



## Friedman Elected to Review's Top Post

By Maria Politis

Adding his name to a list which includes former Dean Erwin Griswold '28, Professor Abram Chayes '49, "Quiz Show" hall-of-famer Richard Goodwin '58, and former HLS Professor Susan Estrich '77, David Friedman '96 was elected president of the Law Review, widely considered the most prestigious legal journal in the nation.

Based on his performance in a candidates' forum and a written statement, Friedman was elected from an average-sized pool of 13 candidates. Among those also elected to positions earlier this week are Treasurer Kandance Weems, '96 Managing Editor Manual Garciadiaz '96, Articles Chairs Gia Lee '96 and John Wood '96, and Student Note Chairs Michael Blume '96 and Harry Chernoff '96. While current 3Ls vote for president, only 2Ls vote for the rest of the positions.

"David was universally respected, universally thought to have a strong combination of intellectual ability as well as sense of integrity and respect by peers," said outgoing President Ted Ruger '95. "I am looking forward to working with him."

Friedman likened his successful bid for president to a birthday. "I'm excited...it's sort of a special feeling, but you're still the same person," he said.

As president, he will serve as a type of editor-in-chief, editing articles and setting a managerial style for the organization.

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HLS students joined the rest of the country in watching the first day of opening statements in the O. J. Simpson trial on television. See story on Prof. Dershowitz's use of the television coverage to monitor the trial on page 3.

## No Pomp, No Circumstance, Just Prof. Breyer

By Greg Stohr

Nobody proclaimed "God Save This Honorable Class" as Stephen Breyer '64 walked into the small seminar room in Pound Hall last Friday. Absent was the solemn grandeur that accompanies Breyer and his fellow justices when they sit on the bench of the U.S. Supreme Court. For two hours, Stephen Breyer, the newest Supreme Court justice, was just Stephen Breyer, the shirt-sleeved Harvard law professor teaching the same class he has taught for the last decade.

For two hours, he was back in a role he relishes.

"I like teaching," Breyer said. "I've always loved teaching. I've taught for 27 years, and it's something I've always enjoyed."

Dean Clark '72 said he was "a little bit surprised" when Breyer told him he wanted to continue teaching after President Clinton nominated Breyer to become the 108th justice of the U.S. Supreme Court last summer. Breyer had taught courses at HLS while he served as an appellate judge on the First Circuit in Boston after his appointment by President Carter in 1980, but the Supreme Court position would require a greater time commitment and, of course, a move to Washington, D.C.

"On the other hand, I was not totally surprised," Clark said. "I've talked to him many times about how important it always has been for him to keep one hand in teaching."

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## Prof. Warren Accepts Tenured Position at HLS

By Victoria Kuohung

Former visiting professor Elizabeth Warren has accepted a tenured position at HLS and will teach courses in bankruptcy and commercial law beginning next fall.

Warren, currently a tenured professor at the University of Pennsylvania, taught bankruptcy law, secured transactions, and commercial law at HLS in the spring of 1993 and received a tenure offer during her stay.

Although Warren had thought it was "neat" that HLS extended her a professorship, she had originally declined the offer because "it was just too personally disruptive at that point."

"I really hadn't known that I was being considered [at the time of the offer]," said Warren.

"I wasn't involved with the appointment process. I had heard maybe one or two things from people, and a couple of people had been in to ask about my work. But I was out of the gossip chain."

Students, trying to persuade her to stay, produced a short video with a cameo appearance by Dean Clark '72, who danced in his office and lip-synched to "Please Don't Go" by Double You.

Warren finally accepted last Tuesday and said she looks forward to arriving on campus. "It's time for another adventure," she said. "I can't think of a better place to have an adventure than at Harvard, and I

can't think of better people to have it with than Harvard students and faculty."

Warren brings an expertise in domestic commercial law, which is "the most serious area of need at the Law School" according to Clark, who noted that HLS is "barely meeting its curricular requirements" in that area. He said her appointment represents a "four-square full-time professorship in commercial law and bankruptcy" for the faculty, which currently has no specialist in those areas.

"We've been trying for several years to hire someone who is an expert both in commercial law and in teaching. [Warren] generated a lot of student enthusiasm. Group after group of students came to our office to say that we needed to hire her," said Clark.

"I'm really excited. She doesn't just teach the subject — she lives it and is clearly a leading scholar."

Warren's appointment furthers the Law School's long-term goal of increasing the size of the permanent faculty to 78 by the end of the century. Noting that he wanted "to increase diversity on all fronts," Clark said HLS needed to remedy its lack of women professors. Warren will become the tenth woman on the 69-person faculty.

"No matter how you count it, we're short, and I've been trying to address that," said Clark. "It's hard to assess what we're

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Elizabeth Warren

## Wyeth Theft a Lesson in Safety

By Katrina Campbell

Wyeth Hall residents got a lesson in dorm safety that literally hit home.

On Feb. 3, Gwen Prothro '96 was in her room — her door closed but unlocked — when a man walked in and grabbed a watch and ring off her night stand. Prothro chased the man out of her dorm and up the



Gwen Prothro '96

block, where she caught up to him as he bumped into a pedestrian. When she demanded he give back her jewelry, the man returned it and apologized. He then ran away.

No arrests have been made, but Harvard University police continue to investigate, said Chief Paul Johnson.

"I definitely look back on it and realize I was lucky,"

Prothro said. "I don't at all think what I did was the right thing."

Prothro escaped injury, but the incident left Wyeth residents and others in the HLS community concerned about dorm safety. Students believe the thief accessed the building by following a student inside.

Resident assistants held a

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## Long Dormant, Harassment Policy May Be Considered Soon

By Greg Stohr

Dean Clark '72 this week said he hoped to schedule a faculty vote on a proposed sexual harassment policy in the next month. But after five years of deep division within the faculty and a ten-month delay in bringing the most recent proposal to a vote, prospects for passage of a policy remain far from certain.

The proposed policy, which would define and ban sexual harassment throughout the HLS community and establish procedures for violations, has been on the back burner since May, when a faculty meeting revealed sharp disagreements over the policy, particularly over the section dealing with hate speech.

Clark said he had hoped to mediate the dispute personally

this fall but has been "swamped" by other work, including the HLS capital campaign and the school's plans to renovate Langdell Library.

"I had hoped to [mediate] and too many other things came up," Clark said. "I got caught up in one big thing after another."

The delay means that the policy will be considered even though two of the key players in the debate — Prof. David Shapiro '57 and Elizabeth Bartholet '65 — are on sabbatical this semester. Shapiro had proposed a compromise policy last spring, while Bartholet, a member of the committee that drafted the proposal, has been a staunch advocate of prohibiting hate speech.

In the spite of the lack of progress, Prof. Richard Fallon, who chaired the drafting com-

mittee, declined to criticize Clark for failing to put the policy on the faculty's agenda during the fall.

"Scheduling meetings for the faculty is the dean's job," Fallon said.

A Women's Law Association representative who met with Clark on Wednesday said she was pleased with the dean's assurance that he would attempt to bring the policy to a vote in either the Feb. 24 or Mar. 10 faculty meeting.

"We're encouraged that Dean Clark has decided to make this a priority," said Lisa Westfall '96.

WLA recently papered the campus with flyers asking, "Where's the sexual harassment policy?" and comparing HLS to

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# A Contract for HLS

By John R. Kroger '96

Guest Columnist

**I**N the spirit of the times, I offer a contract for HLS, proposals which might make the law school a kinder, gentler, more pleasant place to study. My suggestions are, I admit, frivolous. They will not fix the more significant and seemingly intractable problems like the lack of faculty diversity or the Stalinist classroom atmosphere. They might, however, make HLS less of an emotional and spiritual obstacle course.

## 1. Reform Class Registration

Although HLS is the size of a small liberal arts college, our class registration system is abstruse and frustrating, with too many deadlines, forms, lists, and rules. We are required to register for classes months ahead of time; the add-drop system is complex and unwieldy; there is no "shopping period." Dean Clark should go over to Harvard College, where a more sensible and user-friendly system is in place, and copy its approach. If John Rawls can submit to the "indignity" of undergraduates "shopping" his class, the Law School faculty can as well.

## 2. Double the Number of First-Year Small Sections

Adding a second 1L small section would make the first year more rewarding and humane. This would require eight additional faculty members to teach a first-year course, but that doesn't seem too much to ask, since most of the education that takes place in law school occurs during the first year anyway. I, for one, am willing to sacrifice the "Law and Religion in India" seminar in exchange for better teaching for 1Ls.

## 3. Eliminate the Faculty Library

As an undergraduate at Yale, I worked in the law school library, and was always heartened to see the law school faculty drop by the reading room to chat with students, pick up books, and conduct their research. The presence of the faculty signaled that Yale Law was a community of scholars.

At Harvard, in contrast, only Randall Kennedy and Archibald Cox '37 use Langdell with any frequency. The rest of the professors prefer to hide in their own private faculty library. The last time I checked, the notion of "separate but equal facilities" was in some disfavor in America. It undercuts community, fosters a "scholars versus practitioners" mentality, and denies students the important inspiration which the sight of faculty members hard at work might provide. If Archibald Cox feels comfortable sharing the "Federal Supplement," the rest of the faculty could probably survive it as well.

## 4. Reinstate the Root Room

In the old days, the so-called "Special Collections Room" at the end of the Langdell reading room — that quiet, elegant, and largely unused space with cavernous ceilings, beautiful floors, soft chairs, and oriental rugs — was the Root Room, the law students' common room, a place to chat, read, and meet friends. I have no idea why the Root Room was eliminated (contrary, I am sure, to the intent of the donors who wanted to honor Elihu Root in the first place), but it ought to be reinstated. The Hark, with its food-encrusted tables, ugly floors, rickety furniture, blaring television, and constant foot traffic is not an adequate substitution. It does not seem too outrageous to suppose that we should have our own common room, like students in any Ivy League house or college.

## 5. Guarantee Public Interest Grants

Every entering student should be guaranteed a summer public interest fellowship if they want one. Making such a promise would attract more public-spirited students to the Law School, provide more students with an opportunity to explore public interest or government careers, and give Harvard Law a little decent press coverage for a change.

## 6. Eliminate the Winter Semester

I have yet to find one student who thinks the winter semester is a great idea. As far as I can tell, its main purpose is to give faculty members who are not teaching during the three-week period an additional stint of holiday vacation. The course offerings are poor, the learning pace abrupt, the experience trying. At very least, let the students vote on whether to keep it.

## 7. Buy a Piano and a Pool Table

Maybe I was spoiled in my college days, but I do think it is a little cheap of the Law School to force me to cough up a dollar in quarters each time I want to shoot a game of pool. Moreover, the lack of a piano is depressing. No wonder Cole Porter dropped out of HLS.

## 8. Hold a Winter Dinner for First Year Students

Ceremony, it is said, lends meaning to an otherwise barren existence. A winter dinner for each section of the 1L class, to celebrate the end of the first semester of law school, would add a little elegance and community spirit to an otherwise ghastly experience. I am sure the parsimonious Dean Clark '72 can scrape up the money — if he found someone to pay for the architectural monstrosity sitting in Holmes Field (even now I refuse to call it "Hauser Hall"), certainly he can find corporate sponsorship for a meal.

## 9. Eliminate Hypocritical Catalogue References

A niggling point, perhaps, but the Law School catalogue is condescending and hypocritical, and ought to be rewritten. My favorite section is the discussion of "course selection" in the appendix, where we are informed that a class in accounting is "of special importance to the lawyer engaged in counseling new businesses in economically underdeveloped urban areas." Who are we trying to kid?

## 10. Increase Credit for Written Work

The faculty discourages serious student scholarship by granting only two credits for serious research papers; despite the fact that writing such a paper takes (in my experience) about 15 times more work than getting an "A" in a four or five-credit lecture class. The faculty should double the amount of credits given for year-long optional written work, so that the credits are commensurate with the effort.

# Warren Accepts Offer

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doing because compared to the average law school, we have little [faculty] turnover. Because of this lag problem, we're not changing as fast as we'd like and as fast as other schools."

Perhaps Warren's greatest contribution to the Law School will come in the classroom. Michael Sullivan '93, a former student in Warren's bankruptcy class, said she was "by far the best professor that I had at HLS."

"She was the only one who really knew how to use the Socratic method and made people come to class prepared," Sullivan said. "Warren has a very engaging teaching style and was

able to inject practical aspects into the class. It wasn't all theory. Every once in a while there were numbers to be crunched, which of course scared a lot of students to death, but that is the real world."

Warren's research currently includes the largest-ever empirical study of business bankruptcy, a project commissioned by the National Conference of Bankruptcy Judges, the Small Business Administration, and the National Bankruptcy Conference. She also is completing a study comparing 1981 and 1991 statistics on consumer bankruptcy.

She received her B.A. from the University of Houston in 1970 and her J.D. from Rutgers University in 1976.

# Breyer to Teach at HLS

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Many Supreme Court justices regularly teach courses or give lectures. On the current court, Chief Justice William Rehnquist and Associate Justice Antonin Scalia '60 are among the most active teachers.

Some 35 students attended the first day of Breyer's writing seminar, Government and the Regulation of Industry, which Breyer will co-teach with Kennedy School Prof. Richard Zeckhauser. For the most part, the students who attended seemed at least as interested in the subject matter as the professor. Roughly half the attendees were Kennedy School students.

"There were fewer fame-seekers than I expected," said Charlie Lubinsky '96, who is hoping to take the course. "There didn't seem to be all that many who were just there because they wanted to take a course from a Supreme Court justice."

Still, no course with such a high-powered professor would be complete without at least a few students seeking to ride a robotail. According to Eric Kramer '95, who attended the first class but said scheduling conflicts will prevent him from taking the course, one student told him he was in the class in the hope of making a valuable contact in Breyer.

"I can't imagine he'd get anything out of it," Kramer said.

For other students, Breyer's presence is an added bonus to a class they already found appealing. Elisa Macia

'95 said Breyer's status as a justice was "one of the considerations" that led her to sign up for the class.

"It's pretty exciting to talk to him on a one-on-one basis," she said. But she added that she was also attracted by the class' broad focus on issues of government and public policy.

Heidi Messer '95 said she was attracted to the course by Breyer as a teacher rather than Breyer as a justice. "I generally tend to choose my classes because of the professor," she said. "He's very articulate. He's a very good teacher."

Those students interviewed said they did not mind the course's unusual schedule. The two-credit class will meet sometimes on Fridays and sometimes on Mondays to accommodate Breyer's court schedule. Breyer, a longtime Cambridge resident, plans to schedule his teaching around those weekends when he returns to New England.

Although Breyer now has what many would consider a dream job, he still considers the continued exposure to students interested in government regulation — one of his pet legal topics — as a treat.

"They write papers on topics that interest me," Breyer said. "They write, and then I learn. It's exciting."

Still, for a least one student, all the excitement carries at least a small cost.

"It's a little daunting to think about setting up an appointment and talking with him," Lubinsky said. "To an extent, it would be easier if he were not a Supreme Court justice."

# Review Elects Masthead

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Friedman said he hopes to employ a "participatory style," and "plan[s] to have people involved in the decision-making process, and in implementing those decisions."

Succeeding Ruger, whose performance as president has earned him wide respect around the Law Review, will be extremely hard to do, said Friedman. "[Ted] was extremely impartial. He took his responsibility very seriously, but he didn't use it for political ends, to push his own agenda." But, he added, "[I]t is per-

versely easier to be president because Ted was. The ship is in good shape."

Friedman said he hopes also to mimic Ruger's "balanced" approach to work and play, though he may find it difficult: Along with Treasurer Woems and Student Note Chair Chernoff, Friedman is also a member of The Lone Dissenters, one of the four Ames teams which will compete in the semi-final rounds this spring.

Despite this belief that Law Review "should not be a suffocating activity," Friedman acknowledged, "I expect for the next month or so I'll be sacrificing my social life in a big way."



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