A Textbook Example of U.C.C.-?302?

By Maria Ventresca

Many students have been complaining about the high prices of the books at the Villanova Bookstore. John Bauman, the director of the bookstore, agrees that the prices are outrageous. However, there does not seem to be anything that this bookstore or any other school bookstore can do about the prices.

Though retail prices are high, the retailer has little control over the cost. The price for a textbook is set by the publisher and the bookstore sells the book at this suggested rate. Even though the bookstore is given a 20% discount off the retail price according to Bauman that discount is used to cover the expenses of selling the books, which includes postage, handling and freight. Fifteen to twenty percent of the discounted rate will go to the author in the form of royalties.

Tom McFadden, the book manager at the bookstore, says that they actually lose $.04 on every dollar when selling casebooks but will break even with the profits they make on the sale of other items in the store.

Because prices are set by the publisher, you will not find a lower price on the textbooks at other stores. Like Villanova, Temple University sells at the retail price and also offers the 20% discount to cover costs. According to the book manager at Temple, J.B. Casale, if the bookstore has a surplus it will break even with the profits they make on the sale of other items. This is the same for both schools.

Publishers of casebooks set the price of a book based on the projected sales for that book and the costs in producing the book. The process of publishing a book includes typesetting with the use of computers, first run proofs which are changed and revised by the writer, preparing and printing the finished book. The National Publishing Company points out that labor is involved in all of these areas of production and may be one of the biggest expenses. The length of a textbook and the shifting in typeset (to accommodate footnote notes) also contributes to the high cost. Publishing companies lose money on many of the books they publish, but they recover losses from the books that are successful. Because of this, publishing companies put money into the research and development of books to increase the probability of having a few successful books. A spokesman at West Publishing Company says that West publishes about 10 books in the area of contracts, however they will only make money with one or two of these books. If the publishing company decides to reprint the book, the publisher, as well as the writer, can expect to make a sizeable profit and will continue to do so until the book is reprinted or there is a new edition.

In addition to making a profit, publishers will get involved in publishing a textbook for the recognition factor. West Publishing hopes that students who have been using West casebooks in law school will continue to use West books and services when they practice law because they have become familiar with the codes and format of the books.

Though legal casebooks are expensive, other texts are even more costly. According to Bauman nursing students are paying over $200.00 for books each semester. Due to inflation it does not appear that prices are going to come down.

In addition to the high prices of books, students here at VLS must also contend with the problem of the bookstore running out of books. The reason for the shortages is that the number of students who have pre-registered. Because there are many students who do not pre-register but sign up for courses at the beginning of the semester, Mrs. McFadden, the registrar, increases the professor's order before placing them with the bookstore. The increase in demand, according to McFadden, has further confirmed that there is a need for more textbooks.

According to the bookstore, students from other law schools. The bookstore (located near Temple's campus) has been affected by the cuts in security staff at the lots but that the bookstore will continue to function without disruption. Last year no cases came before the Honor Board. Because prices are set by the publisher, you will not find a lower price on the textbooks at other stores. Like Villanova, Temple University sells at the retail price and also offers the 20% discount to cover costs. According to the book manager at Temple, J.B. Casale, if the bookstore has a surplus it will break even with the profits they make on the sale of other items. This is the same for both schools.

The code of conduct for Villanova law students states: "It is the obligation of every student to familiarize himself or herself with the provisions of the Code and with the published rules pertaining to any form of royalties. It is the obligation of a student-faculty committee. The revision was in response to a prevalent sense that the old Code was an embarrassment to an area of division of authority, the Honor Board has exclusive original jurisdiction over all allegations of conduct that constitutes a violation of the Code. Recommendations of the Board are deemed conclusive if substantiated by evidence. Previously only adverse findings were subject to review by the faculty. For example, if the Board finds that a Moot Court brief was substantially a word by word reincarnation of a law review article but concludes there was no plagiarism, the faculty may determine that if those were indeed the facts it had to be plagiarized."

In addition, failure by the accused to present relevant real evidence or failure to testify upon request may support an adverse inference.

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Parking Fees: Sticking it to You

By Richard Verner

The rise in parking fees to $30 this year is a reflection of general increases in costs throughout the University and is not closely correlated to any specific changes in the cost of maintaining and staffing the parking lots, according to Edward Murray, assistant to the president of the University.

He began by reporting that the parking charge is the same at all locations and for all students, faculty and staff. Money collected from the fee is put into a general fund along with tuition and other fees collected by the University. The smaller income sources are increased periodically, in a "step-wise fashion," according to Murray, and generally not tied to the costs of the services provided.

Murray said that there has been an increase in security staff at the lots but that there are also a greater number of automobiles using the parking facilities. He further confirmed that there is a need for greater maintenance.

Ed Murray is a member of an ad hoc parking committee that functions in a purely advisory role. It does not form University parking policy. He said that while he has heard of complaints concerning the parking fee increase, he knows of no such protests received by the president's office.

Vol. XVIII, No. 2 October 1, 1981
**National Lawyer’s Guild**

The National Lawyers Guild was founded in 1937 as an alternative to the American Bar Association. Through the years the Guild has given legal support to the labor movement, backed the struggles for civil rights, opposed the Vietnam War and in general has been on the front lines of movements for social changes.

The Guild operates on both national and local level. National level activities include projects and task forces in a wide variety of areas such as labor law, prisoners' rights, gay rights, women's rights and housing. In many of these activities, the Guild works closely with other organizations such as the National Conference of Black Lawyers, La Raza Law Association and the Asian Law Caucus.

At the local level, Guild chapters help implement the National Lawyers Guild policies but concentrate mainly on responding to the specific needs of their communities. The Philadelphia Chapter has actively fought against police abuse, promoted better housing, founded the Step Basso Coalition as well as providing a variety of other legal services throughout the area. Even closer to home is the Villanova Chapter of the National Lawyers Guild. According to Frank Cervone, VLS ’82 co-chairman of the VLS Chapter, the main goal of the chapter is to “provide a forum for meaningful discussion and reform in the Villanova University community.”

These ideas are promoted through Guild activities and through use of the Guild space on the student bulletin board. The Guild has already shown the movie “The Paper Chase” and has two more activities in the planning stages. A film forum on the current situation in El Salvador is scheduled for Thursday, October 15, at 7:30 p.m. and arrangements are being made for a full scale presentation on the crisis in which will be presented by Betsy O'Connor Tumlinson, Northern Ireland, a member of the National Lawyers Guild's Ireland Delegation.

For information on other Guild activities for this semester, please contact John Schreck, co-chairman, or Mary Young, faculty advisor.

By Kevin C. Gleason

**Security Deposits**

*"There may be a unforeseeable fortune in your backyard."* This maxim is taken from a proverb from a Chinese restaurant, but if you are not planning to move out of a rented apartment or house you will want to read on.

The bulk of inquiries to the Legal Information Center over the first few weeks of this semester have been as to a tenant's interest in his or her security deposit. The student who rented from a local landlord.

The student moved out during the summer and when the landlord got "a round tuit" the tenant was sent an explanation as to the justification for the withholding of all or part of the security deposit.

In this situation, and in many variations on the story, the tenant has specific enumerated rights as against the landlord. By statute the landlord must provide the tenant a written list of charges and must return the remaining balance of the deposit.

If the landlord does not provide the written list as required he cannot withhold any of the security deposit. Further, if the landlord fails to pay the difference between the damages and the deposit, the tenant is entitled to double that amount.

Think about your experience with Pennsylvania landlords. If you have had problems involving a security deposit within the last six months, you may want to talk to a counselor in the Center. Our new office is in Bartley Hall on the third floor. Regular hours will be posted in the second week of October.

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The Docket is published monthly by the students of Villanova Law School, Villanova University, Villanova, Pa. 19085. Letters and articles are welcomed from students, faculty, alumni and the community at large. Paid advertisements are also accepted, please contact the Docket office for details.

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**National Lawyer’s Guild**

**Lawyer’s Guild members at the T.G.I.F. Left to right, Co-Chairman, Joe Murray, member T. Michele Elner and Treasurer Barbara Hoffman.**

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Library staff pictured left to right: Marcia Sapowith, Walter Champion, Janet Dreher.

New Library Staff
By Rob Sachs
The Pulling Law Library has three new staff members: Walter Champion, Marcia Sapowith and Janet Dreher. They have come to VLS with several areas of expertise ranging from American Indian history to computer programming.

Walter Champion, the evening weekend reference librarian, is the newest member of the staff. Champion, who is also a night student at Temple University School of Law acquired an interest in library science when he was working toward his M.A. in history at Western Illinois University. His area of concentration, American Indian history, was a subject that required extensive library work. He has since earned his M.S.L.S. (Master of Science in Library Science) from Drexel University and has published twelve articles including works as diverse as the Iroquois Indians and Sports Law. Champion likes the relaxed atmosphere of VLS and hopes that he can assist both the students and faculty in using the library.

Marcia Sapowith began working at the Pulling Law Library in March, 1981 in the dual capacity of reference and circulation librarian. Being a native Tennessean, she doesn't like cold winters but nonetheless finds VLS a great place to work. After earning her M.S.L.S. at the University of Tennessee in 1976, she worked as a cataloguer for the Woodrow Wilson College of Law. Immediately prior to coming to Pennsylvania she worked as a legal librarian for the Atlanta law firm of Dillard and Shearer. She works part-time on the library staff and is well aware of the shortage of students who would like to see more students who are eligible for workstudy funds apply for those positions with the library. Sapowith works Monday through Friday, 9-5, making her a highly accessible staff member.

VLS's new Acquisition and Government Documents librarian has worked here since 1980 although in a different capacity. Janet Dreher is a native Philadelphian who earned her B.A. from the University of Pennsylvania and her M.S.L.S. from Drexel. Before she began her library career Dreher worked as a computer programmer at Harvard. She prefers working in an academic rather than a professional law library because she likes being with people and aiding them in their work. On the whole, Dreher feels that Pulling is a good library and has more to offer than most students realize. She requests that students knock on her door and seek her assistance if they are lucky, maybe you'll also get a sample of her excellent sense of humor.

Letter to the Editor
By Andrew Demarest
These days herald the collective perception of the concept that there are limited resources available to fuel the American Government. In such a milieu, it is of paramount importance that this society determines what goals are the most valuable to its existence. I believe that the Legal Services program, fund through the Federal Government and the State of Pennsylvania, is vital to this Nation's social stability and self-esteem.

Frankly, I am not an unbiased writer; I worked this summer at the Legal Services Office in Darby. My impression of that office of dedication to the poor. This dedication is reinforced by the long hours of work put in by the staff.

The problem Legal Services faces, because of planned federal and state cuts, is serious. Still, some ask, "How important is this service?"

First, free civil legal services for the indigent alleviates some of the alienation of poverty. For example, since the poor have access to the legal machinery of this Country, a landlord can no longer lock an indigent family out of their home without obeying the laws of proper notice. Protecting the poor family in this type of case is not lucrative, hence the private attorney will rarely handle the matter. Without the free lawyer, the indigent family will have no recourse. Only with free legal services is the indigent family protected by the law. A protected family knows that America cares and will not desert them in the darkest of times. It is no coincidence that the firey riots of the Sixties were quenched at the same time programs like Legal Services were initiated.

Second, the Legal Services Corporation stands for this Country's commitment to Equal Justice. The court system is an institution designed to settle disputes without resorting to violence. Absent an attorney, the poor will never get an opportunity to use their right of equality of access to this machinery. The concept of Equal Justice is an emotional, symbolic thing, it involves our adherence to the law. It is not the useless remains of a philosopher's thought. Equal Justice means that there is one system of law for the rich and the poor. This symbol has flash and blood because of Legal Services. Legal aid guarantees that the indigent will have an opportunity to draft a will, protect his or her property, etc. Legal Services is not designed to give an indigent an upper hand in a case. Its purpose is to allow the exercise of the visionary right of approaching a court on equal footing with the richest of adversaries.

Third, Legal Services for the poor creates respect for the established laws. Without the free advocate to press for adherence to the existing laws that protect the poor, there develops a systemic breakdown of the compliance necessary to make these laws operate. For example, in this State there is a Protection from Abuse Act. This law is meant to aid the plight of the battered spouse. The Act imposes restraints on the guilty party. Without the free lawyer to help her through the maze of the law, the indigent battered spouse finds it impossible to receive the protection afforded by the Act. If the spouse shouter is not made to comply with the laws against such actions, our whole system of law is depreciated.

Finally, free legal aid is an expression of the innate quality of our people to be unselfish. This serving program distinguishes our Country from the brutal dictatorships that inhabit the globe. To us, the suffering of an individual is important. On the night he was shot, Bobby Kennedy said, "We are a great country and a compassionate country." Legal Services is a compassionate concept. It helps battered wives by using the Protection from Abuse Act. It helps free the impoverished from the slavery of fear.

President Reagan's advisor on the Legal Services Corporation said, "Legal services attorneys are middle class lawyers who get a warm feeling in their stomachs from helping the poor." It is obvious that the person who made that statement forgot what Americans died in Normandy in 1944. We are upon entering the land. In short, he forgot our compassion.
Can I do better this time around? Recently I
found myself pondering that very query
and十四 chapters — called Inns — in
organization in North America, outdating the
American Bar Association by nine years.
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STUDENT FORUM

IS LAW SCHOOL WHAT YOU EXPECTED IT TO BE?

I really like the people here. I'm not as panicked as I thought I would be.
Lynn Warter, Class of '84.

Some of the work is monotonous, while other cases are pretty interesting. I find I'm wiped out most of the time.
Jon Witte, Class of '84.

In some ways it's like what I expected, and in others it isn't. The Socratic method is intimidating and I study more than I thought I was going to have to.
Heather Matess, Class of '84.

My first images of law school were that it was time-consuming and intimidating.
Dan O'Brien, Class of '84.

It's not as intense as I thought it would be. People are friendlier and more supportive than I had anticipated.
Lynn Shapiro, Class of '84.

The atmosphere of the school is friendly, but the work is hard. You have to spend a lot of time on it.
Frances Thomson, Class of '84.

Top Trial Lawyer

Gerry Spence

He is a tough, stand-up kind of fellow. His court room techniques are well known. He carries out a philosophy that he deems important and necessary in the practice of law.

The key is to have the jury trust him and make them realize that he respects the law. They can have all the psychiatrists in the world, but only the jury can determine what is right or wrong.

He is a man of great love.

—Gerry Spence

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"To Know Is To Know You Don't Know" - The Socratic Method

Anyone who has ever sat in a law school classroom and wondered what going on or coming from will allow you to learn a lesson from the following excerpt

...what you know that you don't know...
