SUZANNE CHERNER

Though it's still too soon to exactly call it a tradition, a recent graduate of the law school is again the assistant dean. Replacing Alan Jackman ('72) who left to enter private practice after serving two years as assistant dean is Suzanne Cherner ('74). Ms. Cherner was busily job hunting this summer when Dean O'Brien offered her the job. Seeing it as a pleasant way to spend her first year out of law school she accepted and is glad she did.

Paperwork as well as interviews with faculty and students completely fill her days. The duties of the assistant dean of the law school have never been common knowledge. Generally the assistant dean deals with "student affairs." One of the main concerns of the position is managing the recruiting program. Ms. Cherner has a free hand in the structuring of the program and at the moment is scheduling visits to various colleges and universities to meet with undergraduates interested in law school. Professor Collins, chairman of the admissions committee, is assisting in this area.

Ms. Cherner views the second function of her job as a general liaison between students and the administration and faculty and has already met with the S.B.A. and some other organizations as well as individual students. "I want to be accessible to the students," said Ms. Cherner, and added that she would like to hear suggestions as well as complaints concerning the law school. Ms. Cherner feels that students entering the law school haven't changed much today though perhaps there is a greater interest in the clinical aspects of law.

As a student at Villanova Ms. Cherner was a co-founder of the Muncy Project which arranged for women law students to go to the all-female penal institution and represent the inmates at parole hearings. The students also taught classes at the prison. Ms. Cherner is glad that several women students have expressed a desire to continue the project in the future.

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RED MASS SET FOR NOVEMBER 1

All Saints' Day will be the occasion of this year's celebration of the 18th annual Red Mass in St. Mary's Chapel, at 7:00 p.m. The Mass, a Votive Mass of the Holy Spirit is celebrated annually to invoke the blessing of God on the Law School and all who teach and study therein. The Mass, one of the focal points in the school's calendar, is also one of the most significant alumni activities with hundreds of the law school's graduates returning to join with the present classes in one of the school's most enduring traditions. The history of the Red Mass dates back to 11th Century England and France. This solemn Mass would herald the beginning of the court sessions and clerics and priests alike would join together on this occasion to ask God to grant them the necessary wisdom and grace to conduct their work of that year. The term "Red" Mass was derived from the custom of wearing deep scarlet vestments and robes at the celebration of this Mass.

The Most Reverend Thomas J. Welsh, Bishop of the newly created Arlington Diocese in Virginia will be the principal concelebrant. The Very Reverend James G. Sherman, O.S.A. the immediate past Chairman of the Board of Trustees of Villanova University, and presently the pastor of St. Denis' Church, Havertown, will give the homily.

The music for the service will be performed by the Villanova Singers under the direction of Herbert Fiss. A cocktail party and dinner will be held in Garey Hall for the alumni immediately following the Mass.

Continued to Page 5
SKEPTIC TANK

"A Modest Proposal"
by Jane Siegel

Now the blind alleys of Washington and the streets of Everytown are crammed with bedraggled, belittled, bent (which is not to say "crooked") lawyers. And the doors of every law school are bulging with earnest little legal critters chafing at the bit, waiting to get out and get a piece of the action—which is to say bite off more than they can chew.

What is society to do with this ever exploding legal population which they can no longer afford to feed and clothe in the style in which these solicitors are accustomed? A three-piece suit costs at least two government contracts these days!

Well, there is a solution to this explosive problem-population. Nothing grand, nor so SKEPTIC TANK

ment contracts these days! But this is a country of laws and not of idea that men are the bread-winners, only women will be allowed to enter law school for the next 20 years or so. The men can go out and win bread then, if that's their big bag! That should work even better than a liberal abortion law in keeping this problem population down.

Of course we can't expect lawyers to go through all this remedial training for nothing. As a grand prize (taxable, of course) each one will be given free lessons on how to run a tape recorder so he can learn how to erase tapes in less than nine tries. As a bonus, every one will get a free copy of the hit "18 Minutes of Hum Along with Bob and Dick" with the Amazing Rosemary at the keyboard.

See, just a simple, easily administered proposal. Naturally, any lawyer whose guilty conscience has already manifested itself in a state of poor health and who resigns his cloak of immunity through a veil of tears will be exempt from the program—or pardoned. Indeed, these individuals have probably done so little for so much for so long that they will probably do us all in forever. The proposal will work better without them. We, as a profession should be shamed by those among us that deserve to have this proposal instituted.

But this is a country of laws and not of men, believe it or not, and we cannot become too arbitrary and unreasonable in these "culture" programs. However, it is evident that some of these highly trained individuals missed the part in their schooling about the law. So, even realizing that too much of a good thing could hurt, a few more years back at law school would at least keep these "Heels" off the streets. We already know none of our present incarceration programs rehabilitate anyway so the actual long term effectiveness of this facet of the plan doesn't really matter.

Vocational retraining is also in order since so many of these barristers have already shown such an array of secondary skills. Some could shine shoes instead of lick chases ambulances. And some could devote less time to electronic devices and more to time plumbing. Further, rumor has it that H&R Block is looking for some semi-skilled help.
Superior academic achievement in the School of Law is rewarded by appointment to the Villanova Law Review. Participation on the Review has been characterized as a cooperative effort directed at publishing an outstanding law review for the good of Villanova Law School and for the individual professional development of its members. The quality of the Review is extremely important, because to a certain extent the reputation of the Law School is based on the excellence of the Review and for the individual prosperity of the Law School.

In order to qualify for participation on the Review one must have a cumulative average which puts him in the top 25 of his class at the end of either his first or second year. It is also possible to qualify by way of the open writing program. Under this program each participant must select a recent significant case, which must be approved by the program chairman, and within four weeks the participant must thoroughly research and prepare a casenote. The casenote is evaluated according to writing ability, clarity, analytical ability, and technical accuracy. The authors of those casenotes which are favorably evaluated are invited to join the Review.

Upon joining the Review, a staff member must complete a writing requirement in order to remain a member of the Review and become eligible for elevation to Associate Editor. The staff member must complete two casenotes, or one casenote and one comment within an eight month span in order to meet the requirement. A casenote is fundamentally a structured analysis of a recent important decision. A comment is an intensive study into a specific area, development, or trend in the law. In order to fulfill the writing requirement for certification, all Associate Editors must write at least one complete and publishable comment in the allotted time.

Volume 20 of the Villanova Law Review will be comprised of six issues, encompassing areas which combine the law with other disciplines. It will hopefully serve as a springboard for future legal development. Consistent with this purpose, two third-year students, Jim Huber and Pete Feldman, are working under an ABA grant on post sentence pre-release programs in Pennsylvania, including work release, education release, community treatment services, group home residency, home furlough and outresidency. In addition one of the six issues will be entirely devoted to a review of all third circuit Court of Appeals cases decided between July, 1973 and July, 1974, with an eye toward letting the practicing community see where the Third Circuit has gone in the past year, and revealing any trends for the future. Ultimate responsibility for the publication of Volume 20 of the Law Review is Editor-in-Chief, Joseph H. Huston, Jr. He is also responsible for the development of the overall policy and goals of Volume 20; supervision of all Law Review activities; maintenance of an organization of editors and staff necessary for the successful operation of the Review; and making the final decision as to the publishability of submitted materials and the content of each issue. He also serves as chief administrator of the Review and is responsible for the conduct of all Law Review related activities.

The Managing Editors have primary responsibility for the conduct of all outside Law Review business, with the exception of that specifically within the province of the Articles Editors, and for the technical accuracy of all material published in the Review. The Managing Editors of Volume 20 are Timothy J. Carson on whom falls the editorial and supervisory responsibility of

Continued to Page 4

"THE BALLAD OF SEVENTY-SEVEN"

by Marina Liacouras

On the twenty-third of August, 1974
Two hundred-twenty students came through
Garey's door
Entertaining wild thoughts about what was in store
At dear old V.U. Law.

We received some idea of how the school rates
As we observed students from twenty-two states
And one from Nigeria enter the gates
Of dear old V.U. Law.

The men in the class number one fifty three
While with sixty-seven women a new high we see.

Resulting in women's lounge anxiety
At dear old V.U. Law.

The students hail mainly from Del. and Pa.
With great numbers also from New York and

From beyond the East Coast folks do not seem to stray
To dear old V.U. Law.

There are bachelors and masters at Villanova this fall
Most from a nearby educational hall
Eighty-four schools are represented in all
At dear old V.U. Law.

Both married and single folks entered the mass
While history and poli sci majors seem all to surpass
And eleven minority students round out the class
At dear old V.U. Law.

The sums of those enrolled range 3.17 to 4.0
625 is the average line they toe
But to the class applications seem to have been made so long ago
For dear old V.U. Law.

Now that together they've all been brought
As the outcome of very much searching and thought
We wish them best luck in attaining what's sought
At dear old V.U. Law.

THIS IVORY TOWER WILL SELF-DESTRUCT IN 25 YEARS . . .

a ramble on money and clinical programs.

Finances and clinical programs are two areas in which this school's inflexible 1950's policy is detrimental to student welfare. For example: "Students are discouraged from undertaking part-time employment. For those who find it necessary to earn income while in school, a few positions as assistants in the law library are available." V. U. Law School Bulletin 1973-74. Certainly anyone who applies for one of these positions will be discouraged—by the wage. If a student's time is so valuable why aren't they willing to pay more for it? It is unrealistic to state that the study of law is a full-time occupation as if that settled the issue of how one is expected to pay for this occupation. That many students need income during the school year is evidenced by the number that apply for and are refused financial aid. The practice of distributing the limited scholarship and loan funds among the needy in the top quarter of the class beyond bestowing the largesse on the less worthy compounds the problem. The people in the top quarter will earn $250 a week from their summer jobs. The rest of us will be making $1.33 an hour in the D.A.'s office and elsewhere.

Which brings up clinical programs. If law students could get clinical experience during the semester they would not feel obliged to accept a law related job at slave wages during the summer in order to get some practical education. As a corollary, working out in the real world during the year provides students with an opportunity to meet prospective employers, develop legal skills, demonstrate their ability and gain self-confidence. It makes a student a more valuable commodity. It also allows students to see where all this book-learning is leading so they can more intelligently reaffirm their shaky belief that being a lawyer is worth the struggle; or alternatively, so they can drop out before they waste any more time and money.

Speaking of money, I decided to find out what another law school with high academic standards such as ours does to attract poor but brilliant students. And it seems that Harvard does not discourage its students from obtaining part-time employment. In fact, in many instances it provides the employment through research assistantships, a work-study program and a placement office. In a random sampling, I discovered Yale, Penn, Hofstra, Rutgers, University of San Diego, North Carolina Central, University of Mississippi and Berkeley all have either research assistantships, work-study programs or both. None of their catalogs suggested the students by suggesting that they mind the library or file for $2.00 an hour. None of them discouraged students from part-time employment by the simple expedient of offering nothing worth doing.

The schools which I investigated also had a rather down-to-earth attitude toward clin-

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GET A JOB

Tom Blazusiak

Things are tough all over they say, and while other professions are in tighter squeezes, the squeeze on the legal job market is making itself felt, especially on the new graduate seeking his first job.

Still, it seems as if most people meet with fair success if they are willing to look hard, and into areas other than those of their first choice. Dean Wiesner who provided THE DOCKET with employment statistics from past years said, "as the job market in law firms becomes increasingly tight, law students have to seek out other types of employment possibilities."

The validity of this prediction is borne out by the job trend over the past few years.

About 165 graduates of the class of 1974 reported their job status. Of these 150 were employed and 15 were not. Last year at this time 140 were already employed and 20 were not. It would seem either that students are looking into other, less traditional areas more; or more of the less traditional employers are willing to hire lawyers.

Of those who were hired by firms, thirty-seven are in the Philadelphia area, the rest are mainly with firms in Pennsylvania, New Jersey, Delaware, District of Columbia, Ohio, Wisconsin, Chicago and Los Angeles. Two people have started their own firm.

The biggest change in employment has come in the area of private industry, with graduates taking positions in accounting firms, a chemical company, bank, insurance company, and transportation company.

Starting salaries for the 1974 graduates range from $10,000 to $13,200 at small and medium size firms; $15,000 to $17,500 at large firms.

VILLANOVA LAW REVIEW

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the Third Circuit Review; and Jeffrey L. Pettit, who will supervise this year's Open Writing Program.

This year's Articles Editor, Garry P. Jerome, is responsible for all matters related to outside articles and book reviews, most important of which are the development and administration of a comprehensive plan for the solicitation of outside articles and book reviews and the making of the decision as to the publishability of those materials.

The Third Circuit Editor is Leland G. Ripley. This position carries with it the ultimate responsibility for planning and editing the Third Circuit Review, and for the execution of all phases of the Law Review Symposium. A great deal of effort is going toward the selection of a topic of current interest for this year's symposium.

The Research Editors have primary responsibility for the supervision of all student writing and research with the exception of that specifically required for the Third Circuit Review. The Research Editors for Volume 20 are: William C. Anderson, III, Gilbert F. Ashley, Katherine A. Bomba, Francis P. Newell, Lynn Malmgren, and Stephen Ryan.

The Associate Editors, Marina Bartley, Anthony De Sabato, Robert Edinger, Peter Feldman, James Huber, Cynthia Pawulich, and John Walsh are members of the Review who have completed a year of satisfactory work but are not on the Administrative Board. They are responsible for initially guiding the new staff members.

The Third Year Staff Members are: Steven Cohen, Mark Cuker, Jack Goldberg, Lon Greenberg, John Keir, Pat Mattew, James Rohn, Randy Sebastian, Rachel Wolkin, and Joseph Eagan.


The November issue of the Review will be highlighted by articles on Judicial Continuance and Discrimination of Black Lawyers in Philadelphia. All students are entitled to a free copy of the Review, and are encouraged to pick one up after publication.

THE I.C.C.

by M. Charles

The Inter-Club Council (I.C.C.) in terms of members, is the largest student organization operating in the law school. Unlike the Student Bar Association, the I.C.C.'s members voluntarily join and freely paid a small amount in dues to finance their activities. Because it is now the beginning of a new school year, an exact estimate of current membership cannot be given. However, it would be fair to place the total membership number somewhere between two and three hundred students.

Four law clubs provide the nucleus for the I.C.C. The largest law club is Cardozo-Ives. Tim Fisher, a second-year student is the club's president. Cardozo-Ives has been the intra-mural football champions for as long as any one can remember. Taney-More is the second largest law club. It is qualitatively the best club. Mike Casale is the first second-year student ever to be elected president of Taney-More. Warren-Stern and Hughes-White, headed by Hank Pedicone and Gary Coslow respectively, round out the remainder of the I.C.C.

The I.C.C. has unfortunately, over the years, obtained the image of being an all male, athletic organization. To the extent that this image is true, the current leadership hopes it change it. Approximately five percent of the I.C.C. is non-male. An effort has been made to specifically recruit women into the law clubs. Functions and activities are being planned which will permit non-male members to participate as fully as male members.

The main purpose behind the I.C.C. is to create an atmosphere where all classes can interact socially and get to know each other. The theory is that the better the students know each other, the better their time in law school will be, academically and socially.

Mike Kravitz took over the post of I.C.C. President from Denny Joyce last year. Mike hopes that the I.C.C. will be able to provide its members, and the student body at large, with some activities calculated to produce enjoyment and a short escape from the law school routine. Plans for an ice skating party are being considered as one way of providing this measure of enjoyment. The president said he would always be interested in receiving suggestions about other possible activities which the I.C.C. might sponsor. All students are welcome at any I.C.C. activity and are urged to come out and join the members in some non-legal fun.

The staff of the Docket would like to extend our apologies to Ms. Laura Horton. We inadvertently described Lynn Gold as being the first woman elected as 3rd Circuit Governor of the L.S.D. Ms. Horton holds that distinction. We would like to thank John Bradley, '73 for bringing this mistake to our attention.
PROGRESS OF FOUR IN ONE PROJECT

by Asst. Dean Wiesner

Last spring the placement officers of the four area law schools, Temple, Pennsylvania, Rutgers-Camden, and Villanova, coordinated their efforts in contacting prospective employers during the spring semester. We felt by combining our efforts we would hear from employers who ordinarily do not contact our law schools on a regular basis. We wrote to all medium to small size law firms in all counties in the Philadelphia metropolitan area, legal employers in states where our students had expressed an interest, and some large out-of-state firms who do not interview on-campus at any of the law schools. Only responses to this letter were circulated among all four schools; each school still maintains privately its own job listings.

Out of the 3,000 letters which were mailed during February and March 1974, we received responses from about 125 employers in 10 states. Most medium to small firms were not able to interview on campus but a few large out-of-state firms expressed an interest in interviewing students from all four schools at one location early in the 1974-75 year.

A second project sponsored through the Four In One Program has been to organize the Federal Government Legal Career Symposium which will be held on Saturday, November 2, 1974 at Temple Law School. Panel discussions will be conducted by law representatives in order to ask specific questions. The Federal work study program would save students hours of searching, interviewing and worrying. But our school will not condescend to join Harvard, et al. in participating in it though it would be of great help to our students. Similarly, the benefits that clinical experience would provide are spurned by those faculty members who believe “academic” to be synonymous with “educational.” It is not. In the American Heritage Dictionary academic is defined as “scholarly to the point of being unaware of the outside world.” If Villanova continues to be anti-part-time work and anti-clinical programs, it will soon be producing a breed of lawyers who is, by necessity, independently wealthy, and, by training, unrealistic in his approach to legal practice.

Villanova has an obligation to its students and to the outside world to come down to earth. For a law school to provide part-time jobs and clinical experience is not exactly an innovation any more. Both are necessary for a law school if it wants a diverse class of students who will be active, creative, productive lawyers when they graduate—not five years later after they have learned the trade out in practice. How many Villanova graduates have received the training necessary to set up practice by themselves as soon as they pass the bar? Unless everyone has then the administration should realize that in refusing to adapt to reality it is failing in its duty to educate.

A Sampling of Clinical Programs in 8 Law Schools Across the Country

- Neighborhood clinics
- Criminal Law Public Agency clinics
- Civil Law Public Agency clinics
- Judge Advocate General clinics
- Environmental Law clinics
- Post-Conviction clinics
- Legal Education clinics
- Employment Discrimination clinics
- Juvenile Problems clinics
- Criminal Defense clinics
- Appellate Division clinics
- Court and Administrative Hearings clinics
- Administrative Process clinics
- Consumer Protection clinics
- Constitutional Litigation clinics
- Inmate Defender clinics
- Municipal Internships clinics
- Urban Legal Clinic clinics
- Management of Natural Resources clinics
- Legislative clinics
- Student Initiated Projects

Sharon Gratch

Naturally, I wouldn’t expect Villanova to change its attitude toward part-time work and clinics merely because other law schools are less medieval in these areas. But even from this short comparison it is obvious that the administration is deliberately remaining out of touch with reality. Money is scarce in 1974 and the school should be aware that many of its students are currently working or seeking jobs. Instead of remaining aloof the school should make an affirmative effort to provide more meaningful employment opportunities. The Federal work study program would save students hours of searching, interviewing and worrying. But our school will not condescend to join Harvard, et al. in participating in it though it would be of great help to our students. Similarly, the benefits that clinical experience would provide are spurned by those faculty members who believe “academic” to be synonymous with “educational.” It is not. In the American Heritage Dictionary academic is defined as “scholarly to the point of being unaware of the outside world.” If Villanova continues to be anti-part-time work and anti-clinical programs, it will soon be producing a breed of lawyer who is, by necessity, independently wealthy, and, by training, unrealistic in his approach to legal practice.

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of students were told when they tried to register in January for spring semester classes, that they would not be allowed to register. Upon going to the dean of men, Allen Wechsler, they were told that stolen University property had been found in their drawers and closets, during “routine housekeeping and maintenance” procedure carried on over semester break. As a consequence, they were expelled.

These students claimed neither innocence nor admitted guilt—four who denied the right to do so. In rather summary fashion, Dean Wechsler expelled them. This “procedure” was in direct conflict with those stated in the student handbook (why?).

On April 6, 1974, the University sponsored “Candidates Day” during which prospective freshmen came to Villanova to obtain a first-hand impression of what the school had to offer. Many parties were held on all parts of the campus.

In a gesture of magnanimity, the Villanova Administration suspended, for one day only, their absolute prohibition against intervisitation. Privileges granted until 9:00 p.m., which covered the rooms, washrooms and hallways. Members of the opposite sex were allowed in the lounge areas until 3:00 A.M.

Many students felt this was an obvious trick on the part of university officials in an effort to delude incoming freshmen into thinking that Villanova like other colleges and universities, had intervisitation rights.

On Candidates Day, the Ad Hoc Committee distributed fliers throughout the campus, inviting students to attend a rally that night in the Quad, an area between Sheehan & Sullivan dorms. Many students came and at 9:00 there were approximately 200 students in the lounge, hallways and rooms of Sheehan Hall. About one half of these students were males. A few beer kegs had been set-up in the bathrooms (so as not to make a mess on the floor).

At 9:00 P.M., many of the male and female students started moving toward the lounges where visitation was allowed until 3:00 A.M. Not all of the men moved to the lounge as they were supposed to, and the Assistant Dean of Men, Tony Martin, together with some resident counselors, attempted to move the remaining men to the lounge.

Somewhat alarmed because of the lack of response he was getting, Tony Martin called for the male counselors from the surrounding buildings, and then ordered all of the men out of the dorm. This was done in spite of the fact that one female counselor felt the crowd was dispersing. (By this time, the beer had run out.) He did not tell only the recalcitrant students to leave—he ordered all male students out of the dorm, even those who were lawfully in the lounges and had been there since 9:00 P.M. The majority of the students did not obey the order, because many questioned his authority to call the whole dorm off limits.

At this time, about 9:30 P.M., the Radnor police were called. When the police arrived, they were met at the door by a group of students who locked their arms to resist
ICC FOOTBALL GETS UNDERWAY

Bill Walters

In spite of the efforts of Mike Kravitz, Football Czar and walking monument to the Peter Principle, the 1974 edition of the Villanova Law Touch Football league is underway.

Although there is no dominant team as in recent years, some favorites have emerged. They include: the Black Law Students Association, Cardoza-Ives "B" team and the Warren Stern "Q" team, whatever that is. In addition, the dark horse favorite would have to be the team bearing the name of last year's champ, CIA. And this is so only because of the deadline beating, wheeling and dealing of Larry "The Future is Now" Cohn, general manager of CIA. Cohn masterminded a brilliant two player swap with CIB, so brilliant, in fact, that he ended up with both players!

The players involved were Palestra Meyers and Bob Ufkus, acquired, said Cohn, because we needed Palestra for outside speed and his ability to go both ways, and Ufkus will bolster our pass rush. Jack "too short" Riley had another view, "we weren't about to give up a player of Meyers' ability unless they agreed to take Ufkus with him."

This year the games to be played on St. Mary's field and below the parking lot will involve two divisions, each comprised of six teams. The playoffs will involve the top two teams from either division, with a consolation game for third place being played before this year's first place final. If necessary playoff games will be played to decide first and second places. In addition, an all star game between the divisions is in the making; talk to commissioner's appointee, Jim Ronan about any suggestions for selection, etc.

The favorites, BLSA, CIB and WSQ are all undefeated, the latter defeating dark horse CIA in a closely contested game. The final score was 8-6, the difference being a Furey sack of CIA quarterback Joe Houston on a questionable call, according to Mark Sigmon, one of the top fifty pass rushers in the league. A Weinstein to Shulgen aerial accounted for the other six points. Along with the Taney More "A" and "B" clubs, these four teams all have shots at playoff berths, coming down the home stretch of the regular season.

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To the dismay of certain groups in the law school, the rugby season is here again. Starting its second consecutive season, the Garey Hall Rugby Football Club hopes to build upon the level of success reached in its initial season. During its first year of existence, the Club achieved a winning record and captured second place in a tournament stocked with well-known teams. The Club earned a reputation as being a good team to play on Saturdays and a great team to party with at anytime.

The Club sports a new look this year. Minor changes include a new uniform and a new name (Villanova Law to Garey Hall). The major change is in the personnel. The greatest loss was Jerry Rotella, our captain and founder. Others lost included Hank Mahoney, Dave Stetler, Tom Forr and Danny Carter. While replacements have been found, they will have to work hard to adequately replace these losses.

On September 7, the Club faced Philadelphia's "C" side for an unofficial scrimmage. The purpose for the meeting was to acquaint each side with the rules of the game and the style of play. Philadelphia is one of the strongest teams in the area so a Garey Hall victory was not expected. The final score of 19-6 did not reflect the closeness of play. Philadelphia scored on a freak penalty call and twice found the end zone when a Garey Hall newcomer ran out of his position. Garey Hall scored when Hank Pedicone blocked a kick and ever-alert Mike Kravitz tackled the ball carrier. A narrow field prevented the full utilization of our extremely fine backfield and kept the score close. Twice Hank Pedicone placed the ball down in what he thought was the end zone, but wasn't. The most disturbing factor was a referee who made no attempt to be fair toward the law schoolers in his decisions.

The second game featured the return of four graduates—Mike McCarthy, Denny Joyce, Turk Cullen and Tom Forr. Their excellent play sparked the team to a 14-0 triumph. The first score was set up by Mark Sigmund hooking the ball the wrong way and fortunately a wing-forward fell on it in the end zone. Turk Cullen galloped five yards for the next score. The party was no contest as the Club ran its post game record to 2-0-1.

The season's most satisfying victory was earned the following week over First Troop. The team, decimated by injuries and homecoming defections, clawed their way to a 17-15 upset over a team who expected to wipe up the field with us. Replacements had to be moved up from the second team and players had to be switched out of their normal positions. Overall the team played its most complete game of the season. The team members understood that they had to win. Although the score appeared close, Garey Hall dominated most of the game. Troop's two tries came on plays which even an objective reviewer would consider lucky. The key to the victory was the excellent play of the backs. Without a doubt, Jack Riley was the individual star. Early in the game, he made a bruising run which set Steve Kraybill up for a score. Later he blasted through the opposition for a 75 yard scoring run. Jack's fine tackling also contributed heavily to the final result. Other outstanding performers were Jimmy Ronan (who scored the winning try), Kim Montgomery and Scott Reed.

The Club plays its games on Saturday, and invites all who are interested to come out to watch our activities. It is a harmless way to escape your normal routine for a few hours. After seeing a game and talking to the players, we are sure that your impression of the Club will be different than that held by Dean O'Brien or Jane Siegel.

REMEMBER...

- Tuesday, October 15, 1974 3 p.m. Room 120A
  Young Lawyers Section of the Philadelphia Bar Association is sponsoring a Career Information Forum.

- Saturday, November 2nd, 1974 10:00 a.m. at Temple Law School

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 .................Jack Tucci
Associate Editor ..............Jane Siegel
Sports Editor ...............Bill Walters

STAFF: Sharon Gratch, Mike Kravitz, Randy Rosen, Tom Russo, John Halebian, Marina Liacouras, Frank Gaschen, Tom Blazusiak, Bill Brennan.
their entry. However, as the police approached this human barrier, it voluntarily disbanded. Various members of the police force entered the ball, but they left shortly thereafter without making any arrests. As the lieutenant in charge stated, "They shouldn't have called us . . . While we were here, the crowd tripled."

As a result of this disturbance, 56 students were charged with "insubordination" and "participation in an unauthorized mass demonstration." Only 56 students were charged because they were the only ones who were positively identified from photographs by Tony Martin and the counselors.

In direct conflict with the procedures as established in the Student handbook, ten minute hearings were set-up for these students. These students were denied counsel during the hearings, but were allowed to talk with counsel not only before the hearing, but after, as well. Counsel was told only the above charges, without specification as to the facts.

Upon objection, as to the procedures being used, by counsel for the students, Mr. Leonard Gordon, and the American Civil Liberties Union, the old hearing process was jettisoned for a newer, but equally arbitrary process.

The revised process called for hearings before a fact finding board comprised of the Dean of the Law School, J. Willard O'Brien, the Dean of Faculty of Arts and Sciences and the Dean of Men. For the first time, the accused were given right to counsel, the right to cross-examine, and the right to present evidence at these hearings (within certain limits).

The findings of the committee were forwarded to Dr. James Duffy, Vice-President in Charge of Student Affairs, who assessed the penalties, without himself ever being present at the hearings!

Of the 56 students against whom charges were originally brought, 31 were punished. Of a total of 7 students who were expelled, 6 of them, together with 6 other students who received slightly lesser punishments, brought suit against Villanova University and certain administrators.

Suit was brought in the United States District Court for the Eastern District of Pennsylvania, to obtain a preliminary injunction enjoining defendant University from imposing any sanctions against the students because of their alleged conduct on April 6, 1974. Such injunction was granted by Judge Newcomer on July 31st, 1974, pending final determination of this matter on the merits.

This case, *Richard E. Brown, et al. v. Villanova University*, et al., Civil Action No. 74-1711 is noteworthy in that private universities have long been outside the scope of 42 U.S.C. §1983, because of a lack of requisite state action. This suit's jurisdiction was based on 42 U.S.C. §1986 (3), which states in part, "that if two or more persons conspire to deprive any person of his Constitutional rights, the injured party may have a cause of action against any one or more of the conspirators."

Judge Newcomer made certain findings of fact which are crucial underpinnings to the jurisdiction issue.

They were that the attitude of the President of the University, Fr. McCarthy, was hostile to the presence and activities of the Ad Hoc Committee, and that "he held the Committee's speech and organizational activities responsible for an environment in which acts of violence and desecration could exist."

Furthermore, the University officials were held to have known that some of the plaintiffs were members of the Ad Hoc Committee. Dr. Duffy admitted making "certain decisions for the administration on the night of April 6." Furthermore, "the past records of the students played a role in determining what punishment they received."

The University appealed the matter to the United States Court of Appeals for the Third Circuit. A motion for a stay of Judge Newcomer's order, pending appeal, was filed while the Judge was on vacation. Judge Fulham, acting as emergency Judge, denied the application for a stay.

He held that defendant's arguments in seeking a stay of Judge Newcomer's order went to the merits of the case. One of their grounds was lack of subject matter jurisdiction under §1983(3).

In the United States Court of Appeals for the Third Circuit, the motion for stay of preliminary injunction was granted on August 9, 1974 due to the failure of the record to show a likelihood of available relief. This is as far as the litigation has progressed to date.

One facet of a case, which cannot be gleaned from opinion, is the bargaining that goes on between the lawyers in an effort to achieve an out of court settlement. Litigation should always be a last resort, because it is, in effect, "an admittance of failure on the part of the lawyers."

Throughout the litigation, counsel for the students has made many offers in an attempt to settle out of court. He has agreed to drop the suit and not to ask for fees, and asks in return only that the students be readmitted to the University and their records expunged particularly since they have effectively been punished in advance by losing one semester already. This offer has been flatly rejected. Villanova is bent upon harsh and un-Christian-like retribution.

Both Judge Newcomer and Judge Van Dusen have suggested that this suit would best be resolved in an out of court settlement. Only one side has been willing to attempt such a settlement, however.

What does the university have to gain from such protracted litigation? The students have been punished. The authority of the school is intact. Meanwhile, large sums of money are being expended by the university—money that could be spent elsewhere.

It appears as if portions of the administration have disregarded their duty to do what is in the best interests of the university, and instead, have pursued a cause based upon their own personal feelings.

They have perpetrated a gross disservice to the university.

(MOST OF THE FACTS CONTAINED IN THIS ARTICLE WERE FINDINGS OF FACT IN JUDGE NEWCOMERS HOLDING.)

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**Suzanne Cherner**

*Continued from Page 1*

Ms. Cherner was also an active member of the women law students association. She feels the increased number of women at the law school has changed the function of this group from a minority organization to a potent student force which can work toward larger goals involving the whole student body.

Ms. Cherner is unsettled as to her future once her one year contract expires next fall but would like to enter defendant-oriented work. For now she is content with concentrating her efforts towards running the recruiting program and making the student body aware that she is here to help them.

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**the DOCKET**

**VILLANOVA LAW SCHOOL**

**VILLANOVA, PENNSYLVANIA**

**19085**

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