Bazeloon keys conference

By JOHN HALEBAN 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, observed that the concept of "officious intermeddling" is the medieval word meaning, in common law terms, "art meaning, in common law as the consumers don't know about it!"

"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."

By BETH WRIGHT

Stephen Shaiman, '72, faces disbarment for advertising fees.

In his neighborhood Roxborough Review, Shaiman's price for an hour of a lawyer's time. The support of consumer groups

"I'm one of the guys out in the boombocks 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."

"The Neglected Middle"

The consumers, Shaiman says, are the "neglected middle" and those he wants to reach. The rich can afford high fees. The poor have special groups catering to them. The middle class consumer, faced with a $500 hourly billing rate (Shaiman's is $25) hesitate to spend money on a lawyer. After all, that's one day's pay for the consumer in exchange for one hour of a lawyer's time.

On the other hand, he wants quality legal work. Shaiman wants to provide it. Significantly, he has had no complaints from his clients or from consumer groups about his advertising.

The support of consumer groups is something Shaiman is mobilizing to aid his crusade. He also hopes for support from other lawyers. He's been active with various consumer-oriented committees of the Philadelphia Bar Association. Over support from colleagues has been less than overwhelming, although many have asked him if his ads have brought world in stupor lives, yet dotted everywhere ironic points of light flash out wherever the just exchange their messages. May I, compared like them of eros and of dust, beleaguered by the same negations and despair, show an affirming flame.

The conference focused on 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 mentally 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 Pocome Hospital, noted several problems with implementing the Act.

"I'm one of the guys out in the boombocks 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."

(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 briefly and then fielded questions.

However, he refused to answer a question as to whether he took the memorandum 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 investiga-
tions. 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 investi-
gation following the direction of Archibald Cox and Leon Jaworski.

According to Martin, the initial piece of information which will in-
stitute an investigation can come from myriad sources. IRS audits, other federal agencies, paid informants, or the public. He estimated that about 8,000 pieces of information a year are screened by his office. A taxpayer under inves-
tigation may never know how the case of the investigation because all of the IRS sources are kept strictly con-
fidential.

Tax investigations can run for over a year with one or more special agents researching and in-
vestigating. The special agent has complete charge of the case and attends the trial.

Two Routes

Martin said that once he has decided to prosecute, the case may go one of two routes. In the majority of cases, the charge will be directed to the U.S. At-
torney for immediate prosecution. Martin indicated that certain cases must be referred to the U.S. At-
torney to prevent him from being involved in the closing of the case, he will act as a grand jury assistant. The special agent will make the decision after considering the entire file and making a recommendation to the IRS Director of Criminal Investigation.

Hence a violator's first contact with the tax laws is the Intelligence Council, after which the case is sent to the taxpayer informing him of the conclusion of the investigation and the referral to the Regional Counsel for prosecution. At this stage, counsel for the taxpayer may seek a dismissal of the charges. If the intelligence division determines that the case is meritorious, it will be referred to the U.S. Attorney for prosecution by offering his client's defenses. Sometimes a sup-

Code shuns self-laudatory ads

By BETH WRIGHT

A lawyer is forbidden to adver-
tise under the provisions of the ABA's Code of Professional Responsibility.

Beyond moral suasion, however, is the enforcement section, the "Disciplinary Rules," which state: "A Lawyer shall not publicize himself... as a lawyer through newspaper or magazine ad-
vertising. (DR 2-101B) The provision prohibits "professional self-laudatory statements calculated to attract law clients." (DR 2-101A)

Why should lawyers be for-
bidden to advertise? To keep the profession a closed shop, say the detractors. To maintain the profession's dignity, say the ban's advocates.

Those who dislike advertising — the ABA for example — fear that the canons of ethics will be undermined by tasteless charlatans. Lawyers have not always had the respect of the com-
munity. Many feel that the profession has made a considerable effort since the 19th-century image of the lawyer was, in large part to the image of advertising. If the Disciplinary Rules in the Code were removed, it is doubtful that the profession as a whole alone would provide sufficient restraint to prevent or regulate legal advertising. Failing the latter, a misleading puffery would, it is feared, be everywhere.

For instance, a lawyer ad-
vocates his specialty as family law. Does that mean he is especially skilled? Or does it mean that he has been doing something nobody has asked him to do anything else? Or maybe he'd like to try his hand at family law and hasn't had any takers in that area yet. The Code's ban on ad-
vertising is a recognition that the correctness of the marketplace may be less than thorough.

Disciplinary Council

The code governs lawyers because the Pennsylvania Supreme Court, on the basis of its inherent jurisdiction to license lawyers, says so. The other 49 states operate similarly. Violations are handled by a nine-member, statewide board appointed by the chief justice of the Supreme Court. The Disciplinary Council is the enforcement section, the "Disciplinary Counsel," and the prosecutor. The disciplinary council is the first avenue of reviewing complaints from the public and enforcing the professional disciplines.

Charges Imminent

Shaiman does not contemplate running more ads right now. For-
amal charges from the disciplinary council are imminent, with the final appeal from any sanctions imposed by the Pennsylvania Supreme Court.

Meanwhile, Shaiman is becoming a media celebrity. Tuesday morning, Martin, found him appearing on KYW television right after the Pillsbury Bake-
off winner (chocolate mousse with brownie crust) and "Sugar Britches" (lexicographer of CB slang) had their TV appearance and his performance as a panelist at the Philadelphia Bar Association's Quarterly Meeting kept him busy that week.

Shaiman feels that, if he is not only exercising his First Amendment rights, he is also fulfilling his professional duty to make counsel available to clients.

Shaiman's case parallels Bates v. Arizona, now in the oral argument stage before the U.S. Supreme Court. He is part of a growing movement in the legal profession, but seems to be the first Pennsylvania lawyer to put his own career on the line.

Applicants up here, down elsewhere

By RENEE MCKENNA

In the past decade American law schools have been bombarded with applications of qualified individual.{i}s far in excess of the num-
ber of spaces available in each en-
tering class. The number of ap-
pli cants has shown an extremely sharp increase in the last five years.

This year, however, many law schools are experiencing a new trend. Applications have dropped; in many cases significantly. One well-known California law school found such a dramatic decrease that it conducted a survey throughout the United States to see if other law schools had ex-
perienced a similar phenomenon.

In addition to the decline in ap-
plicants to law schools, statistics show that the number of students taking the LSAT in the past year has diminished. The final results as to the actual reduction are not yet available.

Despite the crunch, there are some law schools where the num-
ber of applicants has continued to rise. However, even in these in-
stitutions, the increase has often not been as high as that enjoyed in past years. For example, Columbia Law School had only a five percent increase and applications received by Harvard and Yale are approxi-
mately equal to those for 1976.

Villanova Increase

Despite the national trend, Villanova Law School has ex-
perienced a significant increase in the number of persons seeking ad-
mittance. To date, about 2,300 ap-
plications have been received by the admissions office. Only 220 to 230 seats are available in the fall classes.

This is an 11% increase in ap-
pli cants from last year. In addi-
tion over 10,000 catalogs and more than 50,000 applications were distributed.

Why the "reverse trend" at Villanova? Admission Director Sandy Moore gave several possible reasons.

Improving Reputation

Moore primarily attributes the "jump" to the improving reputation of the law school. "In recent years Villanova's reputation as a law school has grown on a national level," she said. "We have graduates who are practicing all over the country and doing well." In addition, many of our professors and graduates have attained positions of high professional standing in private practice and public service which has also contributed to the reputation of the law school."

To name a few persons of local fame, Moore cited Judge Lisa Richette, one-time professor at Villanova Law School, who was recently nominated to sit on the Pennsylvania Supreme Court and former Congressman William Green who attended Villanova Law School, and was a member of the Class of 1967.

Another reason cited for the in-
crease in applications at Villanova is geographic location. The schools which appear to be har-
dest hit by the recent decline are those in geographically isolated areas, whereas there are schools with ex-
cellent reputations in isolated locations who are experiencing a decline.

Schools in the Delaware Valley have, in general, enjoyed an in-
crease in applications. The University of Pennsylvania School of Law is experiencing a high in-
crease in the number of applicants. The recently accredited (Continued on page 3)

Stephen Shaiman, '72, holds paper containing the ad which may result in

Alum faces disbarment

(Continued from page 1)

in a lot of business. Answer: not much. However, in the course of this interview with The Docket, he rang five times. They can't all have been selling light bulbs.

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Stephen Shaiman, '72, holds paper containing the ad which may result in disciplinary action against him by the Bar.
Insights into 1976 Tax Reform Act

U.S. lawyer calls it ‘too complicated’

By NANCY FELTON

Editor's Note: Phil Wiesner, husband of Christine White-Wiesner, 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. 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 of the Treasury for Tax Policy and the deputy assistant secretary. Just as the New York Times ran an article on "Two Men Who Drafted the Law" (2/20/77) to get some insights on the new tax law, the Docket was asked to ask Mr. Wiesner questions regarding the 1976 Tax Reform Act, his 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 bills rests with the House or the Senate Committee of Ways and Means. The primary tax-writing staff is that of the Joint Committee on Internal Revenue Taxation. The Chief of Staff to the 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).

The Executive Department inputs are the Office of the Assistant Secretary for Tax Policy of which TLC is a part and the Legislative 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).

Tax proposals may be initiated by either the Executive Department or Congress itself. The Tax Reform Act of 1976 began in 1973 when then Secretary of the Treasury Schultz testified before the House Ways and Means Committee on the need for tax equity and the simplification of the tax code. The preparation of the Secretary's testimony and the initial drafting of the proposals were the job of the Office of Tax Legislative Counsel. Wiesner came to TLC in June, 1975 with the understanding that he would work on the tax shelter and minimum tax aspects of the new tax bill. When he arrived, the Administration's proposals had already gone through some Ways and Means Committee revisions; but it was believed that the House of Representatives would adopt the basic tax shelter proposals.

Wiesner's first task was to "prepare for the Ways and Means Committee hearings to be held in September, 1975. We had to anticipate the questions that might be raised, consider all the alternative proposals that might be presented and prepare our arguments as to what we thought was good governmental policy. "This role was repeated as the bill progressed to the Senate Finance Committee, the House-Senate Conference Committee, and ultimately to the White House for its consideration. During this period the pressure was intense. For example, the Conference Committee finished its work on a Thursday with instructions to report the bill and accompanying Committee Reports by the following Tuesday. Needless to say, no one got much sleep that weekend." (At this point the author bearings the Assistant Secretary for Tax Policy usually presents the views of the Treasury Department.)

In the context of tax shelter, the Administration's goals were to reduce the use by high-income individuals of tax-shelter devices, e.g., cattle breeding syndicates, movie production partnerships, and to assure that such taxpayers pay at least a minimum tax on their economic income. It is interesting to note that the bill, as finally enacted, does not contain the Administration's proposals on tax shelter. However, Congress did adopt provisions that should substantially reduce the use of tax shelter devices and should increase the amount of tax-high income Americans pay.

Other members of TLC were performing similar tasks with respect to other portions of the Tax bill dealing with capital formation, individual income tax provisions and estate and gift taxation, to name a few. The 1976 revision was most comprehensive; the bill itself contains more than 500 pages.

When asked his opinion of the new law's weak points, Wiesner answered, "It is too complicated. It is so complex that it is difficult even for tax experts to know what is meant in many parts. It is noted that "It is the objective of the present Administration to simplify the Internal Revenue Code before it collapses of its own weight." As to whether or not the Administration's role was to simplify the tax law, Wiesner points to the proposal in the current Tax Simplification and Stimulus Act which, if enacted, will increase the use of the tax tables and make filing a tax return easier (if not more fun) for the majority of taxpayers.

The Internal Revenue Code's present state of complexity is due to the unwillingness to receive any information that will be useful in his defense of the taxpayer, according to Martin.

Limited Discovery

The next level of pre-prosecution review is at Regional Counsel's Office. There is a regional IRS office in each state. The taxpayer may confer with attorneys in the Department of Justice concerning his client's case. If the Department declines to prosecute in the usual case, it is returned to the IRS for disposition through the civil division.

To Grand Jury

If it is accepted, the case is turned over to the U.S. Attorney General's Office. The U.S. Attorney receives the accumulation of evidence, reports, memoranda and recommendations from the Department of Justice, presents the case to a grand jury and The result today is the anomaly of a "single" couple having a better tax rate than the comparable married couple. "It is a good example of how an attempt by Congress to provide relief for one group of taxpayers raises further, more complicating, problems," says Wiesner.

Another reason for complexity is the legislative process itself. Wiesner said there is a large amount of "horse trading" as attempts are made to reconcile the various interest groups. In the Tax Reform Act the

Phil Wiesner, attorney-advisor with the Office of Tax Legislative Counsel in Washington, D.C.

Another objective of the bill was to provide relief for certain taxpayers. For example, the expanded child care credit provided relief for working parents, "but the computation of the credit makes the tax returns more complicated."

Wiesner also answered a question on the tax treatment of working couples. The problem is that a married couple with two equal incomes pays more in income tax than two single people earning the same total amount of income.

This "inequity" developed out of the joint return concept, a measure adopted by Congress during WW II, to provide more favorable treatment to married couples. Congress subsequently modified the tax rates to single people when they complained about the differences between their treatment as compared to married persons. The result today is the anomaly of a "single" couple having a better tax rate than the comparable married couple. "It is a good example of how an attempt by Congress to provide relief for one group of taxpayers raises further, more complicating, problems," says Wiesner.

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...
Parking problem unprecedented

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 sadly poo-poohed this warning, 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 places.

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 career of the law should demonstrate responsibility by obeying simple parking rules and showing general courtesy.

We also feel that at times the university's solution of towing offenders becomes unduly burdensome. The $25 release fee is steep and the Radnor Garage has often been accused of arrogance and negligent care of students cars, which are sometimes damaged. In addition, the lack of notice to the violator that his car has been towed has the inherent possibility that a student will be left without a means of retrieving his car and without the time to cash a check since checks are not accepted at the garage.

The towing policy could be more equitable to the violators and might even be unnecessary. Security forces should be allowed to issue tickets for $5 or $10, only towing after the student had run up a certain amount of fines. This way, the student would have fair notice. The university would have a policy which would not be time consuming and would in fact, be remunerative.

Again, we must primarily urge students to resolve this situation. Each individual must remind himself that the difference between professionalism and short cutting the law is a two minute hike.

Exams: just test of tenacity?

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. Thus, the problem of "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 pinstripes. 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.

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 Presidents Kennedy and Martin Luther King Jr.

Sprague has been assailed for allegedly being unmindful of civil rights in his investigation and he has been called "scurrilous" by the committee's former chairman, Rep. Henry Gonzalez.

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

Furthermore, it is an absolute untruth that Sprague has said "It is a Herculean job."

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 Atilla 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 defended...

VLS moot in Jessup competition

By PHILIP COLLINS

Villanova was represented in the Philadelphia team of the Philip C. Jessup International Law Moot Court Competition at Cornell on March 11 and 12 by Donna Baker, Phil Collins, Mary Gilbey, Kent Johnson and Jack Loughhead. Captain Jack Loughhead overview presented by Mr. Materials (bricks) and oral argument.

The team argued four times at Cornell, twice on each side. The Villanova team opposed teams from SUNY at Buffalo, Rutgers-Camden, Ohio Northern and Dickinson Law Schools.

St. John's Best

St. John's won the sword for the best team and also had the best oralist. Syracuse had the best pair of Memoris in the competition. Twelve teams competed. Villanova won no awards. Complete results were not available at deadline.

The problem involved a dispute between two fictional countries — Pandora, a nuclear weapon exporting country to the Non-Proliferation Treaty, and Shangi-La, a developing country between India and China.

Nuclear Safeguards

Pandora and Shangi-La had agreements (treaties) under which Pandora agreed to permit transfer of nuclear fuel and material to Shangi-La for use in energy reprocessing plants. Shangi-La agreed to apply safeguards to nuclear materials shipped.

Shangi-La built a nuclear reprocessing plant over Pandora's objections and asked Pandora for permission to reprocess spent uranium into plutonium, the material from which nuclear bombs are made. Pandora passed a law forbidding nuclear fuel shipment from Shangi-La, and Shangi-La agreed to apply safeguards to nuclear materials shipped.

Terms Rejected

When Shangi-La rejected Pandora's terms, Pandora terminated fuel shipments to Shangi-La. Shangi-La brought the dispute to the International Court of Justice. The main issue raised was the law of treaties, focusing on the Vienna Convention on the Law of Treaties of 1969 provisions on interpretation of treaty texts, the effect of municipal (national) law on treaties and the development of peremptory norms of international law.

Philip C. Jessup was an American judge on the International Court of Justice in the 1950's and 1960's. The Philip C. Jessup International Law Moot Court Competition involves teams from law schools around the world, although the majority of participants are from the United States. The final round of the competition, as now organized, pits the United States champion against the international division champion.
ERA seen as ‘moral mandate’ by Penn Law School vice dean

By JAY COHEN

The Pennsylvania Equal Rights Amendment (ERA) has been more than just a victory for women, according to Phyllis Beck, vice-dean of the University of Pennsylvania Law School. Beck said that while some of its shortcomings she still regarded the ERA as a “moral mandate.”

Beck appeared with Greta Aul under the auspices of the law school’s Women’s Association. Aul is 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 court refused to consider the assets attributable to the marriage’s contractual rights. Pre­viously it had been the man’s sole responsibility until the child’s emancipation.

Pennsylvania courts have de­cided more cases than other states (25 since the ERA’s passage in 1971); yet, according to Beck, these decisions have largely confined themselves to narrow issues. 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.

She gave the clear impression that the court’s problems of interpretation could have been overcome by a greater commitment to the cause addressed by ERA.

The Pennsylvania amendment (Art. I, Para. 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 hands of practicing attorneys, Beck suggested, is still un­clear because the state legislature 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 assumed that marriage is a partnership and that when the partnership ceases, 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.

Our support 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. This ruling is op­posed to the previous rule which required that the woman 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 the Equal Rights Amendment, Beck, 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 agree to the proposed pol­icies with the dictates of ERA, an effort which has borne great fruit.

Aul added that the result of their efforts various directives had been issued by the Attorney General’s Office, among wom­en’s sportswriters, to be newspaper carriers, boxers, and wrestlers.

Elementary school children are now conducted coeducationally and females 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 pro­ject to develop some course accom­plishments in scope.

Corrective Effort

By using the State Computer Network, COW is attempting to put together a package of reform legislation to correct those statutes which contain some clear evidence of sex discrimination.

First, certain categories were arrived at under the heading of certain led into the computer. After it printed a thousand-page readout, COW nar­rowed the list to 23 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 and to what effect, and got the agency to make recommendations with a view toward reform.

As it came up with reform bills, COW submitted them to a special committee of the House and Senate Bar Association for consideration of practicing attorneys. Aul said that the House Education Committee determined what practical result the lawyers could foresee from a change in a certain case, and they have been particularly helpful. Aul pointed out.

Purge of Purdon’s

Repeal of Pennsylvania law­makers have gotten into the act. Aul spoke of an effort to organize Purdon Associates’ Pennsylvania Statutes and ERA as ‘moral mandate’ by Penn Law School to reinstate new material.

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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 Meshan and John Ditter.

The final argument will be on April 16 at 2:00 p.m. in Rooms 29 and 30. The three-judge panel will consist of The Hon. William H. Rehnquist, assoc. 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, assoc. justice of the Supreme Court of New Jersey.

The law school 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 convalescing only part-time on the court.

Lotti Drawn

The McAndrews-Guidera team will represent the plaintiff, 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 for life he earns but $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 a great drawing card but he's just another judge."

Guidera stated: "We've used quite a few of Rehnquist's words in our briefs and we wonder whether this might seem a little too cute. Probably we won't use his words in our argument."

Though generally pleased with the Reimel program, McAndrews conceded to having misgivings about some of the judges being served drinks before the arguments.

"After all the hard work you do, it doesn't seem appropriate," he said.

According to Clinton Kemp, chairman of the Moot Court Board, a brief cocktail party before arguments is a long-standing 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."

Reimel semi-final winners, Dennis McAndrews (left), and Jim Guidera, who will argue as respondent.

Guidera had only praise for the program. "It was very well run and the judges were fun," he said. "I'm looking forward to the finals. We're going to stick to our game plan and not be shifted by what our opponents do. We're grateful to have gotten this far."

McAndrews was less zealous, admitting, "I wouldn't do it again if I didn't get to the finals."

No "Special Strategy"

Representing the husband will be Kimberly McFadden and Jane Seeger. McFadden expressed optimism, explaining, "We think we have a strong case and really haven't planned any special strategy."

She praised the program as a wonderful experience and added, "I now feel pretty competent in the equal protection and sex discrimination areas and this has helped me with my classwork."

McFadden and her partner agreed that they were glad they had entered the competition. According to Seeger, "It's a valuable experience because, in changing sides, it increases your ability to be an advocate." "It was a lot of work," she added, "but it was worth it."

No ads

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with the bans on professional advertising, a recent report held that pharmacists may advertise their prices on prescription drugs. The report claims the court said that there may be distinctions among professions. Lawyers, unlike pharmacists, are not dispensers of standardized products. Hence, the outcome of Bates v. Arizona cannot be predicted.

Profession Divided

Meanwhile, the legal profession continues to be divided. At least three main theories exist. The traditional ABA approach for bidding advertising is one. On the other side is the approach of the Baristas' Club of San Francisco maintaining that all advertising is fine, as long as it is not false. A middle ground is based on the FTC model: advertising must be truthful, non-deceptive, unfair, or in bad taste. This is the approach of State v. Seeger.

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 changes will probably be in the freedom of lawyers to advertise.

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

Commentary

It's all up to the judges

By JOHN FREUND

Oral argument before an appellate court can be as relaxed as an after dinner speech or as nerve-racking as two dozen filled 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 advocate and the court. Whether counsel is arguing before a "dead court" or whether briefs are more profitably read before or after oral argument, the best argument, not the best decision on the merits. There is no intellectually rewarding approach is a vigorous, incessant probing by the bench of a student advocate's position.

A Triumph

Measured by this standard the recent Reimel Moot Court Semi-Final argument pitting Beth Hunter Weinstein, '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 the child would be a more suitable custodian of a child of tender years, another Villanova statute, which provided alimony for the wife only, denied alimony to the(GLU)
Faith Whittelsey, Republican councilwoman from Delaware County, addressed the Law Forum.

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 readily accepted in the legal profession, but she was interested in being a lawyer. 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 Banking Code. Whittelsey then worked in the U.S. Attorney's Office, and was a state representative for three years.

To Rebuild Confidence

Her role as a councilwoman is to rebuild confidence in the Republican Party in Delaware County. Whittelsey is very dedicated to this cause, but she finds political life very exhausting. She prefers her present office over that of a state representative, however, because her office is set up to assist municipalities, with no real government position.
A reporter at large

At one point in his book about the Internal Revenue Service, The Ties, 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 as 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 previous year. We also have 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 perceive the quintessential basis of The Docket in a 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, particularly when they are in private practice, they may be able to escape from 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

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

The Tax Bill called too Complicated

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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 tax 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 said to take as many interesting courses as he wanted. So he signed up for Urban and City Re-building, Law and Psychiatry, and other similar courses.

However, his advisor then strongly urged him to take such substantive courses as Federal Income tax. Taking the course grudgingly, 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 of tax law 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."