

First Year Class Reps. Elected

by David Keneipp

SBA members from the Class of 1980 were inducted at the October 26 meeting. There are twelve representatives allotted to the first-year day class, but only eleven names were on the ballot. The winner of the twelfth slot, Ms. Linda Robinson, was a write-in candidate. Approximately 60 ballots were cast from a group of over 180 eligible voters (see accompanying box).

The low turnout was attributed in part to the fact that the candidates' platform statement, which was to have been published in the SBA Newsletter, was never released. Ms. Kate Crane '80, one of the new representatives, asked for an explanation at the October 26 meeting. Ms. Andrea Johnson, a member of the Communication Committee, which distributes the Newsletter, replied that the statement was never received.

The platform listed a number of issues to which the representatives will give special attention. They include library hours, student housing, logistics of moving into the new building, and affirmative action. One representative described the platform as "somewhat progressive, but basically politically neutral."

One issue on which the group is decidedly partisan is the handling of the election itself. There is a consensus that the SBA was irresponsible in that it failed to adequately acquaint first-year students with the SBA's powers and functions. Most of those who were elected are either members of organized minority groups, such as the ABLs, or have friends

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Disenfranchisement Fails

The tenured faculty assembled in somewhat unique fashion on October 19 for the primary purpose of taking final action on a motion which resolved that, "only the tenure faculty shall vote on matters of appointment." They decided by virtue of a 12-12 tie vote that the law school would maintain its custom of allowing non-tenured professors to vote on appointments.

The meeting was unique on

many counts. For one, the tenured faculty does not normally gather to consider issues of general institutional policy but rather usually finds itself embroiled in matters relating to specific personnel decisions on individual members of the faculty; most noticeably where decisions concerning the granting of tenure arise. Secondly, the meeting, while called as a tenured faculty meeting, con-

vened under the rule that non-tenured faculty would be invited to attend to express their views on the motion which would disenfranchise them. Finally, whereas meetings of the tenured faculty usually take place completely in executive session such that students are excluded from the deliberations this meeting, by resolution offered by Professor Alan Schwarz and carried 6 yes, 4 no, permitted the

press and students who wished to attend to be able to do so until the junior faculty made its presentations on the motion to disenfranchise, at which point such persons would be asked to leave.

Meeting Termed "rare"

This October 19 meeting was characterized by one long-time observer of such meetings as "rare" for the quality of the dialogue which took place. The meeting draws its genesis from the key issues now facing this school and was particularly important for the debate which brought these issues into the forum of public focus.

Historically the meeting "began" on April 4, 1977 when Professor David Haber introduced a two part proposal for "rules regarding initial appointments to the faculty." On April 29, 1977 the tenured faculty adopted sub-paragraph (b) of the Haber Resolution and at the same meeting acted to postpone the enactment of the resolution until the fall semester of 1977, with the understanding that the topic would be agended for discussion by the full faculty before a motion to reconsider (the resolution) was voted upon by the tenured faculty. On September 28, the tenured faculty tabled the motion for reconsideration of the Haber proposal and adopted a resolution of far broader import by a vote of 11 yes, 6 no, and 1 abstention.

This resolution read, "the tenure faculty resolve that only the tenure faculty vote on matters of appointment," was in turn denied immediate enactment by further adoption of a motion recognizing that a meeting of tenured faculty would be held to which non-tenured faculty would be invited so as to be able to express their views, and that to be effective the newly adopted motion needed to be confirmed by an absolute majority of the tenured faculty voting in person or by proxy. The meeting of October 19 was therefore a culmination of a series of events involving important substantive changes and much parliamentary maneuvering.

Effective Debate

The essence of the October 19 meeting was a rather effective debate between the camps which

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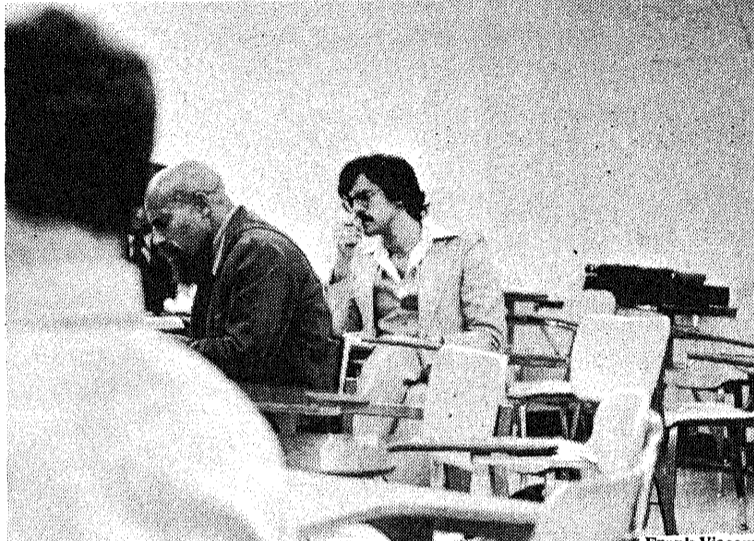
Analysis

Where Have All Our Interests Gone?

by Jeff Kuschner

Since the beginning of this school term a number of very important activities such as the Ad Hoc Convocation Hearings, the action of the tenured faculty in trying to disenfranchise non-tenured faculty, and the SBA sponsored trip to the Bakke oral arguments, have occurred. Those issues which have given rise to these activities are of grave and lasting impression for this law school as an institution and on the constituency (perhaps in some sense, "community") both present and future who chance to pass between its walls. Yet, among the most notable aspects surrounding many of these activities is the lack of attendance by the law school constituency, particularly students.

The reasons behind the absences raise for discussion and analysis some basic underlying difficulties facing this institution. Further, any discussion and analysis must also include some component which looks toward the formulation of responsible reactions to such difficulties.



Frank Viscomi

Empty chairs at the Ad Hoc Convocation committee meeting emphasize student disinterest. Testifying, at left, is Professor Al Slocum.

During conversations with colleagues one often hears that "lack of notice" is a common reason for the lack of bodies and minds at events around the law school. Perhaps this is true in a few instances but the pervasive nature of the absence phenomena

is far too great in a building as small as ours to substantiate the lack of notice contention to the degree it is relied upon. More often, the absence phenomena is attributed to lack of interest concomitant with time con-

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Committee Plan Attacked As Autocratic

by Patrick C. English

A draft proposal for an "executive committee" which would "have all the power of the full faculty to act," subject to mandatory review by the full faculty has been unveiled.

The plan for the executive committee was disclosed at an October faculty meeting by Professor Alan Schwarz, chairman of the planning committee, and was immediately attacked as a "headlong rush toward autocracy" by Professor Frank Askin. Askin termed the plan "totally unacceptable."

The draft proposal is clearly designed to alleviate the internal wrangling which often threatens to bring the business of the faculty to a total halt. The executive committee would have the power to review the actions of

all standing student-faculty committees (except those dealing with personnel matters) before the recommendations of those committees would be passed upon by the entire faculty. Further, the executive committee would have the power to overrule the recommendations of standing committees and offer alternative recommendations to the faculty.

Controversy over

Determination of Members

Professor Schwarz distributed the draft proposal to members of the faculty in what he termed an attempt to ascertain their attitudes toward the plan. Time for debate was limited to only about 15 minutes, and the proposal was by no means thoroughly discussed, but immediate controversy developed over whether

such a committee, if created, should be elected by the full faculty or appointed by the Dean. Many on the faculty apparently feared that such a committee, if appointed, would centralize power in the law school administration to an unhealthy degree. Others on the faculty indicated that they were willing to run such a risk in order to try to overcome the institutional problems which have threatened at times to paralyze the faculty.

After the draft was released, the Law Record learned that student members of the planning committee had been excluded from participating in the discussions which led to the draft proposal for the executive committee. When asked about this unusual procedure Professor Schwarz explained that last year when the faculty referred the concept of an executive committee to the planning com-

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No-Shows Stall SBA Work

by David Keneipp

With the seating of first-year representatives at its October 26 meeting, the SBA began to consider its budget allocations to law school organizations. Mr. Carlos

Martir '79, SBA Treasurer, presented the Budget Committee's recommendations for the 1977-78 school year. Discussion centered on several general provisions of the Committee's proposal.

The SBA is once again using the categories of "funded," "fundable," and "denied" in dealing with organizations' financial requests. Fundable amounts are those which have not been approved by the Budget Committee but which can become available.

Speakers' "Fundable"

The most common item in this category, Mr. Martir explained, is speakers' honoraria. He stated that groups which planned to invite speakers could receive the allocations when specific plans were presented to the Committee. In addition, he noted that all requests for office supply funding had been denied. His reasoning was that the SBA hopes to buy those items in bulk and distribute

them to the organizations directly.

Mr. Martir also indicated that no organization had appealed the Budget Committee's recommendations. The recommendations are, of course, subject to the approval of the entire SBA, and representatives from the various groups may choose to speak before the SBA as a whole prior to final approval. After the meeting, Mr. Martir said that he hoped individual SBA members would reveal any organizational ties when specific appropriations were discussed.

Code of Conduct

One issue which has not yet been dealt with is the Code of Conduct. The key provision of the Code is the requirement that any representative with three or more absences be dismissed from the SBA. Mr. David Griffiths '78 has tried to get the SBA

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Governors Hear Simmons On Programs

by Frank Viscomi

Speaking informally before the University Board of Governors last month, Dean Peter Simmons commented that although both the evening and minority admission programs are "successful" their results have been different than originally expected.

He also stated that the law school was working on alternative models for minority admissions in case of a pro-Bakke decision by the Supreme Court.

In response to questions by members of the Board, Simmons said that even anti-evening faculty are surprised at the performance of the night students, and that almost half of those students have transferred to the day program.

But, Simmons said, the state legislature proposed the night program to advance members of the work-

ing class and "most night students are second and third career people, many of whom have their Ph.D.s and M.D.s."

"They are the blue chip, silk-stocking group," he said. "During the proposed strike last year (when day students protested scheduling and minority programs) the evening students commented that they almost all represent management."

Simmons also said that although the attrition rate for minority students is very low and that "they are all qualified for the profession, not many minority students become clerks to top judges or are hired by high prestige firms." In explaining why this is the case, the Dean told the Board of Governors that "Few minority students make law review or graduate with top honors." Most, he contended, receive "gentlemen's C's."

