

Stanford Lawyer

Summer 1974

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Joseph Walter Bingham

1878-1973

Emeritus Professor Joseph Walter Bingham died December 15, 1973. He was 95. A graduate of the University of Chicago and its law school, Professor Bingham joined the Stanford Law faculty in 1907, where he remained until his retirement in 1944. Professor Bingham specialized in property law, conflict of laws, jurisprudence, and wills. He was a pioneer in the field of international law and an authority on piracy and national off-shore rights.



JOSEPH Walter Bingham, affectionately called by his students, "Smokey Joe," was a man of great energy and extraordinary talents. Consequently, his career had several aspects and his achievements were many.

At the age of 34, this young Stanford professor successfully challenged some of the basic assumptions and beliefs of the leading American and English legal scholars of his day concerning the lawmaking powers of judges and the proper functions of academic commentators. He was the acknowledged pioneer of the realist movement, which in subsequent decades came to dominate legal research, writing and teaching in American law schools and, consequently, to mould the philosophical outlook of many of our judges and advocates. These early jurisprudential writings, along with his later substantial published contributions to the solution of difficult problems of international law, place him securely among the greatest legal scholars of the twentieth century.

Anyone who has studied Professor Bingham's writing and become familiar with the rich imagery of his several powerful literary styles has probably, at some time, thought, "What an exciting experience to have sat in this man's classes!" This inescapable impression is confirmed by those who had the privilege of being Professor Bingham's students. Most of them are now senior members of the bar and

many have gone on the bench. But, in 1941, an event took place involving Professor Bingham and one of his students that must have brought to him as a teacher a tremendous sense of accomplishment and satisfaction. In that year the Northwestern University Law School published a handsome volume containing sixteen essays, each entitled, "My Philosophy of Law," written by sixteen outstanding American legal philosophers. It was inevitable that Professor Bingham would be asked to contribute an essay; what must have brought him profound and emotional satisfaction was that one of his former students was also chosen to be a contributor: Professor Lon L. Fuller of the Harvard Law School.

Professor Bingham's life work belongs to the whole world of legal scholarship, but his memory belongs to the Stanford Law School. For it was here that he spent virtually his entire professional career. He was the kind of teacher that law schools perpetually search for: a productive, creative scholar whose ideas are innovative yet based on such sound premises that they withstand the blasts of adverse criticism and the onward march of time. Just as his dynamic personality inspired his students for more than three decades, the memory of his remarkable accomplishments should inspire all who teach and all who learn in this school for many years to come.

Professor Moffatt Hancock

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Moffatt Hancock, Marion Rice Kirkwood Professor of Law, delivered the eulogy for Emeritus Professor Joseph W. Bingham at a memorial service on January 23, 1974. An edited version of the tribute appears at left.

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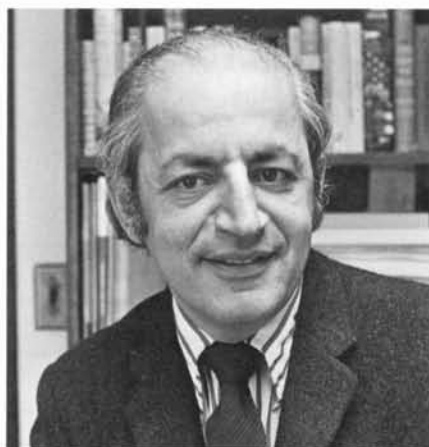
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Stanford's Academic Lawyers

Nine faculty members explain why they became law teachers, how they chose their areas of specialization, how they conduct their classes, why they enjoy the academic side of law.



Professor Gerald Gunther

I stumbled my way toward law and law teaching for very peculiar reasons.

I came out of the city high schools of New York near the end of World War II, and, like most of my friends, headed for engineering school with the idea of ultimately going into the service. After three semesters of engineering school, I enlisted in the radar program of the Navy, became an electronics technician, and ended up teaching some math and physics.

The math and physics came easily; and it wasn't until I had been at it for about a year—and while I was stationed on Treasure Island—that it dawned on me that whereas most of my friends were building radio sets at night, I was running off to the library to read history and philosophy. And I realized that I really wouldn't be content to spend the rest of my life worrying about radio waves and the insides of radar transmitters.

When I got out of the Navy, I decided to enroll in a liberal arts program at Brooklyn College in New York. I had no notion about what I wanted to do, other than to find something more absorbing than engineering. One of my required courses in the first semester there happened to be Political Science I, taught by a Professor Konefsky who was blind and very brilliant, and his specialty was Constitutional Law. He asked me to be his research assistant, so I spent most of the rest of my time in college reading to him and doing research for him. One of the things I did during that time was to read everything that Justice Frankfurter had ever written, because Sam Konefsky was editing a book of Frankfurter opinions.

Although I enjoyed my work with Konefsky and found it all very fascinating, it still hadn't occurred to me at that time to become a lawyer, because my sense of lawyers was one of guys who were chasing ambulances and doing mostly very dull things, like tax returns. You see, I had never known any lawyers—I come from three centuries of German butchers, and law as a career seemed a very distant and unattractive thing. The line of least resistance seemed to be to become a political science teacher. So, while I was doing graduate work in political science at Columbia, I began teaching political science and Constitutional Law courses at Brooklyn and City Colleges. Since I taught primarily from law school case-

books, however, I soon found myself running into a lot of unfamiliar terms; and I started thinking that perhaps I should go to law school so that the non-public law material in the Constitutional Law cases would not be so mysterious to me. I really viewed law school as one thinks of castor oil: as an unpleasant experience that would be good for me; and perhaps one a bit more interesting than continued graduate work in political science.

Consequently, after getting a Master's in political science, I entered Harvard Law School. I soon found to my surprise, however, that the private law subjects, such as Contracts, Procedure, and Commercial Law, were fascinating after all. And by the time I finished law school, I wasn't at all sure as between teaching and practice, and I decided that I should at least get some private practice in areas outside my primary area of interest—Constitutional Law. I then spent a year clerking for Judge Learned Hand and a year clerking for Chief Justice Warren, but in between those clerkships I practiced with the Wall Street firm of Cleary, Gottlieb. I returned to the firm after the second clerkship with the intention of practicing for three years before thinking about returning to teaching.

What happened in fact was that after a year with the firm I was invited to teach at Columbia University because the senior Constitutional Law man there was retiring. After some agonizing, I decided to

*"I really viewed law school as one thinks of
castor oil: as an unpleasant experience
that would be good for me..."*

accept with the understanding that I could change my mind if I didn't enjoy it. After a few months at Columbia, I was certain that teaching was exactly what I wanted to do.

As a Constitutional Law teacher, I am an undisguised preacher of admiration for a document we've been able to live with for such a very long time, by and large better than other countries. I try to instill in my students a real regard for constitutional values, plus a capacity to think about them probingly—with an adequate regard for history and analysis, and with a combination of the lawyer's traditional tools and the kind of breadth that a sensitivity to the political and social environment can bring to them. I think the best practical lawyers are those who can think with the greatest breadth and depth about the problems. Therefore, I will teach material on the federal system, even though some of the issues do not now often come up in litigation; and I will also teach material on equal protection or free speech or other issues that come up more frequently. I try to teach what will best give students a feel for how to handle constitutional issues in court and out.

In addition to teaching, I divide myself in various ways. I do some legal history; yet, I do not consider myself a full-time legal historian. I'm trying to keep my feet in both contemporary Constitutional Law and in legal and constitutional history, although my teaching is primarily in the former.

I have been working for some time on a two-volume history of the Marshall Court from 1815-35, which is part of a multi-volume series on

the Supreme Court being prepared under the Oliver Wendell Holmes Devise. That project has turned out to be a massive general historical undertaking. Moreover, before finishing those, I took on the authorized biography of Judge Learned Hand. I'm the only one who has access to his papers which cover a remarkable judicial career of over fifty years and a remarkable life of over eighty years. At the same time, I spend several weeks every year putting out a supplement to my casebook on Constitutional Law. I also manage to do some writing on current constitutional problems for the law reviews. Beyond that, I do very little.



Professor William F. Baxter

I never thought about teaching until late in my third year of law school. I had gone through Stanford undergraduate and Law schools on a shoestring, so I was not only broke but in debt when I finished. I intended to go into practice, but since the Law School offered me more money to teach the first year I was out of school than anybody was paying to start law practice in those days, I

decided to teach. Those first couple of years were awkward, though, because the students I'd been in class with the very year before were taking classes from me and, needless to say, they gave me a rather bad time.

After teaching for two years at Stanford, I went to Covington & Burling to practice. I had enjoyed the teaching, however, and my experience in practice left me troubled by the fact that I never felt I was able really to get all the way to the bottom of things. The day-to-day deadlines were such that it seemed I always wound up putting something into final draft when I felt I was only three-quarters through with it. So after a few years of that, I decided I would be happier in an environment where I didn't have to suppose that I had the answer to a question or problem until I'd spent as much time on it as I wanted to spend; and I went back to teaching.

In the beginning my main interest was Administrative Law, but I drifted away from it because when one talks about Administrative Law as a subject one is talking primarily about the procedural patterns that the regulatory agencies follow and the methods for obtaining judicial review of what they've done. And those doctrines of judicial review themselves are primarily procedural rather than substantive. As I worked in Administrative Law, I discovered that the procedural doctrines about how the agencies were to act were reasonably well developed, but it seemed to me that nobody either in the agencies or in the courts—and indeed, for the most part, in Congress—was paying any attention to what the agencies were doing substantively. The policies could be as

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preparing for trial—not cross-examination
but direct examination."*

insane as one could possibly imagine, but as long as they followed the procedural rules, nobody seemed to have any complaint. Therefore, my interest gradually shifted from whether or not the ICC held a hearing before they imposed some monstrous inefficiency on the transportation industry to the substantive policies that the various agencies were imposing and which, for the most part, I then thought were very ill-advised and for the most part I'm now convinced are absolutely absurd.

In my classes my objective is to get across the substantive body of law involved in a particular area and to make sure the students understand the underlying business or industrial problems that are being dealt with. I try to get the students to understand the human behavior involved in the problems under consideration. Generally, private parties are acting in a certain way because they are pursuing some private objectives of their own. Then the government comes along either through the legislature or through some agency, and tries to constrain their behavior—telling them not to act that way anymore. One has to understand, then, what purposes the bureaucrats are pursuing; and generally speaking, they'll be pursuing policies that advance the interests of the bureaucrats. If the student sees the problem in terms of a complete set of the actors, with some comprehension of what each of the actors is trying to accomplish, then it is at least possible to talk sensibly about what procedural mechanisms, what judicial mechanisms, would interact with the unfailing endeavor to feather one's own nest in a way that produces better rather than worse overall social consequences.



**Associate Professor
Barbara A. Babcock**

When I was five years old I said I was going to be a mountain climber, but when I turned six I began saying I was going to be a lawyer, and from that time on I always said it and always believed it.

Although I practiced for nine years before going into teaching, I knew that eventually I would teach. When I was at Yale—and I'm not sure this is at all true today—there was an unwritten code that what one should really aspire to be someday was a teacher; I accepted it uncritically.

I actually started teaching while I was still running the Public Defender in Washington, D.C. Some Georgetown students were interested in starting a course on Women and the Law and they asked me if I would teach it. Since I had been thinking I should find out about the women's movement, I felt this course would give me an opportunity to do that. So I taught it at Georgetown, then at Yale, and later at Georgetown again. Then I got involved in writing a book on the subject, which will be published in the fall.

In the short time that I've been teaching, one of the things I've felt is that I have a lot more to learn about it. So far, I've taught only small classes at Stanford, but I once taught a class of 160 in Criminal Procedure for a friend at Harvard for two days. It was more like leading an orchestra than teaching. There wasn't the kind of interchange I like to have. Generally, I ask a lot of questions. In fact, preparing for class reminds me of preparing for a trial—not cross-examination but direct examination. I spend a lot of time thinking about the questions and deciding how to phrase them to make people think and to get out the information. I don't believe you can teach students in the sense that you can make them learn. That is something they do on their own. As a teacher, I try to give students a respect—and even a love—for the great traditions of the law and to help them appreciate its power and effectiveness when properly applied.



Professor Victor H. Li

Teaching is attractive to me because of the variety of things one can do. I can make changes in my subject

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to look back on ourselves."*

matter and research interests; and I have greater control over how I spend my time—and on what. In short, it is very conducive to the way I live.

My family and I spent the summer of 1970 at Stanford. I was really taken by the lemon trees behind the School. The idea of being able to pick a lemon to put in your afternoon tea seemed very civilized. But apart from the physical attractions, the quality of the Law School and the quality of the Chinese studies program are both absolutely superb; and all of these things together make an unbeatable combination.

For most students taking Chinese Law, this will be their first—and very possibly their only—contact with China. As such, there is little point in learning about Chinese law as Chinese law. What I try to do is to point out to law students that American institutions and methods reflect certain preferred values, norms, and habits. But one must also realize that other societies may have different values and preferences, and may also have developed alternative ways of handling essentially the same human and social problems. So we look at a country like China where things are done differently than in America, and we ask what they do, why they do it, does it work better or worse, and most importantly, how does it help us understand our own legal system and practices. In effect, we examine Chinese society, not merely to study it in isolation, but rather as a mirror to look back on ourselves.

The Chinese Law course tries to show that solutions and institutions that may work well in one society may not work at all in another which has different economic and social conditions, political situations, and

cultural backgrounds. We try to stress a flexibility of mind on the part of the students and to emphasize this idea that there are sensible and viable alternative methods and institutions to solving problems.



Professor Jack H. Friedenthal

I came into teaching more or less by accident. While I was in law school at Harvard, Phil Neal, who is now dean of the University of Chicago Law School, was there as a visiting professor from Stanford. I had signed up for a course in Communications Law with a professor who became ill; Professor Neal replaced him. We became friendly and we talked about Stanford and about teaching. Consequently, I decided to come to Stanford to teach. So, unlike many people who spend several years in practice first, I went directly into teaching after law school.

I didn't know, however, how long I would stay in teaching. When I

first came to Stanford I had a one-year contract. I enjoyed the year very much. I enjoyed all the activities professors do — teaching, research, writing—and I felt that this kind of work was more my natural bent than practice would be. I have kept a hand in practice, though, by going to court occasionally; and while I enjoy it, I doubt that I would like it as a steady diet.

Civil Procedure became my area of specialization much the same way a practicing lawyer develops his area of specialization, I suppose. That is, his business tends to be in a certain area so he finds himself doing more and more of that type of business and eventually he becomes a specialist in it. That's what happened to me. While I was working on the *Harvard Law Review*, almost all the work that was assigned to me was in civil procedure and related areas. As a result, I became very interested in it; and my first teaching assignment was also in connection with civil procedure. This area of law is particularly fascinating because it is a blending of the written rule with some common-law interpretation of it and I really enjoy analyzing this sort of material.

Whatever area of law one teaches, however, I think the most important thing a professor leaves with his students is a sense of confidence in dealing with legal materials. I don't think we can do too much about the law as it is or might be. It changes rapidly—certainly in some areas it changes rapidly—and one has to be able to deal with those changes. The important thing for any student is to learn to think like a lawyer. How to use legal materials, how to read cases and statutes,

"The challenge in law teaching, as I see it, is to individualize instruction enough so that each student is on his mettle in classroom work."

how to put together procedural devices, how to prepare cases for trial, how to write contracts—all of these things stem from an ability to understand the way in which the law works. In a manner of speaking, one has to develop one's sense of smell—to be able to smell out potential problems and to tell people what to look out for. What's more, much of law study is just plain reading with care, and understanding that what one reads has some specific significance in terms of a problem that might arise or one that has arisen and must be solved.

Lawyers need to know things for specific problems that face them, but they also need to be able to use this same kind of reasoning to solve the larger problem—the policy-type problem. I believe that if one's legal reasoning regarding specific matters is developed, then one can look at the big picture, the policy picture, in the same way. You can see both the little and the big problems that might arise and I think that's important—especially for Stanford Law graduates, because we hope that the kind of students we have here will not only be qualified lawyers in the narrow sense, but makers of public policy as well.

Professor William Warren

I have always wanted to be a teacher. I can't remember why I've always wanted to be one, but I think it's difficult to ascribe reasons to desires like that. When I was in college I thought about doing graduate work in history or political science and teaching that, but I had a long-term ambition to become a lawyer as well. And when I went to law school, I decided that law was really what I wanted to teach.

While working for my doctorate in law, I was offered a rather attractive teaching job at a time when there were not many jobs available. I accepted it, despite my strongly held view that one should never become a law teacher without having practiced. It took me a long time to catch up; and over the years I have done consulting work and so forth, in an attempt to keep a foot in the world of practice.



Commercial Law became my area of specialization because I was hired by my alma mater, the University of Illinois, to replace William Britton, who was then one of the leading commercial law teachers in the country. I was told that if I accepted the job I would be teaching commercial transactions and that I could either take those courses or they would find somebody else for the job. My friends commiserated with me. Poor devil, they said, what a dead area to get into; nothing ever happens in that area. That was in 1954; and since I started teaching in the commercial law area, I can't imagine a more lively area to be in.

I began teaching in what you might call the twilight of the Socra-

tic case method era, in which teachers were expected to be quite stern and to interrogate students rigorously in class. The merit of the teacher was somewhat judged by how effectively he could show the student how little that student really knew. I think we can say that this method of teaching is no longer the norm. Teaching today comprises a friendlier, more open discussion of questions in which the teacher tries to develop ideas with student participation, but without coercing that participation with threats of humiliating the student if he does not participate.

The challenge in law teaching, as I see it, is to individualize instruction enough so that each student is on his mettle in classroom work. If you can channel a student's ego or self-esteem into his performance, you will get a really remarkable level of effort from able students. Moreover, I think it has become increasingly clear to students throughout the country that if you want to be a powerful force in the community, law is perhaps the best avenue for accomplishing that objective. There is tremendous social mobility in law. One gaining admittance to a top law school and doing good work at that school finds himself or herself in a power situation perhaps more quickly than through any other route. I think students today want to change the world—I hope they want to change it—and law is an excellent avenue for effecting change.

Professor Howard R. Williams

All the time I was in law school I thought about teaching when I graduated. I wanted to practice first,

"I feel it is extremely important for students to develop a keen sense of the responsibilities of the lawyer both to the client and to society."



but I always knew that eventually I would go into teaching. One of the more attractive features of teaching is that the law professor is in greater command of his time than is the practitioner. He isn't tied to his clients' demands. And he has the opportunity to work on matters which are of interest to him, rather than on matters which are of economic interest to his client.

I began my teaching career at the University of Texas. Among my early courses were some in Real Property, which I found very interesting. And it happened that the man who was teaching Oil and Gas left while I was there, so I had the opportunity to teach that as well. The subject was a popular one at Texas and some of the problems involved in it, such as ownership of a producing lease turning upon the doctrine of worthier title or the application of the rule in Shelley's Case, for example, really made some of the doctrines of Property Law come alive. As a result, I developed a strong interest in Oil and Gas and have done most of my writing in this area.

In my courses I try to make students aware of the significance of the doctrine we are studying in a variety of transactions, and also to make them aware of the economic realities of the doctrine in each case. For example, in real estate transactions, when we talk about the right of specific performance in the event of a breach of contract of purchase, I want them to be aware of whether specific performance is a viable remedy for the vendor, in terms of taking the land off the market for a substantial period of time while waiting for the suit to be resolved. It may take three to five years for him to win the suit—if he does win. In this case, then, specific performance may be a theoretical remedy, but is it a practical one? It is essential therefore, for students to look at the doctrine in terms of its economic realities for each specific case.

In addition to an emphasis on doctrine, my courses also include a heavy ingredient of professional responsibility material, such as discussions of the ethical implications of the lawyer's conduct or the client's conduct in a particular case, because I feel it is extremely important for students to develop a keen sense of the responsibilities of the lawyer both to the client and to society.

**Associate Professor
Paul A. Brest**

What attracted me to teaching was the opportunity to pursue questions that interested me, rather than those that a client would happen to bring to a law firm. I practiced for two years doing civil rights law, and while there were many challenging problems, I often felt frustrated that I simply could not—within the con-

straints of practice—pursue an area that I found fascinating. And sometimes I had to work in areas that I did not find fascinating at all. The nice thing about teaching is that—



with some limitations—you can teach and do research in whatever areas are of interest to you.

At the moment my main area of interest is Constitutional Law. I got into this field accidentally. I came to Stanford willing to teach virtually anything. It just happened that the year I came the School was understaffed in Constitutional Law teachers and Dean Mann asked me if I would teach it. It scared me tremendously because, in a sense, it really isn't one subject but a whole series of subjects. And although the subjects have various coherences with each other, they cover a very broad field. After I got over the initial shock, however, I decided it would be fun to teach. I'm now in the process of doing a Constitutional Law casebook which restructures the course quite differently from the way it has been traditionally presented in law schools.

*"The most important thing any law professor
can give his students is a feeling of
excitement and enthusiasm about the law."*

I try in my classes to lead students into inquiries which will stimulate them and to give them some guidance in pursuing ideas of intellectual value connected with law. The greatest disappointment I've had in teaching is the rather small number of students who really do find the kinds of issues we take up in law courses interesting for their own sake. It's not surprising in a professional school that a large number of the students come to learn a profession which they will practice. I had expected, though, that a higher percentage—even though they want to be practicing lawyers—would find intellectual ventures in the law stimulating in themselves. Some do; and those are the ones who really make teaching exciting.



Professor Moffatt Hancock

I attended law school in Canada during the Depression and had at

that time a strong attraction to Criminal Law. I wanted to get a job as a prosecutor (assistant crown attorney as one is called in Canada), but that was strictly a political position and my party lost the election and was swept out of power. I had also thought, however, that I might go into law teaching; so when the prosecutor's job fell through, I decided to apply for a fellowship to study in an American law school for a year, which I did at Michigan. I was greatly attracted to the fine library and facilities at Michigan, and I made up my mind that I would someday be a law professor in the United States.

The war delayed my plans a bit, however, because law schools in the United States stopped hiring new faculty. Nevertheless, I was able to go on teaching and writing in Canada, so my career wasn't interrupted during those years.

After the war I taught at Dalhousie University in Nova Scotia where I held the Viscount Bennett chair. There I met my wife. In 1949 we were married and I moved to the University of Southern California. One summer there were some Stanford students in a Conflict of Laws course I was giving, who, upon returning to Stanford, mentioned my course to the dean and various faculty members. As it happened, Carl Spaeth, who was Dean, wanted to offer a course in Jurisprudence because no one had taught it since Joseph Bingham retired in '44. Also, Marion Rice Kirkwood was retiring, so they needed someone to teach Property. I understand that George Osborne, who was chairman of the Appointments Committee, leafed through the directory of law teachers, made a list of people, and noticed that I was

teaching Jurisprudence and Legal History at USC and that I had also taught Property. My teaching background, combined with the students' reports, led them to invite me to teach a summer course in Property. When I came to Stanford I fell in love with the campus; it was a lot more rustic than it is now. So at the end of the summer, when they asked me to come back, I was very happy to do so.

When I retire in 1977, I will have been at Stanford for twenty-four years; and I will have been a law teacher for forty. Of course, the styles in professing have changed a great deal over the years. When I started teaching at the University of Toronto I wore a long, black robe and I wrote my lectures out and had them before me in a big book. What's more, up until a few years ago the crusty old professor, like the one portrayed in *The Paper Chase*, was very much a part of the academic scene. In fact, when George Osborne (who was one of the great crusty professors of all time) retired, I had the ambition of taking over his role of crustiness. I tried it for a few years, but I found it took too much time and energy.

Regardless of one's teaching style, though, I think the most important thing any law professor can give his students is a feeling of excitement and enthusiasm about the law. Of course, sheer enthusiasm alone is not enough. The teacher must also present the material in such a way that the students are able to understand it, but I think the great test of the law teacher is his ability to go into class year after year and get all worked up and excited about the same old case he got worked up about ten, twenty, or even forty years ago.

Conversations with Earl Warren



The Law Forum invited retired Chief Justice Earl Warren to visit the School on April 30 to commemorate the twentieth anniversary of *Brown v. Board of Education*, the United States Supreme Court decision that ended public school segregation.

Chief Justice Warren first spoke informally with Dean Ehrlich and Professors Gerald Gunther, William Gould, and Barbara Babcock before a capacity audience in Annenberg Auditorium.

Professor Gunther, who was a law clerk to the Chief Justice from 1954 to 1955, described *Brown* as “an extraordinarily important event” and the prime stimulus of the civil rights movement.

Professor Gould said that *Brown* was the principal force in his decision to become a lawyer: “That decision gave me and other blacks the hope and belief that the law could address itself to racial injustices in this country and that I as a lawyer could make some contribution to end the old order against which my parents had struggled. . . . *Brown* was important to all black people because it gave us hope that we would have our day in court—both literally and figuratively.”

Professor Babcock, in assessing the effect of *Brown* on Criminal Procedure and Women and the Law, said that a criminal-justice revolution was caused by *Brown* and its focus on inequality.

Following the professors’ comments, the program shifted to a question-and-answer period with the Chief Justice. When asked whether he felt that criticism of the phrase “all deliberate speed” was justified, the Chief Justice asserted that if he had it to do over again, he would still use the phrase. He added that critics of the decree had not offered any sound alternative.

The Chief Justice was then asked to comment on the role of counsel in *Brown*. He observed that in the Supreme Court, as in other courts, “there are some good arguments, some bad; some very good, some very bad.” But he stressed that oral arguments are a vital part of the Judicial system because the true merit of the arguments are brought out through questions. He criticized the tendency to eliminate oral arguments as a “disservice to advocacy and the court.” He said that if there are not enough courts to allow for oral arguments, “then we should get enough.”

The Chief Justice said he found law clerks “very helpful and very important,” but he was not in favor of permanent clerks.

Responding to the query, “How did you feel when President Eisenhower appointed you to the Court?” the Chief Justice quipped, “I felt fine.”

The program was followed by a reception, where Chief Justice Warren met informally with law students and faculty.

Editor’s Note:
On July 9, 1974,
Chief Justice Warren
died at the age of 83.

The Moral Education of the Lawyer

Hon. Charles E. Wyzanski, Jr.

The 1974 Herman Phleger Lecture was delivered on April 11 by Charles E. Wyzanski, Jr. Senior Judge of the United States District Court for the District of Massachusetts, and Herman Phleger Visiting Professor of Law.

The Herman Phleger Visiting Professorship allows for a leading person in the field of law—either in private practice or in government—to spend a semester at the School to teach and to provide faculty and students with insights into the legal system and its operations. The professorship was established through the generosity of Mr. and Mrs. Herman Phleger. Mr. Phleger, an emeritus trustee of the University, is a senior partner in the San Francisco firm of Brobeck, Phleger and Harrison.

We do not know with a sufficient certainty and in detail what it is that produces good character and virtue. We might even be skeptical enough to think that the most virtuous of judges, Benjamin Nathan Cardozo, was virtuous partly in reaction to his corrupt father who led the Tweed Ring judges in the most scandalous episode in the whole of American judicial history.

So I start out by saying I am *not* going to give you any answer. I think that anybody who pretends to give you an answer is a charlatan.

What do we know if we know anything about moral education? We surely know that the ability to recite morality has nothing to do with conduct. What we seem to know is that even among the best and brightest there is a great deal of departure from the highest standards. And yet, we must not entirely despair. It is probably true, little as we may like to admit it, that Nietzsche was right; that fear is an important part of morality and had we all worn Gyges' ring from birth there are very few of us who would have led saintly lives.

I support the view that it is almost inconceivable that people will be moral unless at some time they have been subject to discipline. Unless there has been some early period of enforced conformity, not necessarily by the rod, it is not very likely that people will be governed by much beyond the pleasure principle.

From an early platform of discipline, one may move forward through rational means to a higher level. What is important in moral education is to carry people higher, from where they are to a vision of something better. In a kind of Hegelian way, this may involve a revolt. It has been suggested that true morality is impossible except you be a revolutionary. It is quite easy to be a conformist. But who said that was moral?

The total step-by-step program from discipline to challenge to freedom moves in the direction of an awareness of justice. It is justice that is the fundamental problem—at least in a secular world. And it is the awareness of justice and the search for justice and, if possible, the achievement of it that is morality. Now that, which is the common ground of all callings, is the special ground of the law. If once Philosophy or Theology was the Queen of the Faculty, perhaps Law is its successor, and even more important in a community in which there is no longer a common religious faith, creed, or discipline.

What do the law schools now do? Is it not fair to say that they spend a great deal of their time helping people to see the facts and state them accurately without swindling anybody; either the professor, or the class, or the person reciting? The best possible effort is made to define with exactness, to see the issues, and to cultivate the responsibility of analysis looking forward to judgment.

I think it fair to say that the very structure of legal education has a moral quality. But there is something more than that. Every great teacher is a moral teacher, or he is not great. Anybody who studied with Paul Freund and read his books on the Supreme Court and on Justice; or with Henry Hart and read his *Aims of the Criminal Law* or his other writing; or with Benjamin Kaplan and studied Copyright or Contracts under him, knows perfectly well that by the way they approached the problem day by day, the way they elicited from the class the best that in them lay, they were moral teachers.

But let me make it quite clear. We have been talking about intellectual influences, and intellectual influences by themselves are inadequate. An excessively intellectual, competitive world has its own disadvantages, as the younger generation has been reminding us these last few years. Beyond the intellectual there must be the emotional sense of the solidarity, the fraternity, the tolerance, the decency which make society a community.

In this law school, which a year or two ago produced the Packer-Ehrlich report, I need not remind you that we are faced not merely with a great increase in the number of people who are seeking legal education, we are going into an era in which, in divers ways, in different institutions, we shall have a change from the form of legal education that has existed

since Langdell's time. We may have many paralegal people. We surely will have more and more specialists.

It is unthinkable that in the modern world we can turn back from specialization. But specialization offers a peculiar threat to a unified core or moral purpose in the law school—or in life. And this is a danger much increased because accompanying specialization, the older small law firms and the individual practitioners become less and less important. Who today becomes an apprentice of a lawyer except (and this is an important exception) the person who becomes a law clerk to a judge? I would point out to you as not irrelevant the moral impact of certain judges upon a succession of law clerks who, however bright they may have been when they became law clerks, were more moral men afterwards. Is it an accident that among Learned Hand's law clerks were Archibald Cox and Elliott Richardson and Dean Ehrlich and Professor Gunther? Is it an accident that among Justice Brandeis' law clerks were Dean Acheson, Calvert Magruder, Henry J. Friendly, Professor Freund, Professor Hart, Professor Jaffe, and Professor Hurst?

What do I say about the future? I wish I could say that I saw some modified apprentice system; but I do not foresee that kind of development. In some places perhaps, for some lucky few.

With respect to law schools generally, I have three wholly tentative approaches.

First, I think there should be a recasting of the course or courses in Jurisprudence. The day of Roscoe Pound and his categories and divisions and subdivisions is long since passed. What would happen, for example, if you set before a class John Rawls' *Theory of Justice* and spent the time to consider whether his premises are really valid and whether they are in conflict with and, if so, which is right? Examining Justice in a Platonic sense will pass no bar examination; nor will it get you a job; nor will your prospective employer probably think that you have spent your time wisely. But those who see further than the cash box will wonder whether it is not of supreme importance to know what this law business is all about.

My second division is easier to support. The young are a very horizontally-minded generation. They know infinitely more than people my age do about a thousand different areas. But I have a compensating interest. I have a vertical interest in history and in tradition. As Isaiah said, "to know the rock whence ye are hewn" is an essential of moral or mental stability.

One learns history by wrestling with particular events in some depth. And so far as the lawyer is concerned, the particular wrestling is generally personal and biographical.

We don't study in sufficient detail and with sufficiently rigid standards those who practice the law. What we ought to be concerned with are not the perfect lives. Let us not spend too much time on Cardozo; none of us will be like him. It's much more useful to study Lincoln and Brandeis and Buckner—not one of whom would claim for himself perfection, nor be entitled to be awarded that title.

Now what about my third general area. In my judgment, that has to do with participation by the students. Anybody can talk about morality, but practice of morality requires action, which means participation. I do not expect to get many votes from people my age on my view that students should have a much larger role in connection, not merely with courses and their selection, but with faculty and their selection, and discipline and the growth of what Charles Alan Wright has called "the constitution on the campus." It is not because I am so eager to get rid of authority. It is because I think that the earlier you can make people participate in the institutions of justice and assume an appropriate role therein, the more likely you will be to develop their moral character.

I think I know something about what distinguishes moral from immoral people, even if I don't know how to produce moral people. One thing is intellectual rigor. There is no substitute for hard thinking on moral questions.

Another thing is certainly candor, an awareness of one's own faults and limitations. Who illustrates this better than Montaigne? Is it not true that as you read the *Essays* you perceive what a moral man this man is with all his lapses? "Though ye sit on the top of the world, yet sit ye up on your tail." "A man who never indulges in excess is a prig." Facing up to what one is like is of great importance.

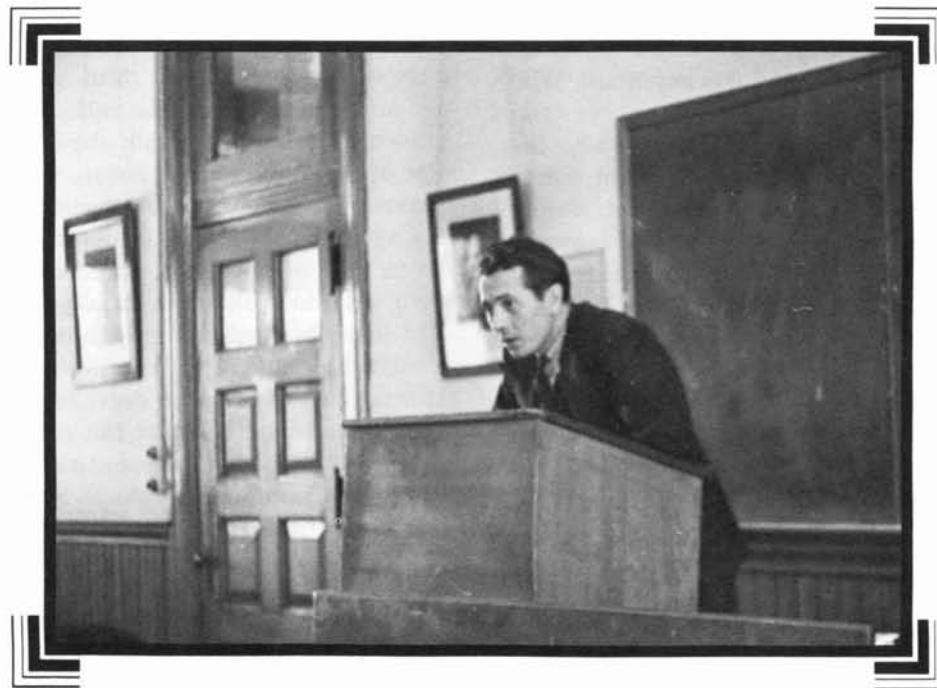
And then there is courage; and I don't mean mere pluck in the Shakespearean sense, "Money lost, little lost; honor lost, much lost; pluck lost, all lost." I mean courage in the Periclean sense, "The secret of happiness is liberty and the secret of liberty is courage."

We have enormous choice though it may seem marginal. But the moral man is the man who carries as his constant companions critics of quality who constantly measure internally his external conduct. Those of us who are fortunate enough to go to great law schools get such companions as we go through law school—such teachers, such peers. If we are fortunate we carry them as our critics inside us for the rest of our lives.

It is in that sense that Maitland, in his famous Rede lecture on Roman Law in the English Renaissance, must have meant his famous tribute that in the early Middle Ages, Bologna was the great law school; in the later Middle Ages, Paris; in the beginning of the 20th century, Harvard.

In the end of this century, may it be Stanford.

An Evening in Honor of John Bingham Hurlbut



Daniel M. Feeley '40 presents a portrait of John Hurlbut to Dean Ehrlich. The portrait, by John Bohrer, is a gift to the School from the Class of 1940.



An amused John Hurlbut enjoys the evening's entertainment, performed in his honor.



Members of the Class of 1958 in a rousing revival of their smash hit, New Cases of 1958.

1974 Class Reunions: It was a very good year!



Classes of 1924 and 1929

The Fiftieth Reunion of the Class of 1924 and the Forty-fifth Reunion of the Class of 1929 were jointly held at Rickey's Hyatt House, Palo Alto. Those in attendance from the Class of 1924 were **A. H. Brazil**, **H. E. Lindersmith**, and Reunion Chairman **Philip G. Smith**. Members from the Class of 1929 included **Robert L. Beardslee**, **S. M. Saroyan**, and **Hon. Gus J. Solomon**. Associate Dean **J. Keith Mann** was the faculty guest.

A number of toasts were given during the evening, including one to the lawyers who had survived fifty years of law practice and another to the wives of those lawyers who had also managed to weather fifty years of law practice. 1924 Reunion Chairman **Philip G. Smith** offered a touching tribute to his former classmates, both living and dead, as he briefly described the activities of the many with whom he had kept in contact over the years.

Class of 1934

The Class of '34 held a memorable 40th reunion at Rickey's Hyatt House, Palo Alto. An excellent dinner, preceded and succeeded by refreshments and music, kept the party together until long into the night.

Our special guests included Professors **George Osborne** and **John Hurlbut**. We were also honored by the attendance of **Bob Brown**, President of the Board of Trustees, who spent his first year with us before going to Oxford; also by Dean **Tom Ehrlich** and President **Richard Lyman** later in the evening. Our distinguished Judges included **Wally Craig** of the Federal District Court in Phoenix and **Gil Perry** of the Santa Cruz Superior Court.

The total attendance was about fifty, which is not bad, considering that in the depression year of our graduation our Class only totalled about sixty graduates. Our party included **Joe Gordon**, from Tacoma; **Ed Gearhardt**, **Bob Cathcart**, **Bud Hawkins**, and **Dick Ryan**, from San Francisco; **Les McElwain**, from Oakland; **Jack Nourse**, **Tom Suttner**, **Keene Watkins**, and **George and Waddy Shibley** from the southland; **Dave Jacobson**, from Atherton; and **Wright James**, from Bakersfield; with their attractive wives.



During the late evening relaxation the old Stanford spirit was manifested in Stanford yells, led by **Wally Craig** in his best cheerleader form. The Ancient Assemblage responded with a lot of pep. We are looking forward to our next with anticipation and hope that those who missed our 40th will be present at our 45th.

Nathan C. Finch
Reunion Chairman



Class of 1939

The Reunion Banquet of the Class of '39 was held in the Oak Room at the Holiday Inn, Palo Alto. The

guest of honor was Professor Lowell Turrentine, for whom the Class has a particularly close tie. Dean Marion Rice Kirkwood was also invited to attend, but for reasons of health found it necessary to miss the event. A very warm letter of greeting from him was read by Chairman Whitney.

Those attending were Col. Myron L. Birnbaum, Robert N. and Virginia Blewett, Edward L. and Shirley Butterworth, Carl F. and Bette Dodge, John P. Hearne, Remington and Jean Low, N. Perry and Caryl Moerdyke, Jr., Tom and Marilyn Needham, Jerome D. Peters, Jr., Samuel D. and Emeline Thurman, James C. and Polly Toothaker, George H. and Isabel Whitney, Eben and Mary Whittlesey, Miriam E. Wolff, William H. and Ruth Woodward, Leroy A. and Mary Wright, Steve Peters and his guest Joan Anderson.

As befitted the occasion and the company, conversation was lively and spirited; and under the benign but firm direction of **Bob Blewett**, who was by acclaim elected to serve as Toastmaster of the occasion, not only Lowell Turrentine, but each member of the class was asked to "say a few words." The stories thus elicited were hilarious and appropriate, ranging in subject matter from an Irish ballad by **John Hearne** to remarks on how it feels to lose an election by **Eb Whittlesey**. For all of the class members it was a memorable evening, and the meeting adjourned amid discussions of plans for the 40th reunion to be celebrated, God willing and the creek don't rise, in 1979.

George H. Whitney
Reunion Chairman

Class of 1949 . . . Twenty-five years later

Joan Donegan had prudently suggested that second wives should have a special label on their name tags. That would be to avoid reminiscences about events they had not shared. We didn't get around to that. But weren't the wives all glamorous? I figure if they wear those great necklines plunging down to there, we get to look at the little pendant that's dangling way down about to here. The Class of 1949 had a



great 25th reunion on April 6, 1974. However, **Virginia K. Parkinson** forgot to bring home her doggy bag.

Dave and Debbie Lush from Dingy St. Clair (that's France you know) had to leave the next morning to relieve their 18-year-old from baby-sitting duties back at the water mill. Dave gracefully conceded that **Charlie Cole** had really travelled further in coming from Australia to make the reunion. **Freddie Dutton** was there from Washington, but seems to have left early.



Shirley Hufstedler, looking great, was using what looked like a Himalyan walking stick. **Elmer Sproul** said Shirley broke her leg in a parking lot. (Does Shirley have to work in a *parking lot*?) Elmer receives the largest eyebrows award. Another broken warrior showed a lot of class in getting his: **Bob Thompson** broke his leg playing tennis, but then broke his finger playing basketball with his son *while wearing his leg cast*. **Hale** and **Virginia McCowen**, down from Ukiah, were house guests of **Karl and Irene Bledsoe**. Late in the evening Karl was looking for the Judge, who must have been in an important discussion because he had his coat off. (I was hoping Hale would streak.) Utah was well represented, with **Erie and Birdie Boorman**, **Rex and Joanie Lewis**, and **Dick Taylor** and his law school daughter, **Susan**. Also **Dean Sam Thurman** who joined us after dinner. Rex is really with it, featuring a cavalry mustache. (So is Joanie, without the mustache.) Best (and I think only) beard at the party had to be **Ben Priest's**. It sort of vaguely reminds you of some famous movie director, or maybe D'Artagnan. **Barney and Jeanne Favaro** had just heard that their twins have been admitted to Stanford. Barney refuses to accept donations from his friends, but maybe if you could send over a casserole once in awhile. **Fred and Lorraine Mieke's** son **Neal** also got the nod from Stanford, but hasn't decided whether to accept.

George Pfeiffer nominated **Mal Furbush** for Youngest Looking, and **Mike Bernard** put **John Donegan** in the running. Somebody thought **Bud Clary** should have been mentioned. What about **George Henzie**?

Or **Ken Jones**? **Fred Mielke**? Maybe **Ray Goodrich**? (It is understood, of course, that female members of the class are far above this competition.) Of course, there are some others of us that surely would have been mentioned for Youngest Looking if anyone had thought about it. What is white hair? Or no hair? Speaking of hair, the old gray fox, **Bob Simpson**, has been joined in silvery grandeur by a few others like **Sterling Hutcheson**, **George Andrews**, **Merlin Baker**, **Jerry Downs**, **Bob Foley**, **Nick Petris**, **Mel Swift**, and **Jim Tucker**. (Let's hear it for that great **Jackie Tucker**!) **Jim** and **Virginia Dixon** were big on the dance floor. **Jim** offered to permit anybody to tug on his shaggy mane that looks the same as it did in high school, so I guess he passes the topper test.

Deans **Carl Spaeth** and **Tom Ehrlich** and their wives, **Sheila** and **Ellen** joined us for dinner. Later in the evening, along with **Sam Thurman** was **John Hurlbut**, fresh from the moving tribute given him the night before. **Gary Bayer** was with us for cocktails.

Bagman **Charles Purnell** announced that the Class of 1949 Reunion Fund had moved way past its goal, totalling over \$55,000. **Charles** did a great job as our chief fund raiser (may he become head of the United Crusade). **Jane Purnell** was glamorous in a black filmy thing. (We certainly do give you the fashion notes, huh?) If the Menlo Gold Club ever wants to know what happened to pages 1-15 of their telephone book, **Mal Furbush** is the one to ask, because he was the one who turned it over to **Jim West** for a telephone book speech. The main thing I remember about **Jim's** speech is that he expressed the opinion that **Cappy Martin's** voice has decreased several decibels in magnitude over the years. Can we really accept that opinion? Anyway **Cap** and **Liz** were a lot of fun as always. Sitting with them were **Zooker** and **Annie Sutton**.

Dede Clary expressed the opinion that her grandchild is bigger than **GINNY Parkinson's**. But gee, **Dede**, yours is older. **Dede** was in a smart white outfit and **GINNY's** white crocheted dress was pronounced a see-through by lascivious **Ed Conn**. Not true, lascivious **Ed**. **Jean Conn** expressed the opinion to **Bob** and **Barbara Elliott** that the neighborhood where **Bob** and I used to live in San Francisco is being discriminated against. I forget why.

There were a number of opinions expressed during the evening with a certain firmness, especially later in the evening. **Sumner Rodriguez** denied owning all of Madras, Oregon, an opinion which was being urged upon him by someone—me, I think. **Beverly Barnes**, **Marnie Furbush** (the lemon drop) and **GINNY** arrived at a definite opinion about something I forget. **Navy Doug Lyon** really likes his fishing retreat in Idaho, I know that. How about that **Nancy Lyon**? **Winslow Christian** was glad there were no formal speeches. So there, **George Pfeiffer**. **Lorraine Kongsgard** congratulated **Sam Barnes** because his eyes aren't as red as

they used to be. Didn't get to see much of **Tom** or **Foley**. I did get to talk a little to **Nyna Foley**, who looks smashing.

Mac MacKillop and **Suzanne Shaw**, Air California's gift to the Class of '49, came down the peninsula with



Kim and lovely **Kathleen Allison**. **Kim**, carefully underserving himself all evening in preparation for the Bayshore, suddenly said, "I've got a great idea. Let's go home." Not so about twenty characters who gathered around a table in the dining room and talked 'til long after the bar closed.

Not too much dancing went on, more's the pity. However, **Irv** and pert **Clara Rovens** did their part. And hunted up the band once when it (they?) took too long an intermission. I had an enjoyable but short talk with **Peggy** and **Judge John Cole**. I appeared before **John** briefly a few years back when he had that mankilling Law & Motion Department in Los Angeles Superior Court. Enjoyed talking to **Jack** and **Barbara Harriman** (Jack should have been considered for Youngest Looking), **Winslow** and **Donna Christian**, **Marilyn Hutcheson** (Hi, **Sterling**), **Ed Keller**, **Dave** and **Debbie Lush**, **Charlie Cole**, **Art** and **Lil Toupin**, **Jill Swift** (Oh, hi **Mel**), **Clyde Tritt**, **Bill Wunsch**.

Familiar faces in the distance or just quick fellows. (You feel as though you should methodically go from one to another and talk to each): **George Andrews**, **Ray Goodrich**, **Merlin Baker**, **Everett Barbarian**, **George Bond**, **Warren** and **Marie Christopher**, **Curt Darling**, **Jim Denebeim**. (That reminds me—**Jim** gave me his biographical questionnaire at the party—they all came in so slowly that I gave up trying to have them ready for the party. But we have most of them now, and there really will be a Class Book.)

Just saw **Jerry Downs** briefly. Talked to **Tom Files** and **Denali** when they came in. **Bob Foley** and I are going to get together. So are **Seth Hufstedler** and I. And a few others. I saw **Dick Gausewitz** walking by. I think maybe he is eligible for the silver locks group. Barely saw **George Bond**. Also **Phil** and **Sheila Ehrlich**, but that doesn't matter much as to **Phil** because I can go take a look at him any time I want to. I guess

everybody knows this, but Whispering Phil pronounces his name like "Erlick" while Dean Tom pronounces his like "Erlish". Solution: don't invite them to the same party.

I got to say hello to **Dick Hahn**, and just a couple of words to **Frank Hannig**. Wish I had seen more of **George Henzie** and **Bob Hill** (what makes you think I am going through the alphabet to write this?) We were sorry that **Duva Hill** couldn't make it because she was in the Midwest (illness in her family).

I just said hello to **Roy Jerome** and date **Marion Browning**. Not even that I'm afraid, to **Bill Irvin**. Oh yes, **Ted Lachman** and I are going to get together on one of my poaching trips up to Oregon on a lawsuit up there.

John Loomis and I talked together with **John Hurlbut** for awhile. Just saw **Ward Mathews** and **Don McMurchie** out of the corner of my eye. I did get to spend some time with **Bob** and pretty **Dolores Pendergrass**. (Note to girls: you just get called pretty once around here, and after that you have to live on memories.)

I saw Senator **Nick Petris** briefly. Also **Joe** and **Mildred Rogers**. Somebody said **John Sorbo** was looking for me, but we never got together. Let's see, John isn't in the D.A.'s office anymore, is he? Just a hello to **Bob** and **Peggy Taylor** and a wave to **Dick Tuttle**. (Did he wave back? Wonder if he doesn't like rare beef? Oh, of course he must have waved back.) Silver locks club for him, too.

Saw **Don** and **Ida Webster**. Ida had suggested we invite our librarian, **Mrs. Gladys Wishard**, but Mrs. Wishard had another engagement and couldn't make it. Not to be forgotten is that I talked to vivacious **Marianne West**, who looked great as usual.

It was sly **Daryl Pearson** who thought we should have **Charles Purnell** announce the take for the Class Fund. Could Daryl be thinking that another year is yet to come? No, of course not. Why would I think that?

Anyway, everybody seemed to be enjoying our reunion hugely. Really, all you have to do is hire a place for all of those wonderful people to get together and enjoy each other. Well, maybe also get them something to drink. We had over 150 people at this party—how about that! More than ever attended any law school class reunion. Actually we needed that many to break even, but **Jim Tucker** and I had a plan: if the list had looked kind of slim, we could first jettison the flowers. Then the hors d'oeuvres. Then the band. And finally the wine.

Hope you got a chance to meet **Bryce** and **Marilyn Shirley**, our reunion aides from Stanford Law School. Also, that was the Editor of the Stanford Lawyer, no less, **Cheryl Ritchie**, snapping your pictures.

Let's do it again in five years with more people!

Ben Parkinson
Reunion Co-Chairman



Class of 1954

The Class of 1954 celebrated their Twentieth Reunion at L'Omelette in Palo Alto. Sixteen members of the Class attended, including Mr. and Mrs. **Steve Barnett**, Mr. and Mrs. **John P. Brogdon**, Mr. and Mrs. **Stephen Chandler**, Mr. and Mrs. **Arthur Damon, Jr.**, **Richard Graham**, Hon. **Cynthia Holcomb Hall**, Mr. and Mrs. **Oscar F. Irwin**, Mr. and Mrs. **Richard W. Konig**, Mr. and Mrs. **Charles A. Legge**, Mr. and Mrs. **M. J. Mirkin**, **Arnold Shane**, Mr. and Mrs. **William P. Smith**, Mr. and Mrs. **Richard B. Snell**, Mr. and Mrs. **John Sutter**, and **Robert White**. Faculty guests were Associate Dean **Joseph Leininger** and Professor **William Warren**.



Class of 1959

Professors **Byron D. Sher** and **Kenneth Scott** joined members of the Class of 1959 for their Fifteenth Reunion at the University Club in Palo Alto. Twenty-six members of the Class and their spouses attended. They included **Stephen A. Bauman**, **Ronald H. Bonaparte**, **James W. Boyle**, **Raymond Bright**, **Richard Bromley**, **James Darrah**, **Arthur Devlin**, **David H. Duff**, **Arnold Brody Haims**, **John Hanna**, **Charles J. Heyler**, **Michael Keady**, **Edmund T. King**, **Andrew B. Kjos**, **James B. Little**, **Richard Maltzman**, **Jim Palmer**, **Rufus Rhoades**, **James L. Sammet**, **George Sayre**,

Robert C. Schleh, Hon. Howard L. Swartz, Jack E. Teeters, Ronald Wagner, Vincent E. Whelan, and George Yamasaki, Jr.



Class of 1964

The 1964 Class Reunion was held at the home of John and Barbara McBride in Palo Alto. Over seventy persons were in attendance to exchange stories and share experiences accumulated in the ten years following graduation from Law School. Informal (and brief) remarks by Dick Farman and faculty guests Gerald Gunther and Jack Friedenthal followed a superb dinner, especially catered for the occasion under the auspices of Fred and Barbara Fields. The departure time of the last guests to leave was not disclosed.

Dick Farman

Reunion Chairman

Class of 1969

Considering how far-flung our Class members are at this time, we had quite a good turnout—about thirty members. The “official” functions of our Class consisted of an informal outdoor beer party at Rosotti’s on Saturday afternoon, followed by a banquet at L’Omelette.

Professor and Mrs. John Kaplan were our guests at the banquet. Professor Kaplan was his usual entertaining self, reminiscing about our class and certain of its members, remarking that George Brown, the “class Maoist” was the only person to wear a vest to the banquet; and remarking that certain female members of the Class had become so much more glamorous as to be almost unrecognizable.

Vying for the long distance award were Tom Healy (Rochester, New York), who arrived unannounced with Marty O’Connell; Chuck Murphy and Alex Bryner (Anchorage, Alaska); and Bernie Bays (Honolulu, Hawaii). Bays wangled a free trip by acting as a legal courier. Murphy, a sole practitioner in Reno, Nevada, related how he had hired an associate who

failed to pass the bar but with Murph’s soft heart, was kept on as a clerk. Luis Nogales was spotted on campus with the Board of Visitors, of which he is a member, and related his experiences traveling through Russia and China as a White House Fellow. Rick Mallory told the tale of his marriage to Gail Farrell, a glamorous “Lawrence Welk girl.” The wedding was done in true Hollywood style and videotaped. Bucky Newell and his wife, Judy, also came up from the Los Angeles area; Bucky is now working in the U.S. Attorney’s office and weathers a commute each day of well over one hour each way.



Thos Hawley came up from Monterey, where Thos is in private practice. Relating their various experiences in starting and maintaining law practices with one or more compatriots in the Bay Area were Glen Schofield (accompanied by his wife, Sue), Ron Romines, Ken Kayes, Gerry Wright, Chuck Kuntz, and Ralph Jacobson. Bob Stern (working in Sacramento as counsel to the elections division of Secretary of State’s office), Bob Charrow (teaching law on the Peninsula, and Dick Herzog (San Mateo County District Attorney’s office) were among those in attendance at Rosotti’s on Saturday afternoon. Bill Hoffman related that he was working in San Francisco in a three-man firm following a brief stint in Washington, D.C.; and Greg Wilhelm insisted that his job with National Bank Americard Legal Department in San Francisco did not entail sending out dunning letters. Dave and Marilee Clark are enjoying their return to Stanford where Dave is currently assistant director of studies in law and development at the Law School. Marilyn Norek is working in the Palo Alto City Attorney’s office. Leroy Miller, who came in from Phoenix, and yours truly from Minneapolis, shared middle distance honors for attendance at the Reunion.

We were graced with beautiful weather during the weekend, and I think everyone had a good time. In addition to attending some classes at the Law School, nostalgic visits were made to places like “The Goose” and the “O.” The new Law School building appears to be taking shape under the watchful eye of Dean Ehrlich.

Harry C. Piper III

Faculty News

Professor **Anthony Amsterdam** has published the third edition of his *Trial Manual for the Defense of Criminal Cases*. While collaborating with Professor Donald Lunde of the Stanford Medical School in the development of a new clinical seminar concerned with the problems of the mentally disordered criminal defendant, Mr. Amsterdam has continued his involvement in numerous civil rights litigations dealing with capital punishment, prisoners' rights, police practices, racial discrimination in education and employment, and other subjects.

In the July 15 issue of *Time*, Mr. Amsterdam was named one of "200 Faces for the Future," *Time's* own portfolio of rising young American leaders.

On December 16 Professor Amsterdam received the first Earl Warren Civil Liberties Award from the American Civil Liberties Union of Northern California for his outstanding contributions to civil liberties. In January, he delivered the Oliver Wendell Holmes Devise Lectures at the University of Minnesota Law School. His topic was "Perspectives on the Fourth Amendment." The lectures were published in the January issue of the *Minnesota Law Review*.

Associate Professor **Barbara Allen Babcock's** new book, *Sex Discrimination and the Law: Causes and Remedies*, will be available in the next few months, in time for use in second semester courses in Women and the Law. The 2,500-page text, co-authored by Ann E. Freedman, Eleanor Holmes Norton, and Susan C. Ross, offers an innovative approach to the study of Women and the Law. In addition to cases and other legal materials, the volume contains extensive notes, material written by students in Women and the Law courses at many schools, magazine articles, plus material on economics, sociology, and feminist history to provide background for the cases. Ms. Babcock thinks the text can be used in both law school courses in Women and the Law and undergraduate courses in women's studies. It is also a comprehensive reference for practitioners. She hopes that with its publication more schools will include courses on Women and the Law in their curricula.

On March 30, Professor Babcock gave the keynote address to 800 women attending the Fifth Annual Women and the Law Conference in Austin, Texas.

On May 11, she spoke to the Criminal Practice Institute in the District of Columbia on the duty of

the private bar to aid in the representation of criminal cases.

Associate Professor **John H. Barton** has received a Ford Foundation grant from Stanford University to complete his book on the general theory of arms control, examining which domestic and international political situations lead to the preservation of peace.

Associate Professor **Paul A. Brest** was a commentator at a Conference on Equality and Discrimination at the University of Chicago on May 3 and 4. The conference is co-sponsored by the University of Chicago and the Anti-Defamation League of B'nai B'rith.

Assistant Professor **Richard Danzig** has been elected to the Harvard Society of Fellows as an Intermediate Fellow for the academic year 1975-76. While at Harvard, Professor Danzig plans to continue a study of decision-making in the Supreme Court.

Professor Danzig is writing an article on the Flag Salute Cases of 1940 and 1943, two Supreme Court decisions that first held that school children could be compelled to salute the flag and then held the reverse. Using extant manuscript sources, he hopes to illuminate the process by which the Justices first made up their minds and then changed them. The project has received support from the American Bar Foundation, research affiliate of the American Bar Association. Last summer the Foundation awarded Professor Danzig a fellowship in legal history to aid him in researching and writing his recently completed article, "*Hadley v. Baxendale*: A Case Study in Legal Change."

Professor Danzig continues to be an active consultant for the Police Foundation in Washington, D.C. In April he gave a paper on Innovation in Police Departments at the American Political Science Association Western Regional Meeting.

Dean **Thomas Ehrlich** published *Cyprus 1958-1967: International Crisis and the Role of Law* (Oxford University Press) in March. The volume, written under the auspices of the American Society of International Law, is one of a series that examines the role of international law in government decision-making during some of the political crises of recent years.

Professor **Jack H. Friedenthal** published the second edition of his casebook, *Civil Procedure*, in May. Mr. Friedenthal has been elected a member of the Steering Committee of the Senate of the Academic Council.

Professor **Lawrence M. Friedman's** book, *A History of American Law* (Simon and Schuster, 1973), was chosen by SCRIBES, The American Society of Writers on Legal Subjects, as "the best book on or about law" published in 1973. Mr. Friedman's book was also nominated this year for a National Book Award in history. In the April 6, 1974, issue of *Nation* Professor Friedman published an article entitled "Society and Its Enemies: The Tolerance Level for Crime."

Professor **William B. Gould** is currently completing a book on racial discrimination in labor relations. He is also involved in a \$50 million class action suit against trucking companies and the Teamsters for "willful and wanton disregard of the requirements of civil rights legislation." The suit, brought on behalf of eight minority truck drivers, charges the defendants have engaged in discriminatory hiring practices. Last October Professor Gould won an unprecedented \$4 million in damages against Detroit Edison and \$250,000 against local 223 of the Utility Workers of America in another employment discrimination case which is now on appeal.

Associate Professor **Thomas Grey** was selected to receive a summer stipend from the National Endowment for the Humanities to facilitate his research on a forthcoming article, "The Natural Rights Tradition in Constitutional Law."

Gerald Gunther, William Nelson Cromwell Professor of Law, has been speaking to a variety of on-campus and off-campus audiences on the constitutional problems of Watergate and the impeachment process, in addition to pursuing his work on his historical projects and his annual casebook supplement. He has recently been appointed to a special nine-member committee established by the Los Angeles County Bar Association to study the legal issues in the impeachment process. The committee's findings will be made available to the Association and the public.

Associate Dean **J. Keith Mann**, along with Professor Jack Friedenthal, was a member of the Floor Management Committee on the "Statement on Academic Freedom" for the Stanford faculty. It passed the Senate without dissent.

John Henry Merryman, Nelson Bowman Sweitzer and Marie B. Sweitzer Professor of Law, continues to direct SLADE, a major multi-national comparative law and development research project in Chile, Costa Rica, Peru, Mexico, Italy, and Spain. In September Professor Merryman will present a paper entitled "Comparative Law As Explanation" at the International Congress of Comparative Law in Tehran, Iran. The paper will be published in the volume of U.S. Reports for that Congress.

With Professor Albert E. Elsen of the Stanford Art Department, Professor Merryman offered a course in Art and the Law during the spring term. The teaching material used in the course will be published in a book in 1975. Professor Merryman is also editing a volume entitled *Stanford Legal Essays*, which will contain essays written by the Stanford Law School faculty and will be published in 1975 to commemorate the opening of the new Law School.

Charles J. Meyers, Charles A. Beardsley Professor of Law, was chosen President-Elect of the Association of American Law Schools for the 1974-75 term. He will assume the presidency for the 1975-76 term.

On November 11 and 12 Professor Meyers will deliver the Addison C. Harriss Lectures at Indiana Law School. He will discuss the antecedents of the environmental movement and its prospects for the future.

Professor **Robert L. Rabin** has been studying the impact of reform movements on the legal system. His current project involves an assessment of the role of public interest lawyers in effecting changes in the legal system. He is also engaged in a study of the Veterans Administration claims system. At the same time, he continues to work on his course materials for Administrative Law. Professor Rabin also retains his consulting relationship with the Ford Foundation, evaluating various law-related projects funded by that organization.

Professor **Byron D. Sher** was elected mayor of Palo Alto in July by his colleagues on the City Council. He devoted the summer months to researching Consumer Protection activities of governmental agencies at the county and municipal level. In April Professor Sher gave a speech at the annual meeting of the Peninsula Funeral Society, entitled "Funeral Costs, Funeral Societies and the Law."

Associate Professor **Michael Wald** has been awarded a Mellon Foundation grant to work on a study of the juvenile justice system, part of a 24-volume study sponsored by the American Bar Association's Project on Juvenile Justice Standards.

Professor Li Named to Endowed Chair

Victor Li, one of the leading scholars of Chinese law in the Western world, was named the first recipient of a newly endowed chair in international legal studies at a meeting of the Board of Trustees on June 14.

The professorship is named for Lewis Talbot and Nadine Hearn Shelton. It was established in 1972 with gifts from Talbot Shelton, first vice president of Smith, Barney & Co., Inc., New York investment bankers, in honor of his parents, and by funds from the Ford foundation to support international studies.

A key faculty member in building Stanford's position among a handful of major universities studying the society and government of contemporary China, Professor Li is chairman of the Masters Program and Academic Planning Subcommittee of the Center for East Asian Studies at Stanford. This fall he will become Director of the Center.

Professor Li also chairs the Steering Committee of the Bay Area China Education Project (BAYCEP), a project funded by the National Endowment for the Humanities and by the National Committee on United States-China Relations to develop models by which the study of China could be appropriately introduced into the secondary school curriculum.

A graduate of Columbia (B.A., 1961; J.D., 1964) and Harvard (LL.M., 1965; S.J.D., 1971), Professor Li joined the Stanford faculty in 1972. He has written extensively about China; his most recent work, *Law and Politics in Chinese Foreign Trade*, will soon be published by the University of Washington Press.

New Faculty Member Appointed

Martin R. Glick joined the Stanford Law School faculty as an associate professor on July 1, 1974. Mr. Glick received a B.A. (1961) and a J.D. (1964) from Ohio State University. Since graduation from law school Mr. Glick has worked full time in litigation, first with the Civil Rights Division of the United States Department of Justice in Washington, D.C., and then with California Rural Legal Assistance, of which he has been Executive Director since 1971. He is a member of the Ohio and California bars.

At Stanford Mr. Glick will teach primarily clinical courses and seminars, which will offer students intensive training in basic civil litigation skills.

Visiting Faculty for 1974-75

The following visiting faculty members will be teaching at the School during the 1974-75 academic year.

Autumn and Spring Terms:

E. Clinton Bamberger, Jr., received a B.S. (1949) from Loyola College and a J.D. (1951) from Georgetown University. He served as law clerk to the Honorable Charles Markell of the Maryland Court of Appeals from 1951 to 1952. From 1952 until 1960 he was an associate attorney with Piper and Marbury, and was on leave from the firm during 1958-59, when he served as Assistant Attorney General of Maryland. He became a partner in Piper and Marbury in 1960. In 1965-66 he was the first National Director of the Legal Services Program of the office of Economic Opportunity, and was President of the National Legal Aid and Defender Association from 1971 until 1973. He is presently serving as Vice-Chairman of the ABA's Sec-

tion on Legal Education and Admissions to the Bar. Mr. Bamberger has been Dean of the Columbus School of Law, Catholic University of America, since 1969.

His courses at Stanford will include Civil Procedure I and II and a seminar in Professional Responsibility, which will consider the provision of legal services in civil matters.

N. William Hines of the University of Iowa received an A.B. (1958) from Baker University and an LL.B. (1961) from the University of Kansas, where he was notes and comments editor of the *Kansas Law Review*. He served as law clerk to the Honorable Walter A. Huxman, United States Court of Appeals, Tenth Circuit, from 1960 to 1961. He was both a graduate fellow and a teaching fellow at Harvard from 1961 to 1962. Professor Hines has been a member of the law faculty of the University of Iowa since 1962. He was named to the Iowa Foundation Professorship in 1973. In recent years he has served as a consultant to the National Water Commission and to the Administrative Conference of the United States.

At Stanford Professor Hines will be teaching in the fields of Estate Planning and Property.

Autumn Term:

David L. Ratner of Cornell Law School received an A.B. (1952) and an LL.B. (1955) from Harvard, where he was article editor of the *Harvard Law Review*. He was an attorney with the New York firm of Sullivan and Cromwell from 1955 until 1964, when he joined the Cornell Law faculty as an associate professor. He became a professor in 1968. From 1966 through 1968 he served as executive assistant to the chairman of the Securities and Exchange Commission in Washington, D.C.; and as chief counsel for the Securities Industry Study of the Senate Banking Committee from 1971 to 1972.

Professor Ratner's course offerings at Stanford will be Business Associations I and Current Problems in the Securities Markets.



Martin R. Glick



E. Clinton Bamberger, Jr.



N. William Hines



David L. Ratner

Spring Term:

Simon H. Rifkind, Herman Phleger Visiting Professor of Law, received a B.S. (1922) from City College in New York; an LL.B. (1925) from Columbia; a Litt. D. (1950) from Jewish Theological Seminary; and an LL.D. (1962) from Hofstra College. He was legislative secretary to United States Senator Robert F. Wagner from 1927 to 1933, and a partner in the New York firm of Wagner, Quillinan & Rifkind from 1930 to 1941. He served as federal judge of the Southern District of New York from 1941 to 1950. From 1957 to 1961 he was a member of the Chicago firm of Stevenson, Rifkind & Wirtz. In 1961 he was appointed by the United States Supreme Court as Special Master in *Arizona v. California*, the Colorado River case. He was a member of the State Commission on Governmental Operations for the City of New York from 1959 to 1961; chairman of the Presidential Railroad Commission from 1961 to 1962; a member of the mayor's mediation panel for the New York City teachers strike in 1963; a member of the Board of Higher Education for the City of New York from 1954 to 1966; and co-chairman of the President's Commission on the Patent System from 1966 to 1967. Since 1950, Mr. Rifkind has been a partner in the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison.

While at the School Mr. Rifkind will be involved in several activities: teaching a seminar on the trial of a law suit; lecturing on various aspects of evidence, procedure, and professional responsibility; and meeting informally with students and faculty.

James F. Short, Visiting Professor of Sociology and Law, received a B.A. (1947) from Denison University and an M.A. (1949) and a Ph.D. (1951) from the University of Chicago. He joined the faculty of Washington State University as an instructor of sociology in 1951. He was Director of the Sociological Research Laboratory at Washington State University from 1962 until 1964, when he became Dean of the Graduate School at the University. In 1968-69 he was co-director of research for the National Commission

on the Causes and Prevention of Violence. From 1969 to 1970 he was a fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford. Since 1970 he has been Director of the Social Research Center at Washington State University. Professor Short is currently editor of the *American Sociological Review*. He has also been a visiting professor at the University of Chicago, the University of Hawaii, and at Hartwick College in Oneonta, New York.

Professor Short will offer a course entitled "Sociological Perspectives on Crime and Delinquency" and a research seminar, which will consider the sociology of law, crime, and delinquency.

Susan I. Spivak received an A.B. (1966) from Brown University and a J.D. (1969) from the University of Pennsylvania, where she was articles and projects editor of the *University of Pennsylvania Law Review*. From 1969 to 1972 she was an associate with Paul, Weiss, Rifkind, Wharton & Garrison in New York City. Since 1972 she has been an assistant professor of law at Arizona State University.

Ms. Spivak will teach Taxation I and Business Planning.

Visiting Senior Research Associate

Boris I. Bittker, Sterling Professor of Law at Yale, received a B.A. (1938) from Cornell and an LL.B. (1941) from Yale. He served as law clerk to the Honorable Jerome N. Frank, United States Court of Appeals, Second Circuit, from 1941 to 1942. He was an attorney for the Lend-Lease Administration from 1943 to 1944, and an attorney for Alien Property Custodian from 1945 to 1946. In 1946 he joined the Yale Law faculty and has written extensively in the tax field. In 1951 and again in 1955 Professor Bittker taught summer courses at Stanford Law School. In 1960 he spent the summer at the School doing research with the Stanford International Legal Studies Program.

While on research leave at Stanford this spring, Professor Bittker will offer a course in Corporate Taxation.



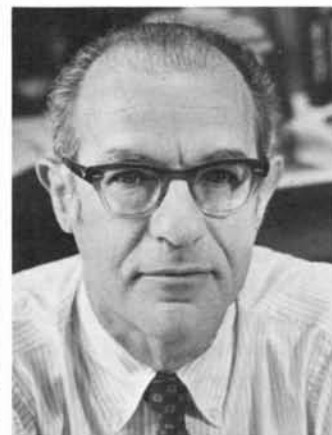
Simon H. Rifkind



James F. Short



Susan I. Spivak



Boris I. Bittker

SCHOOL NEWS

Scholarship Fund Established To Honor Alumnus

The Directors of Fleet Foundation have announced the establishment of a scholarship at the Law School in honor of Walter Ames '21, a long time Director and President of the Foundation. A \$1,500 scholarship will be awarded annually, commencing with the 1974-75 academic year, to a student selected by the School's scholarship committee.

Mr. Ames is a senior partner in the San Diego firm of Gray, Cary, Ames & Frye. He is a member and past president (1932) of the San Diego Bar Association, a member of the American Bar Association, and president of the Putnam Foundation.

China Conference

"China's Changing Role in the World Economy" was the subject of a two-day conference held at the Law School on April 19 and 20. The conference was sponsored by the *Stanford Journal of International Studies*, in conjunction with the Institute for East-West Studies at Stanford and the Northern California World Affairs Council. Eight papers were presented and discussed in three working sessions. They covered three general areas: China's domestic economic development, trade with the West, and China's role in the Far East. Following the working sessions, the conference was opened to the public for a final session.

Participants from the Law School included Professor Victor H. Li, who presented a paper; Associate Professor John H. Barton, who served as commentator on one of the papers; and *Journal* editors, who participated in all sessions of the conference and acted as moderators in the public session. Robert Naon '74 chaired the conference and Bryant Garth '75 was the primary planner.

The papers will be published by Praeger Press as a special issue of the *Stanford Journal of International Studies* and, simultaneously, as a volume in the Praeger Special Studies series.

The *Journal* expects to sponsor future conferences, and under the terms of the agreement with Praeger they, too, will be published in the Special Studies series.



Moot Court Final Competition Held

Tom Lallas '75 argues his case before Justices Goodwin, Clark, and Byrne.

The Twenty-second Annual Marion Rice Kirkwood Moot Court Competition was held on April 6. First prize went to Tom Lallas '75 for Best Oral Advocate and Best Brief. The other finalists were Robert Percival '76, who took second place honors; David Kimport '75, and Becky Love '76.

This year's hypothetical case, *Masculo v. Generous*, was brought under Title VII of the Civil Rights Act and the due process clause of the Fourteenth Amendment. It involved lower pension rights for women and denial of advanced training to a pregnant employee and her subsequent loss of pension seniority.

The case was argued before a distinguished panel of judges, which included the Honorable Tom C. Clark, Associate Justice, United States Supreme Court (Retired); the Honorable Alfred T. Goodwin, United States Court of Appeals, Ninth Circuit; and the Honorable Matthew Byrne, United States District Court, Central District of California.

Following the competition, participants attended the Moot Court Banquet, where Mr. Lallas was presented the Walter J. Cummings Award of \$300 for first place, and Mr. Percival was awarded \$175 from the Stanford Law Society of Northern California and Nevada for second place. Mr. Kimport and Ms. Love each received \$75.



Law Fund Council Announces New Chairmen

*Paul Ulrich and
Charles Purnell*

Charles R. Purnell '49 and Paul G. Ulrich '64 will assume major volunteer responsibilities for the School's fund-raising efforts, effective September 1, 1974, start of the new Fund year.

Mr. Purnell will head a national organization of alumni volunteers whose primary objectives will be to encourage more alumni to become Benjamin Harrison Fellows (donors of \$2,500 or more) and Nathan Abbott Fellows (donors of \$1,000 or more). Mr. Purnell is a partner in the San Francisco firm of Pillsbury, Madison & Sutro.

Mr. Ulrich will be responsible for organizing alumni fund-raising efforts nationwide at all other levels of giving. He is a partner in the firm of Lewis and Roca in Phoenix.

Professor Warren Wins First Hurlbut Award

Professor William Warren



William D. Warren, William B. and Luna M. Scott Professor of Law, was chosen by members of the third-year class to receive the first John Bingham Hurlbut Award for Excellence in Teaching. Named in honor of John Bingham Hurlbut, Jackson Eli Reynolds Professor of Law Emeritus, who taught at the School from 1937 until 1971, the award is intended to give special recognition to those faculty members who strive, as Professor Hurlbut did, to make teaching an art.

Professor Warren was selected from among five professors who were nominated by a committee comprising the President of the Law Association, the President of the *Law Review*, and the Editor-in-Chief of the *Law School Journal*.

In announcing Professor Warren's selection, Bryant Young, president of the Law Association, said, "Certainly Professor Warren has demonstrated the dedication and concern for quality classroom teaching that we seek to encourage and commend with this award. In singling out one professor each year for this special recognition, however, we are in no way criticizing the rest of the faculty. There are many, many excellent teachers in the Law School worthy of the award." Under the rules governing the administration of the award, no professor may receive the award twice within a three-year period.

Professor Warren, who specializes in Commercial Law, joined the Stanford Law faculty in 1972, after thirteen years as a professor at UCLA Law School.

Law School Honors and Prizes: 1974

At the School's eighty-first commencement exercises on June 16 Dean Thomas Ehrlich announced the following honors and prizes for the 1973-74 academic year.

Prizes

The *Nathan Abbott Prize*, for the highest cumulative grade point average in the class: **Gordon Kirby Davidson**.

The *Urban A. Sontheimer Third-Year Honor*, for the second highest cumulative grade point average in the class: **Alan Karl Austin**.

The *Lawrence S. Fletcher Alumni Association Prize*, for the students who have made outstanding contributions to the life of the Law School: **Craig Winfield Johnson** and **Bryant Llewellyn Young**.

The *Carl Mason Franklin Prize in International Law*, for the students who present the most outstanding papers in International Law: **Frances A. Armstrong** and **Charles D. Siegal**.

The *Frank Baker Belcher Evidence Award*, for the student who has performed the best academic work in Evidence: **Gordon Kirby Davidson**.

Honors

Order of the Coif

Third-year students ranking at the top of the class academically and deemed worthy of the distinction are elected to membership in the Order of the Coif, the national law school honor society for the encouragement of scholarship and advancement of ethical standards in the legal profession. The Stanford chapter of the Order was established in 1912 and has 404 members.

The following students were elected to the Order of the Coif for 1973-74: **Alan Karl Austin**, **Robert Alan Bush**, **Gordon Kirby Davidson**, **Michael Quinn Eagan**, **William Edward Holland**, and **Jeffrey Mark Oderman**.

Stanford To Host 1975 Women's Conference

Stanford has been chosen as the site for the Sixth Annual Conference on Women and the Law. Scheduled for March 1975, the conference will focus on the law's effect on women in society and on the changing status of women in the legal profession. More than one thousand women attorneys, law professors, law students, and legal workers from across the country are expected to attend the three days of speeches, workshops, and seminars, which will cover all aspects of legal practice.



Atty. Michael Gilfix advises client.

Stanford Lawyers Offer Free Legal Services to Senior Citizens

Palo Alto attorney Michael Gilfix '73 and three first-year students have established a free legal aid office for senior citizens in downtown Palo Alto—the first of its kind in the area. The office is part of a senior citizens service center provided by the City of Palo Alto.

In operation since November, the service has helped to solve a variety of problems from consumer fraud to divorce cases, but is primarily designed to provide information and referral. If a client needs a lawyer and the case is either fee generating or excessively time consuming, he or she is referred to the Lawyers Referral Service or, when possible, to the county legal aid office. If a senior citizen is confused about an insurance, tax, or Social Security problem, he or she can often find a solution right at the office.

Mr. Gilfix notes that the office has had so many requests for help with wills that they have appealed to the Palo Alto Bar Association for assistance. They are trying to get the Bar Association to establish a special wills panel composed of volunteer lawyers who would draw up wills for their clients for a nominal fee.

In the few months that the office has been in operation, Mr. Gilfix and his colleagues have discovered that many senior citizens are either embarrassed or afraid to seek legal help. Among the reasons they cited for these feelings were the belief among older people that they cannot afford lawyers' fees while living on a fixed income, the sense that nobody cares about their problems, and a sense of pride that inhibits them in asking for help.

Keith Baldwin of Seattle, one of the students who volunteers his time at the office, describes the program as "primarily an effort to help out a group of neglected people who know of nowhere else to turn." Other students involved in the program are Jonathan Ginsburg of Washington, D.C. and Jim Henderson of Novato.

At present the office is operating without funding, but according to Mr. Gilfix, "There has been growing interest on the part of Stanford Law students and the local bar association, so hopefully, the future will include an expansion of services."

People v. Farrell

"A laughing jury will probably not convict," noted the Honorable William Lanam (Judge of the Superior Court, San Mateo County) as laughter escaped the jury room. Steven R. Farrell was not convicted.

Sergeants at Law held a mock trial on April 24 and 25, allowing students an opportunity to develop their courtroom skills. The case, *People v. Farrell*, was a prosecution for rape. It was chosen to highlight existing social concern with inequities in the rape laws. The entire case was presented on both days to enable a greater number of students to participate. Judge Lanam presided on April 24; Judge Lawrence Terry of the Municipal Court of Santa Clara County presided on April 25.

Prior to the trial participants attended a seminar conducted by Professor Barbara Babcock, which outlined tactics and problems in trying a rape case. Participants were also given the opportunity to prepare for the trial by videotaping practice sessions with the witnesses.

Primary planners for the trial were Michael Duncheon '75 and Larry Hutt '75.



Mim Miller '74, attorney for the State, examines the prosecutrix.

Law Societies

Arizona

Sam P. Applewhite III '52, President
Dean and Mrs. Ehrlich joined members for cocktails on April 18.

Colorado

Janet MacFarlane '63, President
At the invitation of Janet MacFarlane, members attended a cocktail party and buffet on April 19. Dean Thomas Ehrlich was the guest of honor.

Greater East Bay

Richard C. Stanton '51, President
At the Society's 1974 annual meeting on April 25, Professor William Baxter spoke on "Government Intervention in Energy Markets."

Nevada

Samuel W. Belford II '62, President
Bryant Young '74, president of the Stanford Law Association and a native of Lovelock, Nevada, showed the film, "Stanford Lawyer," at a dinner meeting on May 3.

New York

Dale L. Matschullat '70, President
Former Dean of Stanford Law School Bayless Manning met informally with Society members on April 10. Mr. Manning is president of the Council on Foreign Relations of New York City.

Northern California and Nevada

Hon. Robert F. Peckham '45,
President

On March 14 members attended the Society's first Basic Issues Seminar, which was led by Professor Charles Meyers and focused on "The Private Development of Land and Government Controls." The second Basic Issues Seminar was held on May 29. Professor William Baxter discussed "What's Ahead for Business Practice and Business Litigation."

Orange County

Peter C. Bradford '60, President
The Law School film, "Stanford Lawyer," was shown at the spring meeting of the Society on May 15. Dean Ehrlich was on hand to report on activities at the School and to discuss the new School.

Oregon

David P. Miller '67, President
Professor Howard Williams was the guest speaker at a dinner meeting on May 9. A leading authority in the field of oil and gas, Mr. Williams discussed "Energy."

Peninsula

Marvin S. Siegel '61, President
"The Energy Crisis and International Law" was the topic of a speech delivered by Dean Thomas Ehrlich to members at the May 30 luncheon meeting.

Santa Clara

John F. Foley '56, President
Professor Moffatt Hancock gave his informative and highly entertaining talk on the Duchess of Kingston's trial for bigamy at a March 29 luncheon.

Southern California

John W. Armagost '56, President
"In the Matter of the Stanford Law School 1974; Direct and Cross Examination of Associate Dean J. Keith Mann" was the topic for the March 26 gathering of the Society. Following cocktails and dinner, Dean Mann exchanged ideas about the School's curricula and other academic matters with members.

Superior California

William R. Mitchell '47, President
Professor John Kaplan spoke to the Society about "Non-Victim Crime" at a dinner meeting on May 2.

State of Washington

John L. Patterson '66, President
"Energy" was the topic of a luncheon meeting held on May 10. Professor Howard Williams led the discussion.

San Diego-Imperial

J. Sterling Hutcheson '56, President
At the June 18 meeting of the Society Professor Byron D. Sher presented a talk entitled "The Consumer Ombudsman: A New Approach to the Unconscionable Contact."

George Stephens Reflects on Year as Chairman

With his term as chairman of the Council of Stanford Law Societies coming to a close, George Stephens '62 observes:

If one participates in alumni activities, and particularly if he visits the Law School, two messages come across clearly: (1) the keen interest of the faculty and staff to have input from the Law School's alumni; and (2) the excellence and enthusiasm of the faculty, staff, and students of the Law School. This combination makes the time spent in alumni activities well worth the effort.

Mr. Stephens is a partner in the Los Angeles firm of Paul, Hastings, Janofsky & Walker, where he practices exclusively in the areas of probate and trust law and estate planning. In addition to his service to the Council of Stanford Law Societies, Mr. Stephens also devotes time to lawyer referral service work and is a member of the American Bar Association's Standing Committee on Lawyer Referral Services. Mr. Stephens lives with his wife, Gretel, and their two sons, Thad and Ned, in South Pasadena.

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November 8 and 9, 1974

All Stanford Law alumni and friends are invited to attend a special two-part seminar on **The Public Responsibility of the Lawyer — Civil and Criminal Practice**. Judges, practitioners, and Law School faculty will lead the discussions. Further information will be available soon. Make plans now to attend.