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Collins J. Seitz, chief judge 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. Seitz will be The Hon. William H. Rehnquist; Seeger bested D'Amica-Burns; the Caldwell-Hoffman's cases proceed at a rather more leisurely pace than most 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.

"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."
Students get law down from alumni

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 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 infirmities 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 banquet ses 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 players 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 "a man is as crazy as the attitude he has," Phillips claimed to have little trouble in dealing with the high-salaried professionals.

The reason that all of these guys are crazy is because of the attention that has been focused upon them. If 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."

College 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.

"I think we should have the free enterprise system with competitive bidding. There will always be owners who want to get a franchise because of the tax advantages and if they are willing to spend the money for players, they will take care of you. People are willing to pay for the product," Phillips pointed out.

Among the many prominent students who attempted to renegotiate his contract was "also be touched upon."

VLS alumnus honored

(Continued from page 1)

By Barry Schuster

Ed Rendell, '68, returned to Philadelphia for the first time since the Democratic nomination for district attorney in Philadelphia. Rendell discussed a wide range of issues and explained his candidacy in speaking of the legislative action, saying that the office of first assistant special prosecutor was "the victim of deliberate, premeditated murder" by that body. Rendell pointed out that the Commonwealth Court decision was handed down two days after the office was forced to close because of lack of funds while awaiting the decision. He questioned why the Pennsylvania Supreme Court decision on the Rizzo case was not in effect two months while the decision about the special prosecutor had taken five months.

"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 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 emphasized that he would be tough. But he added, "Police brutality among a small number of police officers tends to spread throughout the department, as much as the victim. The average policeman will see a fair proportion of it because he will restore confidence and help the entire Philadelphia community."

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

The reason, he theorizes is that he can conceive of no alternative. "I remember at midnight the first year my grades were A in Contracts, three Cs and a B," he said. By the end of the year he occupied the No. 8 spot in the class. The reason, he theorizes, is that he stopped fretting about class rank and started concentrating on doing what he was here for.

"It was my gut reaction at the time that you came to law school to learn," Hoffman said. "Once you, shouldn't be worried about everybody else. Just focus on what you're studying and they be a very reliable barometer of classroom 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 as 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.
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 $10 for 1000 dollars because it had a written request for only the first event. The LSD, on the other hand, was allocated $1005 without any request, since "she probably forgot, we better get 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 McAndrews, 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.

(Continued on page 9)

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Funds for 1976-77: Still Unexpended, As of 2/1/77:

<table>
<thead>
<tr>
<th>Item</th>
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<tr>
<td>SBA/Law Review Symposium</td>
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<td>Spring SBA Elections</td>
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<tr>
<td>Show (Law School Paper)</td>
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<td>Spring &quot;Extravaganza&quot; Party</td>
<td>300.00</td>
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<tr>
<td>Miscellaneous Social</td>
<td>630.00</td>
</tr>
<tr>
<td>Remainer of Film Series</td>
<td>200.00</td>
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<tr>
<td>&quot;100 Days&quot; Party</td>
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BUDGET: SPRING SEMESTER, 1977

TOTAL: 2237.16

Allocations to Student Organizations:

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<tr>
<td>BALSA</td>
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<tr>
<td>WOMEN LAW STUDENTS ASSN</td>
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<tr>
<td>RUGBY CLUB</td>
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<tr>
<td>NATIONAL LAWYER'S GUILD</td>
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<td>ENVIRONMENTAL LAW GROUP</td>
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<td>VILLANOVA LAW FORUM</td>
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<tr>
<td>LAW REVIEW</td>
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TOTAL: 1632.84

TOTAL ALLOCATIONS: 3870.00
Sole practitioner: one who dared

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 it, but someone had actually picked his name out of the phone book.

"I’m lucky," Burns said. "My name’s right at the top of the list." He didn’t think the Yellow Pages would bring him clients. And yet... he had advertised.

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 it 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, by living in the area before they 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 that make it interesting anyway, and not necessarily the cases."

By Christine White-Wiesner

Sole practitioners: one who dared

By Christine White-Wiesner

Even though the job market has been tight, 96 percent of the graduates in the Class of 1976 have located professional employment.

As of January 1977, 185 graduates were employed, with 10 still looking for their law-related jobs. Thirteen graduates have not reported their employment status to the law school; and four did not take the bar examination or are "not looking." The Class of 1976 had a record high of 22.5 percent accepting judicial clerkships (accompanying chart) compared to past years in which 12 percent to .15 percent accepted clerkships. The percentages for the Classes of 1972 to 1975 are from the annual final employment report. The Class of 1976 final report will be complete by the end of this month.

A more detailed analysis of the Class of 1976 shows that 20 graduate business schools who chose private practice eight went with large law firms (those firms with more than 50 lawyers), 66 with medium-to-small-size firms, and three graduates started their own practices. One other graduate reported working for both a medium-to-small-size firm and a district attorney’s office.

Under the government category are seven with the federal government. The majority of the 13 with state or local governments are with district attorney offices. Of the 11 graduates who have judicial clerkships, 10 have federal

that make it interesting anyway, and not necessarily the cases."

Private Practice

Initially clients came in through friends and relatives. In addition, Burns and Edinger subscribed to the Delaware County Lawyer Referral Service (Lawyers pay $50 for a six month listing). When a client calls, Burns or Edinger tries to get him off the phone and into the office. Other­wise the client leaves供求 information without the intention of paying for it.

"How the hell do I know, maybe they want to handle their own divorces," Burns said with a grin that showed how frustrating the

ensemble 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.

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Now that they are out of Philadelphia, they are trying to become part of the community in Wayne, by living in the area before they 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 process could be. "And when a client comes in, don’t tell him you’re just starting out," Burns advised. "But if he asks, give an honest appraisal of your abilities."

Both Burns and Edinger felt that they picked up invaluable experience by their short apprenticeships before starting their own firm. Client interviewing and administrative financing were especially made easier, although they both admit, ruefully, that they had more responsibility in the jobs they held while attending law school in the 10 months they worked as certified attorneys.

Jay Starr also thought the time spent working for a firm before starting practice was a good idea. "Apprenticeship is good so long as you don’t let yourself get pigeonholed doing 10-k forms for two years," he said.

Of course, this is directly opposite to the belief of attorney Jay Foongerb, who has written a book entitled How to Start and Build a Law Practice. Starr travels with Foongerb, appearing on panels to discuss the experiences of those who have started their own firms. Foongerb says an apprentice does not get sufficient responsibility to teach him anything worthwhile. Nevertheless Starr still thinks it best to "get your feet wet for a couple of years."

Cash Flow

Starr agrees with Foongerb on the present practice on a new practice. "The name of the game in a small practice is cash flow," Starr says. "Costs may be kept down so that cash is always available."

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, that said 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.

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. One 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 Cunilio, of a "gradual immersion" (Cunilio’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.

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Under the government category are seven with the federal government. The majority of the 13 with state or local governments are with district attorney offices. Of the 11 graduates who have judicial clerkships, 10 have federal

clerks and 31 have state or local clerkships.

Graduates working for businesses are in legal departments; two are in other areas and one graduate did not identify the department. Included under the business category are banks, insurance companies, accounting firms, railroads, legal research and publishing companies, labor unions, and public utilities.

Majority in Pa.

Class of 1976.

Villanova’s graduates located employment in 16 states, nine of which were in the Northeast. There were 3 states represented in the Classes of 1972, 73, and 75 and 15 states in the Class of 1974. As usual, the majority of Villanova’s graduates located in Pennsylvania. Of the 127 graduates who were employed in Pennsylvania, 74 stayed within Philadelphia, while 33 are in Bucks, Chester, Delaware or Montgomery Counties. Eighteen graduates are in New Jersey, 11 in Delaware, 7 in New York, and 5 in the District of Columbia. The others are in California, Florida, Illinois, Maryland, Massachusetts, Michigan, Nebraska, Rhode Island, Texas, Vermont, and Wisconsin.

Of those who reported their employment status as of graduation, approximately 60 percent of the last three classes were employed. For the Class of 1970 there were 150 graduates who reported their employment status; 88 were employed, and 62 were not yet employed.

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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 many other 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 "con­­cerns 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 becomes evident that the members of the Court base their decisions upon an analysis of the law and upon personal or political considerations, or simply a "gut re­­action."

The 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 suggests that the members of the Court reached their conclusions without stating an analysis of the law and without personal or political considerations, or simply a "gut re­­action."

It is to be hoped that the decision-making procedure of the recall case will not become more common (though, unfortunately, it has been used by the Commonwealth Court in resolving the Chesterbrook controversy in Tredyffrin Township).

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. Logic seems to have been their family's first three languages, which is why 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. Later, she supplemented 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.

Lucy L. Cox

Approval Pending

Presently, John Caldwell ('79) is heading the steering committee to write a constitution for the organization. SBA has given tentative support. Final approval by Dean O'Brien is now required.

The group has just finished its first assignment which deals with conservation easements in various states on the East Coast. Basically, each student chose a state and researched its laws concerning tax deductions available by setting up such an easement. The students' end product will be incorporated into a pamphlet by ACT which will be sent out to all the environmental groups in those states.

The organization's next project involves working with the Department of Transportation. The problem centers around salt runoff, which is polluting waters. Anyone interested in joining the organization can contact Professor Hyson or John Caldwell.
Tenure report disclosure

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 misapply 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, non-tenured 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.

"Why not the best?"

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?"

The faculty-student committee has had the opportunity to interview prospective applicants for faculty positions and has been considerably impressed by the particularly high calibre and motivation of those interviewed. We believe that several of the recently hired faculty fit this characterization.

The Tenure Screening Committee, the tenured faculty, the Dean and University officials — those who are charged with the primary responsibility for making tenure decisions — should take note that when the law school is in a position to require nothing less than excellence in those individuals it chooses to hire, we should demand nothing less than excellence in those who seek tenure. It is in times like these that a good law school can become even better. Again we ask, “Why not the best?”

Student Involve

To the Editor:

The Docket is at long last becoming a forum for the expression of the views of the members of the community, 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 law school to present their views on topics which should be of interest to the community. The format 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, encourages informal discussions of various issues which are of interest to the profession for turning America into a contentious society. On January 30th, The Inquirer published an article by Susan Strahanah entitled “Why the Pennsylvania Supreme Court is not esteemed.” (See letter by Prof. Hyman 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.

Fear and loathing

Getting to and from one’s car to the law school building has for the past several frigid weeks been an adventure fraught with the danger of broken bones, torn muscle and cartilage, abrasions and bruises. 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 sessions 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 Dellepenna and Dobbyn 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. Hysom

NEW BLUEBOOK REVIEWED

in Stanford press

World literature

A Uniform System of Citation. (Twelfth edition) By the Stanford Law Review of the East, et. al. 1976 IX plus 199 pages. $1.75

The literary event of the season, the publication which is already winning 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 lives in law review offices along the Eastern Seaboard.

Several Changes

The new Bluebook makes several significant changes in the Framework of proper citation. Among those which will vitally affect our day-to-day existence is an expanded list of abbreviations to be used in case indexing. Key examples of this pervasive liberty are "Auth." and "House," both strictly interdicted in the eleventh edition. Moreover, whereas the old Bluebook mandated indentation of quotations of 300 quotes or less and removed the quotation marks, the twelfth edition indent 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 also." While the eleventh edition conflated the two, defining them as an authority which "broods" 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 citations 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 (the weakest part of the Bluebook) is booted 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.

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 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 scuttlebutt 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 overstating 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-Sarner-Brown Bar Review School (LSB)—will depend upon one's own needs, tastes and disposition.

The following article, which was contributed by The Docket staff, will attempt to outline the major differences and similarities between the three bar review courses.

Bar 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 multiple choice portion of the exam) and decedents' estates and corporations.

The multiple choice 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 answers 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 Formula

Grading of the essays 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 multiple choice questions are randomly selected by 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. The results of the last six exams, however, a combined score of 60 was required to pass.

The result of rational evaluation in the past has been that in the July examinations (but not in the bar exams in January) a student receiving a raw multiple choice grade of at least 135 (135 correctly answered questions) would automatically pass without the necessity of grading his essay answers. The multiple choice portion of the applicants nationwide achieve such a score. In the July 1977 Pennsylvania exam, however, only about one-third of the applicants had to have their essay papers graded.

Preferences Decide

Passing the bar for Villanova students has not been a problem. The student evaluation system (EVS) which will be used to study techniques and exam preparation will determine the course for that individual.

The Bar Review Center of America (BRC), a large organization with a diversified program, does not include as much as LSB's written materials, live video or audio lectures, a writing program, computer-graded diagnostic and feedback services; and course guarantee. There is a limited services course and other options, but most students choose the PLS route.

The course, which has been in Pennsylvania for just the past few years, is given live in a downtown Philadelphia location during the month of June. At night auditors are provided to assist the students. The five-week course meets three to four days per week, depending on what topic is being taught.

BRC's program begins with a test to determine individual strengths and weaknesses. The tests, called diagnostic probes, provide a computer printout which indicates pre-course knowledge in each bar-tested area in relation to a norm. The printout also directs the student to the precise location in BRC's law summaries where course answers can be found.

Outstanding Scholars

Much is made of the fact that BRC law summaries "are all prepared by outstanding scholars." Such noted authorities as Ralph Boyer (of Smith and Boyer, Philadelphia) and Walter Jaeger (author of Williston on Contracts, 3d Edition, and co-author of Houchland) have contributed to the course. In fact, write BRC's law summaries. After a student reads a particular topic, he is asked to write, without benefit of actual studying, a brief objective test to measure knowledge and pinpoint areas of difficulty. These tests are again computer graded and direct

Table 1: Scoring Formula

<table>
<thead>
<tr>
<th>Test Type</th>
<th>Points</th>
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</thead>
<tbody>
<tr>
<td>Multiple Choice</td>
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</tr>
<tr>
<td>Essay</td>
<td>80</td>
</tr>
<tr>
<td>Total</td>
<td>180</td>
</tr>
</tbody>
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Needs Strengthening

Although a relative newcomer in Pennsylvania, BRC, although a major bar review course in Pennsylvania and elsewhere, has not been nearly as successful in attracting students at Villanova as at the Bar Review Institute of Pennsylvania (BRI). Last year all 77 Villanova students who took the course from BRC passed the July exam.

Expertise and Promotion

BRI is a wholly-owned subsidiary of Harcourt Brace & Jovanovich, a major publisher. Harcourt also owns the Bay Area Review course, which is a major force on the West Coast. As a result of the parent corporation's expertise, BRI's law summaries are probably the most professionally written, edited and produced product in Pennsylvania.

Advisors of LSB

William T. New, advisor of LSB, says: "We think it is a waste of time and money to reinvent the wheel. We aim to direct the student to the precise location in LSB's materials which will be used to determine which the correct answer can be found."

The BBC lectures, themselves, stress issue spotting.

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not think so. But there's always the chance that there's that weak student in class who cannot write an essay answer as is required by the bar examiners. Because of this, we felt it was imperative to offer an additional essay writing, grading, and critique service to our student body. This service will be offered free, with the understanding that they will assign whatever benefits BRI does not qualify to receive veterans' benefits as a lecture bar review course.

BRI along with BRC qualify to receive benefits only as correspondence schools. BRI is currently challenging the decision in its case. Those veterans taking the course with BRI will, therefore, receive BRI's course practically free, with the understanding that they will assign whatever benefits BRI is eligible for once a final decision is made.

The Levin-Sarner-Brown (LSB) course, however, has been approved by the State for veteran training. LSB provides review of over 100 cases. LSB has been approved by the State for resident Bar Review course which has been approved by the State for veteran training. LSB has been approved by the State for veteran training.

This, undoubtedly, will change the future as BRI and BRC become more competitive. However this is a competitive edge for LSB right now. And LSB needs all the help it can get, it has stiffened considerably from its practically unchallenged position.

(Continued from page 8)

Piercing scutlet

By Michelle Niedziecki

Villanova Law School is taking a rational approach to the challenge of preparing handicapped individual for the rigors of the legal stomping ground.

Sandra Moore, admissions officer, speaks for an objective 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-Wienser 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 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 traditional 'mountain' of steps, for instance. This action reflects a certain degree of enlightenment.

Sandra G. Moore

(Continued from page 2)

To this, Dr. James Clarke of the university faculty replied, "We could raise the law school tuition to $4000 and still sell it." O'Brien Speaks At this point, Dean J. Willard O'Brien entered the discussion. Previously, he and law Prof. John J. Cannon, who is the senate parliamentarian, were staying aloof of the proceedings. Both had voted to abstain on all matters. If votes were indicated by facial expressions, however, rather than hand gestures, both would have consistently voted disdain. Cannon managed to remain detached until the end, but Dean O'Brien decided to answer Clarke.

After pointing out that merely because it was possible to raise tuition to the breaking point does not mandate that it be done, the Dean began a classic closing argument. He pointed out that while no one was happy with the budget, there was no agreement on how to amend it, so that perhaps it would be better to approve it and begin working to create a better one for next year.

When he finished, it was evident that the debate was over. There were a few feeble attempts to keep it going, but the Dean's timing was good. The senators were tired, most had sufficiently indicated their displeasure, and it was snowing. The budget passed 18-15.
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 indication on the part of the admissions committee that admissions materials considered is a subject I found conspicuous by its absence from the piece.

It seems incorrect that, given the importance of the admissions decision, there are occasions when it is made by one person, the Admissions Officer. It is the one who determines in which of three brackets to place an applicant: the bottom bracket in which admission is denied, the middle bracket which the committee considers, and the top bracket in which admission is granted. The AO's decisions in regard to the top and bottom brackets are not reviewed; the committee considers only the middle.

I understand the burden that processing over 2000 applications puts on the admissions process, and I concede that some filtering of applications is necessary to allow the Admissions Committee to devote sufficient time to those applications that show the most promise. But to have the AO start with a review of the decision made, does not support the voiced concern over the importance of the decision. If the decisions in the highest and lowest brackets are not made until after being made by the AO alone, as is implied by Prof. Lurie, there is question about the added burden the making of these decisions would place on the committee.

Surely, if the basic decision could not be made by several persons, perhaps by a subcommittee of the Admissions Committee, at the very least the decision of the AO could be reviewed by such a committee, or even by one member.

Why do I object to the relatively unfettered role of the Admissions Officer? Let me make clear that it is not because I fear consciously arbitrary decisions. There are guidelines which follow, and such decisions are not cursory, but rather the product of repeated examination. My objection is simply that, given the materials with which the admissions system works, the chance of a mistake by one person is good, and the chance of rectifying it is poor.

I don't think that the AO makes a great many mistakes. I suspect that, in all, mistakes are relatively few. But mistakes of this kind are devastating, and to the extent that they are unnecessary, it is a great pity. What I fear are decisions that take too little into account. The system breeds mistakes because it provides inadequate grounds for adequately correct decisions, whether they are made by an individual or by committee. When the materials are inadequate to begin with, and the less personal input in the decision, the greater the chance of mistake.

How are the materials inadequate? The first problem is evidenced by Prof. Lurie's conclusion that, for most applicants, the AO's number is satisfying. Certainly, I don't dispute that academic records and test scores have value, though I am at least skeptical of the latter. They do provide some degree of certainty in projecting law school performance. They have validity as far as they go, but they don't go very far. They measure scholastic ability alone, which obviously is not enough for a school whose aim is to produce something other than legal technicians.

What else is provided for in the applications materials? Questions about activities, health, disciplinary action, and criminal behavior. Teacher recommendations. A mysterious catch-all writing sample.

I never knew what teacher recommendations were for, and I still don't. (NOTE: Villanous does not require recommendations.) 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 who knows him, does he know well? 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 needed. From the point of view of the admissions evaluator, there is the added factor of knowing that the relationships of the teachers 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?

The gamesmanship in this is apparent: One gets the impression that this is an example of the technique if compelling a person to distinguish himself by giving him nothing to work with, except that for some people, it's everything. What is being tested? Creativity? Intellectual rigor? Or is it merely to discover who has perfected the fine art of completing applications? Why not ask questions, directed questions, to see not just that someone thinks, but how he thinks. Certainly there is possibility for abuse here as well, but at least the chances are better that the applicant won't have a canned response. Someone who had 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.

Prof. Lurie remarked on the undesirability of placing paramount emphasis on the grade-score index, but indicated that because of the unavailability and unreliability of other criteria, it is necessary. I agree that it is undesirable, and the suggestions above are the fruit of that opinion. But what I find most undesirable about it, indeed about the whole admissions process, is that it takes little account of the applicant's ethics, moral standards, or personal commitment to social good. It takes no account of whether the candidate is a good person, or that regard, makes impossible a valid assessment of whether a particular applicant will be a good lawyer.

I remember Dean O'Brien's admonitions in my first year to remember that we were preparing to be members of a profession, with responsibilities to the profession and to society, not mere technicians who ply their trade for the highest bidder. While the Dean's sentiments are praiseworthy, I think for many they come too late. It is one thing to encourage the development of high moral standards in lawyers; it is quite another to attempt to instill them in an unresponsive lot. Wouldn't it be wiser, and more effective, to try to find the receptive ones from the start? Isn't it unlikely that persons of the age of law students will suddenly be wise to the right way?

Of course, to find good people is not an easy task. To succeed may require herculean efforts. But at least the attempt could be made. Again, ask a question. Design it to elicit a revealing response. Is that not possible? As important as it is that some people not be excluded from law school, it is equally important that some people not be admitted. It is my view that in neither respect are there sufficient grounds for making the decision.

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

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 print out of all status decisions and makes inquiry into any questionable decisions.

Mr. Sheehan's letter also confuses two kinds of mistakes. The first is a purely administrative mistake such as misfiling or inadvertently recording or reading 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 someone else 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 or series of questions 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

By Phil Lerner

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

Traditionally, so as to facilitate easy recognition of teammates, teams have removed their shirts during the games. Prior to its first game WSA members, sporting their new team shirts, were asked to go “skinny” with the refs because their opponents, TMA, included Eileen Finucan. WSA, in solidarity, objected, requesting that TMA go “skinny.” Reason soon prevailed as both teams kept their shirts on. The game was marked by tenacious defense and much hand checking. Especially impressive was the way that Deasey guarded Ms. Finucan, who whistled her only shot right in her eye.

FacultyAppears

This season has also featured court appearances by two faculty members, J.C. Undercoffer and Len Packel. Prof. Undercoffer, under the coaching of Al Trabicky, has not shown evidence of long absences from the courts. He has been impressive in objecting to several foul calls, despite having been benched from the bench. Prof. Packel is displaying his West Philadelphian schoolyard style for Barry Abbott to pump into early wins before falling to CIB. Joe Melvin and Tom McGarrigle, while hoping for the three-point shot to come back, will have to settle for two points per shot in “leading CIC.”

As always the games are a showcase for many to articulate their theories. Special thanks to the eight available playoff spots are TMA, who, led by C.B. Gheazy and Joe Droutzink, need only to pump to live up to their potential, and TMC, who have been victims of tough early season schedules.

The series provides not only some alternative entertainment and a bit of brew, but also a chance to meet informally and discuss topics of interest to the profession.

SBA films put Law in limelight

By Max Perkins

A Cannes film festival it’s not, but this semester the SBA, with the help of Prof. Joseph Delpapenca, is sponsoring a film series which can’t be pinned down. For six successive weeks films will be shown which raise substantial questions for lawyers and law students. Discussions will be held after each film, moderated by a faculty member.

The films, which range from comedy to drama, are: “You Love Alive B. Toklas,” “Dingaka,” “Witness for the Prosecution,” “The Caine Mutiny,” “110 Rillington Place,” and “M.”

The first in the series, “I Love You Alice B. Toklas,” starred Peter Sellers as a 35-year-old lawyer who “turns on, tunes in and drops out.” The waning days of Haight-Ashbury are recaptured in 1967. More than 200 people packed the apartments as he began experiments with a new life style. Sellers finds himself wondering what his role as a lawyer should be.

“Dingaka,” a South African film made in 1964, is the story of an arrogant white lawyer who is assigned, pro bono, to defend a tribal black who attempted to avenge the death of his daughter. This theme, especially with the political situation in South Africa today, sustained an active discussion after the film by Delpapenca.

The series provides not only some alternative entertainment and a bit of brew, but also a chance to meet informally and discuss topics of interest to the profession.

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 their programs.

“A-coop program would be optimal,” he said wistfully, 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.

EDITORS 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.

Banks makes Chi smile

By Jon Kessel

The Associated Press recently published 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 “Bleacher 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 I, 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 athletic teams.

Chicago is not what most people call a friendly city. Its residents are exposed to a variety of both adverse and advantageous elements. The weather is horrible, and for the past 10 years the Windy City has had a football team whose talent equally matches the weather. The winters are cold, miserable and rainy — as have been the Bulls and the Black Hawks.

These are Chicago’s winter teams of the past, the ones which writers claimed consisted of out­spoken and dirty players, who are poor sports and possess leathery natures toward their games. They hated their coaches. The Chicago fans, in those years, responded to the lost causes and lacked confidence in their teams from autumn to winter.

The Unforgettable

But the smile all devoted Cub fans will never forget was that of Mr. Cub himself, Ernie Banks. Never had a single player satisfied the fans more than Ernie did in his career with the Cubs. Forget the 500 plus homer he belted for the team. Forget the back-to-back Most Valuable Player Awards he earned in 1958 and 1959 when his team finished dead last. But remember his smile face each and every time he ventured onto the field.

These days were bleak for the Windy City North Siders. Yet, no matter how bad a game was going, there was always hope that Ernie would do something to make a day memorable. And on the days when Banks did pull the Cubbies through, the fans stood and cheered; and Ernie would come out, smiling as always, and tip his hat to the fans that loved him.

Since Mr. Cub cleared the bases with a shot to left, or threw out Wills from deep in center, or even emerged from the dugout to answer the cheering fans who requested an encore. But the fans were cheering for Ernie once again in Chicago — for he just became the eighth player in baseball history to be inducted into the Hall of Fame on the first ballot.

So now the story’s told, and all the Chicago fans who cheered for Ernie and hoped he’d do something memorable have had their wish. And the best thing about it is I know Ernie is smiling for them.

The next issue of the Docket will feature an indepth story on a conference sponsored by the Institute for Correctional Law which was held on February 11 and 12 concerning the mentally ill offender. The conference was keynoted by the Hon. David L. Bazelon (pictured above), Chief Judge of the U.S. Court of Appeals for the District of Columbia.
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 investigative 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 Swinburne 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. It is part of someone's job to defend the policies of their Administration. It is expected that people would really prefer that we seclude ourselves in Washington.

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 telephone calls I made to convention delegates on departmental ties line, and which incurred no additional charge to the Government, were being billed to me personally. Even campaign-finance legislation may have gone a little too far. It tends to give incumbents an unfair advantage, and through such action as the Federal Election Commission's limitation on contributions by state and local political committees, it has reduced grass-roots participation. One major party leader was photographed during the campaign washing the name of a Presidential candidate off a combined party billboard, since to leave it on would have exceeded the local unit's allowed limitation.

The proposal to establish a permanent special prosecutor seems to me another overreaction to Watergate. Only twice during this century, during the Teapot Dome and Watergate scandals, has such an office been needed, and the Department of Justice is entirely capable of prosecuting Federal offenses fully and fairly, even when they involve Government officials. Good examples are the bold actions taken by James Thompson when he was U.S. Attorney in Illinois, and by George Beall, the U.S. Attorney in Baltimore who pursued the investigation of Spiro Agnew.

Just as Joseph Addison said in 1711 that he would "endeavor to enliven morality with wit, and to temper wit with morality," so must we endeavor to balance morality with common sense. Many people fail to understand fully the legitimate role of politics in our system. We should not seek to eliminate politics, but rather to eliminate one kind of politics. I recall that in late 1952 United States Senator Leverett Saltonstall invited me to join his Washington staff.

"I'd like to join you," I told the Senator, "but on the legislative as opposed to the political side of your office's work."

Our task today, as always, is to determine where to draw the line. The danger of dredging up petty complaints or adopting overly rigid rules can be serious — a fundamental dampening of processes essential to our political system. For we must not only enact good laws, and exact high standards. We must also attract good people, and such excesses can make that more difficult.

The outcome of Watergate, we keep hearing, proved that 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 well be 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.