



Rep. Patsy Mink (D-HI) addresses an audience of about 180 at the closing keynote of the First Annual National Asian Pacific American Conference on Law and Policy. See page 3 for full story.

Visiting Profs. Offer a Glimpse of Future Faculty

By Hope Yen

James Whitman, a professor at Yale Law School, said he worried this past year when his Contracts class swelled to a whopping size of 18 students.

But when Whitman was offered a chance to be a visiting professor here to a first-year Contracts class up to 10 times that size, the former Stanford Law School professor, who holds undergraduate and law degrees from Yale, didn't take a moment's pause.

"It's Harvard," he said, in explaining why he couldn't pass up the offer.

Whitman is among a list of new visiting professors and lecturers scheduled to teach at HLS next school year, in a group that will teach courses ranging in the less typical such as human rights & indigenous peoples and environmental justice, to the more traditional fare of contracts, bankruptcy and criminal law.

These instructors' backgrounds and legal expertise possibly present the future face of HLS faculty hiring, as new professors are often selected from the pool of visiting professors. Last month, University of Pennsylvania Law Prof. Elizabeth Warren accepted a tenured position here after teaching bankruptcy law as a visiting professor last spring.

Dean Clark '72 has said he hoped to make about five appointments each year to reach a core HLS faculty of 78 by the year 2000. In particular demand are professors whose specialties lie in bankruptcy, administrative law and environmental law, and to a lesser extent, evidence and first-year subjects, among others.

Student leaders, however,

have also called for greater faculty diversity by appointing women of color, Latinos, Asian Pacific Americans and those openly gay. Clark has acknowledged the need for more women professors at the Law School.

"The people likely to be invited as permanent positions of faculty are likely the people that were here teaching in the last five years," said Associate Dean Todd Rakoff '75, explaining that those visiting professors largely represent the Law School's hiring pool. But next year's visiting professors are not necessarily the "immediate agenda" for hirings, he said.

Rakoff, along with Clark, Associate Dean Frank Sander '52 and registrar Sue Robinson decide the curriculum offerings each school year, a process which includes bringing in visiting professors and lecturers to meet course demand. Student input is received primarily by looking at class enrollments, Rakoff said.

"The most fundamental student involvement is the year-by-year student demand for courses," he said. "That sets the initial parameters against what we have to work. In addition, I and the dean and other administrators have students come to talk to us who particularly want to impress the need for one course or another."

The list of 12 professors and lecturers released by the registrar's office seems to reflect an emphasis on meeting curriculum demand, with nine of them teaching in areas where administrators have said there is a "clear" or "moderate" need for faculty appointments. The other three instructors will teach courses on human rights & indigenous peoples, artificial intelligence and

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Council Runs New Elections for Representatives LSC Faces Challenges for Future

By Victoria Kuohung

By next Tuesday, the Law School Council will be populated with new faces after this week's supplemental elections — with 15 candidates competing for 13 positions — fill remaining representative seats on the LSC.

But the new members nevertheless will be grappling with the old question of the LSC's effectiveness, a question highlighted by the lack of candidates and the low voter turnout in last week's election.

Incoming President Robert Simmelkjaer '97, who served on the council as a 1L section representative in the fall, said that despite concerns about the council's relevance to students, he is confident that "we'll have an easy time overcoming the pettiness" that plagued the LSC last year.

"We have a strong group of people coming back as 2Ls and a strong group coming in," Simmelkjaer said. "There is going to be a renewed commitment to getting things done and

not getting at each other's throat over insignificant matters and personal feuds."

Pointing to the higher number of candidates running in the supplemental elections as an example, Simmelkjaer said he was "really excited by the first- and second-year classes, which responded in a positive way to our purpose of reviving Law School Council."

Simmelkjaer, Vice President Bob McCarter '97, and Treasurer Joe Miller '97 inherit a council legacy that, amid achievements such as holding several panels about diversity at HLS, has been publicly marked by interpersonal conflicts and recently by absenteeism that has cancelled one meeting this term and has prevented quorum in other meetings.

Acknowledging some of these difficulties, outgoing LSC President Willie Epps said he "wish[ed] my Law School Council could have made more progress in helping to improve Law School facilities."

"While we met often with [administrators], we just did not

get the tangible results we were seeking," he said, noting that LSC succeeded in "keep[ing] the Somerville Shuttle running throughout the entire school year." Prior to Epps' administration, there was debate about ending the shuttle service.

In analyzing the past year's accomplishments, Epps said, "LSC could have been much more effective if the well-meaning and hard-working representatives on council had not had to deal with a few narrow-minded obstructionists who enjoyed playing procedural games during LSC meetings."

But John Bates '95, an outgoing section representative who has served on LSC for three years, said the council's ineffectiveness was due in large part to "a lack of leadership."

"Any allegations of infighting as being the cause of a lack of business were clearly made by people who have not been involved in the council for more than one year," Bates said.

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Sohn Evaluates Human Rights Movement

By Josh Strathman

Emeritus Prof. Louis Sohn (LL.M. '40), HLS Bemis Professor of International Law, spoke to an audience of about 75 people on Wednesday evening to commemorate the fiftieth year of the human rights movement by evaluating its history and presenting his views on its future.

Sohn's presentation was the latest in the Edward A. Smith Fellowship series, a program dedicated to featuring distinguished experts in the human rights field.

Prof. Henry Steiner '55, director of the law school's Human Rights Program, described Sohn's return as "a celebration of his many accomplishments" in the human rights field. Steiner said it was doubly appropriate to

invite Sohn in conjunction with this weekend's university-wide human rights conference because much of the growth in these programs built upon Sohn's innovative work.

Sohn emphasized the interdependence of human rights progress and economic development. He noted that although early human rights documents at the time of the U.N.'s San Francisco Charter often recognized this connection, the importance of economic factors has frequently been neglected.

To illustrate his point, Sohn described the development and fate of F.D.R.'s Four Freedoms. F.D.R. recognized that lasting protection of democracy and human freedom would require not only defeat of the current dictators, but also developments that

would undercut the lure of future "new orders." To this end, F.D.R. held out the promise of his Four Freedoms, freedoms that were intended to apply globally.

According to Sohn, the "Freedom from Want" was further defined in lists of economic rights regarded as necessary for the existence of civil liberties. These economic rights included such specifics as the rights to useful, creative employment; to a comfortable standard of living; to a good education; and to participation in a free enterprise system. During subsequent developments in human rights policy, however, such bar's were often overlooked, leaving only broad citations to earlier slogans.

The Marshall Plan exempli-

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More Funding Urged for Court Translation Services

By April Rockstead

A panel organized to discuss race and ethnic bias in the justice system this week in Boston focused on inadequate funding for translation services as one of the thorniest issues raised by a recent report that confronted racial bias in Massachusetts courts.

The Massachusetts Council for Public Justice hosted the panel Monday afternoon to address problems outlined in a report released last fall by a Supreme Judicial Court Commission. The commission's report recommended several steps that could help remedy

bias in the courts, including improving translator services.

"The courts are chronically underfunded and if there's anything wrong with the interpreter system, it's that there is not enough money being put into it," said Ernest Winsor '63 of the Massachusetts Law Reform Institute.

"This comes back to the money crunch," agreed Robert A. Mulligan, chief justice of the Superior Court of Massachusetts.

As a result, Winsor said, interpreters are getting "burned out" and frustrated by a payment system that delays com-

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BRIEFS



Second Class Day Speaker Announced

Judge Amalya L. Kearse of the Second Circuit Court of Appeals will join Judge Abner Mikva in the 1995 Class Day festivities on June 7.

Judge Kearse, who accepted the Law School's invitation on Tuesday, will make opening remarks to the graduating class before presenting the Sacks-Freund Teaching Prize.

Kearse, a 1962 graduate from the University of Michigan, was appointed to the bench in 1979 by President Carter and is a perennial nominee to the Supreme Court. A world-champion bridge player, Kearse was the first African American partner at Hughes Hubbard & Reed before becoming a judge. She was also on President Clinton's short list to be attorney general in 1992.

Law School from Hell

In "Fear and Loathing at Harvard Law School," published in the March-April 1995 edition of Harvard Magazine, Michael B. Levin '89 compares Harvard Law School in the 1960s to a boot camp or prison "designed to dissolve every badge of self-worth and remake inmates' identities in the values of the enveloping whole." His article details the terror that drove students to bizarre behavior.

For example, Levin writes, "One guy, preparing for exams in the library, kept tapping his pencil on the table. I asked him to stop; he came over and grabbed my hand and apologized over and over, about fifteen times. Then he kept doing it."

Several students even took their exams in the infirmary due to bleeding ulcers.

Levin writes that his classmates' overwhelming rage is what he remembers best from his law school days. A 3L classmate told him, "I feel totally shafted. I was really committed to this place, but I just get madder and madder. I've been getting madder for three years... There are guys here so angry they could kill someone."

Levin describes how students, tortured by seeing dorm lights that stayed on later than their own, would sleep with their lights on "to outfox the competition."

He also reports that while the few women who attended the Law School in the sixties experienced their first unbiased grading experience via anonymous testing, their treatment in class was frustratingly sexist. One day per semester was designated "Ladies Day," when only women would be subjected to professors' "sadistic" Socratic method. In 1964, Dean Griswold invited the 11 LL women to dinner and interrogated each about "how she justified displacing a man." When then-Wellesley undergraduate Hillary Rodham (now First Lady) visited the Law School, a professor told her, "We have more than enough females at the Law School already."

Levin said he decided to write the article not out of vengeance but because "I wanted to know why my Law School interlude had been so horrid and whether it had to be that way." He writes that the Law School today is a virtual paradise of "faculty and courses transformed by civil rights and feminism, consumerism, environmentalism and their resulting cascades of revolution and reform" compared with the "sea of ruthless rivalry" it used to be.

— from the Harvard Magazine

Litigation Surrounds West's Foray Into Bar Review Preparation

West's entry into the bar review business, planned for this summer, has generated a web of lawsuits.

Harcourt General, Bar/Bri's parent company, first brought suit against two of its former executives hired away by West. Harcourt alleged fraud and breach of loyalty and claimed \$18 million in damages.

West recently responded with a suit against Harcourt alleging that the suit against the former Bar/Bri employees is an attempt to obstruct West's entry into the industry, and West's lawyer said the Bar/Bri's suit was "sham litigation."

The two executives, Stanley D. Chess and Steven H. Levine, were senior vice presidents at Bar/Bri. According to Bar/Bri, the two men plotted to "bring about the collapse of [Bar/Bri's] business," in part by "eviscerate[ing] the company's pivotal New York office." Chess was based in the New York office, while Mr. Levine was the director of the office in Washington and published the annual Bar/Bri Digest.

Chess said the allegations against him and Levine are "absolutely baseless."

In its responsive lawsuit, West alleged that Harcourt made "threatening statements" to other management employees "to the effect that they would be sued if they left Harcourt to join a competitor."

— from the Wall Street Journal

Business School Will Miss Dean McArthur

After 15 years as dean of the Harvard Business School, John McArthur announced his retirement at a meeting of the school's faculty on Monday. Faculty reactions ranged from disappointment to shock, but McArthur received an extended standing ovation from the entire audience after his announcement.

Returning President of Harvard University Neil Rudenstine, long rumored to have had "personal tensions" with McArthur, read the Robert Frost poem "Two Tramps in Mud Time" while praising McArthur.

"Rudenstine and McArthur gave absolutely no impression of difficulty," a faculty member said, referring to rumors of their animosity.

McArthur would not indicate his post-retirement plans, but did say that he had ruled out joining the mafia.

— from the Harvard Crimson

Visiting Profs. Named

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Jewish law.

One area of moderate faculty need is first-year required courses, which often enroll more than 150 students. More faculty are being sought to break the courses into smaller sections of about 50.

Whitman, whose research focuses on European legal history, said he will likely have to alter his teaching approach to accommodate the larger class sizes here at Harvard.

"I've never taught a class that large before," he said. "I'll do my best to be nice and friendly."

Kenneth Klee '74, an attorney at the Los Angeles firm of Stutman, Treister and Glatt who also teaches part-time at the UCLA School of Law, said his approach will continue to be "Socratic with a good sense of humor."

Klee, who was a principal drafter of the 1978 Bankruptcy Code, was appointed as a visiting professor to teach courses in bankruptcy.

"It always has been a lifelong dream of mine to come back to Harvard and teach," he said. "It's just icing on the cake to have Elizabeth Warren on the faculty because she's the best in the field [of bankruptcy]."

The visiting professors for the next school year are:

- Vicki Been, professor of law at New York University, who will teach land use regulation and a seminar in environmental justice.

- Hideki Kanda, professor of law at the University of Tokyo, who will teach Japanese legal studies and courses on Japanese business law.

- Klee, who will teach two sections of bankruptcy and a seminar in Ch. 11 business reorganization.

- Murray Tracey Maclin, professor of law at Boston University, who will teach criminal law, criminal procedure advanced and a seminar on readings in criminal procedure.

- Peter Murray, currently a visiting professor here, who has been reappointed

for five more years. He will teach evidence and Introduction to Lawyering and the Legal Profession.

- Richard Revesz, professor of law at N.Y.U., who will teach environmental law and administrative law.

- David Weiss-Halivni, professor of religion at Columbia University, who will teach courses on Jewish law. He was appointed the Caroline Zelaznick Gruss and Joseph S. Gruss Visiting Professor in Talmudic Civil Law.

- Whitman, who will teach contracts next fall.

Visiting lecturers include:

- Russel Barsh, associate professor of Native American Studies at the University of Lethbridge in Alberta, Canada, who will teach human rights & indigenous peoples.

- John Pound, associate professor of public policy at the Kennedy School, who will teach corporate finance, corporate governance and corporate control. Pound was a lecturer here this past fall.

- Edwina Rissland, professor of computer science at the University of Massachusetts at Amherst, who will teach artificial intelligence.

- Kathy Smalley, of the Houston firm Trammel and Crow, who will teach real estate planning.

There are additional visiting lecturers planned for next year who will be invited in the next several weeks, Robinson said.

Barsh's course on human rights & indigenous peoples will bring to the Law School an intimate knowledge of the legal problems facing indigenous peoples and the ways the international system can be used to remedy them, said Prof. Henry Steiner, director of the Law School's Human Rights Program.

Barsh has represented a number of Native American tribes in the Northwest in litigation and is active in the United Nations Human Rights Subcommittee and other UN organs, including helping to put forth the pending UN Declaration on Rights of Indigenous Peoples.

"He's a prolific scholar and an excellent, energetic speaker," Steiner said.

Sohn Speaks at HLS

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fied the successful coupling of economic and human rights policies, claimed Sohn. It was only by reconstructing the economies of war-ravaged Europe that political instabilities and their attendant erosion of human rights were averted. Sohn noted, however, that this recognition of the role of economics was not the norm: The promised benefits of the plan to the American economy were necessary to overcome the reticence of business interests to support such market intervention.

Pointing to the interdependence of economic and human rights acknowledged in both the Constitution and the Declaration of Independence, Sohn remarked on the irony of the United States' apparent reluctance formally to recognize these economic

rights as integral to broader human rights.

In looking to the future, Sohn stressed the importance of policies that would follow the spirit of the Marshall Plan. He cited an unstable Russia as a major potential threat to human rights. To prevent a rightward shift in Russia's leadership and a deterioration in its civil rights, Sohn advocated industrial restructuring supported by the West and Japan. This restructuring would involve the employment of the developed world's industrial capacity to satisfy Russia's development needs rather than simply channeling funds into a bureaucracy.

Although he mentioned Russia as the single most pressing development, Sohn advocated a global application of this restructuring strategy to address human rights abuses world-wide.

Jammin' the Night Away



Byron Stiers '96, Chris Yeh '96, and Stephen Lapoint have been one of the many groups to play at TGIF, run by the Dormitory and Student Affairs Council. TGIF runs every Friday from 3-6 p.m. in the Backbench Pub and offers free beer, soda and snacks, as well as an open mike.