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Dr. "T" Gives Legal Advice On Obtaining Medical Testimony

by Dr. T. Moorman

Notwithstanding certain aspects of legal and professional ethics, physicians have been and are continually accused of belonging to a "conspiracy of silence." The basis of this alleged activity seems to be the difficulty attorneys have in obtaining expert medical testimony involving their clients' medical malpractice, personal injury or products liability claims. Since I have had first hand experience as an expert witness and defendant in such cases, I am amused, often angered, and maintain a unsympathetic with the outcomes of the legal profession concerning the so-called "conspiracy of silence."

The accusations run from minor claims of "Doctors just don't want to be involved," to gross fraudulent claims that the "Medical societies have rules against doctors testifying against each other." I believe there are several causes for the lawyer's dilemma. 1) Clash of opposing philosophies; 2) Lack of mutual respect; 3) Lack of tactful approach; 4) Personality conflicts; 5) No administrative exhaustion; and 6) Expenses.

1) The adversary system is opposed to the cooperative system. Most physicians do not understand the adversary system. It is completely opposite to the approach physicians use in treating patients. Those physicians who have attempted to cooperate with lawyers have approached the case as a medical problem and have become, as much as the American public, disillusioned with the American lawyer and the American legal system. Other physicians are turned off by the experiences of colleagues and want no contact with the adversary system. I believe the situation is long standing that lawyers enjoyed in recent popularity polls derive from the adversary system and from the fear of litigation that permeates American society. As Judge Learned Hand put it, "As a litigant, I should dread a profession being open to lawsuit beyond almost anything else apart from sickness and death."

2) Attorneys do not understand why physicians take malpractice suits so personally. It is easy to see, in an adversary situation of 'deep pockets' and unscrupulous lawyers, how sensitive areas are overlooked. As the number of legal malpractice suits and the chance of every lawyer being sued for malpractice increasing, I believe that the physician's position will be still less appreciated. All professional schools teach the basics of the trade. It is only after much experimentation, practical experience and individual variation that the practice of profession becomes an art. The treatment for diabetes is not absolute. The type of administration, and type of drug becomes an art. The appellate courts with its basic requirements becomes an art form in the hands of an innovative attorney. The physician has the same 

Marshall-Wythe School of Law

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The Naked Palate:

Williamsburg After Dark

COMPLEMENT GUIDE TO THE CARE AND FEEDING OF THE LAW PUPPY

Part One:

After Midnight and Hunger Bears Its Ugly Head

by the Naked Eye

Those of you fortunate enough to own or rent a law student are already familiar with this situation. For those considering the purchase of one, and, for the delightful, Schmo-like creatures, be forewarned that, although law students can be wonderful pets, they are frequently victims of sudden, late-night seizures of uncontrollable hunger accompanied by intense anxiety and profuse sweating. This ailment, popularly known as Ootoru's, or Muggleshead's, Syndrome, is very serious indeed. If left untreated, the symptoms progress rapidly: contractions of the stomach occurring at progressively shorter intervals are followed in rapid succession by dribbling about the lower lip and chin, loss of voluntary muscle control, and catactic stupor. If left unchecked for a day or two, your law student will probably recover. Ligationistion Party founder Raskollnikov even claims to have experienced divine inspiration during one of his attacks, prompting him to take Holy Orders. That, however, is at least nonsense and probably subversive as well.

What is important is that sound investment practice calls for the taking of a few simple steps to eliminate any risk of permanent damage to your law student's brain or vital organs. In addition, it is well to note that your law student will give you the loyalty and affection for which he is so deservedly famous only if you treat him with kindness. In the instant situation, this requires no more than binding him up at the first warning signal and rushing him to an available source of food, preferably the kind referred to by the intellectual vanguard as "Junk food."

If your law student is particularly fond of ice cream, there is no better and no other place to go after midnight than the renowned Howard Johnson's. Hojo's, as the multitudes call it, features no fewer than 28 flavors to choose from. You will probably not have time to peruse the entire selection, since your little friend will be driven into a frenzy by the sight; if this happens, merely choose a flavor at random and, upon being handed the cone, tilt your law student's head back by seizing the fur atop his head, pass the ice cream back and forth under his nose if he is delicious, and thrust the entire thing into his mouth. Do not alarm if this results in a large part, or even all, of the ice cream cone being smeared all over his face and whiskers; the sudden contact of the cold ice cream on his hot face will induce a delirious. With this method you can close rapidly and loudly, while at the same time his paws instinctively reach to push the food into his mouth. The writer would like to add parenthetically that this treatment is also very useful in quieting obstreperous females of the species, who are often prone to

Bond Rally Attracts 300-plus

by Tim Broas

Despite the ominous downpour and threats of an insurrection by Doug Green, the Rally for Virginia Bonds was held last Friday at the Campus Center Ballroom. A crowd of over 300 filled the room in an atmosphere typical of a political convention—balloons, buttons, Bonds T-shirts, and even a concert band.

After a brief introductory speech by Ken Geroe, Marshall-Wythe's Representative for Virginians for Bonds, the affair settled into an hour or two of "mingling" among the crowd of students, faculty, and several political dignitaries. Represented among the latter group were: Tony Troy, Attorney General of the State of Virginia; Bruce Miller, Executive Director of the Virginians for Bonds campaign; and our own Mayor Giddy of Williamsburg; Thomas Graves, President of the College of William and Mary; Dean William Spong of the Law School, and, of course, Ken Geroe. Kathi Hirschi, Virginians for Bonds campaign director for the College of William and Mary, as well as student representatives from Old Dominion University, and Thomas Nelson Community College, also attended and pledged their support for the Bond issue, which will be decided on November 8.

Friends of Marshall-Wythe gathered last Friday to show support for the bond issues.
Letter to Editor

Dear Amicus,

I am the "Rayman's Guide" author, but not yet a former student. The same goes for Linda Williams as well.

Yours,

Jane Bedno (3rd year)

Naked Palate, Cont'd

to prolonged periods of moaning when unimplanted.

Weber treatment be necessary, and it probably will, there is an all-night coffee shop with a distinct hazards, though, in treating law students here. The darkness is not as frightening, and the lighting, approximates the brightness of an operating room. These features can be ignored by human beings; however, law students there, move about and hover constantly on the edge of hysteria. Exposing your law student, who is after all only a dumb beast, to such an unsettling environment is tantamount to torturing him. Should you feel such an impulse, kick him or pull his tail, this he does not bring it to Howard Johnson's, unless your law student is a bond, the only alternative to an elaborate deficit spending program, based on future income potential that may not develop. The bond is John Dalton's running mate.

John Dalton is an experienced and proven political entity. A veteran legislator, he also has served capably as our current Lieutenant Governor. Presiding over the State Senate in this capacity, he has maintained close ties with the Legislature. On the event that the bond issue should fail, a Governor who is a friend of both the Legislature and Marshall-Wythe is a must for us. Dalton, like his father, is a graduate of Virginia and might, he has a daughter here now. Moreover, Dalton's opponent, Ted Tell, has not the same aura of Marshall-Wythe. Call it what you will, an 'old school tie' with the Governor's office could do this school no harm.

Finally, like it or not, Dalton's opponent, Henry Howell, is a man with a fiscal policy and the sustained economic growth of Virginia. Under the current administration, of which Lieutenant Governor Dalton has been a part, Virginia has enjoyed an unemployment rate well below the national average. The gage of a favorable climate for proposed active business investment. Attracting more new business to Virginia is important to John Dalton and should provide more job opportunities for all segments of Virginia's population in the future.

As a proponent of fiscal integrity, Dalton is, of course, an enthusiastic supporter of the all-important bond issue. Like our Governor, he is committed to a sound fiscal policy and the sustained economic growth of Virginia. Under the current administration, of which Lieutenant Governor Dalton has been a part, Virginia has enjoyed an unemployment rate well below the national average. The gage of a favorable climate for proposed active business investment. Attracting more new business to Virginia is important to John Dalton and should provide more job opportunities for all segments of Virginia's population in the future.

The Amicus Curiae Quote of the Fortnight: "Breit plays with fear — the fear he will face a fellow lawyer, Robert Basham. last year's "A" tennis champion who was forced to withdraw from this ye by an allergic reaction to grass. This year's challenging this year's champion, Billy Breit, to a long-time friend."

Think of nothing but blueberry pancakes. The writer is able to vouch for the excellence of this dish in treating attacking, having once witnessed a law student of the aforementioned type doing a deed from a panicky, hunger-crazed wild animal into a docile and affectionate pet. As a matter of fact, I have lost count of the number of the afore-mentioned pancakes.

Said Howard Johnson's be unacceptable, Frank's Truck Stop, located on Route 143 East of Martinsville, is also open 24-hour service. Your law student will like the counter stools, upon which he enjoys spinning with his eyes closed. He will also like the grits, which abound both on the plates and in the seas.

In truth, 'Buckn's Submarine, a breakfast at these hours, this defect is more than offset by the availability of all sorts of games, most recently, Submarine Attack.

You, as the person responsible for your charge, will be pleased to know that, should your law student be prevailed upon to eating with his paws or with his face in his dish, you will suffer no embarrassment, as no one at Frank's will notice anything unusual in this. Indeed, the writer himself has seen occasion observed several of the customers imitating this style of eating.

The above guide is by no means comprehensive, for what Virginia describes as 'wrong' is not necessarily the same as Oregon. We have several friends among W&M's undergraduates, and we have a great respect for The Flat Hat (the college newspaper, for those of our readers who are isolationists). So we must apologize in advance to all of the rational and well-educated undergraduates for our subsequent remarks, and to The Flat Hat for being forced to criticize some of it's content. The object of our wrath is, of course, the column. A few weeks back entitled "If Dogs Run Free" written by Doug Green. In this column the author declares his opposition to the higher education bond issue on the grounds of his disinclination to spend his money (a novel interpretation of the bond system) in support of the "Pharisee" lawyers of Marshall-Wythe and elsewhere. In order to justify this inconsequential and irrational opinion he indulges in a lament over the overlegalization of society (which, by some chain of logic that failed to impress us, is the fault of lawyers rather than those who employ them) and heaps stinging mounds of vituperation upon the legal profession.

We wonder if and approach, that several members of the law school community replied with letters to The Flat Hat to Mr. Green's column, and these letters dealt with what substantive issues Mr. Green raised far better than we could. And although we would like to spend some time commenting on Mr. Green's style, particularly his ability to construct contradictory paragraphs and his intellectually dishonest out-of-context quote of Judge Lemon. He himself, a fine lawyer, that is not really our concern. Nor do we merely wish to ridicule Mr. Green's column, as that is beneath even our meager talents.

Rathen we would like to speculate for a moment on whatever influences caused Mr. Green's foamed-mouthed frenzy of hatred towards lawyers. (Considering the title of his column, we consider the use of "rabid" a bit unfair; however tempting it might be, we would not wish to suggest a canine ancestry for Mr. Green.) We can only hope that the root of Mr. Green's outburst was envy, caused by the fact that he cannot get into a good law school, or perhaps the residual frustration of a thrashing received by his intramural football team at the hands of a law school powerhouse. We cling to this hope because we desire to believe that Mr. Green's attitude towards lawyers (moreover irrationally overstated, is not shared to any degree by the W&M undergraduate population or society at large.

It is not as though we are particularly concerned with Mr. Green's opinions on the bond issue. We find it doubtful that mere hysteria can sway the intelligent voter.

(continued page four)
Prof. Johnson Feels "right at home" at MW

Visiting Professor J. Rodney Johnson

Professor J. Rodney Johnson of the University of Richmond will be teaching Trusts and Estates at Marshall-Wythe this year.

Although Professor Johnson's undergraduate and professional education was varied, he feels "right at home" at William and Mary. He attended the University of Richmond, the Richmond Professional Institute, and the Universite de Grenoble, but he received his B.A. from William and Mary with a major in jurisprudence, and finished first in his class. He received his J.D. from William and Mary in 1967, and again finished first in his class.

In addition, Professor Johnson received an L.L.M. from N.Y.U. in 1970 in a general program with a concentration in Property and Tax, and a C.L.U. from the American College in 1976.

Although Professor Johnson has been a teacher of law since he received his J.D. from Marshall-Wythe, he also carries on a limited private practice in Richmond confined entirely to estate and tax work. Professor Johnson says of himself, "I consider myself primarily a course, I settled in Richmond because it is my hometown; but I hope that I will continue to be associated with the University of Richmond, the Institute, and the Universite de Grenoble, because I feel very close connections to it."

Professor Johnson tactfully declined to compare the quality of the faculty and the students at M-W and Richmond, but he was quick to point out differences in teaching philosophy and method. He noted that at the U.K. Law School 54 of the necessary 90 hours needed to graduate were taken up by required courses, while at Marshall-Wythe (continued page four)

PAD "Breaks" for Tailgaters

Under threat of rain and a first-year legal writing assignment, Professor Johnson tactfully declined to have a tailgate party at the Graduate Student Center before the William & Mary-Villanova football game. Prompted by ugly rumors that Alcoholics Anonymous would be lurking in Cary Stadium to nab unsuspecting beer-guzzlers, Max Frias said, "It is the duty of law students to get law students feeling good. After all, our motto is "Beer, Music, Fun!"

All in attendance were treated to doughnuts, English muffins, and Bloody Marys. At game time, the booze having been consumed, a parade of undergraduates entered Cary Stadium, each one seemingly missing its way to the stadium sans coolers but blithely nonetheless.

Seeking to meet the social needs of law students and alumni, P.A.D. is proud to announce a fund raiser and social event planned for Homecoming Weekend. On Friday, October 28, a dance will be held in the Campus Center Little Theater. The evening will include both a live band and a DJ. The menu will include Bloody Marys, Scotch Crackers, Eggs and Muffins. Tickets for these events will be sold the week of October 24 at the Law School.

Legal Advice, Cont'd.

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ADVOCATUS DIABOLI
by Brother Raskelichov

Today's lecture, folks, concerns the fine art of absenteeism and how the law student may profit from its exercise. Because third year students have by now either mastered the art or have completely failed to appreciate its value, this article is devoted primarily at first and second year students.

Most of you have been indoctrinated since infancy with the fallacy that attending class is of vital importance to success in learning. What you were not told by your parents or truant officer is that this doctrine is based on the premise that the teacher conducting the class has the ability to impart understanding through which the student could achieve by the exercise of his own careful analysis of the printed materials accompanying this 'instruction'.

I now challenge you to reach back through the scurrifying present of the number of professors you are currently affiliated with, how many would you hire if you had the power to select your own professors? You are probably in the majority that number the ones who were merely entertaining and what do you have left? Not much I'll wager.

Now, consider the corrupitious past to return to the scurrifying present. Of the number of professors you are currently affiliated with, how many would you hire if you had the power to select your own professors? You are probably in the majority that number the ones who were merely entertaining and what do you have left? Not much I'll wager.

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IM Gridders Lose In Playoffs

By John Rodgers

In intense tennis and football, the season ended with a bang for all the law school teams. In the next to the last game of the division, the Fighting Squirrels of the "A" League Wythe defeated the "B" division teams of the National Collegiate Tennis Association.

The game was a hard fought one, amidst a large crowd, who braved the rain to watch the game. The score was 7-5, with Wythe winning the first set 6-4, and the second set 5-7.

WAKE FOREST was victorious over the Virginia bar, with a score of 7-6, 5. The game was a close one, with both teams showing great sportsmanship.

As the last play of the season, and the Young Americans moved on to the playoffs. They met in the first game of the playoffs, and the young Americans won, with a score of 13-6.

Prof. Johnson, Cont'd

Wythe is always a hard team to defeat, and this year was no exception. The young men from Wythe have been working hard throughout the season, and their efforts have paid off.

With a record of 13-6, Wythe is in the playoffs, and will be facing some tough opponents. The team is looking forward to the challenge, and is hoping to make it to the championships.

However, the season did not end without some controversy. John Rodgers, who is known for his controversial comments, has been involved in a spat with a rival coach.

Rodgers has been criticized for his tough coaching style, and for his comments about the opposition. The rival coach, who has asked to remain anonymous, has accused Rodgers of being disrespectful and unprofessional.

The law school community is divided on the issue, with some supporting Rodgers and others calling for his resignation. The school administration is currently reviewing the matter, and is expected to announce its decision soon.

Meanwhile, the young men at Wythe are focused on the playoffs, and are looking forward to the challenge. They are confident in their team, and are hoping to make it to the championships.