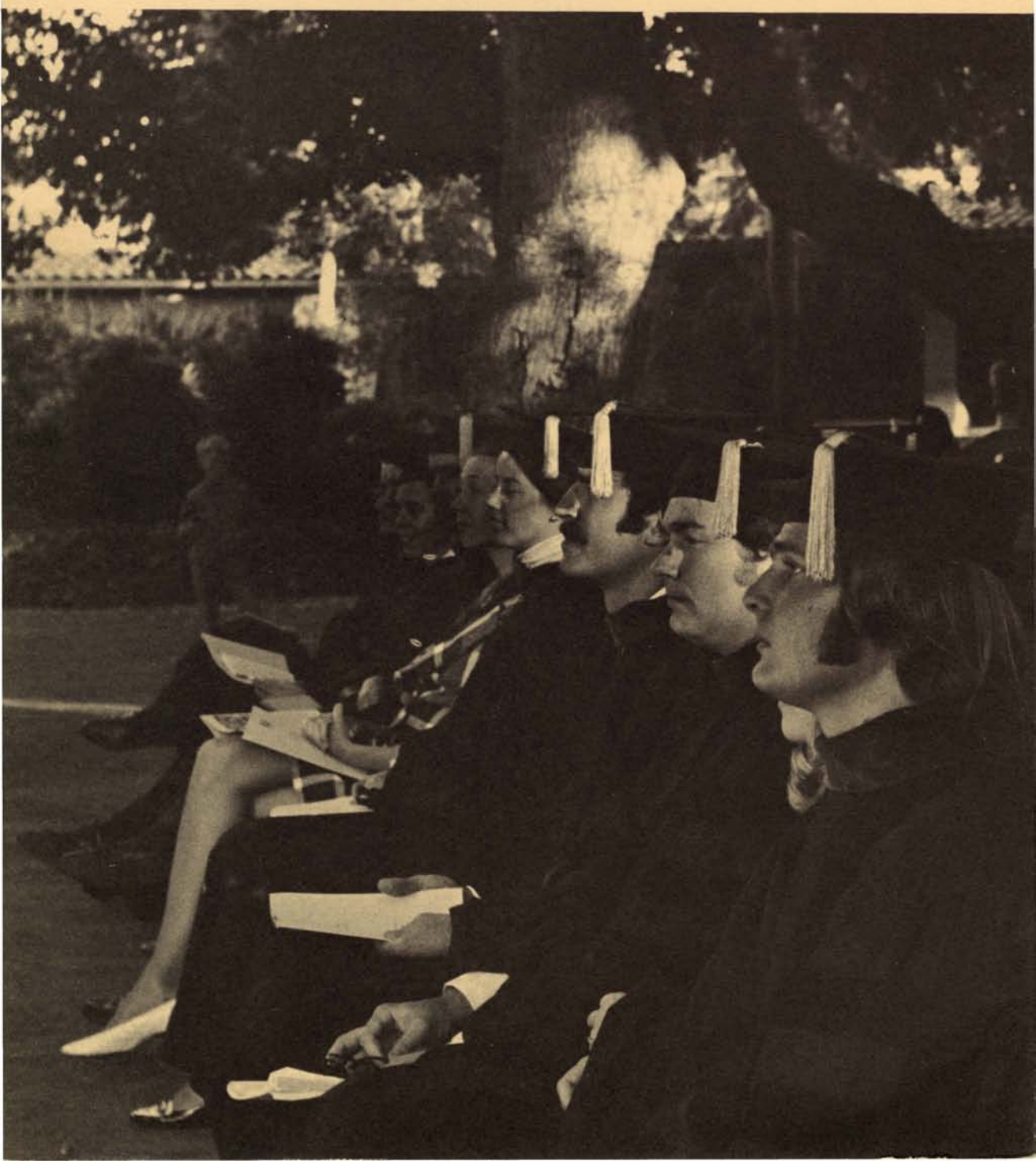


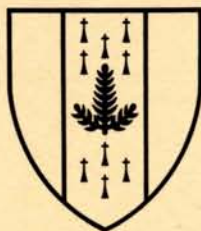
STANFORD LAWYER

Summer 1971



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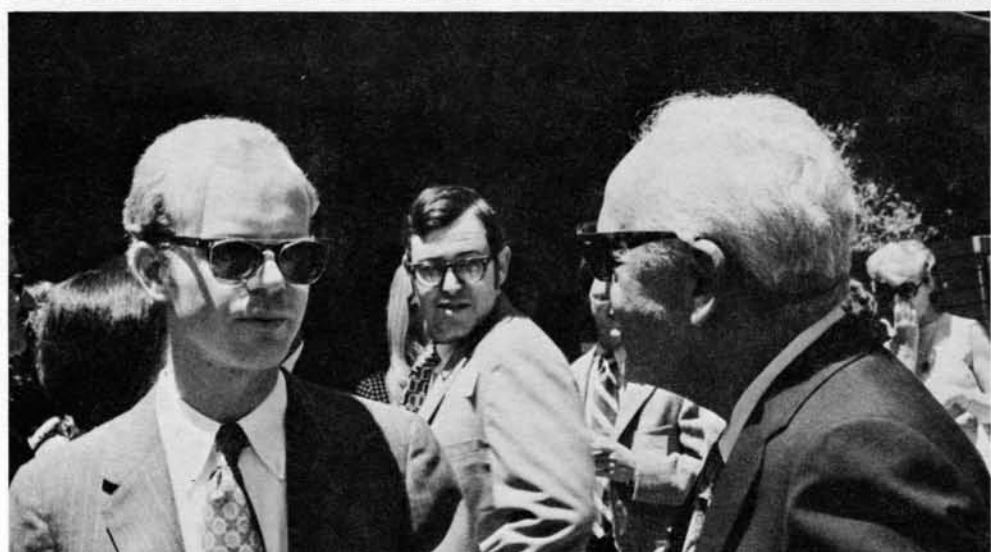
Commencement — 1971

Students



Marshall M. Goldberg, Laurence K. Gould, Carole E. Greene and Richard E. Timbie respond for the graduating class, with a performance outlining their years of development up to graduation from Law School.

Families



Faculty



Faculty Notes

What the Law School faculty lacks in size it has made up for in commitment to the School and in the scholarly achievements and abilities of the individuals. The variety of involvements in the School, the University, the community, the courts, corporations and other institutions, affects the basic structure of our society and often the individuals. For whatever reason—respect for the legal system, social consciousness, value of history and education, belief in the merits of democracy—faculty members employ their energies and abilities to resolve society's conflicts. The following report covers the activities of some of the faculty during the summer of 1971.

Anthony G. Amsterdam is preparing to argue three cases before the Supreme Court that raise the question whether the death penalty is a cruel and unusual punishment forbidden by the Eighth and Fourteenth Amendments to the Constitution. The basis of the argument is two-fold: evidence of racial discrimination cited by both scholars and official commissions violates the equal protection clause of the Fourteenth Amendment; the death penalty, because of selective and discriminatory enforcement, affronts the standards of basic human decency upheld in the Eighth Amendment.

Douglas R. Ayer spent the summer moving back into the Stanford community after being on leave during the year 1970-71. Having received a grant from the National Endowment for the Humanities, Mr. Ayer studied legal history as a Charles Warren Fellow at Harvard Law School. In addition to reading widely in the field, he wrote an article tracing the ideological development of Thurman Arnold, the author of *The Symbols of Government* and *The Folklore of Capitalism*. He also prepared materials for his new course, "Political Trials and Social Conflict, An Historical Perspective."

John H. Barton is writing a book evaluating the fundamental value of arms control. It is an effort to define the ways that arms control may limit or prevent war by analyzing what arms control can achieve once negotiated and politically when it can be negotiated.

William F. Baxter is working on a project for the Brookings Institute. In general he is "dreaming up" new legal systems for the protection of intellectual property. The premise for this study is that copyright laws in their present state are not effective, particularly in their application to new technologies like photocopying, computers, inexpensive high fidelity recording and cable

television. Professor Baxter's theoretical paper is preliminary to further studies by others to quantify the empirical variables identified by him. He has also been a consultant for several antitrust clients and other corporations with problems of government regulation.

Paul A. Brest has spent most of his summer preparing an article entitled *An Approach to the Problem of Unconstitutional Motivation*. Along with this he consulted for the Ford Foundation on the Mexican American Legal Defense and Education Fund and audited Professor Markovits' course on Microeconomic Regulation and Economic Welfare.

William Cohen is drafting a "no fault" auto liability statute for the National Commission on Uniform State Laws. He attended a meeting of the Commission in Vail, Colorado in late summer. He is also involved with production of a film for high school use on the question of *de facto* segregation. Mr. Cohen has been involved with five other films of this nature concerning the Bill of Rights. Each of these 20 minute films consists of a basic incident and a lawyer's argument on such topics as freedom of speech, freedom of religion and college disciplinary procedures. Mr. Cohen outlines and approves scripts, consults on the actual shooting and even acts as casting director.

Dale S. Collinson was in Brussels this summer with the firm of Cleary, Gottlieb, Steen and Hamilton. He has also been involved with research on the European Economic Community and co-hosted a cocktail party for Stanford law alumni during the American Bar Association meeting held in London in July.

Marc A. Franklin has been writing two law review articles on medical-legal problems. One considers the legal problems involved when a patient contracts hepatitis after receiving a blood transfusion. The other considers the problems of obtaining and allocating life-sustaining material such as blood, artificial kidneys and organs for transplant. In addition, as chairman of the Law School Appointments Committee, Professor Franklin has spent part of the summer planning the Committee's fall activities.

Jack H. Friedenthal has been a visiting faculty member at the University of Michigan during the summer session.

Lawrence M. Friedman attended a meeting on Social Changes Through Law at the University of Bielefeld in Germany during June. In July he taught at a clinic for new law teachers held at the University of Wis-



consin. He has also been working on a book under a grant from the Russell Sage Foundation.

Robert Girard has been chairman of the Santa Clara County Board of Supervisors Committee on Open Space which is concerned with long range planning for environmental protection. He has been acting as chairman and director of the Central Coast Environmental Legal Defense Project as well. The Environmental Law Society has been conducting a summer long research program concerned with federal grants and aid for environmental controls and environmental safeguards in state highway location and construction, and Mr. Girard has been faculty advisor to this project. He has also drafted three political campaign reform bills which are pending in the California State Legislature for which he has also done research, writing, campaigning and legislative representation.

Gerald Gunther describes himself as "knee deep in the 1800's" this summer. Congress commissioned the writing of a Supreme Court History using funds left by Oliver Wendell Holmes. Mr. Gunther is writing Vol. III, *The Struggle for Nationalism: The Marshall Court*, and Vol. IV, *The Challenge of Jacksonian Democracy: The Marshall Court*. Aside from this massive undertaking he has appeared on KQED Television in a panel discussion reviewing the highlights of this year's Supreme Court Term and has managed to produce a 300 page Supplement to his casebooks on Constitutional Law that will be published in late August. He has also been doing background work on a biography of Judge Learned Hand. Professor **Herbert Packer** is doing a history of the Second Circuit under Judge Hand.

Moffatt Hancock regularly teaches a summer session course, Conflict of Laws. Writing articles on Torts and Conflict of Laws occupies much of the rest of his time although he prefers doing the major portion

of research during the fall and spring terms. Professor Hancock also is a member of the University Committee on Graduate Studies and is president of the Stanford Chapter of the Order of the Coif. When does he vacation? A long weekend once in awhile is about all the holiday he cares for.

J. Myron Jacobstein spent four weeks acting as Co-Director of the Summer Institute on the Impact of the Environmental Sciences and the New Biology on Law Libraries held at the University of California, Berkeley. The program was designed to present general bibliographic and selective guidelines for materials dealing with architecture and environmental and city planning, anthropology, biology and genetics, demography and medicine; knowledge of general sources for acquisition and servicing of scientific materials and application of specialized research approaches. Professor Jacobstein also prepared a supplement to his bibliography on Water Law.

John Kaplan has had the usual whirlwind of activities including re-editing his course materials for his undergraduate class, Criminal Law and the Criminal System, preparing for publication the Currie Lectures given at Duke University, writing several articles on marijuana and pro-social behavior, a District of Appeals appearance, and submitting a writ of habeas corpus on behalf of an indigent prisoner.

Richard S. Markovits has been conducting classes on Microeconomic Regulation and Economic Welfare for the Stanford Law School summer session. He is also involved in preparing a report on the efficiency of the criminal justice system for the Institute for Public Policy Analysis.

John Henry Merryman conducted a study of Law and Development under a grant from the Ford Foundation. He was also designated Principal Investigator under a grant from the Agency for International Development to the Stanford Law School to



Jack Friedenthal at faculty-student ball game umpired by professor of Religion Robert McAfee Brown.

study Law and Development, with emphasis on Latin America and Mediterranean Europe, over the next five years. In June he attended the National Conference of the Italian Society of Comparative Law in Genoa, where he was elected the only non-Italian member of that Society because of his widely-known work on Italian law.

Yosal Rogat has been studying a group of philosophers that he considers to be important and especially relevant to the social sciences although they are not sufficiently recognized. He will offer in Political Science, possibly jointly with Anthropology, a course on Collingwood, Dilthey and Vico.

Gordon Scott as chairman of the Admissions Committee has spent the summer almost entirely on admissions work.

Kenneth E. Scott has been preparing a course on banking regulation to be taught jointly in the Graduate School of Business as well as the Law School, and writing an article on constitutional and administrative law.

Byron D. Sher, only recently returned from a year-long sabbatical in Europe, has been serving on the committees reviewing grievances of University employees dismissed for alleged participation in the Stanford University Hospital "sit-in" of last April. Mr. Sher is the President's appointee to the committees. Of the other two committee members in each case, one is appointed by the employee and the other by the department in which the employee worked.

Carl B. Spaeth, who also serves as Director of the University's Center for Research in International Studies, has spent a good part of the summer in supervising the preparation and final editing of a report by Presi-

dent Lyman's Visiting Committee on International Studies. The report is concerned with "Technical Assistance in the Seventies: The Role of the University and of Stanford in Particular." The report contains advisory recommendations for President Lyman's guidance. Professor Spaeth devoted part of the summer to the preparation of a major application to the National Endowment for the Humanities for support of a comprehensive undergraduate program in international relations. He has been revising his teaching materials for Legal Aspects of U.S. Foreign Relations, which he will offer in 1971-72, his last year of active status. He has also been working closely with Dean-designate Thomas Ehrlich in fund raising plans for the School of Law.

Howard R. Williams attended a meeting of the Trustees of the Rocky Mountain Mineral Law Foundation as the Stanford Trustee. He has also prepared the annual supplement on *Oil and Gas Law*.



The Stanford Athletic Board honored **John Hurlbut** for his outstanding service to University athletics with the presentation of a Block S. Blanket. The three-star blanket is traditionally awarded to a senior athlete who has earned three letters in a particular sport. It was given to Professor Hurlbut for his many years as a member of the Athletic Board, chairman of the Student-Faculty Athletic Board and the Faculty Representative to the Pac-8 Conference. The presentation was made at the Board's meeting on May 7 by Charles Taylor, Directors of Athletics. Professor Hurlbut, Jackson Eli Reynolds Professor of Law Emeritus, is on leave from Hastings College of the Law during 1971-72.

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