By Jeff Lieberman
The Hon. William H. Rehnquist, associate justice of the U.S. Supreme Court, will head a panel of three distinguished jurists in judging the final round of the Reimel Moot Court Competition on April 16 at Villanova. Rehnquist, who will preside as chief justice of the "U.S. Court" for purposes of the competition, received his law degree from Stanford University. He was nominated to the Court in 1971 by President Richard M. Nixon. Sitting along with the 22-year-old Rehnquist will be The Hon. Collins J. Seitz, chief judge of the U.S. Court of Appeals (3rd Circuit); and the Hon. Morris Pashman, associate justice on the Supreme Court of New Jersey.

Pashman, with a reputation as a liberal — activist, is seen as an excellent contrast to the more conservative Rehnquist. Seitz, 62, has served as a justice on the U.S. Court of Appeals since 1965 and has been chief justice since 1971.

Rehnquist recently confirmed his participation, according to Prof. John Hyson, Most Court faculty advisor. Invitations were sent to U.S. Supreme Court justices last February, said Hyson, to assure their representation on the "court" in the finals.

Four Teams Left
Meanwhile, in the quest for the championship, the field has been narrowed to four teams. Arguing before judges from area Common Pleas courts on January 26, four more teams were eliminated from competition. The results were as follows: Weinstein-Gallagher over Berman-Berner; the Caldwell-Kelly team was defeated by McAndrews-Guidara; McFadden-Seeger bested D'Amica-Burns; and the only third-year team still in the competition, Mehan-Russo, defeated Robet-Schwartz.

Cash Prizes
The survivors now advance to the semifinal round, to be held February 23 at 7:30 p.m. The two teams losing in the semifinals will each receive a consolation prize of $50. For the victors, it will be on to the finals and a chance for the grand prize of $175.

Victory eludes mock trial team
By John Halebian
A Villanova Law School team composed of Robert Freed and John McFadden was narrowly defeated by a team from Dickinson Law School in the semifinal round of the Regional National Moot Trial Competition held at Temple Law School February 5 and 6. As a result, two Dickinson teams advanced to the final round. Villanova finished third in a field of 12 teams, which also included representatives from New York University School of Law, Brooklyn Law School and Temple Law School. Another team composed of Phillip Kataraise and Charles Dismore also represented Villanova in the competition.

In last year's competition, the first year it was held, a team composed of Pamela Phillips Maki and David Woywot won the regional competition and went on to place third in the nation at the finals held in Houston, Tex.

During the 12-hour session following the semifinal round, one judge severely criticized the theoretical structure of the competition by calling it "a dreadful and frustrating experience" for the judges.

"In each case," he said, "before we go to the grand jury for an indictment, we sit there and review the case as a defense lawyer would."

Leisurely Pace
Hoffman's cases proceed at a rather more leisurely pace than must criminal prosecutions because, within the statute of limitations, there is no pressing necessity either to indict or drop the case. The result is that the attorneys and their teams of investigators have ample time to investigate and research all facets of the case before making the decision to indict.

"Before you indict," he said, "you've got an excellent opportunity to close up all the holes in your case. If you can analyze it properly to know where the holes are."

Target Wilmington
One example of this process at work was Hoffman's investigation of a suspected "pattern of fraud" in the Wilmington office of the Federal Housing Administration. By assembling and analyzing individual case files, he developed a theory "that there were probably numerous others involved who didn't appear in our files."

Hoffman had Wilmington designated one of 30 "target cities", acquired the services of investigators from the Internal Revenue Service, the Department of Housing and Urban Development and the FBI, and set up a special investigating grand jury.

The investigation, which is now "winding down," has resulted in 28 convictions. An indication of its thoroughness was a 139-count indictment returned against the director of the FHA office in Wilmington.

Defense counsel in the case against the FHA director was Edward Bennett Williams, the Washington firm of Williams, Connolly and Califano; Hoffman characterized the firm as one of the leading white-collar crime defense outfits in the country.

Williams' only choice, Hoffman said, was to plead his client guilty in exchange for a four-year sentence.

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Continued on page 2)
Attorney's degree helps in big-time sports deals

By Rick Troncelliti

Richard Phillips, '66, a local attorney best known for his work in representing professional athletes, spoke at a Law School Forum on "Sports and the Law" February 9. Phillips discussed his dealings as an agent representing players in contract negotiations with the owners of various teams, most of which are in the National Basketball Association.

Among the many prominent sports figures that Phillips represents are NBA players, Howard Porter, Norm Van Lier, and Joe Bryant, Philadelphia 76ers coach Gene Shue, and Marquette University basketball coach Al McGuire.

Phillips stressed the relationship of his legal background to his work in the sports negotiation process. "Criminal Law means a great deal," the former Philadelphia assistant district attorney commented, "as well as contract and antitrust law. Without a legal background I could not have helped in some of these cases."

The first athlete that Phillips had as a client was former Villanova basketball star Howard Porter, now of the Detroit Pistons. Porter had signed several agreements with agents and an NBA team.

"We were looking for in-firmities in the deal which would get him out of a $350,000 deal with the Pittsburgh Condors into a $1.5 million deal with the Chicago Bulls," Phillips said. Phillips had met Porter at several basketball banquets while working in the D.A.'s office, and Porter asked him for help when negotiations with the Bulls broke off. Phillips succeeded in completing the deal and then went on to negotiate contracts for other players on the Bulls.

Recommendations Count

Phillips commented that many of his clients come to him on the recommendations of others throughout the league. "Howard Porter became friends with another Chicago rookie named Clifford Ray," Phillips said, "and told him, I spend what you're making in tips. You get in touch with my man Richie Phillips and he'll take care of you."

Eventually, Phillips represented several of the Bulls, and word of his ability spread throughout the basketball world. He has represented several clubs, as well as players and coaches in negotiations.

Working from a basic premise that "all these guys are crazy" Phillips claimed to have little trouble in dealing with the high-salaried professionals.

The reason that all these guys are crazy is because of the attention that has been focused upon them and they were in high school," he said, "I know that I'm crazy and they know I'm just as crazy as they are. If they like it fine. If they don't they can get someone else.

Phelps Law Draft

A large part of the discussion was centered on the problems of the college draft and the option clause in NBA contracts, and the effects their elimination would have.

If I think we should have the free enterprise system with competitive bidding. There will always be owners wanting to get a franchise because of the tax advantages and if they are willing to spend the money for players, they will hire the players as people are willing to pay for the product."

By Barry Schuster

Ed Rendell, '68, returned to Villanova recently for the Democratic nomination for district attorney in Philadelphia. Rendell discussed a wide range of issues and explained his candidacy as running against the system and the organization of current Dist. Atty. F. Emmett Fitzpatrick.

After graduation from Villanova, Rendell joined the District Attorney's Office, where, in 1970, he was named assistant chief of the homicide division. Under his supervision new programs in the handling of homicide cases. In 1973 he was promoted to chief of the homicide division where he remained until the election of Fitzpatrick.

In April of 1976, Rendell returned to public service to join the Office of Special Prosecutor as first assistant special prosecutor. That office was closed amid much publicity recently when the Pennsylvania legislature refused to allocate federal funds for the special prosecutor.

"Matter of Integrity"

Rendell sees his campaign as "a matter of integrity" and hard work. He spoke emphatically of the need to "reappraise the working spirit in the District Attorney's Office which was lost under Fitzpatrick." Rendell believes that extra effort by district attorneys to work with witnesses and victims throughout the prosecution is necessary to restore effective prosecution. He also called for judicial accountability and an end to judge shopping.

On the issue of police brutality, Rendell said that he would be tough. But, he added, "Police brutality among a small number of police against themselves, as much as the victim. The average policeman will see a fair proportion which will restore confidence and help the entire Philadelphia Police."

The school has extended a similar invitation to speak to Fitzpatrick. He is scheduled to present his campaign platform February 21.

Unreliable Barometer

"It's one thing to 'get' a certain grade," he added. "But it may not be a very reliable barometer of personal performance. Any employer who refuses to hire a person because he was in the bottom half of his class is wrong. The only way in which grades act as a barometer is that they indicate a certain discipline in writing law school exams."

And Hoffman suggests that isn't a terribly valuable skill in the life of a practicing lawyer. "Writing law exams actually hurt me in my first three or four litigation briefs," he said, because he came across as more of a law student scribbling for an A than as an advocate urging his argument on the court.

Hoffman's career timetable has him scheduled to leave the U.S. Attorney's office in May. At the moment he is considering either returning to Philadelphia to enter private practice, or remaining in Delaware, sitting for Delaware bar in July and taking up private practice there.

VLS alumn honored

(Continued from page 1)
The entire amount of $3,870, except for occasional matching funds from the ABA/LSD, comes from student fees.

The SBA in allotting the funds makes an internal (their own) allocation first. Then the other organizations are accommodated. Only the Women's Association and the Rugby Club received less registration fees.

The Rugby Club was allotted $100 of its $300 request, but there was grudging opposition to giving it anything, apparently because it is a purely recreational activity and had already received its $100 for the fall semester.

_Some Inconsistency_ Although SBA proceedings appear to be haphazard and informal, they are effective. The few attempts at formality led to embarrassing inconsistencies. The Law Forum, for example, may actually need as much as $100 for forums, but was only allowed $15 because it had a written request for only the first event. The LSD, on the other hand, was allocated $365 without any request, since "she probably forgot, we better put her down for some." There was also a confusion in scheduling, none of the members could decide which functions might overlap or conflict.

_University Senate_ For all its pretension, the University Senate doesn't work; not as a vehicle to create a budget. It is a fine forum for the various segments of the university to express their distrust of each other, and some of the distrust seems well founded; but it is unlikely to resolve any differences, particularly when it takes 30 minutes to get the first motion on the floor. There was a basic conservative/expansionist schism over how to finance and operate a university, and no amount of discussion is likely to reconcile that issue. To illustrate this point, 98.3 percent of university operating funds come out of student tuitions. If that seems high to you, you are right; the national average, according to one of the senators, is 35 percent. Many favored increased borrowing for construction and salaries, and the holding down of tuition. With the advantage of hindsight, it would have been wiser to have borrowed to finance five or 10 years ago rather than to pay for it at today's prices, but it is less clear what the correct course is now.

_3,000 for Tuition_ Dennis McAuliffe, senator representing the law students, pointed out that the law school tuition will rise from $2750 to $3000 next year, an increase of nine percent, while the undergraduate tuition will increase by only seven percent; that the law school tuition aid averages $221 per student compared to $319 for undergraduates; and that the law school makes money for the university.

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**Montco P.D. group expands to Phila.**

By Barbara Bodger

The Villanova Law School Public Defender's Program is not quite a seminar, not quite a clinical program. Initiated in the spring of 1976 by former student Calvin (Pete) Drayer, the program requires students to write one appellate brief per semester on a case pending with Drayer's Montgomery County Defender's office, and present opportunities to do prison interviewing in Norristown.

Since its inception, student response to the Montgomery County group has increased. Susan Gantman, who participated in the fledgling program in the spring semester, '76, told The Docket that in the fall of '76 there were six students in the program, while now there are 20.

Due to the enthusiasm of Gantman, the program has expanded further, this semester, to include a work-study segment with the Philadelphia Public Defender's office. Helping direct is John Scott, a 1972 graduate of Villanova Law School, and former public defender at the Philadelphia Defender's Association.

Gantman and Scott put the program together over last summer. Students who opt for this segment, work in Philadelphia doing client interviewing and filing motions. For some, work-study funds are available for the work done in the Philadelphia office.

The group meets on Tuesdays at 4 p.m. in room 23, where Drayer and Scott discuss criminal procedure problems that students may have with their briefs.

Lectures are planned from such speakers as Common Pleas Court Judge Richard Klein, private investigator Joe O'Toole (formerly with the Philadelphia police), and Mark Shultz, a 1975 Villanova graduate, currently with the Montgomery County District Attorney's office in charge of their Accelerated Rehabilitative Disposition program for first-time offenders in non-violent crimes.

All interested students are encouraged to attend the next after-sessional meeting scheduled for some time in late November or early December, where they will receive auto expenses, lodging, and transportation; none of the members could decide which functions might overlap or conflict.

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**The Docket Prize**

The Docket announces an award of $30 to be given for the best article on any legal-related subject. The competition is open to all students, including Docket staff members, and faculty, and will be judged by the Editorial Board. Articles must be submitted between Feb. 21, 1977 and April 11, 1977. The length for all articles is 500-1000 words. Entries must be double-spaced typed and should be left in the Docket box in the administration office. There must be five or more entries coming from outside the Docket staff in order for a prize to be awarded.

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(Continued on page 9)
By Jay Cohen

EDITOR'S NOTE: Part One of this article was devoted to a general analysis of the factors — economic and personal — which must be considered in starting one's own law firm. Part Two examines some of the experiences of those who have actually established their own practice. For the purposes of this article, no distinction will be made between sole practitioners and those in very small firms of several partners.

It was amusing to Rick Burns that anything should have come of himself dissatisfied with the firm they both worked for, and not anxious to find jobs with other doors to get to them yet, and not necessarily the cases. "But if he asks, give an honest appraisal of your abilities," Burns said. "And sometimes we learned the hard way. But there is no such thing as a good client who doesn't pay his bills."

On A Meter

Villanova graduate John Briskin charges a flat fee. In a business agreement, he maintains, people want to know ahead of time how much it will cost. "They don't want to be kept on a meter," he said. And neither does Briskin.

"There's no sense getting up before twelve," he said, admitting, without concern, that his hours are irregular. But they can afford to be. Of the large advantages of a small or sole practice over the larger firm is that the sole practitioner can often set his own hours.

This is Briskin's attitude and reflects his lifestyle. But in another sense it is indicative of the experience, common to Briskin and his partner, Jim Cunicio, of a "gradual immersion" (Cunicio's term) into practice. Both have taken care to do things slowly, almost cautiously, and have even worked at other jobs while practicing in Bryn Mawr. In fact, Briskin plans to attend medical school in the fall and see a career after that which will be neither medicine or law, but an amalgam of the two.

Strange Cases

The attorney who is just starting his own firm must expect some strange cases at first. Some of the cases coming into new firms are "grudge cases," according to Starr, who said that as soon as he gained confidence, he flatly rejected such cases. Some clients were hard to swallow, Starr said, but "if the issues were real," he would handle it.

Starr ruefully related one early case in which a man's dog had eaten another man's ravioli pigeon. After litigation, the entire fee amounted to $40. Briskin has similar comments and mentioned a dog-bite case with exasperation. He has, in addition, handled a number of domestic relations cases, referring to them as "domestic warfare" cases.

A Large Gap

Another topic which surfaced in talking with these attorneys was the clients that make it interesting anyway, and not necessarily the cases. "Friends and Relatives"

Initially clients came in through friends and relatives. In addition, Burns and his partner, Bob Edinger, graduated from Villanova Law School in 1975, found themselves dissatisfied with the firm they both worked for, and not anxious to find jobs with other firms. No one has broken any doors to get to them yet, and Burns admitted, it will probably be five or more years until they attain a degree of security. The independence makes up for the financial insecurity, they both said with feeling.

Now that they are out of Philadelphia, they are trying to become part of the community in Wayne, living in the area where their practice. "In a community like this," Burns said, "a lot of people have small problems, and they can't be turned away. "It's the clients..."
Analysis

Comment on Pa. Court

By Prof. John M. Hyson

On January 30, Susan Stranahan (a writer for the Philadelphia Inquirer) wrote an article entitled "Why the Pennsylvania Supreme Court is Not Esteemed." Among other things she criticized the quality of the Court's opinions and the Court's delay in publishing opinions in certain cases. She also suggested that political considerations sometimes influence the decisions of individual justices.

In the Court's defense, I believe that it is burdened by a caseload which exceeds that of courts of other comparable states. In addition, the members of the Court must expend considerable time and energy in "riding circuit" -- traveling from their home chambers to Pittsburgh, Harrisburg, and Philadelphia. Perhaps the Court should sit exclusively in Harrisburg (New York's highest court sits only in Albany).

These factors -- a large caseload and burdensome travel -- may provide at least a partial explanation for the faults described in Ms. Stranahan's article. They may also explain two other flaws in the Court's performance which are not mentioned in the article. First, the members of the Court too often state their conclusions without stating the reasoning which supports those conclusions. This happens every time a member of the Court "con­curs in the result" or dissents without opinion. The basic protection against arbitrary decision-making by judges is the requirement that they set forth the reasoning which supports their conclusions. When this obligation is met by the members of the Court, its decisions are readily accepted and respected by the public and by the legal profession because then it appears that the Court base their decisions upon an analysis of the law and not upon personal or political considerations, or simply a "gut reaction."

A second flaw not mentioned in Ms. Stranahan's article is similar to the first in that it relates to the manner in which the members of the Court reach their conclusions. Ms. Stranahan criticizes the Rizzo recall decision because she says the members of the Court reached their decision without examining the law. These factors -- a large caseload and burdensome travel -- may provide at least a partial explanation for the faults described in Ms. Stranahan's article. They may also explain two other flaws in the Court's performance which are not mentioned in the article. First, the members of the Court too often state their conclusions without stating the reasoning which supports those conclusions. This happens every time a member of the Court "concurs in the result" or dissents without opinion. The basic protection against arbitrary decision-making by judges is the requirement that they set forth the reasoning which supports their conclusions. When this obligation is met by the members of the Court, its decisions are readily accepted and respected by the public and by the legal profession because then it appears that the Court base their decisions upon an analysis of the law and not upon personal or political considerations, or simply a "gut reaction."

Malpractice Cases

Since Spina's father is a dentist, her sister a physician, and her husband and brother-in-law doctors, it's no surprise that she is in involved in litigating medical malpractice cases at Pepper. In addition, she represents the Philadelphia County Medical Society.

One of the more interesting cases she has worked on is litigation involving a total of 96 defendants, all drug companies who had produced a chemical hormone used by pregnant women in 1940's and early '50's. The hormone has allegedly caused cancer in female offspring.

New librarian

By Beth Wright

Lucy J. Cox's official station is at the circulation desk in the law library. As reference librarian since January 10, 1977, she supervises several student library workers and considers it her goal to satisfy the library needs of students in every possible way.

Cox is the daughter of a librarian and the wife of a lawyer; logically this combination would produce a law librarian. Logic fails, however, to characterize her career.

Born in Kaunas, Lithuania, passing her early childhood in Austria, Lucy Jakstas found her first American home in Clarksville, Tenn. During the years following World War II, American families and charitable organizations sponsored displaced persons — and the Jakstas family's sponsor was a Tennessee farmer. After about a year, the family moved to Cleveland, Ohio. Lithuanian, German and English were Cox's first three languages as she pursued her B.A. in history at Case-Western Reserve University. Her life took another change of direction however, when she signed up for an introductory course in Russian during her junior year in college. Cox liked Russian so much that she took the necessary extra courses and finally received an M.A. in Russian literature at the University of Pennsylvania.

Career Shift

Her career settled, she taught (Continued on page 9)

Mock trial team

(Continued from page 1)

had thrown before the jury pieces of a puzzle that it could not put together.

Uneven Quality

Although participants thought that Temple did an exceptionally good job in setting up and administering the competition, there were numerous complaints made regarding the uneven quality of the judges participating in the competition. For instance several of the judges' questions indicated that they did not remember what they were asking or were uncertain of certain events that had occurred before them, as at one point in the trial where one judge expressed surprise at the use of a document which had been inspected previously by both the opposing counsel and attorneys.

Several remarks of the judges, who were predominantly from the state courts, also revealed their unfamiliarity with both the federal rules of criminal procedure and the federal rules of evidence, which controlled the competition.

Professor Leonard Packel and J. Clayton Undercofler selected and coached the two teams from Villanova. The teams were selected on the basis of a competition held during the end of the first semester which was open to third-year students. After these selections were made innumerable hours were spent in preparation for the regional competition.

Lucy J. Cox

The quality of the decisions of the Supreme Court in Pennsylvania must be improved. Perhaps this will require a reduction in the Court's caseload. It certainly will require the appointment and election to the Court of persons who are committed to a high quality of decisionmaking.
Secrecy, disclosure and freedom of information have been loosely used terms for the past several years. When individuals and groups are required to disclose how they operate and the factors they consider in making their decisions, they are much less likely to missapply generally accepted principles or consider inappropriate factors. For these reasons of policy our courts and legislatures are generally required to be open to the public.

It is in this context that we view the tenure process which is currently taking its course. The Tenure Screening Committee is required to submit a recommendation with a report of its findings to the tenured faculty which votes on the decision and sends its decision to J. Willard O'Brien, Dean. The Dean forwards both the recommendation of the tenured faculty and his own assessment (which may or may not endorse the decision of the tenured faculty) to the University, which is ultimately responsible for granting tenure.

Although we do not mean to impugn the honor or integrity of those members of the faculty and administration who play a significant role in deciding whether tenure should be granted to a faculty member, we believe that students, non-tenured faculty members and the academic community are entitled to know what decisions are being made and why. We submit that the recommendations and decisions that are made by the Tenure Screening Committee, the tenured faculty, the Dean and the University administration, and the findings that these recommendations are based upon, should be disclosed at every level of the decision-making process absent a strong justification for keeping this information secret. Moreover, there is no strong justification for releasing all confidential information such as raw data from course evaluations and information that is either inherently private or does not necessarily relate to a faculty member’s current academic performance.

The presumption should be that all relevant information which substantially contributes to the recommendation or decision should be disclosed with the burden of justifying continued secrecy falling upon the tenured faculty and Dean O'Brien.

We recognize that full disclosure could be embarrassing to one or more of the faculty members currently being considered for tenure. However, students, nontenured faculty members and alumni have an interest in knowing whether their professors are being properly scrutinized in the somewhat analogous way that we, as citizens, are entitled to know whether our courts are properly dispensing justice.

We increasingly demand that our legislators and judicial officers justify their decisions under the scrutiny of the public; we should expect no less from our own professors and administrators.

In the coming weeks a series of decisions and recommendations will be made concerning whether tenure shall be granted to four faculty members. Although we have not had the opportunity to examine the information that has been gathered by the Tenure Screening Committee, we believe the committee should take note of several considerations when they evaluate that information.

Law school professors are subject to the same human frailties that affect us all. However, the best professors can effectively convey their methods of analysis and insights to almost every student in class; the best professors “know their stuff” in every course that he or she is required to teach; the best professors can teach almost any course for the first time and do exceptionally well; and the best professors can engage in legal scholarship by publishing their work and contributing to their school’s law review without adversely affecting their teaching in class.

Thus, we are compelled to ask, “Why not the best?”

To the Editor:

The Docket is at long last becoming a forum for the expression of views which are, and should be, of importance to the law school community. In past issues, articles and letters have been critical of various faculty and administration decisions. The Docket has even touched upon that most sensitive of areas, course evaluations. Though I have not agreed with all of the views set forth in these articles, the views were worth reading. The Docket has created a healthy climate for the sharing of information and views.

Another healthy development is the formation of the Villanova Law Forum. The Forum, as I understand it, will be inviting persons outside the law school community to come to the school to present their views on topics which should be of interest to the community. The forum will be informal so that there will be opportunity for discussion.

I hope that the Forum is successful. I feel that there is real need for a student organization which encourages informal discussions involving the entire law school community. The Forum (or another organization) might also consider setting up informal discussions of popular articles which focus upon legal topics. For example, the October Harper's published an article entitled "A Plague of Lawyers" which as the title suggests, blames the legal profession for turning America into a contentious society. On January 30th, The Inquirer published an article by Susan Strahan entitled "Why the Pennsylvania Supreme Court is not esteemed." (See letter by Prof. Hyson concerning article). It seems to me that it would be a great idea for a student organization (or simply a group of students) to set up informal discussions of such articles.

Student Involvement

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Another healthy development is the formation of the Villanova Law Forum. The Forum, as I understand it, will be inviting persons outside the law school community to come to the school to present their views on topics which should be of interest to the community. The forum will be informal so that there will be opportunity for discussion.

I hope that the Forum is successful. I feel that there is real need for a student organization which encourages informal discussions involving the entire law school community. The Forum (or another organization) might also consider setting up informal discussions of popular articles which focus upon legal topics. For example, the October Harper's published an article entitled "A Plague of Lawyers" which as the title suggests, blames the legal profession for turning America into a contentious society. On January 30th, The Inquirer published an article by Susan Strahan entitled "Why the Pennsylvania Supreme Court is not esteemed." (See letter by Prof. Hyson concerning article). It seems to me that it would be a great idea for a student organization (or simply a group of students) to set up informal discussions of such articles.

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Fear and loathing

Getting to and from one's car to the law school building has been a venture fraught with the danger of broken bones, torn muscle and cartilage, abrasions and bruised behinds. Students have displayed their concern by petitioning the law school administration to eliminate the snowed-in condition of the parking lot.

In all fairness to the administration, however, the blame must be shared to a considerable extent by university maintenance and students themselves. Assoc. Dean J. Edward Collins says that university equipment is inadequate for the job and that the law school lot is the last place university maintenance gets to.

But this is little more than a lot of cold air, according to Daniel J. Hennessy, director of university maintenance.

"There's never a time that we can come in and remove snow because there's always parked cars cluttered around," he said. "We can't get into the law school parking lot. Any time of the day, any time of the night they have cars there."

We do not believe this position is tenable, however. Even though the building is open six days of the week until midnight, very few cars are left on the lot after that time. It would be quite possible to work around those cars still
Involvement Encouraged

There is also no organization which encourages informal discussion of topics which relate to the law school itself — its curriculum, its activities, its future. It seems to me that all of us would profit from a more frequent discussion of issues relating to the law school.

I believe that the impetus for such discussion must come from the student body. Otherwise, I fear that faculty-organized discussions will produce sessions in which faculty members will pontificate, students will listen, and there will be no discussion.

Finally, I would like to commend my colleagues Delpapanna and Dobyn and the SBA on the idea of a film festival. Though I question their taste in movies ("I Love You, Alice B. Toklas" was a true turkey), the basic idea is a good one — especially when joined with free beer.

Prof. John M. Hyson

READERS! Don't neglect the Docket Bulletin board on the wall beside the Alumni Lounge. It is stocked daily with news items of particular legal import. It is maintained for your enlightenment and entertainment.

THE DOCKET

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THE WORLD OF LITERATURE

New Bluebook reviewed in Stanford press

A Uniform System of Citation. (Twelfth edition) By the Stanford Law Review of the East. et. al. 1976 IX plus 190 pages. $1.75

The literary event of the season, the publication which is already winging its way to the top of the Best Seller List, was received last week amidst a wave of national and international fanfare. Small in size yet powerful in its content, the Bluebook, as it is known to its millions of admirers throughout the world, was re-released in a new edition, in an obvious attempt to supplant the Thoughts of Chairman Mao as the world's most popular reading matter. Like Mao's little red book, the little blue book provides daily guidance to hundreds of thousands of individuals in pursuit of their respective lifestyles. Unlike the editorial directors of the little red book, however the people responsible for the Bluebook are supposedly above and well, though leading somewhat sheltered experiences in law review offices along the Eastern Seaboard.

Several Changes

The new Bluebook makes several significant changes in the Grundnorm of proper citation. Among those which vitally affect our day-to-day existence is an expanded list of abbreviations to be used in case use. Key examples of this pervasive liberty are "Auh." and "Hous." both strictly interdicted in the eleventh edition. Moreover, whereas the old Bluebook mandated indentation of quotations of 300 words or less and removed the quotation marks, the twelfth edition indents quotes of 40 words or less and removes the quotation marks. This development is likely to engender considerable controversy in the scholarly community, for the potential for abuse is enormous. By deliberately selecting quotations containing small words, an author can succeed in indenting very short quotations and escape the strictures that the old 300 space limitation created!!

Another change likely to result in unrest and bloodshed is the new found distinction between "see generally" and "see whereas." While the eleventh edition conflated the two, defining them as an authority "broad" in scope than, or develops a question analogous to," the new edition dictates that "see generally" is limited to "broader in scope than," and "see also" is an authority which develops "a question analogous to."

The new bluebook is by far the most exciting piece of literature to filter down into the Law Review catacombs in weeks. It is "must" reading for any sincere Law Review candidate. It has all the vitality of a Gerald Gunther lecture and raises without as many questions. Suspense mounts as one consults it to find whether case cites in a series are set off by commas or semi-colons. Further, like a good murder mystery, one feels compelled to read it from cover to cover in one sitting.

Key to the Universe

Moreover, there is a certain religious fervor to it. One comes away from the Bluebook chanting a personal mantra (e.g. "12 So. 2d. 305, 12 So. 2d. 305, loc. cit., 12 So. 2d 305"), with the sublime realization that it offers a simple and straight path to moral rectitude, spiritual uplift, and concomitant happiness. By following the rules within, one not only learns the divine standards of proper behavior, but also gains self-discipline, and at a cost substantially less than that of becoming a disciple of Sun Myung Moon.

Finally, the new Bluebook is much more thorough than past editions. Greater effort is made to clearly distinguish between rules applicable to texts and those pertaining to footnotes (a distinction crucial to the smooth functioning of any law review organization); more attention is paid to punctuation problems of citations; the statutory section (long the weakest part of the Bluebooks) is beefed up considerably, including the addition of the complete Harvard statutory supplement, which had been printed separately prior to the twelfth edition.

In sum, the new Bluebook, supreme tool of trivialization, will be welcomed by Law Reviewers as a more pervasive means of organizing, citing and compartmentalizing the universe and thereby achieving their ultimate goal in life.


Nothing in the lot

There was a lot in the lot, especially since snow removal goes on on a round-the-clock basis when needed.

During the worst part of the icy conditions the large undergraduate lot on Lancaster Avenue was ice free. Even though undergraduate students do not use their lot after normal school hours to the same extent that law students use theirs, one can frequently see parked cars on the undergraduate lot late at night as well.

Only in recent years has the law school had this trouble. Hennessy says. Students parked at night in a designated section in the past and there was no trouble with clearing the lot.

There seems to be no comparable understanding between maintenance and the law schools presently, however. Perhaps there should be. Announcements could be made before classes and notices could be posted asking students after a certain hour to park in a certain area. If plowing were to be done, for instance, after midnight all students not parking in that area could be subject to disciplinary action.

On a related note, The Docket approves of the recently announced policy of disciplining students who park improperly or block other students' cars. Such behavior is reprehensible even under ideal situations.
Bar reviews: a matter of taste

By Louis C. Rosen

EDITOR'S NOTE: Although many third-year students have already committed themselves to one of the three bar review courses at Villanova, we feel that the following article will provide useful information for those who have not yet made a decision or for those who may want to change to another course. We also hope that this article may clear up some misconceptions concerning bar review courses in general and serve as a preliminary step to an evaluation of bar review courses for second-year students.

"The choice of (bar review) courses...has not always been the result of rational evaluation but rather a function of blind 'instinct' based on the kind of loose assertion, rumor and scuttlebut which would be considered totally inadequate in other contexts," according to Michael Josephson, director of the Bar Review Center (BRC) of America.

"Few decisions stand to have as much long-range impact as the one regarding bar exam preparation," he adds, "and I have been disturbed to note that would-be counselors of law often fail to make a systematic inquiry into the alternatives available."

While this may be overestimating the case, many third-year students, when questioned by The Docket about their course choices, answered: "They're all the same anyway," or "All my friends are taking it," or "What difference does it make?" Everyone passes here no matter what course he takes.

The passing rate for Villanova students in the July 1976 bar examination was practically 100 percent, compared to a statewide passing rate of 89 percent. It is possible to pass the bar without the aid of any review course. The anxiety that one may suffer due to a lack of feedback and a less structured program, however, may necessitate taking such a course. Which one—BRC, Bar Review Institute of Pennsylvania (BRI) or the Levin-Sar-

...Bar Review School (LSB) will depend upon one's own needs, tastes and disposition.

Par. Exam

But before discussing various characteristics of the courses some general background on the Pennsylvania bar examination itself will be helpful.

In Pennsylvania the bar is given twice a year on the last Tuesday and Wednesday of July and February. The first day is devoted to the essay portion of the exam. There are two three-hour sessions. The applicant answers four questions in each session. The eight essay questions are thus to be answered at an average rate of 45 minutes per question.

Topics covered in the essay portion include contracts, torts, criminal law, real property, evidence, constitutional law (all of which are also covered in the multistate portion of the exam) and decedents' estates and corporations.

The multistate portion of the exam during the second day is also six hours, broken into two sessions of three hours each. An applicant must answer 100 questions in each session, which means one answer every 108 seconds. Forty questions are asked in the areas of contracts and torts, while 30 are asked in constitutional law, criminal law, evidence and real property.

Scoring Formulas

Grading of the essay portion is done by eight members of the staff of the State Board of Law Examiners. Each examiner reads and grades the same question for all applicants. A top score is 100, with scores decreasing at five-point intervals. The marks are totaled and divided by eight to reach a raw score for the essay portion.

All of the multistate questions are multiple choice with the student, hopefully, choosing the best of four possible answers. The score is based on the total number of correct answers.

Pennsylvania does not announce in advance what the passing grade for the exam will be or the method which will be used to determine the passing grade. If he were to score the last six exams, however, a combined score of 60 was required to pass.

The result of the essay exam in the past has been that in the July examinations (but not in the February) a student receiving a raw multistate score of at least 135 (135 correctly answered questions) would automatically pass without the necessity of grading his essay answers. The BRC students, however, have not always been misconceptions concerning bar exam preparation, "The choice of (bar review) courses (one of the draftsmen of the UCC Edition),..."

Bar reviews: a matter of taste

needs strengthening. Based on our success factor you would..."
School considers admitting deaf

By Michelle Niedzielski
Villanova Law School is taking a rational approach to the challenge of preparing handicapped individuals for the rigors of the legal-stoning ground.

Sandra Moore, admissions officer, speaks for a strategic and critical viewpoint when discussing her interest in pooling applicants with a handicap from diverse backgrounds. All applications are reviewed to judge whether those with a handicap possess the determination to complete law school courses.

Dean Christine White-Wisner reports the results of the open-ended method: Ed Titterton (75), who has cerebral palsy, works at the City Solicitor’s Office as well as in private practice; John Peoples (74), legally blind, practices in his own firm in Delaware County. Admittedly, the list of graduates who possess a physical handicap is sparse. The evolution of a decidedly positive attitude in admitting handicapped students will increase the roster.

Moore speaks of the possibility of deaf students being admitted next year with the state providing the necessary interpreters. Of course, the practical problems that the student will meet will be commonly fully appreciated only in hindsight. Generally, there is an awareness of the limitations that the physical surroundings place on the handicapped, and effort is being made to lessen them at the law school. All government buildings now must provide ramps for those not able to use the handicapped.

LSB, which passed all 76 of its Villanova students in last July’s bar exam, presents live lectures both mornings and evenings in Philadelphia. Lectures are given in the course’s downtown building and transmitted through a telephone-loudspeaker hookup to Haverford College.

Students at Haverford may ask as many questions as they desire from the lecturer in Philadelphia through the phone hookup after the lecture. Adis says that many students prefer this to videotape presentation, in which no questions can be answered.

"A good many people start with the live lecture in Philadelphia and then switch to Haverford, which is more convenient," Adis says.

**Librarian**

(Continued from page 5)

**Personal Critiques**

LSB provides review of over 100 essay questions and 500 multistate questions. Officials of LSB point out that lecturers will personally and individually critique essay answers with no time delay for its students. In addition, lecturers for LSB see their students at least three times during the course coverage, as each lecturer teaches portions of the bar review course.

For example, a lecturer who left teaching after the first week of the seven-week course might return during the fourth and seventh weeks and would therefore be available to resolve any substantive or mechanical problems which might have arisen in the interim. This is in contrast to the other bar review schools whose lecturers travel in a circuit among the various states, give their lectures at a particular location and are never seen again by the students.
Admissions criteria debated

I commend Prof. Lurie’s effort to explain this school’s admissions system in the last issue of The Docket, but his article left me disturbed. My concern is over the role of the Admissions Officer in selecting which applications will be reviewed by the Admissions Committee and the placing of paramount emphasis on grade-score index numbers in the selection process. The lack of any indicators which the admissions committee considers will be reviewed by the Admissions Committee and the placing of paramount emphasis on grade-score index numbers in the selection process. The lack of any indicators which the admissions committee considers.

There are, no doubt, flaws in the suggestions I’ve made. What is being tested? Creativity? Intellectual rigor? Or is it merely a device to discover who has perfected the fine art of completing applications? Why not ask questions, directed questions, to see not just what someone thinks, but how he thinks. Certainly there is some possibility for abuse here, but at least the chances are better that the applicant won’t have a canned response. Someone who has been written off based on his index number might be seen to have something genuine to offer when he’s asked to think, not just to find an angle. Likewise, real questions may be raised about the acceptability of someone in the high bracket, previously thought to be an automatic admittance.

I do know that I always felt uncomfortable asking for one. There are so many variables in the process: do I know the professor well enough; does the professor have a relative or interest, does he know who I am, what I think about, and why; does he care; can he write; what should he write; does he have time. The uncertainty is multiplied by the number of recommendations received. From the point of view of the admissions evaluator, there is the added factor of knowing that the relationships of the teacher to the students they write about are vastly different. How are such factors to be meaningfully considered?

The catch all: What information, not disclosed elsewhere in this application, do you believe should be given consideration in reviewing your application?

We wish to thank all those secretaries who assisted in the preparation of The Docket.

George Sheehan

Professor Lurie comments:

The Admissions Officer does not have a "relatively unfettered role" in determining which of the three brackets (high, medium and low) in which to place an applicant. The Committee on Admissions has imposed binding guidelines upon the Admissions Officer so that her task is mostly ministerial rather than discretionary. Her only discretion is to refer additional application files from the top and bottom brackets to the committee for review.

To guard against errors, the chairman of the Committee on Admissions reviews the computer printout of all status decisions and makes inquiry into any questionable decisions.

Mr. Sheehan’s letter also confused two kinds of mistakes. The first is a purely administrative mistake such as misfiling or incorrectly reading or recording applicant information. The second is that of making decisions on wrong or inadequate data. The solution to the first is increased vigilance. The solution to the second is more complex.

Errors in decisions are of two kinds: (a) admitting the applicant who should be rejected, and (b) rejecting the applicant who should be admitted. Since there are more applicants who qualify for admission than can be accommodated, the first error is more serious than the second. Accepting an applicant who should be rejected reduces the number of spaces available to applicants who should be admitted. Rejecting any one applicant who should be admitted simply means the acceptance of some other applicant who should be admitted. However “devastating” that decision may be for the individuals involved, it is unavoidable and necessary for the institution.

Mr. Sheehan’s criticism on the paucity of the material upon which the committee makes its decisions is valid, but not particularly helpful. What possible question of any sort could the committee ask that would elicit a response from applicants that would enable the Committee to evaluate comparatively the creativity, motivation, morals, character or integrity of over 2000 applicants? We know of no such question(s) and Mr. Sheehan’s letter contains no suggestion.
B-Ball season nets controversy

By Phil Lerner

The intramural basketball season has always provided its share of disagreement over scheduling and less than judicious officiating. This season, another aspect, institutional dimension have arisen due to the influx of women participants.

Traditionally, as so to facilitate easy recognition of teammates, teams have removed their shirts during the games. This year, prior to its first game WSA members, sporting new team shirts, were asked to go "shirtless" by the refs because their opponents, TMA, included Eileen Finucane, who swished her only shot right in the eye.

Appreciate
drawn by
with a faculty
Dean Undercoffler and Len Packel. Prof. Undercoffler, under the coaching of Al Frabbits, has not shown evidence of long absence from the court. He has been impressive in solving to several foul calls, despite having some from the bench. Prof. Packel is displaying his West Philadelphia school yard style for Barry Abbott to pump into easy wins before falling to CIB. Joe Melvin and Tim McGarrage, while hoping for the team to come back, will have to settle for two points per shot in leading CIC (Continued).

Other early favorites for the eight available playoff spots are TMA, who, led by C.B. Gheazzy and Joe Dowretzky need only to live up to their potential, and TMC, who have been victims of tough early season schedules.

As always the games are a showcase for many to articulate their talents. This is appreciated by those who volunteer to referee. It gives them a chance to network with students who are cold, miserable and windy in their quest to meet informally and discuss topics of interest to the community. The alumni who have gone on to make the first move towards establishing a program to help them.

The films, which range from comedy to drama, are featured at the Selznick Theater on walks. The Law in limelight, with the help of Prof. Joseph Dellapenna, is sponsoring a film series which could be a new tradition. For six successive weeks films will be shown which raises substantial questions for lawyers and law students. Discussions will be held after each film, moderated by a faculty member.

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Banks makes Chi smile

By Jon Kissel

The Associated Press recently publicized a letter from an irate Chicago sports fan addressed to P.K. Wrigley, owner of the Chicago Cubs. The fan adamantly demanded his outright release from the ranks of the "Blacker Bums", Wrigley Field's famed rooting section.

Many readers throughout the country laughed at this and considered it a joke and a mockery. I did not. For, like this disenchanted fan, have lived in Chicago my entire life and have faithfully rooted for that city's all-too-often miserable conglomeration of misfits, traveling under the guise of a team.

Chicago is not what most people call "a friendly city......". Its residents are exposed to a variety of both adverse and advantageous elements. The winters are cold, miserable and windy — as have been the Bulls and the Black Hawks.

These are Chicago's winter teams of the past, the ones which could have lived in the dugout to answer the questions of the fans — all of them. From the ladies who got in for a buck-and-a-half each Wednesday afternoon, to the youngsters under 12 who paid only a dollar, there were smiles radiating from all corners.

Practitioner

(Continued from page 4)

Burns was less positive that he knew the answer to where the law school would get the resources and time to make great changes in its programs.

"A co-op program would be optimal," he said wishfully, acknowledging the difficulties that would attend the initiation of such a program at his alma mater. However, he was not without hope. The alumni who have gone into practice in this area could go a long way towards filling the "gap," Burns said, by offering their services to students who want to hear, straight from the horse's mouth, about the practical aspects of a legal career.

EDITOR'S NOTE: We encourage students to make the first move towards establishing a program. Where Alumni offer their experiences in a forum addressed to those "practical" matters of practice which are often considered too mundane for class discussion.
"The sexless orgies of morality"

By Elliot L. Richardson

Had security guard Frank Wills not noticed a taped door lock at the Watergate Office Building on June 17, 1972, we might never have known that there were those in the inner circle of the Nixon Administration who lived by a code alien to the values most of us cherish. Who can say where the abuses of power might have led had there been no opportunity for these abuses to emerge into public view?

While one can argue plausibly that fundamental government policies and programs would not have changed much in terms of war and peace or the economy had the Watergate burglary not been discovered, we certainly would be farther down the road to Orwell's 1984 than we otherwise are. But because the American people had this terrifying glimpse of the abuse of government power at a time when centralized, pervasive and intrusive government had become a general concern, we are probably farther from 1984 today than we were 10 or even 20 years ago.

The Watergate experience also brought reforms that make the repetition of such abuses less likely.

These included legislation to reform political campaigns, particularly in regard to their financing; a thorough review of the activities of the U.S. intelligence community by both the executive and legislative branches of government; and more and better investigations reporting by the media and oversight activity by the Congress. I think it is notable that the 1976 Presidential campaign was the first in many years during which there were no complaints to the Fair Campaign Practices Committee.

But while we have surely benefited by these reforms, we have also begun to suffer from what Winthrop once termed "the sexless orgies of morality." New kinds of excesses have developed in this post-Watergate period as the pendulum has swung in reaction to the original abuses of power.

Upon returning from London to become Secretary of Commerce in early 1976, I was immediately asked whether I intended to appear at political fund-raising events, the implication being that I should not. While, as Attorney General, I had chosen not to engage in political activity— I was the first person in that job to do so— there is no reason a Secretary of Commerce should not make political appearances, and I said so in as strong terms as possible.

Likewise, during the 1976 campaign, I was frequently asked by the press to justify my appearances on behalf of President Ford or local candidates, even though my expenses were covered by non-Government funds, and I was devoting a more than adequate number of hours to my job.

But under our system of government it is a Cabinet officer's duty to make himself available to the American people and account for the stewardship of the incumbent Administration. That is the purpose of political campaigns and the officials who conduct them.

Throughout the year, my office was asked by members of the press and public-interest groups for details of my travel. We were asked whether the handful of mental tie lines, and which incurred no additional charge to the Government, were being billed to me personally.

Even campaign-finance legislation may have gone a fundamental dampening of processes essential to our political system. For we must not only enact good laws, and enact high standards. We must also attract good people, and such excesses can make that more difficult.

The outcome of Watergate, we keep hearing, proved the system works, that our government is still one of laws and not of men. That's so. But it was never intended to mean good laws without good men, who will always be needed.

As Prof. Grant Gilmore of the Yale Law School pointed out so well in a lecture entitled "The Age of Anxiety":

"Law reflects but in no sense determines the moral worth of a society... The better the society, the less law there will be.

"In Heaven there will be no law and the lion will lie down with the lamb... The worse the society, the more law there will be. In Hell there will be nothing but law, and due process will be meticulously observed."

If Watergate had not been discovered, we might today be well down the road to 1984. Because it was discovered, we have regained our political equilibrium. But there can be too much of a good thing, and in our zeal to prevent another Watergate we must not discourage good people from participating in government, we must not tie the hands of our public officials, and we must remember that politics in and of itself is not a dirty word.

Elliot L. Richardson, Secretary of Commerce in the Ford Administration, resigned as Attorney General in the Nixon Administration at the time of the "Saturday Night Massacre" in October 1973.


There will be a Wine and Cheese reception sponsored by The Docket on Tuesday, February 22 at 3:00 P.M. in the student lounge to encourage prospective writers to meet with members of The Docket staff and to allow students and Faculty members an opportunity to Discuss issues and opinions raised in The Docket.