VLS In Regional Moot Court Competition

by Bruce Briner

This year's arguments for Region 3 of the National Moot Court Competition were held in Philadelphia, providing a nearly showcase for three VLS students. The Villanova team, consisting of Fred Lauten, Scott Eichhorn and Roger Huggins, advanced to the quarterfinals after suffering a narrow defeat.

Villanova's representatives are chosen on the basis of the preceding year's Reimel Competition. The Reimels are strictly "in house," but the highest-placed second-year student is invited to represent the school in the National Moot Court Competition. For this Competition, a third team member is added. Since last year's winning Reimel's team included James Baker, a third-year student, as well as Fred Lauten, it was necessary to add two new members. Scott Eichhorn and Roger Huggins, who had reached the Reimel semi-finals, round out the team.

The Bar Association of the City of New York, Young Lawyers Section, sponsors the National Moot Court Competition. They issue a "problem" in August to over one hundred schools throughout the nation. Region 3 includes the states of Pennsylvania, Delaware, Maryland and the District of Columbia. Every law school in the Region except Antioch of D.C. (competed) That meant fourteen teams arrived in Philadelphia for a two-day battle.

Each team argued twice on the first day; once on each side of the issue, against different opponents, and before different judges. Judges were drawn from a pool including federal, state and municipal judges, U.S. Attorneys; and lawyers in private practice.

Villanova won both its arguments the first day, along with four other teams. Since only four teams could advance, one had to be eliminated. Based on a complex scoring system intended to promote objectivity (the teams present their arguments; when they argue), Duquesne was eliminated by a fraction of a point.

The quarterfinals are held the first day solely on their oral arguments. The cases are submitted three weeks in advance to a special Brief Judges Committee, which assigns a point score to each brief.

On the second day, the briefs are opened and oral arguments made for WCAU-TV in Philadelphia, was the Keynote Speaker at the First Philadelphia Barquet held Oct. 28, 1978 at Villanova. She was warmly received by a group of fifty opponents.

Former Dean Rostow believed that the contest had become "a competition among faculties, rather than students." Contest rules allow the team members to have initial discussion with faculty members. The team may also run through practice argument before the faculty, with a critique afterwards as long as the critique is not for the purpose of altering the substantive content of the brief. In the oral argument course, such rules are hard to enforce. Some schools undoubtedly do follow these rules closely, and others do not.

There are other differences between the schools. Some schools, for instance, offer one credit for participation in the national contest. Villanova offers no credit for participation at large. She is a tribute to the faculty and the public.

A reporter, according to Ms. Dinerstein, is operating illegally but he can't turn him in because no one would believe she does not want to hear bad news. The public reaction from the American people is "a country that gives people the last defense of asylum."
Police representatives often claim that the policeman "puts his life on the line seven days a week." The number of officers killed annually in the United States, though it has increased over the years, now averages 100 men. This provides the average officer a 3,500 to 1 chance of surviving the year. This is better odds than those faced by taxi drivers and coal miners; however, taxi drivers and coal miners are not as visibly dangerous. At least not in Philadelphia. This issue The Docket has had the opportunity to look at police and the Philadelphia Highway Patrol in particular. We would like to extend our appreciation to Police Commissioner Joseph O'Neill, Inspector John Craig and Officers Kahn and Langan of the Community Relations Bureau for arranging a "police ride along" for members of The Docket staff.

Probable Cause Takes A Backseat

Meeting "Brains and Brawn"

by Tish Dugan

The "police ride along" was a good introduction to the police degree in criminal justice. I had spent a night of research in a local drunk tank, taken a midnight tour of the roundhouse, and team­tasted at college Rumsfield course at Graterford prison. I looked forward to a side of the system I'd never really seen first hand.

The team my partner and I rode with referred to themselves as "brains and brawn." While one seemed to be on every F.O.P. athletic team from bowling to soft­ball, the other spent his spare time pursuing a college degree at LaSalle. Behind the leather jackets and boots were two artic­ulate and well informed profes­sionals.

Unlike some of my colleagues, the teamwork in our car never quit. My dis­appointment at being in an un­marked car with no lights or sirens to play with was pushed aside the moment I got in the car and was challenged, "What's wrong with Villanova University's football team this year?"

From there the topics ran the gamut. Among other things we dis­cussed MOVE, police brutality, Penelope Brice, guns on the force, Frank Rizzo, Chinese food, their kids, and Animal House. It was the convergence of ruffled feathers and the shift pass so quickly; these of­ficers asked as many questions of us as we asked of them.

The policemen said it would be a slow night because the Larry Holmes and Ken Norton fights were on T.V. On one night I found out there were only two had eight kids between them I wasn't too anxious for any Starsky and Hutch fantasies. There was a hold-up though and this left me with one of my two big im­pressions of the night.

We were told on the radio that there were two robbers, one armed and wearing a blue jacket and brown hat, and a second, without weapons. Im­mediately two men fitting this description were plucked off the beat, hustled into handcuffs and taken to the scene of the crime without any explanation what­soever. One appeared to have been through this a time or two before; the other was just a hair short of panic. When the store clerk failed to come up with the cash in question they inspected what was released. It was up to the one black cop at the scene to smooth over the ruffled feathers and take the verbal abuse being dispelled; and he wasn't the one who picked either of them up.

Our team told us this was es­pected of the black officer. I don't know how to balance an officer's justifiable concern for his safety against every person's con­servative concern for his safety and frisked people — black, male, female, and "minority" neighborhoods, "mix­ed" neighborhoods and "white" neighborhoods. The "minority" neighborhood our patrol car tra­versed seemed to me like a combat zone.

Although we were in an un­marked police car, we were con­spicuous. The eyes that followed our progress up and down the streets were wary and hostile. It seemed to me like a race, criticisms that would have been unconscionable had they been done to me suddenly seemed reasonable. We stopped everybody, and the couple of knives and handguns of jivies seemed to validate the illegal sear­ches. "Who knows; but that the next guy might have a gun." That's what we thought while we watched, even though the searches often turned up nothing at all.

I do not myself afraiif when the policemen jumped out of the car that they would be shot or killed by somebody. They must fear that themselves: no wonder they are anxious to make sure the people they stop are not armed.

And yet, I was born in Phila­delphia. I've lived in and around this city all my life, and I have never been stopped by a police­man. If it were I who had been frisked (after being stopped because the right tailight was broken), I would have been humili­lated, angry, indignant.

One of the officers remarked that the young, black men they stopped routinely were most "defiant." Yes. And then there were the older men the officers frisked while they stood outside a corner bar. Their nonconspicuous and almost confidant conception can only mean that they've been frisked so often they've used to it.

It seems to me, that working day after day in a situation where anyone you see can be very dangerous, and where random stops of "minority" people turn up "minority" neighborhoods, "mixed" neighborhoods and "white" neighborhoods. The "minority" neighborhood our patrol car tra­versed seemed to me like a combat zone.

Probable Cause Takes A Backseat

Not Much Excitement

by Chris Barbieri

The Villanova Law School Police Department, according to program provides the law student with a unique opportunity to observe the ear­liest stages of the law enforce­ment process. The Highway Patrol officers my partner and I were assigned to, had both had long careers on the force and were very accommodating in answering all our questions thoroughly. The patrol area an area covered was a par­ticular interest to me since it en­compassed part of the neighbor­hoods in which I lived almost all my life and where I still spend a dangerous one (northeast Germantown). The patrol proved quiet and uneventful for the most part. I was not doing much for a re­primanding a driver for running a red light or delivering for relieving himself against a building.

At one point the officers roun­ded several suspects in con­nection with the robbery of a saloon. One suspect, upon seeing my partner and me in the back of the police car, announced loudly to a passerby that he was being "frisked". My partner suggested that he had been assaulted "those "probable cause" moments were the other, noticeably more non­chalant, suspect was later released. Another night of the evening occurred when we were out the chance to watch a prostitute and her pimp negotiate with a potential customer. The transaction, which involved the girl (appearing to be in her early twen­ties) disappeared into a row­house around the corner with her client in tow. The officers ex­pressed gratification at there thing they could do to prevent such ac­tivities under the circumstances. My partner and I were not nearly as surprised, for we did not ever admit the nature of the transactions involved. No reason they never prove anything beyond a reasonable doubt.

Unbeknownst the most inter­esting "probable cause" moment was one that, aside from minor incidents such as the above, the night passed quite peacefully. The officers said that this was a typical patrol. I was惊讶 that for the most part the patrols pass without remarkable incident. I was made to add that most disturbances, and often the most meaningful fights of one kind or another. Both men were in serious harrass­ing situations in the past and expected the possibility at time of encountering similarly threatening situations. But they em­phasized that the majority of police work is not within the realm of the melodramatic television programs that play an everyday maintenance of order.
Thrills, Chills, Spills...

by Bill Kaminski

My mother always wonders how I manage to get myself into these types of situations. I suppose, in truth, I'm beginning to wonder myself. It all started with seeing an autobiography. I figured that I had reached the pinnacle of absurdity when I decided, one day, to realize how wrong I was.

Two weeks ago, I was approached by the possibility of participating in a police raid in the heart of downtown Philadelphia. It had all come about when I thought through my head of the thrill of the case, the sensation of being the first on the scene, and the prospect of being interviewed by the Highway Patrol. I had the road again with our special equipment (a flashlight), we made several detours before arriving. During the tour, we were able to see with amazing clarity the suspicious activities, possible domestic quarrels and public urinations.

My second sage observation occurred around nine o’clock. After about an hour and a half of running for over four hours, I realized that police officers are always testing their special training at the academy on things we have to go to the bathroom while seated. I also observed that I kept the candle for nature. I suppose what made me so nervous was that I had vied for the position, as myself, I debated on the proper method for informing our officers that I needed a light for the candle. As the night wore on, I became curious as to how things were going at the other officer’s" (Continued on page 4)

Peruto, Love...Lock Horns

by Kate Harper

Two weeks ago, the Pennsylvania Sylphiusa House subcommittee held an investigation into allegations of police brutality in Philadelphia. Through its findings: the report criticized Mayor Frank Rizzo and Police Commissioner Joseffy for "apparently condoning police harassment." The said.

Two weeks earlier, Spencer L. Cots, executive director of the Philadelphia American Civil Liberties Union, had made the same observations on a "police brutality" panel discussion held here.

With him on the panel, sponsored by the American Bar Association Student Division, were prominent Philadelphia defense attorney A. Charles Peruto.

The individual police officers (Continued on page 4)

...And Violence

by Tom Wilkinson

"Ever been to Philadelphia before?" Fritz asked.

"I'm not sure," the discarded said. "I continued. "But now the people that live here don't seem any less so as to look at you. They have no respect for human life.

They had never been touched."

During the course of the evening Fritz detailed a number of large-scale incidents in which he had been involved in, including one in which he had been hit in the face by an alcoholic. At one point, he turned to the man and said, "I was given his Miranda Warnings, I suppose."

My self-nominated elite squad of the officers of the Highway Patrol (the notorious fresh-faced thrill seekers) was "criminals." I held up my own as a form of accomplishment of acceptance and respect after our final incident. Why? They drove back with the windows closed.

Finally getting underway (at approximately 5:30 A.M.) I made my first and only stop for gas. It was an uneventful drive, with the exception of a rear-end collision involving a black double-dosed leather jacket, a broken light, a tire, a stolen $375 magnificus and a perennial meal. I had half expected hooligans of bullies to totally misinterpret and suppose it would clash with the total.

But throughout the night, both officers expressed their views (judicial or not) toward the police and the public. On the night of the raid, one officer commented, "The public is the only reason as to why we are there. My partner rationalizing that if someone didn't have anything to lose in the end he would be up screaming and screaming at the top of his lungs as the final order came. After being cuffed, he was placed in the back of the car with my partner and myself. Figuring for

By Kathleen Yenesko

My partner and I were lucky to be on this trip, which we found interesting and enjoyable. Parents. At first, we were reluctant to believe that our first assignment was to the authoritative atmosphere. After a few minutes of talking to the back of the car place — the place were the rapists, muggers, and druggies are. I suppose if we have gotten ainsi such dirty looks from the other officers being all that we were "criminals," I held up my arm as if to say, "See, no hard feelings." But Tony and Al were sociable and easy to get along with. They seemed to be at ease in life in general. Their basic concern was to listen to the calls that came in and respond. They were cruising the district. A call came over the radio, and they decided to follow the patrol speed to the scene. They turned out the accidental setting off of their own burglary alarm. They were cruising along, Al suddenly slammed on the brakes and the two officers ran out of the car and started to frisk a group of

See, no hard feelings...
by Chris Barbieri

Judge Lynne Abraham was born and raised in West Philadelphia and West Oak Lane, attended local schools, and graduated from Temple University where she graduated with honors in 1962. She then went on to Temple Law School where she was one of two women in her entire class. And raised in West Philadelphia loans until she was recommended for each case. At the age of thirty-one, she was made the head of the first murder trial. She lost very Redevelopment Authority by again and with City Council exposure to the police is not only the least, the Common Pleas of criticism and a lot of observa­...
MERRY CHRISTMAS
From the Staff of The Docket

If you could have any one thing you wanted for Christmas, what would it be?

Spurgeon Fields, Class of '81: A tee shirt that says, "Where are we, Collins, '78."

Armand Dellaporta, Class of '80: Outlines for all my second semester courses so I don't have to go to class.

Mara Stratt, Class of '79: A job as in-house counsel to Warren Beatty.

Bill Lattrell, Class of '79: Contact Lenses. No, change that, I want three decent roommates.
How to ace a first year exam

Caveat: Although this article appeared in The Docket on the first day of fall school, necessity to have written this spring, most students taking their examinations did not Ace their courses.

By PROF. FREDERICK P. ROTHMAN

Notice that it’s one of the guys who doesn’t teach the first year courses who is sounding off on technique for taking first-year examinations. My comments may lack credibility. In addition, they do not necessarily reflect the opinions of my colleagues, particularly those who do teach first-year courses.

Read the question carefully. Focus on the question being asked. You are going to have to address yourself to that question at some point; why not do so at the beginning of your answer? If you were writing an interesting murder mystery (as is Professor Dobhyn), you would want to save the best for last; but in a law school examination it is easier for the grader to follow your analysis if he knows your conclusion first. You would be surprised how many students do not follow any order without ever finding much less answering, the question.

Now that you know what you are going to have to do (answer the question), you should suppress the impulse to begin to write. Before you read the first paragraph of the suggested by the person on your left, you will be writing. And before you find the issue, it will seem that most of the class is on its second blue-book. Stifle your pen for one-quarter of the time suggested for answering the question. Often there is no single correct answer; and if there is one, it counts for nothing without analysis. Decide first what you want to say. This requires that you determine which facts go with what issues and which facts are irrelevant. That’s right; professors are tricky; not all the facts are relevant. The lawyer in practice across irrelevant facts; so must the examinee.

Don’t “Improve” the Question

Worse than the irrelevant fact is the missing fact. If you discover that you must have additional information, explain why you need it. Don’t assume the fact that makes resolution of the question easy. Give alternate assumptions and the analysis that follows from each. Under no circumstances should you assume facts which are not necessary in order to answer the question.

The issues often have logical order. Would it not aid your communication if you could state them in a logical order and then follow that order? For example, there has to be a duty before there can be a breach of a duty. If there is uncertainty as to whether certain conduct constitutes a breach, consider the uncertainties in that order.

Use Time Effectively

Many of the fast starters err by discussing all the points of the suggested by the facts in the question. This wastes time. Often the significance of what the instructor is really asking doesn’t sink in until the last day of the examination. Instead, pretend that the instructor who taught the course, is the person on your left. You should go into the examination with an overview of the course so that you can direct your attention only to those points which need to be discussed in analyzing the question. The best answers tend to be short, to the point, organized and analytical. They reflect more than the student’s understanding of the substantive law and ability to appreciate the significance of facts; they also reflect the ability to exercise common sense.

If you are asked to state a point of law which is in conflict with common sense, the answer states the point of law which is in conflict with common sense, the writer notes the conflict and presents arguments as to why the law ought to be changed. If the writer finds the law to be unsettled in that there are two or more positions taken by reputable authorities, he states each of the diverse positions and then explains why he favors one of them.

Don’t Restate Facts

Do not restate the facts; this just wastes valuable time. The grader can read the question. State the issue in your own words. Break into your answer with a statement of the facts; the order in which the facts are stated is not important. The grader does not check the facts; he checks the logic. Be careful to distinguish the facts from the issues those facts bear on these issues. Pretend that the grader is not the learned professor who taught the course. Instead, pretend that the grader is a non-legally trained adult. Explain the concepts that are relevant. Define terms of art for the grader. The grader will not use any steps in your analysis. Don’t leave out any steps in your analysis. Don’t waste time.

Reread Your Answer

When you finish your answer, take a couple of minutes to re-read it. That missing “not” can be critical. The grader does not know that you meant to put in. You may also find an inconsistency in your answer.

If on rereading the question and your answer, you see an error, do not rip the pages from your bluebook. Put a note at the beginning of your answer which sets forth your sad discovery. Label your original answer “minority opinion,” and at the end state the new majority opinion, incorporating the prior analysis where you can.

EDITORIAL

What use is a Student Services Center that’s open only periodically and then not with any consistent, regular hours? Any student who has tried recently to pick up a handout can tell you, is of no use.

The beginning of the semester the work-study staff did a good job of operating the center in the makeshift conditions of the typing room. It seems that once the permanent quarters across the hall were opened, however, the handouts were rapidly downballed for the students. The problem was probably not noticeable at first because innovative (or was it desperate) students noticed the lack of a lock in the door to the Center. With a quick glance over one’s shoulder, it was in and out with the papers needed, and no one was the wiser.

A few weeks ago the locks were installed in all of the newly constructed offices and things got really bad. Instead of plaiding the time wonocre was that the Student Services Center was “out of it.” Unprepared students could inform professors that the Center had not been open since the last day’s class to get the handout! This excuse was wholly believable and more likely than (and most unfortunately) accurate.

BALSA and the Women’s Law Caucus have borne the brunt of the complaints because it has been their misfortune to share a common entrance with “the Window.” Angry students would voice their complaints and comments in the direction of the first open door they saw when time after time they had been greeted by a board instead of “Can I help you?”

Now that exams are here, let’s hope everyone had enough change to xerox the old finals in the library. Chances are good the Student Services Center was not open long enough to sell many of the pre-edited ones. Perhaps if enough people climb the extra stairs to the Administration Office and politely register their view of the problem, the Center may deliver the services it is supposed to deliver next semester.

Somebody owes all of us a student an apology for this semester. If it is posted when the window is closed, everybody should see it.
Now for a word on the grading process. As far as I know, we don’t grade in current quotas. No one has ever failed a course with a grade of D, and no grader is limited in the number of honor grades he may give. The Ace is the best that a law school can expect of a law student under exam conditions. You are not in competition with the instructor. He has spent more time thinking about the subject than you. In addition, he wrote the examination and knows what issues and traps it contains.

You are not in competition with your classmates either. What is fair for one is fair for all. It is a fairly accurate concept of what is the best student performance he can rightfully expect — the Ace — and what kind of answer is most professionally competent — the top five percent of a student’s book. You are also not in competition with the prior year’s class. If your performance is hard for your instructor to grade, then it is harder for another — less than can be expected.

If this examination is easier, then it can be expected. And if this examination is unfair, then it is equally unfair to everyone in the class. The instructor can’t expect to pass the test more than once. If you don’t pass, you won’t pass. You will take all the examinations that are created by the examiners and graded by the examiners. And you will pass all of them.

Mention of the acquisition of basic skills is not normally reflected in the way they take an examination. Examination conditions are different from the environment of the study room. Students who already have a course in a core area of law under which they have taken stands are the most prepared. Students who have received their worst grades in courses in which they put the most time and in which they learn the most. The best performers in the course. Undergraduate faculty finds a more accurate system, anonymous writing of exam questions, to be administered under time pressures and with the assistance of an examiner.

My suggestions are hard to implement. The last bit of advice is perhaps the most important and the least likely to be heeded: turn your brain off by seven o’clock on the night before the examination begins. Put your brain on by one o’clock in the morning of the day. You will need it. You will also need some food. Eat something before the examination. I got hooked — no pun intended — on steak. Some believe that chicken soup is a good idea. If you are physically not up to taking the examination, let your examiners know. If you are legally not up to taking the examination, let the administration know. Exercise good judgment. Don’t wait for the grades to come out. Your excused will sound like an excuse. Do your best.

It is unlikely that you will Ace all of your examinations. Those that you are not willing to accept as a fact, are due to the fact that you applied my advice to the letter. And as to those you do not ace, obviously — obviously is a word used by students when a concept is all but obvious, as is indicated by the fact that they can’t think of a reason — you have failed in the application of the rules. Unless you can use them to your advantage, it is not to your advantage to wish you good luck.

P.S. When one of my colleagues tells you that he or she disagrees with my suggestions, remember his or her view — at least on that person’s examination!}

**Conquering The Hidden Job Market**

by Joan M. Beck

**Director of Placement**

*Known Job Market Employers* have been on-campus recruiting this fall in numbers surpassing previous years. However, *employers* in the *Hidden Job Market* rarely come on-campus. The *Hidden Job Market* represents the majority of legal jobs. These jobs are not known to the general public, to employment agencies, or to placement offices. They are openings known by word of mouth or "in house." Generally they are those legal positions in small-to-medium size firms, corporations, small businesses, local government agencies, and administrative systems everywhere. Villanova law students who successfully land jobs in the *Hidden Job Market* are good researchers and persistent investigators. They use their research skills to evaluate their own strengths and focus realistic expectations on employment. They gather information about a variety of types of employment which interests them. They are interested in information about each employer. Much information can be found in the *Placement Office*; some if it is portable form — employer contact lists with names of hiring partners, general counsels or *Villanova* alumni.

Investigative skills are also useful in ferreting out information and jobs in the *Hidden Job Market*. Law students need to identify "key" people to approach for employment. The key person in an organization is one who needs your services or would be receptive to personal contact or placement. Students need to inform other information or investigate employment agencies, or related associates. Building a net of informants, acquaintances, or sympathizers is essential for obtaining information, learning about current job openings, and for circulating resumes announcing availability.

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School Softball world series was first place in their respective divisions, with identical 5-0 records. In second place in the National League were the P.J.s followed by the Derelicts. These three teams made the playoffs. In the American League, the first place IRA (Captained by Jim "soft sell" McKenna) were followed by Uranus and the Harmless Errors. All three of these teams made it into the playoffs. The remaining finishers in the American League were Togas, the Elmo Bangone, and the Avenging Aardvarks.

In the first round of the playoffs, Uranus defeated the Derelicts by a 12-8 score. The P.J.s rallied four runs in the top of the last to pull out a 9-8 squeaker over the tough Harmless Errors. The remaining finishers in the American League were Togas, the Elmo Bangone, and the Avenging Aardvarks.

This set up the world series between Uranus (who lost in last year's World Series) and the P.J.s. The P.J.s jumped ahead in the early innings and Uranus never recovered. The P.J.s won by the score of 8-4. Roger Huggins, Joe Cincotta and Professor Jim Manning each had fine days at the plate for the P.J.s.

When the regular season ended, the Hangmen and the IRA were in first place in their respective divisions, with identical 5-0 records. In second place in the National League were the P.J.s followed by the Derelicts. These three teams made the playoffs.

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