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# The **DOCKET**

VILLANOVA UNIVERSITY SCHOOL OF LAW

VILLANOVA, PENNSYLVANIA

VOL. XIII NO. 4

APRIL 1976

## HAMMOND, WALSH ACCEPTS NEW POSITIONS

### HAMMOND BECOMES LAW LIBRARIAN AT CORNELL

by Lucy Paras and Kim McFadden

A service that is run efficiently is often one that goes unnoticed. A reason for this seeming oversight is that the hard work put into designing a system which is highly responsive has its reward in the subtle absence of the need for change. The library of Villanova Law School is such a high calibre system.

Jane L. Hammond, librarian and alumna of Villanova Law School, is greatly responsible for the continual growth in recognition that the library has received from both the legal and library professions. In a recent index compiled from a 1974-75 ABA Review of Legal Education in *Learning and the Law* (Summer '75), Villanova's law library resources placed high on the list of variables which show variety in and commitment to its programs.

Professor Hammond received professional recognition of her capabilities as an administrator in her election as President of the American Association of Law Librarians for 1975-1976. This recent credit to Professor Hammond is regretfully coupled with the news of her decision to accept a position at Cornell University as law librarian and professor of law. The decision, explains Professor Hammond was a matter of "... what one is going to do with the rest of one's life ... It's a question of whether I'm going to deal with the same problems and the same set of circumstances all of my professional career."

If the law school library has achieved a "comfortable stability" it is due to the evolutionary process guided by Professor Hammond and her predecessor, Arthur C. Pulling.

Born in Iowa, Professor Hammond received a B.A. in English from the University of Dubuque, and a Master of Science in Library Service from Columbia University. While in New York, she worked parttime in the vast New York Public Library system. After receiving her professional degree, Professor Hammond accepted a position as cataloguer in the Harvard Law Library. "I enjoyed cataloging. I have a great deal of patience with detail", recalled Professor Hammond. When Mr. Pulling, then head of

Continued to Page 4

### WALSH, NEW DEAN AT ARKANSAS

by Scott Bennett

Professor Robert Walsh will be leaving Villanova Law School at the conclusion of the present Spring term to become the Dean at the University of Arkansas at Little Rock Law School. Professor Walsh described his stay at Villanova as "six of the best years of my life." He said that he had a very high regard for the students and his fellow faculty members, and urged them to "give me a call" if they are in the Little Rock area.

The University of Arkansas at Little Rock was a division of the University of Arkansas at Fayetteville until several years ago. The Arkansas legislature mandated that the Law School at Little Rock become a separate school and established a day division. Next fall will be the second year of the day division. As the first year at the day division had a temporary Dean, Professor Walsh is going to be the first permanent Dean of the School.

Although Professor Walsh is not certain whether or not he will do any teaching in his first year as Dean, he does expect to do some teaching eventually.



Prof. Jane L. Hammond

Continued to Page 4

## REIMELS '76

On Saturday April 10, Villanova University School of Law held the final round of the Sixteenth Annual Reimel Moot Court Competition before a three member court sitting as the Supreme Court of the United States.

The distinguished panel of judges included the Honorable Joseph F. Weis, Jr., United States Circuit Judge for the United States Court of Appeals for the Third Circuit, who served as the Chief Justice in the final round; the Honorable Richard J. Hughes, Chief Justice of the Supreme Court of New Jersey and former Governor of New Jersey; and the Honorable Thomas W. Pomeroy, Jr., Justice of the Supreme Court of Pennsylvania. Justice Pomeroy wrote an opinion representing the views of three Justices on the Supreme Court of Pennsylvania in the *Altemose* case which served as a model for the present moot court problem.

The Court decided in favor of the Respondents, represented by Patricia H. Burrall and J. Keath Fetter. The Petitioners were represented by Dan S. Lossing and John E. Freund.

Judge Weiss was "extremely impressed" with the high caliber of advocacy shown by the participants. The exceptionally well drafted problem authored by Professor John J. Cannon was also specifically commended by Justice Pomeroy.

This year's problem involved a permanent injunction prohibiting all picketing within 250 yards of any construction site or office of a particular general contractor. The injunction resulted from acts of violence which occurred at a construction site picketed by a labor council. The business manager of an association of building and construction trade unions violated the injunction and was subsequently fined \$2,000.00 in a criminal contempt proceeding where his demand for a jury trial was denied.

The issues presented to the Court on appeal concerned the first amendment rights to freedom of speech and assembly and the right to a jury trial in a criminal contempt proceeding.

The Reimel Competition is a competitive Moot Court program for second and third year students who compete in two member teams and argue the case through elimination rounds. The preliminary rounds are heard by lawyers from the surrounding areas. In the later rounds, arguments were heard by federal and state court judges. The Reimel Competition is administered by the Moot Court Board whose student members are selected upon the basis of academic scholarship.

Mrs. Theodore C. Reimel has generously continued her contribution of the Theodore C. Reimel award in honor of her late husband, the Honorable Theodore C. Reimel.

The Reimel Competition generally represents a high level of legal ability. One of last year's winning participants combined with another third year student to place third in this year's National Mock Trial Competition in a field of 70 other law schools.

## DEAN'S COLUMN



by Dean J. Willard O'Brien

The final employment report on the Class of '75 prepared by Dean Christine White-Wiesner under date of March 8, 1976, was quite extraordinary. The report received but passing mention in an article in the last issue of the Docket. It deserves more attention. Dean White-Wiesner, who is in charge of our placement effort, reported knowledge of the employment status of 190 members of the 210 member Class of '75. Of the 190 she found that 185 were employed, two were still looking for jobs and three were unemployed, but not seeking employment. That last category is in some ways the most interesting.

The single largest category of employment was found to be established private firms, with governmental agencies and judicial clerkships following in that order. However one views the 20 people who have not let us know about their situations and notwithstanding the occasional negativist who will say that not everyone has the perfect job, the simple fact is that the employment record of the Class of '75 is magnificent.

We must not forget, while basking in the glow of the success of the Class of '75, that their good fortune was due in no small measure to the graduates of earlier classes. Our alumni and alumnae have had a profound impact upon the legal profession in our sphere of influence. Their work has been highly regarded by the members of our profession. It is that history of superior accomplishment which created the climate which proved so hospitable to the members of the Class of '75. Today's students should take careful note of this. The "old grads" are very much part of the law school community. Your lives are bound up with theirs.

Our alumni and alumnae play other roles as well. They contribute money which is used in part to assist in providing financial aid to current students. They help us recruit students throughout the country. They participate in moot court. They assist Dean White-Wiesner in presenting seminars

designed to help students make intelligent career choices. They are employers. None of us can accomplish the necessary task alone. It takes all of us.

Having just referred to all of us, I will now write about some of us. The Seventh National Conference on Women and the Law was held at the Temple University School of Law on March 12-14, 1976. Villanova women were very much involved in the preparation of that Conference, indeed, they were responsible for the entire cluster of workshops dealing with the employment of women. Those students secured all the funding necessary (the Student Bar Association and the Law Student Division of the American Bar Association were generous in their support) but, even more importantly, they arranged for national legal experts in the employment discrimination field to come to Philadelphia to lead those workshops. The two women who led the Villanova effort are Sharon Scullin Gratch and Ellen Hyman. Sharon and Ellen did us proud. We are in their debt.

You have read elsewhere that Professor Jane L. Hammond is to become the librarian at the Cornell Law School and that Professor Robert K. Walsh is to become Dean of the University of Arkansas Law School at Little Rock. You know that Professor Thomas J. McNamara has returned to private practice. They will be missed and we shall be forever grateful for the joy they have provided us. Our prayers for a happy and successful life go with them.

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## DEPUTY ATTORNEY GENERAL OF GHANA SPEAKS

by *Tassos Efstratiades*

The Villanova School of Law International Law Society sponsored a lecture by S. U. B. Assante, Deputy Attorney General of Ghana, on March 23, 1976. The topic of the lecture was "Investment Process in Africa: Traditional Concepts vs. Development Goals." The speaker concentrated on the problems that the African, and generally the developing countries have in dealing with foreign investors. His talk was very informative in providing an insight of the governmental attitudes of the African countries towards foreign investors and multi-institutional corporations.

Mr. Assante has been educated in England and the United States and he has taught in several countries. He is a member of the British Bar and the Bar of Ghana. His career includes working with the World Bank, and working at the Ministry of Justice of Ghana for several years. He is presently holding the highest non-political office in his government. This semester he taught at Temple University Law School as visiting professor.

## SBA REPORT

by *Michael Reed, SBA President*

The SBA Elections are completed and the new executive board has taken office. A record turn-out at the polls elected Michael Reed-President, Tony Tinari-Vice President, Jane Seeger-Secretary, and Sam Becker-Treasurer. The second year class elected as representatives: Frank McDevitt, Armand Olivetti and Linda Salton. First year: Joni Berner, Tom Lowry and Barry Schuster. Everyone who ran for office is due congratulations and appreciation for their selfless offer of service. Those who were elected find themselves in the same situation as a child in a room full of toys. There is a lot to do; the only problem is where to start.

Imagination and organization is the key. The entire student body has the opportunity to create the academic and social tenor of the next school year. Once a sound and feasible plan is submitted to the Executive Board (us, folks), the SBA will allocate funds and our awesome organizational muscle to put that plan in motion. In the past year, the SBA has aided such diverse functions as: Yoga Club, International Law Society, National Lawyers Guild, Rugby Club, Black Law Students, Women Law Students and many others. In addition, the SBA has sponsored this past year a Sitar Concert, The Tennis Tournament, the Orientation Program, the Symposium on Prosecutorial Methods, and Academic Forum, several psyche saving TGIFs, cocktail parties and dances.

It is clear, I hope, that we are limited only by the willingness of people to ask us for money. We will be in excellent shape next year if we are flooded with requests for academic, sport and social events.

As everyone by now knows, our faculty advisor and high scorer at the Student-Faculty Basketball Game, Prof. Walsh is leaving Villanova to become Dean of Arkansas Law School. He will be a hard man to replace. Not only can he hit from outside but he can teach Law. It's clear to fans of both pursuits that it is a good deal harder to teach the Law. His active involvement and encouragement as our Advisor has left its brand on the SBA and he will be missed.

For next year, the SBA has asked Prof. Packel to be our Advisor. He has consented. With an Advisor of his stature and our excellently staffed Executive Board, next year promises to be an active and exciting one.



*Mike Reed, Tony Tinari, Jane Seeger, Sam Becker*

## NEW LAW REVIEW EDITORIAL BOARD CHOSEN

by Bill Brennan

Following an extended period of interviewing and evaluating, the current Board of Editors announced the Editorial Board of Volume XXII of the Villanova Law Review. Steve Brown surrendered the prestige and burden associated with his position as Editor-in-Chief to Kathleen M. Shay. Ms. Shay plans to follow Mr. Brown's lead in attempting to "catch up" with issues long overdue and she is also considering some minor changes of an administrative nature. Associate editors will be more involved in the day to day functioning of the review and the editorial board will be given a full opportunity to live up to their fine potential. When asked the inevitable question concerning her thoughts on being the first woman editor of the review, Kathy responded that it was not of great moment, and somewhat inevitable in view of the increasing percentage of women students here at Villanova and at law schools across the country. She looks forward to meeting the new staff to be selected from the first year class and anticipates a challenging and rewarding year with the review. She views her responsibilities as a broadening intellectual experience which may involve some change in her prior study habits and anticipates a good deal of support from the rest of the editorial board and incoming staff.

The new Managing Editors are Mark Levin and Linda Lipscomb. Julia Conover and Philip Katauskas are the new Articles Editors, James J. Garrity will handle the Third Circuit Review and Robert Genuario will be the Business/Research Editor. The Case and Comment Editors selected are Joseph S. Bodoff, Mary H. Cosby, Bruce A. Eisenberg, Jane A. Gross, John Halebian, James L. Murray, Morton Silfen and Margaret S. Woodruff. Associate Editors include Susan Denbo, Joseph Dworetzky, Robert Gigl, Eric Johnson, Pamela Karr, Rachelle Levin, Thomas Martin, Carol Meehan, Ted Merritt, Harry O'Neill, Judith White, Stephen White and Michael Wolf.



New Law Review Administrative Board

## THORNBURGH ON PROSECUTION

by Faith LaSalle

Richard L. Thornburgh, Assistant Attorney General in charge of the Criminal Division of the U.S. Department of Justice, addressed over 100 law students and professors as to the government's "new prosecutorial treatment of old criminal ills" or as he more appropriately phrased it, "new wine in old bottles." The event, sponsored by the Student Bar Association in conjunction with the Institute for Criminal Justice, was held on March 31 in the evening.

In his speech, Mr. Thornburgh discussed the use of old statutes in a new perspective and the development of new techniques to tackle old problems as illustrations of the Department's recent progress in the criminal prosecution field.

"These are such areas where the lawyer, as prosecutor, has shown great ingenuity and innovation," he said.

Specifically, he cited an incident where the Department used an 1898 law condemning acts which interfered with continuous navigation of U.S. waters in the context of an environmental violation as the basis for a criminal action against some large Pittsburgh Companies for dumping industrial wastes in nearby rivers.

In addition to the interpretation of long existing statutes in light of today's societal needs, the department also has made advances in techniques to meet modern demands, according to Mr. Thornburgh.

The role of the lawyer today, as a federal prosecutor, incorporates the services of various other governmental agencies. A recent technique used in disclosing illegal dealings involving large corporations included the services of other governmental agencies, such as "the FBI, Internal Revenue Service and the Securities Exchange Commission." "How cash is generated within a business is the key to such investigations and prosecutions," explained Mr. Thornburgh, "and the assistance of such agencies is essential."

Another useful technique to the federal criminal prosecution department is that pro-

*Continued to Page 4*

## GOOD-BYES

For about a third of the law school populace, this is a time for good-byes. Most of us are glad to leave; and yet it is not without some sadness. We are ending an era in our lives, that for better or worse we shall never see again.

For the few things I didn't like here, I only regret that I was not able to make them better. For what I have not done, I wish I had more time to do; but time has now run out on this era in my life.

I am thankful for many things; for having been here, for having had the opportunity to edit this paper, and for all of the people I have known and who have helped me in many ways here.

And yet I am anxious to leave; because though it seems I just came, it is time to move on.

by Tom Blazusiak  
Editor-in-Chief

## EDITOR'S AWARD

This award is given to the student on the Docket Staff who contributed most throughout the year to the production of the paper. This year the award is given to Louis C. Rosen, a first year student. Lou gave freely of his considerable talent and expertise gained in part by being a former copy-editor at the *Bulletin*. He not only completed his assignments in first class fashion, but offered to do (and did) more than his share. He also served as alumni editor and played a large role in the revitalized coverage of alumni affairs.

Congratulations!

### 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* . . . Thomas J. Blazusiak  
*Managing Editor* . . . Sharon S. Gratch  
*News and*

*Feature Editor* . . . . . John Halebian  
*Alumni Editor* . . . . . Lou Rosen  
*Sports Editor* . . . . . Mike Casale

*WRITING STAFF: William Brennan, Suzanne Black, Kim McFadden, Faith LaSalle, Scott Wallace, Barry Schuster, Peter Paras, Frank Dennis, Vincent DiMonte, Marc Weingarten*

*PHOTOGRAPHY STAFF: Sam Furgiuele, Lou Caccioma*

## HAMMOND

*Continued from Page 1*

Harvard Law Library, decided to come to Villanova in 1953 to set up a new law library, he very thoughtfully invited Professor Hammond to join his staff: "He was notorious for raiding his prior staffs . . . but I had learned what I was going to learn at Harvard by then and was looking for another library position." At that time there were 25,000 books on Villanova's shelves (there are 175,000 at present), and Mr. Pulling and Professor Hammond went to work organizing the collection and adding to it—"Buying, trading, dealing, getting gifts, calling on friends—he did a phenomenal job with almost no money."

Having settled on a career in law librarianship, Professor Hammond decided that " . . . if I was going to advance, I had to go to law school. I have never practiced law. I liked the library work. There's a lot of work in the library, but very little of it has to be 'done yesterday,' and by that time I couldn't afford to become a neophyte lawyer." In 1962 Mr. Pulling retired and Professor Hammond was appointed librarian. After graduating from Villanova Law School in 1964, Professor Hammond passed the bar, and joined the faculty as instructor in the newly-instituted Introduction to Legal Research course. In an interview for the Villanova Docket at that time, Professor Hammond expressed the hope that the new course would help convince the students that the library is something which will work "for" and not "against" them. With that goal in mind, she is renovating the course in response to student feedback: "Last year we changed the format a great deal to incorporate research *and* writing skills into the program. There is a proposal before the Curriculum Committee to stimulate interest by getting the course into smaller groups." By her own admission, "No one teaches Legal Research for ego gratification," but Professor Hammond feels strongly that learning efficient research methods results in valuable time saved throughout a legal career. At Cornell, Professor Hammond will be responsible for the Legal Bibliography course, which will be following Villanova's lead away from the straight lecture form.

In her twenty-two years at Villanova, Professor Hammond gave generous amounts of time to professional development. Prior to becoming president of the American Association of Law Librarians, she spent five years as national secretary, and was a member of several committees in addition to serving as Chairman of the Committee of the Index to Legal Periodicals. Mr. Edwin Surrency, past president of A.A.L.L. (1973-1974) and Temple University Law Librarian, attests to an "outstanding job done by Miss Hammond. The membership has always admired her work." She is also a member of the Special Library Association, and a lifetime member of the American Library Association. At Villanova, she has served as Secretary to the Order of the Coif.

Equal to her professional dedication in managing the library, is her personal commitment to Villanova University. "What I will miss most is the people. I've been very happy here, and I've been treated extraordinarily well. I'm really not sure how I'm going to operate in a library where I haven't seen or bought almost every book . . . It's a

different challenge." Her friends feel that the ability she has acquired while at Villanova has more than prepared her for any new responsibility. "It's been rewarding for me to watch her from the beginning . . . She's the type of person who succeeds in anything she attempts," commented Mrs. Maura Buri. Mrs. Buri was hired by Mr. Pulling and Professor Hammond in 1958 and is now the periodicals librarian. "She's always willing to help—no job is too big or too small." As a faculty member, "she certainly has a good relationship with her colleagues and always contributes to the faculty meetings. She has always taken an overall interest in the entire school," commented Professor Abraham. Dean Collings, who has known Professor Hammond since his arrival at Villanova Law School in January of 1961, praised her "initiative and organization" as a highly regarded professional. "She is one of the most knowledgeable law librarians in the field. She has built up an impressive collection . . ." offered Mr. Liu, V.L.S. assistant librarian. According to Professor Dowd, who also came to Villanova Law School in 1961, "She's been the center of the library from the beginning and has built it into one of the most distinguished libraries in the country. She's been a loyal friend and we'll miss her."

When a person has given so much of her career to one institution, it becomes difficult to consider breaking away, but, "you should shift to another set of problems." Cornell University offers Prof. Hammond a different perspective on the "space and money problems that all libraries have." The law collection contains 300,000 volumes, with a larger staff to manage. Cornell is also considering microforms (microfilm, fiche, etc.) and computer cataloging with which Professor Hammond is already acquainted. She will be working with many kinds of librarians in a centralized university library system. "I will not be as independent in terms of budget and staff as I am here."

Professor Hammond is proud of her career at Villanova Law School. "We were able, in what was and is a comparatively small and new law school, to be able to come up high in the national rankings." her contribution is a strong foundation for the continued success of the school. While building an enviable collection in a short span of time, she also guided the construction of the new library facility in Garey Hall, contributed to the education of its students, and won the personal and professional respect of her colleagues. Although it is with regret that the law school community and the University loses an eminently qualified employee and colleague, the effects of her administration will be continually enjoyed in the future. Cornell University is confidently anticipating the benefit of Professor Hammond's expertise this fall. We wish Professor Hammond good luck and happiness, and hope that, for Villanova Law School, the search committee chooses her successor as thoughtfully as did Mr. Pulling.

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**CONGRATULATIONS TO:  
FREDERICK T. HAASE, JR.  
ON HIS RECEIPT OF THE  
ARTHUR CLEMENT PULLING AWARD  
AND TO  
STEPHEN C. BRAVERMAN  
ON HIS RECEIPT OF THE SCRIBES AWARD**

## WALSH

*Continued from Page 1*

At Villanova, Professor Walsh's courses consistently had high enrollments; his course evaluations were among the best. To the students he was always known for his friendliness and high degree of competence.

The faculty will lose an involved participant in a variety of activities and a heavy contributor to the academic excellence of Villanova (as well as a 105% shooter in the Student Faculty basketball games.)

Yet even in his leaving he contributes to Villanova by being honored as the new Dean of another Law School. One can only say that Arkansas has chosen wisely.

### NOTICE

The Docket invites submission of information or articles from all alumni.

## THORNBURGH

*Continued from Page 3*

vided by the Title 18, Section 60003, the so called "Use Immunity Statute," which was adopted in 1972. While not violating the constitutional rights guaranteed under the fifth amendment that no one shall be compelled to give testimony which would incriminate himself, the statute provides "for compelling testimony from individuals to be used against other individuals."

"This isn't actually giving immunity," explained Mr. Thornburgh, "but is merely a one hundred percent trade-off." He continued, "it enables prosecutors not to be satisfied with the lower rungs of the ladder when dealing with a major conspiracy operation, such as a business operation." The usual approach is to prosecute, convict, and sentence the low man before compelling him to testify in order to avoid the problem that he might testify falsely in order to protect himself.

"It is by far the single most effective prosecutorial tool of the twentieth century," he concluded.

Mr. Thornburgh, a past corporate lawyer and U.S. Attorney in Pittsburgh, commented on his role as a federal criminal prosecutor.

"I feel a special satisfaction in doing a job well, especially where I feel I am performing a public service. We depend on people obeying certain rules of the nation and it is that particular thanks from the community that one receives who helps to enforce these laws which is one of the nicer aspects of my position."

He also commented on the "more than usual derision" that the "legal profession is getting today." He attributed it to Watergate, explaining "people seem to feel that some evil genius which perpetuated this wrongdoing happened in law school."

To those embarking on a legal career in such a setting, he parted with the words, "do a job with the highest standard of professional excellence."

# "JOWLS"

by Pete Paras

A new musical comedy opened at the St. Mary's Auditorium on April 4, destined for a long, two performance, run. Jon Kissel gave a moving performance in the title role, "Jowls", the most recent effort by producers Steve Wilson and Buck Pankiw, and director Eric Johnson. The play centers on the conviction and execution of a contracts professor for the eating death of a first year law student and follows his journey from his rejection at the Pearly Gates to his confrontation with the Devil's Advocate.

The Wilson-Pankiw production is witty, timely and musically rewarding. Perhaps its only drawback is that it is too short. Waves of laughter and floods of applause reoccur throughout the performance of this watery delight.

Musical highlights include a showstopping rendition of "The Trouble With Being a Lady Lawyer" by Steve Wilson as a red-headed, feminist judge and the triumphant return of The Jets (Phil Kircher, Steve Brown and Ed Evans) as the backup for Al Romano's "Get a Job". Dramatic high points are headed by a brilliant performance by Eric Johnson as Ojakay, a bald headed, sloppily dressed detective, who continually punctuates his speech with phrases like, "paren", "footnote", and "section 153(a)".

Mark Schultz returns as the District Attorney and Steve Zelitch is versatile in a lively display of his singing, dancing and guitar playing talents. Cameo performances by Professor Cannon as the Sea Captain Squint and Mark Weingarten as a Mr. Justice Brennan who walks with a strange limp and whose law clerk, Pepino, is constantly at his side, add depth and submerge the dramatic appeal.

Following the opening performance Professor Collins graciously accepted the accolades thrust upon him for being the good natured brunt of the spoof with some funny, yet biting, remarks of his own about chickens and eggs. Also, a visitor from Grand Rapids, Michigan, Thomas McNamara, acknowledged the audience's recognition by hamming it up in an apparent attempt to complement Professor Collins.

The musical crescendo heightens to a feverish pitch as the shark sinks under the weight of his crime and the audience is left with the thought of a line from a reworked "Mack the Knife", ably sung by Dave Worby as Dr. Denton, beware "... when the shark bites."



Richard L. Thornburgh



Jon Kissel as Jowls



The "Jets," Brown, Kircher and Evans.

## LAW STUDENT DIVISION

The Law Student Division of the American Bar Association, in conjunction with the ABA, will be holding its annual convention in Atlanta, Georgia August 7-10, complete with 250 be-wigged barristers from England.

The LSD meeting, one of the largest and best attended functions of the year, will be presided over by Lynne Gold, President of the LSD and third year law student at Villanova. On the agenda will be the meeting of the House of Delegates (a representative from each law school in the country) to pass on circuit resolutions; liaison reports; seminars and conferences co-sponsored by the LSD and ABA; and the elections of national officers.

The input from all the law schools is what makes the LSD function, and the convention is the collation of all their ideas and programs. Last year the LSD passed a third circuit resolution aimed at amending rape laws. The ABA has now picked up on the resolution and is involved in lobbying for legislative change. Although the third circuit isn't promoting any of its own resolutions this summer, we are supporting two that the second circuit has worked on. They deal with 1) nation wide law school curriculum changes and 2) revision and passage of the Criminal Code, S1.

Presently planning to attend the convention from Villanova are: Lynne Gold, Joan Carroll, Chris Boyd, Matt Segal, Gail Simon, Mike Reed, Tony Tinari and Vin DeMonte.

The Convention is open to all students who are members of the LSD and is well worth the cost involved. There is a great possibility of car pools forming or the renting of an AMTRAK train car to defray individual expense. If you are interested in the convention or in any aspect of the LSD please stop down in Room #2. The current LSD reps are Joan Carroll and Chris Boyd and they can answer any such questions.

The Docket Thanks  
The Secretarial Staff,  
especially Mrs. Carroll,  
and very especially  
Lydia Francis for  
all it's help.

## FACULTY UPSETS STUDENTS BEHIND WALSH'S 33

by Alan Lourie

The Faculty ended their prolonged losing streak with a 52-50 come from behind victory over the Students in the annual Student-Faculty basketball (term used loosely) game. This year's game was a refreshing change from the "must win" attitude that past Student teams have held. Professor Walsh shot somewhere around 105%, hitting for 33 points on twenty footers from all angles.

The Students took an early lead with a third year squad composed of S.B.A. moguls Charlie (I'm not even 30) McClafferty and player-coach Carl Viniar, Vinnie Dimonte, Jumpin Joe (let's win one for Emmett) Lawless, and quick Pam Maki. Viniar intelligently decided not to sport his UCLA Bruins basketball shorts for fear of comparison. Maki played some excellent defense for the students and scored 2 points while Charlie amazed the crowd and himself with a long hook shot from the point. Charlie took the same shot the next time down the court and missed everything, surprising no one.

The Student's lead increased with the onslaught of Janie Brady, playing with a first year squad of Mike Arnold, tough Dennis McAndrew, Matt Segal, and Kenny Henly. Red-bearded McAndrew bore a striking resemblance to Professor Taggart in his aggressive play. Future tennis star Kenny Henly demonstrated his basketball prowess with a number of outside shots. Some of them even went in.

The Faculty began their comeback towards the end of the first half when the other montly third year squad took over and threw one of the laziest zone defenses the game has ever seen. This "let 'em shoot" team consisted of Honor Board Chairthing Age Yakobitis, Mike Sheckman, second year Candy Sailer (absent flower in hair), Dave "the Worbat" Worby, and Alan "all I wanna do is shoot" Lourie.

Alan led the Student's scoring with 8 points. He also led the Students in shots taken and rebounds missed. Mike and Age exhibited some fine passing while the Worbat had some nice steals. Despite the non-defense approach taken by this lack-

Continued to Page 8

# THOMAS J. MacNAMARA RETURNS TO PRIVATE PRACTICE, AN INTERVIEW WITH THE GOOD PROFESSOR IN 2 PARTS.

## Part 1 of 2 Parts

Most of this interview centered on the environment best known to all of us, the law school community. In spite of the questions that were asked, this interview reflected more a philosophy of life than a directed legal analysis from a professor in a classroom situation.

In a profession which is so prone to distort minds and warp the quality of life, Professor McNamara has admirably avoided succumbing to the pressures and anxieties which to some extent feed upon us all. We wish him well in his future endeavors. Herein below are some of his thoughts.

Below are some edited excerpts made from a tape recording of that interview. Therefore, all of the remarks should not be considered as direct quotations.

**Docket:** What brought you to Villanova?

**McNamara:** That was accidental. I had a very limited set of skills and a very limited scope of interests with regard to teaching. I had been a trial lawyer for seven years. I was interested in teaching courses that were related somehow or other to a trial practice. There were simply a limited number of schools in the country that had openings for people in that area. Of the ones that had openings, Villanova, for a whole variety of reasons, was to me the most appealing, even though I have to admit that at the outset I felt that it was located in one of the least interesting geographic areas to me. The school per se was the most attractive school of the ones that I visited and talked to.

**Docket:** How would you characterize your Villanova experience?

**McNamara:** It's the best job I ever had. I have no doubt about that. The second best job I ever had was tree trimming. Probably the least satisfactory job I ever had was trying cases for a living. That is, in terms of personal satisfaction, measured by the yardstick of the pleasure you derive from what you do, the fact that the bulk of the people you deal with are not neurotic, the bulk of the people to the contrary are intelligent and well intentioned, this is the best job that one can possibly imagine.

**Docket:** What do you think of teaching as a lifetime profession, for yourself, or others?



**McNamara:** For myself, no. What I teach and how I teach, I think requires that periodically I go back and recharge my intellectual batteries. I don't think that for me it would be a good thing to remain exclusively in the academic world. I think if I bring anything to teaching it is a feel for what the practice of law, particularly the practice of trial law, and what a trial lawyer does, is really like. The longer I teach, the less credible I am when I talk about what reality is outside the law school. The more I become an academician, a part of this sanctuary, and the law school is, in many ways a sanctuary; and the longer I remain outside of reality, I think the less I bring to students in terms of things that they should know. So for me it's not a good thing. It's one of the reasons I'm leaving. For other people—it just depends on them.

**Docket:** Do you think you may return to teaching?

**McNamara:** I hope so, just as one likes to think that they will see a friend again that they have known and liked. This is a job that I have known and liked, and I would hate to think that I would never have the pleasure of doing it again. On the other hand I can't say that I have a particular game plan which says that I will practice law for six or eight or ten years and then go back to teaching at this point. No, I'm simply not that kind of planner. I work at one thing until I decide it's time to go to something else, and then I simply look around, select out the options, and pick the one I think is best for me at that point.

**Docket:** What effect do you think your teaching experience will have on your private practice of law? Do you think teaching is a benefit to go on to the private practice of law?

**McNamara:** It has a number of advantages. First of all, the most pragmatic, I simply know more law and I know it better than I knew it when I came out of law school and when I came out of the practice. The bulk of trial lawyers, practice evidence law by the seat of their pants, they know sort of intuitively what is at once, hurtful to their side of the case and properly objectionable. Most of them, from my experience, have forgotten the theoretical basis for the concept which they invoke when they make the objection. But they know when to object and they know how to object, it is up to the judge to know the law; he's the one who must rule after all. That's their thinking on it, and if in doubt they get an associate to write a trial brief for them on the predicted point if they anticipate it. Going back, for a starter, I have a much firmer grasp on the substantive law and procedural points than I did when I came here.

Secondly, I think my association with the people here sends me back to the practice of law with a much better psychological outlook on life in general and the practice in particular. So, I think intellectually and emotionally it's been a rewarding experience for me. How quickly those two particular implements having been sharpened here will become dulled by practice, I'll have to let you know.

**Docket:** From the viewpoint of a professor, what are the most difficult problems that a law student must learn to cope with?

**McNamara:** I would say probably the major things are psychological factors, because it seems to me that the one common complaint that I hear from students, and that I felt when I was a student and heard from my peers, is "How do I cope with stress?". The material is demanding, but I strongly suspect that if a law student sat in the first year in a class of ten rather than a class of 110, the law student would not find the experience nearly as stressful. So there is peer stress; that is, no one wishes to look foolish in the eyes of the people who are around them and whom that person has to deal with.

Secondly, there is stress inherent in the student-teacher relationship. There is necessarily, in large classes, antagonism generated between student and teacher. There is no way to avoid it. If the teacher is too liberal in allowing every opinion to be raised and aired as though it was equal to any other opinion, and takes no position and gives no structure, the antagonism comes because the students wanting structure and wanting order are denied it. If on the other hand, anybody who expresses a view contrary to that of the teacher is immediately put down or dismissed, the antagonism comes, obviously, from the person who is put down and from those in sympathy with that person. So antagonism is part of the situation. You can't deny it. It just exists. That's another point of stress.

Thirdly, the people today are very concerned about the job market. It was once said of Princeton, "Of course they only graduate the best, that's all they'll take." Well, here it appears to the student particularly in the early first year; and it may even be true, I doubt it, but it may be true, that only the best will get jobs. I should have said that only the best will get the most desirable jobs. Everyone wants these so called desirable jobs even though I suspect that at this point they're not in the best position to judge what is the most desirable job, and therefore they wish to be best. But there is competition for grades and that produces stress.

The last one is, maybe, an amalgam of all of them; that's the concern for the student to have an identity. The student is dumped into a group of 110 people, is an unknown, and had the desire to be known and appreciated as a person. Everyone of the people in the classes here, first year classes are probably the best example because the anxiety level is higher there for a whole variety of reasons, is anonymous to everyone else; and they're all anonymous to the teacher. And there is always an initial period of shuffling in which people are trying to assert their identities. Some of them do it rather well; some of them do it rather heavily, but almost all of them do it one way or another. Very frequently, the queuing up before the podium after a lecture is not so much the desire of the students to get their individual questions answered, as it is a desire to be heard and appreciated as an



first year is different, I think, than it is. So the first year student, in what are frequently kind of blind thrashings to avoid drowning, does the same thing as the second or third year student, but does it under the kinds of emotional compulsions and stresses that maybe make them less effective.

In other words, the motivation may be survival in the first year. In the second and third year, I think it shifts to a sort of healthier outlook. I had been always, and still am, concerned about providing first year students with better motivations than mere survival because you will not concentrate on the excellence of your stroke and the quality and rhythm of the kick and you breathing if all you're worrying about is surviving. So if education means something more than simply grasping enough rudimentary material to regurgitate on an exam and survive, and hopefully at this level it does, then all of us who are concerned with education should be concerned with the stresses that are being played out on the first year students, particularly stresses in legal education. Because if you put people in what they feel is a sink-swim situation, even if you don't intend it, if that's the way they feel, it will affect what they learn and it will affect why they learn. If they learn to survive, then they haven't really learned for the future any more than the person who finally gets out of the water not having drowned has learned to swim. At least they have a great deal less than they would have if they approached it on a different basis.

But it's partially our fault; and by "our" I mean members of the faculty, the people on the other side of the podium. Somehow the students get the idea that this is a sink-swim situation.

To be Continued



Photo by John White

individual; and there's nothing wrong with that. Large classes produce stress; and for that reason alone it is unfortunate that law school is conducted with such large classes, particularly in the first year, with the resulting stresses. It isn't inherent in legal education. It is inherent in legal education as it is conducted today, in the vast majority of law schools. It's too bad.

**Docket:** What are the problems that beginning law professors must learn to cope with when they are starting out?

**McNamara:** At the most elementary level—let's start at the most obvious and the most general and then go to the most sophisticated and lucid. The beginning law professor very simply does not know the substantive law. If he or she did, I don't suppose we would call them a beginning law professor, would we? So that's the problem. You can read all of the law that you want to. And you can cram as much as your schedule will permit. But it is absolutely impossible that you will anticipate every question that's asked. Therefore you are, all too frequently in the first year or so of teaching, requires to recite what may for you be the rather humiliating or at least embarrassing litany, "I'm sorry, I don't know," when asked a question. Because 110 fertile minds can generate more questions than you can answer correctly, particularly when they are asking you peripheral, rather difficult, questions as to an area of law in which your total learning may consist of a few cases in the practice and maybe five or six hours of preparation. That's the first and major problems. And the second one is stress.

Stress cuts the other way. If you think it is not stressful, stress-producing, to get up and teach 110 people, each of whom may have a slightly different expectation level as to what it is he or she is going to get out of the class, you're wrong. It is. Now, to me, it is a very pleasant stress because I enjoy the challenge of doing it, but there were many days in the first couple years when I taught

that I would leave the class with the distinct feeling... It's like the man who was being carried out of town on the rail tarred and feathered and he said to those who were bearing him along, "If it were not for the honor I would just as soon have missed this experience." I left class a number of days in the first couple years, and still do periodically, with the feeling that were it not for the honor I would just as soon have skipped this. And I don't blame it on the students. I blame it on myself. After all, they have something to do with how well the class goes, but I unfortunately have more to do with it. That again is one of the things that makes teaching pleasant. You never know how a given class is going to go unless you elect to lecture; in which case you are really, I think, depriving the students and yourself of the full reality of the full possibilities of the situation. If all you're going to do is lecture, you are then in effect saying, "Listening to me and writing it down is somehow or other more advantageous than reading it out of a book and writing it down." There are many more scholars of greater reknown and ability than I; so that if all I could give to the students is a lecture on the subject, and I do that day after day, I'm not so sure that they're getting the full consideration for their tuition.

**Docket:** Do you detect any difference in attitude between first year students approaching their work and second and third year students as far as enthusiasm, or how they try to get through law school after the first year?

**McNamara:** It's an overgeneralization, but many of the first year students resemble people who are trying to avoid drowning, and many of the second and third year students resemble people who are learning to swim. Now, they both may be doing the same thing, paddling about and trying to avoid going under. And again, the going under is in the mind of the student. It is not reality. But reality as they perceive it in the



## WSA WINS ICC

by Jimmy Ronan

Despite the strongest ICC playoff field in three years, WSA fulfilled early season predictions by sweeping through the regular season and playoffs without a loss in winning the Basketball Championship. After a very successful season which saw seventeen teams participate, ten fine teams progressed to playoff rounds. Though WSA and CIC were favored to make the final round, the remaining teams were stocked by many outstanding players. After winning the Championship two years ago, WSB lead by Kenny Jewell, Denny Blake, Scott Oberholtzer, and first year surprise Barry Abbott, defeated a CIB team lead by Matt Segal to gain a semi-final berth against WSA. After staying close for a half, WSB saw a fine effort go unrewarded as WSA broke the game open in the second half.

The championship game was projected as a battle between WSA's lightning fast break and CIC's smooth play and ability to get the ball inside to 6-10 Kent Johnson. The game remained tight until the second half, as CIC guards Nick Caniglia, Lee Dennison and Ken Henley handled the WSA press and with Howie Heckman firing jumpers from long range and Kent Johnson scoring from underneath, the teams remained separated by only a few points. However, the vaunted WSA running attack proved to be decisive as the final margin of victory was 67 to 49.

With the completion of the ICC season, special thanks must be extended to Jim "The Commissioner" Reynolds, who was responsible for compiling an excellent schedule despite the time difficulties, and Scott Bennett, who arranged for all the referees and who absorbed more abuse than even he deserved.

## FIELDS, SQUASH CHAMP

Villanova's second annual squash racquets tournament was finally completed after six weeks of play. Sally Fields, a third-year student, captured the title with a sparkling win over Scott Wallace, a first-year student.

The round of eight was reached by Fields, Wallace, Tom Gowen, Shippen Page, Professor Taggart, Andy Caffrey, Joan Stuart, and Albert Morales.

In the final match, Fields got off to a quick start and won the first two games. Wallace made a good come-from-behind effort and tied the score at two games apiece. In the deciding game, Fields got off to a 10-3 lead and held on to win the game after a strong rally by Wallace.

## RUGBY SCENE

As usual, the rugby team's opening games were rather lack luster due to the limited practice time which was put in. Although the "B" side pulled out a victory against St. Joe's in the opener, the "A" side could only manage a tie against the team it beat 32-0 in the fall. Both sides were victorious against Jefferson Med in the second week of the season, but really the squad had not been tested.

The team came together for an important victory by emerging as champions of Division II in the Eastern Pennsylvania Rugby Union Spring Tournament. The tournament began Saturday morning and in the course of the first day GH came through with two landslide wins, beating Dickinson College 20-0 and Delaware Law 50-0. Bob Dean went wild with more trys than we could keep track of.

With practically no rest, GH had to play Lafayette, a team which beat them the previous week. A loss in this game would put them out of the double elimination tournament. More new blood was injected for this one, and although the inexperience showed, the freshness more than compensated as GH took it to a tired Lafayette team, 9-0.

This satisfying win put GH in the finals against PCO, its third game in a row and its second that day against PCO. It was a fine rugby game on both sides. Solid hitting and hustling scrums, with GH's scrum being led by ironmen Ted Hill, Ace Gilligar, Loren Schrum and fiesty Ed Evans (who wanted nothing more than an orange soda all day), kept the offenses stifled. Finally, late in the second half, on a play normally reserved for British-born lads, Frank Deasey drop-kicked the ball on the run from about the 10-yd. line through the uprights to give GH all the points it needed. It really was a sweet victory when it finally did blow with all the team members, playing or not in that particular game, celebrating in the middle of the field after a week-end of 250 minutes of rugby which resulted in a true team championship.

## NIGHT LEAGUE BASKETBALL

The Villanova Law School entrant in the professional schools' basketball league finished the season with an overall record of 9 wins and 5 losses and was runner-up for the league title.

Injuries and illness cut the squad to just seven before the playoffs as Jim Reynolds, Gino McGinnis, and Mike Casale were unable to play (although Jim "Rimmer" Reynolds did make it back for the last two games). But strong board work by Kent Johnson and

Phil "Duke of Dunk" Lerner pulled the team through the first two rounds against Temple Med and Jefferson Med, two teams which had beaten the law school team during the regular season.

Frank Deasey, the organizer, captain, and team leader did a fine job in making the law school a very competitive team its first year in the league.

## FACULTY UPSETS

Continued from Page 5

luster crew, the Students had a seemingly comfortable lead at the half.

The second half opened with "Chrissie" Weisner stealing the ball from "hands" Lourie, who was still in shock from seeing the Assistant Dean with her hair down. From there the Faculty chipped away at the Students' lead with Walsh's devastating performance along with the strong rebounding and clutch foul shooting of Professor Hyson, and overall fine play by Mr. Nice Guy, Professor "Cactus Jack" Dobbyn.

The Faculty was also aided by a number of "home-job" calls by referees Jim "Rimmer" Reynolds, who has the only tolerable New England accent in the school and I.C.C. Commissioner Jimmy Ronan, who was bribed with a new thousand watt hair dryer. Professor "Wali" Taggart played his usual hustling, physical game under the strain of a bad cold. Taggart's impact was still felt in the game and on the bodies of several Students.

The big play of the game came when Professor Len Packel put the Faculty out in front to stay with a running one handed bank shot across the middle. The Students failed to score in the final twenty seconds which consisted of a desperation shot from the corner by Janie Brady and the rest of the Students failing to get off a shot in the remaining twelve seconds.

Professor "Super-Lew" Becker, much to the chagrin of the fans, failed to score this year (along with Vinnie), thus keeping his lifetime point total at 16. Becker contends that the layup he made during the warmup should be counted.

Finally, a special note of thanks to Carl Viniar, who spent time organizing the extravaganza and figuring out the Student rosters in order to assure himself of scoring.

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