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Chambers Report on Committees

David L. Chambers

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THE UNIVERSITY OF MICHIGAN
LAW SCHOOL

LEGAL RESEARCH BUILDING
ANN ARBOR, MICHIGAN 48104

April 16, 1975

Mr. Norman Dorsen
University of California
School of Law
Berkeley, California 94720

Dear Norman:

I'm afraid, as usual, that you were left with more loose strands than well-tied knots. Let me convey to you where I think we stand regarding committees. First, committees dealing with matters outside SALT's internal affairs:

1. Legal Education

Nat +
This is Nat's territory and covers such an enormous range of matters that Nat may well wish to recommend subcommittees, if we have the manpower to work on more than one matter at a time. Among the important topics left in that committee's lap are admissions policy (including DeFunis issues), curriculum matters (including clinical programs, the teaching of ethics), funding for legal education (including the Syracuse-Gonzaga issue and Nat's concern about fringe benefits), and placement of law students upon graduation (the Chayes speech). I gather you'll be talking with Nat about how to handle all this.

2. Legal Services

? *[Sylvia + Bamberge]*
This is Sylvia's territory and I believe she continues to be willing to guide us. So far Sylvia has confined her attention almost solely to the Legal Services Corporation. The persons at other schools who have volunteered to work with her are also, I believe, principally interested in the Corporation. There is much we might do here regarding such matters as the Senate confirmation of nominees, the appointment of initial officers, the promulgation by the Corporation of initial regulations (including their policy on backup functions), and their posture toward Judicare programs. I know that Sylvia and you have discussed her ideas. Sylvia and I have also recognized, however, that the appropriate scope of her committee's work is broader than legal services programs for the poor. Specifically, SALT should have

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an interest in the sorts of pre-paid, closed or open panel programs that the ABA has been asked to approve. Maybe Sylvia or you can think of someone to ride herd on this area.

3. Regulation of the Private Bar

Franklin
Alexander
A rag tag of important matters fits here: bar exams, compulsory post-law school education (the new Minnesota plan), certification and specialization, methods of handling unethical behavior, and government spying on criminal defense attorneys (the Attica scandal). In addition, either in this committee or in the Legal Education committee above belongs the nasty matter of prescribed curriculums for eligibility to take the bar (Indiana) and its close cousin as proposed for the Second Circuit. We have no committee on these matters. I tried a couple of persons (including Ian McNeil) and none was interested in the chairmanship. Moreover, despite a general plea for volunteers in this area at the San Francisco lunch, none of the two dozen members who volunteered for work indicated an interest in these problems. It would be nice to find a board member willing to take this area and run with it.

4. Law Reform

Chambers
#
sa
I am unsure still how best to structure SALT's involvement in law reform efforts such as probate reform or the federal code of evidence. My own feeling is that we should serve as broker in two ways: (a) by developing the Halpern-Pitofsky idea of a part-time person in Washington, who would link members with Congressional Committees eager for advice and (b) through SALT's newsletter or more formalized corrallings, by pulling SALT members together to develop law reform proposals on their own. SALT should in general be viewing its role as facilitation for others not as promoter of positions to be formally endorsed by our membership or Board. The member who wished to involve us in probate reform seemed, if I recall correctly, to be hoping for SALT endorsement. At least as to function (a) above, I hope Charlie can be prodded into finding funds for support.

5. Legal Aspects of Current Public Issues

ND
Norman
Ernest
Schmuck
Seller
Do we wish to be more systematic about developing positions to be taken by the board on current public issues (such as the ownership of the Nixon

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papers and the accountability of the CIA)? So far, we have simply acted on the issue of the moment when the board happened to be meeting. We might be wise to continue in this haphazard way: we certainly haven't consumed a lot of time on these matters and have still obtained some favorable mileage in the press. On the other hand, you might give thought to asking a board member to be a watchdog in this area. Such a person who could forge draft positions or turn to others for aid. He or she could also serve as a known receiver of suggestions, who (in consultation with you or a committee) could sort out suitable ones and package them for meetings or between meeting mailings.

6. Judicial and Other Appointments

Hold ?
SG
I don't recall whether we ever resolved how to respond to particular federal lower court and Supreme Court nominations. We can for the time being, of course, simply treat a particularly disastrous nomination as one of those ad hoc public issues on which we comment. On the other hand, we once considered a more ambitious undertaking that would have included either or both of the following: (a) a committee capable of developing well reasoned positions on particular nominations (applying either the Nimmer standard or the broader standard the Board as a whole favored) and (b) a committee concerned with ways to improve the process for judicial selection at the state and local level. I do not know whether Mel is interested in continuing to work here.

In addition to these committees dealing with public affairs, there are several committees dealing with SALT's own affairs:

1. The First-Year Book

SG
You know as much about where we stand here as I do. I feel badly that you should bear the burden of finding 8 or 10 writers while at the same time trying to corral people to head committees.

2. Finance Committee

ND (?)
CH
At an earlier board meeting, I think you discussed the possibility of creating a finance committee. I personally think this would be a wise idea. It's unlikely, isn't it, that membership dues alone can keep us alive? I suspect we will only be able to thrive if we develop more money-making ventures like

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the first-year book or if we develop projects tantalizing to Foundations that can cover part of our overhead.

3. Awards Committee

Brown
You have undertaken, I believe, to appoint a committee to report to the board at the next meeting on the specific types of awards SALT might offer and on a recommended procedure for selecting winners.

4. Conference on Law School Curriculum

Lesnick
An idea for a two-day conference on innovations in law teaching or some such was discussed at the last meeting. I believe it was your intention to get a committee started to plan for such a conference. Perhaps the conference should be handled through Nat, though he may well feel that he has more than enough already.

All this sounds extraordinarily formidable to me. I would be glad, as usual, to be of help. I think there is no more need for my service as a committee watcher, when these separate committees get off the ground. I would be especially willing to work on (and find others to work on) the awards committee, but you are certainly welcome to try me out on anything else. For inspiration, I'm enclosing another copy of the list of members who volunteered for work in San Francisco.

Warmest regards.

Sincerely,

David

David L. Chambers

Enclosure

cc: Steve Gillers
Nat Gozansky
Howard Lesnick