

## Four New Assistant Professors Begin Teaching This Fall

the Universities of Munich and Heidelberg. Widely known as a distinguished teacher and scholar, Prof. Shartel in 1948 delivered the Law School's Thomas M. Cooley Lectures, which were later published as a book entitled "Our Legal System and How It Operates." Prof. Shartel died at the age of 79 in San Diego last January. Mrs. Shartel, who died earlier, was well known in Ann Arbor for her interest in German students at the University.

Dean Francis A. Allen described the memorial fund as "a fitting method to perpetuate the benign and friendly influence of Burke and Betty Shartel." He also said donations to the fund by friends of the Shartels will be welcomed.

### First-Year Law Class Draws from 35 States

The 435 students who make up the current first-year class come from 35 states and 1 foreign country and from 123 undergraduate schools. Forty-three of the new registrants were awarded scholarships (as opposed to 31 in last year's entering class.) Of the 2,371 applications for admission to the first year class, more than three-fourths were from outside Michigan.

The states most heavily represented in the freshman class are:

Michigan	(178)	Iowa	(10)
Ohio	(45)	Massachusetts	(6)
Illinois	(42)	Wisconsin	(6)
New York	(37)	California	(5)
Indiana	(19)	Connecticut	(5)
Pennsylvania	(19)	Kansas	(5)
New Jersey	(14)	Oklahoma	(4)
Missouri	(11)		

The undergraduate schools most heavily represented are:

The University of Michigan	(117)
Michigan State University	(31)
Princeton University	(13)
University of Pennsylvania	(12)
Harvard University	(10)
Northwestern University	(10)
Yale University	(10)
Miami University	(9)
Cornell University	(8)
Indiana University	(7)
University of Notre Dame	(7)
Dartmouth College	(6)
DePauw University	(6)
Wayne State University	(6)
City University of New York	(5)

*(Editor's Note: Of the new law faculty members, five are assistant professors. One of them, Richard B. Sobol, will take on his teaching duties in the winter term. What follows is based on interviews with the remaining four professors who are currently teaching.)*

### John G. Kester

"It is interesting to speculate on the contents of a Constitutional Law casebook thirty years from now," John G. Kester, new assistant professor on the Law School's faculty, commented recently in his first year class.

He noted that presidential power to grant reprieves and pardons for offenses against the U.S. under Article II of the Federal Constitution, once a fashionable topic, was relegated properly to the relative obscurity of

Marquette University	(5)
Stanford University	(5)
University of Missouri	(5)
College of Wooster	(4)
Denison University	(4)
Duke University	(4)
Georgetown University	(4)
Kalamazoo College	(4)
Oberlin College	(4)
United States Naval Academy	(4)
University of Detroit	(4)
Carleton College	(3)
Colgate University	(3)
Ohio State University	(3)
Pennsylvania State University	(3)
University of Hawaii	(3)
University of Kansas (The)	(3)
University of North Carolina	(3)
University of Pittsburgh	(3)
University of Wisconsin (The)	(3)

Although the current first-year class has 70 more students than last year's freshman class, 39% had Law School Aptitude Test scores of 650 or better (the 93rd percentile) as opposed to 37% of last year's class and only 17% of the 1964 first-year class. Only 1% of the current freshmen had LSAT scores below 525 (the 59th percentile) as opposed to 5% of last year's entering class and 11% of the 1964 freshmen. The median (630) and mean (629) LSAT scores of the current first-year class is just about the same as last year's.

a footnote in Paul G. Kauper's current casebook.

"This might be the trend for civil rights cases and cases involving state power in areas of federal authority," Kester predicted, "as constitutional limitations on federal power diminish and these matters become more and more a question of statutory interpretation."

What issues will warrant prominence in the Constitutional Law casebooks of the sons of today's students?

Among them may be problems of presidential power and the separation of powers, thinks Kester, as the federal government grows larger and the office of President more powerful. U.S. Attorney Generals' opinions may well be included in future casebooks to bring out the issues which the U.S. Supreme Court does not handle.

Also, the expansion of the Equal Protection Clause of the Fourteenth Amendment from an ultimate restriction on irrational discrimination to a judicial check on the substance of legislation may be tempting the Court to assume again a role of super-censor which it appeared to have renounced in the 1930's.

Kester has personal experience to support his ideas. He came to Ann Arbor this summer after three years in the General Counsel's office of the Department of the Army in Washington, D.C., a job he took after clerking two years for U.S. Supreme Court Justice Hugo Black.

He valued the clerkship not only for the obvious attraction of working closely with a Supreme Court Justice, but also for the personal qualities of Justice Black, who still plays tennis though in his 80's.

"It was exceptional good fortune to have come to know a man whose role in history is already assured and who has thought about constitutional problems for a period covering nearly one-quarter of the U.S. Reports," Kester remarked. "That is not to say that we always agreed. But one of the Judge's finest qualities is an eagerness to hear the views of law clerks who were not yet born when he was already sitting on the Court."

Kester found both Washington jobs



Kester



Regan

stimulating, in somewhat different ways, and enjoyed the opportunities the Army General Counsel's office offered for troubleshooting and handling small policy decisions personally, in addition to advising.

He was graduated from the University of Wisconsin in 1959 and attended Harvard Law School from 1960-63, after returning from a year of studying the influence of French culture on the form of that nation's labor movement, as a Fulbright student at the University of Aix-en-Provence. He was president of the *Harvard Law Review*.

He teaches Unfair Trade Practices (including copyright) in addition to Constitutional Law. Both courses involve subject matter which readily engages students, he finds. "Most students who have completed their second year are qualified to practice," he ventured. "At least they are not much less qualified than they will be a year later. Third year really contributes only substantive knowledge which can be gained on one's efforts," he said.

### Donald Regan

At 23, Donald Regan is the youngest of the Law School's four new assistant professors this year.

Regan received his LL.B. in 1966 from the University of Virginia, where he edited the *Law Review* and led his class academically. Between leaving Virginia and coming to Michigan, he spent two years as a Rhodes Scholar at Magdalen College, Oxford, completing a graduate degree in economics.

In addition to teaching two small sections of Torts, Regan is working towards a Ph.D. in philosophy in the University's philosophy department. He plans to make jurisprudence his major field for teaching and scholarship in the Law School.

While at Magdalen he wrote comprehensive examinations in economic theory, international economics, underdeveloped countries, and public policy. Regan observed that the exam in international economics was made more interesting, and, less happily, more forbidding, by its coming in the wake of a major monetary crisis. "The apparent unconcern of public officials in this country with the ills of the world's monetary system, except in the face of imminent disaster, is disheartening," Regan commented.

"Of course, the apparent unconcern may be in part a mask for simple unwillingness to accept the obvious remedies. Among these I would number, in the short run, a reduction of military expenditures abroad, and, in the longer run, arrangements which would supplant the U.S. in its current function of issuing the world's principal reserve currency. Gold is not an appropriate medium for international reserves; dollars are only marginally better," he added.

He will write his dissertation for the philosophy department in some area of legal philosophy, although he has not yet decided on a specific topic.

He mentioned as areas of special interest to him the problem of justifying legal interference in the economic order; the connection between non-enforcement or variable enforcement of laws and their validity (with special reference, perhaps, to issues raised by prosecutorial discretion and discrepancies in sentencing practices of different judges); and similarities which, as Regan says, he sometimes thinks he sees between the legal and the scientific method.

Regan currently spends much of his spare time ("I'm not sure you should say that—I don't know if first-year law professors are supposed to have any," he smiled at his interviewer) in rehearsal for the Gilbert and Sullivan Society's production of "Gondoliers," indulging in a penchant he acquired at Oxford where he sang with the Bach Choir and the Oxford Opera Club.

His sports are tennis, golf, and squash, at which he says he has been going downhill since he won one plastic trophy at age sixteen. "The important things about sports are enjoyment and exercise," he remarked. "By careful selection among the possible

athletic enterprises I contrive to have the enjoyment and avoid the exercise almost completely."

### Charles Donahue

Charles Donahue arrived in Ann Arbor this summer, ensconced himself in an office between the turrets high above the Law Library's main doorway, and now entertains the entire first year class with informal bulletin board notices to his first year Property section.

Energetic and receptive, he belies the midwesterner's stereotype of a New Yorker with a Harvard B.A. and a Yale LL.B.

Suspended and pipe-puffing, this new assistant professor is an engaging medievalist interested in urban planning and regulated industries.

These dual interests of history and economics account for his teaching repertoire of a seminar on law, history and society on the Continent between 1100-1600 A.D., the first year Property course, and Regulated Industries.

Before coming to Ann Arbor, he spent a year as Assistant General Counsel of the President's Commission on Postal Organization, in which post he was involved with such matters as the economics of postal rate-making and the prospects for the Post Office if it becomes a corporation. He thinks the latter will not come to pass without presidential support and the understanding of postal workers' unions that their working conditions would improve significantly. The idea has the advantages of bipartisan support and the promise of more efficient operations, however.

After graduating in 1965 from Yale Law School, where he was Article and Book Review Editor of the *Yale Law Journal*, Donahue went to work for the Secretary of the Air Force in the General Counsel's office.

He became engrossed in the concern of the Air Force to sell the Alaska Communications System, the military-owned enterprise responsible for long distance telephone and telegraph communications for that state. This involved complicated questions of tariff regulations, government and private ownership, and evaluation of bids from prospective buyers. Donahue is still interested in the project,