Student fee not simple

By DON LADD and NANCY GOODWIN

Each semester, students are charged fifty dollars for general fees in addition to tuition. These fees are not explained or itemized in the University Bulletin. The Docket wondered: What is a "general fee"? How is it spent? Why does it exist?

Mr. Charles B. Dietzler, the University's comptroller, released last year an approximate breakdown of the student fee. Twenty percent is utilized by both the law library and the main library, thirty percent by the athletic department; twenty percent by the infirmary, and the remaining thirty percent by the various student organizations.

Do these funds cover all of the expenditures for these activities? Apparently, no one knows for sure. Father Thomas Mahoney, Vice President of Financial Affairs, said that any discrepancies between the income from the fee, and those expenditures, are not carried out in the bookkeeping. When asked why, Father Mahoney stated, "It is really not important for us to know." Apparently, there is no real distinction made within the accounting system between the general fee and the tuition. Both are regarded as income.

Why then, you ask, have the fee in the first place? It seems the answer is sailmanship. Father Mahoney said that the fee is employed to make the tuition appear more attractive to prospective students. This is necessary in order to keep Villanova's price competitive with other comparable institutions using similar "fee" systems. Everyone is acquainted with the "suggested retail price" of new cars, and the so-called "dealers prep and extras" that make the price so much higher than it had appeared. When asked if the fee system was a comparable device, Father Mahoney readily admitted that he felt some sympathy for the consumer. The increasingly competitive student market, probably due to the declining birth rate over the past twenty years, has made it necessary for institutions of higher learning to resort to these more or less worldly sales techniques.

However, do the law students feel the heat? Father Mahoney noted that many of the students propose shopping only Family Law, while retaining second semester Criminal Law and a seminar. "I'll be able to do both teaching and administrative work," he says with obvious pleasure. And we're sure that he will.

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A recent comparative study of six versions of legal ethics codes published by Public Citizen, Inc. maintains that in his home country, the United States, the law profession has used the devices of a guild to preserve their own profit-oriented economic goals. The proposal calls for the creation of the two new posts. The proposals also call for the reorganization of O'Brien's office and the creation of the Associated Deanship for Academic Affairs, is already present. In short, nothing will be automatic. There is no limit on the number of tenured faculty. The second semester Criminal Law and a seminar. "I'll be able to do both teaching and administrative work," he says with obvious pleasure. And we're sure that he will.

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In my last column I wrote about the remarkable progress the Law School is making in its twenty-five years. In this column the question I pose is this: will there be a Villanova Law School twenty-five years from today? The answer is not as reassuring as it would be to me. The answer is that there will be a Villanova Law School twenty-five years from today if it will be even better than it is at present, if, but only if, all of us work very hard at what we do.

There are several reasons why I believe it necessary to view the future with concern. The University's income must be increased, for the amount of money we will be able to provide our students and their families to pay ever increasing legal education at Villanova. Even taking into account the fact that salaries will also rise, surely there must be limits on the amount we can impose by conscience and a limit imposed by economic reality. And these limits are two factors that must be considered is the fact that fifteen years from now the population of eighteen year olds will have dropped approximately twenty percent below its current level. To further compound the difficulty we are told that the states from which Villanova University and the Law School traditionally draw most of their students will lose more young men and women than the national average by moving to the Sun and the Southwest.

The other major problem. The number of college students taking the Law School Admission Test, our indication of law school applica­tion at enrolled class strength, has dropped ten percent last year. But if we do not continue to improve the quality of our incoming students and the faculty, our Law School is no longer viewed as being at the top. There may be a relationship between that perception and the common, although largely erroneous view that there are no jobs for young lawyers.

Today the Law School is thriving. In the face of a declining number of college students taking the Law School Admission Test, our enrollment this year has exceeded ten percent. But if we do not continue to improve the quantity and quality of our incoming students and the faculty, our Law School is no longer viewed as being at the top. There may be a relationship between that perception and the common, although largely erroneous view that there are no jobs for young lawyers.

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Consultant chairman, McHugh tells Docket next ten are crucial

James McHugh, VLS '82, is a chairman of the Board of Consultants and a partner in the Washington firm of Steptoe and Johnson.

Q: First of all I'm sure that our readers would like to know about the Board of Consultants is, and does, and what powers it has.
A: The Board of Consultants is exactly what its name implies: a governing board. It's not a legislative body in any sense; it is not a governing board, it is a group of people who are not part of the Board of Governors.

Q: That doesn't have any legislative powers whatsoever. In fact, it really has no power. It has the power to make some decisions, it elects its officers, it makes suggestions, but its sole function is to advise the Law School and to advise the Administration of the University.
A: Just to advise, that's it.

Q: Just to advise. The Senate advises and consents.
A: All we do is advise.

Q: OK. Does the Dean come to you before a policy decision or is this an ongoing process?
A: The things that the Board of Consultants considers are things that are generally brought to the Board by the Dean. He has no obligation to bring matters to us.

I have been on the Board, I guess this would be my fifth year now, and it's certainly my impression that most, if not all, of the major policy decisions that are made here are discussed with the Board at one time or another.

Q: Their views are solicited, and in a number of instances I think that the Board has been able to make very important observations and suggestions. We bring a perspective that really is different than what the Law School Faculty and administration have.
A: Most of the Consultants are people who are in private practice or lawyers with corporations, in administrative capacities or with corporations. Some of the members are judges. We tend to approach Law Schools from the point of view of our impressions of the products of the law schools and we are able to tell the law school what we think that product ought to be.

We are not in too great a position to tell the school how that product ought to be achieved. Frequently, after you have been in law school for a few years, you feel like you're an expert on legal education, but, in fact, we're not. We may feel that we may read, we may observe, but very few of us have taught. I think that the only person on the Board who has ever taught is one of our newest members, Jane Hammond.

But, going back to your question, which you probably prefer that I do, the Board has the power to initiate on its own things that must be discussed or considered. And certainly that happens from time to time.

Q: I'd like to get into the economics of the law school. As you do at some other schools, and that's why there is obviously a whopping difference in law schools. There are the Harvards and the Yales and the Chicagos and all the other schools, and then there are a whole lot of law schools you really wouldn't want to send your daughter or son to.
A: A large number of schools are in different categories. What sort of admission experiences those people have be "Are we making money?"
A: Well, I haven't seen any figures since last year, but over the four years for all the financial figures of the law school, I haven't seen anything that would be as consistent as some law schools that approach their existence almost as a commercial enterprise... I don't think that's an appropriate way for a law school to go, but it certainly is not the way this school is going at it.

Q: I'd like to get into the economics of the law school, and my first and most obvious question would be "Are we making money?"
A: Well, I haven't seen any figures since last year, but over the four years for all the financial figures of the law school, I haven't seen anything that would be as consistent as some law schools that approach their existence almost as a commercial enterprise... I don't think that's an appropriate way for a law school to go, but it certainly is not the way this school is going at it.

Q: And so if that experience is in any way translatable to the experience here, you are probably getting a better calibre of student that you get at a school that is not only much more competitive but that obviously there would be a large number who might have had a first choice somewhere else.

Q: That's a tough one. I don't know enough about accounting to know what's the proper way to attribute various types of overhead, indebtedness and that sort of thing for a law school.
A: But from looking at numbers over the last four years, I sure don't have the impression that the law school is subsidizing the University.

(Continued on page 4)
The dog days between first and second interviews are upon us, but this Public interest group side of the legal profession serving small general practice law firm a specialized clientele of cor­
client pays in advance for legal
insurance companies, banks, associations, alarmed at the, proli­
reps in Congress.
citizens with unfulfilled needs.
couraged by bar association rules.
and disciplinary systems to ensure
libraries. But many bar as­

Although the conventional

and until you broaden that base inevitably most of

people here have plans to really get that thing going,

when you are looking at a construction contract and

money we have to do things.

Public interest group studies legal problems

(Continued from page 1)

income Americans. Those three were becoming available — closed panel, open panel and legal insurance. Unions use the closed panel plan which is limited to a pre-selected group of attorneys. Professionals either retain a salaried legal staff. Open panel plan members may choose any qualified attorney within a certain geographic area, contract with him on a fee-for-service basis and pay him directly to the plan. Legal in­

But still the problem remains of

And until you build a really strong financial base,

And it’s going to be more important in the future,

At some point, and this is where I’m really not at

Alumni from all the states and is structured like auto­

And it’s going to be more important in the future,

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The Law School will always have a distinct con­


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It's called, in effect, for first year students, which basically says that if you are an attorney and you would like to make a comfortable living, the only way you can do that is to be someone they call, and in order to do that you have to sell yourself. This is their feeling, that you can't be a lawyer and be moral at the same time — you can't be a certain kind of lawyer.

At a successful lawyer?

Q: I think that's what they mean, although I'm not sure.

As well, that may imply some pre-judgments as to what's right and what's wrong. If someone assumes that one of my clients is bad, but they are prepared to help them be more wicked, more evil, that's not as serious.

But maybe I'm oversimplistic. Yet, they — moral dilemmas — have always seemed to come in a way that it can be highly motivational and also client-centered, so to speak.

There are all kinds of dilemmas. There are dilemmas of consent. Does this case conflict with something else that you believe in? And in large law firms that's a daily problem.

As Wade said, it's not always going to deal with things when people tend to resolve all of those problems in the safest way they can. They just don't want the problem.
How to ace a first year exam

By JOAN BECK

A recent study of the employment patterns for 1976 law school graduates indicates that Villanova graduates compare well with national averages for employment statistics.

The national figures are based on a report prepared by the National Association for Law Placement (NALP) and show that 92% of all 1976 graduates were employed in law-related positions by early spring, 1977. For the classes from 1973 and 1974, the figures were 91% and 88%.

Concerning employment categories, it is noteworthy that the Villanova Law School Class of 1978 exceeds the NALP percentage greatly (23% to 9%) in the judicial clerkship category. These are considered highly prestigious employment positions. Furthermore, the Class of 1976 is above the national average in corporate legal positions, generally believed to be competitive in the large law firm.

Thus while Villanova's private practice percentage 48% falls short of the NALP percentage 52%, Villanova law students have opted to seek employment in positions of equivalent status.

Salary ranges for Villanova graduates are estimates based on salaries reported by 1976 graduates. It should be noted that salaries in each category may vary considerably according to geographic area, employers in suburban and rural areas tend to pay in the low range of the scale.

Salaries stated for NALP employment categories were taken from the statistics of the responding Philadelphia area law schools. For salary comparisons between Philadelphia and other U.S. cities, the NALP report Binder No. 3, Room 49, the Law Career Information Center may be consulted.

Geographically the NALP report found that 6% of all law graduates in the Class of 1976 located in Washington, D.C. and the 7 most populous states; California, New York, Texas, Illinois, Pennsylvania, Ohio & Michigan. The Villanova Class of 1976 located in 16 different states. 67% (128 of 190) of VLS '76 graduates were employed in Pennsylvania; 55% (104) in Philadelphia and the surrounding suburbs.
VLS grads tell what they did next

By JOHN SPARKS

So, it's the end of November and the large firms have been here and gone. Some firms may have returned, but only 10% of the law school population goes to the big firms you have to get your resume in. But the question remains, "What Do I Do Next?"

This is another Catch 22. You have applied to a lot of firms and have attended seminar moderated by your favorite firm (Law School Weekend at Villanova, for example). You have applied to a lot of firms and have attended seminar moderated by your favorite firm (Law School Weekend at Villanova, for example). You have applied to a lot of firms and have attended seminar moderated by your favorite firm (Law School Weekend at Villanova, for example). You have applied to a lot of firms and have attended seminar moderated by your favorite firm (Law School Weekend at Villanova, for example). You have applied to a lot of firms and have attended seminar moderated by your favorite firm (Law School Weekend at Villanova, for example).

One thing to remember about small farms is that they don't have the time or the money. Most people have enough experience in the firm to be successful. Some of them even have some of the same experience: they have written contracts, they have written your resume, they have written everythin... really, it's the right time.

How to ace a first year exam

(Continued from page 6)

Now for the second exam. As far as I know, there are no curves or questions. If you have done your best and are properly prepared, you will do well. You have spent more time thinking about the subject than you did in the test. In addition, you have written the exam and the exam is now over. You may have more confidence in your answers than you did when you wrote the exam. The instructor should recognize this by the time he finishes grading your exam.

Catch 22

Most of the law school community appreciates that grades are not what they are cracked up to be. Few instructors will maintain that they can predict the future based on a three-hour examination. This is a practical skill in which you can do well. You may receive only 1% - 4% response, but even that small amount of feedback is worth it if you land a job. If you are physically not up to taking the exam, it is unlikely that you will ace all of your courses or background you need to provide you with early in- formation. There is an apparent dilemma in the application. But in all of your endeavors, I encourage you to write on more complex and pertinent topics, such as jurisprudence, legal research, and legal writing. The personal aspect remains, "What Do I Do Next?"

Walter Kubik '78

Kubiak wins Merion vote

Walt Kubiak, a member of Villan- ova Law School's class of 1978-79, has been elected to the position of Township Com- missioner of Ward 12, Lower Merion Township, by the Board of Commissioners, Kubiak's responsibilities will in- clude running the Township offices, performing both dialectical and technical legal skills and supplying the tech- niques of legal practice.

First Year Analysis

On analyzing the first-year curricul- um, the committee noted that some schools have condensed the traditionally year-long courses into single seminars. With this approach, the second half of the first-year course offering will take first-year students to wider range of subjects and enable courses in jurisprudence and legal writing to be included.

In their recommendations, the committee has suggested that the first year courses be retained in- cluding English sentence, as well as the ability to stifle one's reason, and the second half of the first-year course offering, as it pro­ vides for a more orderly progression of study. The committee has recommended that procedures be in- tended — on steak. Some believe that chicken soup remains, "What Do I Do Next?"

The Placement Office is an im- portant asset. It can get word out to employers and by working through interests and desired location it might be able to provide you with early in- formation. An important thing to remember about small farms is that they don't have the time or the money. Most people have enough experience in the firm to be successful. Some of them even have some of the same experience: they have written contracts, they have written your resume, they have written everythin... really, it's the right time.

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In their recommendations, the committee has suggested that the first year courses be retained including English sentence, as well as the ability to stifle one's reason, and the second half of the first-year course offering, as it provides for a more orderly progression of study. The committee has recommended that procedures be intended — on steak. Some believe that chicken soup remains, "What Do I Do Next?"

The Placement Office is an important asset. It can get word out to employers and by working through interests and desired location it might be able to provide you with early information. An important thing to remember about small farms is that they don't have the time or the money. Most people have enough experience in the firm to be successful. Some of them even have some of the same experience: they have written contracts, they have written your resume, they have written everythin... really, it's the right time.

The personal aspect remains, "What Do I Do Next?"
Dean’s plan raises questions

Dean O’Brien recently announced his proposals for a program of development for Villanova Law School, designed to insulate the maintenance on Villanova’s status among law schools and the ultimate improvement in the quality of its educational service. The elements of this program sound simple — a fund raising drive, administrative reorganization, and a limited graduate program; but at the core of the proposals are concerns of significant magnitude for the future academic health of the law school.

Dean O’Brien is correct, we think, in assigning considerable importance to the financial independence of the law school. The purpose of this independence is not to acquire leverage over the University but rather to insulate that, in event of economic disaster in the University, the law school will be able to continue function, with no substantial impairment in the quality of its academic programs.

This is, indeed, a worthy objective, in light of current budget conditions at both the University and the law school. Both are unduly dependent upon student tuition for their operating income. The purpose of this independence is not to acquire leverage over the University but rather to insulate that, in event of economic disaster in the University, the law school will be able to continue function, with no substantial impairment in the quality of its academic programs.

The nature of this dependence is clear when it is compared to the figures for other law schools that were ranked in the same, first quartile in a report on legal education, conducted by the ABA section on legal education and administration. The average for other schools in the same quartile was that 74% of the direct expenses came from student fees; the law school is only slightly better, in that it depends upon student fees for 94% of its direct expenses.

The vices of this heavy dependency are obvious. Rapidly rising costs, especially those resulting from inflation, must be passed almost entirely on to the student by means of increased fees. The school itself lacks the ability to offset easily major, unforeseen expenses. Moreover the school is seriously hampered in its development and in the improvement of its academic program, because of a lack of adequate resources. Fund raising on a continuing basis, both from alumni and other private sources, is about the only solution.

The two other elements in the proposal — establishing a graduate program and a program in continuing education and restructuring the law school’s administration — are, perhaps, reasonable in light of the overall objective. Certainly a graduate program would give

Of course, what we say assumes that reality is the same here as theory. It wouldn’t do to have the non-tenured faculty nor the students being appraised of what the tenured faculty under consideration had been informed of the recommendations concerning his own case, but neither the non-tenured faculty nor the students were appraised of what the tenured faculty were appraised of. Such knowledge was strictly unofficial. Such “leaking” publicity whatsoever.

We think that an open policy is the only way for our law school to keep from developing into a kind of autocratic fiefdom for a Dean and the oldest faculty members — or which already pervades the school. New faculty members, for instance, are acrusted by the entire faculty. Student response is solicited on that and other matters.

In this particular instance, we feel that discretion is the better part of valor. One or two month’s suspension does not seem unreasonable in light of the motivations for keeping such a decision a secret, and the emotions at stake.

Dear Lucy:

The reason that I came to law school is to find a husband. My mother told me that since I am a WASP, I should find a graduate of a “clergy prepared” high school. I’ve had trouble distinguishing between the advantages and disadvantages others and need your help in finding my mate.

Said, Protestant and prepared

Dear Lucy:

Recently I was told that my chances of obtaining admission to the University of Pennsylvania Law School are slim. I think I am very well qualified, I have a 3.7 G.P.A. at Harvard and a 779 LSAT score. It’s just that my antilogical sign is weak and my anti-Heterosexualism sign is weak and the interviewer told me that this is almost a fact. I do not feel the same way about Penn for Gemsia. He told me that the admissions committee seemed disposed to give me an example of one Taurus with a 779 LSAT score who was very good and had suggested that I defer application for a year to let the committee "get their head together." Do you think I have a chance at Villanova? Prospectively yours, Another Penn Fuss

Dear Refuser:

Villanova must expressly not discriminate on the basis of race, religion, color, creed or national origin, in compliance with Title VII of the 1964 Civil Rights Act. In any event, Venus is not in the vicinity here, Uranus is avoiding any problem with Gemini or Libra. My only advice is to check the law of the land for any deadline, for application, because after that time, Mercury is at its nadir.

Dear Lucy:

The vices of this heavy dependency are obvious. Rapidly rising costs, especially those resulting from inflation, must be passed almost entirely on to the student by means of increased fees. The school itself lacks the ability to offset easily major, unforeseen expenses. Moreover the school is seriously hampered in its development and in the improvement of its academic program, because of a lack of adequate resources. Fund raising on a continuing basis, both from alumni and other private sources, is about the only solution.

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A host of tenure assumptions counsels patience for now...

After the shaky start the new tenure granting process got off to, and after the process was delayed so that it seemed the four faculty members who were being considered would sooner get a pension than be granted tenure (see Docket Oct. 1977), our eyebrows were understandably raised when it was reported that the tenured faculty had made its recommendation to the Dean without any publicity whatsoever.

Cranking up our investigative machine, we learned, in addition that the Dean had made his recommendation to the President of the University and that was where the decision presently resided. Each of the four faculty members who were being considered would sooner get a pension than be granted tenure, according to the Dean’s report to the President of the University and that was where the decision presently resided. Each of the four faculty members who were being considered would sooner get a pension than be granted tenure, according to the Dean’s report to the President.

In his report to the President, the Dean told us that he was hasty to be so open concerning the faculty’s lack of control if an ultimate decision were not to be made. Both are unduly dependent upon student tuition for their limited financial resources necessary to cover the increase in faculty would from come. Furthermore, the memorandum indicates that the funds to pay for the reorganization of the Dean’s office and the establishment of another associate dean would be those originally allocated for hiring new faculty. Last year the school was unable to find suitable additional faculty, so the money is needed for that purpose.

But we note that in the memorandum, Dean O’Brien indicates that the average salary for Villanova faculty is somewhat lower than for other law schools of similar rank. That is a significant difference.

In the same, first quartile in a report on legal education, the elements of this program sound

There are many possible solutions to the financial difficulties of the law school. The vices of this heavy dependency are obvious. Rapidly rising costs, especially those resulting from inflation, must be passed almost entirely on to the student by means of increased fees. The school itself lacks the ability to offset easily major, unforeseen expenses. Moreover the school is seriously hampered in its development and in the improvement of its academic program, because of a lack of adequate resources. Fund raising on a continuing basis, both from alumni and other private sources, is about the only solution.

The two other elements in the proposal — establishing a graduate program and a program in continuing education and restructuring the law school’s administration — are, perhaps, reasonable in light of the overall objective. Certainly a graduate program would give
Letter to the Editors of the Docket:

For the students who signed the "Gilberts" petition it was a question of having a convenient place to pursue the study side. For the editors of The Docket it was a question of ultimate authority and responsibility. As the Docket October editorial put it, the key question is "who has the right and the duty to deter­mine what should be the academic objectives of the law school?" The acquisition of useful knowledge is part of the concept of personal liberty which students carry with them as they enter a law school and expect to find respected by in­stitutions of the academic calibre of Villanova.

Well if that is the question, then the faculty of Villanova Law School and the duty to guide the legal education of Villanova Law School students belongs to the faculty and the administration. That is why they are here, and Villanova students enter the school expec­ting to find their academic life given direction by the educational philosophy and aspirations of the Law School. But the right and duty to determine the total con­tent of that academic life belongs to the faculty and administration. As the Docket editorial does, The Docket editorial put it, the key question is "who has the right and the duty to deter­mine what should be the academic objectives of the law school?"

Sincerely,

Nancy Schuster

Contributing Editor

Editor-in-Chief
Jay Cohen

Letter to the Editors of the Docket:

Dear Lucy,

I think I have the "Hustle" down pretty well, since I've been watching the Ed Hurst show and practicing at Jeff Med School par­ties. I know that the guys at Dockets love to "Hustle" at the Newsmart. Do you think I should put in my resume that I know how to dance too?

Sincerely,

Two Left Feet

Dangling

Dear Two Feet:

If you were, I would say that I was interested in entertainment law. But I wouldn't take any chances. Go down to the News­room and cultivate some of the as­sociates. When they learn that you are interviewing with Dockets, they won't be afraid to put in a good word for you if they're impressed with how you handle yourself.

Ed. Note: Lucy Lady Duff-Gordon is Benjamin Nathan Cardozo, Professor of Law at Villanova Uni­versity Law School, where she teaches students to develop a socially aware psychology. Readers are en­couraged to send their letters to Dear Lucy, do The Docket.

By Jay Cohen

A planetary silence goes largely unbroken

I have, among other pleasures during these times of an issue of The Docket, the joy of assigning stories and events to be "covered." Sometimes, the topic seems of dubious merit and most of the time, the writer is reluctant. But by the time we put the paper to bed, I have a pretty broad pic­ture of what has happened at the law school in the past four or so weeks. And I might add, this is all in kind of total picture I don't have while everything is going on.

I say this to explain why it is just now that I've noticed that most of the students who appear to be Villanovans have been sponsored by the local chapter of the National Lawyers Guild. Or refrain ranging, from a discussion of the Bakke case, to one concerning legislation on personal infor­mation by organizations as such as the FBI, the Guild has sponsored animated and sometimes heated forums. In addition, the Guild earlier prepared and published a pamphlet called "First Year Reorientation Guide" which, as the title implies, at­tempted to show students the way students become aware of conceptions about the practice of law.

Law Forum Absent? The Guild seems to have obvi­ously been busy this semester. This becomes all the more noteworthy in light of the absence of the Law Forum which, last semester, sponsored a series of infor­mal talks by unusual legal personalities, such as sports agent, Rich "the bear" Phillips and Delaware County Coun­cil­woman, Faith Whitley. It should be added, that even in its prime, the Law Forum presented talks far more varied, but usually did not present a par­ticular political or philosophical viewpoint.

In fact, no one is presenting any kind of political or philosophical view except the Lawyers Guild, and that view is certainly represented and sanctioned by the Guild. The acqui­sition of useful knowledge is part of the concept of personal liberty which students carry with them as they enter a law school and expect to find respected by in­stitutions of the academic calibre of Villanova.

Sincerely,

Nancy Schuster

Contributing Editor

The Docket.

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Richard Armstrong, Donna Baker, Lisa Cetroni, Mark Cher­don, Jim Cupero, Hank Delacato, Rob Federico, Rich Funk, Nancy Goodwin, Bill Kamski, Don Ladd, Renee McKenna, Michele Ndietsi, Max Perkins, Wendy Rickles, John White

Faculty Advisor

Professor John Cannon

The Docket is published monthly by students of Villanova Law School, Villanova, Pa. 19085. Opinions expressed herein do not necessarily reflect the views of the university or the law school or represent the views of the editorial board. Any republication of materials herein is strictly prohibited without the express written consent of the editor.

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

November 1977 • THE DOCKET • Page 9
Affirmative action programs restricted by epic decision

Allan Bakke

THE REGENTS OF THE UNIVERSITY

(18 C. 3d 34; 123 Cal. Rptr. 680; 553 P. 2d 1182) (1976)

Ed. Note: Allan Bakke applied for admission to the medical school of the University of California at Davis in 1973 and 1974, and was rejected both years in favor of other minority applicants.

Bakke filed a complaint against the University, claiming that he had been denied admission because of an affirmative action program designed to admit minority students. After the case was transmitted to the United States Supreme Court, the University petitioned the court to admit him. Davis filed a cross-complaint to have the California court declare its special program inadmissible.

The trial court found against the University on its cross-complaint but denied Bakke's prayer for injunctive relief. Both parties appealed from the decision. The California Supreme Court transferred the case without a prior decision by the Court of Appeals since it felt the issues were so important as to warrant such a step.

On October 12, both sides argued the case before the nine-justice panel of the California high court having found for Bakke. Among the many briefs filed was one written by 80 Harvard students and Harvard President Derek Bok. The Bok brief surveyed the legal and moral implications of Bakke's case.

The Court in a slightly abridged version which gives a faithful rendition of the court's ruling.

Mosk, J.

The selection of students for admission is conducted under carefully prescribed rules. The regular admission committee consists of a volunteer group of 14 or 15 faculty members and an equal number of students, some of whom were appointed by the dean of the medical school. The special admission committee, which evaluated the applications of disadvantaged applicants only, consists of students who are all members of minority races who have been members of minority groups.

Bakke had a grade point average of 3.51, and his application warranted one applicant was more qualified than another.

The rating of some students admitted under the special program in 1973 and 1974 had grade point averages below 2.5, the minimum required for an invidious classification. Classification by race has been upheld in a number of cases in which the purpose of the classification was to benefit racial minorities.

Thos, such classifications have been approved to achieve integration in the public schools (Bakke v. Board of Education (1971) 402 U.S. 1, 91 S.Ct. 1267, 28 L.Ed. 2d 504; Sweatt v. Painter (1950) 339 U.S. 609, 70 S.Ct. 802, 94 L.Ed. 1109), and to uphold the right of certain non-black students to vote (Katzenbach v. Morgan (1960) 368 U.S. 487, 82 S.Ct. 171, 16 L.Ed. 2d 839; Guerra v. State of California (1970) 3 Cal.2d 223, 85 Cal.Rptr. 20, 466 P.2d 244).

These cases differ from the special admission program in that at least one critical respect, however, in none of them did the extension of a right or benefit to a minority have the effect of depriving persons who were not members of a minority group of benefits which they would otherwise have enjoyed.

It is plain that the University's program denies admission to some white students solely because of their race. The University's affiliation with the University of California, a multi-campus system, and the University's grade point averages, below that assigned to the University itself, are inferior to those of some white applicants who are rejected.

The rating of some students admitted under the special program in 1973 and 1974 had grade point averages below 2.5, the minimum required for admission to the University. The University admits that at least some applicants were denied admission to the special program because they were not members of a minority race.

We also observe preliminarily that although it is clear that the special admission program classifies applicants by race, this fact does not render the program unconstitutional. Classification by race has been upheld in a number of cases in which the purpose of the classification was to benefit minority races and against Bakke and others whose applications were evaluated under the regular admission procedure, in violation of their rights under the Fourteenth Amendment to the United States Constitution. The University does not challenge the trial court's finding that applicants who are not members of a minority race but who demonstrate participation in the special admission program.

We do not hesitate to reject the notion that racial discrimination may be more easily justified than race another race.

The fact that all the minority students admitted under the special program may have been qualified to study medicine does not significantly affect our analysis of the issues. In the first place, as the University freely admits, Bakke was also qualified for admission, as were hundreds, if not thousands of others who were rejected. In the second place, since its inception, and members of the white race were barred from participation. The court concluded that the program constitutes invidious discrimination in favor of minority races and against Bakke and others whose applications were evaluated under the regular admission procedure, in violation of their rights under the Fourteenth Amendment to the United States Constitution.
Youth system forum topic

By MARK CHERPACK

The juvenile justice system was the topic of discussion as the Montgomery County Bar Assn met Thursday, October 11. Leading the discussion was Joseph D. Long, chief counsel of the 1976 graduate of Villanova Law School of the Montgomery County Public Defender’s Office. The Defenders program has been operating at Villanova for several years under the direction of Carl F. Kehoe who is the chief of appeals division of the Montgomery County Public Defender’s Office. "It is the belief of many student's benefit not only by gained practical knowledge but in learning the law in the operation of the criminal justice system from practicing attorneys presently involved in that system. Although it was pointed out in the seminar that in many juvenile cases lawyers do not become involved in government regulations, it is valid if any state of facts reasonably may be conceived in their justification. This yardstick, generally called the "strict scrutiny" standard is imposed. Classification by race is subject to the "strict scrutiny" test in which the classification is subjected to a "just-because" examination. This yardstick, generally called the "racial classifications" is deemed unconstitutional."

Dean O'Brien: We are moving."

In the case of such a racial classification, not only must there be a "strong and legitimate" interest in the classification, but it must be demonstrated to the court that the classification is necessary in order to regulate the attainment of the purposes of the classification.

The general rule is that classifications made by government regulations are "justifiable if the race discrimination may be more easily demonstrated to the court to establish a compelling governmental interest."

Regardless of its historical origin, the equal protection clause by its literal terms applies to "any person," and its lofty purpose, to secure equality of treatment for all persons, whatever their race or color."

Dean O'Brien: We are moving."

Regard the rejection of better qualified applicants on racial grounds is constitutional.

The Equal Protection Clause has been the subject of many cases in the law and the profession. The presence of a substantial number of minority students will not only provide diversity in the student body, it is said, but will increase the number of doctors willing to treat people of every background."

Plan for Independence

"The Equal Protection Clause is not the only potential that students will benefit from the proposed program of graduate studies in taxation and program in financial planning. In this area, ajuveniles, without a parent or "interested adult" present is excludable per se."

Opposite Desires

Dean O'Brien: We are moving."

Dean O'Brien pointed to two other weaknesses of the law school to present the course of action. "The new University of Pennsylvania Law School building drive, many of them non-alumni sources. This involvement resulted in the suspension of fund raising by the Law School on its own."

According to Dean O'Brien, VLS's capital campaign began about four years ago but was again suspended when the University of Pennsylvania Law School began its Campaign for fear of possible competition over the same sources.

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High rollers beware!

Ed Note: The following report represents one person's assessment of a few retail outlets. The recommendation in no way reflects the editorial judgment of The Docket or constitute an endorsement by The Docket.

So, it's your first year in law school and you suddenly realize that the cost of the 1000 plus page textbooks, supplemented by Gilbert's, student outlines, and hornbooks has really drained your bank account. You decide to go to Loehmann's will be on Route 1 to the right. If you like names, symbols and other official branding, you definitely want to check out Loehmann's. The store price at Lou's, Look for his tie and will be given a brief field in the upcoming The Exponent.

WOMEN'S CLOTHES
LOEHMANN'S, Drexel Hall. Take Route 320 to Route 1, North. Loehmann's will be on Route 1 or your right. If you like names, symbols and other official branding, you definitely want to check out Loehmann's. There's a great collection of sweaters, shirts and tunic dresses - brand new! (Labels aren't cut out here) including Jones New York, Givenchy and Nik-Nik.

MEN'S CLOTHES
DAVID CRYSK, Reading. Pa. Take Pa. Turnpike to Morgantown Exit; then take Route 176, the Morgantown Expressway, to Reading. Follow Reading signs onto Pen St. Once on Pen St. cross the Penn St. Bridge until 5th St. Make a left and go north on Walnut St. Make a right turn and travel eight blocks to 11th St. Make a left turn and go north on Roosevelt St.

The ride to Reading is about an hour from the law school, but definitely worth it, as Reading contains a popout of outlets. This is one of the best, especially if you're fond of alligators, the product of the same company, is well worth a visit. But remember: you can have a significant effect on the city's functioning, but the group is given the primary impression is for the Peasant Shops and Design Research carry, but don't want to pay those prices, this is the place to go. Danas carries cutting boards, flatware, bowls, dinnerware, mugs and kpies, glassware, etc. at discount prices. Some of the items are seconds, so check carefully. There are several other outlets including Stangley's Pottery (dinnerware, glasses) and the Flemington Glass Works.

FOOD
STOUFFER'S THRIFT SHOP, Bensalem. Take Lancaster Ave., it's near Duffy's. This outlet is good for frozen dinners that are a cut above the average TV variety. Also, there's a great selection of cakes, pies, and breakfast pastries at costs much below grocery store price. Even better buys are offered on large quantities of items.

For those who voice the fear that the 'system is becoming too unmanageable and ponderous for the ordinary person: a counter-argument can possibly be found in Philadelphia City Hall.

City Hall? There a group of retired individuals who have officially banded together and have seized the opportunity for a possible 'input' into the Judicial system.

ROVING JURORS Formed
Indeed the 'Roving Jurors', as they dub themselves, are well acquainted with the employees that form the official side of City Hall. The fact that these questions to the group tend to give extreme reactions suggests that something, yet undefined, is being felt within a small part of City Hall.

All the present activities of this group evolved from chance meetings in City Hall. The formation of the 'jurors', after several meetings with others who also sat in on trials, saw the possible merits of a more defined organization.

He also assumes the task of 'policing' them by directing its members into those trials that would be the most interesting for attendees.

In fact, this type of activity is not confined merely to Philadelphia. Similar groups have been working in Atlantic City as reported in August in the Wall Street Journal. The group calling themselves 'Roving Jury' has had its day in The Evening Bulletin and will be examined in the upcoming Journal Exponent.

Pick Lurid Cases
The Court Watchers meet almost daily, looking to switch the different trials and courtrooms to be covered. Naturally, the watches quickly publicized the issues that have popular appeal.

Where the mass media has publicized the issues, there will be the interest. Thus the trials for non-violent crimes are more likely to be attended. For non-violent felonies are generally given short shelf (unless the case involves a public office or a recent City Hall official.)

Appellate review is rarely at-tended. The jurors feel that the argument and points law is beyond their interests. Also, the trials do not have popular appeal. Thus the trials for non-violent crimes are more likely to be attended. For non-violent felonies are generally given short shelf (unless the case involves a public office or a recent City Hall official.)

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Appeal review is rarely at-tended. The jurors feel that the argument and points law is beyond their interests. Also, the trials do not have popular appeal. Thus the trials for non-violent crimes are more likely to be attended. For non-violent felonies are generally given short shelf (unless the case involves a public office or a recent City Hall official.)
Titicut Follies

(Continued from page 2)

He surveyed the facility and decided to record on film the life and events which he saw. With permission granted from the State of Massachusetts, Wiseman put his burgeoning film making skills to work for 3 months, photographing the daily activities at Bridgewater. The resulting finished product set off a legal battle between the state and Wiseman that lasted for two and one-half years. The state claimed that Wiseman had overstayed his leave and invaded the inmates' privacy.

The case ended in the Supreme Judicial Court of Massachusetts in 1969. The Court ordered that a total ban on the film be relaxed but only so far as to allow filming to occur "as long as it is consistent with the needs of the profession and society, such as an applicant's professional goals. In short, the standards for admission employed by the University are not constitutionally infirm except to the extent that they are utilized in a racially discriminatory manner. Disadvantaged applicants of all races must be eligible for sympathetic consideration, and no applicant may be rejected because of his race, in favor of another who is less qualified, as measured by standards applied without regard to race. We reiterate, in view of the dissent's misinterpretation, that these decisions establish the validity of a preference to minorities on the basis of race even if the classification results in detriment to the majority. The authorities are not persuasive. In all these cases the court found that the defendant had practiced discrimination in the past and that the preferential treatment of minorities was necessary to grant them the opportunity for equality which would have been theirs but for the past discriminatory conduct. Absent a finding of past discrimination — and thus the need for remedial measures to compensate minorities for the prior discriminatory practices of the employer — the federal courts, with one exception, have held that the preferential treatment of minorities in employment is invalid on the ground that it deprives a member of the majority of a benefit because of his race.

In addition, the University may properly as it does, consider other factors in evaluating an applicant, such as the personal interview, recommendations, character, and matters relating to the needs of the profession and society, such as an applicant's professional goals. In all these cases the court found that the defendant had practiced discrimination in the past and that the preferential treatment of minorities was necessary to grant them the opportunity for equality which would have been theirs but for the past discriminatory conduct. Absent a finding of past discrimination — and thus the need for remedial measures to compensate minorities for the prior discriminatory practices of the employer — the federal courts, with one exception, have held that the preferential treatment of minorities in employment is invalid on the ground that it deprives a member of the majority of a benefit because of his race. It is important to observe that all of these cases, with one exception, hold that it is unconstitutional reverse discrimination to grant a preference to a minority employee in the absence of a showing of prior discrimination by the particular employer granting the preference. There is no evidence in the record to indicate that the University has discriminated against minority applicants in the past. Nevertheless amici curiae ask that we find, by analogy to the employment discrimination cases, that the University has not established that a program which discriminates against white applicants because of their race is necessary to achieve these goals.
By CHRIS BARBIERI

For the most part, the marriage between the legal profession and television has been a happy one. In a medium that dotes on stereotypes, lawyers often become the axis of a series, he is righteous, plain-speaking, and — unhappily — always works for free.

I think it all started with Perry Mason, which I'll come out and admit I've never seen. But no matter. Apparently Raymond Burr, in husky suits and dark under-eye circles, went around solving a lot of very complicated murder-untilly "mystery" stories while dramatic music blared in the background.

There was a substantial number of F. Lee Bailey-ish animal-in-the-courtroom comedies, which is interesting in the small circle that has been accomplished in NBC's "Rockford Files," about which I will say later.

One particularly tiresome episode had a week, mild-mannered man on trial for murder. Obviously a "bum rap," except that he developed a split personality and turned into a vicious, French-speaking! killer when there was a full moon. Nothing: Anyone who has ever watched a soap opera for more than a week knows that this particular personality phenomenon, along with amnesia, is an everyday occurrence.

Old Judd didn't last too long (13 weeks), but he lasted a lot longer than two two entries, "The Young Lawyers" and "The Storefront Lawyer," which debuted the same season ("70-"71) on different networks and both died the death within eight weeks, were the industry's delayed reaction to the late sixties, 

the television has been a fairly unremarkable medium that dotes on stereotypes, lawyers often becomes the axis of a series, he is righteous, plain-speaking, and — unhappily — always works for free.

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Ethnic Efflorescence

On the other hand, "The Young Lawyers" is indelibly stetched on my brainpan because it started the one trend that looked more often on television, Zalman King. He played Aaron Silverman, who for some inexplicable reason always wore a string tie and a producing an amount of "gun-beating" (to quote an eminent source) about "justice" (tragic, according to all he can see is well-headed for trouble). 

Next came "Owen Marshall, Counselor at Law." I don't know anyone who watched this show, including myself, but it was notable for the fact that a certain waxwork dummy who played Owen's sidekicking later became bionic (and not a minute too soon). The show was patterned on the hit "Marcus Welby," and indicated a return to the slick, murder-solving tradition after the debacle of the "young" shows. It bombed anyway.

A year or so later came "Percival," in which a majority of the casts centered around this lawyer trying to get people in the small (but lively) northwest town where he practiced to pronounce his name right and stop calling him an Eye-talian.

Bose of Contention

All of which brings me to the main bone of contention: namely this season's "Rosetti and Ryan." Of all the lawyer shows in the history of television, this has got to be the silliest. Any grit or dramatic conflict the other shows may have had has been nearly removed.

It focuses on two partners, Joe Rosetti (Tony Roberts) and Frank Ryan (Squire Fridell). The series was developed from a made for TV movie of the same name bearing the sub-title, "Men Who Love Women," and they never waste an opportunity on this show to underline that fact.

For all you innocuous types who always thought Starsky and Hutch seemed just a little too "violent," and have noticed the alarming way that all their girlfriends are mysteriously disposed of by the end of each story, these gentlemen will all get along just fine.

Joe and Frank practically foam at the mouth every time a woman comes within a 50-mile radius, which is about every two seconds on this show. So far in six episodes, they have defended only of exploitation and discrimination by the prevailing majority. Although legal impediments to equality have been removed by the judiciary and by the Congress, the argument, minorities still labor under severe handicaps. To achieve the American goal of true equality of opportunity among all races, more is required than merely removing the shackles of past formal restrictions; in the absence of special assistance, minorities will become a self-perpetuating group at the bottom layers of our society who have lost the ability and the hope of moving up. Preferential admissions will be necessary only until minorities can compete on an equal basis, and will benefit not only the applicant who is specially treated, but also the minority community in general. The persuasiveness of these arguments cannot be the overemphasis upon race as a criterion will undoubtedly be count - productive...

denied, for the ends sought by such programs are clearly just if the benefit to minorities is viewed in isolation. But there are more forceful policy reasons against such admissions. For one thing, the costs of such programs are far too high. The costs of such programs are far too high. The costs of such programs are far too high. The costs of such programs are far too high. The costs of such programs are far too high. The costs of such programs are far too high.

TV lawyers breach marriage vows-sob!

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... a dangerous concept fought with potential for misuse...

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Laws of nature revised

In the beginning, God created heaven and earth. Quickly he was faced with a class-action suit for failure to provide the Clean Air Impact Statement. He was gran­
ted a legal reprieve from the high-powered project, but was stymied by a cease and desist order from the federal courts. Appearing at the hearing, God asked why he began the earth project in the first place.
He replied that he just liked to create.

Then God said, "Let there be light," and immediately the of­
course, that no kind of light would be made. Would there be a com­
pletely dark world? God explained that light would come from a huge ball of gas.

God was granted provisional permission to make light, assuming that no kind of light would result from the ball of fire, that he would be using a hitherto unknown and, to conserve energy, would have the light OUT half the time.

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But the only character in the movie to make light is Stanley, the one who provides the "comical relief." One, Prancer D. Hardcastle is an old man who has a hunchback and a "rug." His schtick is to make all the beautiful women defend them to be defendable by one with them. Another is Hon. Maxine Action who is a woman who is the most popular with the house whose handsome looks and, to conserve energy, would have the light OUT half the time.

Bakke dissent finds irony in decision to strike down special admissions program

(Rule 4, Pennsylvania to accord to the U.S. Supreme Court's decision on the Pennsylvania case.)

The Disciplinary Board of the Supreme Court of Pennsylvania has adopted a policy to guide the Office of Disciplinary Counsel in regard to the handling of complaints against lawyers in­
volving advertising related to the practice of law.

Policy

Whereas the U.S. Supreme Court by its decision in the case of Bates v. State Bar of Arizona (No. 76-316) has ruled that certain provisions on lawyer advertising contained in the Code of Professional Respon­
sibility to effect in Arizona as well as Pennsylvania (see DR 2-101 —
Publicity in General; DR 2-103 —
Recommendation for Professional Employment) as exemplified in the Arizona courts, and whereas the Pennsylvania Bar and O'Steen violate the First Amendment made applicable to the States through the Four­
teenth;

and whereas appropriate revisions to the Code of Professional Responsibility in ef­
fct to effect in Arizona as well as Pennsylvania in accord to the U.S. Supreme Court opinion will

And that until such time as app­

Invalidating a section is unlikely to be struck down under the Fourteenth Amendment is the pro­
gram most consonant with the underpinnings of the Fourteenth Amendment.

Pa. Bd. makes rules for ad complaints

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**Schedule maker wins rugby MVP**

By RICK TRONCELLITI

The Garey Hall Rugby Team concluded a surprisingly successful season on a sour note by dropping two of its final three games and finishing with a 5-3 record. The "B" squad dropped one of its last three and finished with a 6-2 mark.

The squads split in their final encounter of the season with Philadelphia College of Osteopathic Medicine, with the A team falling by 36-12 mark and the B team crushing their physician counterparts by an 18-0 score. In the A game it was simply a case of too much PCOM size and superb kicking that brought on the victory, despite a fine performance by the Garey Hall scrum. The Doctors were successful in wearing their spirited opposition and having a "Doctor" as the official made for some interesting forward pass calls against Villanova.

Ace Gilligan pulled himself out of his shell long enough to score one of the Garey Hall tries while Kevin Silverang added to the other and Rick Tompkins added both extra points.

The outcome of the A game left the B team smirking for revenge on the muddy field. While they were cheered on by an assortment of feminine pulchritude, erstwhile deviants, and even a few students they got it too. Dominating PCOM in all aspects of the game, including pessimism, the boys from Garey Hall and other parts unknown came up with their finest collective performance of the season.

Joe Spinelli proved that if you fail to put the ball down correctly in the end zone the first time, you will get another chance to do so again in true Bill Tocco fashion he had a try disallowed for that reason. The game was scoreless at the half, but tries by Jim Bowers, Spinelli, and Mike Duffy led the way to the win.

The previous week both teams had thrashed the Wilmington Rugby Club, a collective bunch of "lameos" that gave further credence to the theory that the Most Valuable Player this fall for Garey Hall was the schedule-maker. The A team rolled up their biggest score of the year as they won 36-6, while the B team triumphed 6-0. Kevin Silverang, the squad's answer to Don Rickles led the victory.

Earlier, the team had suffered a disappointing pair of losses to the Middletown Rugby Club. The A team lost by a mere 4-0 count due primarily to the efforts of Mario the referee, he of the international shoes. This fabled character disabled two tries and so upset the troops that they were unable to perform with their usual effectiveness. The B team also was defeated 6-0 despite the debut of Kevin Silverang, the squad's answer to Don Rickles led the victory.

The game was somewhat anticlimactic for the I.R.A., who in the quarter-finals, ouplayed the Rangers for the honor of last year's section A. The uninspired play of the I.R.A. in the early innings allowed the Follies team to coupled with the pitching of Hank Delicato and Mark Bunin but to take a 9-4 lead into the last inning. Noticing that their fate was almost sealed, the I.R.A. suddenly came alive, and, led by the bate of Bob Gianey and Jack "Samurai" Duffy, the team amassed three runs in the top of the seventh inning and had bases loaded with two out but a fly ball to center field ended the "Irishmen's" hopes.

Permissive Joiner also suffered a lack of inspiration because of their hotly contested arch-rivals from second year-the Legal Weasels. The Weasels scored three in the fourth to take the lead, but they failed to hold it as the PJs retaliated with two in their half of the fifth. The Weasels, owning a possible elimination for the playoffs, deadlocked the game with a run in the sixth making the score 6-6. The Weasels, led by Mike Duscher's triple which scored two runs, tallied four times in their half of the sixth to put the game out of reach.

The excitement of two semi-final games and the lure of free beer at an SHA — sponsored TGIF brought a large crowd out to watch the softball final between the Legal Weasels and Kingsfield physically.

The Weasels began the game by scoring three runs in the top of the first inning on extra base hits by Paul Cody and Mike Arnold and heads-up base running by the entire Weasels team. The Follies never gave up but the Weasels won the First Annual Granny Hamner Trophy for the championship of the Law School Softball League 26-9. Captain Nick Cangilla accepted the award (a dousing of beer) for the team.

The Bobby Del Greco Trophy for the most valuable player does not go to a player this year, but goes to first base umpire Jim McMacka. His effervescent play calling maintained an air of excitement throughout the game (waiting to see if he would reverse his calls) long after the game was decided.

"My next witness is one of the greats. She appeared in Forbes v. Atkinson and State of New York v. Fred Halle. Let's all give her your undivided attention as she takes the stand. Here she is—Max Credibility—Eva Tarkington!"