



The Docket

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THE DOCKET

Vol. XVIII, No. 2

October 1, 1981

A Textbook Example of U.C.C.-2-302?

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 casebook 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 casebooks at other stores. Like Villanova, Temple University sells at the retail price and uses the 20% discount to cover costs. According to the book manager at Temple, J.B. Casale, if the bookstore has a surplus of gross profits this is passed onto the

University to help battle increases in the tuition.

Contrary to popular belief, Zavelle's bookstore (located near Temple's campus) will not give you a lower price on casebooks. However, Zavelle's and Temple sell both new and used texts. A student shopping in either of these stores may sometimes have the option of choosing a used book at a lower price rather than being limited to a new one.

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, photographing of each page for the printing plates, editing and proofreading, and printing and binding the book. West 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 casebook and the shifting in typesize (to accommodate footnotes) 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 out many different 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 each time the book is reprinted or there is a new edition.

In addition to making a profit, publishers will get involved in publishing a casebook 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 preregister 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 is

based on an expectation of how many students will eventually enroll in the course. However, predictions are not 100% accurate and it is impossible to estimate how many purchases will be made by students from other law schools.



Revising the "Morass"—The New Code of Conduct

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 examination or other academic pursuit in which he or she takes part." It may be of passing interest to all that the Code was revised last year in a major undertaking by a student-faculty committee. The revision was in response to a prevalent sense that the old Code was an embarrassment to an institution dedicated to the teaching of Law. Professor John J. Cannon termed the old code a "morass," but felt nonetheless that it functioned without disruption. Last year no cases came before the Honor Board.

The revision covers four major areas: definitions of offenses, procedure, division

of authority and sanctions. In the area of definitions of offenses the new Code enumerates seventeen violations covering any act giving an unfair academic advantage, including attempts. Its chief virtue in comparison with the old Code is the specificity and all-inclusiveness with which the offenses are delineated. Section 2.2 sets out the intent standard, now regarded as a central issue. Some acts are inherently violations regardless of intent. Where intent to gain an academic advantage is an element of the violation, it is expressly stated. In contrast to last year it is now no longer a violation not to turn oneself in.

Under the procedure revisions, the basic structure of the old Code remains. The obligation of all participants in an Honor Code proceeding are specified. The accused

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

In the 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 these were indeed the facts it had to be plagiarized.

of remedies is laid out as well as the relevant factors to consider in applying sanctions. The Honor Board can now only neutralize grades but may recommend sanctions ranging from a reprimand not included in a student's record to expulsion.

This code reflects a conviction that Code of Conduct violations strike at the very nature of the institution and therein lies a strong faculty interest. The Revision Committee was not an adversary body, students and faculty alike actively provided input. Professor Cannon, committee chairman, feels that the new code will meet the test of time: a measure that depends in large part upon the honesty and integrity of the student body.

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 are 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.



Another car, another dollar . . .

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“Dialing for Dollars”

The Alumni Office is planning its Third Annual Phonathon as part of the 1981-82 Fund Drive. This year the Phonathon will be held in October-November rather than in February with the hope that our Alumni constituency will appreciate the tax implications of deductible contributions more at that time than in February.

Last year Phonathon contributions amounted to approximately \$29,000 representing over 35% of the total amount received in Fund Drive 1980-81. Alumni participation also increased from last year's Fund Drive. We again look forward to that kind of support this year.

The specific dates for the Phonathon are October 26, 1981 through November 19, 1981. The Phonathon schedule below, indicates the evenings on which Alumni might expect a phone call from one of their classmates.

Phonathon Schedule

October 26 — '74, '56, '57, '58
 October 27 — '59, '60, '75
 October 28 — '61, '76
 October 29 — '62, '77
 November 2 — '63, '78
 November 3 — '79
 November 4 — '71, '72
 November 5 — '64, '70, '73
 November 9 — '80
 November 10 — '81
 November 11 — '65, '66, '67
 November 12 — '68, '69

Call Back Nights (for those alumni who were not reached initially).

November 16 — '70, '72, '74, '75, '76, '77
 November 17 — '66, '67, '68, '69, '72, '73
 November 18 — '78, '79, '62, '63, '64, '65
 November 19 — '80, '81, '56, '58, '59, '60, '61

Security Deposits

By Kevin C. Gleason

“There may be an unexpected fortune in your future.” This might read like some proverb from a Chinese restaurant, but if you've recently moved 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 claimed damages, 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 years, come in and 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.

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 activities include projects and task forces in a wide variety of areas such as labor law, prisoners' rights, legal services, 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 Stop Rizzo 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 ideas of social justice 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 slide presentation on the crisis in which will be presented by Betsy O'Connor Tomlinson, Northern Ireland, a member of the National Lawyers Guild's Ireland Delegation.

Last year's activities for the Guild included a colloquium for first-year students on “The Value of What We Learn in the



Lawyer's Guild members at the T.G.I.F. Left to right, Co-Chairman, Joe Murray, member Timmie Elsner and Treasurer Barbara Hoffman.

Classroom,” which featured Professor Louis Sirico, then on the faculty of Rutgers-Camden School of Law, and Ted Lieberman, a Guild lawyer. The Guild also sponsored a forum on the Human Life Amendment.

Each year, the Guild participates with other area law school chapters, the Black American Law Student Association and the National Conference of Black Lawyers in a conference on the “alternative practice of law.” According to Cervone, the conference, which is open to the public as well as lawyers and law students, has been very successful with its focus on such topics as public interest law, environmental law and civil rights.

Through use of the Guild's space on the student bulletin board, Cervone said he plans “to publicize recent developments in challenges to civil rights and liberties and efforts to protect them.” Cervone sees the Guild's use of the student bulletin board as providing an important service to students and other scholars.

The Guild meets approximately once a month. Beyond the necessary business issues, the agenda is usually defined by the members present. Cervone described the Villanova Guild membership as “reform oriented and politically liberal with diverse and often conflicting political ideas.”

According to Professor Peter Goldberger, adviser to the VLS Chapter and a member of the Executive Committee of the Philadelphia Chapter of the National Lawyers Guild, the Guild “is the oldest and largest alternative professional organization in the country” and continues to be “very relaxed

and non-bureaucratic.” It is a very democratic organization, Goldberger added. It admits and provides full membership status to law students, and all types of legal workers including legal secretaries and paralegals.

Goldberger is a member of the National Guild's Military Law Task Force and has helped conduct a number of training seminars in selective service law over the past year. This highlights another area where the Guild's efforts may not be so apparent though they are nonetheless important. In addition to being in the forefront of large social change movements, the Guild also supports the individual efforts of attorneys through training and educational programs.

While the number of Guild members at VLS fluctuates Goldberger describes it as typical for schools of this size. Both Goldberger and Cervone expect an increase in Guild membership during the coming years.

Cervone sees a “reaction to the crisis in social services and political indifference to the rights of the poor and oppressed” as boosting Guild membership. Goldberger anticipates that many law students and attorneys will affiliate with the Guild as a reaction to the current conservative political trend.

Either way, it is clear that the ideals and goals that have led the National Lawyers Guild since 1937 have not been lost in the political shuffle and that this progressive organization will continue to hold its place at the front of the social change movement in this country.

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

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 determine what goals are the most valuable to its existence. I believe that the Legal Services program, funded 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 is one 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 institution. The concept of Equal Justice is an emotional symbol that facilitates 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 flesh 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 systematic 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 abuser is not made to comply with the laws against such actions, our whole system of law is deprecated.

Finally, free legal aid is an expression of the innate quality of our people to be unselfish. This type of 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 why Americans died in Normandy in 1944. He forgot why millions also fought for the Liberty upon entering this land. In short, he forgot our compassion.

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.

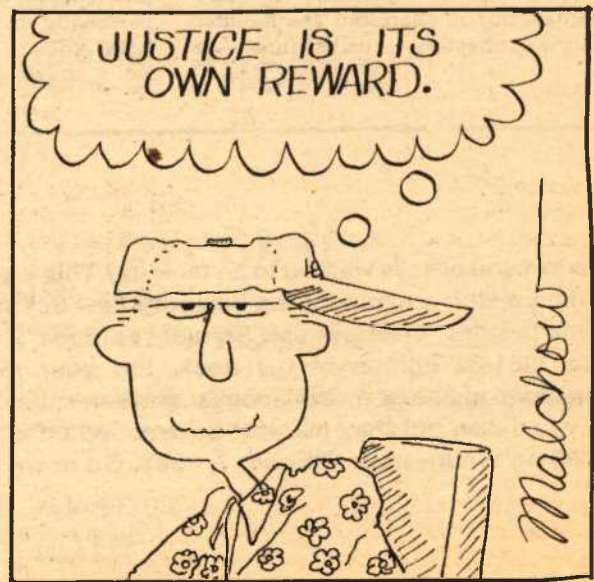
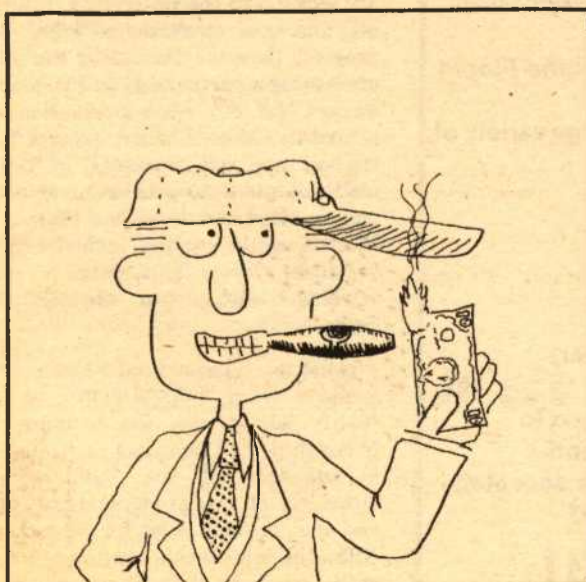
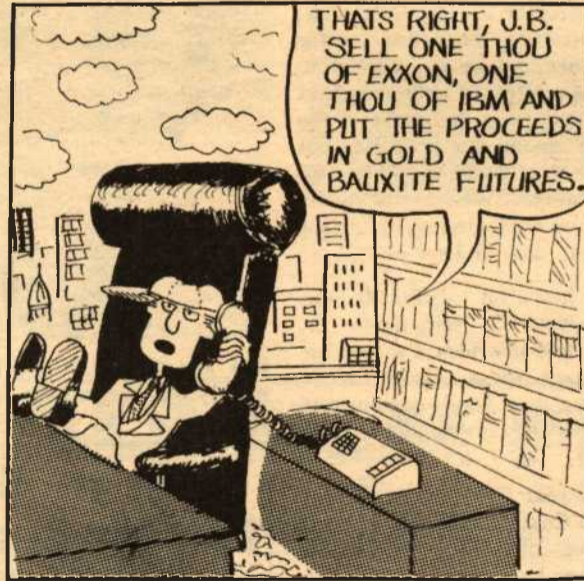
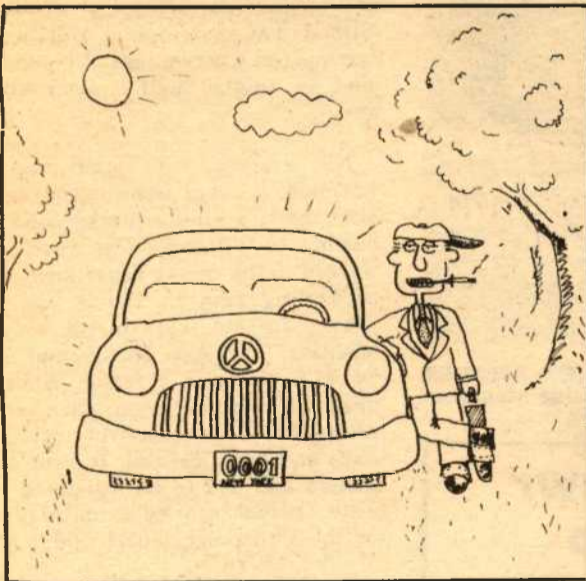
Walter Champion, the evening and weekend reference librarian, is the newest member of the staff. Champion, who is also a night student at Temple University School of Law acquired an interest in library science when he was working toward his M.A. in history at Western Illinois University. His area of 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 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 ear-

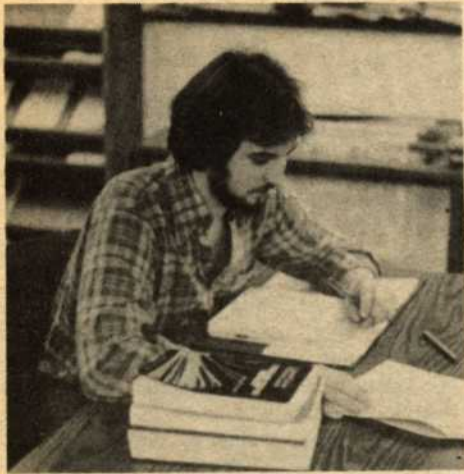
ning her M.S.L.S. at the University of Tennessee in 1976, she worked as a cataloguer for the Woodrow Wilson College of Law. Immediately prior to coming to Pennsylvania she worked as a legal librarian for the Atlanta law firm of Dillard and Shearer. She works part-time on the library staff and is well aware of the shortage of students who would like to see more students who are eligible for work/study 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 you are lucky, maybe you'll also get a sample of her excellent sense of humor.

Loophole[®] by hal malchow



How Do You Study?



Like This?

The start of a new semester finds many of us pondering that age old question: How can I do better this time around? Recently I found myself pondering that very query while dozing over my fourth cup of coffee. Gazing around the cafeteria at the photos of successful graduates of bygone years and the smiling faces of my contemporaries I wondered aloud how they had made it alive and whether I could.

"Everyone has their own way of studying," my companion replied startling me into consciousness and sending coffee splattering across the room. This inspiring thought prompted me to investigate others' study habits in search of the perfect method.

As I was already in their office I began my investigation with those notorious nonintellectuals, the Lunch Room Review. When asked what their study habits were, they replied in unison, "UGH! Nonexistent. We have no habit. Perish the thought."

Pressed further, the LRR proved to be quite verbose if not enlightening, on several aspects of studying.

— On Hornbooks: "Never open one. They're only to impress clients. You can charge higher fees with a few of those babies in the office."

— On Commercial Study Aids: "Key to survival. If there's a conflict between the



Like This?

teacher and Gilbert's, go with Gilbert's." — On Casenote Briefs: "We like them. We like them a lot."

— On Student Outlines: "Hang around the Law Review office so you get a discount on their outlines."

— On Beer: "Necessary for effective studying. Particularly useful to anesthetize your brain before reading Decedents."

— On Sex: "Study before so you have something to look forward to, study after when you're relaxed, but never ever study during."

— On Food: "Don't study while eating. Not only will you get indigestion, you may also get crumbs in your books."

A technique pioneered by the Lunch Room Review last year is the Laboratory Method of learning Criminal Law and Torts. With this approach one learns firsthand by actually perpetrating intentional torts and misdemeanors. It is said to be most effective.

Having exhausted the LRR's wealth of study tips, I ventured up to the student lounge where Eric Freed was studying on his Reserve couch. "I make a habit of sleeping while I study," he offered between snores. Everyone else in the lounge seemed to share Mr. Freed's study habits, so I sought further information down the hall. Finding several students enjoying the



Or do you really care?

inimitable brew of the coffee concession, I asked them the best way to study. "Don't" advised one third year student. Another suggested scheduling study hours around the movies on HBO. He also invites any first year student who would like to try this technique to seek assistance at the Stately Wayne Manor. Directions are available at the Moot Court Board Office.

Moving on up to the Library I encountered Ellen Joyce. Ms. Joyce's practical advice was to combine study with socializing by doing homework in the Reading Room. Next I ran into a third year student who has just begun a new system himself. He recommends every student get a Walkman and a B-52's tape and pogo while studying. This unique system combines entertainment, study and exercise, but can make it difficult to hear the teacher.

Turning to the circulation desk, library assistant Marty Buschle confided, "I always study on my afternoon flights to Michigan. The concentration level at 30,000 feet is peak."

Finding none of this encouraging, I consulted a good friend and member of the Law Review. She replied, "Study habits? Could you explain further? I don't quite know what you mean."

J.R. Comes to Villanova



The entrepreneurial spirit is alive and well at Villanova Law School. Last semester two first-year law students sat in the law school lunchroom and discussed getting into the Texas oil business. The tentative hopes and plans of those "lunchroom Review" meetings came to fruition this year and now Joe DelRaso (VLS '83) and Bill Allbright (now attending Southern Methodist University in Dallas) are part of LBD/Spur 1, Ltd., a partnership which creates drilling funds for oil operators in Dallas.

Because there is great demand for oil exploration in Texas, there is a shortage of drilling rigs available for rental; consequently, oil operators can only obtain short-term leases of the necessary equipment. Spur Drilling Co., a new company formed in San Antonio, offers to drill a portion of the AustinChalk/Giddings area for the oil operators in exchange for a working interest in the well. In order to finance the drilling, additional working capital is needed. This is where LBD/Spur 1, Ltd. comes into play. Its partners, Allbright and Lawrence B. Dale (a Dallas attorney) raise this capital in Texas. They are aided by Gandalf Associates, a partnership formed by DelRaso and brother-in-law Tom Melvin (a local CPA who works in the Philadelphia area). Both partnerships were formed this past summer and have already completed the drilling fund for the first oil well, which is currently being drilled. Gandalf Associates raised about one-third of the capital for that fund from local investors. If that well strikes, the average yearly income is estimated at \$2 million of which both partnerships get a percentage. A second drilling fund for another well is currently underway.

Not everyone can jump into the oil business. It takes some initial wealth and the right business background. Before coming to Villanova last year, Allbright worked in the energy department of a large accounting firm in Dallas and DelRaso worked for six years in the construction business. The legal background furnished by VLS was also a factor. Allbright did most of the work on the partnership prospectus — a detailed disclosure form on risks and qualifications. It went out to investors and had to be registered with the State. DelRaso drafted a similar prospectus for the Philadelphia partnership.

As for the future, DelRaso and Allbright are looking to the possibility of forming an oil and gas investment fund, while at present, they are discussing the possibility of forming a partnership in Florida with Art Furia (VLS '80). After graduation from law school in 1983, Allbright expects to stay in the oil and gas business in Dallas and DelRaso plans to practice real estate and construction law in either Philadelphia or Florida while staying involved in the oil ventures. They anticipate a reciprocal working relationship throughout their careers.

DelRaso commented that the progression from "pipe dream" to practical reality, along with the forming of close friendships and business relationships, was a reflection of the "camaraderie and closeness of law students here (at VLS)" and that it "says a lot for our law school." Allbright echoed this sentiment saying that even though he is in Texas, he "will never forget Villanova and my friends there."

The Greeks Are Coming!

Villanova Law School may be the site of the next chapter of the largest legal fraternity in North America if student support is sufficiently great, according to Lou Magazzu, President of the Student Bar Association. During the summer and early fall Magazzu met with officers and representatives of the International Legal Fraternity, Phi Delta Phi, to examine the possibility of chartering a chapter at VLS.

Unlike many "fraternities" which are either honorary societies or social groups, Phi Delta Phi is a specialized organization which limits membership to students who are regularly enrolled in a law school accredited by the American Bar Association and who have a commitment, "... to promote a higher standard of professional ethics and culture ..." in their law school and in the profession at large. (Phi Delta Phi Constitution).

Phi Delta Phi, established in December of 1869, was the first professional fraternity of any kind and has since grown and prospered as the leader in the legal field. The Fraternity is the second oldest legal organization in North America, outdating the American Bar Association by nine years. Phi Delta Phi has chartered one hundred and fourteen chapters — called Inns — in

the United States since 1869, and the number of Inns increases yearly. With a membership in excess of 100,000 the organization is the largest legal fraternity in existence. According to Sam Crutchfield, the Executive Director of Phi Delta Phi, "the fraternity would be honored to charter an Inn at Villanova and we are anxious to give our full cooperation to achieving that goal. Villanova has always been one of the law schools high among our priorities but we were never sure if there would be sufficient student interest. We were of course delighted when Lou contacted us indicating that such interest does indeed exist."

Phi Delta Phi has a lot to offer for the prospective attorney. It stimulates intellectual debate and provides a forum for the testing of new ideas, fosters close friendships among the legal community, and fills the gap between law school and the world of the Bar.

Magazzu added that five Presidents and thirteen Supreme Court Justices have been members of the legal fraternity. Anyone interested in working to charter the Fraternity should either contact Lou Magazzu personally or leave a note for him in the SBA office.

Another VLS Success



Bill Lutrell, VLS '79, is now appearing weekly on Channel 3's Evening Magazine.

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Minute Biography

Gerry Spence

Top Trial Lawyer

by Dave Eddy

Gerry Spence is not cut from the same grey flannel cloth of most of your lawyers. As one of America's top trial lawyers, having recently won the \$10.8 million Karen Silkwood plutonium case against Kerr-McGee, the man is cut from buckskin and denim.

Buckskin and denim are no affectation for this renaissance man from Wyoming. Law is a deadly serious occupation and to succeed in it, says Spence, one must have a personal knowledge of the laws of nature. Only through the actual knowledge that nature is red in the tooth, knowing that one's body was built to walk around in the woods and gather food and not sit in offices can one really be a good trial lawyer. Spence believes that because of this relationship with nature, small town lawyers are far better in court than their city-bred counterparts.

Not surprising stuff from a man who sees "the courtroom as a place of blood and death." He carries his theories into practice by fanatically working himself into shape before every trial. "If I can physically subdue my opponent, I will probably win in the courtroom." "There is a subconscious knowledge," says Spence, "between animals, including human animals, as to who is superior and who can win." He makes it a point to draw his 6'2" frame on his two inch boots up next to the opposing attorney whenever they are called up to the bench at the start of the trial.

However, sheer physical stature and the miles of jogging that he does are not the key to his success in Silkwood and other cases. It is his cross examination in which he pulls out his blackboard and leads the jury in discovering the truth. He learned early on that simple narrative style was the most effective. This is particularly effective with his voice which is rich and musical. The key though, is to have the jury trust him and make them realize that he respects them.

His trial techniques are well known. Gerry Spence spends a good part of his time lecturing and working with the National College for Criminal Defense. In one demonstration on how to disembowel a psychiatrist on the witness stand he concluded to his audience, "They can have all the psychiatrists in the world; just give me the jury. They can even bring in old Papa Freud himself for all I care, scratching his balls and worrying about his libido."

Gerry Spence's views on law school and professors are equally refreshing. He says that if he ever runs a graduate school of trial law, he would attempt to teach direct, honest communication. Since love is a potent courtroom weapon, he would instruct students on how to love themselves. They would study the art of dance to develop rhythm, painting and poetry to express their feelings, and would listen to tapes of country ministers, opera singers and Martin Luther King, Jr. to learn voice techniques. In talking about those who run the law schools of the country, Spence terms them "the morticians of the professions" and decries the fact that all that law professors do is instill fear in the students to prepare them for intimidation by the court. What we need now, says Spence, is "a new lawyer. We need a new approach by new people. We need warriors who are also men of great love."

If all of this makes him sound like Marlon Brando, he is still an improvement over the insurance lawyer for large corporations that Gerry Spence was ten years ago. After graduating from the University of Wyoming Law School, he went into insurance law winning impressively for the large insurance companies. He was one of the best in the West but after about twenty years of that he discovered that he was starting to run into people that he had beaten in insurance cases, a world as he says "of cripples defeated by Gerry Spence." He thereupon dropped all his ties with insurance companies and corporations in general and since then has only represented individuals.

Condensed from Esquire May, 1981

When I hear a man talk of unalterable law, the effect is to convince me that he is an unalterable fool. —Justice Rutledge

STUDENT FORUM

IS LAW SCHOOL WHAT YOU EXPECTED IT TO BE?



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.



I really like the people here. I'm not as panicked as I thought I would be.

Lynn Warter, 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.



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 Mattes, 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.

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LEGAL BRIEFS

"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 was going on or where the professor was coming from can learn a lesson from the following excerpt from a dialogue between Socrates and Lerias, a law professor found in the July issue of the *American Bar Association Journal*.

- Soc. "What is thinking legally?"
 Ler. "It is to be able to use legal principles to build legal arguments."
 Soc. "It is to follow these legal principles to wherever they lead so that truth can be found."
 Ler. "No, it is to learn to pick and choose from available legal principles to construct an argument for your side."
 Soc. "For your side. Do you mean there is a predetermined end?"
 Ler. "Of course."
 Soc. "What is the end?"
 Ler. "In class, the end is the legal principle I am teaching at the moment."
 Soc. "And you tell the students what principle it is?"
 Ler. "No, the student must think it out."
 Soc. "The student then is to learn to be a mind reader."
 Soc. "How do you determine when the student has divined your thoughts correctly?"
 Ler. "You are not listening to what I am saying, Socrates. If I had you in my class for a few days, you would learn to listen better."
 Soc. "Please forgive me. I am sure I would benefit from the experience. Do you say you teach legal principles?"
 Ler. "Yes. They are assimilated."
 Soc. "Where do you find these principles? What are they?"
 Ler. "That depends on what class I am teaching."
 Soc. "I am sorry. I thought you taught the law."
 Ler. "Of course the law is a seamless web, as we like to say. We do split it into numerous areas or subjects for teaching ease, however."
 Soc. "You teach then to think differently in different subjects. That is marvelous. You must have a vast wealth of knowledge to be able to teach in more than one subject."
 Ler. "It is true I have some learning, but

really the principles of the subject are changeable and arguable. One need not truly know them."

- Soc. "Does this mean you have no predetermined ends you seek the students to reach?"
 Ler. "Yes, indeed."
 Soc. "So if a student gives an answer you believe false, you congratulate him?"
 Ler. "Well, hardly. I ask him to give his reasoning in support of his conclusion."
 Soc. "And if he cannot?"
 Ler. "It is obvious to the class that a false answer has been given."
 Soc. "How can an answer be false when you have no predetermined ends?"
 Ler. "It is false if I say so. Is that good enough for you?"
 Soc. "Oh, pardon me if I offended you. I am a little slow today. I was trying to follow what you are telling me."
 Ler. "I am telling you that I am seeking to train the students' reasoning powers — what you might call dialectic."
 Soc. "Forsooth! Now I see. You train them to reason to the legal principle to be taught for the day."
 Ler. "That's essentially it."
 Soc. "And you know the principle that is sought?"
 Ler. "Necessarily."
 Soc. "You lead the class to it?"
 Ler. "Yes."

Trial Advocacy Seminar

The Trial Advocacy Foundation of Pennsylvania (TAFP), the educational foundation of the Pennsylvania Trial Lawyers Association, will present a seminar, "Principles of Trial Advocacy," on Saturday, October 24, 1981 at the Sheraton-Valley Forge Hotel, Route 363, King of Prussia, from 9:00 a.m. to 5:00 p.m.

This seminar will afford the less experienced trial practitioner the opportunity to learn and acquire the skills needed to be an effective trial advocate. It will also serve as an excellent refresher for the more experienced trial practitioner to sharpen his or her skills. Extensive written materials will be distributed. These materials will contain basic "how to" techniques in the field of trial advocacy that will be an invaluable reference tool for the trial lawyer.

Theodore A. Schwartz of M. Mark Mendel, LTD, Philadelphia, will act as moderator.

Daniel Berger of Berger, Kapetan, Malakoff & Meyers, Pittsburgh, will discuss the "Principles of Jury Selection."

David S. Shrager of Shrager, McDaid and Loftus, Philadelphia, will speak on "The Opening Statement As a Persuasive Technique."

Charles E. Evans of Sikov & Love, Pittsburgh, will lecture on "Witness Instructions and Preparation of the Witness to Testify at Trial."

Theodore A. Schwartz will discuss "The Principles of Effective Direct Examination."

Irving M. Portnoy of Litman, Litman, Harris & Spector, Pittsburgh, will speak on "The Effective Use of Demonstrative Evidence."

M. Mark Mendel of M. Mark Mendel, LTD, Philadelphia, will discuss the "Principles of Effective Cross-Examination."

Marshall A. Bernstein of Bernstein, Bernstein and Harrison, Philadelphia, will speak on the "Effective Summation."

Rodger Mutzel of Kassab, Cherry and Archbold, Philadelphia, will lecture on "The Psychology of Persuasion."

Registration begins at 8:30 a.m. Advance registration is recommended. Registration at the door is available only as space permits.

For further information or to register for the course, please contact the TAFP executive offices at 1405 Locust Street, Suite 1102, Philadelphia, Pa., 19102; or telephone (215) 546-6451.

Announcement

Justice Haim H. Cohn, former Deputy President of the Supreme Court and former Attorney General of Israel, will be at the law school for a discussion with students and faculty on Monday, October 12, at 3:00 p.m. in Room 30.

Justice Cohn is President of the International Association of Jewish Lawyers and Jurists and is a member of the International Commission of Jurists, and Board of the International Institute of Human Rights, and the Executive of the International Association of Penal Law and was for many years a member of the United Nations Commission for Human Rights. He has been a Visiting Professor at Hebrew University of Jerusalem and Tel Aviv University and holds honorary degrees from Georgetown University, John Jay College of Criminal Justice and the University of Aberdeen.

Cutting Them Down to Size

If you're tired of folding up the ends of your legal-size papers to fit into your notebook, take heart — a committee of the Association of Records Managers and Administrators (ARMA) is trying to do something about it. The ELF (Eliminate Legal-size Files) Committee intends to eliminate the use of legal-size paper everywhere, including federal courts, according to an article by Martha Middleton in the July *American Bar Association Journal*.

The problems with using legal-size paper are twofold. First, the cost. Ira Penn of the General Services Administration National Archives and Records Service noted that the Federal Supply Service alone spends almost \$5 million a year on the legal-size paper, which costs 25% more than the more common 8-1/2 by 11-inch paper. In addition, there are the costs of manufacturing and maintaining the machines which can copy or microfilm the longer paper. Second, is the problem of storage. Legal files take up 20% more room than regular size paper.

How is ELF doing? During the 1981 summer, the Administrative Office of the United States courts studied the problem and may recommend the elimination of legal-size papers at its Judicial Conference in September.

To date, 13 federal courts have by local rule adopted policies against the use of legal-size paper; 6 others may use either 8-1/2" x 11" or legal-size paper. State courts have also looked at the matter and 14 now have banned legal-size paper from their courtrooms.

So, before you pick up that legal pad, consider . . .

Red Mass

Red Mass will be held in the chapel at St. Mary's Hall on Friday, October 2, at 7:00 p.m. The main speaker will be Professor Dowd, speaking on "Faith, Hope, Charity — and the Law?" The main celebrant will be the Reverend John M. Driscoll, O.S.A., President at Villanova University.

Daily Mass Notice

Mass is held daily at 12:05 p.m. in St. Mary's Chapel (across from the law school) and at 12:15 p.m. in the Main Chapel on the University Campus.

...More Announcements

The apartment placement board will now be located on the organization bulletin board on the first floor corridor.

The Villanova Law School soccer team is desperately looking players. If interested contact Pete Prinsen.

The Plays and Players, the drama guild which includes our own Professor John Cannon, is performing "The Importance of Being Earnest," one of Oscar Wilde's best and brightest plays on October 22-25, 29-31 and November 1 and 5-7. You can catch the play at 1714 Delancey Place. There's a \$5 discount price for students.

Selling Out

By Anthony Green

I don't mean to be brazen or bitter or anything but I think it is fair to say that the law school really missed out when my first year professors failed to place me on the law review. Considering my experience in the journalism business, I could have made a sizeable contribution on the law review, which is not exactly breaking news-stand sales records or anything. Let's face it, guys, the thing is dull. It needs a little tension, a shot in the arm, something. And I was just the guy to do it.

But I'm not the kind of guy to hold a grudge. And I'm willing to share a few suggestions which I think would turn the law review into a viable journalistic venture. Here they are:

Covers — It is no secret that the cover of a magazine and a nice, catchy, sexy headline is what sells on the newsstand. The law review covers are — how can I say this subtly — not exciting. I would suggest a real hot cover that would evidence — check out that legal word — a completely new change in image. Say for example a photo of a blonde, with fear in her eyes, wearing a negligee. The headline would read in blood red type: "The Best States for Statutory Rape." Now that would sell.

Material — Similarly, the articles in the law review aren't exactly stimulating. Nor are the titles. I would urge a more exciting collection of stories like "Terry Frisks: Fun for a Saturday Night." "Wife Swapping and the Assignment of Contractual Duties" "Implied Warranties Applied to Love and Sex." "I Can't Get no (Accord) and Satisfaction."

How-to-Readers thirst for how-to-do-it stories. How to do almost anything. And lawyers and law students are no different. Guides like: "How you can use UCC 2-302 to declare your marriage an unconscionable contract." "How to brief a case in 3 minutes flat." "How to bribe moot court judges." "How to disguise the fact that you're reading a casenote brief."

Profile — Readers also thirst for gossipy profiles. Most law students would just love to venture into the homes and inside the private lives of their professors.

Toilet reading — Furthermore, there is no short stuff in the law review, what is called in the business, "toilet reading." Restaurant, movie and record reviews are called for. And instead of those long, plodding so-called comments on noteworthy cases, I would urge one paragraph reviews complete with "starred ratings."

The writing — It is a cardinal rule of journalism that the first paragraph of an article, the "lead," be exciting and intriguing, to grab the reader." A typical law review article begins "The case of *Mergetroid Forcrow* has had a profound effect on . . ." Come on, guys. That stuff has got to go. In favor of prose like the following: "The Congressman was long and lean and lusted for life as it once was, as it was before Officer McConnell had caught him in the back seat of his Honda with the 14-year-old boy. The Officer didn't have a search warrant. But that didn't stop him. The Congressman was in plain view . . ." Now that's what I call a lead.

Advertising — Magazines and newspapers live or die on advertising. And the law review has not done too well in that department either. One technique would be to run sleazy service pieces which tout a slew of products. And then you send your salesman after the discussed companies, hitting them up for an ad. It's a dirty job but somebody's got to do it.

One idea might be the "Best and Worst of Law School," rating the best yellow markers, the best legal pads, the best pizza place, the best antacids, etc. There would be a separate, more in-depth piece on study aids. "Gilbert V. Emanuel — Who Wins Out?" (But of course you law review people wouldn't know anything about that kind of thing).

So I've had my peace. Now it's up to you, you law review nerds. Put up or shut up.

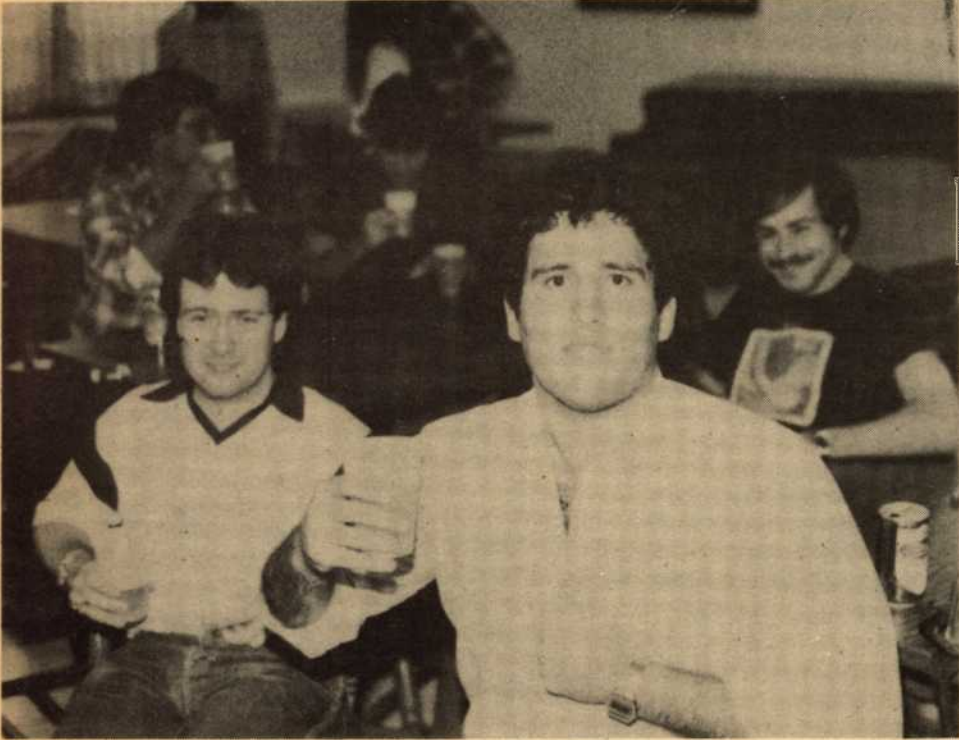
Anthony Green used to be Tony Green who was an Associate Editor for *Philadelphia Magazine* before he started at Villanova Law school.

A Lawyer In Every Garage

The next century should see a great boom in the number of lawyers in the United States, according to statistics cited in the September *Student Lawyer*.

- In the United States today:
 — There are more than 574,000 lawyers (expected to rise to 800,000 well before the end of the decade).
 — There are about 25 lawyers for every 1000 United States citizens, compared to 7 lawyers per 1000 in Great Britain and less than 1 per 1000 in Japan (Washington, D.C. has about 1 lawyer per 20 residents).
 — There are 17,000 federal, state and local courthouses throughout the country, and in 1980 about 12 million lawsuits were filed there.
 — Federal appeals court have a backlog of more than 21,000 cases.
 — Americans spend more than \$25 billion a year on legal fees.
 A century from now (extrapolating from the present trend):
 — There will be 7 million lawyers (12 times the present number) and 1 lawyer for every 43 persons.
 — The largest law firm in the country will top 5000 lawyers.
 — The average law firm will be in the 2000 to 3000 range.
 — There will be 67,000 federal judges and the federal system will have to handle more than 1 million cases annually.

Activities T.G.I.F.



Tim Kelly, David Kuritz, Marc Fischer



Sheila Brennan



Bobby Kinsella



Bill Britton

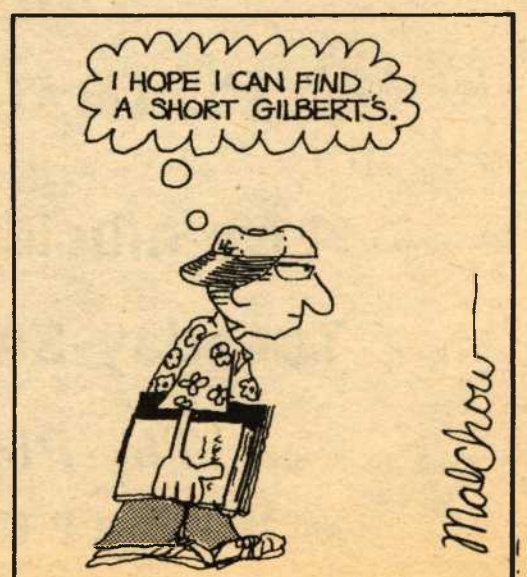
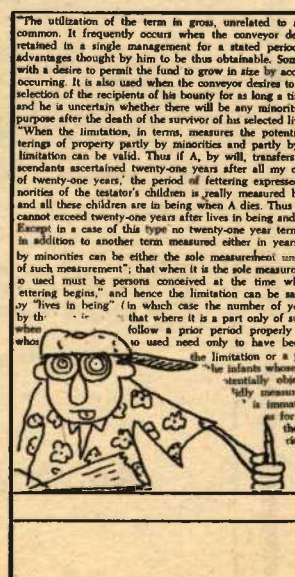
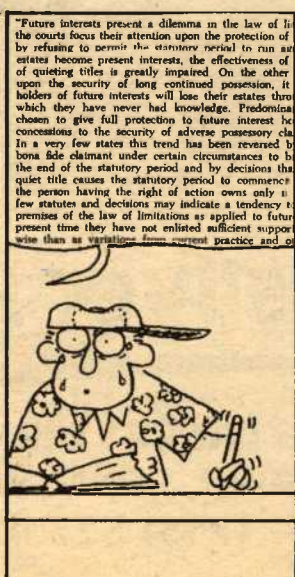
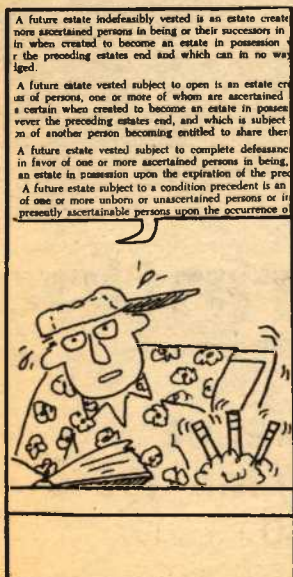
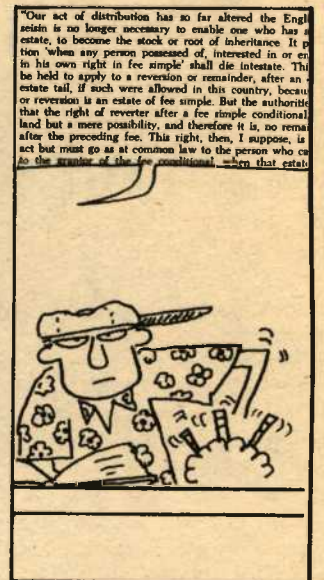
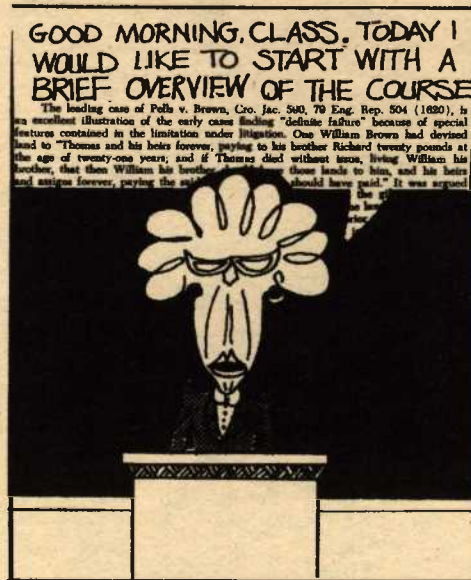
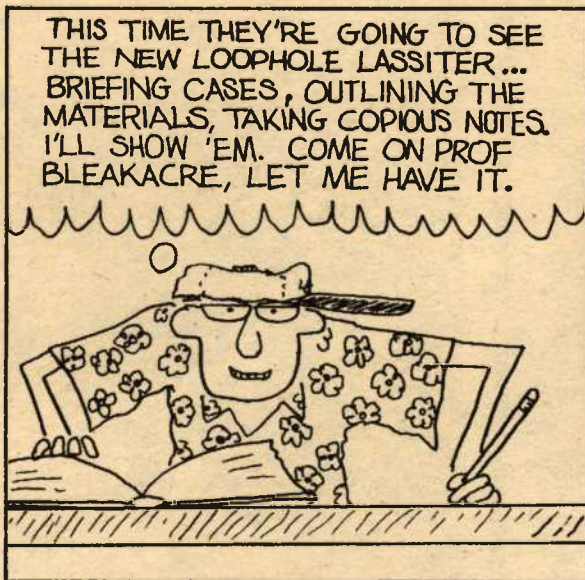


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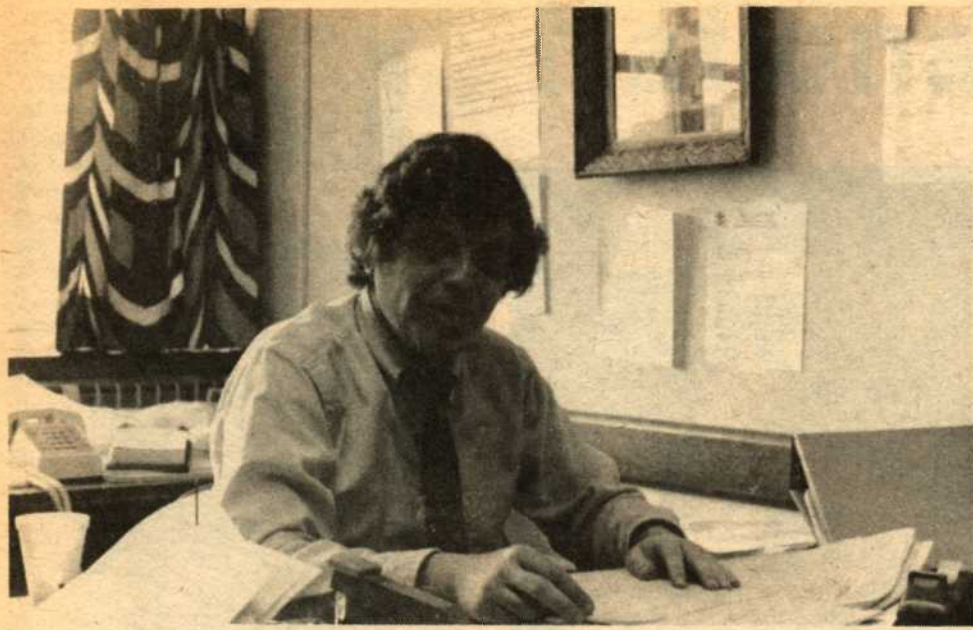


Dick Ashenfelter, Wei-Wei Chiu, Juanita Holden.

Loophole[®] by hal malchow



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Professor Lewis Becker

Bass on Becker

By Sheldon Bass

"The appeal of teaching law is the opportunity to really get to know some areas of the law," according to Professor Lewis Becker. Now in his tenth year of teaching at Villanova Law School, Professor Becker left a lucrative private practice in New York City where general knowledge of a legal discipline was all that was possible. "The practitioner of the law can get an overview of a subject, but the teacher has an opportunity to study a subject."

Born and raised in Philadelphia, Professor Becker received his undergraduate degree in Business Administration from Temple University and his law degree from the University of Pennsylvania Law School. He joined a Philadelphia law firm after serving a clerkship with the Honorable Edmund Spaeth of the Philadelphia Court of Common Pleas. Judge Spaeth is currently serving on the Superior Court of Pennsylvania. Becker then moved onto a New York law firm where he specialized in corporate and securities litigation. The senior partner of the firm was the personal counsel to billionaire Howard Hughes. Yet, the lure of the classroom was greater than the prospect of doing work for one of the richest men in the world.

At Villanova, Professor Becker is teaching Consumer Protection, Family Law, Sales, Securities Regulation and a seminar. He lives in Villanova with his wife Marilyn and their two children, Eve and Joshua.

An avid book collector, Becker frequents garage sales and auctions to find titles which trigger his curiosity. His searches concentrate on works which deal with folk music. This interest in folk music is not limited to books however. Especially fascinated by traditional Irish and British folk music, Becker also seeks out records for his collection. "I enjoy singing and am able to carry a simple tune fairly well," Becker said. He attributes his interest in 300 year old songs to a sharing of tradition. "I get a kick out of singing the old songs. It's a good source of relaxation."

While Professor Becker has not had any legal texts published, he is working on materials for his courses in Consumer Protection and Sales which he hopes will eventually result in publications.

Lewis Becker is a devoted academician whose primary career goal is to continue his development as a student and teacher of the law. Very popular among his students, Professor Becker truly loves his work. VLS is indeed fortunate to have such a devoted scholar on its faculty.

Garey Hall Rugby Continues Its Winning Ways



By Steve Imms

Fall is here, the Phillies pitching staff is faltering, the Eagles seem intent on capturing the Super Bowl, and twenty-five deranged lawyers-to-be are running about on cold afternoons practicing scrum-downs, line-outs, mauls, and loose rucks. Yes Virginia they are the rugby team, donned in preppy-look shirts (rugby had them first) and shorts, they spend their Saturdays drinking, destroying their bodies and getting drunk.

That of course, is only the easy part. Led by third-year captains Art Sagnor, Tom Sarisky and Eddie Loughran, the Garey Hall Rugby Club has been engaged in a tough two-a-week schedule of practice and running, all in the expectation of bettering last spring's undefeated season. Returning with a virtually intact backfield and an experienced scrum, such expectations are by no means farfetched.

Opening up the fall season Garey Hall faced 85 degree heat, 100% humidity, and ... oh yes ... a tough but perhaps sun-stroked Haverford College team which they disposed of handily 36-0. The shutout was marked by the ever-stellar play of the entire backfield, with special notice going to co-captains Sagnor and Sarisky, backs John McCusker and Mike Hagan, and fullback Jim (the Great White Hope) Moriarity. However, the best performance was turned in by the scrum, whose play was capped by a "scrum-score" from the Imms-to-Betley-to-Loughran-to-Betley combination proving to fans (?) and teammates alike that speed is not limited to the backfield.

Following the Haverford game, the team traveled to Newark (nu-WARK), Delaware to face a University of Delaware team which, in the words of fabled Coach Sagnor, "is tough, you guys!" (way to go Artie!).

Delaware, stacked with rejects from the football team, was rumored to be after Garey Hall, having no doubt heard rumors of their undefeated spring campaign. It was Garey Hall however, who struck first blood, scoring a try midway through the first half, giving them a 4-0 lead at half time. The second half was spent keeping Delaware out of the end zone (except for one little try) and watching Shoeless Joe Betley's kicks sail into the wind and errantly not between the goal posts. In a rare instance, the injuries in the game exceeded the points scored, the one consolation being that the injuries were shared as equally as the 4-4 score. In a game in which the entire team performed well, special note has to go to scrum-half Jim Rosato, who spent most of the afternoon being hit by the opposing scrum-half, getting up, being hit again, ad infinitum.

In the party which followed the game, Garey Hall emerged the clear winner, having out-sung and out-drunk a feeble roost of Blue Hens. By all pre-season projections Garey Hall is the clear choice to remain atop the polls where a party is concerned, having returned last year's song and drink champion Eddie Blackthorn to this year's roster.

For the benefit of the many rugby fans, a copy of the remaining schedule is re-printed below:

Radnor All Blacks — September 26
PCOM — October 3
Temple Med — October 10
Villanova University (Homecoming Game) — October 17
Tournament (At Lehigh) — October 24
All games begin at 1:00 p.m. and directions may be found posted on the student bulletin board.



Rugby members affectionately demonstrate some of the holds used during the game.

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