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SUFFOLK KATE

No. 3

SUFFOLK UNIVERSITY LAW SCHOOL

CURRICULUM CORRECTIONS

Extensive documentation including a poll of the SBA attitudes and other school's experience has now been compiled for all proposals. The SBA has unanimously approved the committee's proposals and applauds the committee members for their efforts. On December 17, the official proposals and all supporting information will be presented to the faculty along with a request that the proposals either be acted upon or some explanation why they can't or won't be implemented be fed back to the committee members and the SBA by January 14, 1972.

PROPOSALS:

1. All elective curriculum for 2nd and 3rd year students. Additional electives and elective sections.
2. Class ranking abolished as artificial and arbitrary (eg. there is no difference between a student who is 40th in his/her class and one who is 60th)
3. For the transitional period - i.e. this year - class rank by section.
4. A student-faculty committee such as employed at B.U. to review the sets of grades given out by different teachers for equality.
5. Grade review by Professors other than the ones who issued the grade.
6. Integration of legal research and Moot Court.
7. A student committee to meet with each Professor during the year to feedback on their course material presentation.
8. Black/Woman recruitment policy similar to those used by other law schools.
9. Additional free hours for meetings and make-up classes.
10. Optional pass/fail.
11. Additional information supplied by each professor to supplement the catalog description of each course.

All that is expected is some response, in one way or another, to these carefully researched and documented proposals.

BLACK OUT

One glaring fact which Suffolk cannot be proud of was made public in our last edition: the student body of Suffolk Law School, the second largest in the country, is composed of a mere .006% (12 of 2000) in minority representation.

Recognizing the almost unbelievable inequity in the situation, a gray area of doubt emerged about minority representation here. We'd like to think that outright racism is not the cause. What valid reasons, then, could there be for such a disparity?

In interviews with a number of people most closely involved with the situation, (Dean Simpson, Registrar Pote, several faculty members, and Professor Donahue - head of the Scholarship Committee) the following were the most common justifications offered:

(1) All minority people apply and are accepted to better known law schools. They would not come here even if we improved our recruitment procedures

(2) Suffolk currently has no recruitment program specifically geared to minority students. As Dean Simpson stated, to create such a program would only result in reverse discrimination against qualified white students.

(3) Most minority applicants would not meet our law school admissions standards. To admit them, the school would have to employ preferential treatment for minority applicants.

(4) Financial aid to minority students would be too expensive. We do not have the funds.

Some of these justifications are statements of fact. Others we hope to expose as fantasy. One thing is clear: none of them truly justify the prejudicial system of acceptance as it now stands.

Argument #1

This was the most widely stated reason given for the scarcity of minority representation. The contention that all blacks interested in law school are taken up by other law schools or would not come to Suffolk even if we attempted to attract them is presumptuous and self-perpetuating. Where do the people who offer this reason get their information?

CON'T

VD

The Clinical Law Programs at Suffolk Law have been a great success and have met with full support from both students and faculty. The programs offer a student the valuable opportunity to go into court representing someone with a real (as opposed to hypothetical) case problem. This experience begins to help a student bring together in a practical way the different courses offered in law school. Criminal law, torts, evidence, family law, contracts and all the other courses start to fit together into a larger picture. The Clinical Programs are a vital part of the law education for all who care to participate. Why then are the programs so understaffed and the space so inadequate? To date there is only one faculty member, Prof. Hollingsworth, one secretary, Angela Carcia, and one small office assigned to the whole program.

Let's look at the Voluntary Defender's Program, the largest of the clinical programs, the Defender Program has grown substantially since its inception in the beginning of 1970. Under its one faculty advisor and with the support of both students and faculty, the Program has expanded as follows in the past two years.

1969-1970

February, 1970 program started with approximately fifteen to twenty students who were assigned to the East Cambridge and Somerville District Courts.

1970-1971

Twenty-eight day seniors and eighteen evening seniors were assigned to the East Cambridge and Somerville District Courts. (Somerville was dropped in December, 1970 as a result of minimal case assignments to students). A total of 203 cases were assigned to the students during this academic year.

During the school year 125 second year and third year evening students were being trained for participation in the program during their senior year.

CON'T

1971-1972

Seventy-seven day seniors and fifteen evening seniors are currently assigned to four district courts; they are: (1) East Cambridge, (2) Salem, (3) Dedham and (4) Lynn. As of December 2, 1971 the students have been assigned 232 cases since September of 1971.

In addition, there are 177 second year day students, 30 third year evening students who are currently being trained for participation in the program next year.*

The Defender's Program as it presently exists is in need of an assistant and more space. It is obvious that the two hundred law students planning to go to court next year will not have the opportunity unless an assistant is assigned to the program.

Last Spring the faculty, seeing the need for additional supervisory personnel, passed a resolution calling for the hiring of an assistant to the Clinical Program. The proposal bounced around through Suffolk's undiscernable bureaucracy, meeting with approval from all, and finally ending up in front of the Board of Trustees in June. The Board of Trustees, knowing very little about the needs of the Clinical Program or the needs of the Law School tabled their decision. Then at their Fall meeting one of the Trustees got hung up over a fact having nothing to do with the needs or quality of the Defender's Program. A request came back from the Trustees for information on why the program had dropped the Somerville Court. Somerville was dropped because only a few cases were being assigned in that court.

Presently almost a year after the faculty's passing of a resolution calling for an assistant, no assistant has been appointed to the Clinical Program. The Trustees have just not been able to get it together.

It is hoped that the Trustees will soon recognize the important needs of the Clinical Program and, in their wisdom give final approval to the request for an assistant.

*Facts taken from letter written by John Deliso, S.B.A. President.

At the present time the SUFFOLK-ATE appears to be more of a forum for the emotional ravings, ego fulfillment and self-righteous condescension of its contributors. The end result of the first two editions is a general put-off and put-down of the students. One of the surest ways not to accomplish a goal is to alienate the people upon whom your success depends. Bill Bennett's recent article is an excellent case in point.

The stand taken by the SBA in regard to Malik El Hakim is an excellent one. The only trouble is, it was not communicated to the students at a time when it might have done some good. Bill puts down the "lily white student body of Suffolk Law" who are "probably vaguely aware of this situation." The reference to lily white students is certainly condescending and uncalled for - an undoubted comparison of the moral consciousness of the SBA and Bill Bennett himself for getting involved. But what was your involvement? The statement about being "vaguely aware" was certainly a correct one Bill, but it was a rectifiable situation. You and SBA could have created an awareness at a time when it mattered most. The issue could have been taken to the students and they could have been taken to the students and they could have been organized in support of your position. If the issue was as important as you indicate and your feelings as strong, then the SBA should have done something about it besides paying lip service.

You may hope the "lily white student body of Suffolk Law follow the example of SBA" but I for one don't. If the SUFFOLKATE, of SBA for that matter, is to amount to anything, then constructive and viable alternatives must be offered, not post mortems and put downs.

It may have made the SBA feel better to contribute \$100 to the MalcolmX Foundation but I can't help but feel it was a hypercritical gesture made in the nature of conscience pacification. If you really feel that students are not aware of important issues the get off your butts and develop that awareness, but more importantly, lead, develop alternatives aimed at rectifying the system rather than just exposing existing inequities.

You also have to recognize that there is a conservative element here at Suffolk which is not going to be won over by the Judicial finger(Vol.1) or emotional appeals. The vast majority of students I have met are however, both intelligent and open to reason.

Steward Herrick

Editor's Note:

The Suffolcate hopes to bring the problems that exist in our school and our society to the attention of the students. To make the students aware of the forces that control their existence, especially here at Suffolk. Certain committees concerning curriculum, course evaluation, a practical law institute, law day, Beacon Hill legal aid clinic, and intramurals are now in existence and anyone interested in working with these groups should contact the SIA for information.

Liberals always seem to want someone to lead them out of the darkness. They cry for someone to help them, to lead them. Well, the Suffolcate only intends to inform people of what the problems are. It is then up to the students to act. Don't sit on your ass and complain that we're not leading you when you have the power and ability to join existing committees or form new ones to deal with the problem.

Bennett's Note:

In the midst of so much hate and polarization, I hope the SUFFOLK-ATE can help eliminate such conditions at Suffolk. I'm sorry if I sounded condescending, that was not my purpose. The purpose was to let students know that other law students were sending letters and telegrams to Governor Sargent in an attempt to save a man's life. A man's life is at stake. The ironic thing, and perhaps the only reason for presenting the article in a different manner, is that someone would take time out from their busy study of law to condemn me for an alleged attitude while the some person won't send a letter to the governor to try to save a man's life.

On December 9th Senator Proxmire addressed the Law School. The Senator spoke to a half filled auditorium. This apathy on the part of the students at the law school is alarming. Even more alarming is the apathy of the faculty of the law school. Only one member of this dignified faculty thought the occasion important enough to appear. I am told that the Dean and other members of the faculty were notified of the event by the SBA. I wonder what kind of an impression Suffolk Law makes upon a speaker when only one professor felt he had anything to say.

Eric J. Wiener

It's A Bitch

There are many students who are deeply disturbed by the present examination waiver system for Law Review and Moot Court. If you are unfamiliar with the practice, it is basically a granting of one examination waiver per semester to selected members of these organizations in exchange for their contributions. The difficulty with this practice is that it allows students to waive the course of their choice. The mentality of the involved students usually results in waiving the course that gives the lowest grades. Thus the students with already high averages factor out of their cumulative average their lowest grade.

In response to questions presented to me in my capacity as SBA Section rep for 2A, I decided to find out the number of waivers granted. I began my inquiry with Bernie Ortwein, Editor-in-Chief of the Law Review, and Lennie Lewin, the Managing Editor. Although as members of "Editorial Board," they help determine who will be given waivers, they suggested I ask Professor Fenton. He is the Faculty Advisor.

I then walked across the hall and asked Al Caroline of the Moot Court Executive Board how many waivers his organization gave. I received an honest and straightforward answer: he was advised not to give out this information because of its controversial nature. The entire Executive Board was offered waivers, as was the "final competition team." Others presumably are given, but this, he explained, is a sensitive area.

I walked upstairs to Professor Fenton's office not quite sure why it was necessary. Surprise! He was gone for the weekend.

Rumor Groomer tells me that about thirty Law Review waivers were granted. There are five members of the Moot Court Executive Board. In the great Liberal tradition I will not content myself to uncover an apparent inequity but will also propose "solutions" (see letter).

No one denies that Law Review and Moot Court make important contributions to Suffolk. The time expended should not be without credit. What is unjust is the present system which allows average padding by the very ones who do not need such an advantage. Perhaps a certain number of credits should be given for participation in these programs. These credits would be administered in the same manner as the Voluntary Defenders Program and would in effect give elective credit for their participation.

Secondly it should be public knowledge how many waivers (credits) are allowed. If this is a legitimate contribution to the school full disclosure closure could certainly not harm the organization.

Toward this end the Suffokate now offers to publish a breakdown of the number of waivers given and the courses waived. Good faith dictates that the most pretigious organizations in the school eliminate secrecy as a facet of their operations.

Look in the next issue for this information; if it's not here, you will know why.

Bill Grant.

NO BOYS ALLOWED more meetings

For the women who were not at the 3 meetings that have been held thus far, they are cordially invited. The women present discussed different plans and goals each would like to see implemented, including: an inter-school committee working on bringing pressure to recruiting law firms to change their discriminatory policies; a general survey of the women here; inviting women lecturers; courses taught by and about women; working to recruit women law students; women's legal services; and law reform relating to women.

SPORTS STOP

The final standing of the 1971 intra-mural football season are:

Zeroes	4-0
Carbolic Smoke	
Balls	3-1
Jingles Boys	3-1
Swine	2-1
Royal Screws	1-2
Pro Bono	1-3
Savage Shysters	0-6

Congratulations to the Zeroes-- winners of the first annual Lamburt Trophy award as champions of the league. A special word must be paid to the Savage Shysters, winner of the Joe Kapp sportsman award for good guys, for forfeiting their six games and graciously allowing all of their opponents to win at least one.

Jim Bisceglia

S.B.A. COMMITTEE REPORTS

SBA has appropriated \$4000 for the establishment of a Practical Law Institute. Possible courses include Piercing the Corporate Veil, Representing G.I.'s in the military, Forms and Motions, Trial Tactics, Selective Service Law and Mass. Prison System.

In an attempt to find individuals who are active in the specific area who can conduct a meaningful course, the organizers have had to turn down several interested parties. The problem is finding someone knowledgeable enough and with the time to teach the course. There are only 5 or 6 people working on this project at present and any help that students can offer will be warmly received.

The institute is being established to supplement the theoretical and academic approach to law school studies. (courses are open to students from other schools) Course assignments might include mock trials, filing legislation and injunctions, compiling information to be distributed in booklet form---the actual structure of

On Tuesday November 31, twenty-five interested students met to organize another legal aid office for the law school. The group has a lot of enthusiasm and is eager to create a new means for law students to involve themselves in the law. The Beacon Hill Civic Association has expressed a desire to help by finding or furnishing an office. Mr. Borman, head of the association, spoke to the committee. They subsequently decided that Beacon Hill offers the best opportunity for student involvement.

Students who won't be able or don't want to participate in Voluntary Defenders will be able to take part in this program. The committee hopes to establish the office sometime in the next semester. Keep your eyes open.

the courses will be decided by the students and the instructor together. Topics are by no means limited to those that have been proposed thus far. Another problem is time however. The hope is that the courses will begin in early February. They will last for ten weeks and are tentatively scheduled for the late afternoon.

If any students are interested in working on this project please get in touch with SBA immediately.



coincidental

Any impression on the part of a SUFFOLKATE reader that an article written by a woman is related to the budding women's group is wrong... unless otherwise stated... and not only wrong, but downright male chauvenist piggy - in other words, a narrow-minded presumption that flows from a desire to associate ("lump") undocile women together which stems from deep-seated insecurity about the physical (mental) reality of one's maleness and how well he succeeds in establishing and projecting it... What this means (let me make myself perfectly clear) is please don't ask or attack - women who are not responsible for the writing of an article. This unreasonable behavior is quite common... one fellow even approached me secretly - through a mutual friend! In legal terms, it is comparable to assuming there is a prima facie case and working on that basis - the wrong burden of proof.

I have heard much (and sources will be kept quiet to ensure they remain open) about many hostile reactions to the articles about women. There is but one reply: do we understand from whence the hostility springs?

Francine Vidockler

US

Ed Englander
Frank Forrester
Jerry Howe
Jayne Tyrrell
Dennis Derrick
Len Polletta
Carole Megarry
Gene Gillin
Bill Grant
Kat Brennan
Bill Bennett
Mary Frey
Francine Vidockler
Nancy & Jim Bisceglia
R. Groomer

We apologize for the general appearance of this issue. We felt it was more important to get an issue out before exams than to wait for the time to prepare a more polished product.

Good luck on exams....

PROXMIRE...

Recently Senator Proxmire spoke at Suffolk. SBA should be applauded for its attempts to bring outside information into the Suffolk ivory tower. However, I must express deep disappointment with the Senator's visit.

I have been aware of the Senator's role as resident thorn-in-the-side to the senatorial spendthrifts. He has fought many good fights against the insane

militarists and the Federal Project-pushers. He does his homework as was evidenced by his numerous references to specific projects and the warped logic that allows their existence.

I have little argument with what he said, but I reacted strongly to his coolness and non-emotional manner. I suggest that if he is concerned about the priorities in this country he would want to get others excited in turn. It is impossible to conceive of meaningful reverses in the current priorities of this mad society without a populist outcry. The present governmental leadership must be faced with the outraged cries of the people. At present, the outrage exists and the crying is a fact of life, but only in the cold and hungry corners of our society. The people have no amplifier. I had hoped that the Senator was one who would assert his humanity, who would ask us to assert ours, but such was not the case. I am left with the thought that in the next year, and the years to follow, quiet gentlemen like the senator will be gathering their facts while the walls come tumbling down.

Jeremy Howe

BLACK-OUT 2.

Suffolk Law School is not known in the black community. Very little effort has been made to reach potential community sources and to advertise Suffolk's benefits. Our night school and our lower tuition rate would certainly be attractive to blacks. But blacks will understandably be skeptical of going where it appears they are not wanted. Without a genuine and sincere effort by Suffolk to attract blacks, we cannot say that blacks do not want to be here.

Argument #2

In its efforts to treat all students as equal, Suffolk is treating blacks unequally. Minority groups are not on equal standing with whites when they apply to law schools. Many are economically disadvantaged and, as a consequence, academically disadvantaged. Experience has shown that minorities do not score well on white-oriented admissions tests. To treat them as equals (to white applicants) smacks of invidious discrimination.

Once Suffolk has recognized its discriminatory admissions practices (and we find it difficult to believe that it has not already) it has an obligation to correct the inequity. Boston University recognized the problem and is acting affirmatively to change it as shown by an excerpt from its Information to Applicants from Disadvantaged American Minority Groups:

Boston University School of Law has traditionally sought to provide equal educational opportunities to people from all walks of life. This school has taken the position that law schools and the legal profession have a special obligation to promote equal opportunities, and perhaps even special opportunities, for members of the economically and otherwise disadvantaged groups in American society who wish to obtain legal educations and professional opportunities in law practice, and that the need to promote these objectives is urgent. Accordingly, this school has engaged in extensive efforts to attract into the legal education larger numbers of young men and women from such groups.

1. 119 Pa.L.R. 364, 367 contains a quote by former Yale Law School Dean Louis H. Pollock who states: "based on doubts that LSAT scores and college records are accurate predictors of ultimate professional distinction for applicants whose childhood and family background are remote from experiences and aspirations of (primarily white) middle-class America, to which our conventional indices of academic aptitude and achievement are inevitably oriented, Yale has for at least the past fifteen years given less weight to LSAT scores and college grades in assessing black (and occasionally white) applicants whose histories appear culturally a-

Argument #3

This statement is fact, but it is not a justification for continuing our present admissions policy. Underlying the argument is the belief that Suffolk does not now employ preferential treatment in admitting applicants. The criteria for admission are the LSAT score and college grades. However, other considerations also enter into admissions decisions; for example, recognition of a student's extra-curricular activities and faculty recommendations. Thus, the school is now taking into account more than grades. In addition, all educational institutions at one time or another give preferential treatment to sons and daughters of faculty members, prominent alumni, trustees, etc. No preferences, you say? Why are the admissions policies construed so strictly against blacks when they obviously are liberalized in the above circumstances?

The main point here is that preferences according to race would indeed not be unjust. In the light of Argument #2, they would foster equal treatment. Racial classification in special cases was recognized in Norwalk Core v. Norwalk Redevelopment Agency, 345 F.2d 920, 931. (2nd Cir. 1968)

(racial classification)... is something which the Constitution usually forbids, not because it is inevitably an impermissible classification, but because it is one which usually, to our national shame, has been drawn for the purpose of maintaining racial inequality. Where it is drawn for the purpose of achieving equality it will be allowed, and to the extent it is necessary to avoid unequal treatment by race, it will be required.

We feel it is necessary and required at Suffolk Law School.

Argument #4

Can it be true, as this argument would have us believe, that Suffolk has literally no financial resources available to aid minority scholarship needs? Even without establishing new minority financial resource areas, Suffolk has present resources to tap.

It could obtain funds from:

- B.A.B.'s \$30,000 fund for minorities;
- Suffolk's own five scholarships for disadvantaged students;
- The Alumni Organization, which provides a scholarship to a student recommended by the scholarship committee;
- Four colleges, Dartmouth, Brandeis, Holy Cross, and Boston College, at their President's discretion give a scholarship to Suffolk for one of their students. Why not request that be to a minority student?

With forethought and sincere interest, additional new resources could be developed by tapping the SBA to set up a scholarship fund, by use of the university's discretionary funds, and by appealing to alumni contributors, also by making work available within the university. The

a deferred payment plan such as those currently offered at Yale and Duke Universities.

Suffolk is obviously one of the most profitable institutions of its kind. It boasts about operating in the black (but not with blacks). Could it not afford to put some revenue to social use by specifying that it be used for minority recruitment and scholarships.

In summation, we will let our arguments speak for themselves. We feel they are just and moral and require Suffolk to rethink the law priority position it has given to minority admissions policy goes before the faculty. The school has promised to respond before Feb. 1. We urge Suffolk to act affirmatively and without delay towards a program which would implement this proposal.

Next issue will present some suggestions on how to go about recruiting and admitting minorities.

FRANK FOERSTER

INFO

Suffolkate would like to be a source of information for all activities which 1 law students are involved in, either at school or in the community. Please give such information to members of the staff, the SBA office or come to meetings on Fridays at 3pm in Room 14.

THE LONG ARM OF THE LAW

Raymond Marquez and Edward Whiteside are prisoners at Soledad accused of assault on a guard. Apparently, something about their case particularly upset Monterey County Superior Court Judge Lawson. At the arraignment of the two, a small disruption occurred in the courtroom. As things quickly calmed down again, Gordon Lapides, defense counsel, looked to the bench and found himself staring at a pistol that Lawson was brandishing and waving at the assemblage. Lawson, apparently unaware that there was any impropriety in his behavior, announced that he had no intention of "going the way of Judge Haley" (the death that Angela Davis is charged with). Not surprisingly, defense counsel moved to have Lawson removed for counsel moved to have Lawson removed for cause. Last week, the motion was granted. (Reprint from the CONSPIRACY, the National Lawyers Guild)

IT FIGURES

GEOGRAPHICAL DISTRIBUTION

	DAY DIVISION			EVENING DIVISION				TOTAL
	'72	'73	'74	'72	'73	'74	'75	
Alabama			1					1
California	1		1			1		3
Connecticut	20	28	26		4	10	9	97
D. C.							1	1
Florida	1		1	1				3
Illinois			1					1
Maine	3	3	5	2	1	1	2	17
Maryland		2	1					3
Massachusetts	173	215	267	130	161	210	300	1456
Michigan			1					1
Missouri		2						2
New Hampshire	12	5	3	1	5	4	9	39
New Jersey	20	11	11	1	3	3	5	54
New York	7	23	22	2		4	14	72
Ohio	1	2			1	2	1	7
Pennsylvania	1	7	2		1	2	2	15
Rhode Island	17	19	25	17	18	14	33	143
South Carolina				1				1
Tennessee	1						1	2
Vermont	5	5	1					11
Virginia		2	1			1	1	5
Washington		1						1
Wisconsin						1		1
Foreign Countries			1			1		2
	262	325	370	155	194	254	378	1938

ENROLLMENT AND ATTRITION STATISTICS

		ENROLLMENT OCTOBER '70	TAKING EXAMS MAY '71	DEFICIENCY LETTERS	DISMISSED SUMMER '71	ENROLLMENT OCTOBER '71
<u>DAY DIVISION</u>						
'72	SECTION A	154	150	12	9	144
	SECTION B	134	124	18	7	115
'73	SECTION A	163	153	9	6	158
	SECTION B	118	109	21	13	84
	SECTION C	99	91	12	7	82
'74	SECTION A					157
	SECTION B					112
	SECTION C					106
<u>EVENING DIVISION</u>						
'72	SECTION A	109	105	5	3	84
	SECTION B	62	61	10	3	71
'73	SECTION A	140	124	25	16	112
	SECTION B	104	94	22	8	82
'74	SECTION A	181	149	35	27	119
	SECTION B	151	144	19	12	135
'75	SECTION A					193
	SECTION B					185

The accompanying charts are presented to provide some accurate information about the enrollment and attrition statistics of the law school. Certain qualifications must be made before the figures can be properly interpreted, however. Enrollment figures for both 1970 and 1971 include persons who may be repeating the year or persons returning to a section following a leave of absence for military service, etc. The statistics on the number of students taking exams may also include those retaking an exam to remove a deficiency or those who had an exam deferred for illness. Inconsistencies between the charts reflect changes in the overall enrollment since the studies were not conducted at exactly the same time.

Sectional disparities should be noted with regard to Law Review invitations. The top 75 students from the first year day division are asked to compete for a position on the Review's staff. Three students tied for the seventy-fifth rank so

77 bids were sent out-- 50 to 1A, 12 to 1B and 15 to 1C. The number accepted for Review participation was as follows: 20 from 1A, 6 from 1B and 4 from 1C. This year the top ten students from both the third and fourth year evening division classes were also asked to contribute to the Review. Seventeen of these students initially indicated that they were interested in doing so. They will submit articles and if accepted by the editors, their names will appear on the staff listing of the issue to which they contribute. They will not be expected to do the cite checking and proofreading which is required of the day division staff.

Some final statistics of interest include female enrollment, 142; black students, 12; other minorities, 9. The average Law Board score of the first year class was 550. Total enrollment including the Graduate Division was 1,960 on October 7, 1971.

Gene Gillin