



The Docket

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VISITING PROF REFLECTS AT COIF DINNER

At this year's Order of the Coif Dinner honoring the new inductees to the Order, Professor Ian Hooker addressed the crowd of about 75 persons on his experiences here and abroad. The following is an excerpt of that speech.

I began my legal studies at the University of Canterbury in New Zealand. That University had a long history of legal scholarship and it began in a rather unusual way.

Some of you may recall the name of John Austin, otherwise known as the father of analytical jurisprudence. Austin was the first person engaged to teach law in the University of London, about 1850. At his first advertised lecture there were only 6 people present—at the next—there were 2. I am not sure that he ever attempted a third, but since his stipend consisted entirely of the fees paid by students John Austin abandoned the course. Fortunately he was a thorough, if unusual, lecturer who had written the lectures before the course commenced and those were subsequently published.

His place was taken the following year by a man whose name I cannot recall. His lectures were no more successful than Austin and he, poor man, was so discouraged that he emigrated immediately to New Zealand and there began to give his lectures in a building on the site of what was, when I was there, the University. In those early days the students had some unusual obstacles to success. The degrees awarded were those of the University of London. All examination scripts had to be sent to London for grading. More than once the ship carrying them was lost en route and the examinations had to be taken over again and it would be a good six months before it could be known that anything was amiss.

By the time I got there the University was awarding its own degrees, but other important changes were still taking place. The legal profession in New Zealand is a fused profession. That is to say although the terms barrister and solicitor have been carried over from England and some technical differences do remain between them, virtually all the lawyers in New Zealand practice as both barrister and solicitor (or advocate and office lawyer). One of those incredible statistics which really only occurs to you when you leave your own country might be mentioned here. There are only about 2,600 practicing lawyers in New Zealand. Yet in the four law schools spread throughout the country there are nearly the same number, I would estimate about 2,400 law students. What becomes of them all I cannot say.

Of course, not all law students become law graduates. In New Zealand all the Universities are supported from public funds and they are bound to admit as students all those who apply and have the necessary minimal qualifications. Indeed persons over 21 who were prepared to pay their own fees (which were not a real estimate of cost) also had a right to enter. In consequence the attrition rate was high and we regularly failed a half of all first year classes.

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EDITORS CHOSEN

The new Editorial Board for Volume XI of the *Docket* has been selected. Frank J. Williams has been chosen to head the editorial staff as Editor-in-Chief. Frank is a 1970 graduate of Pennsylvania State University and is presently a second year student. He was a member of the *Docket* staff his first year and this year served as Associate Editor.

Assisting him as the Associate Editor, will be Daniel Carter, a second year student and graduate of St. Joseph's College.

Completing the editorial staff will be Harris Rosen, who next year will assume the responsibility of Features Editor, Alumni Editor and Managing Editor. Harris, who is a graduate of Temple University, will coordinate both the feature articles that deal with

contemporary legal issues and events of the law school that are noteworthy to the alumni. Also, if the *Docket* chooses to obtain advertisements, Harris will assist in this area.

This year, as in each past year, there has been much discussion concerning the *Docket* format and content. Elizabeth Sands, who is a second year student and who also happens to have technical knowledge of the printing business, offered her assistance to the present staff to try to carry out the proposed changes in format. After many hours of hard work, the problems of changing the *Docket's* appearance were ironed out and the goal accomplished. Now, the staff hopes to make the *Docket* a more interesting and informative paper rather than a newsletter to the

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The DOCKET

VILLANOVA UNIVERSITY SCHOOL OF LAW

VILLANOVA, PENNSYLVANIA

VOL. 10, NO. 4

APRIL 1973



A distinguished panel prepares for questions during the "Skyjacking" symposium.

SKYJACKING

EXPERTS MEET TO DISCUSS PROBLEMS

Marc S. Weisberg

On February 23rd, the 9th Annual Villanova Law Review Symposium was held at Garey Hall. The topic centered on the perplexing problem of aerial hijackings which is both timely and significant, in view of recent happenings in the area. The panel, chaired by Professor Dowd and made up of such luminaries as General Benjamin O. Davis, Jr., the first black General Officer in the Air Force and presently Assistant Secretary for Safety and Consumer Affairs, of the U.S. Department of Transportation; Charles N. Brower, Chairman of the U.S. delegation to the Conference on Aerial Sabotage; Captain John J. O'Donnell, President of the Airline Pilots Association, which recently called for a pilots' strike in order to protest lack of security at airports; Dr. J. T. Dailey of the

FAA; Captain M. J. Fenella, vice-president of Eastern Airlines' Anti-hijacking program; and J. M. Gora of the American Civil Liberties Union.

The panel was selected from the various branches of the government and industry which are concerned with this problem.

The symposium convened in the afternoon and was well covered by the press and television newsmen. The session continued after dinner when aspects of the problem and potential solutions for alleviation of hijacking and terrorism were discussed.

It is hoped that the diverse opinions and positions presented by the panel and audience produced some insights into this distressing problem of domestic and international concern.

LETTER GRADING—THE LAST OF THE DINOSAURS IN LEGAL EDUCATION

Harris Rosen

Now that finals once again loom as the proverbial sword of Damocles over our heads, it seems an appropriate time to evaluate the grading system at our law school. While many law schools have adopted some form of pass-fail system, Villanova still clings unwaveringly to the more traditional letter grading system. Can this tenacity on the part of our law school administration stand the test of critical analysis? In all sincerity I believe that it cannot.

There are essentially two supposedly compelling reasons expounded for the continuation of our grading system. First of all, it is claimed without such a system, students lose their incentive to perform, because all students regardless of their level of achievement are aggregated into one group. The argument is made that they lack their due recognition plus a mode for evaluating their success. This argument loses its persuasive import, however, when evaluated in respect to an Honors, pass-fail system. In this system, the people who write the best exams receive their Honors grades, thus allowing them their deserved place of distinction. Also because the Honors designation exists, it serves as additional incentive for the more grade conscious Law Review aspirant. While at the same time that it gives recognition and supplies extra motivation to some students, such a system does much to alleviate the anxiety of other students (particularly many first year students). It has the further merit of doing away with the necessity of requiring professors to make such tenuous grading distinctions as those between a C paper and a C+ paper (a distinction as inconsequential and capricious as any I can think of).

It has further been argued that grades are essential because employers use them in making their hiring determinations. This may be true for students achieving Law Review status, presumably most of the same students who would receive Honors grades in an Honors, pass-fail system. However, it appears to be only a minor factor in obtaining a job for those students who presently do not maintain an average of Law Review caliber. Hiring seems to be based on many other criteria, not the least of which is an individual's ability to know the right people, a topic however which is neither pertinent nor relevant for discussion in this article. If anyone cares to dispute the fact that it makes little difference whether you have a 2.4 or 2.6 average or are 40th or 90th in the class, it might be illuminating to discuss this matter with any second or third year student actively in the job market.

It might be of interest to note here that of course a student could receive one Honor grade or many during his law school career. Determining who would make Law Review would be a consideration up to the faculty, administration and Law Review staff. The decision could be on the basis of the number of Honors grades received, but it could also be structured in such a way as to allow the more proficient legal writers an opportunity to write their way on the staff, a seemingly

more appropriate measure of an individual's ability to write anyway.

The grading system as is presently structured is really archaic and self defeating. It creates anxiety among students, the same individuals who have all attained a high level of undergraduate achievement and who probably would never have gotten to the professional school level if they were lacking either in motivation or in intellectual maturity. The system, as it presently exists, places a great burden on the student to retain any mature and reasonable attitude he may have possessed concerning the purpose of law school, and, in fact, law in general. It creates the ludicrous situation of professional students having to be concerned with moving up ten places in class or getting a "good" grade in a course in which they feel they have learned a great deal but cannot be sure of until the professor gives his mark of approval. Because almost all students who have reached the law school level have been high achievers with highly developed academic egos, many continue to strive for a grade (not necessarily understanding or knowledge) because that is presently the school's representation of achievement. This continues though it is quite apparent that the grade means very little in terms of job opportunity or indicates any real practical understanding of material.

Without a grading system that attempts to make spurious distinctions as to grade quality of exam papers, and with the adoption of an Honors, pass-fail system, the student would still have the additional motivation to achieve, if such is necessary, and at the same time learning rather than grades or standing in class would hopefully become the principal focus of the system. After all, when one studies only to get a grade, that learning is quickly dissipated once the primary goal is achieved.

There is also an added factor which makes Villanova's grading system a poor one in application. Villanova Law School professors have the habit of giving out grades considerably lower than those given out by their colleagues in other law schools. While the typical Villanovan will graduate into the job market with an anemic 2.2 cumulative average his Temple counterpart will have a 2.5 to his avail. While Harvard's grades cluster around the low B mark, Villanova's grades are mired in the rather undistinguished quicksand of C-dom. That places the Villanova law student at a distinct disadvantage in obtaining a job, especially in those geographic areas where Villanova is not as well known as other law schools.

In conclusion, let me say that I am not denying the possible need for some sort of system of evaluation at the law school level. I am only proposing that Villanova Law School rise above the pettiness and retrogressive thinking of some mediocre law schools and join the more progressive schools (Yale, University of Pennsylvania, Georgetown, etc.) in modifying its grading system. This would certainly be to the benefit of the students and ultimately to the credit of the school.

CRIMINAL NEGLECT

Jane Siegal

It's a bust! Anger and antagonism, boredom and banality, humor and humanism, love and laughter, paternalism and politicism; all emotions flowed together. But on the weekend of March 23-25 the defendants were not present at Villanova's National Drug Symposium. There is no possible alibi. The defendants are the compliant, hypocritical text-book freaks that are a majority of Villanova's law students! They are charged with pernicious addiction to dead, black letters; criminal neglect of the responsibility for their own relevant education; and wanton disregard for the human beings that are the true subjects of the laws they are content simply to read.

Perhaps it is as futile as directing the same question to a bunch of (wall) flowers but the inquiry (or query, if you prefer) still remains: Where have all the mealy-mouthed, socially-oriented law students gone? Gone to libraries everywhere. When will they ever learn? When will they ever return?

This is a criminal trial in the Court of Man. Your witness.

Q: Do you know what a "Haircut" is in the jargon of Daytop Village?

VLS (law student-defendants): No. Is that in the criminal law book?

Q: No, but you are about to find out what it is. And I will ask the questions. Where were you on the weekend of March 23-25?

VLS: In the library. Where else?

Q: Doing what? I will ask the questions.

VLS: Becoming over-informed and staring at my text books in a noble quest for simplistic, classroom-worthy answers to complex human problems. I'm a liberal humanitarian. I was learning about drug use, abuse and discretionary handling of psychomimetic hallucinogens without getting too close and losing my professional distance.

Q: Are you sure you realize that drug addiction is not physically contagious? You can't catch it by getting close to it and the people,

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THE VILLANOVA DOCKET



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The submission of articles and information is welcomed and encouraged.

Editor in Chief Frank J. Williams
Associate Editor Daniel Carter
Feature Editor Harris Rosen

STAFF: Larry Fox, Jane Siegal, Joe Paparelli, Marc Weisberg, Frank Chesters, Linda Caracappa, Franc Marmero

NUMBER OF FRESHMEN LAW STUDENTS DECREASES

The American Bar Association reported recently that enrollment of first-year students in the 149 ABA-approved law schools dropped this year by 2.9%, despite an increase of 7.7% in overall law school enrollment.

However, the decrease did not apply to women first-year law students, whose number increased 27.3% from 4,326 to 5,508 this year. The total number of women law students rose by 35.9% from 8,914 in 1971 to 12,172 this fall.

Total enrollment in law schools approved by the ABA jumped from 94,468 last year to 101,664 this fall. This was due largely to a 26.3% increase in the size of the third-year class, from 22,404 in 1971 to 28,311 this year. When admitted in 1970, this class hiked law school enrollment by 20%, the first indication of the recent surge of interest in law as a profession among students throughout the country.

The decrease in first-year enrollment, from 36,171 in 1971 to 35,131 this fall, does not indicate waning student interest in the law, according to University of Texas Law Professor Millard H. Ruud, consultant on legal education to the ABA.

He explained that record increases in the number of first-year students admitted during the past two years have now resulted in higher enrollment levels among second and third-year students, accounting for the

7.7% increase in total enrollment. To prevent further overcrowding, he said, many law schools have found it necessary to accept fewer incoming students than last year.

"Most of these schools reported that in the last year or two they had intentionally or inadvertently admitted a larger than normal entering class," he said. "To hold the total enrollment at a number that could be adequately served by the present full-time faculty and law school facilities, this year's entering class was reduced in size."

The decrease is even more significant, he added, if the two law schools approved since last year are not counted. If the 586 students enrolled in these two schools are excluded, the 147 law schools approved as of last year have decreased their first-year enrollment by 1,626 or 4.5%.

"This occurred at a time when the demand for legal education, as measured by administrations of the Law School Admission Test, was increasing by nearly 12%," Professor Ruud said.

Only two law schools reported "unfilled seats" this year, totaling 27. In 1970 there were 659 unfilled seats reported, and last year 87.

Professor Ruud said statistics for schools not approved by the ABA are incomplete. However, he added, "the unapproved schools have been the beneficiaries of the inability of approved schools to accommodate the further increases in demand for legal education."

Criminal Neglect

you know. Did you know that the National Council on Drug Education says that the vast majority of *printed* material on drugs is scientifically invalid? What do you expect to gain from just reading?

VLS: No, I didn't know that. How am I supposed to know that if it isn't written in my books. I can't know everything you know.

Q: Why were you in the library studying laws created from ignorance and fear instead of attending the conference to plan and find out how to revise the Draconian sentences we now have?

VLS: Well, I'm interested in corporate law really, and not juvenile hang-ups. That's a smokers issue and one can't be an expert in everything. Of course, I am concerned about search and seizure. But the profession is obligated to uphold the laws.

Q: It is indeed gratifying to know that so many law students put so much trust in so few, that know so little and yet can legislate with such certainty concerning so many. You study search and seizure like robots, but where were you when it came time to determine whether society has any right at all to interfere with what a person does with his own body and injects into it?

VLS: Let me make one thing perfectly clear. I realize we need bold invention, but it has to be without mistakes. There must be rapid expansion of all programs, but only with careful evaluation. What else do you want of me? The problem is too big and as a mere student I can barely stay up with my work now, more less try and solve the unsolvable.

Q: Save your whining cynicism for the classroom.

To keep such addictive abuse of such infantile rationalizations as revealed in the preceeding proceedings to an 'irreducible minimum,' with the Court's permission I will sum up.

It is conceded that the program itself was too restricted in initially failing to admit any but law and medical students. And while it is also admitted that occasionally an 'iron butt' and strong coffee were necessary prerequisites to attendance, these factors will not mitigate the atrocious and abandoned neglect demonstrated by the absent students of Villanova. Ralph Nader was dead wrong in saying that on the whole liberal, "concerned" students become the usual, apathetic conservatives within 5-10 years of graduation. They already ARE apathetic, over-informed conservatives. Yes, the problem of drug abuse is a massive one but it is not overcome by putting it on a scale with a bunch of books and seeing which is weightier. The opportunity to become personally involved for at least a couple of days, to understand, to do, is *per se* more important than a few extra hours of studying.

The defendants have no leg to stand on; they have no stand at all. Defendants, through meditation and deliberation abused the Protestant work ethic and made the Villanova library the most expensive rest home in America. While the tiny minority groped for answers right down the corridor. These library-dependent people must be treated as the criminals they are. Ladies and gentlemen of the jury, look at their helpless victims. Look at the dead junkies in the streets, the grass-smokers in the over-crowded jails with the hard-core convicts, and at the broken

AFRICAN DIPLOMAT SPEAKS AT FORUM



Assistant Dean Alan Jackman and the Hon. Paul B. Engo, Minister Counsellor of Cameroon.

The Honorable Paul Bamela Engo, Deputy Permanent Representative of Cameroon, told a Villanova audience Monday, February 26, that the world's present problems need an organization like the United Nations "which responds more effectively to the needs of the times."

In an address which was the Fourth Annual World Order Research Institute Lecture on "The Future of the United Nations: An African Perspective" Engo stated that although the United Nations as presently operated may not continue, the survival of an organization with the same purpose is inevitable.

The lecture was given at the Law School under the auspices of the University's World Order Research Institute, which is directed by Dr. John J. Logue.

Engo said that the new nations of Africa and Asia enter the world political arena "with a religious approach to the political bible which is the United Nations Charter." The established nations however, only "grudgingly" accept the "revolutionary" *Continued on Page 7*

kids in the half-funded rehabilitation programs. Look and *see* who and what the defendants have neglected to spend the day with their beloved books.

Indeed, if it is true that the psychopharmacological effects of the most popular drugs mirror prevailing cultural norms, then the vast majority of the defendants must be taking narcoleptics and hypnotics. The prosecution merely seeks what the defendants deserve: 3 days exclusion from the library, and 2 years of hard labor sand blasting ivory towers. As a final condition for release the defendants must enter and complete a word-detoxification program where they will receive large maintenance doses of humanity and come out knowing that the subject of law is people, both sick and whole, and not corporations and bound volumes. The prosecution does not rest.

Does the jury have a verdict?

Yes, your honor. The winner of the disinterest and criminal neglect award for 1973 are the many students of Villanova Law School. We find them guilty as charged. Will someone go to the library and tell them the verdict, please.

U.L.S.A.R. AWARDS ANNOUNCED

This is the time of the year when law students, especially graduating students, begin to wonder who will have such honors as the St. Ives Medal or the Hyman-Goodman Award bestowed upon them on Class Day. That is, they begin to wonder who, besides themselves. The problem is that very few people will receive these honors. Therefore, to forestall any crushed egos and prevent any suicide attempts (at least *before* the Bar Exams) the *Docket* has, in its infinite wisdom . . . you guessed it ladies and gentlemen (*see*, Professor Dobbyn, Corporations, *Remedies*) devised a comprehensive plan of award dissemination for professors and students rivaled in fairness only by the laws of Hammurabi and surpassed in deceptiveness only by president Nixon's Revenue Sharing Program.

The Plan has recently been approved by the faculty and is now before the S.B.A. for ratification. The S.B.A. has informed us that it will postpone any decision on the matter until after the Bicentennial celebration. This is in keeping with the traditional S.B.A. decision-making process. After ratification the complete *plan* will be available in a four volume, leather-bound set at a projected retail price of \$349.95.

For those few students who might not be fortunate enough to acquire this valuable research tool (due to limited edition printing), the following are some of the highlights of the *Plan*, which, incidentally, is currently being considered by the National Conference of Commissioners on the Uniform State Laws under the title of Uniform Law School Awards Rules or U.L. S.A.R.

§1-101. Definitions.

1. **Professor:** one who regularly performs in a teaching capacity.
2. **Student:** one who regularly performs in a learning capacity.

Comment

Precise definitions in this area would severely restrict traditional processes of incoherent decision-making. These definitions are merely offered as guidelines.

Caveat: 1 and 2 can at times be easily confused. Generally, the professor occupies the front of the classroom, while the students can be found clustered at the rear with singularly blank expressions upon their faces. Also, persons found within the confines of the library are either professors, law review students, or employees.

Coif Speech

When I went to England, where the system of selecting applicants operates as here, and the class of 35 had been chosen from nearly 2,000 applicants I had to adjust my thinking dramatically.

When I got to the University in 1959, it was in the process of changing from a part-time law school into a semi-full time one. Most of the students were part-time and there was only one full time Professor—cum—Dean. When he arrived, only 2 years earlier, the entire law library had consisted of 2 sets of reports and they were kept locked in a cupboard. One of my part-time teachers I remember well. When he was younger he had followed a routine that I suppose could only have been seen in New Zealand. He rose at about 4 a.m. and milked a herd of cows, he rode a motorcycle 10 miles

§2-101. Professorial Awards.

(Awards awarded to Professors)

1. Annually, or at least once a year, all matriculated law students will have the opportunity to select by majority vote the professor who in their opinion has made the most substantial contribution to the study of law at the law school, or in the alternative the professor who has consistently given the highest grades.

§2-201. Prizes

1. The winning professor will receive a one year subscription to the *Docket*.
2. The professor receiving the second-highest number of votes will receive a lifetime subscription to the *Docket*.
3. In addition, all winners will receive two free tickets to a Sonny and Cher concert (cash surrender value 1 mill), the Annotated Statutes of Tanzania printed on the head of a pin, and an 11 x 14 inch autographed picture of Assistant Dean Jackman jotting down license plate numbers in the parking lot.
4. In lieu of all other prizes, a winner may choose a personalized set of stairs with all the steps at the bottom for assisting the professor in speedy and traditional grading of examination papers.
5. In Lieu of all other prizes a winning professor may choose either:
 - (a) A Richard Nixon Doll—Pull the string and it lies.
 - (b) A Student Replica Doll—Pull the string and it asks an irrelevant question while you are lecturing.
 - (c) A Lifesize Replica of Racquel Welch—Pull the string and you're in big trouble with your wife.
 - (d) An 8 mm movie entitled—Coming Attractions From Deep Throat.

§2-202. Time of Voting.

1. Voting for professorial awards will take place on the first Sunday after the first full moon after the first of Spring, at midnight.

§2-203. Other Awards

In addition, students may vote for their favorite professor to receive the following awards:

- A. The Professor Lurie Award—for the ability to make students feel stupid.
- B. The Professor Dobbyn Award—for never saying "NO."
- C. The Taggart-Hyson Award—To the professor who can talk faster than a

speeding bullet, more powerfully than a locomotive, and capable of leaping large assignments at a single bound.

§3-101. Voting Tabulation

1. All voting tabulations will be handled by the accounting firm of Cheech and Chong.
2. In the event of a tie, first place winner will be chosen by trial by combat.

§4-101. Student Awards

1. Each student may choose not more than two awards from the list below. Awards will be presented individually to each student at graduation. Each award will be represented by a formidably framed sheepskin certificate suitable for impressing clients, colleagues, and senior partners (if the student manages to get a job).
- A. The Sirlin-Snyder Award—To the student with the best overall attendance record.
- B. The Welch Award—To the student who has managed to get divorced and have his car stolen (without insurance) in the same semester.
- C. The Cook-Muldoon Award—for writing the most examinations "under the influence."
- D. The Bradley Award—given annually to the most radical law student.
- E. The White Award—for classic contributions to various professors' lectures.
- F. The McGill Award—for managing to keep out of any major controversy for three years.
- G. The Marmero Award—For amassing landslide election victories.
- H. The Lovell Award—to a student who has consistently intimidated professors.
- I. The Kunin Award—for the most consecutive card games lost.
- J. The Montana Award—the contracts award, for making offers people can't refuse.
- K. The Roche Award—for cracking 117 cafeteria beverage glasses while verbally assaulting 24 students, 3 faculty members, and a chair.
- L. The Mariani Award—for flying the most successful sorties over the girls' dorm during sunbathing season.
- M. The Papada-Williams Award—for substantial contributions in the fight to prevent cancer in fellow students.
- N. The Hugo-Polini Award—for encouraging hundreds of students to drink less coffee.

subjects. Since many of the students were part-time they sometimes took even longer over the degree. When I joined the teaching staff immediately after graduating and just after my 22nd birthday there were several students who had begun studying that subject before I had started the degree. At the time I left we had just graduated one old timer who had been at it for 14 years and we still had 2 out on the course who looked likely to eclipse his record. One disadvantage of being in New Zealand was the distance that one was from the great centers of academic learning but we got a stream of visitors both from this country and from England. One of them, I recall, caused me the only real embarrassment that I remember suffering from the fact that I was so very little older than the students. The visitor was

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THE I.C.C. CORNER

Joe Paparelli

In between the excitement of the NCAA finals, if you call watching Bill Walton devastate Memphis State excitement, and the closing minutes of the NBA finals, the U.S. basketball public has little to do except speculate whether Frank Rizzo will resign so that UCLA's Walton could be enthroned as the King of the City of Brotherly Love. This void in basketball interest never affects the Villanova Law School, for it is at this time that the school's intramural play-offs are held. This year's games were especially exciting since the four teams involved in the tournament all had an equal opportunity to capture the Dean Jackman Trophy. The teams making up this field were The Senior Citizens of Warren Stern A, The Kangaroo B team of Cardozo Ives, The Press and Run Boys of Cardozo Ives D, and The Tommies of Taney More.

The opening games of the playoffs went a little differently than expected. First, Warren Stern was upset by the league's at large team (second place team with the best record) Taney Moore. The game itself was close, but the "older" third year gang of Joe McGill, Big Mike McGonigle, Bill Post, "Shooting" Tom Burke, Bill Winning, Marty "The Social Director" Wilson and second year rookie Sammy Sims couldn't withstand the charge of the ICC's answer to Memphis State. It was during this charge that playoff experience of "Mad Man" Skeeter Pedrotty, "Iron Mike" McCarthy, and the Tommie's "OLD MAN," Jim Semple (said to have played one on one with Doc Naismith), proved to much for the Sterns, and was the pick-up the Mores needed to get into another championship game with a representative from Cardozo Ives (as first year students the Mores played CIA for all the marbles).

In the second game of the day the law school was in for another surprise as CID romped over CIB. The surprise was not that CID would win, but rather that they win by so much, (it was by more than 10 points). The first year hoopsters, who reminded many of the law school's veteran sport fans of last years CIB football team in their enthusiasm and ability to win under pressure in their first year in the league, beat a team which had more than a fair amount of basketball talent in the likes of "Hairy" Tom Forr, Denny "I'm Off To Jersey" Joyce, Bill "The Greek" Kalogredis, 3.00 Stetler, Wild Jerry Rotella, Jim Beam, Jim "Mr. Hook" Hennessy, Quiet Tom Masick, and Rick Ludwig. The victory left Billy Walters and his cohorts with what was to be an April Fools day match up with the Cinderella team Taney Moore in the preliminary game to the game of the century, the faculty-Kangaroo extravaganza.

The championship game never reached its projected purpose as a preliminary game, supposedly because both teams realized that the game would be played on the most sacred of all holidays, Joe Willie's Birthday. Instead the teams matched up with each other on the Thursday preceeding the faculty game, and played one of the greatest games of this or any other season. Both teams played close and tough, which made the 7 point victory of CID closer than the score (62-55) would indicate. Taney Moore

stayed close on the outside shooting of Dave "30 Footer" Rosenberg, Frank "The Hustler" Chesters and Jim "Father Time" Semple and the inside shooting of Bob James and an inspired Skeeter Pedrotty. The Mores were also helped by the ball handling of Ed Ciconte, and the rebounding of Mike "Clutch" McCarthy. Yet even though the Tommies played well enough to beat anyone else in the league, they couldn't overcome the pressing, running tactics of the CID youngsters. Especially impressive was the exceptionally loose play of the "Six Pack Kids" Billy Walters and his sidekick Q "Mr. President" Sturm, and the heads up hustle of the "Underrated One" Bill Schmidt and Chris "Never Been Snafued" Melvin. The team was also benefitted by the outstanding play of Mike "Mr. Humble" Nolan, "Doc Mustache" Jim Rohn and the CID contender for the heavyweight championship Wayne Weinberg. (The return match between Wayne and Iron Mike McCarthy is being scheduled by "The Promoter" Spence Browne, and will be a welcome addition to Graduation Day activities.) The sports staff



Prof. Robert "Big Bob" Walsh, of Providence fame, gets set to jump center with Brett Kunin.

here at the *Docket* congratulates the CID team for its fine season and warns it as to the resurging Original Kangaroos.

Regardless of what was written above, the eventual winner of the intramural tournament had to go down in the record books as the number two team in the law school. The numero uno team was waiting for April 1st to be crowned. It was on that fateful Sunday that the faculty under the leadership of their "Godfather", Professor Valente, and his family was to meet the hand picked All-Star(?) team of Joe Willie Paparelli. J.W.'s team was to be a worthy foe, and up to the tip off looked like they might keep the Garey Hall Keg in the student's trophy room. However when the match ups were made for a pre-game picture, it was obvious that students had little chance for anything but an honorable defeat. How could a roller derby reject like Darryl Sheetz, a hub cap scrubber like Sal Ehlinger and a zoo keeper like Jim Cullen stand up to a team composed of "Hot Rod" Hyson (Originator of the Spot Zone defense) "The Scoring Machine" Walsh and "Wonderous" Professor Taggart and his behind the back passes. The students gave a courageous try, and with the likes of Rich "Badfinger" Sherman, Anthon Rosenthal of "Anthon's Raiders," Brett Kunin, Jeff Weinstein, Fran "Mr. Par" McGowan, Tony "The Son of Hot Dog" Geyelin, Bob "Skinny" Culin, and the savior of all law students, Mr. Gilbert himself, Harris Bock, kept the game close

going into half time. The students however saw their last chance for victory slip away when soon after intermission when the faculty inserted their sixth, seventh, and eighth man. These Stars Professor MacNamara (Last seen making a dying declaration after the game) "The Gentleman Professor" Professor Dobbyn, and "The Man From U.C.C." Professor Becker started a second half attack which left the students with only thoughts of next year's rematch.

For the first time ever the *Docket* announces the winners of its various awards: *Most Productive Season*—Fred DeAngelo for his forty points in one game, and the birth of a daughter. Fred I still didn't get my cigar.

Most Cheated Athlete—Jack Saile for scoring the only touchdown of the year via the pass



Faculty five takes a breather during their rout of the anti-all stars.

against CIB and then seeing it credited to Kevin Ryan.

Loneliest Man in Next Years Third Year Class—Sal Ehlinger. Don't worry Sal the new executive staff will be selected next March. *Best Coach*—Turk Cullen for such a successful season with a 4 ft. 10 inch center Danny Carter.

Best Sportswriter—Joe Willie, the good looking Italian. See you next year, I HOPE!

Professor Schoenfeld told his Business Planning class that Professor Rothman was having his income tax done by H. & R. Block. We think that Professor Rothman may have the last laugh since a reliable source tells us that Professor Schoenfeld is having his taxes done, gratis, by Harris T. Bock, who in turn farmed the job out to Gene Botel. Check?

Quote of the month—Professor Dowd (in reference to the obscenity cases in Constitutional Law II): "If I can't get you to read these cases, what cases can I get you to read?"

New Editors

alumni. Because of the limited staff, however, this will be difficult to achieve unless both the students and faculty start to submit articles that they feel merit publishing. The *Docket* staff at present has only one first year student and would encourage other interested first year students to participate in the publishing of the newspaper.

The present editorial staff has completed its tenure by acting as consultants in the preparation of this issue and wishes to congratulate and extend best wishes to their successors.

SBA PRESIDENT REVIEWS YEAR

The Executive Board of the Student Bar Association has been traditionally charged with the responsibility of Administering the Orientation Program, conducting lecture forums, holding an Annual Spring Social, and, generally, maintaining a liaison between students and Faculty. The extent to which these basic duties are amplified depends on the initiative of the elected membership. The Executive Board (1972-1973) has attempted to expand these responsibilities in order to better service the Student Body and the School. With full awareness that there is need for improvement, the Board maintains that it has provided better all-around service to the Student Body than any previous Administration.

The activities of the S.B.A. this year may be divided into six categories: a) Educational, b) Social, c) Service, d) Polling Student Opinion, e) Public Relations, and f) Grant Program. Although it is recognized that these areas overlap in many cases, it is felt that the present breakdown is appropriate for clarification and emphasis.

a) Educational—The S.B.A. started its educational program with adaptation of "The Chicago Seven Conspiracy Trial." The film was shown in April, 1972. In the fall, a "Job Forum" was presented where graduates of the Law School discussed the nature of their practice and the job opportunities in that field. In the spring, an "Academic Forum" was conducted to discuss the recent Supreme Court decision which struck down a state statute prohibiting abortion—*Roe V. Wade*. The panel was composed of attorneys who presently teach at Villanova Law School.

The most challenging effort of the Student Bar Association Forum Program was the presentation of "Contemporary Problems of Drug Abuse." This Drug Symposium was primarily sponsored by the American Bar Association and the American Medical Association, however, the S.B.A. contributed substantially to its implementation at Villanova. The multiple format program featured many nationally known authorities in the field of drug use and abuse, and reached the largest audience of any Forum scheduled at Villanova.

b) Service—The Executive Board is primarily a service organization. Annually, the Board administers the Orientation Program—an activity designed to acquaint incoming students with the law school facilities; to discuss problems encountered usually in the first year; to conduct a used book sale; and to provide generally an atmosphere of congeniality and cooperation in the students' first meeting with Faculty members, upperclassmen, and classmates. Another traditional service function is the administration of the Class Gift Program. In the past, both these functions have been supervised by the Vice-President of the S.B.A.

These service functions may be quite diverse. A representative list would include the following: 1) Assist in organizing and hosting most activities and ceremonies held at the Law School, e.g. Red Mass and Graduation exercises, 2) Supervise the coffee concession, 3) Arrange for a free subscription to legal periodicals for interested students, 4) Respond to outside requests for clinical

assistance by appointing an interested student to organize such a unit (The Mental Patient's Civil Liberties Project is just such an example). Finally, the Board attempts to keep the students current on all information relevant to S.B.A. activities. This is accomplished through notices on the bulletin boards, announcements in class and articles in the *Docket*.

c) Social—The social program this year included three mixers, a Spring Social (dinner dance), and five Faculty-Student Get Togethers. The Board is partially sponsoring another Harold Gill Reuschlein Golf Tournament on May 14 and has recently presented a "Coffee House" with live student entertainment.

d) Polling Student Opinion—As mentioned above, the maintenance of a liaison between students and Faculty is one of the basic functions of the Executive Board. Several attempts were made to directly obtain student views on a variety of issues.

Course Evaluation Sheets were distributed to provide students an opportunity to anonymously communicate their views on particular course to the teacher. Unfortunately, student response was minimal. Also, opinion was solicited with regard to the establishment of a Day Care Center or the use of an existing Day Care Center for the young children of women law students and male students whose wives are working. Student views were also sought in connection with the relocation of our graduation exercises (Incidentally, this is the first year Graduation will be held at the Villanova Field House as opposed to the Phila. Civic Center).

This year the Executive Board also held an "Open Forum" on various issues. Strong criticism of the present voting balance on the Board was voiced at the forum. In response, a Constitutional Revision Committee was formed and this group labored admirably to produce a revised constitution. There were additional forums to discuss the new Constitution and also to discuss the advantages and disadvantages of a proposed examination schedule which was advanced by the Student-Faculty Committee's Student Sub-Committee (Although the proposed examination schedule was not adopted, the alternative proposal of one full day guaranteed in between every examination was adopted).

Student opinion was controlling on two issues. A referendum was conducted on two occasions to determine 1) whether the new constitution should be adopted and 2) whether a Spring Social should be held and if so, the nature of the function. The proposed Constitution failed to attract the required majority vote of the Student Body and the students voted for a Spring Dinner Dance.

e) Public Relations—The Executive Board has also provided public relations service for the School and the community. Prior to the 1972 Presidential election, four students were featured on a two hour radio show aired in the Delaware Valley on WFLI. The students discussed their views of the issues and the Candidates. Also, Board members have lectured on law and law school at high schools in the area.

The S.B.A. answers all correspondence addressed to the Student Body and expresses opinions on topical issues when warranted.

Two examples are: 1) A letter of condolence to the widow of the late Professor Stephenson, and 2) A letter expressing student dissent over a proposal by the Section on Legal Education and Admissions (A division of the American Bar Association) to require psychological testing of first year law students to determine character fitness. The proposal has not been adopted by the A.B.A. The S.B.A. letter of dissent was written and mailed in April, 1972.

f) Grant Program—A new function undertaken by the Executive Board was a Grant Program. The source of funds used by the S.B.A. is the University General Fees charged each student. It amounts to \$5 per student. The Board set aside at the beginning of the year 16% of its budget to serve as an "allocation" fund. Notice was posted that the Board would accept proposals for an appropriation. Certain criteria were established and the proposals would be measured in light of the criteria.

The criteria included: 1) the purpose of the organization, 2) the total membership, 3) the expected percentage of students who would benefit from the use of the money, 4) any additional sources of revenue available to the organization, and 5) any special unforeseen need subsequent to the initial grant.

On the basis of these criteria, the following organizations were given grants: a) Community Legal Services, b) Black Law Students' Association, c) Docket, d) Women Law Students' Association, and e) Inter-Club Council.

RECOMMENDATIONS

I would like to make the following recommendations to the incoming Executive Board. These recommendations are not meant to be exhaustive:

1. The "Job Forum" and the "Academic Forum" should be structured as a series. Three Job Forums spaced throughout the year with four attorneys as speakers could cover a reasonable amount of the areas in which most students are interested. Also, the interest engendered by the Academic Forum, which discussed the abortion question, proves that well-attended lectures can be conducted during the class day with Faculty members as participants.

2. Open Forums to directly solicit student opinion on various matters should be scheduled more frequently.

3. A forum at the beginning of the year to introduce students to the representatives of the various Faculty-Student Academic Committees would be immensely helpful in informing the Student Body of the communication channels available to them on such matters as a) Curriculum, and b) Grading.

4. The Grant Program is an excellent device to use student money for worthwhile student purposes. However, you may want to review the criteria established and assure that it is being properly applied by adding safeguards.

5. The Public Relations Service Programs such as, radio shows and high school lectures, are helpful to the School, the students and the community. These should be arranged.

6. Consider having regularly scheduled office hours and requesting a telephone to be installed in the office. Often during the year, I had to inconvenience other organiza-

Continued on Page 7

African Diplomat

concepts contained in the Charter, according to Mr. Engo. He also said that a world government should be hopefully serve as an outlet for advances in the fields of science and technology. These advances, applied on an international level, would lead to a better quality of life for all citizens of the world.

It is not the structure of the United Nations or its original charter which make it work, but rather the lack of economic, political, and military support for the existing organization and the provisions of the charter by the major nations of the world. According to Engo it is these factors which would have to be remedied before any type of a world federation would be able to operate.

Engo's opinion is that the idea of the United Nations would survive, but does not believe that its present structure and role would have the same fate. He feels that consideration should be given to modifying the veto powers in the Security Council with a "system of consensus" which would allow nonpermanent as well as permanent members of the Council to inhibit the Council's action. Mr. Engo added that if the United Nation's revolutionary ideals succeed, it will "prove to have been the forerunner of world government."

It is the United Nation's position in trying to create an international regime for the oceans, that encourages Mr. Engo the most about the United Nations. He pointed out that with its own funding, derived from valuable seabed revenues, an international seabed authority will be "in a position to foster the attainment of many ideals for which the present United Nations has found neither appropriate support nor adequate funds."

Mr. Engo has served his nation in many countries and many capacities: as a Federal judge; as an Advocate before the International Court of Justice; as Representative to the United Nations' General Assembly's Seabed Committee, First Committee (on Disarmament Questions) and Sixth (legal) Committee. He is a member of the bar in Cameroon, Nigeria and England. A distinguished athlete, he placed eighth in the hop, step, and jump in the 1956 Olympics.

S.B.A. Review

tions to use their telephones for necessary student business.

SUMMARY

The Executive Board of the Student Bar Association is a working organization in this school inasmuch as its duties involve not only advising, but organizing, administering, and implementing. Its constituency is the entire Student Body and its functions are open-ended. The Executive Board is truly a function of the initiative and perseverance of its members.

To those students who assisted throughout the year, I sincerely express my gratitude. One only has to be faced with major projects such as the Drug Symposium, orientation, and the social program to truly appreciate those who do not only express their opinion, but also actively assist in a cooperative effort to reach a worth while objective.

I would also like to thank Mr. Walsh, the S.B.A. Faculty Moderator, for his advice and inspiration throughout the years that I have been on the Executive Board. His encouragement has been most appreciated.

Joseph J. McGill

President, Student Bar Association

MUNCY PROJECT ENDS FIRST YEAR

The State Correctional Institute at Muncy (SCIM) is located in north-central Pennsylvania near Williamsport. Approximately a three-hour driving distance from Villanova, Muncy is the sole state penal institution for women offenders. All women receiving a sentence with a two year possible maximum are considered to have received a state sentence, and are sent to Muncy to serve their time.

Last Spring, a group of Villanova law students toured the Muncy prison, and decided then that they would like to develop some sort of work program there to be run in conjunction with the women residents. Muncy, unlike the various prisons for men, totally lacked any in-house legal services or legal clinic. The initial focus of those who began working on what is now "the Muncy Project" was to help establish a legal clinic at Muncy. Such a clinic would be staffed by qualified women prisoners who would assist other prison residents in various legal and quasi-legal capacities. Also envisioned was an eventual attempt to provide individualized legal representation for the inmates at Muncy, particularly utilizing law student representation.

In establishing the Muncy Project, the initial step was to accurately determine what were the needs of Muncy residents. To accomplish this task, systematic interviews of Muncy prisoners were conducted by Project members throughout the Summer and Fall. Following this inquiry process, the next problem was to realistically identify available resources in terms of time, money for traveling expenses, legal ability and experience. The Muncy Project consists entirely of volunteer students and attorneys. Particularly the assistance of Philadelphia attorney Carolyn Temin has been invaluable. Ms. Temin has provided the principal guidance for the program spending many hours instructing Project students in interviewing technique and penal procedure.

Following the initial needs and resources assessment, it was decided to conduct law classes at Muncy. Such classes are currently being taught at Muncy on a monthly basis and include such topics as parole and probation procedure, sentencing law, child custody services, divorce law, and others.

Also, beginning in February, law students now assist individual prisoners by providing representation before the Pennsylvania Parole Board for both parole consideration and minimum sentencing hearings. Representation of this type has never been conducted before, and provides both assistance to the inmate as well as valuable experience for the law student.

The Muncy Project already has been credited with obtaining proper placement for several juvenile residents who were incorrectly housed at Muncy. Muncy is a state correctional institution intended for adult offenders only. During the initial interviews, it was discovered that a number of juvenile women were being detained at Muncy. Project members pursued this situation with State officials until the juvenile offenders were placed in appropriate juvenile centers.

The Muncy Project is now looking for interested students to assist with both the parole hearings and legal classes during the 1973-74 school year. Especially sought are

KENNEDY LEAVES



Professor Grace Kennedy

After a long association with the Villanova Law School, Grace Kennedy has begun a new phase in her legal career as a member of Sun Oil Company's house counsel in the litigation department.

Ms. Kennedy, originally a member of the New York bar after graduating from Fordham Law School, came to Villanova in 1955 as a research associate to Professor Gianella for the Institute of Church and State. At that time the Institute was continuously involved in community activities of an ecumenical nature. The Institute held annual conferences as well as frequent seminars, and published the detailed proceedings. While working for the Institute of Church and State, Ms. Kennedy saw the law change from an almost completely juridical concept to a more humanistic view as not just institutions but individuals pressed for their legal rights. Issues such as inter-religious adoption, contraception, conscientious objection, and loyalty oaths, which had been of previous Institute concern, were resolved as the concepts of First Amendment freedoms expanded. During this time, Ms. Kennedy also joined the Canon Law Society and participated in two seminars which Dean O'Brien taught regarding Ecclesiastical annulments and dissolution of marriages in the Catholic church.

As the Institute of Church and State gradually exhausted various topics, Ms. Kennedy decided to put her Christian commitment to work and thus affiliated herself with the Villanova Clinical Program working especially with the family law cases. This past November, she argued the Watson case before the Pennsylvania Supreme Court, which case involved a client from the Clinical Program. Ms. Kennedy enjoyed working with the Villanova students and seeing them benefit from clinical experience, and expressed her enthusiasm for the program and its continuation.

Grace Kennedy has also been active as a volunteer attorney for the Muncy Project, and maintains a busy schedule in the community speaking about women and the law. Although her new position appears to be fascinating, just the same, she will be missed.

current first-year students who may be interested in obtaining this sort of experience. Inquiries may be answered by contacting Suzanne Noble, Susan Cherner, Caryl Oberman, or other members of the Muncy Project.

Coif Speech

Mr. R. E. Megarrey, a well known barrister and then editor of the Law Quarterly review in London. Mr. Megarrey had offered to take a class in Real Property and all the faculty were invited. I arrived early and sat down with some students in the middle of a row. The lecturer entered shortly and to my consternation began to take the class case method. In those days I had rather more hair on the top of my head and less on my chin and I soon realized that I was indistinguishable from the rest of the class. I didn't want to publicize my discomfort by climbing out over the top of the bench and in the heat of the moment it never occurred to me to slide out of sight underneath. As luck would have it his finger landed on me with a question to which I was unable to answer. The experience did not do my self esteem much good but it seemed to stand me in very good stead in terms of fellow feeling.

One of the advantages of living in a small country such as New Zealand is that, given the will to do so, it is sometimes possible to achieve social and legal reforms that may be impossible in a large country. In New Zealand by the end of this year they will have implemented a reform beside which no-fault motor insurance appears very modest indeed. It is the total abolition of damages actions for personal injuries accidents, no less. By the end of this year any citizen who suffers personal injury in any way, at any time, and any place, whether at work, on the road, on the football field and even the housewife who cuts her finger at home while preparing the vegetables will be able to recover compensation for his or her injuries from a centrally administered fund. The compensation will include loss of earnings, permanent disability and pain and suffering. Most compensation will be paid in the form of pensions at the rate of 80% of the estimated loss of earning. (The 20% lag is there to provide an incentive to full rehabilitation.) The cost of this compensation is to be borne by a levy on employers, motor vehicle owners, and drivers. In deference to the views of Prof. Calabresi et al, some attempt has been made to bring the cost of accidents home to those in a position to avoid them, so that, for example, employers or car drivers with a worse than average accident record may have to pay a penalty rate in the levy, and a better record may earn remission. There are many points at which the scheme is open to criticism—for example the absence of any products—liability factor in the scheme means that injuries resulting from defective design and manufacture will not be brought home to the producer. Thus motor accidents resulting from defective design or repair will be paid for effectively by vehicle owners and drivers as a whole, and will not be reflected in the

levy charged the manufacturer and repairer. The price of a more complex system of costing would of course be an increase in the costs of administering the scheme and it is the beauty of this scheme that at least as presently envisaged, the whole thing can be achieved at very little more cost than was formerly paid in insurance premiums by employers and motor vehicle owners. The greater availability of benefits can be financed out of the savings made by abolishing the more expensive and wasteful fault based system of accident compensation.

It is an interesting scheme and succeed or fail it is bound to have a profound effect upon what happens in the next 10-20 years in the rest of the common law world.

At the end of 1965 I went to teach at the University of Nottingham in England. In fairness to Dean O'Brien and my colleagues here I should explain the circumstances by which I came to go there and now here. I went to England originally on a year's exchange. The man who went to New Zealand has now been there 7 years, and I have been in England nearly the same time. When last heard from Professor Abraham was still expressing an intention to return to the U.S.A. So despite the way I may seem to be settling myself into his room up there it seems that you are not going to be deprived of his services.

Legal education in England is overshadowed by 2 factors. The first is the divided legal profession—the barristers and solicitors, the second is the fact that each of those professions has traditionally maintained its own system of training.

The distinction between barristers and solicitors is not an easy one to make with exactitude. Broadly the barristers perform the function of advocates, the solicitors are the office lawyers. The barristers have a monopoly of the right of audience in the superior courts, but they cannot be approached directly by a member of the public; they must be briefed through a solicitor.

The origin of the term solicitor is an interesting one. The persons originally performing this function were called in the common law courts, attorneys. Those who began to do the same thing in the Court of Chancery were the solicitors. In the 18th and 19th century the business of the Court of Chancery became chiefly that of trusts and estates, a distinctly more lucrative and genteel jurisdiction than that of the common law courts, and this superior image rubbed off on the solicitors. When, therefore, the courts of Common Law and Equity were combined and the persons who at that time were jointly unknown as the gentlemen practitioners of law were polled, they voted by a considerable margin to be called solicitors. "The Times" reported the forthcoming

change on the 31st December 1874 in a leader which began "Tomorrow morning every attorney in England will wake up a 'solicitor.'" To which Ruskin retorted "a crocodile is not improved by calling him an alligator."

In the last hundred years there have been 3 full scale inquiries into legal advocacy in England. The last reported 2 years ago and if its recommendations are taken up they will be the first changes in that hundred years. Until now there has been a great deal of wasteful duplication as between the Universities to which about perhaps 2/3 of those becoming lawyers would be gone, and the professional law schools.

The new committee's recommendation are for a 3 year undergraduate degree in law, to be followed by a one year full time course in practical skills. In a country where, again, all the Universities are financed from public funds the third corner in negotiations is filled by the government. So far the government seems to have accepted the principal of creating an exclusively graduate profession by paying to increase the size of the law schools by one third. The rest of the scheme has foundered on the issue of who pays. Other professions such as medicine and dentistry have their practical training paid for by government, but much has changed since that favorable position was achieved. In particular it has become established throughout industry in England that training is paid for by a levy on employers in that industry. The Government is now pointing out this industrial model to the lawyers. The problem is exacerbated because virtually no present academic teachers of law have training in practice, and it is thought unlikely that enough successful practitioners can be found who will leave practice to teach solely practical skills—at least not at the price the professions feel they can afford to pay.

In 1969 David Harris came across here. David is still at Nottingham. He is expecting to have a casebook on International Law published shortly and I gather plans to visit Villanova again this summer. In return, we received Professor Donald Dowd. What can I say about him. To say that he is well remembered could be a gross understatement. He has almost become a legend. And not only in the Law School, he is at least as well remembered in societies philharmonic and philoeneic.

Finally, I should like to express my thanks to all of you at Villanova who have extended such a very generous welcome to me and my family. I have greatly enjoyed the company and the conversation of my colleagues here and I have greatly enjoyed the experience of meeting and teaching your students. If I have any regret it is that my time here is already more than half gone.

the DOCKET

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