



The Docket

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THE DOCKET

Vol. XVIII, No. 4

December 3, 1980

Moot Court Team A Success

VLS In Nationals

By Pete Barrett

The regional round of the National Moot Court Competition was held last week at the U.S. District Courthouse in Philadelphia and congratulations are in order for Villanova's representatives: Betsy McGeever, Ann Nevel, and Mimi Sherry.

The trio fared exceptionally well on the opening night of the competition, Thursday, November 13, thus qualifying for the semifinals held the following night.

Of the thirteen teams entered in the regionals four teams advanced by virtue of a scoring system which counts both oral presentation and brief quality. Throughout the competition the teams alternate between arguing as respondents or as petitioners and therefore the contestants must have a detailed understanding of both sides of their problem.

In the semifinal round the VLS representatives argued as respondents against the Georgetown team and again emerged successful. This accomplishment secured them a position in the national round to be held in New York in January.

The other regional finalist to gain that honor was Catholic University. Though Catholic prevailed against Villanova in the final ceremonial round it had already been established that both teams were bound for the nationals.

The problem selected for this year's competition is one that only a law professor could love. Ponder these issues at your next

coffee break.

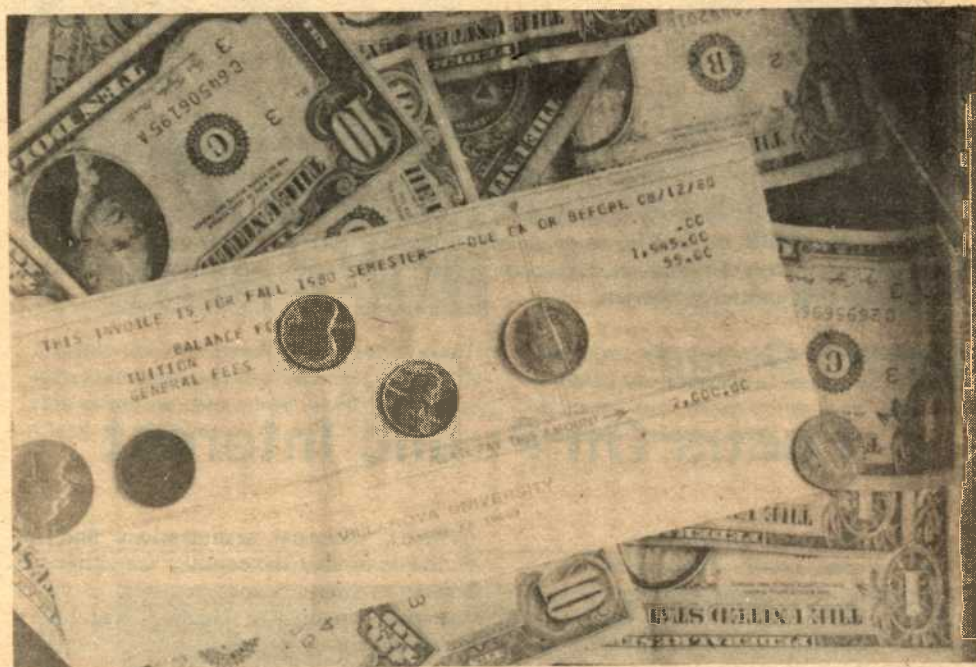
- does a discretionary commodity futures account constitute a "security" within the meaning of the Securities Act of 1933 or the Securities Exchange Act of 1934;

- may a private right of action for damages properly be implied under sec. 4b of the Commodity Exchange Act; and does primary jurisdiction for the adjudication of commodity fraud actions lie with the Commodity Futures Trading Commission?

It is important to note that many of the other competitors in the National Competition get academic credit for their participation. The VLS team does not, and it is a credit to their personal determination that they have attained such success thus far.

Though this policy is an unfortunate one for the students they are quick to also cite some of the advantages of representing Villanova. Professor John Hyson has accompanied the team to each of its arguments, organized practice rounds here at the school with the assistance of other faculty and students, and generally provided some much-appreciated moral support.

In addition, the team expressed a special gratitude to reference librarians Regina Smith and Bob Weber for their valuable assistance in the research phase of their work.



Where Does The Money Go?

General Fees Explained

By John Delaney

Every summer, a law student at Villanova pays fifty-five dollars to the University for "General Fees." An additional fifty dollars is similarly transferred prior to spring semester. What happens to the money after it enters the University coffers? The answer, contrary to popular belief and logic, is that the money is spent in the same exact way the tuition is spent.

According to Rev. George F. Burnell, O.S.A., the University's Vice President for Financial Affairs, five dollars from the fees paid for the fall term are allotted to the Student Bar Association, as an activity fee.

The remaining one hundred dollars per year is paid into the University's general account, as is law student tuition. All of this money eventually returns to the law school.

Expenditures are made in compliance with the budget submitted by Dean O'Brien and approved by the University Board of Trustees. The biggest slice is for faculty and staff salaries, followed by library expenses, student aid, and a wide variety of other costs.

Father Burnell explained that the separate charge for fees is historically based. "Years ago, there was a separate charge for every fee imaginable — library fee, athletic association fee, and so on. Then someone decided to consolidate them all into one charge," he said.

"However, there is no rationale for even this one distinct charge." Father Burnell favors one billing entry called "tuition and fees" to eliminate the suspicion generated by separate charges.

This view is shared by Dean O'Brien, who commented, "The separate billing items are

part of a University policy, applicable to the law school."

The situation is not uncommon at other law schools, and universities in general, most of which charge fees similar in nature and amount.

Some members of the Student Bar thought that money from the "General Fees" could be allocated to their budget, which, to no one's surprise, has been squeezed by inflation. The S.B.A. spends the student activity fee, a total of approximately \$3200, in the fall semester. Twelve hundred dollars was divided among seven student organizations, with the balance being reserved for the Student Bar's use.

In the spring, the S.B.A. will have an additional \$3000 at its disposal. This sum comes from the general law school budget.

In 1974, the S.B.A. sought an increase in the student activity fee to finance a speakers' bureau. As an alternative to charging students for the increase, Dean O'Brien received approval from the University President to take the \$3000 from the law school budget.

The funds have been so allocated every January since that time; the S.B.A. has not restricted their use to speakers, but spends in a manner like that employed in the fall.

Several avenues are available to the Student Bar if present monies are not sufficient. The five dollar activity fee could be increased. The S.B.A. could attempt to raise more funds on its own. When asked if an increase from the law school allotment was possible, Dean O'Brien responded, "As with any such request, present expenditures and uses for the proposed increase must be justified."



Villanova's representatives in the National Moot court competition are, from left: Mimi Sherry, Ann Nevel, and Betsy McGeever.

Bar Results Out

By Kathy Yesenko

"But I don't start getting paid until I pass the bar, and we were supposed to know over a month ago."

"A lot of employers don't want to hire me until I have my results."

"I just try not to think about them."

"I find the waiting to be a bit uncomfortable, especially since my family and friends keep asking me 'did you get them yet? Did you get them?'"

"This month I have not only the bar results on my mind but also a lot of really important cases that the firm has me working on, when none of us know whether I'll pass or not."

"The rumor is that they had to grade more essays since the score was raised. A lot of people are panicking."

Pennsylvania State Board of Bar Examiners last week released the July 1980 bar results. Of the 146 VLS students who sat for the Pennsylvania Bar, 137 passed (94%) and 9 failed. For Pennsylvania as a whole, 2032 applicants took the examination, and 1654 (81.40%) passed.

The Pennsylvania State Board of Bar Examiners raised the cut-off grade for the Multi-state portion of the bar this past year from 135 to 145 points. The delay in reporting grades was to read more essays this year.



Deck The Halls

NOEL

VLS Christmas Party

The VLS Christmas Party will be held on Friday, December 5th. This annual event, sponsored by the Student Bar Association, will begin at 9:00 p.m. in the Student Lounge. The SBA cordially invites all members of the staff, faculty, student body, guests, and alumni of the law school.

Auditions for second and third year members of the Esquire Choir will be announced. Original skits, limericks and songs should be submitted to the SBA office



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Dean J. Willard O'Brien will be on academic sabbatical for the Spring semester. While he's gone, Dean Gerald Abraham, Associate Dean for Academic Affairs, will be Acting Dean, according to Dean O'Brien.

Lawyer Group

Focus On Public Interest

By Joe Tulman, Esq.
Equal Justice Foundation

For over a decade Ralph Nader has alerted law students to the escape of the legal profession from responsibility for the quality and quantity of justice. In his analysis, law schools are central to the problem.

Law school curricula, according to Nader, prepare the individual for acquisition rather than activism. Tax, corporate, securities, and property law outweigh health, criminal, and civil rights law. Estate planning courses are universal; environmental planning courses, until recently, did not exist.

Law students study collapsible corporations but not collapsing tenements. Even when cooperatives and non-profit corporations are in the casebook, they are absent from the syllabus.

Brief treatment of such legal tools as mandamus, habeas corpus, and corporate "duties" leaves the graduate unprepared to challenge illegal actions of government and private institutions.

A professional ethics course focuses on issues more appropriate to a trade association than to a profession with a monopoly power over access to justice.

In response to the escape of the legal profession from its public interest obligations, Ralph Nader joined with other public interest lawyers and with law students to found a grassroots lawyers' organization based on the one percent solution. It is called the Equal Justice Foundation.

The Equal Justice Foundation is a membership organization of lawyers who tithe and law students who pledge to tithe a small percentage (1 percent or more) of their post-law school incomes for a minimum of one year to promote access to justice for environmental and consumer activists, poor persons, minorities and women, and other underrepresented client-groups.

E.J.F. is contributor-controlled. Members (including law student members) elect and may run for the Board of Directors. Members also participate in referenda used in setting the Foundation's agenda of reform work.

E.J.F. works on issues that are likely to have wholesale impact on access to justice.

Reform of class action procedures is one example. By restricting federal court jurisdiction over class actions and imposing unaffordable notice requirements on plaintiffs initiating 23(b) (3) class actions, the Supreme Court has reduced by over forty percent the number of class action suits brought.

E.J.F. has also worked, during its first year of existence, on legislation to liberalize standing-to-sue requirements, to provide attorneys' fees for successful litigations that confer substantial public benefits, and to establish public participation funding in agency proceedings.

A special E.J.F. committee assisted in the drafting of H.R. 7010, the Corporate Democracy Act.

In response to Executive Order 10160, E.J.F. submitted sample guidelines for increasing consumer protection to forty-three federal agencies and departments.

Most recently, the E.J.F. staff has initiated a major national organizing effort called the National Energy Access Project

(NEAP). Citizens' organizations and individuals around the country are uniting in NEAP to fund the presentation of alternative viewpoints in Nuclear Regulatory Commission and other energy agency rulemaking proceedings.

In accordance with the priorities of its members, E.J.F. conducts legal reform on the local level as well. Each law student pledger may designate that fifty percent of his/her post-law school title will return to the local chapter to fund locally-initiated access projects. Through this fifty/fifty funding scheme, a successful Pledge Drive at a law school provides money for local public interest activity during the following year.

E.J.F. provides to ADVOCATES" to organize at law schools.

E.J.F. provides to ADVOCATES comprehensive organizing and issue materials. Interested students should write or call: The Equal Justice Foundation, 1333 Connecticut Ave., N.W. No. 400 Washington, D.C. 20036; (phone (202) 452-1267.

Scrumscam

by The Rugby Team

A letter to the law-school community.

It seems we have a very serious problem in our law school today. It has recently been brought to the attention of the Rugby Team that there have been some serious misrepresentations made by various students on their resumes to the effect that they are members of the Garey Hall Rugby team when in fact they are not. It is easy to understand how many students would be tempted to list as one of their law school activities, that they are members of the Rugby Team. It goes without saying that every firm, corporation, or government agency within 50 miles of Philadelphia has heard of the Garey Hall Rugby Team. Obviously, association with this notorious Club will bring an individual greater job opportunities, will no doubt help in opening doors, and can only help to bolster an individual into the limelight. But for someone to intentionally put down on their resume that they are a member of the Rugby team when they are in fact not a member, or never were or intend to be, shows there's something definitely wrong. These people are scoundrels, imps of perverse, derelicts of the down trodden path, and should be scorned as such.

Although the Rugby team is not certain who these unscrupulous rascals are, they do have some information on the matter. At this time, I would like to call on the entire law school community to aid in the investigation of finding out just who these light-weights are so that they may be subjected, in a totally equitable fashion of course to admonishment and humiliation by everyone. Let's all cooperate on this matter so that we, as members of such an elite and prestigious group as the Garey Hall Rugby Team will not have to stoop so low as to go to the Honor Guard on this matter. We thank everyone in advance for their cooperation in this extremely sensitive area.

It is rumored that team captain Neil Davidowitz may have to disqualify himself because the investigation hits "close to home."

Products Liability May Be Offered

By Dave Eddy

The Law School may offer a course in Products Liability this spring. Vince McGuinness, a 3rd year student and chief proponent of the course had thought that the course was "probably dead."

Before this issue went to press, McGuinness was informed the Curriculum Committee had approved the course for the Spring semester.

Professor Hyson and Dean O'Brien are attempting to find an instructor, McGuinness said.

The Products Liability course has been offered in the past, the last time being two years ago. The course was taught by Professor Spina and was very popular. The subject continues to be of interest to Villanova students and Vince stated that about a hundred students had expressed interest in the course for this spring.

However, a combination of factors dimmed the chances of it being offered this year. Two new professors capable of teaching the course were offered jobs for this year but did not accept the post. Professors Spina and Turkington, two in-house professors able to teach the course, both have full schedules.

This would then necessitate going to the outside to hire adjunct professors, a policy the law school is not fond of.

The law school administration decided to seek a full time professor who would teach a products liability course next year, rather than attempt to hire an adjunct professor

for one semester.

Vince McGuinness, not completely convinced of these arguments, noted that the school does have about ten courses taught by adjunct professors.

Nonetheless, McGuinness does realize that although he tried "everything under the sun," he should have started earlier.

In the early fall, McGuinness wrote a letter to Professor Hyson who was on the Student-Faculty Curriculum Committee requesting a Products Liability course. The committee turned the matter over to Professor Dowd, Dean Abraham and Dean O'Brien. This group studied possible teachers and other factors involved.

McGuinness drew up a petition, and in response two weeks ago, Professor Abraham informed McGuinness that the course was, "probably dead."

Vince remains convinced of the value of the course and pointed out that it was hardly a dead area of the law. "It is not a law and tree management course," he said, nothing that most law schools in the area, have a course in Products Liability.

To underscore the importance of the course, McGuinness noted that the bar exam has quite a few questions dealing with products liability.

Since the chances of a course on Products Liability at Villanova this spring look grim, however, McGuinness says he will petition the faculty to allow him to take the course at Temple Law School.

Law School, Italian Style

The Dickinson School of Law, Carlisle, Pa., has announced plans for its 1981 Summer Session Abroad program in Florence, Italy.

The law program, which is under the direction of Dickinson Prof. Louis F. Del Duca, will use facilities at the University of Florence School of Law during the period June 15 — July 10, 1981. Courses in Doing Business Abroad, European Economic Community and International Trade, and Comparative Law will be offered.

Assisting Dr. Del Duca with the program will be Dickinson professors William J. Keating, who served 15 years as patent counsel and 10 years as general patent counsel of AMP, Inc., a Fortune 500 company, and Joseph B. Kelly, who has taught international law and trade at Dickinson since 1969 and is a former chief of international law section at U.S. Forces Headquarters in Korea. Dean Giorgio Gaja, of the University of Florence School of Law, and Prof. Vincenzo Varano, of the faculty of the University of Florence, are also included on the faculty. Dr. Del Duca, director of admissions at Dickinson and editor of the "Uniform Commercial Code Law Journal," spent part of 1979 in Italy as a recipient of a Fulbright-Hays grant for study in international trade law.

A group of 11 lecturers from the Italian legal community will supplement the basic

curriculum. Time has also been set aside for extra-curricular field trips to Italian courts, prisons and other facilities, all of which will afford opportunity to appreciate the cultural and social heritage found in Florence, the center of the Italian Renaissance.

This is Dickinson's first summer program abroad. Students and lawyers who are interested in receiving complete information may call or write The Dickinson School of Law Admissions Office (717) 243-4631.

Trivia

By John Schreck

Trivia Time: Can you top this one?

Nietzsche's observation, that the most common stupidity consists in forgetting what one is trying to do, would easily apply to the Los Angeles Municipal Court.

With annual filings of over 130,000 (excluding parking and traffic), it finds itself so pressed that in large areas of its caseload it averages but a minute per case in receiving pleas and imposing sentences.

Now that's justice speedily handed out!

PHONATHON '80-'81 will be in February 1981 for all alumni not heard from. The following are the dates that specific classes will be notified.

Jan 26, Monday	'56	'57	'58	'59	'60,	and '72
Jan 27, Tuesday	'71	and '73				
Jan 28, Wednesday	'61	'62	and '74			
Jan 29, Thursday	'70	and '75				
Feb 2, Monday	'63	and '76				
Feb 3, Tuesday	'64	and '77				
Feb 4, Wednesday	'65	and '78				
Feb 5, Thursday	'66	and '79				
Feb 9, Monday	'67	and '80				
Feb 10, Tuesday	'68	and '69				

STUDENT FORUM

The newly instituted B+ grade is supposed to refine gradations among students at the possible expense of "grade deflation." What is your opinion of this move?



I am NOT in favor of the B+ Grade. But then I am not in favor of grades in professional or graduate schools. If Villanova has confidence in itself it should adopt a pass/fail system. J. Otis Minott, Class of '82



Anything that can be done to make students feel that they are being treated in a more individualized manner is certainly welcome (at least by this individual). Eileen V. Dooley, Class of '81



I think the new grade will enable greater differentiation among students. Grade deflation might not be so bad. Sandy Silverman, Class of '82



We are all but children of adversity, doomed to wander a desert of shattered dreams, our shadows as our only companions. Eric Bruning, Class of '81

Lawyer Glut

Tough Market for 'Bottom 90 Percent'

A recent article in the New York Times by Josh Barbanel says that for the 40,000 law school graduates each year, many are finding that their practice is limited to looking for work.

Take the case of Andrew Hyman, for example, who has "knocked on the doors of 225 law firms from the Battery to Columbus Circle (New York City) in search of a job."

Mr. Hyman, a 1980 graduate of Albany law School, has even gone so far as to advertise in legal newspapers and send out over a hundred letters. For these efforts, he has a stack of rejection letters and only one job offer as an associate in a one-lawyer firm at \$7,500 a year. Needless to say, Mr. Hyman, like many others, is finding that the law degree "doesn't have as much flexibility as you think."

Although the New York Times states that the best-qualified students — the top 10 percent of most classes and graduates of Harvard, Yale, Columbia — are having no problems getting jobs, the competition for these jobs is even greater than it has been in the past. For the "bottom 90 percent" at lesser-known law schools, the job market has become a "lawyer glut." A look at statistics from the Federal Bureau of Labor does not prove to be promising either. The Bureau estimates that in the next decade, there will be only 37,000 law jobs available nationwide.

The New York Times also reports that law school placement offices and students differ on their perspective of the job market. Placement offices have traditionally quoted figures that 95 percent of "law-school graduates willing and able to work" have found jobs. Some placement directors have conceded, however, that while in the past students often had the luxury of choosing from among several job offers, today many students take the first job offer they get. Other directors have maintained that there is a "hidden market" out there, and students don't "know where to look."

Waving Your Rights

A Texas judge recently recalled the time he faced a man who had pleaded innocent to a charge of stealing frozen chickens. When asked by the judge whether he was the defendant, the man replied, "No, sir. I'm the guy who stole the chickens."

One time the same judge told a defendant that he had a right to trial by jury, but he could waive that right. "Which do you wish to do?" asked the judge. The defendant hesitated. His lawyer said firmly, "Waive." The defendant raised his hand and waved at the judge! (Quoted by UPI).

According to students however, the New York Times reports that recent law-school graduates "have worked as limousine chauffeurs (usually with a stack of resumes on hand, just in case), sales clerks at record stores and temporary helpers in offices." For others, legal research jobs usually held by students are held onto, and solo private practice is often an alternative.

Both students and school officials have questioned the figures released by the National Association of Law Placement. According to the New York Times, the figures exclude those graduates who do not respond

to the survey, those who said they were not actively looking, and those who failed or did not take the bar exam. If all these graduates were included, critics maintain that the percentage of students with jobs would drop from the 95 percent figure given by the Association to 74 percent.

**FUND DRIVE officially began
October 1, 1980 and will go
until May 31, 1981.**

The Alumni Office

That's Grade Deflation

According to the Fall 1980 edition of the *Duquesne Jurisprudence*, the faculty and students had become concerned that Duquesne's grading system had adverse effects in the job market, as Duquesne was traditionally lower than other law schools in its award of grade point averages.

To remedy the situation, the faculty decided to upgrade the grades of currently enrolled students. Minimum grade point average standards were similarly revised to fit within the new system, so that first year students are required to achieve a 2.925 average. Second year students are required to maintain a 2.975 and a 3.0 is required for third year students!

**In Memoriam
Alfred H. Juechter, Jr., Esq.
'72 passed away on November 15, 1980.**

The Alumni Office



Noted Constitutional law scholar, Raoul Berger, spoke before large law school audiences on the subjects of "Executive Privilege" and "The Role of the Supreme Court in a Democratic Society". The Villanova Law Review and Saint Thomas More Society hosted the Harvard Law School professor's visit to VLS. Pictured above are the Colloquium participants, from left to right: Prof. William Valente; Elizabeth McGeever; Nancy Fullam; Kevin Amadio; Craig Shagin, Esq.; Prof. Raoul Berger; Prof. Gerald Frug, Penn Law School; and Dean O'Brien. Prof. Donald Dowd also participated (not pictured).

Thirteen Teams Alive In Reimels

By Kenneth Mumma

Last Monday the third round of the Twenty-First Annual Reimel Moot Court Competition was held, narrowing the number of teams remaining in the competition to thirteen. This field will be trimmed to eight teams which will move on to the quarter-final round in January. The four teams that survive January's quarter-finals will advance to the semi-finals to be held in February. The remaining two teams will then meet in the final round on March 28, 1981.

Traditionally, the judges for the quarter-finals are from the courts of common pleas and the semi-finals are judged by members of the federal district courts, according to Moot Court Co-Chairperson Ann Mule.

The final argument on March 28 will be

made before a prestigious three-judge panel. Judge Patricia Wald of the Court of Appeals for the District of Columbia Circuit will sit as one of the few woman judges in the history of the competition. Judge Edward Cahn, a federal district court judge for the Eastern District of Pennsylvania, wrote the opinion in the recent case of *Goldberg v. Rostker*. *Goldberg* is a key case relating to the issue in the Reimel problem. Judge Bruce Kauffman from the Supreme Court of Pennsylvania will round out the panel.

The problem for this year's competition, written by Professor Mary Joe Frug, is especially timely in that it deals with the constitutionality of limiting a military draft to men. The *Goldberg* case also deals with this issue and is due to come before the United States Supreme Court this term.

Insurance Essay Contest

Authors wishing to enter the 1981 Federation of Insurance Counsel Foundation Student Essay Contest must submit their entry on or before May 1, 1981 with a letter indicating school and eligibility (2nd or 3rd year law student at ABA-accredited school). The subject for the essay is any insurance related subject, including trial practice of insurance litigation.

Essays should be about 10,000 to 12,000 words in length and must be an original copy on 8-1/2" x 11" white paper. Footnotes and style should conform to "A Uniform System of Citation." The title, author's name and school should be typed on a separate sheet, and only the title on page 1 of the essay.

No essays will be accepted unless prepared solely for this contest by one author, has not been previously published, and is not to be submitted in any other contest. By submission each entrant thereby assigns to the Foundation all rights to the essay. It is the policy of the Foundation to return and release the assignment of the rights of all but the three winning essays and any other that the Editor of the Federation of Insurance Counsel Quarterly considers worthy of publication.

First prize is \$2,000, second prize is \$1,000 and third prize is \$500. An author of any other essay selected for publication in the Federation of Insurance Counsel Quarterly will receive an award of \$250.

THE EDITORIAL

It's The Money

Activities Need More Funds

Somebody wise once said, "If you hear somebody say, 'it's not the money, it's the principle of the thing,' then you can be very sure that it is the money." Well, this is an editorial on funding for student activities and it's not about the principle of the thing, it is about the money.

As an article elsewhere in this issue points out, that sum called "General fees" tacked onto your tuition bill is really little more than a misnomer. In essence, since most of the \$105 in general fees is simply counted into the general law school operating budget, the "general fees" are like charging you for the pepperoni on the pepperoni pizza. It's all the same pie. Contrary to the popular misconception, the "general fees" are not a student activity fee, nor are they tithes to the undergraduate activities.

Five dollars of the general fees are specifically earmarked for law school activities. That money funds the SBA, which then distributes a portion of the money to other student activities. For their Spring semester budget, the SBA looks to the law school's general operating budget.

The law school contributes to the University's overhead expenses, as well it should, but this figure is not out of line with the suggestion of the ABA Legal Education section, according to Dean O'Brien.

Nevertheless, there is one problem that won't go away even if the name "general fees" were dropped and "tuition" substituted in its place: funding for student activities.

The five dollars from each law student's \$105 "general fees" specifically earmarked for student activities represents about \$3000, and is used up during the first semester to fund such events as orientation, faculty forum, TGIF's and various lectures and programs sponsored by student groups. The spring semester budget, another \$3000, from the law school's general operating budget, resulted from the request of an SBA president to Dean O'Brien in 1974. The funding figures have changed little since that request was granted.

The problem is a familiar one — the SBA budget doesn't go as far as it used to go, and probably never went as far as it should go. Villanova Law School has few outside lecturers because the honoraria alone would eat up the bulk of the budget (certain speakers are funded from sources; the SBA can fund only a fraction of the good ideas advanced by various student groups for programs for the same reason.' The SBA couldn't even afford to show "The Paper Chase."

It may well be that the way the SBA allocates the funds needs a critique, but in-fighting among ourselves obscures the real problem — our tuition has gone up, prices for programs and expenses have gone up. Only the SBA budget has not been materially increased in six years.

Whatever the price is called, we need a bigger slice of that pepperoni pizza devoted to activities' funding.

P-A-N-I-C Spells Failure

By Matthew Wolfe

This is the time of year when all students begin to think more seriously about exams. For the First Year Students, this serious thought will usually take the form of some level of panic.

First Year students are experiencing a new environment and do not always know how to handle it.

Not even the sight of the second and third year students who made it through, many of whom appear to be on the same intellectual plane as Billy Carter, is encouraging.

Back in college, they found that they could do reasonably well by reading the text, going to class and taking notes. Now they find readings that are confusing and contradictory, classes in which the professor questions everything and resolves nothing, and that attempting to take notes in these classes is an exercise in futility.

In addition, the law school professors are not the friendly intellectuals from undergraduate school, but appear to be a group intent upon perfecting their Professor Kingsfield imitations.

Another break with college life is the system of testing. At this time of the year in an undergraduate course, the student would have already had two tests and would be trying to figure out how well he or she would have to do on the final in order to salvage a "B". Here in law school, the entire grade comes down to one exam.

This is particularly terrifying to the First Year Students, who do not even have past performance to serve as an indicator.

It also seems that the harder they study, the more they find that they do not know. Reminders of scenes from *The Paper Chase*, depicting law students apparently working much harder than they do, may make them feel even more inadequate to meet the task.

Taking a rational approach to final exams will give good reasons for the First Year Student to at least tone down the level of panic.

Reason one: No matter how hard you work, you will get a "C", just like everyone else. Sure, you may get a "C plus or a "C minus", but essentially, it is still a "C".

Until this year, a "C" was the only grade which was differentiated into pluses or minuses. The reason for this is that it would be possible for only about 1\$0 students in a class of 200 to have a cumulative average above 2.0, about 180 students with a cumulative average of exactly 2.0, and about 10 students with a cumulative average below 2.0.

This would make about 180 students ranked 11th in the class and eligible for Law Review and good jobs. This would be unacceptable.

Reason

Reason two: The first semester exams count little for First Year Students.

Most of the professors went to law school when the first semester exams for First Year Students were known as Trial Exams and did not even put up the facade of counting for anything.

Now the school has changed the rules, but most of the professors have not. Even when they insist that they are worth 25 percent of your grade, this is not very meaningful.

For example, if you get a "B" on your first semester exam for 25 percent of your grade, and a "C" on your final exam, figure out your grade. Your first semester exam will not even get you a "C plus".

Save your panic for the finals in May, when you will need it.

Reason three: Keep in mind that for all the hours which you spend reading, briefing cases, putting up with abuse in class and taking notes, your final grade will be decided by the 10 or 15 minutes which the professor will spend reading your bluebook. If you think that the professor spends three hours on the bluebook that took you three hours to write, you must be on drugs.

Just because professors are given so much time to hand in the grades that you will not find out how you did until March does not mean that they spend a lot of time on them, but only that they let things go until the deadline just like everyone else.

If they had to have the grades in by Christmas, they would find a way to get them done. And the grade would be the same.

Reason four: If you do all of the work which is required, all of the reading, briefing of cases and attending class, your grade will be no better than that of the student who does nothing but study the *Gilbert's*.

Reason five: Everyone else is in the same boat, and you are probably no dumber than the rest of them.

Finally, remember that it appears that the students who panic the least do better than the panicky student who does a great deal more work. The ugly truth is that the amount of work done is not always proportional to the final grade.

Lawyers' Speciality

Cable TV:

Political Tangle

By Anthony Green

Reading a recent front page story in the *Inquirer* was a bit disheartening for a lowly little law student like myself. More than just a story about Philadelphia's long, thirsty wait for cable television, the story served as an analysis of one of the city's burgeoning mini-specialties which has evidently meant a bonanza for a small coterie of the city's lawyers — not all of them the best or the brightest of the city's bar.

The story recounted how one company interested in a cable license retained the former law firm of the city's mayor, Wolf, Block, Schorr & Solis-Cohen. And how another cable company hired the counsel to Bill Green's last campaign. And how another corporation retained a powerful Northeast ward leader to do their legal work. And so on and so on.

What does it all mean?

First of all, the story suggested that the assignment of the lucrative licenses might be one of the more important, one of the more ticklish, dilemmas facing the Green administration. And with all the facing the city it is rather depressing that the city administration has to devote so much time and energy to the task of making the Great Northeast safe for cable televised Burt Reynolds movies.

Why is it such a political quandry? Because however the administration decides to distribute the licenses, there will be some embarrassment for the relatively unscathed Mayor. If a license goes to Comcast, is that because it is represented by Green's old firm and, more specifically, by one of Green's political mentors, talented Howard Gittis? (The story reported that Green himself did a little legal work for Comcast while he was still at Wolf-Block, assisting in their bid to get a franchise in Pittsburgh. Green declined comment on the matter). If Teleprompter gets a license, is it because so many of its investors donated so much money to Green's well financed campaign chest?

Granted, those questions — and many others dealing with the cable controversy — aren't as compelling as last month's intrigue over who shot J.R. But the answers to those questions will certainly garner some more headlines, much to Bill Green's chagrin.

Am even more engaging question, however, concerns the influence of politics on lawyering. Should we be taking a course in Machiavelli along with our other studies?

Now I'm not a naive kind of guy. I have played politics and I've been able to watch it up close, at its worst and at its best. And one thing I found was that new wave politics has

(Continued on page 5)

THE DOCKET

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LEGAL BRIEFS

Congratulations in Order

The **Docket** is a little late with this round of applause, but that's okay because we think the new West Publishing Company series on Pennsylvania Practice will be playing in the area for a long time. Here goes:

Congratulations are in order for Professors Leonard Levin and Frederick Rothman who have contributed two

volumes to the West Pennsylvania Practice series. Professors Levin and Rothman have already written two volumes on **Probate Law and Taxation Of Transfers, Trusts and Estates**.

The books were published August 143 and the Villanova Library has copies on reserve.

A third jointly authored volume, on estate planning, should be ready for publication in the summer of 1982. Professor Rothman will be on sabbatical next spring to work on that manuscript.

The West Publishing series is expected to number one hundred volumes when complete.

Drafted

By John Schreck

One of the prime things that a law student learns to do is approach problems as a law student. What Professor Collins teaches in his contract drafting course is how to approach a problem as a lawyer and the proof of his success can best be seen in the success of two of his recent students.

Judy Conte and Alex Ross, Jr., both VLS class of '80, were recent winners in a contract-drafting competition which was co-sponsored by the Personal Finance Law Quarterly Report, the Student Division of the ABA, and SCRIBES (The American Society of Legal Writers).

Ms. Conte was the unanimous choice of the judges for the first place prize of \$500 and will also get publication of her contract, along with biographical data and photo, in the next edition of Personal Finance Law Quarterly Report. Mr. Ross was the third place winner and recipient of a \$200 award.

Professor Collins is quick to note that the entries submitted by his students were not edited by him or written with any special instructions given by him.

Who Is Suing Whom For What?

His job is just a little variation on that ever present theme of First Year Contracts with Professor Collins: "Who is suing whom for what?" Calvert Crary, a 1968 graduate of Northwestern University Law School is a stock analysis with a twist. His specialty is deciding, "Who is suing whom for what and who is going to win?"

Crary tries to guess the outcome of litigation likely to impact on the price of a company's stock and then this information is sold to investors.

An example? In Berkey Photo's antitrust suit against Eastman Kodak, Crary attended closing arguments, and made his prediction that Berkey would win. Berkey's stock at the moment of his prediction was trading at three dollars. The next day, the verdict came in for Berkey and the stock

shot up to eight dollars.

See? And you thought it was all part of the Kingsfield act.

Spaced Out

Space Law

The National Aeronautics and Space Administration, faced with the prospect of nearly 500 space shuttle missions during the next decade, recently discovered that there were no laws that applied to criminal conduct in space.

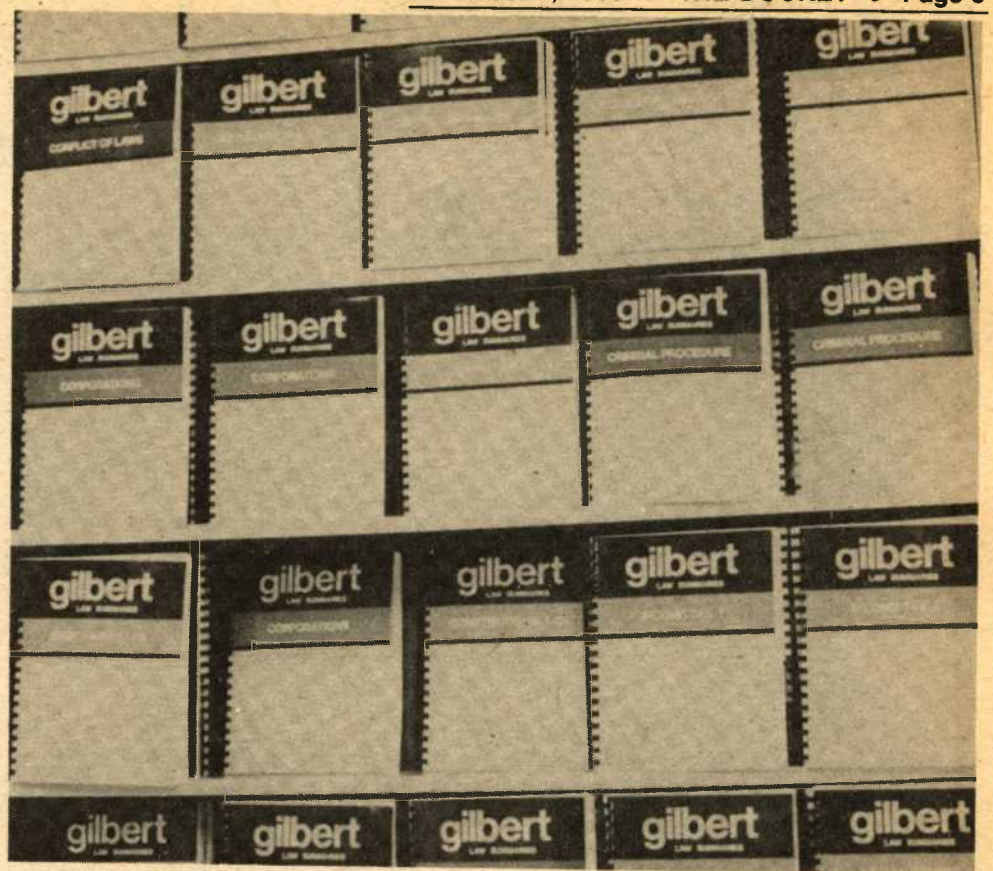
To remedy this situation, NASA not too long ago, wrote a rule giving the shuttle commander the absolute power to make arrests in space.

In the not-too-distant future, space law could become a new horizon for law school graduates.

According to *Student Lawyer*, Nov. '80, Canada's McGill University law school has established the first space law program. There are essentially two areas in space law: 1) Earth related — product liability with the manufacturer of space equipment, including the assignment of frequencies to be used in space activities and procedures of quarantine to protect Earth from potentially harmful space organisms; 2) Space Related — international agreements to control space missions, space manufacturing, and space communities of the future.

Directories

The Placement Office now has copies of the **1981 Directory of Legal Aid and Defender Offices** and the **1980 Directory of Environmental Consultants**, and invites you to come in and acquaint yourself with these useful directories.



Thank God for Gilberts! Now that exams are about us, we can all forget the hornbooks and go to the really authoritative sources.

Hi Ho, Hi Ho, Off To Work We Go

class attendance and preparation, according to Associate Dean Abraham. The Law School's insistence on full-time commitment, regular attendance, and class preparation reflects a policy that a complete legal education is one which emphasizes theory, analysis, and reflective consideration of the law, rather than simply successful examination-taking, Abraham says.

On the other hand, the Law School recognizes the exigencies of financial need

and job-hunting considerations. The Placement Office advances these aims through its facilitation of work-study and job placement services, Dean Abraham added.

If it became evident that part-time employment served to undermine the aims outlined above, then this policy and its enforcement might be expected to assume greater prominence.

Recently, Dean O'Brien appointed a faculty committee to study Villanova's response to this new ABA interpretation.

Cable TV Cabal

(Continued from page 4)

witnessed a trend away from political patronage and clubhouse bartering towards professionalism in the upper echelons of government. (Although you'd never know about that in observing the bureaucracy at work). The hacks who did their bidding in City Hall under Mayor Rizzo have been replaced by respectable professionals who work for Bill Green.

Patronage is an anachronism that is clearly slipping away. We can't afford it anymore. Meanwhile, political patronage and pull in the legal business — clearly demonstrated by the growth of the cable cabal — seems to be alive and very healthy. And I'm not too sure that that's a healthy trend for the legal business or its sorrowful public image.

"Bankruptcy course materials"

The alumni Office has available a limited number of the course materials from its two-day seminar, "The Bankruptcy Code: An Update."

These materials not only include, in

outline form, a basic "how to" scenario from different faculty members with regard to the use of the Code, but also include the Code itself.

Any alumni wishing to purchase one of these books should remit a check for \$10.00 made payable to Villanova Law School — CLE and forward it to Robert O. D'Ambrosio at the Law School.

Fine,

And Yours?

A writer in the law school newspaper from Washington & Lee University in Lexington, Va., recently addressed the subject of interviewing styles and had the following suggestion for what he called the "duck and parry" style:

"This interview is controlled by the student. When asked how your GPA is, reply, 'Fine.' When asked about rank, say, 'Fine.' Never, ever give them statistics."

Well, it's worth a try.

Call Us

The Alumni Office is happy to be the "clearing house" for those interested in acting as Moot Court judges. Please contact the Alumni Office and your name will be forwarded to the Moot Court office.

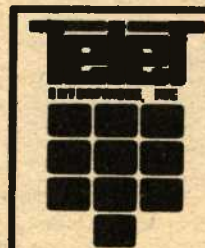
As this is a popular program with alumni/ae, please understand that there is usually a superabundance of judges each and why you might have to wait till next year.

First Time At The Bar

And then there is the story of the young man at the Bar, in his early days, who got up to make his opening speech. Though he was very nervous, he tried to be confident. He began with an impressive delivery: "may it please the Court, in this case, my unfortunate client —" and then he froze completely, lost track of his argument, and could not go on.

There were titters, and finally, the Judge leaned forward and said, "Pray proceed, Mr. Snooks. So far the Court is with you."

Edward J. Bander,
Law Librarian
Suffolk U. Law School



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A sure-fire technique

By Lou Magazzu
and Paul Lauricella

For the past few months the Law School has been the primary site for the 1980 version of the "interview game." For some the game ended as soon as it began, since despite very good resumes, they were not among those chosen to be interviewed.

For others, there have been first interviews but few or no offers for second interviews.

A select few have not only received second interviews, but actual offers. The authors of this article are not among that last group.

Thus we have devised what we believe to be the ultimate interview style, and in true VLS spirit wish to share that style with our fellow students. (It is hoped that the following is taken in the same spirit it is written and that no one take offense, since none is intended. Any similarity with anyone in the Law School is purely coincidental as the characters in the interview are purely fictional).

Interviewer (hereinafter I): Come on in. My name is Bud. Take a seat.

Student (hereinafter S): Where do you want me to take it? (Smiles and waits for response).

I: Yes. In looking at your resume

something puzzles me . . .

S: Well, I can explain that, you see my dog . . .

I: Now wait a minute. It would probably be best for me to finish the question. I couldn't help but notice that you are from a village in New Guinea. What made you decide to come to Villanova?

S: I like Philadelphia.

I: Why of all the cities in the world do you like Philadelphia?

S: I like Don Tollefson.

I: Oh. Your resume indicates that since you are within the top 5 percent of your class you easily made the Law Review by grades. Why then did you resign only to be admitted through the open writing process?

S: I wanted to make Law Review the honest way.

I: Tell me about your casenote.

S: The article is on a recent case dealing with exploding Coke bottles.

I: What is the company's defense?

S: Improper handling. It's a real cut-up.

I: Is there anything not on your resume that might give us a better insight into your character?

S: I am very industrious. For example I own the donut concession at the law school.

I: And what does that entail?

S: I go over to the undergraduate campus and "borrow" donuts from the cafeteria, find used Dunkin' Donuts boxes in the trash, and charge 35c apiece. I have several popular students to front for me because no one would ever suspect them of selling "borrowed" donuts. You have no idea how much money there is in donuts.

I: Is there anything else that demonstrates that you are industrious?

S: Well, in college I sold blood.

I: Blood? (Bemused)

S: Yeah. It took a big capital outlay. I offered \$35 a pint to anyone who would give any. This gave me a commanding share of the blood market. I'd keep it off the market just long enough to cause a shortage, drive the price to \$50.00 and make a bundle.

I: (Writing) "Has a working knowledge of supply and demand."

S: I received an A in anti-Trust. You have no idea how much money there is in blood.

I: How do you account for your tremendous success in Law School?

S: It has been tremendous, hasn't it!! Well, I'm a fighter. I like a good clean fight. The practice of law intrigues the heck out of me. It's one on one. Me against the world. (stands on Interviewer's desk). I'll claw,

beg, kiss my way to the top. Nothing will get in my way. I'll step on people to get there.

S: Law is like the jungle, and I'm Tarzan.

I: And what are your plans for next year?

S: I want to be editor-in-chief.

I: Of the Law Review?

S: No, of the Villanovan. (Smiles, winks). Of course of the Law Review!! Is there anything else?

I: Why are you so enthusiastic about Law Review?

S: I like the free dinners. Besides it has helped me get a lot of great job offers.

I: Like what?

S: Researcher for Casenote Legal Briefs, Legal Assistant for Jerry Falwell, Pro for the Radnor Racquet Club, Parking . . .

I: I think I get the idea.

I: Is there anything you would like to know about the firm?

S: Do you get paid biweekly or monthly?

I: Biweekly.

S: Do you furnish the Associates with knee pads?

I: Yes. In the firm colors.

S: Do you have an office in New Guinea?

I: I'll check.

I: Well, I can tell by the scratching at the door that it is time for the next student. Do you have any final questions?

S: Do you need any blood?

An ice issue?

According to a recent article in *Student Lawyer*, a Washington, D.C. judge held that although ice cream is an "epicurean delight," it's not a meal. Apparently, the owner of a Baskin-Robbins was deducting \$1.10 for each four hours an employee worked under D.C.'s law which allows such a deduction if the employees eat meals at the restaurant.

The judge disallowed such a deduction, noting that although many people "eat some bizarre things and call them a meal," no reasonable person would consider servings of ice cream alone to be a meal.

"While this Court is prepared to concede that ice cream is an epicurean delight in all its modern exotic permutations to both plebian and patrician, it does not follow that the plaintiff serves meals to his employees."



Congratulations and best wishes are in order for outgoing Docket Editor-in-Chief Kate Harper, who graduates to the more cushy and revered position of Senior Editor after this issue. Jon Birnkrant (VLS '82) will assume the Editor-in-Chief's duties (not to mention the hassles) in our next issue. Good luck!

Willing will

By John Schreck

It may turn out that the videotape machine you bought so you wouldn't miss an episode of *Dallas* during the big push of exam week will also be of help to you after law school (yes there is life after law school).

According to a recent article in *Parade Magazine*, lawyers for the estate of the late Darryl Zanuck wish now that they had a videotape of Zanuck at his will-signing.

A French actress, Genevieve Gilles, is suing the estate for \$15 million on the grounds that Zanuck was not of sound mind, and under the influence of his family when he signed his final will. The estate's lawyers feel that the existence of a tape of the will-signing would prevent any recovery or even prolonged litigation.

Call for Independent Validation of Bar Statistics

In ads and posters published all over the country the Josephson Bar Review Center (BRC) has loudly *challenged* its competitors in the bar review field to agree to a system of independent computation and publication of comparative bar passage rates.

The BRC *challenge*, as they put it, is that each bar review course would agree to submit the names of its enrollees to the law schools or independent professional auditors *before* the bar exams are graded and the results are published. The law school or auditors would then verify graduation and class standing and publish the results so that the performance of each course is revealed in terms of quartile (the same way the law schools compute percentages for their own use).

The BRC proposal for independent validation of bar statistics is not new. In fact, it has been made in writing by BRC since 1974 but the BAR/BRI course has always refused to participate. BRC has escalated its efforts to publicize the issue this year because of what it terms, "an unprecedented number of distortions" in recent years.

According to Michael Devlin, Director of Enrollments for BRC, "Under the present system, bar review courses publish statistics only when it suits them and there is no consistency in the way the percentages are computed. The BAR/BRI courses have, we think, been particularly adept at juggling figures or avoiding them entirely."

Mr. Devlin cites figures used by the BAR/BRI course in Alabama, California, Florida, Hawaii, Minnesota, New York, New Jersey, and Pennsylvania as examples. "Most of their claims are oral and they can't be pinned down, but sometimes they will also publish the most outrageous claims."

When asked for specific examples, Mr. Devlin said: "The very best example I can think of now, because it is so easy to prove, is what they are saying in Alabama. BAR/BRI has never offered an Alabama bar review course though it is planning to do so for the summer 1981 exam. Nevertheless, they sent a letter to Alabama seniors extolling the virtues of the nonexistent course and claimed a passing rate of 95% on the Alabama Bar Exam."

Devlin gave other examples of what he labeled "statistical misconduct." In Massachusetts, Devlin claimed, BAR/BRI ran full

page ads asserting that it was the "largest course in the state," when in fact it had lower enrollments than either BRC or the SMH course. Moreover, "their passing claims just don't jibe." In New Jersey, BAR/BRI tried to blame the low passage rate in recent years on BRC although BRC published and offered to verify statistics showing that BRC students substantially outperformed students using other courses.

"Finally," Devlin admitted, "what they are trying to do in California now is just the last straw." What BAR/BRI is "doing in California" is to run full page ads attacking a statistical study of bar passage rates done by a dean at a major California law school. The study compared the performance of students who took the BRC course with those who took the BAR/BRI course (in California over 95% take one course or the other). It showed that BRC students had a higher passing rate at each level of class standing. The advantage of BRC students ranged from 6% for students graduating in the top half of their class to almost 20% for those graduating in the bottom quarter.

The BAR/BRI ads suggested it was "unprofessional" for BRC to reveal the study and that the figures used by the dean were inaccurate.

Devlin responds that "The whole attack on the dean's study is ridiculous. BAR/BRI promised to provide him with additional figures but they never did. Finally, nine months after the study was sent to us, the dean reaffirmed the accuracy of the report and his personal responsibility for the figures."

"We wouldn't be quibbling about the statistics at one school if BAR/BRI would change its policy of concealment and agree to across-the-board statistical validation. The fact is that we are willing to 'put up or shut up' because we are totally confident in our system and we know it produces better results. If BAR/BRI thought we were wrong, don't you think they would accept the challenge and prove it? Only they know what their figures are and they don't want anyone else to know."

To encourage all courses to agree to independent statistical validation, the BRC proposal urges law schools to require participation in such a program as a condition to allowing the course to solicit students on campus.

[We have asked that this article be run in this paper and we have paid for it as an ad — BRC.]



Professor Mary Jo Frug, who attended the Women in Law Conference at the NYU School of Law.

Professor Frug Represents VLS at Conference

By Wei-Wei Chiu

Professor Mary Joe Frug recently attended a Women In Law Conference, a program sponsored by the New York Metropolitan Law Teachers Association in cooperation with NYU School of Law, which took place on Saturday, October 11, at New York University. Prof. Frug represented Villanova Law School on the panel which included women from law faculties at Harvard, Yale, NYU, Cordozo, Columbia, and Seton Hall.

The speaker was Elizabeth Ashburn, Ph.D., project director of the ABA Women On Law Faculties Study, who spoke about the current status of women in law teaching.

Statistics given by Dr. Ashburn showed that in 1973-74, women comprised 15.8 percent of students enrolled in law school and 6.9 percent of law faculties; but in 1979-80, women comprised 31.4 percent of students and 12.0 percent of faculty. Thus she noted that the percentage of women on fulltime law faculty has not risen proportionately in the last 5 years to the number of women law students.

One of the purposes of the program was "to interest and encourage women to get into law teaching," according to Prof. Frug. A major actor cited was that of "isolation" or "atomization," which is thought to disadvantage women in law teaching. That is, women teaching on law faculties with other women "performed better and felt better about themselves" than women who were isolated on faculties.

Prof. Frug stated that law schools "are in no way lowering their standards to hire women" and look at the same credentials as they do for men, but that women seem to have more trouble getting hired because they do not have "mentors" on the law

faculty promoting them.

Above the minimum general criteria, the successful candidate for a law teaching position "attracts the attention" of the hiring committee with a recommendation from someone on the law faculty of hiring committee the "old boy network."

Women have not yet developed a comparable "old girl network" to help them get on law school faculties.

The panel itself was composed of a young group of women, probably none of whom had graduated from law school before 1966. Some panelists were on the appointments committee of their law schools. The women were divided up into two panels for discussion.

One panel talked about their personal experiences prior to getting their law teaching job and the different ways or "routes" to fulltime law faculty positions, such as clinical teaching, adjunct teaching, and law practice.

Prof. Frug did graduate work and taught legal writing to first year students at Columbia for 2 years. All the women agreed that the most important factor in obtaining their jobs was a recommendation from someone on the law faculty.

The other panel discussed what law teaching was like and its benefits.

Prof. Frug noted that Dr. Ashburn's talk was directed not just at women, but at anyone interested in law teaching and cited statistics which showed that 69 percent of all law teachers come from 20 law schools and more than 30 percent come from just 5 law schools — referred to by Dr. Ashburn as the "oproducer law schools" because they were more likely to produce law teachers. Thus an aspiring law faculty member coming from a "nonproducer law school" is at a disadvantage.

SBA Blood Drive is a Big Success

By Patti Fleming
SBA Treasurer

After the sleeves were rolled down and the donuts and pretzels were eaten, the Red Cross left St. Mary's Gym with 81 pints of blood from the students, faculty and administration of the law school.

The SBA-sponsored Blood Drive, held on November 7, 1980, was considered a success as the 75-pint goal was surpassed by superb efforts made by each of the classes.

Although the posters indicated that the second year class won by several percentage points, it was pointed out that a mistake was made in the calculation for the first year class. Upon recalculation, the first year class donated 14.64% of the total pints given.

However, the second year class squeaked by with a donation of 14.68%.

Because of the slight difference in the

percentages and the spirit in which the keg was to be awarded, the SBA Board voted on November 19, 1980 to give a keg to each of the first and second year classes to commend them for their fine efforts.

Good showings were made by the third year class (7.24%) and the faculty and administration (5.98%).

Out of the 81 pints supplied, 79 of them were "productive" and the Red Cross has informed the SBA that the blood and its component parts will help 395 patients in the Penn-Jersey Region.

Many thanks to all those who participated in this semester's blood drive. The Blood Drive for the Spring Semester is scheduled for Tuesday, April 14, 1980. See you there?

Laughter and the Law

One Georgetown Law School student wrote in to the editor of his school paper, *Law Weekly*, expressing concern that lawyers and law students take themselves too seriously.

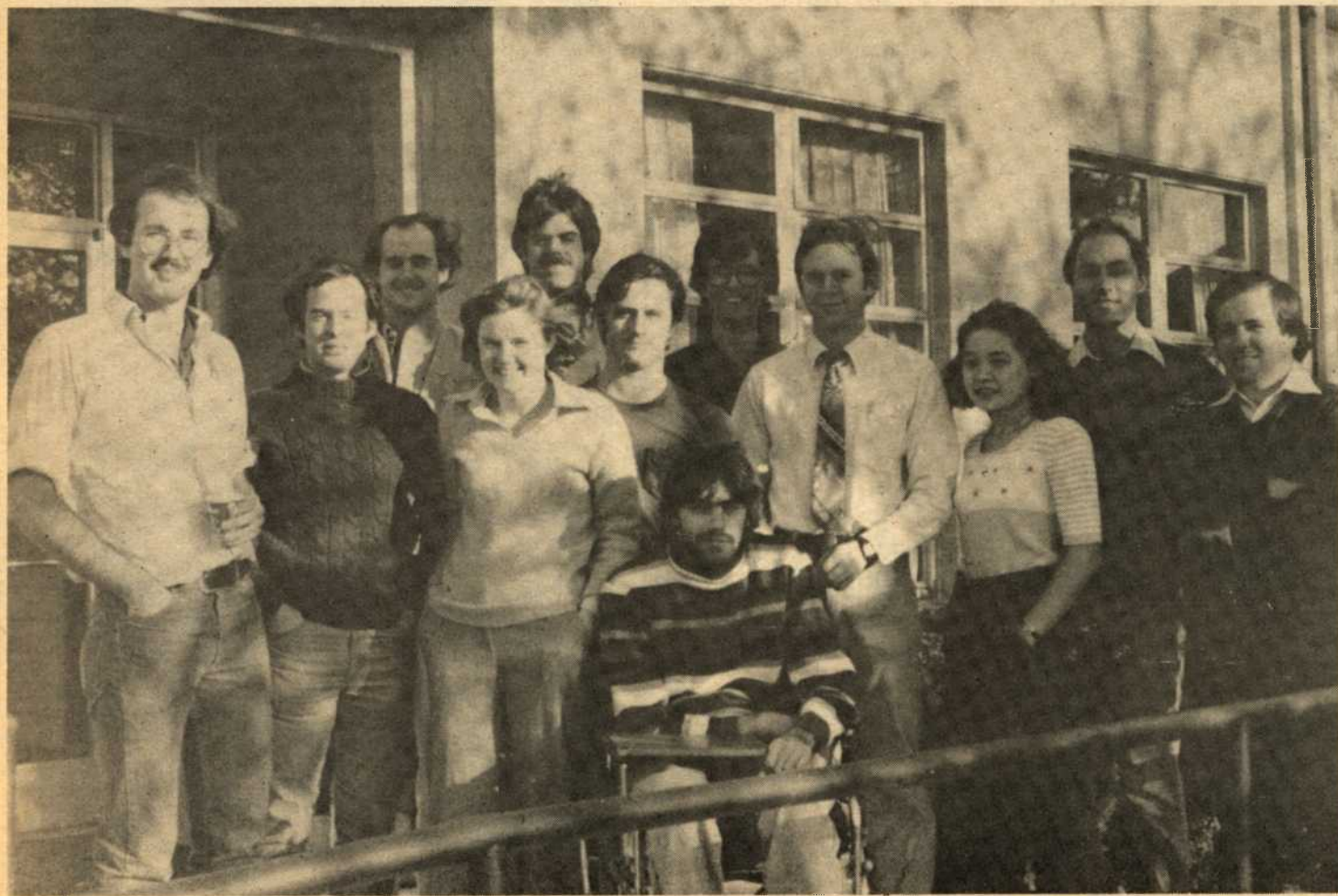
"This unhealthy self-importance has got to stop," says Leon Witny, Class of '82.

"The next time you find yourself taking ... law school ... too seriously, agonizing over call-back interviews that never materialize, papers that are overdue, cases that can't be found, tax provisions that don't make sense, or whatever, do yourself and everybody else ... a big favor.

"Close your eyes, forget about The Law, and whisper to yourself: why did the chicken cross the road? To get to the other side. If that doesn't make you laugh, you've obviously been studying law for too long, and you should get the hell out before it's too late."

Mr. Witny wants laughter to be a new requirement in his law school and says that "If each of you doesn't laugh at least 15 times a day, you can get dimes, call your mothers, and tell them there's serious doubt about you being human."

Merry Christmas from the Docket Staff!



Docket Staff: (left to right) Dave Eddy; Jon Birnkrant; Pete Barrett; Kate Harper, Editor-in-Chief; Kevin Gleason; Tom Harrigan; Kenneth Mumma; John Delaney; John Schreck; Wei-Wei Chiu; Matt Wolfe; Tom Wilkinson. Pictured on the right, Kathy Yesenko. Not pictured: Eric Bruning and Marianne Bechtie.



Hyper-Lexis

Former Stanford Law School Dean Bayless Manning spoke recently at has an over-active lawmaking gland."

Manning said that the nation's legal system has become overwhelmed by the sheer volume of litigation which has resulted in part from a dramatic increase in legislation and regulation.

"It's one thing to say that every man should have his day in court," noted Manning, "but not until now has it been thought that every man should have a hundred days in court or that he should have a day in court on every social and political issue in society."

Put Yourself in His Shoes . . .

By Wei-Wei Chiu

Have you heard the one about the travelling horseshoer?

Well, Villanova Law School can boast of at least one genuine horseshoer in its first-year classes. John Schreck regularly drives around Chester County shoeing horses at his customers' barns and working out of his Subaru truck.

Schreck is a practicing blacksmith and his mobile "shoe store" comes equipped with the standard tools of his trade — anvil and hammer, welding equipment and an assortment of horseshoes.

Since a horse's hoof grows out just like a human fingernail, it requires regular trimming and shoe changes by a trained blacksmith.

Schreck's services are invaluable to horseowners because, as he puts it, "the most important part of a horse is its feet" because "a horse without its feet is nothing."

Just like a family doctor, Schreck can get called up at midnight or at six in the morning by a customer. He notes that customers get attached to their horses and "are more apt to change vets than to change blacksmiths."

Schreck knows all the veterinarians in the area and says that vets and blacksmiths have a "real partnership" and develop a "good working relationship." He says there are about 400 people who shoe horses full time in Southeastern Pennsylvania.

The world of horses to which Schreck and his wife, Patricia, belong is like a private club. He had about 35 regular customers and some additional jobs, and finds that horseshoeing is more "enjoyment than work" since his steady customers are his friends who often provide meals or snacks for him on his visits. He presently works about 10 hours a week. His schedule is flexible and thus far has not hampered his fulltime law study.

For Schreck, his entry into the business was not fortuitous. His grandfather was a blacksmith. Schreck grew up in Colorado, graduated from the University of Colorado in 1974 and spent summers in Wyoming, riding horses and rounding up cattle.

He started out in 1976 as an apprentice to a local blacksmith for one year before set-

ting up his own shop. There are also schools for blacksmithing. He advertised in horse circles, mainly by word-of-mouth. Now after three years of practicing solo, he has more business than he can handle and also keeps two horses of his own.

Like anything else, Schreck finds that the horseshoeing business has its benefits and drawbacks. He is required to drive a lot and estimates that he put in about 100 miles a day when he was working fulltime.

And then there is always the danger of being under a live, physically fit horse, which weighs 1200 lbs. on average.

He gets to know his regular horses well and says that "horses are just like people — each has its own personality and its own temperament." He has had horses kick him and fall upon him. But he contends that the benefits greatly outweigh the danger.

For one thing, the pay is good. The standard rate for the area is about \$30 for one horse (or 4 horseshoes), and can vary from as low as \$9 for just trimming the hooves to as high as \$100 depending on the care

required.

Schreck says that the most a horseshoer he knew made was \$150,000 a year, caring for racehorses. Schreck's customers keep show horses and hunting horses. The real rewards, for Schreck at least, are the flexible hours and the enjoyment of doing

something he likes in an "easygoing business" with "few headaches and not many hassles."

Although Schreck's interest in politics and desire for job security propelled him into law school, he says he plans to always do a little horseshoeing on the side.



Halloween may be over, but the Law School Show is yet to come! The infamous Prof. Rothman clone reared its head in Trust Tax recently, a successful Bill Owens effort to add a dash of humor to a string of makeup classes. Pictured from left are: Prof. Frederick Rothman, Bill Owens (VLS '81); and the real Prof. Rothman.

Advice for Next Time

Steps to Success

Professor John H. Scheid, writing in the John Marshall Law School's newspaper, **Decisive Utterance**, says that although many students expend a great deal of time studying, they often do not go about it in the best way. He suggests the following steps to success:

- Brief cases on notebook paper before you come to class. "Book briefs" are of scant value in understanding a case."
- In your briefs, write down the principle or rule of the case, and the court's rationale.
- Within an hour after class, go over the briefs for that day. Then you will not spend half the class trying to recall what you wrote.
- Take notes in a separate book, not on the brief itself. Since some classes are more

important than others, thus causing a professor to spend more time on it, you will have more space to take notes.

• Take notes only on one side of the spiral notebook. After class, use the other side to fill in the points you missed and to amplify the rules of law with examples of your own. If you wait until a month later to review your notes, you may not understand them.

• Review the last two weeks' class notes for a particular subject before briefing cases for tomorrow's subjects. Although you may be anxious to get tomorrow's work over with, the editors of the casebook have arranged cases in a certain order, and this will aid you to see how the cases fit together.

All this advice comes a little late this semester — but there's always next time.

Lophole[®]

by hal malchow

First year student John Schreck has already built up a clientele of sorts — here he plies his horseshoeing trade, aided somewhat by a willing customer.

