4-1-1983

The Docket, Issue 7, April 1983

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

Recommended Citation
http://digitalcommons.law.villanova.edu/docket/97
Law Meets the Press at VLS

Panelists: Anthony Green, Mark Aronchick, Howard Gittis, Stuart Ditzen, Anthony Scirica, and Edward Rendell.

(Continued on page 5)

Torts in the Making

by Alice Solomon

On Saturday, March 19, the Villanova Law Review held its 17th annual symposium, "Tort: Torts, Tocic, and Legislative Responses." The program’s six speakers focused on the existing theories of liability, case management, and procedural problems caused by toxic torts and on possible legislative solutions to the special problems caused by products liability actions.

Vol. XIX, No. 7

THE VILLANOVA SCHOOL OF LAW

April, 1983

Car 54, Where Are You?

by James Watkins

The 1982-83 Police Car Ride-Alone Program, which ended last Friday, generated an enthusiastic response from its participants. According to the program’s director, first-year student Chip Gallagher, “Of the people who have gone on rides, the majority have come back saying they have a new appreciation for the task of policemen. The program gives the student an opportunity to observe the police in a realistic, interpersonal setting and, though an eight hour ride does not really give the student a chance to see everything a police officer does, it nevertheless reveals the pressures and hazards the police face.”

This year’s program attracted nearly 100 first-year students who, in groups of two, rode with the District police in the backseat of a Highway Patrol car. Most students rode in unmarked cars, patrolling high-crime areas in Philadelphia from 6:00 p.m. to 2:00 a.m., or in police terminology, “the power shift.”

“The primary function of the Highway Patrol, as opposed to the District police, is to provide assistance on serious calls and to make felony arrests,” Gallagher relates, “and some of these cops don’t want riders, but they follow orders. Usually, though, students are able to establish rapport with the officers early on in the ride and most officers become very communicative. This is when the students’ ‘reeducation’ begins, according to Gallagher, who was a police officer himself for three years in Ocean City, Maryland. ‘There’s a big difference between studying cases in the classroom and seeing how the laws works on the street.’

Program participant Ed Wild was impressed with this contrast between the classroom and the street. After a busy night responding to crime reports, including assisting a stabbing victim, he ‘came away with a whole new perspective. I see things a lot more from the officer’s point of view now. It really is a war down there. All that stuff in the textbooks doesn’t say anything about the number of armed people on the streets.’ Wild said the atmosphere in which the police must work is extremely hostile. ‘Some people would throw things at us as we drove by and at every corner kids would yell and hustle to alert people farther down the street to the presence of our unmarked car.’

(Continued on page 7)
Letters to the Editor

To the Editor:

This is the time of year we hear:

"No time for a meal. I'll just get a hamburger and have a candy bar later."

"If I eat, I'll fall asleep. I just need some coffee."

"All I want is a couple of beers."

"I can't eat breakfast. My stomach will grumble through the whole exam."

No matter how well you review or how thoroughly you outline, you have to give your brain what it needs to perform at its best with the information you have given it. Inadequate brain nutrition can lead to both mental and physical symptoms which we often assume are purely a result of exam stress; poor memory, mental blanks, nervousness, depression, palpable heart-beat, hot, cold hand, shallow breathing, jitters, headache, and backache.

Your brain uses a fuel of the energy body produces. It fuels itself primarily with sugar. It works best when your blood sugar level is steady. But sugar is the worst thing to eat. Instead, get a good combination of proteins and complex carbohydrates, at regular intervals through the day. Start with a good breakfast, with some protein food like eggs, milk, whey protein, or peanut butter. Combine that with some carbohydrate food like whole grain toast, oatmeal, dried unsweetened cereal, or potatoes (non-glycemic).

Take plenty of water. Snack on foods that need chewing: sunflower seeds, almonds, dried fruits, or apples. (These release their sugar slowly.) Have vegetables and fresh fruits often.

Have a light dinner. (Otherwise you will be too full to study, and protein and carbohydrate together tend to put you to sleep.) Avoid candy, sodas, caffeine, alcohol, or a very high protein diet. These all upset the body's rhythms. Drink plenty of water. Snack on foods that need chewing: sunflower seeds, almonds, dried fruits, or apples. (These release their sugar slowly.) Have vegetables and fresh fruits often.

Avoid candy, sodas, caffeine, alcohol, or a very high protein diet. These all upset the body's rhythms. Drink plenty of water. Snack on foods that need chewing: sunflower seeds, almonds, dried fruits, or apples. (These release their sugar slowly.) Have vegetables and fresh fruits often.
Dealing with the 4th Estate

area Aronchick bends over backwards to avoid causing friction by saying things that might have negative repercussions. Thus, he is naturally not at times to even look "sally." Later on in the discussion, Aronchick elaborated on the so-called "ambush phone calls" or blind side calls which he views as a more recent and serious phenomenon. Vagueness and ambiguous questions to reporters, asked just prior to deadlines, can often come off as gratuitous and taken out of context. To alleviate some of the problems mentioned, both Aronchick and Rendell have at times resorted to recording devices to help iron out controversies. Aronchick did, however, say that the press was a very useful institution. Without it, he commented, Philadelphia would still be in the closed shop it was in the 70's. A "no politicians, lawyers, judges "all having a great party and everybody getting along." According to Aronchick, the press was responsible to some degree in changing this situation.

Howard Gittis, Chancellor of the Philadelphia Bar Association and a partner of Wolf, Block, School & Cohen deals with the press in a number of different capacities. When he was part of the Goode campaign as he is currently, he was dealing primarily with privileged information and problems and ethical rules which normally constrain a lawyer in his dealings with the press. The important thing to the press is to present information that is consistent with the candidate and that is consistent with the truth.

When a case involves a private figure, the press will not usually care if their coverage is insignificant; therefore, a lawyer must correspond cautiously to questions. However, this is not the case with a public figure such as Mayor Rizzo or Rizzo, both of whom Gittis has represented. A "no comment" may win legal points but by doing so, the lawyer may lose the spine of the court. The point is to find finding such a situation is to present information that is consistent with the candidate and that is consistent with the truth.

When a case involves a private figure, the press will not usually care if their coverage is insignificant; therefore, a lawyer must correspond cautiously to questions. However, this is not the case with a public figure such as Mayor Rizzo or Rizzo, both of whom Gittis has represented. A "no comment" may win legal points but by doing so, the lawyer may lose the spine of the court. The point is to find finding such a situation is to present information that is consistent with the candidate and that is consistent with the truth.

When a case involves a private figure, the press will not usually care if their coverage is insignificant; therefore, a lawyer must correspond cautiously to questions. However, this is not the case with a public figure such as Mayor Rizzo or Rizzo, both of whom Gittis has represented. A "no comment" may win legal points but by doing so, the lawyer may lose the spine of the court. The point is to find finding such a situation is to present information that is consistent with the candidate and that is consistent with the truth.

When a case involves a private figure, the press will not usually care if their coverage is insignificant; therefore, a lawyer must correspond cautiously to questions. However, this is not the case with a public figure such as Mayor Rizzo or Rizzo, both of whom Gittis has represented. A "no comment" may win legal points but by doing so, the lawyer may lose the spine of the court. The point is to find finding such a situation is to present information that is consistent with the candidate and that is consistent with the truth.
Dean Search Comes to a Head

by Maria Ventresca

The search for Villanova Law School's new Dean is moving into the final stages. The law school's committee which had the responsibility of seeking out interested non-faculty evaluators-viewing the law school as individuals who are or have been connected with the law school as a faculty member or as a member of a class. Villanova faculty members who are interested in the position may also be interviewed at this point.

Professor Dowd hopes that these visitations will be completed by June. Once they are completed, the Committee will submit names to Father Driscoll, the President of the University, with the Committee’s recommendations. The Committee will have to determine at that time who will send the names of all the persons who have been interviewed along with the Committee’s preferences, or just the names of those who clearly are more qualified. Father Driscoll will have the ultimate responsibility for naming the new Dean. According to Bill Rupert, however, the ABA requires a majority of the faculty members of the law school to approve the President’s appointment.

Rupert, who defeated 9 other candidates in the election on March 24th, believes that the person who is chosen should have a solid background and be well known in the legal community. He believes it is equally important that the new Dean arrange to have a good deal of contact with the students and faculty.

The following comments were made by one or more of the panelists. Look to the less popular locations to find clerkships where the competition won’t be as fierce. Professor Sirico mentioned state courts in New Jersey; another panel member mentioned the federal district for North Dakota, and 3L Cindy Jaworski recommending Texas. Villanova students forget that Philadelphia’s Third Circuit Court draws from a national market and even law review students frequently are turned away when applying there. Interests of the local clerks are always easier to find, particularly when they are outside of major cities.

All speakers recommended students to be aware of time requirements. Students interested in positions after graduation should begin applying now. Professor Wertheimer suggests you think about whether you desire a one or two year clerkship, whether you want wide latitude in writing drafts for judicial opinions and assistant or a clerkship that is directly involved in the decision making process, and whether you desire trial or appellate work before selecting judicial clerkships. Wertheimer stressed the importance of the personal interview and the closeness of the contact between the judge and the clerk. Personalities must be compatible.

How to be a Clerk

On Monday, March 21, the Placement Office at VLS offered students a program about finding positions as judicial clerks. A panel consisting of faculty and students with experience in obtaining clerkships provided suggestions useful to the students vying for a position with a court.

New Tool

by Walter Champion

The much-awaited second edition of Meyer and Shapiro's A Handbook of Civil Practice in the State and Federal Courts of Pennsylvania has arrived. The 715 pages cost $45.92 with $6.25 for library use. It is a one volume "how to" on the procedural aspects of Pennsylvania practice. The other edition, a pocket cover was frequently updated. Unfortunately, the publishers did not provide a pocket sleeve, thereby necessitating continual re-gripping. This problem has been remedied with the new edition.

It is a convenient handbook that is compact enough to use as a trial aid. The author's objective was "to give the busy lawyer, as well as the inexperienced one, immediate answers to nove questions arising under civil procedures, leaving extensive research in the multi-volume treatise on which the handbook is based." In the second edition, the primary emphasis is on the updated treatment of the rules.

The second edition is greatly expanded and includes an index. It continues the practice of italicizing federal procedures. The second edition is much clearer, and it is also useful as a reference. It is a must in any future work in the legal profession.
There are whispers that the system may be in trouble, with the future of the rail system uncertain due to the potential buyers of Conrail. The idea of running the rail systems was unattractive to some buyers, and when the local authorities decided to sell, the potential buyers were not interested.

Kohn has worked for the firm of Kohn, Savett, Marion, and Graf in Philadelphia. He filed suit in the Court of Common Pleas in Philadelphia, asking for an injunction. He argued that SEPTA had a duty to run the rail system, and that the shutdown was not justified.

Mr. Locks described litigation problems in light of this, Kohn asked the court to find SEPTA in contempt of the December Court order. He asked the court to impose sanctions and to dismiss the SEPTA board. The court refused to do so and Kohn appealed. The appeal is still pending.

Kohn thinks that such drastic steps are necessary. He believes that SEPTA has had no real concern for the commuter rail system and would like to either shut it down completely or severely limit its service. This would be a breach of their duty to the public. Kohn argues that their strategy has been to negotiate with the unions in bad faith. While the union workers were on the job with no contract at reduced wages, SEPTA offered no substantial concessions and when the inevitable strike loomed, SEPTA showed no great concern.

The temptation is to blame the unions if the negotiations don't come to an end soon. But, they have no right to demand the public's interest. From their point of view, things might look a lot different if the union was more like the sleeping dormouse at the mad tea party, having his head stuffed into the teapot.

Lock said that the problems should be resolved by the tort system. The problems include the fact that more money is spent on pre-trial procedures than on determining who are the proper defendants, thus actually spent on paying claims: the lack of a pre-settlement procedure results in claims which could potentially be settled out of court being litigated to the hilt. The statute of limitations requirement means that the plaintiff's attorney must bring suit even before the plaintiff's diagnosis is complete.

Other problems include impediments to group settlements, repetitive interrogatories, and collateral source and subrogation problems.

Robert St. Leger Goggin, an attorney prominent in asbestos defense litigation (including defense counsel for Marville Corporation) spoke about current theories of liability from a defense attorney's perspective. The best defense to toxic tort claims, Goggin stressed, is the barring of claims by statutes of limitation. Usually, pinpointing the date when a cause of action accrued is a difficult and imprecise process. A typical plaintiff may have worked in an asbestos factory for 20 years, in a coal mine for 10 years, and also smokes two packs of cigarettes every day. One day his doctor tells him that he has lung cancer. How can the doctor or the plaintiff isolate a "proximate cause"?
THE PERFECT MATCH

Your Next Job Is Just Waiting For You Right Now
On Our Computer Network!

NATIONAL EMPLOYMENT CONSULTANTS, INC. (NEC) offers you a nationwide computer network to match your unique background with available career opportunities from more than 10,000 potential employers. State of the art computer technology makes it possible for these companies to access our data base in seeking highly qualified personnel.

WHO WE ARE
We are NEC Brandywine, the legal specialists of National Employment Consultants, a locally based, nationally franchised computerized employment network. We are attorneys with many years of experience and also knowledgeable in the field of job classification and resume preparation. The resident staff of NEC has put at our disposal their workforce and know-how for all kinds of employment needs you may have.

HOW IT WORKS
Our experienced personnel consultants are constantly making nationwide inquiries from diversified employers in the legal field finding challenging and interesting employment opportunities and then carefully programming the position into our nationwide computer system which is part of the Readers Digest national time sharing network called the Source. We then receive your resume and career data in the mail along with your $29 for processing your Computer Profile and make the same kind of careful analysis as we did with the job order. The state of the art computer does the rest as is shown in the example attached hereto and made a part hereof by reference. (How’s that for legalese counselor?).

PUT YOURSELF AT THE TOP OF YOUR GRADUATION LIST.
Take the first $29 of your Graduation fund, cookie jar or money set aside for those course outline crambooks and send that in with your resume and the form attached. We do the rest! In a few weeks you will receive a copy of your profile along with some other helpful information on Career Advancement. When the Perfect Match occurs, you will be notified as to the next steps. All interview expenses and employment fees are paid by our client company. Your only investment is $29. It’s just a case of res ipsa loquitur.

The myth of Today’s Job Market
Jobs, opportunities, careers—especially in the legal field abound today. For sure certain industries which are hard hit by the economic recession are naturally in a holding pattern. Our need at NEC today is qualified candidates and not jobs.

SALARY RANGE: $18,000 - $25,000
LOCATION: Mid-Atlantic
JOB TITLE: Associate Attorney - Small Firm
EDUCATION: JD or LLB
JOB DESCRIPTION: Research and issue opinions on multilevel legal problems, contracts, corporate and the like, sales agreements, partnership potential.
EXPERIENCE: 0-2 years exposure to document drafting.

SALARY RANGE: $20,000 - $25,000
LOCATION: Maryland, Delaware, S.E. Pennsylvania
POSITION DESIRED: Attorney - Growth Potential
EDUCATION: JD (June 1983) DLS
BACKGROUND: Law Clerkship, opinion and memo drafting, emphasis articles 2 and 9 U.C.C.
EXPERIENCE: Above duties performed for small Wilmington, Delaware law firm 2 summers plus winter part-time.

CAREER DATA FORM
☐ My check for $29.00 is enclosed. ☐ Please charge to my VISA/MasterCard Account # __________ Expiration Date __________

Name ___________________________ Address ___________________________ Telephone ___________________________
Educational Background: Law School ___________________________ Graduation Date ___________ GPA ___________
Field of Legal Interest ___________________________ Desired Salary ___________ Min. Accepted ___________
Willing to Relocate ☐ Yes ☐ No ___________ Background comments and experience (Enclose Resume if possible)
Currently Employed ☐ Yes ☐ No
Relocation Preference, Please Specify ___________________________
Mail Form To: NEC 1200 N. Van Buren Street
Wilmington, Delaware 19806

FOR FURTHER INFORMATION, CONTACT:
JEAN HURLEY (800-223-3862)
THRESHOLDS needs you to become a volunteer at Delaware County Prison. Why? Because someone there needs you. Studies show that inmates having a one-to-one contact with a caring volunteer from the community are less likely to return to jail.

If you would like to register or would like more information write THRESHOLDS, Box 334, Media, Pa. 19063, or call Jacqui McConnell, Director, at difficult situations, stepped in quickly and took effective action. They gave the impression of being in the community are less likely to return to jail.

Police Car A Terrifying Experience

Dean Abraham also welcomes students input about the first year curriculum. A faculty committee, chaired by Professor Hyson, has conducted a review of first year curriculums at law schools, and will be recommending a course of action for Villanova.

Less Felling

Our Spring, 1983 Executive Visitaton Program Dinner will be held Monday, April 18, 1983 in the Law School Cafeteria. Our visiting executive that evening will be John A. Murphy, Chairman and Chief Executive Officer of Miller Brewing Company and Group Executive Vice President, Phillip Morris, Inc., New York, New York.

Associate Dean Garbarino

Although participant Wild noticed no violations of constitutional rights, he's sure they happen. Yet, given the danger on the streets, he concludes that "in the interests of their own safety the cops have to operate the way they do." Vogel recalls one instance of an ignorable incident during her ride: "We stopped and searched people who were running down the street and, as it turned out, they were just running to get out of the rain."
In a recent game he was all over the court like a waterbug on LDS. Bobby the Kitter-bogged the Dead Dogs past both Joe Mama’s and the Doorogaters to earn the number one seed for the playoffs. Second seed went to the Doorogaters who were riding on the back of Joe “the human eraser.” O’Kiester and the third seed went to Joe Mama’s. The Dead Dogs are going for a record third straight championship even though they were defeated by delectations during the last year. It’s like betting against Bobby Knight and Indiana. Mark Daniels in this year’s Ajax Award as the player who best clears the boards and the intramural Golden Gloves Championship goes to Kelly’s Heroes.

**FINAL STANDINGS**

<table>
<thead>
<tr>
<th>Team</th>
<th>Wins</th>
<th>Losses</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Islip</td>
<td>8</td>
<td>0</td>
<td>24</td>
</tr>
<tr>
<td>Mansfield</td>
<td>7</td>
<td>1</td>
<td>22</td>
</tr>
<tr>
<td>Barren</td>
<td>6</td>
<td>2</td>
<td>18</td>
</tr>
<tr>
<td>Northport</td>
<td>5</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>Old West</td>
<td>4</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>Glenbrook</td>
<td>3</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Westwood</td>
<td>2</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td>Maywood</td>
<td>1</td>
<td>7</td>
<td>3</td>
</tr>
<tr>
<td>Jonesville</td>
<td>0</td>
<td>8</td>
<td>0</td>
</tr>
</tbody>
</table>

The question remains: Can World Blood Free rainbow the Cavazzas out of the cellar forever? To the Indians the language group, from which that verb has arisen in the Sampson Sweepstakes? For the sake of the Siners the Abdul prays to the East. From now on it’s nothing but sports, from now on it’s sports and at all costs he is keeping Larry away from top notch competition these days. How much longer can the free world take the incessant, inane tirades from Howard Cosell on the moral problems with boxing. Abdul, this is all a cover up for heavy weight boxers seems to be when they learn to start doing it to the public. Larry Holmes seems to be taking up on this bad habit against the five of us. But Larry has never been an exact image builder as he is anyway?

Does anybody know a good lawyer? How much longer can the free world take Ted Stepien, owner of the financially做无errant New Jersey Nets why he doesn’t get many assists. I know those guys are out there somewhere. I just don’t know where... The Sixers recently asked Will Chamberlain if he would come back to the Nova and retire his jersey. Wilt told them that if they hadn’t done it by now it was too late...”

- OFF THE PLATE

Champing at the bit.

**KEY NOTES:** Bob White, coach of the Wisconsin O’Keefe basketball team, on his team’s defense, “You could have locked us in a phone booth with Rachel Welch and we wouldn’t have gotten our hands on anything...” Assistant NCAA-renco coach Jack Spencer commenting on Ken (T. Spencer) the leading scorer in the Big Sky conference, but lacking on defense, “Tree could be the only player in college basketball who can keep both teams in the game at the same time...” Buck Williams of the New Jersey Nets tells why he doesn’t get many assists, “I know those guys are out there somewhere. I just don’t know where... The Sixers recently asked Will Chamberlain if he would come back to the Nova and retire his jersey. Wilt told them that if they hadn’t done it by now it was too late...”

- SUFFERING FROM THE BRIN

It was a cold and rainy Sunday morning, but about 130 folks showed up to ride in the quest for charity dollars. The weather and their enthusiasm appeal to all of you who are going to spend the summer months in training for next year’s extravaganza. In the Men’s Division the 1 mileer was won by 2L Greg Gifford in a time of 6:45, the 5 mileer was won by John O’Keefe in 26:00 flat. In the Women’s Division the 1 mileer was won in a dead heat photo-finish by Arnie Paquarelli in 7:48, and the two mileer was won by Barbara Bednar in 39:42. About 200 people signed up to participate in the event and the weather had no effect on the spirits of those who were there.

- ON THE DOCKET

**ACROSS THE TRACKS**

**MOVIES AT THE CONNELLY CENTER**

Friday, April 15
5:00-6:00 p.m. — Reception and Gastronomy Lecture
6:30-8:30 p.m. — Law Review Reception and Dinner
Saturday, April 16
Rugby: VLS v. Philadelphia Medical School at Villanova
Monday, April 18
Executive Visitiation Program: John A. Murphy (Philip Morris, Miller Brewing Co.)
Wednesday, April 20
2:00 p.m. — Dr. Angelo Armeniti, Jr., “Physics and Sports” — Connell Center
Saturday, April 22
12:30 p.m. — Board of Consultants’ Meeting
Wednesday, April 27
Exams Begin
Sunday, May 8
All exams end
Monday, May 9
Exams end
Tuesday, May 10
10:00 a.m. — Faculty Meeting
Friday, May 13
11:00 a.m. — Commencement

- ACROSS THE TRACKS

**ON THE DOCKET**