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On Law School and the Law: Some Observations of a Practicing Lawyer

Floyd Abrams

It is a signal honor that your law school has paid me by inviting me to speak tonight to you in your first weeks here and to have joined you for some hours in your busy classrooms today. I appear before you as a practicing lawyer. I have taught on a once-a-week basis for the past several years (something your professors would undoubtedly, and with some justification, characterize as not "really" teaching). I have, as well, done some legal writing and, in recent months, some testifying before congressional committees. But all that is pleasure, diversion, fun—of some value, I hope, but surely not what I do most, or most importantly, or best. My full-time job—what my family would undoubtedly consider my more-than-full-time job—is that of a litigator, an advocate. And it is with that background and, in the main, from that perspective that I offer you some words of advice about law school and a word or two about the law that you will come to practice.

When I say that I come to you as a practicing lawyer, I recall an incident involving one of my favorite examples of that genre. It is of that superb lawyer, Edward Bennett Williams, perhaps the nation’s finest trial lawyer, after a speech at Yale Law School when I was a student there. When the speech (which had in passing referred to the Alger Hiss case) was over, I went up to Mr. Williams and asked him whether he believed Hiss was innocent or guilty. His answer has always seemed to me that of the quintessential litigator: "He should," Williams responded, "have been gotten off."

Let me start with a word or two of advice: law school, however it may sometimes seem, does have some purpose to it. I cannot tell you that law school is or will be painless. I recall, for example, after my sixth week or so of brutal verbal beatings by that great scholar and extraordinary man, Alexander Bickel (then younger than I am today and now, alas, no longer with us), I decided that I had to say something, do something, to pay him back for his abuse. And so, in those gentler days of the late 1950s, I did something. I wrote a letter to my kind and decent and caring undergraduate professor of constitutional law from Cornell, Dr. Robert E. Cushman. And I said something like "Professor Bickel is an adequate teacher, but commonplace as a thinker." How Alex would have enjoyed my presumption—and my idiocy.

But enough of the grand old '50s. The truth is that law school cannot be painless if it is to do any good. For what your professors must do is to turn a bunch of extremely talented writers of essays, takers of tests, overachievers all, into something quite different. Carlyle once said that the law sharpens the mind by narrowing it. That is not all the law does, but it is part. You who have been trained at thinking big must learn to think small and smaller still: to focus closely...on what are sometimes ill-considered opinions written by often thoughtless individuals about trivia.

Mr. Abrams, a member of the New York law firm of Cahill, Gordon & Reindel, was the 1980 Schwartz Visiting Fellow. He delivered this talk to the entering students at The Law School on October 7, 1980.
as much diligence (and often just as much pain) as any other foreign language. If you want to be taken seriously in Paris, Tokyo, or Rio, you had best speak French, Japanese, or Portuguese. If you want to be taken seriously in court, you must learn the language of the law. Not, I wish to emphasize, so that you can sport a Latin phrase or two in court (except in direst need); not even so that you can comprehend those lawyers who drift into jargon as a substitute for thought. But to persuade, it is necessary to understand the attitude, moods, and premises of those to whom you are speaking. All these are reflected in the language you speak. Legal language tends to be cool, cautious, restrained, understated, consistent with a system that appears to change—so it might seem to a Martian—ever so slightly from one case to another.

What marvelous deception it all is! But how desperately we need our language to cloak the enormous consequences of what we do! And so, when I appear in a First Amendment argument, say, to an appellate court which has not previously considered the issues raised in the case, I know that it is often difficult for the court to be asked to deviate from "ordinary" legal principles to the extraordinary otherworldliness of constitutional law. How to deal with this is suggested in a little noted passage in New York Times v. Sullivan. In Sullivan, Justice Brennan was in the midst of eloquently disposing of almost 200 years of American common law libel and establishing (contrary to all prior constitutional precedent and virtually all common-law precedent) the rule that there could be no recovery against the press for the publication of defamatory falsehoods about public officials unless the publication was made with what the Court would mischaracterize as "actual malice." It was, to understake the point, a massive (and, I believe, much needed) upheaval in the law, a grand and new interpretation of constitutional principles. And what did Justice Brennan do, after citing and quoting from Madison and Jefferson, Brandeis and Holmes as to the underlying purposes of the First Amendment? How did he reassure his readers that what he was doing, this major turnabout in the law, was not only consistent with underlying constitutional theory but—how shall I say?—non-threatening? He did it by citing and discussing and adopting a Kansas Supreme Court case.

I do the Supreme Court of Kansas no injustice when I say that it is an unusual occurrence for a ruling of that court—or any other state court—to be so heavily relied upon by the United States Supreme Court. What Justice Brennan was doing in Sullivan is precisely what counsel must do all the time—to reassure and relax his reader or listener. And to do that one must know what the law is and what judges perceive the law to be in a wide range of areas. One must, as well, be able to express it in the language of the law.

Here is a personal example—one that failed but came pretty close to success. In a case called Herbert v. Lando, decided about a year ago by the Supreme Court, the question was whether in cases governed by New York Times v. Sullivan, there were any First Amendment limits on the scope of discovery into the so-called "state of mind" of journalists. On behalf of CBS, I had urged before the Court of Appeals for the Second Circuit that the requisite state of mind which Sullivan requires for liability to be imposed could be proved, on most occasions, from objective facts—what the journalist knew as opposed to what the journalist published. Questions as to why certain things were published and certain things unpublished, why one person was interviewed and another not, seemed to me to be unacceptable threats to First Amendment activities in much the same way official interrogations of journalists about those subjects would be. It was a difficult argument. I happen still to believe it and to believe that the Herbert ruling carries with it enormous potential for constitutional harm in the future, but there is no doubt of my argument's difficulty. And so, in making it, we quickly turned, by analogy, to many other areas of law involving protection of the "state of mind" of presidents and congressmen, of judges themselves. We cited, by analogy, the Freedom of Information Act, with its protection of the "mental processes" of authors of governmental documents. We turned to entirely different bodies of law—10 (b) (5) litigations, antitrust litigations, even criminal litigations—and urged upon the court that, in those cases, "state of mind" was routinely proved by comparing what a person did by what he knew, without requiring direct proof of what he thought. Indeed, we urged that the Fifth Amendment itself embodied recognition that to protect constitutional principles we were willing to forego critical "state of mind" evidence, notwithstanding the need to meet the strict standards of proof required of the state when it seeks to demonstrate the existence of criminal intent.

As I indicated, and as you may know, our effort was ultimately unsuccessful. But the moments of argument during which members of the court looked least skeptically at me (a test I urge upon you as one by which you may often judge the efficacy of your advocacy) was when I was discussing these other areas of law, not First Amendment areas. It may well be that that response was prompted by some perceived substantive weakness of our First Amendment arguments. Be that as it may, reliance on the law in other areas was indispensable to our advocacy.

And so you must learn both legal method and legal jargon even if, like yellow fever shots, it hurts a bit. As any masochist can tell you, hurting can be a good thing, at least when it's over.

I have a second piece of advice for you which is, I trust, more cheering. It is this: relax. Relax even if you think that you are misunderstood, underappreciated, even abused. For one thing, law school eventually ends. For another, your professors (learned as they are) often fail to communicate some basic truths about the practice of law. One is that most lawyers are not very good. And just as Blanche dubois could say that she relied upon the kindness of strangers, any practicing lawyer relies, on occasion, on the incompetence of his opponents. I promise you, you will have some. And you will be grateful for them.

Another reassuring note is that even if you do a dubious job or worse, you will sometimes win anyway. One of my favorite recollections of Supreme Court oral advocacy is that made by counsel to the State of Kentucky in the great case entitled Branzburg v. Hayes, the case which established, more or less, and by a five to four (or four and one-half to
When the responding ability dents aness at the School, Law in Louisville was busy very the pages been more jailed, journalist appellate advocacy with “Your Honor I one case me.” Another example. For one of the grandest things the law can offer those who practice it is the chance to participate in its reshaping. I have already cited a number of constitutional cases to you. Let me offer a far more mundane one for your consideration. Some years ago, my firm represented a large industrial company in a suit it began in federal court in Alabama against the construction firm that had designed and built for it a new plant.

Gentlemen, I admit at once that these questions [about devoting one's professional life to such matters] are not futile, that they may prove unanswerable, that they have often seemed to me unanswerable. And yet I believe there is an answer. They are the same questions that meet you in any form of practical life. If a man has the soul of Sancho Panza, the world to him will be Sancho Panza's world, but if he has the soul of an idealist, he will make—I do not say find—his world ideal. Of course, the law is not the place for the artist or the poet. The law is the calling of thinkers. But to those who believe with me that not the least godlike of man's activities is the large survey of causes, that to know is not less than to feel, I say—and I say no longer with any doubt—that a man may live greatly in the law as well as elsewhere; that there as well as elsewhere his thought may find its unity in an infinite perspective; that there as well as elsewhere he may wreak himself upon life, may drink the bitter cup of heroism, may wear his heart out after the unattainable. If you leave here thinking that a man may not “live greatly in the law as well as elsewhere,” your professors will have much to answer for. And so will you.

For one of the grandest things the law can offer those who practice it is the chance to participate in its reshaping. I have already cited a number of constitutional cases to you. Let me offer a far more mundane one for your consideration. Some years ago, my firm represented a large industrial company in a suit it began in federal court in Alabama against the construction firm that had designed and built for it a new plant.

The defendant cross-claimed against one of its large suppliers; that party counter-claimed against the contractor and did so, as well, against my client. Is everything clear? A sues B; B claims against C; C claims against A and B.

The first problem was this: there was diversity jurisdiction between A and B—my client and its contractors; there was no diversity between B and C (the contractor and its supplier), but none was needed because of long-established principles of pendant jurisdiction. But there was also no diversity between C and A—the third-party defendant and my client. Was it needed? Professor Moore had one view, as expressed in his text; Professor Wright had the opposite view as expressed in his. There was no Supreme Court decision, no Court of Appeals decision, and six reported district court opinions (three each way). It was hardly a monumental issue. But it was an arresting one, as it might be in playing a rather involved form of "Risk" or "Dungeons and Dragons." It was fun. And so the parties briefed the issue, seriously, creatively, imaginatively. What then happened was, I must confess, a bit discouraging. After all the briefing, we went to Birmingham for oral argument—I, then a young associate in my firm, together with a partner in the firm who would make the argument. When he rose, the trial judge said "I want to thank you all for the most interesting briefing. I should say, however, that I have previously decided this precise issue four times in unpublished opinions, each time contrary to the position taken by you. Please proceed." I won't tell you who won. But it was fun anyway.

One more example: a few years ago, one of my senior partners and I represented certain underwriters at Lloyds in a litigation against certain American insurers involving the question of which insurers should pay for the loss of an airplane. Does it sound mundane? The case was far from that. A Pan American plane had been hijacked in Amsterdam by Palestinian terrorists; it had been flown to Beirut and then to Cairo where the plane was blown up barely after it landed. Our clients were so-called "war-risk" insurers—insurers against risks to the plane arising from war, revolution, rebellion, and the like. The other insurers were "all-risk" insurers—insurers against all risks to the plane except those due to war, revolution, and the like. And so our insurance case ranged across the meaning (in international and domestic law) of war, the meaning of revolution, and the meaning of rebellion. It ranged into political areas, as well. Was the continuing war against Israel one of which the hijacking could properly be considered a part? And even so, what legal effect would such a characterization have? What legal effect, should be given the characterization of such hijackings by our government, by Arab states, by Israel?

"One of the grandest things the law can offer those who practice it is the chance to participate in its reshaping."

And ultimately most important what was the effect on the case of other insurance then being sold—insurance against "forceful diversions," against "hijacking" or the like? Should the availability of such insurance, and the knowledge of insurers of such language, lead to the conclusion that the "all-risk" insurers were liable for not excluding such occurrences from their policy? I will not tell you the result: it is to be found in the law books. I will simply say that I would be more pleased if you read that case than the previous one I mentioned. And that, win or lose, it was always a challenge.

I offer you a final theme in conclusion. It begins with another quotation from a speech of Oliver Wendell Holmes—then 59 years old and Chief Justice of the Supreme Judicial Court of Massachusetts. Reminiscing a bit about his then 18 years on the bench, his 35 years since graduating from Harvard, he said this:

I ask myself, what is there to show for this half lifetime that has passed?

I look into my book in which I keep a docket of the decisions of the full court which fall to me to write, and find about a thousand cases. A thousand cases, many of them upon trifling or transitory matters, to represent nearly half a lifetime! A thousand cases, when one would have liked to study to the bottom and to say his say on every question which the law ever has presented, and then to go on and invent new problems which should be the test of doctrine, and then to generalize it all and write it in continuous, logical, philosophical exposition, setting forth the whole corpus with its roots in history and its justifications of expediency real or supposed!

Alas, gentlemen, that is life. I often imagine Shakespeare or Napoleon summing himself up and thinking: "Yes, I have written five thousand lines of solid gold and a good deal of padding—I, who would have covered the milky way with words which outshine the stars!"

"Yes, I beat the Austrians in Italy and elsewhere: I made a few brilliant campaigns, and I ended in middle life in a cul-de-sac—I, who had dreamed of a world monarchy and Asiatic power." We cannot live our dreams. We are lucky enough if we can give a sample of our best, and if in our hearts we can feel that it has been nobly done.2

I come here tonight to affirm two things to you. First, it can be "noblly done" in the law if you do your best at it. Second, Holmes' speech, glowing as it was, is that of a man recollecting past triumphs, musing about the meaning of it all. But two years later, at 61, Holmes was appointed to the United States Supreme Court, served there for 30 years, and put all of us and all our children and theirs in his continuing debt. There was for him, as I trust for you, ample time to accomplish all he could. I wish the same for you.

Holmes was, to be sure, a figure of Olympian stature and splendor. You may not meet or match or approach it. But whatever area of law you practice and whatever you do, you can, with what you learn here truly change the world. I wish you well in doing so.

2: Holmes, Collected Legal Papers 245-246 (1920).
I suspect that almost all Americans have at some time wondered what really goes on in Congress, and it was this desire to get a first-hand perception of Capitol Hill that prompted me to look for a job on a congressional staff.

My job search began shortly after my graduation from The University of Chicago Law School and ended successfully four and one-half months later. Through searching, I developed an understanding of how the hiring process works on the Hill, particularly if one is interested in a position as a professional. From this understanding I distilled general rules on how to approach the process.

These rules are not perfect. Following them guarantees one only an interesting, although probably quite frustrating, experience. Yet, I do believe they provide positive suggestions that will maximize one's chances for success.

Rule 1: Among those competing for professional positions, good credentials are common. Great credentials are also common.

Before coming to Washington to look for a job, I wrote letters. Hundreds of letters. To Congressmen. To Senators. To staff directors of all the House and Senate committees. But, with one unfortunate exception, these letters failed to generate anything resembling a viable job opportunity.

There are at least two reasons why this letter assault failed. First, my credentials were not good enough to give me a competitive edge. Sure, I was a recent graduate of a good law school with a solid academic background and a variety of political experience. Yet, everyone looking for a job on the Hill seems to have a similar background. My credentials only put me in the running.

Second, letters are virtually a waste of time. The average congressional office may have over a thousand resumes on file (if they bother to keep resumes at all). One Senate office claims to have received over four thousand resumes when first setting up operations. Sending one more resume by mail simply adds to the files (with no guarantee that the files are sufficiently well organized to permit retrieval) and subsidizes the US mail.

Rule 2: Sometimes you get screwed.

One letter I sent actually did more than subsidize the mail. A few weeks after I sent my first batch of job letters, I received a phone call from the office of then Senator John Durkin, Democrat of New Hampshire. His office was looking for a legislative assistant. Did I have any interest? With all the cool poise I could muster, I believe my response was something like "Hell, yes." I flew from Chicago to Washington to reconsider the situation.

I met with the Senator and his administrative assistant (AA). We chatted about me, we chatted about the job, and we chatted about money. (They wanted to pay in the neighborhood of $12,000; I had a somewhat different community of numbers in mind.) When the interview was over, I was told that they would let me know.

Wrong. I wrote. I called. I prayed. The silence was both deafening and debilitating. I lost other employment opportunities while trying to pierce THE GREAT SILENCE. A year and a half later, I unofficially learned that the entire issue had been deferred and the AA had been too embarrassed to tell me.

Rule 3: To look for a job on the Hill, you must go to the Hill; the Hill is not going to come to you.

After the failure of my letters, I decided that the only serious way to look for a congressional staff position was to look first-hand. So, after taking the bar exam, I went to Washington. I am absolutely convinced that without coming to D.C. I would have had virtually no chance of finding a job on the Hill.

Rule 4: If you want to be a clerk/typist, go to the Placement Office. But is that why you went to law school?

One of the first places one hears of upon arrival on the Hill is the Placement Office. While I have never been there, I am told that it looks like a placement office and smells like a placement office. It is located in House Annex I and seems like the bona fide article. If you know how to type and want a job typing, it is indeed the real McCoy.

However, for the professional seeking a job, it is not a placement office. It is an archive, preserving one's resume, making it safe from the elements and from congressional offices, which rarely refer to it when filling legislative jobs.

Despite Rule 4, it is probably not impossible to get a professional posi-
tion on the Hill through the Placement Office, although I have never met anyone who claimed that that was his route to Hill employment. Anything is possible. Therefore, if you want to leave no stone unturned, give it a try.

Rule 5: You'd better know how to type.

The Placement Office requires that all job applicants, both clerical and professional, take a typing test. For some, this may seem personally demeaning. Yet all job seekers should keep this fundamental truth in mind: with the possible exception of the Members of the House and Senate, everyone types on Capitol Hill. Everyone. If you want to work there, you’d better know how to type. If you don’t know how, learn.

Rule 6: the magic word is contacts.

For those seeking a professional position, there is no Hill placement service. No unified institutional framework exists through which one passes one’s application on the way to employment nirvana. Rather, the magic (and only) word is contacts.

Each congressional unit hires its own staff in its own way. There is virtually no coordination between the hiring needs and practices of one office and another. In other words, hiring is an ad hoc procedure. Each office/committee/subcommittee is a fiefdom with its own royalty and its own court attendants. To land a job, one must attack the fiefs individually. And to know whether there are jobs in the fiefs, someone on the “inside” must tell you. This someone is a contact.

Rule 7: Contacts begin at home.

The first person(s) to whom the job seeker should turn is his Congressman and/or Senator. However, the average person will not see his elected representative. He will see an assistant or the receptionist. These staff people may say something like, “I’m sorry, but I am currently unaware of any job openings on the Hill.” Or, “It’s tough to find jobs on the Hill. We wish you the very best of luck. Please feel free to call upon us if you feel we may be of assis-
tance.” Or, others might be advised (as Dustin Hoffman was in “The Graduate”), “Plastics, young man, plastics.” And, depending upon the market in the plastics industry, all these statements could be correct. For the job seeker, none is very helpful.

However, you can get meaningful help from the offices of your elected representatives. As a constituent, you have an implicit advantage when dealing with your own Congressman or Senator. Unlike other officials, they care whether you leave their offices happy. After all, you vote. Your family votes. Your relatives vote. Your friends vote. And voting is what democracy is, indeed, periodically about. Therefore, politicians and their staff want to make you happy; but it’s up to you to ask for the right kind of help, ie, a list of staff in other offices who can provide job information. In a word, contacts. This list is the most which the reasonable person should expect from his congressional office. It should also be the least.

Additionally, while your congressional office can supply some contacts, any one who knows someone on the Hill can perform the same function. Contacts can come from friends, your Aunt Matilda’s nephew who interns with Senator Snodgrass—anywhere.

Rule 8: Contacts beget contacts.

With a list of initial contacts in hand, you can begin the next and crucial stage of the job search process. Call the names on the list and say something like this:

‘Hello. (Clever beginning, eh?)
My name is _______ and _______
(name of person who referred you to him or her) suggested that I call you. I am a graduate of _______
(with luck, some semi or fully prestigious institution of higher learning)
and, simply put, I’m just one of the legions looking for a job on Capitol Hill.
I was wondering whether you would mind if I asked you three questions (of the three hundred plus people I called, no one ever minded if I asked them three questions). I was wondering if you knew of any present jobs (virtually no one ever knew of any existing job openings)
or of any potential jobs (nor of any potential jobs, either) or whether you would mind if I dropped off a re-
sume to you.”

With few exceptions, Hill people agreed to see me when approached in this way.

The key part of such a conversation is the name of the person referring you. It is for him that the person is doing a favor by agreeing to see you. It is the key to getting on the “inside” past the receptionist, that arch foe of job seekers. It is the grease which makes the system work.

I used the first appointment with a contact as an opportunity to establish my legitimacy, to demonstrate that I was a serious person with a strong interest in working on the Hill and with the academic and political background to make me a credible candidate. During this meeting, I again asked whether the contact knew of any likely jobs. Sometimes he did. Most of these jobs held no interest for me, but job information of any kind can come in handy. Passing along job information to interested parties is a good way to make friends who may, in turn, become contacts.

Toward the end of the meeting, I asked: would the person mind if I called him once a week or so to see what he might have heard on the job grapevine? And would he feel comfortable about giving me additional names to call?

Almost no one minded if I called on a regular basis, though some preferred being called only once every two weeks. People’s reactions to the request for names varied—some yes, some no. I would then repeat the process with what new names I had received.

There are a number of comments to be made about his process, but the key is this: it worked for me. Through it I was able to develop a job information network of some 200 to 250 contacts spread throughout the Hill. Through periodic call backs I was able to “tap the job grapevine” and become, for a while, one of the more knowledgeable people as far as congressional job openings were concerned. In my four and a half months of active searching, I uncovered more than 130 jobs. These jobs ranged from receptionists, to administrative assistants, to legislative
assistants, to counsels. It is a proven system for identifying job opportunities in a fragmented institutional environment that lacks a unified and/or meaningful placement service.

Rule 9: Looking for a job can be fun if you're creative.

Contacts can come from and lead anywhere. All you need is a little imagination and a lot of chutzpah. For example, Tim Kraft, Jimmy Carter's first Appointments' Secretary, attended Dartmouth College. So did I—eleven years later. Although I had never met Mr. Kraft, I called The White House one day and asked to speak to him. Being direct and honest, I explained to his secretary that I did not know Mr. Kraft, but we had both graduated from the same college and I was looking for a job. She very, very nicely referred me to someone else on Mr. Kraft's staff who, although he didn't know any jobs, agreed to see me because I suggested to him that, if nothing else, it would be nice to see the inside of The White House. After seeing him, I was referred to someone on the White House personnel staff whom I later called. I explained that I had been told to call for an appointment. When was convenient? He said that he had promised no such thing, but, after talking on the phone for a few minutes, he agreed to see me because I "had a sense of humor." Our eventual meeting went well, and he ended up pointing me toward a pretty good Hill job. Thank you, Dartmouth College.

Rule 10: Target.

Only superman (or superwoman) and a hypocrite (somewhat, I have difficulty envisioning someone in good faith bridging the ideological gap between, say, a Strom Thurmond and a Ted Weiss) could ever hope to concurrently apply for jobs everywhere on the Hill. Simple limits of human energy mandate that you target certain units for primary focus.

Targeting should be based first upon your interests and expertise. If your first love is the military and all you know or care about agriculture revolves around mealtime, it is questionable whether you should apply to the Agriculture Committee or to the offices of Members whose principle interest is agriculture. Further, the probability of being taken seriously in an area clearly outside your own expertise is low.

Second, you should consider a Member's general attitude on the issues. Not only are you going to have a greater chance of being hired if you see eye to eye on the issues with your potential boss, but you will also find the office an easier place to work. There are enough tensions inherent in a congressional office without there being daily disagreement on policy. If a given Member loves the MX missile and believes its the greatest thing since apple pie, and you believe that it is nothing but a boondoggle and another classic example of the military industrial complex in operation, then you might want to work for someone else. A simple means of determining a Member's general voting/policy orientation is through The Almanac of American Politics (available at your local library or bookstore). Among other information, it contains key votes as well as ratings of the Member by various groups such as the American Civil Liberties Union and the American Conservative Union.

Third, if you wish to maximize your chances of working in a stable environment, you should avoid those offices which have a history of high employee turnover. Members who have had trouble keeping past staff will probably have trouble keeping future staff. They may be Members for whom few, if any, would like to work. It is not unknown on the Hill, as elsewhere, for a given employer to be difficult or unreasonable. In a perfect world, the job seeker would look elsewhere. The problem is that such high turnover offices are, by definition, those in which, proportionately, the greatest number of jobs become available. For the persistent job seeker who has been looking for months, a job, any job, will look pretty good. It will be tempting. If taken, it will provide "Hill experience" (an advantage in getting the next job) and the opportunity to develop contacts from the inside. But, beware. As you go about your business of looking for a job, ask your contact what offices to avoid. People will tell you. And, if you end up taking a job in a high turnover office, at least it will be with both eyes open.

Rule 11: Do not get angry.

You may find, as I did, that the job-seeking process taxes your patience. For example, the most common frustration that I found arose when potential contacts who had promised to meet at a given time and place either failed to do so or kept me waiting for an hour or more. In such circumstances, it is understandable if one gets angry. It is also totally counterproductive. Hill people, particularly the kind of professional staff one wants to meet, have all kinds of things requiring immediate attention that descend on them without notice. They can have the best intentions, yet fate may conspire against them on a given day. Do not despair and do not get angry. Just make another appointment. Your patience may be rewarded with a more productive discussion than might otherwise have occurred.

Rule 12: Do not leave a resume with a receptionist.

If for some reason the contact you are meeting for the first time is unavailable, there is the temptation to leave your resume with the receptionist so that at least the contact will get it and the trip to the office will not be totally wasted. Do not give in to temptation. It is possible that your resume will not reach its intended destination. More importantly, if your contact does get the resume, you no longer have an excuse to meet with him. You may thereby lose your opportunity to demonstrate legitimacy and establish rapport.

Rule 13: Extremism in the pursuit of organization is no vice; moderation in the pursuit of organization is no virtue. Or, notecards can be fun.

As I began to develop more contacts, I also developed a serious organizational problem. I had begun keeping track of people and appointments on legal-size paper. I then went to an address-calendar book. I ended up with notecards. I had one contact per notecard with the following information: name, office phone number and address, employer and job title, name of the person who referred me, and some note about each communication or meeting.

As time went on, weeks became divided into cycles: one period spent on the Hill meeting people and the
next period spent calling the new names who had been suggested in those meetings. This cycle might be repeated three or four times in a given week. Further, all those who already had agreed to help had to be called regularly to learn whether they had heard of anything new on the job grapevine. Week in and week out. Basically, it meant this:

One must be willing and able to continue the job-search grind. I wore out a pair of shoes and nearly my sanity in the attempt. An assault on the Hill must raise itself to the heights of a magnificent obsession. Contacts must be relentlessly and diplomatically pursued. Cards must be updated. Charm must be exuded. Legitimacy must be established. Reliability and consistency of effort must be maintained. One must not leave any stone unturned, any potential contact unexplored, or any reasonable opportunity unexploited. In short, one must be compulsive in order to maximize the probability of success.

One can, however, persist only to the limits of one’s financial and emotional resources. For me, it was difficult. Indeed, but for a small windfall inheritance and the substantial moral encouragement of friends and family, I would have given up after only a couple of months. A couple of months, however, is often not enough. Four months is a reasonable minimum for which to plan. Moreover, I recommend a part-time job, not only for income but also to provide diversion and help maintain mental equilibrium. I worked at looking for a job full time. This was a mistake, for it made me stale and more compulsive than I already was and probably quite a boring person. Finally, I found regular exercise to be a great and needed relaxer.

Rule 15: Persistence provides its own rewards.
As time goes on, contacts often become more than simply that. They start pulling for you. Toward the end of my job search I often found that I could not walk down a corridor of the congressional office buildings without one of my contacts greeting me with some words of encourage-

ment. I had gone through my rite of passage, and they respected the quality of my effort. Their support helped to provide some of the emotional ammunition I needed to keep the process alive.

Something else helped, too: notwithstanding all the past disappointments and rejections, success required that I be in the right place at the right time once and only once. This preeminent fact was emotionally supporting. It made a difference for me. Every day.

This is not to suggest that depression is not reasonable given sufficient incentive. For example, at one point I was competing to be a speech writer and international relations aid to a senior Democratic Senator. I had been through several interviews and the field had been narrowed from over eighty to just three. It was the job of my dreams. It had to be mine. But guess what? The Lord works in very mysterious ways, and someone else got the job.

Rule 16: An unanswered phone helps no one.
Make it easy for the contact to get in touch with you. I used an answering service. The Hill is a very busy place, and a person may intend to let you know about job information, try to call, fail to reach you, and then forget all about it. I didn’t want to risk losing a job because of an unanswered phone. I also found that having an answering service impressed potential contacts, adding to the legitimacy of my effort.

Another way to impress contacts and maximize the probability that job information will be passed along is to give contacts a colored rolex card with your name and phone number. I think this demonstrates creativity and makes it quite easy for someone to locate your phone number if desired. Moreover, once on the rolex card, your card acts as a constant reminder of your existence, particularly as it probably will be the only colored card there. While it is only a gimmick, it might work.

Rule 17: It pays to advertise.
As a job seeker, what one wants to do is attract attention to one’s availability and credentials as quickly and as widely as possible. Why not advertise? There is a Capitol Hill newspaper called “Roll Call” which goes to all Hill offices. It occasionally carries advertisements for job openings. Why not do the opposite: why not advertise your availability? Such ads would reach all the Hill offices where the right people might read them. The ad would cost money, but if it saves months of looking and results in a job, why not?

Further, in terms of advertising, the Democratic Study Group (DSG) circulates a list of job openings to all offices of DSG members. This relatively new service lists all types of jobs, with about 15 openings listed at any one time. Such openings typically indicate the job requirements but not the office involved. You simply submit a resume to DSG to apply for a specific job. I suspect the latest DSG listings can be acquired by asking your congressional office or other contacts. Although DSG’s service is obviously valuable, you must remember that the more visible the opening, the greater the competition. Further, such jobs may indicate high turnover offices with all that that implies.

Rule 18: Independence Avenue is not the only way to the Hill.
Miss Hamer, my eighth-grade math teacher, was particularly fond of saying “There’s more than one way to Chicago than by Sheridan Road.” She’s right. An alternative route to a Hill job is the internship. Although most interns are undergraduates, one need not be a college-aged intern in order to reap the possible employment benefits an internship provides. Hill offices, particularly on the House side, are usually understaffed even when “fully staffed.” There is typically more to be done and more that could be done than the staff can ever do. A job seeker might volunteer to work one or two days per week for a Member in whom he has an interest. Such an “internship” would provide Hill experience, contacts, and a base from which to make additional contacts. While there is a risk that such an internship could lead nowhere, there nonetheless is a strong possibility that a person with graduate-school credentials might be asked to do “legislative research” or to undertake a special project. The contacts and
experience gained through this work may lead to a paid position.

**Rule 19: There's gold in that thar Hill.**

Other than a job itself, your best discovery is someone else who has just found one. Such people possess gold mines of current job information. For example, when my own job search ended, I knew of perhaps 35 job openings in the Washington, DC area. I suggest regularly asking your contacts whether they know of anyone who has recently landed a job. Such people are often willing to give job information, having recently endured the miserable experience of looking for a job themselves.

**Rule 20: There is no time like the present.**

Is there a better or worse time to look for a Hill job? Well, yes and no. Obviously, turnover is highest after the biennial elections, but that's when the most people are actively looking for jobs. Jobs are available the year round. It's all a matter of being at the right place at the right time. If I were an outsider, I would begin building up contacts six to eight weeks before the November elections, so that as turnover reached its peak after the election, I would be in a position to maximize my chance of hearing about openings. Yet, many such openings will be in the offices of freshman Members who, often as not, bring their own people to work with them. Moreover, openings in a freshman office are those about which an existing information network hears the least. So, it's six of one and a half dozen of the other, and, indeed, there is no time like the present.

**Rule 21: You have to be lucky.**

Just as there are stories about people who looked for six months on the Hill in vain (and there are), there are also stories about those who were hired upon walking into their first office. Luck always plays a role, sometimes the dominant one.

I was lucky. After an unproductive but pleasant meeting with a new contact, I left thinking that little of substance had been accomplished. As I got sixty yards down the corridor from her office and was about to turn the corner, the woman with whom I had just met yelled down the hall, "Norm, come back; I just heard of something." And, indeed, she had. Just after I left, she had returned a phone call and asked whether that person had heard of anything. He had; he himself was hiring. And that was the job I eventually landed. Yet, had I walked a little faster, or had my contact decided to call later, had not inquired about job openings, or had laryngitis, it could all have been different.

So much for the rules of looking for a job on Capitol Hill. It typically is not an easy process and can often be a miserable one. It also is a process which may end unsuccessfully.

Yet, notwithstanding all the obstacles, I can only encourage those interested to try. The government needs good people. It always has and it always will. Indeed, we live in a democracy which, by definition, is only as good as the people who are actively involved with it. I would only hope that, through the rules just presented, more will have the know-how to find the kind of job they want and would choose to exercise the will to serve.
Herbert Fried: The Law School’s Friend Indeed

Claire E. Pensyl, Karen Gardner, and Anne L. Tiffin

H
erbert Fried (JD ’32) swims 100 miles each year. His swimming record is indicative of the energy and perseverance that he applies to each endeavor and activity that he undertakes.

Clearly, that energy has been conscientiously applied to the Law School’s Placement Office, which Herb Fried has directed since 1976. Before he took command, the Placement Office was concerned primarily with arranging on-campus interviews for approximately 225 organizations, which hired second-year summer associates and law school graduates. The Placement Office was staffed by one person and all the work of arranging interviews was performed manually.

Now, the Placement Office employs three full-time staff members and the interviewing process for law students is fully computerized. Over 600 organizations come to the Law School during the fall interviewing season, and virtually all graduates and second-year students are placed in legal jobs. Moreover, approximately 80% of the first-year class are placed in law-related summer jobs. Herb also confers with alumni who are contemplating a job transfer or who are thinking of making a career change; the Placement Office provides a newsletter to interested alumni concerning job opportunities.

A major part of Herb Fried’s role in Placement is counseling students,
especially those who are having trouble finding the right job. He may, for example, call firms with whom a discouraged student has interviewed to find out what might be wrong with the student's interviewing technique and pass this information along to the student.

Herb's attitude is a mixture of toughness and enthusiasm. He exhibits a clear distaste for handling things over on a silver platter. "If a student calls me and asks for the name of an interviewer, I tell him to come down and look at the list." His concern for the ultimate welfare of his charges is nonetheless evident; he calls the job "rewarding" and explains that he enjoys helping the students.

He shares the opinion of many students that those more successful in jobseeking should be sensitive to the feelings of those who have not yet secured a job. First-year students in particular, he notes, must be shielded from the tension of job seeking. "We've got to discourage first-year students from fiddling around in Placement before they get their feet wet in school."

In addition to his work as Placement Director, Herb Fried enthusiastically works at other projects for the benefit of the Law School and students. He is a member of the Development Committee. He can also take credit for adding a bit of color to the Law School: Dean Casper complained that the hallways and stairwells of the Law School building were depressingly gray. Herb courted Chicago art collector, Joseph R. Shapiro, and the hallways, offices, and stairwells are now decorated with prints by artists such as Man Ray, Murray Louis, Picasso, and Andy Warhol.

Many of his hours away from the Law School are devoted to art collecting. Herb and his wife, Marjorie, have an extensive collection of American folk art. They are members of the Prints and Drawings Club and the Renaissance Society. In the past several years, they have begun to collect the works of young Chicago artists.

Herb brought his interests in the Law School and art together in 1977 and was instrumental in the presentation of the show "Artists View the Law in the 20th Century," an exhibition in honor of the seventy-fifth anniversary of the University of Chicago Law School at the David and Alfred Smart Gallery. The exhibit included works loaned by a number of individuals and institutions across the country and presented a variety of statements on the law and legal issues.

Although it may seem as if Herb Fried has always been helping students at the Law School, his long association with the Chas. Levy Circulating Company, the largest wholesale distributor of paperback books and magazines in the United States, is a distinguished one. After practicing law with his father for twenty years, Herb worked with the Circulating Company as Treasurer, Vice-President, Executive Vice-President and General Manager, and President until his retirement in 1976; he continues to serve on the Board of Directors of the company and is a member of the Executive Committee of the Board.

In addition to work, much of Herb Fried's energy goes into maintaining the close personal relationships he has developed with many of Chicago's most noted citizens. When asked to talk about their friendship, Don Roth, owner of the famous Blackhawk restaurants in Chicago, was full of praise about Herb, except when it came to his cooking: "He has a grandiose opinion of his own cooking, especially his soup; he's always freezing jars of soup and giving them away."

Mr. Roth believes that his friend displays a deep understanding of people and "has a real knack for getting inside of them." He noted that Herb has been a real friend to the children and grandchildren of his cronies and that "children love him." As students and colleagues at the Law School would undoubtedly agree, his friendships with children are probably the result of his warmth, his own youthful vigor, and what Roth calls his "spicy sense of humor."

Remembering one particularly adventurous vacation that he and his wife took with Herb and Marjorie, Don Roth explained that Herb Fried is "God's worst driver" and that driving with Herb is "the thrill of a lifetime." As Herb "hates maps, thinks they ruin trips, and won't be outdone by foreign drivers," the Roths and the Frieds got to see more of the south of France than they had ever hoped to.

It has been said by his colleagues that Herb Fried is the most popular person in the Law School. Surely, he is one of its most loyal and generous supporters. Yet with all that he does for the Law School, he finds time to work for other organizations in the city as well, such as the Jewish Federation of Metropolitan Chicago, Mount Sinai Hospital Medical Center, the Jewish Vocational Service of Chicago, and the Standard Club in Chicago. That the Law School, charitable organizations, and the Fried family all seem to be the recipient of 100% of Herb's generosity is further testament to his energy and talents.
New Appointments to Faculty

Ronald G. Carr has been appointed Visiting Associate Professor of Law for two quarters in the academic year 1981-82. A cum laude graduate of this law school in 1973 (where he served as Editor-in-Chief of the Law Review), Mr. Carr received his A.B. from Stanford and his M.A. from the University of California at Berkeley. He has served as law clerk to then Chief Judge David L. Bazelon of the District of Columbia Court of Appeals and to Justice Lewis F. Powell, Jr., of the United States Supreme Court. In 1975-76, he was Special Assistant to Attorney General Edward H. Levi. Mr. Carr is presently a partner at the law firm of Morrison & Foerster in San Francisco. One of the courses Mr. Carr will teach will be in the area of banking regulations.

Linda Van Winkle Deacon will spend one quarter at the Law School in 1981-82 as Visiting Associate Professor of Law. She did her undergraduate work at Whitman College and received her J.D. cum laude from the University of Chicago Law School in 1973, where she was an Associate Editor of the Law Review. Since her graduation from law school, she has practiced with the law firm of Sheppard, Mullin, Richter & Hampton in Los Angeles where she is a partner. Ms. Deacon will teach Employment Discrimination next year.

Edna Selan Epstein was appointed Lecturer in Law for Winter and Spring Quarters, 1981. Ms. Epstein received her J.D. cum laude from this law school in 1973. She is presently in private practice with the Chicago firm of Sidley & Austin. After graduation from Law School, Ms. Epstein worked for the Office of the Cook County State’s Attorney. Before studying law, Ms. Epstein obtained a Ph.D. in romance languages at Harvard University and taught at the University of Illinois at Chicago Circle. She is teaching a Trial Practice Seminar.

Dennis J. Hutchinson has been appointed Lecturer in Law, effective October 1, 1981, in conjunction with an appointment as the Peter B. Ritzenma Associate Professor in the College. He is presently Associate Professor of Law at Georgetown University Law Center. Mr. Hutchinson has attended the University of Colorado, Bowdoin College, the University of Chicago Law School (1969-70), Magdalen College at Oxford (on a Rhodes Scholarship), and the University of Texas at Austin, where he received his LL.M. degree in 1974. He has served as law clerk to Judge Elbert P. Tuttle of the Fifth Circuit Court of Appeals, and to Justices Byron R. White and William O. Douglas of the United States Supreme Court. His teaching interests in the Law School will be primarily in the fields of American legal history and the history of American jurisprudence.

Judge George N. Leighton was appointed Lecturer in Law to teach a Trial Practice Seminar for Winter and Spring quarters, 1981. A 1946 graduate of Harvard Law School, Judge Leighton received his A.B. degree from Howard University. After serving as Assistant Attorney General of the State of Illinois and practicing for a number of years with the Chicago law firm of McCoy, Ming & Leighton, he was appointed Judge of the Circuit Court of Cook County in 1969. He has been a judge of the United States District Court, Northern District of Illinois, since 1976. Judge Leighton has been active in civic affairs and was named Chicagoan of the Year in Law and Judiciary by the Junior Association of Commerce and Industry in 1964.

Thomas Weigend returned to the Law School as a Thysen Fellow for one month during the winter quarter. Mr. Weigend, who received his M.C.L. from the Law School in 1973 and taught at this school during the 1976-77 academic year, was doing research on the status of victims in criminal proceedings. Mr. Weigend is presently responsible for American criminal law and procedure at the Max-Planck-Institut in Freiburg, West Germany.

Effective July 1, 1981 Diane P. Wood will join the Law School faculty as Assistant Professor of Law. She is presently Assistant Professor of Law at Georgetown University Law Center. Before joining the Georgetown faculty, Ms. Wood spent two years as an associate at the law firm of Covington and Burling in Washington, D.C. She has also served as an attorney-adviser, Office of the Assistant Legal Adviser for Economic and Business Affairs, Department of State, and as law clerk to Judge Irving L. Goldberg, Fifth Circuit Court of Appeals, and Justice Harry A. Blackmun of the United States Supreme Court. Ms. Wood is a 1975 graduate of the University of Texas School of Law. Her interests include civil procedure, property, and international trade.

Clinical Appointments

Mark C. Weber and Randall D. Schmidt have been appointed Clinical Fellows of the Law School and attorneys in the Mandel Legal Aid Clinic.

Mr. Weber is a 1978 graduate of Yale Law School. He received his B.A. magna cum laude from Columbia University in 1975. From 1978 to 1980, Mr. Weber specialized in welfare and social security matters at the Uptown Legal Services Office of the Legal Assistance Foundation of Chicago. Mr. Weber will continue to specialize in governmental benefits.

Mr. Schmidt received his J.D. from the Law School in 1979. He holds a B.A. from the University of Illinois. Since graduation, Mr. Schmidt has been an associate with the Chicago law firm of Aaron, Schimberg, Hess, Rusnak, Deutsch & Gilbert. He will specialize in consumer and utilities cases.

Three Professorships Named

Dean Gerhard Casper has been named the first William B. Graham

[Image of Dean Gerhard Casper]
Professor of Law. Dean Casper has been a member of the Law School's faculty since 1966; he was appointed Max Pam Professor of American and Foreign Law in 1976 and Dean in 1979.

Mr. Casper's writings and teachings have been primarily in the fields of constitutional law, constitutional history, the law of the European community, comparative law, and jurisprudence. With Philip B. Kurland, William R. Kenan Distinguished Service Professor, Mr. Casper is editor of the *Supreme Court Review*.

The new chair has been endowed by William G. Graham, Trustee of the University, and Chairman of Baxter Travenol Laboratories, Inc. Mr. Graham received both his B.S. degree (1932) and J.D. degree (1936) from the University of Chicago. He serves on the Citizens Board of the University, the Council for the Division of the Biological Sciences and the Pritzker School of Medicine, and has served on the Visiting Committee for the Law School.

**William M. Landes**, Professor of Economics in the Law School since 1974, has been named the Clifton R. Musser Professor of Economics.

William M. Landes, Clifton R. Musser Professor of Economics

Mr. Landes is editor of *The Journal of Law and Economics* and director of the law and economics project in the Law School. He has written numerous articles on the application of economics to law. These have included such topics as torts, fair employment laws, compulsory schooling legislation, the courts, criminal procedure, private enforcement of the law, and aircraft hijacking. Mr. Landes teaches economic analysis, antitrust, economic analysis of law, and conducts a workshop with Richard A. Posner, Lee and Bren Freeman Professor of Law, on law and economics.

The Clifton R. Musser Professorship in Economics was established in 1970 by members of Mr. Musser's family to provide a permanent professorship in economics in the Law School. The former holder of the Clifton R. Musser Professorship was Ronald H. Coase, who is now Professor Emeritus.

**John H. Langbein**, who has been a member of the Law School's faculty since 1971 and Professor of Law since 1974, has been appointed the Max Pam Professor of American and Foreign Law.

John H. Langbein, Max Pam Professor of American and Foreign Law

Mr. Langbein's chief legal interests have been directed toward comparative law and legal history in England and European countries. In American law, he has been especially interested in the laws affecting trusts and estates with particular emphasis on trust investment law. Among his current research projects is a study of the development of the adversary criminal procedure in the eighteenth century.

Two of Mr. Langbein's most recently published books are *Comparative Criminal Procedure: Germany and the Law of Proof: Europe and England in the Ancien Regime*. The Max Pam Professorship in American and Foreign Law was established in 1935 in memory of Max Pam, a Chicago corporation lawyer. The chair was first held by Max Rheinstein, a member of the Law School faculty from 1936 until his retirement in 1968. Dean Gerhard Casper was the Max Pam Professor of American and Foreign Law from 1976 to 1980.

**Two Granted Tenure**

Assistant Professors R. Lea Brilmayer and Frank H. Easterbrook have been promoted to Professor of Law with tenure in the Law School.

Ms. Brilmayer received her J.D. in 1976 from the University of California at Berkeley and her L.L.M. in 1978 from Columbia University. She has been on the faculty of the Law School since 1979 and teaches contracts and conflict of laws; in the past, she has also taught legal philosophy and application of statistical methods in law. Her writings include articles on jurisprudence, federal courts, conflict of laws, and quantitative analysis of legal problems.

Mr. Easterbrook, a graduate of the Law School (J.D. '73), has taught at this school since 1978. Before coming to the Law School, he served for several years as Deputy Solicitor General.

He works in the areas of antitrust law, criminal law and procedure, and other subjects involving implicit or explicit markets. In addition to the publication of several articles, Mr. Easterbrook co-authored (with Professor Richard A. Posner) *Antitrust: Cases, Economic Notes and Other Materials*.

**Faculty Notes**

Walter J. Blum, Wilson-Dickinson Professor of Law, is the author of
"Accelerated Depreciation: A Proper Allowance for Measuring Net Income?!!," which was published in the June, 1980 issue of the Michigan Law Review.


Mr. Coase is also the editor (with Merton H. Miller) of Essays in Applied Price Theory by Reuben H. Kessel recently published by the University of Chicago Press.

Allison Dunham, Arnold I. Shure Professor Emeritus of Urban Law, was appointed by the Executive Committee of the Order of the Coif to serve on the Committee which will select the winner of the Seventh Triennial Coif Award for a book of preeminent legal scholarship published during 1979, 1980, or 1981.

Professor Richard A. Epstein has written an analysis of Modern Product Liability Law, which was recently published by Quorum Books.

In March, Professor Epstein delivered a talk entitled "A Lawyer Looks at Social Contract Theory," which was part of the University of Chicago Humanities Sequence. Mr. Epstein also addressed Law School alumni at a recent Loop Luncheon where he spoke about "Environmental Strategies for the 80's: Superfund."

During June 10-17, Professor Epstein will deliver a series of lectures on "The Law of Misrepresentation" at Claremont Men's College in Claremont, California.

John H. Langbein, Max Pam Professor of American and Foreign Law, addressed the convention of the Illinois Judges Association in December on the topic, "Excluding the Civil Jury from Complex Cases."

Wayne A. Kerstetter, Research Associate, Center for Studies in Criminal Justice, has recently published "Police Perceptions of Influence," in the January, 1981 issue of Law and Policy Quarterly. The study examines police perceptions of their own influence and the influence of the judges, attorneys, victims, and defendants in the felony case disposition process. The findings suggest that while police perceive their own influence as relatively low, it is enhanced by their direct participation in plea discussions. The study concludes that there are substantial benefits from greater police participation in the negotiated disposition of criminal cases.

Professor Douglas Laycock's article (with Teresa A. Sullivan), "Sex Discrimination as 'Actuarial Equality': A Rejoinder to Kimball," will be published in a forthcoming issue of the American Bar Foundation Research Journal. In addition, an upcoming issue of the Texas Law Review will include Mr. Laycock's article, "Taking Con­stitutions Seriously: A Theory of Judicial Review."

Professor Laycock recently testified before the Subcommittee on Consumer Protection and Finance of the House Committee on Interstate and Foreign Commerce; the subject of this testimony was the proposed Nondiscrimination in Insurance Act of 1980 (H.R. 100). In the fall, Mr. Laycock will begin teaching at the University of Texas Law School.

Professor Geoffrey R. Stone participated in a panel discussion before the Illinois Judges Association; the subject of the discussion was "An Inside Look at Justices and Justice—Whither the Brethren?" In January, Mr. Stone spoke on "Censorship: The First Amendment and the Schools" at the annual Law School luncheon held in conjunction with the New York Bar Association convention.

Recently, Professor Stone testified before the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee. His testimony related to FBI undercover operations and intrusions upon privacy.

Hans Zeisel, Professor Emeritus of Law and Sociology, was recently awarded the Grand Decoration of Honor in Gold of the Republic of Austria. This medal is the highest civilian honor conferred by the Republic of Austria.

Franklin E. Zimring, Professor of Law and Director of the Center for Studies in Criminal Justice, delivered The Thomas M. Cooley Lectures at The University of Michigan Law School last fall. The topic of Professor Zimring's lecture series was "The Changing Legal World of Adolescence," which included three separate talks: "What's Going on Here?" "Deregulating Adolescence," and "The Future."
Norval Morris Honored by American Bar Foundation

Norval Morris, Julius Kruier Professor of Law and Criminology and former Dean of the Law School (1975-78), received an award for outstanding research in law and government from The Fellows of the American Bar Foundation (ABF) during their 25th Annual Meeting in Houston, Texas, February 7, 1981.

Professor Morris, who joined the Law School faculty in 1964, was born in Auckland, New Zealand. Before coming to the Law School, he taught at the London School of Economics, Melbourne and Adelaide Universities in Australia, Harvard University, and the State Universities of Colorado and Michigan.

He has served on numerous federal and state government as well as scholarly councils and commissions in addition to several United Nations Committees. In the tribute to Professor Morris given by the ABF, he is described as creating "a bridge between scholars of the criminal law and the citizenry.... He has proven again and again that there can be effective communication between academics and practitioners."

Professor Morris has published extensively in the areas of mental health, human rights, psychiatry and law, capital punishment, prisoner rehabilitation, juvenile delinquency, competency to stand trial, and the insanity defense. His most recent books are The Future of Imprisonment (1974) and Letter to the President on Crime Control with Gordon Hawkins.

His advice and direction have been sought frequently by government and private groups concerned with the criminal justice system. As the Fellows of the American Bar Foundation declared, "We are fortunate to honor him in midcareer and happy at the prospect of future contribution."

Baker & McKenzie Gives Law School $1 Million

The international law firm of Baker & McKenzie has given the Law School $1 million to endow the Russell Baker Scholars Fund for faculty research and student scholarships. Russell Baker, a 1925 alumnus of the Law School, died in 1979. He was the founder of the law firm which now has 26 offices around the world and includes more than 500 attorneys.

Speaking for Baker & McKenzie, Mr. Wulf Doser (MCL "62), Chairman of the Executive Committee of Baker & McKenzie, said that his firm had decided upon this form of commemoration because "for more than 50 years, Russell Baker held a deep and abiding interest in his law school, the intellectual progress and financial needs of law students, and the support of scholarly research. This arose from his devotion to the development of the law and his keen sense of justice."

At a luncheon given by Baker & McKenzie in honor of Russell Baker, Dean Gerhard Casper said: "One of
the greatest challenges faced by private law schools is to maintain quality legal education and research in a market place where law firms and government compete with law schools for the best lawyers under financial conditions which are, to say the least, difficult for the law schools. By designating this generous fund, Baker & McKenzie has expressed its belief that high-quality law practice depends on high-quality professional education and has provided a model for other law firms. No one understood this relationship better and acted more in accord with this knowledge than Russell Baker. We are very grateful.”

*A more complete biography of Mr. Baker, as well as a fuller description of Baker & McKenzie, will be included in the Fall, 1981 issue of The Law School Record.

William W. Crosskey Lecture in Legal History

"Cannibals at Common Law" was the subject of the 1981 William W. Crosskey Lecture in Legal History, which was delivered by A.W.B. Simpson, Professor of Law at University of Kent at Canterbury, England. Professor Simpson’s talk, on February 19, dealt with the famous English case, Regina v. Dudley and Stephens (1884). The case involved a shipwreck that left four survivors in a lifeboat, three of whom later killed and ate the fourth. The issue to be decided in Regina was whether the defense of necessity exonerated the accused killers; the precedent-setting decision, which represented a conscious effort to overcome centuries of practice in shipwrecks, held that the defense of necessity was not effective.

Professor Simpson, whose main teaching interests are legal history, jurisprudence, and criminal law, was a Visiting Professor of Law at the Law School during the 1980 academic year.

ABF Study on Law Professors

According to researcher Donna Fossum, who published “Law Professors: A Profile of the Teaching Branch of the Legal Profession” in the Summer, 1980 issue of the American Bar Foundation Research Journal, the University of Chicago Law School has the second largest percentage of graduates in the teaching profession. In the introduction to Ms. Fossum’s article, the editors of the Journal explain that, “The gatekeeping function of law schools places the nation’s law teachers in a most influential position. Although law professors play a vital role in selecting and molding the members of the profession, little research has been done on them. The author finds [those teachers] to be a most highly credentialed group of lawyers, the overwhelming majority of whom are graduates of a small group of elite law schools.”

Ms. Fossum based her findings on statistics available from the 1975-76 Directory of Law Teachers, and her study included only full-time teachers who either had tenure or were in a position to receive tenure. Her data show that after Yale Law School (with 4.7% of its graduates in teaching) and this Law School (with 4.1%), the percentages of teachers who are graduates of other law schools drop dramatically.

Jerome S. Weiss Faculty Fund

Mrs. Gertrude Weiss Goodwin has established the Jerome S. Weiss Faculty Fund in memory of her late husband, Jerome S. Weiss (J.D. ’30). Mr. Weiss was a senior partner at the Chicago law firm of Sonnenschein, Carlin, Nath & Rosenthal. He was a loyal and active alumnus of the Law School, and at the time of his death was chairman of the 50th reunion committee for the class of 1930. A resolution adopted by the faculty of the Law School on October 24, 1979 expressed the feeling of loss and gratitude shared by all those associated with the Law School:

Jerry Weiss had an abiding love for and devotion to the Law School. A cum laude, Order of the Coif graduate, he maintained a close interest in all matters concerning the School. Over the years he served as President of the Alumni Association, was a member of the Visiting Committee, directed our fund raising, and assisted the Law School in many other ways. He was always available when needed, and his generosity served as an example to countless others. The faculty in particular
have benefited through his creation of the Jerome S. Weiss Faculty Lounge in the Law School.

Jerry was a personal friend of many of us, and we were enriched by his interest, his encouragement, and his great enthusiasm. All of us will remain indebted to him for his outstanding service to the Law School.

Mr. Weiss’ partners in the Sonnenschein firm have made substantial contributions to the Weiss Fund. In addition, many of Mr. Weiss’ friends have remembered him through contributions to the Fund.

Law School Receives Gift of Art

The Law School has received, as an anonymous gift, eight paintings by the Greek-American artist Chryssa. Miss Chryssa was born in Athens in 1933 and studied in France and the United States. She has been celebrated as an interpreter of the modern urban environment. Her "newspaper images," of which the eight paintings are major examples, constitute an important chapter in her artistic development and were the core of a 1979 exhibit at the Musée des Arts Modernes devoted exclusively to her work.

The paintings are now hanging in the Law School’s Harold J. Green Lounge.

Nick Fee Memorial Fund Used

The first grant from the George E. Fee Memorial Fund was made last winter to third-year law student Mark Lutz to pay for his transportation to Washington for a three-day course on environmental law. Mr. Lutz received a scholarship from the American Law Institute-American Bar Association Committee on Continuing Education to attend this course.

The fund, in honor of George (Nick) Fee, who graduated from the Law School in 1963 and served as Assistant Dean and Dean of Students from 1965–1969, was endowed to support “activities, students, or the quality of student life in unconventional ways that the institution would not ordinarily undertake.” In April, 1980, the fund also paid the bus fare to Wrigley Field for a group of the Law School’s Cubs fans.

Clerks

The following Law School graduates have clerkships during 1980–81:

- United States Supreme Court
  - John Coleman (Chief Justice Warren E. Burger)
  - Michael McConnell (Justice William J. Brennan, Jr.)

- United States Courts of Appeals
  - Mary Becker (Abner Mikva, D.C. Cir.)

Student Newspaper Thrives

In the year since third-year law student David Baker took on the ambitious project of starting a student newspaper at the Law School, "The Phoenix” has come a long way. Published biweekly, and now edited by third-year law student Steven Perez, the newspaper has gained an enthusiastic readership among students, faculty, and staff at the Law School.

"The Phoenix" publishes news of concern to the Law School community as well as editorials, a calendar of events, and special feature articles. Any alumnus(a) interested in obtaining a subscription to the paper should send $5.00 to the Circulation Director of "The Phoenix," in care of the Law School.
Class Notes Section – REDACTED

for issues of privacy