



The Docket

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DONALD A. GIANNELLA 1931-1974



(Photograph taken from Portrait)

The University community at Villanova gathered on February 28, in the St. Mary's Chapel to mourn the passing of one of its greatest teachers and gentlemen, Prof. Donald A. Giannella. The Mass concelebrated by Bishop Thomas J. Welsh was attended by Prof. Giannella's family, his fellow faculty members, alumni and students.

Those of us who were fortunate enough to have him as a teacher realize the tremendous loss we, as individuals and as a law school, have suffered by his untimely death.

He was the epitome of a Christian gentleman, a model to the rest of us of dedication, intellectual commitment and consummate humanity. All of our lives have been diminished because he is no longer among us.

The following is the eulogy delivered by Dean J. Willard O'Brien at the memorial service.

"I have been asked to give a eulogy for Professor Giannella whom, of course, I knew as Don. My first reflection was that his passing deserves a response beyond my capacity, even if I were able to think rationally about it, which I cannot because I loved him as we all loved him.

Don and I first met in 1957 when we were in the same large Wall Street law firm. I attended his farewell party from the firm and met his loving wife, Gisela, about that time. He left the firm to become a teaching fellow at the Harvard Law School from which he had graduated with honors. Don joined the faculty at the Villanova Law School in 1960 and then commenced, for a generation of Villanova law students, a singular experience.

Don was what all law teachers would like to be. He was a brilliant man, who had mastered brilliantly the art of teaching. That is a combination which makes a teacher a *very special* teacher and a very special person.

He was, of course, intellectually discontent and had been known to show some impatience when his students were not quite quick enough to grasp the things that he grasped so much more quickly than the rest of us. He had been known to show that same impatience during faculty meetings when we were not quite quick enough to grasp the things that he grasped so much more quickly. Don never did believe in unseemly

discrimination. He was, as all of us who ever came into contact with him knew, a man with standards—high, challenging standards—both intellectually and morally. And all of us who knew him well loved him so very much for that and for so many other things.

Don, of course, also loved. He loved his wife, Gisela; his daughter, Marie, his mother, who is here tonight; his father, his sister, and so many more. He loved his family; he loved his friends; he loved his colleagues; he dearly loved his students; and he loved the Villanova Law School.

I have told you that Don came to the Law School in 1960. That was fourteen years ago and the school is only 21 years old. The Law School has come to enjoy an incredibly fine reputation for a school so young. One of the major reasons for the excellence of that reputation was a brilliant man, a superb teacher, and a man who loved his students. Dean Harold Gill Reuschlein, the founding dean of the Villanova Law School, called me yesterday to say that in all his forty years of association with teachers he had never seen Don's equal. Those of us who toiled by Don's side, and mostly in his shadow, and willingly so, would agree. The early reputation of the Law School was built on the reputation of its graduates, and its graduates were in large measure the products of a handful of law teachers. One of that handful, one of the pillars of the institution, was Professor Donald A. Giannella, a giant whom we loved so very much.

Don, as befitted a man of his talents, was a national figure as well as an extraordinary teacher. His work in the church-state area, his editorship of the Law School publication, *Religion and the Public Order*, his thoughtful and perceptive articles that appeared in the finest law journals, all constituted major contributions to his church and to his profession. The Law School, of course, was a direct beneficiary of his work. The profession thought well of the school that could boast having Don on its faculty.

Now I would like to say something very different about that giant, about that pillar of this Law School. Don died at age 43. When he was about 21 he was told to expect death at an early age, an age much before the all too early age of 43. He could have retreated from the world, as many of us

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AS I KNEW HIM

by Prof. Donald Dowd

Professor Giannella's contribution to the law as teacher and as scholar is certainly deserving of extensive comment and praise. At some time and place I hope to be able to write more in detail on these topics. At this time and in this publication which is intended for his former students and colleagues and, in a sense, his academic family I should prefer to make a few more intimate comments on him as a lifelong friend.

One of the greatest joys and most marvelous opportunities of late boyhood and early manhood is the formation of friendships which add meaning to the rest of one's life. Childhood friendships may perhaps persevere, but for the most part they are greatly restricted by the narrow circumstances of childhood itself and the chances that one will be able to maintain them in adult life is often slight. Friendships made in full maturity are most frequently formed with the caution and reservations that maturity itself brings. But there is a time of life when the world is all ahead and opening up, when ideas and hopes fill every day, when emotions are vulnerable and no crusts have been formed, and the joy of discovery is deeply felt and deeply needs to be shared. It is at such moments that some of the deepest, warmest and most lasting friendships are formed. To meet, at such a time, a boy whose intelligence, integrity and kindness are immediately apparent and whose capacity for growth may be at least dimly perceived, was my good fortune. I met Don Giannella as a freshman roommate in the Fall of 1947. Our friendship has been cut off after an all too brief twenty-six years.

In the chaos of adolescent gropings for new ideas and new values I can see Don with an incredibly sweet innocence and at the same time a curious early maturity balancing the worlds of home, school and church from which he came with the competing worlds of his demanding teachers and his aggressive and eager freshman roommates. His calmness and clarity even at that age impressed us all. His ability to be both loyal and open; to enjoy new experiences and appreciate different backgrounds and yet remain firmly rooted in his own values are remarkable attributes for a sixteen year old friend. There was no pretense, no false steps, no attempt

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The DOCKET

VILLANOVA UNIVERSITY SCHOOL OF LAW

VILLANOVA, PENNSYLVANIA

VOL. 11, NO. 4

APRIL 1974

"FOR MEN ONLY"

by Jane Siegel

Well, for every male law student who is at this moment reading this column, let it be known that you've been conned by a catchy title. No obscenity is to follow. But I have succeeded where every other device apart from the basketball tournaments and final exams have failed. I have gotten your attention. If the men think this subtly leveled insinuation is unjust, perhaps these gentlemen will react and behave as something more than athletic supporters. If this happens, again I will have succeeded.

It is unnecessary to try and separately allure the women with suggestive titles because, knowing that obstreperous bunch, the first thing they will read is something they're not supposed to. Welcome, ladies. I haven't figured out what it takes to attract the interest of the faculty. But if Rep. Holtzman, Judge Juanita Stout, and William Kuntzler totally failed to rouse them, then how can a humble student succeed?

However, let it not be said that Villanova men are 'male chauvinist pigs.' Far from it. That implies too great an off-court expenditure of energy. Perhaps 'male indolent aardvarks' would do it. But they are not to be condemned alone. At the recent "Women and the Law" Symposium, the faculty (ironic that they are all male, save Prof. Hammond, who did attend) also couldn't be bothered to appear despite special invitations extended to all the men. And since the faculty had from December 22 to February 7 to grade exams it is unreasonable for them to rely on that as an alibi. Actually the only absence that was appreciated at that conference was that of the SBA. They bickered and badgered the organizers like petty children for "proper recognition" of the scanty sum they so patronizingly gave to the conference. As a matter of fact, the money only came after several belittling speeches, some tooth pulling and, I think, some hand springs. But, at least, they were kind enough not to beleague the symposium with their oppressive presence. But query: Is the new increase in SBA fees retribution? Apart from more rugby balls, what the devil is that money used for anyway?

However, neither the petulant SBA officers, nor the absentee faculty, nor the Dean's slightly dubious remarks concerning the Women's Law Association nor the indolent men (nor snow, sleet and dark of night—all of which we had) really daunted the "Women and the Law" program. Over 175 people from such mysterious places as Rutgers, Dickenson, Antioch and Baltimore attended. It was all highlighted by Rep. Elizabeth Holtzman's address outlining the progress and failures of the women's political movement. The low point of the conference was undoubtedly the jerk from Channel 10 who decided to do all of us a favor and *literally* 'cover' the Holtzman speech, by standing dead in front of her and shooting several minutes of film 6 inches from her nose. Typical!

But, if Villanova men are *generally* unconcerned and nothing turns them on to an event in which women are involved except some slightly ludicrous tennis or basketball spectacle, the women at V.U. are

selectively unconcerned! Where was ANYBODY except a couple of faculty members and about a dozen students at any of the Black Law Students' programs? Is everybody so 'hep' to the new state criminal code and all of its ramifications that he can afford to miss hearing prison wardens, ex-cons, D.A.'s, and judges discuss the subject?! The great Wildcats aren't sleeping, they are undoubtedly dead! And, it was comfortably consistent to see that only one faculty member and a few flaming liberals bothered with William Kuntzler when he was here. Besides, what's he good for if he isn't going to tell us all how to make 'oodles' more money?

But I'm not finished yet. Since this is the last action-packed issue I might as well throw in the rest of my gripes. And, speaking of news, not only has the tuition gone up, (so that we can compete with Penn on some level) but general fees are going up a 'few dollars.' The custodians need funds for their summit talks in the coffee shop from 1:30 to 2:00 every day. Everyone has noticed the tremendous job security has been doing around campus; the brilliant lighting all around, and what a great convenience it was having the parking lot plowed six days after a snow storm. It's one thing to allow such conditions to provide business to tort lawyers, but it's another when lighting and security become so lax that lives are at stake. The "Wanted" poster on the SBA bulletin board does, however, add a quaint touch of nostalgia to the school.

And a little nostalgia is necessary when the contemporary world is so distressingly with us. Gas is short, time is short, money is short and common sense and practicality in law school administration is growing shorter. Unless someone 'upstairs' has been eating too much Nixon birdseed (and got gas) I can't understand why classes were not scheduled with more of an eye on the gas shortage. Granted some people would have to get up in the middle of the night—10 a.m.—but it might be better to have a couple extra classes a day instead of 'schlepping' in for one class some days and leaving. It might also help if class cancellation notices went up *before* 5 p.m. the night before.

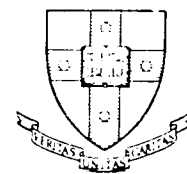
Of course, as long as the subject is practicalities, there's the all new and different 1974 exam schedule for a conversation piece. To fail to comment upon it would surely be misprison. People keep looking for gold stars on their foreheads for that thing! Would you believe a red scar? After all there are three big reading days and no other school allows a day between exams! For the 11 students that have 4 exams on the first four exam days and the 70 odd that have 3; it's a great comfort. The schedule came out real early this year. That's so that those with bleeding ulcers have more of a chance to die and beat the exam game. Of course, sleepers, it's expected that you will take this lying down too. Why bother to let your discontent be known? It's only your careers and, incidentally your sanity.

Finally, in the interests of fairness, after tilting with the men, the faculty, the security and the administration, safety requires a look at the humorless, vaguely intolerant women's liberation front at VLS. The Symposium was a fine and noble thing, as is the crusade for women professors. And there are few male chauvinist professors, who, can't keep snide sexist comments out of their lectures, but that does not justify an

attitude of rigid, separationist inflexibility. A small jab or a joke from a guy doesn't constitute a call for armed opposition. The present hard line, overreactive attitude doesn't do anything except alienate a large bulk of the more moderate men AND women. It really is not necessary to glare menacingly at women who do not wish to attend the women's political meetings in the lounge but have to pass through there to use the ladies room. "NATURE CALLS!" And it might be wise to remember Nature the next time the subject of abortion law comes up and the "libbers" adamantly decide they do not want to hear the other side of the issue apart from what the "Nine Old Men" say. Ah, ha! Caught you listening to *men* again. Tag, you're out!

Finally, many thanks to the Rugby team for the lesson in gross degenerative dynamics following the student-faculty B-ball game. O.K. fellas, Swing Low! Peace.

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.

Editor in Chief Jane Siegal
Associate Editor Wayne Parker
Feature Editor Harris Rosen
Sports Editor Bill Walters
STAFF: J. W. Hajar, Jack Tucci, A. Wayne Parker, Eric Sterling, Joseph Murphy, Jane Siegal, Joe Paparelli.

DONALD A. GIANNELLA

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would have been sorely tempted to do. Instead, he chose to make his life count and make it count he did. He became a model of courage and integrity, a man with an incredible sense of responsibility. I will cite the latest example: While in the intensive care unit in which he spent the last two weeks of his life, he thought over and changed three grades in one of his courses. A very minor thing but it was his responsibility to see to it the grades were accurate, and nothing short of death itself would stand in his way.

His success was the fruit of his labors, never at the expense of anyone else and never at the expense of the truth. He was, indeed, what every teacher ought to be—a model of courage and integrity. He also was what very few people of any kind really are—a model far beyond the normal reach.

When all is said and done, grief is very personal. And the sense of loss is unique to each of us. I grieve for my loss. He was my confident, my brother, my colleague. He gave his very life to us, to you, and to me.

It is sometimes difficult to love the giant, but this giant we loved."

SBA ELECTION RESULTS

A revived interest in the Student Bar Association and its function was considered the reason behind the impressive voter turnout of more than 80 percent of the eligible voters. The constitutional amendments which were also up for consideration were approved down the line.

1974-1975 SBA Executive Board

President—Barry Gross
Vice President—Fran McGowen
Treasurer—Lynne Rubin

Third Year Representatives—
Hank Pedicone
Mark Schultz
Jack Tucci

Second Year Representatives—
Vincent DiMonte
Sharon Gratch
Charles McClafferty
Secretary—Carl Viniar

The following is a statement by President Gross of the goals and responsibilities of the newly elected Executive Board:

The Executive Board of the Student Bar Association has great plans and aspirations for the coming year. These aspirations, however, can only be met through the strong support and participation of the student body.

The membership of the new board reflects the diversity of interests in the school. This diversity insures that all opinions and plans will be heard and considered. The members of the board are always at the disposal of the student body. It is requested and it is in fact necessary for the maintenance of the board that your views and proposals are made known to your representatives so that they can be discussed at the weekly meetings. The meetings of the board are, as in the past, open to the entire student body; and any student who wishes to come and participate in the discussion or introduce a proposal is welcome.

The board has set a variety of goals to meet. Our first goal of course is to be of service to the student body. The Faculty-Course Evaluation program designed to help serve the students course selection process is already successfully underway. The elimination of many of the artificial barriers which presently exist between the faculty and the student body is another goal the board has set for the coming year. Programs like the Faculty-Student Social Get-Togethers are designed to meet this problem.

The board has and will have many more programs designed to be of increasing service to the student body. However, the thirteen members of the board alone can't make these programs successful. The full encouragement and participation of the student body is desperately needed. With the support of the student body the board's goal of providing a wide range of services to the student will be met, however, without this support these programs are doomed to failure.

LABOR CONTROVERSY SPARKS SBA SYMPOSIUM



Mr. Bernard Katz answers question from audience while Mr. John Pelino and Prof. John Cannon listen.

by Jack Tucci

It had more the look and feel of a prize-fight rather than a staid legal discussion. The participants brought all the fervor and competitiveness of the courtroom with them in their attempts to sway the audience to their point of view. They both used all the weapons in their arsenals: sarcasm, humor, sympathy and righteousness in an all out attempt to garner the approval of a crowd of more than 100 that had gathered to hear them debate the efficacy and legality of the Pa. Court of Appeals' injunction (levied against the Building and Trades Council of Philadelphia), to prevent picketing within 200 yards of the Altemose Construction site.

Mr. John Pelino, a management specialist who had represented the Altemose Construction Co. throughout the various stages of litigation, functioned as spokesman for management's position. The union's stand was forwarded by Mr. Bernard Katz, counsel for the 70 unions that form the Buildings and Trade Council. Prof. John Cannon served as moderator for the fascinating and emotion charged exchange between the speakers.

The controversy centered around the events of June 1972 at the Valley Forge construction site. A thousand union members,

angered by Altemose's refusal to hire union members, staged what has been termed "an apparent military assault" on the site and this resulted in the destruction of property, the burning of equipment and an assault on the security guards.

The pursuant litigation resulted in an injunction against picketing originally within one mile of the construction site but later reduced by the Court of Appeals to the 200 yard limit which has been maintained for the past 15 months. This injunction has been called, "the most extensive injunction in labor history," and has been the subject of heated controversy since its inception.

Mr. Pelino contended that the law should be applied in the labor field the same as in any other and that no favoritism should be shown the unions. He saw one of the major problems in the area as being police reticence to step in when violence breaks out. "Law enforcement says it's just a labor dispute. But it is still a battery. The union can't picket because they don't know how to picket. To be hit in the mouth with a pipe is not to be persuaded by their logic."

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NEW EDITORIAL STAFF SELECTED

The new Editorial Board for Volume XII of *The Docket* has been chosen. Jack Tucci will assume the position of Editor-in-Chief. Jack is a 1972 graduate of the University of Pennsylvania and is presently a second year student.

Assisting him as the Associate Editor will be Jane Siegel, a second year student and a graduate of Ursinus College.

Completing the editorial staff will be Wayne Parker and Bill Walters. Wayne a first year student will move into the role of Feature Editor. Bill, a member of Penn's Varsity Basketball Team for 3 years will take over the post of Sport's Editor.

Throughout its history *The Docket* has been the subject of much discussion concerning its format and content. It has gone through many changes, and the new editorial

board hopes to continue this policy of continual criticism and re-evaluation in order to produce a more interesting and thought provoking paper.

The Docket fulfills two functions, its primary purpose to report and analyze the events taking place at the law school and to serve as a forum in which the students can express their opinions, thoughts and criticisms.

The Docket is also the major organ of communication with the alumni. Over 1100 copies of each issue are mailed to the school's alumni throughout the country.

It is the job of the editorial staff to balance these two roles, to provide a paper of topicality and interest to the students and at the same time informative and relevant to our alumni.

The new editorial staff would also like to thank the retiring board of Frank Williams, Daniel Carter and Harris Rosen for the excellent job they have done in the past year in shaping *The Docket* into its present form.

GUILD BRINGS KUNSTLER TO PHILADELPHIA

by Wayne Parker

The Villanova chapter of the National Lawyer's Guild and the Villanova Student Union recently co-sponsored a lecture here by the noted civil rights attorney and author William Kunstler, as part of a weekend fund-raising effort in Philadelphia for the Wounded Knee Defense Fund.

Mr. Kunstler, who is currently defending Dennis Banks and Russell Means from criminal charges growing out of their leadership of the American Indian Movement during its 1973 Wounded Knee Occupation, flew directly from Federal Court in St. Paul on Friday, March 15, to present an evening lecture at the Temple Law School.

Speaking extemporaneously, Kunstler gave a detailed account of the progress of the trial, and it was soon apparent that insofar as governmental deceit and corruption are concerned, this trial has followed the patterns of abuse of power with which the American people have become so familiar in the past several years.

On the opening day of the trial, Kunstler noted, federal marshals stood in the corridors of the court house giving to everyone, including the prospective jurors, copies of a letter written by a top Nixon Administration official. The letter was in response to a letter from an Oglala Sioux chief which had gone unanswered for many months, which charged the U.S. government with violations of the Treaty of 1868. Inasmuch as the Treaty of 1868 is at the foundation of the defense case, distribution of the government's interpretation under such circumstances was in itself highly prejudicial, but to add further insult to injury the Sioux chief who had sent the complaint never did receive a copy of the government's reply.

The jury was empaneled successfully, but during opening statements defense attorneys Kunstler, Mark Lane, and Kenneth Tilsen were forcibly removed from the court for making certain legal objections. The judge later apologized to the jury and conceded that he had not listened very carefully to the defense attorneys' arguments, but this was hardly an auspicious beginning.

Kunstler stated, however, that Judge Nichols became increasingly appalled by the prosecution's behavior as the trial progressed. For example, the government at one point attempted to enter into evidence two different altered copies of a supposedly incriminating document. When finally compelled by the court to produce the original, it proved to be exculpatory of the defendants. As a result, for the first time in U.S. legal history, the judge impounded the F.B.I. files on the case to prevent any further tampering with the evidence, and deplored the tactics of both the prosecution and the F.B.I. in the presence of the jury.

A little later, another legal first occurred—the spectacle of the prosecuting attorney taking the stand to testify to the fact that a prosecution witness had perjured himself in testimony the previous day.

The next major uproar upstaged all the preceding developments, however. It began when the F.B.I. and the prosecution assured

the judge that the government had not placed any illegal wiretaps on the single phone within the Town of Wounded Knee during the occupation. Since the phone was used extensively throughout the occupation for consultation between the defendants and their lawyers, this was a matter of some import.

The day after the press reported the government's assurances, the manager of the Bison Telephone Company called the defense and told them that he had installed a tap on the phone on the first day of the occupation at the F.B.I.'s request, that the tap remained on the phone for the duration, and that he would be willing to testify to it. Two hours after the call to the defense, an F.B.I. agent visited the manager and told him that the government was considering prosecuting on the basis that he had, at some time in the past, 'given out an unlisted phone number.' Despite this threat, the manager remained willing to testify.

At this, Kunstler remarked, Judge Nichols "hit the roof", and told the defense that he would hear immediately their motion to dismiss for governmental misconduct. Such a dismissal would be only the second in American history, and it was significant that Daniel Ellsberg, who was granted the first, was among the defense witnesses to be called in support of the motion. That hearing is still in progress at the time of this writing.

Kunstler concluded his lecture at Temple by making some general observations on the growing disenchantment of liberal judges as well as the rest of the populace with corrup-

tion in American political life, and then answered questions for over an hour on diverse topics including his past cases and his political and legal ideas.

At Villanova on Saturday Kunstler was less specific and detailed, but enlarged on his views of American society and the legal profession. In particular, he characterized the American Bar Association and the legal profession in general as monopolistic, self-serving and immoral, and urged law students and young people to enter the legal profession for more altruistic reasons.

In doing this, he suggested, the young should develop a new lifestyle not dependent on material acquisition, and should seek instead to give their legal services away. He praised the law communes and evidence collectives he has worked with in recent years such as the Wounded Knee Legal Defense/Offense Committee, and suggested that there was no greater satisfaction or reward than that derived from donating one's life to one's fellow humans.

This writer had a brief opportunity to meet Mr. Kunstler during his busy weekend. He appears to be a man with a large ego and a certain degree of insensitivity to the needs of the people around him. But he is also a man of great vision and extraordinary talents, and it is rather unfortunate that so few of our instructors, especially those professing an interest in 'professional responsibility,' came to listen to what he had to say, although this writer suspects that if they had come, they might not have wanted to hear it.

FIRST YEAR VILLANOVA STUDENT NAMED 3RD CIRCUIT GOVERNOR OF LAW STUDENTS DIVISION OF S.B.A.

by Don Mancini

In early March, 1974, Lynne Z. Gold, '76 (Albright '73) was elected governor of the 3rd Circuit of the Law Student Division of the American Bar Association. The Law Student Division is a section of the A.B.A. from which it receives support—staff, offices, and funding.

For most law students, the Law Student Division represents their first exposure to an organized bar association. For a membership fee of \$5, any student who joins is entitled to receive the *Student Lawyer* magazine, published by the Law Student Division and to gain membership in any 3 of the more than 30 sections of the A.B.A. Through this membership, the student receives all literature sent to the regular A.B.A. members of the section and is invited to various symposia conducted by the A.B.A. in this area of the law.

The Law Student Division is divided into 13 circuits. Ms. Gold is the first woman ever elected governor of the 3rd Circuit which includes Delaware, Maryland, New Jersey, and Pennsylvania. Interviewed by a member of *The Docket* staff, the vivacious governor stressed the "service aspects" of the program and the opportunities it provides for law students. For example, any accredited law school can apply for A.B.A. funds which are

distributed on a matching-grant basis. This past year, the Black Law Students Association at Villanova were able to petition successfully for money through the Student Bar Association.

Ms. Gold added that students are needed to be liaisons to the A.B.A. sections—positions in which the students meet regularly with the A.B.A. members and contribute to planning within that section. In the third circuit, commissions are being established to study the progress of minority group students in law school and to evaluate the problems of discrimination in hiring practices.

Every accredited law school has a law school division representative. Pamela Phillips Maki '76 represents Villanova. Ruth Ganister '75 is the alternate.

A handy tip was received in the mail from an anonymous reader. She takes all her class notes with a Q-tip cotton swab dipped in invisible ink. In this way she can take voluminous notes while her seemingly blank notebook pages convey the image of a casual attitude towards class that is so desired by everyone.

CLINICAL PROGRAMS EVALUATED

by Tom Innes

In recent days, the legal community has had to deal with two major questions concerning its supposed foundation—the law school. These two questions are as to what the place of the law school is in relation to the community, and secondly, what is the place of law in the law school. As to the first question, the traditional approach is to keep the law school an ivory bastion of learning, while the recent, progressive approach is to involve the law school in its local, regional, and national communities. As to where the law stands in relation to the law school, the more recent trend is to teach law in a more practical vein—to take the black letter law out of the sterile atmosphere of the classroom and socratic method, and inject into it the experience and learning of everyday legal practice. In both cases, the more progressive approach is fulfilled by affording students the opportunity of experiencing law through clinical programs.

The major problem with clinical programs is that effective and valuable programs cost money and faculty hours. At Villanova, both of these are at a premium. The administration has made some attempt to bridge these hazards through the effective use of its present clinical offerings, but the limited opportunities available are by no means satisfactory. Administration, students, and faculty are each aware of this difficulty, and discussion and planning has taken place concerning this.

Presently, there is one clinical program at the Law School in which students actually receive credit, and, at the same time, gain the experience of practicing law in court. This program, supervised by Professor Len Packel, provides situations for law students to defend and prosecute juvenile offenders. Offered in both semesters, the clinical program can handle up to fifty-six students annually. All of these students must be in their third year, due to the Pennsylvania Rule of the Court No. 11. During the semester, students and the instructor meet once a week for a two-hour session. At the beginning of the semester, much of this time is spent with study of substantive juvenile law. Also, during this two-hour session, the students participate in "dry-run" mock juvenile trials. Once the students receive their cases, begin to investigate them and take the cases to court, Professor Packel and the students discuss particular trials. Guest speakers, including probation officers, district attorneys, and public defenders, have lectured to the classes at various times over the course of the school year, hopefully broadening the student's understanding, prior to her handling of her team's cases. Also, matters of professional responsibility and ethical conduct are dealt with as they arise.

In the practice segment of the course, the students enter the courtroom setting. Most of the cases which the students handle are obtained from the Public Defender's Office in Delaware County or from the District Attorney's Office in Philadelphia. An attempt is made to allow the student her choice of prosecuting or defending.

The students handle the cases as a two-person team, with each side being assigned two cases during the semester. The students do their own investigating and leg-work, interviewing the client and witnesses and meeting with the other side's counsel. At each stage, the teams meet with their instructor to review the work done and to prepare for the next procedure. Outside of guidance and advice, however, Professor Packel stays out of the picture and allows the students to take full command of the case. The instructor is present at all of the court appearances of the students; this allows him to critique and analyze the work of each student. Letter grades are reported for each student at the close of the semester.

The program is generally considered a success, with its only shortcoming possibly being the limited scope of the course materials (juvenile law) and the restricted number of places available in the course. The latter does not present as much of a problem as is first envisioned, however, since, of the twenty-eight seats available this past fall, only seventeen were filled.

Another clinical offering, though much more limited in scale, is a program recently instituted by Professor Gerald Abraham in conjunction with the course in Administration of Criminal Justice. In its first year, the program was able to handle ten students drawn by lot from a group of volunteers. These students worked in conjunction with the United States Attorney's Office in Philadelphia. About five hours each week were spent by the students in observing trials, arguments on motions, and other litigation. A few students assisted the Assistant U.S. Attorneys in doing research and other legal work.

During bi-weekly meetings, the students' experiences are discussed and elaborated on by the instructor. In addition, each student is expected to prepare a short paper dealing with some aspect of the United States Attorney's Office, and receives one credit in return for these efforts. There are hopes that next year Professor Abraham will be able to expand the program in order to handle more students in the semester, possibly by breaking the course down into half-semester groups.

Outside of these two groups, the other program which provides in-court, first hand experience is Villanova Community Legal Services. With headquarters in an office in the law school, and working primarily out of two Community Legal Services offices, one in Chester and the other in Media, Pa., students actively participate in the day-to-day experiences associated with "lawyering"—interviewing, document-writing, research, and trial-work. Although no credit is given, one of the benefits of this program is that the student is able to adjust the amount of work she does to her schedule—ranging from doing research, to carrying a full case-load, much as she would do if she were a practicing attorney. The program is administered by students themselves—the only supervision emanating from Professor Abraham and the C.L.S. director in Chester.

This is the extent of the clinical program offerings at the law school. Besides these, however, there are a few more limited opportunities for students to broaden their educations outside of the inculcation of the black-letter law. Within the past two years, simulated clinical programs have begun to

take root at the law school. Under the heading of "limited enrollment" courses, these programs are offered for credit to a restricted number of students, and most of these courses will fulfill the student's category V course requirement. Course offerings range from drafting contracts, to planning and formulating estates, to writing legislation. Through these courses, students are able to apply their classwork to what lies ahead, and also allows the student to put her knowledge into a working compendium. Although the students efforts are wholly academic, with none of the programs being linked with an outside firm or agency, most of the instructors attempt to elicit guest speakers to come to the law school to "expound" on a particular topic. Recently, there has been suggestions of linking these classes to outside practitioners, thereby giving the student the benefit of practicing attorneys' experience.

Various suggestions and proposals have been formulated on the ways in which the school could expand its clinical and simulated clinical curricula. One of these is the possibility of running a clinical program during the summer months. The physical plant is open throughout the summer in any case, and a faculty member could be paid to supervise the project. A student could be allowed to take a lighter credit-hour load in one semester, and could earn three credits for the summer months. One possible advantage is that this program may be able to fill the vacuum left by the clinical programs of other area schools which are vacationing, thereby allowing the project to broaden the opportunities available.

Another alternative which has been mentioned is the possibility of adding mini-courses in the clinical field, for credit, as adjuncts to the presently offered conventional law courses. One possibility is in the area of family law—where a one-hour clinical "lab" could be added to the three-credit-hour family law course, and students would be able to participate in divorce cases, custody suits and other marital litigation. Also, an adjunct could be linked to the present Law and Poverty course, allowing students to represent clients, for example, in AFDC fair hearings. This also could be utilized in the business law area, having students affiliated with individual law offices and doing major work for them. One advantage of this program would be that it would allow new clinical offerings with only a minimal cost in faculty-hours—one in-class hour for each instructor per semester. Also, this suggestion would allow a broader spectrum of areas for the students to participate in, and possibly allow the students to take more than one such course.

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ALUMNI NOTES

Joseph R. Polito, Jr. ('63) announces the formation of a professional association for the practice of law under the name of Kent and Polito, Ltd., West Chester, Pa.

Joseph A. Tate ('66) has been made a member of the firm of Schnader, Harrison Segal and Lewis, Philadelphia, Pa.

George K. Keenan ('68) has been made a partner in the firm of Sigmon, Littner, Ross and Keenan, Bethlehem, Pa.

1974 ALL STAR TEAM BASKETBALL

by Joe Willie

As another basketball season came to an end, the law school decided to give the sport a resounding send off. Unfortunately, it may have given the sport its death blow, for in two games played on the night of March 24th not one of the 4 teams playing caught the eye of anyone interested in good fundamental B-Ball. Yet regardless of this fact, that night's play will be long remembered for the laughs those games produced.

In the first game, the law schools women's team beat a team composed of the law school secretaries and Paparelli Ringers, 16-12. It was a fast moving, exciting game which was exceptionally rough. The Garey Hall Women were sparked to their victory by the play of their center, Jane Siegel, and the outside play of Jane Brady, Pam Maki, and Mary Ann Motter. The Women were led in scoring by Cindy Paulich, who hit on many key shots during pressure moments in the game. The women also had a fine bench with Jackie Rucker, Penny Scott, Eileen Marquette, Sally Dougherty, Pat Mattern, and Clarissa Barker, which contributed a great deal in stopping the Secretaries' explosive attack.

On the other hand, the secretaries played an exceptional game. In fact, it was a very surprising performance since many of them never played before. With a starting team of Kathy Chmiel, Rietta Pew, Tina Quigley, Joann Marino, and Donna Kelly, the secretaries kept the score close through the first quarter. With the substitution of Denise Murphy, Diane Devine, Karen Murphy, Amelia Marino and Pappy's Hon, the Secretaries surged to an 8-4 half time lead. This score quickly changed as the momentum turned, and the women swept to the win they fought for. The game also featured the hustling play of Barb Berham and Gail DeFeice, who with the law school secretaries kept the women from running away with the game. The game was Broadway's first as a coach, and it was unfortunate that he had to lose it to the coaching trio of Don Mancini, Randy Sebastian, and Hank Pedicone.

In the faculty game the anti-all stars plus two ringers revenged their loss to the faculty in last year's game, by beating their arch rivals 51-44. The game was an exceptional display of what can happen when you get a group of middle-aged wonders playing against a group of well-conditioned law students (Ha!). The faculty played the A.A.S. tight throughout the game and only faltered in the closing minutes when coach Paparelli, already a one time loser that night, insert into the game Dennis "give it to me, I'll shoot it" Joyce, Frank "you'll never get a pass from me" Helstab, Jack Sailes, Henry Draper, and Jack Tucci. With a few key shots from those five and some exceptional defensive play, the A.A.S. was able to cool the hot shooting hand of Dean Jackman (14), Spot Zone Hyson (8) and the all-American from Providence Ernie De Walsh (11). The big surprise of the game was the fact that the faculty was able to run with the A.A.S. The above was the result of their free use of substitutes and the effective utilization of Gentleman Jack Dobbyn, Chris Weisner, Fleet Footed Beckert and Scooter

Packel in spot situations. Again as last year the faculty's most noted players were Hot Rod Taggart and their sixth man Tom "Mitch Miller" McNamara. Both impressed the crowd in different ways, Hot Rod for his hustle and Mitch for his imitation of the kind of condition an individual has to be in when the court will accept a dying declaration. The students also had a group of subs who added color to the game and proved the winning margin. They included: Bulldog Kravitz, Dirty Dan Carter, Quiet Marc Schwartz, Taylor Tunstall, the Tank Pedicone, Jerry Farrell, Player-Coach Joe Paparelli and Cuddles Cullen. Cuddles is the exceptional player of the group, for he has all the moves. On one play he put a move to the right on Hot Rod Taggart, then to the left and then Cuddles ran up and over H.R.'s chest to make the shot.

A post-game party followed the game. It was here that coach Paparelli compared last year's game to this year's. Coach Pappy said, "the big difference was the absence of the faculty's most intimidating defensive players, the Godfather Bill Valente and his family."

Since this is my last column, I would like to thank all my readers and hope that they had as much enjoyment reading my column as I had writing it. Good-bye and Good Luck.

WSE WINS BASKETBALL CHAMPIONSHIP

by Bill Walters

This year's annual play-off tournament began with local pundits looking for one of four undefeated teams, CIA, WSA, CIC, or BLSA to emerge as the champ, but instead saw the dark horse team of WSE walk away with the honors.

In the first round of the tournament eight teams vied for qualifying positions in the quarter finals, and incredibly, four of these teams won, earning the right to play the four seasonal division winners. It was at this point where WSE pulled the first big upset of the tourney, beating WSA and Harry Garmand their first loss in eight outings.

WSE did not stop there, defeating another previously undefeated team in TMA. WSE used its great strength off the boards to compensate for Frank Helstab's outside shooting. The other semi-final game CIC won comfortably against BLSA, as the absence of Henry Oliver and inability to handle the press proved to be the Black law students downfall. CIC was led by Billy Schmidt offensively, and the pressing of Wayne Weinberger and Jimmy Rohn. Sammy Sims proved why he is the most valuable player in the league, dominating the game off the boards and in the scoring column.

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MEMBERS OF CHAMPIONSHIP GAREY HALL RUGBY CLUB



MEMBERS OF CHAMPIONSHIP GAREY HALL RUGBY CLUB

STANDING (L. to R.) Jerry Rotella, Denny Joyce, Mike McCarthy, Hank Pedicone, Mike Kravitz, Joe Paparelli, Jack Tucci, Dave Stetler, Jim Cullen, Dave Smith, Barry Gross, Tom Forr. KNEELING (L. to R.) Hank Mahoney, Jack Riley, Charly Dunlap, Q. Sturm, Scott Reid.

PAPPY'S CORNER

by Joseph D. Paparelli

At this time of year it is quite difficult to compose a sports column or any other column for this paper, unless you are like some writers who complain about everything that is wrong with the law school, from the way the S.B.A. sees fit to spend its money to the color of Dean O'Brien's three-piece suit. It is quite easy to write such a column because you are running into those annoying features all day and have them fresh in your mind when you sit down to write your story. I find it difficult because I don't have these re-enforcing features. This fact is very detrimental to my writing style since I must write on the memories of sporting events I have participated in, and those memories are often found lacking when the mind is pre-occupied with upcoming examinations. Hence I must resort to lies and fabrications to get my column prepared for this issue. Socially I would assume that most people would find this type of writing outrageous. However, I know my fellow law students could accept this trait, for Watergate has shown that it can be used to become a success in life (Success—Much money, more than 3 LaCoste shirts and more than one pair of topsiders). Getting away from my problems in getting my column ready for press, let me turn to Garey Hall and its spring sports program.

On the rugby scene, the Garey Hall Ruggers finished their regular season with a 3 wins and 1 loss for the A team record and a 2 and 2 slate for the B team. It was a very successful season even though we did suffer a double loss to the Doylestown Rugby Club. That setback was the result of very poor playing conditions and the lack of pre-season practice. Yet even in those losses the club showed signs of promise. The day was not a total waste as the Garey Hall Boys did come from behind to win the post game party. This upset was the result of the daring open field running of Jack Tucci. To many, Jack's athletic display brought memories of a streak of lightning cutting through a dark summer evening. The team also was able to pick up nicknames for two of its overlooked players. Mike Kravitz was dubbed Bulldog because of the striking resemblance he has to that well-known canine. Mike Casale was named Moons after it was discovered that he had an extraordinary interest in Astronomy.

Subsequent to the Doylestown game, the A and B teams went on a winning streak, beating St. Joseph in two games played and P.C.O. in an additional pair. The St. Joe victory was especially satisfying after the 11-10 loss the G.H. Ruggers suffered in their initial meeting last Fall. This time the ruggers excelled by beating the Hawks 28-0. The team performed as exceptionally as it did because of the scrum play of Gramps McCarthy, Dave Smith, Turk "Cuddles" Cullen, Charlie "Hooker" Dunlop, Jack "White Lightning" Tucci, and The Sinai Warrior Barry Gross, plus the wing forward play of Rosemont Vic Riley and Wild Tim Sullivan. This group not only pushed St. Joe all over the field but were also instrumental in stopping their kicking game. Outstanding backs were Scott Reid (the exception to the energy crisis) and

Dennis "Mr. President" Joyce, who after many attempts finally scored his first try of his career. Not only did Denny score that try, but later on he scored another 4 pointer which induced him to remark that he was going to retire after the game. The B game was as devastating to St. Joe's as the 28-0 shutout in the A game. In this game "Ziggy" Sigmund, "Wrong Way" Sheetz, "The Animal" Boyle, and Hank Pedicone scored as the G.H. Ruggers made their clean sweep. Ex-Hawks "Golden Voice" Mahoney and Charley Dunlop plus Golden Gate's Bulldog Kravitz were so excited after the victory that they put on an excellent post-game show which kept everyone laughing, even though there wasn't much to laugh at.

The P.C.O. game was just as ego boosting to the G.H.R.'s as the St. Joe encounter. In that game, after an opening flourish which resulted in a 6-3 P.C.O. lead, the Garey Hall Boys settled down and scored a 26-7 victory in the A game and a 10-0 win for the B squad. The A game featured the return of Dave "Crazylegs" Stetler to the starting lineup, and the outstanding play of "Perpetual Motion" Reid and Jack Riley. The Hulk as some people like to call Jack came down the field on a penalty kick, took the kick in full stride, and scrambled the last 20 yards for a score. The B game was another runaway as Frank "Hot Dog" Helstab scored his first try, while Jimmy Ronan made his first penalty kick of his short rugby career (It's not as short as Mike Casale's, of course nothing is as short as Mike). Mike "Wild Man" Ruttles and Billzo "He's Bozo's brother" Brennan played outstanding defense, each making vicious tackles and displaying exceptional hustle. The P.C.O. game did have its discouraging feature, Jerry "Coach" Rotella injured a knee and will probably be out for the rest of the season.

The final game of the regular season was a Wednesday afternoon game against Villanova's undergraduate team. This game was important to the Garey Hall Club for it was its first game against an established college team. In the B game the ruggers lost a heart breaking 10-9 game as Jim "Crooked Toe" Ronan missed a penalty kick late in the game. In the A game, Billy Walters stole a pass and scrambled for an early score, and then kicked the extra points to give the law school a 6-0 lead. The undergraduates scored but missed their extra points thus giving Garey Hall a 6-4 lead at half time. During the second half Joe Willie took an undergraduate kick, moved to his left, evaded a tackle, and swept the weak side of the scrum. After a 25 yard run, Broadway passed to Scott "He's everywhere" Reid, who gave it to Crazylegs Stetler, who subsequently passed to Hank "The Tank" Pedicone for the eventual score. The ruggers held on and scored its 10-4 victory over this tough undergraduate 15. Yet even with this solid win, we had to pay the price. Cuddles Cullen and the Tank received black eyes, Billso Brennan a fractured thumb (which I still say is a broken blood vessel), and The Animal Boyle a hairy hand. However the game also gave its humorous story, for just as an undergraduate tried to urge his team on by stating that they couldn't lose to a bunch of old men, Tom Forr, our oldest rugger, broke off a quick 30 yard sprint which put the Garey Hall team in exceptional field position.

It's at this point that I must mention those two unforgettable, underrated players, Steve What's His Name and Al Something Or Other. Oh Yeah! Steve Kraybil and Al Romano. It would also be appropriate to point out that the Villanova game was not the last of the season. The G.H.R.F.C. is entered in a local Collegiate rugby tournament, playing U. of Penn in the opening game.



Dan Carter graciously allows Dean Allan Jackman to get opening tap-off in faculty game.



Pam Maki vies with one of Paparelli's wringers during women law students-secretaries game.

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to be stylish or to assume a coloration that was not his own. The qualities that were to distinguish the rest of his life were apparent to us all even then and, perhaps surprisingly, appreciated by us.

All was by no means solemn. There was a good deal of foolishness in which we all engaged, Don no less than others, and there were moments of weakness and moments of doubt but frankly underneath it all there was no question but Don was realizing himself more and more and his potential seemed unlimited. Upon graduation, Don discovered the existence of the condition which was to plague him for the rest of his life. As all of us went racing off to one graduate school or another, he was faced with what could have been a short, invalided life. His family was warm, protective and affectionate (how I remember the food and those noisy, half English, half Italian discussions that filled so many evenings) and he easily could have retreated to that remarkably secure atmosphere from which he came. But in spite of the fact that no one ever loved his family more or was more loved by them, was prouder of them, or more comfortable with them, Don could not accept such a sad, limiting if easy solution. His sense of responsibility to himself and to his education drove him on and in spite of physical handicaps he decided to go to law school.

If college had been a period of growth, learning new disciplines and new ideas, for Don law school was a period of self-revelation. I have never known a law student who took to the study of law with as much real pleasure and enjoyment as Don. His facility with abstract thought combined with a very rooted sense of the real world found rich fruition in his studies. He perceived connections not merely verbal but founded in profound legal ideas which were often missed by both his fellow students and, on occasion, his teachers. He could keep the whole and the part in mind, the particular and the general. Law school was also friends—friends who talked law, friends who knew Boston restaurants better than case-books, arrogant friends and gentle friends—all of them knew the joy of Don's company and felt the richer for it. He clearly had the makings of a first class lawyer by any standards, and after a successful law school career he was naturally courted by and accepted a position with one of the nation's leading law firms. His ability, among

men of great ability, was soon recognized and his future looked assured.

However, physical troubles continued to bother him and it became a question whether the kind of life that he could lead in New York was consistent with his long run best interests. Harvard had asked him back to be a teaching fellow and with his new wife, Gisela, (after a farewell party few of us will forget) he went back to Cambridge. Although Don had demonstrated his abilities as a lawyer, in his firm and in others there were many capable lawyers. As a law teacher, however, he was able to develop his unique capabilities to the fullest. After leaving Harvard he came to Villanova where he made his life and imprinted both his mind and character indelibly upon the school.

At Villanova Don reached his fulness as a man and as a scholar. His mastery of what he was teaching was matched only by his care and concern for those whom he was teaching and those with whom he taught. Every task was assumed with complete responsibility and performed with infinite courtesy. He genuinely loved the law and law students and always strove to hand down his legal heritage increased not diminished. Every student and every colleague was touched by his kindness and his ability and felt a little more reverence for the law and a little prouder of its practitioners for having known Don. I cannot overstate the devotion and affection Don had for the Law School. For a school so young to be blessed with such a great teacher was more than it could expect, but to have that teacher literally devote his life to the school was an endowment beyond value.

His concerns were not of course all legal. Those who knew him as a father and a husband (stern and playful in ways hard to imagine from experience limited to a classroom) saw him at his most human. Those who needed a patient listener and wise counselor found in him the best of friends.

The qualities which I so admired and loved in the college freshman I grew to appreciate more and more in the mature colleague: brilliance, clarity of thought, diligence, and most important to me as a friend, kindness and loyalty, filled his life and enriched all who knew him. Reading with him a galley of one of his articles, listening to a lecture, discussing the problem of a student or the school, or just enjoying him in the warmth of his family are experiences which will always stay with me and make his loss irreparable. I shall miss him terribly, but I feel privileged to have had him as a friend, to have taught with him, worked with him, played with him and to have loved him.

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Certain programs could also be initiated in the first year, with the emphasis being on the interviewing of clients, and the simple litigation procedures. One such suggestion is through the revamping of the present "small-group" program in the first year. Students could be given one credit hour for the small group meeting and the respective faculty member would use practical situations to help the student learn the skills of interviewing, complaint-writing, and others. Most probably, each of the programs would be related to a course, so that one small group might cover pleadings-drafting, while another might cover the interviewing of a client-victim of an automobile accident, the drawing up of a settlement agreement, etc.

Also, the Villanova Chapter of the National Lawyers' Guild and specifically, Ms. Tammy Gordon, is attempting to set up a student legal services office on the undergraduate campus. If these efforts are fruitful, second year students, and possibly first year students would be the initial interviewing and screening of student-clients before the attorney becomes involved.

In summary, the present clinical programs, though well-run and effective, are not enough to satisfy the needs of the Villanova community. The Administration is cautious in undertaking new clinical and simulated clinical programs, because of the woeful lack of funds and faculty presently available to it, and also because of the fear of diluting the quality of classroom education presently offered. One can appreciate this in that the present programs, though slow in coming, are not only finally in operation, but are all of excellent quality. However, new programs should and must be instituted within the foreseeable future. The administration and faculty must move towards the institution of the above suggestions or others of equal merit. The students should make their voices heard, pressing the school for such programs.

LABOR CONTROVERSY SPARKS SBA SYMPOSIUM

Continued from Page 3

Mr. Pelino submitted that the Building and Trades Council did not want to organize the non union men Altemose had hired, they wanted instead to force him to substitute their union members. "Altemose now has 500 men who came to work willingly. These people have rights just like the Building and Trades Council."

He also castigated the Union leaders for their attempts to dodge service of process and their response to questions by reciting their rights under the 5th Amendment. "Outside the courtroom, they are the first to demand their First Amendment Rights. There was no likelihood that there would be no resurrection of violence. The only thing that ever stops them is an injunction."

In Mr. Katz's view the real objective behind the demonstration at the construction site was to secure union wage rates for Altemose's employees in order to get rid of non-competitive bidding and not to drive Altemose's non-union labor out of work.

WSE WINS BASKETBALL

CHAMPIONSHIP *Continued from Page 5*

CIC looking for its second straight championship matched its speed and perimeter shooting ability against the board strength and scoring potential of WSE.

In the best basketball game played on this campus in two years (fieldhouse included) WSE emerged victorious as Denny Blake killed CIC off the boards, though he and teammate Ken Jewel, 6'-5" shooter, played the second half hampered with 4 fouls apiece. The key to the game was the shooting of Helstab, Oberholtzer and Schulgen more than compensating for CIC's shooters, and the return of Q. Sturm to action.

1974 ALL-STAR TEAM

Bill Schmidt (CIC)
Bill Walters (CIC)
Sammy Sims (M.V.P.) (BLS)
Fred D'Angelo (LR)
Frank Helstab (WSE)
Dennis Blake (WSE)
Denny Joyce (CIA)
Harry Garmand (WSA)
Frank Pedrotty (TMA)
Mike Roth (WSC)
Ken Jewel (WSE)
Barney Noble (TMB)
Dave Soren (CIE)