THE DOCKET

Vol. XXIV, No. 8
THE VILLANOVA SCHOOL OF LAW
April, 1988

Brogan New Legal Writing Director

by Suzanne Cosentino

After a year of staff changes and complications, the Legal Writing Program is about to undergo another major change. Doris Brogan will replace Louis Sirico as Director for next year. Brogan has a bachelor's degree in Communications with a concentration in Journalism, and she has strong convictions about legal writing. "I so thoroughly endorse and believe in the Legal Writing program. It's important and it gets the attention it deserves."

In order to accommodate her new administrative duties, Brogan will have to relinquish some of her teaching responsibilities. While she will miss teaching, she stresses the necessity for maintaining a program that instructs students in effective communication. "I believe that law school should throw you into brief writing," she said. The VLS Legal Writing program is notable, according to Brogan, because it emphasizes "reaction to individual student work. This program teaches and nurtures.

Brogan expressed her enthusiasm about the selection of two new Legal Writing instructors, Linda Post and Alan Calnan, both professors of law at Temple University of Pennsylvania. Post and Calnan will join the Legal Writing staff next semester, bringing the number of instructors to four — a situation rare in the Legal Writing program's recent history. Not since the close of the fall semester, when the teaching staff included Karen Porter, Lauren Scott, Nancy Schultz, and Annnemiek Young, has the program had its full complement of instructors. Of the four original instructors taking on administrative duties this spring, only Nancy Schultz would return through the year unscathed. This was not completely unexpected; both Karen Porter and Annnemiek Young expected babies late in the semester, they hoped not until after briefs and oral arguments. But the program soon came to illustrate Murphy's Law, and whatever could go wrong did. A real trooper." Another IL had caused major problems, adding a somewhat less-than-sympathetic student to the mix. But the program was still in, but reminded them to have fun," says Schultz. "There was no way to have fun," says Schultz. "There was no way to get rid of the problem."

The Year in Brief

The spring semester began without Karen Porter, who had a position accepted to head up the graduate program at Temple. Although Nancy Schultz might be through the year unscathed, the program was not completely unanticipated; both Karen Porter and Annnemiek Young expected babies late in the semester, they hoped not until after briefs and oral arguments. But the program soon came to illustrate Murphy's Law, and whatever could go wrong did.

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Bell Speaks at VLS

by Lynne Harper

On April 18, Derrick A. Bell, Jr., Professor of Law at Harvard University, presented the 1988 Villanova Law School Giannella Memorial Lecture.

Professor Bell's topic was "White Superity in America: Its Legal Legacy, Its Economic Costs," in articles and speeches, and in his most recent book, And We Are Not Saved: The Exusive Quest for Racial Justice. Bell contends that Blacks have not been freed by the changes won by civil rights activists, and that American society today reflects the same contradictions with respect to blacks and whites as when the Constitution was drafted. Bell is an outspoken authority in the area of civil rights law and in addition to And We Are Not Saved, he has written Race, Racism and American Law: Shades of Brown: New Perspective on School Desegregation; and Forward: The Civil Rights Chronicles. Professor Bell is the former Dean and law professor at the University of Oregon Law School. He also served as the Executive Director of the Western Center on Law and Poverty at the University of Southern California Law School, the Deputy Director of the Office for Civil Rights, Department of Health Education and Welfare, and the First Assistant Counsel to the NAACP Legal Defense and Education Fund.

The Giannella Memorial lecture is held annually to honor the memory of the late Professor Donald Giannella. His family, friends, students and former students assist the Law School in the presentation of the lecture series which is in its twelfth year.

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Trial by Jury Smash Debut

by Jim Robertson

"Verdict for the plaintiff," or so it seemed at the conclusion of Villanova Law School's first musical production, "Trial By Jury," by W. S. Gilbert and Arthur Sullivan. "Trial by Jury" is a courtroom parody of Sir Walter Scott's novel, The Veteran of the Peninsula. The plot involves the defendant, played by Glenn Buggy, who was charged with murder and sentenced to death. The defense attorney, played by David Abbe, convinces the jury that the defendant is innocent and the verdict is set aside.

The production was directed by Peter S. Sirois, the Dean of the School of Music. The cast included nearly 100 students, including some of the legal writing faculty. The production was presented in the School of Music's main auditorium to a packed house.

The collaborative effort between law and music proved to be successful, with both the legal and musical aspects of the production receiving high praise. The production was well-received by the audience, with many expressing their enjoyment of the musical numbers and the humorous portrayal of the courtroom proceedings.

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Goodbye . . .

With this last issue of the academic year, it is time for us to say goodbye and to announce the formation of a new editorial board.

First, the easy part.

Effective this issue, B.S. "Steve" Finkel, '90, and Maureen Murphy, '89, are the new Editors-in-Chief. Steve is the first 2L in recent memory to attain that position. His "Undue Process" column this past year brought a breath of irreverent air to this newspaper's editorial pages, and his tireless efforts in helping us produce the paper have served to shatter the myth that 1Ls don't have time to get involved. No slouch either is Maureen Murphy, a native Philadelphian and Case Comment and Editorial of the Law Review, Maureen is also about to be married this summer. And although her byline may not be as familiar as some, we have greatly valued her contributions to the editorial and production effort the past two years. Maureen and Steve will be ably assisted by B. Stephen Finkel, News Editor, and David Ostrum. Features Editor — both 1Ls whose efforts and enthusiasm buoyed us as we started winding down in this our last year.

Now the hard part. Saying goodbye.

Those of you who have been here these past three years have watched us progress from 1L writers, to 2L news and features editors, to 3L Editors-in-Chief. All along, you not only read our newspaper; you supported our effort in making it more than just another "house organ." If ever we over came too heavily— or, not hard-hitting enough, we apologized. We learned — sometimes the hard way — how to do it to print what many dare not even speak. And on more than one occasion, we learned how hard it is not to print everything brought to our attention. Through it all, though, we have tried in earnest to be a voice of the student body. Maybe not the voice, but a voice nonetheless. A reminder to students, faculty, and administration alike that a few acts or inactions go unnoticed. And in this spirit, I will write with pride that, as the disenfranchised to vent their spleens in hopes that someone somewhere might be listening.

Sadly, we leave you with what discontent in the knowledge that many of our calls for change have gone either unnoticed or been disregarded. But as long as you will live, we will never forget to vent their spleens in hopes that someone somewhere might be listening.

Legal Writing Program

... the unflattering portrayals of lawyers and the law have as much to do with writers as with their real life subjects. Writers are quite familiar with the law, for themselves, believed her condition to have been at least that much worse. Scott's students in her absence would have resisted the temptation to reserve to themselves the realm of the imagination and the practice of alchemy.

In A Man For All Seasons, More tells Cromwell: "The world must construe according to its wits. This court must construe according to the law." But once having construed according to the law, courts fashion the way in which the world constructs. A playwright often wishes to invent a world in which her characters obey the laws of versimilitude; it is an enterprise fraught with the possibility that some will find themselves unable to suspend disbelief. The world as the lawyer frames in likewise subject to an assessment of its credibility, but on the other hand, even the tale is not to be believed, it has the finality of judicial judgment been bestowed on it, and others have coerced into accepting its truth in a very real way.

... Lewis Carroll was most notably critical of the law's ability to determine truths or to achieve justice. The final chapters of Alice's Adventures in Wonderland, containing the trial of the Knave of Hearts, are arguably the most nonsensical in the book. The last chapter, "Alice's Evidence," should be required reading for Evidence class. Not only does the professed evidence — a set of verses — raise relevance, hearsay, and authentication concerns, but the logical ordered sequence employed by the King-judge exemplifies the futility of a system of rules and proofs existing without reference to any logical system of values and significance. It's a clever, unfair, and unfair, indictment of proceduralism in law.

(Continued from page 1)

Schultz' time due to the extra students. Schultz says, "We were always in constant contact with Justice. The last thing we want is that the lawyers ever have the chance to reserve to themselves the realm of the imagination and the practice of alchemy."

Moot Court Board members, students had a chance to talk on the phone to Scott while she was still confined to her hospital bed. Although Scott did recover slowly, she returned to handle oral arguments in person. Before

Thank you . . .

And Now Hand Over Those Keys

We had the opportunity recently to show an issue of The Docket to a alumnus working with a small firm in Philly. His reaction was surprising. It — one of our first — he couldn't believe what the paper had turned into in a few short years. Not turned into, exactly, but grown into. His recollection of the Docket was along the lines of a glossy sheet that happened to be in new print form. The big news story, according to him, was the new cafeteria menu. In fact, it was about the only news story.

Today, The Docket is an intelligent, well-balanced publication which features the ideas and opinions that reflect what's happening at the law school and with its populace. That is no mean feat. In those plastic days of Discovery, MasterCard, and Visa, just about anybody can get credit. But some deserve it more than others. The Docket is what it is today because a handful of people felt strongly enough to put in the time and energy away from their law books or social scene. In particular, this means the ongoing editors-in-chief, Walter and Amy [Spontaneous applause.]

(Continued on page 6)

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— Anna McGoever

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Staff: Judy McClenning, Suzanne Cosentino, Alison Foristal, Lisa Kmiec, Chris Kempsowski, Jamie Sheller, Lynne Harper, Jim Robertson.

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Prof. John Cannon

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And so we come to our final chapter. I feel a little like Christopher Robin thinking about how to keep expounding that view of the Hundred Acre Wood as he sets off alone to live the rest of his days of longevity would he have preferred? The overwhelming tendency of law students is to seek legal answers with little reference to the personal feelings of those faceless parties in the case corpus, much less concern for what legal solutions do to them. After all, we’re training to be lawyers, not social workers. Lawyers are taught to ignore, or at least depersonalize, facts which do not fit their analytic construals. Some of us will leave law school with the hope we brought to it; that it was all worth the effort to help people. Many, though, will leave without any articulated interest to make the law an instrument for helping people. The promise of a good livelihood to clients and, if the law helps, a comfortable retirement, is all too much of us will leave here with the same bent we had when we started, or not to buy running shoes made with licenses from the government-sponsored company. They’re just expressing a consumer preference, friends. what we’re doing in law school is to shatter that romantic ideal of being a lawyer. The everyday practice of law, Of course, nobody really cares about insects. Looking back over it, I guess it may not be exactly on point. Maybe it was a hyperbole after all. Fear not; there are many other parables that might fit. How about the story of the wasp and the emu? The great horned toad and the salamander? The man’s room attendant and the photojournalist? Potiee and The Grapes of Wrath? Yes, the same pyramid we’re working from. I may be one parable in a web of friendships here at law school.
Scenes from the law school show

Climate control.

Photos by John Gambescia

A monopoly on cheese fries.

Preparing for class.

Class Participation

V.U. T.V. tells it like it is.

The band

The grand finale
Scenes from "Trial by Jury"

Swearing in the jury.

Photos by John Gambescia

Advice to counsel

The cast

The Music

The grand finale
Placement's Fall Recruitment Program

By John Gambescia

With finals just around the corner, the term is winding down for first year students, and another term is just beginning at the VLS Placement Center as it gears up for next year's Fall recruitment program.

"Next year's programs are shaping up to be the best ones yet," said Joan Beck, VLS Director of Placement, in a memorandum to the class of 1990.

The Placement Center introduced the LII's to the fall '88 program in the recent presentation entitled "Law Firm Hiring and Summer Programs." A panel of hiring attorneys and recruitment directors spoke candidly on the difficult task of finding the right second-year summer intern for their firm's individual personnel expectations. With varying theories of recruitment and qualifications, one central theme the panelists shared was the particularity in selecting an intern. The panelists emphasized that there is too much time spent on recruiting the right firm at the top grades in a class, said Joan Beck. Beck emphasized, however, that the employers who interview at VLS only "represent three percent of our nation's law firms, and the other ninety-seven percent expect the students to go find them."

According to Beck, part of the test and challenge in the job hunting process is finding the employment. "We have an incredibly loyal board of consulting members who care about Villanova but will never bring their firms to our campus. "Beck added that the interviewing process "is a game with a lot of sophisticated rules" and the two programs that will presumably have students starting points for first year students to learn the rules.

Large corporations that interview on campus tend to have a broader perspective on the students they choose and often look for a geographic commitment. Other employers include government agencies, public interest groups and smaller firms with VLS alumni, but these groups do not have current information on you, or drop the office a note if you get a job after exams. Getting to know Joan Beck, Mary Lawless Carroll and Terry Celli is a must; they work through the summer and are very willing to help in any way possible.

3. Re-draft your resume over the summer with all the information (i.e., class rank, new employer, new format).

4. If you don't get a law related job, at least try to visit a law office or talk to any lawyer about how a law firm operates; even a small research problem for a law office will give you something to put on your resume.

5. If you really need to get away and do nothing law related, just direct your attention to your skilled areas: employers understand that you have to eat and pay bills, but they also want to see you maximizing your potential; whatever you do, have at least one experience to share with them.

6. Talk to the office manager of flowers, to show their efforts certainly does deserve some. It is possible to participate in the programs in Dublin, London, or Paris. All classes are the people you will be working with, and you should be in this same position next summer, so develop ties for your further career guidance or job opportunities.

8. Explore other areas of the law that interest you. You will be directing your interviews (to some extent) next year and not just taking whatever job is available. Find out what you don't like.

9. Professionally interact with as many judges, lawyers, clerks, corporate executives, policemen, social workers and say people as possible. These are the people you will be dealing with everyday and you must prepare yourself in a confident but respectable fashion.

10. PARTY HARDY!!! OR LEAST FAKE IT SO YOU HAVE NOTHING TO COMPLAIN ABOUT WHEN YOU'RE WORKING YOUR BUTT OFF NEXT YEAR.

Murphy's Law in Mexico

The University of San Diego has announced that Professor John Murphy of Villanova will teach in its law program in Mexico summer 1988. Professor Murphy will teach Int'l Business Transactions.

The 5-week program, which begins May 20, is open to JD's related to Latin America. Other courses offered include, Immigration Law, Public International Law, National and Comparative Law, Environmental Law, and International Business Transactions.

Professor Murphy is a native New Yorker; he has taught law at USD for 10 years. Professor Murphy has taught Mexican law in Mexico City, and Paris. All classes are ABA approved.

For further information, write Mrs. Courley, School of Law, University of San Diego, CA 92110.

Legal Writing Program

(Continued from page 2)

- Suspicious mind

Dear Suspicious:

Give me some. Get outlines for all of your classes, brown-nose as much as you have to, and pretend to pay attention to inane lectures.

Dear Aunt Emma:

I'm baffled at the thought that in one short month I will be an attorney. For three years I've been brown beaten by this insidious system of education. At times I am so consumed with self-doubt that I feel as if I want to bolt out of this profession to save myself from future embarrassment and failure. I imagine sitting in my office, pretending to be a competent attorney. Then my first client will plant himself directly in front of me. After painfully scrutinizing my fumbled answers to his legal questions, he will jerk himself to his feet, thrust his index finger in my face and scream at the top of his lungs, "IMPOSTER." How do I make that transition from thinking like a student to thinking like a self-confident attorney?

- Imprisonment

Dear Imposter:

Get used to it. Get used to the way you are the people you will be working with, and you should be in this same position next summer, so develop ties for your further career guidance or job opportunities.

9. Professionally interact with as many judges, lawyers, clerks, corporate executives, policemen, social workers and say people as possible. These are the people you will be dealing with everyday and you must prepare yourself in a confident but respectable fashion.

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Environmental Law Club Symposium

by David Butterworth and Daniel Boehmke

On March 11, over seventy people attended the day-long symposium on Pennsylvania's Trash Crisis sponsored by the Law School and Villanova Inc. Environmental Watch. Attendees included members of local civic groups, attorneys practicing in environmental law, representatives of the Pennsylvania Department of Environmental Resources, and waste management industry representatives. Panel discussions comprehensively covered present plans and possible solutions to the trash crisis.

The keynote address was given by Brian Clark, council to the Pennsylvania Senate Committee on the Environment. Mr. Clark reviewed the proceedings of the pending Municipal Waste Planning, Recycling and Waste Reduction Act (PA Senate Bill 528). The Act will place the burden of generating a comprehensive plan for the disposal of waste generated within the Commonwealth on placing the responsibility for carrying out these plans with municipalities. The reason for that plans for many municipalities include recycling. The symposium continued with a panel discussion on the management of solid waste at Pennsylvania and what its members, and respond to the interests of the group are unique, but the desired result of the symposium, which will be published in the proceedings of the day's discussions and other related articles.

Trial by Jury

Smash Debut

(Continued from page 5)

had the hidden talents of my colleagues," says Lauren Salter, a VLS. IL Director John P. Quirke acknowledged the overwhelming success of the show to the unexpected skill level of the participants. "I couldn't believe the voice talent at the auditions," said Quirke, "Trial By Jury was a great way to start, and now the group is looking forward to expanding its membership so we can put on bigger productions and also take crack at drama productions."

The hidden talent was not limited to VLS students that night. Professor John Hyson and his son, Jeff, both put in the two-entertentos worth of talent. Jeff Hyson was home from Yale University for spring break and offered his services as the pianist for the night. John Hyson admits that "I knew that the show would be musically challenging because I was somewhat anxious about playing in a community theater, so I wanted to give it a shot." On that night, Jeff Hyson, like the great judge as his mighty gavel preceded to melodiouscadences, you had the feeling that John Hyson was no longer green with envy but tickled pink over everyone's stunning performance.

The Docket invites guest opinions from the faculty, staff and students of the VLS community.

Winters' Tales, Random House, $14.95

by Scott A. Cronin

Perhaps the adjective most often used to describe the comedic wit of Jonathan Winters is "zany." For the most part, "zany" is also appropriate for Winter's first book of fiction, Winters' Tales. However, Winters shows a surprising literary style and genre.

"Winters' Tales" may not be the type of book one would consciously place on their coffee table to impress guests, but it certainly to impress the reader. For those who are not admirers of Winters, it is an entertaining collection of fiction. For those who enjoy the zany Winters' wit, it will not only provide you with some zaniness, but also leave you with a greater appreciation of the man, Jonathan Winters, whose comedy has been delighting audiences for nearly four decades.

Winters' Tales is self-described in its subtitle as "Stories and Observations for the Unusual," and contains approximately 65 stories and observations. Yet, this subtitle is as limiting as the adjective "zany," for lumped in with Winters' "Unusual Stories" and "Observations" are "Animal Tales," "Children's Voices," and "Of Men and War." "Unusual Stories" reflects the traditional, zany humor of Winters, containing vignettes of Winters' squalor, albeit topsy-turvy, imaginative world, such as an increment of Incest and of Quirke, the railroad conductor's trouble experience punchline, which combined the deep thoughts of a philosopher with the fear and vulnerability of an infant.

Winters' Tales may not be the type of book one would conspicuously place on their coffee table to impress guests, but it is certain to impress the reader. For those who are not admirers of Winters, it is an entertaining collection of fiction. For those who enjoy the zany Winters' wit, it will not only provide you with some zaniness, but also leave you with a greater appreciation of the man, Jonathan Winters, whose comedy has been delighting audiences for nearly four decades.

Alternatives

Days march past with redundancy, gorged, stuffed, filled to overflowing, ready to burst with overabundance. We are up to our eyes, ears, over our heads with constancy...undeviating, rooted, rooted, stuckfast. Neutrality, inaction, passiveness, stagnation, inactivity and vegetation. The Law is the quintessential paragon of regularity and uniformity in its true essence. Yet within this ivory tower of the 80's there are choices, options and selections. Strive to see the forest through the trees: change, alter, modify, innovate, destroy, transform, metamorphize, break, turn, shift and alternatives exist.

Try them and have an eclectic summer!
Looking toward the other first-year, Swarthmore, Villanova chalked Ruggers' play this season. Teams showed signs of the winter behind-the-back pass from Andy mainly due to the spectacular rolled, scoring five more tries this season. The Power of Attorney (5-1) met the match against Susquehanna was byes into the Final Four at the Power aren't exactly gefilte fish, talented players; but Reale, Sullivan, Gobillot, Mike Davis, Boccella, Murphy, and certainly more dramatic, than in George Burns' love 'em" Awards.

The last time these two teams met, Nice Rack treated Power the way the U.S. Navy treats the foraging squirrel. Nice Rack took no7. "It's a Cryin' defense and another all- Power isn't exactly gefilte fish, and defensive standout play. The team to defeat them over the past two years, Nice Rack.

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