Symposium Addresses Tort Reform Possibilities

by Walter Lucas

As taboo topics of conversation go, sex, politics and religion have little if anything over tort reform these days. So it came as little surprise to those who attended this year's Law Review Symposium that the question, "Will tort reform advance justice in the civil system?" would become embroiled in a barrage of rhetoric.

The insurance industry has long been crying foul over a system that permits the injured to recover damages for such intangibles as "pain and suffering," due to defective products, medical malpractice and other failures to meet certain standards of safety or civilized behavior. Since mid-1984, the general liability segment of the industry has experienced sharp premium increases and policy cutoffs for such ventures as child care centers and taverns, according to Sean Mooney, senior economist for the Insurance Industry Institute.

"And now we're starting to see carriers pull away from covering medical malpractice and municipal liability," he told the symposium audience. Mooney noted that 20 claims are filed for every 100 doctors today, almost twice the rate in the late 1970s. "Today, the liability insurance system," he said.

Parker recognized that he was relying on a nearly 10-year-old study, citing obstacles with access to insurance industry data. "The industry inundates us with information, but they won't let us into their files to see if they're telling the truth," he said. "The insurance business has taken a slightly different position. In fact, for the first time ever, the ABA at its winter meeting last month in New Orleans, finally adopted an official position for "improving" — not "reforming" — the tort system, noted Prof. Robert McKay, former dean of the New York University Law School, attending his third VLS Law Review Symposium. McKay, who chaired a special ABA commission on the subject, admitted that his group's recommendations called for "modest" changes and "reaffirmed" the tort system's success in the "onioning, the average payout was just under $3,600.

But many trial lawyers believe that the insurance industry is just crying wolf. "The cyclical nature of the insurance business has more to do with the industry's problems than anything to do with the civil justice system," proclaimed Alan Parker, a spokesman for The Association of Trial Lawyers of America.

Referring to a late 1970s study of closed insurance claims, Parker said the data belie the insurance industry's claims. He said the study showed that not only are claims over-reported by the industry (by a rate of 700 percent), but that the "huge" recoveries supposedly paid out averaged just under $14,000 per claim. "And even that figure used 'trended data' which exaggerated payouts," Parker charged. By the Trial Lawyers Association's reckoning, the average payout was just under $3,600.

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The trial lawyers' advocate said his organization is imploing legislators not to limit an injured party's right to sue. "That right protects us from the tyranny of our neighbor," Parker said. "Everyone who received a million-dollar award would gladly give it back in exchange for the use of their arms, legs, etc." he added. Parker concluded that "bad faith" insurance claims and insurance companies using each other accounts for more litigation than liability cases, and that nothing is really wrong with the civil justice system.

The American Bar Association, admittedly lagging state legislative efforts to change the tort system, has taken a slightly different position. In fact, for the first time ever, the ABA at its winter meeting last month in New Orleans, finally adopted an official position for "improving" — not "reforming" — the tort system, noted Prof. Robert McKay, former dean of the New York University Law School, attending his third VLS Law Review Symposium. McKay, who chaired a special ABA commission on the subject, admitted that his group's recommendations called for "modest" changes and "reaffirmed" the tort system's success in the "onioning, the average payout was just under $3,600.

The problem, he asserted, is that the courts have moved away from a fault-based system toward a "no-fault" system, which rewards plaintiffs for simply filing a complaint. "When a company is likely to be sued, they'll pay up and it will show up in the stock price," he said.

He called for a "pure compensation" system or criminal or administrative sanctions to deter wrongdoing. Anything less, said Mooney, destroys the predictability of insurance risks. He warned that if the courts continue to render adverse decisions that have nothing to do with risk experience, insurers will have little choice but to cut back on coverage or raise rates so high as to be virtually unaffordable by many.
EDITORIAL

Lost in the Flood?

We can all understand first-year jitters but after a semester and a half under their belt, it’s time for a certain first-year section to start thinking about getting with the program. Attitude doesn’t cut it here until you’re a third year. Any time a professor has to walk out on a class to get a reaction from his or her students, it can’t just be the professor’s fault. Indeed, one higher-up in the administration was reported to have said that he couldn’t really blame the professor. There are always rumors about which section the faculty considers smarter; this year, they’re talking about which section is alive and which one’s suffering from an infectious case of mopia. This is much more than a problem of not being prepared for class, or just having an inanimate class persona. But where there’s smoke . . . One morning, two years from now, you’ll find yourself in the real world where there’s going to be a grade for participation.

Let Us in on it, too

You have to hand it to Professors Rothman and Maule. They have the admirable trait of being able to laugh at their own expense. Witness the juicy excerpts of faculty evaluation questionnaires they plastered on the walls outside their offices. Students say the darndest things, don’t they? To be sure, some of Rothman’s and Maule’s colleagues were upset by what students wrote on their evaluations. Rothman and Maule are to be commended for giving us a peek at a very one-sided process. But why post only the funny or incongruous excerpts? Why not share all the students’ insights into all our instructors and their courses with everyone? That way, prospective enrollees could have another source for making an informed choice. They’d have certainly a reason for taking the process more seriously. Besides, posting “selected” excerpts of evaluations accompanied by flip captions smacks of irreverence for those who took the time to contribute their thoughts.

By publishing all faculty evaluations and making them available, students will figure there’s some sense of accountability that makes the effort worthwhile. Who knows, it might even improve the way courses are organized and taught.

The Practice of Law

At the turn of the century, students graduating from three years of casebook instruction may have been minimally competent to begin practicing law. Not today, however. Not only has the practice of law become more complex, but the study of law has grown to curricularly unmanageable proportions as well. Progress and proliferation notwithstanding, law schools are still charged with the task of turning out new lawyers with minimal competence. VLS tries to meet that task by offering clinical instruction in both advocacy and draftsmanship. Students can earn credits for Villanova Community Legal Services (VCLS), the Juvenile Justice project, Contract and Will drafting, Lawyering Skills, Client Interviewing and Counselling, and so on.

VLS also sponsors the American Bar Association’s annual Client Interviewing and Counselling Competition. Students need not have taken the course to compete. In fact, many don’t. For them it’s enough to have an opportunity to learn the art of lawyering without receiving academic credit, just as Reimel Moot Court competitors argue twice for the same single credit that Credit Round teams receive for arguing just once. They know that, in the long run, the experience will prove far more valuable than credit received. That’s their credit.
THE PAPER CHASE

by Walter Lucas

Time was when President Reagan could drop a hat, recount his version of the story about the welfare lady who showed up with a stack of rubber concrete blocks called The Bronx, the boy leaned across the aisle and asked his father why that part of the city looked the way it did. With many a moment's deliberation the father, in one sweeping sentence, explained what it was about New York. It is one they can't even try to explain. His actual theory isn't important. Suffice it to say, it was the victims for their plight, rather than themselves.

Maybe I'm naive, but I really don't ascribe to our President or posse the ability to articulate his intent to deceive us. I truly believe that he is not aware of what he is saying, or at least have to believe of his lack of better explanation.

The point is, the lack of knowledge of things is something lawyers can afford the luxury of taking things for granted, as long as they can analyze problems, to delve into the heart of the case, to understand the meaning, and to eventually come up with a solution. They can also see the effect of the law on people and society.

The young boy, who de­

Why should we champion the cause of all the clerks for free, the theory goes, when we can get paid for the job we are doing to all the trouble of taking a position when someone else may pay the same or more? I've heard it all before, and I heard it again a few weeks ago I heard a powerful partner of a competitor say that his good lawyer is like a good prostitute. If it is right, you price it up to go.

He must have read Jonathan Swift's description of lawyers in from their youth in the art of me a chance to rest your hand," she said. "That [professor] sure talks around, doesn't he?" I'm not talking about spending all his "hard-earned money" on paperback novels. It seems to me there are worse vices in the world. Of one them certainly is being作品内容, and I don't mean it for it. Besides, why bother going to analyze problems, to delve into the heart of the case, to understand the meaning, and to eventually come up with a solution. They can also see the effect of the law on people and society.

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The Baby M Case: Who Should Win

by Caroline Reeves

Two couples in New Jersey are fighting for the rights to a child conceived by contract in what is being called “The Baby M Case.” The baby’s natural mother agreed to accept $10,000 plus medical expenses from the surrogate father, a wealthy scientist married to a professional woman who feared his baby might be born with Multiple Sclerosis, which she has been diagnosed as having, in exchange for delivering the baby. Shortly before the birth, the mother relented and threatened to kill the child if he sued for breach of contract. He did. Who should win?

Enid Adler (mother of three)
“I think the whole case is going to set precedent for the whole concept of surrogate mothering. I think the surrogate father should win. He and his wife can do the best for the child. The natural mother would not even have had the child if not for the contract.”

Remo Chiatti (unmarried)
“Emotionally, I can see the natural mother’s side. Even if she freely entered into the contract, I don’t think she could have foreseen her change of mind. At the same time, the surrogate father has rights too, legally and emotionally. I really don’t know who should win.”

Marilyn Soloway (mother of three)
“The surrogate father should win. All the testimony of the psychologists and psychiatrists has shown that it would be in the best interests of the child to be with the surrogate father. I don’t see any contract problems at all. The contract was entered into voluntarily between equals. Besides, I don’t think that biological motherhood is necessarily determinative.”

Mist
Grant Freeman (unmarried)
“From what I’ve read and heard, it seems like the family law issues are prevailing. But they made a contract, so the contract issue should prevail. Both parties entered the contract voluntarily and freely bargained for a baby in exchange for money. It’s clear what they intended. After all, the natural mother wasn’t pregnant when she entered the contract.”

Susan Bassett (married, no children)
“I don’t see any winners here. They’re certainly all losing now. There won’t be any value as precedent because of the unusual facts in this case; namely, the natural mother’s instability. That gives the judge something to hang his hat on. If the case is decided according to the best interests of the child, the surrogate father will win. You have to wonder if the natural mother has the best interests of the child at stake.”

Charles Mandracchia (father of two)
“The best interests of the child is to be with the people who paid for its procreation, as opposed to the natural mother who already has three children and allegedly can’t afford another. Besides, taking a Solomonic approach to this case, if the mother has threatened to kill her child, her love must not be that sincere.”

The Docket invites all members of the VLS community to submit Guest Editorials for possible publication.
by Nancy Drew, Lois Lane and Marie Antoinette

Person of the Month

Healing his heart, Mike S. a.k.a. Kevin. (Whom some posit in the proximity of wine brings). Last month was a banner month for Mike S., drawing crowds and inciting riots in every corner of the world, to the heart's content. Impressions began at Harry K.'s apartment where Mike was seen in a world federation wrestling match with Harry's roommate, George P. to start things off, but sorry Mike, Hulak Hogan's not yet out.

Mike S. decided wrestling was not a good career move, so his next goal was to break into the world of entertainment. We hear he may be a new addition to that Law School ensemble of Violin Where Prohibited. Even The Romans could have been impressed by Mike's harmony in "What I like about you." Void Where Prohibited has yet to take control with show biz's latest crooner.

The highlight of Mike S.'s month was his impromptu birth day bash at St. Mary's gym. Throng of admiring fans (at least four) showed up to shower Mike with affection, including his birthday cookie. Unfortunately, The scientists, led by Dave W., Harry K., Bill M., Ross E., et al., were not so pleased with the chocolate taste and the durian fruit resulting from the festivities.

New Persons

Marcus S. and spouse are overwhelmed with the birth of a baby. He was born on Friday, February 13. We wish the parents and the newborn good wishes.

Good Sports

Notwithstanding Kevin J.'s, performance on the foul line, the Biscuits, The 2L and Nude Body Surfers, prevailed in a world federation wrestling match with Harry's roomie.

One other birthday party worth mentioning was the bash thrown by Jamie F., Mark K., John L., and Steve M., after Barley's. No news here. Attendance at one of these blowouts should be a graduation requirement. Sage words concerning the care or handling of that product; and where did he come from? Another frustrated guy who disappeared before anyone could find out his name.

First-Year Oral Arguments Begin

Continued from page 10

were manufactured by American (One could be used in the construction of elevated water tanks in Abu Dhabi. The jury returned a verdict for plaintiff in the amount of $1,002,540.00.

Issues

1. Whether the oral court erred in submitting the case to the jury on a theory of strict liability in tort.

The presentation will be held in room 29, Gray Hall, and will begin at 6 p.m. There will be an open reception immediately preceding the lecture, beginning at 5 p.m. in the Student Lounge. No admission charge. For further information call Esther Bachrach or Perry McGausland at (215) 645-7053 or (215) 645-7062.

The eleventh annual Donald A. Giannella Memorial Lecture will be held on Friday, April 3, 1987. The speaker's name will be announced later this month. The Lecture, "The Fourth Amendment Today: A Bicentennial Appraisal," will be printed in the Student Lounge. No admission fee.

Gianella Lecture Date Set

by Esther L. Bachrach

The Docket Needs Staff Members!

If You're Interested, See Amy McGovern or Walter Lucas or Leave a Note in the Docket Mailbox in Student Services.

Ciallana Lecture Date Set

by Esther L. Bachrach

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March, 1987 • THE DOCKET • Page 5
Students Give Legal Aid

by Walter Lucas

Your nine-o'clock appointment is already at the office when you arrive. Her children are crying and the kids, "You have to get my husband out of the house," she implores. "I'm afraid for myself and the kids." Just then the receptionist hands you a letter from the Unemployment Compensation Board of Review. That willful misconduct dismissal case was won last month but has been remanded for a hearing de novo next week.

Another day at the office! Well, sort of. The office is Delaware County Legal Aid and the "attorney" is a student enrolled in the Villanova Community Legal Services (VCLS) clinical course. Students have a lot of lawyering opportunities to perfect their lawyering skills, "Students learn to deal with problems of reluctance, fabrication, bias in perception and an enormous amount of emotion," Kaufman notes. "Sometimes, dealing with the emotions of a case can be much more difficult than discerning the facts. It doesn't take long to learn that a 'Just the facts, Ma'am' approach just doesn't work.

The curricular theme of VCLS is simple: Practice makes perfect. "We have a large volume of cases so that students have the opportunity to perfect their lawyering skills," says Margaret Lenzi, the teaching the course, both instructors. "Clients really do look to the students for advice, and we make every effort to refer their calls so that the student working the case, even though it might be easier if we didn't.

Second-year students, who receive two credits per semester, are required to spend a half-day at the office per week. Third-year students, who spend a half-time minimum of three credits per semester. Although second-year students cannot make court appearances, they can represent clients in administrative hearings unem­ployment compensation, landlord-tenant, welfare hearings and the like. Third-year students represent clients before the federal Bankruptcy Court in Philadelphia and Family Court in Media.

Kaufman believes that the ex­posure gives students not only a hands-on feel for what they've been studying all along. "For example, a lot of ethical rules involves judgment calls," he explains. "Here students get a chance to make some of those calls." They also learn things like knowing when to object to irrele­vant evidence and when it's just proper to wait until the time and informate the judge, he conti­nues. "Many times, the judg­ment has little to do with the rules of evidence," says Kaufman, "and it's the experience and the insight which we've been getting paid for. That judgment is built on experience.

Adds Lenzi: "Learning the sub­jective side of the law is critical. I think we'd be appalled if doctors were allowed to practice medicine without an internship, yet lawyers can sit for the bar and call themselves practitioners without any practice.

In this, their third year of post for the success of Malcolm Pryor, a law school drop­out who co-founded an up­coming Philadelphia investment banking house, Pryor, Govan, Counts & Co. The firm has been in the financial news of late because of its participation in the sale of Conrail to public investors, the largest public offering of stock in history. Federal legislation authorizing the stock sale required that majority-owned investment banking firms be afforded a signi­ficant opportunity to participate in the offering. Pryor Govan, a black-owned firm, was selected along with five other minority­ OWNED firms to underwrite a portion of the offering. The six firms will share management fees in excess of $7 million for the deal.

Minority firms hope that the Conrail deal will showcase their talents and pave the way for future deals in corporate offerings. In the past, minority firms have successfully attracted municipal clients who needed underwriters for municipal bond offerings, but business has not been as good in the corporate area which is dominated by the large Wall Street investment banking houses. Pryor observes that the legislation re­quiring minority participation also has a "subtle significance" in demonstrating that when govern­ment says it will help minorities it will not ignore the financial industry.

Although he could not comment on the Conrail deal because of the restrictions imposed by federal securities laws, Pryor described his background and the history of his firm in a recent interview. The firm is located in Center City in what may be the quintessential entrepreneurial office. On the door to the office someone had hastily tacked up a handwritten sign with the firm's name. Inside, one notices immediately that there seems to be more staffers than desks, more papers than file drawers and more ringing phones than hands to reach them. There is no reception area and coats are piled in the closet on top of boxes of office supplies. Good natured apologies are made — "Sorry if the phone interrupts us, but we're really trying to make some money here!"

"While the firm may be short on space its chairman is long on dreams; Pryor wants to build a 'diversified investment banking concern that is properly capital­ized, that is international, and that can be honestly compared to Goldman Sachs, Merill Lynch and Salomon Brothers.' Educated at Howard University, Pryor worked for Bethlehem Steel in its Industrial Relations Department after graduation. While at Bethlehem Steel, Pryor attended law school at the University of Maryland at night. The law interested Pryor, but he was frustrated that he had only limited time to devote to his studies. After two years he left law school and Bethlehem Steel to attend the Wharton School full­time for his MBA.

At Wharton, Pryor's interest were in labor relations, and he planned a career in that field. However, a friend who worked in the Wharton placement office suggested that Pryor submit a resume to Goldman Sachs, a prestigious international investment banking house based in New York. Pryor ended up clerking with the firm for part of the summer following his first year at Wharton. By the time he fin­ished he knew that he had high finance in his blood. Pryor ex­plained that he was drawn to the highly charged competitive at­mosphere of the investment bank­ing world. "There are no com­ments about stress at Goldman Sachs — the people there feed on it," he noted. "Pryor enjoyed work­ing with people who were meant for the business and who were highly motivated to make money.

Pryor joined the firm after he completed his degree and stayed there for seven years. He dealt with the firm's institutional in­vestors and specialized in the sale of fixed income securities. In the early seventies, when government regulation allowed the creation of money market funds, Pryor also got involved in the establishment and marketing of this new invest­ment vehicle.

As he gained expertise in the financial world, Pryor contem­plated starting a firm of his own. He was enticed by new opportunities for minority bankers arising through the emerging political power of blacks in large cities. He also believed that he was in a unique position "to make a difference" in helping blacks join the economic main­stream by providing access to capital markets. This social goal was critical to Pryor because, as he observed, "you don't leave a firm like Goldman Sachs because you need money." Pryor started the company in 1979 with two colleagues from Wharton.

Twelve hour days are standard for Pryor now, and he says that his schedule is unpredictable because he must be "true to his responsibilities." This determina­tion reflects his hard core belief in the work ethic. He states, "In this business, it's not what you say, it's what you do. Commitment means action.

Of lawyers, Pryor observes that there is a tug of war between lawyers and investment bankers in the context of a deal. "The premium is on a lawyer who won't get in the way of a deal," he finds.
Moot Court Show

by Scott Fogley

Appreciation is in order for all the participants involved in the Moot Court Competition, including the蕭 students and the professors who have contributed to its success.

Most students are aware of the experience that awaits them this month, as they walk down the hallway to the Moot Court Board office. This is the first time in several years that a team has been selected by Professors John Hirt and Justin McCarthy, Outside Competitions Coordinator and member of the Moot Court Board Executive Committee, has the awesome responsibility of coordinating all aspects of Moot Court Competition activities, from the payment of the entry fee to making sure that all rounds are conducted in accordance with the rules in effect for the competition. The team has been selected by Professors Hirt and McCarthy, Outside Competitions Coordinator and member of the Moot Court Board Executive Committee, has the awesome responsibility of coordinating all aspects of Moot Court Competition activities, from the payment of the entry fee to making sure that all rounds are conducted in accordance with the rules in effect for the competition.

The Moot Court Board will hold a special meeting to select the team for this year's competition. The meeting will be held on Monday, January 8th, at 4:00 p.m. in the Moot Court Board office. All members of the Moot Court Board and interested students are encouraged to attend.

The team selected by Professors Hirt and McCarthy, Outside Competitions Coordinator and member of the Moot Court Board Executive Committee, has the awesome responsibility of coordinating all aspects of Moot Court Competition activities, from the payment of the entry fee to making sure that all rounds are conducted in accordance with the rules in effect for the competition.

The selection process for the team will be based on the following criteria:

1. Demonstrated interest in and commitment to the Moot Court Competition
2. Demonstrated ability to think critically and creatively
3. Demonstrated ability to work well in a team
4. Demonstrated ability to work under pressure
5. Demonstrated ability to present arguments effectively

The selection process will be conducted by Professors Hirt and McCarthy, Outside Competitions Coordinator and member of the Moot Court Board Executive Committee, has the awesome responsibility of coordinating all aspects of Moot Court Competition activities, from the payment of the entry fee to making sure that all rounds are conducted in accordance with the rules in effect for the competition.

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AT THE MOVIES

"Platoon"

There are films which tell a story and there are films which enable one to live through an experience. Platoon is a film which enables one to relive the horrors of the Vietnam War.

Writer-director Oliver Stone author of the scripts of Midnight Express, Scarface and Salvador is himself a decorated combat veteran of the Vietnam War. He recreates his own personal experience through the character of Chris Taylor (Charlie Sheen), a college drop-out sent into combat observing his metamorphosis is himself a decorated combat veteran. This year was no exception. What better way to remember your wedding anniversary than to get married on Valentine's Day? That's what Chris, we are in the middle of Vietnam and cannot leave until we have put in our time. And like Chris, we live each day only hoping to survive until the next. There is no release to know what they were fighting for. A general ambivalence towards the cause evolves, along with the war, into a pointless waste of human lives. Stone accentuates this message by including an omnipresent intra-platoon feud between the two sergeants, Barnes (Tom Berenger) and Elias (William Dafoe). Eventually, the platoon becomes divided into two factions and the men become more absorbed with this internal struggle than with the war around them. Platoon stands above and beyond other films recounting the Vietnam War because it focuses strictly on the war itself. There are no diversions to homecoming parties, no diversions to homecoming parties, no diversions from combat. America. Like Chris, we are in the middle of Vietnam and cannot leave until we have put in our time. And like Chris, we live each day only hoping to survive until the next. There is no release to the tension of being faced with our own mortality. Only more tension. Ambivalence. And more tension.

In addition to the inevitable bloody combat scenes, Stone focuses on the intense physical discipline which the men experience as they become acclimated to the swampy leech ridden jungle. In one particularly resonating scene, Chris' shirt becomes infected with leeches while trying to catch sleep between guard duty. The platoon also engages in night long hikes through waist deep water which has flooded the jungle only to be welcomed with a shower of enemy ammunition.

Platoon provides both a disturbing and enlightening look at the Vietnam War. It is a masterfully craft work of art which took Oliver Stone ten years to finally finance. Mr. Stone, this has certainly been worth the wait.

The movie is brilliant for it focuses on the overall sentiment which after a while, no one really understands what they were fighting for. A general ambivalence towards the cause evolves, along with the war, into a pointless waste of human lives. Stone accentuates this message by including an omnipresent intra-platoon feud between the two sergeants, Barnes (Tom Berenger) and Elias (William Dafoe). Eventually, the platoon becomes divided into two factions and the men become more absorbed with this internal struggle than with the war around them. Platoon stands above and beyond other films recounting the Vietnam War because it focuses strictly on the war itself. There are no diversions to homecoming parties, no diversions to homecoming parties, no diversions from combat. America. Like Chris, we are in the middle of Vietnam and cannot leave until we have put in our time. And like Chris, we live each day only hoping to survive until the next. There is no release to

I have a warm spot in my heart — and often in my stomach — for the fast-food restaurants I started following the fast-food market as a junior analyst when institutional investors were still a bit hesitant about giving their money to such companies. But the handwriting was on the wall. Growth prospects for fast-food chains were limited in a two-paycheck society, which valued its leisure time as much if not more than its work time, and found it preferable to eat out as often as possible. Rare was the industry that could match the unit growth pace set by these junk food purveyors. Then, about the same time the golden arches announced that McDonald's was selling over a billion burgers annually, saturation (no pun intended) set in.

Remember the Burger Wars? For a While there, it seemed like the only way to boost sales volume was to give food away. McDonald's was doing it, Ziegler has yet to formulate a price appreciation target for this year and next. Ziegler argues that the restaurant industry should see an uptick in business, based on greater customer demand. He says that some stores, probably a quarter of them at that time, their menus got a little cheaper.

Why all the marketing shenanigans? Don't blame it on the restaurant industry. The market did have a saturation point on the horizon. Also partly because the average restaurant customer was giving ground to households demographically unserved. As a result, he has turned positive on the restaurant stocks despite Wall Street's negative stance on earnings growth prospects for the industry. Ziegler argues that the restaurant industry should see an uptick in business, based on greater customer demand. He says that some stores, probably a quarter of them at that time, their menus got a little cheaper.

If tort reform is to come about, it will have to be via the legislative route, said Professor James Turkington, who assembled and chaired the symposium panel. That's because the court's philosophy is a non-interventionist, "hands-off" approach to economic policy, he explained. Turkington's paper on the developing constitutionalization of tort reform will be published in a future Symposium edition of the law review.

The Yearbook will be delivered on May 15th. Orders will be taken until March 20th. The cost will be $20 per copy. There is a fee of $2 for name embossing and $2 home delivery.

Tort Reform Panel

Continued from page 1

mended that the excesses be corrected, not to change the system as a whole, but to help the symposium audience. Notably, the commission did not recommend a cap on pain and suffering; rather, it urged greater judicial control over such awards

said Parker. "It legitimizes the something really is wrong with seeking an advantage," he said, alluding to the insurance industry.

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100 Days Party Held

Photos by Sue French
Moot Court

First-Year Moot Court Topics Announced

State v. Keaton

Argument Schedule
Wed., 3/25 — Room 10 — 9:00 p.m.
Wed., 3/25 — Room 10 — 7:20 p.m.
Thurs., 3/26 — Room 103 — 5:00 p.m.
Thurs., 3/26 — Room 103 — 7:00 p.m.
Fri., 3/27 — Room 103 — 3:30 p.m.

Schultz, Sections A-1, A-2, A-3

First Year Moot Court Issues/Times

1. Defamation - The director of a state bureau purchased a cable station for reporting that he had sold trips intended to be given to patient contendants and that several ambiguities surrounded the tidings at the cable station's roch­
dated payment. The issues are whether plaintiff is a public figure and whether the public statements made during the cablecast were of a defamatory meaning.

Times:
Thurs., 3/25 — Room 30 — 2:40 p.m.
Wed., 3/25 — Room 30 — 2:40 p.m.
Wed., 3/26 — Room 103 — 2:40 p.m.
Wed., 3/26 — Room 103 — 2:40 p.m.
Mon., 3/30 — Room 30 — 3:40 p.m.
Mon., 3/30 — Room 103 — 3:40 p.m.

2. Intentional Torts - A hospital employee fired for miscon­
duct sued a management consultant hired by the hospital to investigate drug dealing, drinking, theft, etc. by hospital employees on the premises. The plaintiff alleges that the management consultant caused his firing by providing fraudulently obtained information to the hospital/employ­er. The issues are whether the plaintiff had stated a claim for fraud and/or intentional interfer­ence with contract and whether the hospital was induced to fire the plaintiff. The claim for punitive damages claim in the case resolved to a letter from defense counsel was proper (both substanti­vely and procedurally).

Wed., 3/18 — Room 102 — 2:40 p.m.
Mon., 3/23 — Room 103 — 3:40 p.m.
Wed., 3/24 — Room 103 — 1:40 p.m.
Fri., 3/27 — Room 101 — 2:40 p.m.
Wed., 4/1 — Room 102 — 2:40 p.m.

3. Worker's Compensation/Negligence - An em­
sued defendant's employee (a hos­
ital employee) for negligently failing to follow work instructions that resulted in a decedent as the victim of an injury resulting in death while working the night shift. The issues are whether the suit is barred by the Workers' Compensation Act and whether the hospital was actually negligent.

Times:
Mon., 3/16 — Room 30 — 2:40 p.m.
Fri., 3/20 — Room 103 — 2:40 p.m.
Wed., 3/25 — Room 103 — 1:40 p.m.
Mon., 4/2 — Room 103 — 2:40 p.m.
Fri., 4/3 — Room 101 — 2:40 p.m.

I. Psychiatrist's Duty to Warn/Informed Consent

Defendant, Dr. Fields, a cardi­
cia specialist, began seeing defendant, Dr. Samuelson, a psychiatrist, in
November of 1980 for acute anx­
xiety and depression. One conse­
quence of his treatment was that his hands shook uncontrol­
ably. On March 30, 1981, Dr. Fields diagnosed plaintiff, Mrs. Thompson, as suffering from a primary depressive dis­
sion and on May 13, 1981, Dr. Fields performed surgery on Mrs. Thompson to treat her depres­
sion. Dr. Fields damaged sever­
erve, leaving Mrs. Thompson with chronic numbness.

Issues:
A) whether, under Virginia law, plaintiff, who is unable to identify the manufacturer of the DES ingested by her mother, should be allowed to recover under the Lanham Act.

Times:
Mon., 3/16 — Room 101 — 2:40 p.m.
Mon., 3/16 — Room 29 — 7:00 p.m.
Thurs., 3/26 — Room 29 — 5:30 p.m.
Mon., 3/20 — Room 29 — 4:30 p.m.

B) whether the applicability of Virginia Statutes of Limita­
tion, plaintiff's action did not accrue until she dis­
covered that her injuries were caused by the ingestion of DES.

Times:
Mon., 3/16 — Room 29 — 2:40 p.m.
Mon., 3/16 — Room 29 — 7:00 p.m.
Thurs., 3/26 — Room 29 — 2:40 p.m.
Mon., 3/20 — Room 29 — 2:40 p.m.
Wed., 3/25 — Room 29 — 1:40 p.m.

C) whether the search of her home by the police and therefore invalid by the court.

Mon., 3/16 — Room 101 — 7:00 p.m.
Mon., 3/16 — Room 103 — 5:30 p.m.

D) whether the sporadic testimonial privilege, the
testimony against her violated the

Mon., 3/16 — Room 101 — 7:00 p.m.
Mon., 3/16 — Room 103 — 5:30 p.m.

E) whether the police and therefore invalid by the court.

Mon., 3/16 — Room 101 — 7:00 p.m.
Mon., 3/16 — Room 103 — 5:30 p.m.
**SPORTS**

**Basketball**

**Intramural Basketball**

**Lewis Lloyd Division**

<table>
<thead>
<tr>
<th>Team</th>
<th>Record</th>
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<tbody>
<tr>
<td>Power of Attorney</td>
<td>5-0</td>
</tr>
<tr>
<td>Holstenheroes</td>
<td>4-1</td>
</tr>
<tr>
<td>Downtown</td>
<td>3-2</td>
</tr>
<tr>
<td>&quot;B&quot; Serious</td>
<td>2-2</td>
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<tr>
<td>Sittergates</td>
<td>0-3</td>
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</tbody>
</table>

**Michael Graham Division**

<table>
<thead>
<tr>
<th>Team</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Biscuits</td>
<td>3-1</td>
</tr>
<tr>
<td>Nude Body Surfers</td>
<td>3-1</td>
</tr>
<tr>
<td>Champs</td>
<td>3-1</td>
</tr>
<tr>
<td>The Skogs</td>
<td>0-4</td>
</tr>
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</table>

**Hawthorne Wing Division**

<table>
<thead>
<tr>
<th>Bravewilds</th>
<th>Record</th>
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</thead>
<tbody>
<tr>
<td>Brawler</td>
<td>6-0</td>
</tr>
<tr>
<td>Trade Belt</td>
<td>4-2</td>
</tr>
<tr>
<td>Jordanaires</td>
<td>2-2</td>
</tr>
<tr>
<td>Rebels &amp; A Claire</td>
<td>0-4</td>
</tr>
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</table>

**Bubbles Hawkins Division**

<table>
<thead>
<tr>
<th>Team</th>
<th>Record</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Mamas</td>
<td>2-1 (F)</td>
</tr>
<tr>
<td>Nicki Hoos</td>
<td>2-1 (F)</td>
</tr>
<tr>
<td>Team X</td>
<td>1-2</td>
</tr>
<tr>
<td>Joe’s Garage</td>
<td>1-3</td>
</tr>
</tbody>
</table>

**Cat's Tourney Outlook Poor**

By Michael DeFrank

One of the most underrated basketball programs and with it comes the most emotional and exciting yearly sporting event. As many fans know, I'm referring to the NCAA College Basketball Tournament. With the tournament just weeks away, many fans are predicting what team will emerge as the champion of the Final Four to battle for the national championship in New Orleans.

I believe there are probably at least a dozen teams who are capable — all from the same conference — that will be in the tournament this year, but four appear to have the best shot. Regardless, if the Big East fans may say, without a doubt the Big Ten is the best conference in college basketball this year. The nation's polls have consistently ranked Indiana, Iowa, Purdue and Illinois among the top ten teams in the country. Michigan and Ohio State are strong enough that they could contend for first place in any conference. In the country, except the Atlantic Coast Conference (North Carolina is too much for either). There is a good chance that all six of these teams will make the tournament field. Of course, making the tournament and doing well once there are two different things.

If a team is going to do well in the tournament, it must have solid coaching, experienced players, a good bench and that all-important momentum. With three weeks remaining in the regular season, it is too early to tell which teams will enter the post season on a roll. Note the questions involving each team.

**Big Ten Basketball**

One such team is the Iowa Hawkeyes, who have been considered by many to be the conference's best team. A talented Hawkeyes' team has been a tough man-to-man defensive team, averaging 14.6 turnovers per game. Indiana's bench, along with the team's, has been the nation's best, averaging 14.6 turnovers per game. Indiana's bench, along with the team's, has been the nation's best, averaging 14.6 turnovers per game. Indiana's bench, along with the team's, has been the nation's best, averaging 14.6 turnovers per game.
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