

THE UNIVERSITY OF MICHIGAN

Law Quadrangle Notes

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CAMPBELL COURT: Left to right, Charles W. Joiner, Acting Dean of the Law School; W. Wallace Kent, Chief Judge, United States District Court, Western Division of Michigan; Potter Stewart, Associate Justice, Supreme Court of the United States; Judge Clifford O'Sullivan, United States Court of Appeals, Sixth Circuit; and Associate Professor Robert L. Knauss.

Justice Stewart Presides At Campbell Competition

Distinguished jurist also receives Doctor of Laws degree at annual Case Club Banquet.

The activities of the Case Clubs reached their climax for 1965-66 on March 9 with arguments in the forty-first annual Henry M. Campbell Competition, followed by the Clubs' annual banquet at which Potter Stewart, Associate Justice of the United States Supreme Court, received the honorary degree Doctor of Laws.

Judging the competition were Mr. Justice Stewart; Judge Clifford O'Sullivan, United States Court of Appeals, Sixth Circuit; Judge W. Wallace Kent, Chief Judge, United States District Court, Western District of Michigan; Acting Dean Charles W. Joiner of the Law School, and Associate Professor Robert L. Knauss of the Law School, who also authored the case that was argued.

The teams in the competition argued a case concerned with nondisclosure of inside information and the purchase of securities by company officials.

Finalists this year were four juniors, Michael Coffield, Wilmette, Illinois; Kay Felt, Shreve, Ohio; Edmund B. Frost, Denver, Colorado; and Peter L.

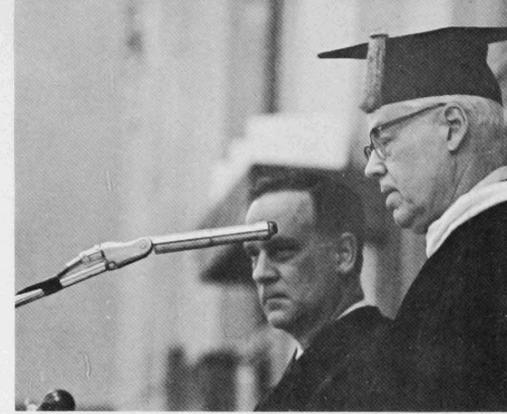
Truebner, Stamford, Connecticut. Mr. Coffield and Miss Felt were declared the winning team. In addition, Mr. Coffield was named Presiding Judge of the Case Clubs for 1966-67 and Miss Felt was chosen Chairman of the Campbell Competition. Miss Felt is the third woman to reach the final round of the Campbell Competition and second to be a member of the winning team.

The citation, presented by Harlan Hatcher, President of the University, accompanying the honorary degree for Mr. Justice Stewart reads in part:

"It is a delight for a legal assembly to contemplate a jurist who has preserved himself from all extremes, both of vagary and of circumspection.

"He has translated his native moderation . . . into a positive and comprehensive principle, conceiving of order as the coadjutor of needful change, technical precision as the servant of clear-eyed common sense, and a lively sympathy for the actual condition of affected persons as the guide through legal maze."

Potter Stewart, born 51 years ago in



Justice Stewart and University President Harlan Hatcher

Jackson, Michigan, holds B.A. and LL.B. degrees *cum laude* from Yale University. He was a Fellow at Cambridge University, England, in 1937-38 before being admitted to the Ohio bar. He practiced law in New York City and Cincinnati, before serving as U. S. Judge of the Sixth Circuit Court of Appeals, which embraced Michigan, from 1954 to 1958. He became an associate justice of the Supreme Court in 1958. He had earlier been a Cincinnati councilman and vice mayor.

Charles W. Joiner, acting dean of the Law School, praised Justice Stewart for his close relationship and service to Michigan. Pointing out that he is the Justice for the state as the 6th Circuit Justice, Dean Joiner said "he has employed graduates of the Law School as his clerks and served as chief judge of our Case Clubs."

This fall three former clerks of Justice Stewart will be members of the law faculty. They are: Jerold H. Israel, Thomas E. Kauper, and Terence Sandalow.



THE VICTORS: Kay Felt argues before the court. Her partner, Michael W. Coffield, center, accepts the award for the team from Judge Clifford O'Sullivan. Judge W. Wallace Kent, right, calls for a revival of the art of advocacy.



William Harvey Named Dean at Indiana

**Completes study of Ghana.
Calls for research programs
on role of legal institutions
in emerging countries**

Professor William Burnett Harvey was named dean of the School of Law at Indiana University March 21.

Professor Harvey will also hold joint professorships of law and government and will assume his new position August 1.

Already a lecturer in the U-M School of Business Administration before receiving his J.D. degree at Michigan in 1949, Professor Harvey joined a Washington, D. C., law firm and taught at George Washington University before joining the Michigan faculty.

Specializing in contracts and contract remedies, he quickly expanded his interests to legal philosophy and the development of law in the new nations of Africa. His research and study in the new state of Ghana and in London led to his appointment in 1962 as director of legal education and dean of the faculty of law at the University of Ghana. His work ended in 1964 when he was one of six teachers deported by the government for "subversive activities."

Professor Harvey spent the academic year of 1955-56 at the University of Heidelberg, Germany, doing research in jurisprudence and legal philosophy. He has served as chairman of the Committee on Pre-Legal Education of the Association of American Law Schools and is a member of the Bar of the United States Court of Appeals for the District of Columbia Circuit and the Bar of the Treasury Department.

He is the co-author with John P. Dawson of Harvard of the text, *Cases on Contracts and Contract Remedies*.

Commenting on leaving the Michigan Law School that "has been almost the entirety of my professional life," Professor Harvey said his alma mater "is a great school, and I'm sure it has an even greater future." He expressed regret at leaving that he will not have an opportunity to work with Francis Allen, new dean of the School, "one



William B. Harvey

of the most distinguished men in our profession."

One of Professor Harvey's reasons for accepting the new responsibilities at Indiana is the opportunity there for developing programs and research on the role of legal institutions in less developed countries.

"American law schools, all of them," he says, "have been delinquent in coming up with a meaningful response to the phenomena of underdeveloped countries. Other social disciplines have been concerned; but law, thus far, has lagged far behind."

Professor Harvey's interest in "the legal aspects of nation building," as he calls it, motivated his recent book *Law and Social Change in Ghana*, published by Princeton University Press.

"I became convinced many years ago," he explains, "that we need, not archaic speculation about legal philosophy and political development, but rather, empirical data as to how law actually operates in society, how certain value acceptances become incorporated in the legal order."

In this connection, Professor Harvey turned to the new societies "where people were first getting the reins of government into their hands. Thus, the pilot study from which the book evolved was undertaken in 1959."

He admits the book came out considerably different from his first expectations.

"I begin with a whole set of false

hopes regarding the materials and research methods which could be used. There simply had not been the serious scholarship on institutions in Africa, and Ghana specifically, that would satisfy a lawyer. The work by anthropologists was not centrally concerned with legal institutions but as simply one facet of the life of primitive people. The data very frequently lacked the detail that lawyers would look for.

"Full use of modern social science was simply out of the question. In the first place, outside investigators are viewed with too much suspicion. Secondly, the types of indices of community sentiment we employ in sociology just aren't available in Ghana. For instance, the only publications are those controlled by the government and the dominant political party."

The book traces the development of public law institutions in Ghana over three periods. "I wanted to view, over a period of time, the modifications of the indigenous system by the Colonial experience and then further modification by independence and African government."

The book was not written as a professional lawyer's book. The emphasis is on what society does to shape law and what law does to shape society. Anyone who writes about Africa, of course, is committed to writing history. Within five days of the book's publication, the government of Ghana fell, and there was a change of central actors in the play. But a legal system is not wiped out overnight.

"From the standpoint of legal philosophy, it was my hope that any general insights would have validity not only for Ghana but also for other societies," Professor Harvey said.

The principal poles of competition Professor Harvey notes in Ghana are: nationhood vs. a larger organizing unity, individualist vs. collectivist values, democracy vs. aristocracy, and forces of stability vs. forces of change.

"The only surprise," he notes, "was to discover the extent to which democratic and individualistic values has been given expression contrary to the public statements and impression of the Nkrumah government."

QUAD BRIEFS



"POLITICS AND THE INDEPENDENT REGULATORY COMMISSION" was the Thomas M. Cooley Lecture theme, given in February, by William L. Cary, Dwight Professor of Law at Columbia University and former chairman of the Securities and Exchange Commission. Participating in a concluding discussion, above, are: Culp Davis, John P. Wilson Professor of Law, University of Chicago; Professor Cary; Moderator, Professor Roger C. Cramton of the Law School; Nathaniel Nathanson, Professor of Law, Northwestern University; and Frank Newman, Dean and Professor of Law, University of California.



EDITORS OF THE MICHIGAN LAW REVIEW, pictured with Acting Dean Charles Joiner, are: Front row, left to right, Sally Katzen, editor-in-chief, and Duane A. Feurer. Back row, left to right, Hurst K. Groves, administrative editor; Edward W. Harris; James M. Amend; John A. Sebert, Jr.; J. Larry Nichols; and Joseph H. Ballway, Jr.

PROFESSOR ERIC STEIN, center, introduces the Hon. Leonard Meeker, legal advisor of the State Department, right, and Professor Wolfgang Friedmann, professor of international law at Columbia University, left, guests of the International Law Society last month in the Lawyers' Club. They spoke on "Intervention and Subversion in International Law and Relations: The Problems of Vietnam and the Dominican Republic."



Law School Fund National Committee Has Annual Meeting

The National Committee of the Law School Fund met Saturday, March 26, in Hutchins Hall for its fifth annual meeting. About 40 persons attended.

The functions of the National Committee are to: establish a continuous annual fund program for the use of the Law School; encourage regular voluntary contributions from alumni and friends; recommend to the Law School needs that can be met through gifts, grants, or bequests; cooperate with the Lawyers' Club, and coordinate its activities with those of the University Development Council.

The National Chairman re-elected for next year is Emmett Eagan of Detroit. He served last year as National Chairman and also was Wayne County Chairman in the 1961, '62, and '63 campaigns. The new National Vice-Chairman is Benjamin M. Quigg, Jr., of Philadelphia; John H. Morrow of Birmingham, Alabama, was elected Class Vice-Chairman; and John S. Tennant of New York was reelected Special Gifts Chairman.

Acting Dean Charles W. Joiner reported on the financial results of the 1965 campaign. He reported that 2,573 alumni gave \$161,139 in 1965. Assistant Dean Roy Proffitt also spoke on the 1965 campaign and introduced Emmett Eagan.

The new Dean of the Law School, Francis Allen, spoke at the luncheon held at the Michigan Union. He noted that funds donated by alumni have permitted flexibility and freedom for the Law School and have offered alternatives that might not otherwise be possible. He concluded that it would be difficult to conceive the operation of the School without it.

The regional chairmen who will head the campaign next fall and their areas are: Norman Bowersox, New York City; Benjamin Quigg, Philadelphia; John Morrow, Birmingham, Alabama; John Elam, Columbus, Ohio; William Welch, Indianapolis; Robert A. Stuart, Springfield, Illinois; Carl Enggas, Kansas City, Missouri; Richard Young, Denver; Philip Westbrook, Los Angeles; Paul R. Trigg, Detroit; Russell Bowers, Flint, Michigan. •

New Interview Rooms To Accommodate Placement Activity

The demand for U-M Law School graduate continues to increase. A record number of employers, 209, have interviewed at the School thus far. The number for comparable periods was 46 in 1955, 71 in 1960, and 161 in 1964.

To facilitate handling this increase in recruiting activity, the second floor study hall in Hutchins Hall has been remodeled with seven interviewing rooms built on either side. This fall 14 interviewers can be accommodated on any one day. The rooms will be reserved for placement interviews as needed, but will serve as study carrels and for other purposes.

New lighting promises to make the study area more practical. The University provided funds for approximately half the expense of the project and the Law School Fund financed the balance.

During the current year, some employers interviewing at the school had more than one representative or conducted interviews more than one day, so that 286 interview schedules were arranged. Individual student interviews totaled 2,725: 195 third-year students had 1,732 interviews; 150 second-year students interviewed 944 times, and 14 graduate students scheduled 49 interviews. In the fall of 1955, 547 individual interviews were conducted, 715 in 1960, 2,308 in 1964.

In the past, many employers wanted only the top-ranking students. To encourage interviewers to consider the very high qualifications of the average U-M law student, the practice of ranking students in their classes was discontinued. Most employers have accepted this without protest. Almost as many third-year students with grade point averages below 2.75 (97 students, 754 interviews) had an opportunity to interview as those above 2.75 (98 students, 978 interviews).

Of the 130 seniors reporting placement as of February 10, 43 had averages of 2.75 and below—22 were in the 2.5 to 2.75 range, and 21 with less than a 2.5 average.

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Law Graduates Serve In European Common Market

U-M stagiaire reports experiences with study-exchange program in European Economic Community

One would need not probe very deeply to realize the tremendous growth of interest and concern that has occurred in the field of international law at Michigan.

The Law School was among the first to become interested in depth in the rapidly growing European Economic Community.

The emergence of the Common Market has been the inspiration for Professor Eirc Stein's course Law and Institutions of the Atlantic Area and three seminars that are being taught by Professors L. Hart Wright and Alfred F. Conard, as well as by visiting German scholars and professors.

An informal agreement made on behalf of the Law School between Professor Stein and General Counsel Gaudet of the EEC has also made it possible for graduates of Michigan and members of the legal staff of the commission to exchange places for several months and study on foreign soil.

Thus far, as a result of this program, two European lawyers have completed a stay at the University which afforded them the opportunity to both learn and teach in the United States.

In the meantime, Richard L. Gerber, a 1965 graduate of the Law School, spent nine months in Brussels with scholarship funds provided by the Committee on Graduate and Foreign Study.

He held a six-month internship as a "stagiaire" in the legal service (Service Juridique) of the EEC. This service, according to Mr. Gerber, reviews every legal problem or project within the Community at one stage or another. He reports that this broad base of operation made it possible for him to get a fairly comprehensive view in a relatively short time of an increasingly complex institution and to acquire some insight into the changing and elusive concept of the EEC.

"It was not its final form," Mr. Ger-

ber says, "but rather, the unique law creating and law enforcement processes officially provided and unofficially created which interested me. I suppose what I am saying is that the pragmatics and the politics of the intra-Community negotiations and sometimes merely the psychology of a new and growing core of a European civil service are intangible but important factors in the development of the Community law."

He achieved this understanding of the interrelations of these factors through experiences at different levels.

First, as a "stagiaire," he was afforded a weekly opportunity to listen to and question high officials of various departments of the Commission in an informal atmosphere. Second, his work allowed him to observe the interplay of the intangible factors operating in the law making process; as an example, he cites his opportunity to observe the negotiating and politicking to preserve national interests that occurred during meetings of the experts on company law.

Finally, Mr. Gerber stresses the value of his daily contacts during and outside working hours with "the persons who are presently making the idea of the European Economic Community work—the Fonctionnaires, and those who shall assume the tasks in the future—my fellow stagiaires."

The learning process during this internship was coupled with duties such as analyzing and summarizing decisions of the national courts and the Community's Court of Justice. He also prepared legal memoranda on approximation of law provisions of the Treaty of Rome, the possibility of the direct application of an ECC directive within countries of the Community, Article 177 of the Treaty of Rome and arbitration proceedings, and a comparison of the equal protection clause of the 14th Amendment to the United

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FACULTY NEWS

Arthur R. Miller Enters the Computer World



**PROFESSOR MILLER:
Computers for 20th Century Law**

Imagine a world in which a lawyer in Ishpeming, Michigan, can press a button and have the contents of any volume in the Harvard Law Library reprinted at his fingertips.

Imagine a world in which a student can have flashed on a television screen before him any legal article just minutes after its completion by the author.

Impossible?

"Not at all," says Professor Arthur R. Miller. "The technology already is here. All we need is legally trained personnel to apply the technology to transform the legal materials into a machine-readable form for storage in computers."

"Computers" is the key work in Professor Miller's declaration, for it is computers that are heralding the Brave New World of instant access to any piece of recorded information located anywhere in the world. As co-chairman of the Interuniversity Communications Council's Task Force on Copyrights and Law, Professor Miller is exploring both the effects of technology on the research and teaching of the law and other disciplines and the legal problems emerging as a result of the revolutionary developments in what he refers to as "information transfer."

Three months ago, James G. Miller (no relation), director of the U-M Mental Health Research Institute and executive director of EDUCOM enlisted Professor Miller's aid in heading a task force with Professor Benjamin Kaplan of the Harvard Law School.

"Congress is considering the enactment of a new copyright law," Profes-

sor Miller explains, and "EDUCOM is interested in knowing what effects the proposed bill will have on information transfer and computers, what position the academic community should take, and what changes in the bill should be sought."

To understand the copyright effects of the new technology it is necessary to understand certain aspects of the new technology itself. One operation computers perform is "retrieval," which is the ability of a computer to respond to a command from the operator, and "retrieve" information from a storehouse or memory unit consisting of discs or magnetic tapes. The computer can reproduce the information by picture on a cathode ray tube, by sound, or, more typically, by print-out on a highly refined, electronically controlled typewriter that is similar to a Teletype.

"The effect of this system on education and communications media will be revolutionary," says Professor Miller. "Computer memories can store 10 trillion items of information. One machine would be capable of storing the entire Library of Congress in one relatively small room. Think what this means to a university, particularly a young university or one with limited funds. Through retrieval techniques, a poor school could tap into one or a network of these memory units scattered throughout the country and provide its students with access to something equivalent to the finest library now existing.

"Next year the University of California will link several of its colleges

with such a network on an experimental basis. Currently Michigan State University, Wayne State, and The University of Michigan are planning a statewide information transfer center, with the expectation that the Michigan center would be a node in a national information network.

"Eventually there may be but one great national library available to everyone with access to the network. Tie this national network into the COMSAT communications system and it becomes a worldwide communications and information transfer system."

In addition to retrieval capacity, computers provide enormous data processing abilities. For example, computers can abstract, index, and analyze an enormously long and complicated deposition in a matter of minutes. Moreover, educators have just scratched the surface of the teaching capacities of these machines.

Referring to a *New York Times* article of February 6, 1966, reporting merger agreements between several members of the publishing and electronic industries, Professor Miller points out that "the day may come, as these industries already realize, when an author will disseminate his work simply by dictating it into a computer rather than by publishing it initially in hard-copy form."

Such a possibility, however, raises legal issues that Professor Miller and EDUCOM want to consider.

"We have come to grips with the question who will control access to the network and its dissemination capacities? Who will decide whether *Fanny Hill* or Henry Miller's works will be permitted entry and made available across the nation on request? In addition to these free speech issues, a number of right-to-privacy problems arise because personnel, student, and occupational records probably will be maintained and made available through the transfer network.

"Furthermore, in the realm of copyright, is it an infringement to put a copyrighted book into a retrieval system, to manipulate it within the system, or to print it out or flash its contents on a cathode ray tube? It seems abundantly clear that modern technology renders obsolete many of

our historic notions of infringement and copyrightability and may force us to rethink our basic premises concerning the protection of the creative person's productivity and the incentives the government should provide him.

"Finally, who is going to regulate the networks and by what principles? Who will determine whether an anti-administration article or something like Vietnam would be accepted by the information transfer networks. These are just some of the issues the task force is examining and for which we will try to delineate a rational policy."

In spite of all the legal and human problems the age of computers will bring, Professor Miller is optimistic about the potential benefits, some of which already have been realized. In New York, legal research by computer already is available commercially. A \$2 million UNIVAC III tests the relevance of over one million case references to any problem at the speed of 120,000 cases a minute, and then reproduces the full text of the relevant decisions.

Professor Miller believes that one of the reasons for the declining prestige of the legal profession is that the lawyer has become less of a counselor and more of a technician. "The research and keeping-abreast burden on him is overpowering. Since a large percentage of it is purely mechanical, we should program computers to do it and release more of his time for more creative activities. The system still has some faults, but so did the first printing press. Yet, today we refer to the invention of the printing press as the Gutenberg Revolution; in the future, I am sure that people will refer to our era as the Information Transfer Revolution."

William J. Pierce Cites Need For "Creative Federalism"

"We ought to get state governments out of the nineteenth century," Professor William J. Pierce told a faculty dinner in late March.

"In his State of the Union Address, President Johnson called for a commission of governmental and academic

members to provide greater guidance over the proposals of the Great Society, in an effort to achieve what he calls 'creative federalism,'" Professor Pierce said in his address on "The Implementation of the Great Society into the Federal Structure."

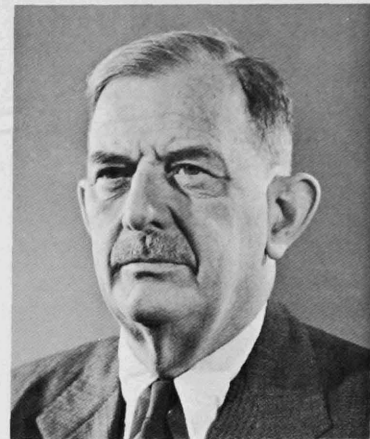
"To achieve creative federalism we will need greater cooperation among all levels of government, especially between the state and local, since so many of President Johnson's programs involve programs on these levels."

Professor Pierce cited such examples as the Appalachian Program under the supervision of twelve governors and a federal commissioner, the anti-poverty Community Action Program administered with the aid of private, self-starting agencies, and the Administration's education program in which the federal government played a minimum role but injected large sums of money into state educational systems.

Elaborating on the role of the commission the President called for, Professor Pierce noted, "At the present there are 143 major grant-in-aid programs now under way between the states and the federal government. Over \$13 billion is involved. But we haven't developed criteria to judge which of these 143 systems works best. The commission, hopefully, would re-examine which of the national goals expressed by these programs ought to be given priority and how to best implement these goals in the federal system."

Professor Pierce also cited major difficulties of local, state and national levels, and suggested that a shifting of certain responsibilities must be achieved. "A substantial number of problems must be taken from the doorsteps of city hall," he said, "and placed in the hands of the state legislatures. Reapportionment presents the hope of change in formerly unsympathetic legislatures.

"There is some question whether local welfare, regional planning, and over-all metropolitan housing problems might be better handled at a state level. On the other hand, some features of state social welfare, such as the unemployment compensation programs, should be shifted completely to the federal level, as should the problems involving water pollution of major drainage basins," he said.



In Memoriam: Hessel E. Yntema

With the death of Hessel E. Yntema, research professor emeritus of comparative law, on February 21, 1966, the University of Michigan Law School lost one of its most distinguished professors emeriti, who in 35 years of service had contributed notably to the work of the University, and to legal scholarship and law teaching. . . .

Comparative Law, Conflict of Laws, Theories of Public Law, and International Law were the subjects he taught most frequently, while Roman Law, Bills and Notes, and Trade Regulation were among other courses he had given. . . .

In his later years, his chief efforts were devoted to the *American Journal of Comparative Law*, which he founded in late 1951, and guided in his capacity as its Editor-in-Chief from the beginning until the time of his death. . . .

The University of Stockholm awarded him its honorary degree of Juris Doctor in 1957, and in later academic processions he wore the picturesque garb indicating that honor. In 1962 Luxembourg decorated him as a Commander of the Grand Ducal Order of the Oak Leaf. In 1964 the Greek Government made him an Officer of the Order of George I of Greece. . . .

We heartily endorse the statement of Acting Dean Charles Joiner, that:

"... His distinction has circled the globe. His passing is a loss that will be felt in many countries with the keenness that is felt in Ann Arbor. His colleagues will miss him."

Placement—

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An increasing number of employers are hiring second-year students during the summer before their final year in law school. A majority (122) of the 209 employers visiting the School last fall interviewed second-year students. By February 10, 55 of the 150 juniors interviewed reported having accepted offers for summer employment.

The 130 seniors reporting placement by February 10 represent a typical variety of interests, although the emphasis for new graduates remains heavily upon private practice. Of the 130, 101 will be associated with law firms, 8 will clerk for judges, 5 will be in government service, 4 in corporate legal departments, 4 with CPA firms, 4 have fellowships to study abroad, 3 will work in trust departments, and one has a teaching fellowship at another law school. It is also interesting to note that 21 of the 130 accepted offers of permanent employment came from the firms for whom they clerked last summer.

Starting salaries are higher, ranging from \$6,000 in smaller communities to over \$10,000 in a corporate patent department, with the majority in the \$7,500 to \$8,500 bracket.

Alumni are encouraged to come to Ann Arbor to interview if they are planning to add associates. Because the increased amount of competition is creating a seller's market, an employer is likely to meet more qualified applicants at the School than he would by merely indicating an interest in hearing from them.

Opportunities are not limited to the fall interviews at the School. During the September to December period last fall, 115 other employers contacted the Placement Office about openings for 1966 graduates, and 34 indicated an interest in second-year students for summer employment.

There also has been an increase in alumni placement activity. The number of graduates using this service jumped from 98 in 1955-56 to 227 during the past year when 333 requests for lawyers with some experience were channeled through the Placement Office. •

Stagiaire—

(continued from page 5)

States Constitution and the notion of discrimination on the grounds of nationality contained in the Rome treaty.

The Brussels experiences, Mr. Gerber says, were more than just "time spent in Europe. Suffice it to say, that they were sometimes instructive, once in a while disheartening, often amusing, but, I sincerely believe, always enlightening."

Other Michigan graduates will soon follow. This year, Paul McCarthy will intern at the General Counsel as well and, according to Professor Stein, Gordon Elicker will start his internship this coming fall. All these men have been chosen on the basis of their record at Michigan; all have a reasonably solid knowledge of French, German, Dutch, or Italian as well.

Two other men will work on the Atlantic project at the University of Brussels Institute of European Studies. They are William Moody, a 1964 graduate of the Law School, and Kevin Beattie, who will graduate in May. •

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