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AMICUS

CHARGE

vol.3 no.4

week of oct. 17, 1971

ANDREW MILLER AT MARSHALL-WYTHE



(L TO R above are: Dick Potter, President of Phi Alpha Delta legal fraternity, Virginia's Attorney General, Andrew Miller, and Alan Enderle, President of the Student Bar Association of Marshall-Wythe.)

By Morgan Scott
Amicus Staff

As he stepped down the steps of the small twin-engined Beechcraft at the Williamsburg Airport, this reporter could not avoid the mental photograph that came instantly to mind; that of the consummate lawyer-politician. The man in the picture, Andrew Miller, Attorney General of Virginia. A man of impeccable legal qualification with an impressive political record. Miller had come to speak at the request of Phi Alpha Delta on the subject of judicial reform.

From the speech on October 7th, and a personal interview shortly before, this reporter noted the following points:

JUDICIAL REFORM: Mr. Miller told students to be more aware of "structure" within the law. He noted that law schools had the resources and talent to offer significant contributions in this area. Mr. Miller pointed to the work presently in progress in this area of our discipline through such projects as the Virginia Court System Study Commission (the life of which was extended for another two years in 1970).

After noting some of the particular problems in court reform, Miller urged law students to "see that the bar faces up to the problem of reexamination of justice administration." Miller suggested that our Law School initiate a Law School Conference to review the proposals of the Virginia Court System Study Commission and offer suggestions and criticisms of their survey.

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EDITORIAL

EDITORIAL POLICY: The late Justice Hugo Black expressed his views on First Amendment rights in many great opinions. A portion of one opinion, in particular, has come to my attention and it may be said to state most appropriately what the policy of this publication will be toward the S.B.A. The following words can be found in Black's last opinion, which dealt with the Pentagon Papers:

"In the First Amendment, the Founding fathers gave the free press the protection it must have to fulfill its essential role in our democracy. The press was to serve the governed, not the governors.

"The government's power to censor the press was abolished so that the press would remain forever free to censor the government. The press was protected so that it could bare the secrets of government and inform the people."

[Emphasis added.]

The Amicus, being funded by the STUDENTS, will be a source of information as to how other monies of the student body are expended. The Amicus WILL feel free to criticize inept governmental practices on the part of any elected or appointed officeholder of the S.B.A. But ALL sides to any issue will be allowed space in the Amicus for presentation of opposite views.

COURT REFORM IN VIRGINIA AND MARSHALL-WYTHE:

Andrew Miller, the Attorney General of Virginia, has suggested that a good idea for a student project, for all those students who have a desire to "become more involved" here at Marshall-Wythe, would be for this school to take the initiative in law school participation in reviewing the Virginia Court System Study Commission's report. I agree completely with this proposal. We must make preparation to host a Conference of Virginia Law Schools on this subject. This interest shown by Marshall-Wythe students in Virginia Court Reform will undoubtedly create a favorable impression in the state legislature as regards our school. Since our money comes from Richmond we should certainly strive for an increased role in state affairs. In this manner we may yet see a NEW law school constructed here in Williamsburg. We ought to move fast, before our brothers at U.Va. decide they like the idea.

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Linda Kaplan

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Any opinions expressed in this publication are those of the writer or staff of the Amicus Curiae, and are in no way intended to represent the attitude of the Student Bar Association, the Marshall-Wythe School of Law, or the College of William and Mary.

OPEN LETTERS

Mr. Koch's editorial criticism of the first year class for lack of attendance at the S.B.A. Budget Meeting is unwarranted. The S.B.A. should be held responsible for that. Its inability to explain the meaning and importance of the meeting and its haste in having the meeting before first year elections failed to encourage any participation. The few posters announcing it were a weak attempt at generating enthusiasm. The proposed budget, not widely disseminated before the meeting, should have been published in this paper. Perhaps delaying the meeting till after

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first year elections would have enabled the elected representatives to encourage participation. This could easily have been done, especially in view of the fact that the budget for last year never was approved and the S.B.A. continued to function.

We are stuck with the budget, but there is one thought to store away. Of the thirty-six people at the budget meeting, one-half were third year students and the budget reflects their desires. Maybe we should follow their lead in the future and attend the meetings. Then we can bend the budget to suit our aims.

Steve Edwards
First Year

(The Amicus will stand by its original criticism until objective manifestations indicate otherwise. As to the notice problem, it should be noted that on the day of the budget meeting, Mr. Morgan Scott, a resident populist of the third year class, took it upon himself to make an oral announcement to the first year class--stating that the meeting "promised to be quite a gala affair." Ed.)

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Dear President Enderle:

On September 29th, the S.B.A. Executive Committee, with the advice and consent of the student body (all thirty-six of them), approved the proposed S.B.A. budget. The budget was approved based on a "PROJECTED" in-

come of \$6,400.

What will happen if the S.B.A. does not receive all the "PROJECTED" income? What method(s) will be utilized if it becomes necessary to cut back appropriations? Will there be a pro rata reduction in ALL budgeted expenditures? Will the President of the Executive Committee reduce or completely exclude certain budgeted items? Will the President or Executive Committee seek the opinion of the student body?

I believe the policy decisions dealing with the above stated questions should be determined and announced BEFORE we are confronted with the problem of reducing any appropriations. I believe Mr. Enderle, as President, you can and should answer these questions.

Charles R. Ashman
Third Year
Second Vice President
of the Law Student
Division of the
American Bar
Association

P.S.: Circumstances beyond this writer's control kept me from attending the budget meeting.

The Owl & The Pussycat Boutique
Across from Blow Gym
Richmond Road

WOMEN'S SPORTSWEAR
FLARE PANTS, JEANS
BODY SHIRTS, SHOES
POSTERS, GIFTS

229-2140

255 RICHMOND ROAD



L to R above are Norton Newsome (66 votes) and John Miri (47 votes), the only winners in the election last Friday for the office of first year representative. By the time this paper will be out during the week of Oct. 17, either Jim Murray or Buster O'Brien will have been elected as the third representative.

NEWS NOTES

CAR AND CYCLE RALLY: November 6th, begins at 9:30 a.m. at Common Glory parking lot. Ends with beer bust and trophies afterwards at Matoaka. Entry: \$3. per car. Do not discount it until you have tried it--ask a second or third year student what it is all about. One of the best social events of the year. See Pete Desler in Fraternity Office (third floor) Monday through Friday, 10:00 a.m. to 12:00 noon, for info, rules, and payment. Order of payment controls starting time. Sponsored by P.A.D.

HOMEcomings FESTIVITIES: There will be a cocktail party in the Campus Center Ballroom following the Homecoming Game on October 23. The party will be FREE for S.B.A. members, alumni, faculty, and their wives or dates. ALL others will be charged \$5. per couple.

LIBRARY ANNEX. Need a quiet place to study? Try the Law Library Annex downstairs at the Wren Building. There have been a lot of improvements since last year, so the annex now contains complete sets of Supreme Court, Regional, and Virginia Reporters, U.S.C.A., Corpus Juris Secundum, and American Law Reports, Annotated. A member of the library staff is on duty from 7 p.m. to 11 p.m., or during other library hours, the annex key can be obtained from the library desk.

OUR LIBRARY. Obviously there have been changes in the Law Library over the summer, and Dr. Whitehead and his staff deserve our appreciation for the results they have achieved.

However, with the new seating arrangement it is difficult to discover a book which is missing from the shelves, so please be careful to return the books to their proper places.

If anyone has any complaints or suggestions concerning the library, tell them to Dorathea Peters, Library Chairman, or leave them at the S.B.A. office, care of Al Enderle.

JOB OPPORTUNITY--FIRST YEAR STUDENT: The Amicus has learned that Bill Monahan has in-

formation concerning an opening for a first year student with an engineering background who would be interested in learning Patent Law on-the-job and in working summers for the N.A.S.A. Office of Patent Counsel in Hampton. See Bill, or call him at 229-0170, for further details.

MOOT COURT TEAM TO ARGUE: The National Moot Court Team of Marshall-Wythe will argue on November 4, 1971, in the Moot Court room. The topic for argument is the recent war crimes trial. All students are invited to attend.

SOCK-HOP !!

By Earle Lees
Amicus Staff

To round out your Homecoming weekend's activities, take a return trip to yesteryear at the "Oldies Sock-Hop."

The Time:	9 p.m. to 1 a.m.
The Place:	Campus Center Ballroom
The Terms:	\$1. a head; B.Y.O.L.
The Benefits:	Four hours of Oldies; free mix and ice; live D.J. with <u>full</u> sound equipment.

Get your chicks, hop in your rods or bombs, slick down your ducktail, pull out your old black leather jacket, and make the scene. Tickets on sale in advance from Mike Ashe, Hank Godwin, Earle Lees, or your friendly class representatives. ■■



MILLER

(continued from page one)

MARINE AND ENVIRONMENTAL LAW: Mr. Miller noted that Marshall-Wythe was in an ideal location for Environmental Law research projects. His comments emphasized the complexity and phenomenal growth of this area of the law. In answer to the complexity, he urged students to get involved in research and Environmental Law study while in law school so they may cope with such problems when they are attorneys.

During the question and answer period, Woody Turner (second year) informed Mr. Miller of the recent formation of the Environmental Law Group at Marshall-Wythe and said that the group was open to research problems offered by persons and organizations interested in environmental protection.

In response to a question from Turner, Miller noted that state agencies were not yet required to file environmental impact statements before undertaking a project. He noted the formation of the Governor's Council on the environment and its being the place where such impact statements might be filed in the future if they are required. Miller also noted that there were four lawyers working solely on Environmental Law in his office and that six summer interns were devoted solely to this area of the law.

CONSUMER PROTECTION: Mr. Miller explained in detail the two Consumer Protection Vehicles within the Virginia State Government. One of these is the Division of Consumer Council located within the Attorney General's office. This division was formed at Mr. Miller's suggestion shortly after he was elected. The basic responsibility of this division is presenting the consumer's case before the State Corporation Commission in rate increase cases. Most Consumer complaints which are filed are handled by an Administrator of Consumer Affairs who is within the Department of Agriculture and Commerce. Those complaints which may constitute statutory violations can be turned over to the Attorney General for further action.

The questions and answers here were dedicated in large measure to a favorite target, VEPCO. Miller explained that the VEPCO case was more complex than many persons thought. He attempted to offer a brief statement of the

complicated factors involved in the case and explain why the utility had requested a rate increase. He also cautioned that there were two extreme viewpoints being offered to the public in the area of consumer protection. One viewpoint consisted of "anti-business demagoguery" and the other "the consumer be damned." Miller stressed a viewpoint that reflected logical analysis before any all-out condemnation of either the industry or the consumer.

In explaining the Chesapeake and Potomac rebate to a student, Miller said that both he and State Senator Henry Howell had played a role in the case which is presently under consideration by the State Corporation Commission. He offered Senator Howell "credit where credit is due" in response to the students charge that perhaps Howell was basking in the glory of Miller's work.

STUDENT PRACTICE ACT: In this area, Miller urged students to look at the objections that led to failure of the passage of the Act at the recent state bar meeting in Roanoke. He cited "fear of abuse" and "fear of lack of control" as factors leading to the rejection. He noted that clinical legal education was a valid area of judicial reform and that perhaps if resubmitted with proper safeguards the Student Practice Act might pass. Also in the clinical education realm, Miller illustrated a valuable experience in this area by discussing the summer intern program in the Attorney General's office.

OTHER AREAS: Miller noted the importance of the area of Highway Law and stated that there would be a National Conference on Highway Law in Williamsburg next June. He pointed out problems in the areas of outdoor advertising, environmental control and condemnation as being within the rubric of Highway Law.

Miller also discussed student voting and several other areas of the law giving each as thorough treatment as possible within the time allowed.

Overall, his performance was impressive. Quick on his responses and more than adequate in his explanations, Andrew Miller looks like a man on his way up, the only question being, where. ■■

BARRISTERS' BRIDES

LOVINGLY, NOT LAUGHINGLY

By Linda Kaplan

As I pondered upon what subject would interest the husbands and wives this week, I noticed my husband sitting there drinking in all the knowledge his books had to offer, and I remembered what Mr. Scott had said at the Barristers' Brides meeting this month.

He had spoken to us about employment opportunities for our husbands and the paths open for our collective consideration. But one thing he said seemed to stick with me all week. Perhaps the third year wives would best understand this. Mr. Scott had mentioned that law students are retaught to think and that this would manifest itself in many ways. In fairness to the first year wives, I feel that they must be warned about this metamorphosis and the second year wives must be reassured that this is happening and it is not a figment of their imaginations.

First year wives will notice this change first becoming apparent when their husbands write their first "briefs." Contrary to the nomenclature, this is brief neither in research nor in execution. This will prove to be true especially if you are your husband's typist and spend hours trying to decipher his scrawl. And do not be surprised if the boy who would avoid, at all costs, any discomfort to you is the same man who asks you to correct a phrase on page one which throws everything out of line and you have to begin all over. (And you, silly girl, had thought you were almost finished!)

Another change that usually causes wives to look twice to make certain that the man on the other side of the table is really hers is that of "wife regard." This is not actually a change in the way he regards his wife, but rather in how he regards her mind. For instance, that ching which separates the girls from the boys, emotion, is regarded by the pre-law school husband as endearing. He remarks that you are so cute and feminine when emotion and sympathy enter the discussion. But, the law school husband balks and becomes somewhat impatient when his wife observes that a case is not "fair" or if she asks what will happen to the poor loser now. Logic prevails and the unscientific mind often is frowned upon at home as well as at school.

Also, the wife is advised to take a crash-course in Latin. If you overhear your husband saying something like "habeas corpus ad satisfaciendum," it may not always mean that he is proud of you for retaining your girlish figure. I found out, for example, that "a fortiori" does not mean, "Let's have pasta for dinner." Even now I am often quieted when glared at and the phrase "res ipsa loquitur" flies right over my head.

Amid all this it is to be remembered that a little knowledge is a dangerous thing and I am certain that this can be rephrased to mean that a short exposure to a law-student husband is aweing and somewhat dangerous, too. I would not be at all surprised if after a couple of years of practice I notice that my husband has reverted to that dear sweet boy I married, or maybe it will simply be that I have become a true lawyer's wife! No matter--until that time I still intend to keep my dictionary handy. After all, how many people know what a "bifurcated standard" is? ■

TIME OUT FOR SPORTS

BRAIN MEETS BRAWN

By Scott Curzi

Last week John Bane's marauders met Les Roos' intellectuals on the intramural gridiron. Roos' team (the Wierdos) spearheaded by Jeff Musman, Jim Sweet, Steve Bickford, Cris Was and Roos himself maintain an academic average somewhere in the vicinity of 2.999.

On the other side of the field, Bane's hard-nosed squad members (the Bench) have a slightly less admirable scholastic average (too low to compute). Unfortunately, the Wierdos could not "outsmart" the Bench. One reason might have been that Roos' team averages only about 126 pounds per man while Bane's team tips the scales around 220 pounds.

The score was about five touchdowns to none (a conservative estimate), when much to the delight of the dejected Wierdos, the game was ended prematurely due to heavy rains. Actually, the rain had not started when the game was called, but the Wierdos, in a last ditch effort to outwit their foes, claimed that because of the inclement weather, the game should be recorded as a tie. They lost.

As Musman hobbled off the field, he moaned, "Foremost, we are here to get an education--

SPORTS

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undoubtedly we'd prevail in the courtroom." Bull Perschbacher--mainstay of the Bench--counterclaimed with, "How would you like a punch in the nose--inside or out of the courtroom?" He has said it all.

Current Rumors: Rumor has it that this sports editor was penalized fifteen yards for "Fool-Play" in the Bench-Wierdo game. Tom Van Dam jeered, "What do you expect from an Italian?" A contract is now pending on V.D. Professor Brown reportedly has warned Bob Holmes that should the faculty vs. students football game occur--he (Holmes) had best not try his luck two years in a row.

Rumor also has it that Mark Korotash has been boasting about scoring a point for William and Mary in their rugby game against University of Virginia. Lou Lerner reports that it was a "cheapie." Finally, it has been reported that Salli James and Karen Uplinger, after astounding the tennis world with their net prowess, are eagerly awaiting the Spring Tennis Tournament. ■

S.B.A. REPORT

By Morgan Scott
Secretary, S.B.A.

Realizing that reportage of the past budget meeting might lead to massive nausea, I will defer to the last issue of the Amicus Curiae in which reporter John Witman offered an excellent instant replay of that verbal Tournament of Roses.

First year representatives will have been installed by the time this article is in print. For the first time in two years, S.B.A. officers have attempted to offer a more uniform election procedure that should result in less confusion.

The last issue of the Amicus Curiae must have touched some tender spots at Camp David (a synonym for the S.B.A. office) because squeals were heard in reference to the editorial page.

The S.B.A. dues collection drive is continuing and some additional dues have been collected as a result. Credit for additional dues collection should go primarily to S.B.A. Vice President Tom Wright. The possibility of additional dues collection determines the chances of adding an additional social event

to the S.B.A. calendar.

A note of success can be seen in Alan Enderle's well-drafted letter to the alumni. In this correspondence, Alan invited alumni to Homecoming and also asked for contributions to the Woodbridge Fund. Both the S.B.A. and Dean Whyte have received responses and Dean Whyte has received money for the fund as a result of Mr. Enderle's efforts.

Investigations into the possibility of a law-student-run bookstore have led to receipt of letters similar to those received by the S.B.A. as far back as 1967. The publishers unanimously advise against such a venture and cite various problems with law-student-run bookstores as reasons for their conclusions. Anyone wishing to see the letters received in response from the publishers may inquire at the S.B.A. office.

As a reminder to all students utilizing our placement service--please be certain that you have an adequate number of resumes on file for interviews. Also, if you do decide not to interview after signing the sheet, please remove your name and inform Art Walsh.

Another S.B.A. meeting was in planning for October 14th, Thursday, the day this paper went to the typist. The basis of the meeting was predicted to be merely for the purpose of committee reports and discussion of future plans by Al Enderle. ■

ON THE SOCRATIC METHOD

By H. John Witman, III
Amicus Staff

Some teachers talk a lot. Others talk a little. The more the teacher talks, the less the student talks. But when the teacher talks less, it does not follow that the student talks more. He is often silent. And in his silence the student might wonder, "Is he trying to use the Socratic Method on me?" A simple question it seems, and one not difficult to answer. Or is it?

Socrates, when he asked Meno what "human excellence" is, received such an answer, indeed, answers, that Socrates replied, "How fortunate I am, Meno! When I ask you for one 'arete' you present me with a whole swarm of them." We, too, when we set out to find what

SOCRATIC METHOD (continued from page 7)

the Socratic Method is, are presented with a whole swarm of them.

A. E. Taylor wrote several books about Plato, but only in Taylor's article in the Encyclopedia Britannica do we discover a heading, "Socratic Method." Taylor says that the Socratic Method is the "method . . . of true science." He explains that this method is (1) to begin with the most likely hypothesis and consider its consequences, (2) to confirm it provisionally if the consequences prove true and consistent, and (3) to take the hypothesis as true if it can be deduced from some other, ultimate hypothesis on which both parties [to the dialogue?] agree.

Some lectures of Leonard Nelson are contained in a book entitled Socratic Method and Critical Philosophy. Therein we discover his lecture, "The Socratic Method." In it Nelson says that "philosophy [is] . . . the sum total of those rational truths that become clear only through reflection," that "to philosophize . . . is simply to isolate these rational truths," and that the Socratic Method "is the art of teaching philosophizing."

Socrates, after Meno has presented a whole swarm of human excellences, wants to know the "common excellence that runs through them all." We, too, then should inquire, "What Socratic Method runs through them both?"

Taylor's explanation of the Socratic Method implies the "Doctrine of Ideas," because we must take as the "ultimate hypothesis" the ultimate Idea, the Idea of the Good. Now Nelson, as a critical philosopher, understood himself to be in the Socratic-Kantian tradition, in which Kant is taken to have completed Plato's work, because Kant was able to "prove" we possess "synthetic 'a priori' judgements" as principles. Thus, we may make a crude identity of Ideas and "synthetic 'a priori' judgements" and satisfy ourselves in having found at least an element of the Method common to both. But in truth, we have compounded the swarm. Where shall we turn?

Socrates turns to worldly experience in order to make a point that has as its subject a thing removed from the worldly. A famous example is his turning to the dead bodies at the Pireaus to make a point about the divisions of the soul. So we shall turn (as we have turned all along) to the dialogues to see what points we might make about the Socratic Method.

In the Republic Socrates says that dialectic "through discourse of reason," is the "process of inquiry that advances in . . . [the] manner doing away with hypotheses up to the first principle in order to find confirmation there." But the Socratic Method of the dialogues is not alone dialectic, for as Klein in his A Commentary on Plato's 'Meno' observes, they "are not, in general, samples of the 'dialectical art'."

In the Meno, with the slave boy, Socrates employs the Method of "questioning--only." He evokes answers from the boy to show that while at first he thought he knew what he did not know, at the end of the questioning he knew what he did not know and to show by implication the immortality of the soul.

In the Symposium Socrates, upon request (!), tells along tale in praise of love.

Moreover, the Meno ends with Socrates' answer to the question with which Meno begins the dialogue. The answer is "human excellence comes to the excellent by 'divine allotment'."

The Socratic Method is not merely a matter of asking questions and refusing to give answers. Asking questions is certainly the dominant feature of the Socratic Method, yet behind it seems to be a Socrates who always knows the answer, even if he is not telling. What more can we say? Only a little.

We have not formally acknowledged herein what any method presupposes--an end or a purpose of that method. We have not really touched on the questions of memory, recollection, forgetfulness, ignorance, learning . . . all different. All in point. Probably, we can not tell whether he is "trying to use the Socratic Method on me," but we should have an inclination.

Read the Meno and read Jacob Klein's A Commentary on Plato's 'Meno' to learn, if nothing more, how to read not only the Meno, but also anything else. Our workload in case-books is but the strongest argument for doing so. And, after all, "What is he saying?" is more important than, "Is he trying to use the Socratic Method on me?" ■■