The Docket, Issue 1, October 1977
The Villanova Law School

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98% pass Pa. Bar Exam

Ninety-eight percent of Villanova graduates taking the Pennsylvania Bar Exam given July 17, 1977, have passed, according to figures compiled by Registrar, Mary L. Lindsay. Figures are unavailable at this time for the rate of success for some 23% of the 1977 graduating class who took the Bar Exam in states other than Pennsylvania.

One hundred and fifty-three applicants from Villanova took the 1977 exam, including ex-Congressman, William Green Jr. Of that number, only three failed. This makes Villanova's average somewhat lower, Ms. Lindsay said, than last year's 99% rate of success.

But she stressed that the current rate of passing applicants is significantly higher than the state-wide average, which is 89% of the 1993 applicants taking the Bar Exams.

Gap Increases

In addition to those taking the July exam, eleven graduates took the Bar in February and passed.

Ms. Lindsay added that her figures may not be exact, being based on the results supplied by Villanova, as opposed to information which, until 1972, had been supplied by the Pennsylvania State Board of Bar Examiners.

Villanova, as opposed to the disparity between the rates of success of law students in February and July, has eleven graduates took the Bar in February and passed.

Lindsay to retire

Ms. Lindsay came to the Villanova Law School in 1959, first as secretary of the Law School, then as administrative assistant. She is confident that her successor, Mrs. J. Lindsay, will retire from nineteen years of service.

The Registrar's office of Villanova has been efficiently managed for the past ten years by Ms. Mary Louise Lindsay. Ms. Lindsay recalls a time when the entire student body numbered 160, and said it had represented him in a false light. O'Brien explained that the ban had been considered for several years. The ban on advertising in the sale of study aids was, “because it undermines our claim to excellence.”

By LISA CETRONI

The Registrar of Villanova Law School has been efficiently managed for the past 19 years by Ms. Louise Lindsay. On November 30, 1977, she will retire from her present position as assistant to the dean of the law school.

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VLS enters team in Nat'l competition

A trio of Villanova students will argue against law students from a three-state area in the regional competition of the National Moot Court Competition. Dennis McAndrews 78, Jim Guidera 78, and Lucy Ivanoff 78, will tackle the opposition in a three-day competition in the United States Courthouse in Washington, D.C., November 3-5.

This team represents the first entry in the VLS law school's participation in the Open Writing competition sponsored by the National Law Review. The winning team will receive a $1000 prize and an invitation to participate in the national competition.

Law Review nets 12...
No new faces on faculty

By BARBARA BODAGER

The decision on whether the University should grant tenure to the four eligible faculty members, Professors Levin, Barry, Packel, and Wenk, still has not been reached. The inquiry into granting tenure to these faculty members began over a year ago.

Professor Edward A. Abraham, Chairman of the Senate Committee, says the delay is the result of the law school's need to complete tenure evaluation procedures.

Old vs. New

Under the old procedure, the Dean of the law school made a recommendation on each faculty member at the end of the academic year at the law school, which was submitted to the President of the University for approval.

The new procedure has taken some time to effectuate. As a result, the current candidates are being considered at the beginning of their third year of teaching.

A committee consisting of three tenured faculty members, Professors Abraham, Dowd and Dean Collins will make a recommendation to the tenured faculty as to the desirability of granting tenure to each eligible faculty member. The committee bases its evaluation on student and faculty opinion. The tenured faculty's reports along with the Dean's recommendation will be reviewed by the Faculty Senate.

May Go Public

The faculty vote is due on October 13. At that time, Professor Abraham plans to discuss the possibility of making public the faculty's decision.

According to the "Tenure Procedure" of the University, the Dean's recommendation to the President of the University may be made no later than November 1st of the faculty member's fifth year.

Those faculty members not offered tenure have a variety of options. They may serve out their contract; they can be given a renewal of several more years on their contracts or they can get a one year contract in order to search for another job.

Tenure jury still out

By NANCY GOODWIN

This year, both the Reitel compe­ titors and the Moot Court II participants have been fighting for a constitutional dimension, in­ volving both criminal and juvenile law.

A seventeen year old defendant was tried as an adult by a Villanova trial court and was found guilty of robbery, larceny, possession of offensive weapons, and conspiracy. After first charging the defendant with delinquency, the district attorney withdrew that charge and filed a criminal complaint.

He acted under authority of the Villanova Juvenile Act, which is based on the use of a criminal complaint, when a juvenile, who is at least 16 years of age, is charged with the commission of a delinquent act which would constitute a juvenile delinquency, robbery, or arson, if committed by an adult.

Due Process Controversies

On this appeal to the state Supreme Court, the defendant contended that this provision of the law deprived him of due process of law, as guaranteed by the Fourteenth Amendment to the United States Constitution.

The defendant also contended that the evidence introduced at trial, concerning a pre-trial iden­ tification of the defendant by the victim, should be suppressed, because the failure to provide the defendant with counsel with the lineup was in derogation of his man­ ners constitutional right.

Another contention, however, success­ ful in moving the court to reverse the convictions. Appeal was taken to the United States Supreme Court.

A Critical Concern

The problem of the transfer of jurisdiction from juvenile to adult courts is one of critical concern to the juvenile justice system, because of the severe con­ sequences that result from trying a juvenile in adult court.

For example, the term of commit­ ment following a conviction may be longer, if the defendant is tried as an adult, or it may be served in an adult institution, which would bring the juvenile into contact with adult criminals.

The juvenile also loses the op­ portunity to take advantage of the special procedures, treatment and rehabilitaton programs that are usually available through the juvenile system.

He may be also deprived of his rights to vote, hold public office, contract or litigate. And if he is found guilty, he will have a per­ manent record.

Unresolved Problems

Professor Packel, author of this year's problem, said that he wrote the problem around what he considers the vice­ city of the career in­ formation office, which he sup­ presses with skill and enthusiasm. Joan Beck, now tenured faculty member from the placement office of Temple Law School, has succeeded in moving the court to jurisdiction from juvenile at adult court.

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"Turk from midwest

By JIM CUPERO

When the faces of the four Faculty members have been enhanced this year by the ad­ dition of four new faculty members, the faculty is delighted to welcome Mr. Richard Turk from midwest law school.

Mr. Turk has been a lawyer for seven years in Chicago and with a total student population of over one thousand, the university has always been a challenge at night. Turkington compared its operation to that of Temple Law School.

During his tenure at Defaul, Turkington, exhibited a desire for diversity, lecturing on as many as twenty different subject areas, encompassing most first year courses as well as the more specialized disciplines of second and third year.

His interest in Villanova law students was evident from his knowledge of Villanova's "good reputation in legal education." This reputation, according to Turkington finds surprising in view of Villanova's short history.

The reputation that is sometimes looked upon as the reputation that is well deserved, the atmosphere, relaxed and conducive to a great deal of personal contact.

When he discussed the lack of an opportunity to help people, the atmosphere then led to the community service, which is part of the Villanova's mission.

At Villanova, Turkington states that the Villanova law student is more inclined to be of benefit to anyone seeking a career and that the Villanova law student is more inclined to be of benefit to anyone seeking a career.

Manning teaches trial and evidence

James H. Manning, Jr., former litigator in the U.S. Attorney's Office, is now full time faculty. Manning believes that experience and Evidence and Ad­ vanced Problems in Federal Criminal Litigation in the Spring semester.

Manning also is a 1964 graduate of Chetney State College where he majored in Political Science. Upon graduation from the University of Pennsylvania Law School in 1971, he clerked one year for the Honor­ able Leon Green, both of the U.S. District Court, Eastern District of Penn­ sylvania.

In 1973 he joined the U.S. At­ torney's Office as an Assistant U.S. Attorney. His tenure of three years come to a complex criminal litigation involving bank robbery, fraud, grand larceny, pickpocket fraud and stolen securities.

Upheld Title VII

In 1970 Manning left the U.S. Attorney's Office to become a litigator for the Equal Emp­ loyment Opportunity Commission. For the next twenty months it was Manning's job to enforce Title VII of the Civil Rights Act and prosecute in­ dividuals and corporations who have been discriminated on the basis of Race, Sex, Religion and National Origin.

The major emphasis of Manning's legal career has been on the private sector. Unlike many young attorneys he stresses that the idea of where he should be on the corporate scale, and has never thought of himself as an attorney with a private law firm.

Deciding early to make his mark in the government, Manning's goal has been to gain diverse ex­ periences, and constantly refine his legal skills and expertise. Con­ sequently he has built an impres­ sive store of knowledge and cliches which he credits himself with seeking a more well-rounded, governmental career.

Concerned Teacher

In his relatively short but accomplished governmental career, he has taught law school at night at Temple law School and Rutgers Uni­ versity as well as tutoring minority students at Villanova Law School. While a student at the University of Pennsylvania Law School he became counsel to the North Philadelphia Tenants Union, than a pilot program de­ signed to protect the rights of tenants in the Urban Community. Manning's desire to become more involved in community affairs is one of his primary reasons for go­ ing to law school.

Like many litigators Manning firmly believes that experiences, if not, the best, not the best, teacher. Advising young lawyers interested in trial work he stress—(Continued on page 8)
Tenure: I've got a secret

FLASH! VILLANOVA GOES MOTOWN: With its failure to render a tenure recommendation, the faculty has four of its colleagues singing, "You just keep me hangin' on." And well they should. It has been a year since formal tenure procedures were adopted for the first time in the school's history. (see Docket November 1976) The motivation for the change was to establish the academic standards necessary for tenure. Indeed, the last year has taught us that the faculty exercise a substantial degree of control over the tenure process. The American Bar Association has also required law schools to state a policy with regard to tenure. We think that including faculty participation in tenure decisions is desirable. As but it has turned out, the new formal process is little better then the "behind closed doors" procedure it replaced.

Under the new scheme, the Tenure Screening Committee, composed of three faculty members, is responsible for compiling and evaluating information regarding the merits of the faculty members eligible for tenure, after teaching at Villanova for at least three years. The Committee issues a report with recommendations to the tenured faculty, which, in turn, submits a recommendation to the Dean. The Dean finally makes his own report to the President of the University, who has final approval. If this sounds a lot like a second semester class in Property, where the chain of title is more like a ball and chain, then you're right. The chain is long. It is hard to remember its beginning. We wonder if the Statute of Uses didn't start this way. It is the first time around for the new process which, as bound to be awkward on its maiden run. And it is easy to appreciate that the faculty could not have its formal procedure without first drafting rules and standards. Still, the is bound to be awkward on its maiden run.

Students must, on the whole, be more communicative. The student body's participation in the decision has been disappointing. One must weigh the objectives of a decision based on the inclusion of a questionnaire, by the Screening Committee in each student's registration materials. Students must not be heard now to the process. They have and have largely ignored it.

We think it is not late to rectify the tenure system. That a decision cannot be rendered on those four professors within the six-month period. The objective of a decision based on the misgivings of the past year and enacting a permanent, streamlined tenure process.

If student response is a valid indicator, undoubtedly the most controversial issue in the law school has been the banning of the sale of study aids in Gavy Hall. Recently a petition denouncing the ban was displayed prominently on a bulletin board. Within a short time more than two hundred and fifty students attached their signatures in support of this petition.

The petition is a curious one, especially since it was drafted and signed by would-be lawyers. And even though the bookstores' recent announcement that it will begin to carry such study aids makes the specific gripe a moot issue, the petition still raises issues which, we feel, must be addressed.

Most troubling is the lack of any substantial reason for the signers' demands. The petition characterizes itself as a list of "sentiments," and it is clear that its statements are little more than that.

The entire demand for the reinstatement of the sale of study aids in the school is loosely based on three assertions. One of these, and the least substantial, is the argument that everyone uses these aids, so they must logically be acceptable. This argument is too frivolous to merit attention because it ignores the real issues.

The other two assertions are interrelated. It is claimed that the action of the administration in enacting this ban was arbitrary and adverse to the interests of the student body. What these arguments take for granted unfortunately, is the key question in the entire controversy. It is the faculty's right and duty to determine what should be the academic objectives of the law school and of legal education at Villanova? Is it the faculty and the administration or an ad hoc majority of students?

Villanova has adopted as its objective the task of training its students to develop and utilize the skills of a lawyer. The administration has taken the position that the sale of study aids subverts this attempt and the ban has at
temped not to outlaw them altogether, but merely to discourage not in small degree, the dependency which their being at hand is sure to breed. Moreover, the school has an obligation to the community it serves to provide the school's legitimate objectives, is arbitrary. One may disagree with the wisdom of the decision, but that does not make it arbitrary.

It is axiomatic, then, that students are not necessarily the best judges of what is adverse to their legal educations. Students certainly should be well-formed ideas of their interests, but that does not preclude the ad
mistration from deciding what is the best way to ac
complish its educational goals.

Perhaps even more disturbing than the inadequately reasoned draftsmanship of the petition is what it implies. Few students have not complained about the extreme emphasis that Villanova places on the importance of examination grades. If nothing else, this petition reaffirms that emphasis. Most students would not deny that their sole concern in purchasing study aids is the lure of higher grades. This petition advocates it hard to reconcile the any overlooked by the widespread discrepancy voiced over excessive grade-consciousness.

Attorneys-to-be forget evidence

If a decision based on the misgivings of the past year and enacting a permanent, streamlined tenure process is the key question in the entire controversy, the most controversial issue in the law school has been the banning of the sale of study aids in Gavy Hall. Recently a petition denouncing the ban was displayed prominently on a bulletin board. Within a short time more than two hundred and fifty students attached their signatures in support of this petition.

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presents High Court drama

The second ninety minute discussion was held by Aaron Burr, examined the question of whether the Vermont law was contrary to the newly proposed United States Constitution. The audience was shocked to see the young Burr, still a student, take on the role of a statesman and argue his case with the same eloquence and brilliance that would later make him famous.

When you're hot you're hot – or cold?

Nearly every room at Villanova Law School contains a little sticker by the light switch, which exhorts users of the facility to save energy by turning off lights that are not in use. Undoubtedly, this is a worthwhile effort to help the sensibilities of the less sensitive among us.

Notwithstanding such efforts, one might well wonder how sincere is the law school's commitment to energy conservation. The manner in which the law school building is heated and cooled, is at the very best, exceedingly difficult to justify.

It is not uncommon to find the air conditioning running when there is no conceivable need for it. Some rooms, most frequently the library, are often heated to greenhouse temperatures. It will not do to respond that students and faculty can accommodate themselves to the conditions by dressing appropriately, because there is no way to dress appropriately to the rapidly changing conditions encountered on any one day in the law school.

The greater concern, however, is that much energy is spent in wastelessly driving classroom temperatures to unbearable levels. What is important is not merely that this energy is misspent but that it is lost, irrevocably, for no tangible purpose. Whatever the underlying reasons for this waste, the administration is obligated to undertake immediate steps to eliminate it. Postering little stickers near light switches will never be an adequate substitute; for that is rather like sticking one's finger in the dike to plug a leak. For that is but temporary. It is only a makeshift attempt to forestall a larger problem. It is only a small step towards the goal of genuine conservation. The manner in which the law school building is heated and cooled is, at the very best, exceedingly difficult to justify.

Letter to the editor: exams

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The University Computer Center, as requested by the computer and coding committees, eliminated two classes of computer programmers from the first-year curriculum. The short time allowed for testing and course adjustment leaves little time to prepare to complete the two courses.

Kim McDaid

Legal expertise developed

The moot court Board designed "Burr Controversy Fueled," an educational video that explores the ramifications of the Burr-Vigo controversy. This video aims to provide students with a comprehensive understanding of the historical context surrounding the controversy and its impact on the development of legal principles.

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Ogden

Ogden v. Gribbon

Letter to the editor: exams

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By BETH WRIGHT

A lawyer shall not publicize his law practice or advertise...

DO YOU NEED ALAWYER?

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- Information regarding other type of cases

(Continued from page 1)

LEGAL FEES: 30% of first $300, 20% of second $300, 10% of third $300, 5% of the balance.

Legal Clinic of Bates O'Steen

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Phone 781-1100

98% pass July exams

(Continued from page 1)

This becomes more significant when it is considered that the percentage of the class of 1977 who Villanovan have steadily increased since 1972 when 129 took the July exam. This year, which were taken by 153 graduates. Ms. Scott; Alexandre, Frederick; Cooper, Deborah; Cooperstein, Michael; Deck; Denbo, John; Denning, Ken; Drescher; Eiken no Bar Examination as of Scott; Alexandre, Frederick; Cooper, Deborah; Cooperstein, Michael; Deck; Denbo, John; Denning, Ken; Drescher; Eiken no Bar Examination as of

VLS students gripe over Univ. indifference

By DON LADD

A group of law school students recently claimed that they have been the victims of indifference and inaction of campus University administrative personnel who, it is alleged, has "badly shopped," their papers.

The University business office, Financial Aid Office, and Work-Study Payroll office were among those mentioned by students who complained of "insensitivity, incoherence, and indifference on the part of the administrative personnel toward law students who were complaining..." Perplexing, students mentioned the high percentage of trouble among all the complaints.

Admissions officer Sandy Moore has mediated conflict between the University. She feels that the problem lies not only with the question of procedure and policy but with the lack of adequate communication and feedback between the Law School community and the students.

The Docket wishes to explore these issues further with both students who may have similar experiences and administrative personnel who may wish to respond or comment. We would like to focus on any major procedural or institutional issues arising out of their experiences.
Softball follies slowly die

By PAUL SKURMAN

The softball league got under
take the woes of weaker teams, Vanetta
players on these teams became
consistency in those who had been
afternoon in Fairmount Park

To the occasion the creative
era is now 4-1 on the season, while the
The team sports a new look:
co-captains Mike Kerwin and
here is a vicious and
disdaining all glory ended a sixty-
meter streak on the touch line by
two small presentations were made by

Several things were different about
two of the discussions did not
Coaches of the program learned
from the legal problems of
after completing their panels, the

The game of the day was
to the attorney who is working
disfruster in his efforts at a try for
the second straight week. The
The "A" squad had started its
held draft the 1977 Amendment

Foundation sponsors
Juvenile advocacy day

by BOB SCULLY

The "B" team was played in
evolve on another side and
discharged for a try in the
The "A" squad was the heart of
dismissed from the touch line by
The coordination of the program
by the end of the day, approxi-

Scrum bums play knock-out rugby

The end of a very long season
August, Tocco, a legitimate candidate for the
season, as the Hawks are indeed
door games. The "B" match also

The "B" was played in
even more rain and neither side
the final score was 22-0.
its undefeated string to three

Boy Eats Hyaks

On October 8, the Club traveled to
St. Joseph's College and proved
that the Hawks are indeed
east were ten-year residents
after putting under further
two-thirds of the match behind
a pique to the head. When
informed that the downed
Villanova would require
hospitalization, Bury broke into
a strange smile and began to
drod. This set the tone for the
rest of the match, which saw
Bury and two Villanovans ejected
for fighting. Neil O'Leary had a
fine game at scrimmage ahead of
his former club and Mark Gavere,
who led the team's newly
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Villanova captain shortly
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**The biggest game**

Who bunts down incompetent lawyers? Other lawyers.

By ROBERT E. KROLL

In the last five years. 

First the prey was small; many were bagged out of court and settled. But although there were thousands of these cases when there was the eye and the opportunity to get them, only a handful were actually handled by a few of our most distinguished. The results were eye opening, but the real beauty was in the way the bar itself was responding to the problem.

malpractice suits often involve ex­

The plaintiffs attorney must show that he has been injured by the legal act of the defendant and that, in the exercise of normal and professional judgment, the defendant could have avoided the injury. The defendant usually will argue that the act was not negligent. 

Thus lawyers are being sued for mal­

Siegelrid in Los Angeles, for example, has an office in the San Francisco-Los Angeles firm of Freidberg & Mollen. He also serves as a litigation consultant to the San Francisco Trial Lawyers Association. 

The case involved a young woman who was involved in a collision with a truck. She was taken to a hospital where she was treated for a broken leg. She was later admitted to a nursing home for further treatment. The nursing home then refused to take her because she had a broken leg. She was eventually discharged from the hospital and taken to another hospital. She was then taken to a nursing home where she was treated for a broken leg. She was then returned to the hospital where she was treated for a broken leg.

This year's program is set up to attract the type of people who come to the Reimel Competition. 

II or the Reimel Competition is a

The final argument, scheduled for May 18, will be the highlight of the competition. The two Moot Court teams will be selected from the United States Supreme Court will be served on the bench. 

Susan Rhodes, who assists

Moot problem concerns unresolved questions

(Continued from page 3)

thought were important issues in juvenile and criminal law, which had not been clearly resolved by the courts. Professor Packel looks forward to the second round because he hopes that the students will give new insights into the problems.

The Primary value of the arguments is that they give the students the opportunity to analyze a problem after a court.

The argument is written much the same as in the past. Successful completion on Most Court II or the Reimel Competition is a requirement for graduation and earns the student one credit.

Members of Law Review or the

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The defendant attorney, laying traps pain­

The client's first lawyer sued only the manufacturer of the chemo­

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