



Fried to Take Seat on SJC

By David Weiss

Ending four months of speculation and, at times, acrimonious debate, the Governor's Council narrowly confirmed HLS Prof. Charles Fried's appointment as the newest justice on the Massachusetts Supreme Judicial Court on August 30.

"I think it's a wonderful appointment for the Supreme Judicial Court," said Dean Clark '72. "I think that when people write the history of the court, they will think of this as a great moment for the Court."

The confirmation, which required Lt. Gov. A. Paul Cellucci to cast the deciding vote when the eight-person council divided equally on the issue, concluded a process that began in April with Fried's inclusion by the judicial nominating committee as one of four candidates for the governor to consider for the bench. The governor ultimately selected his former law school professor and Department of Justice colleague, leading to a series of confirmation hearings at which Fried was alternately praised and attacked by witnesses.

Fried refused to answer questions on any aspect of his confirmation, saying in a RECORD interview, "I'm not giving another interview as long as I live. ... I'm just not talking to the press. As a judge, that's the way it's got to be."

After being sworn in on Sept. 27, Fried will step down as

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Justice Stephen G. Breyer '64 related his freshman year experiences on the Supreme Court at the Victory Celebration.

Breyer Reflects on First Year

By Josh Strathman

Justice Stephen G. Breyer '64 took time during the Capital Campaign Victory Celebration to talk about some of his experiences during his first year on the Supreme Court.

His speech Saturday afternoon was attended by nearly 450 students and alumni.

Breyer said that because the daily work of any judge "is uninteresting to describe," he would try to focus on areas of greater interest by speaking on the questions typically asked of him in the last year and a half.

The most frequently asked questions, said Breyer, dealt with his confirmation process. He was frequently asked whether he found the Senate confirmation hearings overly intrusive. The hearings were often criticized for their political aspects. But to criticize the questions senators asked, Breyer

said, would miss the point that they are opening "a window for people to look at a person who they otherwise would not be able to elect."

"Senators are asking what they are asking because they believe that some segment of the people and perhaps quite a few — those who elect them — would like them to ask them." This process, Breyer commented, "keeps a democratic element in an otherwise insulated office."

He said he had strong reactions when he looked out into the courtroom from behind the bench.

"Think of the history embodied in that courtroom or in the body now presiding. Think of the famous cases heard there. It produces something of a sense of responsibility."

Following this vein he noted *Cooper v. Aaron* as a particularly telling case. (This case arose

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Campaign Raises \$175 Million for Law School

More Public Interest Funding Urged

By Hope Yen

More than 600 HLS alumni, faculty and guests celebrated the close of a five-year fund drive last weekend that raised \$175 million, a figure that Dean Clark '72 said would help ensure the Law School's continued excellence as it heads into the 21st century.

The Capital Campaign Fund, created in 1989 by then-Dean James Vorenberg '51, surpassed its original \$150 million goal. It will be used to boost the legal curriculum with library renovations, an increased faculty size, and building improvements, among others. The campaign goal was three times larger than any law school fundraising campaign ever completed.

"The success of the campaign means that Harvard Law School will enter the next quarter century of legal education and scholarship in a wonderfully strong position, instead of with constant worries on whether we can meet the challenges," Clark said.

The three-day festivities were a time for alumni — some of whom graduated as early as the 1920s — to celebrate the HLS tradition with current faculty and to toast the future together as the Law School prepares for new challenges in preparing its students for the rapidly changing legal profession.

Panel discussions, for example, focused on the implications of practicing law amid the digital revolution; probed into what was in store for legal education in the next century; discussed challenges in human rights work; and examined the current national debate over affirmative action.

"The completion of the campaign is not the end, but merely the beginning," said Finn Caspersen '66, who chaired the weekend victory celebration, "as Harvard lights the world of not only legal education but also higher education" for future generations.

A group of 20 HLS students, however, was less optimistic as it staged a "90s style demonstration" during the events to highlight the need for greater public interest funding. Decked out in interview suits, the students passed out literature urging that the extra \$25 million raised above the campaign goal be dedicated to public interest.

Alumni donors were politely greeted by members of the group — an ad hoc coalition of students concerned about public interest funding — and were asked to press Clark to dedicate the \$25 million toward Harvard's public interest program as legal services for the poor nationwide endure a 24 percent cutback in funding.

"Amid devastating cutbacks for federally funded legal aid organizations, law schools — and Harvard Law School in particular because it has the resources — have a moral obligation to compensate as much as possible for this decreased funding by at least making it possible for students wanting to pursue public interest to be able to pursue that option," said Shannon Liss '96, who organized the effort.

She was referring to budget cuts by Congress that have led many legal aid programs for the poor to lay off lawyers, even as demand for their services appears

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U.S. and U.K. Jurists Trade Views on Legal Education

By Debbie Solomon

Jurists from the United States and United Kingdom's highest courts came to HLS Monday to reflect upon and forecast the future of American and British legal education.

U.S. Supreme Court justices Stephen Breyer '64, Anthony Kennedy '61, and Sandra Day O'Connor met with judges from the highest courts in England as well as other prominent British and American lawyers.

Justice Kennedy described the program as a way to "learn about what sort of new prob-

lems we're going to face, even if we find no solutions to the old ones" in areas such as "the nature of our profession, the problems we have with lawyers and the deteriorating problems of civility and trial publicity."

The Anglo-American legal exchange program included discussions of trial publicity with Prof. Arthur Miller '58 and constitutional law with Profs. Charles Fried and Laurence Tribe '66. It also included a discussion of American legal education with Dean Kronman of Yale Law

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White to Bring Expertise in Poverty Law to HLS

By Hope Yen

Poverty law specialist Lucie White '81 has accepted a tenured position on the HLS faculty and said she hopes to take advantage of the vast resources here to push community-focused, change-oriented work.

"I'm interested in helping students develop a capacity to work creatively on issues of economic justice and equality," said White, who formerly was a professor at the University of California at Los Angeles. "I think the resources for creatively engaging people on issues of poverty are unlimited here, so I'm really excited to be a part of the Law School for that reason. I'm certainly looking forward to working with the staff and par-

ticularly the Legal Services Center to help develop the curriculum."

White accepted the offer last May after teaching here as a visiting professor from 1993-95. The courses she has taught include Civil Procedure, Community-Based Advocacy, and Social Welfare Law: Politics, Policy, and Practice. She is currently teaching Civil Procedure this fall.

"Lucie White brings unique expertise and a commitment to poverty law," said Dean Clark '72. "Her teaching and scholarship in that area really makes her a leader among legal scholars. She's really com-

mitted, so we're lucky to have her."

Clark also said that he hopes White will help boost the clinical program. "She's on the clinical committee, and we hope to get her more heavily involved as we go," he said.

White, who was a member of the Harvard Law Review and clerked for Judge James McMillan of the U.S. District Court for the Western District of North Carolina, has been a staff attorney for Legal Services in Charlotte. She also has served as supervising attor-

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Prof. Lucie White

White Decides to Accept Tenure

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ney for the University of North Carolina Law School.

Her current research includes a book examining the role of parent involvement in the Head Start program. "I'm interested in social welfare policy, particularly the intersection of child care responsibilities and work for low-income people," said White, who will take a year-long academic leave in January to concentrate on her work.

The faculty appointments of White and tax law Prof. Daniel Halperin (see sidebar) bring the number of faculty up to 72. Clark has said he wants to have a core group of 78 by the year 2000, prompting many student organizations to continue their push for faculty diversity.

Clark has pledged to improve "diversity on all fronts," acknowledging in particular the need for more women professors. There are currently 11 women professors, who comprise 15 percent of the faculty, compared to a national average of 28.5 percent.

The HLS faculty, however, has never had representation from women of color, Latinos, Asian Pacific Americans, Native Americans, or persons who are disabled or openly gay.

"It is a really good move for the faculty because Lucie White's concerns deal a lot with class and gender issues," said Hilary Ware '97, who co-chairs the Coalition for Civil Rights, the organization leading the push for faculty diversity. "Without a doubt, each woman hired at Harvard Law School is great."

"But the fact remains that not a sin-

gle woman of color has been tenured. It is a very frustrating situation and it remains embarrassing for Harvard Law School," she said.

Ware also said CCR was encouraged by plans for University of Pennsylvania law Prof. Lani Guinier to teach here as a visiting professor this winter. Guinier, an African American woman, has been widely rumored to be considering seriously a tenured position on the HLS faculty.

"We hope Harvard doesn't stop at that," said Ware. "We understand that having one woman of color is better than having none. But that doesn't put Harvard in the cutting edge. The whole point of diversity is that a single woman of color doesn't represent the experiences of all women of color, and she shouldn't have to."

Tax Law Specialist To Join Faculty

A tax law professor at Georgetown University Law Center has been appointed to the HLS faculty, and will begin teaching classes here next fall.

Daniel Halperin '61, a former Deputy Assistant Secretary of the U.S. Treasury during the Carter Administration, said he is eager to become a part of the HLS community.

"I have devoted my research and writing to thinking about tax theory and policy and I would like the opportunity to pass on what I learned to the next generation of tax teachers and policymakers," said Halperin, who was a visiting professor here in 1993-94. "Harvard also has a great tax faculty and I look forward to having a lot of interaction with my colleagues."

Dean Clark '72 said Halperin's expertise will be a real asset to the Law School.

"Dan Halperin brings perfecting touches to our tax group," he said. "He has very rich Washington experience, which will add a lot of wisdom in deliberations and teaching in the tax area."

Halperin, who will be the Law School's first Stanley S. Surrey Professor of Law, is a board member of the Pension Rights Center in Washington, D.C. In 1994-95 he was a member of a panel advising the Advisory Council on Social Security on retirement trends and was chairman of the tax section of the Association of American Law Schools.

New Faces Added to Hiring Committees

By Hope Yen

Five new professors - two of whom are women - have been selected by Dean Clark '72 to sit on the faculty appointments committees, groups whose say will shape the hiring process for the coming year.

Clark said he plans to meet soon with the two appointments committees to help set targets for hiring additional faculty. Clark has said he hopes to have a core faculty of 78 professors by the year 2000. Currently there are 72 professors.

"We hope to strengthen

the basic subjects, such as the corporate law area," he said. "We need to add more in administrative law and major regulatory areas, such as environmental law. And we need some to teach courses on women in the law. But right now those are just a preliminary set of thoughts; we're still trying to redefine our goals."

The Laterals and Promotions committee, which screens candidates for tenured positions on the faculty, has been enlarged to seat five members, instead of last year's four.

Chairing the committee again this year will be Prof.

William "Terry" Fisher '82. He will be joined by Clark and Prof. Hal Scott, who were committee members last year. Two new members, Profs. Martha Field and Robert Mnookin '88 will also sit on the committee.

The Entry Level committee, which oversees hiring of assistant professors, will be chaired this year by Prof. Martha Minow, who was a member last year. Two other members, Clark and Prof. Daniel Meltzer '75, will also be returning. They will be joined by three new faces, Profs. Howell Jackson '82, Reinier Kraakman and Anne-Marie Slaughter '85.

Patience Singleton '96, president of the Black Law Students Association, said she is hopeful that the coming year of appointments will bring added diversity to the faculty. Her organization has expressed a desire to see more women and people of color on the hiring committees. Only one committee last year had a woman member.

"It's a start," Singleton said of the committee appointments. "But we're still waiting for him to appoint women of color to the faculty. We have women, but that's only half right."

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