McAndrews-Guidera take Reimels

Distinguished panel praises advocates

VILLANOVA, April 16 — James Guidera and Dennis McAndrews overcame stiff competition from Kimberly McFadden and Jane Seeger to win the Seventeenth Annual Reimel Moot Court Competition, held April 16, at Villanova Law School. The Theodore C. Reimel Award is generously contributed by Mrs. Reimel in honor of her late husband.

The near-capacity crowd in Rooms 29 and 30 was treated to superb performances by the four participants, who argued before a three-judge panel sitting as the Supreme Court of the United States, headed by the Hon. William H. Rehnquist, associate justice of the Supreme Court of the United States, and the Hon. Collins J. Seitz, chief judge of the U.S. Court of Appeals for the Third Circuit, and the Hon. Morris Pashman, associate justice on the Supreme Court of New Jersey.

The afternoon session was marked by poised presentations from the contestants and several humorous interchanges between the Bench and the advocates. Though some nervousness was evident in the early going, the finalists demonstrated that they had become well-seasoned in the art of appellate advocacy.

The arguments got underway shortly after the scheduled 2 p.m. starting time, as the bailiff proclaimed, “All rise!” An awesome silence fell over the audience as the three judges entered the courtroom, led by Prof. John Hyson, Moot Court Board faculty advisor.

On receiving affirmative replies to his inquiries of the teams’ readiness, Justice Rehnquist, acting as chief justice, asked Ms. Seeger to open the arguments. Though some trembling was at first perceivable in her voice, she proceeded to give an opening argument which Rehnquist later described as excellent.

The McFadden-Seeger team represented the petitioner, William Adams, in his attempt to have two Villanova statutes declared unconstitutional. His wife, Joan, had brought a divorce action against him, claiming their marriage had suffered an irretrievable breakdown. Both parties had asked for custody of their young son, and William, an artist who had never earned more than $3,000 in any one year, had also requested alimony. Joan, an attorney earning more than $50,000 a year, was granted the divorce and custody of their son.

William’s request for alimony was denied. He appealed, contending that a Villanova statute which precluded alimony payments to the divorced husband violated his right to equal protection of the laws.

He claimed, in addition, that the Villanova statute which created a presumption that custody of a child of tender years should be given to the mother violated his rights to both equal protection and due process. The Supreme Court of Villanova affirmed the trial court’s decree, and William appealed to the Supreme Court of the United States.

Seeger Attacks Statute

Seeger, handling the custody statute, tried to convince the court to apply strict scrutiny in analyzing the statute. She contended that the statute failed to meet this rigorous standard and thus violated the equal protection clause of the Constitution. Seeger argued that the statute violated due process as well, since it deprived the petitioner of a fundamental interest without a hearing.

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McFadden, Seeger’s partner, urged the court also to strike down the alimony statute. She appeared to be slightly startled when asked to discuss her client’s standing to raise the question: “I believe,” she told the court, “that the lower court opinion and the footnote to that opinion was meant to dispose of that
A new open-writing program for the Villanova Law Review which is expected to maximize the fairness of the selection process has been approved by the faculty and is being implemented by the Law Review staff.

In past years, an individual chose the case on which a casenote would be written. First- and second-year students under the revised program will pick one of three cases on which to write a slightly shortened version of the standard casenote. The three cases will be related to the course work of first-year students.

Three weeks will be given to complete the assignment; this period may begin no earlier than the day after final exams conclude and no later than a week after first-year student receive their grades. Deadlines will be monitored by the printer. That volume, comprised of the previous year’s board, contained only 1,012 pages, 88 less than budgeted.

According to Shay, her board caught up one issue. "It looks as if there’s no change," she said, "but much of our work is at the editorial stage and remains, however, that the Review is still several issues behind.

How far behind is difficult to say. Since falling behind, the Review has juggled its publication schedule. It is hoped and expected that this fine record will continue and improve under the new system.

Further questions about the program should be addressed to Bob Welsh or Lynn Zeilitz.

Major Change

A major change has been made by the Review in an effort to get back on schedule. According to Shay, a new position, projects editor, has been created to help with the backlog. The projects editor will be on the managing editor level.

The recently completed 1975-76 volume contained very little material by non-staff writers (26 percent of all printed materials), an amount, in both in pages and percentage of the total,far below that of other law reviews. This includes only two articles by Villanova professors.

"In general," said Shay, "we prefer to publish student work." But she added that she would like to see more faculty support. "Only a handful help us," she said. "Their support has not been as great as it could be. We could get better quality articles if they wrote more and gave us more help.

Comments of other editors ranged from ‘I like the independence of the Review, but I wouldn’t like to see any more faculty involvement’ to ‘horrible, horrible.’"

Disappointed in Faculty

Shay noted that the faculty is generally cooperative when approached but that they’re not as supportive as they might be, and she expressed disappointment at the small faculty turnout at the criminal justice symposium which the Review sponsored. The faculty, she added, could be very helpful in getting the Review connections for outside materials.

According to Prof. Walter Taggart, Law Review faculty advisor, while it would be better for the Review if more of the faculty wrote for it, there’s no obligation on their part to do so.

"I would hope that in the future a more substantial portion of the Review would be comprised of faculty writings," he said, "but they publish so many outside obligations this year." In addition Taggart noted, "The faculty has a substantial teaching load and many prepare their own class materials. The consensus is that we’re a hard-working faculty and our productivity at the school is pretty good in light of our other obligations."

"It’s not true that people are turning their backs on the Review," he said. "There’s no basis for the Review to feel slighted."

As to whether the faculty should put more emphasis on helping the publication rather than on outside projects, Taggart commented, "If people could write a book for West and have a major casebook or a case on which they could work, they would probably be a lot more cooperative."

"I’m sure that the faculty would be very enthusiastic if we could provide something for them," said Shay. "We definitely need to solicit more faculty help."

The newly-appointed Editorial Board for Volume 23.

New Board Members

The Editorial Board for Volume 23 will consist of Jeanne K. Runne, editor-in-chief; Ira J. Rapoport, associate editor-in-chief; Patricia A. Godfrey, managing editors; Susan Kassell and William G. Frey, articles editors; Richard W. Shy, third circuit reviewer editor; Lynn G. Zeilitz, projects editor, and new (Continued on page 6)
question at this time...that standing is not to be raised."

Judge Seitz, smiling, withdrew the question, stating, "Oh, I see. We’re not to ask you about that." He evoked further laughter from the crowd by adding, "That’s what I like about being a judge. There’s very little ground that’s sacred."

Guidera, representing respondent-wife, handled himself at the podium with the self-assurance of an experienced appellate lawyer. Unlike his adversaries, he spoke without the aid of any notes, though at times his delivery sounded like the recitation of a memorized script.

No Double Standard

Guidera contended that the alimony statute was, indeed, constitutional. He was asked by Justice Pashman whether he agreed that the legislature was "primarily concerned with needy persons...needy spouses." He replied, "It would be fairer if we said needy female spouses." He went on to explain that this did not create a double standard. "Petitioner can go out, upon this divorce, and seek a job without having to overcome any barriers of economic discrimination," he said. "That’s not the same situation with women."

McAndrews dealt with the custody statute, contending that it did not violate equal protection or due process. Also standing at the podium without any notes, he insisted that custody of a child was not a fundamental right and, therefore, the applicable level of scrutiny would be the "substantial relationship to an important government interest" test.

"I would point the court," he said, "to the case of In re Burrus where this court stated very clearly that custody is not a right arising under the Constitution and therefore, it is not a fundamental right."

Important Government Interest

McAndrews argued that there was "obviously a very important government interest; that interest being the best interest of the children of Villanova." And, he maintained, "The prevailing view among psychologists is that there is nothing more essential to the normal, healthy upbringing of the child of tender years than its mother."

Justice Pashman inquired as to what should be done in the situation where the child’s upbringing and thus, the statute met the substantial relationship test.

This evoked the highlight of the afternoon’s levity in the following exchange:

**PASHMAN:** Is there that much difference between that (an airline stewardess) and a $50,000 a year busy, busy lawyer...as you’re going to find out shortly?

**MCANDREWS:** I hope so.

**PASHMAN:** We’ll start you at $25,000.

**MCANDREWS:** I’ll take it!

**PASHMAN:** Touche!

Seeger, in her rebuttal, attacked McAndrews’ "mountain of data," remarking, "The respondent is making a mountain out of a molehill...There’s no empirical data supporting the contention of maternal superiority."

McFadden, during her rebuttal, characterized the alimony statute as being based on archaic and romantic assumptions.

The court was then briefly adjourned for the judges’ deliberations. Their decision was not to be based on the merits of the case but on the oral and written expression of the contestants.

Judges Praise Advocates

Justice Rehnquist announced the decision of the court and added, "It was a close one to call." He commended the teams’ arguments as being of "uniformly excellent quality."

Justice Pashman was enthusiastic in his praise. "This was a really exciting afternoon," he said. "The briefs on both sides were excellently written and organized...The responses to our questions were spontaneous. Nobody had any trouble meeting the challenge."

Judge Seitz, too, applauded the attorneys. "The principal joy I have at this moment is not having to go back into conference and run the risk of being assigned this opinion to write," he said.

And he offered a suggestion to appellate lawyers. "No matter what you say about legal principles," he noted, "in the final analysis, most judges are influenced by the appeal of the facts. And so, if you feel that the facts are on your side, they should be emphasized. Legal principles should be secondary. Believe me, most judges are of sufficient ingenuity to find the legal principles to support an attractive factual situation."

Justice Rehnquist re-emphasized Judge Seitz’s comment and recommended a "win one for the gipper" approach. "You’re not supposed to use that technique on an appellate court," he said, "but they fall for it the same way as trial courts."

**Editor’s Note: The Reimel Competition is a competitive Moot Court program for second- and third-year students who compete in two-member teams and argue the case through elimination rounds. The preliminary rounds are heard by lawyers from the surrounding areas. In the later rounds, arguments are heard by federal and state court judges. The Reimel Competition is administered by the Moot Court Board whose student members are selected upon the basis of academic scholarship.**
Counsel’s role vital

By MARITA TREAT

The attorney is not thought of as a necessary concomitant within the hospital nexus. Yet in the newly-developing area of patients’ rights, the attorney, the professional person representing the patient, is an indispensable party.

Rather than thinking of law as the retroactive measure of correction used in the medical malpractice suits today (which adds to spiraling costs in the medical field and has long-range adverse effects on health care), the attorney should be a complete change in the legal approach to medicine. It is strongly recommended that every family with a critically ill loved one in the hospital should retain counsel as well as a physician to protect the rights of a human being who is now helpless.

There is a way, in special situations, to utilize the powers of equity to raise the standard of medical care. Much has been written recently about the “right to die.” On the inept end of the life continuum, much has been argued by anti-abortionists about the rights of the unborn to live.

Yet it is not better to fight a population explosion from the source, than to face the enforced measures exemplified by the Four Horsemen of the Apocalypse? Or to turn on the elderly with the cavalier decision that their time has come? Is life a “you’ve had your turn” experience?

Right to Live

Very little is said about the aged and the question of the right to live if they so desire. Hospitals and attending physicians follow a practice today of noting “no extraordinary measures,” “no heroic” or “no team” (meaning no cardiacecure team) for the aged patient.

Has this patient given up his right to live because he is old? What if he wants to live, fights to live, and has a chance of making it, with the help of the so-called “extraordinary measures” — or even with ordinary measures that are sometimes withheld (e.g. hyperalimentation for the patient who is “NPO.” “Nothing by mouth.”)

Hyperalimentation is a method of giving balanced liquid nutrients intravenously to patients who are too ill to take anything by mouth. This method of feeding would save the life of an aged patient, full of good spirit, with excellent vital signs. Yet suppose this measure is withheld and the patient is kept on mere glucose (sugar water) intravenously for over a month. This is a progression of debilitation that would weaken and kill even a strong young man.

This writer has observed this first hand at one of the area hospitals meeting the standard of care commensurate in this area — indeed, one of the better hospitals by reputation.

For Practice

In addition, medical students, student nurses, and — worse — student technicians (“All you need is a high school diploma”) practice on the hand of equity should enjoin medical students, residents, and/or critically sick having a right to live because he is old? What if he wants to live, fights to live, and has a chance of making it, with the help of the so-called “extraordinary measures” — or even with ordinary measures that are sometimes withheld (e.g. hyperalimentation for the patient who is “NPO.” “Nothing by mouth.”)

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Experts discuss centralized computerized information system

By LOUIS C. ROSEN

A panel of experts composed of lawyers and lay persons discussed the controversial area of computerized centralized information systems recently at a Villanova Law Review/Student Bar Association symposium.

Opinions on the merits of any such system spanned the spectrum from strong advocates of a centralized system to those highly critical of centralized information systems. Participants were asked to examine three specific categories of data: (1) arrest information, both that information that results in conviction and that which doesn’t; (2) personal history information, such as personal associations; and (3) medical history information.

Lawrence J. Beaser, counsel to Gov. Milton J. Shapp, pointed out that the panel was discussing not only information recorded by police and the courts, but also by the prison, probation and parole systems and district attorneys.

The possible benefits of in-individual information systems provided the impetus for the debate.

State says no

The commonwealth will not be computerizing its system, Beaser said. Pennsylvania does not currently maintain or contemplate a centralized system, he noted. However, does have plans for a computerized criminal Justice Information System (PJIS).

"The advent of computerization has made a major change in the potential for a criminal justice information system," Beaser said. "In the past, these systems’ capacity to collect, correlate, disseminate information were limited. Their inefficiency has always been one of the chief protections of individual privacy in my mind.

"The computer-prepared dossier, pulling together information culled from thousands or millions of documents or transactions is, in my view, much more than the mere sum of its data bits," he continued. "This ability of a computer to aggregate data can lead to potential abuses and invasions of privacy."

The questions of who should have access to the information and what information should be included in the system necessitate an examination of several competing interests: (1) the individual’s right to privacy; (2) the public’s right to know what its government is doing; and (3) the justice system’s need for efficient administration.

Panel members approached the problem from different perspectives.

Balance the interests

"The situation is a compromise, of balancing conflicting interests and securing as much as need be with the least invasions of other interests," Beaser said. "In making policy decisions in balancing these three areas, I personally believe it’s most important for us to recognize that there are very real dangers."

"I believe that those who control the information to be computerized," he continued, "should bear the burden of showing that computerization is necessary and that the balance should be tipped in favor of computerized record keeping."

Irving Chasen, executive director of PJIS, detailed the various automated systems currently in use in Philadelphia and plans for the centralization of these systems.

Prof. Donald W. Dowd served as moderator for the symposium on computerized criminal justice information systems.

"The centralization means that the information doesn’t have to be redundant," he said. "What we would like to do is harness the power of the system to keep track of the various elements in the system, so that a request can be made, and it can be completed within the system and not to anyone else."

Eliminate delay

Chasen found strong support in the person of the Hon. Stanley M. Greenberg, judge, Philadelphia Court of Common Pleas. Greenberg envisions the system eliminating much of the delay and inefficiency of the courts as they presently operate. It would also help to improve the image of the criminal justice system, he added.

"I have always been an advocate that more than anything else a deterrent will be that once it is recorded it can’t be forgotten," Chasen said. "I think the delay is crucial in the courts, in the hope that history will not be forgotten."

Greenberg admits that information systems can be abused, but believes that a balance can be reached. He wants medical data (such as heart condition, drug problems, personal history data, and arrest data included in the system. All of this is currently available, and access by the press to this information is fairly easy.

Under the system Greenberg would like to see, however, only criminal justice agencies with a right and need to know should have access to the information.

Greenberg also enunciated several safeguards to possible abuse such as an individual’s right to review information about himself and the expungement of outdated or inaccurate information.

Press opposed

Opposition to Greenberg’s position was voiced by Michael Palechak, associate editor of the Philadelphia Inquirer, who insisted that the Philadelphia plan would severely threaten access by the press to criminal justice information.

We must do everything possible to maintain public access, to audit and scrutinize public officials, and especially those in the criminal justice system," he said.

Further distrust of PJIS was voiced by Burton Caine, a member of the board of directors of the Philadelphia Chapter of ACLU. Caine, an advocate of the right to privacy, expressed concern that such computerization might become an end in itself, "force with awesome powers of surveillance and control over the lives of individuals." Principles proposed

Propositions must set forth with particularity the limited computerized system, he said. So far this need has not been demonstrated.

If such a system were to be put into effect, said, several governing principles proposed by the ACLU should be followed:

• No information should be recorded unless there is a demonstrated need directly related to a lawful and legitimate function of the reporter.
• No information should be preserved or stored for longer than absolutely necessary to accomplish the purposes for which it has been recorded, and expungement should be programmed for a period of time of the entry of that information.
• If the information is especially sensitive, as to create extraordinary injury if exposed, the right of privacy should prevail and the information should not be retained.

• No information should be disseminated to anyone outside the system and not to anyone else.

• All persons shall be notified of any information stored about them, together with an explicit, in intelligible statement that there is a right to inspect that information at any time for any purpose of correcting inaccuracies, updating entries, and expunging information maintained.

• No information should be disclosed without prior notice to the individual involved. The right of an individual to oppose disclosure and an opportunity to challenge it.

• No information stored should be susceptible to subpoena, discovery, or other legal process.

In addition:

Outgoing SBA officers relinquished control and helped erase a budgetary surplus by planning for more TGIFs.

By JOHN MARSHALL

Dan Mullen will head the Student Bar Association for the 1977-78 academic year. The new officers and representatives were chosen in elections held March 20-30. The presidency was the most contested office, with Mullen leading three other candidates. Many of the other officers ran unopposed.

The other SBA officers elected were: Barry Schuster, vice president; Jeff Weeks, treasurer; and Margo Rodden, secretary.

The third-year representatives are Tom Lowry, Brian McDevitt, and Nick Caniglia. Second-year representatives are Barry Ann Robinson, Paul Skurman, and Wendy Wallner.

Chosen in the same election were the representatives to the Law School Division of the ABA, Jim Maclowe and Dave Webster, and members of the various student-faculty committees as follows:

Academic Calendar — Susan Simpson
Academic Rules — Louis P. D’Adamo
Admissions Policy — George Sheehan and Michael Weiss
Curriculum — Colleen McCusker and Michael Kelly
Grading and Examination — Kim McFadden
Library — John W. Caldwell
Long-Range Planning — James W. Baker
Minority Groups — Diane Walford

University Senate — Dennis McAndrews
Faculty-Student — Alan Symonette

The new SBA representatives began their term at the April 7th meeting. Eight of the 12 members were present, which is exceptional for SBA attendance. During the year, attendance has been at 50 percent.

Three of the departing officers, Mike Reed, Tony Tinari, and Linda Salton, were there to close out old business and to hand over control. Foremost of the old business was a small budget balance of $90 and a return of over $300 from the school show. Since any unspent balance must be returned to the university at the end of the year, the SBA has to find ways to make it disappear. There were several proposals to launder the money into next year’s accounts, but Mike Reed, whose past presidency was hallmarked by ethical consideration, convinced the group to concentrate on spending the money this year.

More TGIFs

Some of the excess will be spent on TGIFs, and the SBA voted to fund a golf tournament and a first-year party after finals, but there will still be a considerable surplus. Any needy organizations would be prudent to make their requests now.

The SBA also discussed the status of the coffee and study aids concessions. They are normally given to students with financial need, who operate them at a profit to themselves and provide a substantial benefit to the students.

The future of the student aids concession is uncertain because of some high-level faculty skepticism of the academic value of the study aids. But as one of the new SBA members pointed out, if the study aids concession is closed, it will only mean the students must pay more to get the books elsewhere.

Dr. Robert Sadoff addressed a Law Forum crowd on “Stress, Anxiety and Remaining Sane in law school. Sadoff advised the students to keep themselves in a good package.

Mullen SBA president; budget balance erased

(Continued on page 15)
"Clerkships: all you ever wanted to know" (but were afraid to ask)

By JULIE CONOVER and JOE DWORETZKY

In the 1960's the most popular job for young men graduating from law school was clerking for a federal or state judge. The reason was simple: law clerks were given draft exempt status. While this advantage has been abrogated by Congress, a number of advantages still attach to clerkships in general, and particularly to federal clerkships. Since the time to apply for federal clerkships is the spring of the law student's second year, this is an appropriate time to set forth some information concerning federal clerkships and discuss the mechanics of securing one.

Perhaps the best thing about a federal clerkship, or any clerkship, is that it provides a period of respite after law school and before beginning a permanent job in which to relax and think about the law in general. If you are undecided about a permanent career or have suspended your social consciousness for three years of law school, clerking provides a breathing period to get back to normal and think about what you want to do with the law. Also, while most federal clerkships require hard work, few judges demand that their clerks regularly work weekends.

District Courts are the trial courts of the federal system. Thus a court clerkship is substantial. In the D.C. and Second Circuits, for example, judges receive upwards of 300 applications for two positions. Some judges will read only the bench memos before argument; others read counsel's briefs and independently research the issues. Most circuit judges ask their clerks to make recommendations concerning the case's resolution or suggest particular lines of questioning in the bench memo. Some judges ask their clerks to make recommendations concerning the application for a clerkship and may help to make them. The consensus of the speakers was that their clerkships were invaluable learning experiences and important vehicles for developing contacts with prospective employers.

Current Circt ong Clerkships

Most current circuit clerkships are for one year, and most District Court clerkships (in this area) are for two years. However, individual judges have different rules. In the District Court, where there are more details and procedures to become familiar with, it is convenient for a judge to have two clerks — one senior and one junior so that the senior clerk can train the new clerk each year. At the Circuit Court level there seems to be a feeling that the job duties can be picked up fairly quickly and that two years would be a little too much library time to keep the interest level high. However, at any rate you are undecided about a permanent career or have suspended your social consciousness for three years of law school, clerking provides a breathing period to get back to normal and think about what you want to do with the law. Also, while most federal clerkships require hard work, few judges demand that their clerks regularly work weekends.

Julie Conover, who will be clerking for the Hon. Daniel Huyett, U.S. District Court for the Eastern District of Pa.

The Clerks of the District Court

There are 97 active judges, and about 50 senior judges, on the 11 United States Courts of Appeals. The active judges have two clerks apiece and the senior judges generally have one. The chief judges of each circuit have three clerks. There are a total of about 250 Circuit Court clerkships in the country, therefore, and the competition for Circuit Court clerkships is substantial. In the D.C. and Second Circuits, for example, judges receive upwards of 300 applications for two positions.

The job of a Circuit Court clerk involves a lot of library time. Prior to oral arguments, the clerks frequently prepare bench memos for their judges to acquaint them with the cases that will be presented. A number of judges ask their clerks to make recommendations concerning the case's resolution or suggest particular lines of questioning in the bench memos. Some judges will read only the bench memos before argument; others read counsel's briefs and independently research the issues.

Most circuit judges have their clerks attend oral arguments, at least in each case they have researched. But, unlike clerks in the District Court, Circuit Court clerks have very limited contact with lawyers, and a limited opportunity to see actual trials.

The District Court

The District Courts are the trial courts of the federal system. Thus a District Court clerk will encounter a wide variety of tasks and activities. Although there are some national Circuit Court judges who use their clerks only for doing research and writing opinions, many clerks become involved in all stages of a trial — from reviewing of the complaint and subsequent motions, through pretrial conferences, to the actual trial itself.

Many judges prefer to have a clerk sit with them in the courtroom at all times. In the course of the litigation, the clerk is exposed to a large number of lawyers — the best and the worst — and has an opportunity to observe a wide variety of courtroom styles. Perhaps even more importantly, the clerk receives a bird's-eye-view of how judicial decisions are made, and may help to make them.

For the future litigator, this experience is invaluable. However, even if one has no desire to even step into a courtroom again, a district court clerkship is, at the very least, an exciting and interesting way to spend a year or two (and law clerks have been known to change their minds about becoming litigators).
Twas truly a “Nutwork”

By MAX PERKINS

“Tradition dies hard at Garey Hall, and this year’s production of “Nutwork,” the annual law school play, showed that reality a year further. Sensitive to the fact that no law student gets the daily minimal adult requirement of television, and pressured by the FCC to present relevant issues of controversy through responsible broadcasting, station W-E-N-K met the mandate of Sanders Bros. Radio Station at U.S. 470, by presenting important news and features to its viewing audience. With song, satire, adventure,

comment (not strictly representing those views of the station management and variety, WENK-TV has presented a well-done rendition of an evening. An SRO crowd squeezed into tropical St. Mary’s Hall for each of the two shows presented on the eve of April Fool’s Day."

The program opened with Mike Reed corralling Earl Johnson into directing the play for this evening. After a quick bit of unscripted reminiscence of past shows Johnson agreed. Then quickly, only five minutes into the show, like a TV show, there is a commercial. “Lenny’s Little Land Locater” an old forked stick from someone’s back yard will do unimaginable wonders. Chris Barth, who advertised this little wonder, is the first of many students to stand in the shoes of dear Lenny this night.

None Spared

In fact, Prof. Levin received so much air time that W-E-N-K could fall prey to the FCC’s clusters under the equal time doctrine. But then again, Prof. Levin might wish to plead for repeal under the fairness doctrine. Red Lion v. FCC; 395 U.S. 367. But Levin held no monopoly on the justing as Jim McKenna superbly captured every. And then Bean and Bill Luttrell, with Jack Duffy, George Donze, Adrian Michur, Roger Huggins and Jim Copera related the “Ballad of Big Bad John” (Hyson).” Prof. Hyson could not be reached for comment as he was busy filing an environmental impact statement regarding the unshodded growth of paper in his office, recently declared a non-conforming use under 53 P.S. SI0107 (13.1). The only noticeable discrepancy of the evening:

(Continued on page 12)

Clerks: all you wanted to know

(Continued from page 6)

least one Third Circuit Judge asks for a two-year commitment, and it is possible others will do the same. While law firms are usually willing to hold a job offer open during a one-year clerkship, sometimes they are reluctant to do so during a two year clerkship.

Applications should consist of a resume and a cover letter. The cover letter should be short; however, it is generally a good idea to include a paragraph stating that you will be in the city where the judge has chambers during a particular week in the summer, and would be available to interview at that time. It is probably a good idea to put information on your resume that is not strictly related. The judge clerkship relationship is a close one, and the hiring decision will be based upon other factors besides your legal ability. Therefore, if you can provide information that helps the judge distinguish you from other applicants is helpful.

Letters of Recommendation

Judges are generally anxious to see letters of recommendation. You should not feel shy about asking faculty members for recommendations; first, because it is part of their job to give such recommendations, and second, because faculty members have all been in the position of seeking jobs and realize the importance of letters of recommendation.

While you write letters of recommendation, it may be more convenient to allude in your cover letter to the fact that several people have agreed to write on your behalf. Then, if the judge invites you for an interview, you can ask your references to send their recommenda tions at that time. It is also especially valuable to have a letter from an attorney for whom you have worked who is familiar with your work product.

Writing Sample

Most judges require applicants to furnish a writing sample. If you do not have a writing sample, or are unhappy with the one you do have, one good idea is to prepare a lengthy brief of an interesting case. This gives you an opportunity to demonstrate how clearly you can state the facts and holding of a case, plus enabling you to show off some of your work product.

Interviews Unpredictable

Interviews are unpredictable. Sometimes you will be exceptionally loquacious and erudite; at other times, a package of nerves. The only thing to remember is that, if you are invited to interview, you have the technical qualifications to do the job; it’s just a question of whether you will work well with the judge and whether he or she enjoys your company.

While reading the judge’s opinions in advance of the interview is probably a good idea, it is not strictly necessary. Very few judges will try to discuss specific cases with you; more often you will find yourself talking about what a clerk does, or how the federal judiciary operates (or whether the Phillies are going to clean up their act this year at last).

Talking to Other Clerks

Generally during an interview you will be given the opportunity to speak to the judge’s clerks and ask them questions. This is an excellent opportunity to get “inside” information about the way that judges use clerks. Since all judges have different styles, it is important to find out if the judge’s style will suit yours.

Most clerks respond well to candid questions about the judge, and his or her philosophy and work style. Do not hesitate to ask how much responsibility the judge gives to clerks, whether the judge seeks out and accepts divergent opinions, and how many hours clerks work in an average week. A good question to ask is what are the negative points of the clerkship. Naturally, however, most clerks only have good things to say about their judge.

Opportunities for Women

In spite of the increase in opportunities for clerkships for women, the fact remains that the vast majority of federal judges are men. Many have never hired a woman clerk and feel uncomfortable with the prospect of working so closely with a woman. Thus, it is often more difficult for a woman applicant to get an interview and job offer than for a man. This is not meant to be discouraging, however; many judges are hiring women and no doubt more will follow in the future.

Liberal and Conservative Judges

One major question is whether a clerk must share the ideology of the judge. The answer is different with different judges. Some judges seem to select clerks who have different views than they do, while others, select clerks that share their views.

You should probably not try to apply to all “liberal” or all “conservative” judges. A clerk’s job is not to supply the judge with a particular viewpoint, but to fairly research the law and accurately describe what he or she discovers. A clerkship with a good judge will be valuable regardless of whether you agree with his or her opinions. In fact it is probably a wise judge does not share your views, because you will then be better prepared to explain and support your statements more carefully.

Active v. Senior Judges

Often students apply only to active judges, and not to senior judges. Senior judges have a somewhat reduced caseload, but otherwise do the same things as active judges. Most senior judges have only one clerk, which means you will be given more attention before talking to the judge; but generally clerks with senior judges are as good as with active judges. In fact, some of the great American judges have no senior judges and the competition for their clerkships is great.

Where to Find Them


Clerks give some tips

(Continued from page 6)

other clerking positions which usually last one year. The amount of writing involved in the job usually varies according to the personality of the judge. It seems that Judge Huyett allowed Brown a considerable amount of writing. Vinia has just completed a six month clerkship with the Hon. Norman Heine of the Superior Court in Camden. Heine has now retired, and Vinia, who admitted he got the job through personal connections, stated that Heine allowed him to do relatively little of the work produced from that office. Vinia is now working for a private firm in Woodbury, N.J.

Cutler’s clerkship is with the Office of the Pennsylvania State Court Administrator. Lewis clerks for the Hon. Doris Harris of the Court of Common Pleas, Family Court Division, in Philadelphia. Lewis also handles some master hearings on the side to pick up some extra money.

The salary ranges of clerkships vary from $14,000 to $18,000 the first year and $20,000 to $22,000 the second year, with New York paying slightly more. The best time to apply for these is the summer between the second and third-year of law school. All information relating to clerkships is on file in Dean Wiener’s office. Anyone interested should check with that office to find out the exact deadline for applications.

Financing course by ALI-ABA

ALI-ABA will present a course of study entitled “Municipal Financing. The Interaction of Federal Securities and Bankruptcy Law” at the law school this summer from June 12 to 17. Prof. Walter J. Taggart of Villanova Law School is one of the planning chairmen.

Separate legal disciplines of federal securities law, bankruptcy law and municipal law will be examined as they interact in current problems related to the authorization and sale of municipal securities. The evolving law and voluntary guidelines which influence the determination of the proper financial report, including budget, information and investor information, will be considered as they apply to different types of municipal securities.

Changes required by the Securities Act Amendments of 1975

(Continued on page 11)
More faculty input needed by REVIEW

The latest joke around the law school is that the 1972 volume of the Villanova Law Review has just been completed. In reality, the problem may not be quite that bad, but it is still painfully obvious that the REVIEW is far behind schedule. To date, only one issue of this year’s volume has been published. The primary issue is determining exactly how far the REVIEW is behind and to what extent it has caught up. The vast majority of law reviews publish their first issue in November and continue to publish an issue no less than every other month thereafter.

The problem began several years ago and has been with us since. Can the publication ever be put back on schedule? Other law schools, notably Harvard, have demonstrated that with a little extra effort, it can be done, and without sacrificing quality.

Thus, the new Editorial Board has its work cut out. While toiling to bring the REVIEW back onto schedule, it must also endeavor to put out high quality work. It will, no doubt, be a difficult task, but with hard work and dedication, not an unreasonable goal. Certainly, most of the work on this year’s volume has been completed. Now it’s just a matter of getting it published and beginning the work on next year’s edition.

The question has recently been posed as to whether faculty members should play a greater role in the production of the REVIEW. Undoubtedly, the faculty has been very productive in their outside writings and classroom materials, both of great value. But, has too little emphasis been put on helping the REVIEW, especially now as it struggles to get back on schedule?

Though we agree that the majority of each volume should be devoted to student work, the recently completed Volume 21, contained only two articles by Villanova professors. Those who have contributed some of their time should be commended; others should consider lending a hand, even if only in the way of getting the REVIEW connections for quality outside material. This would do much to bolster the prestige of the publication, which would, in turn, help to expand the reputation of the school, the faculty, and the Villanova Law Review itself.

A plea, some hope and thanks

Taking over the reins of The Docket one month before finals can be disconcerting at best, so my most sincere thanks go to the outgoing Editorial Board. The paper who made this issue a little more bearable for me, especially those individuals who, without complaint, completed assignments on short notices.

While my dream of being portrayed by Dustin Hoffman in a sequel to “All the President’s Men” has yet to materialize, writing for The Docket these past few semesters has been a truly enjoyable experience. Researching and penning articles provided a well-needed break from the inescapable rat race; the paper who made this issue a little more bearable for me, especially those individuals who, without complaint, completed assignments on short notices.

Any help will be most valuable and necessary in attaining and maintaining this goal, and thus comments, suggestions and criticism will never be scorned, but, rather, encouraged.

A law school is and should be more than just a matter of getting it published and beginning the work on next year’s edition.

The Students

The Students

Sitting amidst mountains of knowledge Absorbing intelligence from immense volumes We read for centuries, a millennium or two, But Something lacks...

Yet we remain persistent servants of the mind. Learning from those inanimate records of progress, We regress... Into loneliness.

The mind expands at the heart's expense The mountains erode, as volcanoes And our minds are scorched with ignorance. Still After we are cremated Others come To bury themselves alive Amidst the mountains of knowledge.

C.J. Young

Commentary

Press and Politics

By CHUCK DURANTE

In a year when much of the news was doing its best to js crus­ted the investigatory reputation it picked up during Watergate, many newspapers aspiring to People Magazine rather than the Wash­ington Post, it is comforting in one sense that a public official com­mitting a vital crime, his city’s newspapers are investigating him too zealously.

Then again, F. Emmett Fitz­patrick has a penchant of The Philadelphia Inquirer betraying a garrison mentality that is fright­ening. The Philadelphia Inquirer is in­spired by the knowledge that is many law students’ blithe will­ingness to buy Fitzpatrick’s imagined conspiratorial con­nections has been part of the law­yer’s public relations self-image, and the newspapers like some one who’s a good interview, who looks good on the 6 o’clock news,” is how a campaign aide, Will Dev­lin, put it.

However, the ironic truth is:— Much of Fitzpatrick’s public relations wounds are self-inflicted, the product of a cumbersome and blundering approach to public of­fice;— The media has often played ball with Fitzpatrick, helping elect him via its own substandard cov­erage of the 1973 election, and publishing much of the D.A. of­fice’s subsequent puffery;— Even though the Bulletin has published the only blatant untruth about him — a slandering front­page Dec. 17, 1976 story linking Fitz­patrick in a smear of a phony ro­bery of a mob-connected auto deal­ership — Fitz’ chief ‘Scapegoat is the Inquirer’s more sub­stantial revelations and al­legations have either been con­cealed, left unexplained or only vagu­ely denied.

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D.A. purchases a $7,600 Lincoln Continental, on City Hall funds, for "on-the-job" use. It is as if he and his friends wrote to mention his new "gas-guzzler."

A grand jury investigation of municipal corruption was held in the business Feb.-Mar., with a box of 18 presentments and 44 indictments, among the quarry, Isadore Beilis. The grand jury's offensive investigative jaw drops when Fitzpatrick opts against replacing or extending the grand jury. The grand jury is known as the "I told you so." Rumors of a Rizzo-Fitzpatrick rapprochement proliferate.

Two months later, Richard Kleinidstein, whose Justice Department handled the original Watergate investigation, pleads guilty to lying under oath. The Pennsylvania Crime Commission reports extensive police corruption in Philadelphia. Having just scuttled the municipal corruption grand jury, Fitz can't understand why people don't trust him to head a cop-corruption probe.

In August, President Nixon resigns. Allegations develop that there'd been a $10,000 fundraiser for Fitzpatrick which he has never disclosed. The rookie D.A. reacts to the horrors of legitimate questions on campaign financing, tax implications and campaign ethics by stonewalling. Many questions could have been answered, many doubts could have been allayed.

Instead, Fitzpatrick turned his first year into a parade of what, to many of the strengths of the press. Fitzpatrick's term has seen a peculiar cant and jargon of their own, that no other mortal can understand," Guiller said of the people he met in his travels. Lawyers have ignored such Swiftian bars for centuries, content to practice a mysterious science inaccessible to the uninstructed.

But now, in law journals, in speeches, in courtrooms, lawyers and judges are beginning to worry about how often they make men and women understand, and are discovering that sometimes they can't, even understand each other.

In a recent law review article, Jon H. Waltz, a Northwestern University law professor, related the tale of the confused and frightened client who is greeted by his lawyer with "a flurry of references to such legal esoterica as the voir dire, res ipsa loquitur and Rule in Shelley's case. The lawyer assumes comprehension (or is attempting to prevent it). The client shakes his head and prays." One take these examples from articles published last month in the New York Law Journal. At the pen of judges, "all the more" becomes "a fortiori." "Above" is stretched to "herebefore" and a routine landlord-tenant dispute is evaluated into a controversy between the "petitioner-landlord-appellant and "the respondent-tenants/respondent.

Then there is the judge who relied on what he called the "familiar legal maxim that 'he who conceals the letter of the instrument goes but skin deep into its meaning." Fred Rodell, a retired Yale Law School professor, is one of the most acerbic critics of lawyers' writing. In 1969, he published a book, "Woe Unto You, Lawyers!" in which he referred to lawyers' "drier-associates" and their "solemn hocus-pocus." Has he seen any improvement over the years?

By TOM GOLDSTEIN

Lawyers and judges seem to have a "peculiar cant and jargon of their own, that no other mortal can understand," Guiller said of the people he met in his travels. Lawyers have ignored such Swiftian bars for centuries, content to practice a mysterious science inaccessible to the uninstructed. But now, in law journals, in speeches, in courtrooms, lawyers and judges are beginning to worry about how often they make men and women understand, and are discovering that sometimes they can't, even understand each other.

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Lawyers now confuse even the same aforementioned

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"None," replied Professor Rodell.

Last year, a group of citizens monitoring court proceedings in New York State found they could not hear what was going on. This year, another group of monitors in the Philadelphia Court could not follow the proceedings, but they heard what was said. Lawyers and judges are confused.

"I see a lot of writing that is at the public contempt and derision that sometimes befalls lawyers," said Irving R. Kaufman, the chief judge of the United States Court of Appeals for the Third Circuit, in a speech last month. "This antagonism, is the bitter fruit of public incomprehension of the law itself and its dynamics.

He noted that "the judge is forced for the most part to reach his decision through the medium of the press — and I include television — whose reporting of judicial decisions is all too often inaccurate or superficial."

Last fall, Yale Law School introduced a course for journalists to study law, and Judge Kaufman said he hoped that 'other law schools will follow Yale's lead."

In the Supreme Court, a committee of law professors prepares advance analyses of cases on its docket for the press's use. That project began in 1963 after several judges complained that reporters had missed the point of the decision that voided a New Jersey law requiring the blessings of an officiating priest in a marriage ceremony. What else is to be done?

"It's all up to the judges," said Justin A. Stanley, the president of the American Bar Association. "But their length to sincerity and consideration that the judges express is a matter of vital public concern."

"None," replied Professor Rodell.

"What else is to be done?"

What else is to be done? Since lawyers are taught that every issue has at least two sides, they are more likely to be concerned with the problem that is hurtful, than one that is hurtful, or is sometimes ignored, because it is hurtful to them.

One of them is the law. Judge Kaufman said that he was "most acerbic critics of lawyers' writing. In 1969, he published a book, "Woe Unto You, Lawyers!" in which he referred to lawyers' "drier-associates" and their "solemn hocus-pocus." Has he seen any improvement over the years?

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The piece was selected from many excellent submissions.

The Docket thanks all who participated.

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Various & sundry activities keep Taggart on the run

By CAROL YOUNG

Those who can barely find time to study, eat, sleep and possibly attend classes, may very likely be amazed, if not intimidated, by the time-juggling of Professor Walter Taggart to accommodate his various activities.

Not only does he perform his usual professorial duties and run five miles daily, but anyone who has spoken through the new microphones, been brave enough to open up their grades, been hired for a work study job, read Moore's "besides working on these microphones, been touched by those things he likes to do in his leisure time; spend time with his family, ski, golf, play squash and garden), Taggart is revising parts of Moore's Federal Practice, focusing on federal and state conflicts of jurisdiction.

(Continued from page 12)

Prof. saves theatrics for the stage

By C. M. NIEDZIELSKI

Those who 'caught' the annual school play as it raced by on March 31 possibly were surprised by a different facet of Prof. John Cannon's personality. In the program Cannon was a 'plus' in an English as force entitled "Move over, Mrs. Marklin." His most recent effort was an English sex farce entitled "Enchanted Night." His most recent effort was an English sex farce entitled "Move over, Mrs. Marklin." Cannon has had the pleasure of working with some notables in the theatre, for instance Richard Roundtree in "The Great White Hope," which played at the Shakespearean Roles. Cannon says his most enjoyable role was in "And Miss Reardon Drinks a Little" which played about three years ago. In the play, which consisted of an exclusively female cast, save one, he assumed the role of the crude, obnoxious husband of the leading lady. To those who consider Shakespeare to be the "distant star," Cannon, who has portrayed several roles in that sphere, answers by saying that he does not consider those (Continued on page 14)
Success marks Forum series

Lunch hour: food for thought

By LORRAINE FELEY

The Villanova Law Forum once an innovative additive petrochemical school, has become a regular event here. The program, initiated this semester by Shippen Page, Barry Schuster, and George Sheehan, under the guidance of Prof. John Hyson, set out to bring together members of both the legal and nonlegal communities to present issues of interest to students and faculty alike.

The format of the Forum consists of a lunch hour, in which students have an opportunity to discuss the issues presented by the speaker in an informal atmosphere. Speakers have included F. Emmett Fitzpatrick, Philadelphia district attorney; Faith Wiltshere, Delaware County councilwoman; Letty Thall of Women Organized Against Rape; Sandy Swenson for the ERA; Joseph Manoak, environmental law attorney; Albert Lewis of DEA; and sports attorney Richie Phillips.

Heated Debates

At each of the Forums, students and faculty have posed numerous and challenging questions which often infringe on the heated debates. But, thus far, the casual atmosphere has achieved its purpose of a free dialogue on issues presented each day.

When questioned as to what he attributed the success of the Law Forum, Page replied, "There were a great many people hungry for exposure to what lay outside the law school. A group like the Law Forum can provide this continuous exposure which one shot lectures can't satisfy."

Added incentives to attend the Forum are the coffee provided by Mike Hobenhald and Joel Scher and the pastry from Mrs. Higgins Bakery.

The Law Forum, through the extensive range of topics covered, has added a new dimension to law school life. Because of the enthusiastic response of the students at Villanova, the Forum is already planning its program for next year.

Barry Schuster has expressed hopes that John Dean of Watergate fame, Farrak Fawcett, Majors, and Howard the Duck will be able to speak next semester.

Deregulation of gas urged

By NANCY FELTON

A number of Villanova law students talked to Edward Hudson, an independent producer of oil and gas from Tuba, Okla., recently. Hudson is one of about 10,000 independent petroleum producers in the U.S., and is now involved with getting the independent producers' point of view to the American people.

In addition to his involvement in petroleum production since the late 60's, Hudson is an independent consultant engine engineer. His appearance at Villanova to speak on energy was sponsored by the Villanova Environmental Research Group.

Hudson stated early in his talk that the domestic petroleum industry is "... briefly criticized for keeping its mouth shut" while factors causing increased demand and decreased supply have resulted in the current energy situation. While the easy and cheap domestic petroleum has already been tapped, Hudson believes that deeper, high-risk wells will yield 120 to 140 billion barrels.

Peace with Environmentalists

At this point Hudson referred to environmental concerns and a need to "make peace with the environment." He also believes diversification of the major oil companies is not necessary, that "... believe it or not, oil is a very competitive industry." He is critical of price regulation of natural gas because controlling the price depresses supply and results in the kind of severe shortages we realized this winter.

(Continued on page 15)

Task of Secret Service

Counterfeiting a main target

By LORRAINE FELEY

On April 6, two agents from the United States Secret Service, James D'Amelio and Gary Ross, were the guest speakers at the Villanova Law Forum. After a brief introduction by D'Amelio there was an extensive question and answer period on the topic of Secret Service responsibilities.

The Secret Service, a small agency of 5,000 employees, is a branch of the Department of the Treasury. The special agents' primary responsibility is the protection of the President of the United States. They are also charged with suppressing the counterfeiting of United States currency and securities. Their most useful investigative tool in undercover work but a majority of their leads come from tips. The Secret Service uses informants constantly, some of whom are paid.

"We reward citizens," said D'Amelio.

Other leads are obtained in a variety of ways. D'Amelio cited the example of one particular counterfeiting ring. A bad bill was passed at a gas station, but fortunately, the attendant wrote the license plate number of the passer's car on the bill. The Secret Service put the car owner under surveillance. He eventually entered a print shop and, after leaving, passed more bogus money. The agents then obtained a warrant to search the print shop and seized $700,000 in phony bills.

Believes Warren Report

When questioned as to the assassination of President Kennedy and the recent investigative reports allegedly disclosing the "truth," D'Amelio stated that as

(Continued on page 14)

Drug official stresses suppression of traffic

By NANCY FELTON

Those who attended the Villanova Law Forum March 29 gained a perspective on illegal drug traffic in the U.S. and governmental efforts to halt it.

The speakers were Albert Lewis, director of the Drug Enforcement Agency (DEA) office for the Pennsylvania, New Jersey, Delaware, New York area, and John O'Brien, DEA's special agent and Strike Force representative to the Organized Crime Section of the Attorney General's Office.

The DEA is part of the Justice Department and was formed in 1972 to implement the Controlled Substances Act as well as to handle the foreign implications of dealings in dangerous drugs. DEA's order of priority in dealing with illegal substances starts with heroin, barbituates, cocaine, and ends with marijuana.

Suppression of Traffic

"The normal thrust and 90 percent of the agency's effort is the suppression of illicit traffic," said Lewis. This is done by informants to infiltrate criminal groups importing drugs and undercover agents to investigate conspiracy cases. DEA also regulates legitimate production of dangerous drugs, to guard against leakage into the illicit market.

Lewis noted that this region leads in the manufacturing of amphetamines, with the agency uncovering three or four labs a month. However, the bulk of the discussion centered on heroin addiction. Lewis, when asked about the relationship of addicts to the rate of other crimes, mentioned that the problem develops before addiction, addicts are those "who have already dropped out."

Lewis was also critical of drug maintenance programs. He advocates use of Methadone to stabilize addicts so they can attain a drug-free existence rather than "maintenance."

Laws Are Effective

When asked whether drug laws need revision, Lewis said the laws are effective, but the problem is in enforcement. Uniform and mandatory penalties would deter drug profiteers, although an overloaded criminal justice system is a severe limitation. Lewis didn't see decriminalization of marijuana as an issue at the federal level, where heroin distribution is not a focus of the agency.

Lewis pointed to past successes of the DEA, such as in helping stop the "French Connection" and Turkish drug traffic. The Mexican influx is now DEA's target. Measures of success in this area are the decline of heroin purity on the street and the radical decrease in heroin deaths.

But Lewis sees "no success until treatment, rehabilitation and education gear up. Law enforcement is only part of a greater problem," he commented.

Abuse Potential

DEA deals with all drugs that have abuse potential. Lewis noted the large number of persons addicted to Valium and the proposed laws concerning the prohibition of amphetamines for weight loss. Lewis' personal view is that governmental regulation of conduct is proper where the state must end up caring for the person who abused his personal right.
Twas truly a “Nutwork”

(Continued from page 7)

On the first day of law school, I pulled a muscle from trying to carry five 10-pound books and their supplements, plus a lexicon, manuals, and indexes all at once. A lesson to be learned from this is that one must attempt to obtain knowledge by gradual means, and not the L. Rev., which has reserved Volume 23 for a verbatim publication of the transcript of this year’s show. This disappointment quickly evaporated with the discovery of the Penn-Central reorganization case. Taggart, himself once a law clerk for Judge John F. Fullam who is presiding over the Penn-Central reorganization case, Taggart, himself once a law clerk for Judge Fullam, has established a link of continuity between the changing law clerks. Taggart has his own office in the courthouse and concentrates primarily on the administrative end of the case.

Through his work with Judge Fullam, Taggart has acquired expertise in bankruptcy law and railroad reorganization in particular. As a result of his work on the Penn-Central cases, he has been actively involved in the consideration of new bankruptcy law legislation drafting of the recently promulgated bankruptcy rules.

He now chairs the American Bar Association’s fourteen-member subcommittee on Railroad Reorganization, which engages in reviewing relevant portions of the new bankruptcy bills presently pending in Congress. Taggart is also a member of the American Bar Association’s Committee on Consumer Bankruptcy, an associate member of the National Bankruptcy Conference, and was a consultant for the National Commission on Bankruptcy Reform.

One project of Taggart’s which ties his outside activities with the law school was the American Law Institute’s Institute—American Bar Association Joint Summer Program held in Villanova during the summer of 1976. Taggart, who is a member of the American Law Institute, indicates that another such program is planned for this summer. He is working as one of the three co-chairmen.

By DAVID ITKOFF

There is a certain aura at the law school which sports the following graffiti: “The law is: a run for the loot in a three-piece suit; flying without a parachute; a seamless web; the oldest profession; whatever the Supreme Court says it is; protective review; the last refuge of the unimaginative; a dry truth without pronunciation right; they never sound so that my name wouldn’t be fast friends, except that by the end of the week he decided he’d gotten all he could out of law school, and resolved to leave. In other words, he bailed out. I wish I could learn as quickly as he did. The first day of law school, I learned that the admissions office, and all the administrative offices maintain a sex-blind admissions policy, but this isn’t as obvious as it sounds. Perhaps those at the seminary here are exerting their influence, but I thought the trend was towards coeducation. The study of law in the classroom may turn out to be a lot more interesting than I’d thought.”

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The first year in a nutshell revisited

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Dobbny's detective stories more devious than his exams

"But how could you deduce my name from that?"

"Actually I have no desire to go on. Your handshake indicated well-conditioned muscles, recently exercised since the veins on the back of your hand are still swollen. The practice football field is just a hundred yards beyond that window, so I was aware that practice ended about twenty-five minutes ago — just about the time I showered and walked over here. By mentally matching your personal statistics with Regulation S-X on the one hand, and the hearts of men? Dobbyn does. Or governed by Professor Henry Dobbyn, a hero of his detective stories, does.

Who knows what evil lurks in the hearts of men?

"In "Echoes of Ghost" (to appear soon in Fiction Magazine) Prof. Hart is featured with a scheme dreamed up by some law students to create, through the use of the school's computers, a ficitious student, take out life insurance on him, then knock him off and collect.

Creative Writing Course

Prof. Hart was born out of a writing assignment given in an adult creative writing workshop of which Dobbyn attended several years ago. Children's authorship was the assignment. Each of the group to write a narrative piece in which particular attention was paid to the various perceptions of the senses of the narrator.

"Rather than do the usual tripe of walking through a garden smelling the flowers and hearing the bees," Dobbyn tells, "I decided to try a story about a blind detective where the perception of each sense would be critical." He modeled and named his hero after a favorile law Professor Henry Hart, whom he had studied under at Harvard Law School.

"The good professor passed away while I was taking a course in Fed. Courts, but to this day I still think of him as the archetypal professor," Dobbny says. A fan of Arthur Conan Doyle and Rex Stout, Dobbyn prefers a detective story that involves more mental than physical action. This is not to say that his stories are without suspense. In all of his detective stories, there is a strong undertone of tension which builds as the plot unfolds.

Change of Pace

Dobbyn says he writes when he can, usually from 9 to 11 p.m. or through the night if he feels inspired. He finds it an enjoyable change from his other writing. (He is also the author of "Nutsell" on Injunctions, a book entitled So You Want To Go To Law School, humorous law review articles, book reviews, comments, and magazine articles on everything from a miniature horse farm in Gettysburg to psychological cheating in tennis. He also has a novel underway.

"Ideas for new mysteries occur to him everywhere, he says. "I see a couple of characters in a restaurant discussing something fortuately and I begin to ask myself 'What if that guy was a crime develops and I have another mystery for Prof. Hart to solve.'"

"Think about that the next time you're called on in his class.

Prof. Fred Rothman models the latest in legal attire.
Sometimes law school is just fun and games

By Kid KISSEL

"Hey Fran, what's the issue in Sherwood v. Walker?"

"You gotta be kidding; you know I had it at game yesterday!"

"Well, what about that bum on the railroad tracks case from last semester? I didn't understand it so quickly I couldn't follow him?"

"Why are you asking me, you know I have it at the game tonight!"

"Well I'm stuck... the smokeball's got me down, Pais- graf's unclear, and there's nothing I'll ever be able to do with Pen- noyer..."

"Ain't it easy, Eric, I've got big plans for TMB. Prof. V. Brindenbach, Johnson v. Lerner and O'Rourke v. Bury are no easy things for me..."

"Wait a second, which hornbooks have you been reading? I've never heard of any of them..."

"Those aren't cases you idiot! They're the matchups for us in the basketball playoffs! Think I'd get uptight with the other cases?"

And for many, that's the way it is about this time at VLS. Foot- ball, basketball, and the tennis tournament are all history. Rugby still tramples onward, but the big story on the front is across the street in St. Mary's — the finals in the basketball playoffs.

The finals are a privilege. It's a time when members who will psychosis for this epic event more than they will for their classmates. And this year team has already dismissed finals as minor when compared to THIS final.

Strategy Study

The study groups are gathering almost every day, but entomology in pairs and remarking are not the issue; it's stopping Pace and rebounding that our future jurisprudential practitioners ponder in their groups. And then when it all's over, there's left...

Possibly the greatest memories of all. We're all told law school is not a place to have fun, it's a place to work and work hard. Yet for this author, opening a grade report is about now at Garey Hall. Football, basketball, and the tennis tournament are all history. Rugby still tramples onward, but the big story on the front is across the street in St. Mary's — the finals in the basketball playoffs.

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student who gets stopped for a traffic violation and says to the policeman, "But officer, I'm a lawyer, and the policeman replied, "I know you're a real lawyer, that's why I'm giving you a ticket!"

More on the fifth day, I heard the one about the third-year student who thought he'd taken his bar exam by going to the local tavern and drinking a fifth. After

Sports the Outlet

Law school can be an ordeal for those who let the changing words of "Who is suing whom?" and "How much is bound through their heads end- lessly through the night. There must be an outlet for the ever building frustration which mounts in the heads of our students.

Sports has been the outlet for many, but unfortunately may be their demise once turned loose in the legal realm. Suppose Mr. S. Partner comes to your small cubicle, brief in hand, and says: "Son, I think your work is lacking a few key issues here. Didn't you ever read that case about the cow or Eric v. Tompkins in law school?"

Then you may dig back in the past, squint a little, and want to tell him about the basket- ball thriller of April 14, 1977, but you know he's not interested. He wants to know who is suing whom for what...

First year in a nutshell

(Continued from page 12)

(MAG 7 repeats as basketball champ)

Thriller over CIB

Prof. J. Clayton Undercoffler, who is leaving VLS, was honored on April 15 at a TGC (thank God it's Clayton) roast.

MAG 7 repeats as basketball champ

By Philip Lerner

It was supposed to be a basketball game. It may well be remem- bered as "Rollerball" II; but when it was over and the dust had set- tled, it was much more than a traumatal basketball champions, avenging it's only defeat in two years with a 54-44 thriller over CIB.

In this game, points were awarded for knockdowns as well as baskets, leading to much con- troversy over whether Frank Deasey was slipping or being knocked to his knees on his drives to the basket. Mike "walk tall or go down in traction for two weeks"

In the seventh day of law school, a third-year class was cordially invited to the room of Bob McPherson (not his real name) to see him crack open his first law book. The fresh ink stains on his fingers gave him away to the professors next morning, and he was called on in every class.

On the eighth day of law school but wait a minute. If His Honor the Lord rested on the seventh day, why can we?

Theatrics

(Continued from page 10)

roles that much more enjoyable or demanding than those of other playwrights.

To those who saw the law school play, it is apparent that Cannon generally immerses himself in character, portraying each of those roles with an enigmatic smile and retort, "Almost... but not revealing" actors are a drug on the market.

Main target

(Continued from page 11)

time more passes the less precise is the information uncovered. He feels that the Warren Report is "very exact."

Although independent from the FBI, the CIA, and the Secret Ser- vice can work with either, if necessary, and information is exchanged readily among the three.

Because of the two past at- tempts on former Pres. Gerald Ford's life, a question as to the ef- fectiveness of the Secret Service in its protective capacity was raised. The agents stressed that through their effective screening of potential assassins in a crowd and surveillance of those who have threatened to kill in the past, 499 out of 500 would be seized and booked and detained before an at- tempt can even be made.

Those Absent

(Continued from page 11)

"Arnold is the closest thing to a real policemen, " said Frank. "He's got the attitude, the drive, the speed — he's the one who Liney needs..."

"I think it's going to be a tough one, but we've got the right guys on our side..."

By Reading Room

The excavations at the autobiographical diaries of John O'Rourke, the game's high scorer with 17 points. After the game, O'Rourke was arrested for the near sellout crowd back to the library.

MAG 7 came when Kent Johnson was being worried because he had failed five of them will score "almost as much as Gus did for us."

The semi-finals were as noteworthy for the two players who failed to show up as it was for the game itself. It is believed by Mike Arnold had played for TMB, and Howie Heckman had played for CID, that the final match could have been different. Arnold, who is being heavily recruited by Lefty Drossell (who claims that "Arnold is the closest thing to Owen Brown I've ever seen") was unable to make the game with CIB. In that game, Mike Deschler, Paul Cady and Jon Blum played superbly but eventually lost to a bigger team which got excellent ef- forts from Keith Heinhold and Doug Brindenbach.

In the other semifinal, MAG 7 snagged victory from the jaws of defeat with a come-from-behind win against an inspired CID. CID, who had the whole point, was strong in the first half and was solid play from the bench in foul trouble. Kenneth McDevitt, the big break for MAG 7 came when Kent Johnson came off the bench in foul trouble in the second half. Johnson, who was mugged on the court by an unidentified man, was considering a civil action against Kid KISSEL.
**Surprise for jury**

Lawyer tells client to drop pants

By Gary D. Hailey

Ed. note: There is a lesson to be learned from the following story. In fact, there are probably several lessons to be learned. But the lesson that we, as attorneys or attorneys-to-be, should learn from it is this: preparation is personal, but it is not personal enough. Whether the witness is in the courtroom or the conference room, an attorney must expect the unexpected and be able to deal with it when it occurs.

Something unusual happened in the Tenth District Court of Galveston County, Texas, on November 20, 1976. A Murphy Owens, Jr., dropped his pants in open court to prove his innocence.

Owens was accused of the raping of a 24-year-old Galveston woman. When the judge was about to put the victim on the stand, she coolly identified Owens as her assailant.

On cross-examination, court-appointed defense attorney Roy Engelke asked the woman to describe various physical characteristics of her attacker in an attempt to shake her memory of a positive identification of her client. “She was a convincing witness,” Engelke recalled in a telephone interview last week. “On cross, I was really just fishing.”

He had reason to believe the woman’s memory was at fault or her assailant was circumscribed, “She didn’t know, and I don’t think that surprised anyone,” said Engelke, “but she didn’t stop there.” The victim giggled, and without being asked by Engelke, volunteered this description of an important part of her assailant’s anatomy: “He was so small.”

Engelke didn’t know whether his client’s sexual organ was large, small, or in-between, but the woman’s spontaneous comment gave him an opportunity to cast doubt on her identification of Owens as the rapist. Engelke requested that he and a deputy sheriff be allowed to examine Owens in a closed room.

“So we ‘examined’ him,” Engelke said. “I asked the deputy if Owens looked small to him. The deputy said he had seen a lot of naked prisoners, and that there was no way Owens could be described as small. And no, he didn’t look small, either.”

Engelke tried to put the deputy on the stand to refute the woman’s testimony. But Judge Donald Markle refused to allow the deputy to testify.

“I didn’t figure he was any expert in this business,” Markle told a Houston Post reporter later that day. The judge also turned down Engelke’s proposal that a physician examine Owens and report on the relative size of his penis, presumably for the same reason.

The only way Engelke could attempt to show that his client did not fit the woman’s description was to have Owens drop his pants in front of the jury, who could then decide for themselves whether or not he was “small.”

Engelke thought the situation over during a luncheon recess. “I was worried about whether the effect on the jury of this thing would be good or bad,” he said. “I finally decided I had to try it. I didn’t see any other way to rebut the woman’s testimony.”

Engelke hoped that if the jury was offended by the show-and-tell scene, they would feel it was the judge who had forced them to look for themselves when he refused Engelke’s requests that the deputy or a physician could testify whether or not Owens was undersized.

But a female clerk who had worked at the courthouse for a number of years wasn’t so shy. “I’ve seen a lot of things at this courthouse, but nothing like that,” was the wonderfully ambiguous statement she made to the judge.

“And did Owens fit the description, the clerk was asked? ‘Uh, no,’ she replied.

But the jury must have disagreed with the clerk’s, the deputy’s, and Engelke’s assessments of the defendant’s sexual endowment. On Nov. 25, after deliberating for three-and-a-half hours, they brought back a unanimous verdict that Jesse Owens was guilty of aggravated rape.

The next day, Judge Markle sentenced Owens to 50 years in prison. Various post-trial motions and appeals were readied and filed. Owens awaits the final outcome of the legal maneuverings in his jail cell.

Boy Engelke is no longer Owens’ attorney. He is back in his Dickin­son, Texas, law office with his partners. They have what is described in the latest Martindale-Hubbell as a “general civil practice,” and their clients include several small banks, a savings-and-loan association, and an independent company.

Will the Owens case have a profound impact upon the law? Probably not. But it certainly had an effect on Jesse Owens, the jurors, and attorney Engelke.

“I was appointed to my first criminal defense case soon after I graduated from the University of Texas Law School in 1959,” Engelke recalled. “I wasn’t called on again by the court to defend anyone until the Owens case came up, over 15 years later. After what happened in that one, I may never be appointed to a criminal defense again.”

And his colleagues and friends may never let Roy Engelke forget the day that he told his client to drop his pants in open court. Engelke ruefully admits as much.

“They’ll probably put that story on my tombstone.”

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**Day-care proposed by student**

By NANCY FELTON

Marlene Deutsch, a first-year student, has proposed setting up a day-care center at Villanova. So far, professors of the law and university administration have been supportive.

Based on the convenience of having a day-care center right on campus, a primary goal of such a facility would be to defray the cost of other day-care services.

The proposal, however, faces substantial obstacles. The least of these would be staffing the center. Rotten suggests pooling parents’ time and enlisting elementary education students from Rosemont and members of senior citizens’ groups.

The major difficulty is location. The university has very limited space, according to Beverly Shore, coordinator of Villanova’s programs for women.

Some concrete planning is necessary to determine whether a day-care center at Villanova is feasible. A proposal must be submitted for university approval.

This would require research into possible legal problems which might be encountered. An in­vestigation of this kind might be particularly important if Villanova’s day-care programs have already been initiated to help in constructing guidelines.

Anyone interested in the project is asked to contact the Women Law Students Association or The Docket.

**Deregulation of gas urged**

(Continued from page 11)

Among the more pointed questions put to Hudson was this one: “Five years ago, what percentage of oil company’s money was put into exploration?” Hudson answered that capital expenditures had exceeded profits (the difference being depreciation depletion and external borrowing).

Hudson was also asked whether oil companies were getting involved in alternative energy sources, or whether increased energy prices were blunting their incentive to do so. Hudson said that it was his belief that higher domestic energy prices will aid development of alternate energy resources. He personally favors coal over solar energy, given technological constraints, and is most hopeful regarding nuclear fusion.

**Experts discuss centralized computer**

(Continued from page 5)

employers should be forbidden by law from using source code or such information and from requiring employees to obtain or disclose it in connection with employment.

A more moderate approach was taken by Temple Law School Dean Peter J. Licursco, who was chairman of a committee of the Philadelphia Regional Council of the Governor’s Justice Commission.

A simpler way

Licursco would not include personal history information or medical history as part of PII. However, he favors program­ ming arrest and conviction information for the same reason Judge Greenberg favors it — the smoother running of the criminal justice system.

"Then we have a simpler way to move cases through the system than having to go to a computer, which has a tremendous potential for abuse," he said. "Our position is clear: do it is to have judges who will insist that cases go to trial, who will discipline lawyers who fail to appear." In this way, he concluded, the syndrome of "delay, delay, delay" will be replaced by a syndrome of going to trial.

Louis Aytch, superintendent of Philadelphia prisons, supported the inclusion of medical information which, he said, would allow prison authorities to better serve the inmates. "It was just a matter of identification, like showing scars or fingerprints," he said. "I didn't look. I was looking out the window."

Down the lazy river

after Exams, male

By PHIL COLLINS

The second annual VLS canoe trip is to be held between exams and graduation. Canoists will meet at historic Batsto in the New Jersey Pine Barrens and paddle down the Sipush River from Atsion to Pleasant Mills. This is a scenic route on the cedar, pine, red maple, and white oak trees, as well as blackberry fenn. Canoes rent for $8.50 a day, including paddles and two cushions or bunks. Bring your own refreshments. The expedition will travel down the Batsto River from Quaker Bridge to Batsto Creek, the Mullica River from Ation to Pleasant Mills. This is a scenic route on the cedar-colored water (due to the presence of pine and iron ore). The riverbanks are lined with pine, red maple, and white oak trees, as well as blackberry fenn. Canoes rent for $8.50 a day, including paddles and two cushions or bunks. Bring your own refreshments.

(Continued from page 5)
Seminar explores the sole practice

By JAY COHEN

Youth prevailed at a seminar on Opening and Building a Law Practice, held on April 4, in New York. Organized by the Manhattan firm, Legal Management Services Inc., the paying audience was shown an outlook optimistic as to the chances of success and yet tempered by a persistent theme of the "Lawyer as Entrepreneur."

"Attorneys often forget this," moderator Laurie Hutzler pointed out.

The series of panels throughout the day strove to introduce this business-oriented approach with guides to handling the personality demands an attorney must encounter in client relationships. The topics ranged from such non-legal minutiae as stationery and coffee machines to the complex legalities of the Keough Plan and income record. At no time, however, complexity the panel discussions was the sentiment that one could start one's own firm and become successful far from sight. And the crowd, whose dress ran from Dorian d'chief, button-down and blazer, to Louis of Boston chic, hung on every word. (well, maybe not those of an insurance representative who sounded like a policeman giving testimony). Some of those present were already established, but all were hopeful.

Malpractice Insurance Costs

One word that was often mentioned and that somewhat dampened the optimistic spirit was "Malpractice." A now white wall went up when figures on insurance were revealed: for $100,000-300,000 coverage, an attorney right out of law school would have to pay $300-1300 per year (the rate is less than half that for more experienced practitioners or those covered by a firm).

The theme of caution surfaced in seemingly innocent spots. For example, one panel mentioned that a postage meter was a handy office tool and added, almost as an afterthought, that its other advantage was to stamp a date on an envelope, which is especially important to contract negotiations since the letter would be effective as of the mailing date which would be conclusively established by the machine.

Despite other urgings, like those of the LMS people to do other things, the legal minutiae were revealed: for $100,000-300,000 coverage, an attorney right out of law school would have to pay $300-1300 per year (the rate is less than half that for more experienced practitioners or those covered by a firm). The theme of caution surfaced in seemingly innocent spots. For example, one panel mentioned that a postage meter was a handy office tool and added, almost as an afterthought, that its other advantage was to stamp a date on an envelope, which is especially important to contract negotiations since the letter would be effective as of the mailing date which would be conclusively established by the machine.

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Usage Legal Systems

Laurie Hutzler, representing LMS, addressed the topic of office management from the viewpoint of management systems. She briefly outlined such devices as standard client interview forms, filing systems in which each client is assigned a number to reduce filing error, and a docket-control calendar system, which is necessary, incidentally, to obtain insurance coverage against that ubiquitous shadow of malpractice.

Hutzler mentioned the specific efforts of LMS, in tandem with the insurance companies, to arrive at a Risk Management System, designed to eliminate those errors commonly responsible for malpractice claims. One of the elements of such a system would be having several people responsible for docket control, thus eliminating the classic problem of statutes of limitation foreclosing a client's action.

Other Aids Exhibited

Throughout the day, representatives of companies manufacturing books, aids and other products for the legal profession, exhibited their wares. By far the most fascinating was the LEXIS computerized research terminal, which displayed cases on a non-digest basis from the master computer, when certain words or phrases were punched in. One benefit, besides the basic one of speed, is that the data is stored without being digested, so that the attorney is not at the mercy of a digest's classifications.

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Throughout the day, representatives of companies manufacturing books, aids and other products for the legal profession, exhibited their wares. By far the most fascinating was the LEXIS computerized research terminal, which displayed cases on a non-digest basis from the master computer, when certain words or phrases were punched in. One benefit, besides the basic one of speed, is that the data is stored without being digested, so that the attorney is not at the mercy of a digest's classifications.

By JAY COHEN

Youth prevailed at a seminar on Opening and Building a Law Practice, held on April 4, in New York. Organized by the Manhattan firm, Legal Management Services Inc., the paying audience was shown an outlook optimistic as to the chances of success and yet tempered by a persistent theme of the "Lawyer as Entrepreneur."

"Attorneys often forget this," moderator Laurie Hutzler pointed out.

The series of panels throughout the day strove to introduce this business-oriented approach with guides to handling the personality demands an attorney must encounter in client relationships. The topics ranged from such non-legal minutiae as stationery and coffee machines to the complex legalities of the Keough Plan and income record. At no time, however, complexity the panel discussions was the sentiment that one could start one's own firm and become successful far from sight. And the crowd, whose dress ran from Dorian d'chief, button-down and blazer, to Louis of Boston chic, hung on every word. (well, maybe not those of an insurance representative who sounded like a policeman giving testimony). Some of those present were already established, but all were hopeful.

Malpractice Insurance Costs

One word that was often mentioned and that somewhat dampened the optimistic spirit was "Malpractice." A now white wall went up when figures on insurance were revealed: for $100,000-300,000 coverage, an attorney right out of law school would have to pay $300-1300 per year (the rate is less than half that for more experienced practitioners or those covered by a firm). The theme of caution surfaced in seemingly innocent spots. For example, one panel mentioned that a postage meter was a handy office tool and added, almost as an afterthought, that its other advantage was to stamp a date on an envelope, which is especially important to contract negotiations since the letter would be effective as of the mailing date which would be conclusively established by the machine.

Despite other urgings, like those of the LMS people to do other things, the legal minutiae were revealed: for $100,000-300,000 coverage, an attorney right out of law school would have to pay $300-1300 per year (the rate is less than half that for more experienced practitioners or those covered by a firm). The theme of caution surfaced in seemingly innocent spots. For example, one panel mentioned that a postage meter was a handy office tool and added, almost as an afterthought, that its other advantage was to stamp a date on an envelope, which is especially important to contract negotiations since the letter would be effective as of the mailing date which would be conclusively established by the machine.

Usage Legal Systems

Laurie Hutzler, representing LMS, addressed the topic of office management from the viewpoint of management systems. She briefly outlined such devices as standard client interview forms, filing systems in which each client is assigned a number to reduce filing error, and a docket-control calendar system, which is necessary, incidentally, to obtain insurance coverage against that ubiquitous shadow of malpractice.

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