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1974

## Amicus Curiae (Vol. 5, Issue 8)

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### Repository Citation

"Amicus Curiae (Vol. 5, Issue 8)" (1974). *Student Newspaper (Amicus, Advocate...)*. 51.  
<https://scholarship.law.wm.edu/newspapers/51>

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## Graves Rules Publication Council Decision Proper

As was reported in the December 10 issue, President Thomas A. Graves, Jr. refused to grant the appeal of the Publications Council decision to assume jurisdiction over the *Amicus* which had been sought by the SBA Board of Directors.

The November 12 Council decision followed recommendations by the BSA and its Finance Committee that the *Amicus* be included within the purview of the Council. The Council hearing was announced at the BSA meeting, with law students being notified on the afternoon of the day preceding the hearing.

Although SBA President Nettie Bailes attended the

Council hearing and raised questions regarding sufficiency of notice and the Council's authority to act, the Council voted unanimously to include the *Amicus* within its jurisdiction. *Amicus* Editor-in-Chief Evan Adair, who also attended the hearing, concurred in the Council's decision.

The Publications Council based its authority to assume jurisdiction on President Graves' Executive Order No. 1 and on Council bylaws, and determined that inclusion of the *Amicus* would enhance the publication's financial and editorial freedom. Council bylaws provide for hearings to be held in event of complaints

regarding a publication's actions, and the Council reasoned that this procedure assured the *Amicus*' responsibility to its Law School readers.

The Council's decision evoked the Board appeal, a petition requesting reinstatement of the *Amicus* as an SBA publication, and a letter to the editor, in addition to substantial furor among some law students.

President Graves met with W. Wilford Kale, Jr., chairman of the Publications Council, shortly before meeting with Nettie Bailes and Bill Bridge, representing the SBA Board. Evan Adair sent President Graves a memorandum, in which he supported the propriety of the Council's actions.

While upholding the Council's decision, President Graves approved a recommendation by Kale that the Publications Council be expanded for this year to provide for law student representation. Beginning in 1975-76, the Council will again have four student members, with one to be a law student. The law student member will be appointed by President Graves from nominations submitted by the editors of the *Colonial Lawyer* and *Amicus Curiae*. The student member cannot be associated with either publication.

The text of President Graves' memorandum to Nettie Bailes, in which he announced and explained his decision on the Board appeal, is included on page 3.



President Thomas A. Graves

## Boyte Explains Program

The William and Mary Law Review has promulgated and submitted to the faculty a proposed modification of its candidate program and selection process, the text of which appears on page 2.

The new program would place substantial reliance on academic performance, while providing other means of eligibility for the candidate program. The Review staff determined that modifications were necessary after the recent fall program, which, according to the staff, was so time-consuming that production on the first issue of the Review was seriously impeded.

Sam Boyte, Editor of the Review, explains that "there are more important things for the Review to do than operate a candidate program. The highly-competitive program conducted last fall had the potential for embroiling the Review and the school in continual controversy which could needlessly detract

from the Review's principal function of publishing an excellent scholarly journal. Furthermore, such a program asks a great deal of effort from people who may benefit only slightly from its educational aspects."

The proposed candidate program would involve a shorter period of concentrated work on the part of candidates while still providing for the testing aspect. Boyte says the proposed program would achieve essential staff goals while emphasizing the need for careful work, "rather than the frantic work which can result from producing a complete manuscript within a relatively short period of time." The program would also minimize staff distraction from "the more important task of publishing a superior law review."

The basic testing vehicle would be a short manuscript to edit for substance and writing style, including citation form. Classes, a practical exercise,

and the testing should be completed within in eight-day period with results being made available to candidates shortly after the testing.

"Once past the mechanical testing program," Boyte says, "both the Review and the remaining candidates should be able to focus on the cooperative effort of discovering legal problems worth trying to solve through the medium of a scholarly journal."

"It still will be likely that some students will disassociate from the Review even in this process, but here at least, the emphasis can be on the positive development of the individual instead of merely screening out marginally-interested students."

Noting that reliance on grades as an initial screening device can be arbitrary, Boyte said the Review "is serious in saying we will consider student-written manuscripts for candidate invitation purposes."



Marshall-Wythe's library meets ABA and AALS requirements, despite limited space facilities and the lack of certain volumes due to financial limitations and other factors. The impending move of the Blair Hall extension to Bryan Hall will substantially increase available seating space.

## Library Meets ABA, AALS Requirements

By Wallace Auser

Among the complaints that are frequently made about the Law School's library situation is the availability of books to the students. Marshall-Wythe has not had any trouble in maintaining the proper number and kind of volumes needed for an accredited law school, according to Dean James P. Whyte.

The ABA has three lists of types of volumes a law school library can have. The lists describe the level that the library has attained. An A library has the minimum number and kind of books required. The next step is a B library and the final step is a C library, which is a first-class research library. William and Mary's law library meets the requirements for the A and B lists of the ABA.

The American Association of Law Schools also has standards for law school libraries. Again there are three lists of A, B and C. Before January, 1974 the Law School was 73 percent deficient in the A category, 89 percent deficient in the B category and 92 percent deficient in the C category. These standards are different from the ABA's standards.

The Law School purchased all of the books that were available in the A category so that, although the A collection is now still 47 percent deficient, it has all of the books that are still in print. The rest of the books are out of print and Marshall-Wythe subscribes to a service which sends the law schools the books as they come back into print. It cost the library \$48,000 to purchase the A books that were in print.

To purchase all of the B books which were available in January, 1974 it would have cost the Law School \$35,000. The available C books would have cost the Law School \$25,000. The Law School's budget is sufficient, Dean Whyte said, to meet the needs of the Law School, but there isn't enough money available to make the

library collection as good as William and Mary would like it to be. Dean Whyte made it clear that volumes are not a problem with accreditation.

The AALS standard for law school libraries is a 60,000 volume minimum. William and Mary has 80,000 volumes in the library. The Law School complies with the in-print requirements for the A category. The AALS also has a \$50,000 minimum which it thinks is adequate for member schools to spend each year (the figure was for the year 1972-73). The Law School library gets at least \$60,000, according to Dean Whyte. Dean Whyte also mentioned that the Law School gets about \$13,000 in private donations for the purchase of law books.

In addition to its requirements, the AALS recommends that, where practicable, a law school library have three professional assistants, who should have a master's degree in library science, in addition to the librarian. William and Mary has Mrs. Anna Johnson, who, according to J. Madison Whitehead, qualifies, because of her experience, as a professional assistant. The AALS further recommends that a library have one professional for every 100 students to help them find materials in the library. William and Mary has two professionals for about 450 students.

Norm Marshall, the student representative on the Faculty Library Committee, said that the committee has come up with some suggestions for the library, which have been implemented.

Marshall said that most of the inquiries for books by students were for law reviews which can't be found. Now, the carrels are checked twice a day, as are the tables in the library, so that the carrel register is kept up to date and law reviews are not left lying on the tables.

Auser's study of the law library will continue in the next issue of the *Amicus*.



## Editorials

### Fund Cut Questioned

The College has again been ordered to make cuts in its state allocation. In addition to the five percent cut ordered earlier this year, a three percent cut has now been imposed. *The Virginia Gazette* reports that the recent order costs the College \$262,000. Gov. Mills Godwin has said that this state-wide cut will result in a savings to the state of \$20 to 25 million.

Perhaps the Commonwealth is in the sort of financial trouble the Governor has claimed. But this state has a knack for concluding bienniums with huge surpluses. A number of departments in the College may be substantially injured by this recent cut, as was Eastern State Hospital, which cannot even afford to buy Christmas gifts for its patients this year. We hope that state services are not substantially curtailed merely so that the Governor can boast in early 1976 of a large surplus for this biennium, for that would be a questionable determination of priorities.

### Angle Parking Good Idea

The *Amicus* has ventured only rarely into local affairs in search of commentary, but *The Virginia Gazette* (December 6) recently offered a suggestion which, if adopted, would actually affect law students. The *Gazette* suggested that the newly-paved section of Richmond Road be converted so as to accommodate angle parking.

Needless to say, such a change would produce a number of new parking spaces near the Law School, which might to an extent make travel to classes a bit less aggravating. As the *Gazette* noted, the portion of Richmond Road between Cary Field and Armistead Avenue is presently wide enough to accommodate four lanes of traffic, with the flow suddenly being narrowed at Armistead Avenue to two lanes. Providing for angle parking would not be unduly inconvenient, since Richmond Road is essentially a two-lane thoroughfare, despite its freakish inconsistency.

The *Gazette* further suggested that angle parking be provided only on the College side of Richmond Road, with the west-bound lane modified to accommodate a bike lane. More cheers for the *Gazette*. This two-pronged suggestion offers a benefit significant enough to warrant serious consideration by the City Council, which has shown itself not to be averse to experiment with traffic patterns where the benefit of such changes was far more doubtful than is the case here. We hope that the *Gazette's* suggestion receives prompt study by the local council.

The *Amicus* welcomes reader response to its editorial comment.

## AMICUS CURIAE



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Opinions expressed in articles and initialed editorials do not necessarily represent those of the Editorial Board or the Student Bar Association. The editors reserve the right to edit all copy for space and policy considerations. Letters to the editor and other submissions are encouraged.

The *Amicus Curiae* is published every other week during the academic year.

## Letters To The Editor

### Asks How SBA Will Spend Funds

To the Editor:

I am writing this letter to the Editor to publicly ask a question of the SBA Board.

As a student and a member of a student organization funded by the SBA, I would like to inquire about the status of the \$1300 appropriated to the SBA in excess of the proposed budget voted on at the SBA budget meeting.

As I understand the facts, the \$8350 budget we voted on at the October 15 budget meeting was composed of \$3600 from student activity fees and \$4750 tentatively allocated by the Board of Student Affairs. At the budget meeting of the BSA, held only 20 days after the SBA budget meeting, the BSA in effect increased the Law Student's tentative allocation to \$6050! (\$3050 to SBA, and \$3000 to the *Amicus*) for a net gain of \$1300.

In my original letter to the Editor (November 5, 1974), I questioned the logic of holding

the SBA budget meeting prior to the BSA budget meeting since there existed a possibility we could receive an increase in our allocation. If the possibility of receiving more money is now a tangible reality in the form of \$1300, I would like to ask how the money is going to be spent? In addition, I would like to ask who is going to make the decision on the disposition of these excess funds? Are we going to have another budget meeting, or are the funds going to be disposed of in the discretion of the Board?

I would hope that the decision on the disbursement of these funds could be made by the SBA membership since in effect we have a new budget; making the approval of the old proposed budget inoperative. Though I do not look forward to another budget meeting, I see no other way to comply with the constitutional requirement that the SBA membership approve the budget if indeed these excess funds to exist.

I hope a public response to this letter of inquiry will be forthcoming.

Sincerely,  
Jim Geddes

### 'Worthless' Rap Not Justified

To the Editor:

One can only lament the irresponsible journalism that openly relies upon "rumor" and labels the first-year intramural basketball teams as "unimaginative" and "mediocre."

If the *Amicus* had bothered to investigate the facts, they would have found that the Turkeys have crushed two teams (one by two points and the other in overtime), and lost a cliff-hanger by 20 points on an off night. The Batmen have been equally impressive in amassing a 2-1 record. The Pieces should be quaking in their Pumas.

As for lack of imagination, perhaps we can be forgiven for becoming acclimated to the Law School atmosphere so quickly.

Bill Hoffmann  
Captain, Turkeys

Mr. Fletcher responds: I didn't call the Batmen and Turkeys worthless; I only called them mediocre.

## Review Proposal Would Rely On Grades; Shorten Program

Two candidate programs will be administered annually by the *William and Mary Law Review*, one during the first week preceding the fall semester and one during the spring semester. Successful completion of a candidate program will entitle the student to provisional staff membership, including one hour of academic credit for each FULL semester of participation on the Review. Full staff membership, with inclusion on the list of staff members published in the Review, will be contingent upon timely submission of a publishable Note and Comment and satisfactory performance of tasks assigned incidental to the publication of the Review.

### Candidate Selection Criteria:

Students will be invited to participate in the fall and spring candidate program according to the following criteria:

Spring — The students in the top 10 percent of the first-year class according to grade performance in first-semester classes will be invited to participate in a candidate program to be conducted during the spring semester very shortly after first-semester grades become available. No other students will participate in the spring program.

Fall — Rising second- and third-year students meeting one of the following criteria will be invited to participate in a candidate program to be conducted during the week preceding the start of classes for the fall semester.

1) Class rank within the top 15 percent of the second- or third-year class.

2) Selection by a first-year legal writing section professor as the best student overall in a legal writing section.

3) Previous acceptance by the Review of a manuscript for

publication. (Such a manuscript must be at least of Note-length, i.e., approximately 50 pages of text.)

4) Completion of a previous spring candidate testing program without having been selected for the Review staff.

### Candidate Testing Program:

Both the fall and spring candidate programs will include one week of classes and testing to develop and examine editing and research skills. Approximately two days will be devoted to classes, with the remainder of the week spent on practical exercises and anonymously graded, open-book tests conducted in accordance with the honor system. Although not intended as hazing or as a source of conflict with classroom work, the testing program will require intensive effort. In the sense that a willingness to pay close attention to both substance and form in legal writing will be required in order to perform satisfactorily in the program, the program will provide a check of the student's motivation to participate on the Review.

Past experience with testing indicates that there will be individuals who will perform less ably than the majority of the other candidates and who, therefore, will not become provisional members. Spring candidates, however, will be permitted to participate in the succeeding fall program. It is anticipated that a total of approximately 25 second-year provisional staff members will be selected as a result of the spring and fall candidate programs.

If the testing program results in a large number of students approximately tied at a median score such that accepting all of the students would produce a disproportionately large second-

year staff, overall class ranks may be consulted to aid in deciding which students will join the Review staff. For a third-year student to be selected as a provisional staff member, he must perform in the candidate program as well as do the second-year students who complete the program successfully.

### Writing Requirement:

All staff members are expected to assist in the publication of the Review by performing assigned tasks incidental to the verification, editing and printing of student and professional manuscripts. In addition to satisfactory completion of these tasks, provisional members are expected to submit a publishable Note and Comment according to the following schedule:

Spring candidates — A topic memorandum for a Comment will be submitted and revised as necessary by May 1, following completion of the testing program. A publishable Comment based on this topic memorandum will be due by the end of the drop-add period for the fall semester of the student's second year. These students also will prepare a publishable Note, due by the end of the drop-add period for the spring semester of the student's second year.

Fall candidates — A topic memorandum for a Comment will be due by the end of the drop-add period immediately following the student's candidate testing program. The student will prepare a publishable Comment based on this memorandum due by the beginning of the Christmas vacation. By the beginning of the following spring break, these students will be expected to complete a publishable Note.

See Review, p. 3



## Christmas Goodies

# Up Against The Wall

By M.A. Funt

Ever on the alert for a scoop to boggle the minds of Marshall-Wythe's community of legal scholars, the Amicus surreptitiously crept into the Dean's office last week and used his phone to put in a call to the North Pole. We hoped to ascertain what goodies sundry M-W personalities might expect to find under their trees later this month. (See also, Note, Jolly Old Elves and Strict Exemption From Liability For Defective Goods, 69 Va. L. Rev. 1776 (1974)).

Old Elf, J. wasn't around, but we spoke with his brother, Morris, who (for a fee) gave us the following information.

For Tim Sullivan — a vest pocket calculator to assure that no matter how he makes out the schedule, popular courses will always conflict.

For the third-year class — individual copies of what is sure to be a run-away best seller, *Employment Opportunities for M-W Graduates or, What You Can Do With Your Law Degree*.

For Col. Walck — a slot machine.

For J.P. Love — a life-size full detail blow-up doll of Burt Reynolds (or of Bolling Powell in the alternative).

For Jim Thurman — a little birdie to tell all the freshmen women how old he really is.

For the first-year class — a release from their vow of celibacy and monastic existence.

For the Law Review — a decent pitcher (also some decent batters, infielders, shortstops, and outfielders).

For Elmer Schaefer — a tie to go with at least one of his jackets or a jacket to go with at least one of his ties.

For anyone who'll take one — a J. Madison Whitehead doll. Wind it up and it'll run around your house randomly assigning punctuation marks to everything.

For Nettie Bailes — her very own SBA "newsletter" with a permanent banner headline reading "SBA Takes Decisive Action."

For Ron Brown — an Australian duck.

For the Corporation class — a Princess phone so they can be reached by the 9:30 Dialing For Dollars movie.

For Bobbie Crump — a date with Jimmy McAtamney so she can kiss someone without standing on a chair.

For Terry Grinnalds — a one-

way ticket to Xanadu (Northwest Bulgarian Airways, tourist class).

For all expectant Law Wives — a Dean Whyte doll. Wind it up and it'll arbitrate your labor.

For those who like to keep things active — an Evan Adair doll. Wind it up and it causes trouble.

For Mr. Williamson — a new mustache to replace the one that

ran away.

For the WILDROOTS — a Presidential pardon for the criminal act of taking money for what they do.

For Gov. Godwin — a certificate good for two free weeks of instruction at Marshall-Wythe. (Guaranteed to get us a new Law School or close us down forever).

## Tax Program Views Estate Plan Issues

Over 400 lawyers, accountants, and private individuals attended Marshall-Wythe's twentieth annual Tax Conference held December 7 at the Conference Center of the Williamsburg Lodge. This year's conference focused on the various aspects of estate planning.

Professor Emeric Fischer was Director of the symposium. This is the fourth tax conference Mr. Fischer has coordinated since coming to Marshall-Wythe.

Aside from the usual difficulties associated with setting up an event of this type, Mr. Fischer was confronted with the "problem" of an overflow, sell-out crowd of late registrations only a few days before the Conference. Nevertheless, arrangements were successfully reshuffled so that no one had to be turned away, including Marshall-Wythe students, who were admitted free.

Two topics were presented during the morning session, "The Use of Trusts in Estate Planning" and "Use of Powers of Appointment." Speaking on the subject of trusts were Marshall-Wythe Professor Don Llewellyn (currently a visiting professor at Temple University Law School) and dean Harold G. Wren, dean of the T.C. Williams School of Law at the University of Richmond. Joseph Curtis, Dean of the University of Baltimore School of Law and formerly Dean of Marshall-Wythe, delivered the lecture on powers of appointment.

Shortly before the lunch break, participants were officially welcomed to the Conference by Dean Whyte and College Vice President George Healy.

The afternoon program included three speakers. Professor Martin L. Fried of the

Syracuse University College of Law delivered a tripartite analysis of "The Marital Deduction" — technical problems, economic problems, and problems with jointly-owned property.

Presenting the topic of "The Use of Shareholder Agreements in Estate Planning" was Mr. Robert A. Schnur, Esq., a partner in the law firm of Michael, Best and Friedrich of Milwaukee, Wisconsin.

The final speaker of the Conference was Mr. Kinsey Spotswood, Esq., a trust officer of the Virginia National Bank, who commented on "Post Death Estate Planning."

Those in attendance expressed general satisfaction with the Conference and its program. At least one individual rated it "the best tax conference (he) had ever attended."

Several students assisted in the planning and co-ordination of the Conference. Mr. Fischer wishes to thank Max Dale, Nettie Bailes, Burt Saunders, Janet Brown, Jim Rattray and Dan Small for their assistance. He also expressed appreciation for the help of Mrs. Anne Forbes and Alice Crawford.

## Review Modifies Program; Seeks Less Disruption

Continued from p. 2

Although the topic memoranda, Notes, and Comments are not part of a competitive candidate program and the students will be encouraged to use the full resources of the Review to assist in their preparation, full membership on the Review staff will be contingent upon the submission of publishable manuscript in fulfillment of the writing requirement.

## Graves' Memo Cites Reasons For Decision

Dear Nettie:

Many thanks for coming to see me on December 6 to discuss the concern of the SBA about the action of the Publications Council in seeking to put the Amicus Curiae under the jurisdiction of the Council. Since talking with you, I have also received the Law School student petition appealing the decision of the Publications Council and asking that I reinstate the Amicus as a Student Bar Association publication.

Over the weekend I have reviewed the facts behind the decision and those behind the appeal as carefully as possible. On the basis of our discussions as well as parallel discussions with Wilford Kale, Chairman of the Publications Council, other letters of documentation, the relevant articles in the November 18, 1974, Amicus on this issue, the minutes of the Publications Council action, and past precedent involving the inclusion of the Colonial Lawyer within the jurisdiction of the Council, I do not believe that the Publications Council improperly exercised its authority in claiming jurisdiction over the Amicus.

In the absence of such an improper exercise of authority, I do not think it is within the scope of the President's authority to make a qualitative decision about the action of the Council. I am particularly inclined to feel this way in view of the fact that there exists no evidence for believing that the editorial freedom of the Amicus Curiae has, or will be, jeopardized by the decision of the Publications Council in regard to the status of the Amicus.

In the event that the editorial freedom of the Amicus, or any other College publication, were to be threatened by an action of the Publications Council, I would, of course, regardless of the Council's authority, be obligated to review the case in question from that point of view. The recent decision of the Council to take control of the Amicus does not, however, abridge the rights of the Amicus, but in fact puts the Amicus within the control and purview of that body which has been constituted to preserve the integrity and independence of all College publications supported by student fees.

I very much regret the complications which arose in the timing of the hearing which led to the Publications Council's decision, and the resulting confusion over length of notification.

Quite aside from the particular issue at questions with the Amicus, I also recognize that there are some additional questions which, apart from operating all publications on a fair and equitable basis, involve a broad spectrum of graduate versus undergraduate student interests at the College.

As the interests of graduate students expand and diversity across the College, it may be that the premise of relating graduate and undergraduate needs within one overall structure should be re-examined. A wholesome exchange of views that can lead to better ways for graduate students to have their views and interests considered would be welcome, and I certainly encourage an exploration of such questions within the fundamental framework of the BSA.

Finally, as the attached correspondence indicates, I am indicating my approval of the enlargement, for the present year only, of the Publications Council from four to five members; and the reconstitution of the Publications Council after this year, to the extent that one of the four student representatives is a Law School student. This will help insure that the Law School publications are adequately represented on the Publications Council now and in the future. In the near future, the editors of both the Colonial Lawyer and Amicus should, therefore, submit their nominations to me for the fifth member of the Council this year, and thereafter, at the beginning of each new academic session.

Sincerely,

Thomas A. Graves, Jr.  
President



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## Hanes Briefs

Recently, the SBA was the recipient of two badly needed articles — an adding machine and a new typewriter. These were the gifts of Mr. Robert H. Goldman (father of SBA Vice President Bob Goldman.) The SBA wishes to thank Mr. Goldman for his generosity and thoughtful consideration.

Although Judge Hanes seldom receives word of births, weddings, etc., in time for feasible publication, he did this week. Congratulations are extended to Bob and Peggy Johnston on the birth of their first child, Laura Elizabeth. Laura was born on December 12, weighing in at 8 pounds 2 ounces. Congratulations go also to Col. and Mrs. Richard E. Walck on the birth of their first grandchild, Wendy Lee Walck. Finally, congratulations to Cal Depew and his new bride Kenny. They were wed last Saturday.

The Law Review recently announced the recipients of awards for performance in the fall candidate program. David Canfield and Vince Sapp were named best candidates, and Bill Casterline won the award for best comment.

For those who bother to read *The William and Mary News*, take note that they are wrong again. The SBA Christmas Party will be held at 8:30 p.m. tomorrow in the Dodge Room of PBK Hall.

There will be mixed drinks in addition to the seasonal delights of egg nog and punch. SBA Social Chairman Guy Strong and third-year student Bob Copeland have also procured a large tree from an undisclosed source. They stand by their original statement that this will be a "nice" party.

Groundbreaking for the National Center for State Courts headquarters in Williamsburg will probably begin in July 1975, according to the board of directors. The 32,000 square foot building should be completed within two years. The two-story center will be built on a 10-acre parcel of land on South Henry Street, formerly occupied by the old Brown Building.

Last weekend the Board of Directors met in Denver at their annual meeting and considered the final architectural plans for the building. The building is designed by the Richmond firm of Wright, Jones and Wilkerson.

The Moot Court Board has announced the membership of the team which will represent Marshall-Wythe in the fourth annual William and Mary Moot Court Tournament. Participants will be Ed Passarelli, Steve Kalista, and Ellen Pirog. All three are second-year students. Larry Glanzer, also a second-year student, was selected as team alternate.

Team members were chosen from the forty students who participated in this fall's intramural competition. Top honors in the competition went to Passarelli, who submitted the best brief and scored the most points on oral argument. Kalista was second in both brief and oral argument.

Once again demonstrating the superiority of law students over lesser primate life forms, first-year student Ed Ferguson has captured the top singles competition title in the William and Mary Intramural Tennis Tournament.

Commenting on his victory, Ferguson stated, "I just lobbed one for the John Wunder!"

# Bar 'Protects' Lawyers From Public Disapproval

By Wallace Auser  
and Evan Adair

The organized Bar "protects lawyers from the public," rather than protecting the public from incompetent and dishonest lawyers, JeRoyd X Greene charged in his lecture last Monday evening.

Speaking on the topic "The Bar's Repression of Free Speech," Greene contended that the Bar opposes a low-cost legal system, that the ABA's canons of ethics are "image-conforming rules" unrelated to competency and the practice of law, and that the Bar should not limit conduct of attorneys which is not related to competency and honesty in legal practice.

Greene cited John Dean, John Ehrlichman, and William Kuntzler as attorneys who have been disbarred or disciplined, not for acts committed in the practice of law, but because they were lawyers and their conduct threatened the image which the Bar seeks to maintain. The image is not sought, Greene contended, for the purpose of protecting the public, but rather to protect lawyers from deserved public wrath for other failings.

Greene suggested that John Dean was hushed through disbarment because the Bar did not want the public to know that what Dean did for Nixon corporate lawyers do for their clients every day. Were the public to focus on Dean as a lawyer, the anonymity of other lawyers would be threatened.

This image-consciousness adversely affects attorneys in the delivery of legal services when they represent clients against the "body politic," Greene maintained.

Tracing the history of the organized Bar, Greene argued that lawyers first banded together to form state associations shortly after the

Civil War. Lawyers had, Greene stated, been among the first to become involved in the widespread corruption following the war, and the conservative "power elite" of the profession organized to present an elitist, dignified image, emphasizing "Madison Avenue techniques" to make the attorney "look and act like his client" rather than proper legal services.

Discussing various aspects of advocacy, Greene contended that the lawyer runs "a thin line" between honesty and becoming a "professional liar" because the art includes expansion and exaggeration of the truth, and manipulation of facts.

Although the public is "suspicious of lawyers," Greene noted that "they come to lawyers to get the best deal possible when they are guilty," and suggested that a good lawyer makes a guilty client look good.

Returning to the Bar's allegedly misplaced emphasis, Greene argued that the Bar's elitism and emphasis on restricting undignified public appearance and comment

surpasses its interest in weeding out incompetent and dishonest attorneys.

Greene challenged the Bar's prohibition of advertising, noting that "the public is concerned, not with dignity, but with the competency, honesty, and commitment of the lawyer." Advertising would, Greene said, bring prices "into line," and would create economic efficiency. Yet the Bar, which Greene contends is controlled by the large firms, maintains minimum fee schedules, which are "price-fixing and subject to anti-trust laws."

The larger firms, according to Greene, have a high overhead which the client pays for. Smaller firms have lower overhead costs, and can, therefore, render services more cheaply. Larger firms, which Greene argues are desirous of protection against competition in pricing, control minimum fee schedules. Attorneys can, according to Greene, be disbarred for charging less than provided by the minimum fee schedule, with the result being that the consumer pays more than he or she should.

## Placement Says Jobs Are Still Available

By Gretchen English

In spite of the article in *Newsweek*, there are jobs available, and Marshall-Wythe students are getting some of them. It is important that each of you notify this office when you do accept a position, so that we may keep our records in order. Please use the form provided in each *Amicus* issue, or call the Placement Office.

For those students who are still seeking jobs and are willing

to move out-of-state, our office is corresponding with U.S. Attorney's offices. We have received replies from the following areas, indicating that they have no foreseeable vacancies, but do maintain a "current" file, from which they choose their Assistant U.S. Attorneys. For interested third-year students, the areas are: Middle District of Alabama; Western District of Arkansas; Northern District of California; the Middle and Southern Districts of Florida; Western District of New York; Northern District of Ohio; Western District of Pennsylvania; Western District of Virginia; and the Districts of Arizona, Connecticut, Delaware, Iowa, Missouri, and New Mexico.

For second-year students, the following offices are in the process of receiving applications for summer positions: the districts of Delaware, New Hampshire, New Jersey and North Carolina, and the Northern District of California.

Since this is the last issue of the *Amicus* this semester, I would like to take this opportunity to announce that I will be leaving the College and Williamsburg on January 16. I have enjoyed working with each student and wish that I would continue as Director of Placement.

Editor's Note: The *Amicus* also wishes that Mrs. English could remain in Williamsburg. We thank her for her devoted efforts, and wish her well.

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