12-1-1981

The Docket, Issue 4, December 1981

Follow this and additional works at: http://digitalcommons.law.villanova.edu/docket

Recommended Citation

http://digitalcommons.law.villanova.edu/docket/87

This 1981-1982 is brought to you for free and open access by the Historical Archives at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in The Docket by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository. For more information, please contact Benjamin.Carlson@law.villanova.edu.
JUDICIAL ELECTION: "No One Knows of a Worse Method"

By Dave Eddy

The Honorable Bruce W. Kauffman spoke on the topic, "Judicial Selection: Appointment vs. Election" at the 1981 Annual Forum of the Thomas More Society. Justice Kauffman came out four square against having justices elected and retained by the people. He stated Justice Kauffman, by way of illustrating the importance of an independent judiciary espoused the "horrible" notion of what would happen to the Bill of Rights if the Supreme Court justices of the United States were elected by popular vote.

Pennsylvania's system of electing justices is similar to the system which would elect her House of Representatives. If the people get a justice they don't like, they will have only one chance to get rid of him. Justice Kauffman, by the way, is the only judge at the Table of Rights if the Supreme Court justices of the United States were elected by popular vote.

Pennsylvania's system of electing justices is one that Kauffman, when still on the bench, had to explain to his colleagues. Justice Kauffman, to expect a person to engage in partisan campaigning, exceed the limits was, raise money and the like, this once totally elected to be completely non-partisan in his role as a judge, he thought that this world might be possible but the hard reality said Justice Kauffman is that people who run for office are going to be career politicians and is a rare human being who will completely turn away all those who helped them.

Not only from a theoretical point of view is the election of justices flawed, but from a practical standpoint, the actual election of judges creates a Catch-22 situation. A justice is forced to abide by the Judicial Canon of Ethics while campaigning and, therefore, must be most circumspect in his public utterances. If a candidate violates the codes while replying to a question from the electorate, he is not fit to be a justice. Moreover, if the Justice insists on campaigning, the judge is barely pleased by his judicious silence. Campaigning is, therefore, often confused with mere reassertion of pursuit of truth and hardwork.

Furthermore, since interest in the judiciary is almost non-existent on the part of the electorate, such factors as name recognition, good ballot position, coming from a good region of the state, all become so significant as the result of inadequate appointments to the bench. Justice Kauffman mentioned a 28 year old law clerk who raised the necessary 100 dollar fee, got the necessary signature and as a result of his position on the ballot, nearly got elected onto one of the lower courts of Pennsylvania. The day is not far off, warned Justice Kauffman, when this 28 year old may be sitting on the Supreme Court of this state.

Justice Kauffman felt that the low quality of the bench in Pennsylvania, the slow rate of the populace to elect the most qualified judges, is a result of the failure to achieve some form of merit selection process. Moreover, he stated Justice Kauffman that the law schools and bar associations, especially litigators, would like to see a state judiciary modeled on that of the Federal Courts, but in Pennsylvania it is politically not possible. If there are people that the electorate hate more than the lawyers, it is judges and therefore to ask for a change in the selection process, including an outstanding win, is impossible.

Although Justice Kauffman would prefer to see a state judiciary modeled on that of the Federal Courts, but in Pennsylvania it is politically not possible. If there are people that the electorate hate more than the lawyers, it is judges and therefore to ask for a change in the selection process, including an outstanding win, is impossible.

Justice Kauffman has been asked to set forth his ideas in a forthcoming Villanova Law Review Article.

NORTHERN IRELAND

By Jim Malone

On Thursday, November 12th, the Villanova Law School's Guild sponsored a symposium on Northern Ireland. The featured speaker was Betty O'Connor Tomlinson, who was a member of a fact-finding group sent to Belfast by the National Lawyers Guild. Ms. Tomlinson covered the basic historical background to the current situation in 1922, the civil rights movement of the '60's, the "internments" and "blanket protests" of the '70's to the recent hunger strike. The new rules on just who qualifies for student loans while still attending law school are going to shock a lot of people.

The biggest shock is for adult students, who now make up a significant portion of the national student body. A married (or cohabiting) student who makes more than $30,000 last year can qualify for a student loan without restrictions. Unmarried students may borrow more. But if your income exceeds $30,000, it's another story. You will have to submit a financial statement, comparing your income with the cost of the college you plan to attend. On the other hand, if you earn less than $30,000, you may be eligible for a smaller loan, or no loan at all. Financial aid offices are not yet sure what they will do with the new 5 percent interest (plus a new 5 percent insurance charge of up to 1 percent). Graduate students may borrow more. But if your income exceeds $30,000, it's another story. You will have to submit a financial statement, comparing your income with the cost of the college you plan to attend. On the other hand, if you earn less than $30,000, you may be eligible for a smaller loan, or no loan at all. Financial aid offices are not yet sure what they will do with the new 5 percent interest (plus a new 5 percent insurance charge of up to 1 percent). Graduate students may borrow more. But if your income exceeds $30,000, it's another story. You will have to submit a financial statement, comparing your income with the cost of the college you plan to attend. On the other hand, if you earn less than $30,000, you may be eligible for a smaller loan, or no loan at all. Financial aid offices are not yet sure what they will do with the new 5 percent interest (plus a new 5 percent insurance charge of up to 1 percent). Graduate students may borrow more. But if your income exceeds $30,000, it's another story. You will have to submit a financial statement, comparing your income with the cost of the college you plan to attend. On the other hand, if you earn less than $30,000, you may be eligible for a smaller loan, or no loan at all. Financial aid offices are not yet sure what they will do with the new 5 percent interest (plus a new 5 percent insurance charge of up to 1 percent). Graduate students may borrow more.
NOISING AROUND
THE LIBRARY

By Anthony Greene

Corpus Juris Secundum and lexis aside, a law library can be a truly wondrous place for some, offering a quiet place of great intensity, nervousness and paranoia, feelings which can be hopefully contained by the intersection between the people in a law library and a bizarre phenomenon: the transferable to other institutions of learning or professions.

This business about a law library being some sort of broadcast of fiction is a fiction anyway. Just take the graffiti you'll find in a room that's any bit as sober as it is of the same quality that you'll find at Reading Terminal or Vet Stadium. One table at the Biddle Room restaurant near the law library is directed at various rock stars, all of the attacks are useless but tasteless essays). The chairs are designed more for torture than for endurance sitting.

There are two distractions for me at Villanova's Law Library — some of its tables. These are right out in a soup opera. For one thing, the people at Penn are far more discerned and unhooked than Villanova and, therefore, less fun to leer at. And, for another, I thought Penn might interest me as one of those nice female med students who study at the law library — the potentials for the combined incomes are awesome; I have been unsuccessful thus far. (But alas, distractions are the most another one of those useless but tasteless essays). The things you'll observe at Penn or Villanova are probably the same kind of one of those uncomfortable chairs across from me, he is in the got in and pull one out and, after taking a long, posturing, no one will deign to tell him in a manner which I can't bring myself to write about. I'm ambivalent, am innocent, I want to say, "Hey, buddy, will you stop pickin' your nose. What are you tryin' to do? Make me sick or something?" He's probably from North Jersey. This makes me feel distinctly self-conscious. What do I do when I am in the Twilight Zone of the law? I look at what is going on and take in the general thought.

This area, it just like my Great Aunt, Jean Maureen, always said; "it's not one thing, it's the other. If you watch one of those TV shows watching you, you're probably doing something else that looks just as stupid.

The Student Bar Association has recently considered an alternative to the traditional used book sale. The old system was limited because the books had to be collected, classified, stored, moved, displayed, and distributed. All of this was done by SBA members who committed two or three weeks of full-time work. The SBA had to charge a 10% fee to cover theft losses (not all law students practice what they study). The used book market is extremely volatile with prices fluctuating upon opening course offerings and book changes. Some sellers waited as long as five or six weeks to receive their proceeds. These and many other problems led to the development of a new idea.

Under the approved proposal a book ex- change will be supervised by the SBA. The procedure is very simple. If you wish to buy books, just come to the room at the end of the term and strike your bargain. It is suggested that students request up to one book from those in other exchanges be held and also to allow each student to both buy and sell. Details of times and locations will be announced by the SBA.

SCHMERBER

This semester's Red Cross blood drive was declared a success by by blood drive commission Bill Brittan. The blood drive, held on Tuesday, October 26, yielded 93 pints of blood to be used in area hospitals. The Red Cross had 925 students enrolled in the school for only six weeks of full-time work, which means that the law school had an efficiency rating of 126 percent.

For each blood drive the SBA guarantees a keg of beer to the class with the highest percentage of participation. The First year won the keg with a donation percentage of 17.5 percent, this helped to fund the promotional efforts of SBA representatives Matt Comisky, Lynn Lewis, and Rob Sachs. The SBA also sponsored a cab ride to Ashefelter for his assistance during the drive.

Michael Bloom

which provides for election of judges. The result has been that the Pennsylvania Supreme Court has deteriorated in quality, and this has had negative effects on the legal profession of the commonwealth. Bloom believes that merit selection of judges is a viable means to deter- mining the composition of Pennsylvania courts.

COUNSELING

(Continued from page 1)

develop their skills in this integral area of the practice of law. It is projected that a majority of the students will take part in the competition and that such will become an established and important part of the life of the law scholars at Villanova. Further notice of the development of the com- petition will be published early in the second semester.

LEXIS USE

Many students have asked about LEXIS and LEXIS training. LEXIS is an on-line computer assisted legal research service available in our library. Its data base con- tains case law for all fifty states and the federal court system. LEXIS also has several specialized libraries in the areas of tax, securities, trade, labor and bankruptcy which contain regulations and ad- ministrative decisions. LEXIS is different from other on-line systems because it searches the full text of a document. Users need not be an expert on any legal system to use LEXIS. It uses natural language, the language of the law contained in cases to be searched.

The LEXIS console is located in the Training Room, Main Library. It is available for use Monday through Friday during library hours except from 2:00 to 5:00 p.m. On weekends it is available from 10:00 a.m. to 10:00 p.m. Students who have received training may use LEXIS for research related to the educational activity of the law school. Students may find this especially helpful for directed research and seminar papers.

LEXIS USE

The library staff conducts a training program for all interested students who wish to use LEXIS. Training will begin January 11, 1982 for second and third year students. In late February, first year students will be eligible for training. Please watch the bulletin boards for LEXIS training announcements.

Examinations

Examination time is rapidly approaching. The library staff would like to help you through the upcoming weeks by providing a quiet place to study and the materials you need to prepare for exams. Copies of previous examinations are maintained at the reserve desk. Please watch for notices regarding changes in library circulation policies during exam time.

The Docket Staff:
Shelf Bass, Bill Brown, Colette Buchanan, Chris Dahlstrom, Andy Sachs, Maria Ventresca, Richard Verner, Andy Young

The Docket is published 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 for the office for details.

Gourmet Junk Food
ONLY AT
Campus Corner

PIZZA, STEAKS,
HAGIES & EU
Speedy Take-Out And
Delivery Service
Phone: 527-3606
Open 'til 1:00 a.m., Sun.-Thurs.,
9:00 a.m.-3:00 a.m., Fri.
Located On Edge Of Campus At
Spring Mill & Lancaster
Continued from page 1

warned: Next year’s rules are expected to be tighter. In general, here is how the student-loan lottery works today for the over $30,000 family. (All figures assume a family of four with one child in college; the income limits rise when there are two children in school).

* If your child attends a fancy private college at $11,000 a year, you may earn up to $66,000 or so and still qualify for a $1,000 student loan. For a middle-priced, $6,800 private college, earnings may reach $46,000.

The student-loan rules pay no attention to how much money you have in the bank. If you saved for college, you may keep part of that money invested at high interest rates and use the government’s cheap money instead.

* If your child attends the average state university, costing $3,800, it will be much harder for you to get a $1,000 student loan. You could lose your eligibility around the $33,000 level. If your child attends an inexpensive community college or goes to school part-time, the odds are that you will not qualify for a student loan at all (unless, of course, your income is $30,000 or less).

* In constructing its eligibility tables, the education department assumed one wage earner and one Social Security tax. This discriminates against the two-earner family.

* An adult who wants to return to school may be up the creek. Student loan eligibility is based on last year’s income. It makes no allowance for the fact that your $30,000-plus income will drop if you quit your job to go to school. Only when you have been in school for one year and have somehow managed to keep body and soul together, will you start to qualify for a student loan.

* Adult students are also expected to contribute far more of their income toward college than is expected of the parents of dependent students. That theory is okay, but the real-life effects are crazy.

Take, for example, a married couple with two children, earning $51,000, where the wife wants to return to school. According to the government’s calculations, she would not be considered needy unless her tuition and fees (not even counting room and board) were roughly $10,000. Effectively, she cannot qualify for a student loan or any other federal aid.

If that same $31,000 couple wanted to send a child to school, rather than the wife, the financial-need calculations are very different. A dependent student starts to qualify for a $1,000 student loan when total college costs, including room and board, reach $3,300 and up.

Adult students should make their first stop the college financial-aid office. Some schools have funds of their own that can be used to help.


---

STUDENT FORUM

“What Would You Like To Change At Villanova Law School?”

Monica Kenet ’83

“A longer reading period before exams”

Cheryl Gallagher ’84

“Do you have a few hours”

Ellen Joyce ’83

“The heating system, the parking, and . . .”

Jon Ziss ’84

“I’d like to see more academic feedback during the year in order to better gauge my performance prior to exams.”

Hope Blackburn ’84

“I would change Legal Research so that it began at the same time as other classes in order to become acquainted with research tools earlier in the year.”

Ernie Hart ’83

“A little more diversity in classes and a lot more free time”

THE barrn DIFFERENCE:

Dependability

THE BEST COURSE LAST YEAR.
THE BEST COURSE THIS YEAR.
THE BEST COURSE WHEN YOU TAKE THE BAR EXAM.
YOU CAN DEPEND ON IT.

1214 One East Penn Sq. Bldg.
11 North Juniper Street
Philadelphia, Pa. 19107
215/563-4988

1909 K Street, N.W.
Washington, D.C. 20006
202/833-3080
By Anthony Green

 insults were but a prelude. The bear became so pathologic that it had to be shot. The author could not have foreseen such an outcome. But it was the only way to ensure the safety of the hikers, who had become increasingly frightened. The bear was a large creature, and if it had continued its attack, it could have caused serious injury. Moreover, the bear was clearly unresponsive to any efforts to deter it from its attack. The situation was desperate, and the only viable option was to shoot the bear. This decision was made with the safety of the hikers and the bear in mind. It is not an easy decision to make, but it is sometimes necessary to protect oneself from a dangerous animal. It is a sad reality that such situations can occur, but it is important to remember that humans and wildlife must coexist in a delicate balance. It is up to us to respect the animals and the environment, and to make decisions that are in the best interests of all parties involved.