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Tenure plan: a first

By TOM MCCARRIGE

This year will mark the first time in the relatively brief existence of the Villanova Law School that the decision concerning faculty tenure will be based upon a formal policy and carried out through a specified procedure.

The decision to grant tenure — a decision of great importance to the entire law school community — will be made as to Professors Barry, Levin, Wend and Packel. (A grant of tenure means that a faculty member has been appointed without a specified expiration date, except for the date of his retirement, and that his or her employment will not be terminated except for adequate cause.)

An important part in the new tenure procedure is the recommendation of the Tenure Screening Committee, consisting of Professors Gerald Abraham, who serves as its chairman; Assoc. Dean J. Edward Collins; and Prof. Donald W. Dowd.

Abraham said that prior to adoption of the formal system in May of 1973, the determinations on tenure were made by the dean of the law school, without formal input or vote taken by the tenured faculty. Abraham added that he knew of no person being denied tenure or of any tenure fight in the history of the school.

Ruther, as a practical matter, the dean of the school and the tenured faculty members would make it known to an individual that his chances for tenure were dim and that that individual would then voluntarily seek employment elsewhere.

AALS Requirement

The impetus behind the change from the informal to the formal system was a requirement for accreditation by the Association of American Law Schools (AALS) that the faculty exercise a substantial degree of control over renewal or termination of term appointments. Additionally, the American Bar Association, (ABA) in Standard 426(c) and Annex I of its Standards and Rules of Procedure for the Approval of Law Schools, requires that a law school shall have an established and announced policy with respect to academic freedom and tenure of which Annex I herein is an example but is not obligatory.

Annex I, entitled "Principles of Academic Freedom and Tenure," emphasizes the need for tenure to ensure (1) freedom of teaching and research and of extramural activities and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. It provides for a tenure policy whereby the precise terms and conditions of every appointment are stated in writing and are in the possession of both the faculty member and the decision making Committee, consisting of Prof. Gerald Abraham, who serves as its chairman; Assoc. Dean J. Edward Collins; and Prof. Donald W. Dowd.

Becker feels that $6,160 is a reasonable amount for the expenses of student organizations.

"Most people don't want very much from their SBA," he noted. "Most people are commuters who watch the trial pretty closely that my feelings really showed through when it got to the penalty stage.

After deliberating six hours, the jury reported it was hopelessly deadlocked. The next day, after four more hours, their report was the same. The sentence therefore, was life imprisonment.

Although the SBA has no doubt that the Martin case has been his high-water mark so far, he doesn't think it's had a directly beneficial effect on his career. At the time of the Martin trial, Strawbridge was a lame duck in the DA's office, having accepted the job in the U.S. attorney's office a few weeks earlier. Unlike the DA's office, the federal government doesn't permit its staff attorneys to engage in private practice.

So, although it couldn't have the effect of bringing in clients, Strawbridge did say he was more than happy to have "some recognition" among his colleagues at 6th and Market.

Budget planned by SBA

By JEFF LIEBERMAN

The Student Bar Association (SBA) has adopted a budget of $6,160 for the 1976-77 school year under recently promulgated guidelines designed to promote greater planning and organization by loosely-run student organizations. In recent years, funds have been left over at the end of the year due to poor planning by student organizations and slack budgeting by the SBA. To alleviate this problem and give the SBA greater control over the budget and calendar, new tighter regulations have been enacted.

Student organizations are now required to submit detailed requests for funds to the SBA, including specific budgets and tentative dates for activities. Budget requests must be received at least one week before the scheduled budget meeting and groups seeking funds are required to have a representative present at the meeting to answer any questions that might arise.

Funds are then allocated by the SBA only for specific purposes and if the organization later desires to spend the money differently, it must receive SBA approval. This requires greater planning on the part of the organizations, as a result of which it is hoped that they will be more likely to carry through with their plans. According to Sam Becker, SBA treasurer, "We tried to be tighter than we were in the past. We were much stricter in our allocations and were almost certain that everything we allocated would be spent."

Spent on Parties

In addition to the specific allotments, almost $500 was left unallocated for programs which might come up during the year. Much of the excess last year was spent on farewell parties for departing professors.

Of the total funds available to the SBA ($6,160), $3,000 comes from the university, the remainder from $5 per year SBA dues, which is included in the tuition. The law school does not receive the $3,000 from the university in a lump sum, but only upon presenting proof of specific expenditures. The funds procured through the SBA dues must be totally exhausted before any moneys can be obtained from the university.

Becker feels that $6,160 is a reasonable amount for the expenses of student organizations.

"Most people don't want very much from their SBA," he noted. "Most people are commuters who come here during the day and then leave. Most people aren't affected by the SBA."

(Continued on page 2)
Tenure screening process formalized

(Continued from page 1) the institution and teacher before the appointment is made; that the probationary period of a non-tenured faculty member not exceed seven years; that during the probationary period a teacher should have academic freedom; that all other members of the faculty have; that a termination for cause and, where the facts are in dispute, the teacher be given notice of the various objections and have an opportunity to be heard.

Tenure Policy

As a result of the ABA and the AALS requirements, the law school formed a temporary committee to draft a tenure policy, which was approved by the tenured faculty in 1973. Under the tenure policy, the first three years of the dean of the law school, the tenured faculty and the Tenure Screening Committee are to consider the following factors in making their recommendations:  

- Teaching effectiveness, which includes preparation, knowledge of the subject matter, ability to communicate ideas and access to students.  
- Contribution to the law school, including service to the law school beyond regular teaching responsibilities; e.g., work on committees, participation in faculty meetings, participation in special programs and cooperation with other faculty members.  
- Scholarship, constituting research and writing which makes a substantial contribution to legal scholarship.  
- Contribution to the university, the community and the profession, which consists of service on the University Senate and university committees and participation in university educational programs, community organizations and bar associations.  
- The academic needs of the law school.  

The formal tenure process begins with the Tenure Screening Committee notifying the faculty member at the end of the second year at the law school that he or she may elect to have the tenure recommendation made at the end of the third year or wait until the end of the fourth year. Thus, the dean's recommendation to the university president for the tenure of the non-tenured faculty member is made no later than November 1 of the faculty member's third year at the law school.  

The screening committee's investigation of a faculty member consists of:  

- Soliciting the views of students and alumni who have had contact with the faculty member.  
- Interviewing any other individuals who might have relevant information concerning the faculty member's performance.  
- Reviewing any publications written while at the law school.  

After completing its investigation, the committee will then give its recommendations to the faculty along with a statement of the reasons for the committee's decision. A copy of the report is sent to the faculty member seeking tenure, who has the right to review the entire contents of the file. Additionally, the individual seeking tenure may submit written comments on the committee's report to the tenured faculty before the faculty makes its recommendation to the dean. The recommendation is determined by majority vote.

Abraham said that the committee is considering drawing up a special evaluation form to be given to the classes now being taught by the faculty members in the hope of getting a greater percentage of student response than has traditionally been the case with the SBA evaluation forms. The evaluation forms in the past have been criticized as being misleading, especially in cases where only 50 percent of the class responded.

In response to a question concerning direct student input into the tenure screening process by having a student on the committee, Abraham said that that proposal has been considered and rejected by the faculty in 1973, primarily due to the personal and confidential nature of some of the information that the committee receives.

This type of information is made available only to the committee members and is not closed to the members of the tenured faculty when the recommendations are made. However, Abraham said that a proposal involving the formation of a separate individual's performance.  

- Interviewing any person suggested by the individual faculty member.  
- Reviewing all information submitted by the faculty member.  
- Observing the faculty member in class and prior months.

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Sole practice in a Bleak House

By JAY COHEN

The market is dominated by large firms and corporations in large cities. And the message is that if one wishes to maximize earning opportunities, one must be prepared to choose from these firms.

Fringe Benefits

In some respects, they are a bigger ball park and a more challenging and ultimately more rewarding game. Besides higher salaries they offer things like prestige and security which smaller firms can’t match. Just the size of a large firm would seem to imply that each member would have less responsibility than in a smaller firm.

And yet, it is that very size which is a large firm’s major liability. It is relatively easy to fall into cubby-holed obscurity in a firm of 50 or 100, and the size may militate against ready mobility to the extent that one’s in-group savvy may count for more than his skill.

There will be those who welcome the social challenge and have a defiant attitude toward the possibility of obscurity in a large firm. The problems which others may have with this are set forth in the tart words of California attorney, Jay Foonberg, author of the book, How to Start and Build a Law Practice.

“If you want to work three months to two years in some law firm’s library doing clerical work for other lawyers, constantly being scrutinized under a magnifying glass for fear you might do or say something inappropriate, then choose a firm . . . If you have no qualms about who your clients are, then join a firm.”

High Overhead

It must be emphasized that going into sole practice is not the perfect resolution of the dilemma to which Foonberg alludes, albeit tongue in cheek. At best, according to Ward Bower of Altman and Weil, it is a tradeoff between the advantages of being self-directed and the economic disadvantage of not being able to utilize economy of scale as do larger firms.

These limitations work themselves out in several ways:

• The sole practitioner must assume the role of legal handyman; 75 percent of his practice will be general work as compared to about 50 percent in a firm.

• The sole practitioner will suffer from constant malnutrition of facilities. His library, if any, will be constantly scrutinized under a magnifying glass and he will be beyond his power.

• Hours will generally be longer (unless he has a full time employee, and it usually does, they will be at the sole practitioner’s leisure), and the sole practitioner will have to fill all of the normal functions of secretary, bookkeeper and paralegal.

• Illness will be the bane of the sole practitioner. Income will be limited at first, and may always be lower for the sole practitioner than for his counterpart in a firm.

The sole practitioner will have to pay an overhead which is about 50 percent of his gross, as compared with about 30 percent for a firm.

These drawbacks will hold true, although somewhat less so, for a small firm of from two to six members, which will be hampered by the same inability to utilize economy of scale as is the sole practitioner.

There are these encouraging comparisons which seem, on their face, to overcome what solace may have had from the independence of sole practice. From them, one can imagine Dickens’ character, Nemo, in his garret, dying without the world being aware of his existence. Or perhaps because the world didn’t know.

Risks of Failure

This is too poetic and tragic, an exaggeration, of course. Attorney Foonberg is quick to recognize the liabilities and risks of failure. But he is optimistic because of his own success.

“It took me five years until my cumulative earnings as a self-employed lawyer equalled what my earnings as an employee would have been,” he said. “But after the fifth year I was ahead of my friends and I’ve never fallen behind on either a yearly or cumulative basis.”

Foonberg has begun to spread this message in a series of articles in the American Bar Association-sponsored, regional seminars, growing out of his original lectures on behalf of the California Bar Association. Seminars already have been held in Philadelphia and Chicago, and are being planned for New York, Houston and Hilton Head, S.C.

In his talks and writings, Foonberg stresses the ultimate viability of sole practice, though he reminds his audiences that it is not for everyone.

He urges starting lawyers to forego the traditional apprenticeship with an established firm.

Robert Weil and Mary Ann Altman, authors of HOW TO MANAGE YOUR OWN LAW OFFICE.

While most people look at this sole practice for gaining experience, Foonberg labels it “a crutch” and says the experience will be too limited in many firms to provide the expected benefit.

Once you have made the decision to start your own practice, you need about $2,000, Foonberg’s estimates, in addition to living expenses for a year. This is in order to purchase some of the most rudimentary tools of a practice such as stationery and a used typewriter and to make payments on modest furniture, the office rent, telephone service and malpractice insurance.

Starting a practice

The shingle’s up, the phone’s turned on.

Your stationery’s comin’;
Your mind is set on ‘ready’;
And your secretary’s hummin’.

Now all you need’s a client,
‘Cause it’s gettin’ right embarrassin’.
The only people walkin’ in
Are guys from West and Harri-son.

The people other lawyers send you
Always seem to
The kind who have big problems
But cannot pay the fee.

The overhead keeps going up;
Your biggest case you lose
And then the Bar sends you a note:
They want a check for dues.

Your friends all think that you are rich
‘Cause you are now a lawyer;
‘Yet, while your bills are pilein’ up
Your draw is gettin’ smaller.

And then one day it happens:
Your practice starts to grow.
You get another office
“Maintain a high consciousness level concerning the management of your professional lives.” Other- wise, everyone lives out, especially the attorney, whose rise from a fledgling practice was not exactory poetic.
Alumni toast success

By JAY COHEN

Sixty-five members of the Villanova Law School Class of 1966 held their 10-year reunion here, October 23. Laughter, good food and drink were in abundance as the affair opened, and it was, as Dean J. Willard O'Brien said, “a night to renew old friendships.”

It was a night, too, for serious reflection on the past, with a sense of achievement and an appreciation of the law school’s part in helping to attain that success. The alumni were solemn as they received Dean Associate J. Edward Collins’ toast. Calling himself “the oldest white man alive,” Collins said, “I’m glad to see you out of your swaddling clothes.”

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It was impossible, of course, that there were any dissent as to the reliability of the method of delivering the toast, for the routine of such solemnities, and before the fruitcake and wine, there were cocktails and hors d’oeuvres and a fireplace atmosphere straight from a Norman Rockwell print.

Couples poked fun at the class picture, saying: “The ears haven’t gotten any shorter,” or making joking references to the hair styles then. They joked, but it was true. THE WET HEAD WAS DEAD.

Some wives were heard to introduce themselves by their status during the three years of law school.

“He used to come up to State a lot. ‘No, we waited.” And many enjoyed recounting the story about Dean Collins, who once told his students to look to their right and left because one of their classmates wasn’t going to make it.

There was a serious discussion by the members at bar of the famous case of Beefcan’s, with some dissent as to the reliability of a Bourbon king for setting precedent.

The green-jacketed corps of Kelly’s caterers moved about with discipline and humor, even when a certain criminal attorney objected to Kelly’s introduction of saltines disguised as pizza. The rotund Kelly, himself, was ever vigilant, and gave The Docket tips on processing beef for a school.

The Dean Speaks

At dinner, alumni, who had come from as far away as Chicago and South Philadelphia, were greeted by Dean O’Brien, who congratulated them on their success, adding: “My students are the direct beneficiaries of your success.”

O’Brien spoke also of how the law school had grown since its inception. In the first five years, Villanova graduated 143 lawyers, whereas in the last five it had graduated 970, he said.

At the conclusion of dinner, James Gannon related to his former classmates the “marriages” which some had been fortunate enough to secure: Deputy Mayor Mike Wallace’s marriage to Frank Rizzo, Nino Tinari’s betrothal to Salvatore Soli and Rich Phillips’ wedding to basketball star Howard Porter. It was duly noted at the time that the idea of such consummated affairs produced a smile on the face of current Villanova Prof. J. Clayton Undercofler.

Dinner adjourned and the alumni moved back to the student lounge. There, some of the awkwardness became transformed into conversation, which some had been fortunate enough to secure: Deputy Mayor Mike Wallace’s marriage to Frank Rizzo, Nino Tinari’s betrothal to Salvatore Soli and Rich Phillips’ wedding to basketball star Howard Porter. It was duly noted at the time that the idea of such consummated affairs produced a smile on the face of current Villanova Prof. J. Clayton Undercofler.

O’Brien directed his remarks to the judges, lawyers, and educators present who, he said, made it possible to correct deficiencies which abound in the system through which justice for all individuals and for the community can be achieved.

A reception and dinner for 300 alumni, judges, administrators and faculty of the law school was held at Greer Hall following the Red Mass.

School celebrates annual Red Mass

By SUZANNE BLACK

The annual Red Mass of Villanova Law School was celebrated October 29 in St. Mary’s Chapel. The Vespasian Spirit was offered, the Divine Blessing on all who study and teach in the law school.

The Red Mass had its origins in France during the fourteenth century. It was first celebrated in England in 1310 at the opening of the Michelmas term at Westminster Abbey during the reign of Edward I. The traditional Mass was first introduced to the United States in New York, on October 6, 1928.

The Red Mass derives its name from the color of the vestments worn by the priest. It is celebrated in honor of St. Irene and St. Thomas More, the patrons of the legal profession.

Concelebrating this year’s Red Mass were the Very Rev. John M. Driscoll, O.S.A., president of Villanova University; and two past presidents of the University, the Rev. Edward J. McCarthy, O.S.A., and the Rev. Robert J. Welsh, O.S.A. The music for the celebration was provided by the Villanova Singers under the direction of Herbert Fiss.

Dean Speaks

Dean J. Willard O’Brien delivered the address to the assembly at the Red Mass. This marks the first time that a layman has spoken at the religious event.

Dean O’Brien directed his remarks to the judges, lawyers, and educators present who, he said, collectively comprise a group “influential enough to affect the operation of our entire legal system.”

There is a need for those who possess authority, according to Dean O’Brien, to take positive, constructive action to correct deficiencies which abound in the legal system. He feels that “lawyers can and must develop a system through which justice for
Changes in ocean law needed to meet crises

By RENEE McKENNA
Dr. John J. Logue, associate professor of political science at Villanova University, addressed students at the law school recently on the modern development of the law of the seas.

Logue, an activist and student in the field and director of the Villanova University’s World Order and Research Institute, stated that the seas are a source of tremendous natural wealth and a major vehicle toward international cooperation and peace through world-wide development of this resource.

Logue, who became involved with the movement toward a new marine law eight years ago, has written and published several articles on the topic and has published a book, The Fate of the Ocean, in which he discusses the drastic changes in ocean law he sees as necessary in order to meet the crises threatening the Earth’s waters.

Riches in the Sea

In his speech, Logue called the ocean revolution, “one of the most dangerous and, potentially, one of the most promising things going on in the world today.”

The ocean consists of 70 per cent of the Earth’s surface and offers a trillion dollar opportunity if developed properly. However, he added, “Presently, the law of the sea is inadequate to deal with the technology of modern man and his ‘Midas touch’.

According to Logue, the traditional law of the seas has two important characteristics: uniformity and freedom of the seas — freedom to sail and fish wherever and whenever desired. He noted that this trait is based on two underlying assumptions: (1) that the wealth of the seas is inexhaustible and (2) that the oceans can never be harmed by using them.

Neither of these have proven to be true, he said, and new laws are necessary to replace the laissez-faire system in light of the recent technological revolution which has exploited and polluted the seas to the point of ruin.

Several Responses

“There have been several responses to the call for new laws, both nationally and internationally,” according to Logue. The national response has been the most dramatic and the most threatening, he said. “Yet, he feels that the cure under his approach might be worse than the illness, since uniformity of law will be totally lost.

“The ocean belongs to the world; pollution of one area also pollutes another area,” he said. He advocates formulation of laws on the international level as the only solution.

“The common heritage of mankind” will be a fish and some dead seaweed. Forty percent of the ocean is already dead, he said.

Speaks at Bryn Mawr

Halimi as L’advocate

By MARITA TREAT

L’advocate (masculine gender) is lawyer in French. Gisele Halimi, member of the bar of the Paris Court of Appeals, has created the word L’advocate to describe the woman lawyer in her country.

The striking, Tunisian-born Halimi, clad in form-free burgundy velvet and silk, addressed a hall full of feminists and Francophiles (of both sexes) recently at Bryn Mawr College on “The Case of Women,” saying that improvements in French law concerning women are only the surface of the iceberg.

“Hate to do aspiration and such derisive comments,” she said. “There is no phallic, but triumphant!” Halimi, legal counsel for international feminist causes, disputed the exclusive women’s legal rights in France. Changes and improvements in the law regulating abortion, rape and divorce are but the surface of the iceberg, according to the co-founder and co-president of the feminist organization, Choisir.

Jail Penalty

Choisir worked on the bill for French Code 317 which last year repealed the penalty of jail for those convicted of having an abortion. The new law permitting abortion will expire in five years, however. Furthermore, in practice all raped women are treated as misdemeanors, the cases going before civil tribunals.

Attorney Halimi is working to get rape prosecuted as a felony, with the informer planned the entire crime. With this defense, according to Halimi, the FBI agents had known of the plan since the spring, and had the activists of the group under surveillance ever since. Many times during these months the FBI had opportunities to arrest the defendants for conspiracy, but did not.

According to Kairys, the FBI just derailed in a similar case by arresting other antiwar activists in Harrisburg, Pa., without sufficient proof. With this embarrassment behind it, the FBI wanted to make sure it didn’t happen again. It wanted to catch the Camden 28 in the midst of their illegal conduct.

To ensure the success of the operation, the FBI planted an informer within the group of activists. With the aid of the FBI, the informer planned the entire break-in and provided all the necessary equipment. Since the defendants were pre-disposed to commit the crime, the defense of entrapment was not available. Instead the defense of “overreaching government activity” was used. This theory had the support of Justice Frankfurter and the 9th Circuit, its basis being that if the government manufactures the crime, even though the defendant may be predisposed to commit it, than the defendant cannot be found guilty of the crime. With this defense, acquittals for all of the defendants were won.

More specific tactics included successful pre-trial motions that the prosecutor could not call itself “the government” and that the jury would be able to ask questions. The 28 defendants were also co-counsels, which meant all could examine and cross-examine witnesses, make objections, etc.

The defense also made piles of the equipment used to commit the offense. One pile was for all the objects contributed by the defendants, which contained several negligible items. The other pile consisted of a large amount of sophisticated, expensive equipment confiscated by the FBI through its informer. Kairys also attributed the success of the defense to the division of the country over the Viet Nam war and the emotional issues involved. These unique circumstances played a major role in the temperament of the case.

By LORRAINE FELEGY

David Kairys, one of the attorneys who successfully defended the Camden 28, talked to students October 28 about political trial tactics. Kairys suggested looking at the issues, their significance in an historical context, and the people involved to determine what strategies to use.

The case of the Camden 28 dealt with the prosecution of antIwar activists who were found, in August 1971, in the Camden draft board office ripping and shredding the files. The FBI agents had known of the plan since the spring, and had the activists of the group under surveillance ever since. Many times during these months the FBI had opportunities to arrest the defendants for conspiracy, but did not.

According to Kairys, the FBI had just derailed in a similar case by arresting other antiwar activists in Harrisburg, Pa., without sufficient proof. With this embarrassment behind it, the FBI wanted to make sure it didn’t happen again. It wanted to catch the Camden 28 in the midst of their illegal conduct.

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Tenure politics

The creation of the Tenure Screening Committee represents a considerable step in more effectively evaluating faculty members at Villanova Law School. Previously the law school utilized an essentially imprecise and unstructured tenure-granting process by which faculty members were privately notified of their unsuitability. The newly instituted procedures, which include specified criteria to assess a professor’s performance (See Page one for faculty tenure story), will hopefully compel tenure-screening members to exercise a more enlightened judgment.

Although these procedures and criteria are a decided advance over past practices, we believe that a student member on the Tenure Screening Committee would significantly contribute to the committee’s effectiveness. Because students necessarily possess greater opportunities to observe and scrutinize a professor’s class performance (which is a primary consideration in granting tenure) student input should be extended from the more limited, current role of submitting written comments to a defined position in the actual decision-making process.

Although the faculty has previously rejected this proposal, primarily due to the personal and confidential nature of some of the information received by the committee, this attitude implicitly suggests that a responsible law student would be unable to handle confidential information. This unwarranted and unjustified assumption necessarily leads to greater distrust of and skepticism toward faculty members by students.

A more limited proposal than a student seat on the Tenure Screening Committee would be the organization of a student committee to make recommendations on tenure to the Tenure Screening Committee based upon less confidential, but more student-related information.

We perceive no cogent justification for excluding students from considering such topics as: (1) teaching effectiveness, (2) contributions to the law school (beyond regular teaching responsibilities), (3) significant scholarship as evidenced in legal publications and (4) contributions to the university and the legal profession.

In conclusion, although the above proposal of a student committee possesses some merit, a more effective approach to the issue of faculty tenure would include a student member on the Tenure Screening Committee involved in the actual decision-making process itself.

SBA economics

The SBA has made admirable progress in attempting to tighten up its allocation of funds to student organizations which sometimes could care less about how systematically they plan and budget their expenditures. Although The Docket admittely enjoys its share of the beer and pretzels, we find it particularly disappointing that substantial sums of money are subsequently spent on such items, in large measure due to a lack of student interest in more substantial law-related activities. Moreover, there are some basic problems in the procedures employed by the SBA in its consideration and adoption of particular expenditures.

Too many budget requests are presented, discussed and voted upon by members of the SBA who are also members of the particular student organizations requesting funds. Although many of these allocations may be based upon sound judgments, the mere appearance of such potential conflicts of interest tends to undermine confidence in the integrity of the system.

One solution might be to compel SBA members, who are also members of the particular student organizations requesting funds, to exclude themselves from either presenting and discussing the budget requests or from voting upon them. It also is strongly suggested that the SBA record which of its members are voting for or against particular budget requests to allow an effective examination of the impact of special interest group members.

There is an additional problem which has precluded the SBA from more carefully anticipating future expenditures in that the budget for the school year cannot be adopted until about halfway through the first semester, when first-year students are elected as class representatives.

Although there are strong arguments militating against exclusion of first-year members from the budgeting process by holding it earlier in the first semester, it would not be unreasonable to at least compel student organizations, which are largely managed by second- and third-year students, to submit their requests earlier in the first semester so the relevant information would be immediately available for consideration.

On the whole, the SBA should continue to move toward more systematic and organized methods of distributing funds. Although there are difficulties involved, the SBA should attempt to eliminate the pervasive appearance of conflicts of interest and to require student organizations to submit budgets before the election of first-year representatives.
ers: course comments, apathy and praise

The first year

Whisky!

and Wino's ethos and her themes

Drive us to the stairs of darkest dreams

Whisky!

Can we forgive in soma or in wine

The steps eternal laid hard against the spine

Whisky!

For can we ever forget the dark shouts out our pain?

Whisky!

And when the fear nights, oh drive us on

Our face a mask, and all to this forgone

The staircase winks and beckons to us, infinite of scope

And while we stop to weep, The Rest go up.

Marita Treat

To the Editor:

Just a few comments on what might be my biggest gripe at this law school — namely the students. I say this in response to the article in the last issue of The Docket concerning course and student evaluations. I happen to feel that the student body in general is a bunch of self-appointed artists. My remarks on this are generally pointed to the evaluation of Professor Frug. It is really hard to pinpoint my exact sentiments, but my feeling is that students can almost get cruel in these evaluations.

A case in point would be Professor Cohen teaching Torta two years ago. Old Annie was struggling, and yet instead of trying to pick up the slack the students took the opposite tack. Not only that, but from talking to many other students in that class I believe the evaluations were horrid.

Prof. Cohen tried a different approach this year, and he's done it a bit differently from Dean O'Brien, and he paid the price for it. Cohen would try to stimulate classroom discussion, and yet the vast majority of students found it much easier to sit on their fat derrieres and expect to be entertained.

Beyond that, my own perception of the whole class attitude was that some how all first-year evaluations were being taken on Cohen. If "Jocko" get upset, you look it out on Cohen.

I think much the same thing happened with Prof. Frug last year. In Con Law II it was again a question of the students wanting to be entertained. I think it was obvious that this new subject matter was difficult to teach, and yet students seemed to go directly opposite to what I would expect (or expect before I got back).

I guess the secret lies in intimidating the students. Make them afraid of you, treat them like children, and they'll love you, perhaps even write poems about you in The Docket, or try to act as if you matter over in class and so on, it is likely they'll step all over you.

Joseph R. Glancy
President Judge
Philadelphia Municipal Court

Do reviewers have more fun?

By Eric Hersh

Being a law student, I occasionally get requests from my college friends to let them sit in with me for a day. In October I accepted and ate Bernie come down for a day in the life of a law student. I was ready to impress him with how great the school was. Bernie came early in the morning and was duly impressed by the classes and the professors. Something happened, though, on the way to the coffee room Bernie stepped to look at the career board. His first comment was rather astute. "The names on the interviews for law reviews are different," I explained that they were mostly Law Review students and that only the top third of the class received most of the interviews.

That answer didn't satisfy him, and he wanted to know if a career job was hard for the other two-thirds of the school. I told him all about Martindale-Hubbell, and the fact that, in addition, the career department supplied lists of names of firms. I finally did have to admit, however, that the lists were not of firms that were hiring, but just firms.

Determined now to impress him, I took him out for a quick pizza before coming back for some studying. Since I was deep in concentration, trying to make up time from my last coffee break, I was startled when the librarian started latching in front of me and said, "Isn't that guy studying from a~

I said, "Can't be. It's an honor code violation for Law Review students, so it is.

Berman looked puzzled. "Isn't it still early?" he asked. "No, I replied, "it's a quarter to twelve."

"It is early," he asserted.

"Well, whatever, the rule says you have to be out of the library by twelve so we have to go."

As he slowly packed up his copy of Samuelson's Economics Bernie noticed some people were not leaving and pointed it out to me. I had to patiently explain that the person he noticed was on Law Review and was allowed to stay to do his Law Review work. Bernie knew he had me now.

Isn't that guy studying from a corporations book?"

I said, "Can't be. It's an honor code violation for Law Review students, so it is.

Berman looked puzzled. "Isn't it still early?" he asked. "No, I replied, "it's a quarter to twelve."

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"Well, whatever, the rule says you have to be out of the library by twelve so we have to go."

November, 1976 ♦ THE DOCKET ♦ Page 7

To the Editor:

On October 18 a meeting of the Council of Student Bar Associations was held, an event which was open to the student body. Two non-member students attended. On that occasion the Range Planning Committee held a similar meeting. One non-member student attended. Both the Council of Student Bar Associations and the Committee have been and/or will be meeting regularly. And while we stop to weep. The Rest go up.

Mike Reed, Linda Salton, Members of the Student Bar Association

Apathy criticized

To the Editor:

The article concerning "Professor's Ratings" in the last issue of The Docket was an astonishingly inept piece of work. It was loaded with misinformation and, even worse, omitted necessary information. Considering that students are interested in the values and uses of course evaluations and how language by the Faculty and Administration, the article was potentially of great interest. As written, it conveyed no real information, i.e. it was a net loss to the student body.

First, your article reports that "teaching has improved significantly in the 1975-76 academic year." We would like to know how you arrived at this figure. None of the students involved in administration and tabulating the results of evaluations. I concur with your statement that "one cannot measure in an average sense performance of the faculty as a whole by averaging their average performance. If there are 10 outstanding professors and 10 slugs you don't have, by averaging, a competent faculty; you have 10 aces and slugs. Even if valid, the comparison, at any rate, would be incredibly difficult to make since each course evaluation result would have to be weighed according to response, all variables factored out and each course compared singly with the same course given for the prior year.

The article also boldly states that "a better picture of performance can be seen through . . . an average of course ratings." This is absolutely false and demonstrates an unbelievable misconception about the evaluation forms. They are course evaluations, not professor evaluations. Yes, we know that a professor is 90% of the course. But we also know that Prof. Con Law is not the same as Prof. Sex Discrimination and so forth. The average is misleading. We would very much like to see how the evaluation form was filled out by the students, how the teaching was performed, etc. We would like to know how the students feeling about the professors. Since this is a similar meeting. One non-member student was present. I have here another, other than The Docket, who really believes that each member of the faculty is equally competent to teach any course; that one will receive the same average evaluation regardless of what he teaches.

The Chart on Page 11 produces the data that The Docket thinks is valuable. It is virtually incomprehensible and, even if understood, gives no information of any value. The total number of students, meaningless in isolation, to professors and says nothing at all about the course which was, after all, merely the subject of the evaluation. Based on Parkett's 100 percent evaluation would you take him for Prof. Tax? Do you, The Docket, maintain that performance is unrelated to the course taught?

The Docket reports that faculty members state that the poll is "too unreliable to be relevant." Here, at last, we see the germ of what could have been a worthwhile story. Does the faculty really believe that Schoenfeld's efforts were respected by a majority of the students? If the poll is unreliable, as they claim, it follows that they believe that the facts are different than what the poll indicates.

Do they believe that Frug taught Civil Pro. well and actually received student acclaim? Do they believe that Hyson's Environmental Law is receiving the high marks that it did in the past? How reliable does the poll have to be before it is acceptable to these nameless naysayers? We suspect that these people who choose to ignore the poll are the same ones who choose to improve their shoddy teaching performance, term after term.

Unreliability can be factored out of a statistic by allowing for a "margin of error," Normally a margin is five to 10 percent. A truly unreliable statistic that samples over 35 percent of the population might deserve a margin of 20 percent at the most. The article did not mention, regarding unreliability and crank in a statistic, the margin of error. The courses named emerge as dogs. The allowance of this unnecessarily large margin of error renders the results reliable regardless of the fact that the margin is "figment of your imagination."

We feel that this article inaccurately depicted the results of the course evaluations in that it attempted to interpret the results rather than merely to report them. The article also averaged data which, when averaged, lost all meaning. Perhaps the greatest error was the failure to check out the necessary sources, i.e. the SBA members involved with the evaluations.

Michael Halprin '78
How to ace a first year exam

by Frederick P. Rothman

Notice that it's one of the guys who doesn't teach the first year courses who is sounding off on technique for taking first-year examinations. My comments may lack credibility. In addition, they do not necessarily reflect the opinions of my colleagues, particularly those who do teach first-year courses.

Read the question carefully. Focus on the question being asked. You are going to have to address yourself to that question at some point; why not at the beginning of your answer? If you were writing an interesting murder mystery (a la Professor Dobbyn), you wouldn't want to save the best for last; but in a law school examination it is easier for the grader to follow your analysis if he knows your conclusion first. You would be surprised how many students write for hours without ever finding, much less answering, the question.

Now that you know what you are going to have to do (answer the question), you should suppress the impulse to begin to write. Before you read the first paragraph of the question, the person on your left will be writing. And before you find the issue, it will seem to be the one that the grader is on his or her second blue-book. Stifle your pen for one-quarter of the time suggested for answering the question. Often there is no single correct answer; and if there is, it counts for nothing without analysis. Decide first what you want to say. This requires that you determine which facts go with what issues and which facts are irrelevant. That's right, professors are tricky; not all the facts are relevant. The lawyer in practice comes across irrelevant facts; so must the examinee.

Don't Assume

Worse than the irrelevant fact is the missing fact. If you discover that you must have additional information, explain why you need it. Don't assume the fact that makes resolution of the question easy. Give alternate assumptions and the analysis that follows from each. Under no circumstances should you assume facts which are not necessary in order to answer the question.

The issues often have logical order. Would it not aid communication if you could ascertain and then follow that order? For example, there has to be a fact. If you discover that you must have additional facts are irrelevant. That's right, professors are tricky; not all the facts are relevant. The lawyer in practice comes across irrelevant facts; so must the examinee.

Don't Bluff

If you get to a point in your analysis where you cannot remember a particular legal principle, don't try to bluff. Indicate your recollection and then analyze the issue using alternate answers to the forgotten point. Don't omit the issue entirely, since recognition of the issue often earns substantial credit. If you run short of time — and this happens all too often, more by those who start to write before they have thoroughly analyzed the problem — copy your outline into your bluebook with a short note to the grader: Have only 5 minutes left for this question. Don't give the question all the time you think it needs. Getting an Ace on that question and failing the rest of the examination will not put you near the top of the class.

Naturally, there is an exception. If the examiner has suggested that you spend 90 minutes on a question and you have answered it with ease in 10 minutes, stop, reread the question, and see if there is not another point which the examiner may want you to discuss. This process is especially important (Continued on page 9)

Clinical programs: how-to courses

By Lillian Kachmar

The Community Legal Services (CLS) Program is one of the clinical courses offered at Villanova Law School which allows the student to develop skills in dealing with clients with a variety of civil law problems. Students in the program work as volunteers for the Delaware County Legal Assistance Association (DCLAA) which was established to deal with the civil problems of the poor.

The CLS Program has a maximum enrollment of 35 students, with 32 students presently participating, eight third-year student supervisors. The course spans two semesters and requires the student to participate for both semesters in order to receive credit (one credit per semester). The program begins with an orientation period which lasts about four weeks, during which students meet a couple of nights a week for lectures in preparation for duties they will assume.

Client Intake

After orientation, the student begins client intake, and is expected to (1) follow-up the client with any necessary research, (2) negotiate to determine if the client's case can be settled short of litigation, and (3) prepare for litigation should negotiations fail. Formal litigation is handled by practicing attorneys or third-year students certified in accordance with Pennsylvania Supreme Court Rule 11.

Second-year students work under both the supervision of a third-year student, who has previously participated in the program, and a practicing attorney from DCLAA. Experience Counts

Due to their previous participation in the program and their additional training during the summer, the third-year students who supervise new members of the CLS program are intimate with the functioning of the DCLAA and the CLS program. Their experience and guidance can be invaluable to second-year members.

In addition, third-year student supervisors receive two credits, a
How to ace a first-year exam

(Continued from page 8)

where you don’t have to hit the books for the exam because of the reasonable conclusion you came to with respect to the threshold question. Arguedo, decide the other way. Generally, the issues are not clearcut. Each party can usually raise some nonfrivolous argument, even where it is not likely to succeed. Make it a point to look at all sides of each issue.

Reread Your Answer

When you finish your answer, take a couple of minutes to read your answer again. That missing "not" can be critical. The grader does not know that you meant to accept o'f what is the best student performance he can tolerate — the Ace — and what kind of an answer to state the concepts. Don’t waste the examination starts. Exercise good judgment. Don’t wait for the grades to come out. Your excuse will not be accepted. Be sure to elect first-year representatives earlier in the fall — at least on

SBA adopts budget

Although the SBA has taken a positive step in improving the budgeting process, a few problems still exist. Anguish Becker, the president here are very lowly in the way they get things done. Organizations are something they work on in their spare time. You’re here to go to law school and not to run an International Law Society. It’s not like college where you have somebody who hangs out at the union building all day planning activities.

Another problem is a possible conflict of interest of some SBA members, i.e., SBA members who are also members of other student organizations on the amount of funds to be allocated to that organization. A rule was recently proposed that SBA members who also belonged to other groups could not vote on the distribution of funds to the SBA. This proposal was tabled by the SBA and probably will be raised again next semester.

My suggestions are hard to implement. Organization, analysis, ability to compose an English sentence, as well as the ability to stifle one’s pressures will be with us. 

Hahn books new job

By KIM McFADDEN

Susanne Hahn, a familiar member of the library staff, said she will make a farewell to Villanova Law School on October 29. A member of the library staff for three years, and reference librarian for the past year, Hahn relinquished her post to assume the position of head librarian for the Philadelphia firm of Schnader, Harrison, Segal and Lewis.

Hahn received her B.A. in English from the University of Pennsylvania. After raising a family, she decided to return to work as a professor of business English at the Institute of Computer Sciences in Philadelphia. She held a teaching position in library science, sublimated after graduation from college, was satisfied by graduate studies at Villanova's Graduate School of Library Science. While a student on the other side of the tracks, Hahn worked in the law school library and was promoted to reference librarian upon completion of her studies.

The administrative responsibilities inherent in her new position are challenging prospects for Hahn. Although anxious to commence this phase of her career, Hahn departed with gratitude for the experiences Villanova Law School has offered — the pleasure of working with students, friendships of staff and colleagues who are always trying to do the best.

Minority career day

By VELMA BOOZER

The third annual Law Career Day for minorities was held at Temple Law Center, November 6. The event was sponsored by the Black American Law Students Association and Puerto Rican American Law Organization chapters of Villanova, Temple, Penn and Rutgers (Camden). Legal representatives from the minority community were on hand to discuss opportunities in the legal profession for minority attorneys and workshops were held on topics of special concern to the minority attorney. The event was open to law students as well as undergraduates contemplating legal careers.

(Continued on page 12)
Alumnae in their experiences

By NANCY FELTON

Three women attorneys met with students recently to share their experiences in the legal job market with students recently. The session opened with speeches by three alumnae graduates of Villanova Law School. The three alumnae graduates — were Janet Perry '77, now an associate at Pepper, Hamilton & Scheetz; Linda Caracappa, '74, who is the first woman assistant district attorney in Philadelphia; and Debbie Cohen, '75, who is a partner in the Philadelphia law firm of Peiffer, Hamamoto & Trauber. The three alumnae graduates — were Janet Perry '77, now an associate at Pepper, Hamilton & Scheetz; Linda Caracappa, '74, who is the first woman assistant district attorney in Philadelphia; and Debbie Cohen, '75, who is a partner in the Philadelphia law firm of Peiffer, Hamamoto & Trauber. Caracappa remarked that her class at the law school was the first to make the information available to the class, and that the number of women admitted from eight to 25 (approximately 10 percent of the first-year class). She feels that a woman practicing in Bucks County is more visible than in a city like Philadelphia.
**Superbowl truly “super”**

Taney-More “B” outlasts WSA, 25-20

(Continued from page 8)

one for each semester that they participate both semesters.

According to Prof. Wenk, no expansion in the CLS program is anticipated and no expansion is possible without more faculty participation. With respect to student motivation lower half of junior is not available.

"It is difficult to find a good replacement for a formal clinical program generally that, although he would like to see the courts and the district attorney's office have been cooperative and have worked with the students.

Participating students are certified under Rule 11 and can practice as attorneys representing juveniles in Delaware County's Juvenile Court. The program for the participation of the Public Defenders office in which provides the clients, and Professor Packel, faculty supervisor, who selects the cases to be dealt with by the students.

**20 Student Maximum**

The Juvenile Justice Program has a maximum enrollment of 20 students. It is a two-credit course which lasts only one semester, with two hours a week in class sessions, with the clinical work serving as a replacement for a formal examination.

Class sessions include lectures on Juvenile Law, several simulated trials of juvenile cases and some discussion of the cases students are handling. Students form teams of two, with each team being assigned two cases a semester. Upon being assigned, a team can contact the client and make arrangements to meet. Usually students use the Public Defenders office in which to conduct the interview. Packel closely supervises the students and their dealings with clients.

**Few Real Trials**

Although only a few cases go to court, students do try cases Packel goes to court to satisfy Rule 11 requirements for criminal cases. According to Packel, there are three goals of the program: (1) to teach a substantive course in Juvenile Law; (2) to allow students to work in the field under close supervision; (3) to develop and refine a student's lawyering skills, i.e., interviewing techniques, investigation, negotiation with the district attorney and sentencing procedure.

Packel says that he selects cases which have just been submitted to the courts by the police or district attorney. He case the course in the course of the semester. Juvenile cases by nature are easy to handle quickly, and can begin and end in the course of a few months.

**Good Reaction**

According to Packel, the response of the judges and the probation staff of Delaware County has been very favorable to the students' performance in the program. He further noted that the court is cooperative and has been attentive to the attorney's office having been cooperative and have worked with the Packel.

Packel commented that although he would like to see the expansion of clinical programs in the law school, "Clinical programs are very expensive and consume much faculty time."

In addition, Packel's alums for the limited number of students in his program and the limited number of cases that packel has further observed with regard to clinical programs generally that, difficult to find a good vehicle for a clinical program. That is, a real legal problem of some complexity emerging and ending in a reasonable time, so students can see the case through with clients willing to let students work with them.

**Starting salaries**

(Continued from page 10)

ber of graduates who would jump at the offer. The number of unaccredited law schools springing up from nowhere would tend to support the fact that applying to law school "is a popular campus pastime." There is a trend, though, which indicates the applications are leveling off.

**Bright at Top**

For those fortunate 10 percent above us, the situation is a bit brighter. They are still being of interest to corporations, Kilmer notes. A night-school graduate can probably expect the lowest starting salary of the group, Kilmer said.

Students in federal courts were recently surveyed by their professors. Student Mark Gilben sauntered into class wearing nothing but a T-shirt and sneakers, "I think it would be really nice to have a championship ring." he said. The next day, Merritt rallied his team and was out to avenge their opponent's loss, which came at the hands of their opponents.

TMB, though, had suffered a terrible misfortune when ace receiver Brad Bury broke his hand in a pre-game practice the previous day. He was a doubtful starter at gametime. TMB had been in the finals in the previous two years, but had come up short both times. The thought went through the minds of players and officials, "What is it that we lack?" Why would they again lose? What is it that we lack? Would they change again?"

**Rally Round Boys**

Player-coach Jon Kissel rallied his team around him just before gametime.

"I think it would be really nice to go out a winner after the last two years," the mentor said in true Lombardi-like form.

Meanwhile, WSA player-coach Ted Merritt seemed to exude confidence as he gathered his team silently before the opening kickoff.

The first half proved to be about exciting as most superbowls.

"I think it would be really nice to go out a winner after the last two years," the mentor said in true Lombardi-like form. Merritt invited back Tom Bruno open on a delay pass. Misses looked like that of the Eagles in the vintage years of Joe Kuharich. Neither team punted in the second half, and both moved the ball at will.

WSA took the lead early in the half when Jerry Merritt found his favorite target, end Phil Katakus on a bomb. Katakus made a spectacular leap, hugging, catch as he overcame the best efforts of a leaping Kissel. WSA converted on the extra point attempt to take a 7-0 lead.

**TMB Strikes**

TMB came right back behind the excellent leadership of Deschler to retake the lead. On a key fourth down, he hit Bury on a corner pattern from five yards out and the speedy receiver made a diving catch, bad hand and all. The win showcased really began.

Merritt found Ed Murphy open out of the backfield to regain the lead at 13-12 with just 2:18 remaining. TMB came right back as Deschler found John "Mercury" Blum on two pass plays to set up a one-yard run by Bruno with 1:35 left. Bury hauled in a Deschler toss for the extra point to make the score 14-13.

WSA was far from finished, however. Merritt, who was successful in avoiding pressure all day, hit Katakus scissoring across the middle for another score to put the game out of reach.

Merritt then hit Murphy for the extra point and WSA forged ahead one more time.

TMB had to respond and Deschler was equal to the task. He executed a neat draw play to gain a few yards before being tackled. He was then lateraled to the outside.

**Last Ditch Attempt**

An incomplete pass left the clock stopped with only one tick of the clock to go. Time for one more play. Merritt rolled right and found Joe Dorewitz with one foot on the goal line. His flag was quickly pulled as he reached back to make the catch. Referee Nick Caniglia, who was on top of all the action, instantly made the call. The ball had never crossed the plane of the goal line. No touchdown, and TMB had won. The winners exulted while WSA briefly disputed the call, then left disappointed, but certainly proud of their great showing.

An exuberant Kissel afterwards credited Bury, Deschler, and Blum as the outstanding players for the championship.

"Brad Bury did a great job with a broken hand, and Deschler kept his head on offense," he commented. "John Blum is a man of my heart. He gave me heart failure and caused me to scream constantly all year. But he played his heart out today and never played better."

His counterpart, Merritt, was gracious in defeat as he drown his disappointment over a few cold drafts at the TGLF.

"I'm glad it really was a super-bowl in every sense of the word. Today I thought we had it won three or four times. Now I just wish we had that championship ring."

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**In the next issue**

Phil Lerner on basketball
Volleyball ends in thriller

By AL TRABEILY and JON KISSEL

The intramural volleyball program has become a tremendous success after only two years in existence. With over 150 participants, Volleyball Commissioner Howard Heckman boasts that the activity is the leading sports outlet for the entire law school.

Heckman, whose presence on the field is more frequent than in the classroom, attributes the participation in volleyball to the fact that it is the only true coed sport at the school.

Bolstered by little Kent Johnson, CIC spiked its way to a 9-0 regular season mark, the only defeat coming at the hands of a surprising Whites-Highwater "A" team, led by Ernie Ruberg mastermind, Jim Staudt and Ed Murphy. After finishing on top of Division I, CIC was ready and waiting for a chance to play in the championship again; but in order to do so it had to face and defeat the winter of the TMB (7-3) and HWA (6-4) contest.

Minority career day

(Continued from page 9)

Admissions material and financial information were available to prospective applicants of the participating law schools.

The morning session began with opening talks by Robert Ward, the chairperson of BALSA at Temple, and comments by the dean of the Villanova School, J. Liacouras. Dr. Richard Adams of the Educational Testing Service explained the LSDAS testing service which is used by most law schools in their admissions process. The keynote address was given by Charles Bowser.

The afternoon sessions consisted of several workshops covering various topics,][13]

Reimels upsets

By JEFF LIEBERMAN

Oral arguments in rounds 2 and 2-1/2 have eliminated all but eight teams from this year's second-year moot court. A major upset came in round two when the University of Iowa team upset the incumbent champions, the University of California in round one. The second-round upset came when the University of California-Berkeley defeated the University of California-Davis in the first preliminary round.

Minority career day

(Continued from page 10)

Admissions, as a committee, is committed to answer each of these questions in the negative, but may allow each member of the committee to award such preference as he desires excepting his individual vote. A definite faculty policy encourages the committee to admit a number of qualified minority applicants in an effort to decrease the under-representation of minority groups and the legal profession.

The evaluation of each applicant is vitally important, but the minority committee is essentially directed toward the question of whether the applicant should be judged solely on the basis of race, social status, academic index number or whether there are other factors which should be considered. Other things being equal, an applicant with a high index number is preferable to a applicant with a lower index number.

Minority career day

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