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Bazelon keys conference

By JOHN HALEBIAN and TOM MCGARRIGLE

In keynoting a two-day conference here on the "Mentally Ill Offender," the Hon. David L. Bazelon, chief judge of the District of Columbia Circuit Court, pointed out the dangers when a court is met with the question: "What should we do with 'mentally ill offenders'? How should we deal with individuals who have violated society's criminal laws but who, we have decided, should be excused from normal concepts?"

Bazelon addressed some of the critical issues that courts must confront in evaluating the mentally ill offender. He asserted that: "The basic problem in deciding what to do with 'mentally ill offenders' is that such people make the 'rest of us' uncomfortable. We are ambivalent, torn between our self-protective instincts on the one hand, and our humanitarian instincts on the other."

"Too often," he continued, "our conflicting desires cannot be reconciled -- the types of custody that make us feel most comfortable are often not the best treatment of custody for these individuals. And the danger is that we may lose sight of why we are doing what we are doing -- a treatment rationale can sometimes serve as a handy cover for a decision to institutionalize that is, in fact, motivated largely by our desire for self-protection." Humanitarian Aspects

In particularly emphasizing the humanitarian aspects of treatment, Bazelon concluded his keynote address by quoting George Bernard Shaw who wrote: "The worst sin towards our fellow creatures is not to hate them but to be indifferent to them: that is the essence of inhumanity." Bazelon is a leading national figure in the area of law and psychiatry. He was introduced by the Hon. Edmund B. Spaeth, Jr., Judge, Superior Court of Pennsylvania. Spaeth is also the chairman of the Board of Advisors of the Institute for Correctional Law. In conveying his own feelings about Judge Bazelon, Spaeth quoted a passage written by W. H. Auden in 1939. "Defenceless under the night, our world in stupor lives, yet dotted everywhere ironic points of light flash out wherever the just exchange their messages. May I, composed like them of sea and of dust, be beglaried by the same negations and despair, show an affirming flame."

The conference focused upon the Mental Health Procedures Act which was passed by the state legislature in Harrisburg last summer. The purpose of the law is to protect the civil rights of mental patients. It was partially drafted by some of the very attorneys who attended the conference and participated in the panel discussions. The act includes a patient Bill of Rights which allows the patient "the right to participate in the development review of their treatment plan."

The act was severely criticized during the two-day conference. In discussing the determination of legal responsibility under the Act, Dr. James Taylor, Chief of the Department of Neuropsychiatry at Pocone Hospital, noted several problems with implementing the Act.

"I'm one of the guys out in the boondocks implementing this Act," he started out. "You say the purpose of the Act was to grant individual treatment, to humanize the mental health treatment of these people. It does just the opposite."

Cites Dilemma

Taylor went on to give an example in which "the psychiatrist is sort of put in the middle. If I commit someone and restrict them over what they should be restricted, I am liable. I've got a malpractice lawyer on my tail. If I discharge them after three days, he continued, "like the Act says, and they commit suicide, I'm liable. So what I do on every single commitment is to apply for a 303. No exceptions. (Editor's Note: A 303 is extended involuntary emergency treatment for 20 days) Now they have to appear before a judge ... you have made the patient my enemy by this Act ... you attorneys have brought your adversary type of attitude into the patient-doctor relationship ... I'm practicing even more defensive medicine than I was before."

(Continued on page 7)

Students spar with D.A.

By JEFF LIEBERMAN

Philadelphia D.A. F. Emmett Fitzpatrick, observing that the district attorney shouldn't be someone for the public to look to for moral guidance, spoke to a large crowd in the student lounge on February 23.

In response to sharp questioning, Fitzpatrick retorted that he wasn't elected to be a moral leader of the community. "I didn't run for D.A. so that I could prove that I'm a better person than you or even that I live by your moral code," he said. "If you want to look at me as an individual, remember that I'm probably the most investigated public official in three years." And, he added, "I remain unscathed by any charges."

Appearing in a program sponsored by the Villanova Law Forum, the district attorney spoke at length and then fielded questions.

However, he refused to answer a question as to whether he took the matter of the Fifth Amendment in a federal grand jury investigation, citing attorney-client privilege and the fact that the investigation was still ongoing.

"There's a time for disclosure and a time for not," he stated. "Right now, I'm not going to tell you anything. When and if the investigation reaches a conclusion, I'll be happy to discuss fully everything that happened."

Stresses Diversion

Commenting on the criminal law system, Fitzpatrick noted that "if there's any future at all, it has (Continued on page 7)
Intelligence chief explains tax probes

By LILLIAN KACHMAR

Thomas F. Martin, chief of the Intelligence Division of The Internal Revenue Service for the Philadelphia District, spoke here March 10 on criminal tax investigations. Martin, who is also an attorney, supervises criminal tax investigations and has been with the intelligence division for 22 years. He was the IRS coordinator for the Watergate investigation and was later the chief of the Philadelphia District, spoke here Tuesday morning, March 1, found him appearing on KYW television right after the Pillsbury Bake-Off winner (chocolate mousse with brownie crust) and "Sugar Britches" (lexicographer of CB bulbs). Nevertheless, Shaiman does not contemplate defending himself... as a lawyer through the accompanying circus side effects. He states he has no interest in advertising except in good taste: no neon light, no skywriting, no TV.
INSIGHTS INTO 1976 TAX REFORM ACT

"US. lawyer calls it 'too complicated'"

BY NANCY FELTON

Editor's Note: The husband of Christine White-Wienser, Assistant Dean and head of the Placement Office, is an attorney-advisor with the Office of Tax Legislative Counsel, Department of the Treasury, in Washington, D.C. The Tax Legislative Counsel (TLC) is headed by the Tax Legislative Counsel and has a staff of 14 lawyers and one accountant. The TLC advises the assistant secretary in tax policy matters, the deputy assistant secretary. Just as the New York Times ran an article on "Two Men Who Draft the Laws (2/20/77) to get some insights on the new tax law, The Docket was asked to ask Mr. Wienser questions regarding the 1976 Tax Reform Act, its role in its formulation, and his work with the TLC.

The actual writing of a tax law involves numerous congressional and executive agencies. The primary responsibility for the actual drafting of the tax law is that of the Joint Committee on Internal Revenue Taxation. The Chief of Staff of Joint Committee is Bobby Shaprio, who plays a key role in the development and the drafting of a tax bill (see NYT 2/20/77).

The Executive Department inputs are the Office of the Assistant Secretary for Tax Policy of which TLC is a part and the Legislation and Regulations (L & R) division of the IRS. The basic authority for tax policy decisions rests with the Assistant Secretary for Tax Policy, who is Dr. Laurence N. Woodworth (see NYT 2/20/77).

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TLC has its own staff. However, the primary congressional tax-writing staff is that of the Joint Committee on Internal Revenue Taxation. The Chief of Staff of Joint Committee is Bobby Shapiro, who plays a key role in the development and the drafting of a tax bill (see NYT 2/20/77).

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PARKING PROBLEM UNEPRECEDESED

Infractions of the parking rules have reached an unprecedented level and should no longer be tolerated. Anyone who has been blocked in or had his fender dented knows this too well.

The situation prompted Assoc. Dean J. Edward Collins to post a warning that violators risk having a notation of professional irresponsibility placed in their records. Students say this is proprietary, but Collins had already compiled a list of multiple offenders. Beyond this, he admits, the law school administration has little recourse.

The policing responsibility is the university's. Enforcement has been sporadic at best, and in fact, students from St. Mary's Hall, an undergraduate dormitory, have exacerbated the problem by wrongfully taking law school parking spaces.

We agree with the law school administration that it should not be required to go into the business of collecting fines or otherwise extending its resources to shore up a leaky effort by university security. However, there should be no parking problem at all. Students who plan to make a two minute hike.

Scheduling of spring exams has reawakened the student discontent evidenced during last semester's marathon exam process. Students who lack the Spartan endurance required to take four exams in five days, or three in four days, are met with little sympathy from those who determine the schedule. To prevent "back to back" exams is a very real one for the law school community, and stands in contravention of the supposed purposes behind examinations.

The exam itself is designed purportedly to test students' command of the law and their ability to apply it in hypothetical situations. When exams are tightly scheduled, allowing little time to refresh the mind and body, the exam process becomes a test primarily of the physical and emotional strength of the student, rather than a barometer of his knowledge of the subject matter. The grades earned, of importance in seeking employment, may reflect who are the "fittest" in this survival game, and not necessarily who are the "wisest."

Commentary

The New Philadelphia Lawyer

By JAY COHEN

Philadelphia lawyers have been much maligned in the past. From Hollywood producers to W.C. Fields, Philadelphia attorneys have gotten a reputation for being something like the walking dead in pin stripes. Recently, two Philadelphia lawyers have come under intense fire because they, like all their fellows, have been greatly misunderstood.

District Attorney F. Emmett Fitzpatrick has been criticized locally for his remarks at a Villanova Law School Law Forum. Mr. Fitzpatrick's words were to the effect that he had not been elected Bishop of Philadelphia and that he was not expected to be the moral leader of the city, All that he was required to do was to be a competent administrator.

For this he is accused of mocking The Church. Well, how wrong can people be. Fitzpatrick had no particular Bishop or even faith in mind. He merely meant that he didn't think morality entered into his job. How true.

Admittedly, professors require time to prepare exams and to grade third-year exams before graduation. This would seemingly dispose professors to favor an exam period which begins earlier, to allow more time between exams. We believe that professors would suffer an increased burden if such proposals as self-scheduled exams were put into effect. The faculty has recognized the need for changes with regard to first-year exams, and the same should hold true for upper classmen.

It is true that a referendum among students on the question of self-scheduling of exams did not receive strong support in the fall. Students must bear at least the burden of reaching a consensus.

In a larger sense, the burdens and duties must be shared by faculty and students when it comes to exam scheduling. This mutuality is, at best, buried behind a tortuous scheduling scheme.

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And for this he is accused of mocking The Church. Well, how wrong can people be. Fitzpatrick had no particular Bishop or even faith in mind. He merely meant that he didn't think morality entered into his job. How true. Historically, one may point to Caesar's district attorney, who had similar remarks for critics when accused of shady connections to a dealer of new and used chariots on one of Rome's seven hills (Chestnut Hill?).

Another disparaged Philadelphia lawyer is Richard Sprague, chief counsel to the congressional committee investigating the assassinations of President Kennedy and Martin Luther King Jr. Sprague has been assailed for simply being unkind to his opponent, Rep. Henry Gonzalez.

However, this is mere venality. Philadelphians know that Sprague simply has a tough way with people.

Furthermore, it is an absolute untruth that Sprague has said "it's like a bunch of Hun fiction writers." Reporters unfamiliar with the Philadelphia milieu have obviously confused Sprague with Mayor Rizzo, wrongfully attributing the mayor's oft quoted statement to Sprague. (And they confused the words, too; Rizzo said he'd make Attila the Hun look like a fog.

But this is all too natural. After all, Rizzo is an ex-cop and next to Philadelphia lawyers they are the second most maligned group. Perhaps they should also be defeneded.

VLS MOOT IN JESSUP

By PHILIP COLLINS

Villanova was represented in the Philadelphia regional of the Philip C. Jessup International Law Moot Court Competition at Cornell on March 11 and 12 by Donna Baker, Phil Collins, Mary Gilney, Kent Johnson and Jack Loughhead. Captain Jack Loughhead overviewed the Jessup competition.

Carnegie-Mellon University and the University of Pennsylvania won awards for their oral presentations. The University of Chicago won awards for their written memoranda. The University of Pennsylvania, however, won the competition, finishing as national champion.

The University of Pennsylvania dominated the competition, winning the first place award in oral presentation, the Tuckman/Develin Trophy Award for written memoranda and the overall championship. This year, Penn's team represented the county of Shangri-La, which had signed the Nuclear Non-Proliferation Treaty.

This year's competition was a more challenging one for the University of Pennsylvania. Shangri-La signed the Nuclear Non-Proliferation Treaty in 1970, which prohibited the use of nuclear energy for any purposes except peaceful purposes. The University of Pennsylvania had to argue that Shangri-La had not adhered to the terms of the Nuclear Non-Proliferation Treaty, which would allow the United States to use nuclear weapons against Shangri-La.

The University of Pennsylvania's team was composed of three law students and one law professor. The team was well prepared and had a strong understanding of international law. The team was able to effectively argue their position and ultimately won the competition.

The competition was divided into two rounds: the oral presentation and the written memorandum. The oral presentation round was held on March 11, and the written memorandum round was held on March 12. The University of Pennsylvania's team was able to effectively present their arguments in both rounds.

The University of Pennsylvania's team was composed of students and a law professor. The team worked together to prepare for the competition and was able to effectively communicate their arguments during the oral presentation and written memorandum rounds.

The competition was held at the Cornell University Law School, and was attended by teams from around the world. The University of Pennsylvania was one of the top teams at the competition and was able to effectively argue their position and ultimately win the championship.

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ERA seen as ‘moral mandate’ by Penn Law School vice dean

By JAY COHEN

The Pennsylvania Equal Rights Amendment (ERA) has been more heavily publicized in the past year than women, according to Phyllis Beck, vice-dean of the University of Pennsylvania Law School. Beck believes that the constituents of the ERA have been its shortcomings she still regarded the ERA as a “moral mandate.”

Beck appeared with Greta Aul, a member of the Pennsylvania Commission on Women.

Speaking on the impact of ERA on domestic relations in Pennsylvania, Beck described a “patchwork result,” of recent court decisions in the Keystone state. She cited the 1974 case of Conway v. Dana as an example of how ERA had, in effect, backfired. In that case, the divorce of a support children was declared to be the equal responsibility of both the divorced man and woman. Previously it had been the man’s sole responsibility until the child’s emancipation.

Pennsylvania courts have decided more cases than other states (25 versus ERA’s passage in 1971); yet, according to Beck, these decisions have largely confined themselves to avoiding issues that Beck did not expand on what she regarded as narrow issues, but she hinted that absent a strong showing of legislative intent, the courts were faced with a tough problem of interpreting the vague and novel amendment. However, Beck gave the clear impression that the court’s problems of interpretation could be overcome by a greater commitment to the cause addressed by ERA.

The Pennsylvania amendment (Art. I, Par 28) declares: “Equality of rights under law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.” What it means in the real world is unknown, but Beck, with an amendment. However, Beck gave the clear impression that the court’s problems of interpretation could be overcome by a greater commitment to the cause addressed by ERA.

The Pennsylvania amendment (Art. I, Par 28) declares: “Equality of rights under law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.” What it means in the real world is unknown, but Beck, charged with the task of defining the amendment, has remained silent.

A Partnership

“We need reform legislation to recognize the economic value of a mother staying at home,” she said. The legislature has to assume that marriage is a partnership and that when the partnership is dissolved, the assets must be divided among the two partners.

These things have been dealt with by the courts, however, despite Beck’s remark and despite the fact that she speaks in terms of a “morass of support statutes” in Pennsylvania.

Greta Aul supports is now divided among the parents, formerly being the sole obligation of the father. The mother who is a homemaker receives credit for her work and, more importantly, her domestic work entitles her to a share in the household goods. The rule is opposed to the previous rule which required the woman to show some clear evidence of ownership, such as a check stub, showing that she had paid for a particular household item.

In other areas of domestic relations, women have newly expanded rights. A wife now has the right to sue for loss of consortium in Pennsylvania, and a married woman may retain her maiden name or may change back to it after having assumed her husband’s name.

These achievements have hardly satisfied Beck who steadfastly maintains that “to secure the woman’s position, the courts have to spell out a lot more.”

Greta Aul knows about the courts from firsthand experience. She has been going to law school while working for the Commission on Women (COW).

COW’s Activities

Since 1973, when COW received a mandate from former Attorney General Shapp, it has been in charge of overseeing the implementation of ERA and ERA-related legislation. COW has tried to encourage other states in their fight for equality of the sexes and has sent letters throughout Pennsylvania to the presiding judges of all the counties, “to let them know that ERA exists.”

Aul told the audience of a long drive to get the other state agencies to cooperate with those of different counties. She explained that the dictates of ERA, an effort which has borne great fruit.

Aul pointed that the result of their efforts various directives had been issued by the Attorney General’s Office, according to Greta Aul. The directives, according to Greta Aul, are to be newspaper carriers, boxes, and wrestlers. Elementary school children are now conducting educational programs and are now allowed to participate in interscholastic sports.

Many improvements have been made, Aul pointed out somewhat more optimistically than Beck. But COW has undertaken a program to drum up more and other accomplishments in scope.

Corrective Effort

By using the State’s computer network, COW is attempting to put together a package of reform legislation to correct those statutes which are unconstitutional or which are discriminatory in effect. The effort is a complex one.

First, certain categories were arrived at under the heading of certain categories and began sorting out the legislation which had no bearing on sex discrimination. Where an appropriate agency was involved, COW requested and got a report with an evaluation as to whether the law was being used to what effect, and got the agency to make recommendations with a view to amending it.

As it came up with reform bills, COW submitted them to a special committee of the Bar Association for consideration of practicing attorneys. Aul said that the committee was to determine what practical result the lawyers could foresee from a change in a certain category of law which has been particularly helpful. Aul pointed out.

Furp of Purdue’s

Regarding the Pennsylvania lawmakers have gotten into the act. Aul spoke of an effort to organize Purdue. Pennsylvania lawyers, to correct Pennsylvania Statutes, so that all of the various statutes can be brought under the umbrella of categories and then submitted, not to legislators than to West Publishing Co. She also spoke of it as an effort to “make Purdue’s sex neutral.”

In the printed matter which Aul distributed, it was clear that ERA would not affect such areas as privacy, abortion, and homosexual marriages. Where privacy and prostitution are involved, the United States Constitution takes a front seat to ERA, according to COW.

As to what effect ERA may have in the area of Beck’s concern, domestic relations, the literature is explicit in pointing out that it has not affected family stability or the divorce rate in Pennsylvania since its passage in 1971. (The divorce rate in Pennsylvania consistently fell below the national average.)

Review proposes writing program

The Law Review has proposed a new open writing program. Under the proposed program an individual candidate for the Review would select one or two three designated cases and prepare a shortened version of a casenote in the style of the casenotes regularly published by the Review. The designated cases would all deal with subjects covered in the first year and would be selected to present issues that can be adequately discussed in the shortened format. Under the proposed program, students could begin the competition any time after the last day of exams up until one week after grades are submitted (probably the last week in June). Manuscripts would be due three weeks from the date on which the candidate begins. It is hoped that decisions regarding acceptance would be made by the second week in August. The proposed program, like the present one, would be open to second- and third-year students.

This open writing proposal is presently awaiting faculty approval.

Guild lawyer cites grand jury abuse

By LORRAINE FELEY

Holly McGuigan of the Lawyers Guild cited the case of Jay Weiner, among other cases, as the best and recent example of grand jury abuse in a recent appearance at the Law School. Weiner is currently in federal prison for refusing to cooperate with a federal grand jury. Weiner had been a captain in the armed forces.

When an incident is so unfavorable (to say the least) upon the FBI that the FBI would “take care” of the FBI would “take care” of the FBI, the FBI would “take care” of the FBI, the FBI would “take care” of the FBI. The FBI and other government agencies have long been accused of a crime.

Weiner’s attorney had initially filed a motion to quash on due process grounds a batch of two theories. The first concerned the manner of service on process on Weiner. He had given the FBI the benefit of the doubt concerning its behavior and never demanded that the agents who had confronted Weiner be produced.

Weiner’s attorney also alleged harassment in that Weiner had been subpoenaed on four separate occasions. But the judge held that four subpoenas did not constitute harassment.

Refused Personal Samples

Another case McGuigan cited relating to grand jury abuse in- volved Phil Shlomin. Shlomin was required by the grand jury to produce hair samples, fingerprints, and other personal items. He refused to do so and was incarcerated. The entire case was settled out of court to Weiner, received a great deal of publicity. The reason for his notoriety lay in the fact that he was a college professor, had been on the U.S. Olympic Team, and had been a captain in the armed services. A column was written to Weiner, received a great deal of publicity. The reason for his notoriety lay in the fact that he was a college professor, had been on the U.S. Olympic Team, and had been a captain in the armed services. A column was written to Weiner, received a great deal of publicity.

Who’s got the last laugh now?

To the Editor:

It is extremely difficult to pass- ly enduring seven years of various and sundry exasperating occurrences without eventually verbalizing one’s frustrations and disgust. Well, after more than six and one-half years at Villanova we can no longer contain ourselves. An incident just occurred to us to speak out. No one should enter an incident that we decided to convey our views merely out of personal interest in this infamous matter.

We would have felt obliged to protest even if we had not been the ones against whom the injustice was committed, the ones who had to sit by and recognize and reward while some back room political wheeler-dealer backed in the limelight of the glory that we undeservedly deserved. Imagine, Tony Timney (SBA Vice- President, of course) getting the award for the most distinctive laugh in the third year class.

Bob Genuario

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Final teams prep for Reimel showdown

By JEFF LIEBERMAN

After months of competition, two teams have emerged from a field of 43 to advance to the final round of the Reimel Moot Court Competition. In the semifinal round held on Feb. 23, the team of Dennis McAndrews and James Guidera defeated Beth Weinstein and Michael Gallagher, and the team of Kimberly McFadden and Jane Seeger bested Carol Ann Meehan and Thomas Russo.

The final will be held on April 16 at 3:00 p.m., in Rooms 19 and 30. The three judges will consist of The Hon. William H. Rehnquist, associate justice of the Supreme Court of the United States; The Hon. Collins J. Seitz, chief judge of the U.S. Court of Appeals (Third Circuit); and The Hon. Morris Pashman, associate justice of the Supreme Court of New Jersey.

The Bewerting panel recently received word that Justice Rehnquist may be unable to participate due to a back injury. He has been released from the hospital but is still getting only part-time on the court.

Lots Drawn

The McAndrews-Guidera team will present opening statement and respondent, a woman suing her husband for divorce. The teams were originally given a choice as to which side they wanted to represent, but after both chose respondent, lots were drawn.

Husband-petitioner has asked for alimony of $3,000 a year while his wife takes in more than $50,000 as an attorney. However, a state statute forbids alimony payments to the male and thus the lower courts have denied this request. He has also sought custody of their young son and child support payments from his wife. This request was denied on the basis of another statute which creates a presumption that custody of a child of tender years should be given to the mother. The husband appeals to the U.S. Supreme Court, alleging violation of his constitutional rights to equal protection and due process.

"Just Another Judge"

Commenting on arguing before Rehnquist, McAndrews observed, "I'm going to try and ignore the fact that he's there. I'm sure he's got a drawing card but he's just another judge." Guidera stated: "We've used quick and dirty facts he earns but he doesn't seem appropriate," he said. According to Clinton Kemp, chairman of the Moot Court Board, a brief cocktail party before arguments is a longstanding tradition at the law school. "We have to make things as enjoyable as possible for the judges," he said. "They're doing us a favor by participating.

Jane Seeger (left) and Kim McFadden, who will argue as petitioner against the McAndrews-Guidera team.

Commentary

By JOHN FREUND

Oral argument before an appellate court can be as relaxed as an after dinner speech or as vexing as two dozen $60,000 questions. In contrast to a trial proceeding, the advocates before an appellate tribunal have limited ability to control, if not the substance, at least the flavor of the proceedings. The mood, tone, and pace of the argument is largely dependent upon the court and whether it takes an active or a passive role in the argument. Similarly, whether counsel is arguing before a "dead court" — one that has not read counsel's briefs before oral argument — or a court that is thoroughly conversant with the issues of the case, has an important influence on the nature and quality of the dialogue between counsel and the court.

While jurists may debate the merits of how active or passive a role appellate courts should take in questioning counsel during oral argument, or whether briefs are more profitably read before or after oral argument, when the advocates are students the objective is to produce the best argument, not the best decision on the merits. There is no question but that the most exciting, most crowd-pleasing, and most intellectually rewarding approach is a vigorous, incessant probing by the bench of every nuance and ramification of a student advocate's position.

A Triumph

Measured by this standard the recent Reimel Moot Court Semi-Final argument pitting Beth Hunter-Levinstein, '78, and Michael Gallagher, '78, petitioners, against Dennis C. McAndrews, '78, and James F. Guidera, '78, respondents, was a triumph of moot court appellate advocacy.

In this year's Reimel problem a divorced father was denied the custody of his infant son by operation of a Villanova statute providing that absent a showing that she is a fit person, the mother is to be awarded custody of a child of tender years. Another Villanova statute, which provided alimony for the wife only, denied alimony to the husband-petitioner in this case despite the fact that he earned only $3,000 a year as an artist while the wife-respondent was an attorney with a $50,000 annual salary. The argument is set before the U.S. Supreme Court where the husband is challenging the validity of the two Villanova statutes on equal protection and due process grounds.

Hearing the argument was a panel of three eminent jurists: Judge Edmund B. Spaeth of the Pennsylvania Superior Court, Judge John B. Hannum of the United States District Court for the Eastern District of Pennsylvania, and Judge J. William Ditter, Jr., also of the United States District Court for the Eastern District of Pennsylvania.

Judge Spaeth, sitting as chief justice for the Reimel argument, was the only bona fide appellate judge, although his past experience as a trial judge was betrayed by his jealous concern with the factual circumstances of the case. However, his passion for the subject, his appreciation of the Pennsylvania Superior Court bears a tantalizing resemblance to the rustic but dignified pitchfork-holding figure in the famous painting "American Gothic." In accordance with the image of his famous look-a-like, Judge Spaeth's style was unadorned, simple, and to the point. For most of the argument he sat back in his chair with a pencil held loosely under his chin. His questions came frequently and with effortless spontaneity. With an unassuming "Why?" he could transform the most self-centred advocate into a head-scratching, stuttering supplicant.

However, the judge evidenced little patience with the irrelevant or unsubstantiated argument. At one point he preempted McAndrews and added, "I now feel pretty competent, Judge Hannum chimed in with a short discourse on the "chivalric tradition in America." As a humorous illustration of American ambivalence in matters of chivalry, Judge Judge Han-num displayed a keen sensitivity for dignity and formalism in court when he admonished one advocate for referring to Supreme Court Justice Rehnquist as "Rehnquist" instead of "Justice Rehnquist.""Jitter Gives Advice"

Judge Ditter, a stocky white-haired gentleman with an unmis- tengaful judicial presence, remained reticent for the most part during petitioner's argument but jumped wholeheartedly into the fray when respondents urged the validity of the Villanova statutes sex biased. (Continued on page 7)

No ads

(Continued from page 2) with the ban on professional ad-ver-sing. The court held that pharmacists may advertise their prices on prescription drugs.

However, in dictum, the court said that a pharmacist should be sex neutral. Judge Hannum claimed in with a short discourse on the "chivalric tradition in America." As a humorous illustration of American ambivalence in matters of chivalry, Judge Judge Han-num displayed a keen sensitivity for dignity and formalism in court when he admonished one advocate for referring to Supreme Court Justice Rehnquist as "Rehnquist" instead of "Justice Rehnquist.""Jitter Gives Advice"

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Michael Gallagher answering a question posed by the Hon. Edmund B. Spaeth, judge of the Superior Court of Pennsylvania, in the semifinal round.

Meanwhile, the legal profession continues to be divided. At least three main theories exist. The traditional ABA approach holds that pharmacists are not physicians and are not dispensers of standardized products. Hence, the outcome of Bates v. Arizona cannot be predic-ted.

Profection Divided

Chafing at traditional restraints has taken other forms than direct challenges. Legal clinics have sprung up, such as the Jacoby-Myers Clinic in California which features quality, moderate prices, and easy accessibility. Nevertheless, it is the direct challenge which will determine whatever role pharmacists may play in the freedom of lawyers to advertise.

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Grand jury abuse

(Continued from page 5)

the self and politics

By BARBARA BODAGER

Faith Whittelsey, Republican Delaware County councilwoman, spoke to the Villanova Law Forum recently on the subject of "Politics, People, and Local Government."

Whittelsey, a widow with three children, graduated from the University of Pennsylvania Law School in 1963. At that time women were not regularly accepted in the legal profession. As a result, Whittelsey's first job after graduation was that of a high school teacher in South Philadelphia.

She changed courses and became a special assistant in the Pennsylvania Insurance Department. There are other interesting facets of grand jury practice and procedure. For example, there is generally runs for 18 months.

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Procedural Tactics

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A reporter at large

At one point in "The Kingdom and the Power," born about the same time, the author Gay Talese described a Timesman and related how, "...there were times when the executive pressure and office politics had made him nostalgic for the reporter's life, particularly when the stories were good. Although the editor's editorial board generally does not turn over until the absolute conclusion of the spring semester, in the interests of the effective transition of power and the sentiments expressed above by Gay Talese, this writer has once again opted for the reporter's life.

The Docket is very much in a state of flux. The past seven months and five issues have been more of a learning experience than most people would realize from the finished product. Participating in the management of a newspaper has been an extraordinary experience. Things did not always go smoothly, we had our share of turmoil and personality conflicts and made our share of mistakes. Some of the editorials that were written at three o'clock in the morning just did not look as good at three o'clock in the afternoon.

Our Local Correspondents

Notwithstanding any of the problems that were encountered, I feel extremely fortunate to have worked with some exceptionally well-motivated and competent law students, faculty members, and other members of the law school community. Moreover, it was because of these individuals that The Docket was able to accomplish several things.

The Publishing Scene

This year's staff represented the largest group of students who contributed to the newspaper in its 14-year history. Our first issue in the Fall semester was the earliest complete issue printed in the school's history. The 12-page issues that have been published contain more news than any individual issues that have ever been published. And this academic year will witness the publication of six issues, almost one every month, which is more issues printed in one year than in any other publishing year. We also have been implicitly responsible for the demise of the proposed alumni newsletter. Although this may sound like a campaign speech, students do have a right to know how a few thousand dollars of their money is being spent.

Letter From Garey

Although there is enormous potential for a few individuals to affect the processes of journalism at Villanova, the most grievous error that members of the law school community could make would be to identify the newspaper too closely with particular students, because as Prof. Rothman would say in an analogous context, it's only the tip of the iceberg. The Docket has been transformed essentially into everyone's newspaper. Articles and comments from outside of the newspaper staff constituted a particularly substantial contribution to the nature of the publication. And the only way that this will persist is if students, faculty members, alumni and others continue to receive the quintessential basis of The Docket in light of a desire to create something outside of an immediate academic experience.

Reflections

Although individuals should consider getting involved and spending some hours in student organizations and extracurricular activities prior to practice and escape from and complement to academia, cutting too many classes, preparing too few assignments, and borrowing too many outlines isn't too much fun either. If law school does anything it necessarily creates conflicts as to what you really want to do with the little time you have.

A Reporter in Lambeth

But for those of you who may feel inclined, an edited excerpt from the preface of William Blake's "Milton" may provide some inspiration.

Rouse up O Young Men of the New Age! Set your foreheads against the ignorant Hirelings! For we have Hirelings in the Camp, the Court and the University; who would if they could, forever depress Mental and Prolong Corporeal War. Painters! on you I call! Sculptors! Architects! Suffer not the fashionable Fools to depress your powers by the prices they pretend to give for contemptible works or the expensive advertising boasts that they make of such works; believe (. . .) that there is a Class of Men whose whole delight is in Destroying. We do not want either Greek or Roman Models if we are but just and true to our own Imagination, those Worlds of Eternity in which we shall live for ever....

— John Halesian

Tax bill called too complicated

(Continued from page 3)

gress singled out what they felt abuses or areas most in need of modification. The process then involved interaction between the government agencies and the various affected interest groups and finally a bill. "A lot of people as late as last July believed that there never would be a Tax Reform Act of 1976," Wiesner said.

When asked how working with the TLC in the Treasury Department compares to working in a private law firm, (Wiesner worked in the tax department at Morgan Lewis for 4-1/2 years, handling a variety of tax matters that a large firm practice generates,) Wiesner stated that, "Basically you deal with the same type of legal problems. However, at TLC you handle tax policy matters in the context of the general public interest and often before the matters are public knowledge."

"In private practice, on the other hand, you are trying to plan transactions to yield the most favorable tax treatment for your client. Often, you deal with questions only after the government has made an initial policy decision and you must structure your transaction to satisfy this decision. Wiesner contrasted this to certain firms in Washington, D.C. which do deal on a continuing basis with the government on legislative proposals and tax regulations.

When asked about the practice of most people to leave government work and return to private practice and the potential conflict of interest problems, Wiesner answered that undue limitations on leaving the government for private employment would cause many qualified people not to join the government at all and thus may eliminate one of the government's sources of talent.

Also, he believes that the conflict problem is not as severe as that for regulatory agencies such as EPA. In working on tax issues "you are dealing with substantive legal issues and are more removed from identification with the problems of an actual taxpayer."

Working at a highly visible stage of tax policy consideration appeals to Wiesner. From a young tax lawyer's point of view, working in the Office of Tax Legislative Counsel is a unique opportunity," he said. However, because of the work load it is essential to have four or five years of tax experience before going there. You have to deal with numerous areas covering a wide range of responsibility."

Interestingly, Wiesner's metamorphosis to a tax lawyer was a long, hard process. When he was in law school he went to Columbia, after obtaining an undergraduate degree at Seton Hall his faculty advisor told him to take as many interesting courses as he wanted. So he signed up for Urban and City Re-building, Law and Psychoanalysis, and other similar courses. However, his advisor then strongly urged him to take such substantive courses as Federal Income Tax. Taking the course gradually, what appealed to Wiesner was that tax is a very substantive area of the law. "You must carefully analyze the statute, regulations, case law and IRS interpretations. It requires methodical analysis; it's a very meaty area of the law," he commented.

Wiesner concluded the interview with the two following comments. "First, if you want tax experience in the government right out of law school, he recommends the national office of IRS or Regional Counsel's Office, a Tax Court clerkship, or the tax division of the Justice Department.

Second, his thoughts on the current administration are optimistic. The new Assistant Secretary for Tax Policy is Dr. Laurence N. Woodworth, formerly Chief of Staff of the Joint Committee on Internal Revenue Taxation. Dr. Woodworth has tremendous breadth of experience and will work to implement President Carter's campaign promise of tax simplification. "He (Woodworth) has the ability and the necessary experience with the Congress to accomplish the President's goal," Wiesner stated. "It should also help make the process much smoother that there is a Democratic President and Congress so that Treasury, the Joint Committee on Internal Revenue Taxation and the IRS should be working toward the same goals."