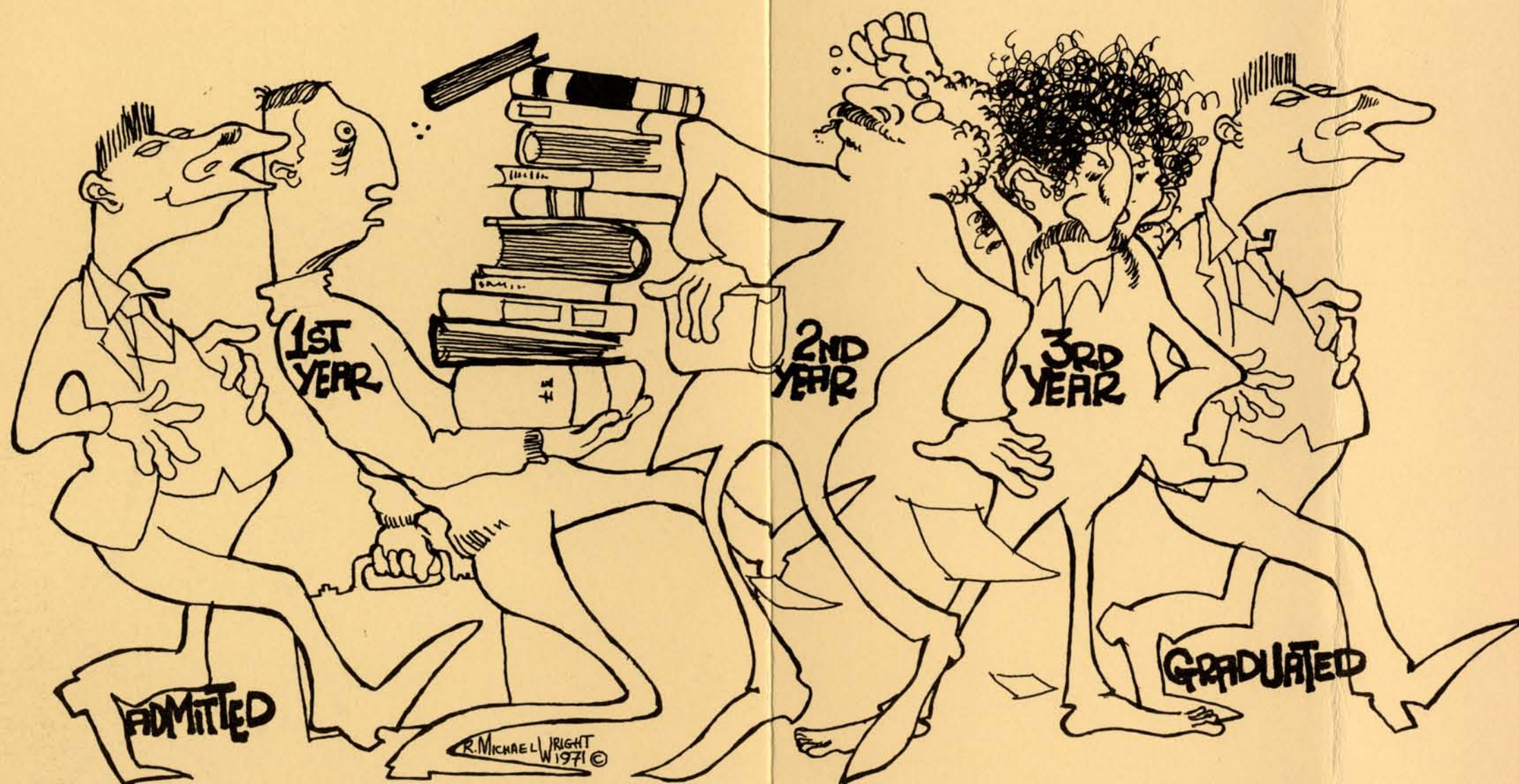


STANFORD LAWYER

Winter 1972-73



Phi Delta Phi 1912



Can you identify any other of these alumni?

Row 5: (21) J. Earl Woolley; (22) Lester Lewis; (23) Merle E. Mitchell; (24) Chester L. Coffin

Row 4: (16) ? Murray ?; (17) Homer R. Spence; (18) Charles W. Dooling; (19) Lester Summerfield; (20) Edson C. Abel

Row 3: (10) Earl C. Behrens; (11); (12) Paul N. McCloskey; (13); (14); (15) Alfred R. Edwards

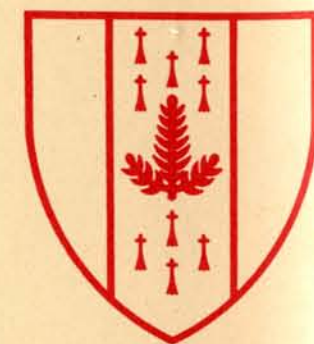
Row 2: (5) Karl R. Levy; (6); (7) M. Luther Ward, Jr.; (8) Carl H. Gilbert; (9) Carlos Cooper Close

Front Row: (1); (2); (3) ? Wright; (4)

Picture courtesy of Hon. Homer Spence

Stanford Lawyer

Winter 1972-73



Editor, Nancy M. Mahoney
Associate Editor, Kelly Hemingway

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Cover drawing by R. Michael Wright '70

New Year Greetings to Stanford Law Alumni:

Some exciting things happened at The Law School during the past year. Construction is well underway for our new buildings, which will provide facilities to match the quality of our alumni, students, faculty, and staff. Further, we added four outstanding new faculty members.

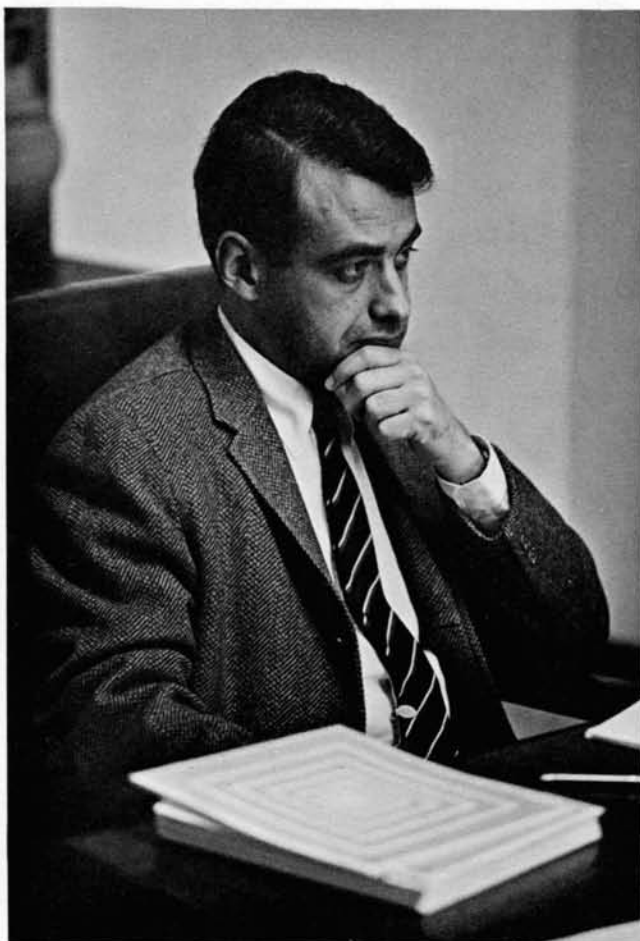
Stanford also lost one of the great men of legal education - the late Professor Hubert L. Packer. He was a superb teacher and scholar. He will be missed beyond measure.

Ellen and I are particularly pleased to have met so many of you during the last year. We will continue our effort to strengthen the ties between the School and its alumni. We send each of you our warm good wishes for a Happy New Year.

Tom Ehrlich

Herbert L. Packer

1925-1972



Herbert L. Packer, Jackson Eli Reynolds Professor of Law, joined the Stanford Law School faculty in 1956. He served on the Attorney General's Committee on Poverty and Federal Criminal Justice from 1961 to 1963; he was a reporter for the revision of the California Penal Code from 1964 to 1969; and he was Vice Provost of Stanford University from 1967 to 1969. Professor Packer died on December 6, 1972. He was the author of many scholarly writings including *Ex-Communist Witnesses: Four Studies in Fact Finding*, 1961; *State of Research in Anti-Trust Law*, 1963; and *The Limits of the Criminal Sanction*, 1968 for which he won the Coif Triennial Award in 1971. His articles have appeared in numerous periodicals such as the *New Republic* and the *New York Review of Books*. More recently, he co-authored a study of the future of legal education for the Carnegie Commission with Dean Thomas Ehrlich.

As vice provost for academic planning and programs, he played a central role in the 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 is survived by his wife, Nancy, and their children, Annie and George. A memorial fund has been established at the Law School. On January 26, 1973 a memorial service was held at Stanford Memorial Church. Following are excerpts of the talks made in tribute to Professor Packer. Complete transcripts of the remarks in booklet form are available on request at the Law School.

Richard W. Lyman

President, Stanford University and Professor of History

"One of the reasons that he was such a scourge to ideologues of all schools was that he could be radical and conservative by turns, or both at the same time, and not (heaven knows!) because he was confused—confusion and Herb Packer were, as far as I can tell, lifelong and bitter enemies—but because he preferred the discomfort of striving to understand things as they actually are, rather than the slippered ease of having, intellectually, a place for everything and everything in its place."

Thomas Ehrlich

Dean, School of Law and Professor of Law

"Herb was a fascinating combination of qualities—often in conflict, always in tension. He was a rational analyst, and an emotional hip-shooter; a long-range campaigner for educational reform, and an academic infighter.

"What a glorious classroom performer he was. He came to Stanford with an ability to squeeze out of those whom he taught—whether students or colleagues—all that was within them, and then some. Herb came with that gift, and he developed it to a fine art. . . .

"This is the real reason Herb made such an impact on the school and on our lives—he had such guts. True, he was a remarkable mixture of brilliance, intellectual equipment, and philosophic clarity. But it was that certainty of principles and that total commitment to their protection that was unique. Herb could bristle like a porcupine on issues of principle. He was combative, contentious, and stubborn. This sometimes made him hard to live with. But it will be infinitely harder to live without him."

Gerald Gunther

William Nelson Cromwell Professor of Law

"For Herb, scholarly efforts, like the curriculum, could not be viewed as airtight compartments. Each undertaking was a specific manifestation of recurrent basic questions in the application of law to social problems: What are our goals? What means can contribute most effectively to those goals? Concern with basic philosophical questions, rigorous probing of assumptions, pragmatic preoccupation with selecting the most suitable means for the most carefully articulated ends—those are characteristics of all of his writings."

Leon E. Seltzer

Director, Stanford University Press

"For it was from Herb that many of us learned new standards of inquiry, the necessity of asking every important question, of insisting on answers good enough to entrust our lives to. And it was peculiarly at a university that Herb could give us a demonstration of what a life lived that way looked like. And what a glorious sight it was: of a mind—and a heart—fully extended, sensitive, warm, controlled, pregnant with tension, completely engaged. Engaged—that might be the word—a nuance, perhaps, beyond the philosophers' 'examined life': the *un-engaged* life, I think Herb might have said, required a certain amount of careful scrutiny, if not justification. He demanded of himself—he asked of us—a performance not merely that stretched sensibility and intellect, but that also was constantly, wholly responsible. It was simply every man's duty to care—and to act. . . .

"From his engagement with life—from his insistence that the responsible man must think and act in a way that will benefit the society of which he is privileged to take part—came Herb's particular concern with change in the structure and operations of institutions. . . .

"In the end, we shall remember him at the height of his powers—a Herb of imagination and style, joyously engaged, of Mozartian courage—'He was a whistler past graveyards,' Nancy said the other day—taking on for us all the challenges, heavy and light, each man-made world lays fully on us, and leaving each place, surprised into a performance it did not know it held, better than he found it. He would want us to remember him for that. And we will—gratefully, we will."

Griswold—ABA Dinner Speaker

Erwin N. Griswold, Solicitor General of the United States and former Dean of the Harvard Law School, spoke informally to a group of Stanford Law School alumni on August 15, 1972 during the American Bar Convention in San Francisco. Following is a partial transcript of his talk.

People sometimes ask, "Which do you like best—being Dean or being Solicitor General?" I'm very greedy; I say I like both. The succession has been ideal for me. I loved it at the Harvard Law School. I've always been lucky. I've always had fun at my work, whatever I was doing.

I liked being dean of a law school very much. It was hard work. I left in 1967 which I guess for me was a very fortunate time to leave because I don't think I would have been very flexible or very successful at dealing with the student problems which blew up at that time and which, I must say, had neither any intellectual nor any emotional appeal for me. I would probably have tried to stand firm, which I think would have been wise and the correct thing to do, but I would have been bowled over and I would have been very unhappy and, as a result, it has turned out, I think, to have been a very good time for me to move on. I had been dean of the Harvard Law School for 21 and 1/3 years and that was long enough for them and long enough for me. As I told the faculty at the time, Ramsey Clark called me on the telephone and asked if I would be willing to have my name submitted to the President as one for consideration for appointment as Solicitor General—I later learned it was the only one that was being submitted, but he didn't tell me that at the time—and I told the faculty that I took 15 agonizing seconds and said yes.

So I went back to Washington. I say went back because I spent five years in Washington right out of Law School and in the same office. I had always expected to spend my life in Cleveland where I had been practicing law for three months when I got the invitation to start as the junior junior in the Solicitor General's office. I accepted for two years. They told me that they didn't want me unless I would stay two years, so I said I would come and stay for two years for experience. I stayed five years when Dean Pound called me on the telephone and asked me if I would like to come and teach at the Harvard Law School; they would give me an appointment as assistant professor for three years. I said, "Well, I don't know whether I'll like it or not. I'll take an appointment for one year because I don't want to be under any obligation, express or implied, to stay longer than one year." I stayed

33 and 1/3 years, and finally came back to Washington.

I suppose the lawyers here all know what a Solicitor General is. I sometimes put it this way, again hoping that the press won't print it in headlines—I do what you think the Attorney General does. The Attorney General has a very important post, but it is a political post and I use that term in the highest sense because I think that politics is one of the highest arts that men have to deal with. The Attorney General advises the President; he carries on relations with the press; he has press conferences; he makes speeches; he deals with congressmen and senators; he prepares and appears before Congressional committees with respect to bills which the administration wants; he has the special responsibility of advising the President on judicial appointments, which means really working with the senators; and he just has no time to be a lawyer.

On the other hand, the Solicitor General has no political responsibilities. He does try to keep from causing too much trouble for his superiors, but he is not expected to be a politician. His function is solely professional; he is expected to be a lawyer. And that I find very pleasant and, indeed, in many ways not greatly dissimilar from the kind of work that one does when he is dean of a law school. Even as a dean I used to write an article now and then, although it got harder in the later years. Well, I work now on briefs which is the same kind of work. I used to have to negotiate and deal with faculty members, university authorities, particularly the controller's office (which was always trying to steal money from the law school and unless I looked at the accounts line by line something would be slipped over on me). I now have to deal with all the divisions of the Department of Justice and with the general counsel and other officers of other government departments and agencies like the Federal Trade Commission and the Federal Communications Commission. All of these things with respect to their legal activities focus on the Solicitor General's office.

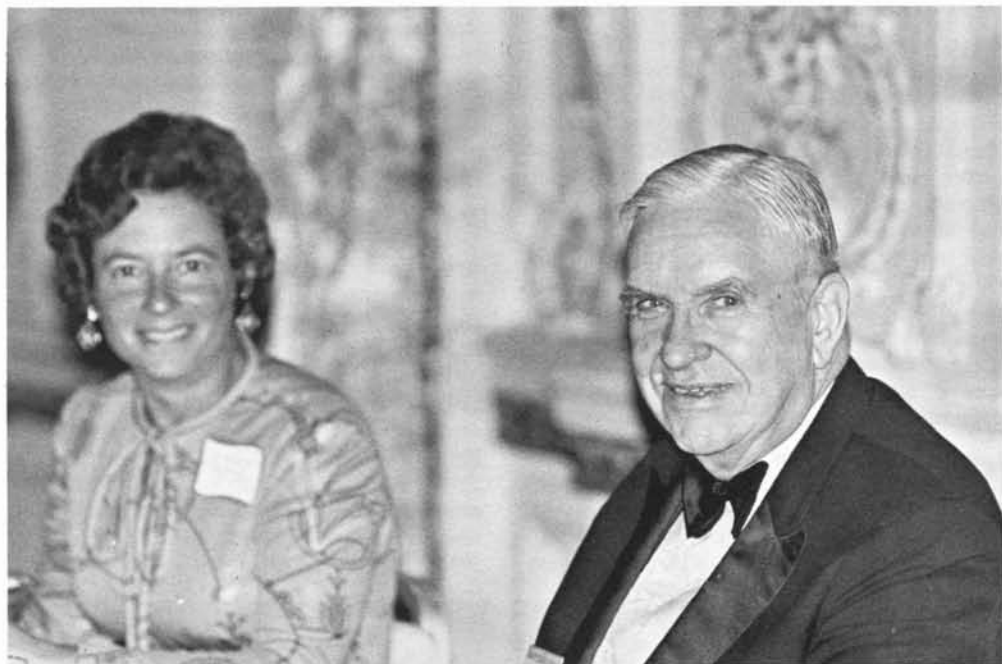
The Solicitor General has two primary responsibilities. One is the representation of the United States and its officers and agencies before the Supreme Court of the United States and the other is one which is not

widely known, but which is of really considerable importance, which is that it is the Solicitor General who determines whether any case the government loses anywhere, in any court, will be appealed or not. My office has a coordinating function designed to keep the government from making one contention in one court and another contention in another court in another case which would happen if the various cases did not focus through the Solicitor General's Office.

This is, by common consent, and I do not dissent at all, the ideal professional job in the federal government. The volume of work is very large. We have over 1500 cases a year in the Supreme Court. That is a mildly misleading figure because the overwhelming proportion of those are with respect to briefs opposing the other side's petition for certiorari; but we also have the cases in which we file petitions and we also have something like sixty-five or seventy cases a year on the merits, for all of which I am responsible. I can't personally argue all of

ing ever happens there until two years later, and, moreover, not only does it not happen for two years, but by the time it gets to the Supreme Court it's always different in some way or other so it doesn't do any good to worry about it too much in advance. So I really didn't pay any attention to it and read the newspaper articles the same as anybody else did.

We flew back to Washington and I heard that there would be a hearing before Judge Gesell on Monday, and I thought, well, the boys working on that case are going to have a very busy weekend, aren't they. Then I read in the paper Tuesday morning that Judge Gesell had decided against the government and that it would be heard in the United States Court of Appeals for the District of Columbia at 2:00 that afternoon. I thought that was very interesting and went to my office and went about my business; at ten minutes after eleven the Attorney General asked me to come in to see him. That happens every once in a while and I



Ellen Ehrlich and Erwin N. Griswold

them, but I did argue sixteen cases at the most recent Term.

Some of the cases are spectacular, some are very routine.

We have such things from time to time as the case involving the Pentagon Papers. A year ago last June I was committed to go to speak to the Florida State Bar near Miami and while I was down there I read in the *New York Times* the first of the articles based on the Pentagon Papers. I said to myself, "Well, it looks as though there might be a case out of this some time." But one of the things you learn in the Solicitor General's Office is that noth-

went in to see him and he said, "This Pentagon case is going to be argued in the Court of Appeals this afternoon." I said "Yes, I read about it in the paper." He said, "I'd like to have you argue it." I said, "Mr. Attorney General, I don't know anything about the case; I've never seen the papers; if there is a record I've never seen it; if there's a brief nobody's talked with me."

"Well, of course, if you'd rather not I'll see if I can get somebody else." And I said, "Mr. Attorney General if you want me to argue it I will argue it." And so I came back to my office, called my wife and said, "I don't want to be fussy, but I've got brown

shoes and I don't wear brown shoes to court and I've got a pretty loud tie for me; if you could pick up some black shoes and a quieter tie and, while you're at it, if you could put a couple of sandwiches in a bag and bring them down to me, it would be quite a help." Between 11:20 and a quarter to two I jotted down some notes and at a quarter to two, having meantime got the shoes and the tie and sandwiches, I walked over to the Court of Appeals building where I had never been. I finally found my way up to the courtroom, having a terrible time getting in because there were just millions of photographers all over the place and newspaper reporters. When I got in some deputy clerk of the court came up to me and said, "Are you going to argue this case?" I said, "Yes, I guess so," still trying to think what I was going to say, and he said, "Who is going to move your admission?" I guess at that point I got rather stuffy and pulled myself up to my full five feet eleven and said, "Well, if your records go back that far I was admitted to practice before this court more than 40 years ago."

I then had to appear before the full bench of the Court of Appeals, still never having seen even the outside of the Pentagon Papers, still having no idea of really what was in it and never having consulted or conferred with anybody as to what the legal grounds might be. I went ahead and made my argument. You know sometimes you realize that you've stumbled badly and this time I didn't. Somehow or other it seemed to go fairly well. We lost the case but that wouldn't be the first time I made a good argument and lost the case. I may say this was a very excellent dress rehearsal and gave me confidence for the later period.

I then went back to my office and had a chance to confer with my deputy, Daniel Friedman. We figured we were probably going to lose in the Court of Appeals for the District of Columbia; we also knew

that a parallel case was going on with respect to the *New York Times* in New York and we felt we ought to keep both of them together. On Thursday afternoon we were told that the *New York Times* had filed a petition for certiorari. On Thursday at about six o'clock we filed with the Supreme Court an application for a stay in the *Washington Post* case simply for the purpose of keeping that case parallel with the *New York Times* case because we thought it wasn't fair to have the *New York Times* enjoined from printing the stuff while the *Washington Post* could go ahead and print it. Just at the last minute I suggested that we put in at the end a sentence to the effect that if the Court wished to treat this application for a stay as a petition for certiorari, that was all right with us.

The next morning, Friday at about noon, the Chief Justice called me personally on the telephone and said, "The Court has granted your petition for certiorari. The case will be argued at 11:00 tomorrow morning and briefs will be exchanged at the beginning of the argument." I still hadn't seen even the outside of the Pentagon Papers. But I then immediately got in touch with the Internal Security Division. I found they had a set of them and I got the 47 volumes delivered to my office. They contained seven million words. If I read them at 200 words a minute it would take me seven weeks to read all of them. I don't know how I got all this done. I really wasn't very nervous about it. When you get under this kind of pressure you just kind of go ahead and do what you can do. I got the head man in these matters from the State Department, from the Defense Department and from the National Security Agency into my office for an hour each from 2:00 to 5:00 p.m. and I said to each one of them—now you tell me what is really bad here. I made longhand notes and when I got through with all of them I had 41 items



Mortimer Herzstein '50, Rene Herzstein, Betty Binns Fletcher, A.B. '43

that they said were really serious. I then leafed through those 41 items: they had given me the page references. I quickly concluded that a lot of them weren't really serious and I finally reduced it to eleven items on which I then decided we were going to stand—and I started working with my secretary to dictate the secret or closed brief.

In the meantime I said to my deputy, Daniel Friedman, "now you write the brief on the law; if you don't bother me that's all right with me; if you can just go ahead and do it that's fine. If you feel that you must talk with me, why that's all right too." He went ahead and wrote twenty legal-size pages with his secretary staying until 3:00 a.m. I dictated the so-called secret brief dealing with these eleven items. I finally left at about 3:30 a.m., figuring that if I was going to argue the case the next day I'd better get some sleep. My secretary is married and she said her husband would come and get her. She stayed to about 4:30 when she finished typing it.

I may say that one of the events of the afternoon was that, very shortly after the 47 volumes had been delivered to my office, a man came in and pointed to my secretary and asked, "Who's she?" And I told him she was my secretary. "Is she cleared?" I said I did not know. "Well, she can't work on this if she isn't cleared." And I said, "Well that's very interesting because she is going to work on this. I am in charge of the case; I know you have your duty to do and if you don't like the way I'm doing mine will you please go and report to whomever you're supposed to report to, and don't bother me any more." Just as I was going to go home at 3:30 a.m. it suddenly dawned on me that I had the 47 volumes there and I did not quite figure how I could take them home, which I did not want to do anyway. Then the bright light dawned—the F.B.I. is just down the corridor. But I could not find the F.B.I. in the Department of Justice phone book. It isn't in the Department of Justice phone book; it has a separate telephone switchboard. I finally got that number and I called it and the very polite man said, "that's fine, we'll take care of it." Pretty soon two agents came down, took away the 47 volumes (I don't know whether they sat on them all night or not) and redelivered them at 9:00 o'clock the next morning.

We were both back at 8:30. I then proof read what she had typed. She corrected it. This was Saturday morning in the Department of Justice; I know how wonderful things are in law offices in San Francisco, but in the Department of Justice there isn't

anybody there on Saturday morning. My secretary ran the Xerox machine and I assembled the pages. We finally got twenty copies of this thing put together.

In due course, I went up to Court with these copies of the brief, ten to be filed with the clerk. The security man was there. He said, "What are you going to do with those." I said, "I'm going to file them with the Clerk." "Is the Clerk cleared?" Finally, after I had kind of just brushed past him and filed them, I had two more copies left. One of these was for Alex Bickel, counsel for the *New York Times* and the other was for counsel for the *Washington Post*, and I said I was going to give them to counsel for the other side. "Why that's treason," he said, "that's giving it to the enemy."

We had the argument, it was all transcribed, printed in the *New York Times* the next day. With great trepidation I read it. It read pretty well. I spent Sunday morning on the golf course and felt quite relaxed from the strain and when I got to my office Monday morning, there was Mr. Glendon, counsel for the *Washington Post*. I said, "Mr. Glendon, what brings you here?" He said, "I've never read your secret brief." The curious thing about it was, despite this security man, our only avenue to get across to the papers what we really didn't want them to print was through getting this brief into the hands of their counsel and hoping that their counsel would suggest to them that on the whole it might be just as well if they didn't print those eleven items. And that pretty much worked out for a long time, although most of them have now come out. I said, "Mr. Glendon, I personally handed you a copy in the Court last Saturday morning." He said, "Yes, I know you did, but as soon as the argument was over that security man came and took it away from me."

As I have indicated, I could go on and on. This work is constantly interesting, yet occasionally one allows oneself to feel that it may be important. When I was in the Solicitor General's Office forty years ago there were five lawyers altogether and now there are fourteen plus the Solicitor General. That, of course, is a misleading figure because all of our cases have been handled by the various divisions of the Department or by other agencies in the lower courts and we build on the work they have done and use their personnel to a considerable extent, but we are still able to have a fairly close knit and very congenial group and for me, it's the ideal law practice.

Thank you very much.

1972 Law Alumni Assembly

Friday, October 6

Welcoming Remarks: Chancellor J. E. Wallace Sterling



J. Wallace Sterling

The Law School Today and Tomorrow: Issues in Legal Education at Stanford

Issue I. How do we select 155 first-year students from 4,000 applicants?

A look at our admissions process: William T. Keogh '52, Dean of Admissions, and first-year students.



First-year students Tim Tomlinson, Pat Stark and Jerry North

Issue II. How do we choose faculty?

Professor Marc A. Franklin, Chairman of the Appointments Committee, and new faculty members, Barbara A. Babcock, Richard J. Danzig, William B. Gould and William D. Warren, discuss faculty appointments procedures.

Issue III. How do we build a new home for the Law School?

A discussion with color slides of the new Law School building: Richard Ciceri, Skidmore, Owings & Merrill, architect for the building.

Reports to the 1972 Assembly

The Board of Visitors—Seth M. Hufstедler '49, Chairman

The 28th Law School Fund—Richard D. DeLuce '55, President

The Council of Stanford Law Societies—Newman R. Porter '55, Chairman

The 1973 Reunion Classes—David Jordan Stone '48, Chairman of the 25th Reunion Class



J. Keith Mann, Carlos Bea '58



Assembly Chairman Ed Lowry '54

Issue IV. How do we pay for Stanford legal education today?
A primer on the financial management of the Law School:
Joseph E. Leininger, Associate Dean.

Issue V. What can the Law School do for its alumni?
A discussion of proposals and programs of continuing education and specialization. Leonard S. Janofsky, President of the California State Bar Association.

"Stanford Lawyer," a cinematic view of the Stanford Law School
Introductory remarks by filmmaker Randall Morgan, with a preliminary showing of the Law School film.

The Assembly Firing Line—An open discussion by members of the Assembly and an opportunity to question Dean Ehrlich on any issue in modern legal education.

1972 Assembly Dinner

Speaker: Professor Moffatt Hancock

Saturday, October 7

Meeting of the Law Fund Regional Chairmen and Class Agents with the Dean and members of the Law Fund Council. Richard DeLuce '55, President of the Law Fund, presiding.

Meeting of *Stanford Lawyer* class correspondents with the editors of the alumni magazine.



How Do Alumni View The School?

A number of questions in the Board of Visitors Survey of the Stanford Law School alumni dealt with past and present alumni attitudes toward the School. Some of the cross tabulations of views and especially the personal comments at the end of the questionnaire provide interesting and sometimes conflicting conclusions about the School, the faculty, the curriculum, and students.

Of those alumni who profess a strong attachment to the School, 32% think it is better today than when they were here. The figure increased to 49% among those who had thoroughly disliked the School as students. Respondents' views on the quality of their legal training also varied with their feelings about the School. Of those who had a "strong attachment" to the School, 47% thought they were "very well trained" and another 49% indicated that they were "reasonably well" educated. Among those who had thoroughly disliked the School, only 13% thought they were "very well trained" but the "reasonably well" category was 44%. Using class rank as a variable:

<u>Graduating Rank</u>	<u>How Well Trained</u>	<u>% Response</u>
upper 5%	very well	48%
	reasonably well	50
	not very well	1
upper 25	very well	35
	reasonably well	56
	not very well	7
upper 50	very well	28
	reasonably well	62
	not very well	6
lower 50	very well	20
	reasonably well	62
	not very well	13

A higher percentage of Democrats and strong liberals than Republicans and conservatives tend to place the School in the "well above average" category. Graduates in classes pre-1917 and post-1960 rate the School higher than those in intermediate classes.

Conservatives and Republicans place slightly more emphasis on teaching traditional areas of law than Democrats and liberals. Thirty-eight percent of all alumni placed "considerable emphasis" on the importance of work outside class while another 47% put "some emphasis." Older alumni put stronger emphasis on outside work than do younger ones. There is little variation among groups on how much emphasis should be placed on courses emphasizing the practical aspects of a lawyer's work such as trial advocacy and client interviewing. Comments from individual alumni, however, vary greatly. General alumni response was 40% in favor of "considerable emphasis" and 48% for "some emphasis" on practical aspects. Thirty percent of all alumni would place "considerable emphasis" on training in preparing and trying cases and 57% would place "some emphasis." Again, there is little change among political, ideological or age groups.

Individual comments varied widely on the relative value of practical training in law school. A few examples—

"Law school neglected the practical aspects of the profession—trial preparation and negotiation—but the only adequate learning in those areas is through apprenticeship or from practicing attorney-professors."

"The practical aspects of law should be explored full time after learning the fundamentals."

"Jurisprudence is important in law school instead of the practical aspects of practice."

"There should be better preparation of law students to try cases."

"There should be required mock trial."

"The School should go deeper into the underlying reasons for the law, the jurisprudence and not worry too much about the bar exam and some of the practical aspects of practice."

"A law student can get his training when first entering the practice of law, a de facto internship . . . School should give the student a firm basis in legal theory and basic principles."

"The Law School should not attempt to train lawyers too much in the practical aspects of law practice but this should not be entirely ignored."

"The intellectual discipline and training has certainly enabled me to become a good lawyer and should not be minimized in the least, but I feel the need for greater opportunity for practical training to make a Stanford education tops. . ."

There was some divergence of opinion according to class rank on what the curriculum should emphasize.

Graduating rank	desired emphasis	work exp. & internsp.	prac. probs. enctrd. in practice	prep. of & trying cases	emph. on aplt. decisions
upper 5% . . .	considerable	22%	24%	19%	43%
	some	57	55	62	51
	little or none	20	20	16	3
upper 10	considerable	29	32	24	44
	some	54	55	54	48
	little or none	16	11	19	5
upper 25	considerable	36	37	26	35
	some	49	52	63	56
	little or none	12	9	8	6
upper 50	considerable	40	41	30	34
	some	49	50	59	56
	little or none	11	9	9	8
lower 50	considerable	49	46	30	28
	some	41	45	60	61
	little or none	9	7	6	8

Answers to questions 149-156 indicate that lower ranking graduates show a higher percentage of present participation in local, county and state government, and in municipal and county judiciary. Higher ranking graduates show a higher percentage participation in state and federal judiciary.

Another relationship between Law School work and present occupation is membership on the *Law Review* and size of the firm. Of alumni in firms of over 80 members, 43% were on *Law Review*; the number is comparable (41%) in firms of 41-80 but drops to 28% for firms of 21-40 and 20% in the 6-20 range. There is also a very slight change in opinion on the quality of law training among those in larger law firms. In firms of five or under, only 22% thought they were adequately prepared for trying cases or arguing motions while that number went up to 43% among the members of 80-plus firms. Those in larger law firms also tend to be more in favor of sabbaticals for lawyers (86%).

Men and women differed on the desirability of the growth of larger firms.

	<u>Average</u>	<u>Men</u>	<u>Women</u>
good thing	23%	24%	15%
bad thing	30	30	41
no opinion	46	46	44

The number thinking such growth is a good thing decreases with the population of their cities and with the size of their firms.

Men are slightly more satisfied with their work than women. Male responses were 44% "very satisfied" and 40% "satisfied" while females were 30% "very satisfied" and 49% "satisfied". There is also an apparent difference in pre-tax earnings.

	<u>Professional Earnings</u>		<u>Total Earnings</u>	
	<u>Male</u>	<u>Female</u>	<u>Male</u>	<u>Female</u>
less than \$10,000	11%	30%	9%	28%
10,000-19,999	27	49	21	36
20,000-29,999	21	10	21	15
30,000-49,999	23	10	25	15
50,000-74,999	11	1	14	2
75,000-99,999	4	0	5	2
100,000 or more	3	0	5	1

The rating of women lawyers varied from the general alumni response according to region. Those who rated women lawyers' competence lower than the average were in the California Central Valley and Central Coast. States rating women higher were in New England, the Middle and South Atlantic, and South Central regions. Alumni with upper class rankings also tended to rate women higher. One comment, "Shape up! Get more women into Stanford," was countered by another, "Paraprofessionals and women in the law are both mistakes. I am an active trial and appellate lawyer. Of the dozen or so female lawyers I have known professionally, only one or two of them are worth the expense of their training, and one of them was from Stanford." It is not surprising that 8% of the male respondents would place considerable emphasis on admitting more women while 31% of the females would do so.

Other interesting variances of opinions among different groups had to do with the growth of public interest law firms, sabbaticals for lawyers, and the lawyer's need for non-legal knowledge.

GROWTH OF PUBLIC INTEREST LAW FIRMS

	<u>Good</u>	<u>Bad</u>	<u>No opin.</u>
Norm	52%	15%	32%
Male	51	16	33
Female	69	4	28
Strong Republican	19	37	44
Strong Democrat	84	3	14
Strong Liberal	96	1	3
Strong Conservative	11	52	37
Other Northern California	29	23	49
South Atlantic	82	8	10
More than 80 Lawyers	71	12	17

SABBATICALS FOR LAWYERS

	<u>Good</u>	<u>Bad</u>	<u>No opin.</u>
Norm	67%	5%	26%
Men	67	6	27
Women	79	2	19
Strong Republican	51	12	36
Independent	76	3	21
Strong Democrat	84	.5	16
Strong Liberal	91	.7	8
Strong Conservative	41	18	41
Salaried Law School Faculty	90	0	10
Research-Editorial	84	0	16
Small business proprietorship	42	16	42
More than 80 Lawyers in firm	86	3	10
21-40 Lawyers	76	5	19

NEED FOR NON-LEGAL KNOWLEDGE

	<u>Norm.</u>	<u>Male</u>	<u>Female</u>	<u>Rep.</u>	<u>Dem.</u>	<u>SF</u>	<u>LA</u>
Acctg. ...	28%	35%	38%	41%	31%	29%	40%
Business ..	23	30	18	33	24	34	34
Econ.	6	7	9	5	8	10	5
Engeer. ..	3	4	0	3	1	5	4
Med.	7	10	7	9	14	12	6
Pol. Sci. ..	1	1	3	2	2	.4	1
Psych. ...	9	11	22	6	15	6	9
Race Rel. .	.5	.7	0	0	2	.4	.2
Phys. Sci. .	1	1	3	2	3	3	1
Soc.	1	—	—	—	—	—	—

The place of the lawyer in society occupied the comments of several alumni. Some acknowledge that the lawyer must have a grasp of the society in which he works but thought that law school was not the place to inculcate that knowledge. Others believed it was the responsibility of a law school to bring together the legal theory and its application to society.

For example:

"The School should coordinate technical legal materials with studies of society and the role of the law and lawyer in society. Combine goals of turning out well trained lawyers who can deal with practical realities and people trained for leadership with broad understanding of social problems."

"There should be less involvement with the law school's social role in society and more emphasis on preparation of the lawyer who may then seek social reform individually."

"The lawyer should be more thoroughly exposed to the findings in related disciplines, more aware of the lawyer's role in a diverse society and provide guidance and service to less well-off segments of society."

"The primary job of the law school is to teach students to think like lawyers—educate them in the broad context of traditional areas of law."

"Provide the student with legal skills to analyze and communicate, not with topical knowledge. Awareness of social ills is no good without the ability to cure."

"The School must strive to make the education more relevant to today's societal problems."

(Continued on page 29)

WOMEN LAWYERS: MYTHOLOGY AND FACT

THE NORDBY REPORT

by Lucinda Lee, J.D. 1971

A concern about women in the legal profession is that a woman's potential dual role as a mother/wife and as a lawyer is a conflicting one and that women will not or cannot devote their full energies to the legal profession. This concern is based on such factors as a woman's attitude about herself, her marital status, her family situation, job availability and satisfaction. A survey prepared by Virginia Nordby (J.D. 1954), her husband and several alumnae in the Fall of 1970 set out to investigate the legal and personal attitudes and situations of Stanford Law School alumnae; 90 of 130 responded. The results are encouraging for everyone. For law schools that are reluctant to admit and for employers who are reluctant to hire women because of certain popular negative "myths" about women; the Nordby Report gives ample statistical support for a new set of "facts" as guidelines.

Legal. Myth: Women law graduates do not work after graduation. Fact: Sixty-one percent of the responding women (54) are currently working full-time in the legal field; 12% are working part-time; 18% have previously worked. Thus a total of 91% have worked or do work in the legal field. The Report shows that 70% of those not currently practicing would if they could find satisfactory part-time or full-time work. The Board of Visitors Survey of the Stanford Law School Alumni compiled in 1971 reveals that 70% of the responding alumni are working in the legal field; 3% of the total alumni are women. Since the Nordby Report, another 52 women have graduated with 23 more to graduate in June 1973; 84% of the women in the classes of 1971 and 1972 are currently working in the legal field.

Myth: Women law graduates change jobs too frequently, especially to be with their husbands. Fact: Fifty-five percent have never moved; 31% have moved one or more times. The Alumni Survey shows that 36% of all alumni have not changed jobs and that 47% have changed one or more times. New guidelines: The statistics reveal that the same percentage of men and women graduates are currently working as lawyers and that their job turnover is about the same.

Myth: Women enter law school because they have nothing better to do with their time. Fact: The Nordby Report shows that women are motivated by the same factors as men in entering law school and the legal profession. Seventy-three or 81% of the

women responded that when they entered Stanford they intended to become practicing lawyers. The Alumni Survey response was 66% affirmative.

The most popular jobs for women have been in the government (20%); large law firms of over 30 people (17%); medium law firms of 5 to 15 people (14%); or as sole practitioners (12.5%). Apart from "general practice," the areas of specialization for women are (in decreasing percentages) estate planning, family law, corporate law, administrative law, criminal law, and real estate. The response in the Alumni Survey shows 37% of the alumni working in a partnership situation, 10% for the government, and 9% as sole practitioners. The areas of specialization in descending order are corporate law, real estate, probate, estate planning, and personal injury-plaintiff. The job factors which women are most satisfied with are the intellectual challenge, variety of subject matter and independence.

Personal. The Nordby Report shows that the alumnae generally are married (64) or have been married (12). Of those married, 44 (69%) are working, and 32 are married to lawyers. Fifty-nine have children with an average family of 2.4; 40 mothers practice. The Report also shows that women engaged in full-time practice view the level of their husband's support to their careers as 4.7 on a scale of 5. Family responsibilities only sometimes (20%) cause women to stop working or to work part-time. Of the women with children, a surprisingly high 67% are currently engaged in practice.

Discrimination. Recalling their experiences at Stanford Law School, 12% of the women in the Nordby Report felt that they had had trouble being accepted by their classmates; 16% complained of unequal treatment by their professors and 20% described the placement assistance as inadequate. Discrimination constitutes a frustrating waste of manpower, pardon the pun. Miriam Wolff, J.D. 1939, chairs a newly formed Board of Visitors Special Committee on Women and describes the function of that Committee to:

1. Investigate the policies and practices of the Law School as they relate to women;
2. Determine whether sex discrimination exists in any of these areas, and, further, analyze whether women students have any special unfulfilled needs;

(Continued on page 21)

Faculty News

ANTHONY AMSTERDAM — Professor Amsterdam continues work on his clinical seminar on defense trial techniques using video taping and other experimental techniques. Professor Amsterdam was assisted by a team of six Stanford students in the conduct of litigation to enforce and extend the United States Supreme Court's June 29, 1972 decision banning the death penalty as a "cruel and unusual punishment" forbidden by the Eighth Amendment. The team also worked on school desegregation litigation, including the Richmond, Virginia case involving the first metropolitan-area desegregation decree in the United States. Mr. Amsterdam directs litigation projects for the N.A.A.C.P. Legal Defense Fund and the American Civil Liberties Union in several areas of criminal procedure (one of his areas of teaching) and civil rights.

BARBARA A. BABCOCK—Professor Babcock, who has just joined the faculty after serving as director of the Public Defender Service for the District of Columbia, is writing a book of problems relating to women and the law and is preparing materials for a course on that subject, to be offered in the spring semester. Professor Babcock attended three conferences in New York in October. The first was an AALS meeting in which she led a panel discussion on criminal law concerning women in prison, rape and prostitution. The other two meetings dealt with "The Crisis in Law and Order" and Affirmative Action for Women in Universities. She also recently appeared on the "Today Show," discussing rape and the legal rights of women.

WAYNE BARNETT—Professor Barnett is spending his leave this year doing research and writing in the tax field at Harvard Law School.

JOHN H. BARTON—A book evaluating the usefulness of arms control occupies a portion of Professor Barton's time. He has also been supervising the editing of the lectures from a recent undergraduate course at Stanford in arms control for a text of a course to be taught by 12 faculty members from various departments.

WILLIAM F. BAXTER—During Professor Baxter's leave he is in residence at the Center for Advanced Study in the Behavioral Sciences finishing a long-term project for the Brookings Institution—an economic and institutional analysis of legal protection of intellectual property. His principal efforts during the year will be devoted to bureaucratic control over the introduction into the

environment of new chemicals such as food additives, drugs or inputs to agricultural or industrial processes.

PAUL A. BREST—Professor Brest is preparing a constitutional law casebook, *Processes of Constitutional Litigation*, organized around the techniques for adjudicating constitutional disputes rather than substantive doctrinal areas. He also is involved in some projects studying the effects of legal sanctions on behavior. He is a consultant to the Ford Foundation for whom he periodically evaluates the Mexican-American Legal Defense Fund, and a consultant to the Fund on Civil Rights Litigation. In his spare time he flies a light twin-engine plane and plays the Renaissance lute.

ALAN R. BROMBERG—Professor Bromberg, a visitor from Southern Methodist University teaching in the field of corporations, recently completed an article on bootstrap sales of corporate control and is working on Volume 3 of *Securities Law: Fraud* (dealing largely with class actions). For the A.B.A. Committee on Partnerships he is heading a project to prepare legislation on the status of limited partnerships outside their states of organization. In Texas, he is court-appointed special counsel to the Chapter X trustee of a corporation seeking damages from former management and others for stock manipulation, securities fraud, and waste, which ended in bankruptcy of the corporation and losses by public investors. In the Ninth Circuit he is of counsel in litigating the question whether the shorter statute of limitations in the 1968 California Corporate Securities Law controls implied causes of action under the federal antifraud provisions. In federal court in Illinois, he is testing the scope of no-refund clauses in high-yield senior securities issued during the tight period of 1969-70.

MAURO CAPPELLETTI—Stanford is the second home for Professor Cappelletti who returned to the Comparative Law Institute of the University of Florence in December. He has just finished a book on *Justice and Society*, has published an article on legal aid in the January 1972 issue of the *Stanford Law Review*, and is editing a comparative law study on fundamental guarantees of parties in civil litigation for UNESCO. Professor Cappelletti is preparing a comparative law textbook on *Constitutional Guarantees Governing Judicial Proceedings* and was a reporter at the International Congress of Procedure in Mexico City last spring.



Faculty members caught while amused by instructions from the Yearbook photographer hanging out a second floor window

WILLIAM COHEN—Professor Cohen's recently completed study of no-fault insurance was adopted in August by the National Conference of Commissioners on Uniform State Laws. This summer he also completed another 22-minute film with BFA Educational Media (a CBS affiliate) on the subject of privilege against self-incrimination. This is one of several films Professor Cohen has helped to produce for high school use, in which a basic incident and a lawyer's argument are presented. This film centered on whether a person should have to submit to questioning with a "perfect truth machine." The next film on his agenda will concern the press and the newsman's privilege.

RICHARD DANZIG—Prior to joining the faculty this year, Professor Danzig clerked for Mr. Justice White. He is preparing an article on the potential for decentralization of a metropolitan criminal justice system.

THOMAS EHRLICH—Dean Ehrlich recently completed a book with the late Professor Herbert Packer on *New Directions in Legal Education* for the Carnegie Commission on Higher Education. He also published an article on "Manners, Morals, and Legal Education" in the November issue of *The American Bar Association Journal*. He is currently working with Professor Lowenfeld of New York University Law School on a long-range project concerning international economic law.

M. CARR FERGUSON—Professor Ferguson, a visitor from New York University,

has completed a supplement for his text on income taxation of estates, published an article on triangular corporate reorganization, and is in the midst of preparing articles on the income taxation of foreign trusts. He spent last year on leave from teaching in the full time practice of tax law with a New York firm. He is trying "vainly" to reduce his astronomical golf handicap and get in some sailboat racing—a bit difficult with his own boat left behind in Connecticut.

MARC A. FRANKLIN—Professor Franklin recently completed an article on liability for transfusions of diseased blood, and will spend the spring semester in New Zealand on a Fulbright research grant to study that country's new statutory approach toward compensating victims of most personal injury accidents.

JACK H. FRIEDENTHAL — Professor Friedenthal recently drafted a bill for the California Legislature substantially altering California civil procedure regarding joinder of parties and claims and has lectured around the state explaining the changes. He also completed the 1972 *Civil Procedure Supplement* used with the casebook in first year pleading and procedure courses.

LAWRENCE M. FRIEDMAN—Professor Friedman's one-volume *History of American Law* is scheduled for publication soon. The Russell Sage Foundation sponsors his forthcoming book on the sociology of law. Further, he has worked with John Merryman and a group of Latin American scholars on

a research project concerning law and development and he has organized a project to compare English and American trial courts.

ROBERT A. GIRARD—Professor Girard continues his involvement in environmental issues such as his chairmanship of the Santa Clara County Committee on Open Space.

PAUL GOLDSTEIN—Professor Goldstein, a visitor from the Law School at SUNY-Buffalo, is finishing *The Law of Copyright, Patent, Trademark and Related State Doctrines: Cases and Materials* to be published this winter. He is also developing a project that will explore intersections between present legal institutions and systems of information transfer involving entertainment, marketing, educational and political subject matter.

WILLIAM B. GOULD—Professor Gould was a member of the law faculty at Wayne State University, and visiting professor at Harvard Law School for 1971-72, until his arrival at Stanford this year. He completed an article on the British Industrial Relations Act of 1971 and continued work on a book dealing with racial discrimination and the unions during the summer. He also worked on employment discrimination litigation in the Federal District courts in Detroit and Pittsburgh.

THOMAS GREY—Professor Grey is working on the legal aspects of the current welfare system and alternatives to it. He has written a review of John Rawls' *A Theory of Justice*.

GERALD GUNTHER—Professor Gunther is teaching at Harvard Law School this year and examining the Learned Hand papers there for his biography of Judge Hand. He wrote the Introduction for Harvard Law School's Catalogue on the Learned Hand Centennial Exhibit held in Cambridge. His 1972 Supplement for his constitutional law casebooks was published at the end of August. He again participated in a panel discussion of the Term's work of the Supreme Court on KQED-Television. His assessment of Burger Court trends prepared for the Orange County alumni was published by the *New York Times*. Since then, he has elaborated his assessment in two companion articles: one was published in the fall by the *Harvard Law Review* as a Foreword to its annual review of the Supreme Court; the other will appear in the forthcoming issue of the *Stanford Law Review*. Late in October he participated with Barbara Babcock and Bill Gould in an AALS symposium on The Law School Curriculum and the Legal Rights of Women at New York University.

MOFFATT HANCOCK—Professor Hancock, who will be on leave for the spring

semester, continues to work in the fields of property and conflict of laws.

J. MYRON JACOBSTEIN — The Law School Librarian, Professor Jacobstein, is working on two books—one on legal bibliography and the other an annotated bibliography of law books suitable for public library collections. He is also engaged in a study of the uses of computers in legal research. During a partial spring leave he will utilize a Council of Library Resources Fellowship to visit other university libraries.

JOHN KAPLAN — Professor Kaplan will publish *Criminal Justice: Introductory Cases and Materials* this year; the book is the first attempt to provide materials suitable for an undergraduate course in the criminal law area. In addition, he argued and won a unanimous decision in the Supreme Court of California holding a section of the California Bail Statutes unconstitutional. Professor Kaplan has been working on several projects involving international aspects of drug control and has written several articles on varying aspects of this topic. He is engaged in a long range project concerning the international control of criminal conduct ranging from arms smuggling to providing sanctuaries either for criminals or for the proceeds of their crimes.

VICTOR H. LI—Professor Li's six-week tour of the People's Republic of China included an extended interview with Chou En Lai and lengthy discussions with numerous Chinese officials (see p. 21). He is completing a book on legal aspects of China's foreign trade and another on public administration in China.

HANS A. LINDE—A Fall visitor from the University of Oregon, Professor Linde teaches courses in Constitutional Law and in International Organizations. Outside the classroom he is completing work on two articles, appearing *amicus curiae* to defend an Oregon regulation of throw-away beverage containers against constitutional attack, and wrestling with policy issues of academic freedom and tenure for the AAUP.

J. KEITH MANN—Professor Mann, who as associate dean is responsible for academic affairs at the School, continues his work in the labor law field, such as his chairmanship last year of the President's Board of Inquiry on labor disputes affecting the United States longshore industry.

RICHARD S. MARKOVITS — Professor Markovits is currently working on studies analyzing the effects of various policies on the allocation of investment in the economy as well as their impact on the extent of investment misallocation; the empirical and welfare effects of policies relating to the preservation of potential competition; and the legal justifiability and social desirability

Crothers Hall Law Faculty Exposé

A fall seminar on faculty activities outside the classroom

Time: 8:30 (ish)

Place: Barristers' Pub

September 21: Marc Franklin played chess with ten residents simultaneously



September 27: Byron Sher discussed politics in Palo Alto



October 4: M. Carr Ferguson commented on McGovern's tax reform policies

November 8: Mike Wald described tracking techniques for birdwatching and behavior of species in the Palo Alto area

November 16: John Barton on the SALT talks

See other pictures in this section

of bringing and encouraging Sherman Act suits against firms engaging in oligopolistic behavior.

JOHN HENRY MERRYMAN—Professor Merryman is directing a major multi-national comparative research project in law and development (SLADE) involving lawyers and social scientists from six nations. The project aims to establish a base for genuine empirical studies of the relations between legal systems and economic and social development and to contribute toward the development of a new social science of comparative law. He has also begun work on a book on comparative law and is teaching a new course on legal problems of the visual arts, including topics on looting, illegal export of cultural treasures, censorship, art fraud and forgery. He and Mrs. Merryman continue as dealers in fine contemporary prints and drawings.

CHARLES J. MEYERS—Professor Meyers has returned to Stanford after spending a year in Washington, D.C. as assistant legal counsel to the National Water Commission. As part of his work there he contributed chapters to the Commission's report dealing with improvement of federal and state water laws, such as federal-state relations in the

law of water, ground water management and interbasin transfers. In collaboration with Professor A. Dan Tarlock, class of '65, Professor Meyers prepared a casebook, published in 1971, entitled *Water Resource Management* and a paperback book entitled *Selected Legal and Economic Aspects of Environmental Protection*. He is currently associated with the Natural Resources Defense Council, which has recently established an office in Palo Alto, and continues as a member of the Committee on Public Engineering Policy of the National Academy of Engineering.

ROBERT L. RABIN—The *Stanford Law Review* will publish a report on prosecutorial discretion just completed by Professor Rabin for the Administrative Conference of the United States. Professor Rabin is now at work on an Administrative Law casebook. He also serves as a consultant to the Ford Foundation, periodically evaluating the work of the Sierra Club Legal Defense Fund, and the Center for Law in the Public Interest.

YOSAL ROGAT—Professor Rogat is working on some problems in recent American legal history. He recently published a short article in the *New York Review of Books*.

DAVID ROSENHAN — Professor Rosenhan, a joint appointee in the Law School and the Department of Psychology, has just completed a paper on legal and psychological aspects of psychiatric diagnosis. He is also supervising the development of a joint program in Psychology and Law at Stanford.

GORDON K. SCOTT—Professor Scott's interests continue to be in the tax and municipal corporations fields.

KENNETH E. SCOTT — Professor Scott has been working on a study of the banking agencies for the Administrative Conference, and preparing materials on banking regulation for eventual publication.

BYRON D. SHER—Professor Sher is currently engaged in a study of methods of dealing with consumer complaints alternative to litigation.

PHILIP SHUCHMAN—Professor Shuchman, a visitor from Connecticut Law School, spent last year as Deputy Director of the Commission on the Bankruptcy Laws of the United States and, apart from work in the bankruptcy field, is engaged in revision of books on both civil procedure and jurisprudence. He also completed a study of the cost of service of civil process and an impact analysis of the 1970 Amendment of the Bankruptcy Act.

MICHAEL S. WALD — Professor Wald, who has just returned to the Law School after a two-year leave of absence during which he worked both as a district attorney and as a public defender, is putting his experience to classroom use. He teaches a clinical seminar in juvenile law, which provides students with both classroom and courtroom training in all aspects of representing a minor. In addition he is writing an analysis of the treatment of minors in juvenile institutions in California.

WILLIAM D. WARREN—Coming to Stanford this year from UCLA, Professor Warren is reporter-draftsman on revision of the Uniform Consumer Credit Code for the National Conference of Commissioners on Uniform State Laws and serves as consultant to the California Law Revision Commission on creditors' remedies and to the National Commission on Consumer Finance. He is currently working on a book on the federal Truth in Lending Act.

WILLIAM C. WHITFORD — Professor Whitford, a visitor from the University of Wisconsin Law School, is working on two law review articles concerning consumer protection.

HOWARD R. WILLIAMS—Professor Williams serves as a member of the California

Law Revision Commission, which is currently at work primarily on problems relating to creditors' remedies and eminent domain. Last summer he taught oil and gas law at the University of Texas Law School.



October 11: Film buff Rabin

Former Faculty Member Named Justice Deputy

President Nixon has appointed former Stanford Law Professor Joseph T. Sneed as the new U.S. Deputy Attorney General.

A specialist in tax law, he served on the faculty here from 1962 until 1971 when he was made dean of Duke University Law School.

New Professorships

Gifts of Mr. and Mrs. Herman Phleger of Woodside have endowed the *Herman Phleger Visiting Professorship* in the Stanford Law School. These gifts make it possible for a person of great distinction in the field of law—the judiciary, the bar, government or public affairs—to teach at the Law School and also, when appropriate, to deliver public lectures at the University. The Herman Phleger Visiting Professor will spend a substantial period of time at Stanford, both in formal classes and lectures and in informal gatherings with faculty and students discussing his or her primary field of expertise. The Phleger Fund covers all costs of the professorship, including publication of lectures.

Herman Phleger, Trustee Emeritus of the University, was born in Sacramento, and attended the University of California and Harvard Law School. He has been with

the firm of Brobeck, Phleger and Harrison in San Francisco since 1925. He was associate director of the Legal Division, Office of Military Government in Germany, legal adviser to the U.S. Department of State, U.S. Representative to the Thirteenth United Nations General Assembly, a U.S. member of the Permanent Court of Arbitration at The Hague, and a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency. In 1959 Mr. Phleger was chairman of the Antarctica Conference, which drafted the Antarctica Treaty. Mary Elena Macondray Phleger has long been active in many community affairs. The Phlegers' three children all received Stanford degrees.

A new endowed professorship is being established at the Stanford Law School, thanks to gifts from *Talbot Shelton*, vice-president of Smith, Barney & Company, Inc., New York, investment bankers.

The chair will be known as the Louis Talbot and Nadine Hearn Shelton Professorship of International Legal Studies in honor of Mr. Shelton's late parents.

In expressing the University's thanks, President Richard W. Lyman said, "This new professorship will enable us to honor a distinguished legal scholar in a field of study that grows in importance with the increasing interdependence among nations. We are most grateful to Mr. Shelton for his generosity."

Mr. Shelton's gifts are being matched by funds from an earlier grant from the Ford Foundation to help support chairs in International Studies.



October 18: Lawrence Friedman and Paul Brest perform piano-recorder duet

Talbot Shelton, a member of the class of 1937 at Stanford, majored in economics and was elected to Phi Beta Kappa. He also distinguished himself as a member of the University's Debate Council. Following graduation, he attended the Harvard Law School, earning his LL.B. in 1940.

From 1943 to 1966, Mr. Shelton was an official of Bethlehem Steel Corporation. Since that time he has been with Smith, Barney & Company.

Mr. Shelton is a member of the Board of Visitors of the Stanford Law School. He has also served Stanford as a fundraising volunteer for many years. He was chairman of the Allentown-Bethlehem regional committee during PACE, Stanford's \$100 million fund drive in the 1960's, and is currently co-chairman of the New York Major Gifts Committee for the \$300 million Campaign for Stanford.

Law School Dean Thomas Ehrlich stated that "Mr. Shelton's gift is a great tribute, both to his parents and to Stanford. It will provide much needed support for a vital area of legal studies. Legal education and legal scholarship at Stanford will benefit immeasurably from this new endowment. We are most grateful."

President Richard W. Lyman of Stanford Tuesday, February 20, announced an historic first for the University—the establishment of an endowment by *Richard E. Lang* of Seattle to support the position of Professor and Dean of the School of Law.

Believed to be the first chair in academic history to be endowed for a dean, it is made possible by gifts and pledges of almost \$1.4 million to the Richard E. Lang Dean's Fund.

The fund will also ultimately provide income for the use of the dean in support of faculty research, pilot educational projects, and other programs of importance to the Law School.

In making the gift, Mr. Lang said: "I personally gained so much both in living, educational and personal experiences as well as lasting friendships from Stanford that I feel it is one of the greatest institutions in the country. It is important that the University continue as such; I hope my support will help."

President Lyman, acknowledging the gift, said: "Dick Lang is a staunch friend and supporter of Stanford and of the Law School in particular. Thanks to his generosity we already have the Lang Law Library Fund and the Lang Room—a conference/seminar room in the current Law School building. The Dean's Office in the new Law School will also bear his name. Both Law School Dean Thomas Ehrlich and I are deeply appreciative of this new and impressive demonstration of his support."

Lang is chairman of the board of Lang & Co., a company started by his grandfather in 1852 in Weaverville, California. The donor graduated from Stanford with an A.B. in 1927 and a J.D. in 1929. Both Mr. and Mrs. Lang are collectors of contemporary art and active in many cultural and social programs in Seattle. She is the former Jane MacGregor of Philadelphia.

The first occupant of the Lang chair will be Dean Ehrlich, who was appointed dean in 1971. He is the author of numerous scholarly articles, books, and studies on international law and legal education. His most recent published work, coauthored with the late Professor Herbert L. Packer, is *New Directions in Legal Education*, a study sponsored by the Carnegie Commission on Higher Education.

Professor Li Visits China

Associate Professor Victor Li, born in China in 1941, fulfilled a long held dream to visit his native country when he spent six weeks there last summer with 15 other American scholars of Chinese descent. Having applied for a visa some time ago, it was not until after he escorted the Chinese ping-pong team, when they visited the United States last spring, that he was able to acquire an invitation.

Their tour began in Canton where they were met by a Chinese delegation of five who escorted them into the country. While the group was allowed to see almost anything they wished on request, they were unable to visit courts, law schools and government organs, because, according to the Chinese, the legal system has not completed the post-Cultural Revolution transformation.

One of the significant things that Li noticed was the lack of visible, legal authority figures. Li theorizes that some other group may be performing street patrol functions instead of a police force. However, he noted that there seems to be little need for public security because of the seeming lack of crime and street violence.

He also described the May 7 Cadres, a program in which office workers and bureaucrats must attend farm schools for six months every five years, so as not to lose touch with the masses. Rather than creating problems when ten percent of an office force moves to the countryside, the Chinese claim that after six months one's thinking is so much clearer that it makes up for the lost time.

Another of his observations was on the sense of crowdedness in China which is being dealt with in several ways. There are programs for moving people into satellite cities and for reclaiming arid land for farming. Birth control is heavily promoted. Birth control pills are distributed freely by volunteer street organizations and records are kept on women of child-bearing age.

The most memorable aspect of Professor Li's trip was the group's meeting with Chou En-Lai. During the five-hour meeting they discussed such matters as China's reunification with Taiwan, the fate of Lin Piao and bitter feelings against the Soviet Union. In describing his final impressions, Li said that the Chinese sense of purpose, which is hard to find in America, "hit the sixteen of us hardest," but he added that it is very difficult for a foreigner to interpret what he sees and should be careful about what conclusions he draws.

Professor Li hopes to return to China next summer with his wife.



November 9: Joe Leininger and Moffatt Hancock entertain with original (some borrowing from Prosser) music and lyrics.

Leonard DuBoff

Former Teaching Fellow Leonard DuBoff has joined the law faculty at Lewis and Clark College, Northwestern School of Law in Portland, Oregon as an assistant professor of law. A graduate of Hofstra University and Brooklyn Law School, he has been the recipient of numerous academic awards. DuBoff turned to the study of law after an accident blinded him. He was a teaching fellow at Stanford Law School during 1971-72.

NORDBY REPORT—(Continued from page 14)

3. Formulate suggestions for remedial action where needed and report them to the Board of Visitors and/or the Law School;

4. Turn its attention to problems of placement for women lawyers after graduation.

Copies of the full Nordby Report are on file in the Stanford Law School Library and may be purchased by sending \$2 to the Stanford Law School Alumni Office.

News of the School

Stanford Journal of International Studies

The *Stanford Journal of International Studies*' annual publication, a 208-page, paper-bound volume dealing with arms control, has been so well received on a national level that the student editorial staff hopes to broaden its staff, its contributors and its audience. The book has already been chosen as the text for Political Science 138-A, "Problems of Arms Control and Disarmament," an undergraduate course which will be offered at Stanford in the winter quarter by Professors John Lewis of political science and John Barton of the Law School. The volume is also being studied for possible use as a text by other professors across the nation.

The arms control issue contains articles by Stanford historians Gordon Craig and Peter Paret, Nobel laureate geneticist Joshua Lederberg, and political scientist Robert C. North, and students Jonathan E. Medalia, Peter C. Wagstaff and Harold R. Hemingway. Medalia now is at the Brookings Institution in Washington, Wagstaff is doing graduate work at Cornell and Hemingway is a Stanford senior.

Another article in the current issue, "Limited Agreements and Long Term Stability: A Positive View Toward SALT," was written by Jerome H. Kahan, senior fellow at the Brookings Institution. This was reprinted by Brookings as a special booklet and distributed to Congressional committees which considered the SALT treaty this summer.

Similar reprint plans are being considered for the article by Lederberg on the Chemical-Biological Warfare Treaty, which is also soon to be considered by Congress.

The next *Journal* issue will deal with international control of the environment. Among future topics under consideration are "China" and "The Future of the UN."

Editor-in-Chief Paul Muther, a third-year J.D.-M.B.A. candidate, says he hopes to build a broad representation of contributors from all related disciplines including the environmental field. He is also seeking a similar diversity for the editorial staff with plans for a staff made up of 50 percent law students and 50 percent graduate or honor undergraduates from other disciplines. The staff now consists of about 30 persons, who are mainly law students.

Five previous volumes of the *Journal* have been similar in size to the current issue. The 1971 issue dealt with economic development; 1970—telecommunication; 1969—ocean resources; 1968—foreign intervention in civil strife; 1967—developmental law and economics; and 1966—East-West trade.

The most recently published volume has been much in demand among libraries, universities and individual members of Congress as well as the Arms Control Institute. It may be ordered through the *Journal* office for \$5 a copy.

Justice Arthur Goldberg Visits the School

Former Supreme Court Justice Arthur J. Goldberg discussed recent decisions by the Supreme Court in a Law Forum sponsored speech on November 13. He sharply criticized the Court's decision regarding the newsman's privilege in withholding information at grand jury hearings, describing the decision as having a "chilling effect" on both the press and public. However, he praised recent decisions on wiretapping, parole revocation and busing. Goldberg



stressed that Supreme Court justices should not be swayed by presidential or popular whim saying, "the sworn duty of a justice of the Supreme Court is to defend the Constitution. He owes no debt to the president who appointed him except to be a good, independent justice." He cited three cases in which he thought this standard was not followed: the Dred Scott Case, "one of the important factors bringing on the Civil War"; *Plessy v. Ferguson*, which established the "separate but equal" doctrine and "helped bring about racial alienation for which we are still paying a heavy price"; and the Japanese relocation during World War II, "a stain on the history of the Court," which bowed to "war time hysteria." He added, "the Bill of Rights was specifically designed to protect unpopular individuals and minorities from the government and majority."

Goldberg served as Secretary of Labor during the Kennedy Administration, prior to his appointment to the Supreme Court in 1962. He resigned from the Court in 1965 to become U.S. Ambassador to the United Nations. He now practices law in Washington, D. C.

The Law Forum has invited many other guest speakers to the School during the fall semester. They co-sponsored with Professor William Gould, a visit by Equal Employment Opportunity Commission representatives, Dr. William Enneis and Mr. Philip Sklover. They also featured a series of programs on Alternatives in the Practice of Law. Guests included John B. Hurlbut, Jr. with Rutan & Tucker in Santa Ana; Stephen A. Weiner of Winthrop, Stinson, Putnam & Roberts, New York City; John E. Bryson of Natural Resources Defense Council, Inc. in Palo Alto; and James D. Kowal of Atlantic Richfield Company in Los Angeles. The purpose of that program is to introduce law students to the practice of law in its various permutations.

The Law Forum also sponsored a discussion of the California Propositions to help explain the backgrounds of the various initiatives.

Law School Makes Cinematic Debut

In the opening scene of the movie "Stanford Lawyer", a student asks the filmmakers "whether they honestly believe they can do an adequate job of depicting what the Law School is all about within the confines of a 30-minute film."

That was the basic, very complex problem facing Randall Morgan, a graduate film student at the Department of Communications, when he was first brought in to discuss the project. After consultation with Dean Ehrlich and Assistant to the Dean Nancy

Mahoney, and many hours of wandering about the School talking with students, faculty and staff, Morgan prepared a treatment for the film breaking it into various acts and scenes that would hopefully capture the essential and unique qualities of Stanford Law School.

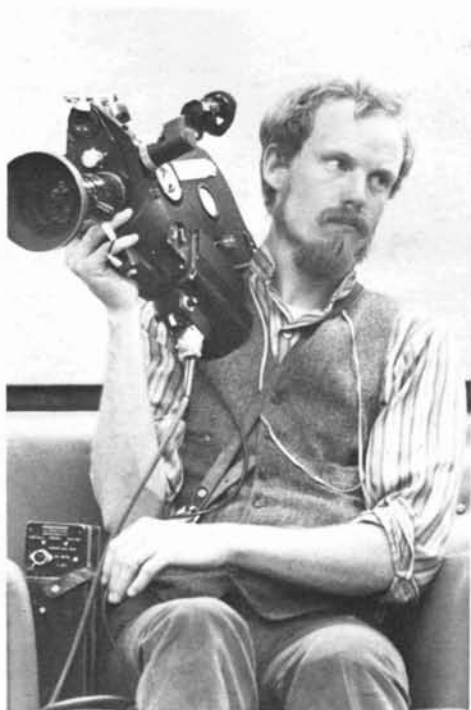
Bringing together feelings, motivations, activities, research, classes, people, buildings, and history into a cinematic story was no easy task and one of Morgan's chief complaints was that "lawyers never move around." Despite the problems, filming began in the spring and the 26 minute, 16mm movie was completed in November. It revolves around the daily activities of the Law School showing faculty members and students in classes and offices; reminiscing with Professor George Osborne; and viewing students involved with legal aid work, externships, and extra-curricular activities. An effort is made to illustrate how changes in legal education complement the use of the Socratic method and fundamental courses needed for a balanced legal education.

The movie is designed primarily for alumni audiences and was funded by interested alumni and friends of the School. It has been shown at several law society meetings already and will eventually be shown in every area of the country.

Law School Librarian Publishes Book

Lawrence Estavan, a library specialist at Stanford Law School, well known to post-4 p.m. library users, recently translated, typeset, printed and bound the book *Tales from Terence* in his home workshop. Mr. Estavan was educated at the University of California, Berkeley, 1945-48, majoring in English. He did graduate work at San Jose State, Santa Clara and Stanford. He previously worked as a reporter and editor on the *San Francisco Chronicle*; was a writer for Warner Brothers, Hollywood; editor of *Theatre Research*, a history of the San Francisco stage in 36 monograph volumes sponsored by the city and county of San Francisco for the Federal Writers Project.

Estavan's book, *Tales from Terence*, deals in essay form with the several works of Terence. The first play is "The Andrian Girl," the struggle between a father and his son over the father's right to legally arrange the son's marriage. "Heuton Timorumenos" or "The Self-Tormentor," is a problem play on how to bring up children. "Enunuchus," or "The Eunuch," deals with a celebrated rape of Terence's time, and was his most popular play. "Phormio" and "The Brothers" are plays that deal with two brothers bringing up two sons with varying degrees of discipline versus permissiveness. This book is directed to students of Roman Law and the classics.



Producer-Director Randall Morgan

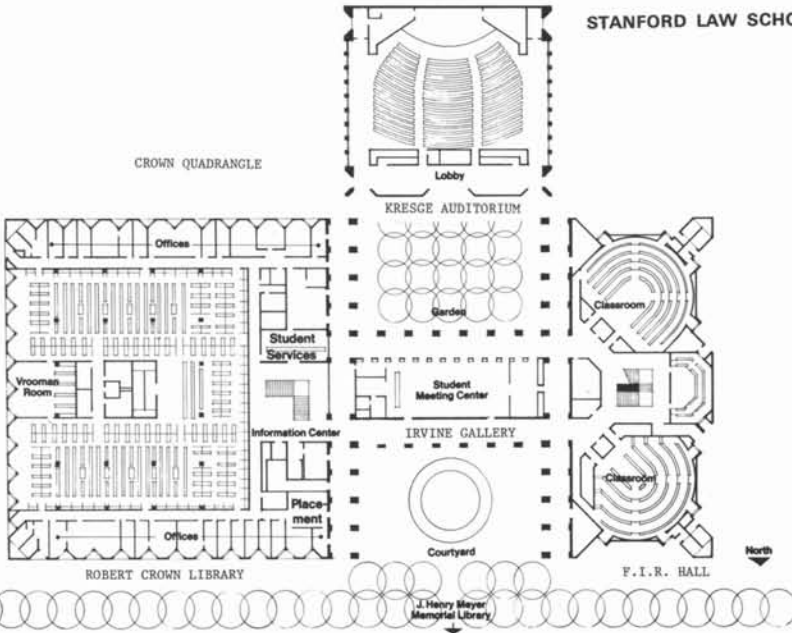
A Building for



July 1972

STANFORD LAW SCHOOL

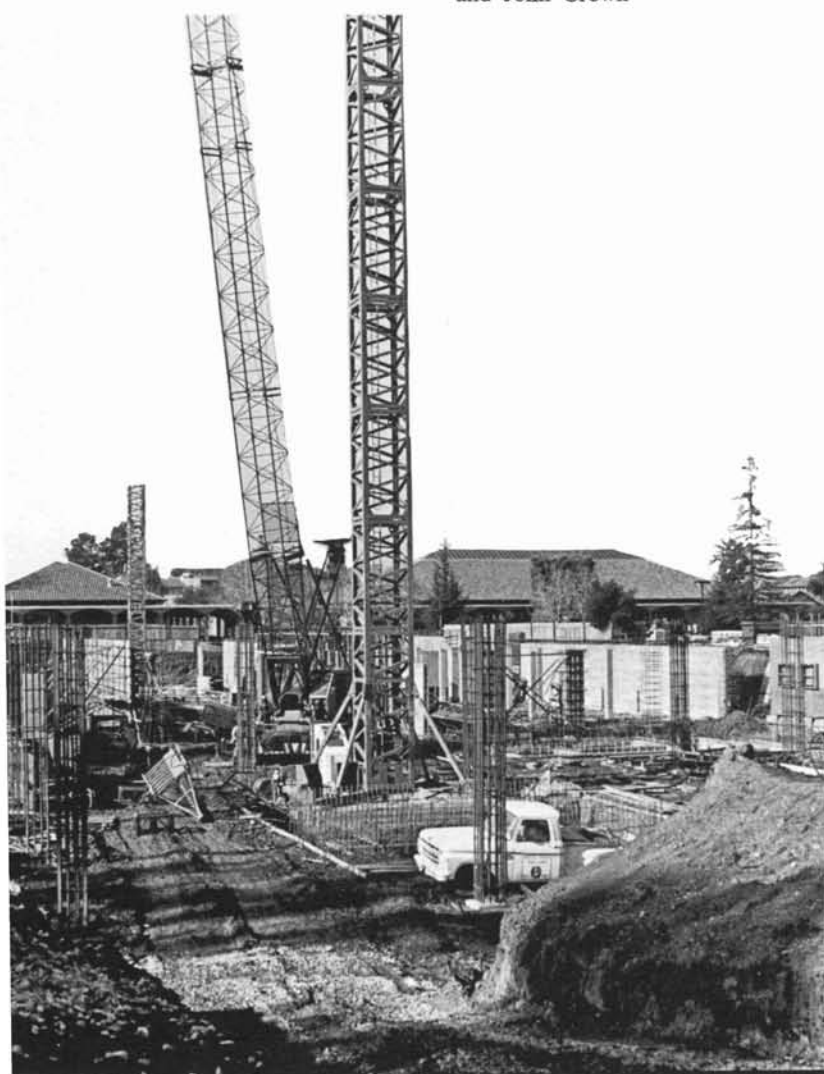
CROWN QUADRANGLE





August 11, 1972—Ground Breaking Ceremonies—Thomas Ehrlich, Richard W. Lyman, Walter Haas, Frederick I. Richman, N. Loyall McLaren, Lilian Nichols and John Crown

Stanford Law School



December 1972



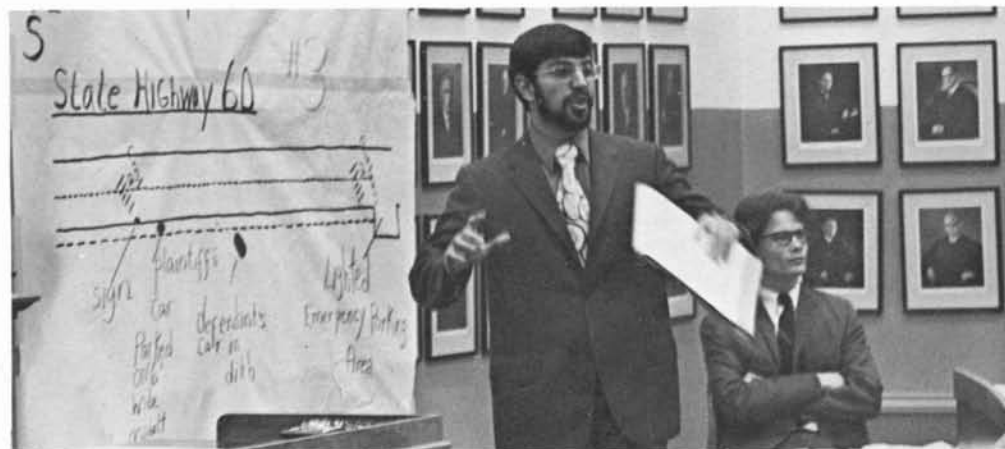
September 1972—Fence painting party



Law students practice case presentation with Professor Michael Wald, right, using videotape for later critique. Annabelle Lee of the Education Research and Development Center operates the videotape, while Michael Ward (second-year) interviews Adrian Sher, a Palo Alto High School drama student portraying an assault victim. Sue Wilson (second-year, back to camera) serves as prosecutor in the case. Videotape also is being used in Law School classes taught by Professors John Kaplan and Anthony Amsterdam.

Serjeants-at-Law Hold Mock Trial

Serjeants-at-Law presented a mock trial November 20. In *Eccle v. Hyde, U.S. Trustus Tires*, Robert Dushman and William Otis acted as counsel for plaintiff Mary O'Hare while Marshall Tanick and Tyrone Holt represented the defendant, John Schwartz. Professor Barbara Babcock presided. Witnesses Pat Pizzo, graduate student in Materials Science; Professor Richard Danzig and Mary Ruth Gross, second year, also provided entertainment with their renditions of an expert, Mack Struck and Ember Hemp.



Russian Law School Dean Visits Stanford

Victor F. Mozolin, dean of the School of Law and Economics at Lumumba University in Moscow spent three weeks at Stanford as part of a three-month visit to the United States.

During his stay in America he talked with teachers, practicing lawyers, and government officials about multinational corporations (a subject in which he is one of the U.S.S.R.'s experts) and also about laws in developing countries. Mozolin became dean of Lumumba University a year ago. The University is unique in the Soviet Union and in the rest of the world as well, in that it has the stated goal of providing legal education for students from the developing nations of Africa, Asia and Latin America. Students study Soviet law, Western law and the law of developing nations.

After graduation from Moscow State University Law School, Mozolin served as a part-time judge and as a law professor at Moscow State, where he taught civil law prior to becoming Patrice Lumumba University's dean.

Law Association Christmas Party



The annual Christmas Party featured "Tortzival" a new morality play with Mike Vandamm, Bob Naon and Jay Dudley



Professor William Gould's Employment Discrimination seminar has featured guests throughout the semester such as John Lyttle, chief officer of the British Race Relations Board; William Brown, chairman of the Equal Employment Opportunity Commission (above left); and Douglas Fraser, international vice president of the United Automobile Workers of America (above right).



Both Stanford and Santa Clara represented the region in the national competition in New York City. The argument is a hypothetical appellate case before the U.S. Supreme Court involving a class action for violation of the Clean Air Act and a state nuisance law.

Regional Moot Court Competition

At the Region 12 rounds of the 1972 National Moot Court Competition held at Stanford November 9 and 10, the University of Santa Clara and Stanford shared honors. In the championship round, Santa Clara edged the host school for first-place. Individual top honors went to Stanford's Marshall Tanick who received an award from the American College of Trial Lawyers for the best individual oral presentation.

Eleven California law schools participated in the two-night, single elimination event. Stanford's team of third-year students, Tanick, Ron Oster and Bob Dushman, had a first-round bye and then defeated California Western of San Diego and UCLA to advance to the championship round against Santa Clara, which had won all three of its contests. Judges for the final round were John Bryson, an environmental lawyer, Hon. Joseph Rattigan of the California Court of Appeals and Federal District Court Judge Robert Schnake, Northern District of California.

Registration/First Year Spaghetti Party



Prize Awarded

The Carl Mason Franklin Prize in International Law was awarded this year to Heidi B. Duerbeck '72 and Andrew W. Lafrenz '72.



Law Societies

JAMES T. DANAHER serves as this year's Chairman of the Council of Stanford Law Societies.

BOSTON

Friends of the school from the Boston area gathered for cocktails at the St. Botolph's Club on December 19. Assistant to the Dean Nancy Mahoney showed the film, "Stanford Lawyer," and answered questions about the School.

DISTRICT OF COLUMBIA

An informal reception July 25 was given by the recent graduate contingent of the Stanford Law Society of Washington D.C. in honor of second year Stanford Law School students with summer jobs in Washington. At a luncheon meeting on January 5, Dean Ehrlich presented the film "Stanford Lawyer." Geoffrey Smith '70 acted as host.

NEW YORK

The New York Law Society held a dinner meeting at the Warwick Hotel on January 4. Dean Ehrlich was present to show the film "Stanford Lawyer", while David Lelewer '67 hosted the event.

NORTHERN CALIFORNIA AND NEVADA

Stanford Law alumni held a luncheon meeting in conjunction with the 1972 convention of the State Bar of California on September 27. The event offered the op-

ORANGE COUNTY

Professor Jack Friedenthal was the guest speaker at the winter meeting of the Stanford Law Society of Orange County on December 8. During the luncheon Professor Friedenthal gave a talk on "Crisis Management at Stanford University."

OREGON

The Stanford Law Society of Oregon held a luncheon in Portland December 8. Guest speaker was Professor Victor Li. Professor Li's presentation included a slide show of the extensive trip he made last summer to the People's Republic of China.

PENINSULA

The Stanford Law Society of the Peninsula held a luncheon December 7 in Atherton. Filmmaker Randall Morgan presented the recently completed film "Stanford Lawyer", a 26-minute film about education at Stanford Law School. Assistant Dean Bruce Hasenkamp was on hand to answer questions about the Law School.

SAN DIEGO-IMPERIAL

Dean and Mrs. Thomas Ehrlich were the honored guests at a dinner meeting of the Stanford Law Society of San Diego-Imperial on November 9. Dean Ehrlich introduced the premiere showing of "Stanford Lawyer."

SANTA CLARA COUNTY

The Law Society of Santa Clara County held a dinner meeting November 9 in Vallco



Prof. Charles Meyers, Charles Legge '54 and Ellen Ehrlich

portunity to hear Professor Charles J. Meyers, who has returned to Stanford after spending a year in Washington, D.C. as assistant legal counsel to the National Water Commission, speaking on the topic "The Washington Scene."

San Francisco was the meeting place for members of the Northern California and Nevada Law Society on August 15 during the convention of the American Bar Association. The dinner featured the Honorable Erwin N. Griswold, Solicitor General of the United States and former dean of Harvard Law School. (See portions of his remarks on page 4.)

Park. Featured was Professor Victor Li who discussed U.S.-Chinese relations.

At a February 1 luncheon, Dean Ehrlich was on hand to bring news of the School and to show the film, "Stanford Lawyer."

SOUTHERN CALIFORNIA

On November 28 the Law Society of Southern California held a dinner meeting. Professor Moffatt Hancock was the guest speaker and delivered a witty, informal talk on an early English divorce, that of the Duke and Duchess of Norfolk. This was a curious tale of love, law, theology and politics.

Alumni Activities

At a dinner at the Stanford Faculty Club on October 28, the Stanford Law Fund Council joined Dean and Mrs. Ehrlich in honoring the Benjamin Harrison Fellows (donors of \$2,500 or more to the 1971 Stanford Law Fund) and the Nathan Abbott Fellows (donors of \$1,000 or more). The Council paid particular tribute to Thomas Hamilton '37 for his extraordinary service as president of the Law Fund for the past three years. During that time the number of annual Fund donors increased to 1,613, and the Fund total rose to \$258,440. The Council presented a Boehm bird to Mr. Hamilton, one of the country's major collectors of the small porcelain statuary.

The Council and the Ehrlichs also hosted a reception for the George Crothers Fellows (donors of \$500 or more to the 1971 Law Fund) and the Marion Rice Kirkwood Fellows (donors of \$250 or more) on October 14. About 30 people attended the reception.



Professor William Cohen and William Cohen '58 at Law Alumni Assembly

Alumni Survey—cont. from p. 13

"I am pleased to hear about the new curriculum diversity and internship programs. Stanford should concentrate on preparation of persons for service to society, especially the poor and oppressed and for helping to solve social problems."

"I think the law school should be constantly changing its curriculum and its emphasis as the needs of society change and the interests of its students change."

"Teach students to think. Any course will do this job, so let them choose the subjects and activities that presently please them. Let the students see the faculty members as they think, not as they lecture."

And in a more general vein—

"It is moving in a direction I approve, as I see it: retain traditional study areas, heavily interspersed with opportunities to participate in real social action projects, and development of adversary skills, familiarity with legal source materials, and group projects. This delicate balance is quite difficult, but significant to retain good student motivation."

One alumnus tried to sum up his view of the effect of the questionnaire. Most at the School do not share his opinion or the questionnaire would not have come into being! "Ignore the alumni—at least the older ones—most are simply irrelevant, including myself."

In Memoriam

1903

C. Thomas Dunhall
St. Hubert's, New York
September 22, 1972

Paul Percy Parker
Salinas

1914

J. Allen Davis
Los Angeles
June 22, 1972

James G. Marshall
Palo Alto
January 11, 1973

Justin Miller
Pacific Palisades
January 17, 1973

1915

R. Millard Phillips
Monterey

1916

Jonathan E. Phillips
San Francisco
August 8, 1972

1919

Abner Samuel "Sam" Glikbarg
San Francisco
August 2, 1972

1921

Hans J. Jepsen
San Francisco
January 15, 1973

1923

Wesley A. Seaman
Coos Bay, Oregon
August 1972

1926

Edmund Farnsworth Barker
Montebello
July 24, 1972

Lester T. Wold
San Diego
August 8, 1972

1927

Lawrence T. Babcock
Santa Monica
July 16, 1972

Hon. William L. Bradshaw
Kern City
May 27, 1972

1928

Richard M. Goldwater
Los Angeles

Edward W. Lloyd
Encinitas

Edgar Lee Walker
Camden, Mississippi
June 16, 1972

1932

Louis Janin
Orinda
June 28, 1972

1933

James M. Vizzard
Bakersfield
November 10, 1972

1936

Mary White Lane
(Mrs. Clarence)
Ukiah

Kales E. Lowe
Burley, Idaho
June 28, 1972

1937

John J. Gallagher
Fresno
October 19, 1972

1938

James Ernest Maino
San Luis Obispo
October 17, 1972

Helen Jean MacMillan Morgan
(Mrs. Robt. T.)
Santa Ana

1942

Hon. Joseph Genser
El Cerrito
August 12, 1972

1947

Richard K. Dutton
Lakewood, Ohio
July 5, 1972

1952

Thomas N. Kearney
Mill Valley
July 20, 1972

1957

Barton Adam Goldman
Santa Monica
August 12, 1972

1960

Carl E. Weidman
San Bernardino
December 20, 1972

1962

Howard August
Northampton, Massachusetts
October 1, 1972

John Alden Doty
San Francisco
January 13, 1973

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LAW ALUMNI WEEKEND
APRIL 6-7, 1973

CLASS REUNIONS



1923	1948
1928	1953
1933	1958
1938	1963
1943	1968

