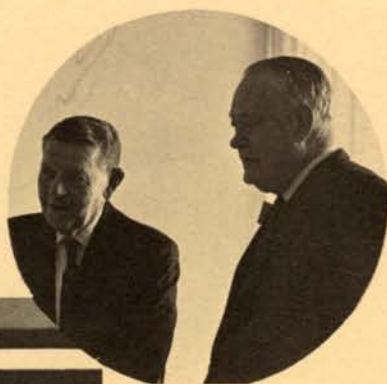


STANFORD LAWYER

Fall 1971



Stanford Lawyer

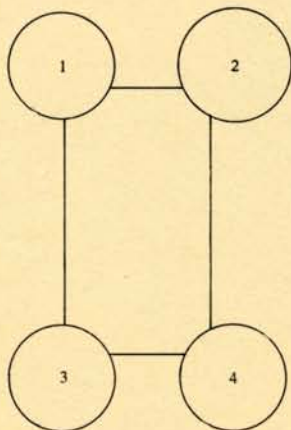
Fall 1971



Editor, Nancy M. Mahoney
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Cover: Harold Shepherd as he appeared
in various activities

1. at a formal dinner
2. with Hon. Gilbert Jertberg
3. with Mrs. Elizabeth Morrison, Mrs. Shepherd and Mrs. Patty Brenner at the Law School Committee on History and Art meeting on February 20, 1971
4. teaching in 161-K

(see page 3)

To all our alumni:

1971 has been a year of good fortune for The Law School. It has also been a year of sorrow with the loss of our friend and colleague, Harold Shepherd.

1972 will be a year of new challenges. With your help, The School will meet them.

Ellen and I send each of you our best wishes for the New Year.

Tom Ehrlich



Rehnquist Named to Supreme Court

William Hubbs Rehnquist, Stanford Law School graduate of the class of 1952, was nominated for the United States Supreme Court by President Richard Nixon on October 4. His nomination was confirmed by the Senate on December 10. Mr. Rehnquist, who did his undergraduate work here as well (B.A. 1948), is the first Stanford alumnus to serve on the highest court in the Nation.

Mr. Rehnquist graduated first in his class and was labeled by one of his professors, George Osborne, as "the outstanding student of his law school generation." Former Dean Carl Spaeth commented that Mr. Rehnquist was a "very able law student" on the *Stanford Law Review*.

After graduation from the Law School, Mr. Rehnquist served as a law clerk for Supreme Court Justice Robert H. Jackson until June 1953. He then moved to Phoenix to enter

private law practice. He has served as chairman of the Arizona Uniform Laws Commission and president of the Maricopa County Bar Association (Arizona).

Since 1969 Mr. Rehnquist has been Assistant United States Attorney General. In disclosing his nomination, President Nixon said: "I would rate William Rehnquist as having one of the finest legal minds in the whole country today. He rates at the very top as a constitutional lawyer and a legal scholar." He lives with his wife Natalie Cornell Rehnquist (Stanford '51) and their three children, James, Janet and Nancy.

Mr. Rehnquist has kept close contacts with the Law School since graduation. He was an officer for the Arizona Law Society and chairman of his Law School class reunion in 1967. More recently, he was appointed to the Stanford Law School Board of Visitors by President Richard W. Lyman.

Tribute to Harold Shepherd

A memorial service for Harold Shepherd, William Nelson Cromwell Professor of Law Emeritus, who died on October 2 was held at Memorial Church on October 22. Rab Minto officiated and Dean Samuel D. Thurman of the University of Utah College of Law, formerly of the Stanford Law faculty, delivered the tribute, an edited version of which appears below. Contributions to the Law Library Fund have been received in tribute to Professor Shepherd. Proceeds will be used to purchase books which will bear a special bookplate honoring Professor Shepherd. Anyone wishing to so designate a gift may send it to the School's Librarian, J. Myron Jacobstein, Stanford Law School, Stanford, California 94305.

by Samuel D. Thurman

Those of us fortunate enough to have known Harold Shepherd as a colleague and as a friend remember well the breadth of his knowledge and the sincerity of his views on subjects ranging from art to business to politics to sports, from education to world affairs to philosophy to science. He was a delightful conversationalist. His counsel was often sought and his opinions were highly respected. He remained one of the warmest and friendliest of men with the ability to make and retain friends wherever he journeyed.

Harold was very proud of his Mormon heritage. His grandparents came to this country from England and Scotland and settled in a remote Idaho mountain area. Under conditions of severe hardship they managed to make a good life for their children and grandchildren. On a recent trip to England, Harold and Marian enjoyed their stay in the small village of Brockenhurst, near the New Forest, where Harold's father was born. In Scotland he visited the little rural town of Lanark, the birthplace of his grandfather.

At the age of 18 Harold left Idaho for the outside world, enrolling as a freshman at Stanford. He was a tall, handsome young man who had excelled in all he had attempted up to that time in rural Idaho and was destined to do so thereafter in the large world. In 1919 he graduated from Stanford after election to Phi Beta Kappa and time out for military service.

His record as a law student at Stanford could hardly be surpassed. I recall coming upon his grade sheet some time back and was startled to find that one-half of his grades were A's; the balance were A plusses! As all of us here today are aware, this is an uncommon achievement, probably not duplicated before or since. Prior to graduation from Law School, Harold had married Eleanor Stahman, this marriage ending with Eleanor's death in 1958.

Upon graduation Harold was much in demand as a law teacher although he and Judge Gilbert Jertberg, a close friend during their undergraduate and law school days and thereafter, had talked seriously of practicing law together. Harold spent his first year after graduation as dean of the University of Wyoming Law School at the age of 25, thus beginning a career of 40 years of teaching.

Stanford recalled him in 1923 and for the next seven years he taught with Marion Kirkwood, George Osborne, Bill Owens, Clark Whittier, Arthur Cathcart, Chester Vernier, Jim Brenner, Walter Bingham, Harry Rathbun, Stanley Morrison, and Lowell Turrentine, a great law faculty. John Hurlbut was a student of Harold's during that period.

For the next two years he was on the faculty of the University of Chicago before becoming dean of the University of Washington Law School at the age of 34. Harold left Washington after five years

to become the Wald Professor of Contracts at Cincinnati and also taught at Columbia and Minnesota during the years just before World War II. When war broke out he had joined the faculty of Duke Law School.

Within a few months after Pearl Harbor, Harold was serving with the Legal Division of the Ordnance Department of the Army. By V-J day he had become its chief and at the conclusion of the war was awarded the Legion of Merit by Lt. General Campbell, chief of Ordnance. The citation referred to his outstanding service in the formulation of new and effective procedures in the settlement of terminated war contracts.

One has to know more than this to appreciate the full significance of Harold's wartime contributions. His first assignment was that of effecting a speedy termination of two contracts with a diesel engine company, totalling \$8,000,000. Harold devised a plan of "negotiated settlement" which reduced technical auditing and accounting to a minimum consistent with the protection of the Government interest. Later Congress passed the Contract Settlement Act which adopted these same procedures. More than 100,000 contracts were settled under this Act involving \$23 billion. No one can say how much money and, more important, how many lives were saved by this expediting of procedures inspired by the man we honor this afternoon.

After the war Harold returned to Duke as its dean. In 1949 we succeeded in convincing Harold that he should return to this campus where he taught for the next 12 years. He brought back to Stanford students, and those of us fortunate enough to be his colleagues, the wealth of experience he had gained elsewhere.

In Harold's first class after returning to Stanford the brightest student was probably William Rehnquist, nominated last evening by the President as associate justice of the United States Supreme Court. Mr. Rehnquist also became a good friend of Harold who would have been thrilled, I am sure, at this nomination. Rehnquist graduated Number One in his class and became clerk to Mr. Justice Jackson. If confirmed he will become Stanford's first Supreme Court justice, and the second law clerk to become a member of the Court, following in the footsteps of Justice White.

Harold often commented on the great satisfaction he derived from knowing the thousands of students who had studied under him. He could point with pride to many former students at Stanford such as Senator Church from his home state of Idaho and Representative McCloskey, both leaders in Congress, John Ehrlichman in the White House, and now a likely addition to the third branch of government.

Harold is primarily known for his work in the field of contracts and he will always be remembered by law students, particularly first year, as one of their most stimulating teachers. Year after year they spontaneously testified to this effect. His standards were high whether set for himself or for his students. No grade in Law School was more highly prized than an "A" in one of his courses. To him slipshod thinking was anathema and it was sheer delight to participate in the logical and orderly solution of a legal problem in his classroom.

Important as the classroom was to Harold Shepherd, his contributions to legal scholarship were also significant. He was the author of five books, one of which became widely adopted in law school contract classes throughout the country. He also wrote in the fields of criminal law, legal education, and bar admissions.

Harold was deeply interested in putting the study of law as an institution back into undergraduate curricula. He was fully cognizant of the part that law plays in our lives and was an ardent advocate of the teaching of law as an institution along with the family and religion. He and Byron Sher produced a book, "Law in Society," designed for use in undergraduate teaching as an integral part of a liberal arts curriculum.

Honors, in addition to those of an academic nature already recited, came to Harold Shepherd throughout his brilliant career. He

served as president of the Association of American Law Schools, was national president of the Order of the Coif, a member of the American Bar Association Council of the Section on Legal Education and Admissions to the Bar, a member of the Editorial Board of the Foundation Press University Casebook Series, was the recipient of an honorary doctorate from Tulane University, and was the holder of the William Nelson Cromwell Professorship, the first endowed chair at the Stanford Law School. It had been previously occupied by two of Stanford's greats, Marion Kirkwood and George Osborne, and its occupant today is a worthy successor, Carl Spaeth.

The last several years were satisfying and rewarding for Harold and Marian. Harold enjoyed gardening and the society of those who worked the soil, reminiscent no doubt of his early years in Idaho. One could always find vegetables, fruits, berries, and flowers in the Shepherds' yard and they were generously given to friends and neighbors. Long before retirement Harold became an expert wood worker, deriving great pleasure from this hobby. Emy and I recall the thrill experienced by our daughters upon receiving as a gift one of Harold's hand-made doll houses, completely equipped with furniture scaled to size.

He was an omniverous reader of Western Americana and enjoyed studying and collecting books and journeys of early travel in the West. He and Marian retraced the route of Lewis and Clark from the Missouri headwaters to the Pacific, locating the various camp sites. He came from a musical family and after retirement began organ lessons from which he derived much satisfaction.

But despite these wide ranging interests and his experience in all parts of the nation it might be said that Harold Shepherd never really left Stanford after his arrival as a freshman in 1915. Just one year ago he wrote these words about John Hurlbut in the *Stanford Law Review*: "We shared a common love for Stanford, for its Law School, and for the men we had known as teachers and colleagues."

His interest in and his love of the School continued until the date of his death. Officially he retired in 1962 and the December issue of the *Stanford Law Review* of that year was dedicated to him. It contained an eloquent tribute from his close and long-time friend, Judge Jertrberg. John Hurlbut, a former student, colleague and friend of Harold, was the speaker at a retirement dinner for Harold. Following a recital of an impressive list of accomplishments John concluded with these words: "Finally (I record it last but put it at the top of the list) he is a superb teacher who has always believed that a law school exists for the students and not for the teacher, that the classroom is an opportunity for him as well as for the student and that the function of a teacher is to teach."

Marian has received many letters since Harold's death. Before concluding I would like to read from one sent this morning by the President of the United States:

"I will be there in spirit as the many friends and admirers of your distinguished husband pay tribute to the lasting achievements of his full and rewarding career. Mrs. Nixon joins me in expressing our deepest sympathy. We hope that you will be comforted by the knowledge that his contributions to legal education have added such a proud and constructive chapter to the history of jurisprudence in America.

"He will be affectionately remembered by all of us whose lives he touched. For me personally, his generous friendship will remain a cherished memory, and his inspiring service to our country has made me richer for our association. May you draw courage in the years ahead from the strength of your husband's selfless commitment to the future of our country, and may God bless you always."

It has been an honor for me to dedicate these services to a gifted teacher, a distinguished scholar, a loyal friend, a beloved colleague, a devoted husband, and one of the kindest of men—Harold Shepherd.



Alumni hosts at the London Council of Stanford Law Societies Reception: Mr. & Mrs. H. Baird Kidwell '35; Joseph H. Gordon '31; Barry H. Sterling '52 and daughter, Joy

Stanford Alumni Attend ABA



Samuel D. Thurman '39, Mr. & Mrs. Henry Wheeler '50



Mr. & Mrs. Richard W. Dickenson '35; Mrs. Pauline Hoffman Herd '26; Mrs. Herbert E. Wenig and Mr. Wenig '30

Mann is "Man In the News"

President Richard Nixon appointed Associate Dean J. Keith Mann as chairman of the Board of Inquiry to report on the longshore labor-management disputes affecting the Nation's ports on October 4.

Professor Mann and his three fellow Board members held hearings, two men in Washington and two in San Francisco, and submitted their initial report to the President early on October 6. (The use of facsimile machines enabled the four to transmit drafts across the country to each other.)

Thereafter, at the direction of the President, the Justice Department obtained an injunction in the West Coast strike. East and Gulf Coast strikes were left to further negotiations, assisted by the Federal Government's top mediators.

On November 24, the President asked the Board of Inquiry to submit a supplemental report on the current status of the disputes on both coasts, and the Board, after enquiry and hearings, submitted its second report on Thanksgiving Day. The Government has since sought injunctive relief against continuance of the stoppage in various East and Gulf Coast ports.

Early in December, the Board of Inquiry made a further report to the President on the positions of the parties, the efforts which have been made for settlement and the employers' last offer in the West Coast dispute.

Associate Dean J. Keith Mann was the "Man in the News" in the *New York Times* on October 6. Following is that article, © 1971 by the New York Times Company. Reprinted by permission.

by Lawrence Van Gelder

"He has the coolest head and most even temper of any human being I know," a colleague said yesterday of J. Keith Mann. "He manages to keep his perspective on any problem in the heat of the moment—something that's beyond most mortals and which is why I assume he's been chosen for this job." The job he referred to is one for which President Nixon selected the 47-year-old Professor Mann—as head of a board of inquiry into the extended West Coast dock strike.

For the round-faced, blue-eyed Professor Mann, who holds the title of associate dean of the Stanford Law School, involvement in difficult negotiations constitutes no novelty. Nor does a Presidential appointment. Under President Kennedy he helped settle a controversy between the Southern Pacific Company and railroad clerks and a dispute between airlines and flight engineers. In 1967 President Johnson appointed him chairman of a fact-finding board during a West Coast shipyard strike.

20 Years' Experience

Professor Mann's career in labor relations extends back some 20 years to the Korean War, when he served as chairman



J. Keith Mann

of the Review and Appeals Committee of Eastern studies program. He studied Japanese Wage Stabilization Board. Since then, he also served as a member of the Secretary of Labor's committee on labor-management relations at Atomic Energy Commission installations and as chairman of the Wage Board for the California State Industrial Welfare Commission.

"Keith Mann," said a Stanford law professor yesterday, "is one of those who manages to stay heavily engaged in his own academic work while staying current on all that's going on in the labor field. He is engaged from time to time in undertakings like this one, and that provides concrete contacts for his academic work. I think what he is doing is an excellent example of the value of outside consulting for professors. He is considered one of the country's leading experts on labor law."

Only First Initial

In choosing a law career, Professor Mann, the youngest of three sons of William Young Mann and the former Lillian Myrle Bailey, followed in the footsteps of his eldest brother, W. Howard Mann, now a professor of law at the State University of New York at Buffalo.

It was W. Howard Mann who chose to use only the initial of his first name, William, to avoid being confused with his father, who set the pattern for nomenclature among the brothers. Professor Mann of Stanford is actually John Keith Mann and the third brother, who chose a career in pharmacy, is known as F. Dean Mann.

J. Keith Mann was born on May 28, 1924, on the 400-acre family farm in Alexis, Ill. After two years at Indiana University, he entered the Navy early in World War

II as a lieutenant, junior grade, in a Far nese at the University of Colorado and served in Korea and Japan.

He obtained a bachelor of science degree in Far Eastern studies from Indiana University in 1948 and a bachelor of laws degree the following year. After serving as a law clerk for Associate Supreme Court Justices Wiley Rutledge and Sherman Minton, he carried on a private practice in Washington for a year before joining the Wage Stabilization Board in 1951.

The following year, after joining the faculty of the University of Wisconsin, he came to Stanford, where he was named associate dean in 1961, with responsibility principally for academic affairs relating to the school's educational and research programs.

Professor Mann, whose fading blond hair is cut short, lives in a modern house on a hill in Stanford that commands views of both Stanford and Palo Alto. He and his wife, the former Virginia McKinnon, have five children—Christopher, 19; Marilyn, 16; Kevin, 15; Susan, 10, and Andrew, 6.

It is a home, said one visitor, that seems characterized as a family abode by the children's paintings and a profusion of books and by food that always seems to be coming or going.

Professor Mann is fond of cooking on an outdoor grill, and he enjoys an occasional game of tennis and a bout of volleyball. During the summer, he enjoys boating and walking near a house the family rents at Fallen Leaf Lake in California.

He enjoys cigars and cigarettes, but he is careful to shun the latter around the house because his ecology-minded children disapprove.



J. Keith Mann and James B. Tucker '49 at State Bar luncheon

The Bar and Legal Education

The Bar and Legal Education was the subject of an address by Dean Thomas Ehrlich to Law School alumni gathered for lunch on September 15 during the annual meeting of the State Bar of California. Portions of his remarks begin below.

Seth M. Hufstедler '49 won one of the two Los Angeles seats on the Bar's Board of Governors and began his three-year term at the conclusion of the convention. He joins other Law School alumni on the Board: Vincent Cullinan '36, vice president and treasurer; David K. Robinson '46, who is also president of the State Bar for 1971-72; and James B. Tucker, Jr. '49.

The Board of Governors appointed or reappointed, effective July 1, 1971, several Law School alumni to key posts on the following standing committees:

Administration of Justice, Seth M. Hufstедler '49 and Frank L. Mallory '47, *advisors*; John J. Hopkins '53, *chairman*, *northern section*

Special Subcommittee on Administrative Agencies and Tribunals, Francis N. Marshall '31, *chairman*

Committee of Bar Examiners, Francis N. Marshall '31, *chairman*; James R. Edwards '49, *vice-chairman*

Bar Examiners' Hearing Subcommittees, Roderick M. Hills '55, *chairman*, *No. 1*; Samuel C. Palmer, III '56, *chairman*, *No. 3*; Andrew M. Spears, '39, *chairman* *No. 6*

Commercial Code, Maurice D. L. Fuller '55, *chairman*

Computers and the Law, Luther J. Avery '53, *chairman*

Continuing Education of the Bar, James C. Soper '52, *chairman*; Kenneth B. Wright '60, *vice-chairman*

Corporations, Anthony R. Pierno '59, *chairman*, *southern section*

Law School Education, Warren M. Christopher '49, *chairman*

Legislation, F. Douglas McDaniel '48, *vice-chairman*

Rules of Court Procedure, Ingall W. Bull, Jr. '50, *vice-chairman*

Taxation, Albert J. Horn '51, *vice-chairman*, *northern section*



Dean Ehrlich and other head table guests

In my view, success as dean of the Stanford Law School must include maintaining close contact between the School and the practicing bar.

I accord that effort the highest priority, and will focus these brief remarks on the reasons for this judgment. As many have suggested, there is a substantial gap today between most in the bar and most in legal education—a gap in understanding, perhaps even in credibility. Much of the blame belongs to legal educators. Perhaps some of it should be shared by those in the bar. In all events, I am confident that it must be bridged if law students are to be trained to assume the roles that will be required of them.

Currently, as in earlier times, the roles of lawyers in our society are set mainly by three forces: legal education, bar admission requirements, and the organization of the profession. In spite of the obvious interrelation of these factors, throughout our history most lawyers have never been close to the law schools from which they graduated. And most law schools have done relatively little to bring them closer. There were, of course, some remarkable exceptions. There were men in the practice of law who did care what was going on inside legal education and who took the trouble to advise and counsel on what they thought should be going on. Stanford's Judge Crothers is one great example. And there



State Bar President David K. Robinson '46 with Ed Hayes '72, president, Law Association. Mortimer Herzstein '50 in background.

were men inside law schools who reached out to the bar to explain their approach to law training and to ask the relevance of that training to current law practice. Professor James Brenner of Stanford, who helped to organize the California State Bar and who served as its first executive secretary, was a prime example. But George Crothers and Jim Brenner were exceptions. Most came to law school, took what they had to take and left without much of a backward glance. Perhaps this crude stereotyping can be refined a little.

Lawyers in one group — unfortunately, the largest—view their law schools with relative indifference. Perhaps they developed affection for particular teachers, but as those teachers retire and there are fewer and fewer familiar faces around the institution, they lose interest. They have nothing bad to say about their schools; indeed, they may have good things to say. But they usually say nothing. One obvious problem is the press of a lawyer's business. There is also, I believe, a natural psychological tendency to suppose that one's school—whether grammar school, high school, college, or professional school—is a static institution. When one finds that like everything else, the school has changed, there is an uncomfortable feeling that the necessity for a change implies that one's own education was somehow inadequate. It doesn't, of course, but the feeling is still there. Finally, at least some in this first group may properly argue that legal education is everybody's business, not just the business of lawyers. Law in the United States carries an overwhelming burden. It is the burden of devising and maintaining effective procedures and rules to

enable our country to be governed for the common good. Particularly in a time of strong pressures throughout society for rapid change, the burden can become quite overwhelming. And so the job of training those to practice the law is properly everyone's concern. But shared concern may become no concern; everybody's business may become nobody's business.

There is a second and much smaller group—one that seems to view law schools in a kind of adversary relationship. Some of their antagonism may be aimed at particular features of the contemporary law school though I frankly fear that often those features are misunderstood or not understood at all. Some of their concerns may go to the current curriculum; some go to other matters. Whatever the issue, discussions between this group and legal educators too often turn into arguments; rarely is either side convinced by the other.

Finally, there is a third group of practitioners who are dedicated to the proposition that legal education is their business. They care what is going on in their law schools, they work to find out, to communicate with other lawyers, and to help their schools maintain close contact with the practicing bar. I hope I am right in believing that most of you are in this group. You have done Stanford the honor of being here—that alone is an indication of your interest. And I know many of you personally who have made clear your conviction. But what can be done to swell your ranks?

My proposition is a simple one. Every school must begin with its own alumni; every alumnus with his own school. And no

law school and alumni body is in a better position than ours. My reasons are as much quantitative as qualitative. Stanford is a small law school, among the smallest of the nation's leading law schools. Some years ago, Stanford made the conscious decision that it could provide first-class legal education in an atmosphere of intellectual intimacy only if its student body remained under 500. And that decision has been reaffirmed in recent years. In some sense, of course, the decision is an expensive one for it means that we cannot have the economies of scale that are essential attributes of larger institutions. It also means that we cannot draw on the resources and generosity of a large alumni body.

A school of our size makes sense, therefore, only if it can provide a superb legal education in an environment that assures close ties between teacher and student. If we are successful in establishing student-

a particular alumnus have retired from the School.

We must find additional ways of seeking out the views of our alumni about legal education, particularly at Stanford, and of communicating to them what is going on at the School. The questionnaire which you received last year, and which so many of you have taken the time to complete and return, is one obvious example.

There are other examples, and there are several movements both within the bar and law schools generally that I view as hopeful signs toward bringing us closer together. But much remains to be done, for the need is great. I do not wish to overdramatize, but I can hardly overstate the problem.

I am confident that the structure and character of the bar will change over the next decade. Numbers alone will do that, as Dean Murray Schwartz of UCLA has discussed in a recent paper.* From 1966 to



Everett B. Clary '49 and John Hurlbut '34

teacher contacts, we should also be successful in maintaining contacts with the School after students become alumni. We must begin the effort to bridge the gap between alumni and the School, therefore, by impressing on our own students the importance of involvement after graduation. We should be able to continue that involvement even when most of the faculty who have taught

1968 the entering classes of all ABA-approved law schools averaged 24,000 students per year. In the fall of 1970 the figure was 34,500—a 44% jump. Less than 2% of the available first-year places were unfilled.

*Schwartz, *The Legal Profession in the United States: 1960-1980*, 5 JOURNAL OF THE BEVERLY HILLS BAR ASSOCIATION 60 (Sept. 1971.).

There are now some 327,000 practicing lawyers in the United States; about 10%, 32,000, are in California. The decade of the 1970's is expected to produce about 300,000 more lawyers nationally. Assuming that the current pattern of law school attendance does not alter, these figures mean that at some point during the 1980's—probably about midway—there will be twice as many lawyers nationally as in 1970. Yet the predicted national population growth is no more than 10%.

There are many avenues. A number of lawyers in practice near the School, for example, have agreed to meet with small groups of our first-year students, to discuss law practice with those students, and to answer their questions. Many students are eager to see the setting where lawyers apply the legal rules and skills taught in the classroom. This new program provides a relevant context for that learning.

What about other alumni who do not live near the School? How can you help? Let me



Sterling Hutcheson '49, Thomas Ehrlich

What is the country to do with all these lawyers? That is obviously an issue of much controversy. But my point here is a simple one—by numbers alone, the relationships between lawyers and society generally will inevitably alter, perhaps quite dramatically. I am no less convinced that there will be changes throughout the decade in legal education. That subject is also a sharply debated one. But again my point is a simple one. A changing legal profession and a changing structure of legal education ought each to alter with mutual awareness and understanding. It makes no sense to train law students without an understanding of how law is practiced and how it will be practiced. Unless schools such as Stanford can find ways to develop and maintain ties with those in the profession, those schools cannot do their educational jobs. The burden is a heavy one but it is one that we must meet if we are to perform our obligations to society and to the profession.

What can you do? How can you help?

suggest some possible ways. First, and at a minimum, I urge that you spend a little time learning what is going on at some law school. Naturally, I hope that it will be Stanford. But the important thing is to make contact with a law school, to read through its catalogue and to become familiar with its educational programs. If you do, you will be in a far better position than most to contribute your considered judgment on what should be going on in legal education and in turn to inform others in the bar about what is going on.

The second suggestion requires somewhat more effort. It is that you actually visit and spend some time at a law school. Again I hope very much that it will be Stanford—that you will come to our classes, see our library, talk with our faculty and our students, and most particularly with the dean. You are Stanford lawyers, products of this institution; what it was, you reflect; what it is today should be your concern; and what it will be in the future, is to a

degree your shared responsibility. In my parochial view, we have among the very best programs of legal education in the country. Man for man I think the faculty and students are the best. It is one thing for me to state that conclusion; but it is far more reassuring when alumni come to the School, see for themselves, and independently judge on the merits. The important element, however, is not which school you visit, but rather that you visit some school to gain a contextual understanding of legal education today and the problems that its institutions face.

All of which leads to my third suggestion, an even more burdensome one. If your inquiry suggests that the School merits your support, financial and otherwise, please give it. You know the funding crisis facing private legal education. You know that, unlike most forms of graduate education, such as medicine, we receive no funds at all from the federal government and virtually none from any other outside source except our alumni—which makes their contributions crucial. It now costs more than \$7,000 above and beyond average tuition payments to educate each student at Stanford Law School for the three years of his legal education. Many of you give generously to our annual Law Fund—it is literally the financial lifeblood of our institution. The Fund received a record amount last year; a new and higher goal has been set this year, and I am optimistic that the generosity of our alumni will enable us to reach that goal.

I know you also realize that the Law School is in the midst of a major capital drive; a set of new law buildings is the central part of that drive. The need for a new facility is now critical and grows increasingly serious. We literally have no more place to store books; we lack classrooms of suitable design, size, and number for our current educational programs; and we have run out of office space. Again, these grim conclusions are better arrived at by sight than sound and I hope you do see our current facilities as well as the plans for the new law building. It makes no sense to provide education for 160 students—chosen from some 4,000 applicants—per class, with one of the best law faculties in the country, in facilities that fall so far below the mark. Many of you have given generously to our capital campaign. For those of you who have not as yet, I urge your help now.

In sum, we owe it to our society and to ourselves to bring law schools and those who earn their professional credentials at those schools into closer touch. Legal education will presumably continue—come what may. But how it continues, the extent to which it takes full account of the real training needs of those who will enter the profession, depends very much on how—and how many—practicing lawyers are involved.

My thanks for being with us today. My thanks for your help, past and future, to the School.



John M. Cranston '32, James Tothaker '39

Ernest McFarland Honored

Over 1,000 people gathered in Phoenix on October 9 for Ernest W. McFarland Appreciation Day. In addition, scores of messages were sent to the Justice, including those from the President of the United States, and the two living former presidents. The dinner program followed a "This Is Your Life" theme with Bill Lawrence of ABC News as master of ceremonies.

Associate Dean J. Keith Mann brought greetings from the University. He noted that the consent and license implicit in the occasion allowed him to quote from a privileged document in his possession. After pointing out that Justice McFarland had received an A in his law course on Use of Law Books and a B+ in Political Parties, Mr. Mann conjectured on what a successful career the Justice might have had had it not been for that B+! Mr. Mann ended by saying, "You have had, and are still having, Mr. Justice, one of the truly remarkable careers in modern American history. Stanford University pays tribute to and salutes one of the University's most distinguished sons."

Justice McFarland received an A.B. from the University of Oklahoma in 1917, and both a J.D. in 1922 and an A.M. in 1924 from Stanford University. He was admitted to the Arizona Bar and in 1923 became assistant attorney general for the State. In 1924 Justice McFarland was elected Pinal County attorney, a post he held for six years; he was then attorney for the San Carlos Irrigation and Drainage District. After a six year term as judge of the Superior Court of Pinal County, Justice McFarland was elected to the United States Senate, serving from 1940 until 1952 and as Senate Majority Leader during the 82nd Congress.

Justice McFarland continued to serve Arizona in his two terms as governor from 1954 until 1958 when he returned to practice. In 1964 he was elected to the Supreme Court of Arizona and served as chief justice in 1968.

Recently, Justice McFarland served as chief justice of the finals of the Law School's Marion Rice Kirkwood Moot Court Competition.

Stanford Law School and Stanford University were proud to join in honoring Justice McFarland.



Justice McFarland at an informal student discussion in Crothers Pub, April 1970. Richard L. Morningstar '70 on right.



Richard Goldstone, Chairman
Parents Day



Mr. & Mrs. Thomas Sunderland, Bruce Hasenkamp '63,
Henry Clock, Edwin Clock '74, Ellen Ehrlich, Mrs. Clock



Students and parents gather in 161J for morning session on October 6, followed by luncheon,
the UCLA game and a reception and supper at the faculty club.

Professors Named to Endowed Chairs

Professors John Henry Merryman, Charles J. Meyers, and Herbert L. Packer of the Stanford Law School have been named to endowed chairs in law. Their selection was announced by University President Richard W. Lyman following approval by the Board of Trustees on September 14.

Professor Merryman, an internationally recognized specialist in comparative law, was named to the newly endowed Nelson Bowman Sweitzer and Marie B. Sweitzer Professorship. This was established by the will of Nelson B. Sweitzer, formerly of Pasadena, and named in memory of his parents.

Professor Merryman is the author of *The Civil Law Tradition*, a survey of the legal systems of Western Europe and Latin America for lawyers versed in the common law system. He also wrote *The Italian Legal System: An Introduction*, which is widely used both inside and outside Italy.

He was visiting professor at the Institute of Comparative Law, University of Rome, in 1963-64, visiting research professor at the Center of Economic Research in Athens in 1964, and Fulbright research professor at the Max Planck Institute in Hamburg in 1968-69.

In 1970 he was made an Officer of the Order of Merit of the Italian Republic. Since 1964 he also has been a professor of the International Faculty for the Teaching of Comparative Law in Strasbourg, France.

Professor Merryman was born in Oregon in 1920. He received a B.S. in chemistry and mathematics in 1943 from the University of Portland, an M.S. in chemistry (1944) and a J.D. (1947) from Notre Dame, and an LL.M. (1951) and a J.S.D. (1955) from New York University. At Notre Dame, Mr. Merryman was editor-in-chief of the *Notre Dame Lawyer*.

He was a member of the law faculty at the University of Santa Clara from 1948 until 1953, when he came to Stanford.

Professor Meyers is on leave in Washington as assistant legal counsel for the National Water Commission. He was born in Texas in 1925. He received a B.A. in English literature from Rice University in 1949, the same year he earned an LL.B. from the University of Texas, where he was comments editor of the *Texas Law Review*. He also received an LL.M. (1953) and a J.S.D. (1964) from Columbia University.



John H. Merryman



Charles J. Meyers



Herbert L. Packer

He practiced law in Austin during 1951-52 and was a member of the law faculty of the University of Texas from 1949 until 1954. Before coming to Stanford in 1962 he was on the law faculty of Columbia University.

Professor Meyers, whose fields include property, oil and gas, water and real estate law, is the first recipient of the Charles A. Beardsley professorship. This was established through a bequest and named for its donor, a Stanford graduate (A.B., 1906, J.D., 1908) who was a founding partner in Fitzgerald, Abbott and Beardsley. Former city and port attorney in Oakland, Beardsley was president of both the California and American Bar Associations.

Professor Packer, nationally prominent expert in criminal law and former steering committee chairman of the Study of Education at Stanford, succeeds Professor John Hurlbut, now retired, as recipient of the Jackson Eli Reynolds Professorship.

Professor Packer this year won the highest accolade for scholarly work in law when he was chosen for the Coif Triennial Award for his book, *The Limits of The Criminal Sanction*.

A faculty member since 1956 and vice provost for academic planning and programs from 1967 to 1969, he played a central role in development of the Faculty Senate and in the creation of the University Fellows program. In 1969 he received the Lloyd W. Dinkelspiel award, the University's highest honor for service to undergraduate education.

Professor Packer was born in New Jersey in 1925. He received a B.A. in government and international relations (1944) and an LL.B. (1949) from Yale, where he was article editor of the *Yale Law Journal*. After serving in 1949-50 as law clerk to Judge Thomas W. Swan, U.S. Court of Appeals for the Second Circuit, he was an associate in a Washington, D.C. law firm from 1950 until 1955.

From 1961 to 1963 he served on the Attorney General's Committee on Poverty and Federal Criminal Justice and from 1964 to 1969 was a reporter for the revision of the California Penal Code.

The Jackson Eli Reynolds Professorship was established through a bequest and named for its donor, an 1896 graduate of the University. After graduating from Columbia Law School in 1899, Reynolds returned to Stanford as an assistant professor until 1902. He then continued his career in New York, where he became a leader among lawyers, the business and financial community, and in civic affairs.

Law Alumni Leadership Assembly — November 19-20, 1971



Law Fund Meeting



above: J. E. Wallace Sterling talks with
J. Keith Mann.

below: Friday Luncheon

"The law is the true embodiment of everything that is excellent. It has no kind of fault or flaw and you my Lords embody the law."

Chancellor Wallace Sterling began his remarks at the Friday evening dinner of the Law Alumni Leadership Assembly with this bit of W. S. Gilbert, also thanking the volunteers present for their interest in and support of the School.

Chancellor Sterling said, "Our universities pre-date any political institution. They have survived wars and depressions because learning and knowledge are two commodities indispensable to modern society."

In the past he has tried to suggest that people take a long view of universities—institutions which have contributed so much socially and economically to civilization. He will not excuse the shortcomings of the university but will move toward the end of improving something indispensable. Added to this is the admonition not to scorn the university.

He continued that the line of distinction between the private and public sectors of education is more sharply edged than it was twenty years ago. Until recently there was a steady increase of funds to universities from the government. In the last twenty years public institutions have substantially increased tuition, especially for out of state

students. They have also intensified their search for outside support. Despite those factors the line of distinction is still there and, said Chancellor Sterling, "I hope it will always be reenforced." He noted that the English system, where higher education is largely financed from public funds, pits money for education against need for the improvement of social ills, bringing about painful political decisions on priorities.

In recent months the same has been seen in state legislatures and in Washington, D.C. Chancellor Sterling said he would not want to see the United States join Britain in almost exclusive dependence on public funds for support of higher education. Private support for great institutions like Stanford must be strengthened, he urged, for society as a whole.

The Chancellor noted that it is very expensive to sustain programs at the graduate and professional level; our most distinguished universities are feeling the financial pinch most acutely because they insist on maintaining the highest standards of educational excellence.

Foreseeing the financial crisis of the University a few years ago, the Stanford trustees initiated a budget adjustment program to shave six million dollars from a sixty million dollar budget. That struggle is half way toward its goal but it is obvious that the second half will be rougher than the first. In the effort to curtail expenditures without a loss of quality, reserves of the University

have been used to cover deficits in the budget; this arrangement can only continue, of course, for a very few years.

This situation led to the decision to undertake a new capital campaign, one of the prime targets of which will be the completion of a new law building and the other items of the AGENDA for Legal Education, the Law School's current capital campaign.

Chancellor Sterling told the story of the incredibly sloppy recruit with an ill-fitting uniform who, when reprimanded by his superior officer for standing at ease, responded, "It's my uniform that's at ease." Chancellor Sterling said we need more supporters "in uniform with neither the uniform nor the wearer standing at ease."



Tom Ehrlich and Ann Sterling at Friday dinner



Lilian Nichols, Curtis Darling '48, James T. Danaher '58 and Hon. Robert Peckham '45

News of the School

Appointments



Victor A. Li

The University has confirmed the appointments of Victor A. Li as associate professor of law and David Rosenhan as professor of law and psychology.

Professor Li received a B.A. in 1961 and a J.D. in 1964 from Columbia University as well as an LL.M in 1965 and S.J.D. in 1971 from Harvard University. He was a National Defense Language Fellow from 1964 to 1965 and from 1966 to 1967; a Fulbright-Hays Fellow from 1965 to 1966; and a visiting assistant professor at the Michigan Law School from 1967 to 1969. Since 1969, Professor Li has held a joint appointment between the law school and the department of political science at Columbia University as assistant professor of law.



David Rosenhan

Professor Rosenhan received an A.B. in 1951 from Yeshiva College and an M.A. (1953) and Ph.D. (1958) from Columbia University. He was a psychologist for the Counselling Center at Stevens Institute of Technology from 1954 to 1956; a trainee at the New York Veterans Administration from 1956 to 1958; a lecturer at Hunter College

and director of research in the department of psychiatry at City Hospital at Elmhurst from 1958 to 1960; and an assistant professor for the departments of psychology and sociology at Haverford College from 1960 to 1962. He was a lecturer for the departments of psychology and psychiatry at the University of Pennsylvania from 1961 to 1964; a lecturer (rank of associate professor) for the department of psychology at Princeton University from 1964 to 1968; and a research psychologist at Educational Testing Service in Princeton, New Jersey from 1962 to 1968. Since 1968 he has been a professor in the department of psychology and education at Swarthmore College. During 1970-71 Professor Li was visiting in the Stanford Psychology Department.

Lawyer-Adviser Project

About 80 Peninsula attorneys have participated during the fall in a new program to acquaint first-year students with different aspects of work in the legal profession. Each met with two first-year students to discuss law practice, and to answer questions.

The program, originated by Edward Hayes, president of the Law Association, and Dean Ehrlich, was designed to give students a better idea of what lawyers do, of the various types of law practice and of the role of lawyers in shaping and applying rules learned in the classroom.

Virginia Birch Retires from Law Review

Virginia Birch, business manager of the *Stanford Law Review* for the past 20 years, will retire in January, 1972, at which time she plans "to do what comes naturally."

When Mrs. Birch assumed her position with the *Review*, it was only four years old. At that time there were 900 subscribers to the *Review* which published quarterly on a \$7200 budget. Members were selected on the basis of first year grades and competition was stiff.

Mrs. Birch has seen the *Review* grow considerably since joining the staff in 1952. Today, membership is voluntary and open to all second year students who fulfill the necessary prerequisite of completing a publishable piece during the member's first year on the *Review*. The subscription list now numbers 1,800 and the publication comes out six times a year. The budget is eight times what it was in 1952.

Mrs. Birch has been an integral part in the development of the *Review*. Allen Katz, president of the *Stanford Law Review* for the year 1971-72, describes her contribution as follows: "The best tribute to Mrs. Birch



Richard Fink '71 and Virginia Birch
at Law Review Banquet

on her retirement is probably the *Review* itself. . . Her years with the *Review* have lent a sense of stability and continuity which has made the *Review* more than an extracurricular activity for many of its members and has helped shape it into an institution worth the long hours and hard work that membership requires."

The *Stanford Lawyer* joins with the rest of the School in wishing Virginia Birch an enjoyable retirement "doing what comes naturally."

Registration



First-Year Spaghetti Party



Louis I. de Winter—Hague Conference

Louis I. de Winter, dean of the Faculty of Law at the University of Amsterdam and president of the Netherlands Standing Government Committee for the Codification of the Private International Law, spoke at the School on October 20. Dean de Winter, an active participant since 1951 in the Hague Conference on Private International Law, and president of the two most recent sessions, outlined the evolution of the Hague Conferences and some of the conventions drafted by the 26 member states. He noted that in 1893 the Netherlands convened a conference at the Hague attended by 17 states. This meeting was followed by four conferences before World War I. The work was chiefly in the realm of family law but also involved issues of jurisdiction and civil procedure. In 1951 the Statute of the Hague Conference was established providing for a full session every four years. Since then some twenty multilateral conventions have been drafted, about half of which are now in force. Dean de Winter noted that, though the conventions are not always ratified by participating countries, they are often recognized as authority in private international law.

In 1960 a convention with respect to child protection stipulated that the law of the country where the child has his habitual residence governs measures to be taken with respect to the child. Some of the subjects under consideration in 1972 will be (1) alimony, (2) international succession to decedents' estates and (3) products liability.



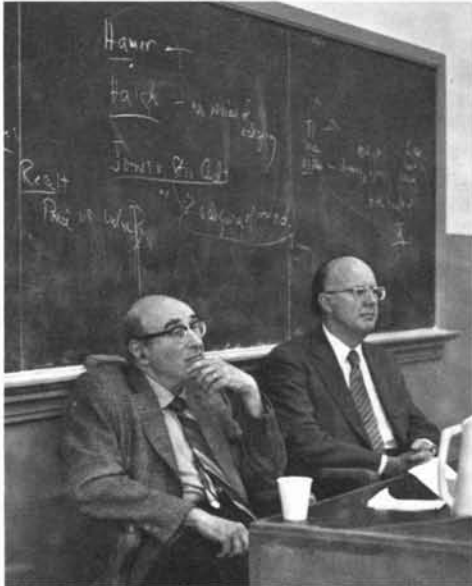
Louis I. de Winter

Administration of Justice

Hon. Robert F. Peckham, United States District Judge for the Northern District of California, and Hon. Sidney Feinberg, Judge of the Palo Alto-Mountain View Municipal Court, discussed aspects of administration of justice on November 10, sponsored by the Law Forum.

Judge Peckham noted that there is a public concern over delay in the courts leading to a

lack of confidence in the administration of justice. He went on to say that there are bright spots: for example, Santa Clara's civil calendar is as current as could be expected. Judge Peckham told the group that the proposal for state courts to follow the federal practice of judges interrogating prospective jurors would alleviate some of the time pressure in our state courts.



Judges Feinberg and Peckham

Judge Feinberg added that in Santa Clara County 87% of the felony cases go to trial within the 60-day statutory limit compared to the 50% state-wide average. He said that it must be remembered that delays are caused by both parties. Judge Feinberg commented that a form of no-fault insurance may alleviate a great cause of delay—jury trials in personal injury cases.

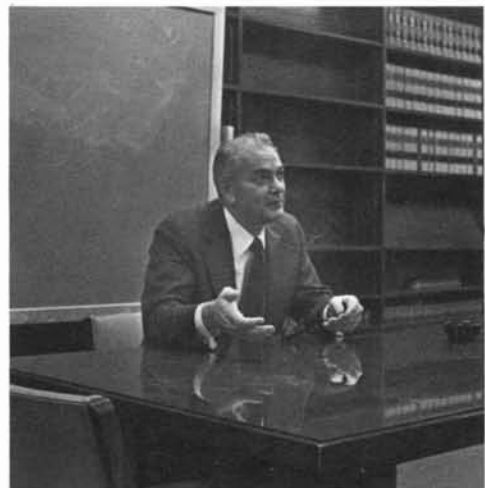
Alternatives in the Practice of Law



Rose Bird

Rose Bird, deputy public defender of San Jose appeared at the Law School on November 11 to discuss women in law and on November 12 to discuss public defender work as an alternative choice in the practice of law. Miss Bird is well known at the Law School because she is in charge of all student help at the San Jose public defender's office. Other participants in the Law Forum's program of speakers on alternative choices in the practice of law were Edgar Luce, Jr. with the firm of Luce, Forward, Hamilton & Scripps of San Diego on October 1, Norton Tooby and Winnie Leads of the Palo Alto Law Commune on October 4, and Garfield H. Horn of Sullivan & Cromwell of New York on October 13. Also included in the program were Christopher Bayley, King County prosecuting attorney on October 15; F. Bruce Kulp who is with Ford Motor Company, on October 21; and William R. Perlik and Robert Gerard of Wilmer, Cutler & Pickering of Washington, D.C., who appeared on October 28, as did Cal Advocates representative Robert Gnaizda.

Problems of Drug Abuse



Don Miller

Don Miller, chief counsel for the Bureau of Narcotics and Dangerous Drugs spoke to Law Wives and interested students of the Law School on November 18. Following an introduction by Professor John Kaplan, Mr. Miller discussed the problems of drug abuse, the effectiveness of the Bureau in controlling the drug market, various enforcement problems and legislative action undertaken in an effort to prevent and control drug abuse.

Williams on Law Revision Commission

Professor Howard R. Williams has been appointed by Governor Ronald Reagan to the California Law Revision Commission. Williams replaces former Stanford Law Pro-

fessor Joseph T. Sneed, who resigned from the Commission and the Stanford faculty when he became dean of Duke Law School. Two Stanford Law School alumni have been named chairman and vice chairman respectively of the Commission. They are John D. Miller '53, a Long Beach attorney and Marc Sandstrom '58, general counsel and secretary of the board of San Diego Federal Savings and Loan Association.

The Law Revision Commission consists of two members of the California legislature (one senator and one assemblyman), seven members appointed by the Governor, subject to Senate confirmation, and the Legislative Counsel who is an ex-officio nonvoting member. The Commission's office has been located at Stanford since its inception in 1953.

The principal function of the Commission is to submit recommendations to the California Legislature for changes in the common law and statutes to bring California law into harmony with modern conditions.

Other Stanford Law School faculty members who have served on the Commission include former professor John McDonough who was executive secretary of the Commission from its inception to 1959 when he became a commissioner, a post he held until 1967. He was vice chairman, 1960-61, and chairman, 1964-65. Between 1954 and 1959, former professor Sam Thurman, now dean of the University of Utah Law School, was a member of the Commission.



Howard Williams

Of 90 bills recommended by the Commission, 80 have been enacted. One of two constitutional amendments recommended by the Commission was adopted. The California Evidence Code is also the product of the Commission.

Each of the Commission's recommendations is based on a research study of the subject matter concerned. Many of these studies are undertaken by specialists in the

fields of law involved, retained as research consultants to the Commission. For example, Lowell Turrentine, professor of law emeritus, did a study in 1956 on suspension of the absolute power of alienation. In 1958 Professor John Merryman was the consultant on mortgages to secure future advances; he also did the 1966 work on the good faith improver of land owned by another.

Professor Jack Friedenthal has also been active in the work of the Commission. He prepared a background study and served as a consultant on the 1966 study of imputed contributory negligence. The 1971 Legislature made significant changes in California pleading practice. Professor Friedenthal served as the Commission's consultant on this study also.

The Commission provides part-time employment to some law students each year. Several of these students have prepared studies for the Commission that have later been published as leading articles. Albert C. Bender '66 wrote "Additur—The Power of the Trial Court to Deny a New Trial under Conditions that Damages Be Increased." 3 CALIFORNIA WESTERN LAW REVIEW 1 (1966). Michael J. Matheson's 1969 study, "Excess Condemnation in California: Proposals for Statutory and Constitutional Change," appeared in 42 SO. CAL. L. REV. 421 (1969).

A major Commission study now in progress, in cooperation with a special committee of the State Bar, is to determine whether the law relating to attachment, garnishment, and property exempt from execution should be revised. Other topics include condemnation law and procedure, right of nonresident aliens to inherit, liquidated damages, child custody, and oral modification of a contract.

California Bar Exam Discussed



Francis N. Marshall '31, chairman of the San Francisco office of the California Bar Examiners, talked with students on December 9 about new procedures for the California Bar Exam, including one day of multiple choice questions, looking to the future National Bar Exam.

Moot Court

The Moot Court Board announced that Hal Lewis and Jim Ware, after arguing successfully in the regional finals, will represent California in the national moot court competition in New York, December 15-17. In addition, for the second year, Jim Ware received a trophy from the American College of Trial Lawyers as the most outstanding oral advocate.

JAG Head Speaks



Major General Harold Parker, Acting Judge Advocate General of the United States Army, spoke with students on November 22 about the work of his office.

Clerkships

A number of Stanford Law alumni are holding federal and state judicial clerkships for the year 1971-72: Chesney D. Floyd '67 is clerking for Chief Justice Warren Burger of the Supreme Court; Roger Hanson, from Goodell, Iowa is with Judge Herbert Choy of the Ninth Circuit Court of Appeals. Also in the Ninth Circuit Court of Appeals is Steve McKeon of Astoria, Oregon, with Judge Eugene Wright; Eugene Bates of Fort Worth, Texas, with Judge Ben. C. Duniway; Ruth Rothmeyer of Hillsborough with Judge Shirley Hufstedler; Sally Schultz Neely of Burbank with Judge Ozell Trask; also with Judge Duniway is W. Richard West, Jr. of Lawrence, Kansas.

Sam Cheris of Brooklyn, New York is at the United States Court of Claims. Richard Fink of Palo Alto is clerking with Judge George MacKinnon of the Court of Appeals of the District of Columbia. In the Second Circuit of the Court of Appeals, with Judge Leonard Moore, is Jim Fotenos of Daly City. John Ver Steeg of Evanston, Illinois is with Judge John Godbold of the Fifth Circuit Court of Appeals.

Five alumni are in the U.S. District Courts in California. Marshall Goldberg of Pittsburgh, Pennsylvania and Mrs. Carole Greene

of Palo Alto are with Judge Robert Peckham. In the Central District of California, Hilary Goldstone of Beverly Hills is with Judge William Gray, Vaughn Walker is with Judge Kelleher and John Heaney of Palo Alto is with Judge Lawrence T. Lydich.

Robert Westinghouse, a resident of Stanford, is with Justice Murray Draper of the California Court of Appeal First District. Patrick O'Hare of New York City is clerking for the California Superior Court of San Mateo.

Patricia Cutler of Downey is clerking for the California Superior Court for Santa Clara County.

Barbara Miracle of Rockville, Maryland and Richard Lawry of Olympia, Washington are clerking at the Alaska Supreme Court.

Several members of the Class of 1972 have already accepted clerkships for the 1972-73 term. Stephen M. Feldhaus of Lawrenceburg, Tennessee plans to be with Judge Eugene Wright of the Ninth Circuit Court of Appeals in Seattle; Douglas T. Robertson of Chevy Chase, Maryland and Stephen S. Walters of San Diego will clerk for Judge Ben. C. Duniway of the Ninth Circuit Court of Appeals in San Francisco.

Allen M. Katz of Saratoga will be with Judge Skelly Wright of the Court of Appeals of the District of Columbia and James C. Kitch of Wichita, Kansas will be with Judge John Stevens of the Seventh Circuit of Appeals in Chicago. Robert Clark of Long Beach will clerk for Justice John G. Gobbert of the California Court of Appeal, Fourth District. Robert T. Fries of Stanford will be with Judge Robert F. Peckham, U.S. District Court, Northern District of California. Geoffrey Naab of Lakeville, Connecticut will clerk for Judge John W. Kerrigan of the California District Court of Appeal for the fourth district in San Bernardino.

Grant Finances Law—Development Study

by Stephen Boatti

The following is reprinted from the *Stanford Law Journal* of December 9, 1971.

The Agency for International Development (A.I.D.) has awarded the Law School a \$700,000 grant to finance a vast study of law and development in Latin America and Mediterranean Europe.

Professor John Henry Merryman, who is "principal investigator" for the project, said the 5-year grant was approved last spring and work on it has already begun.

The project is intended to be an interdisciplinary study aimed toward preparing a

behavioral, social-scientific description of the legal systems of a number of developing countries.

The specialization of the three original applicants for the grant reflects the breadth of the investigation. Merryman himself is a comparative lawyer; Professor Lawrence Friedman is an expert on law and social science; and Dean Thomas Ehrlich's field is international law.

Merryman emphasized that the research had nothing to do with war or defense. "There is not, in any sense, direct or indirect American imperialism," he said. "We are not interested in carrying on a program designed to bring light to the natives. On the contrary, we think we've got something to learn from those places. We have not been used or bought by any secret cynical national or international operation."

The grant, he went on, was phrased in general terms, and the professors will decide how to implement the study within the very broad guidelines necessitated by the fact that government money is being spent. A.I.D. also requires annual reports, and will receive the data that is finally published from the project. Otherwise there are no strings, he indicated.

The first phase of the study, according to Merryman, involves developing a "research design" out of which specific observations can be developed.

To this end, a large number of American and foreign scholars have been assembled. The first step, in tune with the emphasis on law and social change, has been the formation of a multi-disciplinary faculty seminar here at Stanford comprising professors from fields including history, business, engineering, anthropology and psychology. Its purpose is to make sure, "we don't do stupid, naive, foolish things from a sociological

viewpoint," said Merryman. "Basically, we prepare and read them papers, and they kick us around."

Perhaps most important is the role to be played by foreign scholars. A distinguished legal scholar from each of the countries to be studied—tentatively Mexico, Chile, Peru, Costa Rica, Italy, and Spain—is being invited to Stanford for this spring and summer to work with Merryman and Friedman on deciding how to structure the study.

Then they will return home to do the actual specific national research.

The last two years of the grant will be devoted to correlating and writing up the results. "I expect a whole stream of books to come out of this," noted Merryman.

Merryman hopes that the reliance on foreign scholars will reduce the danger attendant in groups of Americans unfamiliar with a country going into it and failing to do an accurate study.

"We're not interested in studying a foreign culture and doing it badly," he said. "These scholars are totally acculturated to their societies. But even so, we're likely to make mistakes, set teeth on edge, and do naive things. This is always so in a cross-cultural study."

Film Seminar



Sterling Silliphant, screenwriter and producer, led a seminar on screenwriting October 21. That evening the Law School Film Society featured "Charly," an Academy Award winning movie written by Silliphant.

No-Fault Insurance Debated



Professor Jeffrey O'Connell, University of Illinois Law School, at a debate on no-fault auto insurance with attorney Marvin E. Lewis of the California Bar, president of the American Trial Lawyers Association, on December 2, 1971.

Law Association Christmas Show

December 10, 1971



Marc Franklin,
Jack Friedenthal,
Moffatt Hancock
(Three Radical
Students)



Tom Bartman

Jim Claytor (Spook of Spaeth),
Tom Bartman (Dean Thomas Butterup),
Bob Rand (Mr. Rookum)



Tom Bartman, Jim Claytor,
Wiley Mayne
(Leland Sandforized Jr.)

Law Societies

The Council of Stanford Law Societies, the dean and faculty of the Stanford Law School and the Honorable Walter E. Craig '34, former president of the ABA, Mr. Joseph H. Gordon, A.B. '31, treasurer of the ABA and Mr. H. Baird Kidwell '35, member of the ABA Board of Governors sponsored two alumni receptions in conjunction with the 1971 Annual Meeting of the American Bar Association. The July 7 reception in New York City was hosted by Laurence Levine '67, president of the New York Law Society with Dean-designate Thomas Ehrlich of the Law School as special guest. The London reception of July 18 was hosted by Professor Dale Collinson and Assistant Dean Bruce H. Hasenkamp '63. (See page 6.)

ARIZONA

Professor and Mrs. Moffatt Hancock were the special guests of the Arizona Law Society at a luncheon meeting on November 5th. Professor Hancock delivered a witty and informative talk on an early English divorce, that of the Duke and Duchess of Norfolk.

COLORADO

Assistant Dean Bruce H. Hasenkamp carried latest news of the Law School to the luncheon meeting of the Colorado Law Society on October 19th.

MIDWEST

The charter meeting of the Midwest Law Society was attended by Dean Thomas Ehrlich. The Chicago meeting included cocktails and dinner.

NEW YORK

Professor Charles J. Meyers spoke on "Innovation at the Law School" at a meeting of the New York Law Society, Inc. on November 11. Professor Meyers is on leave this year serving as assistant legal counsel to the National Water Commission.

OREGON

The Stanford Law Society of Oregon held an annual meeting on June 10 with guest speaker, Professor Charles J. Meyers discussing "Inter-basin Transfers of Water: Current Thinking on the Northwest-Southwest Diversion." Assistant Dean Bruce H. Hasenkamp and Associate General Secretary Gary Bayer were also in attendance.

J. Solomon '29 was held in recognition of Judge Solomon's long and distinguished service as Chief United States District Judge, on the occasion of his election to take senior status. The November 17 luncheon was hosted by Robert J. Miller, president of the Oregon Law Society, with Dean Thomas Ehrlich in attendance.

PENINSULA

The Atherton Club was the setting for the Peninsula Law Society luncheon of October 21 which featured Dean Thomas Ehrlich as guest speaker.

SAN DIEGO-IMPERIAL

All alumni were invited for lunch during the 1971 State Bar Convention on September 15 with Dean Thomas Ehrlich featured as guest speaker. (See page 9.)



Midwest Law Society enchartering dinner, November 11. Officers from left to right are Timothy R. Casgar '67 (vice president); Gene Armstrong '67 (treasurer); Donald W. Morrison '50 (president); Dean Ehrlich; Carol Petersen '66 (vice president); Roger H. Vree '69 (secretary).

SANTA CLARA COUNTY

Dean Thomas Ehrlich spoke to members of the Stanford Law Society of Santa Clara County during their spring meeting on May 26th. His topic was "Six Students in Search of a Legal Education."

SOUTHERN CALIFORNIA

An annual dinner dance was held on May 14 with the Honorable Paul N. McCloskey, Jr. '53 as the featured speaker. Guests included Dean Bayless Manning, Dean-designate Thomas Ehrlich and other members of the Law School faculty and administration.

"The Political Economy of Private Universities" was the topic presented by Professor Henry G. Manne at a dinner meeting of the Southern California Law Society on December 7th. Professor Manne is a visiting professor this year at Stanford Law School from the University of Rochester.

WASHINGTON, D.C.

Geoffrey R. W. Smith '70 chaired a luncheon on June 2 with special guest Dean-designate Thomas Ehrlich. Assistant Dean Bruce H. Hasenkamp '63 was also in attendance.

WASHINGTON STATE

The 1971-72 year for the Washington State Law Society was initiated by Dean Thomas Ehrlich's visit on November 22 to enjoy cocktails with attending members.



Henry G. Manne



Dean Ehrlich, Hon. Gus J. Solomon, '29 and Robert J. Miller, '60.

BOARD OF VISITORS MEETS

April 20, 21, 1972

LAW ALUMNI WEEKEND

April 21, 22, 1972

Class Reunions: 1922, 1927,
1932, 1937, 1942, 1947, 1952,
1957, 1962, 1967



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