THE DOCKET
Vol. XXII, No. 6
March, 1986

Will Return to Pitt

Barbara A. Dively and Kurt Kroner were the winners of the Regional competition on February 24, 1986 at the Law School. The finals will be held at Temple Law School. The winning team will represent Villanova in the National competition sponsored by the American Bar Association and will compete at the regional level on February 28 at Temple Law School. The winning team from Villanova will participate in the nationals at St. Mary's Law School in San Antonio, Texas on March 21st and

Dively and Kroner Win
In Client Counseling

AIDS Policy Established

by Amelia McGovern

In response to the current AIDS panic, Villanova University has made steps toward establishing a Policy on AIDS. Chairing a committee to develop a policy for students, faculty, and staff, and working with AIDS experts, is the Rev. Robert J. Martin, O.S.A., assistant to the vice president for student affairs. A member of the Villanova Law School Class of 1967, Mr. Martin, a member of the Pennsylvania Bar Association, has compiled a 50 page house document entitled "AIDS in the Schools" for the University to use in establishing its policy on AIDS.

AIDS, an acronym for Acquired Immune Deficiency Syndrome, is characterized by a defect in natural immunity causing the body to become vulnerable to opportunistic infections and disease, according to the American College Health Association (ACHA).

Other conditions the University policy will affect are ARC, which is AIDS Related Complex, and HTLV-III antibody, which is evidence that the body has been exposed to the AIDS virus.

ARC is a condition which may go on to become AIDS, although the link is not clear. ARC is characterized by prolonged and fever, unexplained weight loss, swollen lymph nodes, and/or fungus infections of the mouth and skin.

HTLV-III is the virus which causes AIDS. Exposure to the virus may cause antibody conversion only, or ARC, or AIDS. AIDS occurs in only 20-30% of the cases of exposure, according to Dr. Edgar Engelman, M.D., in his article "Transmission of the AIDS Virus" in The Student Body. He notes that ARC occurs in 30-40% and antibody conversion occurs in about 50%.

The reason we decided that we needed to develop a policy on AIDS is because we are in a large metropolitan area, particularly close to New York where there is a vast AIDS population, and we could expect to have a student in the future with AIDS. And if not, we are prepared anyway," according to Martin. The paper compiled "deals with what AIDS, ARC and HTLV-II are, what causes them, symptoms of the diseases, legal issues and some of the most distinguished jurists and lawyers in America and members of our Law School Community. The weekly newsletter, the new placement bulletin, the new alumni newsletter and other communications have allowed each of us to share in this remarkable development through full communication.

The great success of this Law School is due to our students, faculty, directors, administrators and staff as well as the total support received from the President, the Board of Trustees, the faculty, and the Board of Directors. It is due also to the great generosity of our alumni, donors, and others who have given more and more freely of their time, effort and money. Our Board of Trustees has provided us with unprecedented and highly successful support. Villanova is, indeed, an exciting and successful operation. We have great momentum and it is essential that we maintain it.

At the end of this year, I will complete fourteen consecutive years in law school administration. During that time, I have continuously taught a heavy schedule of courses and have managed to write several books and articles. I could never surrender my gratitude to those of you in this audience who in the past and present have been so supportive of me, and to those who have been unable to attend today. Let us all have the courage to go on: "One step forward and two in the right direction."
Letters to the Editor

Resnick Writes...

Dear Docket:

Hey, I hear that VLS needs a new Dean. Well, in six months I will be a fully qualified, unemployed attorney. If I promise to stay awhile, do you think they'll hire me?

Sincerely,

Bernard M. Resnick '86

Student-Faculty Apathy

To the Editor:

Apathy. How big a problem is it at VLS? I realize that we, as law students, have many demands on our time and many concerns confronting us, but it is precisely because of such demands and concerns that I am writing this letter.

Recently I was elected chairman of the Faculty-Student Relations Committee here at the law school. The Faculty-Student Relations Committee is to serve as the liaison between the students and faculty at VLS. This committee has, as of late, held their meetings for the sole purpose of airing student concerns to the faculty. Unfortunately, I must admit that the attendance at these two meetings has been paltry, to say the least. Indeed, at the last meeting, there were almost as many faculty members present as there were students.

Now, if all this means that everything is "peachy" here at VLS, great. However, I rather doubt that this is the case. I am not trying to stir up false concerns or issues which do not really exist. I only want to encourage you, the students of VLS, to bring your concerns to the faculty and the only way to do this is to "bend the ear" of the Faculty-Student Relations Committee.

Drop a note in my mailbox if you have an issue you would like to see discussed at our next meeting. Then, attend the meetings and air your views. Thanks.

Sincerely,

James Eicher

Faculty Support Moot?

To the Editor:

As a participant in one of the interscholastic Moot Court competitions sponsored by the Moot Court Board, I am upset with the lack of faculty support in preparing, coaching, and encouraging teams engaged in outside competitions.

Interscholastic teams have often had to rely on relatively inexperienced student panels, the Moot Court Board, and their own initiative to prepare for their respective contents. Other schools provide their oralsists with an average of three faculty panels a week, plus a team faculty adviser who often accompany the teams to the competitions, take care of administrative functions, and lend moral support.

Although there are a few notable exceptions, faculty support, by and large, has been very disappointing especially from the viewpoint of the Villanova team members. For a relatively young law school seeking to expand and build upon its regional reputation, one would think active support and fostering of an outside competition program would go far in enhancing Villanova's reputation outside the Philadelphia area, especially as our teams brought home regional and national titles.

Name withheld on request

A VIEW FROM THE INSIDE

By Brad Remick

Clear and Present Danger

Unrecognized Prophets

THE DOCKET

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Don't Ban Headband Ads

by Paul L. Brinkmann

"If it isn't for football, he'd be some yo-yo, out there drinking wine," says Washington Redskins' quarterback, Joe Theismann in reference to Chicago Bears' quarterback, Jim McMahon. Theismann said he was upset that the Bears' quarterback wore a headband with commercial advertising during the National Football League's (NFL) playoffs. Furthermore, Theismann said it would be if ever for football, we see that the controversy continues.

NFL Commissioner Pete Rozelle from the Pro Bowl in Honolulu warned McMahon that advertising products on headbands "will not be tolerated." After McMahon and the Bears had been fined $5,000 for the first incident in the playoffs he changed his strategy and wore the ADIDAS headband around his neck during the Super Bowl. No fine has yet been issued.

The NFL Guide Booklet Member Clubs Game Uniform section (b), subsection II, item (e) provides that only club issued attire may be worn on the playing field or bench area. Generally, this rule is intended to preserve the League's power. The power extends to all rules and regulations which are reasonably necessary to produce and promoting its product (i.e. NFL Games). Rules regulating attire are necessary so the teams may be recognized and distinguished from one another. Obviously, the league cannot have individual athletes designating their own gear. The practice of placing advertising catchphrases on the uniform is presently prohibited.

Jim Miller, Director of Administration and Personnel, for the Management Council, stated the League's concern for McMahon's activity is twofold. One is that the League doesn't want the athletes to become advertising billboards. The other concern is with rival advertisers who are fighting for a dollar for a commercial during the game while their competitor advertises at a lower cost.

But question whether this sound be a legitimate concern of the NFL whose primary purpose is putting on a professional football game. Could the League justify this attempt to regulate the competitive commercial forces of advertising by major equipment manufacturers? Instead the advertisers should pressure the broadcasting network which controls the costs of the commercials and close-ups which focus on their competitor's logos. This concern is not within the proper province of the NFL and should be worked out in the free market between the competing manufacturers.

The NFL's concern with athletes becoming billboards is also questionable. The only areas of potential advertising space of football are headbands, wristbands, and shoes. Headbands and wristbands are worn all the way up to the end zone, while shoes are douhtful, they are too small to be seen by anybody. Almost all shoes come within the scope of the rule; they have historically been exempted. If there exists any rational basis for separating shoes from headbands and wristbands, it was simply an arbitrary decision by the NFL. I do not know, but in any event, it is his argument for the game uniform rule is to distinguish one team from another.

Since the League has given the athletes freedom in their shoe selection, it has opened up a large area of economic opportunity for the athletes. It means a great deal to an athlete to have the freedom to negotiate a shoe contract which provides bonuses for whatever the shoe company has in stock up. It is not unheard of, for example, to have a contract which provides a bonus for the athlete if he is shown on the cover of a magazine with the shoe visible.

The shoe exemption allows the professional athletes to freely negotiate contracts providing substantial income. Sure the NFL player makes a considerably larger salary. But remember these are professionals at the pinnacle of the industry whose careers are exceptionally short and greatly encumbered with risks of sickness, injury, and loss of prowess. The NFL player contracts are standardized, so that there is little or no flexibility in the negotiating process with the exception being for those drafted in the early rounds. And remember that only an infinitesimal amount of these contracts are guaranteed, so almost all of the players must make the team each year. Therefore it is obviously within the professional's best interest to bargain in all available avenues.

Maye, I've seen too many Hewitt-Packard commercials lately, but "World's Smallest" and adidas challenged the NFL uniform rule as an unreasonable restraint of trade. Although such a challenge is highly unlikely since the NFL is a monopoly, the decision is marginal. I have seen worse. And it is quite possible that the shoe industry's official objection to allowing a shoe contract to be in the game uniform rule is to distinguish one team from another.

(Continued on page 7)

WEISMANN'S
A P R I L

by Dan Weisman

Well, the federal budget has just come out and been declared to be dead on arrival at Capitol Hill. As expected, Congress has decided to put in large increases in defense spending while making even larger cuts on the domestic side of the budget. Congress has also decided to put in large increases in defense spending while making even larger cuts on the domestic side of the budget. Congress has also

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(Continued on page 7)
Landing A Clerkship

by Pat Caputo
On February 18, 1986, the Placement Office sponsored a Program on Judicial Clerkships, designed to inform first- and second-year students of some aspects of these positions as well as some application and deadline requirements.

Joan Beck, Director of Placement, began the program by introducing Joe O'Dea, a third-year student who will be clerking next year with Judge Ditter of the U.S. District Court in Philadelphia. O'Dea presented the members of the panel, each of whom offered views on acquiring a position as a clerk and the opportunities offered within the different levels of the court structure.

Faye Stack, class of 85, is presently clerking for Judge O'Keefe in the Philadelphia Court of Common Pleas. Stack feels that positions such as hers are often obtainable through "connections" or friends who are or know judges needing clerks. Even if one has no such contacts, Stack advises that clerkships are often available and recommends sending a resume to the Administrative Judges. The yearly salary for a Common Pleas clerk is approximately $21,000.

Gordon Cooney graduated in 1984 and is completing his two-year clerkship with Judge Dit ter of the U.S. District Court in Philadelphia. Cooney believes the experience derived from a judicial clerkship depends largely upon how the particular judge sets up his chambers and allocates responsibilities to his clerks. Cooney described the workload at the federal courts' trial level as falling within three categories: deciding and writing on motions, presiding over the trial, and a case management function. The advantages of clerking in this court include acquiring a good feel for lawyers and procedural issues, along with making good contacts and having the opportunity to impress attorneys.

The panel's representative from the Court of Appeals was Karen Masterson, '85, who is currently clerking for Judge Gibbons of the Third Circuit. Masterson stated that the three functions of clerks at this level are research and writing, bench memos, writing opinions, and proofreading. The duties of a Court of Appeals clerk are more academic and possibly less dynamic than those of a district court clerk who participates in an ongoing trial. However, Masterson commented that her clerkship is "the most intellectually stimulating thing I've ever done" - the interplay of personalities I've observed is fascinating and the perspective into the Third Circuit which I've received is invaluable.

(Continued on page 7)

FEATURES

VLS' Music Man... Preston Hits Airwaves

by Brenda Raggiore
Live, from Smokey Joe's: It's Rob Dillahunty's "The Music Man!"

Second-year Rob Preston is a familiar sight in the halls of VLS as well as on campus and school social functions. He has been the disc jockey at the T.G.I.F.'s, as well as the Phi Delta Phi functions. Starting on Wednesday, February 12, Preston began a weekly live broadcast from Smokey Joe's.

The program aired on the Villanova radio station, WKVU-AM, 1050. He will be doing the show weekly from 10 p.m. to 1 a.m., every Wednesday night during the school year. Preston's show, the "Wednesday Night Backtrack Party," features dance music from the fifties, sixties and seventies. He claims that he is partial to the oldies format because it seems more danceable.

Preston became involved with WKVU during his first year in law school. Throughout high school and college, he had always been involved in some phase of music or entertainment. In high school he was a band; in college he spun records at his fraternity's parties. His Villanova entertainment career was born when he noticed that the T.G.I.F.'s could use a little livening up. He proposed to the S.R.A. that they have a d.j. at the functions, notably himself. He rented the equipment from the campus radio station, used his own record, and became a welcome addition to the social events.

Eventually he became an adjunct disc jockey at the station. WKVU is planning to revamp its entire structure for next semester. Presently it is only heard on the Villanova campus. It recently acquired an FM license and will soon be heard up and down the main line. Preston relates that the station has policy stating that every d.j. must be involved in another aspect of the radio station, as well as their show. He became heavily involved in promotion and production.

While contemplating new promotion tactics, he developed the idea of the live broadcast show from Smokey Joe's, a popular place for Villanova students. He had his idea approved by the undergraduate Student Activities Office and presented it to Smokey Joe's. Smokey's was very receptive to the idea, and even installed a permanent booth on the edge of the dance floor.

Clerkships:

Fierce Competition; Great Experience

(Continued from page 5)

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EXPERIENCING A JUDICIAL CLERKSHIP

By Pat Caputo

The application process is time consuming and competitive. Although there is no official deadline, those who have applied generally agree that it is wise to begin early, with March 15th as a target date. Last year, the rule among federal judges that clerkship candidates would not be considered and interviewed until July was changed without notice. Villanova students found themselves at a slight disadvantage compared to other prestigious schools that were made aware of the change. Second year students hustled to get their application packages together and mailed while many other law students were already interviewing. Despite this seeming drawback, 15 Villanova third year students have obtained positions, including eight federal district court clerkships. Seven state clerks were appointed in Pennsylvania, New Jersey, and Delaware. There is no formal application for these positions. Third year Joe O'Dea, who will be clerking next year for Judge McGlynn of the U.S. District Court in Philadelphia, found that the absence of standard applications could be an advantage: "You can use it as an opportunity to put yourself ahead." O'Dea found it worth-while to send an entire package to each judge containing a transcript, writing sample, the names of those whom he had asked to write recommendations, and a well-written cover letter. A package of materials, as opposed to a single letter, helps to single one out from among many candidates.

"Being offensive instead of waiting to be asked for your credentials is a positive strategy," O'Dea remarked. If one is anxious to gain federal clerking experience, it may be necessary to travel great distances. The Northeast traditionally contains the most highly sought positions, whereas other parts of the country may be more attainable while still providing a challenging and rewarding experience. When she began her application process, third year Kate Gregor chose the cities in which she would be willing to clerk and selected the judges with which she was interested in working. Gregor found her geographical flexibility paid off when she was awarded a position with Judge Belliew of the U.S. District Court in Houston, Texas. Clerking in a totally new and distant location is not a disadvantage to one's future career, regardless of where one is later employed. On the contrary, Gregor feels that "a clerkship experience can be used as a career builder, making you more marketable wherever you work."

If one knows with certainty where he intends to practice, it may be a good idea to stay within that state's court system. Firms will probably look favorably on an attorney who has worked closely with a judge in their jurisdiction. If, however, one is undecided as to where he wishes to be permanently employed, the skills and experience gained in clerking will be invaluable.

HARRISON WINS CIGNA GRANT

Valerie Harrison

In recognition of the outstanding academic achievement they have demonstrated in the pursuit of their law careers, two law students have been awarded 1986 CIGNA Law Fellows grants. Receiving this year's award are Chester Galloway, a student at Rutgers University School of Law, and Valerie Harrison, a student at Villanova University School of Law.

A White-Williams Scholar, Valerie Harrison received a B.A. from the University of Virginia. In addition to serving as a teaching assistant at Villanova University School of Law during her first year, Valerie conducted legal research at Schneider, Harrison, Segal & Lewis.

(Continued on page 4)
Coping With AIDS

By Walter Lucas

The Ups and Downs of Dow Jones

The University's policy is still in the developmental stage. However, the following guidelines set out by the CAA does strike some concern to Martin. "The reasoning behind this is we believe they establish a standard of care for dealing with a person who has AIDS, ARC, or HTLV-III. ACHI emphasizes the need to treat this issue on a case by case basis and look at each case and then make a decision about which students should stay in school."

Martin continued, "Generally, as long as a student does not dehabitually present parent controlled bodily functions, then a student who's physically able should stay in school."

He emphasized, "We want to be sensitive to individual students for example we would want to notify them if it is a measles outbreak, since they would be more susceptible to the condition."

There's much panic and misunderstandings around the disease. AIDS cannot be transmitted through the following contacts: working in a group setting, shaking hands, eating in restaurants, swimming in a public pool, sharing a bathroom with a gay roommate, using a public toilet, whirlpools, saunas, coughing, hugging.

The four major ways to contract AIDS are: intimate sexual contact with an infected person and a non-infected person; sharing needles as between an infected person and non-infected person, contaminated blood products, and from mother to unborn child.

Rev. Robert Martin is an outstanding person in his field. Beginning in March, deans, vice-presidents and the student life staff will be educated about the disease. R.A.'s (Resident Assistants) will be educated right away. There will be educational programs by invitation for student leaders sometime this spring. We plan to have an aggressive program in the fall for all students, perhaps beginning with orientation.

"In a realistic fashion, students can take the best precautions. We want to reduce hysteria, fear and irrational feelings about the disease. We want to reduce homophobia as much as we can.

Martin continued, "This is a realistic approach. With a population as high as Villanova's, it is part of our educational responsibility or legal obligation to teach students the risks of the disease."

Murray Resigns

(Continued from page 1) exclusively: law teaching and legal scholarship. Though I had not contemplated this change as early as next year, an outstanding opportunity came to reflect upon the remarkable progress at Villanova in a short span and my proclivities toward teaching and scholarship. I discussed this opportunity thoroughly with the President, the Board of Trustees and others before making a decision. I could not have received a more professional, insightful or charitable reaction. There was a genuine understanding of my desire to allocate more time to scholarship and to meet certain scholarly commitments that I had made in the past. Though the outstanding opportunity was unlooked, it was one that I had to consider seriously. After much vacillation due to my great affection for Villanova, I have decided to accept a position as University Distinguished Service Professor at the University of Pittsburgh. I will teach the Law School and devote my remaining time exclusively to scholarship, I will continue my full efforts at Villanova until August of this year. For the remainder of my career in legal education, I will always be pleased to recall my special and unique Villanova spirit. It shall remain with me always. I express my deepest gratitude to the many constituencies of this Law School who contributed to my Villanova experience."

(Continued from page 1) WAS NOT, FLUNK NOT!

Register now and save

BAR REVIEW

REPORT FROM SMH

Docket Financial Writer

Coping With AIDS

Tongues wagged and heated discussions were had in the industrial Average — Wall Street's best-known barometer of "the market" — when it topped the 1,600 barrier on Feb. 7. The history of the index is marked by several noteworthy levels and more than 300 points above its New Year's Eve level and more than 300 points below its high of 1,700 in late 1982, American Express replaced IBM and Merck (the chemicals and pharmaceuticals maker) respectively for an up-and-coming AT&T.

At times like this, all eyes are on the Dow Jones Industrial Average. Made up of the stocks of America's 30 most-chip-shot corporations. Dow Jones & Co., parent firm of the Wall Street Journal and Barron's, tabulates the daily price of the Dow and,200 points above its New Year's Eve level and more than 300 points below its high of 1,700 in late 1982, American Express replaced IBM and Merck (the chemicals and pharmaceuticals maker) respectively for an up-and-coming AT&T.

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McMahon "Banned" (Continued from page 3)

McMahon might just argue that the NFL has restrained interstate trade by adopting this overly broad rule and by applying it arbitrarily, unreasonably, and discriminatorily against him. Although the NFL's action was not so clearly related to the NFL's legitimate interests in protecting its uniform rule, question whether it is unreasonably restrictive and as a consequence, in violation of the exemption to the one made in the case.

The argument might be similar to the one made in the Los Angeles Memorial Coliseum case which cost the NFL about $85 billion dollars. But the League, could not again violate the NFL's rule requiring a three-quarters approval by members of the League before it could relocate into another territory unless it could show some special reason for its action. The argument might also be made that McMahon might just argue that the NFL interfered with the teams' uniforms, and therefore, contrary to the teams' by-laws, something which the NFL does not seem to have done. 

The first half seemed to be a story of keeping up with the game's pace and not being able to maintain much control over the game. For instance, does Harold Jensen wear a T-shirt underneath his uniform? Is it cool or is he trying to maintain some kind of style? In the second half, things never change.

The fans would be very much to the point of interest as the fans were in the stands in front of the press table, could we see whether he was wearing a T-shirt or not? But in any event, I also noticed Connecticut had a coach whose main purpose seemed to be to hold the players jackasses or maybe their team members on the floor. Does Villanova have any loyalty toward the ref at North East or just plain good sportsmanship?

With these thoughts in mind, I turned back to the game. Villanova had a streak going with just under 2 minutes to play and would lead the Cats to their finest win of the season, recording a thrilling 90-86 victory over the nationally ranked Hoyas as the 'Cats fell to the St. John Redmen, 79-76. But it was all downhill for the Wildcats after they threw a jumper from the top of the key.

Photo by Drew Wohl
Harold Pressley, jumper from the top of the key. 

Cats Hang Tough; Win 3, Lose 1

Cats Dump U-Conn. 59-53

Sethon Hall

The Wildcats roamed over Seton Hall on Saturday night. Harold Jensen was hot, scoring 12 points on 6-for-10 shooting in the first half. The Cats were in the lead 45-22. Lead by Harold Jensen, who scored 24 points, Villanova came storming back to pull within 3 points of St. John's. The Redmen hung on for the win, 79-76. However, capitalizing on U-Conn's inability to out of foul trouble by completing 16 of 19 free throws.

So You Want to Become a Clerk? (Continued from page 4)

McKenna's method was to select judges across the United States with known record-breaking participation in criminal cases and is frequently involved in major criminal cases. Ward is a partner in the Philadelphia firm of Dilworth, Paxson, Kalish and Kauffman. He was the United States attorney for the Eastern District of Pennsylvania and has represented a number of criminal defendants. Ward is a graduate of Harvard law school and is available to anyone who's interested in judicial clerkships. 

This year's ABA Convention will be an intercollegiate debate on the Sherman Act. At the same time, the court seemed to indicate that requiring approval by a simple majority vote would not have any effect.

Following this line of reasoning, McMahon could argue that the NFL has restrained interstate trade by adopting this overly broad rule and by applying it arbitrarily, unreasonably, and discriminatorily against him. Although the NFL's action was not so clearly related to the NFL's legitimate interests in protecting its uniform rule, question whether it is unreasonably restrictive and as a consequence, in violation of the exemption.

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When the burden of law school gets too heavy . . .

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A FREE BOOK BAG*
(It’ll at least make your burden easier to carry.)

Contact your campus rep for details.
*Limited Offer: subject to quantities on hand.

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It's not too late...yet.
Current spring discounts for the PA course:

<table>
<thead>
<tr>
<th>Class</th>
<th>Downpayment</th>
<th>Discount</th>
<th>Your Price</th>
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<tr>
<td>Class '86</td>
<td>$50.00</td>
<td>$75.00</td>
<td>$675.00</td>
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<td>Class '87, '88</td>
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