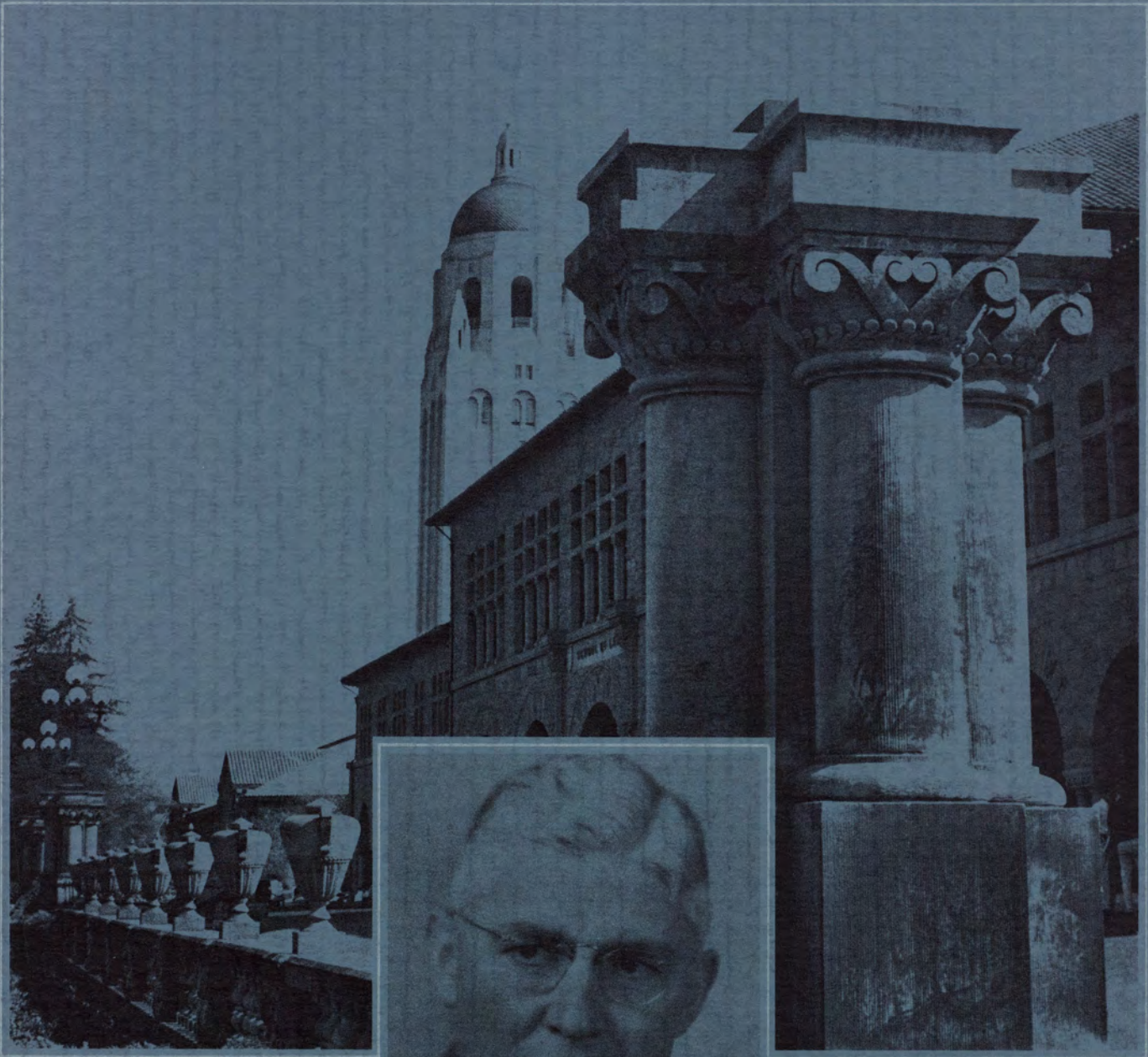


Stanford Lawyer

Spring 1978/Volume 13, No. 1



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Dean's Page

It is a happy coincidence, I think, that Cheryl Ritchie, the editor of the *Stanford Lawyer*, chose to run an article on the law library in this issue, which also features a symposium on Marion Kirkwood, for the library was one of Marion's chief concerns while he was Dean, and indeed as long as he lived. Some statistics may be of interest: When Marion joined the law faculty in 1912, the library contained 16,000 volumes. By the time he became Dean in 1922, that number had increased to 26,000, and it more than doubled during the twenty-three years he led the School. (The faculty also doubled during that period—from eight to sixteen.) When Marion retired in 1952, the library stood at 86,000 volumes, a fivefold increase during the forty years he taught at Stanford. The library has, of course, continued to grow; it now contains 250,000 volumes, or nearly three times the number of twenty-five years ago.

Impressive as these figures are, it is sobering to realize that in size the Stanford Law Library ranks only eighteenth among the nation's law libraries, down one place from last year's ranking. This decline reflects the even more serious fact that for five years running, we have acquired fewer titles each year than were acquired the previous year. Part of the explanation lies in the tremendous pressure that continuations put on the library budget. The decisions reported by the federal district courts in 1933, for exam-

ple, occupied four volumes (of roughly 1100 pages each) of the Federal Supplement. In 1952, those cases took eight volumes of the same size. In 1976, the number jumped to sixteen volumes and the size had grown to 1500 pages.¹ The rest of the National Reporter System has followed suit, all of this happening at a time when books have increased materially in price. Today the library faces rising fixed costs with a corresponding decline in discretionary funds for new purchases.

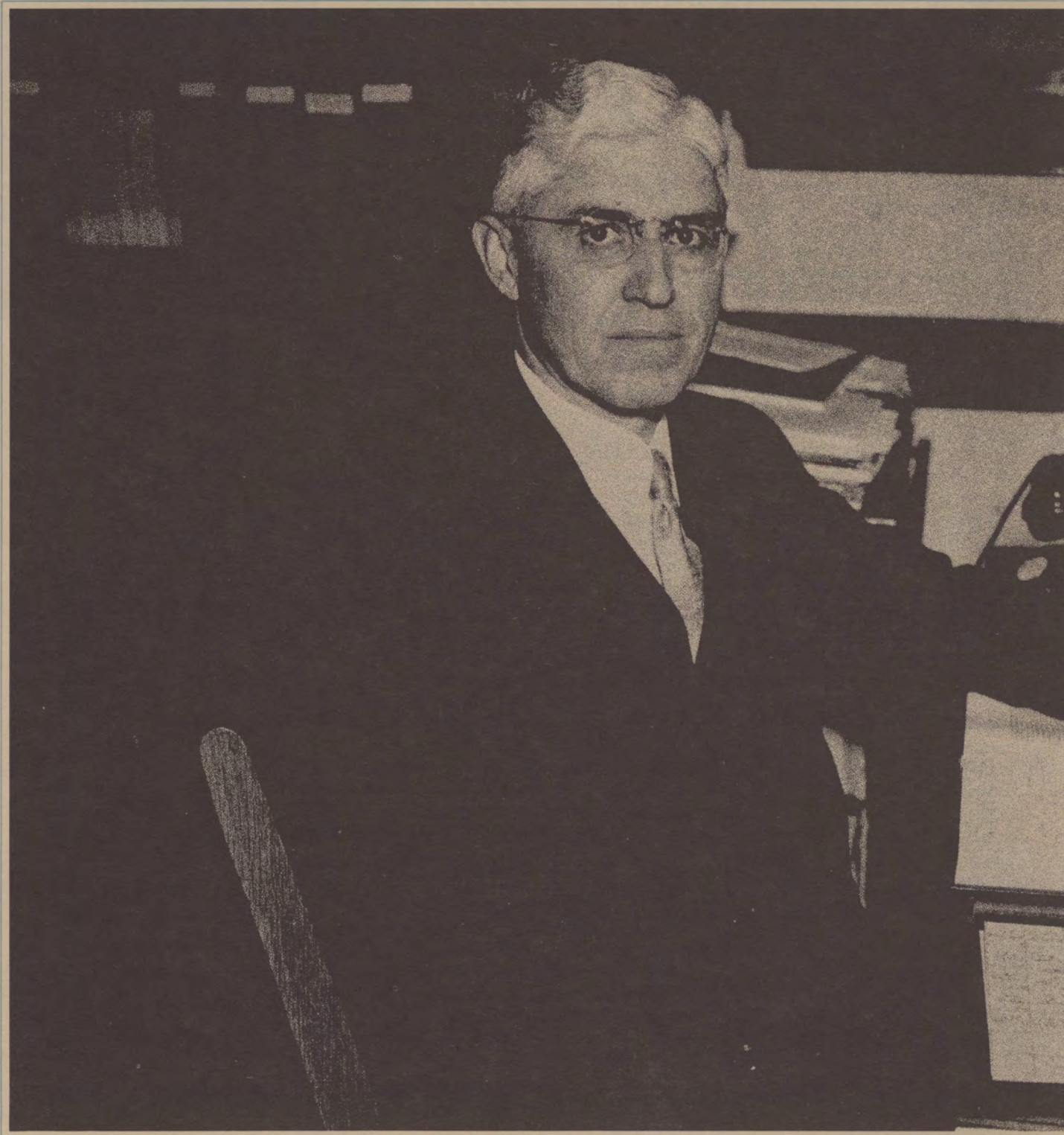
Adversity, however, is not new to Stanford. Dean Kirkwood's career at the Law School spanned the Depression and the Second World War, yet the library grew both in size and quality. Selectivity in acquisitions and sustained support by alumni and friends of the School are the keys to sound growth. Fortunately, we have both. Assisted by faculty members in their areas of specialty, Professor Myron Jacobstein, the Law Librarian, spends a significant portion of his time determining which new books to buy and which to forego. On the support side, the Friends of the Stanford Law Library are increasingly active, local law firms who benefit from the use of our collection are responding to the problem, and alumni and friends are becoming sensitive to the interdependence of a superior library and a superior legal education.

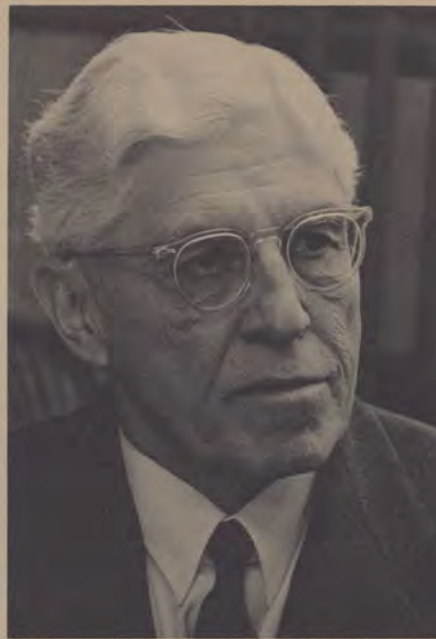
Marion Kirkwood appreciated the necessary connection between library and legal education and so do his friends. In 1954, his sister-in-law, Edith M. Kirkwood, established by bequest the Marion Rice Kirkwood Book Fund. Over the years the endowment has been augmented by gifts from friends and admirers. In every book purchased by the Fund there is a bookplate with Marion's picture and a legend that reads, "Gift of Marion Rice Kirkwood." Not literally correct—for many have contributed to the Fund—but essentially right, for the library and the School owe much to the gifts of talent, devotion and character that Marion Kirkwood gave us.



1. Being a scholar, or as Dean, perhaps a scholar manqué, I cannot resist a footnote. As I was looking through the Federal Supplement containing the decisions for 1976, I was struck not only with the size of the books but also with the length of the opinions. Doubtless, the law is more complex now than it was in 1933, but *that* much more complex? I am inclined to suspect that fashion and training have something to do with it. With the eclipse of the art form known as the law review case note (maximum of two pages) and the emergence of the law review Note (minimum, it seems, of forty pages) brevity is no longer the soul of wit—or, apparently, wisdom.

Marion Rice Kirkwood Remembered





On January 8, 1978, Marion Rice Kirkwood died at the age of 90. For many Stanford lawyers the passing of Dean Kirkwood marks the end of an era. With a career that spanned four decades, Marion Kirkwood served the Stanford Law School and the legal profession with a dedication and vigor that have become legendary. Indeed, in many ways the story of Stanford Law School is the story of Marion Rice Kirkwood.

Marion Kirkwood began his long association with Stanford in 1905, when he enrolled as a college freshman. He received his J.D. in 1911 and was admitted to practice in California that same year. In 1911-12 he taught at the University of Oklahoma as an Assistant Professor. Then, in 1912, Stanford University President David Starr Jordan invited him to join the law faculty, thus beginning a professional association that continued until his retirement in 1952.

During those forty years he served under five University presidents — Jordan, Branner, Wilbur, Tresidder and Sterling — and taught all but the first eighty Stanford law graduates.

In 1922 he became Dean of the Stanford Law School, piloting the School through some of its best times and certainly its worst, including the Depression and World War II. Yet, during those supremely difficult years Marion Kirkwood continued to raise the academic standards of the School, as well as to build a faculty that included many of

the finest legal minds in the country.

Despite a heavy teaching schedule and the various responsibilities of the Dean's Office, he found time to write extensively in the areas of particular interest to him, real property and legal education and admission. He authored numerous books, law review articles, book reviews and addresses on legal education. In addition, he edited *Cases and Materials on the Law of Conveyances*, which was published in 1931. The book was quickly recognized as an outstanding work and at the height of its popularity was used in seventy law schools.

His professional associations were as diverse as his Law School duties, and he approached each one of them with the same thoroughness and energy that he demonstrated in his teaching and administrative duties. From its creation in 1931 to 1945, Dean Kirkwood was a member of the Committee on Cooperation Between Law Schools and the State Bar and was instrumental in raising the educational standards for admission through the development of a rigorous and well-administered bar examination. He also served as national president of the Order of the Coif from 1922-25 and as president of the Association of American Law Schools in 1934. From 1926 to 1951 he was on the board of directors of the San Francisco Legal Aid Society.

Dean Kirkwood retired from the deanship in 1945 to devote himself entirely to teaching. Four years later he was named to the William Nelson Cromwell Professorship, the first endowed chair established at the Law School. He retired from the faculty in 1952. That same year the School established the Marion Rice Kirkwood Professorship in his honor. Lowell Turrentine, a long-time friend and associate, became the first holder.

Even after his retirement Dean Kirkwood continued to offer a lecture course in water law each autumn, *gratis*.

In 1975 several hundred of his former students wrote letters of appreciation to Marion Kirkwood, which were bound in a special volume and presented to him by then Dean Thomas Ehrlich and Frederick I. Richman '28. The letters abound with words of praise and admiration. The volume is an eloquent expression of the profound affection and esteem in which Stanford lawyers hold Marion Kirkwood. They underscore an observation once made by the late Pro-

fessor George Osborne, "To the many generations of students who passed through the Stanford Law School from 1922 to 1952 he is always 'the Dean,' a title springing not from long habit but from an instinctive, strong and enduring desire to pay homage to the man."

Marion Rice Kirkwood will be remembered by all whose lives he touched. Moreover, the continued success of the Stanford Law School and of the future generations of lawyers who will pass through its doors will keep his memory burning brightly in the years to come.



On February 3 some students and colleagues of Dean Kirkwood met at the School to share their memories of the man they knew and revered as their teacher, their Dean, and their friend. Those in attendance included Frederick I. Richman '28, Hon. Ben. C. Duniway '31, Perry N. Moerdyke, Jr. '39, John Bingham Hurlbut '34, Jackson Eli Reynolds Professor of Law, Emeritus and Moffatt Hancock, Marion Rice Kirkwood Professor of Law, Emeritus. Following are excerpts from their conversation.

Prof. Hancock: It has always seemed to me, in studying the history of Stanford Law School, that of all the deanships Marion Kirkwood's was one of the most dramatic. It was certainly the longest—twenty-two years. But it was also tremendously dramatic because when he became Dean everything was going along fine. It was like the story of Joseph in Genesis: "seven years of great plenty" followed by "seven years of famine."

When Marion began his deanship in 1922 the School had already progressed

beyond the point of hiring young professors who would stay for two years and then be lured away by Chicago or Minnesota. And one of Marion's greatest coups in those early years was getting George Osborne on the faculty. George was about thirty then, an outstanding editor of the *Harvard Law Review*, high in his class at Harvard. He showed great promise of being what he eventually became—a powerful teacher and a great legal scholar in the fields of advanced property law and mortgages. George had offers from many places,

but it was his friendship with Marion that brought him to Stanford.

Things went well for the Law School in the 1920s. The School felt so prosperous they decided to offer a fourth-year course. The size of the faculty was increased and salaries were good. Everything was going very well until the Depression and then the Second World War. Yet, no matter how bad things got, Marion stuck it out and so did George. They believed in the School and stayed with it all the way. That took patience and faith. And when the War was over, of course, things did get better and the rest is history.

Mr. Richman: The Law School was Marion's life, period. The proof of this is that he virtually never left here. After graduating with his J.D. he taught one year in Oklahoma and then returned to Stanford. Even when he retired from the deanship he continued to stay on.

I took my first class from him in 1925 and there was no question then that he ran this law school. I recall a conversation with him in which he told me that once he had called President Wilbur to say that he wanted to retire from the deanship but then Pearl Harbor came. He laughed and said, "Neither one of us mentioned it again for a number of years."

Marion didn't choose, as he could have, to use the Law School as a stepping stone for other places. Stanford was his life and the Stanford Law School, as the saying goes, is the elongated shadow of one man—Marion Kirkwood.

Prof. Hancock: I'd like to add a footnote that bears out what you're saying, Fred. Marion once told me that he spent a year as a visiting professor at Duke in 1930-31, I believe, at the invitation of Justin Miller, who was one of Marion's first students and at that time Dean of the Duke Law School. Marion said that he received a very generous offer to stay but he turned it down because, in his words, "I didn't think the schools in Durham were good enough for my sons and I wanted them to get a good education." But I think it was more than that. I think Marion was totally committed to the Stanford Law School.

Prof. Hurlbut: I'd like to mention a few of Marion's personal attributes which we might elaborate on. As has already been said, he was a man of extraordinary capacity, with a long career of accom-

plishments, whose example touched and influenced the lives of a great many people. He was handsome and distinguished in appearance. He was a man of complete integrity and impeccable character. He was a very modest, unassuming man, without any pretense whatever. He accomplished so much, so quietly, and without fanfare. He was direct and forthright in his dealings with faculty, students and others. He was never condescending or patronizing. He was always considerate, gracious and gentle—a very human individual with much dry wit and a gift for anecdote, and very much of a family man. That's the way I remember Marion.

Judge Duniway: You know, John, I came to Stanford in 1928. This was just before the Depression hit and everything was going swimmingly and I felt very proud to be at the Law School. But during my first couple of years here I found Marion to be very reserved and a rather cold fish. I didn't take any courses from him the first year; the second year I did and I thought he taught an excellent course. He didn't have the fire and the verve of a George Osborne. He was very precise and quiet, but he was effective and a little remote.

I got to know him better in my last year and my feelings about him changed considerably. He deserved every adjective you've used, John, and I can illustrate why in one respect. I went to England for a couple of years and when I came back I was invited to dinner at the Kirkwood's. During my visit I mentioned that I was about to be married. Marion looked at me and smiled and said, "You don't start to live until you get married." And that's just the kind of person he was—very attached to his family.

You're also quite right about getting things done quietly. If there were internal currents in the faculty, they weren't apparent to the students. I think that was because Marion could just sit on them. After all, there were some very bright people on the faculty and I'm sure there were clashes of temperament.

Mr. Richman: Well, let's look at the faculty he had to work with during the Depression years: Chester Vernier, Stan Morrison, Harold Shepherd, Arthur Cathcart, Clarke Whittier, Joe Bingham, Bill Owens and George Osborne. You can't tell me any of those men were

If, as seems evident, Stanford Law School under its present brilliant leadership has a secure place among the front-runners in legal education in the country, one should not forget that the foundations were laid in the days before and during World War II, when, with inadequate quarters and a miniscule budget, Dean Marion Rice Kirkwood and a small faculty, proudly loyal to him, held the fort and kept the faith.

LOWELL TURRENTINE
MARION RICE KIRKWOOD PROFESSOR
OF LAW, EMERITUS

Marion Kirkwood . . . a visit with him, especially if our exchange of ideas was not confused by the presence of any other than Mary, was a peaceful and relaxing experience—for me, a privilege.

Perhaps it was his gentle tone of voice expressing words of a simple finality that resulted in my emotional feelings; or maybe it was his demeanor of humble self-confidence—but always the same result.

In a 1974 letter to Marion I then closed, and I cannot better express it, "Well, we have been friends for a long time—about 60 years—and I have never had a friend for whom I have a deeper affection—and I close by saying—

With warmest regards"

HERBERT L. HAHN '17

"yes" men or push arounds. And if Marion could control them, he had to be an administrator *par excellence*.

Prof. Hancock: George Osborne was a man I always admired and I would like to ask John how did Marion get along with George?

Prof. Hurlbut: It took some adeptness, Moffatt, but Marion had it and he and George got along very, very well. I don't ever recall a serious fight or squabble in faculty meetings between George and Marion. There were some very prolonged discussions but they always centered on the problem at hand. Marion would never let personalities interfere. The Law School was it, period.

Mr. Moerdyke: I think my first impression of Marion was very similar to yours, Ben. I came to Stanford Law School under the old pre-legal curriculum and was here for four years, so I think I became fairly well acquainted with Dean Kirkwood. In the beginning I, too, felt that he was rather aloof. My father had gone to the Law School in '06-'07 and, of course, I wasn't there long before he came up to see what I was doing and we went to see the Dean. After that visit I found the Dean a lot more interested and friendly.

I felt that, both as a person and as a professor, Marion was primarily a disciplinarian. He insisted on performance but he also insisted on his personal performance. He was always very organized, his office was organized—didn't look anything like mine! In class he was always prepared to carry any questions or arguments. I particularly remember his Real Property class. The students never went to sleep in that class. He was not a dramatic teacher like Bill Owens or John Hurlbut, but he certainly kept us on our toes.

I was in law school from 1935 through 1939. We had a good-sized graduation class, about 125, but I think every one of those students had Dean Kirkwood's personal attention and his personal concern that we were performing and getting what we should out of school.

Mr. Richman: I certainly found that to be the case. In fact, what Marion did for me was the luckiest thing that ever happened to me. I was on the track team and Dink Templeton, the track coach, wanted me to go to Boston for the IC4A track meet. I was taking a course in Titles to Real Estate from

Marion at the time, so I went to ask him if I could take an incomplete in the course to go to the meet. He just looked at me and said, "Mr. Richman, what do you plan to be in life?" I answered, "An attorney." He then said, "Oh, I thought you were going to be an athlete." I assured him that I wanted to be an attorney and he assured me that if I went to Boston I could expect no special consideration. Needless to say, I gave up the trip to Boston.

I then figured out that if I went to summer school in 1927 I would have sufficient units to get my J.D. in June 1928 and take the Bar examination in the fall of '28, which is what I did. I passed the Bar and became associated with a law firm in Los Angeles in January of 1929. Well, the following October came the crash and some of the boys who were in the class I should have been in took five to six years to find jobs.

I have been thankful ever since that Marion wouldn't compromise his standards. If he had said yes, Lord knows where I would have been when I got out.

Judge Duniway: He certainly expected you to perform. But I think I would describe him as disciplined, rather than a disciplinarian, Perry. He had a very orderly mind and a very orderly way of going about everything.

One thing I think every student would have agreed upon about Marion was that he was obviously a man of integrity. You couldn't talk to him five minutes or be in his class without knowing it. And when problems came up regarding how a lawyer ought to behave, he just instinctively reacted in a way that a lawyer ought to.

Prof. Hancock: That reminds me of a story I wouldn't have bothered to tell but it so well illustrates that point. When I began teaching at the Law School Marion was already retired, but he would come to School every morning and I would often talk to him about the things I was teaching, since I was teaching his courses in Property.

I remember one occasion when a lawyer called me about a case that had come up in the District Court of Appeals and I had told my students that the case was obviously wrong. A student who was on the *Law Review*, wanting to know if the case would be appealed, called the counsel on the losing side and the counsel assured him that they

were going to appeal. Well, the student told him that I had said the case was wrong so the lawyer called me and asked if I were thinking about writing an article about it. I told him no. He then asked me if I knew any justices on the state supreme court and I said I knew Justice Traynor pretty well. He then asked if I would be willing to write to Justice Traynor about the case. Of course I said no.

When I told Marion about this, he laughed and said, "Why that foolish lawyer put his foot right in his mouth. You could have written to Justice Traynor if he hadn't talked to you, but by suggesting such a move he put you in a position where you couldn't." Marion was very sensitive to questions of legal ethics.

Prof. Hurlbut: Would you all agree that in the classroom all of Marion's character and personal traits came through? I thought so. I think he viewed the classroom as a place for painstaking thoroughness but not to the abortive degree of a perfectionist. It was a place for hard thinking and resourcefulness.

Marion once told me that he thought the student must cultivate self-discipline, independence of thought and above all acquire the capacity to use legal learning as the basis for judgments to be transmitted into action. What's more, although his professional obligations were many and diverse, they were always subordinate to his role as a teacher. For him the classroom and the students were opportunities.

Prof. Hancock: I recall Marion telling me one time that often when he got through marking a set of papers he found that on the first marking he had failed almost half of the class. Realizing that he couldn't fail that many, he would go over the papers again and raise a few of them. He set the highest standards but when they couldn't be reached he would compromise.

Mr. Moerdyke: You make me wonder about that C I got in Real Property.

Prof. Hancock: Well, maybe that's more a professor's story.

Prof. Hurlbut: I think we should look at Marion's role as Dean. As far as I'm concerned, as Dean he was really perfection itself. I'm sure he did the work of three men. When you remember that his deanship embraced the long days of the Depression, when the financial re-

sources of the University and the Law School were not great, it's amazing to think of what he accomplished. He did everything himself, including admissions work and scheduling the classes, and he always carried a heavy teaching load. He did all of this with the assistance of one secretary, Miss McKendry.

Yet, his door was always open to students and faculty. Moreover, his deanship was marked by a steady advance in legal education in the Law School and by the participation of an intensely loyal alumni group in the growth of the School.

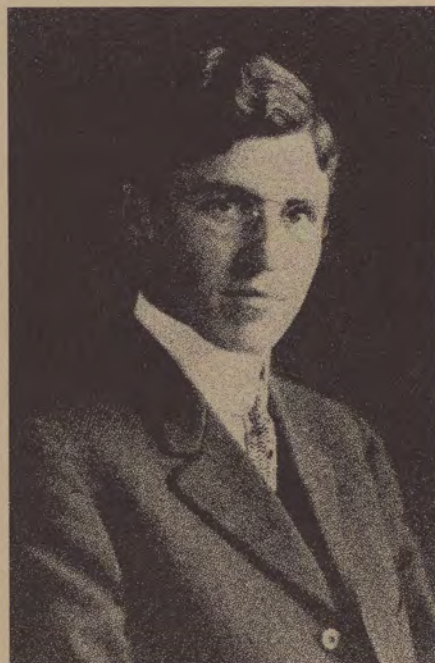
Prof. Hancock: Marion once told me that Jim Brenner was largely responsible for strengthening alumni relations. He said that in the beginning alumni were not terribly excited about the Law School and that Jim did a marvelous job of building alumni relations.

Mr. Richman: Of course you've got to bear in mind that Jim didn't take over alumni relations until we were coming out of the Depression. Before then you couldn't have put on a banquet for fifteen or twenty dollars a plate and gotten anybody to attend. We used to get Marion to come down to Southern California and talk about the water situation and the University Club would set up a luncheon for a dollar and a half. I think the times had a lot to do with it.

Prof. Hurlbut: One of Marion's biggest disappointments was never being able to get the funding for a building for the Law School. There was a beautiful set of drawings but nothing ever came of them. And right after the War we were desperate because President Tresidder took over our classroom building and our classes were scattered all over the campus.

Prof. Hancock: But isn't it wonderful to think that the Stanford Law School up to 1950 had no building of its own and yet maintained such high academic standards, real scholarship and learning without any building at all. And look at the School today. The real tragedy, I think, is that Marion never saw these new buildings—the realization of his lifelong dream.

Mr. Moerdyke: But as someone suggested earlier, the Law School was a lot simpler back then, and I think most of my classmates look back with considerable pleasure on the fact that it was simple. What's more, I think most of us





Dean Kirkwood (second from left) with colleagues "Smokey" Joe Bingham (left) Harry Rathbun and Jim Brenner.

identify that simplicity with Dean Kirkwood. I don't think he would have been happy being Dean in this new building.

Judge Duniway: I do recall that when some of us went to see him to inquire why the School didn't have a law review he didn't greet us with any enthusiasm. He apparently felt there were enough problems without taking on another one, but I can't recall any specific reasons he might have given.

Mr. Moerdyke: I think that underscores what I've been saying. I think Dean Kirkwood liked things to be kept simple.

Prof. Hancock: It took real courage and independence, don't you think, to say I think we can have a good law school without a law review.

Prof. Hurlbut: There is one facet of Marion that no one has mentioned. Despite all of his heavy professional obligations, he was anything but a narrow man and somehow he managed to work in quite a few hobbies, as well as be a great family man. He was, for example, an expert amateur horticulturist and it was said that he talked to his azaleas. I also know that he got a big kick out of his adventures in the stock market. He was widely read and somewhat of an armchair traveler. And my recollection is that he liked nothing better than to run an electric train set in the basement of his home with his two young sons, or work on a jigsaw puzzle or play dominos or chess in his game room.

Mr. Richman: I'd like to say something about Marion's wife, Mary. She is a very gracious, charming, lovable woman

who was with him all the way. I remember when Tom Ehrlich and I went to visit them and to present Marion with the volume of letters of appreciation from Marion's former students. Marion's eyes were in very bad condition then and Mary read the letters to him and they chatted about them. It was wonderful the way she took care of him.

Prof. Hurlbut: I think we should also mention Marion's contribution to the State Bar. During the early days, about 1927, I believe . . .

Mr. Richman: Yes, 1927, when dues were \$5.00 a year as compared to \$130 now—and soon to be \$400 to support all of the mistakes that a lot of attorneys who didn't go to Stanford make . . .

Prof. Hurlbut: Marion, along with Jim Brenner, assumed a leadership role in fostering a close relationship between the State Bar and the law schools in California and in the movement to raise the standards for admission to the Bar through a well-administered Bar examination.

Judge Duniway: Jim was the first secretary of the State Bar and he traveled all over the country promoting the idea of accreditation of law schools by the ABA and of improving the quality of the Bar examination. And Marion backed him all the way.

Editor: I'd like to ask a question. In listening to each of you today, I've been struck by the variety of things one can say about Marion Kirkwood. He was obviously a remarkable man. If you had to use one word to describe him, what would it be?

Mr. Moerdyke: Integrity.

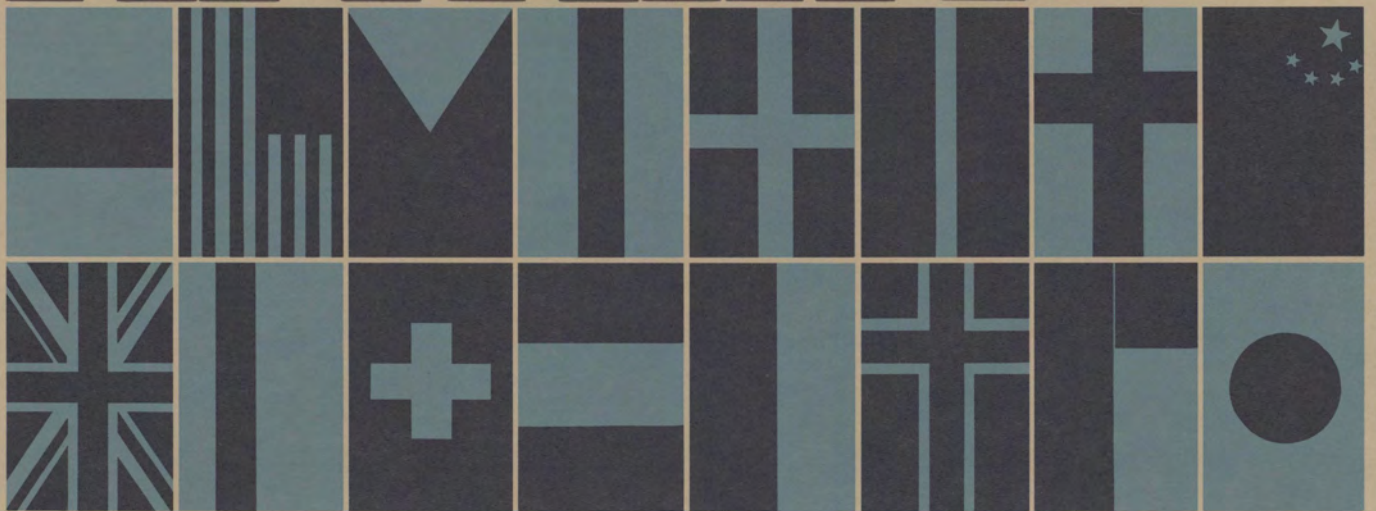
Prof. Hurlbut: Certainly integrity would be high on the list, but he had so many other personal traits that should really be combined with integrity.

Judge Duniway: I'm torn between his being well organized and integrity.

Prof. Hancock: I'd say his devotion to the Stanford Law School was remarkable. He was a student here, taught one year somewhere else, came back, joined the faculty, became Dean. He had the faith that would move mountains. He believed in this school and he never gave up.

Mr. Richman: Stupendous. I don't think he was shortchanged in any direction. Marion Kirkwood was a man for all seasons. Stupendous in everything.

STANFORD FACULTY OF WORLD AFFAIRS



The Future of Arms Control

by John H. Barton

President Nixon and Premier Brezhnev signed the SALT I agreements in May 1972. One of the agreements was a treaty permanently limiting ballistic-missile defense systems: the ABM Treaty. The other was a five-year executive agreement, approved by Congressional resolution, that generally froze the numbers of offensive strategic missiles, but permitted some transfer from land-based missile systems to sea-based missile systems. This arrangement — a formal treaty together with a less formal, five-year executive agreement—reflected an underlying political compromise. Even though the U.S. had concluded that ABM development was undesirable, it thought that the Soviets were, in a sense, gaining from the ABM treaty, since the U.S. was giving up part of an actual program. Long-term agreement on offensive-missile arrangements was therefore sought but was not possible at the time and was put off for SALT II. Instead, the U.S. gained a freeze. The Soviets had a larger number of land-based missiles under the freeze, but the U.S. thought the freeze would be beneficial as a way to slow the Soviet offensive missile buildup pending further negotiation.

It is this five-year freeze that expired last fall. In SALT I, the U.S. made it clear that it might regard failure to reach a follow-on offensive forces agreement as an adequate reason to invoke the termination clause of the ABM treaty; thus, everything could have come tumbling down last fall. Both sides, however, announced unilateral intentions of restraint pending further negotiations; these parallel statements reflect their own politics. Even a short-term formal continuation requires U.S. Congressional approval, under most views of executive authority. And there was some indication that the Soviets believed that conclusion of a more formal interim agreement would take the bargaining pressure off the U.S.

Negotiations toward the promised SALT II agreement have been most heavily influenced by the November 1974 Vladivostok accord between President Ford and Premier Brezhnev. This accord was an agreement to agree, that outlined a long-term SALT structure that would include stated high equal limits on total strategic delivery vehicles and somewhat lower equal limits on the number of such weapons that could carry multiple warheads. The Vladivos-

tok numbers require little, if any, force destruction and leave plenty of growth room for multiple warhead systems. In his efforts to convert this accord into a treaty, Secretary Kissinger was never able to reconcile the requirements of the Soviet Union with those of the U.S. Congress. Congress was seriously troubled by allegations of Soviet violations of SALT I and by fears over the force level balance. It also fell in love with the cruise missile. This is a long-range unmanned aircraft which can potentially achieve very precise accuracy. The Soviets feared the U.S. lead in this technology, and sought to interpret the Vladivostok accord as including a U.S. commitment against its development. The U.S. similarly argued for restrictions on a Soviet aircraft that had enough range to attack the U.S., although not enough to return home from all target areas.

When President Carter's administration took over, it rapidly committed itself to negotiating actual force cuts in SALT, criticizing Kissinger's efforts as producing purely symbolic agreements that did not really restrain the Soviet arms competition. Hence, the package that Secretary of State Vance carried to Moscow in March 1977 offered the Soviet Union two choices. Under one choice, there would have been substantial reductions below the Vladivostok levels, there would have been testing restrictions designed to slow further missile development, and the U.S. would have accepted severe restrictions on the cruise missile. The other choice was essentially the Vladivostok accord with the U.S. continuing cruise missile development. The U.S. was thus using the cruise missile as a bargaining lever to obtain force reductions.

The Soviets angrily rejected this proposal, resting their objection on the failure of the U.S. to honor the arrangements made at Vladivostok by the previous administration. The real Soviet reasons were probably somewhat deeper. The Soviet-side cuts sought by the Carter-Vance proposal were cuts in the larger Soviet land-based missiles, the missiles which raised the greatest concerns in the U.S. These missiles are among the newest weapons in the Soviet inventory — and presumably have the support of the strongest Soviet bureaucratic constituencies. Moreover, although many U.S. strategic theorists

urge a move away from such land-based missiles toward sea-based strategic forces, the Soviets resist these U.S. theories and may even lack confidence in their sea-based forces. Finally, the Soviet Union clearly did not like the new U.S. negotiating style. They preferred the more private approach exemplified in Kissinger's diplomacy. The heavy Carter-Vance use of publicity was thus either a tactical error or a very deliberate effort to impose a new style on the Soviet Union and create a new, more open bargaining structure.

In the short run, we have already seen a move toward quiet diplomacy and a cooling off of last spring's animosity. The direction of negotiation is said to be toward another multi-agreement package—a lawyer's solution. According to statements last May and leaks in November, there would be three components: a treaty, a protocol, and a statement of principles for further negotiations. The treaty, to last until 1985, would be based on Vladivostok, perhaps with a minor cut in force levels, and would be silent on the disputed cruise missile and bomber issues. The protocol, however, would place a three-year moratorium on these systems. Thus, the U.S. would accept a three-year delay in the application of its cruise-missile bargaining lever, maintaining the right to resume development of this weapon as a way to force substantial cuts during negotiations against a 1980 deadline. Most likely, such a package will emerge and be placed before Congress sometime this spring. Its chances before Congress will be unpredictably related to the Panama Canal Treaty debate and the evolution of President Carter's prestige.

Both the strength of SALT II and the future of SALT after SALT II depend on strategic and political factors. The U.S. interest in SALT I was in some part an interest in protecting the stability of deterrence against the threat raised by arms competition in the construction of ABMs. The U.S.—applying its strategic theories—judged that both sides would benefit from the agreement. We really don't know whether or not the Soviets saw the world the same way; they may simply have feared that they would lose an ABM competition. But on both sides, there were more clearly political motivations. In 1972,

President Nixon was eager to offer a symbol of peace as elections approached in a nation tired of the Vietnam War. SALT I was an ideal symbol. And the Soviet Union, torn by economic difficulty, was eager for the West's technology and anticipated that it could obtain this technology only through a new arrangement with the West that included arms control. The Soviet leadership was also eager to obtain a symbol to demonstrate its new-found parity with the U.S. SALT I symbolized Soviet preeminence as one of the two nations entitled to shape the future of the world.

Although this analysis of Soviet motivations is somewhat weak because it necessarily draws on the conventional wisdom, its application to today's world leaves one somewhat pessimistic about the future of SALT or at least about the chance that SALT can deeply limit U.S. and Soviet strategic arms. First, the Soviet Union has not received much technology—the *quid pro quo* it hoped to obtain from SALT I. This can hardly help the political positions of those Soviet leaders arguing for further arms control agreements with the U.S. Second, as a political motivation, the *reduction* of arms may occupy a very low priority, at least on the Soviet side. Soviets are probably interested in avoiding the construction of particularly dangerous arms, but *reduction per se* probably lacks a strong political constituency; the reduction of military budgets may even face severe opposition. The Soviet Union's current statements place strong emphasis on SALT, but this probably reflects fear of U.S. developments rather than desire for reductions *per se*. Third, the technical problems are inordinately complex, especially for new systems like mobile missiles. In facing these technical problems, the negotiators are facing a very fundamental asymmetry. Without significantly violating existing agreements, the Soviet Union has demonstrated the political will to keep on building more and more of the sorts of weapons it already has. The U.S., on the other hand, has demonstrated the ability to produce qualitatively new weapons—such as the cruise missile—that, so to speak, outflank existing agreements. One can imagine the problem of devising an agreement that, in a balanced way, slows both the dogged Soviet style and the innovative American style of force improvement. Design of such a balance is further com-

plicated by the difficulties of verifying—or even defining—restraints on technological advance.

Fourth, and most important, the detente framework which provided the key political motivations for both nations in 1972 has now evolved into something altogether different. Detente's ground rules are less favorable from the Soviet viewpoint than those envisioned five years ago. President Carter has been willing to speak offensively against the Soviet political structure. The political implication—intended or not—of President Carter's human rights policy is that it may be necessary to seek a different kind of Soviet interest in arms control. Kissinger seemed to ally himself with the Soviet political leadership in its effort to help stabilize its economic and political system. Carter, however, has effectively allied himself with political forces that have little current say in Soviet policy. Carter's position is probably the only one that can ever elicit substantial reductions from the Soviet society—but it will not elicit them until that society changes. For all these reasons, SALT seems likely to produce only minor agreements until the Soviet political system does change in response to the internal pressures upon it. Many European observers are similarly pessimistic—looking to SALT to evolve into a consultation forum rather than a negotiating forum. It is much more likely to be useful in avoiding dangerous construction programs than in reducing arms levels.

The next question is to evaluate the seriousness of such limited results. For most arms control analysts, the failure of SALT—depending in part on how well that failure is disguised—would be an unmitigated disaster. They say this even though they recognize that the real arms-derived risks to the world are those of nuclear proliferation and of the spread of conventional weapons. U.S.-Soviet arms control could ideally help maintain a stable strategic balance at lower overall cost. But the strategic balance is already relatively stable and U.S.-Soviet war is unlikely. It is in the developing world, in contrast, that conflict is greatest, that war is most likely to arise, that weapons are most likely to be used to kill people, and that growing force levels are most likely to encourage aggression or misjudgment. One needs only to compare the Persian Gulf today with Europe before World War I.

Even so, many in the developing world think (incorrectly) that the U.S.-Soviet arms competition wastes the most money, and argue with substantial force that this arms competition sets a bad example and poses the most important immediate task for arms control. The U.S. and Soviet Union accepted this argument in the Non-Proliferation Treaty (NPT) when they promised to control their strategic arms competition in return for commitments from some third world nations to avoid nuclear weapons. It is hard to see how that treaty can be strengthened unless the superpowers honor their end of the bargain. Thus, many U.S. analysts predict that failure at SALT will produce a generation of proliferation. Likewise, it is generally agreed that the force level negotiations in Europe will go nowhere until there is a resolution at SALT. And failure at SALT would probably produce a new round of U.S. and Soviet weapon construction.

Thus, the U.S. overall arms control strategy is and *may* properly continue to be one of giving priority to SALT, delaying pursuit of really strong agreements in the rest of the world until U.S.-Soviet force levels have somehow been lowered. That strategy correctly implies that the U.S. should pursue any novel but safe technological options that might help at SALT. Perhaps even, it suggests that the U.S. should accept risks in a SALT agreement for the sake of avoiding even greater risks in the rest of the world.

But if one fears that SALT is unlikely to go very far past SALT II, it is essential to find an alternative strategy under which the failure of SALT would not mean the end of arms control. To start with, it is useful to reexamine the way the U.S.-Soviet arms competition really affects other nations' interests in acquiring weapons. Europe is probably the strongest case for the conventional argument that high U.S.-Soviet strategic force levels encourage high regional nation force levels. This is the argument that gives priority to SALT. After all, France and the U.K. do design their nuclear forces against the Soviet Union. Yet, Europe was not all that enthusiastic about SALT I. European diplomats feared that the U.S. and Soviet leaders were negotiating over their heads and have generally been more concerned with U.S. military doctrines and with

U.S.Soviet force ratios than with the absolute level of those forces. SALT might even prove to be less important to future European arms control negotiations than will German politics and the evolution of Eurocommunism in both Eastern and Western Europe. In other areas, nations such as Japan and Israel look more to the strategic balance and to the local tactical balance than to the existence of arms control. And the key arms control issue is posed by the emerging or potential great powers—nations such as Brazil, China, India, and Iran. Few, if any, of these nations seem likely to think in terms of reciprocating for SALT reductions by an increased willingness to reduce their own forces. Of the four nations just named, only one has signed the NPT. Another one, China, has called SALT a sham. The U.S. may then be wrong in its assumption that SALT is essential to bring arms control in the rest of the world. The criticism here is the easy one of tearing apart a common argument, but it is made toward a constructive end: we do not need to give up if SALT fails. We can all hope that SALT will succeed, but can also usefully seek an alternative arms control strategy less dependent on SALT that deals realistically with developing world arms races. It is these arms races that are the most significant for peace.

What is possible? One approach might be to define a detente and arms control package with the nations of the South—a North-South symbol—comparable to the U.S.-Soviet symbol of 1972. The Northern developed nations would commit themselves to weapons limits in return for stronger commitments by the Southern developing nations to avoid nuclear weapons and to limit the growth of their conventional military forces. Most likely, the negotiation would necessarily include some part of the developing world's proposed new international economic order. There are a few straws in the wind that favor such an accord—the most important is an argument being developed by Singapore, Japan and the Netherlands. These nations argue that the trade in conventional arms is a form of neo-imperialism—a way in which the developed world is exporting its oil deficit and fighting its wars by proxy in the developing world, at the latter's expense. The

argument is designed to appeal to developing world ideologies. If it were to catch on, it would give the developing world a new motivation for arms control. Unfortunately, none of the protagonists of the argument is economically or ideologically a developing nation. There are other reasons why such a global force level negotiation is unlikely to work. The most important problem is the asymmetry between North and South—nations have always had difficulty negotiating force levels when they start from different levels—as seen in the difficulties between the U.S. and the Soviet Union. Even when the negotiation succeeds, the nation with the inferior position is likely—like Japan after the 1922 naval treaty—to rancor with resentment after the inferiority is codified. Force level differences between North and South are just too great for this kind of agreement. And there are the additional problems of how to cope with the exclusion—or, for that matter, the inclusion—of the Soviet Union in such a negotiation. Nor is the South likely to be any more unified than the North.

Thus, there are only slight chances of obtaining a significant Southern agreement setting overall force levels. We have generally to reduce our sights to much more limited approaches. Of these approaches, the most promising is probably consultation, which is likely to work best on a regional level. It would be useful if the various nations in each region would, perhaps together with their traditional arms suppliers, simply meet occasionally to discuss military issues and force levels. Such consultation might sometimes help a nation voluntarily forego a new weapon in order to avoid encouraging a neighbor to buy a counter-balancing weapon. Consultation might encourage informal force level adjustments to decrease pressures on regional nations to acquire nuclear weapons. Consultation might help a region adjust as smoothly as possible to the decision of one of its members to acquire nuclear weapons. Perhaps most important of all, consultation might provide precisely that exchange of information that is needed to help protect a region from stumbling into war in the World War I pattern of miscalculated capabilities and intentions. There are risks as well—it is easy to visualize how such a forum could be used to build a record to support the purchase of new



“(I)t will be difficult to enlist the developing world’s cooperation in the control of nuclear power until their own politics makes those societies sensitive to the risks.”

forces. Yet, it is certainly useful to get developing world statesmen into the habit of thinking together about the military stability of the regions they inhabit.

A second direction is to turn away from the force-level negotiations that pose such horrible asymmetry problems, and to seek instead blanket prohibitions of specific weapons. The politics of agreements of this type differ radically from the detente symbolization of SALT. These alternative agreements are based on a popular desire to reject or outlaw a particular weapon and to strengthen that rejection through international legislation or an international institution. We have a few examples of such legislation: the treaty outlawing biological weapons and that prohibiting atmospheric testing of nuclear weapons. The latter, interestingly, derived in large part from public concern with nuclear fallout; it is per-

haps our most important piece of international environmental protection legislation. Its political and logical force is demonstrated by the fact that France—not a party—has seen fit, under pressure from the International Court of Justice and Pacific area public opinion, to end atmospheric testing and thus effectively to respect the limited test ban treaty. As law-like arrangements, these agreements must apply uniformly to all—but because of that restriction, they can have great strength, strength that lies ultimately in the rationality of the legislation and in the popular forces supporting the legislation, rather than in the type of pragmatic governmental decisions that produced SALT.

One can obviously ask whether there are many other weapons activities that might, like atmospheric testing and biological weapons, become targets of

strong public pressure. There are several immediate possibilities, for which the politics might evolve and the resulting agreements make a difference in ultimate military capabilities. And there are also ways to help build and strengthen the necessary constituencies for the longer term. Underground nuclear testing is a key possibility, which could slow nuclear proliferation by removing the remaining avenue of nuclear weapons testing. Military application of genetic technology is another, although it may already be formally prohibited by the biological warfare convention. More novel examples are found in the area of peaceful nuclear power—in finding ways to have the benefits of that power with as few of the risks as possible. In any effort to prevent the misuse of nuclear power, concerns with the environment and with nuclear terrorism create natural allies for arms

control, but the alliance is not yet adequate in the U.S., let alone in the more relevant politics of the developing world. The developing world still has a romantic view of the benefits of both military and peaceful nuclear technology. This is a major barrier to the control of proliferation: it will be difficult to enlist the developing world's cooperation in the control of nuclear power until their own politics makes those societies sensitive to the risks. Institutions ranging from environmental movements to the International Atomic Energy Agency could encourage and benefit from a political evolution that helps the developing world look more realistically at nuclear power. The same institutions might also help our own politics to respond to genuine developing world needs; we would have to limit ourselves as well. Although any nuclear power proposal is full of economic, political, and military pitfalls, there are at least two plausible goals for such a political evolution. One is—on a global basis—to discontinue the production of nuclear material for military purposes and to place *all* enrichment and separation facilities under international verification and control. A less ambitious goal and one less likely to require Soviet participation is globally to stop the separation of plutonium, while moving to ensure the availability of low-enriched uranium to those nations needing it to meet energy requirements.

Even specific weapons systems might sometimes be controllable in a parallel maneuver. The cruise missile is perhaps the most important example. Most discussions of this weapon system look to its effect on the U.S.-Soviet strategic balance. Yet, the cruise missile's most significant implication might be that it may soon give a second-level nation a way to deter or attack a superpower or another second-level nation. Western Europe wants the weapon precisely because the weapon is expected to penetrate the Soviet Union's air defenses and reach a target very accurately. Iran or India or Brazil—or *their* neighbors— may some day see a similar potential. The military issues deserve much more careful examination, and one must carefully estimate the rate at which the technology will spread. Nevertheless, this weapon *might* be one of the most dangerous of all in destabilizing local military balances. Everyone might lose through it. If this

fear is correct, we might reasonably seek a global political judgment that the weapon should be avoided. The first task is probably to create an international expert group to bring the developing world into the examination of the military and technological issues and to help build political counter-forces before the weapon spreads and becomes embedded in the global power balance.

In summary, there are grounds for pessimism about the future of any agreements that set force levels—either in the SALT context or in the wider multilateral context. A more effective and more important approach (that can be pursued at the same time as SALT) is probably to work to build habits of consultation about weapons and to build political constituencies throughout the world against particularly dangerous military technologies. Both prongs of this strategy help undercut the existing assumption that any nation state can legitimately acquire any weapons it chooses without paying any attention to other nations' concerns. And the strategy bypasses the existing developing-world national leaders—who emphasize the rhetoric of third world equality in arms construction—to create instead communicating domestic constituencies and a political climate that is favorable to arms restraint. It also helps make it politically feasible to use the U.N. to assist in arms control—making useful assets of the third world's identification with that organization and of the formal but currently empty powers the organization already possesses.

President Carter may be pursuing a parallel strategy in his new style of negotiating with the Soviet Union. The proposed strategy, however, differs substantially from our current overall arms control strategy which still gives priority to private negotiations with the Soviet Union. Even the concepts of consultation or of the creation of expert groups to bring third world nations into advanced military issues are likely to face substantial bureaucratic opposition within the U.S. And the strategy is a long-range one—it cannot promise short-term results. Nevertheless, the strategy may be the only way to build the strongly based political forces that will be essential to restrain a world that is likely to find it easier and easier to buy arms and harder and harder to buy food or resources.

This article is based on a talk given by Professor Barton at the Stanford Law Alumni Luncheon held on September 27 during the State Bar Convention in San Diego. Professor Barton teaches contracts, arms control, international business transactions, and international legal aspects of human rights.

The issue for the United States no longer is whether it should normalize relations with the People's Republic of China. We have passed that point. The issue is how.

A major obstacle in this effort has been a fear that normalization would severely disrupt U.S. relations with Taiwan and endanger our security interests. This concern may be misplaced, but it nevertheless has been repeatedly expressed by American political leaders and in public opinion polls. I believe that the following legal analysis suggests a policy option which has not yet been considered: The United States can recognize the People's Republic of China, and thereby take a major step forward toward normalization, while at the same time maintaining existing economic and security ties with Taiwan.

I stress at the outset that normalization—in the broader sense of establishing effective and cooperative relations—is a process requiring much time, rather than a single act of creation. Situations such as Taiwan, formed over half a century, cannot and should not be resolved in a single stroke. It would be wonderful, of course, to find at once a complete solution to the entire China problem. Short of that, we should take steps that confirm points of agreement and reduce areas of disagreement. This is not moving by half-measures; this is the best way to advance the normalization process.

What are the legal consequences for economic and other relations between the United States and Taiwan if the United States withdraws *de jure* recognition, although the Taiwan authorities continue to maintain *de facto* control over the territory and population of Taiwan?

There are few provisions in American legislation which specify that *de jure* governments and *de facto* authorities should be treated differently. In general, the legislative approach has been to treat these two kinds of entities similarly, unless there is a specific provision to the contrary.

Several problems, however, will arise upon withdrawal of recognition. First, a number of statutes apply only to "friendly countries"—these affect military sales and assistance and the Overseas Private Investment Corporation, among others. Interestingly, nowhere in these statutes is the term "friendly" defined, but withdrawal of recognition

might be interpreted as a loss of friendliness.

Second, some statutes (for example, the Foreign Assistance Act and the Agricultural Trade Development and Assistance Act) prohibit dealings with countries with whom the United States has "severed diplomatic relations."

Third, other statutes place various restrictions on dealings with "Communist countries." If Taiwan is considered part of a "Communist country" after withdrawal of recognition, then the Export-Import Bank, the generalized system of preferences, tariff rates, and other matters, might be affected.

These three problems are not difficult to resolve. That is, after withdrawal of recognition all domestic legal obstacles to maintaining existing economic, cultural, and other ties with Taiwan can be removed by legislation. Language for such legislation, which is relatively simple, has been suggested to the U.S. Congress. The legislation would affirm the Taiwan authorities' *de facto* control and "friendly" status, and would make inapplicable the restrictions on dealings with "Communist countries" or countries with whom diplomatic relations have been severed.

There are sixty treaties and executive agreements presently in force between the United States and the Republic of China. Of particular importance are: the Mutual Defense Treaty; the Treaty of Friendship, Commerce, and Navigation; and agreements concerning air transport, safeguards for nuclear materials, textile quotas, taxation, and investments. It should be noted, that all treaties still having operational effect are limited by their terms, subsequent amendments, or clear implication to apply only to the territory actually controlled by the Taiwan authorities.

What are the legal effects of withdrawal of recognition on these treaties and agreements? Two views have been proposed, both of which severely limit possible American policy options by terminating the defense treaty. The first argues that all agreements would automatically lapse, since one of the signatories, the Republic of China, would no longer legally "exist." This would greatly disrupt our economic and other relations with Taiwan and would terminate obligations which the U.S. would wish to preserve, such as those concerning safeguards for nuclear materials.

Untying the Sino-U.S. Legal Knot

by Victor H. Li

A second view is that treaties of a "political" nature, such as the defense treaty, would be terminated by the political act of withdrawing recognition, but other treaties of a technical or non-political nature could continue. This distinction is artificial. The hard-to-draw line between political and nonpolitical

matters is, finally, a fairly arbitrary one.

There is a third view, which I believe to be analytically more sound and politically more helpful. As stated earlier, all operative treaties are limited to the territory actually controlled by the Taiwan authorities. International law does not require that prior treaties entered

into with a once-recognized government, the terms of which are limited to the territory actually controlled by that government, must automatically lapse after that government loses *de jure* recognition while still exerting *de facto* control. Neither, however, does international law require that such obligations continue.

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Hence, the choice of what to do with the defense treaty is a political, more than a legal, matter.

I have stressed two points concerning the withdrawal of recognition from Taiwan: 1) it need not disrupt our economic and other relations; and 2) it need not, as a matter of law, automatically terminate the defense treaty. Our policy options, therefore, are quite broad.

In examining policy options, it should be noted that despite its harsh rhetoric, China's conditions for normalization are not non-negotiable. China has been unyielding on what it considers to be basic principles, but flexible on the means of implementation. Thus, Peking firmly maintains that it is the sole legitimate government of China, which includes Taiwan. But the means, terms, and time frame for actual reunification are not fixed. Vice Premier Teng's reported statement that China would take into consideration the special conditions prevailing on Taiwan is the latest indication that there is room for negotiation.

I believe the United States can and should immediately recognize Peking as the government of China. It also should confirm the principles of the Shanghai Communique by reiterating that the United States does "not challenge" the position that "all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China," and by withdrawing its remaining military personnel from Taiwan. The United States should welcome direct Peking-Taipei discussions to resolve in a peaceful manner the issues that divide them.

The process may take some time. While awaiting a final resolution, the United States should maintain direct, though lower than embassy level, relations with Taiwan. Economic ties would continue as before; the legislation referred to earlier would accomplish this.

The defense treaty, an item not mentioned in the Shanghai Communique, should remain in force, unless an acceptable substitute is found. As discussed earlier, international law does not require that the treaty lapse. The United States should actively seek a substitute for the treaty. It might commit itself during negotiations to an eventual termination of the defense treaty—an acceptance on one level of the principle of non-interference. The time and manner of termination and the possible alternative U.S.

actions to insure security, however, must be negotiated.

This proposal is designed to accomplish several objectives. Recognizing Peking as the government of China would break the present impasse. The proposal would protect the vital interests while taking into account the constraints on each party. Peking would obtain a formal acknowledgement of the one-China principle, but would have to accept Taiwan's continued separate existence, at least *ad interim*.

Meanwhile, Taiwan would retain its present military and economic security, but must confront the rejection of its claim to be the government of all China. If it wishes to continue this fiction, then it would have ample notice that it must face the consequences alone. If it wishes to make a transition to some other status, then it must begin the process.

In the United States there have been numerous indications of strong political opposition to abrogating the defense treaty without finding a substitute. At the least, a lengthier national debate appears necessary before a decision could be made. One unfortunate effect of any delay is that the lack of progress may be regarded as a setback or a further obstacle in U.S.-China relations. This proposal advances the normalization process a critical step forward, but in a manner acceptable to a broad spectrum of American political opinion.

In addition, this proposal substantially reduces the existing anomalies by eliminating the fiction that Taiwan is the government of all China, and by showing that normalization of relations with China is not tantamount to "abandoning" Taiwan.

With the clearing away of the confusing secondary issues, national attention is clearly focused on the central question: What will be the future American security relations in Asia? In this regard, it should be noted that the adopting of this proposal does not preclude subsequently following any of the formulae for relations with China and Taiwan suggested by other analysts.

This proposal may be an insufficient basis for the immediate establishment of full diplomatic relations (since the defense treaty might remain in force). Instead, it establishes the foundation for negotiating a mutually satisfactory and lasting relationship between the United States and China.

This article originally appeared in The Asian Wall Street Journal on October 10, 1977. Mr. Li is Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies. His principal subjects are Chinese law and international law.

Black Unions in South Africa: Sooner or Later

by William B. Gould

This past fall's United Nations' debate about sanctions against South Africa for its racial policies is just an opening salvo in what will be a continuing controversy about how best to induce that troubled country off the road to racial conflict which is *apartheid*. Black Africa is dissatisfied with the military embargo which was voted—and which is unlikely to affect South Africa's defense capabilities in any substantial respect. Indeed, dissatisfaction is appropriate, for the South African Government now appears to be reasonably self-sufficient in military hardware—although they may rely on foreign expertise regarding antiguerrilla items such as helicopters.

It is a brave man who dares write a scenario for South Africa. Yet two points can be accepted with a fair amount of confidence. The first is that despite Foreign Minister Botha's three-year-old promise to the U.N. that South Africa would move away from racial discrimination there are no signs at present that Pretoria has the slightest intention of altering any aspect of its "separate but unequal" policy, which permeates housing, education, and employment. For instance, the Vorster Government shows no signs of retreating from its Bantu education policy which provides black Africans with per pupil expenditure which is 1/16th that of their white counterparts—and which simultaneously miseducates blacks at the primary education level through instruction in the tribal vernacular. This system, which has triggered black student school boycotts throughout South Africa is predicated upon a belief which cuts through all Nationalist policy, i.e., since "separate development" means that blacks are temporary sojourners in the black townships of industrially developed "white South Africa," blacks are to be educated for work in their tribal homelands where 70 percent of the population is to be pushed into 13 percent of the land.

The economic reality is that work is not available in the homelands—and the continued drift of blacks to the urban cities where, despite the economic downturn, they are needed as labor, is vivid testimony for this point. This fact, and not racial reform, has prompted the Government to abolish 12 to 25 job classifications which are to be reserved to whites. Statutory "job reservation" accounts for only 115,000 out of five mil-

lion jobs and although white unions have excluded blacks from additional work, the erosion of racially exclusionary job reservation simply means that the country is running out of whites to do skilled work.

The second point which seems reasonably self-evident is that, while it may be desirable for the West to exert economic pressure through such measures as, for instance, discouragement or prohibition of bank loans to South African industry, the notion that business pressure on the Vorster Government will induce it to change in the foreseeable future seems fanciful. When business speaks up against Government policy, the response is likely to be an unyielding one. Said Prime Minister Vorster to the Association of Chambers of Commerce a year ago, "Giving in to unreasonable requests from business organizations would be adulterating the whole political process."

Equally significant in assessing the impact of outside pressure on South Africa is the improbability of involving Britain (she has 60 percent of the foreign investment there) in severe economic sanctions because of the U.K.'s shaky economic position. This means that American pressure—to take the extreme example, withdrawal or a refusal to make future investments—can only have a long-range impact. At some point in the future, lack of access to foreign technology will make South Africa's goods less competitive. This gradual decline will inevitably affect white living standards—although the bite is likely to be felt only in conjunction with two other pressures, i.e., (1) guerrilla type military incursions from increasingly aggressive black countries on South Africa's borders (just a few weeks ago, three South African soldiers were killed in a "skirmish" while on the Namibia/Angola border); (2) the post-Soweto exodus of professional whites—in 1977 for the first time in memory there was an outflow of whites from the country: 1,329 as opposed to an increase of 25,190 in 1976.

In the meantime, calls for American action against apartheid are likely to continue—both from countries like Nigeria (America's second largest oil supplier) and the "front line" states in central and southern Africa.

My judgment is that one of the best hopes for change in South Africa is

through a viable and ultimately strong labor movement, and that both the Carter Administration and American unions can play an important role in shaping this process. The Carter Administration could fashion a code of conduct which requires American multinationals to both eliminate discriminatory practices and to recognize representative black unions as a condition of doing business in South Africa. Already, approximately 50 American companies with production facilities in the Republic have agreed to a private code of sorts developed by the Rev. Leon Sullivan, a black member of the General Motors' Board of Directors. The difficulty is that the Sullivan principles are so amorphous that virtually any company will assert that it is now and has been complying with them. Moreover, the "principles" do not address an issue of special importance to South African blacks—employer recognition of black trade unions.

The American labor movement could assist South Africa's black unions through a number of measures. In the first place, both the AFL-CIO and unions which are not affiliated with it, like the influential United Auto Workers, can provide much needed organizational and negotiating skills through courses, and seminars which can be held in Southern Africa, if not South Africa itself. Direct financial assistance—European unions have already given some—can be provided. The AFL-CIO, which until late 1977 kept itself at arm's length from the black unions, announced its willingness to consider "selective" product boycotts of South African goods at its recent Los Angeles convention. Black trade Unionists from that country were fraternal delegates at the convention.

If the American public is to become convinced that not only must South Africa be pressured but that black unions can amount to something in South Africa—and that therefore supportive efforts by both the Carter Administration and the labor movement are worthwhile—it must focus upon the record of and potential for black unions.

South Africa's black unions have a history which reaches back until about 1918. In the late 1920s the major black union had a membership of more than 100,000. After World War II the African Mineworkers Union conducted a lengthy strike which was ruthlessly crushed by the Government. And in the 1950s, as

well as the post-Sharpville '60s, the multiracial South African Congress of Trade Unions (SACTU) was banned, most of its leadership jailed or in exile.

Today, South African labor law excludes blacks from its coverage and thus denies black unions the negotiating machinery available to white and colored (mixed blood) unions. Instead, the Bantu Labor Regulation Act of 1973 establishes plant level works and liaison committees for blacks. These committees do not bargain about wages but rather are consulted by management on relatively unimportant matters. As the British-based Christian Concern for Southern Africa has noted, while the law establishes the committee system, it does not provide committees with authority, power, or facilities: "Methods of elections are not specified, nor are they observed or supervised by anyone other than management. Meeting time, report back time, access to information and training rights are all entirely at the discretion of management." Indeed, 1977 amendments to the statute made committee reports to the work force legally questionable.

But black unions are lawful—employers may enter into negotiations with them even though the law never requires them to do so. (White unions are registered and may bargain industry wide; black unions are unregistered, unprotected by law, and may bargain company wide.) There are 28 black unions in South Africa today with approximately 50,000 paid-up members. Their principal strength is in Johannesburg and Durban. Although much of its leadership may be secretly sympathetic to the Black Consciousness Movement, which the late Steve Biko brought to world attention, it is apolitical. The reason is fairly obvious: if it became politically involved, in all probability it would be banned or detained in prison indefinitely without charges or the right to a hearing. The black unions do not have collective bargaining relationships because the Government discourages this—and their weakness precludes effective economic pressure against most any management. But outside pressure effectively applied could help to tip the scales toward the black worker.


Two months ago, the European Economic Community announced the formulation of a Code which, while without

force of law, requires its multinationals in South Africa to recognize representative black unions and to facilitate their organizational efforts. This Code, promoted by British Foreign Secretary David Owen, could serve as a model for a Carter Administration willing and able to match its words with action.

What is the case for black unions? Why not codes, which simply require the reform of employment conditions and sanctions against South Africa? An important reason for black unions (none of them which are currently operating in South Africa exclude other racial groups—the work force which they organize is all black) is that they could play a useful role in dismantling apartheid—particularly job reservation—in South Africa. Requirements imposed upon American multinationals by the White House might well facilitate that process.

In the first place, black unions would permit blacks to directly shape their own employment conditions—in contrast to the existing system where whites will often bargain for blacks without the latter's involvement. Although South Africa's major labor federation, the Trade Union Council of South Africa (TUCSA) admits black unions (it has flip-flopped on the issue in the past and is regarded with suspicion by many black unions as a result) its black union affiliates are "parallel" organizations, i.e., organized in industries where there are white organizations already in existence. (The pro-Government and predominantly public employee South African Confederation of Labor is all white and excludes blacks from affiliation and membership.)

What is particularly pernicious about parallel unions is that the administration of affairs of such black unions are generally handled for them by their white counterparts. (This is not true of the largest black union, Mrs. Lucy Mvubelo's 23,000-strong National Union of Clothing Workers—but even in that union there have been charges of paternalism.) This is one reason why the Johannesburg- and Durban-based black unions do not desire affiliation with TUCSA. Financial assistance of church groups and international trade union secretariats based in Europe has thus far permitted independence from TUCSA and allowed these unions to seek bargaining power for themselves as autonomous organizations as a first order of



“(O)ne of the best hopes for change in South Africa is through a viable and ultimately strong labor movement, and... both the Carter Administration and American unions can play an important role in shaping this process.”

business. If black unions are less subservient, they are in a position to protest against white union negotiated job reservation, which excludes blacks. The influence of numerically dwarfed white unions in a setting where all races have access to collective bargaining procedures is likely to be diminished substantially.

Second, black unions can do much of the same in dealing with the infamous wage gap. The wage gap between skilled and unskilled is a black-white differential, sometimes exceeding a ratio of 10:1—and far more inegalitarian than anything known in this country or Western Europe. The wage gap is racial because black Africans cannot now be indentured as skilled tradesmen in white South Africa—although the Government has now supported training centers for black semi-skilled workers and operators. The employment of black supervisors is officially discouraged—particularly when they are placed above whites on the job ladder.

What is particularly important here is that some institution besides white South African labor and white management, American multinational representatives or touring foreigners, must monitor the fairness of changes that will have to be

made because whites are in short supply. Beyond operating as a collective bargaining agent on wages, hours and working conditions, black unions will always be more effectively equipped than any outsider ever can be to assess objectively the extent to which any phasing out of discriminatory policies are satisfactory, as well as to monitor the implementation of changes. It is common sense to assume that the potential beneficiaries of change will have a strong incentive to scrutinize this area carefully.

Third, after the October 19 bannings, black unions are about all that is left of any representative black institution in the big cities. With some 60 individuals, 18 organizations, and three newspapers affected by the Government's crack-down, there are few if any alternatives.

Finally, of course, black unions may commend themselves to anyone interested in peaceful change as an institution which would support such change through nonviolent means. But herein lies what may prove to be the most formidable problem. The uncompromising position of white Afrikanerdom coupled with its reliance upon bannings and detentions in its dealings with moderate blacks and whites undermines the posi-

tion of all moderates in that country's society. One would think that the Vorster Government would fear the emergence of any black institution, let alone a black labor movement, which might become the focal point for grievances and discontent about apartheid throughout society.

Although black unions eschew political involvement (all except the black National Union of Journalists have steered clear of it) one wonders how long this can remain the case. Black trade unionists have been militant enough to disassociate themselves with white trade union opposition to the boycott of South African goods. At the same time they do not promote or support general boycotts on the ground that their members will be the first to be hurt. But, a new tide of radicalism among black South Africans—engendered in large part by Government policies—could easily push them aside as defenders of the system. If, on the other hand, such trade unionists stress their unwillingness to temporize with apartheid they may find themselves behind bars. But even if this happens, active encouragement of black unions will have been worth the effort because the experience and skills gained

will be critical to the construction of a new South Africa (or Azania, as black nationalists call it) when union leaders emerge from prison.

Yet the fact that several progressive and far-sighted employers seem willing to deal with black unions—because of some management's preference for industrial peace and a rational dialogue—provides some basis for optimism in the short run. (Between 1971 and 1975 there were nearly 600 unlawful strikes by black workers.) Harry Oppenheimer's Anglo-American Corporation conglomerate—it has more of an impact on the South African economy than does any company in the U.S. on our own economy—has announced a policy in support of bargaining with black labor organizations. Both Ford Motor Company and the Swedish multinational SKF have agreed to a modified form of "check off" with the black Auto and Rubber Workers' Union—though not full-fledged collective bargaining itself. South African business organizations like the Johannesburg Urban Foundation established in the wake of the Soweto riots, have recently developed codes on their own and called for collective bargaining with black unions. And finally, Mr. Oppenheimer has facilitated the establishment of an Institute of Industrial Relations which brings black and moderate white union leaders together with management.

There are other encouraging signs. Discussions are proceeding with a view toward establishing a South African Black Federation—because of the unacceptability of the Trade Union Council of South Africa or the South African Confederation of Labor.

Moreover, one of the main forces behind the idea of a federation, Freddy Sauls of the colored Port Elizabeth-based National Union of Motor Assembly Workers' Union, has facilitated coordination between his union and the black Auto and Rubber Workers' Union in the eastern Cape. While the exodus of colored workers from the auto industry makes contact with the blacks a prerequisite for the survival of Sauls' union—and thus his efforts are anything but selfless—this kind of cooperation may nevertheless enhance the position of black unions. It also represents another phenomenon which has not been witnessed often in labor-management relations in South Africa—solidarity be-

tween blacks and colored workers. The new militancy of young colored people demonstrated in the 1976 Cape Town demonstrations has not yet emerged amongst older trade unionists.

Coordination between registered and unregistered unions helped gain the black Textile Workers' Union in Durban a collective bargaining agreement with a British multinational. Young activists held positions in both the registered union recognized by the legally constituted bargaining machinery and the black Africans' unregistered union. A similar process has been of help to the black National Union of Clothing Workers. The registered Garment Workers' Union—which has less than 1/20th of the black union's membership—has circumvented the bargaining machinery and established a kind of *de facto* coordinated bargaining between itself and the black union. But such examples are still not the rule but rather the exception—and black unions at this point do not possess a real collective bargaining relationship with any employer, let alone the muscle necessary to sustain economic pressure or strike against the boss. The reasons are manifold.

Since the Government fears a dynamic black labor movement as a vehicle for change and as of now black labor is difficult to discredit on the ground that it is working for violent or revolutionary upheaval, the Government does all that it can to informally discourage black trade union organization. The South African Security Branch has visited plants to interrogate management officials about seminars held on plant premises in conjunction with black unions. The Government can bring pressure to bear through delay or refusal to provide necessary business permits—and it is generally thought that the failure of British multinational Smith & Nephew to renew its important and innovative collective bargaining agreement with the black Textile Workers' Union was attributable to discouragement from official sources.

Moreover, detentions as well as banings instituted against black union leaders in 1974 and 1976 have had a chilling effect on labor organization. For one thing, those who are banned not only cannot converse with more than one person at a time or be quoted or named in the press, but they are also required to give up their union work. It is alleged

that TUCSA has refused to criticize Minister of Justice Kruger (who is at the heart of the Biko matter, attempting to justify police conduct in that case) on this issue—and that indeed TUCSA General Secretary Grobler may have had advance knowledge of the identity of those banned, TUCSA's position allegedly stemming from its fear that independent black unions would supplant it as a representative of the burgeoning black work force.

None of this is likely to change very soon, although the unanswered question is whether the triumphant Nationalists now possessing an unprecedented majority will crush the black unions before they can get moving. The Government has appointed two commissions to review labor law and presumably to focus on the dualistic system which relegates blacks to works or liaison committees and allows whites to have unions. But it is generally thought that reform will mean plant level committees for whites as well as blacks and not union rights for blacks. The Government is likely to reject any stronger recommendation.

Moreover, to the extent that black unions are recognized by law, an attempt may be made by the Government to subordinate them to the existing white trade union structure. If integration of union structure takes place—something which would be advertised to the West as the phasing out of segregation—some form of effective black union power and thus black majority rule would be properly required. The practical reality is that South Africa's racial history coupled with the current distrust of TUCSA means that black unions which have a voice at all levels of union-employer relationships are the best vehicle for the expression of majority rule in the unions.

There are yet other obstacles beyond overt Government harassment. Unless unions are able to organize workers at plant facilities, they must gain access to them at their homes in the black townships. Unless the organizers are residents they must obtain permits to enter the township—permits which are unlikely to be forthcoming for trade unionists. And where the union organizers are white (a number of whites have worked with black unions) by definition, under the Group Areas Act, which requires that

each racial group must live in its own area, such organizers cannot lawfully enter the township without authorization. (In Soweto, race rather than residency determines whether one must gain permission to enter.)

Equally troublesome for black unions is the requirement that an unregistered union under law cannot negotiate check off provisions which permit employees to authorize the deduction of union dues from their paycheck. This means that union representatives must spend valuable time collecting this money on their own initiative and thus the inability to provide a steady income flow to the union treasury—and this in turn makes it difficult to provide services which are the *sine qua non* for gaining new members. As previously noted, Ford and SKF have accepted a modified check off which allows for a percentage of monies deducted to be remitted to the black union, the remainder going to a benefit insurance scheme. The Carter Administration should require American multinationals to take this tentative first step toward full-blown collective bargaining.

Penultimately, although black workers not employed in essential services have had the legal right to strike since 1973, the hard reality is that this is not a right which exists in practice. Before striking, blacks must wait for the expiration of a 30-day cooling-off period. Since most black strikes are spontaneous and without any kind of formal union authorization, this means that most do not even meet the cooling-off period requirement. But even after the cooling-off period, the Government can delay the strike indefinitely. When a strike is unlawful, the workers are quickly jailed and bail often denied.

Even in the unlikely event that all of the problems set forth above were dealt with adequately through reform, it is doubtful whether black labor unions will ever gain real strength until the migratory labor system is altered. Under the laws which support it, no black worker may be in "white" South Africa more than 72 hours unless: (1) he was born there; (2) has lived there for 15 consecutive years or been employed by one employer for 10 consecutive years; (3) obtained special permission from Government authorities. At least half of the existing black work force falls into category (3)—and this coupled with an embargo on black women in white areas

means that such blacks are employed on a contract labor basis and are therefore temporary sojourners. The worst kinds of criminal activity flourish in the single sex hostels which are the residences of migratory labor.

In such circumstances, if a black worker displeases an employer—or worse yet strikes—he can be immediately "endorsed out" of the white area and sent to the tribal "homeland" in rural South Africa. But there is no work in the homelands. The power held by management means that blacks will always be uncertain and insecure—and thus reluctant to protest employment conditions in any manner. Until this system is altered, black unions will continue to have serious difficulties.

Yet the demand for such institutions will not go away easily—before or after new detentions. The work force becomes more exclusively black with each passing day. Black strikes continue, even though they are generally unlawful, and it is quite possible that labor is a field in which the Government may give some ground grudgingly, albeit not much, on the theory that political rights and the vote are not at stake, but rather the dictates of economic reality—and that if black union leaders become interested in politics they can always be locked up in due course.

The same frustrations and hopes that are felt with regard to the total South African picture have relevance to the struggle by black labor in that country. With weapons and technology in the hands of the ruling whites, blacks have faith only in themselves and in their numbers—a faith which is based in substantial part upon what they have seen transpire in Angola and Mozambique. So long as whites have collective bargaining rights and blacks do not, the dualistic system will engender bitterness. So long as so many black pay-packages remain below the South African poverty datum line, the same grievances which produced the '73 Durban strikes will continue to fester. For the lesson of the South African black protest is that despite periodic silencing, the revolt against racial injustices can never be fully quelled. With or without attendant violence—and the smart betting is that violence of some kind must take place before South Africa will change—black unions provide a positive feature on an otherwise dreary horizon.

This article is the result of research compiled last summer while Professor Gould visited South Africa under the auspices of the American Specialist Program of the U.S. Department of State. It was written with the support of a Ford Foundation grant. Professor Gould is currently at work on a book comparing Japanese and American labor law and labor policy, while he is a Visiting Scholar and Guggenheim Fellow at the University of Tokyo Law Faculty.

Professor Gould teaches labor law, comparative labor law and employment discrimination law. He is the author of the recently published, Black Workers in White Unions: Job Discrimination in the United States (Cornell University Press).

The Stanford Law Library: A Major Legal Research Center In the Making



Samuel Johnson said: “Knowledge is of two kinds. We know a subject ourselves, or we know where we can find information upon it.” For most of the faculty and students of the Stanford Law School, and for many alumni, knowing where to find the information means coming to the Stanford Law Library. Currently ranked eighteenth in size among the nation’s law school libraries, the Stanford Law Library has grown steadily to become one of the country’s foremost law libraries and research centers.

The Stanford Law Library grew from the humblest of beginnings when, in 1894, Nathan Abbott, the School’s first full-time professor and dean, built a

fifteen-inch shelf to house all of the School’s books. Since that time the Library has been housed in several buildings around the campus, and it was not until 1975, with the completion of Crown Quadrangle, that the Library was provided a permanent home to accommodate its current collection and allow for future growth. Today the Law Library houses 250,000 volumes on four floors with additional space to accommodate up to 450,000 volumes.

To those visiting the Library for the first time, the initial impression is usually one of surprise at the openness and the colorful decor. It is clearly a library designed for use, convenience, and comfort. A particularly important feature is

the open stacks which encourage browsing and enable users to find materials independently, making the Library a learning tool in itself. Some three hundred and fifty carrels are located among the stacks for easy access to the materials and there is additional seating for a total capacity of 550.

By any measure the Stanford Law Library is one of the most attractive and efficient libraries anywhere. This fact is reflected in the consistently high daily attendance, which indicates constant and heavy use. Iris Wildman, Public Services Librarian, estimates that on an average day 300 people, including students, faculty, alumni and other local attorneys, use the Library. What's more, as Ms. Wildman points out, the Library's warm, friendly atmosphere makes it quite easy for students especially to spend several hours a day there. "For many it's their home away from home," she explains.

For second-year student Doug Baird the Library's versatility is its greatest attraction. "You can do virtually everything here—study, research, type, meet with other students, work on 'take-home' exams, read the newspaper. The Library is designed to allow all of these activities to go on simultaneously without interfering with each other. And that means you can do all of your work here and not have to take it home with you."

Meeting diverse research needs

Beyond the physical attractiveness of the Library, tremendous resources have gone into making it a learning and research center capable of satisfying a great diversity of professional and academic research needs. The heaviest demands come, of course, from the faculty and students of the Law School.

The research of the faculty is as individual as the faculty members themselves. Professor Friedman's work on the history of American Law, Professor Kaplan's studies on marijuana, Professor Barton's work on disarmament—these are just a few of the diverse areas of research the Library must support. To provide materials from abortion to zoning means having a collection that contains not only current statutes and case law of the federal government and fifty states, but also similar materials from all other common law jurisdictions. A user of the Library must be able to locate current laws, as well as be able to trace the history and growth of legal doctrines.

Student demands on the Library are

equally heavy and diverse. Older alumni will perhaps remember their days in law school when it was only necessary to read statutes, court decisions and occasional law review articles, and the law library was primarily a study hall. Today's law students are required to take a minimum of three writing courses before they can graduate. As a result, the Library has to provide materials to support student research in such diverse courses as Environmental Issues, Family Law, International Law, Jurisprudence, Mass Media Law, Professional Responsibility and Security Regulations. In addition, the Library is used extensively by the student editors of the *Stanford Law Review*, the *Stanford Journal of International Studies*, and other student organizations.

Another frequent user is the practicing attorney. Full Library privileges are extended to all members of the California bar and their clerks, free of charge. Though local lawyers have access to the publicly supported county libraries of San Mateo and Santa Clara, they rely on the Stanford Law Library for materials not available at the county law libraries. These materials can include anything from a very recent law of the Florida legislature to an 1820 federal statute.

In addition to serving the needs of the Law School and the legal community, the Library must also provide information to faculty and students of the University at large. Many courses in political science, history, anthropology, engineering and medicine involve some aspects of the law and necessitate use of the Law Library.

Finding the answers

Most research begins at the reference desk where highly trained reference librarians are on hand to offer assistance in providing the needed information. This assistance can be anything from interpreting a misleading footnote or explaining the use of a loose-leaf service to preparing a legislative history. They also spend a great deal of time answering questions that can range from the mundane to the bizarre, for example:

What is the average cost of a criminal jury trial?

What is the date of the latest constitution of Ecuador?

Who are the members of the law school faculty at the University of Hong Kong?

What is the current status of H.R. 2718?

What quotation includes, "It was a triumph of hope over experience."

In addition to knowing where to look for the right answers, the staff must also be familiar with the various computer systems and other sophisticated equipment used to retrieve information. One service the Library provides is the use of computers for searching and compiling bibliographies. This service can frequently supply the researcher with a bibliography in a fraction of the time it would take to do a manual search.

Another research innovation at the Stanford Law Library is LEXIS, a legal information retrieval system based in Dayton, Ohio. Available to Law School students and faculty free of charge, LEXIS contains eighteen data bases embracing federal laws and court reports, as well as that of several states, including California.

In addition to these computer services, the Library maintains an extensive microfilm and microfiche collection, which contains briefs and records of the U.S. Supreme Court, some journals and newspapers, as well as old laws and other materials that would be difficult or impossible to obtain in the original. A reader printer is also available to transpose the materials on film to hard copy.

Building an adequate collection

Because Stanford is a research center as well as a law library, it must have large collections to fully support the myriad demands of its users. When one considers that the average library of a large law firm usually has from 15,000 to 30,000 volumes and the library of an average size bar association varies between 50,000 and 100,000 volumes, it is perhaps easier to appreciate how much more is required of a first-rate research library.

At the present time Stanford with 250,000 volumes lags considerably behind its sister law schools in terms of their collections. Harvard has over 1,250,000 volumes; Yale and Columbia contain over 500,000 volumes; and Michigan and Berkeley are at about the 400,000 level. The main difference between these collections and Stanford's is in the foreign law holdings. Stanford concentrates its collections on common law jurisdictions and certain areas of international law. While Stanford does have some foreign law, it is very selec-

tive and only certain important countries are represented.

Making and processing acquisitions

Each year the Library adds to its collection approximately 9,000 volumes and subscribes to more than 4,000 periodicals and serials. Law Librarian Myron Jacobstein and Assistant Law Librarian Rosalee Long are responsible for selecting materials for the Library. Each day they examine a variety of sources before making their selections. These sources include the publishing houses specializing in law books, such as West Publishing Company and Matthew Bender, as well as government documents, research reports, pamphlets and other materials. Suggestions are also received from the reference librarians, faculty and students.

Gifts and endowments are another important influence on acquisitions. Many of the Library's endowments and gifts are restricted to the acquisition of materials in specific subject areas.

Of the thousands of new titles that are published each year only a small portion are selected. Some are omitted because they are available elsewhere on campus or through interlibrary loan.

Selecting the books to be purchased is, of course, just the first step in the acquisition process. It is estimated that above the purchase price of the book the cost of getting a book on the shelf and

ready for use is between \$10 and \$15. Consequently, every effort is made to keep the cost of acquiring and cataloging materials to a minimum.

One tool that has been very effective in controlling costs is BALLOTS (Bibliographic Automation of Large Library Operations Using a Time-Sharing System). Developed by the Main Library at Stanford, BALLOTS is a computer network of libraries that participate in shared cataloging and resources. Through the BALLOTS terminal the Library can immediately determine if the Library of Congress has cataloged a particular volume. If it has, the Library utilizes that cataloging and saves the time and expense of doing its own. The Stanford Law Library has been instrumental in encouraging other law libraries, including Boalt Hall, Los Angeles County Law Library and UC Davis to use BALLOTS. Stanford is hopeful that one day all of the major law libraries will participate in BALLOTS.

Fighting subject and price inflation

The difficulties of maintaining both the quality and quantity of the Library's collections increase each year. Two factors are primarily to blame: (1) the increasing number of legal publications required, and (2) the inflationary cost of such publications.

With regard to the first factor, new areas of legal study are continually de-

veloping for which the Library must acquire material. Among the most recent are Genetics and the Law, Nuclear Energy, and Satellite Communication. At the same time, new publications are constantly being written on the more established fields, such as Torts, Contracts, Antitrust, and Trade Regulation.

Coupled with the burgeoning of new materials is the increasing cost of these materials. Since 1970 the Stanford Law School has steadily increased expenditures while acquiring fewer volumes. A glance at some comparative cost figures will explain this problem. From 1969 to 1976-77 the average price of a legal periodical increased from \$8.70 to \$17.36 or 99%. Typical loose-leaf service increased in that same time period from \$60 to \$126 or 108%.

To further illustrate, in 1972-73 there were 144 volumes published in the National Reporter System and it cost \$2,071 to acquire them. In 1976-77 there were 174 volumes published at a cost of \$3,287. The cost of the Code of Federal Regulations has increased from \$100 in 1966 to \$350 in 1976. And the Library must subscribe to three copies of the set!

The future

A library's excellence rests on four factors: its staff, its collections, its bibliographic records and services, and the facilities available for their use. In terms of three of these factors, staff, facilities,





The Library's highly qualified staff is one of its strongest attributes. Staff members pictured include (clockwise l to r) Joan Howland, Assistant Reference Librarian, and Iris Wildman, J.D. '78, Public Services Librarian, shown with James Preston, first-year student; Eliska Ryznar, Head Catalog Librarian (standing), and Harriet Wu, Assistant Catalog Librarian, at the BALLOTS terminal; members of the Technical Services staff; J. Myron Jacobstein, J.D., Law Librarian, and Rosalee Long, J.D., Assistant Librarian.

and records and services, the Stanford Law Library ranks among the top of the nation's legal research centers. In terms of its collections, however, the Library is considerably below its counterparts, Harvard, Yale, Michigan and Columbia.

To close the gap between Stanford and these other law libraries, the Library estimates that it will have to accelerate its current acquisition rate of 9,000 volumes per year to 15,000 per year, as well as acquire a substantial number of retrospective materials.

Another closely related goal is to provide more of the materials requested by lawyers using the Library. These include state digests, practice books, encyclopedias, certain loose-leaf services and other sets which are of primary interest to the practitioner rather than the researcher or student.

As is the case with all privately funded law libraries, Stanford is dependent upon gifts and endowments to build its col-

lections. At the present time 17% of the Library's budget is funded from gifts and endowment. To realize its goal of 15,000 volumes per year, the Library will have to find new sources of support. Endowed book funds are an especially important source of income for the Library. Whether restricted to the acquisition of materials in particular subject areas of the donors' choosing or unrestricted for use as the Library sees fit, endowed funds offer a steady source of income, which the Library can rely on year after year. The development of more endowed book funds is a top priority in the Library's campaign to increase its yearly acquisition rate.

One relatively new area of support is the local law firms. Gradually many firms are coming to appreciate the economic advantages of using the Stanford Law Library. Any lawyer concerned with the cost of maintaining a law firm library is fully aware of the rising price

of law books. Using the Stanford Law Library can directly benefit a law firm by saving it the expense and time of acquiring needed materials. Some firms who have already recognized this benefit have begun making yearly contributions to the Library for the purchase of new acquisitions. Such contributions go a long way toward offsetting the expense of building and maintaining the Library's collections.

For Myron Jacobstein, who has been Law Librarian since 1963, the prospects for the future seem bright. "We are fortunate in having the finest facilities and a highly trained staff to provide the best possible service to users. Though our collections are somewhat smaller than we would like them to be, I am confident that as more people discover the range of resources and services available to them, they will provide the kind of support Stanford needs to rank at the top of the nation's legal research centers."

On November 14 Ernest W. McFarland '22, former U.S. Senator, Governor and Supreme Court Chief Justice of Arizona, was honored by the Law School and the *Law Review* in a brief ceremony held during a luncheon meeting of the Maricopa County Bar Association in Phoenix.

Judge Walter E. Craig '34, chief judge of the U.S. District Court of Arizona, presided over the ceremony. He spoke of the many accomplishments that have made Governor McFarland Arizona's most illustrious son. He noted that Governor McFarland is one of the few men in the history of the nation to have served in all three branches of the government, including twelve years as a U.S. Senator (and Senate Majority Leader during the 82nd Congress), two terms as Governor of Arizona, and six years as Justice of the Arizona Supreme Court (including two years as Chief Justice). Judge Craig underscored these achievements with the observation that in spite of his extraordinary accomplishments Governor Ernest W. McFarland has retained true humility and is, in Herbert Hoover's words, "an uncommon man."

Judge Craig then turned the program over to Dean Charles J. Meyers, who praised Governor McFarland as "Stanford Law School's most distinguished alumnus in public service." He went on to note that the Governor's career "reflects the virtues of self-reliance, hard work, education and the highest standards of personal conduct."

Robin Johansen '77, senior article editor of Volume 29 of the *Stanford Law Review*, then presented Governor McFarland with a bound copy of Volume 29, Number 5, which has been dedicated to the Governor by the editors of the *Review*. She noted that this is the first time an issue of the *Review* has been dedicated to an alumnus. She explained that Governor McFarland was the unanimous choice of the editors, not only because of his exemplary career but also because of his avid interest in the work of the Law School in general and in the students in particular. She added, "Through his interest and concern for the education and attitudes of young lawyers, Governor McFarland has been and continues to be an example and a friend to Stanford Law School students."

Law Review Honors Ernest W. McFarland





Three Grads Will Fill U.S. Supreme Court Clerkships For 1978 Term

A graduate of the Class of 1976 and two graduates of the Class of 1977 have been named to United States Supreme Court clerkships for the 1978 term. They are Rebecca Love of Denver, Colorado; James S. Liebman of Albuquerque, New Mexico; and Nicholas J. Spaeth of Bismarck, North Dakota.



Ms. Love received an A.B. with honors in English from Stanford in 1973. The summer following graduation she was a White House intern assigned to the Domestic Relations Council. She entered law school in 1973. During her first year she was a research assistant to then Dean Thomas Ehrlich, and she competed in the Kirkwood Moot Court Competition, placing third. That summer she clerked for the New York firm of Winthrop, Stimson, Putnam and Roberts. The following year she went on to compete in the National Moot Court Competition and to serve as co-president of the Moot Court Board and as a member of the Executive Board of Serjeants at Law. She was also a teaching assistant to Professor John Kaplan in his undergraduate course in Criminal Law and an assistant to James Sienna, legal advisor to the President of Stanford University. During her third year of law school, she continued her work with James Sienna prosecuting honor code violations and served as research assistant to Professor John Henry Merryman. Following graduation in 1976 she joined the Denver firm

of Davis, Graham & Stubbs, where she is presently employed as a litigation associate. Ms. Love will clerk for Justice Byron R. White on the Supreme Court.



Mr. Liebman graduated *summa cum laude* from Yale University, where he received a B.A. in American History in 1974. That same year he was awarded the

Charles Addison Porter Prize for the best essay in American History. In 1971, 1973 and 1974 he won Yale Extemporaneous Debate Prizes. His other undergraduate activities included editorial page editor and member of the managing board of the *Yale Daily News* and a volunteer with Amigo de las Americas, a paramedical program in Guatemala. At law school he was president of the *Stanford Law Review* for Volume 29. He also authored the Note, "Search and Seizure of the Press, A Statutory, Fourth and First Amendment Analysis" (28 *Stanford L. Rev.* 957). In addition, he was a research assistant to Professors Gerald Gunther and Richard Danzig, editor-in-chief of the *Stanford Law Journal* and semi-finalist in the 1975 Moot Court Competition. Upon graduation he was named the Nathan Abbott Scholar for achieving the highest grade point average in the class. Mr. Liebman is currently clerking for Judge Carl McGowan, U.S. Court of Appeals, D.C. Circuit. His Supreme Court clerkship will be with Justice John Paul Stevens.

Mr. Spaeth received an A.B. *magna cum laude* in English from Stanford in 1972. During 1972-74 he was a Rhodes Scholar at New College, Oxford University, where he was awarded a B.A. with First Class Honors in politics, philosophy and economics. At law school he was managing editor of



the *Stanford Law Review* for Volume 29. He also served as a trustee of the Stanford Bookstore and a freshman English and writing instructor. At the present time,

Mr. Spaeth is a law clerk to Judge Myron Bright, U.S. Court of Appeals, Eighth Circuit, in Fargo, North Dakota. He, like Ms. Love, will clerk for Justice Byron R. White on the Supreme Court.

These three appointments bring the total of Stanford law graduates who have won Supreme Court clerkships to thirty-six. It will be the fifth time in the history of the Stanford Law School that three graduates will hold these highly competitive and prestigious positions simultaneously.

Client Counseling Competition Held

This spring, for the second year, Stanford law students participated in the Client Counseling Competition sponsored by the ABA's Law Student Division. The competition was started in 1969 by Louis M. Brown, a USC law professor concerned about the disparity between what law schools teach and what most lawyers actually do. Law students, Brown felt, learn to research, write and argue in a courtroom, but they rarely learn the skills attorneys need as counselors and as planners who seek to anticipate and avoid potential litigation.

The Client Counseling Competition provides law students with a simulated law office experience. Teams of two student lawyers are judged on a 30-minute initial interview with actor clients, followed



by a dictation of a memo to the file analyzing the clients' problem and the legal work to be done. The clients have a detailed set of secret facts, while the student teams receive only a brief note from their imaginary secretary as to what the clients want.

For this year's competition, the students knew only that an unmarried couple living together was seeking legal advice. At Stanford, students entering the competition researched the substantive law, focusing on *Marvin v. Marvin*, and then practiced with each other learning how to draw out a shy client, steer a talkative client back to the point, and respond to the client's needs while maintaining control of the interview.



Local attorneys volunteered their time to judge the intra-School competition. They included three Stanford alumni: Richard G. Mansfield '58, Jerald E. Rosenblum '60 and John E. Miller '64. The judging guidelines reflected the competition's emphasis on interviewing and interpersonal skills, as well as the ability to efficiently sift through facts. In particular, the judges evaluated the students' ability to elicit the "secret" facts, to focus the client's concerns into central issues, to observe the client's feelings, to discuss options without being too legalistic, and to bring up tactfully the subjects of fees and potential conflict of interest. After deciding the winners, the judges provided valuable feedback by discussing the performance of each team.

Although new at Stanford, the

Client Counseling Competition is well established nationwide. This year 121 schools held intra-school competitions to select teams for the regional competitions. The regional winners competed in the nationals held in New York in April. The co-chairmen of Stanford's Client Counseling Society this year are Marcia Adams '78 and Jamie DiBoise '78. In addition to the competition, they have organized panel discussions to increase the student body's awareness of the importance of counseling skills for lawyers.

New Director of Admissions

Dean Charles J. Meyers has announced the appointment of Dora Z. Hjertberg as the School's new Director of Admissions and Financial Aid. She succeeds Associate Dean William T. Keogh, who has been appointed Adjunct Professor of Law for Teaching.

Mrs. Hjertberg has been with the Law School Admissions Office since 1970. During the past year she served as its Associate Director.



Alumna New Law Fund Director

Barbara L. Angstman, a 1975 graduate of the School, has been named the new Director of the Law Fund. She replaces Janet Crews, who left the Law School last September to become Assist-

ant Dean for Development in the School of Humanities and Sciences.

Ms. Angstman received a B.A. with high honors in international relations from the University of the Pacific in 1971. After graduation she undertook a range of administrative responsibilities as a paralegal with law firms in Los Angeles and Dallas.

While in law school she was a law clerk for Holme, Roberts & Owen in Denver; White & Case in New York; and Jarvis & Irvine in Palo Alto. She also served as a member of the Board of Editors of the *Stanford Journal of International Studies*.

After receiving her J.D., Ms. Angstman became a postdoctoral fellow at Stanford, during which time she was also a volunteer attorney for the Santa Clara County Public Defender. Until her appointment as Director of the Law Fund, she was a practicing attorney with the San Francisco law firm of Cooper, White & Cooper.

An accomplished pianist, Ms. Angstman has performed numerous piano recitals both at the University of the Pacific, where she won a piano concerto competition and performance award, and at Stanford.

New Grant Bolsters Innovative Work at the School

The School has received a grant of \$100,000 from the Andrew Norman Foundation to support innovative developments in legal education.

The grant, the first of its kind

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established at the Law School, will help fund pilot programs in vital areas of legal study.

In announcing the grant Dean Meyers called it "singularly important." He thanked George Olincy, president of the Foundation, for the Foundation's generosity, and for the vision to support experiments designed to advance legal education. "There is a whole range of activity at the School that will benefit immeasurably from this grant," he added.

"Clinical instruction, special research projects and preparation of new teaching materials are among the areas that have been hampered by lack of funds. With this grant some of our most cherished aspirations can be realized and our hopes turned into reality. We are deeply grateful to the Andrew Norman Foundation for this uniquely significant expression of support for the work of the Stanford Law School."

The grant is the second gift to Stanford from the Norman Foundation. The previous gift supported an ongoing program designed for undergraduate students who do not intend to practice law. Six courses have been developed in this program, encompassing such subjects as the Bill of Rights, Courts and Legal Process, and Criminal Law and the Criminal System.

The Andrew Norman Foundation was established in 1958 to promote the general welfare of the people of California through the distribution of grants to educational institutions, hospitals, and community and welfare institutions throughout the state.

First Faculty/ Law Review Game Held

by Josh Kadish '79

The Stanford Law Faculty played the *Law Review* to a tie in their



first annual basketball match held on February 15. In a game riddled with substantive and procedural questions, the Profs demonstrated once again that their equitable arguments could at least counter the Review's zealous efficiency criteria.

While only five stalwarts turned out for the Profs, the Review ran two squads throughout, thereby spreading the risk of loss. The early game thus saw the Review's numerical strength pitted against the Profs' crafty yet frenzied cunning.

In response to an appeal for distributive justice, Review coach Jonathan Paris '78 gave away 6-foot-7 Marc McConnell '79 to the Profs after only 10 minutes of play. The game was tied at 22-all, at the half, prompting several Reviewers to argue that the McConnell deal was void for lack of consideration on the contract. The faculty interposed a defense of *laches*, and referee Rob Weisberg '79 upheld the deal on an estoppel theory.

After the half, the Profs attempted a procedural innovation by playing only four men. This proved to be a double-edged coin, and by returning to a traditional format the Profs managed to pull steadily ahead.

With only eight minutes left to play, the Profs led 42-32, largely due to the combined efforts of rookie Mark Kelman and a mysterious ringer said to have been discovered working in a backpack shop in Palo Alto.

Showing the grim determination that has gotten them past many

deadlines, the Review narrowed the gap, until with two minutes to go, the score stood at 48-44. In an effort to run out the clock, the Profs called for a volunteer to state the facts of the game. No one raised his hand.

As the final whistle blew, Assistant Managing Editor Jim Carpenter '78 lofted in a 15-foot jumper to tie the score at 48-all. In a Solomon-like decision, the ref decided to split the baby with the bathwater, and refused to put the game into overtime.

The referee, a last-minute substitute for Charles Reich '78, called both personal fouls and errors in proper citation form throughout the game.

During post-game analysis, Carpenter was selected Most Valuable Player by his peers, and Kelman took top honors for the Profs. Players and spectators agreed that the holding of the game was unclear, but hoped that it would have significant precedential value.

Scoring

Faculty	Pts.
J. Friedenthal	
*S. Friedman	22
T. Grey	2
C. Halpern	
*P. Halpern	
M. Kelman	18
*M. McConnell '79	4
T. Peebles	
R. Rabin	2
	<hr/> 48

*Friends of Faculty

Law Review	Pts.
J. Bauman '78	
J. Bogdanski '78	
J. Carpenter '78	22
J. DiBoise '78	2
R. Lipstein '78	2
J. Maletta '79	
J. Paris '78	8
J. Salmanowitz '78	
J. Schwartz '79	4
M. Wisdom '79	
F. Woocher '78	10
	<hr/> 48



Edward H. Levi in Residence as Phleger Professor



Former United States Attorney General Edward H. Levi is in residence at the School during the spring semester as the Herman Phleger Visiting Professor of Law.

As the Phleger Professor, Mr. Levi is teaching a course in Problems in the Administration of Federal Justice, which includes such topics as grand jury problems, electronic surveillance, double jeopardy, disclosure, the one-house veto and the special position of newspapers and reporters. On April 27 Mr. Levi gave the Herman Phleger Lecture in Kresge Auditorium. The subject of this public lecture was "The Use of Discretion in the Legal System."

Mr. Levi, who was successively Professor of Law, Dean of the Law School, Provost, and President of the University of Chicago before Gerald Ford appointed him to the Justice Department in 1975, is the third distinguished legal figure to hold the Phleger Professorship. Previous recipients include U.S. District Judge Charles E. Wyzanski, Jr. and Simon H. Rifkind, partner in the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison.

New Faculty Appointments

James E. Krier of UCLA Law School and Carol M. Rose, a 1977

graduate of the University of Chicago Law School, have been appointed to the faculty, effective July 1.

Professor Krier, who visited at the Law School during the 1975 autumn term, received a B.S. with honors in Economics from the University of Wisconsin in 1961. After two years in the United States Army, he entered the University of Wisconsin Law School, where he was articles editor of the *Wisconsin Law Review*. He received his J.D. in 1966, graduating first in the class.

Following graduation he served as a law clerk to Chief Justice Roger J. Traynor of the California Supreme Court. In 1967 he became an associate with the Washington, D.C. firm of Arnold and Porter. Two years later he joined the law faculty at UCLA as an assistant professor, becoming a full professor in 1972. In addition to the semester he spent visiting at Stanford, Professor Krier was a Visiting Fellow at Wolfson College, Oxford University, from February through April 1976.

Professor Krier's teaching and research interests have focused on property, environmental law, and law and economics. In addition to articles in these fields, he has authored casebooks on environmental law and property. He is also co-author of the recently published *Pollution & Policy* (University of California Press, 1977), an examination in historical perspective of the legal, institutional, technological, and environmental factors involved in California's response to motor vehicle air pollution.

His memberships have included the National Academy of Sciences Pesticides Panel and the Academy's Committee on Energy and the Environment, the California Attorney General's Task Force on Environmental Law, the advisory board of the *Environmental Law Reporter*, the University of Cali-

fornia Social Science Task Force and Council on Energy and Resources. He is also a consultant to the Environmental Quality Laboratory of the California Institute of Technology. Professor Krier is a member of the Wisconsin bar.



Carol M. Rose will join the faculty as an assistant professor of law. Ms. Rose received a B.A. (1962) from Antioch College, where she graduated first in the class, an M.A. (1963) from the University of Chicago, a Ph.D. (1969) from Cornell, and a J.D. (1977) from the University of Chicago Law School.

Since graduation from Law School she has been a law clerk to the Honorable Thomas Gee, U.S. Court of Appeals for the Fifth Circuit, in Austin, Texas.

She is the author of *Citizen Participation in Revenue Sharing: A Report from the South* and co-author of *A Time for Accounting: The Housing and Community Development Act in the South*, both published by the Southern Regional Council. Her book, *Some Emerging Issues in Legal Liability of Child Welfare Agencies*, has just been published by the Child Welfare League of America.

Ms. Rose will teach civil procedure and property.

Sons of Italy Funds Program

The Sons of Italy in America Foundation has made a gift of \$4500 to the School to support Italian legal studies at Stanford. The gift will be used to purchase

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new titles in the Italian comparative law collection and to provide funds for research currently being carried on by Professor John Henry Merryman. Stanford has the only significant Italian legal studies program in the English-speaking world. The program has already produced a series of books and articles.



Pictured above from left to right are Dean Charles J. Meyers, Peter J. DeSantis and Joseph Simile of the Foundation, and Professor Merryman.

School Holds Classes for Spouses and Good Friends

This fall the School held its first "Stanford Spouses and Good Friends Law School." Six classes were held over a period of six weeks to give law students' spouses, roommates and friends an idea of what Stanford Law School is really like. The program was sponsored by the Stanford Chapter of the American Bar Association and was organized by Ray Engle '78 and Robert Pugh '79.

The professors who participated conducted the classes to simulate their actual classes. The first class, Property, was taught by Dean Charles J. Meyers. He used a landlord tenant case to demonstrate important principles in the law of property. After asking a student to recite the facts of the case, Dean



Prof. John Kaplan

Meyers explored the various legal issues involved. Students soon adjusted to the Socratic method and there were often many volunteers for each answer.

Other classes included Family Law with Professor Michael Wald, Torts with Professor Robert Rabin, Professor Howard Williams on Trusts and Estates, Contracts with Assistant Professor David Engel and Criminal Law with Professor John Kaplan. The classes were conducted as they would be for first-year law students. Assignments were distributed a week ahead of class; they included cases, statutes and excerpts from articles.

Response to the program was very enthusiastic. A survey taken after the last class showed that the majority of participants felt the program should be repeated next fall.

26th Annual Kirkwood Moot Court Competition Held

On April 7 four student finalists argued the case of *Federal Communications Commission v. Atlantica Foundation* at the 26th Annual Marion Rice Kirkwood Moot Court Competition held in Kresge Auditorium at the Law School.

The case was argued before a

panel of distinguished jurists sitting as the Supreme Court of the United States. The panel included J. Skelly Wright, U.S. Court of Appeals, D.C. Circuit; Ben. C. Duniway '31, U.S. Court of Appeals, Ninth Circuit; and Hans Linde, Oregon Supreme Court.

The case, which is based on an actual case now before the Supreme Court, involved the afternoon broadcasting of a record containing "seven dirty words." The question before the Court was whether a radio station should be allowed to broadcast indecent language during hours when children are likely to hear it.

The student finalists, chosen from among fifty participants, included Mary Alice McKeen '78, who received both Best Advocate and Best Written Brief awards, David Fairweather '78, who was named runner-up, Paul Fryd '79, and Mark Medearis '79.

Judge Wright summed up the competition as a "superb performance" and "a testament to the legal education available at Stanford."



Faculty News

While a visiting professor of law at the European Institute in Florence last fall, Professor **William Cohen** finished his casebook on comparative constitutional law with co-author Professor Mauro Cappelletti. The book will be published by Michie-Bobbs-Merrill this coming fall. In February Professor Cohen attended a meeting in Anchorage, Alaska, where he talked to the Alaska Bodily Injury



Claims Committee about general issues regarding reform of tort laws. In April he participated in a panel discussion on "Tort Reform in the 21st Century," sponsored by the Western Conference of the Association of American Law Schools in San Diego.

Marc A. Franklin, Frederick I. Richman Professor of Law, recently published *The First Amendment and the Fourth Estate* (Foundation Press), a textbook designed for use at the undergraduate level. The product of several years research by Professor Franklin and his wife, the book is currently used at more than fifty colleges and universities.

Professor **Jack H. Friedenthal** has been engaged as Special Master in a major antitrust case in the Federal District Court, Northern District of California. He is awaiting publication of an article which was part of a symposium on jurisdictional changes brought about by the Supreme Court case of *Shaffer v. Heitner*. The article will appear in the *Washington University Law Journal*. Professor Friedenthal is currently serving on a committee established by the Ninth Circuit to study revision of federal discovery provisions.

Lawrence M. Friedman, Jackson Eli Reynolds Professor of Law, along with three other legal scholars, recently completed a major study of "The Business of State Supreme Courts: 1870 to 1970," 30 *Stanford, L. Rev.* 121 (November, 1977). With financial support from the National Science Foundation, they studied a random sample of 5,904 cases drawn from a sample of sixteen state supreme courts, including California. The study showed that over the past century state supreme court judges have become less concerned with the protection of property rights, more concerned with the individual and the downtrodden, and more willing to consider rulings that promote social change. Two significant

changes were that in purely quantitative terms state supreme court caseloads have declined from an early 20th century peak and there has been a shift toward non-commercial cases—from a concentration on debt collection and property cases to an emphasis on tort, criminal, public law and family law matters.

Professor **William B. Gould** is currently a Visiting Scholar at the University of Tokyo Faculty of Law, where he is studying Japanese labor law and labor policy as a Guggenheim Fellow, a Japan Society for the Promotion of Science Fellow and a Rockefeller Foundation Social Science Research Fellow. He is also at work on a law review article and a book dealing with South African black labor.

Gerald Gunther, William Nelson Cromwell Professor of Law, spent the fall semester on leave to research and write his biography of Judge Learned Hand. In January he was a commentator at a seminar held at the University of Miami Law School on "Some Economic Implications of the State Action Concept in Constitutional Law." The seminar was sponsored by the Center for Law and Economics-Liberty Fund, Inc. Professor Gunther's seminar paper will be published in a book on the proceedings. In March he was the featured speaker at the Annual Supreme Court Day held at Drake University School of Law in Des Moines, Iowa.

Assistant Professor **Thomas H. Jackson** recently co-authored with Ellen A. Peters, Southmayd Professor of Law at Yale, an article entitled "Quest for Uncertainty: A Proposal for Flexible Resolution of Inherent Conflicts Between Article 2 and Article 9 of the Uniform Commercial Code," which appeared in the *Yale Law Journal*.

In March Associate Professor **Charles C. Marson** attended a conference in Nashville on the

availability of federal money for clinical legal education. The conference was sponsored by the Association of American Law Schools. He was recently a speaker at "The Privacy Conference," a national conference on privacy law held at Pacific Lutheran University in Tacoma, Washington.

John Henry Merryman, Sweitzer Professor of Law, gave the Tucker Lecture at Louisiana State University Law Center in November. The title of his lecture was "The Civil Law as an Object of Scholarship." In January he spoke on "Legal Education: A Comparative View" at the University of Gothenberg, Sweden, and on "Law and Development" at the University of Stockholm.

Charles J. Meyers, Richard E. Lang Professor and Dean, has recently completed an article for publication in *Wyoming Land and Water Review* on *Cappaent v. U.S.*, which deals with the federal government's reserved rights in ground water. He addressed the Monterey County Bar Association in April about the Governor's Commission To Study Water Rights Law, of which he is Vice Chairman. The Committee has just concluded its first round of hearings and is now preparing its report to the Governor and the legislature. The second edition of Meyers and Tarlock's *Water Resource Management* is now in preparation and is expected to be published in the fall.

Professor **Robert L. Rabin** currently working on a book, *Perspectives on the Administrative Process*, that will be published by Little, Brown next winter. In March he was on an Administrative Law panel entitled, "Institutional Due Process in the 21st Century: The Future of the Hearing Requirement." The panel was sponsored by the Western Conference of the Association of American Law Schools.

Class Notes

1921

J. Tracy Barton
1020 E. 8th Street
The Dalles, Oregon 97058

1922

J. E. Simpson
Suite 806 Wilshire-Flower Bldg.
615 South Flower Street
Los Angeles 90017

1923

Homer I. Mitchell
611 West Sixth Street
Los Angeles 90017

After fifty-five years, there remain only ten graduates of the Stanford Law School Class of 1923 who are still breathing in and breathing out: **Lloyd Howard**, San Francisco; **Julius Mackson**, Palm Springs; **Joe Mandl**, Carmel; **Laurence Martin**, Modesto; **Emery Mitchell**, Eureka; **Al Muller**, San Luis Obispo; **Judge Homer Patterson**, El Cerrito; **Matt Simpson**, Long Beach; **Vic Smith**, Oakland; and your correspondent, **Homer I. Mitchell**, Los Angeles and San Marino. One other, **Jim Bucklin, Jr.**, formerly of Alameda, who perhaps should be added to this list, your correspondent has been unable to locate. All of this appears to indicate that the lawyers in the smaller cities last longer than those in the big urban areas.

Of the ten known to be alive, only two admit to being still engaged in the active practice of law: **Laurence Martin** and **Vic Smith**. And Vic is threatening to retire almost immediately. However, several others admit to what might be called occasional or casual instances of practicing law for former clients.

Those who have retired do not make any claim to setting the world on fire during their retirements. The fields of justice have been plowed and it is time for other and younger lawyers to develop better methods of providing better results. Most of the retired class members speak of their interests as being one or more of the following: travel, cruising the high seas, sailing, fishing and hunting, golf, gardening, cards, music, serving on boards of directors of former corporate clients, enjoying the grandchildren and great grandchildren, and staying well.

On the basis of your correspondent's survey of the surviving members of the Stanford Law Class of 1923, his unsolicited advice to them is: "Drink up. Be merry. The time is NOW. It is later than you think." In giving this advice, your correspondent disregards the wisdom of a famous trial lawyer in Los Angeles, **Joe Ford**, the father of Justice **John J. Ford**, distinguished Presiding Justice of Division Three of the District Court of Appeal, Second District. **Joe Ford** is reported to have said, "The reward of the lawyer that giveth free advice is a kick in the pants." Only he said it plainer. Further deponent saith not.

1924

Elizabeth J. Morrison
Morrison & Morrison
3600 M Street
Eureka 95501

1925

Bert W. Levit
Long & Levit
465 California St.
San Francisco 94104

1926

Leon Thomas David
P.O. Box 656
Danville 94526

Only a short time ago, we spent a most pleasant afternoon with **Milo E. Rowell** in his Fresno office, full of

reminiscences of our Stanford days and World War II military experiences. With his death on October 6th last, Fresno lost one of its most respected attorneys and civic leaders.

In recent years while continuing to be of counsel in the firm of **Rowell, Lamberson, Thompson and Heber**, he devoted himself to civic concerns. For 15 years, he was a Trustee of the Pacific School of Religion, and active in the American Camellia Society, the California Taxpayers' Association, and numerous local committees. But at the time of our visit, he was still concentrating on securing and maintaining adequate hospital facilities for the community. He was a trustee of the Fresno Community Hospital, a member of the Mayor's Medical Task Force in Fresno, the San Joaquin Valley Health Consortium, and chairman of the University Health Science Center Task Force Committee.

During World War II, he was the civil affairs officer in Llano and Occidental Misamas provinces, but while for these services he was awarded the Bronze Star Medal and the Philippine Merit Medal, his Legion of Merit award followed his work as a member of the Steering Committee of the Government section of General MacArthur's staff, preparing the proposed constitution for Japan, and in the negotiations with the Japanese leading to its revision and adoption.

At the 50th reunion of the class, **Claude R. Minard** was his usual cheery self, accompanied by his wife (**Florence—Dolly Paulson**), despite the fact that he had lost his sight. On the heels of their fiftieth wedding anniversary, celebrated on August 14th last, eye operations were successful, and he reports he can read again. From 1945 until retirement in 1966, he was general counsel for the California Railroad Association, thereafter serving on the California Unemployment Compensation Appeals Board. Commencing private practice in Fresno, he later served three years as a deputy district attorney, served in the State Assembly 1934-35, thereafter becoming Secretary of the State Bar of California from 1935-41. He then commenced his legislative representation of the California railroads. When taken under government control, **Claude** left the railroads for service in Military Government. Tabbed as a "railroad man," somewhat to his consternation,

he was placed in charge of running the railroads in Sicily! But he performed; and Major Minard was placed on duty in HQ SHAEF and later, in the Civil Affairs Division of the War Department Special Staff in the Pentagon, until his return to civilian life in 1945.

He and Dolly have toured Europe, and from their Palo Alto home keep busy with family affairs and with their children and ten grandchildren at present count.

In its first quarter century, few women were graduated from Stanford Law School. **Carolyn Fromberg Loeb Boasberg**, after her Masters at Mills, was one of our 1926 class, and unlike many sister lawyers of the period, entered the active practice of the law with her husband in Buffalo, N.Y., where Boasberg & Boasberg is located. Two sons are engaged in law practice (Albert Boasberg being located in San Francisco), and a daughter is an authoress. Carolyn reported that she was President of the Counsellors, a women's attorney group in Buffalo, and chairman of the Erie County, N.Y. family law committee.

Arthur G. Butzbach writes from his home at 250 Longview Lane, San Luis Obispo: "After completing Stanford law pre-legal, I shifted gears and entered the Stanford Education department, where in 1928 I completed work for a secondary school teaching credential, a school administration credential and a master's degree in Education. In 1946, I returned to Stanford and completed an Ed.D. degree, and then taught for twenty-three years in universities: Drake, Sacramento, and California Polytechnic State University at San Luis Obispo, retiring from the latter in 1970 as Professor of Education and Associate Dean of Graduate Studies . . . Our oldest son is an architect in Los Angeles, and our other two are teachers. We have two grandchildren." His wife (Ora Carlson) with a master's degree from Cal Poly also taught most of the years from 1944 until both retired in 1970.

"We have done some traveling by conventional means, and in addition same trailering . . . I am happy to be relaxed and almost completely disengaged, except for a hobby of bird study."

Some of our classmates responded to the call for information to pass on to their classmates and others at the time

of the 50th class reunion, and for the Half Century Club and 1977 Reunion last year. In default of further information asked from them currently, we have culled some items from those contacts, and pass them on here.

One must mention **Frank Lee Crist, Sr.** whose law firm of Crist, Crist, Griffiths, Bryant and Schulz is perhaps the best known on the Peninsula, as well as in Palo Alto. With two sons in the firm, Frank Jr. (LLB '58) and Roger E. (LLB '65) he can go hunting and fishing whenever he wants. Daughter Jeanese (Rowell) is an interior decorator, outdoing her brothers in giving Frank Sr. and his artist wife Eugenia seven grandchildren, while they have five and three respectively, at last report.

Frank Sr. served two terms in the State Assembly; as a deputy city attorney in Palo Alto; on the Palo Alto Recreation Commission for 20 years, four of which he served as chairman; on the Juvenile Justice Commission for 20 years; on the Farm Debt Adjustment Commission, four years; 33 years as a member of the Board of Trustees of Castileja; 30 years a member of the board of directors of the Children's Hospital at Stanford; and as a member of the Board of Visitors, Stanford Law School.

He regards how he came to go to Stanford as extraordinary and as lucky as meeting Eugenia at a church party where he was demonstrating his sales ability as an aluminumware salesman.

"Took freshman year at Kansas State, enlisted in World War I (he was wounded in action), transferred credits to Cal after war, went to a dinner party in San Francisco, met Stanford football coach who said, 'Why the h--- don't you go to a good university?' I said, 'Where?' He said, 'Stanford.' I said, 'Never heard of it.' (Who did in the midwest of 1917?). He said, 'Won't hurt you to look at it.' I said, 'Will.' Did. Went to Stanford."

Frank was the gracious host with Eugenia for a party for the 1926 Class after the 1975 reunion, held at their home, 865 Hamilton Avenue, Palo Alto.

Merl McHenry, having turned to business rather than the practice of law, wrote, "I do not practice; never have. . . I make money. I shoot ducks. I travel. I take lessons in conversational French. I couldn't care less about the law." Merl is an account executive, investments, Dean Witter & Co., 4 Mari-

time Plaza, San Francisco. He and his wife (Marcella Bricca) live at 469 Edgewood Road, San Mateo. Sons Martin and Malcolm are both physicians. Malcolm and wife have 10 children.

William E. Wright after long practice of corporation law in San Francisco, his wife deceased, continues to "watch the gardener garden" at his home at 947 Jackling Drive, Hillsborough, while his son Edward S. Wright (LLB '66) is in practice in San Francisco.

Bruce Wallace and **Percy C. Hecken-dorf** are among those who have died.

Herbert (Herb) Silvius of 1225 43rd Avenue, Sacramento, was among the guests at Frank Crist's 50th reunion party. After securing his AB '26, he married Josephine Winslow McSwain (AB '28), and their two children were graduated from Stanford, Jan S. Hewitt '59, and Marilyn S. van Loben Sells '66.

Herb recently retired as California State Printer (in 1975), "after serving in that capacity for nearly nine years, the third longest term in that position in the history of the State Printing office. Since that time, I have become a member of a chapter of the Sons In Retirement, and have been assigned the editing and publishing of the monthly publication. Further, I have been editing and publishing the monthly newsletter for Rotary District 519.

"Currently I am serving on the board of directors of the S.P.C.A. as well as on the board of directors of the Rotary Club of Sacramento . . . In addition to the above, each of our daughters has two grandchildren . . . I need not mention that boredom is unknown under the circumstances."

Herb is a past director of the Board of Athletic Control, and past president of the Sacramento Stanford Club. Previously, he has rated as his principal accomplishment that since 1928, in negotiating union contracts of the Employing Printers of Sacramento, "there has been no strike or serious interruption in the printing industry in Sacramento."

Judge **Anthony Brazil**, who served on the Monterey County Superior Court, latterly as its Presiding Judge, and who after retirement in 1972 still served under a number of assignments by the Judicial Council, writes:

"Sorry we were unable to be present at the last reunion. Two years or so ago, we were present at Stanford's reunion for those who had reached 50

years since final graduation—Anthony Brazil, who has satisfactorily pursued the Studies and passed the Examinations required therefor, the Degree of Juris Doctor, signed by that wonderful law school professor—M. R. Kirkwood.

“Doesn’t seem so long ago—more than 50 years—but time has required my retirement about six years ago. Spent many days thereafter in California Courts—more than 20 Superior Courts and two to three Municipal Courts. I’ve stopped all that on July 1, 1977, except for one long-lasting case, tried twice in Stockton. I think it’s over for good; I hope so.

“A year or so after retirement, I thought I’d try the practice of law here in Salinas with a very good law firm, but it didn’t last long, only five months.

“Being a lawyer is not at all like being a judge, even if you have a wonderful group of lawyers to work with. Far too much worrying being a trial lawyer, far too much worry who is successful in the trial.

“In more than 20 years as a judge, I did the best I could, but I did not worry at all if the appellate courts reversed any decision of mine. I did the best I could, decoded cases as best and as soon as I could, and then went on to try another case.

“I’m quite sure I could not go back as a judge, for things have changed so much. Am grateful for what has been my very good fortune to have been a judge.”

Many experienced judges have echoed Tony’s conclusions: Do your own job; don’t worry what the fellows upstairs will do, in too many instances these days, there is no crystal ball which can tell you all anyway.

Tony has had a statewide reputation as an excellent judge. His brother, Abraham Brazil, JD ’24 served as District Attorney of San Luis Obispo County.

Writing from the Keewaydin Club in Naples, Florida, **Pauline May Hoffman Herd** writes of her enjoyment, escaping from the toils of the Brooklyn, N.Y. winter, while her husband J. Victor is out by the pool, “while I, the heliophobe, seek the shade and a chance for correspondence. Victor and I are here for a fortnight before going on to Miami for his board meetings. He is retired over five years now, but doing interesting things for which he didn’t have

time before; and he is on several boards, two of which take him to London quarterly (and I often go, too), and one in Bermuda, where we go quarterly also.” She keeps up her interest in things legal, and looks forward to the American Bar Association meeting in New York this year as an opportunity to meet old friends. She transmitted a clipping telling how Miami lawyers organized a walk-around fair, where those attending could step up to a booth and ask those questions which they had in mind, but never had gotten around to consulting a lawyer about.

“Counting decades, our twin daughters, Vicky and Polly, planned a dinner dance for fifty to celebrate our fortieth wedding anniversary. . . . Victor wore the same white tie and tails and I wore my wedding dress. Great fun for everyone.”

Looking about us, this must rate as a signal achievement.

The Herds have lived for many years at 1 Montague Terrace, Brooklyn, N.Y. 11201.

Loton Wells writes: “Since finishing law school I have been engaged in law practice both in Los Angeles and San Francisco until retirement in 1971. I have served as Deputy County Counsel of Los Angeles County and also as a State Attorney. For many years, I was engaged in private practice and, at one time, was associated with the law firm of McCutcheon, Doyle, Brown and Emerson in San Francisco.

“During World War II, I applied for military service but was prevented acceptance by a serious hearing handicap which developed shortly after graduating from law school. However, I did serve as an attorney for the federal government in Washington, D.C. during the war.

“My family consists of my dear wife Ruth, who is a graduate of Indiana University.

“As to hobbies, I enjoyed playing mediocre tennis for many years. At one time, I was a wireless and radio ham, and held a commercial wireless operator’s license. While at Stanford, I took some time off to sail to the Bering Sea on a three-masted schooner, where I operated a wireless station.

“My wife and I have made several trips to Europe, and I have been also to the Middle East, including Egypt and Turkey.

“After I retired we bought a home in Santa Barbara where gardening became a busy hobby, including the care of a small orchard consisting mostly of citrus trees. We are now enjoying a more leisurely life in San Francisco.”

The Wells reside at 405 Davis Court, #906, San Francisco, CA 94111/(415) 982-5867.

Except for an assignment to the Contra Costa County Superior Court, to consider whether a convicted drug pusher could beat the rap because allegedly the Grand Jury which had indicted him was not composed of as many women as men, your class correspondent has spent the year, full-time, in research and writing the *Chronicles of the State Bar of California, 1927-1977*, assisted by the committee of the State Bar on History of the Law in California, of which he is chairperson. Members of the Committee include **Gilford Rowland**, past president of the State Bar, **Claude Minard**, for seven years Secretary of the State Bar, and **Kenneth M. Johnson, JD ’28**, retired vice president and counsel of the Bank of America, who wrote the history of the San Francisco Bar, *Bar Association of San Francisco: The First Hundred Years—1872-1972*.

Two significant events of the past year were the celebration of the Davids’ fiftieth wedding anniversary, at a luncheon and reception with some 100 guests, hosted by their daughter, Carolyn David Holmes, ex-’47, and Leon Colby David, their son; and a gathering in which honors were tendered Judge David for his fifty years of membership in Kiwanis International, during which he was president of the Palo Alto and Los Angeles Kiwanis Clubs, chairman and a lieutenant governor of the California-Hawaii District, and a member of the International Affairs Committee of Kiwanis International itself.

One of those attending the Golden Wedding celebration was Muriel Glenn of San Diego, wife of the late Eugene “Peg” Glenn, LLB ’24, long a national leader at the Bar, particularly the state and national boards and committees of Bar Examiners.

1927

Chesley M. Douglas
Douglas, Zingheim & Vernon

480 N. First Street
San Jose 95112

1930

William A. Evans, 1907-1978

On January 31 **William A. Evans** died at St. Joseph's Hospital in Phoenix, Arizona, ending a twelve-year battle with multiple sclerosis.

An expert in mining and water law, Mr. Evans spearheaded the development of water sources for the Phelps Dodge Corporation's mining and metallurgical operation in Arizona and New Mexico. The company named a dam and lake in western New Mexico in his honor.

Mr. Evans received an A.B. in 1927 from Stanford and an LL.B. in 1930 from the Law School. A year later he became an associate of the Bisbee, Arizona, firm of Ellinwood and Ross. In 1935 the firm moved to Phoenix and subsequently changed its name to Evans, Kitchel & Jenckes.

In 1971 he published, *Two Generations in the Southwest*, a chronicle of the development of the copper industry in the Southwest and the instrumental role the Evans family played in this development. The book was reviewed in the Summer 1974 *Stanford Lawyer* by his friend and classmate, the late Judge Stanley Lawson.

Though crippled with multiple sclerosis, he continued to practice law and was taken to his office each day in a wheelchair. Ben Avery, a reporter for the *Arizona Republic*, wrote of Bill Evans:

He will be sorely missed by the legal profession and the State of Arizona which he served so well. But his loss will be greatest to the wide circle of friends because just a brief visit with him was an inspiration and a challenge to courage.

Mr. Evans is survived by his wife Margurete, one daughter, two sons, a sister, and four grandchildren.

1931

Hon. Ben. C. Duniway
U.S. Court of Appeals
Ninth Judicial Circuit
Seventh & Mission Streets
San Francisco 94101

1932

J. Robert Arkush
Suite 430
4201 Wilshire Blvd.
Los Angeles 90010

Shirley Ward writes: "There have been some changes this past year in my life which at least for me have significance. Accordingly, I thought they might be of interest to you.

"Except for the war years I have been associated with the same law firm or its successors since graduation. For the past 20 years the firm's name has been Walker, Wright, Tyler & Ward. In the recent past I have been the firm's senior partner. As of January 1978, I became 'Of Counsel.' Fortunately, my former partners are well able to carry on what-

ever may be required for former clients of mine.

"I had for some years been a trustee of Occidental College. In 1977 I reached 70 and therefore became an honorary life trustee.

"We are in the process of selling the house in South Pasadena where we have lived since 1948. From now on we will be living in Palm Desert and hopefully improving what is currently a very mediocre golf game."

1933

George E. Bodle
Bodle, Fogel, Julber, Reinhardt
& Rothschild, 5900 Wilshire Blvd.
Los Angeles 90036



Dean Meyers Visits Stanford Lawyers in Hawaii

While in Hawaii last fall, Dean and Mrs. Charles J. Meyers attended a Stanford law dinner hosted by C. Wendell Carlsmith '28, senior partner in the Honolulu firm of Carlsmith, Carlsmith,

Wichman & Case, on October 27. Among the Stanford lawyers and spouses in attendance are those pictured above: (from left to right) Edith Carlsmith, Margaret Kidwell, H. Baird Kidwell '35, Associate Justice of the Supreme Court of Hawaii (standing), Asa M. Akinaka '64, immediate past president of the State Bar of Hawaii, Dean Charles J. Meyers, Pamela Meyers, C. Wendell Carlsmith '28, and Betsy Akinaka.

1935

Stanley J. Madden
Pillsbury, Madison & Sutro
P.O. Box 7880
San Francisco 94120

1936

Mary R. Mulcahy
1150 Swanston Drive
Sacramento 95818

Thirty-seven of us received our LL.B. degree from Stanford Law School on June 14, 1936. Times were tough then; most of us were just getting a good start in our careers when the war came along; we were just the right age to serve, and most did with distinction. Acre-feet of water have flowed under the bridge since then, and there have been some distinguished lawyers and judges in our number. Perhaps that very fact explains the paucity of replies I received from this notable group of legal eagles. Fellows, if you don't find your name in this column, it doesn't mean that you are not among the outstanding members of the Class of 1936, but that you failed to reply to my plaintive plea.

Paul DuBois reports that he has been practicing law in Newport Beach since 1965, after many years of association with a firm in Los Angeles; is now semi-retired because of the "toll of the years," as he puts it; plans to remain in Newport Beach because of its equable climate. His family consists of a daughter who received her master's degree at Stanford in 1968; a daughter who is a doctoral candidate applying at Stanford; and a son who graduated from Redlands and USC.

Harry L. Haehl has had a distinguished legal career with Lillick, McHose & Charles in San Francisco, where he is now senior partner and on his retirement, planned "soon," he will become "Of Counsel." The firm's specialty is Admiralty Law, and Haehl has been a delegate to various international maritime conferences as a contributor of law review articles and lecturer on that subject. He has been Honorary Consul General of Malaysia at San Francisco since 1968, and was deco-

rated by the King of Malaysia in 1977 with "Johan Mangku Negara," the highest order of chivalry given to a non-Malaysian citizen. Independent research on my part indicates that he has been a most generous contributor through the years to the Stanford Law School Fund. He has three children (one of his daughters, a Stanford graduate in 1965) and three grandchildren.

Dick Goldsmith writes that since 1971 he has been Chief Magistrate of the Northern District of California. Prior to that time he served as U.S. Commissioner, and antedating that, in the private practice of law. He is particularly proud of having started a law student intern program with the third year Procedures class at Hastings Law School, for which the school honored him by awarding him membership in the Order of the Coif. Dick has five children, two of whom are Stanford graduates, and the whole family has for years participated in Sierra Club activities, but he says that the advent of grandchildren has slowed down the backpacking.

James M. Richmond writes from Sun City, Arizona, that he retired in 1969 after a long career with the firm of Anderson, Wrenn & Jenks in Honolulu (now known as Goodsill, Anderson & Quinn). He divides his time between sunny Arizona and New Hampshire; is enjoying his retirement, particularly the golfing. He has a son and daughter, both having provided him with grandchildren, number unspecified.

Gordon Campbell responded to my query, but since he transferred from Stanford Law to the University of Oregon, feels that he may not properly be considered a member of our class. However, as he is well known to Stanford people through his football prowess and student body activities, I am glad to report that he has had a varied and interesting legal career, as senior partner in Campbell, McHarry & Walker in Monterey for 34 years; U.S. Marshal for China in 1938-40; Municipal Court Judge of Monterey; and culminating as Superior Court Judge for nine years in Monterey County, from which he retired in 1971. Campbell has three daughters, all college graduates and engaged in careers, and he and his wife still reside in Carmel.

Another semi-classmate is **Adele Langston Rogers**, who started out in our class but transferred to Cornell

Law School, from which she graduated and where she met and married Bill Rogers, whose name is familiar as former Attorney General and Secretary of State. Though Adele never actively practiced law, she and Bill spawned a family of lawyers—three sons are lawyers and two of them are married to lawyers. The Rogers' daughter is a Professor of Political Science at the U. of Cal at Davis. Adele has had a fascinating life among the political and diplomatic "upper crust," traveling to 81 countries and entertaining top people. She and husband Bill now divide their time between New York City and Washington, D.C. as Rogers has offices in both cities.

Several of my correspondents have expressed interest in my activities, and because so few have replied to my letters, perhaps I may be forgiven for writing a few lines about myself. I graduated from Stanford Law School as Mary Rechif. After a 25-year career with the U.S. Bureau of Reclamation in Sacramento as Chief, Land Acquisition Branch, I took an early retirement in 1971, and since then have been operating a stamp exchange business for collectors, with the sideline of a sizeable stamp collection of my own. I keep in shape by playing tennis every day; I have three grown children who have provided me with nine grandchildren, and this gives me other time-consuming and enjoyable activities.

1938

Burton J. Goldstein
Goldstein, Barceloux & Goldstein
650 California Street
San Francisco 94108

1939

Robert N. Blewett
Blewett, Garretson & Hachman
Eden Park Blvd.
141 E. Acacia St.
Stockton 95202

The Class of '39 has provided a diverse and interesting spectrum of activities. **Joe Burris**, a prominent Los Angeles attorney, has served his alma mater as Chairman of Stanford Athletic Board, President of Stanford Alumni Association, member of Board of Overseers of the Hoover Institution on War, Revolution and Peace, and now is President of "Town Hall of California." His club affiliations indicate he is both a golf and tennis player.

Ed Butterworth was recently elected President of the San Gabriel Valley Boy Scouts of America with 22,000 boys in the Council. Ed was honored at the recent Silver Anniversary Eagle Scout Recognition dinner at the Huntington-Sheraton Hotel when he was presented a distinguished Eagle award by former Lt. Governor Robert H. Finch. Ed is President and Chief Executive Officer of Fedco Inc., Los Angeles. **Carl Dodge**, a Nevada State Senator for over 20 years and author of important legislation in the State (can you legislate better odds at the tables, Carl?) is a farmer (a real gambler) and feed mill owner in Fallon. **William R. (Bill) Knapp** also proved that law is good business. Having retired, Bill and spouse Marge have done extensive traveling; one of their three daughters lives in Egypt and another in New Zealand. **Dave Lombardi** is still in active practice in San Francisco with his son (Yale Law School Class of '67). With five grandchildren his spare time is pretty well taken up. **Rem Low** is retired as senior partner of his own firm, Low, Ball & Lynch, in Menlo Park (didn't know gambling was allowed there). Rem is Chairman of the Board of the B. M. Behrends Bank of Juneau and director of a bank in Fairbanks, Alaska. He spends about half his time in our 49th state and of course is an expert fisherman. Do you offer low interest rates to needy classmates? Judge **Miriam E. Wolff**, Municipal Court Sunnyvale-Cupertino Judicial District, finds time for community work as Chairperson of the Santa Clara Drug Abuse Commission and is a member of the County Law Library Commission to fund a separate law library building such as Los Angeles County has. **Sam Thurman**, our scholar, former Stanford Law School Professor, now Distinguished Professor of Law, University of Utah Law School, National President of Order of the Coif, Chairman elect

of the ABA Section on Legal Education and Admissions to the Bar, has been appointed to the newly formed ABA Committee to write a new code of professional ethics. Judge **William (Bill) Woodward** has recuperated from a serious operation and has returned full-time to the Superior Court Bench in San Joaquin County.

1940

R. L. McNitt, Jr.
Rose Hills Memorial Park
3900 S. Workman Mill Rd.
Whittier 90601

1941

Elster S. Haile
230 California Avenue
Palo Alto 94306

One of our illustrious class not heard from in a while is **Max Gruenberg**. He is president of an industrial real estate firm, and has been for about 25 years, called Industrial Services, headquartered in San Francisco. **William S. Boyd** is a director of the company and does their active legal work. His firm was elected last year to the Society of Industrial Realtors, which involved an examination in a slight way similar to the Bar Examination. Max and his wife, Patricia, have three children. Max, Jr. is practicing law in Anchorage, Raoul Gruenberg is a buyer at Bullock's, Palo Alto, and their daughter, Marcella Gruenberg, graduated recently from Willamette University. The Gruenbergs live in Foster City at 312 Dolphin Isle.

For the rest of the class, I will say no news is good news since there has been no recent reports from them.

1943

Ward W. Waddel, Jr.
495 San Fernando
San Diego 92106

1945

Avis Winton Walton
397 Fletcher Drive
Atherton 94025

1947

Robert C. Elkus
Robert C. Elkus, Inc.
Suite 2460
555 California Street
San Francisco 94104

1948

W. Robert Morgan
Morgan, Beauzay, Hammer, Ezgar,
Bledsoe & Rucka
300 W. Hedding St.
San Jose 95110

Jesse Calvert is still the mainstay of Grants Pass, Oregon. Twice elected to the School Board (Chairman—no less), President of the Rotary and attorney for his church, Jesse has been active in Legal Aid and bar activities at Grants Pass.

Ralph Williams practices in Tuscaloosa, Alabama. Ralph practices with two sons and expects a third son to pass the bar exam soon. Ralph has an impressive trial record (Alabama's highest verdict—\$678,000) and on appeal, won the right for a wife to recover for loss of consortium. As an author, Ralph Williams has written major practice books in continuous use in Georgia, Alabama and Tennessee.

John Hauer is a trial partner in a Dallas firm of 94 lawyers. Vice President of the Dallas Bar, John is a fellow of the American College. His clients have numbered Jim Ling, the Dallas Transit Company, and other prominent Dallas clients.

Dorothy Carson is a Superior Court Judge in Phoenix, Arizona. Dorothy served as President of the Inter-Club Council, belongs to AAUW, Soroptimists, B & P Women's Club, etc. Dorothy enjoyed her 25th wedding anniversary last year.

Bill Dale is a Circuit Court Judge in

Portland, Oregon, and served two years as the Presiding Judge. A former member of the Board of Governors and Vice President of the State Bar, Bill was elected to the American College before going on the bench.

Kenneth M. Eymann is a Superior Court Judge in Santa Rosa. Two sons of our class of '48 recently appeared before him in his court.

Ken has had many interesting problems. Included in those legal problems facing him as a judge was the problem of deciding whether geothermal steam was a mineral and low, it was! Likewise, Judge Eymann had the sticky and appealing problem of trying the first coastal zone condemnation case. Ken often sees the other members of the California judiciary, like **Sam Conti**, **Del Wong**, **Doug McDaniel** and **George Brown**.

George Brown is a Court of Appeals Judge in our California Fifth Appellate District. George and Virginia have four children and before going on the bench, George was in civil practice in Bakersfield. George Brown was appointed to the Superior Court in 1969 and then appointed to the Court of Appeal in 1971. He has been the PJ of his division department since December of 1972.

Dickinson Thatcher struck a blow for the taxpayers when his case challenged the Treasury Regulation relating to the valuation of mutual funds recently. Where others had failed, Dick won both in the District Court and the Ninth Circuit. This principle was affirmed shortly thereafter by the United States Supreme Court.

Burl Green has received many honors as a trial lawyer. He has been elected to the International Academy of Trial Lawyers, American College of Trial Lawyers, International Society of Barristers, and Inner Circle of Advocates. Burl recently lost an argument in an appeal in a railroad crossing case. The verdict was a large one for \$202,000 and was set aside. Forced to retry the case, he obtained a second verdict but this time the jury fixed damages at \$1,139,000 and the defendant did not appeal. Terrific!

Burt Talcott has left Congress after a distinguished career of fifteen years. Burt is one of our most distinguished classmates. He now serves as Executive Vice President of the American Consulting Engineers Council.

A. T. La Prade, according to **John Hauer**, has been brushing up on his flight techniques. Recently A. T. took a 3-week jet pilot course given by American Airlines. Don't ever say the class of '48 isn't still flying high.

As your correspondent, I am happy to report that my wife, June Hall, and I live on our Morgan Horse farm in Gilroy raising Morgan Horses and Red Angus cattle. I founded the Triton Museum in Santa Clara and am currently organizing a World Trade Center for San Jose.

As a lawyer, I served as President of my County Bar in 1958 (we now have 2,800 lawyers in Santa Clara County). I was a member of the Council of the Litigation section of the ABA. I served as a director, secretary and president of the International Academy of Trial Lawyers and currently am a member of the Board of Governors of the California State Bar. Both of my children decided to study law.

Richard W. Jencks is certainly one of our most distinguished class members. Richard served as General Counsel of CBS Inc., until 1969 at which time he became President of the Broadcast Group and a member of the Board of Directors until 1971. From '71 to '76, Richard served as CBS's chief lobbyist in Washington and as a Vice President of CBS.

Richard Jencks now lives in Stinson Beach, has retired and plans to do consulting in the broadcast field and raise golden retrievers.

Wally Dorman has been a partner with his brother, Vroman Dorman and his nephew, James V. Dorman, with offices in San Diego and Lemon Grove.

Wally has always been active in the YMCA and Lions International and last year helped establish a trust to protect funds for a local high school student paralyzed from a football injury.

Now that you know so much about so many of us, I hope those who didn't answer my letter will drop me a note so that I can include you in the next report about the amazing post-war class of 1948.

1949

Benjamin H. Parkinson
Ackerman, Johnston, Norberg &

Parkinson
2400 Russ Bldg.
San Francisco 94104

In a wave of enthusiasm on Big Game Night, **Sam Barnes**, **Bud Clary** and, I think, **Rex Lewis** and **Judge Zook Sutton** overwhelmingly elected me chairman of a committee to get the class to El Paso on New Year's to see Stanford play in the Sun Bowl. I enthusiastically accepted this honor, but the next day wiser heads (V.K.P.) prevailed. But Sam and Bev Barnes made the trip. Earlier in the season, Sam and Bev had invited Ginny and me to a tailgate party before the U.C.L.A. game. I carefully followed their map, but we could only see the U.C.L.A. band practicing at the designated spot. After much wandering around (and ill-timed comments on map-reading ability) we found Sam. The band had assembled around the Barnes' car, and that is a lot of bandmen. Sam led us to the secret place and quickly administered first aid.

Congratulations to **Dick Tuttle**, who has been appointed Judge of the Superior Court, County of Sacramento. Dick really gets around. Just when you think he is sitting on a cracker barrel in Mokulumne Hill, he pops up with a new honor.

"I wuz quoted out of context," states **Everett B. Clary**, who received a bit of national publicity concerning his views on legal fees. The context in which Bud expressed his views was in testimony to support a request for determination of fees in a class action. How gauche for someone to quote Bud's testimony in an article denouncing the size of legal fees.

Art Toupin has been appointed one of four vice-chairmen of the Board of Directors of Bank of America. He remains as Executive Vice President and Senior Administrative Officer for Bank Investments, Fiduciary and Communications Services.

Don Webster receives our special Class of 1949 award (lifetime supply of annual fund contribution forms). Don persuaded the Red Bluff owners of the first Big Game Football to donate it to Stanford. Saw Don's picture with his Stanford son in the *Paly Times*. Still looks like a nice guy.

Everett and **Betty Barbarian** turned out to have theater seats right next to ours last September. If you like excit-

ing bits of news like that, how about this? We saw **Joe Rogers**, his brother **Chuck** (Class of '57) and their wives having lunch at the elegant Crown Room. I thought, "Joe must have lunch here regularly." Said Joe, "I told Chuck that you must have lunch here regularly." Not so.

OUT OF CONTEXT QUOTES

Warren Christopher, Deputy Secretary of State, has made a number of speeches around the country, including one at the American Bar Association Gavel Awards luncheon in Chicago. In a speech in San Francisco in November, Chris reported that the chances for Middle East peace are the "best since 1948." I thought that in 1948, Chris was too busy with the *Law Review* to notice. Judge **Shirley Hufstedler** is also fair game for quotes out of context, with all the speeches she makes (Shirley spoke in January before the San Francisco Bar Association). However, this is from an opinion in which Shirley was engaged in the interpretation of a statute: "The esoteric draftsmanship of Section 24(a) does not completely obscure the draftsmen's intent. . . ." (*Matter of Brissette*, 561 F.2d 779 at 782).

I have taken to drumming up business for this column by sending out letters. Thanks to Judge **Bruce Thomas** for a report. Bruce had been carrying on a part-time practice for years, while serving as Judge of the Justice Court in Willows. The Supreme Court changed Bruce's life three years ago by holding that an attorney / judge must preside over Justice Court trials of offenses carrying a possible jail sentence. Bruce then gave up private practice and became a Circuit Justice Court Judge sitting all over the state. The problem the Supreme Court didn't consider is that this gives Bruce less time for hunting, fishing and trying to raise walnuts. Another reply came from **Gordon von Kalinowski**, who is in general practice and enjoying the good life in Palm Springs. Kind of interesting to contrast the good life in Willows with that in Palm Springs. I presume that instead of hunting and fishing, Gordon is golfing and playing tennis. And trying to raise a lawn.

It is a little-known fact, but the fabulous (in the literal sense) **Ace Forlinton** is piloting the Voyager I Venus Probe which was launched last year. A message from Ace has been received through Houston Space Center: "Keep

squirting that aerosol, gang! This smelly ozone has loused up the atmosphere so badly that I don't even enjoy sitting out on deck."

1950

Editor's Note: **Frank D. Tatum, Jr.**, a partner in the San Francisco firm of Cooley, Godward, Castro, Huddleson & Tatum, has been named to a leading post in Stanford University's volunteer fund-raising organization. A Trustee of the University, Mr. Tatum will serve as Stanford's Major Gifts Chairman for Northern California and Hawaii.

1951

Alvin H. Pelavin
Dinkelspiel, Pelavin, Steefel & Levitt
One Embarcadero Center Bldg.
San Francisco 94111

A gratifying response to my recent information request makes it likely that space limitations may carry some of the news over to the next issue. Thanks to all of you who responded—if you keep the information coming, I'll try to put it out. There seems to be a strong expression of interest in hearing about each other. Because there has been a gap in reporting, this one time I'll include some old information as well as new.

Ellis Horvitz rates special first mention because he introduced me to my wife Toby back there in Crothers Hall in 1949 and I am ever grateful. He is a lecturer in Appellate Advocacy at USC Law Center, a Past President of the California Academy of Trial Lawyers and the "oldest" partner in Horvitz, Greines & Horowitz. Obviously modern legal politics have made "senior" partners an extinct species.

Private practice of law seems to have had stiff competition from other lines of endeavor judging from the number of reports of other major activities in the judiciary, in law departments, in industry and in teaching. There are even a few "born again" practitioners who returned after other activities.

Our judges (partial listing) include:

Bob Schifferman in Los Angeles (who claims judges are the only general practitioners left and who states that he will "modestly answer this year to the title 'El Supremo'" as a result of being appointed supervisory judge); **Lloyd Blaupied** in Orange County; **Hollis Best** in Fresno (who is also a Professor of Law at San Joaquin College of Law and is a member of the Executive Board of the California Judges Association); and **Clyde Small** in Shasta County (where he reports he is engaged in "attempts to rationalize procedure and improve efficiency").

Dick Crake seems to be gradually getting out of the practice and further into his business ventures which he says give him more satisfaction and do not involve "management of other attorneys."

Bob Raymond retired from his heavy trial practice in 1970 and moved to Mendocino where he suffered law practice withdrawal symptoms and has opened a "country practice" there. He reports visits there from **Bill Willens** and **Ellis Horvitz**.

Bill Houghton has traveled the road from one large Los Angeles firm, on to Counsel at RKO, to another large L.A. firm, to General Counsel for the (motion picture and television) Directors Guild, to retirement-cum-golf game and back to a small general practice partnership which he is enjoying.

Still apparently staunch adherents to private practice are **Jim Shumway** (spent some years as Solano County Counsel) in Fairfield; **Bill McPherson** (has been on the Board of Governors of the California Maritime Academy and also raises wine grapes on 330 acres in the Napa Valley) also in Fairfield; **Bob Clifford** (has served on the Law School Board of Visitors) in Oakland; **Howard Taylor** in San Diego; **Leander James** in San Jose; **Clayton Janssen** (served on the State Bar Board of Governors and presently on the Law School Board of Visitors) in Eureka; **Hugh Shearer** (says he would appreciate hearing from our classmates whenever they happen to be in Hawaii) in Honolulu; and **Robert Newey** (also hedges with multiple roles of County Attorney and Prosecutor) in Ogden, Utah.

Worthy of special note is **Al Horn** now in his 26th year with the firm he joined after clerking for Justice Spence and still active in his long time work

with Scouting. Al recently married Lorraine Hopkins (widow of Honorable John J. Hopkins, J.D. 1953) and now has three teenage children.

Many of us are lawyers for private and public organizations.

Bruce Mitchell is Secretary and Senior Counsel of Utah International, Inc. in San Francisco and lists trips on the Trans Siberian Railroad, crossing the Khyber Pass and the plateau of Ethiopia and sailing the Galapagos as the measure of his hobby. Another worldwide hobby traveller is **Fred Bremenkamp** who is Business Manager of the Los Angeles Unified School District.

Richard Stanton is Senior Attorney with Safeway Stores, Incorporated in Oakland and also has a travel item—says he is still a “white knuckle” flyer with his new 1976 private pilot’s license.

Charles Montgomery is in Tacoma as Vice President and manager of Claims and Legal Department of United Pacific/Reliance Insurance Companies.

Richard Carroll is in Philadelphia as Associate General Counsel of FMC Corporation in charge of its East Coast Law Department.

Dennis McCarthy is at Fort Tejon, which was the locale of the only U.S. Army Camel Corp. Unable to find enough camel law business to occupy him full time, Dennis fills in as Vice President, Secretary and General Counsel of Tejon Ranch Co., an AMEX listed agribusiness company.

Industry, business and education have proved to be fields able to lure some of us. **Hugh Southerland** is Vice President of an advertising agency, **William Genroy** is in fastener engineering and sales in the aerospace industry and **Tom McDonnell** is an EDP consultant. **Howard Allen** is giving a lot of us a big charge in his capacity of Executive Vice President of Southern California Edison Co. and just his earliest and latest achievements involve being Assistant Dean of our Law School in 1951 and President of the Los Angeles Area Chamber of Commerce for 1978.

Lou Fischer is a Professor of Philosophy of Education at the University of Massachusetts, having gotten out of the practice of law years ago to get a doctorate in education, and is now also teaching courses in constitutional law and education. Lou lists his continued interest in tennis and skiing but says

nothing about his status as ranking juggler at Stanford Village and Crothers Hall. Suspiciously, however, his current address is 31 Juggler Meadow Road. Lou’s wife, Barbara Bree, whom many of us knew at school, is the Director of the Campus School at Smith College.

My own response lists as a significant fact that our firm has adopted a “mini-sabbatical” program giving a three-month vacation to two of us each year. Last summer it was our turn. We spent most of it in old familiar territory in Italy and France enjoying old friendships. This summer I stay home fondling the keys to our tiny apartment in Paris and waiting for fall.

1952

Frederick K. Steiner, Jr.
Snell & Wilmer
3100 Valley Center
Phoenix, Arizona 85073

Percy Keats has been appointed Vice President and Board Director, as well as General Counsel, of Monsieur Henri Wines, Ltd. He reports that the appointment will give him an opportunity to manage, practice law, and try to develop a cocktail combining the company’s featured beverages, Spanish Yago Sant’gria and Russian Stolichnaya vodka.

1953

Victor B. Levit
Long & Levit
465 California Street
San Francisco 94104

1954

John P. Borgwardt
Boise Cascade Corp.
P.O. Box 1414
1600 S.W. 4th Ave.
Portland, Oregon 97201

I have recently agreed to serve as class correspondent, although neither I nor anyone in the class has been well

known for our correspondence with one another. I am in Portland with Boise Cascade Corporation. I have been with the company for eight years in Palo Alto, Boise and now Portland, after spending twelve years with Heller, Ehrman, White & McAuliffe in San Francisco. Like many of you I am sure I find many changes attendant upon the departure of the last child from the nest, although I am still anticipating the departure of the last child from financial dependency.

Leo Biegenzahn is in Los Angeles with Belcher, Henzie & Biegenzahn, where he has been for 20 years. Two of his children are through college, two more are entering the end of high school.

Those of you who read the *Wall Street Journal* are aware of the rather spectacular success that **Vic Palmieri** has had in rescuing pieces of defunct or semi-defunct companies with the Penn Central being the most spectacular.

Without trying to establish a miniature *Guinness Book of Records*, it occurs to me that I may hold the class record for number of miles traveled, having averaged approximately 5,000 miles a week for the last eight years. If anybody can top that I’d love to hear about it and commiserate. Others who have similar or dissimilar candidates for the class record book are invited to submit their entries and we can compare notes through the *Stanford Lawyer*. Maybe, also, in some of my travels, I may be able to stop in and at least telephone and say hello.

1955

Bradford Jeffries
Cooley, Godward, Castro,
Huddleson & Tatum
1 Maritime Plaza
The Alcoa Building
San Francisco 94111

1956

Leonard A. Goldman
Goldman, Gordon & Lipstone

1801 Century Park East
Suite 810
Los Angeles 90067

1957

William H. "Skeeter" Ellis
Foster, Pepper & Riviera
4400 Seattle-First National Bank Bldg.
Seattle, Washington 98154

Our 20th Reunion Year Book arrived as the first attempt to write this column began. In light of the good response from most of our class for the Year Book, we congratulate the following classmates for responding to our initial request for this column.

Wayne E. Alley, Colonel, JAGC and Chief of the Criminal Law Division, writes from Washington that he has been a Judge Advocate since 1959. "The variety of work and the combination of interesting practice in exotic places can't be duplicated." Wayne reports that other career Judge Advocates from our era are Lieutenant Colonels Bob Smith and Bob Mittlstaedt, Class of 1958, both serving in Europe.

John A. Dundas II reports from Los Angeles that he is still in private practice with emphasis on estate planning and probate. His three sons, ages 13 to 20, keep the family busy while wife Jody "does all the hard work around the house while I go out and play tennis every chance I get. . . ."

R. C. "Bob" Dedekam concentrates his vocational interest in the wood products industry with the firm of Mitchell, Dedekam & Angell, Eureka, California. Avocationally, he is a tree farmer.

After his tour of duty with the Nixon administration in 1972, **Bill Murane** returned to private practice in Denver "to find clients more litigious than before, and the hand of the federal government in most of their affairs, as well as their pockets." Bill enclosed a copy of a letter from LaForest E. "Frosty" Phillips, Jr. which we appreciate. However, Frosty wrote directly from Paris claiming the distinction as the farthest afield in the class. After practicing in San Francisco, Tokyo, Rome and Milan, Frosty has been in Paris for ten years. He celebrated his 20th anniversary by hanging out a shingle with two French lawyers.

Jerome L. "Jerry" Goldberg has been with Loeb and Loeb, Los Angeles, since graduation, specializing in litigation. He has been a member of the California State Bar Disciplinary Board for the past four years. Jerry did attend the 20th year reunion last October which was his first chance to see a number of our classmates.

Philip D. "Phil" Irwin, reporting from the Los Angeles firm of O'Melveny & Myers, has practiced tax law with that office since leaving law school. He and his wife, Jo Ann, have three children, the oldest of which is now a sophomore at Stanford.

As indicated in my first letter to you as class correspondent, the task was undertaken with some trepidation. The initial response and comments have been encouraging. We will look forward to participation by more of you now that the ice has been broken.

1958

Lurline Sampson Bickel
3220 Jackson Street
San Francisco 94118

Iryne Codon Black was appointed to the Municipal Court for Central Orange County on October 14. The District covers Orange, Tustin, Villa Park and Santa Ana. Prior to her appointment she was Deputy County Counsel of Orange County for seven years and previously to that had been Assistant General Counsel for the Smithsonian Institution, Attorney with the Peace Corps and the Department of Labor in Washington, D.C. and a Deputy Attorney General of California. Iryne's husband, John, is Assistant Dean at Western State College of Law. They have two children, Ian, 16 and Timothy, 14.

We were known as a lively class (to say the least) enjoying the study of law. We have been at work for a few years, so what's new? Even your new class correspondent doesn't know for sure.

1959

Michael J. Keady
300 Montgomery Street, Suite 500
San Francisco 94104

1960

Donald Flynn
Baker & McKenzie
555 California Street
San Francisco 94104

Los Angeles Municipal Court Judge Nancy Mathews Brown, who was appointed to the bench by Governor Brown in 1976 to replace the late Judge Leo Freund, writes that she presides over criminal matters and is Assistant Supervising Judge of the Criminal Division of the Municipal Court. Her extracurricular activities include Women's

Judge Sneed Addresses Stanford Law Society



Judge Joseph T. Sneed of the Ninth Circuit Court of Appeals addressed a meeting of the Stanford Law Society of Southern California on February 2, at which he suggested that pruning of federal court jurisdiction is necessary for the Ninth Circuit to survive a burgeoning caseload.

He recommended that Congress eliminate diversity jurisdiction, provide only discretionary hearings for tax, labor and immigration law matters, and place a ceiling on the number of times state and federal prisoners can petition for a writ of habeas corpus. Besides jurisdictional pruning, Judge Sneed suggested that the appellate court could improve its handling of the caseload through simple technology, such as closed-circuit television and telephone hearings.

Judge Sneed is pictured above with Law Society President Laurence K. Gould, Jr. '71, left.

Lawyers Association of Los Angeles, Business and Professional Women's Club, Coro Foundation, Lawyers' Wives, Stanford Law Society of Southern California, Stanford Club of Los Angeles, Stanford Women's Club of Los Angeles, and the First Congregational Church of Los Angeles. Nancy is married to Laurence Brown (Class of 1957), who specializes in taxation, estate planning and probate. They have one son, Gregory, who is 10.

Jim Frost announces the formation of Frost, Madigan & Smith. Their offices are located at the Cupertino Legal Center in Cupertino.

Brooke Grant, who is president of Tracy-Collins Bank in Salt Lake City, has been chairman and president of Talcott National Corp., a holding company with headquarters in New York City, since 1976. After graduation from Law School, Brooke joined the accounting firm of Touche Ross & Co. in San Francisco. Two years later he became assistant corporate counsel with Varian Associates in Palo Alto. He returned to Touche Ross in 1968. The following year he was named chairman and president of Tracy Bancorp.

Lester Mazor, Professor of Law at Hampshire College in Amherst, Massachusetts, writes:

"During the spring of 1975 I took my first sabbatical after 14 years of teaching, traveling by car with Rickey and my two daughters to Berkeley. David, then a high school junior, decided he preferred to stay home, and though he doubted our capacity to get along without him to take care of us, we somehow managed. I set up shop at the Center for the Study of Law and Society at the University of California, where I finished an article on "Death in the Criminal Law" for Utah's *Journal of Contemporary Law* and began work on the major project which has occupied me for the last few years, a study of the teaching materials used in law schools, which I am doing as part of the American Bar Foundation's big project on legal education.

"While I was there I got together with some people who, like myself, had been working with Paolo Soleri, the architect who has developed the concept of Arcology (compact single-structure cities), to found Arcology Circle, a group which has continued to develop in Northern California and is now en-

gaged in a project to rebuild a block in Berkeley as a model of a neighborhood which is energy self-sufficient, recycles its materials, grows its own food, and is economically and socially an 'integral' community. From time to time since June 1975 I have visited at Soleri's prototype city, Arcosanti, to lead discussions on the political and social implications of these cities of the future, and I have continued to do what I can at this distance to support the work of Arcology Circle in Berkeley.

"When I returned to Hampshire, I joined with some colleagues and students in creating a worker self-managed bookshop, in which my family participates. My teaching resumed along the same lines as before; philosophy of law, legal process, and political trials remain my main courses, with forays into law and literature, political theory, and criminal law and procedure. Last Spring I again taught one course at the University of Connecticut Law School, as I have in the past.

"There is more of an international dimension to my work than there used to be. As a member of the Research Committee on Sociology of Law of the International Sociological Association, I attended meetings in Hungary in 1976 and in Germany this year. I am also active in the American Section of the International Association for Legal and Social Philosophy. I am host for the American Section's annual meeting, which will be at Hampshire in March.

"I play basketball several times a week; taught East European Cooking (after my trip to Hungary) last year and am teaching Medieval Culture and Cookery this month; have had a garden for the last few years in which I am concentrating on scarce items like snow peas, basil, and salsify; still can't come to terms with how cold it is in the winter here, and, as always, welcome all to stop in and visit, discover what we are doing at Hampshire in teaching undergraduates about law, sample some of our cooking, and share old times and recent experiences."

Joel Sharp reports from Orlando, where he and his wife Winnie have been practicing law together since 1963. Their professional corporation, Johnson, Motsinger, Trisman and Sharp, averages around ten lawyers and engages in general business practice. While Winnie specializes in commercial law

and domestic relations, Joel, who has an LL.M. in taxation from NYU, is in general business practice with a specialization in tax.

Joel is heavily involved in Bar association activities, having served as chairman of the Tax Section of the Florida Bar and president of the local Bar. He is currently serving on the Board of Governors. Joel has helped author and pass the Florida certification program, which is awaiting approval by the Supreme Court.

Bill Wittman writes that he has moved his Newport Beach offices to 500 Newport Center Drive, Suite B. Bill became a certified specialist in tax in 1976.

After 17 years with Lawler, Felix & Hall in Los Angeles, **Ken Wright** has become a partner with Morgan, Lewis & Bockius, where he handles general civil litigation. Ken is also chairman of the Board of Editors of the *American Bar Journal*, a job he finds "fun and challenging."

1961

Alfred L. Ginepra, Jr.
Carnation Company
5045 Wilshire Blvd.
Los Angeles 90036

Pat Milligan was always and will always be one of my favorite '61ers, and now, even the more: to whit—last Wednesday nit my UCLA PR Class was enriched by the bodacious presence of the inimitable Professional Political Campaigner, old *numero uno*, **Hal Evry**. (Hal simplistically wisdomizes thusly, "The basic difference between voters in Alaska and Alabama is that the ones in Alaska are a lot colder!" and "If you've got \$60,000, an I.Q. of 120, and can keep your mouth shut, I can get you elected.) Anyway, it seems that Pat M. has been successfully representing HE in a libel case and deponeth Hal, "Pat is absolutely the most straight-talking attorney I've met in 62 years!" **Carl P. Milligan** holds lawyer court at Chapman, Milligan & Beswick, 323 West Court St., San Berdoo 92401, (714) 888-5741. . . . **Charles Stanford Grobe** and spouse, Ila, along with Eileen & Kenny, can be reached nights at 501 N. Clifford Drive in the

City of the Angels. Did you know that CSG is a Beta Gamma Sigma and a Phi Delta Phier? Nowyado. . . . **Rod Walston** has had no less than three "arguments before the U.S. Supreme Court," has "traveled to Europe several times by Volks thru Russia" and wishes all well. He has been specializing in environmental matters for the Calif. Attorney Gen's Office. . . . You all know by now that the Class' AAA—**Agathon Arno Aerni**—is a Legal Professor in Berne, Switzerland. . . . Now ages "15 and 13 respectively are Scott Robert Ames and Mark David Ames" reports **Gerald B. Ames**, who works and frolics in Saratoga, Ca., as a member of Rushing, Ames & Norman. . . . Typing of siblings, the **David H. Eatons** have four: Leslie, 16; David, Jr., 14; Douglas, 10; and Christopher, 6. . . . **Al Ginepra** and his Lawrence still reside together at 843 11th Street in Santa Monica; he's 13, skateboards, surfs, etc. while Pappa Al serves as Pres. of the So. Calif. Football Union. Flash: ALG & **John Bales Clark** played together last year against the Canada Over-40 National Rugby Team (we were with the USA over 40s; we won). . . . **John Brooks Colburn** can be wired via 50 Lafayette Place, Greenwich, Conn. 06830. . . . For those addicted to freebies, write to the "Law Offices of Grobe and Bazar" for a three-pager titled "The Basis of Property Inherited From 1977 Decedents" which I enjoyed more than the Book of Tobit. . . .

Peter Nachant Swan was married ten years ago to Joyce, has kiddies Kimberly, Matthew and Channing and has had his PNS bylined in the *Lincoln Law Review*, the *Oregon Law Review*, *Maritime Law & Commerce* and many more. . . . **John W. Feist**, of Kaiser's Legal Dept., has written me not a syllable. . . . nor has Washington Senator **Peter D. Francis**, Pomona's **Bob Kern**, San Francisco's **Bill Newsom**, nor even Dr. **Johann J. Muller** from Rebhusstrasse 15, 8126 Zumikon, Switzerland. . . . Does *anyone* know where **Frank Petralito II** hangs his toupee? . . . As far as I have been able to ascertain, **Robert Frederic Fisher** does NOT play chess, although he gamely holds forth in San Fran's Lillick, McHose, Wheat, Adams and Charles at 311 Calif. Street. . . . Starting next issue, I am appointing **Barbara Goodier** as my Assistant Editor! . . . howbotthat.

1962

Mary Payton Minkus
517 Byron St.
Palo Alto 94301

1963

John M. Moore
Myers, Hawley, Morley & Moore
166 Main Street
Los Altos 94022

1964

Michael Ledgerwood
c/o Bank of America Ltd.
St. Helens 1
Undershaft, London EC3A8HN
England
H. Robert Hall
Quaresma, Avera, Benya, Hall
& Haun
37323 Fremont Blvd.
Fremont 94536

Ron George, Presiding Judge of the LA Municipal Criminal Courts, was elevated by Governor Brown to the LA County Superior Court. The appointment came for Judge George at a time when he had already organized a campaign to run for election to the Superior Court. Ron was appointed to the Municipal Court in 1972 and won a six-year term in 1976 without opposition.

Phil Fahringer has an insurance defense practice in Tucson, Arizona. Phil is still married, unlike some of his classmates, and enjoys coaching Little League football.

Paul Ulrich is with Lewis and Roca in Phoenix, and reports his work involves mainly "complex litigation."

Ross Popkey, now a CPA, reports "I do tax stuff"; and he is doing it with Peat, Marwick, Mitchell in San Jose.

1965

David H. Ellison
Petty, Andrews, Tufts & Jackson

Peninsula Office
3000 Sand Hill Road
Menlo Park 94025

Alden E. Danner of the law firm of Hoge, Fenton, Jones and Appel, Inc. is serving as the 1978 president of the Santa Clara County Bar Association.

Osborne M. Reynolds, Jr. writes: "I am still a professor of law at the University of Oklahoma but was away from Oklahoma most of 1977. I was a visiting professor at SMU Law School in Dallas the first semester of '77. During the summer, I taught Local Government Law at Oxford University, England, in Oklahoma's summer program there. During the fall semester of '77, I was on leave from Oklahoma and have begun work on a Local Government textbook for West Publishing Co. I've also written some articles during the fall and took a 25-day trip to South America and Panama."

1966

Peter D. Baird
Lewis & Roca
100 West Washington Street
Phoenix, Arizona 85003

Registering 7.5 on the Richter scale was the marriage (that's right, marriage) of one **Robert S. Epstein** to Catherine Aubale, a French lady who is a real estate broker in San Francisco. Rumor has it that Catherine's only explanation for the marriage is to prolong her stay as an alien in this country. Decked out in cut-aways were the groom, **Phil Keith**, who was the best man, and **Craig Brown**, who had risen to the level of his incompetence as an usher. Sparkling the gala guest list were such class notables as **John Colteaux**, **Tom Kimball**, **Wylie Sheldon** and **Randy Vahan**. Our warmest wishes go to the groom and our deepest condolences extend to the bride.

Howard Culver has been elected assistant vice president of regulatory law by Western Airlines' board of directors. He has been in Western's regulatory law department since 1973, involved in the presentation of Western's route authority and tariff filings before the Civil Aeronautics Board. He lives with his wife, Monique, and two children in

Rancho Palos Verdes.

Dick Stall has abandoned his watery ways on the marina at Marina Del Rey and has formed his own firm inland. The firm name is Smith, Stall, Goldstein & Boserup, 2 Century Plaza, Suite 2460, 2049 Century Park East, Los Angeles, California 90067. As a mark of a truly sophisticated group of practitioners, their letterhead even shows a "cable address" which, modestly enough, is simply "Lexis."

1967

T. Robert Burke
Morrison & Foerster
One Market Plaza
San Francisco 94105

The best news is that **Dave Miller** has pulled together a great deal of interesting information regarding our entire class from the responses that were collected in connection with the class reunion. It was recently published in the Class of '67 Reunion Book.

I have learned that **Mitch Morse** continues to practice in New Haven. This past year he has directed an investigation of the New Haven Police Department at the request of the Mayor. As a result, the Police Chief resigned (he had been doing illegal wiretaps). Pravda picked up the story at one point, to charge the U.S. with not respecting human rights.

Bob Fastov is now, and has been since 1972, Assistant Chief Counsel for Litigation and Liquidation, Economic Development Administration, U.S. Department of Commerce. He was married to Alice Taylor of Dallas, Texas in 1970, and they have a daughter named Alexandra. Bob reports that his spare time is devoted to collecting and restoring antiques. They say that Rosey Grier does needlepoint, so why not?

John Messing has returned to Arizona and is engaged in a trial practice with his father. John reports that he finds the relaxed atmosphere of Arizona refreshing.

To the disappointment of those of us in the Bay Area, **Mike Lyon** has moved to Chicago where he is the head of the legal department of the Materials and Resources Division of Enviro-dyne, Inc., where I believe his major

responsibility is the Wisconsin Steel Works in Chicago.

I have received a notice that **Bill Neukom** became associated as of January 1, 1978 with Shidler, McBroom, Gates & Baldwin of Seattle.

Dave Loring writes, "As a result of General Motors' decision to move its overseas operations from New York to Detroit, I have elected to remain in New York, where I will join Avon Products, Inc. I will serve as International Counsel, commencing June 1, 1978."

I would appreciate hearing from more of you.

1968

Lionel M. (Lon) Allan
Hopkins & Carley
101 Park Center Plaza, Suite 1000
San Jose 95113

How is it possible that we were graduated from the Stanford Law School ten years ago? The tenth year reunion for the Class of 1968 will be held during the regular Law Alumni Weekend, November 3 and 4. **Steve Harbison** and I are co-chairpersons for the reunion, and would appreciate hearing from any of you who wish to help in the preparation of the reunion. In any event, Steve and I look forward to seeing those of you who can make the trip back to "the farm" for the November 3 and 4 weekend.

In San Francisco, **Jim Bruen**, former Chief of the Civil Division of the United States Attorney's office, has become associated with the firm of Landels, Ripley & Diamond. Also in San Francisco, **Doug Barton**, who left Stanford University after many years as its chief labor negotiator, has become a member of the labor law firm of Corbett, Kane & Berk. A third class member in The City, **Justs Karlsons**, has become a member of the firm of Carroll, Burdick & McDonough, joining in that partnership classmate **Chris Burdick**.

From Washington, D.C., it has been announced that **Marilyn Melkonian** has been appointed Deputy Assistant Secretary of HUD which has responsibility for Insured and Direct Loan Programs. This is not Marilyn's first government job; she was General Counsel for the Housing and Development Corporation

from 1970 to 1972. While Marilyn has left private practice for the government, **Bob Emmett** has just left government (The U.S. Environmental Protection Agency) to join the Washington, D.C., law firm of Reed, Smith, Shaw & McClay. While with the government, Bob headed the legal section of the Office of Water Enforcement, supervising the work of ten attorneys.

1969

Jeffrey L. Mason
Seltzer Caplan Wilkins & McMahon
3003 Fourth Avenue
San Diego 92103

Some of the news that follows is a bit old, but I hope it is not so old as now to be inaccurate.

Gibson, Dunn & Crutcher announced on January 1, 1977, that **Larry Calof** had become a partner of that firm. Larry is with the Los Angeles office of the firm, but if he continues to work hard and does well he may some day be able to earn a promotion to Gibson, Dunn's San Diego office.

Bronson, Bronson & McKinnon (San Francisco) also announced on January 1, 1977, that **Chuck Preuss** had become a partner of that firm.

Thos. Hawley helped me out with a matter about a year ago. He is still practicing law in Carmel, where he and his wife, Hildegunn (that's Norwegian) reside with their daughter, Inga (who was born January 4, 1976).

John Nelson wrote last May. He is a partner in the firm of Wise & Nelson (formed in November 1976), with offices in Los Angeles and Long Beach.

Mal Wheeler became a member of Hughes Hubbard & Reed as of October 1, 1977. The firm has offices in New York, Washington, D.C., Los Angeles, Milwaukee, and Paris. Mal is with the L.A. office.

Orrick, Herrington, Rowley & Sutcliffe (San Francisco) announced on January 1, 1978, that **Jack Owens** had become a member of that firm.

Joel Klevens wrote in January to share a good deal of news about classmates. Joel is with Bodle, Fogel, Julber, Reinhardt and Rothschild in Los Angeles, where he practices labor law on the union side and general business litigation. He and Susie live in Manhattan

Beach with their two children, Joshua and Sara. Among other things, he wrote that he had attended a going away party for **Darrell Johnson** and his wife, Barbara, who were leaving for Jakarta, Indonesia, where Darrell has accepted a position with the law firm of Mochtar, Karuwan & Komar. Apparently, it is the only firm in Indonesia with American lawyers, and it represents a number of major oil companies and other large multinational corporations there.

At the same party were **Phil Meldman**, who is a rising young "movie mogul, as opposed to law mogul," with Paramount Pictures, **Rick Art**, who is with North American Rockwell in Los Angeles, and **Larry Calof**. Joel had also seen **Vaughn Williams** in New York City last May, where he had recently moved from Washington, D.C.; Vaughn is now associated with Skadden, Arps, Slate, Meagher & Flom. Joel also reported that **Jerry Wright** is a professor of law at U.C.L.A., and he commutes to and from Palo Alto on the weekends; he and Maria "tried living in Los Angeles during his first term at U.C.L.A. (1976-77), but they did not like living away from their beautiful Palo Alto home." Finally, Joel passed along the news that **Jim Atwood** had become a partner in the Washington, D.C. law firm of Covington & Burling.

Shortly after hearing from Joel, it was brought to my attention that the January 12, 1978, issue of *Aviation Daily* had noted that "James Atwood, 34, Washington attorney, soon will join the Department of State as deputy assistant secretary of transportation." The succinct article reviewed Jim's graduation from Yale and Stanford Law School, his clerkship with the Chief Justice, and his partnership with Covington & Burling.

Don Farmer is now the Director of the Office of Internal Aviation at the CAB, so he and Jim will be working closely together.

As a final note, my son, Jay (now age 7), is pleased to announce that he has a baby sister, Meredith, who was born September 9, 1977. Needless to say, Michele and I are pleased with that announcement, too. We are all enconced in San Diego, "America's Finest City," where despite what you may have heard or read about rain and flooding, the sun shines warmly more often than not.

1970

Paul MacGregor

Mundt, MacGregor, Happel, Falconer & Zulauf
Bank of California Center
900 4th Ave.
Suite 1230
Seattle, Washington 98164

1971

Charles R. Bruton

Schnader, Harrison, Segal & Lewis
1719 Packard Building
Philadelphia, Pennsylvania 19102

I knew it was cold this winter, but I did not realize how cold. Apparently as a result of a lack of alternatives, several of you modest devils finally sent letters to me. The result is that this will be a long column that will hopefully contain much new information about our happy throng and, possibly, less weak humor from me.

Marching to the altar in recent months were **Roy Weatherup** and **Ken Buckwalter**. Roy reports that he married the former Wendy Gaines (U.S.C. 1974), a young lady in the insurance business, and they now live in Westwood. Roy is still practicing in Los Angeles with Haight, Lyon, Smith & Dickson. Ken caved in and married a lovely girl from Palo Alto last summer. I will vouch for the description, since I met her at our fifth year reunion party. Ken advises that he is practicing with Lakin, Spears in Palo Alto along with **Joey Jacobs**.

Five of our classmates merit congratulations for having recently become partners in their firms. **Joe Terraciano** was made a partner at Morrison & Foerster in San Francisco. **Lucy Lee**, also in San Francisco, became a member of Levenfeld, Kanter, Baskes & Lipitz. **Debbie Willard** became a partner at the Boston firm of Foley, Hoag & Eliot. **Garth Pickett** became a member of the firm of Hopkins & Carley in San Jose. **Skip Greenfield** was made a partner at the Palo Alto firm of Ware, Fletcher & Freidenrich.

Hilary Goldstone recently joined with one Michael R. Steed and opened the

firm of Goldstone & Steed in Century City in Los Angeles. Hilary reports that she will handle the corporate and business work while her partner does the litigation. Watch out O'Melveny & Myers.

Jim Rummonds' firm recently merged with another firm to produce the following mouthful: Germino, Layne, Brodie, Runte, Maquire & Rummonds. The firm has offices in Los Banos and Palo Alto, and they test potential secretaries by having them try to state the firm name in two seconds or less.

Lucy Lee reports that **Pat Cutler** has become a nationally recognized women's marathon runner and is trying to establish a long-distance race for women in the Olympics. Lucy advises that **Archie Thomas** is still with GATX Leasing in San Francisco and "looking very dapper" after spending six months in London. She tells me that **Howard Chickering** is still with ITEL Data Products Corporation in San Francisco and that he is "wheeling and dealing and making lawyering look very dull." Lucy reports that **Kaatri Boies Grigg** now has a son and is working part-time in the legal department of Wells Fargo Bank in San Francisco. Lucy also reports **Christine Curtis** is organizing a "Foundation for Human Rights" with the California State Bar Association.

In addition to writing interesting letters and making partner, Lucy has managed to keep herself busy by writing articles on taxation, lecturing to the ABA and various other groups, renovating Victorian houses in San Francisco and running (for time and distance, not for public office or cabs).

Gene Bates writes, "I live alone in a pre-earthquake San Francisco house, with one cat and one dog, leading what I imagine to be a typical urban existence." Gene is now a senior associate with Farella, Braun & Martel in San Francisco. Gene reports that he regularly has lunch with **Joe Terraciano** who is very happy with his new partnership and his new son, Jeffrey. Gene indicates that Joe and his wife, Julie, are enjoying life and giving regular reports about Jeffrey to all who will listen. Gene also states that he regularly sees **Tim Jacobs** and his wife, Judy, at the opera. He does not indicate whether Tim is singing in the opera or watching it, but I suspect the latter.

Ken Buckwalter, in addition to break-

ing in a new wife, has been with the Lakin, Spears firm in Palo Alto for two years now. Ken reports that he is doing general business and business litigation work. Ken advises that **Lou Guerrieri** continues doing personal injury defense work with Ropers, Majeski, Kohn, Bentley & Wagner in Redwood City and that **Andy Wright** is still practicing with a firm in Fresno. Ken indicates that **Bob Haddock** and **Mike McCracken** are still practicing as Haddock, Oxman & McCracken in Palo Alto. Ken tells me that Bob Haddock has so much free time these days that he is also attending the Stanford Business School full time, clear evidence of Bob's interest in the higher callings of the Bar, *i.e.*, income. Believe it or not, Mike McCracken was in Philadelphia recently to take the deposition of some potential witness. We managed to miss one another, but I am told that he may have the good fortune to return soon.

I received an interesting letter from **Barry Klopfer** who tells me that he is married, has three children, has spent the last six years with the Ventura County District Attorney's Office and has served as supervisor of the misdemeanor division of that office for the past four years. Barry recently managed to ruffle a few feathers in Sacramento by declining to withdraw from the race for a new Municipal Court judgeship. It seems that he applied for appointment to the position and heard nothing from Governor Brown for six months, whereupon he filed and announced his candidacy for the upcoming election. Within hours, Barry was asked to withdraw in favor of another candidate who was more to the liking of the Governor. Barry reports that "it really was a tough decision for me to make—I mean how many times in my life will I be able to do a really big favor for the Governor?" After careful consideration, Barry declined the Governor's kind offer. The press got hold of the story, and it was almost Venturagate for Mr. Brown. In any case, there are now eight announced candidates for the vacancy, and Barry is "up to [his] ears in politics."

Debbie Willard is enjoying a fascinating life in Boston. In May, 1975, she married a Harvard man, one Peter W. Coogan. Peter was (and still is) a partner at Debbie's firm, Foley, Hoag & Eliot. Overcoming the obstacle of

being married to an Irishman, **Debbie** specialized in estate planning, estate administration and immigration work, persuaded the other members of her firm that her choice of spouses should not be held against her and, as noted above, made partner this past January. **Debbie** reports that she and Peter spend their free time puttering around their large old Victorian house in a suburb of Boston and visiting the Coogan family farm in Vermont. I do not know whether to believe this, but **Debbie** indicates that the "sole access" to the Coogan farm is "by hiking on snowshoes." Once there, the atmosphere is "rustic" in that the only heat is supplied by wood which she and Peter cut and split by hand. She reports that they "have done small construction projects, roofing, siding and the like." **Debbie** sees this as "a good balance to [their] often too-long hours at lawyering." I see it as manual labor comparable to working on the Alaska pipeline.

Debbie reports that **Greg Dyer** has his own practice in Mill Valley, California and manages to work nine or ten months each year and travel the rest of the time. **Debbie** indicates that **Laura Palmer Hammes** and her husband, **Bob**, who is also an attorney, are living happily in San Diego and that **Laura** has temporarily retired from practice to enjoy her son, **Jarrold**, who was born this past fall. **Debbie** tells me that **Melodie McLennan Kleiman** and her husband, **Ted**, who is a physician, have three children and live in Ventura, California. **Debbie** also reports that **Beth Phelps Ray** and her husband, **Ed**, are living in Columbus, Ohio, where **Ed** is chairman of the Department of Economics at Ohio State University. **Beth** has "a beautiful daughter, **Stephanie**, and now practices on her own in Columbus."

I received a great letter from **Marshall Goldberg** who is back in Washington, D.C., with "plans for departure sounding more and more like prayers." Noting that he was "totally unprepared to work for a living," **Marshall** indicates that he has held "eight W-2 forms in six years" and has "tried litigation, legislation, clerking, bureaucracy, private practice, East Coast, West Coast, politics, business, and anything else that might bring [him] the stability of watching the same home team two seasons in a row." **Marshall** has finally identified his problem as the "naive atti-

tude of wanting to enjoy what I do." Personally, I envy **Marshall's** independence, and as a reward I am arranging for him to have films of all the games played by the Philadelphia Eagles for the past two seasons.

Marshall reports that **Jim Tobak** "has given up the inert life" and "is subverting young minds at Lehigh University." Interestingly, **Jim** called me recently, and I learned that he has spent the past six years engaged in such pastimes as driving a cab and living in the Canary Islands. **Jim** is now teaching Introduction to Law and Business Law at Lehigh and has promised to come to Philadelphia one of these days and tell me about his escapades. **Jim** tells me that **Marty Rosenthal** is living in the Boston area and working hard as a public defender. **Marshall** states that **Marty** "is engaged to a golden retriever and still moves with pathological slowness."

Marshall's letter mentions that **Jim Paul** "is a successful lawyer in Hawaii who supports the bartenders' union almost singlehanded." He indicates that **John** and **Helen Baumann** are living in Palo Alto with their two daughters, and "the four of them spend weekends renovating Stanford stadium." **Marshall** reports that **Bill Kircher** is an Assistant United States Attorney in Los Angeles and "works as a go-go dancer twice a week." (This must be undercover work.) **Marshall** advises that **Colleen Gershon Haas** "has left the law, is married to a lovely guy, and still makes the guru **Maharishi** seem like a blithering idiot." With equal sobriety, **Marshall** states that **Eldon Rosenthal** is "chasing ambulances and tow trucks" in Portland, Oregon and "raising his son to be an expert witness in antitrust cases." According to **Marshall**, **Bob Rogers** "is still a complete madman and chases teenage girls down the main streets of Madison, Wisconsin."

I hear from various sources that **Irwin Schwartz** is enjoying life in Seattle immensely, particularly when he occasionally foils the Government in a major criminal case. **Irwin**, you may recall, is heading the Federal Public Defenders Project in Seattle. I understand that **Irwin's** glee is occasionally dampened by **Pete Mair** who is still, according to **Lucy Lee**, "prosecuting heavies in Seattle for the U.S. Attorney's Office." I am told that **Bob Westinghouse** is also

getting in a few licks for the prosecution in the same office.

Dave Kehe reports that he is surviving life in New York City where he practices with the Wall Street firm of Cahill, Gordon & Reindel. Dave is engaged in antitrust counseling and litigation and indicates that this has "provided some humor and excitement over the past six years." Dave mentions, however, that he has "been rebitten by the wanderlust" and may be on his way to "exciting new places like Stevens Point, Wisconsin." Dave has obviously heard from Bob Rogers (or Marshall Goldberg) about the female population out that way.

I recently spoke with **Dick Williams** who is still slugging away as a litigator at Kadison, Pfaelzer, Woodard, Quinn & Rossi in Los Angeles. Dick reports that all is going well for him and that he recently got a day off to visit his family. It seems that someone in Arizona has been suing the clients of Dick's firm with regularity, and Dick has been chosen to commute to Phoenix and Tucson and save the day.

I also talked with **Pete Bewley** recently. Pete, you will recall, left Washington, D.C., to join the legal staff of Johnson & Johnson. Pete reports that he loves his new position and does not miss the joys of private firm practice in the slightest.

Not far from Pete is **Calvin H. Johnson** who recently was promoted to Associate Professor at Rutgers University Law School in Newark, New Jersey. Cal reports that this means "now [he] can associate with rather than just assist professors." Cal also indicates that he recently published a law review article on some exotic tax topic and became the father of the *third* Cal Johnson (who is called "Teddy" to avoid confusion with others of the same name). Teddy was born last July, and Cal reports that he finds fatherhood to be "fun" and a "delight."

I received a call from the other Cal Johnson, **Calvin P. Johnson**, in January. Calvin P. reports that he worked with the Governor's Office in Missouri until 1974 when he came to Washington, D.C. Since arriving in Washington, Cal has held various positions, including service on the White House Staff and with the General Counsel's Office and the Chairman's Office at the E.E.O.C. During 1975 and 1976, Cal worked as

a legislative assistant with Senator Schweiker on the Senate Labor Committee where he spent most of his time on health matters. He also practiced on his own for a few months before accepting his present position as a "lobbyist" for the Health Insurance Association, a group that represents profit-making health insurance companies in legislative matters. Cal is currently studying problems of cost control in the health field and the exemption of the business of insurance from the antitrust laws.

Cal reports that **Annie Gutierrez** left sunny California a while back and came to Washington, D.C. Since arriving, she has worked with the Labor Department and the Justice Department, and she recently accepted a position in the Office of the President's Domestic Adviser. If your taxes go up, you know who to call.

And thus concludes another chapter in the history of the Class of 1971. My thanks to all those who sent reports. To the rest of you, I renew my invitation to protect your reputations with a short letter telling me what you have been doing since we left Stanford.

1972

Jeffrey R. Pendergraft
Atlantic Richfield Company
515 South Flower Street
Los Angeles 90071

Those of you who in the past have been dedicated readers of this column will be quick to note a marked deterioration in quality beginning with this issue. And those of you who are particularly perceptive may note that there has been a change in class correspondents. These two events are not unrelated.

Anticipating your reaction to this change in class correspondents, let me hasten to point out that it is not the result of another diversification effort by the oil companies. Rather it is the result of **Lance Wickman's** desire to hang up his golden pen and my offer of assistance (which obviously was ill-conceived). I should also hasten to point out that my offer of assistance only extends until the next election of class officers (**Steve Cory** and other class of-

ficers please take note).

There's not much in the way of news (which explains all of the filler in the previous two paragraphs). **Mike Milligan** wrote to advise that he had taken time out from his practice in Palo Alto to travel to Africa with his wife, Carole, and daughter, Kim. The Milligans visited Kenya, where they had been previously when in the Peace Corps.

Terery McShane called while on a trip to Los Angeles. He and wife, Toni, now have two children. (Terry wasn't terribly specific as to gender.) Terry has taken a job as house counsel with Foremost-McKesson in San Francisco. **Ken Coveney** must be hard at work these days. At least that's what he said when I met him coming off of the tennis courts in Palm Springs one weekday a few months ago.

Several class members are busy defending the honor of Governor Brown's administration (I'm tempted to make a comment about the impossibility of that task, but I suppose this column should remain noncontroversial). **Zan Henson** and **Jim Claytor** are still with the California Attorney General's Office. **Marjorie Evans** was appointed by Governor Brown to serve as a member of the Air Resources Board—a part-time task which she fulfills while continuing to act as counsel for the Bank of America. In Sacramento, **Ted Prim** is an attorney for California's Fair Political Practices Commission; and **Tom Houston** is with the State Agriculture and Services Agency. **John Davies** and **Stephen Berlin** are also in Sacramento. John is working as legislative counsel and Stephen is with the State Public Defender's Office.

Moving to the eastern part of the country, I have it on good authority (i.e., an unconfirmed rumor) that **Larry Wright** is now a partner in the Snell & Wilmer firm in Phoenix, Arizona.

That's really all the news I have this time around. If those of you in the East notice a West Coast bias in this column, it's your own fault. Neither Lance nor I have received any news of late from other parts of the country. Please let me know what you're doing so that we can change the geographical focus of this column. Who knows, I might even get a letter from **Stephen Feldhaus** reporting on his activities in London, or a letter from **Robert Forster** or **Linda Ho** who are rumored to be in Hong

Kong, or even a letter from Cary Wilson who is reportedly living in South Africa.

1973

Stephen J. Boatti
Hughes Hubbard & Reed
One Wall Street
New York, New York 10005

Job changes seem to be increasing in our class. Blair (f/k/a Henry) Bernson has left Preston, Thorgrimson in Seattle to become general counsel of Schnitzer Industries in Portland. He writes, "I have done work for them for several years and felt it was time to get more involved with business and hopefully less involved with the practice of law. Our major involvement is in Pacific rim shipping and trading, steel distribution and importation and real estate investment and development." Blair invites all classmates visiting Portland to get in touch.

Also in the Northwest, Art Schneider left Seattle's Lane, Powell firm in January to join Boeing, "to negotiate and administer contracts with airlines in Africa, Eastern Europe, Greece, Italy, Luxembourg and Denmark." This will involve a heavy travel schedule. In fact, Art had hardly begun work when they sent him to Rome and Dar-es-Salaam with a stopover in Entebbe. Art asks "Can you imagine me negotiating a 747 with Idi Amin, Muammar Qaddafi or Ian Smith?" No comment. Anyway, Art spent December learning about foreign customs in Guatemala and Dallas. During the two weeks he spent in New York in February selling a 747 to a freight airline, Art introduced me to the joys (or at least noise) of rockabilly music at the Lone Star Cafe.

Art filled me in on numerous classmates, including: Brad Bemis, who is now with the International Dept. of Wells Fargo Bank in San Francisco; Al John, who left the King County Prosecutor's office for a small firm in a suburb of Seattle (I've also heard that Al married a Seattle journalist, Sue Lockett, last summer); Rob Colwell, who is now doing patent work on the legal staff of Fairchild Camera and Instrument Co.; and Bob Deming, who is living in Seattle and has become a

world traveler of sorts.

Tony Cook, formerly staff counsel with the Washington State Senate Research Center, is now the legal administrative assistant and general troubleshooter for the state Utilities and Transportation Commission. Tony and his wife, Joy, who is executive secretary of a senior citizens center, are active in the Little Church on the Prairie (Presbyterian) in Tacoma. Houston (Sonny) Tuel has left the California Dept. of Motor Vehicles to start a four-person firm in Sacramento (Wright, Britton, Coder & Tuel). He lives a happy suburban life with wife Leslie and 1½-year-old Houston III. Gregg Gittler has also started a firm, with two other lawyers, in Los Angeles (Combs, Gittler & Hauser). John King, no longer at the FTC, is self-employed in Washington. John writes, "I left the FTC in the fall to seek my fortune and to escape the bureaucratic coal mine. I was getting 'paper lung.'" All my best, John, for a speedy recovery.

Bruce De Bolt is in Salem, Oregon, where he is an assistant attorney general in charge of enforcement of Oregon's new state antitrust act. Previously he specialized in public utility regulation and was an adjunct professor at Willamette Graduate School of Administration. His wife April is a librarian and they have a 1½-year-old daughter, Nicola.

On the international scene, Paul Muther (honorary '73) will become Regional Counsel for Europe and the Middle East for First National Bank of Chicago, his present employer. He, Ulla (a pediatrician with an interest in preventing child abuse), 7-year-old Erik and 3-year-old Thomas will leave Chicago for London in June. Among other amenities, this will allow Ulla to spend summers in her native Sweden. Paul tells me that Bob Masur argued before the U.S. Supreme Court in November against a City of Chicago ordinance barring certain convicts from becoming cab drivers. The case, *Carter v. Miller*, was reported in a recent *ABA Journal* (p. 1364).

Not all of us have succumbed to wanderlust. Gil Lindemann, still at First Wisconsin Trust Co., just bought a 27-year-old, 1½-story Cape Cod in Bayside, a Milwaukee suburb. "Our neighborhood is exceptionally scenic, very wooded, with ravines and Lake

Michigan. If any former classmates were ever to drop in for a visit, I might finally see an end to comparisons of Milwaukee to Buffalo, etc." (I can't figure out if Milwaukee or Buffalo should feel more insulted.) Anyway, what with remodeling the house and maintaining a summer cottage at Big Cedar Lake, Gil and Christine have their hands full. Gil still has his Valiant—now with 139,000 miles and counting. It puts mine, with only 49,000, to shame.

Also acquiring a first home were Gary Hanken and Marie McLaughlin Hanken ('74), and they spent most of 1977 with "fixing the house and yard projects" in Pacific Palisades. Gary continues at Greenberg & Glusker and continues wonderfully illustrating his own Christmas cards. John Mackall, having recently moved to Santa Barbara, is no longer in solo practice but is a partner in the firm of Seed, Martin & Mackall. His wife Danielle is manager of a dental office. Asked to list recent interesting activities, John replies, "Getting and spending." Ah, the California ethic. Ed Burmeister, of O'Melveny & Myers, was on the faculty of the Eighth Annual PLI Employee Benefit Institute, held in April.

Priscilla Fox, who in our last column was searching for alternatives to the adversary system, has elaborated on this theme in an article in the January *Juris Doctor*. The article begins, "I am a lawyer. At least that is what I can call myself by the good graces of the boards of bar examiners in Massachusetts and California, but I have never felt comfortable with that definition. I dislike going to court. I do not enjoy relating to other (mostly male) lawyers in the way that is expected. I have asked myself whether that is because I am not aggressive enough, or look young, or simply because I am a woman. Or am I fed up with the lawyers' game?" The article's title clues you in to the answer, it's "Goodbye to Gameplay."

Jon Blue was one of the 15 finalists in the east interviewed for award of the Luce Foundation's one-year fellowships for study in Asia. The interview process included a gala banquet at the St. Regis Hotel in New York hosted by Mr. and Mrs. Henry Luce. David Anderson, formerly general counsel of the California Air Resources Board, has started his own environmental and ad-

ministrative practice in Santa Barbara. **Rich Young** has become a partner of Holme Roberts & Owen in Denver as of January 1, 1978.

Alumni Notes Column, Missing Persons Division: There is only one person in our class whose location I've been unable to track down. Anyone knowing the whereabouts of **Dave Schlissel**, last known residence in Atlanta, please contact me at the address above. No rewards—just the satisfaction of knowing you helped complete the Class of '73 address list!

See you all at our fifth reunion this fall!

1974

Craig Johnson
Wilson, Mosher & Sonsini
2 Palo Alto Square
Palo Alto 94304

I recently received an interesting letter from **Bryant Young**, our answer to Jimmy Carter, who is presently in Washington as a White House Fellow making sure the present occupant keeps the rugs clean and doesn't scratch the furniture. "Life here has been fantastic. I put in 11-12 hour days as a Special Assistant to Secretary Harris, but love the work. The White House Fellows' seminar program has also lived up to my greatest expectations. Two to four times a week we meet for off-the-record sessions with people like Henry Ford II, Arthur Burns, David Broder, Ben Bradlee, Averell Harriman, etc. In addition there are lots of goodies like dinners at the Supreme Court, Christmas Party at the White House, events at the Smithsonian, etc. All in all, I'm being totally spoiled."

Bryant also had some news on classmates in D.C. "**John Haines** works across the street from me. **Frederick Baron** (special assistant to Griffin Bell) and I have had dinner a few times, although it's damned hard to coordinate our workaholic schedules. **Dave Rabban** and I got together for lunch once and ran into each other at the Supreme Court. It was a double header which brought us there. Tony was arguing a death penalty case. The case after that was the *Stanford Daily* search case argued by Gerald Falk."

Several other classmates continue to be involved in politics. **Conway Collis** reports that "after serving as a counsel and legislative assistant to U.S. Senator Alan Cranston for two years in Washington, I am now directing his field activities in Southern California. My wife Amy is a field representative for State Senator Alan Sieroty. Amy and I met while we were both working for Senator Cranston in D.C." **Andy (the Bear) Rubin** writes that **Mike Ward**, with the Public Defender in Orange County, is planning to move to Boston "to help the Republican incumbent turn back the challenge of John Fulham's bid for Congress." The Bear, still practicing with the San Bernardino County Public Defender's Office, was at time of writing

planning a move to a local mountain community (Crestline) and a return trip to Egypt next year. He reports that **Norm** and **Marilyn (Epstein) Levine** had just bought a house in Sherman Oaks.

Doug Miller, formerly with the Department of Justice, is now in private practice in Phoenix. **Michael-John Biber** has associated with John Mason, Jr. and is practicing law on Sunset Boulevard in West Los Angeles.

Betsy (Cohen) Fuller has "left Big Brother (Department of Justice) and moved to Navajoland. Ron and son Jonah (4-13-77) and I live at an oasis on the painted desert. Ron stays home raising vegetables, chickens and the baby while I raise the money to pay off

Attention Alumni... Last Opportunity to Purchase Celebration Art at Special Law School Price



On September 1 all prints of "In Celebration," the oil and collage created in 1975 for the new Law School buildings by the distinguished American artist, **Robert Motherwell**, will be available only through a private dealer.

A limited number of these nine-color offset lithographs, printed on 38" x 25" Rives BFK paper and numbered and signed by the artist, are still available from the Law School for \$250.

Alumni interested in purchasing the lithograph at this special Law School price are urged to do so before August 31, when the entire stock will be turned over to a private dealer.

Orders should be sent directly to Celebration Art, Stanford Law School, Stanford, California 94305. Each order should be accompanied with a check or money order made payable to Stanford University. (California residents please add 6% sales tax to the price of each print.)

The print will be sent in a sturdy mailing tube; please add \$3.00 for postage and packing.

Note: A nine-color poster (38" by 25") based on the original work and including the words, "In Celebration, Stanford Law School, September 26-27, 1975," will continue to be available from the Law School for \$25. California sales tax and the \$3.00 charge for postage and packing also apply to orders for the poster.

the law school loans. I'd rather be home too, but the job is interesting, keeps me busy and is even enjoyable at moments! **Bob Miller** is leaving DNA and moving to Ukiah (maybe) to work for CILS. He's into Arica these days and may do that full time instead!" Betsy's with DNA in Tuba City, Arizona. She mentioned that **Beth Auerbach** (with EPA in D.C.) had some "terrific poems published in a collection of women poets magazine called 'Ryebread—Women Poets Rising.' Her poem provided the title for the journal."

That's all the news this time. I hope to make another mailing for the next issue, but unsolicited gossip is welcome too. Best wishes to all of you in 1978.

1975

Mary Cranston

Pillsbury, Madison & Sutro
P.O. Box 7880
San Francisco 94120

I hope you have all survived the rigors of winter wherever you are located. (I guess I needn't be too concerned for those of you in San Diego who probably spent the season on the beach.)

The Pillsbury, Madison & Sutro contingent of the class of 1975 has finally been broken apart. As you may have read in the last issue of the *Stanford Lawyer*, **Vicky Diaz** left Pillsbury to take a job as Assistant Dean of the Stanford Law School. When I last spoke with her, she was leaving for an extensive trip in the Midwest for recruiting purposes. It sounds like a great job, and she will make a fabulous dean (but we miss her at PM&S!). **Sandy Miller** has also flown the coop—to take a job with **Bain & Co.**, a consulting firm with headquarters in Boston, Massachusetts. Sandy plans to stay in Boston for a year and then transfer out to the firm's San Francisco office (we hope). Prior to starting work, he took a three-month jaunt around the world. According to second-hand reports, he got snowed in in the Himalayas and had to be helicoptered out. Also according to second-hand reports, he made it up to 19,000 feet. On his way to the Himalayas he spent a lot of time in India, and after the Himalayas, he went skiing in Europe

and spent some time in London. The whole thing sounds like a dream.

Mike Miller has left **Munger Tolles** to set up a solo practice in Santa Monica. Congratulations and best wishes, and may many clients walk through your doors.

Scott Sugarman has returned to San Francisco, and has begun a two-year clerkship with **Rose Bird**. **Mike Duncheon** got a business boondoggle to Washington, D.C. and while there saw **Allen Proctor** who is still at the FTC, and **Fay Armstrong** who is with the State Department. Fay reports that she is enjoying the State Department and currently working on the Panama Canal treaty. She also recently purchased a house in Washington, D.C. and is busily fixing it up.

I got a card announcing that **Joe Tarter** is now an associate with the firm of **Chandler, Tullar, Udall & Redhair** in Tucson, Arizona. **Nick Havranek** also sent a card—he is with **Davis Polk** in New York.

Laura Stern and **Carlton Seaver** were married last year in San Luis Obispo. Laura is still with the **Morrison & Foerster** firm but has transferred to their Los Angeles office. She is currently doing primarily tax work. Carlton is still with **Sheppard Mullin** and enjoying it very much. They have purchased a house in Pasadena, and looked very well when I visited them last year. **Tino** and **Elaine Kamarck** have bought a house in Arlington, Virginia, and have a one-year-old baby. Elaine is working for the Democratic National Committee and Tino is working for the Washington firm of **Fried Frank**.

Don Salas wrote to say that he has left **Jenkins & Perry** in San Diego to join the San Diego office of **Sullivan Jones and Archer**, and has bought a house in San Diego. He reports that **Rob Durham** is staying as fit as ever and is still practicing with **Durham & Durham** in La Jolla. Rob lives in La Jolla and walks to work—rough life. Other San Diegans: **Terry O'Malley** is still with **Gray, Cary, Ames & Frye**, and **Dick Murphy** went to **Luce, Forward, Hamilton & Scripps** after the conclusion of his district court clerkship.

Eric Berson has recently joined a small real estate firm, **Alexander, Capp, Rosenberg & Kole**. Along with the legal practice, he reports that he is wheeling

and dealing in real estate. He and Elaine are doing very well.

Jay and **Robin Varon** visited us in November, and looked great (at least Robin did—Jay had a terrible cold). **Nancy Hendry** and **Bill Baer** were also in California at the same time and we had a little party for Robin's birthday at our house. **Marc** and **Georgette Victor** were also at the party. Marc is now with **SRI** and enjoying his job very much.

Tom and **Marty Kildebeck** have bought a house in **Montara** (just north of **Half Moon Bay**), and have a fabulous view of the ocean.

Harold and I welcomed **Susan Anne**, our first, into the world on March 27. She weighed 8 lbs., 3 oz.

That's all the news I have for this column. Please send me whatever non-malicious gossip you can dig up—it's great to hear from you!

1976

Emalie Ortega

Office of the Public Defender
70 West Hedding Street
San Jose 95110

"Let's do it!" seems to be the slogan for this year's active 76'ers.

Barbara Roupe and **Kathy Kelly** lead the list of the brave. They are partners in private practice handling sex discrimination cases, family law, and civil litigation from their San Jose office. (Are they the first of our class to go solo?)

More battered than brave: **Rick Ertel**—broken nose playing basketball last fall for **Schiff, Hardin** in Chicago. **Janet Montgomery**—broken finger playing softball (also for **Schiff, Hardin**). Me—torn ligament playing around in discos. **Eric Marcus**—appendicitis—now back playing piano.

See how she runs! **Wendy Erb** can be seen running through **Central Park** (sometimes alongside **Bob Bartkus**, but, at any rate, a good distance ahead of the muggers, I hope). At last report, she'd had a good clocking for a 6.2 mile "mini-marathon."

Surely the next goal will be the **Boston 26**?

It's lonely at the top. So says **Jim Rylee Deen** ensconced on the 74th floor

of the Sears Tower where he works for Schiff, Hardin. (I forgot what position he plays.)

Samuel Ruiz is with the AG in Arizona. Suellen Fulstone is in Reno, Nevada. Bob Salazar is in Colorado. Bill Henrich is in San Diego. (I hear one of his painstakingly produced briefs may be on its way to the Supreme Court?)

Carl Carlson has been a staff attorney with the Washington State Supreme Court. Also in Washington: Rich Bittner, legislative attorney for the state's senate majority leader. Mary Jo Bittner is a counselor for foreign students at University of Washington and is pursuing her MBA. Guy Michelson was in Europe last year and is back now in Seattle actively litigating. (Not true that he uses the Crothers Pub beer budget as a standard for settlements.)

Also in Seattle: Keith Baldwin and wife Margie who could exchange tips on raising little girls with Mark and Ellen Wilson. Sommer Baldwin is almost a year old, as is Karen Elyse Wilson.

The Wilsons visited Ed and Kay Hendren in Palo Alto last December. Ed is with Wilson, Mosher, and Soncini. So, too, is Blair Stewart '75. I ran into Blair and Jackie Stewart attending the Community Legal Services dinner in San Jose. Jackie was handling an exciting sex discrimination case for Wylie, Leahy, et al. of San Jose. Blair's P.A. firm is starting a branch office in San Jose, but the Stewarts will stay in Palo Alto.

Val Saucedo is in Berkeley with the Earl Warren Legal Institute (Housing Law Project). He married Christine Pacheco last summer and honeymooned in Texas and Las Vegas. I know they were in Vegas because that's where Cirilo Flores ran into Val in one of those "small-world-isn't-it" items. Cirilo is with Blumenthal, Grossman, and Haven in Riverside.

Barbara Bergman moved to D.C. after clerking in S.F. and is with Wilmer, Cutler, Pickering.

Let's hope that the ABA convention in N.Y. finds many of you renewing old friendships. The ABA cocktail party for Stanford alumni last summer found John Sabl chatting cheerfully with Dean Meyers and Professor Barbara Babcock about her position as head of the Civil Division of the Justice Department. Also in Chicago on his way to New York

and D.C. was Rich Ferguson.

Steve Leach and Dave Federbush are with the FTC.

Dan Cooperman was in S.F. consulting for MacKenzie and thinking of taking a flyer, i.e. solo flying lessons over the Bay area.

Last news I had was that Jonathan Kempner was at Fried, Frank but only allowed to wear his wooly purple-fuchsia sweater on overcast weekends.

Larry Sullivan returned to Stanford to take part in a symposium titled "After Placement, What?" After clerking, he stayed in San Francisco.

The ranks of the landed gentry increase. Fran Armstrong bought a house. So did Becky Love (now clerking for Justice White; see article this issue). So did Abbott Lipsky, Jacky and Blair Stewart, Mark Wilson, Mike and Myra Gilfix. The Gilfixes are fixing up the nursery, but we won't know for whom until after this issue goes to press. Hilda Cantu Montoy is also not going to make the copy deadline. She is due to have her baby in April and will continue with Alameda County Legal Aid until baby arrives.

Christine Alvarez had a baby girl, Raquel Mestas Alvarez, born February 22nd. They're back at Escondido Village for Raul to finish his residency at the Med School.

Nick Miller and Alan Axelrod are lawyering in New York and working hard—which sounds redundant.

Bob Bartkus' note was cited by the Ninth Circuit. It's not clear from notes from the East whether he bought a new sailboat before or after such acclaim.

Great vacations have been logged in. Wendy Erb takes the prize for a fantastic trip to Africa. Her interest in photography produced some great slides. (Westerners are welcome to view them if you come up for the ABA meet.) Eric Marcus visited Rumania. Richard Mallory (with the Nuclear Regulatory Commission) spent some time in Greece. Mike and Martha Ostrach backpacked in the Sierras and at Pinnacles National Monument. Patti Page was in France for two weeks. And I, upon occasion, get to Gilroy.

Janet Embry was researching water law or something in her hometown, Logan, Utah, when she took a stab at running for mayor. She didn't win (and maybe she didn't really expect to), but the fact that she got more votes than

she has relatives and debtors combined means that somebody else must have liked her campaign literature.

Howard Prossnitz and Janet Montgomery are planning their wedding for "some time in July." (Her father says any date is okay as long as it doesn't conflict with his fishing trip.)

If you weren't in Los Angeles at the right moment you missed Dan Brenner appearing at "The Comedy Store" a couple of times. It's some sort of a showcase for new comedians. At last, a tale to replace the "Dating Game" story! After finishing a clerkship with Judge Matt Byrne in September, Dan spent six weeks touring Southeast Asia, "almost getting washed to sea off the island of Bali." He then spent three weeks in Wyoming as a broadcast reporter and finally started work with Wilmer, Cutler & Pickering in December.

Bob Salazar is in practice for himself, I've just heard. What began as a *pro bono* endeavor has flourished into a major case involving U.S. and Mexican land-grant treaties. Impressed with Bob's dedication, an alliance of grantees has retained him as their attorney.

Jay Spears and Steve Reiss are right in the thick of briefs that came before the Supreme Court this session. Another "small world" item: Jay, your office mate when you taught in the Philippines was my legal aide here in San Jose before he joined the State Public Defender in S.F.

Steve Kociol, who took an early degree but graduated with us, is also with the Santa Clara County Public Defender. (Their class years I forget, but other Stanford grads may want to know that Mike Kresser, David Mann, and W. Steve Stevens are also with my office.)

As for me, I'm doing probate litigation and daily running into examples of Professor Williams' axiom: "Where there's a buck, there's a battle!" In California, recent legislation has appointed the Public Defender to investigate cases involving the commitment or estate management of the mentally disabled. I fend off unnecessary conservatorships and re-examine commitments to the state hospitals. (Burn-out time: I'm the only attorney this office has for the developmentally disabled cases in this entire county.)

My thanks this issue to the news re-

lay team of Erb, Wilson, Flores and Montgomery. Send items to my address above or to Stanford Alumni Office.

1977

David Margolick

50 Riorbico

50014 Fiesole (FI)

Italia

Tobin Rosen

3801 N. Country Club Rd.

Tucson, Arizona 85716

Our overseas correspondent having evidently been unable to provide a suitable follow-up to his "terse" twelve-paragraph endeavor which appeared in this space in the last issue, the task has fallen, at least for the time being, to the second-string cub reporter from Tucson.

The position of Class Correspondent should be an easy post to fill. However, the name of the job, as well as the duties entailed therein, presupposes the existence of at least *some* correspondence, preferably from a strong cross section of the class. This vital element

has been for the most part lacking in recent months, and such has been the case for David as well. Thus, I feel it appropriate to begin this column with an impassioned plea—Write. It shouldn't take more than a few minutes to condense your activities over the past ten months into printable form, and you probably all have secretaries who can type the letter for you. Seriously, we shouldn't be losing touch with one another so soon after leaving law school.

And now, the news, which for this trip will be basically limited to what I could glean from those of you who have chanced to cross my path in the recent past. I saw **Chuck Theisen** at the swearing-in ceremonies of the Arizona Bar in October. It was pretty unnerving for me to view all those three-piece suits, including his, being worn on a Saturday morning, although I must admit that even I donned a jacket and tie for the occasion. Chuck was, and I presume still is, with Martori and Meyer in Phoenix. Noticeably absent from the initiation proceedings, which were held at Gammage Auditorium at Arizona State University in Tempe, was **Doug Fant**, the triple-threat man of our Arizona team. Doug is off in Washington, D.C. being a bureaucrat. He did man-

age to escape from the frigid East and fly down here in January, during which time we went to a Shakey's and downed a few pitchers in an attempt to relive the Pub Nites of yesteryear. Doug is now back at his niche in the Interior Department, though hopefully he'll soon return to the sunny Southwest.

As for myself, I'm still seeking a position more suitable to my career aspirations (read: I'm still clerking in a law firm because I can't find a job). Hopefully, by the time this appears in print I will have found something, but the range of possibilities continually diminishes. I even applied for a teaching fellowship at Stanford Law School, but received a letter from Bob Rabin telling me that I inquired too late. I guess I should have applied *before* my first semester grades became known.

In any event, folks, that's all I have to report for now. Start those cards and letters pouring in to either David or me, or I'll start making things up about you and printing them.

Editor's Note: Lisa Norsworthy has left Skadden, Arps in New York to work in the Investment Management Division of the SEC in Washington. She will be living in Arlington, Virginia.

It's a Girl



Cheryl Ritchie, Director of Publications, is well known at the School for meeting the most pressing production schedules with work of the highest quality.

Although the production process lagged some two weeks behind early expectations, Cheryl has justified this renown once again with the May fourth birth of her first child, Alexis Caroline. The final product proved worth the wait.

Demonstrating a fondness for seven (the mystical integral of medieval numerology) Alexis arrived at seven minutes to seven, weighing seven pounds, seven ounces. John Ritchie, an objective observer on the scene (and the father), justified his own reputation for coolheaded impartiality when he declared Alexis, "the most beautiful baby ever born."

All of us at the School send Alexis and her parents our very best wishes. And we look forward to Cheryl's return and her reaction to this carefully guarded final item.

In Memoriam

- 1910 Sydney Frank
- 1911 Dean Marion Rice
Kirkwood
January 8, 1978
- 1914 W. Sherman Burns
January 5, 1978
- 1917 Harry J. Denhart
January 6, 1978
- 1919 Dickson F. Maddox
August 21, 1977
- 1923 Theodore E. Bowen
May 17, 1974
- 1924 William E. Harcourt
November 26, 1975
Heaton L. Wrenn
January 16, 1978
- 1925 Lewis Hayd Leve
October 10, 1977
David M. Oliva
January 22, 1978
- 1927 Paul T. Wolf
February 15, 1978
- 1928 David Freidenrich
March 15, 1978
Raymond B. Haizlip
November 11, 1977
- 1929 Joseph O. Smith
November 1977
- 1930 William A. Evans
January 31, 1978
Hon. Stanley K. Lawson
November 13, 1977
- 1932 Hugh M. Lindsay
February 24, 1978
Herbert E. Wenig
February 21, 1978
- 1933 Everett G. Harris
December 17, 1977
- 1934 Warner Edmonds, Jr.
November 1977
- 1937 Carl P. Abbott
February 18, 1978
- 1948 Robert E. Mook
January 16, 1978
- 1949 James R. Edwards
July 31, 1977
- 1950 Harry J. Simon
October 1977
- 1957 William L. Guilfoyle
November 15, 1977

Heaton L. Wrenn 1900-1978



Classmates and friends of Heaton L. Wrenn were saddened to learn of his death on January 16, 1978.

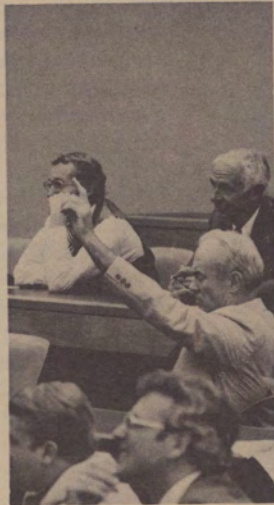
A former president of the Hawaii Bar Association and director of a number of Hawaii business firms, Mr. Wrenn went into private practice in Honolulu immediately following graduation from the Law School in 1924. In 1968 he became "Of Counsel" at the firm of Anderson, Wrenn & Jenks (now Goodsell, Anderson & Quinn), after more than 40 years in practice.

Mr. Wrenn was a loyal supporter and volunteer for Stanford, particularly the Law School. He was a supporting member of the Friends of the Law Library and Law Fund Regional Chairman for Hawaii. His Stanford interests also included the Athletic Department and the Buck Club, of which he was an Area Leader for Hawaii. His keen interest in Stanford sports began in his undergraduate years when he excelled as a rugby player and competed in the 1920 Olympic Games. He received his A.B. in 1922.

His directorships included the Bank of Hawaii, Hawaii Electric Company, Dillingham Corporation and Cooke Trust Company. Among his numerous other affiliations were the American Judicature Society, Hawaii Bar Association (of which he was president in 1945-46), Hawaiian Sugar Planters Association, and the Strong Foundation, of which he was a former secretary and trustee.

Mr. Wrenn is survived by his wife, Carolene, a son, two daughters, a brother, and eleven grandchildren.

Alumni Weekend November 3&4, 1978 Make Plans Now To Attend



Activities will include:

The Annual Alumni Banquet (November 3)
USC/Stanford football game (November 4)
Continuing education seminars (November 3 and 4)
Reunions for the Classes of 1928, 1933, 1938, 1943, 1948, 1953, 1958,
1963, 1968 and 1973 (November 4)

Blocs of rooms will be held until October 2 at the following motels:

Flamingo Motor Lodge

3398 El Camino Real
Palo Alto 94306
Phone: (415) 493-2411

Holiday Inn

625 El Camino Real
Palo Alto 94301
Phone: (415) 328-2800

Rickeys Hyatt House

4219 El Camino Real
Palo Alto 94306
Phone: (415) 493-8000

Tamarack Court Executive Suites

4271 El Camino Real
Palo Alto 94306
Phone: (415) 493-8321

Tiki Inn

531 Stanford Avenue
Palo Alto 94305
Phone: (415) 327-3550

When making your reservations, please identify yourself as a participant in the Law School Alumni Weekend.

More information will be sent this summer.

Photo credits: Arizona Weekly Gazette, p. 27; Dave Bockian, p. 29 (col. 1), p. 32 (col. 3); Tom Camp '79, p. 31 (col. 1); Mike Jehle '79, p. 32 (col. 2); Ken Kaslow '78, p. 30; Bill Lawson '77, p. 28 (col. 2 & 3); Los Angeles Daily Journal, p. 43; Jose Mercado, pp. 1, 32 (col. 1); Cheryl Ritchie, pp. 26, 51, 56.

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