

STANFORD LAWYER

Spring 1971



Stanford Lawyer

Spring 1971



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Thomas Ehrlich, Bayless Manning, Carl Spaeth, Marion Kirkwood

The cover of this issue of the *Stanford Lawyer* and the photo above show the succession of deans of Stanford Law School beginning in 1922. Marion Kirkwood, Carl Spaeth, Bayless Manning and Thomas Ehrlich have brought extraordinary talent and leadership to the job; each has developed and strengthened legal education at Stanford.

Special tribute is paid to Bayless Manning in the following pages. A transcript of the proceedings of the April 23 Law Alumni Banquet in his honor begins on page two. An interview by law students is reprinted from the *Stanford Law School Journal* on pages 12 and 13. At the time of that interview it had not been announced that Dean Manning would assume the presidency of the Council on Foreign Relations in September. A copy of the Council's press release preceeds the *Journal* article.

Also reprinted from the *Journal* is an article about Dean-designate Thomas Ehrlich, whose succession to the deanship was announced in January by President Richard W. Lyman.

In a lighter vein, we have included on page 16 references to the appointment of Derek Bok, Stanford A.B. 1951, to the presidency of Harvard University.

But this is Bayless Manning's magazine, this issue and others. He created the concept of the *Stanford Lawyer*. He conceived of and developed many of the events reported within its pages. He has given much of himself to make this School a great institution and has inspired others to join him in this effort. He will be missed by all his students—faculty, law students, alumni and staff.

In Honor of Bayless Manning

The Council of Stanford Law Societies sponsored the April 23 Law Alumni Banquet honoring Dean Bayless Manning. Chairman of the event, Jerome I. Braun '53, introduced the head table: "Professor Carl Spaeth, who was the fifth dean of the Law School and is now William Nelson Cromwell Professor of Law; Mrs. Ellen Ehrlich, the wife of our Dean-designate; Parmer Fuller, president of the Board of Trustees; Mrs. Illie Anderson, the wife of the Chairman of the Board of Visitors; the President of the University, Richard Lyman; our honoree, Dean Bayless Manning; the charming wife of President Lyman, Mrs. Jing Lyman; Martin Anderson, Chairman of the Board of Visitors; Mrs. Esther Pike; and Dean-designate Thomas Ehrlich."



W. Parmer Fuller

The Chairman recognized the current and past presidents of various law societies who were at the dinner: Mr. Chandler Myers, President of the Southern California Law Society; Mr. Wilbur Johnson, Chairman of the Peninsula Law Society; J. Sterling Hutcheson, President of the San Diego-Imperial Law Society; Mr. Newman Porter, President of the Arizona Law Society; Mr. Laurence Levine, President of the New York Law Society; Mr. George Willoughby from the State of Washington;

Mr. Walter Pendergrass from the State of Oregon; Mr. Charles Fox from the San Diego-Imperial Society; and Mr. Albert Horn from the Peninsula Society. Other current presidents include; William H. Allen, James K. Barnum, R. William Bradford, Vincent Cullinan, Frederick D. Green, John J. Hannegan, Procter R. Hug, Jr., Robert T. Mautz, Charles J. Morehouse, William G. Pusch and Homer B. Thompson.

After introductory remarks by Messrs. Fuller, Lyman and Ehrlich, Jerry Braun presented the Dean with a silver cigarette box inscribed "Presented by the Council of Stanford Law Societies to Dean Bayless Manning who enchartered 14 of the 16 Stanford Law Societies and founded this Council. April 23, 1971."

The Chairman then presented the evening's speaker, Bayless Manning. A transcript of the Dean's remarks follows.

Dean's Remarks

Thank you, Jerry.

As I rose, Dick Lyman just put my feelings better than I can. He said, "Well buddy, you're adrift in an open boat." I have wondered how it feels to deliver your own funeral oration; apparently I now have an opportunity to learn.

I rather suspected that I might be called on this evening for two or three hours of remarks, so I turned my mind as best I could to take stock, to review my performance in this job as dean of the Stanford Law School. Having done so, I have to tell you that on the whole the record is rather mixed.

I do have some very substantial accomplishments to my credit. For example, I should like to recall to you the matter of the bells. Now those of you who are very young do not know about the bells, but those of you who have more seniority will remember. You see, when this University was opened in 1891, and the Law School in 1893, it was obviously considered a cultural necessity that a School have bells. Watches had been invented, but were not in common use.

Water clocks are silent. It was necessary to know when to stop teaching and when to start teaching or vice versa. And so there are bells all over the University. Now one of the things I noticed about 48 hours after I came to the deanship was that not only did I jump out of my chair every time the bell went off at intervals of 50 minutes, then 10 minutes later, then 50 minutes, and then 10 minutes, but by actual count 17 typists would immediately make 17 typographical errors simultaneously on 17 scholarly manuscripts, 17 being the number of the faculty at the time. Flushed by the heady new power which I felt as a dean, I issued an order: "Shut off those bells!" The response, of course, was the one that you would expect in any well-run large organization—"You can't shut off the bells." It seems that they were laid in concrete in 1893 and are a single university-wide system. Moreover, I was unable to learn what official in the University is in charge of turning bells on and off. I reflected on this matter for two or three days as I was just beginning to learn my way through the bureaucracy and how to deal with this new environment. Finally I resolved to take a step that you all could be proud of. I personally called the University electrician and I said, "Hello, this is the dean of the Law School. Would you please come over and turn off the bells?" In about an hour somebody came over, disappeared into the basement and five minutes later the bells stopped. And they have not rung in the Law School since. You will agree that that was a signal accomplishment.

But it's like almost everything else I've done—it's a mixed story. We still hear the bells in the next building. Then there is the matter of the flag. I happen to have been trained to the view that a School ought to have a flag and the Law School had none. Here again, one can find a success. We do have a flag now, a handsome flag, I think. That is good, on the whole. But again the record is mixed. My aspirations of developing appropriately embossed "Lex atque Justitia" sweatshirts for the faculty to use in seminars ran aground; and my effort to make popular the Law School

seal on socks has just been a complete failure.

Then there are the diplomas. Again, I had a measure of success there. We managed to save space by replacing the two L's with a single J, and we got the grade lowered from B to D. We even managed to get these things done for some of the diplomas that had been issued at an earlier time. Unfortunately, I then discovered that, like most new ideas I have, this one was about 70 years old, and that a good many of our senior alumni had a J.D. anyway. So I really don't think I can claim very much credit for that one.



Bayless Manning and Thomas Ehrlich

Those were the things that went, on the whole, rather well. Against these fractional gains must be counterbalanced many clear losses. One project to which I was particularly attached, and continue to be attached, was the question of how to keep posters and flyers from being stuck every day on the glass front door. I pursued this one with more ingenuity. Having been taught something about the limits of the criminal sanction by Herb Packer, I knew that just issuing an order and trying to enforce it wasn't going to get anywhere. Clearly, what one had to do here was to circumnavigate the problem, to provide other alternatives to allow the young to sublimate their compulsion to put up posters. I

conceived the notion of developing in the School a bulletin board for every student! A massive capital infusion poured into that enterprise has had some effect in the sense that a recent survey shows that there are more bulletin boards per square student in the Stanford Law School than in any other school in the world. But, of course, the flyers and the posters still are stuck on the glass front door.

People of the Law School

My initial approach to preparing these remarks having thus proved unfruitful, I turned to another approach—to enquire into the performance of other people at the School during the time I have been dean. That approach worked out very much better. Occasions like this evening's dinner take on the appearance of a personal memorial, in this case a funereal memorial, for an individual, the outgoing officer. But of course that's not what the occasion is really about. And it is important, it seems to me, that the individual concerned have a clear understanding that that is not what the occasion is about. An event of this sort is, in fact, a pause for breath on a staircase landing for the institution as a whole, an opportunity for a momentary self appraisal by the institution itself.

I would therefore like to say something about the Law School itself as an institution, and something about its surprisingly manifold and complex operations. The Law School involves rather more pieces and more people than most of us have occasion to be informed about. As Tom is learning these days, the truth of the matter is, that the dean's life is a fairly busy one because he is involved in quite a number of things. He really cannot do many of these things personally. So he relies on many, many other people to do them. I should like to have you know more about these people by name and to provide my own, and your, recognition of their special contributions to this institution.

Because the dean's life is a frantic one, and because the demands and the opportunities of the position reach far beyond what he can do and far beyond the confines of his business office, I should like to give my first recognition, and my warmest applause, to Marjorie Manning for her unfailingly magnificent contribution to the life of the School.

The succession of Sheila Spaeth, of Marjorie and now of Ellen Ehrlich, has been, is, and will be, one of the School's greatest strengths and this institution has been a very fortunate beneficiary.

For the beauty, the grace, and the smooth functioning of this institutional occasion tonight and others like it, I should like to at least acknowledge our debt to Alma Kays, our alumni coordinator, a debt which really is beyond measure.

The School's publications, such as the recent issue of the *Observer* with its long insert on the Law School, is the product of the indefatigable and efficient Nancy Mahoney and I'd like particularly to recognize her, as you will recognize yourselves continuously in the products of her photography.

I am frequently told by employers who come to the School that Stanford Law School's Placement Office today is the most cooperatively, courteously, and efficiently run service of all the schools they visit. The unfailingly gracious Suzanne Close is responsible and I particularly want to thank her.

I know of no office anywhere that runs with the grace under unbelievable pressure of our registrar's office. It is a model of unmanned efficiency, administered with stoic calm by Susan Nagel and her deputy, Yvonne Erickson.

The financial life of the Law School is precarious at best. It's also a little complicated. A most remarkable young lady named Judy Sample, now Judy Sample Keller, was largely responsible for putting together the financial machinery, the now very sophisticated accounting system. We are greatly indebted to Judy and I want to thank her, even though she has now been abducted by Bob Keller and is in Los Angeles working, as a matter of fact, for Vic Palmieri who, I am delighted to see, is here this evening. Since Judy's departure, Lyn Butterfield has performed extraordinarily well in stepping rapidly into so complex a matter.

I could not fail to mention, though she is now not here but with the Russell Sage Foundation, that marvelous lady who for so many years honored me by being my secretary—that bastion at the center of the School—Augusta McEachern. My special thanks as well to Mrs. Barbara Campbell who this year took very effectively the difficult role of

successor to Gus—and to the unflagging, ever cheerful, third member of the immediate team in the Dean's Office, Mrs. Shirley Wedlake.

Let me here say something about the Stanford Law School Library. In size, it is not large; it does not, unfortunately, compare in dimension with the collections at other major law schools. But in its quality, and its service, and its operation, it is in a class by itself—a most remarkable tribute to its administration, which is not mine. How often it has been that visiting scholars from other schools with larger library collections have paused to comment on our law library service, and the selectivity of the collection that we do have. This is the product of the remarkable job that is done by our librarian, Professor Myron Jacobstein and by his extraordinary deputies, George Torzsay-Biber and Howard Sugarman and by marvelous people like Mrs. Rosalee Long. That library operation is a gem, thanks to them.

As many of you know, Virginia Birch has for 19 years been in large measure responsible for the regular production of the *Law Review*, an extraordinary contribution.

The faculty secretarial staff draws strong, dedicated, loyal ladies, many of them with many years of service. There are too many to mention them all but I cannot, in thanking them all, fail to refer to Ellen Fiske, Bess Hitchcock, Evelyn Roodhouse and Marian Holys.

How could one fail to salute our inimitable sergeant major, Erika Kaltenbach, who runs us all, and makes us like it.

Or Betty Dolan whose patience and good temper have no bounds as she somehow manages to keep the papers flowing down in the catacombs of the duplicating room.

What shall I say of the admissions and scholarship group under Dora Hjertberg and Joyce Cook? How do you thank people who stand at the dike and somehow process 4,000 admission applications per year?

Then there is the Law Fund—indispensable source, blood flow to the School—administered daily now for ten years by Phyllis Munro, a Gibraltar of reliability, aided by her assistant from halfway around the world, Peggy Gale. And to Chuck Mansfield, working on the critical matter of major gifts in

the AGENDA effort, the School's debt, present and future, is great.

The School's mail pours in and out by the ton, but it would not do so if it were not for Cornelio Perez and before him, now in service with the Marine Corps, Rich Brock.

Associate and Assistant Deans

I have not included the associate deans and the assistant deans in this list, primarily because I cannot find words adequately to describe the debt that the School owes to them and that I owe to them.

Keith Mann, superdean of academic affairs. Bill Keogh, dean of admissions and, one might say, chaplain of the school. Joe Leininger, executive, scholar, diplomat, negotiator pleni-potentiary, a tremendous force in the School though he came to us from the vice deanship at Harvard less than two years ago. Thelton Henderson, ubiquitous dean of student affairs and administrator of the School's legal educational opportunity programs. Bruce Hasenkamp, associate general secretary of the University and the Law School's Mr. Outside. They are a magnificent team. How fortunate I have been to have had the chance to work with them.

As for Bob Keller, former assistant dean whom many of you know well, we are all mad at him because he took Judy away, but his contributions to the School's fund raising and alumni activities remain with us.

Tom Headrick, now vice president at Lawrence University, Wisconsin. Dave Lelewer, now a special aide to John Rockefeller in New York. Tom Robinson, at present with the Educational Testing Service at Princeton. They are no longer at the School in person, but each of them gave several years of his life and of his commitment to this Law School during this dean's tenure, and much of what is here today is a product of what they built and what they have left. I am deeply in their debt as indeed are all of us who work for the School.

I have missed some names I should have mentioned. But for all of those I missed and for those I did name, I would like now to ask for your applause. And for those of the School staff who are here, I hope you will applaud not only for the others but for yourselves because you certainly deserve it.

Predecessor and Successor

I should like now to pay very special tribute to two people in particular—my predecessor and my successor.

I have often before spoken in public of the School's debt to Carl Spaeth. But I have never had quite so appropriate an occasion to do so as I have this evening or, as I see it, so good an opportunity to place what I view to be his contribution in the full context of the history of the institution.

Personally I have no doubt whatever how a future historian of the School, if there be one (and I hope there will) will see the three consecutive deanships held by Carl, by me, and by Tom. Carl inherited a School of standing and of academic rigor that had been bequeathed to him through the long deanship of Marion Rice Kirkwood and, indeed, had been born when the School was born in 1893 under the executive leadership of Nathan Abbott. The mold of that School was solid and well founded. But by the end of World War II, the time had come to give the School a new shape, to supplement it with new tools and new ideas and programs fitted to the development of the United States during the 30's as a homogeneous national economy and polity, based upon emergence of the United States as the leading power of the world, and taking into account the developments that had occurred in intellectual fields during the twentieth century, particularly in the social sciences.

Carl Spaeth was the man who conceived and who turned the School toward these new directions. Now make no mistake about this—institutional changes of this kind are never easy. Resistance to change, even by men of the best of good will, and of the highest intellect, is the most human of all human characteristics. And Carl encountered some such resistance. Moreover, I do not say he did the job alone; he was aided indispensably by such extraordinary and special young teachers as, for example, Herb Packer and Bill Baxter to name two. But Carl was the one who brought those people to the School and he was the one who had the vision, the knowledge, and the skill to set the new course, to turn the ship to it, and to make it hold despite buffeting.

Idea after idea about legal education, ideas that are still considered novel and advanced, are traceable to Carl in the late forties and in the fifties: interdisciplinary work, legal education for undergraduates, the importance of transnational affairs in the law—to name but three.

As for my own period of deanship, as I see it, the School has been primarily in an evolutionary stage of consolidation, of implementation, of fill-out, of fleshing out, of institutionalizing that which had been begun during Carl's leadership. The business school people would talk of my deanship as a time of production engineering—the time to



bring on line and into production that which had theretofore been conceived in the laboratory. My own deanship has, in short, stood squarely on those broad shoulders of Carl Spaeth. The School's and my debt to him have no measure.



Thomas Ehrlich

And Tom? Unless I am mistaken—and in this I do not believe I am—I think we will see in the years immediately ahead another spurt of development in still newer directions. I shall have a little bit to say about that further this evening—though not very much, for Tom and the faculty need no instructions or architectural guidance from me. Indeed, among the many talents which Tom has at his disposal, the very one in which he most excels and as to which he has already given full demonstration, is his architectural creativity, the capacity for forward vision that the years ahead will require. I think the School is unbelievably fortunate to have available to it such young, able, and innovative leadership fitted to the period that lies ahead. I fully expect that the Stanford Law School will, under Tom's guidance, move ahead to establish and to reestablish, again and again in a continuing process, Stanford's vanguard eminence in the law school world. I congratulate the School, the faculty the President and Stanford, and Tom, on their choice of the next dean.

The Faculty

This School has three major con-

stituencies—faculty, student body and alumni body. I should like to say a word or two about each.

This faculty is simply extraordinary. Gauged by its commitment to its teaching, by its commitment to institutional life, by its scholarship and productivity, by its intellectual power, by any of these standards, this Law School is literally without equal in my judgment and, if you were to dismiss my judgment as biased, let us say it is at least equal to the best.

What you may not know about this faculty is that it is also the ultimate epitome of the deliberative collegiality.

I have never witnessed the equal of this faculty's willingness to listen to its individual members, to accord total respect to each member, regardless of opinion differences, to stay as long as it may take until all the issues have emerged, until the last person who wishes to be heard is heard. I have never seen such an Athenian, pure ideal of the deliberative process as this faculty conducts—and views as normalcy. As I step out of the deanship, I urge the faculty with all the force and vigor I can summon to preserve this most remarkable treasure! The way in which this faculty has moved to issue after issue, as to which there was the widest divergence of opinion, in the years that I have been here and always found a way to work it out, to crystallize it and to keep moving, to avoid the cheap debating point, to shun the irrelevant *ad hominem* jab, and to maintain a low keyed voice of rational discourse, is a tremendous tribute to all its members. I have seen other schools. I have seen other bodies. I have never seen anything like the deliberative tradition at this School. It is your most rare and valuable asset; continuously remember its value, nourish it, and keep it inviolate.

The Students

As for the students, comment is easy. You are very bright, you are very energetic and you are very committed to doing the right things with your legal training. You work hard, sometimes—like all generations of students. You are young, and sometimes I agree with you and sometimes I don't. But I think you're great. And you will need to be. It will be a tough world that lies ahead.

The Alumni

The alumni? I can say only for myself that I arrived at Stanford as a stranger, knowing exactly one alumnus of this School. He is here this evening—a very close and dear friend of many years standing—Warren Christopher. Since then, I have been personally accepted by the alumni of this School in the most remarkable and warm way. I could not have been made more welcome by the institution or by its alumni—among whom I now count literally hundreds of friends. Again my debt is very great.

I have from time to time published some critical remarks about the bar, about graduates of law schools. These remarks have dealt with the profession's pervasive sense of non-responsibility about law schools and about legal education. I have sought to point a finger not so much at parsimony, not so much at callousness to the needs of legal education, but to the bar's lack of appreciation of the importance of legal education to the profession and to the society. I have tried to persuade lawyers to perceive the special role which they necessarily, by force of their membership in the profession, must occupy with regard to a responsibility for legal education. Stanford's alumni body as a whole was not distinguishable from other alumni bodies as a whole in these respects. I say all that in order that I may say the next thing about our alumni. It is perfectly evident, and you see it here before you this evening, that step by step, gradually, increasingly, the profession has begun to become aware that it does have a special responsibility for its own educational institutions. The bar has a direct interest in the matter, it also has a broader social interest in the matter. And it is very clear that not just by direct financial contributions, but by other kinds of support and involvement the alumni body of this School is becoming closer to the School, more interested in what it does, more concerned about tomorrow's education. I want to pay tribute to our alumni for that current of movement and I urge you to continue it. Know the School, what is going on in it and why. Participate in the programs of your local law society. Visit the School when you can. Become involved.

The School has these three basic

constituencies—the faculty, the student body and the alumni. The dean's chair has a few advantages. The major one is perspective. I can say to each of you, perhaps better than anyone else in the room, that each of these constituencies has good cause and reason to be proud of the other two.



The School and Reform of Legal Institutions

I hinted a little earlier that I was going to say a bit about the School and the future. I have two points to make and they are very brief.

The first one has to do with the general state of the world and particularly with the state of the law in this country. It is no discovery to any of you in the room, and I am opening no one's eyes to anything, that there are basic malalignments, misalignments and dislocations in American society today. The dreary recitation is one that any of you can make—pollution, problems of racial discrimination, crime, drug abuse, decay of the urban centers, and so on—you are familiar with the depressing lexicon. Because the law is the life of people, and because the law is the reflection of its society, the law of course is itself intimately, inextricably involved in these misalignments and dislocations.

Defects in our legal order are involved in at least three different ways or, more accurately, three different kinds of manifestations of defect can be seen. In one of these manifestations the law itself is being used as a tool to perpetuate or impose the social dislocation. The ways in which the eviction and repossession laws

often operate offer instances of the law itself being used actively and affirmatively as an instrument of social injury. The law's failure here is substantive.

The second general manifestation of defect is essentially of an administrative character. It has to do with the general, gradual grinding-down and—collapse is too strong a word—disintegration of the legal process itself. Congestion of the courts and intolerable delays in trials are consequential examples.

And third, our legal order today suffers from a fundamental failure in its delivery system, an institutional structural defect. As it is presently constructed, our legal order does not provide legal services to a wide segment of our population. I do not refer only to those who are at poverty levels of income. A very interesting point that emerged several times during our Board of Visitors meeting of the last two days was the voice—not of outside critics, not of judges, not of academicians—but of practicing lawyers, increasingly aware that the pricing structure for legal services, given the institutional structure of our law today, is one that provides legal services only to the very well-to-do, to the larger corporation, or to the large scale institution. This situation cannot be allowed to continue. The society will not allow it to continue. And the responsibility for changing it rests fundamentally with the people who are in this room tonight.

On the whole, the students see these things pretty clearly; on the whole, the faculty sees them pretty clearly; and on the whole, the profession increasingly sees them pretty clearly. But the situation so far has been just that—on the whole. By and large, and with some few exceptions, the profession has tended to stand pat and the law schools have tended to stand back.

My guess is that the next stage of development of law schools and of our profession will see an increasing joint involvement and an increasing joint commitment on the part of law faculty people with bar leaders to concern themselves with the institutional dislocations of the legal order and to press for institutional reform. Until today, our faculties have tended to view themselves as primarily concerned with two categories of intellectual endeavor—

that relating to doctrine and that relating to analytics.

Today's movements for institutional judicial reform and institutional reform in the legal order are not primarily associated with our law schools or centered in our law schools. But they should be. The bar is now moving, the public has come alive. My guess is—and I view this aspect of the matter as extremely optimistic—that we are moving into a stage where again, as in earlier days, the chasm between the practitioner and the law schools will be bridged as the two join forces to address the problems of a seriously ill legal order. The lawyers are needed; they have the leverage, the know-how and the understanding at a working level. The academicians are needed; they have the reflection, the data, the capacity for research. I urge both of you to join together in that endeavor and to do so quickly. Indeed, I think you must.

The New Infallibilism

And now my last point. It seems to me that we may be moving into—and there's a great deal of evidence of this, some of it very current on this University campus—an era of what I would refer to as The New Infallibilism, or The New Dogmatism. Under the tenets of The New Infallibilism—as of all old infallibility—the basic notion is that since I am right, if you are not persuaded that I am right, I shall hit you over the head with a baseball bat. I am at an absolute loss to understand how it could be that it would be possible for so-called, or would-be, political thinkers to attempt to dress up as new and profound this most atavistic, barbaric, primitive and demonstrably pernicious of all propositions. And yet I am afraid that we detect in our society today an increasing willingness to accept this most caveman form of alleged philosophic position as though it were some new invention.

As a matter of moral philosophy—ballbat infallibilism cannot be what civilization is about and it certainly is not what law is about.

Moreover, it will not, cannot, work in pluralistic society. I guess it might be *possible* to run a society—though I would not want to live there—on the infallible ballbat principle if it happened to be a highly homogeneous society containing only a very few

members whose attitudes, appearances, or opinions differed from the conforming mass. The mass can perhaps succeed in squashing a few aberrational performers. But American society today is a Babel of infinite numbers of voices on infinite numbers of issues all being reexamined simultaneously—with tensions up and noise levels high. While it might be possible, though morally reprehensible and personally unpleasant, for a homogeneous society to operate through a repressive use of force in place of freedom of expression, that cannot be a prescription for the viability of a society that is heterogeneous, divided in opinion and fragmented, as is our own. When the seas are rising and it is raining very hard, and everyone is on the ark, each one different, it is an especially poor time for the zebra to begin to insist that everyone on board wear stripes and the leopard to demand unconditionally that everyone assume spots—both reaching for baseball bats.

I had occasion to note the other day some arguments advanced recently on this campus to the effect that one man's adverse judgment on the morality or the wisdom of another man's words and action gives him the right to silence the speaker; some even would seem to say that this right becomes a duty if one is in the minority. I find it appalling and dispiriting to hear these tired arguments on a great American campus. Every despot, every inquisitor, every censor, every demagogue throughout history has offered them as his justification for the repression of oppositional thought. It is hardly credible that the most elemental principal of free speech should, after centuries of struggle to achieve it, be so little valued by those who are the major beneficiaries of it, the academician and those who hold minority views.

"The spirit of liberty", said Judge Learned Hand, Tom Ehrlich's mentor, "is the spirit which it not too sure that it is right." That spirit is also the essence of free speech. It means that learning never stops, that every idea is subject to question. It is then more than the right to speak so that others may be persuaded. And it means those rights for the minority, whether of one or a hundred, and it also means those rights for the majority.

Most of all, in this day of turmoil and major social change, whether you are a

student, whether you are faculty, whether you are lawyer-alumnus, whether you are talking with a member of your own constituency or of another, I ask you, as the School moves ahead and as the law moves ahead, please, please remember Cromwell's line from 1650: "I beseech you, in the bowels of Christ, think you it possible that you may be mistaken."

Thank you.



Jerome Braun

At this point Jerry Braun and Marty Anderson presented Dean Manning with a certificate making him an honorary alumnus of Stanford Law School. It reads:

In grateful recognition of his enormous contributions to the growth and greatness of Stanford Law School and in particular gratitude for his service as Dean of the School, by the authority vested in us, for and in behalf of the alumni of the Stanford Law School, we hereby designate and declare Bayless Andrew Manning alumnus *causa honoris*, of the School of Law of the Leland Stanford Junior University. Given at Stanford University in the State of California, this twenty-third day of April, in the year of our Lord the one thousand nine hundred and seventy-first, of the Republic the one hundred and ninety-fifth, of the University the eightieth, and of the Stanford Law School the seventy-eighth. By the Chairman of the Board of Visitors of the Stanford Law School and the President of the Council of Law Societies.

Manning Named CFR President

The following story came from the Council on Foreign Relations.

David Rockefeller, chairman of the board of the Council on Foreign Relations, announced Tuesday, April 20, that the board has elected Bayless Manning, dean of the Stanford University Law School, as full-time president.

He also will be elected as a member of the board.

In making the announcement, Rockefeller said, "The Council has made an important contribution in the past to understanding of world problems. At this time of major change in the field of foreign relations, it is looking forward to an increasingly active and expanded role under the leadership of its new president."

When Dean Manning takes office in September, he will succeed Grayson Kirk as president and George Franklin, who last June indicated his desire to resign as executive director. Dr. Kirk, president emeritus of Columbia University, was elected to the new post of vice chairman of the Council Board, effective when Dean Manning assumes the presidency. The post of executive director will be discontinued at that time.

The Council on Foreign Relations was founded in 1921 to study the international aspects of America's political, economic, strategic, and financial problems. Its publications include books resulting from these studies as well as a quarterly review, *Foreign Affairs*.

In addition to the many meetings connected with its study projects, the Council also arranges more than 150 off-the-record meetings each year at its headquarters in New York at which leading statesmen, scholars, and men of affairs discuss problems of foreign policy with Council members.

Among those who have recently spoken to Council members are Prime Minister Heath, Chancellor Brandt, President Pompidou, Prime Minister Sato, and Prime Minister Ghandi, as well as many distinguished Americans.

Affiliated with the Council are Committees on Foreign Relations composed of community leaders in 34 cities around the country.

Students Interview Bayless Manning

The following article is reprinted from the Stanford Law School Journal of December 10, 1970.

by Peter Herman '71
and Bill Kircher '71

Two editors of the *Journal* interviewed the dean in what, in their words, turned out to be a frank, informative, and entertaining discussion of the history and future of the Stanford Law School.

1964

When Bayless Manning came to the Law School in 1964, he became dean of an institution very unlike its 1970 counterpart. There was, recalls Manning, an "exceedingly able faculty," and a core of professors who wanted to "turn the Law School around." What followed was a period of dramatic innovation and augmentation, as significant as any in the School's history.

Changes

Among the more important changes has been a major curricular revision which the dean feels has put Stanford "far ahead of other law schools" in this area. He also noted that the faculty has been built up and enlarged. Professors have been attracted to Stanford not so much by financial incentives, as by the opportunity to participate in the forming of new educational structures. . . .

In addition to curricular change and faculty build-up, the School has experienced the expansion of student activities, the planning and funding of a new law school, improvement of the library, organization of alumni, implementation of new methods of accounting and fiscal control, and the creation of a body of Law School literature.

Dean's Power

The dean cautioned against crediting him with changes that have been the work of many. People tend to exaggerate the power of the dean, he said. "The fact is that the dean has no real power." He is an administrator in his dealings with the Law School staff, but in his relationship with students, faculty, trustees, and alumni, he must necessarily be a "negotiator and persuader"—a "catalyst."

While conceding the importance of his fund-raising function, Manning warned against divorcing this from other concerns of the School. "The Law School is an organism," he said, "and it has to develop in balance." It is fruitless to raise funds at the expense of the School as a whole. Money is rather useless without a faculty, of course, but a good faculty requires not only money but good libraries and a bright student body. Manning mused that he was perhaps an "orchestra leader."

The dean found that one of the chief pleasures of the job was its hectic diversity. "You spend four minutes with students and suddenly there's a crisis because the Xerox machine has gone out of operation. Fifteen minutes later a government or bar official calls wanting to draw you into some matter in which 'you're considered a neutral party.'"

Money Problems

Manning had no difficulty naming the greatest problem faced by the Law School. It's money—"fuel to run on." He said he wished that all concerned could have a better appreciation of "the reality of dollars in these operations."

Law schools simply do not have the sources of support common to other departments in the modern university, he pointed out. . . .

Yet, according to the dean, "the bar as a whole doesn't support law schools either. It has never felt that this was its responsibility."

Tuition pays only about 45% of the School's operating costs, the dean said. Income from endowment is insubstantial and mainly limited to the School's endowed professorships. The other 55% must be derived from a continuous flow of gifts, but for various reasons the alumni group cannot yet provide an adequate base of support.

Alumni

The School has approximately 4,000 graduates, Manning explained, of which 3,000 have graduated since World War II.

The 1,000 who graduated during the 50-year span from 1898 to 1949 and are

probably in the best position, financially, to donate to the School have the weakest ties to the institution in its present form. Many of them are not in continuing contact with the School. The dean does not find this lack of support and interest surprising. "The institution bears little resemblance to the University the senior alumni attended," he observed, "and it is difficult for them to identify with the School as it is today."

It is not just a question of loyalty to the institution, however. The dean pointed out that lawyers as a class are not wealthy professionals. A successful practitioner is "a comfortable, extremely comfortable, upper income man," but "he is typically not in an asset position to make significant contributions."

There is one encouraging development, according to the dean. He sees a "backbone" of support for the School developing in the postwar alumni. At present, this group is just emerging. But he believes that by 1980 it will provide a substantial base of support for the School.

Solutions

The ultimate solution, in Manning's view, is for each graduating law student to repay the amount of his subsidy at some point in his career. Assuming that the cost of educating each student is currently \$2,300 per year greater than the tuition he pays, he should reinvest the subsidy of \$7,000 over the period of his professional career to make it possible for a later student to receive his education at the Stanford Law School.

Looking to the future, Manning described the Law School as a plane which is flying too fast on too short a financial wing span. Stanford has gone through a period of dramatic development, he concluded, and it must be a major responsibility of the dean to develop for it a commensurate financial base—which today it does not have. To provide that base is the purpose of the School's six-item AGENDA for Legal Education—a two-phase \$16 million program to fund faculty, student aid, library, research, student organizations and building. . . .

The Future

Dean Manning discussed his decision to leave the Law School at the end of the current year. He feels that it is healthy for a law school in these days to have new leadership every five to seven years. Most of what a person can expect to accomplish in a new job, he observed, can usually be accomplished in that period of time. Eventually, though, a dean may find himself the defender of programs and policies instituted during his deanship. Manning added that he hopes he has not yet come to that position, but at some point the risk becomes great and the institution stands much to gain by introducing "the fresh energy and viewpoint of a new cycle of leadership." . . .

The dean feels strongly about insuring an orderly decanal succession. "Universities often do such a bad job of handling decanal successions," he said. Too often there is a pause of an acting deanship between deans in which the important and difficult matters are put in abeyance. When the new man comes in he must dispose of the backlog, often without the benefit of his predecessor's experience.

Asked about his plans for the future, the dean replied, "At this point I haven't the faintest idea and have not really yet begun to focus on the topic."



Thomas Ehrlich — School's Seventh Dean

*Reprinted from the
Stanford Law School Journal of
January 28, 1971.*

by Bill Kircher '71

When Tom Ehrlich graduated from Harvard Law School in 1959, he assumed he would pursue a career as a practicing lawyer. He had no premonition of the path that would lead him to the Stanford deanship. In fact, it was not until he had clerked for Learned Hand, spent two years in private practice with a Milwaukee firm, and worked in the State Department for another three years, that he became a professor at Stanford. Even as recently as last term, the soft-spoken professor of international law was finalizing plans for a sabbatical leave during the next academic year.

That sabbatical is now very far in the future. The new dean, in addition to his normal teaching schedule, has already become deeply involved in his new office, and he is planning an active spring.

Student Ideas

Dean Ehrlich intends to devote a major share of his energy to learning more about the needs and thoughts of students. He wants to talk with and, he emphasizes, listen to, as many students as are willing and interested. To accomplish this, he plans to have informal gatherings of first and second year students in small groups at his home and in Crothers throughout the spring. Last night's discussion with students in Crothers was the first step in this communication process. The dean is equally receptive to the ideas of third year students, who although they might not have the same stake in the future of the Law School, nonetheless have a valuable perspective, and he will meet with all who express interest.

Dean Ehrlich also plans to seek out student organizations, partly for their ideas, partly to gain a better understanding of what they are accomplishing and how they fit into the working of the School as a whole.

Curriculum Innovation

The dean's interest in student ideas is a reflection of his commitment to innovation in general. In recent years, he has been deeply involved in curricular reform. Many will remember the Ford Foundation-sponsored study of the law school curriculum which culminated in such programs as the externship and joint-degree programs. The impression that the bulk of curricular reform lies behind us is misleading, however. The reverse may be true. Some of the most potentially far-reaching innovations in legal education at Stanford may still lie ahead of us.

In one sense, Dean Ehrlich sees curricular change as a process of self-study and improvement. The goal of the 1968-69 curriculum study was to diversify opportunities in the Law School so as to permit students to pursue their interests in as many directions as possible, within practical limitations. The fruits of this inquiry are now in visible abundance. A second phase of curriculum improvement is now under way, headed by Professor Anthony Amsterdam. The focus of this study is the actual substantive content and structuring of presently offered courses—what they are about, how they relate to one another, and how they might be beneficially changed to prevent overlapping, tie together related matter, and so forth.

Outside Involvement

But the new dean emphasized that the responsibilities of the Law School are by no means confined to its own previously established territories. The School should seek to involve students and faculty in outside legal affairs, and vice versa. "Law schools have been relatively insulated from the institutions of the legal system," said the dean, adding that this has been "to the detriment of

both." Anyone who has attended a session of traffic or juvenile court in Redwood City, for instance, must realize that those who administer justice in such institutions have "their backs to the wall." Ehrlich also used the example of the outmoded probate system, a "terribly inefficient" institution.

The dean believes that the Law School should become involved not just in the recognition and study of the inadequacies of the legal system, but should also be committed to its improvement and the development of viable alternatives.

At the same time, Dean Ehrlich feels that the School should expand its educational function. It should seek to increase its participation in university affairs, providing legal instruction to undergraduates and members of other graduate departments. The School might also offer the practicing professional an opportunity for a year's sabbatical here so that he could step back from his specialty and place it in perspective.

Law schools must become aware of their evolving role and changing responsibilities, Ehrlich stressed. People are conscious of tremendous changes going on everywhere around them, said the dean, and increasingly they are looking to the legal profession to structure and order the great transformations which they see occurring with such force and rapidity.

Dollar Problems

If the potential for innovation and improvement of the curriculum is exciting, however, the financial outlook of the School is not exactly so. Speaking of dollars, the new dean warned us from the start, "I have no magic formula for extracting money from any source, including alumni." He lamented the fact that the School receives so little government and foundation support relative to other graduate departments. The dean feels that although efforts to gain institutional support have so far met with little success, ultimately the School must develop such support. He theorized that as the relationship between the solution of certain societal ills and improved legal education is stressed, the possibilities for institutional support may improve. Another possible approach to the fund raising dilemma is inter-school cooperation, but the dean concluded that thus far there has been "very little joint effort" due to a certain

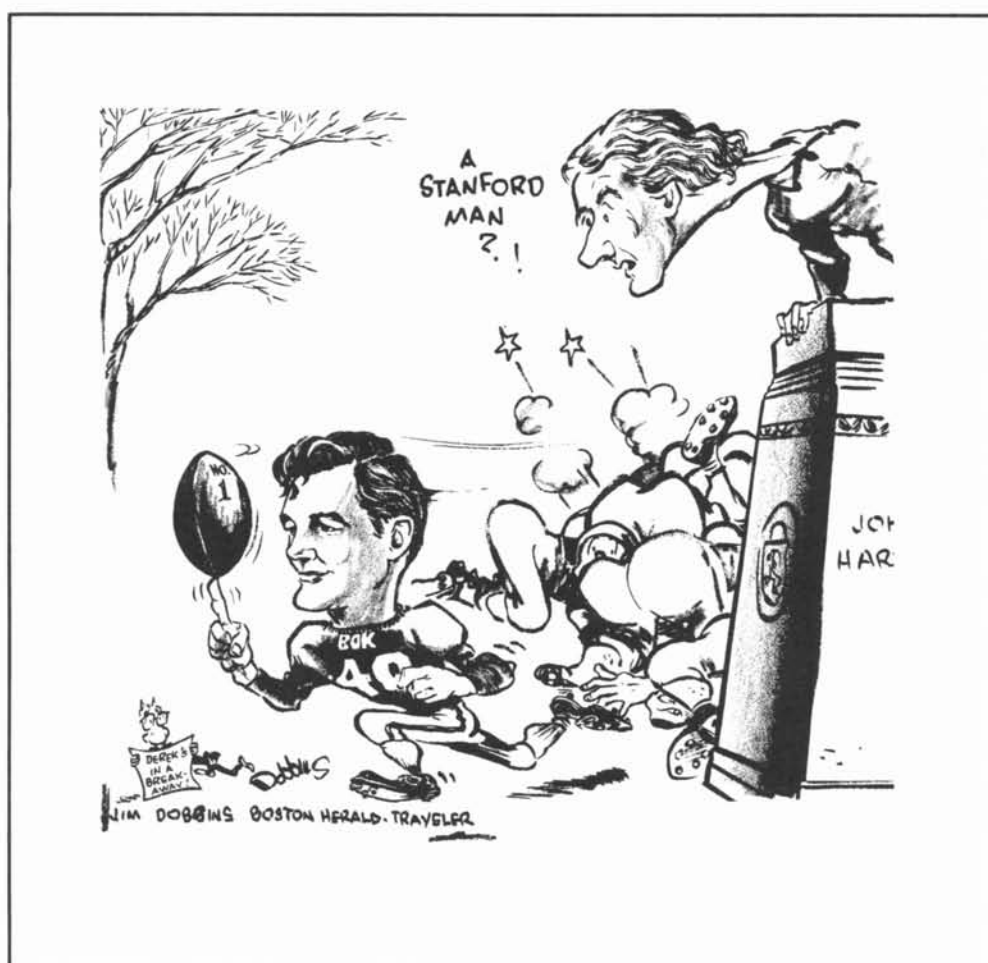
measure of "lethargy, parochialism, and competition" among the schools. This too, however, appears to be changing.

Future Plans

Money problems and the thrust of curricular innovations are, of course, long-term concerns which will occupy Dean Ehrlich for years to come. Most of his time in the next few months will be devoted to settling down in his new job. His primary concern this spring will be listening to students. He also needs to acquire a working knowledge of the mechanics of law school administration. Asked how long he expects to remain dean, Ehrlich stated that he had no precise idea. "I'm not one who can make cosmic plans for his life for the next three decades," he said smiling. He hoped he would not stay so long as to become "ossified" in the job, but on the other hand, he wants to stay long enough to be an effective dean—"certainly more than one or two years."

And the dean plans to continue teaching, though at a lesser pace. "It may be necessary," he joked, "in order to maintain one's sanity in this job."





Bok Leads Harvard

Reprinted from the Palo Alto Times of January 13, 1971.

An outlander's in at fair Harvard

It marks an arrival worth hailing that Harvard University has, for the first time, tapped a Stanford University graduate to be its president.

Derek Curtis Bok, 40, currently dean of the Harvard Law School, will succeed Nathan M. Pusey on July 1 as president of Harvard, the nation's oldest university and the one generally considered the most distinguished.

In a counterbalancing reaction, or East-West swap, if you like, Thomas Ehrlich, 36, a graduate of Harvard and of Harvard Law School, has been named to become dean of the Stanford Law School on September 1. Ehrlich now is

professor of law at Stanford, whose faculty he joined in 1965.

President-elect Bok evidently has been a ball of fire in his dozen years on the Harvard law faculty, especially in his last two years as dean. Even after two major confrontations, he reportedly still stands high with the students—and obviously with the administration and faculty. Cambridge has, after all, overlooked his outlander origins—a break with tradition eased, no doubt, by his being a Harvard law grad.

Our best wishes go to Dean Bok in his new opportunity as the leader of the Stanford of the East. If he continues to make good there, his alma mater may one day find a spot for him.



Martin Anderson

Board of Visitors Meets

The Board of Visitors held its annual meeting at the School on April 21, 22 and 23. Following committee meetings on Wednesday evening, Martin Anderson, chairman of the Board of Visitors, on Thursday introduced Bayless Manning who opened the session with a report on the state of the Law School.

Associate Dean J. Keith Mann talked with members of the Board about the Law faculty and the Law School curriculum. He was followed by a panel of constitutional law professors—Paul A. Brest, William Cohen, Gerald Gunther and Richard S. Markovits—and then Professor William F. Baxter, and Marvin T. Tepperman, a lecturer at the School.

Professor and Dean-designate Thomas Ehrlich joined Professors Charles J.

Meyers and Kenneth E. Scott in remarks on the work of the law faculty outside Stanford University.

E. Howard Brooks, Vice Provost, and James V. Siena '61, Legal Adviser to the President of the University, rounded out the forum with remarks on the law faculty's involvement in affairs of the University.

The Honorable John D. Ehrlichman '51, Assistant to the President of the United States for Domestic Affairs, spoke at the Board of Visitors Annual Banquet on Thursday evening. The dinner was also the occasion of a presentation by the Board to Dean Manning of an illuminated globe and a set of the *Encyclopedia Americana*.

The Friday sessions were focused on



"Well buddy, you're adrift in an open boat."

student activities beginning with the Clinical Seminar in Prosecution as explained by Professor John Kaplan, Adam von Dioszeghy '70, Teaching Fellow, and Robert M. Haddock '71. Irwin Schwartz '71 and Barbara Dray '72 conducted a discussion with other students and Board members of the functions of the Legal Aid Society.

The rest of the meeting was devoted to a colloquy about the School between members of the Board and members of the Law School faculty and administration.

A complete accounting of the meeting will appear in the annual Board of Visitors Report.



Howard Brooks, Elmer Sproul and Clarence Ver Steeg



Hon. Robert Peckham, Hon. Walter J. Cummings, Mr. and Mrs. Thomas Ehrlich



Bayless Manning and John Ehrlichman



Law Alumni Weekend

Aside from attending the Law Alumni Banquet on April 23, those returning to the School for Law Alumni Weekend met students at a reception at the Barristers Pub on Friday afternoon. Stanford Law School Today was the subject of reports made by deans, faculty and students on Saturday

morning, followed by a luncheon at which Hon. Paul N. McCloskey '53 was the speaker. An afternoon discussion of the extern program with Associate Dean Joseph Leininger was followed by a reception at the Stanford Museum and class dinners.





Bayless Manning

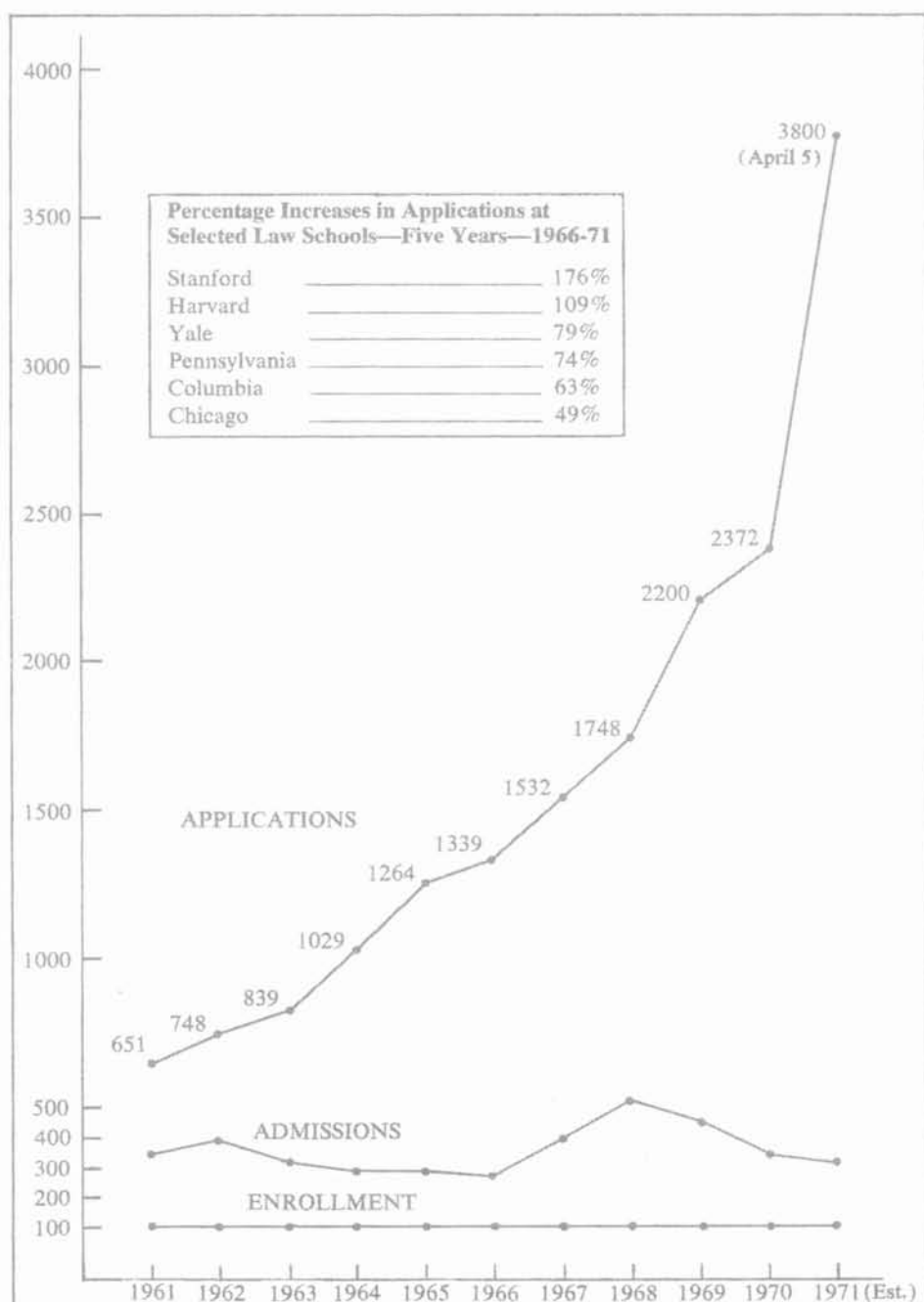


J. Keith Mann





Applications, Admissions and Entering Enrollment at Stanford—Ten Years—1961-1971



Parmer Fuller noted at the April 23 Law Alumni Banquet in honor of Bayless Manning, "Now before you take too much comfort, Bay, in these indices, I hasten to point out that since you have announced that you are leaving the post as dean of the Stanford Law School, the number of applicants for admission has risen by fifty percent." Indeed, it is true, whatever all the causes may be, as can be seen on the chart,

that applications to Stanford Law School have risen by 176% in the last five years. With about 3,800 applications this year, the School can now accept only about 10% of its applicants, compared with 59% in 1961. It is estimated that the class entering in 1971 will have a median LSAT score of 702 (in the 97th percentile) and a grade point average of 3.66.

Deans' Gallery Completed

The Committee on History and Art completed the School's gallery of deans with the presentation on February 20 of the portraits of Deans Frederick Campbell Woodward and Charles Andrew Huston, executed by John B. Bohrer.

At a luncheon at the Faculty Club brief remarks were made on each of the deans by Sheldon Tefft, James Parker Hall Professor of Law Emeritus, University of Chicago Law School, Professor, University of California, Hastings College of the Law and Harold Shepherd, William Nelson Cromwell Professor of Law Emeritus, Stanford Law School.

Following are Professor Tefft's remarks on Dean Woodward.

Some fifteen years ago, when Larry Kimpton was president of The University of Chicago, I got an urgent request from his office to locate the University's portrait of Fritz Woodward, Stanford Law School's dean from 1908 to 1916.

That should have been a very simple task. Mr. Woodward had been associated with the University for some forty years and had made most brilliant contributions to the institution, first as a professor in its Law School and later as vice president,

and for a time as acting president. He had merited and so far as I knew had commanded the respect and admiration of the entire University.

As a token of its appreciation of his achievements the University had named one of its larger dormitories Woodward Court. The truth was, however, that, though only Woodward Court bore his name, nearly every important gift that the University had received while he was active in the president's office came because of his heroic efforts to further the interests of the University. The list of those benefactions included gifts to endow professorships such as the John P. Wilson Professorship in the Law School as well as gifts for magnificent buildings such as the Rockefeller Chapel, the Billings Hospital, the International House, and the Burton-Judson Dormitories.

Even the most exacting and cynical of the University's public relations experts were ecstatic in their praise of his effectiveness. Whether books are kept as to such matters I do not know, but, if they are, Woodward would be at, or very close to, the top of every such list.

What a shock and what a bitter



Charles Andrew Huston



Frederick Campbell Woodward

disappointment it was that even after an extensive and prolonged search I was unable to locate the portrait! My failure was especially frustrating because I was so very much indebted to Mr. Woodward. The association with him, though never intimate, had extended over more than a quarter of a century. Indeed, as acting president of the University he had approved the appointment to the Law School faculty of a brash, inexperienced young lawyer from Nebraska and it was because of that that I have had the rare privilege since 1929 of being associated with a most select company of scholars and teachers of law. At Stanford I should mention, in addition to Mr. Woodward, the late Arthur H. Kent and also Harold Shepherd who greeted me when I came to Chicago. Later appeared Phil Neal who is now the Dean at Chicago. At Hastings I particularly cherish my association with Brooks Cox, Rollin Perkins, George Osborne, and now John Hurlbut.

The failure to locate the portrait made me most desolate. How Bayless Manning has managed to find one I do not know. But, in any event, I salute him. For the portrait will serve, as it should, to perpetuate the memory of a brilliant lawyer, teacher and administrator who contributed so mightily not only to Stanford and the University of Chicago, but, indeed, to the profession and the world at large.

Professor Shepherd then spoke about Dean Huston.

During my student days in the Stanford Law School (1917-22) it was my privilege to know Dean Huston both as a teacher and as administrative head of the School. As a student I took three major courses he then taught, agency, private corporations and administrative law. I recall this latter course with particular clarity for in this area of the law, which



Harold Shepherd, Mrs. Elizabeth Morrison, Mrs. Harold Shepherd, Mrs. Patty Brenner

has since assumed such major importance, Dean Huston was truly prophetic and along with Goodnow at Columbia and Freund at Chicago, a sturdy pioneer. I recall it also for another reason which I shall relate later. During my senior year in law school as president of the student law association, I was invited not infrequently to attend meetings in his office for discussions of law school policy which either affected the students in their organized capacity, or on which the dean wanted an expression of student opinion. In both capacities of teacher and dean I came to have for Dean Huston deep respect and genuine affection.

In physical appearance Dean Huston was of medium height, somewhat stocky build and ruddy complexion. He was a thoughtful, quiet and gentle person and these qualities were evidenced both in his physical movements and his manner of speech.

He did not use the Socratic method in his classes to the extent that some other members of the faculty did. His method, so far as I can characterize it generally, was rather one of quiet and friendly suggestion and persuasion. His gentle nature caused him frequently to go out of his way to assist a student who seemed a bit frightened or con-



Bayless Manning, George Osborne, Harold Shepherd, Thomas Ehrlich and Lowell Turrentine

fused or was about to involve himself in some stupidity or intellectual inconsistency. When a student, however, *insisted* on hanging himself, the dean would allow him enough rope with which to do it.

I recall one instance in the first year course in agency which became known to the students around the Law School as the *straw hat* method. The series of cases under discussion involved the problem of the scope of the *implied* powers of an agent and the general sequence of the cases showed rather obviously enough that the implied power of an agent in charge of a large complicated enterprise would be broader than those of an agent in charge of a single isolated transaction. The case immediately under discussion involved the large complicated enterprise.

The Dean: "Can you describe for us the character of the business?"

Student: "Yes, it was an English corporation."

The Dean: "But what about the nature of the English corporation's business?"

Student: "It was manufacturing."

The Dean: (letting out a little rope)

"But what about the scope and extent of the manufacturing?"

Student: "They made hats."

The Dean: "Can't you tell us *anything* more about the enterprise than that?" (The rope was way out now.)

Student: (triumphantly) "Yes, it was a straw hat business."

Dean Huston was a scholarly man who read widely outside the law as well as within it. In many of his classes there were frequent literary allusions and he would often digress from the case to give a thumbnail sketch of the judge who wrote the opinion or to comment on the historical background against which the case was decided. These excursions were always interesting and informative and reflected, in addition to his scholarly interests, his conviction that the law was not a self-contained body of doctrine which must always be made to appear internally consistent but rather an institution shaped and modified both by the personalities of the judges who wrote the opinions and the historical events of which the law was simply a part.

In addition to Dean Huston's interest in the students' organized activities through the law school association he

had a deep and sympathetic interest in individual personal student problems. I cite a personal experience here because it was to my knowledge characteristic of what Dean Huston did for other students of my generation. The law school of that day was small in numbers and when World War I came the school was completely disrupted. Class identities were pretty well lost as those who did come back, came at highly irregular intervals. There was no G. I. Bill, or other public funds, to assist those who could return and scholarships and loan funds were almost non-existent.

I had completed about half of my law course when I went into military service. The end of the war left me without funds and little hope of being able to return to finish. I had secured a low-paying teaching job in a small Idaho college but graduation from law school seemed a long way off. One day out of a completely blue sky came a friendly personal letter from Dean Huston. Why he took the initiative and how he sensed my particular personal problem I'm not quite sure, but in this letter which I shall always treasure, he strongly urged and encouraged me to return to Stanford and said that if I could get back he would assure me of some part time work either as a Reader in one of the first-year classes or work in the law library and he just might even be able to find me a scholarship. Under the inspiration of this letter I did come back. Some of my classmates have told me similar instances involving their own relations with Dean Huston.

In the summer after my graduation from law school Dean Huston met his untimely death. Dean Kirkwood who succeeded him wrote me that this had created a vacancy on the faculty which would be filled by a junior appointment. I was honored by that appointment and during my first year on the faculty at Stanford I was proud indeed to be asked to teach two of the courses I had taken as a student under Dean Huston: agency and administrative law. I found the course in administrative law tough going, lacking the vast background of knowledge that my teacher had but the course was greatly brightened by the presence in the class of a brilliant student just beginning law school, John Bingham Hurlbut, just now joining the ranks of Stanford Law School's emeriti professors.

Stanford in 1910-1911



Preston Lincoln

A second aspect of the work of the Committee on History and Art is the collection of memorabilia of the School. Preston Lincoln, J.D. 1911, recently wrote his memories of Stanford in 1910-1911. They are printed here for the interest of other alumni.

In July 1910 I came to California to visit an aunt and uncle in Palo Alto after completing a year of mechanical engineering, a four year course in three years in economics, history, biology, ethnology, geology, logic, psychology and English, French and German literature, and two years of law at New York University, or seven years work in five years.

I combined my senior B.S. work in the morning with first year law work in the afternoons of 1908-1909; and served as an instructor in the Biology Department of N.Y.U. in the mornings and as a state reader to a blind law student in the afternoons of 1909-1910, receiving a B.S. in Pure Science in June 1909 and LL.B. in 1910 at N.Y.U.

During my five years at N.Y.U. I lived at home and commuted to University Heights in the mornings and to Washington Square in downtown Manhattan in the afternoons.

My uncle, Walter D. Tobey, had come to Nevada from Massachusetts in 1895 to work on the Union Pacific Railroad but was also interested in mining. When I came out to visit him and my aunt they lived in a house at the northwest corner of Hale and Hamilton Streets in Palo Alto that was then worth \$50,000. It still

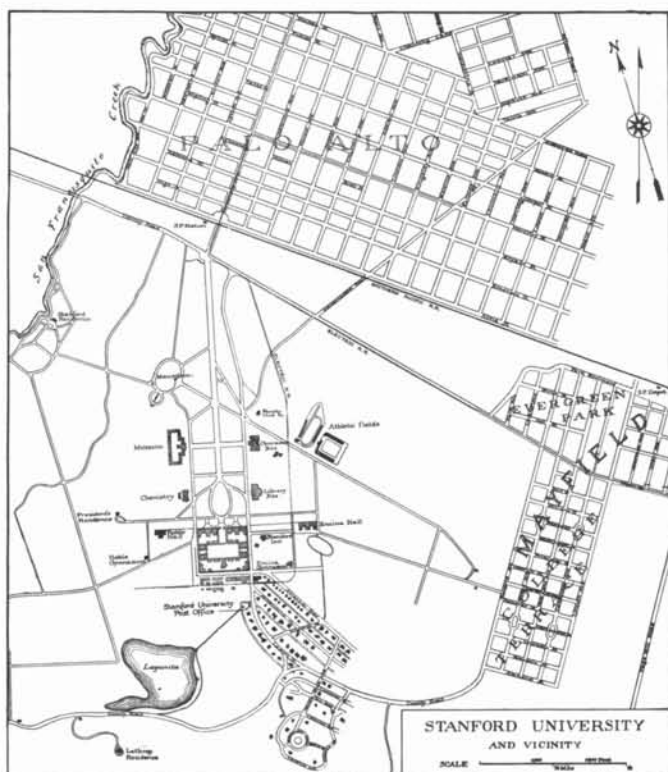
appeared in good condition when I last saw it in 1969.

In 1910 my uncle was a director of the Wells Fargo Express Company, a member of the Pacific Union Club and president of the Tahoe Transportation Company which then owned or operated almost everything at Lake Tahoe.

Soon after my arrival my uncle and aunt took me over to Stanford to see the buildings and visit the Law School. On meeting Dean Woodward I gave him a brief abstract of my undergraduate and law school work at N.Y.U. and asked him what credit Stanford Law School would give me toward an advanced degree. He said I would receive full credit toward a J.D. degree after a year of study and that my J.D. degree would admit me to the California Bar without examination, so I decided to stay and get my degree there. This is how and why I became one of the first 87 to receive LL.B.'s or J.D.'s from Stanford.

In 1910 the Law School had only three class rooms that I remember, and the J.D. class met in one that looked into the inner court or quad facing the Chapel, which was then being rebuilt. My impression is that there were windows at the back and others along the side facing the Chapel, or right side as we faced the door and the Professor's stand. There were continuous desk tops painted a dull grained green, with shelves for books underneath; and each desk top had accommodations for four or five students with hard bottom wooden chairs with neck-high rounded backs above the arms. My recollection is that there were four or five rows of such desk tops on each side of a center aisle. The Law Library was across the arcade from the class room.

The only law professors that I had anything to do with were Dean Woodward, Professors Bingham, Cathcart, Hohfeld, Huberich and Professor, later Dean Huston, succeeding Dean Woodward. My memory of Professor Huberich is vague but that for the other Professors is still vivid, visually and otherwise. Professor Hohfeld had the keenest mind but all the Law School faculty knew their subjects and were excellent teachers. "Publish or Perish" had not yet become a motto at Stanford.



Map of Stanford in 1910-11

I also took one course under President Jordan and Professor Krehbiel in what the irreverent called Dr. Jordan's "Pipe of Peace" or "Peace Pipe."

I proceeded to enlist in Company L, 5th Infantry, California National Guard, in Palo Alto, and took two weeks out of my first term in Law School to go to Training Camp at Atascadero in October 1910.

After my first term exams Professor Hohfeld told me that he had passed me only because he felt that I knew more law than I showed in my answers. I did better in my second term but after I had received my J.D. diploma Dean Woodward told me that there had been considerable discussion among the faculty as to whether I should get it. He also told me that he thought I would do better as a lawyer in Massachusetts (where I ultimately practiced for 56 years) than in California.

In 1910, as I remember it, Stanford had only 1700 students; between it and El Camino Real were first a wide stretch of turf and then a large grove of eucalyptus trees with a wide palm lined avenue.

To the east and west of this were dormitories for women and men, the

Leland Stanford Junior Museum, the Stanford home and Dr. Jordan's home. East of the Quad was Lasuen Street with a book store on its east side opposite the Quad. South of this was a small Post Office, the power house with its famous chimney and several service buildings, including a commons restaurant, the University Inn.

On Lasuen Street was a row of fraternity houses and a row of houses occupied by faculty members and administrative officers. I had a room in the home of Mr. Ames, the University Bursar, at 15 Lasuen Street. This house was still standing in 1968. Several Engineering students also roomed there and we shared a common bathroom.

I ate breakfasts and lunches at a Commons dining room west of the Quad as I remember it. A Miss Short, an assistant in the Department of Education, and Miss Merrilees of the English faculty also ate there. I ate all my dinners at the home of my aunt and uncle in Palo Alto, and spent Saturday night there and most of Sunday. The Chapel mosaics and interior were still being repaired after the earthquake; and I attended All Saints P.E. Church in Palo Alto, where I taught a class of teenage boys in the Church School for the Rev. David J. Evans.

Because I spent all of my evenings and weekends in Palo Alto I had practically no contact with the undergraduate students and very little with my J.D. classmates out of class; but I did some gym work and went to Berkeley as a "Rooter" for the football game with U.C. Stanford students tried to raise balloons carrying a large Stanford banner but the attempt failed and we lost the Game. I also attended the musical comedy and two plays on the Quad, bringing a Palo Alto girl.

My uncle and aunt belonged to a four-family bridge club in Palo Alto and my uncle and some of his friends also played cribbage, which he taught me. I was a dub at bridge, but learned cribbage so well that before I left Palo Alto I could score even with him. On one occasion our whole bridge club went by auto to the home of the Lathrops on a hill upon the Stanford Farm. They had a teen-aged daughter named Hermina with whom I danced at several parties in Palo Alto.

There was a very fine and active dramatic club in Palo Alto in 1910-11 and Professor and Mrs. Bingham were very fine actors in several plays, especially Moliere's "Medecin Malgre Lui," performed in English. He was the only Law School professor who took any part in Palo Alto activities that I remember.

In 1910-11 there was a toonerville trolley line that ran from the Quad P.O. to Hale St. in Palo Alto. At one crossing near the Quad was a RR Xing warning sign with a bell that frequently rang false warnings and kept them up. It was such an annoyance that it was wrecked several times at night and the trolley line gave up the attempt to keep it going.

One night a trolley car got stalled on the S.P. grade crossing and a freight train wrecked it. I saw the wreck on my way to my campus room. Some student made off with the fare register as a souvenir of this event. Later, in a parade of people in fantastic costumes one man appeared in a white gown and hood with eye holes in it, and with big RR X warning signs on chest and back, a sign "The Ghost of the Damnnuisance" and an alarm clock under his robe, which he rang at intervals. One fraternity got involved in an initiation scandal which involved a bathtub, and was severely disciplined. For a week afterward a bathtub upended stood on

the upper porch of the Frat house with a "For Sale" sign on it.

To supplement my allowance from Massachusetts I tutored the teenage daughter of Mr. and Mrs. Ames in History and Geography and later tutored two pre-school sons of a Mr. and Mrs. Corryell in Menlo Park. Mrs. Corryell was a Pullman heiress as I remember it. The Rev. Mr. Gardner, chaplain at Stanford, was scandalized at my charge for this tutoring, but the Corryells were so pleased with it that they invited me as a "fill-in" guest at a white tie dinner party. I rode to it on a bicycle in a pouring rain.

My J.D. Class had a photo taken of us in our robes but I spoiled it because my trousers were too long and looked as if they were about to fall down, though well secured. I lost my copy long ago in the course of several moves.

According to Dean Emeritus Kirkwood our J.D. Class started out 20 strong in 1910. Only five of us were left in 1968 and I am the oldest and senior alumnus of Stanford in Boston, Massachusetts at the present time. It is only within the past ten years that there has been any Stanford alumni activity in Boston, and President (now Chancellor) Sterling was the first President of Stanford to visit Boston, where there are now about 1,200 alumni.

In 1910-11 Stanford was as "dry" as Dr. Jordan could make it and any student going to Menlo Park for "liquid refreshments" and caught at it, was in danger of suspension, sometimes for a year. This led to the alibi that "My eyes were weak and I had to rest a year" in the Road to Menlo Song.

(from memory)

Oh, there's the road to Menlo
As plain, as plain can be.
And if you want to see a wreck
Just take a look at me.
For I have been to Menlo and tasted
of the beer;
And that's the reason my eyes are
weak
And I had to rest a year.

I wish I had an ocean of rum and
sugar a million pound.
The dear old Quad to mix it in.
The chimney to stir it round
I'd drink a toast to the cardinal
So glorious and so true, and join in
the rollicking chorus
To hell with the Gold and Blue.

Law Fund, Film Society Raise \$ \$ \$

Law Fund surpasses 1970 goal

For the first time in its 26-year history, the Stanford Law School Fund this year exceeded \$100,000 in regular annual gifts to the School.

While final tabulations will not be made until the close of the Fund's fiscal year on August 31, gifts recorded at the Fund office totalled \$100,370.49 at the close of business on May 7, according to Law Fund President Thomas M. Hamilton '37. The Fund had a 1970 goal of \$99,000.

Thirty alumni classes participated in an experimental program of class-oriented solicitation by class agents this year. Alumni in those classes exceeded all other alumni in annual giving by a margin of two-to-one.

The governing body of the Law Fund, at its meeting at the School on April 21, voted unanimously to incorporate the class agent program into the Law Fund on a permanent basis, and to name class agents in most other alumni classes.

In announcing the Law Fund's record President Hamilton paid special tribute to the hundreds of volunteers who served in the regional personal solicitation program, to the new class agents, and to the approximately 1,200 alumni, friends and faculty members who have contributed to the Fund since the start of its 26th annual effort last September.

"We started out to raise more annual money this year than we had ever raised for Stanford Law School before, and to exceed our 1968 goal by 20%," Hamilton said. "We have more than accomplished both those goals and the splendid results are an affirmation by Stanford lawyers of the pride we have in our School and of our recognition of the very great debt each of us owes to Stanford for his fine legal education."

Hamilton also announced the appointment of Robert C. Clifford '51 of Oakland, Richard D. DeLuce '55 of Los Angeles and Henry Wheeler III '50 of Boston as vice presidents of the Law Fund.



Presentation of Film Society proceeds: Thomas M. Hamilton '37, Law Fund President, Peter Herman, Bayless Manning, Thomas Ehrlich, Assistant Dean Thelton Henderson.

Film Society Scholarship

The Law School Film Society, formed last fall, has raised about \$3,500 for minority scholarships by taking advantage of the wide campus interest in films old and new.

Motive power for the society comes from Peter Herman '71, founder and president, who not only got brand new films to show but persuaded some of their producers and directors to conduct informal seminars at the School.

For example, Producer Richard Goldstone's new film, *The Babymaker*, filled Bishop Auditorium to overflowing twice in an evening at \$1 a head.

At Herman's urging, Gordon Stulberg, president of Cinema Center Films, came to Stanford with a private showing of his company's latest film, *Something for Everyone*, screened in the home of a society member.

The following day Stulberg held an informal seminar on contemporary film making with student movie buffs.

Director Robert Wise, winner of four Academy Awards, brought a print of his picture, *The Sand Pebbles*, to Stanford to show and then stayed for the screening and discussion afterward.

Jack Valenti, President of the Motion Picture Association of America, spoke to the audience on the problems of movie regulation and censorship before the showing of *Twelve Angry Men*.

Older classic films, such as *The Maltese Falcon*, *Casablanca*, *Wild Strawberries* and *Rebecca* have drawn capacity crowds whose admission fees have helped fill the scholarship coffers.

Herman will receive his law degree in June and expects to go to work for a Southern California law firm which specializes in entertainment law.

"The reason the Film Society has been so successful is that we show great films in order to raise funds for scholarships,"

Herman said. "We intend to continue this program in the coming years, and next year we will have a six-day film festival."

To get the Society started, Herman circularized all 500 law students for funds pointing out that the Law School should foster film appreciation and raise more funds for minorities.

Thirty law students and professors responded with donations from \$5 to \$25 each. This totaled more than \$400, all of which has since been paid back out of the Society's profits from fall and winter movie showings.



Jack Valenti

News of the School

Christmas Party Held

The Annual Stanford Law School Christmas Dinner was held on December 15 hosted by the Stanford Law Association. The event included dinner, a skit entitled "Cool Hand Bay" and the singing of Christmas Carols. Distributed with the program was a poem, excerpts of which follow.

'Twas the night before Christmas at the Stanford Law School

Our hero awoke in the middle of Manning's Sweat Shop.
He is surrounded by horrid and frightening creatures,
for dressed as Santa's elves he sees all his teachers.

And then There's Elf Charlie and I don't mean Dickens,
from the first day to the last the pace ever quickens.
His courses are property and oil and gasses,
but unlike his students this usually passes.

Then to the center of our poor student's dream
springs Stanford's very own fungible Dean.
But Bayless' stay at the Farm will end soon,
someone else will be Manning the deanship come June.



Professor Packer Honored

Professor of Law Herbert L. Packer has been honored twice in recent months. In December it was announced at the Association of American Law Schools meeting that he was one of two winners of the Triennial Coif Award for the most significant contribution to legal scholarship over the preceding three-year period. Professor Packer's award was for his book *The Limits of the Criminal Sanction*. More recently he received a John Simon Guggenheim Memorial Foundation award along with 12 other Stanford faculty members. The Guggenheim scholars receive a grant of cash enabling them to travel or finance creative projects at home.

Chickering Discusses CRLA

Lawrence Chickering, general counsel to the California State Office of Economic Opportunity, spoke in support of Governor Reagan's veto of the California Rural Legal Assistance program to law students on February 10. He criticized the CRLA for violations of a contract with OEO, as well as ineffectiveness and fostering an "antipoverty establishment." He suggested that the proposed "Judicare" program could safely eliminate these problems. There was an active question and answer period following in which some students expressed criticism and doubt of the proposed plan.



William Kunstler

William Kunstler Visits Campus

"Chicago-Seven" trial lawyer, William Kunstler visited the Stanford campus on February 19 under sponsorship of the Law Forum. During the morning he discussed "Movement Lawyerhood" with law students, while the afternoon was spent in a panel discussion on "Law, Order and the Administration of Justice" with Professors Anthony Amsterdam, John Kaplan and Wayne Barnett before a packed audience of 400.



Pierre Illeka



Jenik Radon and H. E. Melih Esenbel

International Society Hosts Ambassadors

The International Society hosted a visit by Ambassador Pierre Illeka of the Republic of the Congo on April 6. He outlined the development of the Congo from the time of the revolt against Belgium in 1960 through civil war to its present government, the Second Republic, established by the army in 1965 and pointed out the economic and social improvements brought about by the present administration.

On April 7 Turkish Ambassador H.E. Melih Esenbel spoke to the International Society on the political and economic stability of his country. Ambassador Esenbel emphasized the improvement of the standard of living in Turkey and said it would continue to develop through determination and effort on the part of the people as well as through foreign aid.

Yale Professor Discusses War

Alexander Bickel, Chancellor Kent Professor of Law and Legal History, Yale Law School, and presently at the Center for Advanced Study in the Behavioral Sciences, discussed "The President, the Congress and the War-Making Power" on April 21 in a talk sponsored by the Law Forum.

Bickel spoke of the division of power established in the Constitution which, in effect, restricts the power to make war to Congress. According to Bickel this war-making power belonging to Congress radically shifted to a presidential power in 1965 under Lyndon B. Johnson. This action, he claimed was "unconstitutional", an extension of power that should be reclaimed by Congress. He declared the "war has been a moral error" and said, "Democracy should not wage war when a substantial body oppose it morally and politically." Bickel noted the "double error" of the war—an error of commission by the President and omission by the Congress and said that Congress must reclaim its authority.



Alexander Bickel



Michael Kennedy

"Movement" Lawyer Denounces Legal System

Michael Kennedy, attorney for suspended Stanford English Professor Bruce Franklin, discussed "Law as a Repressive Force" under sponsorship of the Lawyers Guild and the Law Association on April 29. In a series of criticisms leveled at almost every branch of jurisprudence, he stated that he has more respect for the dropouts of society than the lawyers who perpetuate the law. He summarily denounced the State Bar whose ethics were determined, he said, by old, rich and successful lawyers; Governor Reagan for his California Rural Legal Assistance policies; the courts for their alleged lack of respect for defendants, defense attorneys and the system of law; prosecutors who look towards the number of their convictions rather than justice; and the grand juries' supposed theme that very few have respect for the law.

Sargent Shriver Speaks At "Law Review" Banquet

R. Sargent Shriver spoke to about 180 students, alumni and faculty at the annual *Law Review* Banquet on May 1.

Shriver exhorted his audience to "make justice come alive in the streets, not just in the library." He cited the present problems of California Rural Legal Assistance, saying that the principle of legal representation for all is being challenged by Reagan and others who are attempting to cut off CRLA funding.

The former ambassador, now practicing with Fried, Frank, Shriver, Harris & Jacobson, also explored the possibility of law teaching clinics connected to law schools in much the same manner that teaching hospitals are linked with medical schools. In his view this would be a way of bringing practical training to law students while serving the legal needs of the community.

Earlier in the evening Toastmaster Charles J. Meyers introduced the *Review's* first legislation editor Seth Hufstedler. Hufstedler, chairman of an alumni committee to fund the *Law Review*, noted changes in the *Review* in its first 23 years. When Hufstedler started law school in 1946 Carl Spaeth had just become dean and started three major projects in Hufstedler's view: built the faculty, later augmented by Bayless Manning; restructured the curriculum and created the *Law Review*.

Outgoing *Law Review* President Richard Timbie presented certificates to *Review* officers and also one to Bayless Manning making him an honorary editor and one to Carl Spaeth—the founder's certificate. He also announced the dedication of Volume 23 to Mrs. Virginia Birch, business manager of the *Review* for 19 years.



Hilary Goldstone, R. Sargent Shriver



Law School Professors Participate In Harvard Conference

A Conference On American Legal History was held April 30 through May 2, 1971 at Harvard Law School. Two Stanford Law School faculty members participated. Professor Gerald Gunther was on a panel discussing "Editing the Materials of Legal History" and Professor Lawrence M. Friedman discussed "Legal History—Goals and Directions."

Illinois Attorney General Talks About Pollution

"State Institutional Legal Action Against Environmental Polluters" was the subject matter discussed by William J. Scott, Attorney General of Illinois, on May 3 at a meeting sponsored by the Law Forum. Scott described the problem of pollution as world-wide and said we are in a "race against time" to deal with it. He expressed his great desire to reach the student generation with the magnitude of the problem as it is that generation, and the one to follow, to be most greatly affected. Scott's plan is to combat the problem economically so that it is no longer profitable to pollute, i.e., place such high fines on polluters that it will be easier and less costly to implement pollution control than it is to continue pollution. Scott said, however, that "no state or nation can do it alone. The job must be done on a world-wide basis."



William Scott

Moot Court Finals

The Nineteenth Annual Marion Rice Kirkwood Moot Court Competition was held at Stanford on May 8. Counsels for the petitioner, Michael Goldstein and Elden Rosenthal and counsels for the respondent, James Ware and Lance Wickman, presented their arguments to a court composed of The Honorable Thurgood Marshall, United States Supreme Court, The Honorable Walter Ely, United States Court of Appeals, Ninth Circuit, and The Honorable Joseph Rattigan, California Court of Appeal, First District. The questions argued were:

1. Whether citizens are deprived of First Amendment rights by the collection and systematic retention by a city police force of information concerning lawful political activity and the participants therein;
2. Whether injunctive relief is appropriate.

Mortimer Herzstein '50, of the Stanford Law Society of Northern California, presented the Society's awards. Jim Ware placed first and also won the prize for the best brief. Elden Rosenthal took second place honors.

On Friday evening Justice Marshall answered questions from the audience at a session sponsored by the Law Forum. His comments ranged over such topics as the reduction of jury size in civil cases in federal courts and his chosen profession had he not become a lawyer—his answer: a bootlegger. When asked if he thought the burden of work of the Court would be reduced by the addition of one or more justices, the Justice replied that the bench is built so that it will not take any more seats; he also stated he thought the Court was now of the correct size.

Justice Marshall described his working relationship with his three law clerks as a cooperative one. He said he and his three law clerks worked closely together, voting on each issue, though his vote was weighted. He stated that the value of clerking experience to the trial lawyer was that the clerk learned how to do research.



The Court—Joseph Rattigan, Thurgood Marshall, Walter Ely



Justice Thurgood Marshall



James Ware

Grey and Rabin to be New Faculty Members

Thomas C. Grey will join the Stanford Law School faculty as an assistant professor on July 1, 1971. Mr. Grey received his A.B. from Stanford in 1963 and spent the following two years as a Marshall Scholar at Oxford University. Following his graduation from Yale Law School in 1968, he was clerk to Hon. J. Skelly Wright of the United States Court of Appeals. In 1969-70 Mr. Grey was clerk to Justice Thurgood Marshall of the United States Supreme Court and for the past year has been associated with Washington Research Project, a public interest law firm.

Robert L. Rabin, Visiting Associate Professor from the University of Wisconsin, will become a member of the Stanford Law faculty on July 1 also. Mr. Rabin received a B.S. in 1960, a J.D. in 1963, and a Ph.D. in political science in 1967 from Northwestern University. He was a research assistant for the American Bar Foundation in 1963 and for the Office of Education Study of Racial Imbalance in Chicago Schools in 1965. During the summer of 1962 he was with the firm of Isham, Lincoln & Beale in Chicago. He has been a member of the Wisconsin Law faculty since 1966. While at Stanford he has been teaching torts, legal process and administrative law.

Estate Planning Competition Winner

Bruce Newman Warren '71 won first prize in the ninth national Estate Planning Competition sponsored by the First National Bank of Chicago. Warren received a prize of \$1,000 for his paper, "The Income Tax Effects of Partially Donative Transfers."

Law Societies

ARIZONA

Professor John Kaplan spoke at a luncheon meeting of the Stanford Law Society of Arizona, chaired by Newman R. Porter '55, on January 15. Later in the day Professor Kaplan talked to about 50 representatives of the Phoenix city government and various civic and service organizations in the city on "Marijuana—The New Prohibition."

DISTRICT OF COLUMBIA

The Stanford Business School Association and Stanford Law Society of Washington, D.C. hosted a joint dinner meeting on December 10 with Dean Arjay Miller of the Business School as the speaker.

At a luncheon meeting on January 20 David Packard, deputy secretary of defense, addressed the D.C. Law Society on "Current and Future Aspects of United States Defense Policy." Geoffrey R. W. Smith '70 chaired the meeting and Assistant Dean Bruce Hasenkamp '63 brought news of the School.

On June 1 the Society had a dinner in honor of Dean-designate Thomas Ehrlich.

GREATER EAST BAY

Charles J. Morehouse '64 chaired the February 19 dinner meeting. Professor Charles J. Meyers spoke on Environmental Law Activities at the School.

NEW YORK

Dean-designate Thomas Ehrlich spoke to members of the New York Law Society during a cocktail gathering on June 2.

NORTHERN CALIFORNIA-NEVADA

The annual dinner meeting in San Francisco honored Stanford judges in the Northern California-Nevada area. Paul Speegle '31 was toastmaster.

PENINSULA

"New Student Programs at Stanford Law School, 1971" was the subject of a panel discussion on February 8. Dennis Wollan '71, Edward Keech '70 and Adam von Dioszeghy '70 participated. Dick W. Bennett '66 arranged the dinner meeting.

SANTA CLARA

On May 26 Dean-designate Thomas Ehrlich spoke on "Six Students in Search of a Legal Education."

SOUTHERN CALIFORNIA

Seth M. Hufstedler '49 spoke at the February 18 luncheon in honor of Stanford Law School graduates newly admitted to the California State Bar.

R. Chandler Myers '58 hosted a dinner meeting at the Thistle Inn on April 12. Professor William Cohen's subject was "The Burger-Blackmun Court—How Much is New?"

Mr. Myers also hosted the annual dinner-dance on May 14.

UTAH

Bayless Manning spoke at a dinner meeting of the Society in Salt Lake City on December 10.

WASHINGTON

Professor Moffatt Hancock related a curious tale of "Love, Law, Theology and Politics" at a December 4 dinner meeting in Seattle chaired by William G. Pusch '60.

Assistant Professor Paul A. Brest spoke on "Seventeen Years of School Desegregation" at the May 17 meeting of the Society.



Joan Allen, Sue Meyer, Geoffrey R. W. Smith, Robert H. Rose, David Packard, Betty M. Vetter

Degree Reconferral

Since the Stanford Board of Trustees approved changing the name of the basic professional law degree from LL.B. to J.D. in June 1969, some 1,216 alumni have applied for reconferral of their diplomas to reflect the new terminology. Six LL.M. holders have purchased diplomas bearing the new designation for their degree, J.S.M. (Master of the Science of Law).

Applications for J.D. and J.S.M. diplomas are still being accepted by the School. Since the number of orders has slowed to a trickle, orders for redesignated diplomas are now processed on an annual basis, to reduce engraving and printing costs, which skyrocket for small orders. Inflation has also forced an increase in the reconferral fee from \$30 to \$35.

The School determined the original reconferral fee based upon the expenses of providing 1,200 J.D. diplomas, an estimate that was based on the percentage of alumni of other law schools that took advantage of reconferral offers. Only 16 more alumni ordered J.D. diplomas than was projected.

When the reconferral program began in July of 1969, the School had on record 437 J.D. recipients, 2,869 LL.B. holders and 57 LL.M. holders. Including J.D.'s awarded since June of 1969, the number of J.D. holders is slightly over half the number of Stanford Law graduates.

In contrast with reconferral arrangements of other law schools, Stanford alumni were offered exact duplicates of original diplomas. Sheepskin was ordered especially from England for diplomas dated prior to 1966, when Stanford ceased using genuine skins because of their scarcity and high price; all reconferral diplomas carried original signatures; more than eight special engraving plates and dies were cast to duplicate as exactly as possible the designs of original diplomas; hand coloring was applied as in the originals.

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