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12-1-1973

## The Docket, Issue 2, December 1973

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# THE BATTLE OF THE BUDGET

by Jack Tucci

Law schools were never notorious for burning issues. Because of the nature of the beast, one year seems to slip into the next without much noticeable difference. Surprising therefore was the battle fought over the SBA appropriations.

Each year five dollars is added to each student's bill and this amount is dumped into the lap of the SBA to expend as they see fit among the activities of the school. The perennial question is, Who gets What? There is only a little over \$3,000 to divide up, and with every organization demanding much more than they expect to get, and with new groups vying with older established organizations, the annual budget meeting has taken on many of the aspects of an armed camp.

There is no way to categorize the members of the board. Sometimes a division into two somewhat distinct groups can be seen, but for the most part the representatives are very individualistic in their attitudes and priorities. It would be a gross oversimplification to say there is a division into liberal and more traditional factions. What in reality exists is a strange amalgam of diversified interests, strong biases, contrasting priorities and an added ingredient of a willingness to compromise which somehow makes the whole thing function and in the case of the personnel of this year's SBA, function very efficiently.

The basic problem that has plagued the SBA from its inception and continues to be its major stumbling block is insufficient funding. Out of the 15 law schools in the surrounding area, Villanova ranks 10th in money funded for its student bar. The local average is between \$12 to \$15 per student, and our assessment of \$5 is simply insufficient to be stretched over the needs of the school. What this lack of funds entails is a pitched battle over every dollar expended by the rapidly growing number of activities seeking SBA support. As first year representative Lynne Gold stated, "Every organization that came before us was worthy of our financial support. It simply became a matter of priorities."

The two most controversial issues on the agenda were the funding of the Dinner Dance and the Women Law Student's seminar.

The Dinner Dance has produced quite a bit of rhetoric and politicking in the last few years. Its various proponents and detractors have labeled it either the only worthwhile social event of the year or a complete waste of money.

First Year Rep. Gold: "We had gotten through the appropriations and all that was left was the women's allocation and the Dinner Dance. What was left after the dance's appropriation was what the women got. I felt that the Dinner Dance was a good idea, but that the people who go should pay. It's always easier to find money for social affairs because you can always get people to pay for them, but more intellectual activities are harder to fund. Our priority should be to give the money where there is no other way of getting it. My only solution is to get more

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# ABA PRESIDENT SPEAKS ON WATERGATE

On October 25, 1973, ABA President Chesterfield Smith presented the following speech in Coronado Beach, California. The speech merits every lawyer's attention.

During my professional life it has always been evident to me that lawyers bear a special responsibility in our society toward the preservation of a free and democratic government. That special responsibility looms bigger and bigger when men temporarily in governmental power attack the rule of law and assert that they or their office are larger than law. As officers of the court, and thus guardians of the law, lawyers are particularly well-qualified to protect the rule of law. Lawyers, in fact, are the primary ones who should, above all others, jealously defend and promote the rule of law against assault. As a lawyer, it is for that reason that I suggest that the recent actions of President Nixon resulting in the termination from government service of former Attorney Gen-

eral Richardson, former Deputy Attorney General Ruckelshaus, and former Special Prosecutor Cox should be of grave concern to every citizen of this sturdy land. Those actions, or so I am convinced, have placed the rule of law in severe jeopardy. Dark, dark clouds have been cast upon our ability to function as a society ruled by law and not as a society ruled by a man. The time-tested procedures of administering the rule of law in adversary criminal proceedings, as we have known, developed, and perfected them in this country, are at stake in this controversy.

As President of the American Bar Association, and as a spokesman for those who, as officers of the court, are uniquely entrusted with the preservation of the rule of law, I have asked and I shall continue to ask, that appropriate action be taken promptly by all of our nation's duly constituted authorities to repel the direct and outright attack on our system of justice which I believe President Nixon made when he, by edict, effectively stopped an investigation by Special Prosecutor Cox—an investigation into evidence stored in the White House and possible criminal acts by people who work or

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## The DOCKET

VILLANOVA UNIVERSITY SCHOOL OF LAW

VILLANOVA, PENNSYLVANIA

VOL II NO. 2

DECEMBER 1973

## SBA LECTURE PROGRAM: GOOD JUDGES FOR PHILA.

On October 23rd the Student Bar Association presented a lecture on the views of Good Judges for Philadelphia. The speaker was William Hangley, Esq. who is the Political Action Chairman for the organization. Mr. Hangley is a partner of the law firm Ewing and Cohen located in Philadelphia.

Mr. Hangley gave the students present the viewpoint of Good Judges and the goals they wanted accomplished. Good Judges is a non-partisan organization that strives for an improvement of the city's bench. The candidates were a combination of Democrats, Republicans and Independents who the organization felt were the best qualified jurists in the city. Because of their candidates positions at the beginning of the ballot and the expected Spector victory, Good Judges was very optimistic about how they would do at the polls. Unfortunately the vote went to the Philadelphia Democratic machine. What was a victory for the Democratic party was a tremendous loss for decent justice in Philadelphia. The candidates suffered a heavy loss.

The S.B.A. is offering a fine program of relevant speakers. The members are doing a fine job setting up the program, it is unfortunate that the student body is so apathetic that they do not support the programs. It is a shame that a man like Mr. Hangley has to speak in front of only ten or eleven students.



*Mike Bloom, William Hangley Esq. and Dean O'Brien pose before Mr. Hangley's lecture on the "Good Judges for Philadelphia."*



# Competition—The Framework For Corruption

by Harris Rosen

Corruption and unethical practices seem to abound at all levels of government and professional activity. The furor of ambulance chasing had barely diminished when the events of Watergate became uncovered before a disbelieving and disillusioned electorate. Recently a Vice President made a bargain to avoid a more severe penalty. All through the upper echelons of the White House hierarchy, dreams of success and avaricious desires began to be supplanted by fear and attempts at subterfuge. Men with voracious egos who always had ready answers and advice for any possibility now were compelled to disavow knowledge of events and schemes, their 'professional' minds had once cultivated. These same men with the strong academic backgrounds, the right family ties and the razor sharp competitive edge were now fighting for their professional lives.

It is extremely curious how all these men happen to be of the same profession. Certainly it is true that law is a good starting point for a career in politics. It is also true that the two fields are closely related in many respects. And, of course, other professions are involved in practices which are not particularly scrupulous. Yet those type of shallow explanations cannot clarify the phenomenon nor answer the question why the men of most 'watergates' past and present were or are lawyers.

Upon analysis, one is confronted with an interesting problem. Is it the nature of the profession which is responsible for attracting a particular type of person or is it the training of the profession in particular and the nature of the society in general which combine to taint what was initially an apparently incorruptible individual? Whether the seed of corruption is fertilized sooner or later, the festering result is all too quickly and frequently achieved. Either one of the above approaches is too simplistic to be the sole answer. A combination of both factors is probably the case. Some individuals are transformed by the competitive structure of the legal system while others are originally attracted by the materialistic and ego fulfilling possibilities inherent in our legal and rule-making process. The flambuoyant and confident advocate can quickly become the overzealous government official or the unscrupulous attorney.

The process of stressing advocacy, the value of winning and the need for competition begins at an early stage of an attorney's career. If this type of thinking has not been inculcated at a young age by family, societal and peer pressure, it is quickly fostered in a law school environment. Winning and achievement are perceived to be the most important elements. The desire for a competitive grade and high class standing is later easily channeled into a desire for a high paying job with quick advances in prestige and financial worth likely. Once an initial posi-

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## "WE'RE ALL DYING"

by Jane Siegel

Dearly beloved fellow physicians we are gathered here today around the abused body of Maria O'Silverstein to perform an autopsy and determine the cause and course of death. This recently graduated, and dead, Villanowhere lawyer is reported to have died of a grossly metastasized case of legal analysis and casebook hypotheticals with a complicating factor of insufficient practicality. However, there are two alternative causes we must consider before conclusively reporting the findings to the Superior Board of the AVMA. One conflicting theory states the girl choked, and subsequently strangled when she was offered more Socratic method then she could chew or conceivably digest. And, further, we have it from her last remaining close friend that Maria had been severely depressed recently and death might have been caused by self-inflicted guilt.

So, doctors, we must examine the events that led up to this poor girl's unfortunate demise and determine if, in fact, there is some insidious disease lurking between the pages of those legal tomes (or tombs, as the case may be).

It all apparently began during Maria's first year at Villanowhere Law School. It started with a growing feeling of sluggishness; as though she had a pile of books strapped to each foot. Admittedly somewhat alarmed, she thought perhaps the school paper would offer some relief from this rising loss of touch with real life. No, the paper does not touch anything too heavy without a prescription from the proper authorities. It offers such dubious placebos as pages pregnant with sports scores and abortive attempts to liven up annual statistics.

A fellow sufferer suggested that some fresh air and sunlight among the Bail Project people might help Maria. There, for a brief and shining moment she almost succeeded in using her tortuously acquired analytical experience to actually help a human being. She almost got a taste of pre-litigation negotiation and beat the 'system,' but no. The disease strikes quickly, devastatingly and levels all. Within days of finding reality again it was swiped from her. The Project died and she was again suffocating in the book-lined arms of Villanowhere.

Maria resolved at the start of her second year that she would have to cure herself of this steadily progressing disease. After more than a year, she felt herself becoming light-headed. Nothing retained a concrete form. Everything seemed to drift upward into nebulous clouds of abstraction (definitely secondary hypotheticalosis). But she was determined to find the answer. She went to the SBA to ask for \$1,000 to organize a regional symposium and workshop on 'Women in the Law.' But, no dice, that proposal required major reductive surgery because, after all, rugby balls and the senior sock-hop are at least as critical. Slightly stunned by this sudden acute flare-up of the disease Maria missed the opportunity (along with 96% of the rest of the afflicted students) to participate in the Reimel competition and possibly build a skill that could

equip her to deal with the real legal world. The thought that began to really depress our victim was the school's attitude of benign neglect to her plight. It wasn't actually disparaging the cures but nowhere could she see any positive, affirmative aid being offered officially.

One apparently healthy student told Maria to get her head out of the Socratic clouds and put her feet on the sidewalk and "get thee to a clinic." Yes, she knew about Community Legal Services, but she had heard that it was *worse* than the disease. The official attitude suggested CLS was for "mediocre students," that only fakers went there when they wanted to avoid classes, supervision, and the real tough hypos. Time spent serving people without credit or supervision just wasn't educational. "Analysis, Maria, analysis," was all she heard. The monkey on her back.

Her one unaccredited hand-hold on life became the Muncey Project, a unique, but hardly well-known program to help women at the state pen. But even as she clung desperately to this thin edge of sanity the Institute for Correctional Research (alias "Sky-High, Inc.") under the guise of "Book Night" trampled upon her efforts to hold on and she plunged deeper into depression. Book night aggravated the already wildly cancerous growth of unnecessary abstraction. The panel members actually blushed red when an unanticipated former prisoner burst into their erudite deliberations on prisons and deigned to intrude practicality. He simply called everyone present a potential murderer for their failure to stop just discussing and actually do something about the prisons. No panel member bothered to comment upon the incident which was waved away by the moderator's hand. Maria waited for a concrete suggestion as to what students could do, but like all else the Book Night was intended for some non-existent, omniscient "They."

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### THE VILLANOVA DOCKET



Published four times a year in October, December, February and April at Villanova University School of Law, Villanova, Pennsylvania 19085 by the students of the Law School, for the friends, Alumni and students of the Law School.

The submission of articles and information is welcomed and encouraged.

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## To Whom It May Concern:

# HOW TO GET A GOOD GRADE ON A LAW SCHOOL EXAMINATION

by Frederick P. Rothman

To receive a good grade on a law school examination, a student must effectively communicate to his teacher that he understands the problem, that he can identify the issues, and that he can apply the concepts learned in the course in his analysis of the problem.

It is easier for a teacher to identify the good examination answer than to describe its characteristics. First, the good answer will be responsive to the question asked in that the student will take a position and state what that position is. Sometimes the position taken will be that no position can be taken, that the law is unsettled on the point, or that the facts could be interpreted in either of two ways and that a different result will follow under each interpretation. Second, the written answer evidences that the student has thought about the problem, has formed an opinion, and has organized his answer. The organization clarifies and strengthens the student's points.

Since in my opinion issue identification and answer organization are the two most important factors in writing a good answer, I would advise the student to take the time to read the question twice: the first time for an overall familiarization of what the question is about and the second time for identification of the operative facts and relevant issues. Know what you are going to argue before you begin to write.

If you do not find the determinative issue in analyzing the problem, it is almost impossible to receive a grade higher than "C", no matter how much law you know. A five page explanation of the concept of mixed mistake of law and fact, offer and acceptance, or proximate cause will not be given much credit if the determinative concept were concurrence of actus reus and mens rea, lack of valuable consideration, or the non-existence of a duty to act.

Of course, it is the rare student who can write a good examination answer without understanding the subject matter of the course. Both issue identification and organization are dependent on the student's efforts over a three month period.

Be sure to define those terms of art—words which have special meanings in the particular course—which you are using in your answer. If you use abbreviations, note their meanings at the beginning of each question. Many graders read one question from the blue books of all examinees before beginning another question.

Do not assume facts not stated in the problem unless you cannot give an answer without making an assumption. If this is the case, be sure to identify the new fact as an

assumption. By the same token, never avoid an issue by simplifying the facts.

If you can identify an important issue but you do not know or remember what the law is on that issue, do not leave the statement of the issue out of your answer, and do not hide your lack of knowledge or uncertainty with vague, meaningless statements, or with a lengthy discussion of other irrelevant exceptions to the general rule, with the hope that the teacher will finish reading the answer with the opinion that you do know something about the course, even if you do not know how to answer the question asked. By either approach—ignoring the issue or obscuring the issue—the student does himself a disservice.

Do not waste valuable time in reciting the facts of the problem. Only bring into your answer those facts which are necessary to the clear presentation of your analysis of the issues.

Stick to the times suggested by the examiner. If no times are suggested, assume that all questions are of equal weight and should be given equal time. If you are running out of time on a particular question, use the last couple of minutes to insert the outline of your answer into your blue book and tell the examiner in writing that you are running short of time. Do not rob Peter (the last question) to pay Paul (the difficult question).

Don't cram up to the wire. Give your brain a chance to organize the information to which it has been exposed so that it can serve you while you are taking the examination. Many lawyers involved in trial work find that they are awakened in the middle of the night by a fact or answer, which their conscious minds missed that the trial. Their brains did not absorb and appreciate the fact or answer until they were allowed to relax. Such lawyers keep pads and pencils on their night tables so that they can record their nocturnal insights. In addition to the programming factor, it is easier to fall asleep if you have relaxed before retiring. And a good night's sleep is extremely important to the process of issue identification.

Don't discuss your answers with other students when the examination is finished. You will either upset them or they will upset you, and this could be detrimental to the upset student's performance on the next exam. Be advised that there is usually no one right answer (except possibly in the tax courses). In a mid-term examination last Spring at the University of Utah in Criminal Law and Procedure, five students each earned an A; their answers ranged from one conclusion that both accuseds were guilty of murder to two conclusions that neither accused was guilty of any homicide crime.

There are a number of fallacies in stating a list of do's and don't's. First, it is not complete. Second, each teacher has his own opinion as to what constitutes a good answer, and it is probable that the entire faculty would not agree on even one of the points I have made. Third, there is always an examination paper which breaks every rule and still deserves an "A" because it is brilliantly innovative in its approach or because it displays great intellectual depth. Some professors (and I am one) give much weight to originality. The novel argument which had not occurred to the professor who wrote the examination question often earns a lot of

credit. Fourth, I admit—and I would imagine that many of my colleagues would do the same—that I cannot measure the effort, knowledge, judgment and ability of a student as a potential lawyer on the basis of what is written in a blue book during a three hour period. The examination system has its faults, but the faculty has not found, with available resources, a better system. Until it does, grades will be with us. Many students receive their lowest grades in courses in which they put the most time and in which they learn the most.

Let me close by apologizing in advance for not doing a very good job in grading (I don't think too many law teachers do). I do a conscientious job, the best job that I can. If after getting your grade you believe that I misjudged your abilities and knowledge of the subject matter, take some comfort in the fact that you are probably right. In writing your examination answers, do the best job that you can. If you have taken your studies seriously, even if you miss the issue on one question, it is almost impossible to get a grade below C.

## SBA REPORT

This year the Student Bar Association has been organizing programs intended to enhance both the social and academic atmospheres of the Law School Community.

The Speaker's Program has been designed to augment the classroom curriculum. On the Wednesday following President Nixon's "Saturday Night Massacre" a forum on Watergate was held. Professors Dowd and Collins shared with us their expertise on the constitutional ramifications and ethical considerations surrounding Washington.

On Friday night, November 2, the S.B.A. in conjunction with the Institute on Criminal Justice brought to the school Ms. Knsi Burkhardt to discuss her book, *Women in Prison*. Joining Ms. Burkhardt on the panel were Joseph Murphy, Supt. State Correctional Institute at Muncy; Margaret Velinesis, Ex-Director Pa. Program on Girl and Women Offenders; Merle Groberg, Assistant Dean, Graduate School of Social Work at Bryn Mawr College.

In the planning stage is a two day symposium on Labor Violence in America to be held in late March. The program is designed to bring to our school outstanding people from the field for a series of lectures and workshops.

This year the S.B.A. is taking a more active role in initiating curriculum changes. An ad hoc curriculum committee was formed within the S.B.A. to commence activities aimed at establishing more clinical programs. The committee is also attempting to secure a more practical and reasonable pre-registration system for the student body.

After receiving requests for funding from various organizations within the school, the S.B.A. budget for 1973-74 was formulated. In determining the amount of each allocation the Board considered:

1. the purpose of the organization making the request

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## Prof. Leonard Levin

by Joseph Murphy

To most second and third year students, Prof. Levin is already a familiar figure. Last year, due to the untimely death of Prof. Stephenson in the first semester, Prof. Levin began his career at the Law School. He was contacted by the Dean on a Thursday, picked up the casebooks that day, and the following Tuesday was teaching. He was responsible for Decedents & Trusts and Future Interests that semester. He taught Decedents & Trusts again in the second semester. Presently, Prof. Levin is behind the podium teaching Contracts to Section B, of the first year class and Decedents and Trusts to Upperclassmen. This Spring he will teach Future Interests and a Seminar on Fiduciary Administration.

In terms of background, the Professor was born and raised in Philadelphia. He started at the University of Pennsylvania, completed one semester, then entered the Army Air Force in 1943. In 1946 he was discharged and re-entered Penn's Wharton School where he studied in a Pre-Law Program. After completing three years of Undergraduate work, he entered the Law School there. By studying at the Law School during the winter and the University in the summer, he was able to get his Undergraduate degree in February of 1950 and his Law School degree in the Summer of 1950.

In Law School, Prof. Levin was a member of the Law Review, Order of the Coif, and 1st in his class.

After graduating, he practiced in a family firm and helped conduct what is now entitled the Levin-Sarner-Brown Bar review course. His practice could be best described as a general one, touching all conceivable areas. As for the Bar Review Course, he has taught Landlord & Tenant, Property, and Criminal Law in the past. Presently, he is responsible for Contracts, Negotiable Instruments, Estates, and Constitutional Law.

In addition to these activities, Prof. Levin takes credit for being one of the primary authors of a legal encyclopedia known as "A Summary of Penn. Jurisprudence".

Prof. Levin is married with two children. He remarked that he enjoys tennis, however, he concedes he is no match for some of the big names around here.



Professor Leonard Levin

In terms of ambitions, he hopes to write his own casebook because he has been unable to find one with which he is satisfied.

He enjoys teaching very much and indicates that the Dean was warned of this when he was first contacted about coming to Villanova. Apparently, he informed the Dean after the initial offer; "Once they get me on that podium, they'll have a hard time getting me off."

## Prof. Joseph Wenk

by Joseph Murphy

Prof. Wenk started at Villanova Law School for his second time this year. In 1966, after graduating from St. Joseph's College as a history major, he came here and was awarded his diploma three years later.

While in St. Joe's, the Professor was an avid debater and was active in the Student Government. Among other things, he held the office of President of his Senior Class.

After graduating from Villanova, Prof. Wenk went to Germany to study. His major areas of concentration were comparative criminal systems and foreign languages. During his year abroad, he was very fortunate in being able to travel extensively throughout Europe.

Upon his return, the Professor began working for Community Legal Services. He was active in problems concerning social security and drug addiction. As part of his duties at CLS, he conducted many seminars in which much valuable experience was gained. His students included both young lawyers and older laymen.

His work, however, was not totally restricted to the office. He was in court several times a month and was an active participant in a recent case which resulted in the Philadelphia Prison System being declared cruel and unusual punishment.

Prof. Wenk, this semester, is teaching both Torts and a seminar on Drug Addicts and the Civil Law. He will again teach Torts in the second semester, and, in place of the seminar, he will conduct the course on Decedents' and Trusts Estates.

In addition to his published writing for the Villanova Law Review, Prof. Wenk is the co-author of a book, which as yet is unpublished, concerning Discrimination against Addicts. For some reason, the publisher has been unable to meet his deadlines with the result that the book has not reached the library shelves. The only thing which is certain, however, is that it will eventually get there.

Prof. Wenk was quite proud to announce that he had been able to secure all movie rights arising from this book to himself.

## FOOTNOTES

Eric S. Plaum

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### ODE TO A FIRST YEAR STUDENT

According to extensive research  
From sources far and near  
Only 149 law schools exist  
Including this one here

From those halls of learning  
Only each one can produce  
Just a single top performance  
Elementary to deduce

Estimates related by the ABA  
Whose statistics are exact  
Show the same amount of jobs exist  
Leaving nothing for us Jack

But in order to make money  
with vested interests to protect  
Law schools enroll more students  
As it's not their lives they wreck

For three long years they torment us  
Producing pain, anxiety and fear  
And just prior to our finals  
We suffer severe diarear

But if you think it's over  
With that sheepskin in your hand  
You're in for a rude awakening  
The Bar exam is no promised land

With no malice aforethought  
I am a reasonable man  
My only plea is a nolo  
For wanting to join this clan

The rule stated in this story  
Is clear for any fool  
If you're a first year student  
Enroll now in medical school



Two Students experience a change of heart as final exams near.

### BAR EXAM RESULTS

The State Board of Examiners has announced the results of the July state bar exam. Out of approximately 4,200 applicants over 98% successfully passed the exam. 141 Villanova Law School graduates of a possible 142 were among the candidates admitted to the Pennsylvania Bar.



# VILLANOVA AMIDST CONSTITUTIONAL CRISIS: UNTROUBLED WATERS

by Wayne Parker

The events of recent weeks flowing from Richard Nixon's attempts to extricate himself from an unbelievable series of untenable positions have taken the American public to new depths of anger, frustration, and disbelief over the behaviour of the chief executive. These events have their roots largely in the Watergate affair and the continuing displays of executive abuse of power and public trust which have emerged in the past six months, but public distress has been exacerbated since the 'Saturday Massacre' of October 20 and the rather incredible disclosures about tapes that 'never existed'.

Not surprisingly, two groups conspicuous in their silence over recent years have begun to awaken from their catatonic stupors to protest the events of recent weeks. One of these groups is the legal profession, which undoubtedly perceives quite correctly that it is not in the interests of the profession to remain silent while many of its most prominent members have been displaying such an appalling lack of good taste and discretion in their public lives.

The other group consists of students, those guardians of the nation's intellectual heritage and highest ideals, who have been curiously silent since the expiration of the Selective Service Act. Why this group is responding to outside events once again is somewhat mystifying to me, albeit highly encouraging, but nevertheless in the days following the 'Saturday Massacre' there were undeniable indications of student ferment on many campuses.

At Villanova, the law school, which has one foot planted squarely in each of these two groups, has somehow contrived to remain undisturbed throughout the past weeks. Clearly numerous students and faculty members registered their objections by writing letters to Congresspersons but as an institution the response of the law school to questions crucial to the most basic legal principles of the nation has been pathetic. Witness:

On Monday morning, October 22, a Villanova law professor brought in a carefully drafted letter which he hoped would be signed by many members of the faculty and then sent to Congresspersons. The letter was deliberately moderate in scope, in the hope that the letter would get prompt and united support from members of the faculty of varying political outlook. The letter urged the House of Representatives to initiate

impeachment proceedings, and enumerated only defiance of the court order concerning the Watergate tapes handed down by the U.S. Court of Appeals, and obstruction of justice in removing the Special Prosecutor, as grounds for impeachment.

The faculty's response to this attempt to come up with a consensus statement was prompt and united. That is, they promptly united to argue over the wording of the letter until, on Tuesday afternoon, it was no longer appropriate to send the letter to anyone.

Meanwhile, out in the real world, some 35 Deans of prominent national law schools were co-signing a strong condemnation of the President's actions.

Villanova law students made an equally impressive showing. Nothing whatever happened on Monday. On Tuesday, October 23, two first year students made a quixotic attempt to get signatures on an 'impeach Nixon' petition, five copies of which were posted around the school. This petition, which was couched in terms as thorough and legalistic as the first year drafter could summon up overnight, collected 56 signatures. There are over 600 law students at Villanova.

Actually, there may have been another 10 or 20 signatures on the petition. However, one of the five copies was stolen by someone who undoubtedly has as fine an appreciation and respect for the Bill of Rights (e.g. the freedom to petition for redress of grievances) as does Mr. Nixon himself.

Meanwhile, downtown at the University of Pennsylvania law school, a petition with a sizeable proportion of the student body signing was in the mail to Congress on Monday morning. Not content with this, students also set up a typing service for individuals who wished to dictate letters to legislators, and processed the letters through typing, addressing, and mailing. The Daily Pennsylvanian, the University of Pennsylvania's newspaper, published an editorial jointly with the other Ivy League schools calling for the impeachment of Richard Nixon.

At Duke Law School, the President's own alma mater, 350 students out of 400 signed a petition urging impeachment, and students there published a document entitled *The 56 Impeachable Offenses of Richard Nixon*. But at Columbia University, law students had embarked upon an even more ambitious project: the formation of a national Law Student Lobby to bring the organized pressure of legal institutions on Congress. All during the week following the 'Saturday Massacre', a coordinated organizational effort was made which brought representatives from 15 to 20 law schools for the first day of lobbying.

On Thursday, October 25, this writer put up signs soliciting concerned students to spend the following Tuesday, October 30, in Washington talking with Congresspersons about the constitutional crisis. The signs remained up through Monday night, but no one signed up. The entire extent of the response here consisted of one individual's attempts to deface one of the posters. Where the poster said 'Join the Law Student Lobby', this individual crossed out 'Lobby' and wrote in 'lynch mob'. And where it said 'lobby for the impeachment of the President', this individual wrote in 'go to Hell'. Isn't that clever?

In Washington on Tuesday morning, between 300 and 400 law students arrived from all over the East Coast. The Rally in the morning received national press and media coverage. Villanova was represented by two students. The University of Pennsylvania was represented by 25 to 30 students. Columbia sent three busloads. The students from Columbia, most of whom were second and third year students, came armed with a 90 page memorandum of law which they had researched, written, and published in the past week, on the subject of impeachment. The two students from Villanova came armed with their opinions, which is at least better than nothing at all. But nothing at all was what Villanova's law school was doing about what one professor here described as "the greatest legal crisis in the U.S. during my lifetime."

In fairness, it should be pointed out that Villanova did try to do something about the 'Saturday Massacre'. Almost a week after the events of the 'Saturday Massacre', the Villanova Student Bar Association leapt to the challenge with "A Forum on Watergate." This forum was attended by about 150 students, actually a fairly impressive turnout from a realistic standpoint. But in kindness to all concerned, the less said about this exercise in futility the better. Never has 'too little, too late' seemed more apropos.

Indeed. Is this a case of apathy we are dealing with here? Apathy is that most over-worked of cliches applied by student government leaders to their fellow students when these fellow students quite reasonably fail to evince the slightest interest in the trivial and meaningless matters with which student government leaders traditionally concern themselves.

But there is a serious question as to whether an institution whose entire purpose is the production of guardians of the rule of law can afford to be so neutral in the midst of developments which so directly threaten that rule of law. Apathy here and now seems singularly inappropriate.

Apathy is what we have come to expect up on Capitol Hill. The students who went to Washington for the first day of the Law Student Lobby received a first rate introduction to the 'don't rock the boat' mentality which pervades the national legislature. It was apparent that most Congresspersons would rather not do anything unless their constituents make it abundantly clear that they will not tolerate inaction. This approach seems to be in the nature of the job.

But it is this very mentality in the government which necessitates action by the other legal institutions in the society. It is not, furthermore, in the nature of our jobs as students and instructors in the law to bury ourselves in academics to the exclusion of participation in the vital legal questions of our age. If we do not stand against abuses of our legal system at the appropriate time, then we have no business being here. It is time that Villanova law students and teachers, as well as the profession at large, became more aware of their duty to their society and a little less sensitive to their duty to themselves.



# PAPPY'S CORNER

by Joe Paparelli

Prior to the annual Dean O'Brien Cup game, the championship game to determine ICC football supremacy, Tony "The Toe" Geylan mentioned to this writer that the CIA Elves had to win this game. His reasoning was very sound. He told me that at no other time will any of us go for so long without tasting the bitterness of failure. Not even a good lawyer or even a good judge could go three years without making some bad decisions. The Elves went through those three years with one defeat, the first game of their first year. Since then it has been all gravey and Kelly's beer. It was 21 regular season games without a defeat, and three playoff series without a loss. The offense scored 109, 212, and 233 points respectively over the last three seasons, setting new scoring records each time. The defense was even more superb, they held the opposition to a total of 2 touchdowns in the course of three regular seasons, and allowed only 3 touchdowns on offensive drives in seven and one half playoff games.

The Elves, never a team to do things as easy as possible, had to beat Hughes White in the semi-finals of the 1971 series, only to play another half against H.W. the following Saturday because of a protest of a referee's decision which the ICC executive board decided had to be accepted. The Elves won that half and the championship game that Saturday morning and started its drive for three straight crowns. In 1972 Warren Stearn gave the Elves a scare by tying them in the originally scheduled championship game 6-6. That game was unusual for it went two overtime periods before it had to be cancelled due to darkness. That night Brian's Song was on the tube, and Joe Willie was seen to have tears in his eyes; it wasn't because of that movie. The Cardozo-Ives Boys regrouped and won the second championship game 18-6.

This year was no different from the past. The Elves, after jumping out to an early 13-0 lead on passes from Joe Willie to Flat Foot Denny Joyce and the Greek, had to fight for a 19-19 tie at the end of regulation play. In the overtime period, the Warren Stearns moved right up the field on the throwing arm of Ron Myers and the glue fingers of Dick, "The Rugger" Hardt, sure handed Jack Saile, and the fleet footed Kevin Ryan. However an interception by Jim "He looks alot like Gannon" Hennessy stopped that drive and gave the offense the opportunity to run out the clock. In the second overtime the Elves received the kick, and from the look in Joe Willie's eyes you knew it was all over with. Broadway hit Joyce on a down and out for a first down, missed on his next two pass attempts, and then hustled out of the pocket and ran for the first down. On the next play Joe Willie connected with Joyce for their third TD of the day and their third straight championship together.

Yet not withstanding the championship, the ICC President Denny Joyce and his Football Commissioner Mike Corso should be proud of the way the whole season shaped up, especially the playoffs. Those games were the most exciting of their type in the last three years. Both of the finalists

had to fight for dear life to get their chance to replay last year's championship game. Cardozo Ives A beat the B team 7-6 as Joe Willie hit that slippery Italian Roy DeCaro for the first TD of the game and then came back to score the extra point by hitting Irish Jerry Rotella over the middle. However, the excitement was yet to come as Q-Ball Sturm hit Daddy Walters for a TD with only four minutes to play. Fortunately for the Elves Tom "The Great Bald One" Forr, using that experience he picked up playing with Papa Bear Halas back in the Thirties, smelled out the extra point attempt and knocked a Q-Ball pass away from Jack "The Suave One" Tucci. Tom would have won the game's MVP award for that play, except for the fact that "Wild Man" Tim Sullivan made an exceptional rush on Q-Ball which forced the pass that Tom deflected. The team gave Sully the award, and many thanks for getting them into the finals. However the game did not end on that play, for the B team tried an onside kick, recovered the ball, and moved right down the field only to be stopped by the Cardozo A's defense just a couple of yards short of the end zone and only seconds before the final whistle. The second game was just as exciting as the first, as Warren Stearn squeaked to a 6-0 victory over Taney-Moore. The Stearns scored on a pass from Ron Myers to Jack Saile during the second half of this defense dominated ball game.

The Moore's and the Cardozo B team with their performance this year seem to be the probable participants in next year's O'Brien Cup finals. The Ives seem a little more certain to get there because they have not lost anyone, but rather have people like "The UFKUS", Big Daddy Walters, Sure Hands Nolan, Mel Melvin, the Q-Ball, Quiet Bill Schmidt, Jack "it's always next year for us Penn people" Riely and suave and debonair Jack "I'm in the mood for love" Tucci coming back. Taney Moore will be in for a little more trouble because they have to fill the shoes of two defense standouts, Gramps McCarthy and Mild Mannered Frank Pendrotty, and their QB, Slingin' Bob James. The Moores may have the defense replacements in two members of the "Easton 9" conspiracy, Mike "He looks so mean" Kravitz and Barry "I'll play it for the Boy's in the Sinai" Gross. They may also have two more possible defensive standouts in Jeff "Bulldog" Pettitt and Kenny Harris.

However it is obvious that no matter who plays that little battle next year, they will be lacking the class and charisma of the two finalists this year. The Stearns and Elves have been the Dallas and the Green Bay teams of the ICC, two very good teams that made each meeting a spectator's delight. Not only were the teams of exceptional ability, but the players had the individual class and showmanship to make each game a classic. The Stearns had Hurricane Harry Garmon, Mean John Janis, Wild Man Rick Wills, Fleet-footed Mercury Ryan, Jack "I'm all hands" Saile, Dandy Ron Myers, Dick "O.J." Hardt, The Commissioner Corso, Bob "The Linebacker" Holley, John "He can't be Italian" Fitzpatrick and Colin Hannings. The Elves were as or even more colorful than the Stearns with the likes of Tony the Toe Geylan, Jerry "Let's sing one for Old Nel" Rotella, Coach Frank Flemings, Mr. Psyc Turk Cullen, Tim "The Wild Irishman" Sulli-

van, The Weightwatchers Nightmare Jim Hennessy, Denny "I should be the MVP" Joyce, Roy "No Denny, I should be the MVP" DeCaro and Tom "Let me tell you about the time I played with Jim Thorpe" Forr. The Elves also had those unsung heroes of the wars in the pits. Henry "Mr. Utility" Draper, TV Bob Cullin, Kent "I can't wait until August 10" Herman and Darryl "I left my heart in Scranton" Sheetz. The Elves also had John "Where did he get those hands" Elhinger, Danny "The Horse" Carter, the only receiver who caught every pass thrown to him this year, one for a TD, one for an extra point and one for the first down, Joe "I'm so Humble" Paparelli and finally The Greek.

The rugby team also contributed to the sports scene at Garey Hall. That team finished the season with a double loss to Blackthorn but came away with a 3 and 2 win-loss record for the A team and a 2-3 record for the B team. More than the above the players came away from the season with a lot of good times and a certain comradeship between the participants that was lacking in this law school for the last couple of years.

Since the last issue the team beat the Philadelphia College of Osteopathic Medicine in the closing seconds of the A game. Jack "Glory" Riely was the star as he scored two trys from his position on the wing. The B team went down to defeat in the second game but made up for it at the party as Dan Carter led his B team "Devs" in song and drink. The following week the ruggers traveled to Moravian to meet that upstate squad. The A team shutout their A team 24-0 and then the B team ran all over their B team in the second game scoring 5 trys while only giving up one. The sweep was completed as the Garey Hall ruggers demonstrated the party experience they have developed over the year. However for a few of the Gentlemen rough guys the big game was yet to come. The ruggers picked up an unexpected victory, when the "Easton 9" Denny "I'll score yet" Joyce, Hank "The Tank Pedicone, Mean Mike Kravitz, Barry "I'll play another one for the Boys in the Sinai" Gross, Bryan "He's only a rookie" North, Jack "Where's the Princess" Tucci, Turk Cullen, Frank Kregar, and Joe "He's everywhere" Willie, stormed and captured Lafayette College during the latter's Homecoming Weekend. It was a complete take over and rendered that group eligible for the "Hun of the Month" award. The only sad part of the evening was that we lost our "Little General" Hank Mahoney because he didn't think we'd do it.

In the final game against Blackthorn, the O'Brien Maulers were beaten by a very physical opponent. However, even then the ruggers displayed tough defense and a willingness to hit and attack. The Garey Hall performers reached their peak that night at the post game outdoors party, as they sang and drank around a bonfire built to keep them warm. The songs were not the traditional Boy Scout ballads one would remember singing in their younger days, unless it was a very progressive unit that the individual was associated with.

The awards presented this fall: Best Overall Player—Jerry "The Giant Bruise" Rotella; Best Hitter—"Stick it to Them" Jack Riley; Most Injury Time Outs—Dan "Two Minutes" Carter; Most Games Missed—(Tie)

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## ABA PRESIDENT SPEAKS

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who had worked at the White House, or who had otherwise been part of the Nixon Administration, I intend to urge that the American Bar Association, through its Board of Governors and then its House of Delegates, take action to present the views of the Association on this issue to the Congress and to the American people. (Sustained applause at this point.) As the first step in that effort, I have called an emergency meeting of the Association's Board of Governors to convene in Chicago next Saturday to consider appropriate action. At that time, I will recommend an emergency meeting of the House of Delegates.

Frankly, I am very proud that the American Bar Association throughout its history has moved with deliberate speed and energy to protect the rule of law whenever that rule has been placed in jeopardy. I recall the vigorous action taken by the Association in 1937 when President Franklin Roosevelt proposed that the composition and function of the Federal courts, with particular emphasis on the Supreme Court, be significantly altered by legislative action to comport with the political necessities as he personally saw them. To what I believe is to its everlasting credit, the American Bar Association there willingly and forcefully assumed the leadership role of preserving the independence of the judiciary, of preserving the separation of powers, and thus, preserving the rule of law by opposing that proposed encroachment by the President of the United States. The records of the Association show that it rallied the support of all lawyers in the country, whether Association members or not, in opposition to the President's plan to pack the Supreme Court with new and additional men who would do his bidding or who would rule his way. I believe that it was in large measure due to the non-partisan opposition of the American Bar Association that the proposal of President Roosevelt's was defeated.

I recite this history because it seems to me that once again the American Bar Association, and the legal community, in accord with the proud tradition of the legal profession, must rally to the defense of the courts and the judicial process, and that such defense, once again, if it is to be successful, must be conducted in a non-partisan, non-biased manner.

The American Bar Association is no newcomer to the Watergate arena. Last spring, President Robert Meserve, on behalf of the Association, called for the appointment of an independent prosecutor with plenary responsibility for the investigation and prosecution of possible criminal matters surrounding the 1972 Presidential campaign and related acts or "dirty tricks" which all of us have now combined under the simple term of "Watergate." That position of the Association was based upon the almost universally accepted proposition that only a prosecutor, independent and free from the dictates and controls of those whom he was to investigate, could satisfactorily resolve in the minds of the people the illegality of matters which he was to investigate. The Association, when taking that position, was not picking up a new or untried theory; instead it was relying upon its own widely accepted

and universally hailed Standards for Criminal Justice, and, particularly the Standards relating to the prosecutorial function. That Standard clearly provides that the prosecuting officer should have no conflict of interest, or the appearance of conflict of interest. Thus, under that Standard, it clearly was and is improper for an investigation of the Executive Branch of the government, of the Office of the President, or of the President himself or of his close associates, to be conducted by a prosecutor who is under the control and direction of either the President himself or some other person who himself is under the direction and control of the President. It was the desire and goal of the Association at that time that a man completely independent of partisan influence, or the appearance of partisan influence, be selected to discharge the responsibilities of clearing up the mess of Watergate for the American people. Sadly, that desire and goal has not materialized.

Based upon assurances made by Elliot Richardson to the Senate Judiciary Committee during hearings on his confirmation as Attorney General—to which, by his silence, I submit that President Nixon acquiesced—the American Bar Association was hopeful that when Archibald Cox was appointed as Special Prosecutor, he would be allowed to pursue justice in light of the principles that I have mentioned. President Nixon himself stated that the Attorney General had authority to appoint an absolutely independent prosecutor who could follow criminal leads wherever they went, and—even though we knew that under the law either the President or the Attorney General could renig, still we, as all other Americans, wanted so very much to believe that justice, unhampered by those under investigation, would prevail, that we accepted the appointment of Mr. Cox with high hopes.

But it was not to be. Our adversary system of criminal justice, long tested in this and other English-speaking countries, requires that contending adversaries before an impartial judge be equal if it is properly to function. Each of the adversary parties must be free to present to that impartial judge for determination his contentions—his case. The judge himself is not an actor, and if he is to do his job well, the two contending parties must present to him the issues for determination. Under such a system, it is both imperative and obvious that adversaries must be free to act before the court without influence or control by their opponent. In this way we historically have, with success, tested the truth and verity of testimony, of documentary evidence, of opposing contentions. In an adversary way, we have permitted each opponent the right to pick at, examine and cross-examine materials submitted to the court by the opposing party. Certainly we have allowed each party the full right to determine what he will proffer to the court to substantiate his position. It has never been suggested to my knowledge anywhere that the truth of opposing contentions could be fairly and equitably ascertained if one of the opposing parties before the court could determine what evidence and what contentions his opponent could present to the judge or jury for consideration.

But in this case, there is something new. President Nixon has instructed that the Spe-

cial Prosecutor, who for several months has been seeking evidence under the control of the White House in an adversary court proceeding, to cease and desist, has ordered him not to even secure a ruling from the District Court or from the Supreme Court of the United States or from anywhere as to whether such evidence of possible criminal misconduct is legally obtainable, the Special Prosecutor was forbidden to ask the court where he had been litigating with the President whether it is either legal or illegal for the President to withhold from the grand jury materials in his possession which might prove or disprove either the guilt or innocence of those being investigated.

The President, by mandating instructions to the Prosecutor who was his adversary in a pending court proceeding, instituted an intolerable assault upon the most rudimentary and basic principles of justice. Every American knows that the courts are our first line of defense against governmental tyranny and arbitrary power. I believe that the resulting outcry of people throughout our nation was a recognition that the abandonment by Presidential fiat of those time-tested procedures which traditionally have insured the equitable resolution of disputes between man and his government, constitutes its clear and present danger, of compelling significance, to the basic fabric of our national way of life. The substitution by the President of his own prosecutor, a man wholly dependent on the continued support of an Acting Attorney General who was wholly dependent on the continued support of the President represents an assault of wholly unprecedented dimension on the very heart of the administration of justice and a direct abortion of the established processes of justice. I reiterate my personal opinion that the gravity of the situation demands resolute action on the part of the courts, and if necessary the Congress. While I do express my grave concern over these actions by the President, I sincerely believe that the judicial and legislative forces of this nation will act swiftly and decisively to challenge, repeal, and correct this damaging encroachment by President Nixon upon our system of justice.

I believe that only through such action can the basic liberty of our citizens be preserved. While I, too, fully understand that security of our country should always be uppermost in our concern, as a lawyer, as an American, and as an officer of its courts, I am convinced that there can be no menace from without our borders more devastating to individual rights and freedom and more damaging to our image in the eyes of those of differing nations than a defiant flouting of laws and courts by our President. Knowing that, I continue to hope that President Nixon, whose actions in all respects are so very important to every American, will upon consideration of the reaction of the people of this nation, change his course, just as he has since that time, after stating that he never would, quite properly changed his position on the submission of the Presidential tapes to Judge Sirica. Regardless of Presidential action or inaction I believe that Congress should as its first priority take whatever measures are available to it to reestablish the Office of Special Prosecutor and to make the Special Prosecutor independent of the direction and control of



## ABA PRESIDENT SPEAKS

*Continued from Page 7*

those whom he is investigating. I care not whether the Special Prosecutor is appointed by Congress or appointed by District Court. I care not whether he is Archibald Cox or some other highly qualified lawyer, I care only that the Special Prosecutor not be an employee of or under the control of President Richard Nixon.

In my opinion, we truly are presently in the midst of a governmental crisis unparalleled in our nation's history, but, or so it seems to me, only because such crisis has been so willed by the President.

The Executive, Legislative, and Judicial branches should each share a common concern that Justice be done and that all available material which will help to point out the truth be submitted to the judge for determination of its admissibility, its probative value, and its verity. If that is a true principle, it is not working here, if one of our three departments of government, the Executive, is wholly and completely uncooperative in turning over material which might help to establish the guilt or innocence of employees or former employees of the Executive branch. Instead, it fired a Prosecutor who tries to get such evidence. The President is not above the law. He cannot unilaterally withhold from consideration Executive materials which might materially affect the decision to prosecute or not to prosecute. Nor can he mandate that a prosecutor not seek such material for submission to a grand jury. It seems to me that the decision made and that the rules established out of this great controversy will have a profound and lasting effect on our nation's future at stake on the basic principles which give strength and viability to our society. I submit that the people of this country will never believe that justice has been done in "Watergate" until such time as a prosecutor, independent of the White House, is permitted to go into all aspects of the matter, a Prosecutor appointed by someone other than those whom he has reason to believe are possible participants or who may have knowledge about possible participants which they do not want to reveal. At the same time, I want strongly to point out my undeviating belief that it is completely proper for those being investigated to seek, through the courts, recourse as to the possible objections that they might have to conduct of the Special Prosecutor. If those who are being investigated feel that the material sought by the Prosecutor or the tactics he employs are illegal they properly should submit their objection to the court for a determination as to whether the Prosecutor's acts are legally permissible. But, of course, those who are being investigated cannot alone make that determination, no man can under a government of laws. It must be presented to a judge and be legally tested by its adversary.

So believing thus, I pledge to do all within my personal power to see that the American Bar Association, if requested, assist the United States District Court and any and all other federal courts in the discharge in its duties and responsibilities in this governmental crisis. I suggest that the National Legal Aid and Defender Association consider whether it too will join in this

effort, whether it will condemn this frontal attack on the justice system by the President.

In the past several days, I have had occasion to applaud the action of three great lawyers: Elliot Richardson, William Ruckelshaus and Archibald Cox, each of whom has, in a most dramatic and nonpolitical way, demonstrated to the people of this nation that there are lawyers who honor and cherish legal tradition who work for the federal government, that they, like literally thousands of more lawyers who also work diligently and professionally for the federal government, put ethics and professional honor above public office. I am quite proud of each of them. By their actions, by the actions of thousands of individual lawyers, by the actions of state and local bar associations, and by what I hope to be the actions of the American Bar Association, I very much want the American people again to feel assured that those whose profession is the law, we the lawyers of America, are firmly committed to preserving our society—under law, and to safeguarding our liberties—under law.

Thank you very much.

## FOOTNOTES

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### ALUMNI BRIEFS

E. Gerard Donnelly, Jr. has become a member of the firm Fox, Rothschild, O'Brien and Frankel.

Thomas P. Finn, Jr. has established himself as a member of the firm of Hale, Russell and Stentzel.

Raymond T. Letulle has become a member of Krusen, Evans and Byrne.

Bruce A. Irvine and Leo A. Hackett are now partners in the firm Fronefield, DeFurigo and Petrikin.

John Barry Donohue, Jr. has taken the position of Counsel with Philips Industries Inc. John also was awarded an LL.M. in Administrative Law & Economic Regulations from George Washington University.

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Dave "I'll be There Next Semester" Stettler and Ed "The Irish are on TV" Wiberham; Best Singer—Hank "The Porcupine" Mahoney; Worst Singer—Joe Willie "No Voice"; Best Party Men—Gypsy Jack Tucci and Barry "Let's Go Back to Lafayette" Gross.

Speaking of rugby, the team also plays a spring season and are looking for first and second year students who would be interested in having some fun and desiring to carry on the rugby tradition at the law school. (See Jerry Rotella or Hank Mahoney if interested.)

Till next issue, Happy Trails.

## COMPETITION—THE FRAMEWORK FOR CORRUPTION

*Continued from Page 2*

tion is obtained, it is very easy to direct this competitive training and energy into desire for materialistic success regardless of what becomes necessary to achieve that indefinable and never satisfactorily attained goal. Once one becomes part of a system which promotes competitive zealotry, it is easy to cast away moral and ethical considerations to achieve a desired position. After a while, forgetting the little indiscretions which are witnessed, accepting the pattern of practices be they, in one's opinion, unethical or not, and striving for your own personal success become the norm. These tendencies begin to become second nature and even appear proper in a system which rewards them so excessively. The individual introspects that martyrdom never appeared to be too enticing a way of life anyway.

So the lawyer with his keen mind and advocate's demeanor sees the vast chances for further enrichment in politics and in playing the 'game' under its existing rules. Whether the 'game' has the courtroom or the councilroom as its setting, the goal is still the same—victory, at all costs. If one plays correctly, the spoils will surely be forthcoming. If one decides to try and purge the abuses, his chances of succeeding are appreciably diminished. The desire for grades thus leads to a desire for a job which will expose the quickest avenue for social and financial reward. The once seemingly inconsequential indiscretions become abuses of larger magnitude.

Can we blame society, law or the individuals for this metamorphosis? Or should the system be blamed at all? After all, the severe abuses only happen in rare cases. Aren't the Watergate people the exception rather than the rule? And it isn't abnormal nor wrong to want a small quantum of success. For the majority of individuals, such aberrational practices are beyond contemplation and desire. Thus we will never reach the point where striving for success becomes the dominant force in our lives, or will we? The answer to this question will not be the same for all.

A good lawyer or an effective politician need not let the too easily followed abuses of the system exist and flourish. Competition does not have to lead to the creation of overly ambitious, self-indulgent individuals, but all too frequently it does. While the nature of the legal system is such as to continue to produce the type of people who will be willing to do what has to be done for materialistic accomplishment, it will also continue to produce people who seek change and will not let personal gain be the dominating motivation in their life. The legal and political structures, as they presently are abused, will continue to impede the accomplishments of such people. But change from within is inevitable, once society realizes that these same structures serve to encourage and aid just those individuals who are most deleterious and destructive to an equitable and more idealistic functioning of our system.



## THE BATTLE OF THE BUDGET

*Continued from Page 1*

money so that things like this never happen again."

Second year Rep. Steve Steingard: "I was never against the dance, but maybe we should have had a referendum. The SBA should back things like this as long as there are people to support it. Maybe, we've supported it too heavily in the past. Now we have new concerns to deal with. There has to be a more equitable distribution of funds. We worked out a compromise, and when the figure for the Dinner Dance was reasonable it carried."

Second year Rep. Barry Gross: "I feel that the Dinner Dance is an interest group just as the women are. We realized there was a sizeable interest in the dance. It finally came down to how much money. We asked what was the minimum needed. But I felt that the SBA shouldn't subsidize the dinner part of it. It finally came down to our money going to support the band. If the faction for the Dinner Dance had gone for more, there was a chance that there wouldn't be a dance at all."

Treasurer Fran McGowen: "This is an annual SBA function. It is the type of affair that a lot of students would not normally be exposed to. We have to take into consideration the interests of the older and married law students. Things like mixers don't really appeal to them and they deserve a fair share of the dues they pay. The Dinner Dance has usually been a third year affair, but it doesn't have to be. I think there is a lot of renewed interest on the part of second year and perhaps first year too. With SBA funding, we would be able to drop the \$15 a couple cost to something more reasonable that a greater majority could afford."

Third year Rep. Dan Carter: "We asked ourselves what was best for the school, the women's seminar or the Dinner Dance. The third year representatives were concerned that there wouldn't be a Dinner Dance at all and we wanted that preserved. It was too bad that it almost became mutually exclusive. We didn't want to lose one at the expense of the other. Interest seemed to be growing and we wanted a Dinner Dance and a decent one."

The final outcome of the vote was the approval of the Dance with an allocation of \$250.

The other issue that underwent a similar compromise process was the allocation to the Women Law Student's Seminar.

Rep. Gold: "Women in law are just beginning to take their rightful place. How we treat the women at Villanova is very indicative. A seminar like this could put Villanova on the map and show that women are not just second class citizens. This is not just a women's affair. The emphasis is not on women lawyers, but about the legal problems women face, a field of interest for anyone who practices the law."

Rep. Steingard: "This is a viable thing for us to do. Because of the women's status in the school. It's the SBA's way of showing them that they have arrived. If you present the SBA with a good program, you get the money. Women come to Villanova on the defensive and we have to show them that the SBA is willing to listen to their problems."

Rep. Gross: "There are varied interests in

the school. Many of the SBA sponsored activities are male dominated. We have to place an emphasis on activities in which the women can participate. We made it clear that the money appropriated was exclusively for the use of the seminar. They asked us for money to send two representatives to a conference in Houston and because of present conditions this was out of the question."

Rep. McGowen: "We felt that the women deserved an extra consideration. But because of the drain on the budget, I felt that the \$575 figure was too high. With a small fund to begin with such a large slice to any one organization would be unfair to the others. This allocation to the women was only \$25 less than the sum allocated to all the students for the major seminar in second semester. The SBA has no other outside sources of revenue and we felt perhaps that the women had not sufficiently investigated outside possibilities of funding. If a speaker is going to charge \$1,000 to appear, do we really have to have them?"

Rep. Carter: "It is a major step forward to get money for the women, but should it be done at the expense of the other activities? They had proposed an excellent program, but the women getting that much would alienate just as many people as if the Dinner Dance had gotten the \$500 it originally asked for. Something has to be done to maintain the needed balance. There is a problem with the Villanova mentality that it sees everything as an all or nothing proposition."

The result of the debate on the women's appropriation was a \$575 funding of their symposium.

The most notable point of consensus among the representatives was their high acclaim for the present leadership of the SBA. Under President Mike Bloom, Treasurer Fran McGowen and Vice President Bill Kalogredis, the board feels it has taken major steps in making the SBA the true source of power and direction it should be.

Rep. Carter: "We feel that President Bloom is totally open minded on all issues and that he makes sure every point of view is heard. He is truly concerned about the school and is trying to make the SBA into a viable unit."

Rep. McGowen: "Mike is doing a fantastic job. He is the one who initiates most of the ideas. The success of the SBA as an ongoing organization is due in a large part to his efforts."

Rep. Steingard: "Bloom is one hell of a president. Very competent and very prepared."

It is suprising that when the SBA is so desperately underfunded, that in our tuition bill \$75 dollars is officially allotted for activities. In previous years the breakdown had been \$5 to the SBA, \$10 a year for the infirmary, \$10 for the use of the undergraduate library and \$50 was levied annually for the use of the university's athletic facilities such as the tennis courts and the pool. Recently all such specific amount designations have been dropped and it has been sent as a lump sum to the University and many questions are now being raised concerning just what we get for our money.

Realistically the only solution is to increase the change for the SBA from \$5 to \$10. Individually the extra \$5 won't hurt anyone, but with the extra \$3,000 that

could be produced, the SBA could adequately fund existing programs and could put into action some of the good ideas that have to be scrapped because of the dearth of funds.

The members of the SBA see their organization as Rep. Gross says, "very representational, there was some initial friction, but we all work well together." In Rep Carter's view, "The people in the school have vested interests and the individual classes have vested interests. The members of the SBA feel they have to safeguard these interests."

Rep. McGowen lamented the fact that, "Most of the work of the SBA goes unnoticed by a majority of the students. A lot of our activities are taken for granted. We ran one of the best orientations ever. The used book sale, the mixers, the seminars, discussions and informal get togethers have all been highly successful. We are even setting up a Gilberts and Hornbook concession for next semester, but unfortunately a lot of students just see us as a social organization."

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A new organization of law students has formed which, for the lack of an alternative, is named the Noname Society. The Noname Society hopes to help increase communication among students and between the students and faculty.

The first program sponsored by the Noname Society was an introduction of the National Lawyers' Guild to Villanova students and faculty by the Phila. Coordinators. Efforts will be made to arrange topical forums as well.

The membership is open to everyone and the meetings are extremely informal, friendly and small.

Other suggested activities are publicizing the minutes and reports of student-faculty committees, expediting the resolution of student and faculty grievances, and expanding the offerings of clinical law programs.

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● The Docket is no longer able to  
● send out Alumni Information  
● Forms. It is, therefore, requested  
● that alumni send personal infor-  
● mation for publication in the  
● Alumni Briefs column to our of-  
● fice at the Law School:  
● THE DOCKET  
● Villanova University  
● School of Law  
● Villanova, Pa. 19085  
● .....



Continued from Page 2

The disease progressed and Maria began seeing frightening hallucinations of real clients wanting help and she not knowing what to say, where to go, or what to file. Professors promised that when she got out there was some miracle pill her first employer would give her and instantly she would know everything there is to know about the *practice* of law. But who wants a lawyer on the pill? Soon, she began hearing voices from an outside world.

There was war in the Middle East, the President was spinning through paranoid delusions and there was rising talk of impeachment and indictment. Maria and the others cried for some comment by the collective expertise of the Villanowhere professors to expound on these pressing issues. But apparently classtime was too precious for world crisis. After waiting four days the response was a predictably non-spontaneous lecture. Result: one canned, and slightly condensed, course in non-tangential legal ethics and an extended comment on how to keep fact situations distinct in our burned-out minds. That was the appraisal of Watergate. Applications of hot air failed to help Maria kick the habit.

There was ultimately no place else to turn for help except the clinics. So Maria dragged her analysis-swollen cranium and emaciated body down to see about the clinical programs—all ONE of them. Too bad, only 25 people allowed. Closed for the semester. Afterall, the expense involved in the required (?) one-to-one supervision is so great

Villanowhere almost considered canning it. Yes, perhaps it could have saved Maria's life, sent a *whole* lawyer into the world, but on the other hand, maybe she just wanted it for a 'gut'. What does a dirty, old juvenile detention center have to offer that the casebook can't? No one can expect to gain an *education* serving the community; can he? Furthermore, goes the line, how can the school really give any credit if it hasn't paid a professor to pump a sufficient number of hypotheticals into each student? What does real life teach anyway? It was all beginning to fuzz in Maria's mind.

She stumbled through the worded pages until graduation and then hurriedly tried to gulp down all that cram-school force-fed her. Came the bar-exam and she spit *back* all the untried, untested legal reasoning she had imbibed. After it all she emerged an empty shell of a person about to "O.D." on hyper-conceptualized legal theory. But, fellow physicians, it was NOT this alone that killed her. The final degenerative blow came when someone off-handedly called her an attorney. It echoed within her and she crumbled under the strain of the idea of holding herself out as a legal practitioner when she had never seen a real courtroom, or prisoner, or even dealt with a real live people-type client.

Now it's over. The estimated time of death is sometime early in her first year. The cause is the combined effects of an overdosage of pure theory and sudden prolonged withdrawal from real life problem solving situations. *Some* stop-gap cures are on the market now such as the Muncey project, CLS, Reimel, the U.S. Attorney General's program, the Juvenile Justice Clinic and believe it or not such drugs as Contract

Drafting, Business Acquisitions and Estate Planning have been known to have some beneficial effects. But the final cure lies in fostering an official, all-pervasive attitude that recognizes the importance of a clinical approach and in injecting a problem solving aspect into every neat little pustul of case analysis.

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## SBA REPORT

Continued from Page 3

2. total membership of the organization
3. expected percentage of the student body that would benefit by the allocation
4. additional sources of money available to the organization.

The 1973-74 included the following allocations:

Rugby Club	\$151.00
ICC	200.00
Community Legal Services	260.00
Black Law Student's Assoc.	100.00
Women's Law Student's Assoc.	575.00

The S.B.A. has also held a variety of social functions to appeal to a wide range of tastes. The S.B.A. has offered Friday afternoon Faculty-Student get-togethers, Mixers, Coffee Houses, and even our own Battle of the Sexes Tennis Match.

The S.B.A. is an organization of all members of the student body. In order that we may be effective we need the involvement of a great number of students. It is essential that students attend S.B.A. meetings and begin to work in their field of interest.

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