by David B. Kirby

While in front of a class he moves with such animation that at least one student of his has referred to him as a chipmunk, constantly pacing left and right, toward and away from the class. But it is a technique that works. His students leave the classroom unaware not only of Frederick F. Schauer's teaching methods but also of the substance of his arguments.

"Self confidence," he said when asked of the attributes of a good lawyer. "A person needs to know the law but, perhaps more importantly, he needs to know that he knows it. He cannot be hesitant to let that knowledge show."

Schauer, a Boalt Hall Associate Professor of Law at Marshall-Wythe, said that his years as a practicing attorney, a Board examiner, and in the trial and appellate levels added much to his self confidence. This practice helped him hone his ability to think on his feet.

But the ability is one that Schauer, in his self-confident way, said he has always had. In fact, his acknowledged verbal ability was one of the things that drew Schauer into law, he said. "I learned how to laugh, was organic chemistry. Schauer began his studies at Dartmouth College in Hanover, New Hampshire, with the intention of becoming a doctor. He turned out to be more valuable than I thought it would be," he said. The exposure he had to statistics and probability theory has "helped me visualize abstract ideas, even if they cannot be quantitatively measured.

He has used the logic of statistics and probability theory in discussions in several of his law review and other articles, he said.

In 1972 Schauer received his J. D. from the Harvard School of Law where, among other honors, he was a finalist, oralist, and team captain in the Ames Moot Court Competition and the Note Editor of the Harvard Journal on Legislation.

After two years of practice, Schauer has served since 1974 at the West Virginia University College of Law, first as an Assistant Professor and now as an Associate Professor of Law.

In addition, he was a Visiting Scholar and Member of the Faculty of Law at Cambridge University during the 1975-76 academic year.

The year at Cambridge gave Schauer "time to think" without the necessity of committee assignments or everyday classroom teaching. It also provided him with interdisciplinary contacts that proved helpful for the work on his latest book.

Of his practice, Schauer said it was "very interesting" but "there were too many clients and not enough time to do a good job on anything." It was primarily this consideration that led him back to law schools to teach. As a practicing attorney, Schauer did much work with first amendment freedom of expression cases, and interest he has continued to follow in many of his writings. In fact, "it was defending dirty movies" that thrust him into the first amendment area, he said.

His first case led to an acquittal and allowed the movie Deep Throat to be shown in Burlington, Vermont. Other cases he handled dealt with picketing in shopping centers, academic freedom, and the "chilling effect" doctrine please see page 7.
The Campus Memorandum

by Richard Sherman

This issue I am going to outline my remarks to an issue of major concern to law students during the next two years: parking. The vast majority of us use the bus via auto class everyday, and all of us have been late to class on occasion when all spaces close by were filled. Parking for day students around old campus is clearly inadequate. Currently unrestricted college parking is available in the lot behind the Hey. Thursday through Sunday across from Cary Field, behind the Presbyterian Church off Prince George Street, in a lot adjacent to Themen and King and Queen Apts. between Scotland St. and Richmond Rd. and behind the Bryan Complex across from Richmond Rd., and behind the parking, similar to the student only parking and have parking in the Bryan Complex.

I've very day, I must commute via auto to class 10 a.m. to 4 p.m. on Thursday or Friday, which occurs first. Tickets are $1.75, a great bargain for an unlimited supply of beverages and delicious epicurean delicacies, brought to us by our Student Bar Association's Alumni Director, Lee Osborne.

The parking problem will be open for discussion on Tuesday or Wednesday, they will also be available at the door of the Campus Center Ballroom as long as the supply lasts on Saturday. Doors open post-game or 4.30, which is completed. The Homecoming Parade begins at 10 a.m. Saturday on Duke of Gloucester Street to be followed by the big football game at 2:00 against James Madison University. Coming off a questionable loss and a tie, the Indians will hopefully be hungry for a win.

Just Hearsay

Tonight at 7:30 in the Moot Courtroom, Sa'ad El-Amin will speak on "Judicial Conservatism versus The Rising Expectations of Oppressed Minorities." This lecture is sponsored by BALSA, the Black American Law Students Association and is open to all students for a minimal fee.

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Check enclosed

Bill me
The LAW REVIEW GAME is reprinted here with the kind permission of Darrell Wettstein, a 1974 graduate of the University of Wisconsin Law School. Thanks to Carol Hill for retyping and updating the game.

Congratulations! The first month and a half of law school for the 1978-79 year are now history. If you are first year, you are to be doubly praised. You have now met the unknown enemy, legality, and are well on your way to conquering it. You no longer worry about your first class, your first brief, or your first recitation. In fact you are getting a handle on the whole thing. You are getting less and less worried about passing, and in the back of your mind, the notion of good grades, and yes, (say softly), an invitation to Law Review.

Law Review is certainly a worthy goal. Every student in the first half of law school for the 1978-79 year has this in mind. Let me tell you that it is an elusive goal for many. The staff of the Amicus wishes everyone good luck towards achieving this, but to keep grades from taking a chance. If you have chosen to look at the lighter side of law school for the 1978-79 year, you may want to consider playing this game. It may inspire you to return to the books, but more likely it will just help the time go by.

**BRIEF IDEA OF THE GAME:**

LAW REVIEW® was designed to duplicate the life of a student in his quest to reach the academic peaks. The object of the game is to acquire course aids, usually books, hornbooks, or notes, so profitably that you become both the wisest and wealthiest student. This wisdom and wealth can be thought of as earning power in your later years in practice. There is no money invested in the one that acquires the most wealth at the end of the game, is the winner.

Starting with $10,000, the players move around the game board according to the throw of the dice. When a player’s token lands on a space which represents a transferable asset, he may buy it from the Bank if it is not previously owned. If he does not desire this asset (for example, the text in Contracts is almost values when compared to Gilbert’s, it will throw the dice, and if will sell auctioned to the highest bidder (see U.C.C. 2-328). The object of owning these study aids and assets is to collect rents from opponents stopping there to utilize them. Thus a player landing on another’s study aid, for example upon his Civil Procedure notes, must pay the rental costs for his usual need. A player landing on another’s space, for example the University of Wisconsin Law School, may acquire his notes and assets as rents in the event of a player in the course of playing the game. The rental values of these study aids are greatly increased by the building up of Grade Points or the achieving of the honor Book Award. To raise money, properties and such may be returned to the College Bookstore for half price. Justice Cards on the top of the pile and may be collected. This is an important factor in the binding legal effect of landing on some of them.

**RULES**

**EQUIPMENT:** To play the game, one needs will be given to deserving students. Each player under the half-price. Justice Cards on the other side of the deck will be cut apart and used in the game. Tokens, dice, and money, are used from the Monopoly set. The Monopoly title deeds are also utilized with the real values, mortgage values, and building costs of each property. The corresponding (spatially) properties in the LAW REVIEW® game. More Justice Cards may be created by using cut-to-size index cards with each player deciding which instructions they will impose upon the course of the game. You are now ready to play.

The basic rules of LAW REVIEW® are provided by these instructions. There are four players for each game which are adequately dealt with the question of legal. Each game has 2-4 players. For a group of up to 10 players, each player may use a different deck of cards. You are now ready to play.

PROCEDURE: Place the Board on a table and divide the cards among the four players. Place the remaining cards face down on the table. Each player takes turns. The object of the game is to collect all the cards on one of the four sides of the board. The player who has the highest number of cards at the end of the game is the winner.

To play the game, each player rolls the dice, and the one with the highest number goes first. The player who rolls the highest number of dice goes first. It may inspire you to return to the books, but more likely it will just help the time go by.

**GOLDEN OPPORTUNITY SPACE:** A player landing on this space to again settle matters. The object of owning these study aids and assets is to collect rents from opponents. The object of the game is to acquire course aids, usually books, hornbooks, or notes, so profitably that you become both the wisest and wealthiest student. This wisdom and wealth can be thought of as earning power in your later years in practice. There is no money invested in the one that acquires the most wealth at the end of the game, is the winner.

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How its instructions tell us, the Justice Card space is vacant and it places the decision of that Card in the other player's court. Except under the provision card, the decision is final and the game is over.

RENT: A player whose card is here places one of his properties on the board, cancels any monopoly transactions, and moves immediately to the start. He may find himself in the hospital, in the stock yard, or behind bars. "Should a player roll a number of spaces which is not a multiple of the number of spaces on a property, it will be considered as though the property was not landed on.

ADDITIONAL PROPERTIES: Ownership of complete groups allows the player to improve them by the acquistion of Grade Points or the Book Award. Grade Points (which are equivalent to monopoly houses) can be purchased according to the value of which the property is located. (1) Row 1: $50; Row 2: $100; Row 3: $150; Row 4: $200) and increase the amount of rent to any player landing on that space. Likewise owning all of the properties of one class (GA, Minutals, Legal Fraternities, and the Dating Game) will immediately retire the player landing there. The owner of the property will be required to pay a double the listed rent to any player landing on that space.

MORTGAGES: Properties may be mortgaged through the bank at any time for half the purchase value. Grade points and Book Awards are not mortgaged but are resold to another player all his assets and retire from the game. However he must first turn over the Grade Points or Book Awards to the Bank and obtain the half price fee, give this to the player who has brought him to this crisis. Title XIII wage-earner plans are not applicable to this game.

Upon reaching the Awards space, the player must mortgage or sell all of his properties. Exception to this is the Honor property, the player must mortgage the half price fee, give this to the player who has brought him to this crisis. Title XIII wage-earner plans are not applicable to this game.

Well, that's the game of LAW REVIEW. Any similarities in names or effects to any classes, professors, practices, or procedures or the real Marshall-Wythe Law School are expressly denied and declared null and void. Likewise all express and implied warranties of enjoyment are disclaimed. I do hope that you enjoy the game of LAW REVIEW and wish you luck in the real world.

To purchase the property, an auction is held and the property goes to the highest bidder. Any player, including the one who landed on the property, may bid, and the price starts at zero.

When a player lands on owned property, the property may be mortgaged in order to pay the proper RENT. Any court in equity will require this even though the owner of the property may not have "clean hands." No rent may be collected on a property that has been mortgaged. Higher rent must be paid on improved properties.

ADVANTAGES FOR OWNERS: It is advantageous for a player to own all properties in one class (i.e. all three Civil Procedure aids: notes, text, and Federal Rules) for this allows the owner to charge double the listed rent to any player landing on that space. Likewise owning all of the Necessities (TGIF, Intramurals, Legal Fraternities, and the Dating Game) will do more for the privilege of using them. The rationale is that a student with Con. Law notes has four grade points must have great notes, and you must consequently pay more for the privilege of using them. The same rationale holds for the possessor of the Book Award (hotels). Four grade points must be erected on each lot before the book award can be obtained. No more than one property grade point can be placed on any lot above the number to be found on lots of the same class group.

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Schauer, Cont'd

Continued from page 1 that is applied to first amendment values.

Currently, Schauer said, "the danger is getting smaller and smaller," in part because of amendment issues. In recent years the Supreme Court has come down strongly on the side of "positive rights" for the press, especially newspapers. Schauer says this positive right is the right to say or print whatever is desired.

The Supreme Court has not been as concerned with what Schauer calls "peripheral first amendment values," he said. These issues—including questions such as those raised by the jailing of New York Times reporter Myron A. Farber—involves the press's ability to gather the news it intends to print. Schauer said he is not certain that these "rights" should be expanded.

To do so "would grant a first amendment right for the press to do anything," he said. He said, for instance, that he should not have the "right" to publish an article in National Geographic about a part of the world he has never visited.

In addition, there are other institutions that do good things besides the press, Schauer said. He said that people concerned with the institution should have a right to look at values other than just press freedom.

Despite this belief, Schauer has written two books and an impressive number of law review articles that deal directly with first amendment rights. Now, though, his interests are falling away from specific first amendment problems and centering more on the theories behind those problems.

He is now working with his latest book manuscript entitled The Philosophy of Free Speech, which is a general treatise on the theory of free speech.

Although he had enjoyed "a bit more of a scholarly practice than most law professors," Schauer said that teaching law had been "in the back of my mind" at all times. He wanted a chance to tackle more of the philosophical aspects of the law than he was able to reach in practice.

It is this attitude, too, that he tries to instill in his students. "Law changes so much" that learning a method of thinking is more important than learning particular cases, he said. "If you think there's an answer to everything you're in trouble." Wythe at this particular time almost by accident. He said that he had known Doug Rendleman, professor of law here, previously and that they had talked of his doing "something sometime in the future" here. He was offered the position after Dean William B. Spong, Jr., interviewed him in Cambridge, he said.

Schauer will say nothing about his staying at Marshall-Wythe other than that it is "a possibility." Neither he nor the school has made a firm commitment about the future.

To see his contempt—i.e., animation as he banTERS with students after class, though, is to know that Schauer is exact about something. It could be that he is happy to be discussing the theories or history behind the law.

Or, as he put it, it could be that he is pleased that he is teaching at a small school. This allows him the chance to meet with students and scholars in many disciplines and to talk across the street from the school, within easy reach of all that Marshall-Wythe and William and Mary have to offer.

Legendary Liquor Laws

The state Alcoholic Beverage Control Commission has issued new regulations that drastically cut back on the right of the bar owner to issue opinions saying that non-lawyers were engaged in the unauthorized practice of law. The Virginia Supreme Court, in the future, only the state Supreme Court can issue that kind of ruling.

The prominence of Virginia cases before the U.S. Supreme Court also undoubtedly has to do with ideology. Virginia is generally a conservative state, rich in traditions that give it up o nly reluctantly. "Recalcitrance, independence and stubbornness" account for some of the cases, acknowledges Mr. Coleman, the state attorney general. He has to add that it "goes back to the historical exchange and conflict inherent in the federal system."

Many of Virginia's traditions, like those of other Southern states, have involved race. Judge Leon Higginbotham of the federal appeals court in Philadelphia declares in his book "In the Matter of Color" that Virginia "piereced a legal hole in the 14th Amendment and blacks a uniquely degraded status."

A Safer State?

But the University of Virginia's Prof. Howard Howard observes that this tendency to be a rather "legalistic state" may have made it safer to bring test cases on civil rights in Virginia than in some other Southern states: "You might win or lose, but you very likely to have your head blown off," he says.

He adds that Virginia's fairly lax liquor laws have provided "more resources and more willingness to bring test cases."

Indeed, besides the 1967 Supreme Court ruling that struck down the state's law against miscegenation, a case from Virginia was among those that led the Supreme Court to outlaw racial segregation in the public schools in 1954. And in 1963, the state had an attempt to charge the National Association for the Advancement of Colored People with unlawfully stirring up litigation and soliciting clients; that ruling cleared the way for still more civil-rights suits. The suit was brought on behalf of a title-insurance company that wanted to deal directly with home buyers.

Although the suit is still pending, with the bar having won the latest round, the Supreme Court of Virginia has recently issued new rules that drastically cut back on the right of the bar owner to issue opinions saying that non-lawyers were engaged in the unauthorized practice of law.

Virginia officials say things have changed since those days. While there isn't any sign that the acceptance of Title IV or any other Virginia law or conference here in the 1960's has swept aside the long provincialism that led the Supreme Court to strike down Virginia's law against miscegenation, there is some evidence that the state has learned from those mistakes. Indeed, since the late 1960's, Virginia has been one of the most active of the Southern states in the fight against segregated education.

The state's civil rights attorneys have been among the most active in the legal challenges to segregation in the South. And in fact, the state has been even more active than some of its more liberal neighbors.

Some of these challenges have been successful. In 1964, for example, the state legislature ordered a change in the state's law against miscegenation, a case that was among those that led the Supreme Court to strike down Virginia's law against miscegenation.

In addition, the state has been successful in challenging some of the state's civil rights laws. The state has challenged laws that have been declared unconstitutional by the Supreme Court, and has won those cases in Virginia courts.

The state has also been successful in defending its own civil rights laws. In 1964, the state passed a law that banned segregation in public schools. The law was challenged in court, and the state won.

Virginia's civil rights laws are also among the most progressive in the South. Indeed, some of its civil rights laws are among the most progressive in the country. In 1964, for example, the state passed a law that banned segregation in public schools. The law was challenged in court, and the state won.

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Basham Captures Tennis Crown;
Stabler Wins Women's

by Joe Margolles

The third annual law school tennis tournament ended last Friday with winners from each class. The Men's A category was decided in a match between number one seed, Jay Basham, and number four seed, Jay Ireland. In an exciting duel witnessed by this writer, Basham vindicated his top ranking and gave the third year class its only winner. The second year class was represented twice. Walter Williams winning Mark B and Kathy Drag-Bill Hopkins team sweeping to victory in Mixed Doubles. Women's singles was captured by tournament co-director Sally Stabler. The first year class saw its pride with Rick Hall's triumph in Men's C.

Awards were handed out at the tennis tournament party Friday night at Lake Maloaka. A hardy and spirited crowd turned out, enjoying the abundance of beer, munches and music which had been provided. The party was especially timely for Phillies fans who (with the aid of a Stabler Sony) saw their team win the third game of the National League playoffs. The night's festivities were capped by Bill Hopkins who, in accepting his award, declared: "I've never been at the top before but now that I am, I'll be hell to knock me off!"

Is this that famous Stabler winning form?!

Jay Ireland, with a long Heritage of privacy, makes a rare public appearance to become the runner-up in the Men's A.

Basham eschews appropriate court attire but goes on to win his case.

Knutes, Doggie Style Push Forth Towards IM Grid Playoffs

BY: Hear Blackstone

Because the sports editors of this rag continue to ignore intramurals, which is their proper area of coverage, I am writing this article so that the law school community may know what and how law students are doing. Perhaps in later issues these buffoons will stop printing their own mindless and uneducated opinions on national sporting events and report on law school activities.

Seven teams from M-W are participating in I.M. touch football this year and are deserving of coverage. Maybe this report will make more sense than an article rating Virginia football teams that has U.Va. anywhere other than the cellar, where they belong.

In capsule form, let's review the seasons of all seven of our teams, in order of their ranking:

1. The KNUTES. This third year team is an allstar powerhouse. Coach Fred Becker's crew is undefeated and is a good bet to make the championship game, probably against perennial champs Kappa Sig. Standout players include Williamburg Ward Eason, Pat T. Moorman, Mike "Brass" Nuells, Jay "Iron Hands" Neal, Mike "Lameduck" Seiber and Bob Liptak, who is probably the league's MVP.

2. The MONGREL DOGS. This group is aptly named as it draws players from all three classes.

3. Coach Rich "Little Bo" Schafrann's team seems assured of a play-off spot. They must be considered as serious contenders, as their only loss was dealt out by the Knutes in a close game. Frank Hughan, Larry Murray, and little Mac McCullough are among the celebrities on this team.

4. I.T.P. This talented and intense group of superheroes should just miss the play-offs this year. With a name that somebody understands and a year's experience, next year could be theirs. An impatient offense has only to develop some punch and this team could make waves. Key players include Jim Irving, Chris Corbett, Steve Mahan, and Ron Taylor.

5. THE LEFTOVERS. Easily the best-dressed team in the league, this bunch of misfits has had surprising success. Raw luck has been the key to this team's success. Coach Ken Gerle points to lack of talent and fair-weather fans as this season's most notable differences from last year's powerful Vader's Raiders. Gerle claims he is still a coaching genius. Lending credibility to his claim is a roster that includes Kevin "Screamer" Brunick, Bob "The Knot" Rapaport, old men Bob Rae and Rick Britt, and P.A.D. boss Jim Hixon.

6. DOGGIE STYLE. This team likes to come from behind. Starting comebacks have been necessary frequently because of the team's tendency to fall hopelessly behind. Chiefly responsible for this and other bad habits is Coach Andy Thomas, who is slower than words can describe. Despite interference from Thurman, Brain and Beamer" Buckley, Gary Marshall, Jay Basham and Palmer- have had outstanding seasons.

7. DOCTORS AT LAW. With a name like this these guys deserve to finish last. Actually this is a normally revolving First Year name and we can only hope that the rookies will all use more creativity in naming future teams. Tom Sear had a fine season. The other guys on this team approached football like it was a Legal Writing assignment from the dreaded Mr. Drake.

Our teams participated in what I.M. officials termed the toughest Independent Division and, by and large, were successful. More importantly, most participants enjoyed themselves.

Play-offs run from Oct 17-19. Game times and fields will be posted.