read the cases.

RG: Do any of you use secondary material or commercial aides?

MD: I haven't looked at a secondary material since first year, and even then, I only looked at one.

ES: I rely on secondary material a lot. I find them very helpful. I worked very hard first year and read all the casebook material. I also read secondary material and found it very helpful, maybe more useful. I've read a lot of cases in law school. I don't need to do that anymore. I trust my ability to know when the nutshell is important and when the casebook is more important, and when I should read the appropriate statute. I probably do a lot less work now than a lot of people who read all the assignments. I used to think that I was pretty typical in using secondary sources but maybe it's more unusual than I thought.

TL: Well last term, I was taking tax law, and in studying for the final, I read the Code, the Regs, the Sum and Substance, then I looked at Chirelstein and the Nutshell. But as I went along, I just started dropping things off and at the end of the term, as the final was drawing near, I started using exclusively the Sum and Substance. But I usually read all the cases.

But these professors who have been teaching this stuff for years and years, they've probably heard pretty much everything you've got to say.

MD: I agree that they help sometimes. I used the nutshell and a commercial outline in Civil Procedure first year and tied the course together pretty well. Before I bought them, I was really lost in the course. Sometimes they put structure in the course.

RG: I find that for exams; and maybe in short-circuiting my education in the long run, but for exams, the secondary materials are much better than the casebook.

TL: When you start making an outline and you find particular cases, you realize that cases are here and in an order for a reason. For example, Soper's books, a case provides a rule, then next four cases provide the options to the rule, then there's another rule.

ES: Yeah, and don't forget to read the damn squibs.

I get the impression that the whole point of the Socratic method in law school is to make sure that you are prepared for class, so you learn this stuff throughout the semester.

ES: I had Professor ——— for Conflict last semester. I read through my class notes, and I took very detailed notes, and they made no sense whatsoever. I bought the nutshell and read it over the weekend and it all made sense. Nothing's wrong there, you know. He could have brought in a little more lecture, or foundation or something, else I may be retarded, or else the nutshell is brilliant.

TL: I think quite often, people can get lost in the structure from the table of contents in the casebook because when you're going through the class, quite often you get in a situation where you can't see the forest from the trees. I will

be reading along and not have any idea that I'm reading about a particular subheading, and then, I'll go back and look at the subheading and my notes and then it will make some sense.

TL: Eric was talking about learning to take exams and we all know that there is a certain skill to taking exams. I find

that I take an exam better than I used to. I can see more issues than I could before. I wonder if that skill is going to do me any good in my legal career.

RG: Which professors were the best during your first year of law school, at making the Socratic Method work?

MD: Professor Allen.
TL: Professor Soper.

MD: The problem with Soper was that he really couldn't understand what the students were saying. His questions were great, but quite often, people would answer with exactly what he wanted from them but they would say it a little bit wrong and Soper would keep going on until he found someone who would say it his way.

RG: You mean that he was looking for particular phrases that were not always clear?

MD: Yes, but eventually we found out those phrases the professors were looking for.

RG: The first time I was called on in law school was in Phil Soper's Contracts course. I was so shocked and nervous that I hyperventilated and couldn't talk.

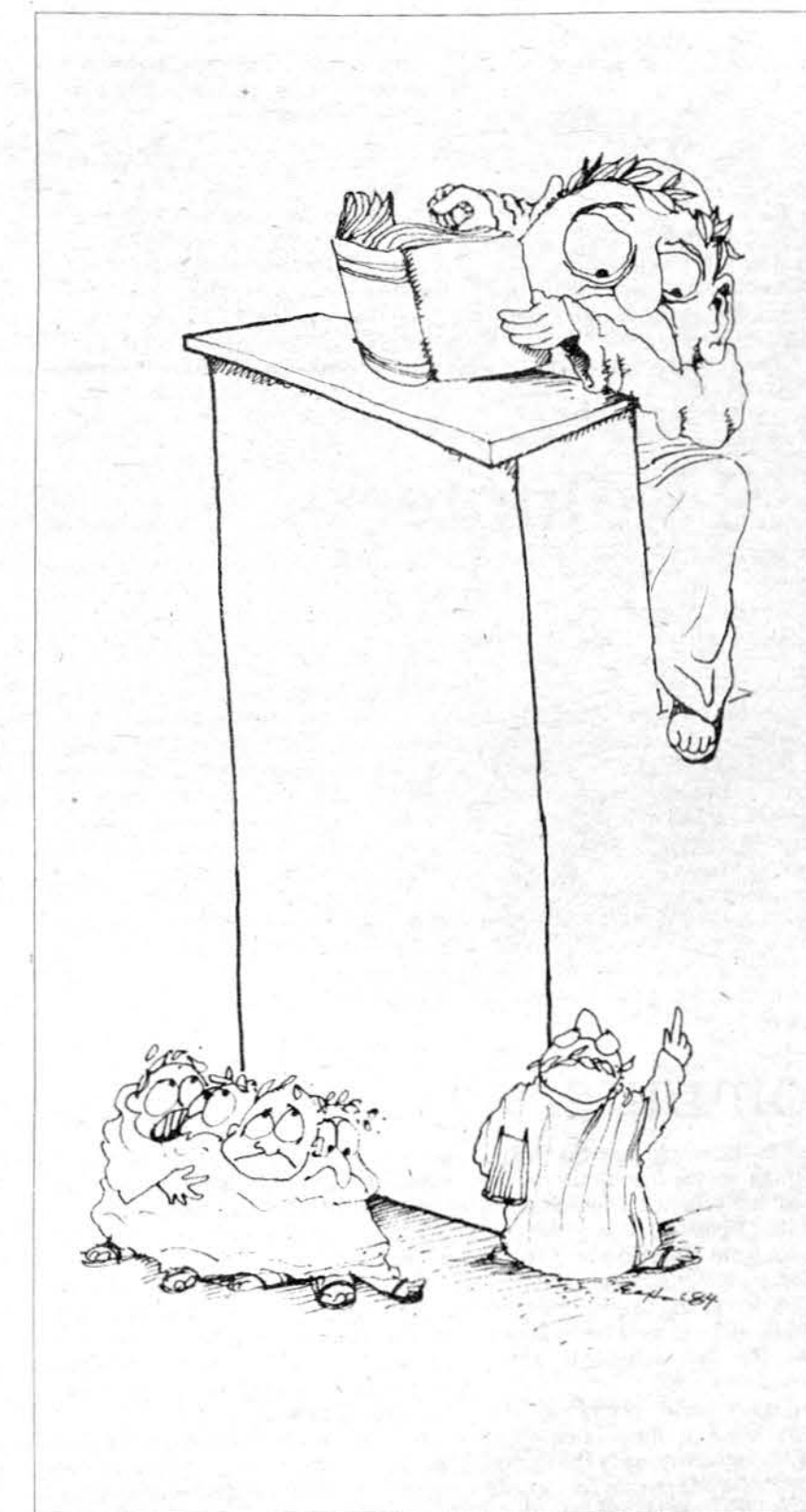
TL: I was sitting next to you at the time and I remember trying to whisper answers to you and you just kept saying under your breath, "Please leave me alone. Just leave me alone."

Things Can Get a Little Bit Dull

I find the Socratic method particularly useful when you know that you are going to be called on.

ES: I think the response you had in hyperventilating, and in general, people getting nervous, is a reflection of the fact that you're given no feedback during the semester. So when you are called on once during the semester, it is a very important moment and people tend to fall on their faces and feel stupid. I think we need to get papers back and go to the professor's office and talk with them. There's more important on that one moment than there should be.

It is a really passive process and I think it's really dull.



New Clinic Chief Proposes Changes

from page one

chance to practice law and think about it at the same time. Most law graduates who go immediately into private practice are forced to practice law as a business. Here we can practice where the main goal is educational. Not only do you have the chance for some hands on lawyering, but you get to think about what you're doing at the same time, with immediate, constant feedback.

RG: What are the day-to-day responsibilities of students in the course?

PR: Clinic has two components. One is actually practice in district, circuit, probate, and starting this semester, federal courts. The second is the trial advocacy skills seminar, which is an intensive series of role plays designed to get students comfortable on their feet in court, that culminates in a full mock trial. It uses some videotape review, and lots of discussion, not only about what's happened, but also intellectualization of why we do what we do.

RG: Does the seminar portion involve any visiting experts or guest lecturers?

PR: It does occasionally and I would like to see that increase. I would like to see more experienced litigators participating on a visiting, or one-shot, basis.

RG: Do you perceive students' interest in helping indigent clients increase or decrease as they go through a semester of Clinic?

PR: I think most students come to Clinic as somewhat armchair idealists. Not all, but a good many.

And like most armchair idealists when they view the real world, they're disillusioned.

RG: How would you assess students' response and performance in Clinic?

PR: I would say it varies greatly. The students I have seen are, by and large, bright and mostly taken with Clinic, and therefore dedicated; they put a lot of time into it. On the other hand, I would say the street smarts quotient isn't always as high as I might have expected it to be, and that handicaps students early on in the semester.

RG: As interim director, do you plan any changes in the structure or format of Clinic?

PR: There hasn't been much real review or rethinking about what the Clinic does for several years because it's been under the same tutelage for a long time. Since we're in the process of change now, I see it as a real opportunity to evaluate what we're doing and what we want to do. For this semester we've made a number of small changes, and I anticipate greater change, and more discussion about change, as we get into the summer term.

RG: What are some of the small changes?

PR: I think one thing the Clinic was lacking was the use of the opportunity for students to work together and learn from each other, as well as from their own work. The amount of brainstorming, the self-critique, the thought-provoking process of being under stress with other people has been minimized by team teaching

and very little group work. We've instituted what we're calling "grand rounds," which will be two or three meetings of half the clinic at one time, essentially meetings of the firm, where we'll present cases and analyze what was done well or poorly, and what could be done better.

RG: Will you have any help in trying to implement these changes?

PR: Ellen Gesmer from the Child Advocacy Clinic will be teaching one section of the trial advocacy skills seminar. She's new last fall and has been a terrific addition. For help on case supervision and some of the skills sessions, we have a practicing attorney from town who taught for three years at the clinic at Wayne State named Marty Geer, who's already been a tremendous help.

RG: Many students assume that the administration allows Clinic to operate, but doesn't really back the whole idea too strongly. Do you think that's an accurate perception of Clinic's status in the law school curriculum?

PR: I think the focus of the curriculum here is on theory rather than practice, and I think that focus in any law school necessarily puts a clinic in a lesser role. Since I've been here I've found the administration and faculty very supportive, though not necessarily enthusiastic.

RG: Do you mean that a student who desires a more clinically oriented education should choose a school that emphasizes that?

PR: There's no doubt there are other law schools of the same caliber as Michigan that offer far more varied and comprehensive clinical programs, with varying degrees of success. I should add though, that the program we run here, though small, is really first rate; I really believe that.

RG: What is the perception of the Clinic among the local bench?

PR: It depends on the judge. Some are very supportive and delighted to have students in their courtrooms. It makes some judges more provocative than they might be otherwise; it makes their job more fun. Other judges occasionally resent us, in part I think, because vigorous advocacy takes up a lot of the court's time, and there's some question about using the courtroom as a classroom. They're sensitive to that, but it's been my experience overall that they're pretty tolerant.

RG: What do you consider the one most important lesson students can take away from a Clinic experience?

PR: I think one thing they learn is that there's no such thing as authority; that everyone is in a process of learning, that judges can learn, lawyers can learn and academics can learn. I think students too easily believe that someone with more experience, or a black robe, is automatically more thoughtful. There are different levels of experience, but I think at Clinic we try and teach that thoughtful students will go a long way.

SLS Volunteers

from page one

the bar exam, and 14 undergraduate volunteers.

The first-year volunteers and the undergraduates perform proportionate levels of research, filing and other general office tasks.

Nicholls said the office screens new clients so that law student volunteers won't conduct the intake interviews of law student clients. "We presume it may be more comfortable to share your troubles with someone you don't share a desk with," she said.

This seemed like a good real-world sort of thing to try," said Stan Jaskiewicz, a second-year SLS volunteer. "I had a research assistant job before, which had its good aspects too, but it can get boring."

Jaskiewicz said the staff attorneys try to make the volunteers feel competent and comfortable, and stress the "ask us" solution to any confusions or uncertainties that creep up.

Nicholls hopes the law student volunteers can stay on through early May, when a big rush of students seek advice on subletting apartments. Although she said the staff has presently reached a plateau of active volunteers, Nicholls encouraged interested law students to stop by and see the SLS operation.

"Although we're not a clinic," she said, "one of our functions should be to improve students' understanding of the legal system, and their ability to function when forced into it."

Computers

from page one

To tend to little hardware headaches and help the novice faculty users, the law school has retained a consultant to oversee the implementation of the new computers. Scott Manspeaker, a senior in Business Administration, installed chips, disk drives and internal modems in the IBMs, and will work on an hourly basis at the law school to solve problems as they arise.

Manspeaker said many of the professors seem a little intimidated now, but that others already have great familiarity with or aptitude for tapping the terminals' capabilities. "I think Prof. Jackson, Prof. Kahn, and of cour-

se Prof. Bollinger will really be able to get the hang of these and help the other professors learn." Bollinger has had a personal computer for a number of years.

Dean Cooper verified the need for some basic training for faculty before they master their machines. "Yes, I've got one," he said. "I don't even know how to turn it on yet. But some people are already processing away!"

To balance the skills somewhat, the law school has arranged for interested faculty to attend seminars on using the IBM personal computer, given by Software Land, a local business.

Clerkships

from page one

Krieger says that's par for the course.

Over at the Journal of Law Reform, however, the picture was not quite as rosy. Although the number of clerks looks the same, this year five out of six members of the editorial board got shut out of clerkships, according to Marc Raven. "The people who got shut out were the ones who picked a specific geographic area and a number of judges in that area had gone out and hired," said Raven.

Raven interviewed only in Chicago, one of the cities with a very high non-compliance rate. "I think people were able to get them, it was just a matter of making a broader search than I did," Raven said.

But don't cry too hard for those who did not get clerkships, said Jim Loots, a Law Review note editor, who was also unsuccessful in his search. "They've gotten used to the idea that they're going to be making twice as much money someplace else."

Loots felt, however, that Michigan students' lack of success was attributable not only to judges' non-compliance, but to the law school's approach. "Procedurally, nobody knew what was going on. There was vast confusion as to when the deadlines were."

Loots said that he thought the law school's approach to clerkships needed administrative structure, for example, professors need to be told what the deadlines are. "Very few of the professors mailed recommendations before September 15th. The idea was

that they were to arrive on the 15th. Some judges had already decided by the time ours were in the mail."

This year, the deadline will be July 15th. Deveney was dubious about the workability of the new deadline. "Students will be all over creation, and the faculty will be off. I don't think this deadline's going to work either."

However, Frederick and Raven were more positive about the new deadline, pointing out that students often look for clerkships in the cities where they worked after their second year. "From a financial point of view, it will be easier to interview for clerkships if you're already in the city for the summer," said Frederick.

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Arts

Yukon Jack Cries Wimp

By A.D. Maclin

If in recent times you've felt a twinge of soap-operatic ennui upon watching this or that cinematic 'smash hit' — *Dears of Internment*, for instance — not to worry. Relief looms.

Never Cry Wolf has begun its run

in these parts with a commercial, as well as a critical, bang. This is curious since *Wolf* is neither slick nor clever, and — unlike most of what we're seeing at the movies — it isn't even primarily about human relationships. It's about a wimpy urbanite who's into wolves. Some people are into warheads, some wolves. What can you say?

The Government, you see, wants to prove that these nasty creatures are killing off the caribou herds up in the land where the sun never sleeps. So, it decides to send someone to do a study. The unlikely, and seemingly ill-suited, candidate is a young man named Tyler, who sets off for six months of observation on the frozen tundra wearing a tie and his college ring. He spends his last dollars on "moose juice" (½ beer, ½ ethyl alcohol) and in his first encounter with the new ecosystem seeks to protect himself from a canine onslaught with part of the oboe that he's seen fit to bring to the Arctic. Get the picture?

Once he's learned that civilization doesn't stop with the last gas station, Tyler makes friends with a couple of Eskimos and develops a working relationship with a family of obliging wolves.

The acting of these wolves is commendable and compares rather nicely with that of Clint Eastwood in *Sudden Impact*. Indeed, everyone in *Wolf* acts convincingly, and if the narrator's retrospective monologue didn't sound read from a script, all performances here would deserve praise. But it did, and they didn't. Life's a cold place to be, eh, Mr. Disney?

The lack of narrative credibility, it ought to be said, stands out all the more because what we see is believable. The artfully filmed snowscapes and sequences of wildlife at work inspire a fundamental awe of nature that one supposes each of us has known. Tyler's mission, too, seems likely enough. So well does *Wolf's* presentation work, in fact, that

the story doesn't seem improbable even when Tyler runs out of rations (the Government had supplied him with a couple hundred tins of asparagus) and decides to live, er, like a wolf.

He discovers that wolves routinely eat not caribou meat — as the Government supposes — but small, furry creatures. Well, so be it: Tyler is nothing if not consistent. And can one really cavil, roast mice notwithstanding? Have you never seen *King Rat*?

In the end, *Wolf* is about becoming authentic (Mr. Smith goes to Washington, Mr. Wimp goes to Wolfland, what's the difference?). It's about shedding one's skins, about freezing one's socks off. It's about meanings of 'survival of the fittest', and not about meanings of 'super-califragilisticexpialidocious'. It's also about the mystical notion that one always has some effect on one's world and vice versa, and despite all this, it works.

The Peorian Experience

By Ethel Mertz

Friday. Late. Lucy called with the usual prospect of sneaking into Ricky's gig. Feeling nauseated by the prospect of bongos and a chorus of "babaloo," I suggested the dangerous. CLUB PEORIA. A short walk on a brisk night and we slid into a theater of motion: the latest, hottest tunes, writhing contortionists and a bold paint-splashed backdrop. I let down my hair. Lucy shed her babushka.

Club Peoria is not, as the name suggests, a showdown hall for bingo contestants. Rather it is a party within a club, within the Heidelberg, within a state of mind not exhibited by actual Illinois Peorians. So, in light of the inconsistency, why Peoria? Big Joe Cohn, theorist, minister of information (and, for anyone interested: Joe enjoys sailing, horseback riding, and the clean make-up look) offered no simple answer.

"The criteria," he stated, "Was that we wanted something ugly, obscure, hard to say, but at the same time, fetching, romantic and simple. We wanted to have the appeal of the Midwest with a bi-coastal flair. We feel it is better to be misperceived than never perceived at all."

And Friday, regardless of the perception, Peoria was packed. Besides the expected law student turn-out Peoria sported an impressive representation of reading room groupies, never-before-seen-and-therefore-fascinating strangers, and my hairdresser. While bussing from swingin' Chicagoan and Czechoslovakian clubs has been suggested, the club's managers prefer to use available funds to improve Peoria's facilities and have it work as a magnet club.

For the future, Club Peoria offers a chance at FAME. The club will feature a video camera so one can dance, drink and watch the gyrations of friends and classmates. As one out-of-towner summed up the Peorian Experience, "It's better than E.T."

Solution

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Feature

Another One(L) Bites The Dust

By Don Itzkoff

I swore that it would never happen to me. Early on, my astonishment at hordes of apprentice Establishment upper-class prospectors crowding into Room 200 to dig for the Holy Grail of the legal profession produced such violent revulsion within me that I immediately developed alternative summer plans. Already inundated with more legalese in one semester than I could bear, the mere thought of subjecting myself to the same punishment for an entire summer brought on a perfectly rational contemplation of self-immolation. A summer clerkship was simply not in the cards for me.

A vastly superior alternative presented itself in the possibility of teaching at a New England prep academy for the summer. Just think: discussing history in class for a couple of hours a day, supervising some softball, grading a few papers (wouldn't revenge be sweet!)...not a bad deal. Yes, teaching

Excellent question, thought I, as I obediently bowed to peer pressure.

Although reason precluded hopes of a respectable job (remember, *no one* hires first-years), honor demanded at

from me, a creature so lifeless and rigid that I'm sure I detected a steel column attached to his skull, running the length of his spine and bolted securely to his chair.

aspect of your summer program, what would it be?"

"I'll tell you," she responded, "I wish we didn't have so many interviews like this one."

"[L]aw students often become lawyers. Some think this empirical development to be entirely natural . . . Others call it peer pressure."

least an attempt. I wrote up an undistinguished, indistinguishable resume, composed a mass-producible, word-processed cover letter, and launched a postal blitzkrieg against Washington, New York, Newark, and Secaucus. Reaction from Secaucus appeared likely but Newark was a long shot.

Then the avalanche descended. "We

"Well," I began, "What can you tell me about your transportation practice?"

"We don't have one. At all."

In fact, if you had taken thirty seconds to read our firm resume on file at your school, you'd know that."

Washington (changing the subject) was somewhat better. Eager to please an attorney in one firm, I espoused my

While consuming beer back home, the telephone rang. Lo and behold, it was a railroad litigation firm that I had written to because of my interest in trains. Incredibly, the ring was not a ding: I had my offer.

Amazing but true. With no legal background whatsoever save a slight understanding of the problems inherent in animal law and mens rea, I have the opportunity before me to make as much money as a New York sanitation worker with twenty years' experience. Since I can generate garbage from my typewriter with ease (and don't have to clean it up), I may just take this opportunity to produce a different kind of trash, i.e. memo-style. It's conformism. It's the path of least resistance. But I'm not sure history seminars and softball are where it's at either. I vowed not to work in a firm this summer. But I here I am. Someone explain it to me.

Of course, I realize that I'm probably fated to do nothing more than analyze freight rate schedules and tariff filings this summer, but hope springs eternal. Who knows — maybe I'll even like the job.

Then one day I might become an attorney after all.

Don Itzkoff is a first-year who likes trains and has never heard of wingtips.

"[So I] launched a postal blitzkrieg against Washington, New York, Newark, and Secaucus. Reaction from Secaucus appeared likely but Newark was a long shot."

seemed to be an easy way out, judging from what I'd seen of the professors I'd met.

Alas, my rebellious scheme took all factors into account save one: law students often become lawyers. Some think this empirical development to be entirely natural and fully within the expected progression of things. Others simply call it peer pressure:

"You expect us to believe you're not even *trying* to get a summer job?" fired my classmates.

"No way," says I, "I'm going to teach and play softball."

"Then why are you in law school?"

don't want you." "We don't like you." "You have a stupid name." "We didn't even like your tacky envelopes." I received only mild encouragement from the pitiful, mounting piles of correspondence. Not from New York, of course (not even Secaucus!), but (hold onto your hats) from D.C., the land of lawyers.

I tried a trial run in Newark over break. My key acquisition, a somber grey pinstriped Uniform, was instantly christened by the Newark salt, slush, and sleet but I doggedly maintained the faith. My spirits were not helped by the mechanical interviewer seated across

favorite old line, Establishment slogans during a heated political discussion, emphasizing the crucial role played by Mr. Reagan in making our U.S. of A. great once more.

"It's interesting to hear you say that," voiced the attorney, "in light of the fact that the clients of such public interest firms as ours may view his policies a little differently..." Was that mentioned in Martindale and Hubbell?

I had one interview left, and it went fine until the conversation began to lag a bit. Always eager to please, I interjected my favorite stop-em-in-their-tracks question: "I you could change one

Law in the Raw

compiled by Nora Kelly, Stacey Fisher, and Anne Lawton

Poetic Justice

A recent case involving an auto, an oak tree, and Michigan's implacable No Fault laws moved Judge J. H. Gillis to write this opinion:

We thought that we would never see
A suit to compensate a tree . . .

A tree whose battered trunk was prest
Against a Chevy's crumpled crest;

A tree that faces each new day
With bark and limb in disarray;

A tree that may forever bear
A lasting need for tender care.

Flora lovers though we three,
We must uphold the court's decree.

Affirmed.

Fisher v. Lowe, 333 N.W. 2d 67 (Mich. App. 1983)

There's a certain air about you

It seems that when the University of Michigan Medical School cremates its cadavers, it emits

twice the non-combustible remains into the air allowed under state regulations. The Med School cremates approximately 225 cadavers each year. Compliance with the regulations may be difficult. Says Dennis Drake of the state Department of Natural Resources, "You and I both have stuff in our bodies that just won't burn."

Chicago Tribune 12/30/83

Should we wake him up for this?

Ronald Reagan once used a pistol to foil an early morning robbery. In an interview with the shooting editor of *Sports Afield* magazine, Reagan said the sound of a man threatening a woman outside his apartment building woke him at 2 a.m. Leaning out his window with a .45 caliber automatic, he ordered the gunman to "Drop it and get going." An opponent of gun control, the President "still enjoys 'plinking' at small game, mostly rodents."

Detroit Free Press 1/26/84

A Mynah incident

A talking bird scared burglars out of a house and then helped police find the suspects by reciting their names. The bird cracked the case by confirming the identification of men charged with the theft of \$50,000 in property.

Apparently, the bird's chattering in the darkness scared the burglars away, but not before they called to each other by name, thus allowing the "stool pigeon" to squeal on them.

New York Times Jan 24th, 1984

Don't wait till it comes out in paperback

The author of *How Not To Get Ripped Off in the Coin Business* will spend a year in federal prison for swindling coin collectors out of \$68,000. Richard Suter, indicted on 23 counts of mail fraud, bilked buyers by promising them investment coins he never sent. The victims, who lost \$2000 to \$10,000 apiece, should have read the book.

Detroit Free Press, Jan. 25, 1984
(they got it from the Chicago Sun Times)