The Docket, Issue 6, March 1990

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Racism Workshop: The B.A.S.I.C. Solution

On February 19, 1990, Villanova School of Law and B.L.S.A. hosted Dr. C.T. Vivian's B.A.S.I.C. Workshop. The B.A.S.I.C. (Black Achievers Strategies and Information Center) organization creates programs, projects and materials that address the issue of racism in our society. The day-long workshop focused on the issue of black/white relations and the negative effect of racism, with a panel comprised of VLS faculty, staff and students. It was an engaging and productive workshop. A panel was organized for the participants to recognize the problem. Dr. Vivian "recipients" with each panelist individually, and then attempts to work toward strategies to fight racism, increase motivation and identify solutions to help people take a more active role in fighting racism. The workshop also fostered an awareness of not only the issue of racism, but also of sexism and other types of discrimination.

The workshop was designed to force the participants to recognize the issue of racism for themselves and in our society. The upshot of this method is the creation of a "real" role-reversal, with the white members of the panel experiencing a small degree the feeling of what it is like to be a victim of pressure, degradation, and abuse, i.e., what it feels like to experience racism. Dr. Vivian alerted the insight that racism hurts all of us. After forcing the participants to recognize the problem, Dr. Vivian "recipients" with each panelist individually, and then attempts to work toward strategies to fight racism, increase motivation and identify solutions to help people take a more active role in fighting racism. The workshop also fostered an awareness of not only the issue of racism, but also of sexism and other types of discrimination and negative attitudes. The session ended with one of Dr. Vivian's associates, providing racial attitudinal analyses for each member of the panel.

Following the panel, there was a joint question and answer session in which the audience was able to ask Dr. Vivian questions about racism and discuss their own concerns about racism and discuss their own concerns about racism and discuss their own concerns about racism and discuss their own concerns about racism and discuss their own concerns about racism and discuss their own concerns about racism and discuss their own concerns about racism.

The usual workshop spanned two full days, the workshop at VLS was one full day. The next day, wrapping up at about 7 p.m. The impact of the workshop, however, was not reduced. B.A.S.I.C. has been conducting these workshops for corporations, schools, agencies and other organizations for over fifteen years, affecting the racial attitudes of over 6,000 participants. Dr. Vivian's involvement with race relations goes back considerably longer. His experiences include participation in the Civil Rights movement as a member of Dr. Martin Luther King's personal executive staff, as part of the non-violent civil rights demonstrations at Birmingham and Selma, as director of various social agencies, and as an expert witness in court. Dr. Vivian attended the workshop. (Continued on page 6)

Counseling Competition

by John Gambescia

After three rounds of competition involving twenty-nine starting teams, the VLS Interviewing and Client Counseling Competition has once again allowed students to bridge the gap between theory and practice. Capitalizing on the chance to develop one of the core-skills in law's profession, fifty-eight students competed in the 1990 interviewing and counseling competition.

"This year's entire program was very competitive, and all the teams made a fine showing in their interviews," said Dean Garbarino, faculty coordinator of the competition. Dean Garbarino explained that both alumni and faculty members act as judges in the competition. This year's final round is judged by women with expert knowledge of the underlying issues in the problem.

On February 26, with their adrenaline running high, three teams entered the final round of competition. The team members included: Team #1: Mike Galanino ('90) and Kevin Mulhern ('90); Team #2: Michael Mulligan ('90) and Kevin Mulhern ('90); and Team #3: Bob Huber ('90) and Jim LaRosa ('90).

The final verdict was in favor of Team #3 with Kevin and Jim very fortunate to get this far in the competition, and hope to do as well as the outside competition as we represent Villanova Law School in the National Client Interviewing and Counseling Competition," said Michael Mulligan.

Bob Ruher, SBA president and 1990 competition finalist, strongly recommends that 2L's who participated this year participate next year. Ruher also encourages 1L's who will be 2L's the next year to participate. "It really helps the student gain some practical experience while in law school as a student, and as a future attorney; it exposes the student to a real life situation." Ruher's advice is welcomed by both. Ms. Ondorio also believes the competition is most helpful to the student wanting a practical side of law school. Ondorio believed that the judges critique of the interview was an actual part of the competition. "It gave us the opportunity to see where the team was strong and what we need to work on, the critique is very important in the learning process of the competition," said Ondorio.

The three alumni judges for the final round of competition were expert in every way. The distinguished alumni judges for the 1990 competition included Veronica G. Kayne, Kong of King & Corcoran, Philadelphia, PA, and Barry H. Feinberg, President, Sitoff Inc. The judges all agreed that the competition was also "helpful to them" because it gave them a chance to review the basics of client interviewing.

The format of the competition was a thirty-minute interview of the client, followed by a ten-minute discussion of the client's problem. After a brief evaluation among the law students, the judges discussed and critiqued the students' performance directly with them. The alumni judges offered very helpful advice in approaching and conducting an interview, and each appeared to have some basic rules to follow.

Ms. Kayne stressed the need to explain the attorney/client relationship to enable full disclosure of the client's problem. She also believes recapping the facts will allow the client to correct anything which may have been misunderstood, allow the client to fill in the gaps, and show the client you know what you are talking about. Ms. Kayne also stressed the need to construct criticisms: We need new A/C.

(Continued on page 6)
The morning that Mandela was released, young people were painted with the green, yellow and black aura of command, of unmistakable hope, of witnessing with hope and simple wonder the changes that have occurred in the world in the past few months. In accordance with the confirming walls of our protect­ed law school sanctuary, I'd like to examine a few of these world events.

In South Africa, Nelson Mande­la is free. I never thought I would be able to speak, or write, those words. I can remember when I was young, first learning the word apartheid. I had stood it as being the same as our own system of slavery being played out in the present. I was shocked. How could this happen? And when I was told that there was a man in jail for longer than I had ever been alive, for fighting for the rights and freedoms that I callously took for granted, I remember I didn't feel much of a thrill. How could they get away with it?

Now I can write it. Mandela is free. As I watched television after the morning, I saw the tall, stately man about whom I had read—so many times. There was no doubt, an aura of command, of unmistakable leadership, in his gait, his posture, and his expression.

As many have pointed out, with the rest of the free-thinking world at Mandela's release, there was an even more important event in South Africa; the legalization of the African National Congress. The morning that Mandela was released, young people were paint­ing in the Mandela home, on South African currency, with the green, yellow and black of the ANC flag before DeKlerk's announcement of legaliza­tion, that flag was also illegal. Now it can be painted on the side of buildings. More importantly, people are allowed to participate in the organiza­tion that seeks to empower the majority. It's long overdue.

I also think of Mandela not only as the South African great, but also as a child, not unbelievably stupid to boot; simple math tells you that the ANC is a political body, plus opressed 28 million equals revolution.

There are those McCarthyists throwbacks who warn that the ANC is a communist organization, and should not, therefore, be encouraged. That's racism. In a free state of course, room for every political and ideological point of view is a basic human right. We are not denying that these are incredibly hopeful times for the state of affairs in South Africa, there is a very long and difficult struggle ahead. Allow­ing some freedoms is just a start.

In the absence of law, our judges protect us. I think the majority has had a law which has enabled black workers to engage in a strike. For more and simple math tells us that they will be on freedom, one way or another.

In Berlin, the Wall no longer stands to divide a people. I remember that I was studying that night, and needing a break. I flipped on the television. Since I hadn't yet heard the news, I could quite understand what was going on. I recognized the Wall, but what I absolutely could not understand was the fact that there were thousands of people, standing on top of it. Dancing, singing, crying, laughing people standing on the Berlin Wall.

"May God have mercy on us," I thought. "I could swear I saw people standing on the Berlin Wall." Soon Peter Jennings was there to reassure me that I was not hallucinating."

Peter Jennings introduced me to his first-ever Big Mac. When watching the news, and my friend and I wondered what the answer is. I do know that we'll never be able to attribute this much change to just one cause.

A few weeks ago, I was again watching the news, and my friend and I could see additional emphasis on the clinical programs that are a part of the reason for the amazing events elsewhere. In the Soviet Union, new economic policies, with glasses up to the roof, difficult changes both internally and internationally. In addition to the quality change, analysts have posited various theories about how the Soviet example proves the complete failure of communism, or for the European and African countries or for the European and African countries the potential for change heralds the potential for diversity. We welcome the appointment of Professor Ruth E. Gordon and Professor Gilbert Paul Carrasco. While the Editors of the Environmental Law Journal have in fact brought a new stage in East-West relations, and the dramatic changes in Afghanistan so bankrupted (Continued on page 3)
Undue Process: Highlights for Law Students

by B.S. Finkel

One of the things that stands out in the pretrial phase (and, actually, it's my mind now, although it was definitely a child's mind when I was young) was the idea that, in a state of delusion, you would make a case from a mind from childhood. A feature was in a magazine called "Highlights for Law Students." It's always been my theory that women are often unaware of what a true force in the field of legal education. Villanova has long had visions of, indeed, been progress toward the goals we feel are important. Villanova will be justice system reformatory. The human spirit derhands the world.
Mulling Matters

by Kevin T. Mulhearn

It has become painfully apparent to me that many people think me a bit of a dreamer, selfish, untrustworthy, and a large source of many of our community's problems. Like city cops, lawyers have taken a plunge in some people's estimation. Indeed, when I tell people that I am about to become a lawyer, their immediate reaction is often a quick but noticeable wince followed by an interestingly typical: "You're too nice to be a lawyer," or "you're not going to be a bore, are you?"

Lawyers unfairly have to overcome negative presumptions about their roles, motives, and abilities. I think that it is extremely unfortunate that attorneys are not given more credit for their service to us, both students and faculty.

The Renaissance 10 is well-liked by most students because the students see these professors as true educators. These professors realize that a legal education goes beyond what is taught in the classroom. They encourage their students to learn about life.

For as the other group, I am not sure why they do not attend events, but maybe it has to do with thinking of their role as other than that of educator. I witnessed this kind of thinking earlier in the year at the Board of Consultant's Meeting. (The Meeting is held once every two years. Each student organization is represented.)

The purpose of the Meeting is to let the Board know what the students feel needs to be done to improve the "Law Review environment.

Ralph Mauro, Editor-in-Chief of the Law Review, made known to the Board that he was dissatisfied by the lack of faculty attendance at the Law Review Symposium. The Board said that it did not want to "condone" the lack of faculty's concerns in this area. It is questionable as to whether the Board took any action on this matter, because, as I recall, there was no follow up.

The Board obviously did not evaluate the students' requests for more faculty participation properly. The Board seemed to have evaluated the problem in its role as administrative guide to the faculty instead of its role as educational guide to the faculty. It is precisely this non-educative mode of thinking in which I think some of the faculty indulge when they do not make decisions to participate in non-classroom programs.

Perhaps this letter has come off as a bit scathing, but whatever it may be, it honestly reflects the view held by many of the students who are active in the various organizations at VLS. It is time for the members of the faculty to evaluate their choices with respect to attendance at non-classroom events in their roles as educators, because we, the students, are here to learn, and learn well.

Karen Palestini

Class of 1990
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was a presumption against prenups, and the husband had the burden of proving the agreement

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ELJ to Host Symposium

As environmental litigation becomes more frequent, more complicated and more protracted, conflict resolution in the environmental context becomes critical. Resolution of environmental disputes will be the topic of the symposium on "Alternative Methods of Resolving Environmental Disputes" presented by Leonard Charla. The program will discuss alternative dispute resolution techniques, particularly mediation.

The symposium will take place on March 21, 1990, at 8:30 a.m. in the Villanova Law School Library. The symposium will include discussions by Mr. Charla, who has been involved in mediation on many cases in the past, and other distinguished panelists.

The keynote address will be delivered by Judge David J. Noone of the United States Court of Appeals for the Third Circuit. Judge Noone is a former member of the United States Senate Committee on the Environment and Public Works, and he has written extensively on environmental law.

The symposium will conclude with a panel discussion on "Alternative Methods of Resolving Environmental Disputes." The panel will be moderated by Mr. Charla, and it will include representatives from various environmental organizations and businesses.

This symposium is open to the public, and there is no charge for attendance. However, space is limited, and pre-registration is required. To register, please contact the ELJ Office at (215) 579-2222.

Client Counsel

Mr. Izzo stressed that the client's interest is not just because of the facts of the case, but because it is a good example of the larger issue of police brutality. The client's main concern is the police treatment of a student who was wrongfully arrested.

The client has been advised by counsel to proceed with caution in handling the case, because of the potential for further criminal charges. The client has been advised to consult with a criminal defense attorney.

Racism

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The client has been advised by counsel to proceed with caution in handling the case, because of the potential for further criminal charges. The client has been advised to consult with a criminal defense attorney.

Judge Noonan to Lecture

Judge David J. Noonan, a former member of the United States Senate Committee on the Environment and Public Works, will lecture on "Economic Aspects of Environmental Law." The lecture will take place on April 19, 1990, at 8:30 a.m. in the Villanova Law School Library.

The lecture will cover a wide range of topics, including the economic costs of pollution, the role of economics in environmental policy, and the economic incentives for pollution control.

The lecture is open to the public, and there is no charge for attendance. However, space is limited, and pre-registration is required. To register, please contact the ELJ Office at (215) 579-2222.
FEATURES

You’ve Come a Long Way, Babies

by Erica Spott

The decade has come to a close and graduation for the first class of the 1990’s draws near. Instinctively one is drawn to reminiscence of days or a decade gone by. The past 10 years have seen their share of sociological changes. The flower children of the 60’s and 70’s became extinct and Yuppies sprung up in their place. The baby boomers began creeping up to middle age (yikes!) and AIDS redefined the ever-changing sexual revolution. Perhaps, however, the most interesting phenomena taking over our fast-paced, and sometimes superficial world, is a bundle of joy. Could this be another baby boom?

Often, those of us tucked away in academia feel removed from the realities of the outside world; and whether one sees this as an advantage or disadvantage, reality at times, does sneak back into Garey Hall. In fact, the baby phenomenon has managed to penetrate even the sturdy walls of Villanova Law School. Among the Class of 1990, 9 students have either had or are expecting babies while in law school. That translates to approximately 5% of the total class, not to mention those who already had children when law school began. Obviously, going to law school and being a full-time parent are no longer mutually exclusive. Among the proud parents at VLS are: 3L Jim Dunleavy and his wife, Berndette. Just one week after beginning law school, on 9/10, 1987, Gavan Dunleavy arrived and joined his brother, Kieran, now 9 years old. On registration day, August 26, 1988, 3L Lea Caramanica and her husband, Drew Byrne, became the proud parents of Ari Anne Caramanica Byrne. In fact, Lea’s timing was perfect; not only was Ari born on registration day, but she and Lea share the same birthday. June, 1989 was a very busy month for VLS babies. On June 9, 1989, Nicholas Trombetta was born to 3L Chris Trombetta and his wife, Sue. Not to be outdone, 3L Nancy LaNoce and her husband Gary welcomed their new son, Gary, Jr., into the family, joining sister; Maureen, now 3½.

On June 30, 1989, 3L Wendy and Will McLean announced the arrival of their second daughter, Susannah. Older sister Diana, now 3½, and the new baby have kept Wendy hopping. Just three weeks later, on July 23, 1989, 3L Paul LePak and his wife Michelle welcomed their first child, Theodore (Teddy), into the world. Finally, on September 21, 1989, Marni Elisabeth was born to first-time parents, 3L Erika Spott and her husband, Bernd. The list, however, does not stop there. Among the coming attractions: 2L Dominique Bazile and her husband Christopher Welch are expecting their first child around March 20, 1990. 3L Michele Nofer and her husband Paul will become first time parents in May, 3L Julie Congdon and her husband, Charlie, are anticipating the birth of their second child in June, 1990. Just in time for the bar exam, Julie! The new arrival will be joining their son, Jack now 4½.

The VLS baby boom has not been exclusive to the students; namely the faculty has also gotten into the act. Among the new parents in our faculty: Prof. Doris Brogan, Prof. Ellen Wertheimer, Prof. Marcus Schoenefeld and Prof. Louis Sirico, whose wife is expecting their second child later this month. The most recent addition was Mary Carroll’s (Placement) daughter, Meagan, born on 2/23/90.

Although most students would find becoming a new parent and a law student very difficult, a polling of our new parents revealed overwhelmingly positive comments with regard to balancing babies and briefs. Most admitted that the balancing act between school and family is often difficult to maintain; there are, however, certain advantages. A law school schedule is by far more flexible than a 9-5 (and then some) work grind, thereby allowing some time that normally would not be available to parents. Our new parents also agree that children help to re-align one’s priorities when we forget where they should be. Perhaps the most interesting comment came from Julie Congton who says she knew she was in trouble when her son Jack could say “collateral estoppel” better than she could! Finally, needless to say, all our new parents have learned to function with a lot less sleep. Congratulations to parents and children! VLS will be looking for these heirs and assigns in the first-year class around the year 2012.

Match The Heir To The Testator

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ANSWER:

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Dean O'Brien Focuses on the Future

Honor Code 'Altered'

First Year Class Bigger and Better

Placement Stats Improve

PAULING: END ARMS INSANITY

LAW REVIEW BOUNCES BACK

Racism: The B.A.S.I.C. Solution

Dean Says Let There Be Heat

Season's Greetings

THE DOCKET

1979

1984

1987

Today
The only real competition for player talent comes from the other growth market. It's true that both sides in a baseball night have points. Those points happen to be on the tops of their heads. The fans who are the ones whose signatures are ignored them and their game. (Yes, one becomes keenly aware of the fact that when there's a strike or a lockout what's best for you. As long as you're secure in your choices (even the temporary ones), you should be able to grin and bear the well-meaning boshody. The next time someone asks why you're not married, you could explain that the time isn't right, or that you haven't met the right person. But if you don't feel like explaining, don't feel compelled to do so. Simply shrug ambiguously and steer the conversation to another topic.

Dear C.L.,

Though those people can be very bothersome, understand that they are only concerned for your happiness. But remember also that they don't know what's best for you. As long as you're secure in your choices (even the temporary ones), you should be able to grin and bear the well-meaning boshody. The next time someone asks why you're not married, you could explain that the time isn't right, or that you haven't met the right person. But if you don't feel like explaining, don't feel compelled to do so. Simply shrug ambiguously and steer the conversation to another topic.

Dear C.L.,

Had you ever notice that third years walk very quickly through the halls, second years walk somewhat slower, and first years walk slowest of all? What's the explanation for this phenomenon?

Close Observer

Dear C.L.,

I'm the youngest of five children and all my brothers and sisters are married and have families. So now the pressure is on. Everyone in my family (especially my grandmother) is waiting for me to take the plunge. It's getting to the point that I hate going to family get togethers because every aunt, uncle and cousin I speak to always ask personal questions and imply that there's something wrong with me. It's not that I'm anti-marriage; I just don't see the point in rushing it. How do I get these people off my back?

O.K. Alone

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O.K. Alone
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2. Your performance by subject on these subjects;

3. Your performance by major subtopics; and

4. Your performance by subtopics (e.g., Individual Rights: Obscenity) with references to our text for further study.

Sample Level 3 Report

PERFORMANCE BY MAJOR TOPICS

The percentage correct compared to the number of questions on the MBE highlights subjects in which your performance will be most crucial. For example: your percent correct on Negligence (20 Qs on the MBE) is more important than your percent correct on the Parol Evidence Rule (2 Qs on MBE).

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by The Doctor

As of spring break, only two teams remain to be determined for the VLS intramural basketball league: Ramblin' Wreck and Nice Rack. Both teams came through the first week of competition with unblemished records. Ramblin' Wreck came away from the week with key injuries to center Brian Anderton and guard Flip Sanders. The Wreck lost to the Slapster in overtime, 94-92, and had a narrow 79-78 win over Casual Dogs. Anderton was held to two points and Sanders to only four. Despite the loss and injuries, the Wreck remained the team to beat in the VLS intramural league.

Nice Rack had no major injuries and won a 59-55 game over Rack Against Rack. The Rack has struggled to find consistency and has not yet capitalized on the team's talent. The Rack won their first game of the season against The Slapster, 79-71, but have yet to win another game this season. The Rack is led by forward Mike Turner, who has averaged 18 points per game and 10 rebounds per game. The Rack has been playing with a sense of urgency and has shown improvement in their last couple of games. The Rack is looking to build on their early season success and make a run in the VLS intramural league.

The Wreck and Rack will face off in their next game, with a win for either team solidifying their position at the top of the league. The Wreck have shown the ability to play well when healthy, while the Rack have proven they can compete with the league's best. Both teams will be looking to make a statement in their upcoming game and take a step closer to securing a spot in the VLS intramural basketball championship. The game is being held at 7:30 PM in the VLS intramural gymnasium.