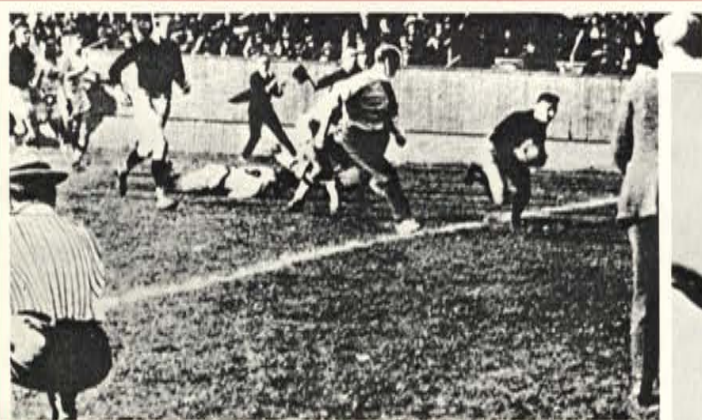


# Stanford Lawyer

Winter 1975



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## Dean's Page

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All of us are shaped in our professional lives by the minds and personalities of those with whom we have worked. The most fortunate of us have had the opportunity to work at close range with one or even more great figures of the law.

Of all our great teachers none had a more profound impact on Stanford lawyers than Marion Rice Kirkwood. I have long been well aware, of course, of Dean Kirkwood's role in building the Stanford Law School. Over the extraordinary course of his deanship, he built a fine school into a great one. In the course of the more than two decades of his tenure, he faced extraordinary hurdles and many disappointments. But he persevered and he prevailed. That much I knew. What I had not realized until recently was the remarkable imprint of the man on his students. This fall, we gathered a collection of more than 300 letters from Dean Kirkwood's former students in a volume for him. An article in this issue provides excerpts from some of those letters. Only the full volume, however, can give a real sense of this unique individual.

A great man for whom I was fortunate to clerk, Judge Learned Hand, wrote about another great legal scholar and teacher in words that apply to Dean Kirkwood: What a remarkable experience to "have felt the impact of the apparently effortless self possession which, though it never imposed itself, always won. For, while this Socrates of ours never coerced our assent, like his prototype he did not let us alone until we had peered into the corners of our minds, and had in some measure discovered the litter that it contained. Such revelation was indeed often painful—is painful still—but out of it came a gratitude which has endured. . . ." His were the qualities of "skepticism, tolerance, discrimination, urbanity, some—but not too much—reserve toward change, insistence upon proportion, and, above all, humility before the vast unknown." Those words were written about another, but they apply to Marion Rice Kirkwood, as his students will attest.

The most essential task of the School over the years ahead is to maintain the standards of excellence in teaching and scholarship that Dean Kirkwood demanded and obtained. We have been fortunate beyond measure in the quality of the faculty that we have attracted to the School, and I have every reason to believe that we will continue to do so. But the severe financial pressures on the entire University make alumni financial support for the School even more important than in the past.

As you have no doubt read, the University expects to cut its budget by some ten million dollars annually over the next three years. This will require the various academic units of the University, including the Law School, to reduce expenditures or increase income by a total of about 17 percent. We must, therefore, do much more than the tough, belt-tightening steps that we have taken over the past five years. At the same time, the costs of every item in our budget are mounting. To take just one example, the average price of law books for our library has more than doubled in the last two years. We will meet this challenge, as Dean Kirkwood and others met challenges in the past.

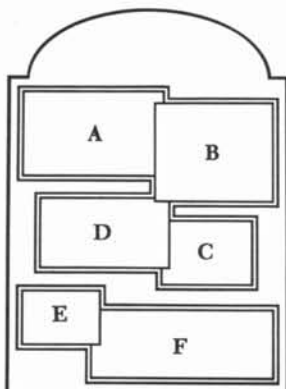
If the strength of the School is most importantly in its faculty, it is one mark of that faculty's excellence that other institutions seek to lure its members away for key positions. Sam Thurman left us to become Dean at Utah Law School and more recently Joe Sneed left to become Dean of Duke Law School (and later Deputy Attorney General and currently Judge on the Ninth Circuit Court of Appeals).

Sadly for Stanford, this year another of our great law professors, William Warren, was lured away to become Dean of UCLA Law School. Professor Warren came here three years ago from UCLA and quickly established himself as one of the School's great teachers and scholars. We shall miss him more than I can say.

As most alumni know, we will move into our new buildings this June. We expect to hold Commencement there for the Class of 1975—an appropriate opening event for Crown Quadrangle. On Friday and Saturday, September 26-27, 1975, we plan a Celebration for all alumni and friends of the School to see the new buildings. Students and faculty—old and new—will be there to greet you.

We hope you will soon come to view the new buildings with pride as representing your School. A perfect way to begin the process is to come to the Celebration. Please mark the dates on your calendar: *September 26-27.*

We look forward to the Celebration Year with great expectations.



Cover: Stanford law alumni who excelled in athletics as undergraduates are featured in a photo essay that begins on page 18. Shown on the cover:

#### A

Frank Walker '18 scores in a brilliant game against the Barbarian Club in 1917, which Stanford won 31 to 6.

#### B

Robert "Bobby" Grayson '39, a star fullback from 1933-35, is one of nine Stanford players to be included in the National Football Hall of Fame.

#### C

John Hurlbut, Jr. '64 is congratulated by teammates after hitting the tie-breaking run which sent Stanford on to a 7 to 2 victory over Pepperdine.

#### D

Frank "Sandy" Tatum '50, one of Stanford's all-time best golfers, won the 1942 NCAA golf championship.

#### E

Ralph McElvenny '30 formed one of Stanford's finest doubles teams with Al Herrington (U.G. '28) to win the national collegiate championship in 1928.

#### F

Frederick Richman '28 won both the 100- and the 220-yard dash in the 1927 Big Meet with USC to help clinch a 75-56 victory for Stanford.

# Stanford Lawyer

Winter 1975

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# A Tribute to Marion Rice Kirkwood



No individual has contributed more to the life of Stanford Law School and the careers of its graduates than Marion Rice Kirkwood. Today, twenty-three years after his retirement from the faculty, the imprint of Dean Kirkwood is still everywhere evident at the School. His portrait, a gift from the Class of 1939, hangs in room 161J, the main lecture hall. The School's annual moot court competition, an endowed professorship, and an endowed library fund all honor his name.

Marion Rice Kirkwood brought to the study of law a scholastic vigor, a steadfast dedication to moral and intellectual excellence, and a devotion to his profession that quickly and lastingly set the educational standards for the students of his day and succeeding generations of Stanford lawyers. To the hundreds of alumni fortunate enough to have been his pupils, the contributions of Dean Kirkwood—to both their professional and their private lives—are beyond measure.

*As a way to pay special honor to Dean Kirkwood, more than three hundred of his former students and friends wrote letters of appreciation to him, and these letters were bound in a special volume. On December 18, Dean Thomas Ehrlich and Frederick I. Richman '28 presented the volume to Dean Kirkwood. He was deeply moved and most appreciative.*

*The volume expresses, as no single tribute could, the deep affection and high esteem of Stanford lawyers for Marion Kirkwood. Following are excerpts from some of the letters in the volume.*

"Stanford Law School owes much to you. Your great contribution as a teacher of law, and as Dean, stands out as unexcelled by any of its distinguished line of faculty members. No one ranks higher than you, Marion, in love, admiration and respect by all your former students and supporters of Stanford Law School."

Frank B. Belcher '14

"I am most happy to join your many loyal students to pay tribute and express our gratitude to you. Especially, am I grateful for the kindness and encouragement you gave me as a lone woman student in your class. For that, again I say thank you."

Altha Perry Curry '17

"You helped me to retire from the practice of law. It was the year after Jim Brenner died—1964. You and Mary were gracious by providing room and board for Lorna and me while I lectured to and did some work with the Office Practice Class. After Jim's death the life went out of the class and when I returned to the Kirkwood mansion, I announced that the University retirement rule was 65—that I was then 65—and I was through. When I returned to Pasadena, I realized that it was a

good idea all around and proceeded to retire from law practice. Lucky for my clients."  
Herbert L. Hahn '17

"One morning in April, 1917 the never late professor was not at the rostrum. It was tempting to walk out and "get even" for those fast dashes across the Quad to beat the 9:10 lock-out. All students were about to leave when you were noticed walking hurriedly towards the classroom, so we courteously resumed our seats. You then commenced your lecture as follows:

*I am late. I was with President Wilbur who informed us that the United States Ambassador to Germany has been recalled and that the German Ambassador to the United States has been requested to leave. The President of the United States admits that a condition of war now exists between the United States and Germany.*

Subsequent to that announcement, you immediately proceeded with your usual rapid style of lecture. Few of your students took notes that morning. They were in shock.

The next morning you were back on the rostrum on schedule and again started your lecture at 9:10 promptly, and I recall your opening statement was as follows:

*I was late yesterday and made an announcement the full impact of which I did not appreciate at the time. We will repeat yesterday's lecture today.*

You then repeated yesterday's lecture."

Clifton C. Cottrell '20

"You never laid down the law, in any sense of that phrase, but rather gave us the feeling that you were exploring the law with us, so that we might realize its fascinating horizons."

James A. Quinby '21

"I remember the day that you were late to class because a child was born to you. I can still hear the



ringing applause of the class when you appeared."

*George I. Devor '22*

"Your thoughtfulness and kindness in handling problems of students and in giving counsel and advice for future actions of young lawyers has always been, and remains a living example of the fact that throughout your career you have been a great humanitarian."

*Ernest W. McFarland '22*

"Some of my happiest memories are of my days at the Law School in the early twenties, and some of my happiest memories there are of your classes in Real Property and Equity."

*Homer I. Mitchell '23*

"You were the Dean of the Law School when I attended Stanford, and I have taken a keen interest in the Law School since my graduation, even though I did not become a lawyer. I have been most pleased with the excellent progress the Law School made during the long and important period you served as Dean, which had so much to do with the outstanding reputation it enjoys today."

*Frank W. Fuller, Jr. '24*

"As Dean I recall your great desire to have a new Law School and the endless time and efforts you expended to get it. Even though the construction of a new Law School building did not occur during the time that you were Dean, I know that it must be of great satisfaction to you to know that you started the ball rolling and we now have such a new building."

*Frank Lee Crist, Sr. '26*

"I consider Marion Rice Kirkwood the one professor at Stanford who, more than anyone else, contributed the most to my college and legal education . . . Your rigid demands of our preparation for your courses, as well as requirements on your examinations given to us, certainly paid off during the many years I have been a practicing attorney."

*Frederick I. Richman '28*

"You, with the professors you directed, did more to shape my life than any other educational exposure. As the proud owner of one of the chairs from the old law library, circa 1925, I am constantly aware of where I spent so many worthwhile hours."

*Richard E. Lang '29*

"I firmly believe that the three years spent under your Deanship had a more profound and beneficial effect on me than any other period of my life."

*Robert E. Paradise '29*



"I am thoroughly convinced that had it not been for you, the Law School would not be the very distinguished place that it is today. Every Stanford alumnus is in your debt, and that particularly applies to those like myself who attended the School when you were the Dean."

*Ben. C. Duniway '31*

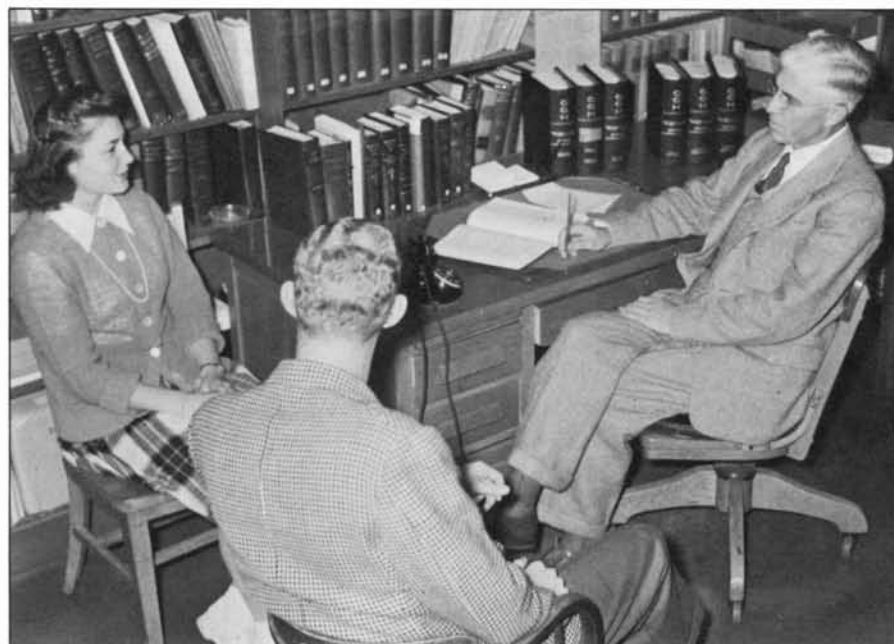
"The other day, I had occasion to run across a letter you had written to the law firm which first employed me. At \$100 a month, I was regarded as one of the luckiest men in the Class of 1933, and I now belatedly thank you."

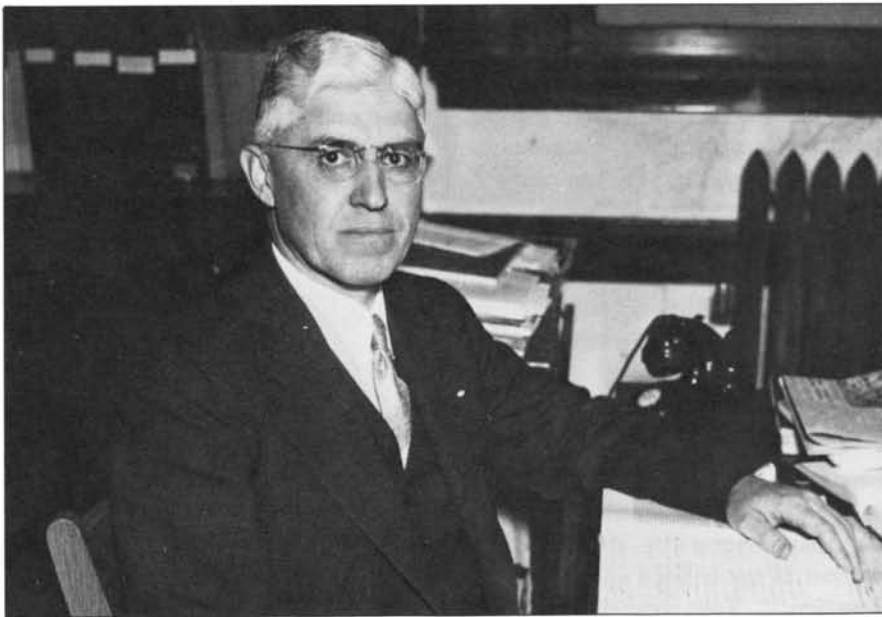
*Douglas C. Gregg '33*

"I tremendously admired my professors and particularly you. I think that your method and ideals were imprinted on all of us and am eternally grateful that I was one of those privileged to be your pupil."

*Nathan C. Finch '34*

"It is fitting that you have been able to participate in the growth





and development of the Law School which has continued to be in the forefront of teaching institutions. I trust that you will continue to enjoy the fruits of your labors and that the careers of your students will bear testimony to a job well done."

*Richard S. Goldsmith '36*

"I recall with much pleasure the evening in 1937 in your home in Palo Alto when you invited our class to dinner, preceded by a delicious wine. The occasion marked the conclusion of our three years at Stanford Law School. I have often thought how characteristic it was of you as our Dean, having led us through those learning years, personally to bid each of us good fortune in the years ahead."

*John Bennett King '37*

"There is indelibly imprinted on our memory an exemplar of rigid personal integrity; of dignity; of the highest intellectual standards rigorously pursued, and impartially applied; of academic excellence; of a quiet approach bordering on understatement; in short, of *quality* both in the substance and the presentation of the law."

*Frank K. Richardson '38*

"During my 60 years two men have had the greatest influence for good in my life. You are one of these, my own father being the other. Thinking back on my days as a student in your classroom and particularly as your colleague over a period of 20 years on the Stanford Law School faculty, there is no one whom I more admire."

*Samuel D. Thurman '39*

"I believe that my continued love of the practice and the recognition that the profession as a whole is composed of men of honor and integrity is a direct result of the principles which you inculcated into us as incoming freshmen and continued throughout our schooling."

*Samuel B. Gill '41*

"The most moving and dramatic thing that I remember out of my 58 years is just after Pearl Harbor was struck. Instead of classes, you called an assembly. Jim Barnum led us in a *hip hip hooray* yell for Stanford Law School, using his right arm with clenched fist in the ivy league way. You stood there, at the front, very straight, with a sad smile and some pretty big tears, but never batting an eye or flinching."

*Martin Polin '42*

"You taught me much more than the doctrine of ancient lights and easements by prescription and dominant and subordinate tenements and estoppel. You taught me the majesty of the great legal mind (such as Learned Hand and Cardozo) and you taught me the beautiful logic and dignity of the law—all of which has enriched my life so very much, and for all of which I humbly thank you."

*Lucille Forden Athearn '46*

"This enormous respect I have for you began that first day in Real Property when we met you for the first time. Most of us entered Law School with a burning desire to study the law, but we all harbored a few doubts as to whether or not we really belonged in the profession. When you finished that first lecture, the question was answered for me. I recall saying to myself—if that man is a part of the legal profession, then I won't rest until I'm a part of it, too."

*Colin M. Peters '47*

"This year I am teaching Community Property for the first time, and I have had occasion to reread some of your articles in that field. They are fresh, and good, and well worth the reading."

*Martha Yerkes Robinson '53*



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# Law Alumni Leadership Assembly 1974-1975

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On November 7-9 leaders of alumni groups met at the School for the Law Alumni Leadership Assembly. Among the participants were Law Society presidents; members of the Law Fund Council; Quad and Inner Quad volunteers of the Law Fund; and class correspondents for the *Stanford Lawyer*.

During the three days of meetings, participants met with Dean Thomas Ehrlich and members of the faculty and staff to discuss current and future activities at the School and to exchange views on legal education at Stanford. This year the Assembly included a special seminar on professional responsibility, a continuing education program for alumni sponsored by The Board of Visitors. A detailed report of the seminar begins on page 7.

The Assembly began on Thursday evening with dinner meetings of the Council of Stanford Law Societies and the Law Fund leadership. During the Council meeting, its members elected the Honorable Robert F. Peckham '45 president for the 1974-75 term. Plans were also made to establish a special committee, chaired by George Stephens '62, to work with Society presidents on Celebration-related activities for the new Law School. The Council hopes that many alumni will return to the campus to become acquainted with the new Law School buildings. In addition to Celebration plans, the

Council discussed a variety of new programs aimed at encouraging greater alumni participation within each Society.

At the Law Fund meeting, members of the Law Fund Council and Steering Committees reaffirmed the goal of \$500,000 for the 1974-75 Fund year. Richard D. DeLuce '55, president of the 1973-74 Fund, introduced the principal alumni leaders for this year's Fund. Charles R. Purnell '49 is the National Chairman of the newly formed Inner Quad Program, which is responsible for soliciting gifts over \$1,000 and for increasing the number of Benjamin Harrison Fellows (donors who give \$2,500 or more) and Nathan Abbott Fellows (donors who give between \$1,000 and \$2,499). Paul G. Ulrich '64, National Chairman of the Quad Program, has responsibilities for overseeing and coordinating personal solicitation of gifts under \$1,000 by Law Fund volunteers throughout the country, as well as the Fund's Mail Appeal Program, which addresses alumni not reached through personal solicitation. Mortimer Herzstein '50 is National Chairman of the Fund's Reunion Giving Program. Reunion giving embraces the nine reunion classes for the years 1925 through 1965. Last year, reunion classes were responsible for more than one third of all alumni gifts to the Fund.

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## Interdisciplinary Studies at the School

On Friday morning participants attended a general session on the role of the Law School within the University and the myriad ways the Law School draws on other parts



Lloyd Warble '73 and Professor Meyers



Jacques Nichols '61 and Albert Horn '51

of the University to enrich its curriculum. Dean Ehrlich opened the session on the theme that "great law schools exist only where there are great universities." He pointed out that Stanford University offers the Law School a wealth of resources that enables the School to develop innovative programs with law-related disciplines. The result is exciting legal education and legal scholarship. The session focused on three areas in which interdisciplinary programs have been developed at the School: environmental studies, government regulation of business, and psychology and the law.

## Environmental Studies Program

Professor Charles Meyers, architect of an experimental Environmental Studies Program which was introduced into the curriculum last year, explained that the Program





An earthy token of appreciation . . . Richard D. DeLuce '55, president of the 1973-74 Law Fund, presents Dean Ehrlich with an acrylic paperweight containing a clod of dirt from the site of the new Law School buildings, in recognition of the Dean's special contributions to the Law Fund.

was divided into three phases: a basic fall course in Environmental Law; an interdisciplinary spring seminar to design a research project; and a summer workshop using five to ten students to perform the research and write up the results for publication.

One hundred students were admitted into the Environmental Law course: 65 law students and 35 graduate students in economics, civil engineering, biology, and communications. A primary objective in making the Program interdisciplinary, Professor Meyers said, was to teach people from different disciplines each other's mode of thought, and to enable them to pool their specialized training in dealing with current problems. In this first phase of the Program, the class examined the legal framework for environmental protection through a study of the

Environmental Protection Act and a look at the anatomy of an environmental lawsuit.

From the fall course 21 students were selected for the spring seminar. The subject chosen for the seminar was Electricity Policy Issues. The seminar attempted to define the range of policy choices involved in providing electricity power. A number of experts, including economists, engineers, and energy specialists, addressed the seminar. The students submitted papers which explored alternative policy choices.

Over the summer, a selected group from the seminar worked with teaching fellow Lloyd Warble, a graduate of the Law School and currently a Ph.D. candidate in environmental engineering, reviewing the papers and molding them into a 450-page report entitled *Electricity Policy Choices: A California Case*

*Study*. Professor Meyers summarized the report, which was published in November. It does not suggest new legal or economic theories, but it does describe the whole context of decision-making involved in setting electricity policy and it does so in language everyone — Public Utility commissioners, students, and concerned citizens — can understand. "The students got a lot out of it; we hope the report will also be useful to those to whom it is addressed," Professor Meyers said.

The Environmental Studies Program was funded by a grant from the University Progress Fund and several Law School donors. Professor Meyers expressed the hope that support will be forthcoming for a similar program in the future.

### Government Regulation of Business

One interdisciplinary area that has recently received considerable attention at the School is legal economics. In an effort to understand the economic environment in which the law operates, the School has introduced into its curriculum courses which place considerable emphasis on economics.

Associate Professor Richard Markovits, who holds an LL.B. and a Ph.D. in economics, described how his courses in Antitrust and Microeconomic Policy Analysis use economics to analyze policy issues related to various fields of law, including antitrust law, tax law, tort law, environmental law, and land-use law.

In his Antitrust course, Professor Markovits said students analyze basic business practices and examine the legality of these practices under the antitrust laws. An important function of the course is to train students to collect the right data.

The Microeconomic Analysis course teaches students to analyze whether a particular policy will increase economic efficiency or improve resource allocation. Professor Markovits said that in his opinion a course of this nature is valuable to law students for several reasons. He believes that the course helps tomor-

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# Continuing Education Seminar

## November 1974

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row's lawyers to examine problems and to reach more practical and sophisticated solutions. Moreover, he thinks that the course's emphasis on deductive training complements other Law School courses, most of which are based on traditional inductive training.

Marilyn Norek '69 asked whether Professor Markovits thought the Law School could take an active role in helping present decision-makers gain greater sophistication in legal economics. Professor Markovits said he felt that lawyers should be strongly encouraged to return to law schools for training in legal economics. The audience was then asked if they would be interested in such instruction. A show of hands indicated that many would.

John Sobieski '30 commended Professor Markovits' course with the observation: "The job of the lawyer is to get the facts and work within the real world . . . You're striking at the fundamental."

### Psychology and Law

Professor David Rosenhan's course on Psychology and Law is the first established in the country. In describing his course to the Assembly, Professor Rosenhan noted that a great deal of time went into deciding what direction the course should take, whether it should be a research or an applied program.

At present the course focuses on the implications of psychological research and theory for law and legal process. Among the issues examined are stereotyping and arrest, witness reliability, reasonable doubt, insanity, group processes and their effect on juries. Professor Rosenhan noted that there are a great many legal problems with psychological overtones. Citing as an example the

problem of bankruptcy, he said that only 5% of the people who are in a position to claim bankruptcy actually do. He suggested that there are enormous psychological restrictions which prevent people from claiming bankruptcy.

Criminal law is a prime area where psychology can make important contributions, in examining, for example, such fundamental questions as whether the death sentence deters crime.

Members of the Assembly were asked if they could think of areas within their practice where psychology comes into play. Ben Parkinson '49 observed that trial lawyers find selecting juries and questioning witnesses two troublesome areas.

### Interdisciplinary Studies: The Students' View

Four students gave their reasons for choosing interdisciplinary approaches to law. **Bob Beach** '76 chose the JD/MBA program because he felt that training in both business and law would be valuable. His immediate goal after Law School is to enter corporate law practice. **Tad Lipsky** '76 is in the Law School's joint program with the Department of Economics. In addition to his JD degree, Tad will receive a PhD in economics. Tad said he thought that training in economics would increase his success as an advocate and would be valuable in counselling clients. **Richard Harris** '75 will graduate with a JD and a Master of Science in Mining Law and Geology. He will join a Nevada law firm in June. **Mary Cranston** '75 was attracted to law after she received a Master's degree in psychological counselling. After graduation, she will join the San Francisco firm of Pillsbury, Madison & Sutro.

"We will be addressing ourselves both today and tomorrow, and indeed henceforth, as will you all, to a single dilemma that cuts across lines of professional activity: The responsibilities of the legal profession as an instrument of a society in near revolutionary torment, a society in which none of our institutions is sacred and all of our institutions are, and ought to be, undergoing reexamination and reappraisal of the most searching and critical kind."

With these words Stuart Kadison '48 opened the special continuing education seminar for Stanford Law School alumni. The subject for discussion and debate: *The Public Responsibilities of the Lawyer*.

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### The Dilemmas of Civil Practice

What are lawyers' obligations in administrative proceedings to disclose information adverse to their clients—*The National Student Marketing Case*?<sup>9</sup> What are the professional responsibilities of lawyers performing non-professional functions, such as those relating to the political process?

These and other provocative issues were discussed before 150 Stanford Law School alumni on November 8 by panelists John R. McDonough, Jr., of Ball, Hunt, Hart, Brown & Baerwitz, Beverly Hills, and a former member of the Stanford Law

School faculty; and Professors William Warren and Howard Williams. Stuart Kadison '48 of Kadison, Pfaelzer, Woodard & Quinn, Los Angeles, was moderator.

The panel focused on *Securities and Exchange Commission v. National Student Marketing Corporation*. In that case, the SEC alleges that two prominent law firms and some of their partners knew that proxy materials soliciting stockholder approval for a merger transaction contained improperly prepared and incorrect financial statements of National Student Marketing Corporation; that nonetheless, as counsel for the merging companies, they issued favorable opinions on the validity of the transaction. The SEC contends that the law firms and named partners should have refused to issue their opinions and insisted that the financial statements be revised and the shareholders be resolicited, and—failing that—should have ceased to represent their clients and notified the SEC of the misleading nature of the financial statements.

Mr. Kadison began the discussion by asking the audience to consider the *National Student Marketing* case as it relates to the Canons of Ethics in the ABA Code of Professional Responsibility; specifically, Canon 4, which states that "A lawyer should preserve the confidences and secrets of a client;" and Canon 7: "A lawyer should represent a client zealously within the bounds of the law;" and Disciplinary Rule 7-102(B)(1), which provides that "A lawyer who receives information clearly establishing that his client has, in the course of the representation, perpetrated a fraud upon a person or tribunal shall promptly call upon his client to rectify the same, and if his



Panel on The Dilemmas of Civil Practice: John McDonough, Professor Williams, Dean Ehrlich, Stuart Kadison '48, Professor Warren

client refuses or is unable to do so, he shall reveal the fraud to the affected person or tribunal."

Mr. Kadison then turned the discussion over to the panel. Their comments, in edited form, follow.

#### **JOHN McDONOUGH on attorney/client privilege and the National Student Marketing case:**

The startling aspect of the SEC complaint in the *National Student Marketing* case was its contention that the duty of the lawyers included not only declining to act further on behalf of their clients—which may or may not have been required under the circumstances, depending on what is proved at trial—but also going to the SEC to inform on their clients respecting their prior conduct.

It seems to me that what we have historically regarded as the attorney's duty to preserve the confidences of his client at any peril to himself ought to continue in effect; and that any new exceptions to that

duty should be very narrow, very carefully defined, and very cautiously applied. As the first paragraph of the Ethical Considerations in Canon 4 clearly states, the lawyer needs all of the facts in order to represent his client adequately. And the only way he can get those facts is by being able to give his client assurance that whatever is said to the attorney will not go further.

The irony of the SEC position is that it would be largely self-defeating. If the view were to become accepted that lawyers have a higher duty to some other segment of society than to their clients, and that under some circumstances the lawyer may be in the position of being *required* to go to the authorities and inform on his client, then the source of the information would dry up. Thus, in the long run no useful purpose would be served if the SEC's notion in this regard were adopted and much harm would be done to the attorney's capacity to serve his client effectively as well as loyally.

John McDonough and William Keogh '52





If the client can safely disclose all to his attorney and will do so, this does not mean that the ethical attorney will then become, in effect, a co-conspirator. What it does mean is that the attorney will thereafter be in a position to make the best of a bad situation, by settling a civil case, negotiating a plea in a criminal case, or otherwise working for the best result for all concerned.

It is no answer to assert that our legal system is or should be designed to disclose the truth in any given situation. That is, indeed, one of its goals. But there has always been a tension in our legal system between disclosure of truth and other values held dear by society, which can generally be summed up under the heading of protection of the individual against the forces of government. So we have a Fourth Amendment; we have a privilege against self-incrimination; we have an exclusionary rule; and we have the burden of proof in criminal cases. All of these safeguards of the liberty of the individual interfere, to some degree, with the ascertainment of the truth. Yet, we say that they are of sufficient value so that we will put them in the balance and, if the truth must suffer, so be it because we need to equalize, to some extent, the inherently unequal battle between the individual and society. Another of these traditional "equalizers" is giving the individual an attorney whose sole responsibility is to work his side of the street and to protect his client's confidences at any cost to himself. There are a lot of people working the other side of the street, particularly in the securities area, including the Commission itself and the securities plaintiffs' bar. If we need still more governmental machinery to protect the public investor, let's provide it. Let's build an army of attorneys and investigators big enough to protect the investor, but let's not draft for that army the one individual who has enlisted on behalf of the other side and has a duty of undivided loyalty to the cause he serves.

If on trial of the *National Student*

*Marketing* case it is established that the attorney defendants actively participated in their clients' wrongdoing after it came to light, then the relief sought by the SEC would be to that extent justified. But if no more is shown than that the attorneys failed to disclose to the SEC violations of the securities laws by their clients of which the attorneys first became aware after the fact, then the attorneys should prevail. If and to the extent that the thrust of the SEC's position is to breach the dike of attorney-client confidentiality and widen it as fast as possible, I am entirely resistant to it. Hundreds of lawyers have gone to their graves harboring secrets that as many prosecutors would have been delighted to learn. That has not been a loss. We receive huge benefits from the historic notion and the practice of lawyer-client confidentiality; and I think it will be far better if the secrets of clients continue to go to the graves of their lawyers instead of being communicated to regulatory agencies.

As attorneys, we must not ignore this issue. The Bar needs to think through a position—whether the one I have asserted or another—and it needs to stand and fight for that position, or we will lose by default. That would not only be a loss to us, but to society at large.

**PROFESSOR WILLIAM WARREN  
on disclosure and the *National Student Marketing* case:**

My field is consumer protection law, in part, and my perspective on securities law is as an outsider viewing it as a highly specialized and, to me, arcane area of consumer protection.

To one interested in consumer protection law, the question arises:

how do you protect the consumer? Although government strains at the leash with eagerness to pass consumer protection legislation, it has had rather more difficulty than most of us realize in discovering how to protect the consumer most effectively. However, there has been one broad area of agreement on methods of protecting consumers in all areas of economic activity, and that method is disclosure. In fact, disclosure is usually the first step in almost any train of events of regulating an economic activity. First comes disclosure, then prohibition of certain abuses, then, if the abuses persist, comes control—very often of prices or rates—and then finally the bureaucratic smothering that we encounter in the ICC area and other areas. Nowhere is disclosure carried further than in securities law and perhaps, and again I am speaking as an outsider, nowhere is it more important than in this area.

The unique thing about the securities consumer is that he usually acts on the advice of a broker or adviser, who is an expert at understanding the disclosure required by law. And even the most sophisticated investor is helpless in the securities market unless he gets complete and accurate information. To an outsider in the securities law area the *National Student Marketing* case raises what I consider a fascinating focal point, because, to me, the astonishing aspect of the securities law area is that so long as a company is able to foist on the public incorrect financial information, it can delude or dupe the most sophisticated analyst. If our economic system is to persist, our securities market must work, and it won't work unless we have accurate disclosures upon which investors can depend. The lawyer plays a very sig-

nificant role in the disclosure process.

In the *Student Marketing* case, isn't the SEC saying that at least in the securities area, where the law firm owed some obligation to the stockholders, it could not stand silently by, let alone give affirmative opinion of the validity of the financial statement, and let fraud be perpetrated? And isn't the SEC saying that we ought to comply with our own Canons of Ethics? Look at the ABA Disciplinary Rule that Mr. Kadison read to us: "The lawyer who receives information that his client has perpetrated a fraud upon a person or tribunal shall promptly call upon his client to rectify the fraud to the effected person or tribunal."

Criticism of the SEC complaint is based upon the fact that a lawyer's duty is to his client and not to the public. When we are key people in a vitally important business like securities and we have information that a fraud is being perpetrated on stockholders, can we escape criticism by saying that our only interest is our client's interest? How does that look to the public? To the legislature? Even to a jury? As professionals we are self-regulatory, but ultimately we must justify our actions before the public.

SEC Commissioner Al Sommer has said: "I would suggest that in securities matters other than those where advocacy is clearly proper, the attorney will have to function in a manner more akin to that of the auditor than to that of the advocate. This means that he will have to exercise a measure of independence that is perhaps uncomfortable if he is also the close counselor or management consultant on other matters, often including business decisions; that he will have to be acutely cognizant of his responsibility to the public who en-

gage in securities transactions that would never have come about were it not for his professional presence; that he will have to adopt the healthy skepticism toward the representation of management which a good auditor must adopt; and that he will have to do the same thing an auditor does when confronted with an intransigent client: resign."

#### PROFESSOR HOWARD WILLIAMS on professional responsibility:

That complex set of events which we have come to describe by the name "Watergate" has made all of us concerned with the problems of professional responsibility. The response by the American Bar Association at its Hawaii meeting this past summer was a revision of the standard relating to law school instruction in professional responsibility and ethics, under which approved law schools must "provide and require for all student candidates for a professional degree, instruction in the duties and responsibilities of the legal profession."

The House of Delegates evidenced its concern by voting to add the following language to this standard:

*Such required instruction need not be limited to any pedagogical method as long as the history, goals, structure and responsibilities of the legal profession and its members, including the ABA Code of Professional Responsibility, are all covered. Each law school is encouraged to involve members of the Bench and Bar in such instruction.*

So, Watergate has not been an unmitigated disaster. It has caused us to turn our attention to teaching professional responsibility. And I continue to urge you to push the law schools to do more in this area, because we haven't been doing enough.

Some months ago Dean Ehrlich asked a special committee of this law faculty to consider in detail what we were doing in the area of instruction of professional responsibility and to offer some recommendations as to what should be done in the future. One of the first things the committee did was to make an

inventory of what was actually going on in the Law School in teaching professional responsibility. The inventory revealed that a surprisingly large number of the faculty were, in the context of particular courses, discussing in some depth problems of professional responsibility. And in this so-called *pervasive* method, the discussion can reach some substantial depth and have real meaning.

In the light of the discoveries that this committee made during the course of its inventory, it will submit the following recommendations to the faculty: (a) that the students be made acquainted with the California Rules of Professional Conduct and the Canons of Professional Ethics in the first semester of their first year; (b) that one first semester course, such as Civil Procedure, be allocated special responsibility in the area of professional responsibility to consider such problems as the requirements of truthful pleadings, the need for cooperation between lawyers, harassment tactics, proper and improper arguments; (c) that the first-semester legal writing program deal with one or more problems having an ethical ingredient; (d) that each instructor in the Law School shall be urged to direct attention to problems of professional responsibility in each course to the end that instruction in this subject be genuinely pervasive through the curriculum; and (e) that the Dean and the Law Forum be encouraged to bring to the School practitioners and judges to speak on various topics which include problems of professional responsibility.

We will continue to have separate courses in professional responsibility, legal profession, and legal ethics. It is my hope that these will continue to be elective third-year courses,

Benjamin Parkinson '49 and  
Douglas McDonald '47



building upon the ground work which will have begun in the first semester of the first year. I encourage you, as I have Boards of Visitors and other alumni groups in the past, to continue to exert pressure on us to do more in this area. But I also urge you not to insist that we do this instruction in a particular manner, because I fear that a required course in professional responsibility will be a complete failure. In my opinion, the pervasive method is a far better method of introducing this matter into the curriculum.

### The Dilemmas of Criminal Practice

On Saturday, November 9, the seminar reconvened to consider ethical problems of criminal law and the administration of criminal justice. The Honorable Joseph T. Sneed, Judge of the U.S. Court of Appeals, Ninth Circuit, and a former member of the Stanford Law

School faculty, presided as moderator. The panel included Professors Barbara Babcock and John Kaplan; William Keogh, Associate Dean of the Law School; and the Hon. Robert F. Peckham '45, Judge of the U.S. District Court, Northern District of California.

Judge Sneed commented at the outset that what is termed ethical problems in criminal law often turn out to be problems of achieving the proper balance between prosecution and defense. Edited versions of remarks by the panel members follow.

#### JUDGE ROBERT PECKHAM on plea bargaining:

Plea bargaining has become another emotionally charged word like *busing* and *quotas*. Few subjects have cast more clouds on our system of criminal justice. The bargaining process connotes to many members of the public the archetypal image of the closed conference room and seamy courthouse corridors

where dispositions are hammered out between the government and defense counsel without regard to the interests of the public or the interests of justice.

For a long time the practice of plea bargaining was kept under wraps; no one revealed the content of or progress of negotiations, or even acknowledged that negotiations had occurred. Several Supreme Court cases, the 1969 case of *Boykin v. Alabama* and the 1970 cases of *North Carolina v. Alford* and *Brady v. U.S.*, helped to bring the plea bargaining process out into the open, by making more explicit and precise the constitutional requirements that must be met before a guilty plea can be found to have been knowingly, intelligently, and voluntarily made.

All who have studied the practice of plea bargaining have found it disturbing and troublesome, though they differ in their recommendations. Some believe it should be retained and improved; others believe it should be abolished.

I believe perhaps the most desirable course would be to eliminate most plea bargaining. It should be the exception and not the way of life in the Criminal Court. Moreover, it must not be resorted to for any of the following reasons:

(1) *Long pre-trial detention of the defendant.*

A person in custody is much more likely to agree to plead guilty to a charge that the government could not prove at trial than is a defendant who is free on bail or his own recognizance. This problem can be minimized by fuller use of pre-trial release programs.

(2) *Laziness or fear of a difficult trial on the part of the defendant's counsel or the prosecutor.*



Inexperienced or poorly trained counsel who is particularly apprehensive of the possibility of trial may induce a plea of guilty in circumstances where more competent or experienced counsel would not. This problem could to some extent be remedied by further training and specialization in criminal litigation. (3) *Congested court calendars.*

Many prosecutors with heavy case-loads or trial judges with backlogs of untried criminal cases are too willing to compromise society's interest in self-protection by agreeing to too lenient a disposition with respect to particular defendants in the interest of moving the case-load. Certain overburdened public defenders are too willing to compromise defendants' interests by agreeing to enter a plea of guilty in a case that might be defensible at trial. These problems could be alleviated by ensuring that prosecutorial and public defender staffs not be burdened with such heavy case-loads that calendar pressures unduly infect the plea negotiation process.

Solution to all of these problems should be the public responsibility of the Bench and Bar.

**PROFESSOR BARBARA BABCOCK**  
**on representation of the indigent accused:**

My premise is that the whole Bar—both as individuals and collectively—should take a much greater responsibility for the representation of the indigent accused; that this is the ethical duty of the Bar; and that it is not a matter that should be left to criminal law specialists.

As lawyers we are told by the Code of Professional Responsibility, our only official guide to professional ethics, that we have a duty to provide legal services to everyone, whether or not the person can afford it, and that it is the ethical obligation of each lawyer to aid the profession in that function.

The Code also states that "a lawyer shall not hold himself out publicly as a specialist," except under very narrowly defined conditions.

If lawyers, as described by the drafters of the Code, are not specialists but generalists, how can they be allowed, when appointed to criminal cases, to say: "I'm not competent to handle this." I personally am always torn on this issue, having spent nine years of my life representing people in criminal cases. I want to believe that it is arcane and intricate, and that only the truly initiated—not to say geniuses—can really do it, but I'm not sure that is the case at all. There is a skill. But any lawyer who has had any training or devoted any attention to litigation, could acquire considerable criminal law ability very quickly. Which brings us directly to the issue of whether lawyers should feel an obligation to involve themselves in representation of the indigent accused. And this brings us full circle to the inherent conflicts in the Code, between Canon 2 which says: "A lawyer should assist the legal profession in fulfilling its duty to make legal counsel available," and Disciplinary Rule 6 which states that "a lawyer shall not handle a legal matter which he knows or should know that he is not competent to handle without associating with him a lawyer who is competent to handle it."

At this point, we must draw back and do what the Code fails to do: take some overview of the system of criminal justice and the lawyer's role in it, and ask what ideally we would like to have. We should and would like to have a system in which every person is truly represented according to the traditional model of the dealings which lawyers and clients have with each other. This, in fact, is the promise which the Supreme Court has made, and which has never been

fulfilled to all, or even most, indigent accused anywhere, partly because the profession doesn't want to do it—mostly because society doesn't want to pay the cost. The provision of competent counsel representing poor people accused of crime in approximately the same fashion as the persons of means accused of crime must be faced for what it is: a moral question.

The second premise in setting up an ideal system of representation is that there is something different and special about criminal law which makes it useful for a large segment of the profession to be involved in it. The idea about criminal law has been that its administration reflects the tone and temper of society. Because criminal law deals with the enforcement of moral norms by the majority, there should be a broad-based participation in the system of enforcement to help assure that the law reflects current values.

This idea that I have presented is not a generally accepted one—in or out of the profession—so let me state plainly that what I am arguing is that as a matter of professional ethics a great part of the Bar should consider it a duty to become involved in the practice of criminal law.

**PROFESSOR JOHN KAPLAN**  
**on the prosecutor:**

I will divide the ethical problems of the prosecutor into two areas. The first involves the function of the prosecutor as a government official bringing cases, that is, the use of prosecutorial discretion; the second focuses on the prosecutor as advocate and the restraints on the prosecutor when he or she does battle in the courts.



Aylett Cotton '38

There are several problems involved in the use of prosecutorial discretion. One is selective prosecution—prosecuting someone for a crime because of a fact extraneous to what the prosecutor feels to be his guilt. Al Capone is an example of this. Capone was known to be a racketeer and murderer, but the Federal Government was only able to catch him for tax evasion. They wouldn't have been interested in him as a tax evader had he been a legitimate businessman. So the question arises: Was it a sufficient reason to prosecute him for tax evasion that he was in fact guilty of tax evasion?

Another use of prosecutorial discretion is to protect the police. It often happens that a citizen gets into an altercation with the police and will bring a false arrest suit, while the police will simultaneously prosecute him for resisting arrest. Usually what results is that the prosecutor drops the prosecution at the same time the citizen signs a release of his false arrest claim. Does the prosecutor have any business doing this when he knows it is being used to deprive a citizen of his chance to litigate the matter in the courts?

Then there are the non-prosecuting cases, which, as a prosecutor, I was involved in. In the immunity area, for example, the prosecutor will often need the testimony of somebody involved in a conspiracy in order to prosecute the others. The ethical issue arises when the prosecutor must decide to whom to give immunity. Often the worst and most serious offenders are the ones who are given immunity, because they know the most and can get the largest number of people convicted. Shouldn't immunity always be used to get the best result—and not



Panel on The Dilemmas of Criminal Practice: Associate Dean Keogh '52, Professor Kaplan, Judge Peckham '45, Judge Sneed, Professor Babcock

necessarily just the most offenders?

Other situations in which the prosecutor will not prosecute is when he doesn't want to reveal misconduct on the part of the police or Federal officers, because it would receive publicity and ultimately be damaging to law enforcement in general; or when he wants to avoid a legal ruling that would hurt.

In the second area of the prosecutor as advocate, several problems arise. One I encountered again and again was the problem of taking advantage. I recall one case in which the defense attorney asked the witness on the stand, "Why do you think the defendant is guilty?" And the witness started telling him and telling him and finally, after at least half a dozen inadmissible things had come out, the attorney got up and said, "Your honor, stop him." Whereupon, I got up and said, "Your honor, he is only answering the question," which was perfectly true, but looking back I'm not so sure that what I did was ethically right.

Another problem is raising procedural defenses. When I was a prosecutor, one of my functions was as lawyer for the warden of Alcatraz. I was very proud of having successfully defended on procedural grounds every writ of habeas corpus, thus denying hearings to dozens of people. I suspect that most of them were lying to begin with and thoroughly belonged in Alcatraz, but the legal system says they had a right to a hearing. And I spent a sizeable portion of my time and energy making sure, on one technical ground or another, that they didn't get one. Though I was simply doing my job, I can't help wondering *was it right?*

#### **ASSOCIATE DEAN WILLIAM KEOGH on confidentiality:**

The question of whether to permit the blocking or the masking of the truth in a criminal courtroom, or indeed to aid and abet the actual presentation of untruthful testimony is probably the most vexatious event

that will ever occur to anybody who defends in a criminal trial.

With regard to the question, *What do you do when the client you are representing decides to perjure himself?*, it seems to me there is a variety of answers. My friend, Monroe Freedman, Dean of Hofstra University School of Law, discussed this question in 1966 in an article for the *Michigan Law Review* (64 Mich. L. Rev. 1969). His view is that once you take the case, once the client has revealed all to you, you are committed to the action. At some point, you may ask to get out of it, but you don't make much of a fuss about it, other than to explain to the client that he must not perjure himself because it is wrong legally and morally. Nevertheless, Dean Freedman says, once you are committed, you are committed and all of your options are bad. If you go to the judge and ask to be relieved of the case, he points out that you are in reality revealing what is going on. That may or may not be true. Moreover, he says that the judge will probably not relieve you, and he is probably right.

And if the judge does relieve you, Dean Freedman suggests that two things may follow, both of which are bad. First, the client, having learned the ropes, goes to another lawyer and tells him the proper lies so he can come back with the proper perjured testimony. Only now, the defense counsel doesn't know about it and can't adequately deal with it. Secondly, the same judge may hear the case. He may be sentencing the guy and he may realize there has been perjured testimony, so the client will injure himself in that way.

These dangers are all quite apparent and must be considered by defense counsel. However, I wouldn't

be quite as clear in my mind concerning the action I would take, absent some information about the timing of the revelation of the client's intent to testify falsely. It seems perfectly clear to me that any defense attorney, even after having a full interview with a client, who finds out that the client is going to perjure himself, has an obligation to get out right there and then. There could, however, be some circumstances under which the lawyer's association with the client is so well known that the act of withdrawing could help the prosecution, but those circumstances seldom occur. So, the first difference between Dean Freedman and me is that I would make a different decision depending upon the particular timing. I would certainly not feel bound to a client simply because our confidential relationship was established.

Once into the case, I think Dean Freedman is probably right. If you ask the judge to excuse you in the middle of a case, in my view, your chances are about 99 to 1 that he is going to refuse. But you have to make that record, I think. You have the right—and indeed the duty—to protect yourself. You have to create some kind of a record which is going to keep YOU out of the hands of the arresting officers if at some time the accusation is made against you—and not impossibly by your former client—that you advised, aided and

abetted your client in perpetrating a fraud on the court

There is nothing about the attorney/client relationship, in my view, which requires that a lawyer risk her life or liberty or a substantial portion of her property in the defense of any client. No client has the right, nor does any rubric of which I am aware require, that a lawyer expose himself to possible sanctions because of the requirement of confidentiality, devotion to a client's cause, or any ethical rule or combination of rules.

Nevertheless, if I were forced to finish the case, I would put my client on the stand and question him. I have decided that the sterile question, *What's your story?*, is not a proper way to proceed under these circumstances. It could be a not-too-subtle way of joining the prosecution. You must continue to represent the client and that role permits no betrayal by you. It would be very, very difficult for me because of some inner compulsions of mine. But I would try to do it and I would do the best I could to argue the case.

Lloyd Lowrey '71, director of the Law Fund, enjoys coffee with Pauline Hanson '46.





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## Faculty Close-Up

### William Cohen

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For the past few years William Cohen has participated in a project which has broadened the scope of legal education dramatically. In addition to being an expert on constitutional law and federal jurisdiction, Professor Cohen is also a filmmaker. To date, he has produced a series of ten films, each dealing with a problem of constitutional law, and all aimed primarily at high school and junior high audiences. Each twenty-three minute film depicts a factual situation giving rise to legal action. Arguments of counsel for both sides are presented, but no verdict is rendered; and students are left to weigh the issues and reach their own conclusions. Professor Cohen talked about his unique project and its unique satisfactions.



**Editor:** How did you become involved in filmmaking?

**Cohen:** About seven years ago a colleague of mine at UCLA and I, along with a high school teacher, wrote a textbook for California high school teachers on the Bill of Rights. That led a filmmaker to inquire of me whether I would be interested in making movies for high school use on the Bill of Rights. After some preliminary inquiries, I developed the fact situation, asked a few ex-students of mine to be in the film, and I was in show business.

**Editor:** Do you actually write the scripts?

**Cohen:** I am largely an idea man. I develop the fact situation and have some general notion of what the competing arguments should be. However, since we use actual lawyers, I prefer to let them develop their own arguments. It's more natural that way and the flow is better. I will usually work with the lawyers to make sure the arguments match—sometimes suggesting new arguments. The actual filmmaking is done over two three-day weekend periods. The fact situation or storyline is shot the first weekend and the lawyers' arguments the second. I am on the set while we are shooting the argument part to check on authenticity and things of that sort.

**Editor:** How do you choose your casts?

**Cohen:** Most of the lawyers involved have been former students or colleagues of mine, although we have used professional actors on occasion. I can recall one instance when a colleague of mine simply froze the minute the camera started rolling. He was totally unable to appear before the camera, so we had to substitute a professional actor at the last minute. Of course, there are discontinu-

ities in the film. In the beginning, for example, in the establishing shots in court, the lawyer has a full beard and bushy hair, but when he gets up to argue he is bald and clean-shaven. No one else seems to have noticed, though.

**Editor:** Where do you get the ideas for your films?

**Cohen:** Some have been classroom hypotheticals I've used for years; some have just simply been thought backward from problems I've dealt with in class.

**Editor:** Do you sometimes find it difficult to be objective in developing situations?

**Cohen:** There are some in which I have a clear opinion, but as a law professor it's awfully easy to see what the major arguments are on the other side. So that hasn't been a problem. We have been very careful to keep the arguments balanced because the point is not to have anybody *win* the movie. You see, we started using this format because no one had ever made educational films like these before. And we were not concerned about teaching students the right values or what we thought were the right answers in the Bill of Rights.

One tendency I have often noticed in beginning law students is their inability to see another side to an issue, especially when they feel strongly about it. They are often unable to recognize that someone can have an exactly opposite conclusion, and it might be as well thought through as their own. And since we are primarily interested *not* in teaching love for the Bill of Rights or the right values or outcomes, but in showing that these are often double-edged questions and that it is possible for somebody else to have a different but equally valid point of view, our main concern has been in keeping the films balanced. We try to present arguments that are equally convincing so that if you had only listened to one you would be fully persuaded, and then after you had heard the second you would realize you had been fully persuaded twice in opposite directions.

At times we've used lawyers to make arguments they disagreed with, but after they'd been before the camera for three or four hours they began believing their own positions.

**Editor:** Would you say then that this kind of exercise can be good therapy for lawyers?

**Cohen:** It's interesting. The adversary nature of lawyers is such that you get them before a camera, with an opponent, and they really do become combatants, even though it's only a film. In one case, one of our lawyers really wanted to win the movie—so much so he was reluctant to tell us exactly what his arguments were going to be, because he was concerned that we might have time to counter them. It was like pulling teeth to get him to tell us exactly



what he was going to argue, although we finally succeeded, I think.

**Editor:** Do you have a favorite of the films you've made?

**Cohen:** Yes. My favorite is "The Privilege Against Self-Incrimination," which examines the issue of whether a person accused of a brutal murder can be compelled to submit to a test on an infallible lie detector machine. It's based on a classroom hypothetical I've used for years as a way of talking about the values behind the Fifth Amendment. Although the movie is science fiction—complete with a green courtroom, laser beams, two-way telecommunicator, and the Snyder machine, which is the "Perfect Truth Machine"—it is the most historical movie we have made in the sense that it involves some 16th and 17th

century precedents dealing with the Fifth Amendment.

The film that has had the greatest impact, however, is our Equal Opportunity film. This one involves a black being promoted over a white who has more seniority, in accordance with an equal opportunity program of the employer—a situation which has been called (perhaps inaccurately) reverse discrimination. We made the film about five years ago when most people really hadn't begun to come to grips with that issue. The film disturbed a lot of people. There were educational experts who thought we should not release the movie because it would stir up latent racism. They suggested a film in which a black was clearly discriminated against so no one could argue about it. We pointed out that then there would be no major issues and they said that was the point: you want to teach people that discrimination is bad. We argued very strenuously that the point of our series was to talk about issues that had two sides.

The film has out-sold all the others by about 2½ to 1, and has been shown in more different settings than any of the other films. In fact, it won an award one year for the best industrial movie in the education field, which is not exactly what I'd set out to do!

**Editor:** Nevertheless, that says something about the use of film as an effective medium in legal education, don't you think?

**Cohen:** Yes. One big advantage in using film to portray legal issues is that it makes the underlying fact situation which we are arguing about a lot more graphic. And, unlike books, it is possible with movies to reach several educational levels all at once.

For example, I showed "The Privilege Against Self-Incrimination" to law students and found that it was sophisticated enough to touch off some interesting discussions. Yet, the issues are graphic enough so the film can be shown at the junior high level. They may not understand every word in the arguments, but

they still get a feel for what the basic issues are. Another of our films, involving the use of a parabolic microphone to listen in on a bookie, is terribly complicated. There is a search warrant issued on the basis of what was overheard with the microphone, and then a motion to suppress the evidence on the ground that the search warrant was illegal because it in turn was based on an illegal search and seizure. It's a two-level search and seizure problem. Yet, as far as I can tell we have received no major complaints that students who have watched it have been lost because the issue was overly technical. I'm really quite surprised.

Of course, there are some legal issues that are really intellectual constructs and are hard to show pictorially. I still don't know, for example, how to do a worthwhile film on jury trials, showing why we have juries and what function they perform. I suppose a long and rather sophisticated film could deal with those kinds of issues, but in this format, when you're showing a basic fact situation on the screen and then asking about its legal implications, you can't do that. One film which gave us a lot of problems in this area was our *de facto* segregation film. It was very difficult to show the schools, and to show in a visual way what the implications of desegregation are. So, we kind of punted; we had the entire film take place in a Board of Education meeting where the fact situation could be developed through talk, rather than pictures. As a result, that film is very different from all the others—less compelling—but we really didn't know any other way to handle it; and we thought the issue was important enough to try something.

**Editor:** What about witnesses? How do you work them into your films?

**Cohen:** We usually don't have witnesses. The problem is that each film is twenty-three minutes long, and we have to bring the film to the point where the lawyers are meeting each other in argument in about ten minutes, which means establishing the

fact situation while leaving as much time as possible for the lawyers' arguments. The initial part of the movie establishes what the underlying facts are. To make them as real as possible, we show them happening. Once the facts are established, we move to the point where we are arguing about what the right result is. We have used various formats to accomplish this: an arbitrator's hearing, an appellate hearing, a motion to suppress evidence, a motion of the trial court to have the case dismissed. One case involved a last-minute argument in the judge's home on an emergency order requiring a blood transfusion for a pregnant Jehovah's Witness who had been in an automobile accident. This film, by the way, is the only one I'm not in. I usually appear briefly in the court-



room audience, but there was no way to get me into the judge's home—except maybe peering through a window.

**Editor:** Do you get much feedback from your viewers?

**Cohen:** Occasionally I've had letters from high school students asking, in effect, what the answer is. I remember one which came out of our first film dealing with freedom of speech. We had a Nazi speaking in front of a synagogue and there was trouble. It's an appellate argument involving his conviction for breach of the peace. The arguments are nicely balanced; and the letter from a teenager in Virginia said, "We have been arguing about this film for two days now and our teacher has forbidden us to argue further. Was he guilty or not?" I wrote back saying I didn't

know whether or not he was, but the fact that they had argued for two days indicated that the film had done exactly what we had hoped it would.

**Editor:** How about the Watergate case? Has it suggested topics for future films?

**Cohen:** We were talking a long time before Watergate about whether we could use this format to deal with some non-Bill of Rights issues: the problem of federalism, for example, and some of the problems of presidential power, such as the extent to which the President could do things on his own without the consent of Congress. There was an initial film made called "Armed Intervention." James Wilson of the political science department at Harvard was the technical advisor on this one. It dealt with the President's decision to intervene in a Latin American revolution which had all the earmarks of Vietnam—just by coincidence. One of the fascinating things about that film was how quickly the legal issue of whether the President had that authority on his own was shown to have just about zero input on his decision, as opposed to issues concerning how it will turn out for the United States, which is quite realistic, I think.

We were thinking of doing a spin-off on that dealing with legal issues in the same fact situation, but it is terribly complex. The issues of governmental power and the theory of governmental structure present problems both in terms of showing them with pictures and in terms of having a realistic situation you can squeeze into this limited time format.

**Editor:** Looking back then over these past six years, how would you assess the project and your experiences as a filmmaker?

**Cohen:** I think that what has made this entire project so important is that it does a good job of bringing people face to face with issues that in other contexts might appear highly abstract. As far as my own part in the project is concerned, I've enjoyed it immensely.



# Athletic Attorneys: A Sporting Look at Stanford Lawyers of Yesterday and Today



Team captain David Oliva '25, standing guard, brought his team through an undefeated preliminary season in 1925.



John Lauritzen '32 wins the 100-yard dash in the 1929 Interclass meet.



Reginald Caughey '21 (left) was captain of the Cards during the 1921 Big Game, which was played after a lapse of fourteen years.



John McHose '27 was the star of the 1924 basketball season—as well as captain of the team.



Halfback Gilbert "Gil" Wheat slips through a flying tackle during the 1924 game with Santa Clara, which Stanford won 55 to 6.

Arthur Erb '16 takes heel-out to score a try in one of Stanford's most outstanding rugby seasons.

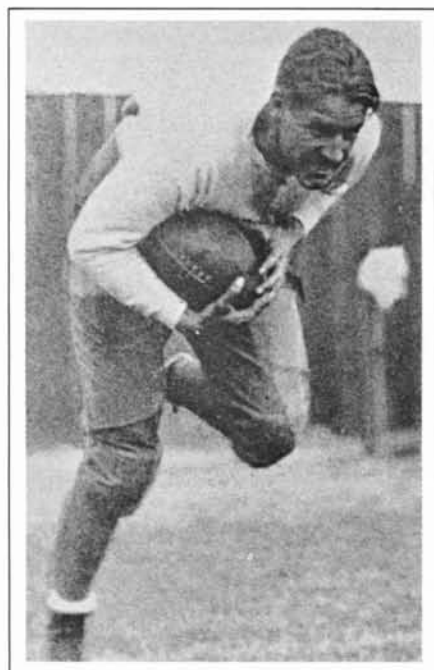


**S**tanford Law School boasts a long and distinguished history of top law students who were superb athletes as well. *Stanford Lawyer* looks at some of the many men (we regret that no women athletes were uncovered in our research) who are part of this special Law School tradition.

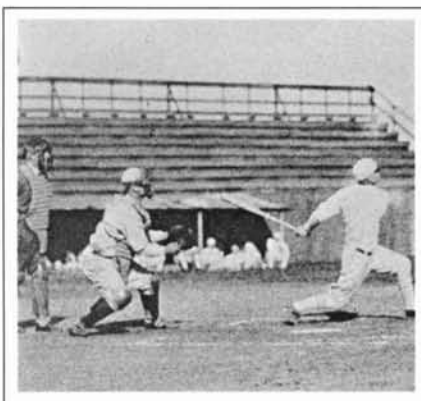


Allison Gibbs '31 (front row right) and David Jacobson '34 (middle row right) won Circle "S" awards for varsity soccer.

John Sobieski '30, who pitched a no-hitter against USC in 1928, proved as formidable at the plate as on the mound.



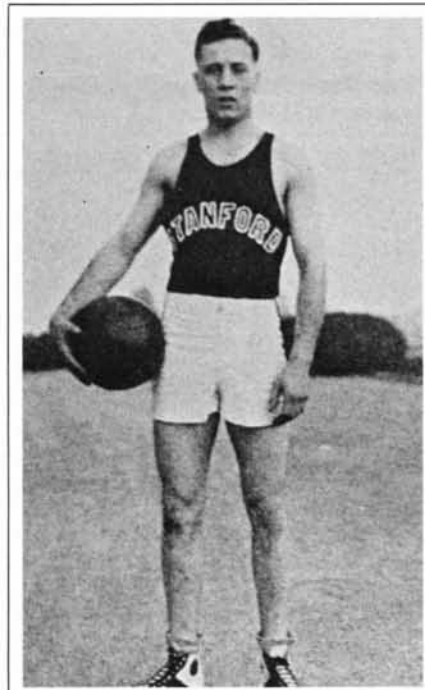
Harlow Rotherert '37 ranks as one of Stanford's greatest all-around athletes, with 9 letters in 3 sports—basketball, football, and track and field—and a world record in shot put.

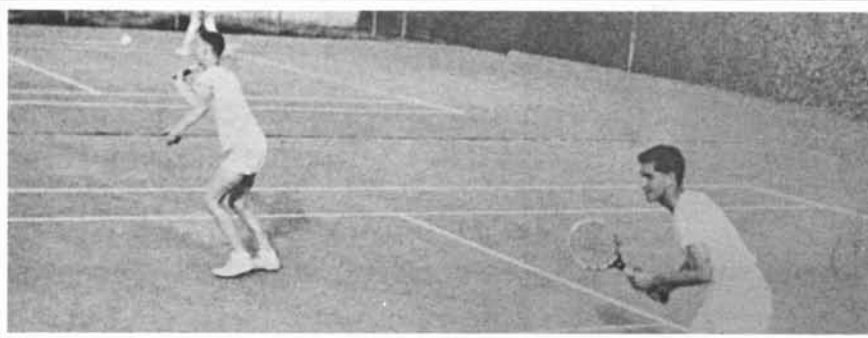


Marty Anderson '49 (far right) played fullback for the Cards during the 1946 Big Game when Stanford triumphed 25 to 6.

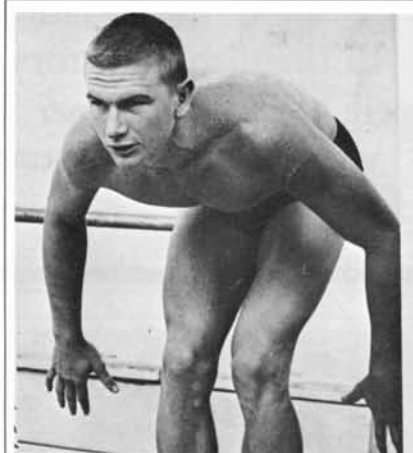


Louis Vincenti '30 was awarded his Block "S" at the close of the 1928 season when the veteran forward was captain of the team.





Thomas Lewyn '55 (right), while still a junior, was seeded the number two singles player on the varsity tennis team in 1951.



James Gaughran '58, a swimming and water polo star at Stanford from 1952-54, became Stanford's swim coach in 1960 and led the team to an NCAA championship in 1967.

Dick Ragsdale '69 (left) and Jack Chapple '71 (right) tackle a Cal player in one of the biggest routs in Big Game history: Stanford 21, Cal 3.

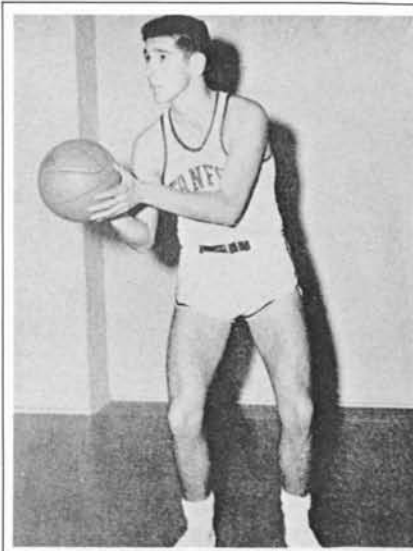


David Munro '66 sinks a putt while a teammate holds the flag.



Robert Anchondo '71 (left), a member of the cross-country team, received the Pace Award in 1967 for Outstanding Physical Ability and Mental Attitude.

Carlos Bea '58 played on one of the best basketball squads in Stanford's history; the 1955 team placed second in the Pacific Coast Conference's Southern Division.







Bruce Rubin '76 ran cross country and track during his four years at Yale and placed 180th among the 5,000 competitors who entered last year's Bay to Breakers race in San Francisco.



Jackie Brown '75, co-captain of the '71 team, played in two Rose Bowls and turned down pro-football offers to attend Law School.

Steve Peters '76, who played varsity tennis for Harvard, teamed up with Peter Stone '76 to win the men's doubles championship in this year's Law School tennis tournament.



Ralph Bakkensen '76, co-captain of the 1972-73 Stanford track team, was the Al Masters Track and Field Scholar Athlete for 1971-72 and 1972-73. His best shot-put throw to date with the 16-pound ball is 53 feet, 5 inches.



Pat Seaver '76, captain of the Yale sailing team in 1971-72, was navigator on a 46-ft. sloop that placed second in the 1973 Pacific Ocean Racing Conference.



# Chesterfield Smith Speaks Out on Lawyer Responsibility

A singular contribution of the common law to the settlement of conflicts which inevitably arise in human society is the adversary system. Justice to an individual under our system depends upon how well the adversary system works. Thus, lawyers as men of justice—whether they be advocates or drafters, negotiators or counsellors—are vitally interested in the functioning of that adversary system. Pragmatically, each lawyer has special obligations to maintain its viability and integrity.

Throughout the organized Bar there are, and have long been, multiple programs designed to further our traditional position that all interests in society should have equal access to the lawyer representation essential to a sound functioning of the adversary system. But only in the last few years has the legal profession recognized that if the adversary system is to function as a rational mechanism for ascertaining truth and doing justice—a logical technique to uncover fraud, perjury, and corruption—it is essential that every group whose interest will be directly affected by the judgment of a court be adequately represented before that court. As a corollary, if the adversary system truly is to be a better way than *ex parte* justice all adversaries before that court must be as nearly equal in all ways as possible.

The organized Bar has, of course, become increasingly sensitive to the fact that the poor have been under-represented before the courts. Under-represented in the sense that they have not had either equal access as plaintiffs or equal representation as defendants. Through the organized Bar's support of both traditional legal aid and federally-

funded legal services programs, through judicare and defender programs, lawyers have taken initiatives to solve the legal problems of the poor. While I do not even intimate that our efforts slacken, I am gratified that the legal profession now generally accepts that even something more in that area should be done. And I am confident that it will be done.

Concern for the indigent, however, is only one part of what I perceive to be lawyer responsibility under the adversary system to insure that every segment of society is represented in court when its rights are being determined. Existing deterrents to the full availability of legal representation before the courts for all Americans are more than economic, and the lack of adequate legal representation in many adversary situations embraces far more people than the poor.

If that is so, it is vital, then, that those groups be ascertained so that remedial action can be promptly instituted by the organized Bar. There are both individuals and groups who do not participate in the resolution by the courts of disputes in which they are interested, simply because they lack sufficient commitment to the particular issue pending in the courts to support litigation on the same scale as their adversaries. Their interests are so diffuse that they are outside the normal marketplace for legal services. Even more often, those adversaries are powerful interests who have resources which cannot be matched by an individual or even a group. Environmental and

consumer concerns are two immediate and obvious examples. There are many more.

One device which has already evolved to remedy at least in part this imbalance for those who in the past have been largely unrepresented is the *so-called* public interest law firm. I used the word "so-called" because there is no magic in the term "public interest." As lawyers, when we rigorously and competently represent our own private clients, we are serving the public interest in the same sense that a member of a "public interest" law firm serves it by rigorously and competently representing his or her clients. The peculiar obligation we have as professional advocates is not to any cause, but rather to the provision of representation for that cause—whatever it may be. The public's true interest is in an adversary system whose decisions are based on the full exposition of all relevant positions and not just those positions of individuals and organizations who have enough interest and resources, enough commitment, to engage in particular litigation.

While lawyers should support public interest law firms, as a profession we also should study alternative means of doing the same job. Alternatives such as class action suits, public consumer or environmental advocates, ombudsmen, or other government paid representation. In Beverly Hills, Boston, Philadelphia, and perhaps other cities, the local Bar association financially supports and controls its own public interest law firm—a procedure in many respects professionally analogous to the funding of lawyer discipline programs in the integrated Bar jurisdictions. The imposition of a tax directly on the individual lawyer for

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Chesterfield Smith, immediate past president of the American Bar Association, offered these remarks at a gathering of Stanford law alumni on November 8, 1974.

**"The organized Bar should establish procedures whereby all attorneys, in order to maintain the privilege to practice law, demonstrate to their peers periodically their continuing competence at the Bar."**



the use of government-created public interest law firms is another alternative not dissimilar to the funding of discipline programs in states with a voluntary Bar in which lawyers pay an annual registration fee. Certainly, each lawyer as a matter of his personal conscience should consider tithing for *pro bono publico* activities in either money or services, as many do.

Now I would like to touch upon another aspect of lawyer responsibility by discussing two generally accepted conceptions concerning the legal profession, which I believe should now be discarded. First, the theory that a license to practice law should be good for life; and second, the assumption by the general public that each lawyer is qualified to perform all legal tasks.

Present procedures allowing lawyers to retain lifelong licenses to practice based solely upon passage at early ages of bar examinations, or in some few geographic areas simply by graduation from a local law school, are no longer adequate guarantees of lifetime legal competence—if they ever were. Equally obvious, even the very best lawyers are usually truly proficient in only a few areas of the law, minimally competent in multiple other areas, and most likely incompetent or at least inefficient in the rest. As part and parcel of professional responsibility, the organized Bar must promptly correct abuses to the consuming public which it serves resulting from these two myths. No longer should marginal lawyers be allowed repeatedly to accept cases that they cannot proficiently handle; nor should lawyers be permitted to drift in and out of the legal profession without a demonstration upon professional re-entry that they have

retained at least a minimal level of professional competence.

Some lawyers for various reasons feel that the Bar should leave these problems alone, contending that clients through the marketplace weed out bad lawyers from good lawyers. Bunk. I suggest to you, out of the common experiences that all lawyers share, that clients are not even remotely able to evaluate the ability of their own attorney—much less one with whom they have had no previous contact. Further, it is inconsistent with professional standards and professional integrity to suggest that the damaged client rely on the economic marketplace as the means to insure that he will not receive bad legal service.

The organized Bar should establish procedures whereby all attorneys, in order to maintain the privilege to practice law, demonstrate to their peers periodically their continuing competence at the Bar. All states should now implement programs for the re-certification of legal competence or the compulsory relicensing of lawyers. There are multiple possible solutions and methods that could be improvised to establish, enforce, and maintain at least the minimum levels of professional competence needed to protect the

public from the shoddy or incompetent practitioner.

Peer group evaluation—tied into some sort of continuing legal education requirements similar to those programs now in operation or in the formative stages in many states—certainly merits the serious attention of the organized Bar at all levels. Personally, I can see no logical position which can be advanced to oppose a mandatory state requirement that lawyers, under the supervision of the organized Bar, periodically refurbish, renew, and update their legal knowledge. A compulsory practice should be instituted at once, since the voluntary Continuing Legal Education programs throughout the nation are utilized in the main by those in the legal profession who need them least—by the competent lawyers who, without urging, already continuously renew and update their professional knowledge and proficiency.

The day has now been reached when disciplinary action should be taken against attorneys who fail to maintain or exercise competence as attorneys. Codes of professional responsibility now require lawyers to represent clients competently and mandate that lawyers strive to become and remain proficient in their practice. If lawyers ethically must remain competent, then those who render shoddy or bad service because of basic incompetence are guilty of professional misconduct. Grievance committees and commissions must begin to involve themselves in disciplinary sanctions against those who habitually give bad service to clients. As a minimum, I believe that we should immediately constitute all grievance committees and commissions to include lay members. The organized



**"We must be willing to accept modifications in the structure of the legal profession if on balance they will help society more than they will hurt us."**



Bar, I feel, should not oppose and perhaps should even encourage malpractice suits against incompetent attorneys. Able lawyers should come forth willingly to testify concerning the standard of care of prudent lawyers in any given situation.

In addition, state and local Bar associations might well look into the feasibility of establishing competency boards to review questions of malpractice, and in all cases in which a complaint is justified, make recommendations for recoverable settlements by the guilty lawyer. Or, if that fails, furnish witnesses for the injured party in a malpractice suit.

Now I come to the last area of lawyer responsibility which I shall pursue. While there are many other defects of more importance in the existing structure for the delivery of legal services, I now suggest that the almost blanket ethical prohibition against advertising by lawyers is no longer trenchant or defensible. When that proscription was put into the Code long ago, it was designed to prevent the commercialization of the practice of law. It was asserted that a lawyer should obtain clients only by doing his work well—by establishing a deserved reputation for competence and integrity—and that to allow his professional reputation to be established through competitive advertising was not in the public interest.

It seems to me that we need to see whether changes therein under existing conditions are now desirable. Is it now unrealistic to assert that a lawyer by diligence, hard work, and perseverance, can establish in a large metropolitan area a reputation for individual legal skill and ability? Modern advertising and marketing techniques have undoubtedly had a pervasive effect on the average citi-

zen who has never utilized a lawyer. As a consumer, he has become conditioned to techniques that offer him goods and services in the most accessible, convenient, and attractive manner. To expect people to pursue a completely self-reliant course in seeking out and securing the services of a lawyer may be to expect too much—especially in the area of preventive law. The truth may be that almost all of those people do not know anything about any particular lawyer who is available to them.

Perhaps the system of establishing a legal reputation by performance still works in the national commercial, financial, and industrial community, because everybody in that special community who already makes near-optimum use of lawyer's services does not know about particular large law firms and knows that multiple legal talents and skills are interwoven in that large law firm. It does not work that way for the mass of the population anymore—even if it once did—because individuals in the mass of megalopolis no longer know about sole practitioners or small law firms.

If limited or regulated advertising by lawyers is permitted in the hope that it will increase the utilization of

lawyers by the general public, it seems highly improbable that such advertising would have significant effect on the use of lawyers by commercial, financial, and industrial clients; or that it would alter the means and methods by which they presently employ lawyers. Advertising of legal services, if permitted, should then be restricted to means and methods of reaching those people who do not now use legal services—people who do not know whether they have a legal problem or, if they do know, how to select a lawyer to represent them. Advertising is never normally designed for the small or exclusive market. It works best with the mass market. And as I see it, the mass market which can be tapped to increase the utilization of lawyers is the many who now simply forego any legal remedy for their wrong—those who rely on some other profession or service or occupation or business for legal assistance.

Lawyers tend by nature and training to be independent and usually are among the most ardent supporters of free competition. It has seemed strange that those who so cherish the free enterprise system should themselves practice under a system of restrictions that substantially limits competition, depriving the public of the benefits which competition normally produces.

If a lawyer established in the shopping center—similar to H & R Block in tax services—is permitted to advertise that you can see him for five dollars a visit, that might well be a way to get people to use lawyers who need to now but do not. We must, of course, admit that under such circumstances the client will get only the five dollars worth of legal services that he bargained

**"If a lawyer established in the shopping center—similar to H & R Block in tax services—is permitted to advertise that you can see him for five dollars a visit, that might well be a way to get people to use lawyers who need to now but do not."**

for, but that five dollars worth of legal services still is more than the nothing most are now getting. When lawyers do not allow fee cost advertising or advertising about certain types of legal services that the general public needs but does not now use, I suggest that the economic elite among the Bar are causing harm to the general public and at the same time that segment of the Bar presently under-employed.

Most lawyers would agree that some type of institutional type advertising is acceptable. Where they have trouble is when it is suggested that an individual lawyer should be permitted to advertise. Are there ways that the quality of legal services can be maintained if lawyers are encouraged to engage in price competition? We in the practice know that quality legal services in many areas could be mass-produced but that usually they are not. Most legal services are tailor made. A client comes in to see a lawyer and his problem is considered as if it had never been handled before anywhere else. I personally recognize that in most cases that is the best way for the client and those who can afford it are thus getting superior legal services. But not everybody wants or can afford a tailor-made suit. When you're not getting any legal product, as I suspect many people are not now, it behooves the organized Bar to at least look at what needs to be done to help mitigate that problem.

I reiterate that I do not advocate unrestricted lawyer advertising. I do advocate that the organized Bar again study its existing total ethical proscription of advertising. I do suggest that lawyers should not repel in horror when somebody suggests that legal advertising may benefit



society as a whole by increasing competition among lawyers. We must be willing to accept modifications in the structure of the legal profession if on balance they will help society more than they will hurt us. Certainly, advertising by an individual lawyer must reflect dignity, decorum, good taste, and professional honor. Of necessity, it should be policed by the organized Bar to prevent solicitation and advertising which is false, misleading, undignified or champertous. Advertising by a lawyer should not be designed to publicize that lawyer or his partners or associates for the purpose of promoting specific litigation or for the purpose (or with the effect) of creating false or unjustified expectations of success. It should never contain disparagement of fellow lawyers, or the courts, or the law itself. But all of that can be done by rather simple modification of existing ethical and disciplinary standards.

The consumer of legal services is just as entitled to the benefits of competition in legal services as are consumers of other services. But it is also in the interest of lawyers that we avoid unnecessary restrictions on lawyer competition. Our existence

depends upon our ability to serve the public on terms that the public will accept, which means simply that we must compete effectively with others who want to serve the public. Competition from outside the legal profession is therefore a legitimate and serious concern of the legal profession, which could be mitigated by advertising.

Each lawyer has an obligation to decide which organization of the legal profession will do the best job for society and make the system of justice work best. Blind adherence to traditional practices no longer valid are unworthy of us, even though such traditions originally had a legitimate purpose.

Each proposed change in the structure of the legal profession must be looked at on the facts to ascertain the basic values of the legal profession, which it is essential to protect. And then, that the proposal must be so adapted that those things are protected, without denying to society the other benefits which would flow from the proposed modification.

In conclusion, I state my fervent belief that the public has the right to demand that we who have been granted the semi-monopoly to serve as the major bulwark between man and his government—to be his advocate and his counsellor when he faces his most serious decisions—be of the highest professional quality and worthy of the unique trust placed in us.

The title of lawyer should be worn proudly as a stamp of integrity, competence, and courage. The public should know that lawyers are special men and women dedicated to justice and uniquely honored by the special trust placed in them by the public.

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# Faculty News

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Professor **Anthony Amsterdam** continues to work with Dr. Donald Lunde of the Stanford Medical School on their *Clinical Seminar in Trial of the Mentally Disordered Criminal Defendant*. In this course students are assigned responsibility for preparing and conducting simulated litigation exercises, including witness interviewing, direct and cross-examination. Their performances are videotaped for individual criticism. This year students who have completed the seminar are working with Professor Amsterdam and Dr. Lunde in the training and criticism of new participants.

Associate Professor **Barbara A. Babcock** was the opening speaker for the Tuesday Evening Lecture Series (TELS) at Stanford. Her topic was "Professional Responsibility and Ordinary Morals: A Comparative Analysis for the Legal Profession."

In June, Professor **William Cohen** completed the tenth in a series of movies designed for high school use in teaching of the Bill of Rights. The film is entitled "The Bill of Rights in Action—Juvenile Justice." An eleventh film, dealing with capital punishment, is planned for next year. Professor Cohen is currently engaged in writing a book for undergraduate use, co-authored with Professor John Kaplan, on civil liberties. In addition, he is writing a book on comparative constitutional law with Professor Mauro Cappelletti.

Dean **Thomas Ehrlich** addressed the Commonwealth Club of San Francisco on December 13. His talk, "Society and Its Lawyers: Reflections on Crossing the Bar," focused on some of the tensions currently existing between lawyers and the rest of society and suggested several

ways these tensions could be eased, including stronger emphasis on legal education at the high school and college levels; increased availability of legal services for all citizens; and more effective systems of discipline within State Bar associations.

In October, Professor **Jack Friedenthal** participated in a one-day seminar, *You and the Law*, presented by the San Diego Bar Auxiliary. His topic was "Current Trends in Laws Regarding Marital Dissolution and Child Care and Custody." Professor Friedenthal is currently serving on several University committees, including the Committee on Athletics, Physical Education, and Recreation, of which he is chairman. Professor Friedenthal is also vice-president of the Stanford Academic Senate and of the Board of Directors of Stanford Bookstore.

In addition, he is working with Professor Arthur Miller of Harvard on a new book designed to aid students taking basic courses in Civil Procedure.

**Gerald Gunther**, William Nelson Cromwell Professor of Law, has written an article entitled "Learned Hand and the Origins of Modern First Amendment Doctrine: Some Fragments of History," for the *Stanford Legal Essays* volume being published for Celebration. He also contributed an article to the UCLA Law Review Symposium on the Nixon case, "Judicial Hegemony and Legislative Autonomy: The Nixon Case and the Impeachment Process" (22 UCLA L. Rev. 30). The Symposium was summarized in the November 4 issue of *Time*. In addition to his articles, Professor Gunther has just completed an entirely new edition of his casebook on Constitutional Law. The fifteen hundred page volume will be published in the summer.

Professor Gunther has been appointed by the Harvard University Board of Overseers to its Committee to Visit the Harvard Law School. He is also serving as a consultant to the Ford Foundation, evaluating Harvard Law School's Program for Basic Research in Law.

Professor **John Kaplan** taught the Alumni Association's Spouse Quarter Course this fall. His subject was "Criminal Law and the Criminal System." The lectures explored the general working of the criminal justice system, drawing upon both Law School case studies and methods of sociologists and political scientists. The course was open to the entire Stanford community.

Associate Dean **William Keogh** is currently serving his second year as chairman of the campus Judicial Panel. He is also a trustee and chairman of finance of the Law School Admissions Council. Dean Keogh continues his active litigation work in several California prisons, including Soledad, where he primarily assists with appeals. This fall, he gave law orientation talks at several east coast colleges, including Vassar, Mount Holyoke, Smith, Radcliffe, Wellesley and Dartmouth.

**Victor H. Li**, Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies, was named director of the Center for East Asian Studies for 1974-75. Professor Li was also the first speaker in the Dickinson Symposia, a new program of symposia on issues related to public policy. The Program is designed to further undergraduate education by helping to develop the link between public policy and the social and behavioral sciences. Professor Li spoke on "Red and Expert: The Contradiction Between Public Participation and Professional Control in China."

**John Henry Merryman**, Nelson Bowman Sweitzer and Marie B. Sweitzer Professor of Law, has been appointed by University President Richard W. Lyman to serve on a new Advisory Committee to the Director of the Center for Research in International Studies at Stanford (CRIS). The committee will be concerned with faculty and graduate research programs in the international field, funding for the University's area and regional studies programs, and broadening and improving the



international content of the University's curriculum. Professor Merryman published an article, "Ownership and Estate (Variations on a Theme by Lawson)," in the June 1974 issue of the *Tulane Law Review*. He also contributed a Report, "Comparative Law and Scientific Explanation," in a volume entitled *Law in the United States of America in Social and Technological Revolution*, published for the American Association for the Comparative Study of Law, Inc.

Professor **Robert Rabin** recently published a book review in the *Stanford Law Review* on the subject of twentieth century law reform movements. He is currently working on a major project focusing on litigation-oriented law reform movements during the same period. The latter study is being done for the American Bar Foundation, and it will eventually result in a long article or a book. He also recently completed a study of the Veterans Administration system for processing disability claims. That study will be published in the *Stanford Legal Essays* volume being prepared to commemorate the opening of the new Law School.

In addition to these recent research activities, Professor Rabin continues to play an active role in consulting for the Ford Foundation and the Administrative Conference of the United States.

Professor **David Rosenhan** attended an international conference on "Mechanism of Prosocial Behavior" in Warsaw, Poland, from October 27 to November 1. He has recently completed a critique of reliability of psychiatric diagnostic systems and is currently writing a book on the experience of psychiatric hospitalization.

Professor **Kenneth E. Scott** is spending part of the year as a senior research fellow of the Hoover Institution. With Paul H. Cootner, Cooperating Professor of Law and Economics, Professor Scott is studying "The Public Regulation of Banking Institutions," a theoretical and

empirical analysis of banking regulation, including an evaluation of the results actually achieved by different regulatory rules and the various costs they entail.

Professor **Byron Sher** is serving on a committee to formulate proposals to be made to the Senate of the Academic Council concerning faculty grievances. Professor Sher's membership on this committee follows from the work he did last year as chairman of an ad hoc committee of the Stanford Chapter of the Ameri-

can Association of University Professors concerning faculty grievances. That committee wrote a report and made recommendations that will be considered this year by the Senate of the Academic Council.

Professor Sher continues to serve as Mayor of the City of Palo Alto. At the December 18 meeting of the Stanford Law Society of Seattle, he discussed selected legal problems facing Palo Alto, ranging from open space zoning to massage parlor regulations.

## Professor Meyers Heads AALS

On December 29, Charles J. Meyers, Charles A. Beardsley Professor of Law, assumed office as President of the Association of American Law Schools. The occasion was the 74th Annual Meeting of the Association, held this year in San Francisco.

The Association was established in 1900 and now has 129 member schools throughout the United States and 17 associated schools in Canada. It engages in a wide range of important activities concerning legal education. During Professor Meyers' administration, he hopes to give special attention to improving relations between the Bar and law schools.

In his inaugural speech to the Association's House of Representatives, Professor Meyers urged that law faculties could become more effective through curricula reform:

We should work towards a building block curriculum that treats the first year courses as foundation stones for advanced work in four or five basic areas of law. The several sections of each first year course should contain substantially identical material, so that the students in the advanced courses have a common core of learning. The advanced courses themselves should proceed in order: in each general area there should be a sequence of courses from the more general to the more particular and difficult, with the student being entitled to drop off at the end of any block but not entitled to pick up at the end when he or she skipped the middle. More attention must be paid to courses the students wish to take and to the courses they need for practice. And finally, law schools should recognize that not every law school needs to teach everything. Every law school should offer a basic legal education and then specialize in two or three areas of law, leaving other areas to School B, C and D. Law students are mobile and at least some of them have a pretty good idea of what their career goals are before they enter law school.

# SCHOOL NEWS

## Fall 1974 Interview Season Brings 237 Employers to School



Douglas Jensen '67 of Baker, Manock, and Jensen, Fresno, interviews Thomas Wilson '76.

In October and November 237 prospective employers came to the School in search of Stanford law students for both summer employment and permanent positions. Interview season is a crucial time for most law students because it enables them to investigate a wide range of employment opportunities and, often, to resolve their employment concerns early in the year.

The majority of jobs are found each year through the interview process. Some 60% to 70% of those students holding employment commitments by the time of graduation have located their jobs through the Placement Office. And an even greater percentage of second-year students find their summer jobs through Law School interviewing.

Traditionally, the majority of the interviewers represent law firms. Of the total number of employers who visited the School this fall, 199 were from private firms; 19 from government agencies; 17 from corporations; and 2 from public interest groups.

An encouraging change from years past, according to Julie Wehrman, the new director of Law School Placement, was an increase in interviewers from small towns in California. A corresponding increase in students seeking interviews with these firms and with out-of-state firms seems to reflect a growing willingness among students to move outside the Bay Area.

Another difference from previous years was a decrease in government agencies and public interest organizations that interviewed, which Ms. Wehrman attributed to cut-backs in hiring and funding. She noted that several agencies cancelled, giving as the reason a lack of funds for additional personnel.

Out-of-state interviewers were fewer than last year, another fact that Ms. Wehrman attributes to the state of the economy. Though student interest was high, out-of-state interviewers dropped 5% from last year.

Despite the slight fluctuations in government agencies and out-of-state firms, Ms. Wehrman believes that prospects for most students finding employment are excellent, judging from students' reactions and those of the interviewers.

## National Conference on Women and the Law Held Here on March 22-24

The Sixth National Conference on Women and the Law brought well over one thousand women attorneys, students, and professors from across the country to Stanford for the weekend of March 22-24.

Ruth Bader Ginsburg, a professor at Columbia Law School and general counsel for the American Civil Liberties Union, gave the keynote address.

Women involved in teaching and litigation conducted fifty workshops in their areas of expertise, encompassing such topics as housing discrimination, employment, criminal law, lobbying and legislation, domestic relations, women's health issues, women in welfare law, constitutional law, child care, reproductive freedom and abortion, female juveniles, legal problems of older women, and international perspectives on women. Workshop leaders included Nancy Stearns of the Center for Constitutional Rights in New York; Janice Goodman of the first all-woman firm of Bellamy, Blank, Goodman, Keley, Ross & Stanley in New York; Professor Virginia Blomer Nordby '54 of the University of Michigan; Elizabeth Rindshopf of the New Haven Legal Assistance Association; Professor Barbara Babcock of Stanford; and Nancy David, Mary Dunlap, Wendy Williams, and Joan Graff of Equal Rights Advocates in San Francisco.

The first national conference was held in 1970 at New York Uni-

versity with fewer than one hundred people in attendance. Since that time, conferences have been held every year in different parts of the country with ever-increasing attendance.

The importance of the conference lies in its unique opportunity for women law students, professors, and attorneys to discuss the special issues of the changing legal status of women, as well as the particular problems women face in the legal profession. Since 1970, the focus of the conference has shifted emphasis from the problems of women law students and attorneys as minority participants in a male-dominated field to specific aspects of the legal problems of women in general.

### **New Law School Chosen as Site for ABA Assembly**

On June 26-28 about 100 prominent lawyers and leaders in other fields will attend a special program on "Law and the Changing Society" to be held at Stanford Law School. Sponsored by the American Bar Association and the American Assembly of Columbia University, the gathering will be the first public event to mark the completion of the new Law School buildings.

Members of a special committee, chaired by Seth M. Hufstедler '49, immediate past president of The State Bar of California, have selected topics for discussion during the three-day session. Papers prepared for the conference will be published later for general circulation.

The American Assembly was started when Dwight D. Eisenhower was president of Columbia University. The Assembly provides a forum to highlight differing aspects of a given subject, to explore problems, and to suggest solutions. The June program will be the second offered on the theme of Law and the Changing Society; the first was held in 1968 in Chicago.



### **New Course Combines Substantive Law with On-the-Job Experience**

Students question witnesses during a video-taping session in the Palo Alto Municipal Court.

"Litigative Strategies Against Sex Discrimination," a unique course offered at the School for the first time this year, has received enthusiastic praise from the eleven second- and third-year students currently enrolled in it.

Established through a two-year \$263,100 grant from the Carnegie Corporation of New York, the course provides an in-depth look at the substantive law of sex discrimination (especially Title VII, Equal Pay Act, and equal protection), while affording students the opportunity to simultaneously develop litigative skills.

Under the joint direction of Stanford Law Professor Barbara Babcock and Equal Rights Advocates, a non-profit public interest law firm in San Francisco specializing in sex discrimination law, students work on both simulated cases in the classroom and actual cases at the ERA office. The classroom simulations include extensive use of videotaped sessions in which students perform various legal tasks, such as interviewing clients, arguing motions, negotiating settlements, and examining witnesses at trial. The videotapes are played back in class for group discussion, and later each student's performance is individually critiqued by Professor Babcock. By the end of the first semester, the students had an opportunity to role play every major aspect of a Title VII suit—from filing a complaint, through planning discovery, to preparing witnesses for trial.

In addition to classroom work, each student spends at least one day a week in the ERA office working with one of the firm's four lawyers. Last semester the work included preparing an amicus brief for use in the defense of a group of Santa Cruz midwives arrested for "practicing without a license," and preparing cross-examination questions for an upcoming trial against the City and County of San Francisco and the Civil Service Commission. In addition, the class attends the firm's regular Friday meetings, where they discuss particular cases they are working on and new developments in the field of sex discrimination. On occasion, guest speakers, including employees of various governmental agencies combatting sex discrimination, law clerks from the state Supreme Court and Court of Appeal, and experts on discovery and the use of computers in civil rights cases, are invited to the meetings.

Equal Rights Advocates' lawyers have taught sex discrimination and law courses at Golden Gate School of Law, as well as the Universities of San Francisco, Santa Clara, and California at Davis. Thus far, the firm has encountered no difficulty in providing cases that have educational importance. Nancy Davis, one of the ERA attorneys, observed, "Women seem increasingly willing to seek legal redress in cases of illegal sex discrimination and the result has been a growing number of important sex discrimination suits."

Students' reactions underscore the success of the program to date. Bryant Garth '75 noted, "The lawyers at ERA and Barbara Babcock are sincerely committed to teaching and sharing their skills with students. They have made it clear that a major part of their responsibility is to train us to be effective attorneys."





### Oral Practice Seminar

More than sixty students, including thirty first-year students, participated as advocates in an Oral Practice Seminar held November 18-21. The Seminar, sponsored by the Moot Court Board, is designed to give participants an opportunity to argue before a mock judicial panel from a brief prepared for actual litigation.

Each student is allotted twenty minutes to argue the case, but much of that time is spent responding to questions from the judges. This year, twenty-six alumni and other attorneys, law professors, municipal court judges, and law students were recruited to serve as judges on the panels.

Participants chose to argue either *Nga Li v. Yellow Cab Company*, a case presently before the California Supreme Court, which focuses on the relative merits of contributory and comparative negligence, or *Construction Industry Association of Sonoma County v. City of Petaluma*, currently pending before the Ninth Circuit Court of Appeals. The essence of the Construction Industry complaint is that the so-called "Petaluma Plan" limited the number of new housing units in the city of Petaluma and was thereby an unconstitutional infringement of the plaintiff's right to travel.

Following the arguments on each of the four evenings, the judges met informally with the advocates to discuss their individual performances.

Coordinator of the Seminar was Becky Love '76; Michael Miller '75 is president of the Moot Court Board.

### Law Forum Has Busy First Semester

David Margolick '77



Professor Anthony Amsterdam



Dr. Michael DeBakey

The Law Forum is a student organization whose primary purpose is to provide stimulating extra-classroom experience at the School by bringing leaders in private law practice and government to the campus.

Under the leadership of Jonathan Kempner '76, the Law Forum hosted meetings during the fall term with Supreme Court Justice William Powell (whose visit is described on page 32); Congressman Paul McCloskey '53; renowned heart surgeon Michael DeBakey; Chesterfield Smith, Immediate Past President of the ABA; Washington lawyer and 1972 Vice-Presidential candidate R. Sargent Shriver; Dr. Jerome Skolnick, Professor of Criminology at the University of California at Berkeley; and George Shultz, former Secretary of Labor and of the Treasury.

The Law Forum also sponsors the popular lunch series with professors, which enables students to meet informally with faculty members to discuss their out-of-classroom projects. Last semester, students met with Professors Anthony Amsterdam, William Warren, Richard Danzig, William Baxter, Byron Sher, Jack Friedenthal, and Visiting Professors Clinton Bamberger, Dean of the Columbus School of Law, Catholic University of America; and David Ratner of Cornell Law School.

The Forum also continued its Alternatives in the Practice of Law program. Among this year's participants were Jane Lakes Frank, Chief Counsel and Staff Director of the Subcommittee on the Representation of Citizen Interest of the United States Senate Judiciary Committee; Stan Stroup, General Counsel of First National Bank of Chicago; Tim McNamar, Executive Director of the Federal Trade Commission; Rodney Eyster, General Counsel of the Department of Transportation; Jack Borgwardt, General Counsel of Boise Cascade Corporation; and Nancy Chasen, lobbyist for Public Citizen.



### Back Together Again!

By popular demand the dynamic duo of Professor Moffatt Hancock and Associate Dean Joseph Leininger joined talents for a repeat performance of their incomparable Hancock/Leininger Revue. With a little help from Gilbert and Sullivan and a great deal of original work from Professor Hancock on lyrics and Dean Leininger on the keyboard, the twosome delighted the audience with such delectable ditties as *The Life of a Dean*, *Is a Raft of Logs a Vessel?* *The Grade in Torts*, *Two Law Students*, and *The Duties of the Dean*.

## New Law School Nears Completion



Construction of Crown Quadrangle continues at a fever pitch and excitement at the School grows as students and staff prepare to make the long-awaited move. Completion of the new buildings is scheduled for May 15, with June 7 designated as "moving day." The first official event to be held at the new School will be Commencement on June 15.

## Alumni Establish John B. Hurlbut Scholarship Fund

Stanford law students who participated in undergraduate intercollegiate athletics have a new source of financial aid, thanks to interested alumni. According to Thomas Tweedy '57 and Joseph Mell '57, founders of the John B. Hurlbut Scholarship Fund, the goal of the Fund is to attract enough additional alumni support annually to provide the equivalent of a full-tuition scholarship.

The Fund is named in honor of John Bingham Hurlbut '34, one of Stanford's most popular law professors and a former vice president of the eighth region of the National Collegiate Athletic Association (NCAA).

Bruce Laidlaw, a third-year student who played on Stanford's tennis team as an undergraduate, has been awarded the first Hurlbut scholarship.

## Environmental Law Society Announces Six New Publications

Seventeen members of the Class of 1976 worked throughout the summer on six research projects for the Environmental Law Society. The results of the projects were published during the fall.

The projects, funded by foundation grants totalling \$32,000, involved environmental problems ranging from misuse of desert lands to the adverse effects of increasing noise levels in urban areas.

One project resulted in the publication of a handbook for bicycle enthusiasts. The book attempts to define the legal status of bicycles through an analysis of state and local regulations governing the use of bikes and an assessment of the impact of integrating the bicycle into the national transportation network through the increased use of bike lanes and bikeways.

Another project produced a citizen's guide to bottle control. It evaluates the bottle control measures adopted by Oregon and Vermont in terms of their effectiveness in solving the problems of litter control and energy conservation, and discusses how to secure passage of similar legislation in other states.

The study of desert lands arose from an increasing awareness of the misuse of some 16,000,000 acres of California desert resources under Federal control; it culminated in a report that reviews the proposed legislative and judicial remedies for this situation.

A fourth project focused on the legal problems involved in the development of geothermal resources on public lands. The final report contains recommendations for statutory and regulatory changes that would permit the development of these resources as a potentially significant source of electrical energy for the nation.

Another project led to the publication of a handbook for historic preservation, a legal guide for preservationists concerned with saving local landmarks, significant buildings, and historic districts. The book gives concerned citizens information on where to go and what to do in order to save a particular building or section of the man-made environment of a town.

The effects of noise on people and property is the subject of the sixth study, which examines interlocking state and federal regulations in this field and offers several strategies for controlling noise pollution, with special emphasis on local action.

Those interested in obtaining copies of the publications or in receiving a complete catalogue of Environmental Law Society publications should write directly to the Environmental Law Society, Stanford Law School.



### May we borrow your memory . . . and your memorabilia?

Recognize anyone in this photo? Perhaps you were on the "law steps" the day the photo was taken. Do you have some other memories from that time you would be willing to share with us?

The next issue of *Stanford Lawyer* will be the last published in our present quarters. To commemorate our move to the new buildings, we are planning a special issue of the *Lawyer*—a nostalgic salute to the first 82 years of Stanford Law School, to the people and the events that have shaped the School as we know it today.

If you have any photos or other memorabilia from your Law School days—pictures in class or out, at graduation or other special events; programs or announcements; maybe some anecdotes—won't you please let us borrow them? We want to make this issue something special for every alumnus. Please send your memorabilia to the Editor, *Stanford Lawyer*, Stanford Law School, Stanford California 94305. We promise to return whatever you send.

### Alumnus Endows Professorial Chair

Frederick I. Richman '28 has endowed a professorial chair at the School.

Dean Ehrlich said he was elated by the new chair, the holder of which will be called the Frederick I. Richman Professor of Law. "It is an exceedingly generous act," he said, "from a man whose generosity to Stanford in general and to the Law School in particular has already been great. And the gift will enable us to give appropriate honor and recognition to a member of our law faculty."

Mr. Richman earned his A.B. from Stanford in 1927, and his J.D. degree in 1928. He was born in Iowa, but has lived in Southern California since he was a young man. He currently resides in Laguna Beach.

In 1969, when plans for the new Law School buildings were taking shape, Mr. Richman made a gift of more than \$1 million toward their construction. "It was Fred's gift," Dean Ehrlich observed, "that gave us hope we could build the physical plant we needed, even though the funds to do so were not then in sight."

Mr. Richman has also supported the School through a student loan fund and other gifts. From 1970-73, he served as a member of the Law School Board of Visitors.



### Justice Powell Visits the School

At the invitation of Dean Thomas Ehrlich and the Law Forum, Supreme Court Justice Lewis F. Powell, Jr., visited the School on October 26-28.

During his stay, the Justice met informally with faculty members and student groups; visited Professor Danzig's seminar on Justices Black and Frankfurter and Professor Gunther's seminar on constitutional law; and attended an off-the-record gathering of more than 250 law students.

Following the off-the-record session, Justice Powell answered questions from the student editors of the Law School newspaper. When asked to comment on the caliber of lawyering before the Court, Justice Powell answered, "One of the disappointments I have experienced in going on the Court is the quality of some of the advocacy, both written and oral. Some of it is excellent, but there is more diversity in the quality than I would have expected." He suggested that one way of correcting this problem might be "certification of lawyers for particular specialties" so that the Court could be sure it was hearing arguments from experts in a given field. He quickly added, however, that "it is terribly hard to identify the mechanism for certification. The ABA could do it, but only on an advisory basis."

The Justice attributed increased student interest in attending law school to two factors. First, he said, "The law itself affords perhaps more career options than any other discipline. Legal training is useful for government service of any kind; it's useful for business . . . The other reason relates to . . . professional responsibility. Young people perceive the law as one of the principal means of effecting change in society, and I think that's healthy."



## Stanford Law School publications currently available to alumni...

### Stanford Law Review

Published six times a year, the *Stanford Law Review* presents articles, comments, notes, and book reviews on subjects of interest to lawyers throughout the nation.

*One-year subscription: \$12.00*

Issues in the current volume and current subscriptions are available directly from Stanford Law Review, Stanford, California 94305.

All back issues are available from Fred B. Rothman Company, 57 Leuning Street, South Hackensack, New Jersey 07606.

### Electricity Policy Choices: A California Case Study

Edited by Lloyd Warble  
and Charles J. Meyers

Prepared by students in the Stanford Law School Environmental Project, the report considers demand and supply forecasts, environmental consequences of various levels and input mixes of electricity production, the relevance of economic principles to the management of electricity demand, emergency restrictions on electricity use, and the legal and institutional setting for electrical utility regulation.

*455 pages; 8½" x 11" paperbound; \$6.50*

Copies are available from the Environmental Law Society, Stanford Law School, Stanford, California 94305. Checks or money orders should be made payable to Stanford Law School and should accompany each order. California residents please add 6% sales tax to the price of each book.

### Stanford Journal of International Studies

Published annually, each volume focuses on a contemporary problem of international importance and features articles by faculty and students from a variety of disciplines. Each article addresses a particular facet of the problem under consideration.

**Soon to Be Published:**

**Vol. 10 China's Changing Role in the  
World Economy \$6.00**

Orders for this volume should be sent directly to the *Stanford Journal of International Studies*, Stanford Law School, Stanford, California 94305, and should be accompanied with a check or money order made payable to Stanford Law School.

### BACK VOLUMES AVAILABLE:

- Vol. 1 East-West Trade
- Vol. 2 Development: International Law and Economics
- Vol. 3 Foreign Intervention in Civil Strife
- Vol. 4 Ocean Resources
- Vol. 5 Telecommunications
- Vol. 6 Development
- Vol. 7 Arms Control
- Vol. 8 International Environmental Control
- Vol. 9 Evolving Approaches to Development

All back volumes should be ordered directly from Fred B. Rothman Company, 57 Leuning Street, South Hackensack, New Jersey 07606.

### Environmental Law Society

#### LAND MANAGEMENT STUDIES:

##### Public Land Management—A Time for Change

Series of studies analyzing and evaluating the administration of the nation's federal lands, with suggestions for proposed reform. May be purchased in one volume (*202 pages; \$5.25*) or in three separate volumes:

1. Reforming the Mining Laws (*50 pages; \$1.75*)
2. Public Land Timber Management (*108 pages; \$2.25*)
3. Grazing Management (*69 pages; \$1.75*)

##### California's Private Timberlands: Regulation, Taxation, Preservation

Examination of the regulation of foresting practices on privately owned timberlands, plus recommended reforms in logging regulation, property taxation, and open space conservation to be included in new legislation. *97 pages; \$3.50*

#### SPECIFIC ENVIRONMENTAL STUDIES:

##### Interstate Environmental Problems: A Guide to Water Pollution and Water Scarcity

Discussion of the legal framework of water allocation and pollution control. Includes a survey of the administrative, judicial, and political remedies and appropriate tactics for effective citizen action. *161 pages; \$4.25*

##### The Environment and California's Highways: Go Back, You Are Going the Wrong Way

Evaluation of the highway system on the national and state level in the light of financial, environmental, and political concerns. *177 pages; \$3.75*

### LAND USE AND PLANNING STUDIES

#### San Jose: Sprawling City

Case study of the causes and effect of chaotic growth and urban sprawl, plus an analysis of remedial planning tools. Includes a cost-revenue case study, "Do New Residential Developments Pay Their Own Way?" *109 pages; \$3.75*

#### A Handbook for Controlling Local Growth

Discusses growth control agencies, judicial attitude toward growth regulation, growth control techniques for local government and citizen action. *118 pages; \$3.95*

#### The Property Tax and Open Space Preservation in California: A Study of the Williamson Act

Analysis of selective property tax relief as a tool to preserve prime agricultural land and contain urban sprawl. *140 pages; \$3.95*

#### California Land Use Primer: A Legal Handbook for Environmentalists

Outlines the elements and scope of land use regulatory powers, as well as citizen tactics to influence land use decisions. *79 pages; \$2.75*

#### The California Coastal Zone Conservation Act: Cases and Controversies

Examines the problems of interpretation and administration of the Coastal Zone Act. Discusses the constitutionality of land use regulation, the complexities of the interim permit process, and the conditions of citizen participation. *98 pages; \$3.95*

### NEW PUBLICATIONS SOON TO BE RELEASED:

#### A Handbook for Bicycle Activists

#### A Citizen's Guide to Bottle Control

#### Desert Lands: A Study of Public Land Mismanagement

#### Geothermal Resources: A Legal Frame- work for Energy Development

#### A Handbook on Historic Preservation

#### A Handbook on the Control of Noise Pollution

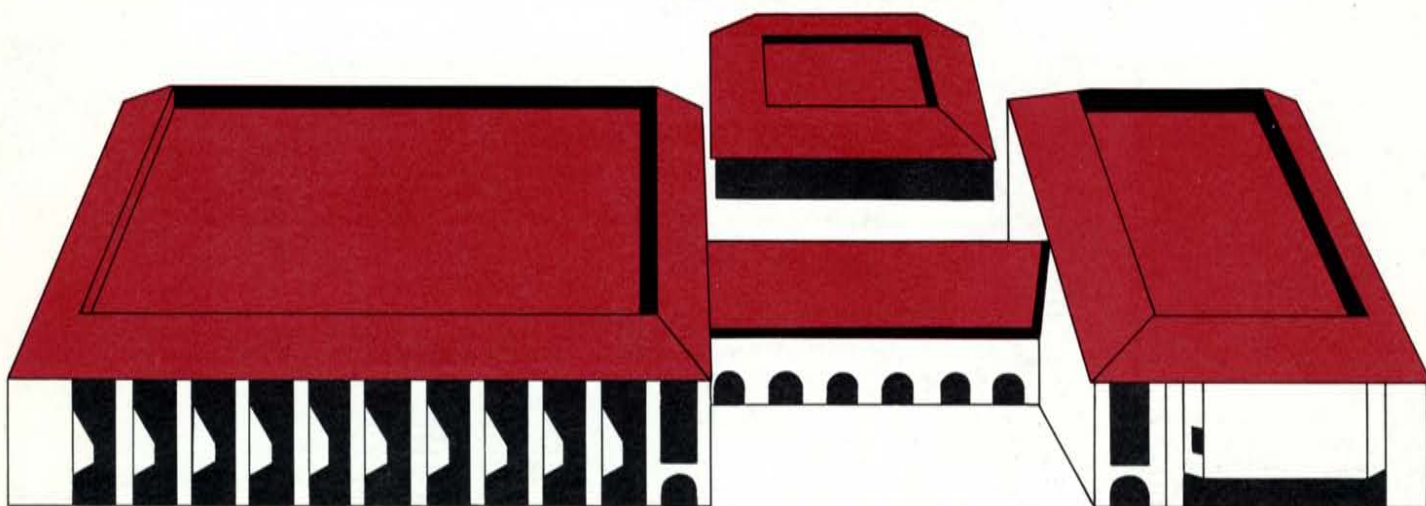
(For further information about these publications, please turn to page 31.)

Orders for all of the above titles should be sent directly to the Environmental Law Society, Stanford Law School, Stanford, California 94305. Each order should be accompanied with a check or money order made payable to Stanford Law School. California residents please add 6% sales tax to the price of each book.



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**After 82 years of distinguished legal education . . . a permanent home for Stanford Law School**

For alumni, faculty, students, and friends of Stanford Law School, the completion of Crown Quadrangle will be something to celebrate . . . and that's exactly what we plan to do!

On Friday and Saturday, September 26 and 27, Stanford Law School will hold a Celebration to mark the completion of our new buildings and to commemorate the first 82 years of legal education at Stanford. It will be an event filled with fun and festivity as students and faculty of yesterday and today come

together to renew old friendships and rejoice in the continuing success of Stanford Law School.

Make plans now to join in the Celebration—September 26 and 27. Further information will be mailed to you soon.

The following classes will hold reunions during Celebration: 1925, 1926, 1930, 1931, 1935, 1936, 1940, 1941, 1945, 1946, 1950, 1951, 1955, 1956, 1960, 1961, 1965, 1966, 1970, 1971.