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# AMICUS CURIAE



Marshall-Wythe School of Law College of William & Mary

Vol. VII [No. 4]

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[Jan. 21, 1977]

## EDITORIAL It's About Time

Now that the General Assembly is in session the fate of funds for the new law school is again up in the air. Virginia is undergoing a tough financial crisis. Therefore the funds for the new building will be difficult to obtain. Although there are many worthwhile programs that need funding by this session, we feel that a new building for the nation's first law school is certainly one of high priority. The National Center for State Courts agreed to locate in Williamsburg with the understanding that a new law school would be built adjacent to their facility. The idea was that the two facilities would complement each other.

The time has come to do more than break ground for the new law school. With costs continuing to rise annually, it only makes sound business sense to build now if at all possible. We hope the General Assembly will find it possible.

Reprinted below is an article regarding the new law school from *The Virginia Gazette*, January 12, 1977.

### An Excellent Opportunity

If Gov. Godwin is looking for a good set of reasons to fund the new Marshall-Wythe Law School, he might consider inserting the following passage into his budget message to the General Assembly this week.

One capital outlay request in the budget deserves special comment, namely the proposed new building for expansion of the law school of the College of William and Mary. It would be located adjacent to the projected National Center for State Courts, for which I expect private philanthropists to contribute \$1 million at my behest toward the construction cost of the center building.

Although there have been suggestions that a new law school be built in another area of the state, I feel that the Commonwealth simply cannot afford or support three state law schools. I therefore recommend that a new building be constructed at this, the oldest law school, after all, in the United States. I urge you to appropriate both planning and construction money at this session to enable us to dedicate this expansion of the Marshall-Wythe School of Law on July 4, 1976, the 200th anniversary of the signing of the Declaration of Independence. I can think of nothing more appropriate for us to do to commemorate this event.

In addition to being part of a complex which will be a source of justifiable pride and great service to the Commonwealth, the new building will provide facilities for an additional 150 law students and enable the conversion of existing buildings on the old campus for the housing of 200 additional undergraduate students. It is projected that all of this can be accomplished at a cost of only \$4.8 million. I say only because the projected cost of a third law school would be approximately \$12 million. The funding of the new law school building is therefore an excellent investment opportunity which we can ill afford to overlook.

Those words are taken verbatim from Gov. Linwood Holton's address to the legislature exactly three years ago, Jan. 9, 1974. A few factors have changed, of course. It's too late to dedicate the school on July 4, 1976, and the cost has jumped from \$4.8 million to \$5.5 million.

Still, the new law school is projected to serve 600 students, 150 more than are currently enrolled. This expansion can provide William and Mary more leverage if the college is willing to commit the additional space to law students from Virginia, who plan to practice in the Commonwealth.

Virginia needs a law school that emphasizes service to state residents. All the existing law schools are elitist in their admission standards, so they tend to train lawyers, who often wind up practicing outside Virginia.

William and Mary could probably get a leg up on funding if it would agree to give preferred admission status to Virginia residents. There is a good precedent for this kind of admissions policy at the University of North Carolina, Chapel Hill. The law school at UNC has maintained a good reputation, while granting preferred admission status to North Carolina residents. UNC annually turns out a few hot shots and plenty of well-trained, dedicated North Carolinians to help the folks back home. After all, isn't that one of the roles of a state university?

## Inmates Assisted By Marshall-Wythe Students

"Expanding the program to provide more opportunity for third year practice and to provide more meaningful assistance to prisoners is the goal of the Post Conviction Assistance Project for this year," states Jane Hickey, Director. Through assorted projects the organization has worked toward this goal.

For example, a federal court in the Western District of Virginia recently granted a Writ of Habeas Corpus to a prisoner who was assisted in preparing his petition by a Marshall-Wythe student. The Commonwealth has since appealed that decision to the Fourth Circuit Court of Appeals. A student from P-CAP will assist the court-appointed attorney in preparing briefs and oral argument. The case involves the improper use of jury instructions to place the burden of proof on the defendant to lower the charge from second degree murder to manslaughter.

In the past, project members

have merely prepared petitions for the prisoners who would then file them in their own behalf. This year, P-CAP actually files the petitions for the prisoners, becoming the attorney of record under the direction of John Levy, the supervising attorney for the Project. "This places additional responsibility upon the student to follow the case but provides much better service to the inmates," reveals Ms. Hickey.

In the past, cases were lost or unduly delayed because the court notified prisoners directly of any action. The prisoner, not knowing what action, if any, to take, never notified the student involved.

Petitions are being prepared in several other areas involving issues such as the admissibility of testimonial evidence as fruit of the poisonous tree, suggestive identification procedures in a rape case, the voluntariness of a guilty plea made by a nineteen-year-old woman diagnosed as

schizophrenic and the failure of defense counsel to call a witness present in the courtroom.

The directors of the Post Conviction Assistance Project are attempting to develop the concept of a teaching law firm. Approximately twenty students are enrolled for credit this semester on a Pass-Fail basis. The course emphasizes the development of client interviewing skills, research and writing techniques, and simple office management and record keeping.

As part of the course, students are required to visit inmates in various prison facilities, especially the Federal Correctional Institution in Petersburg. Trips are also made periodically to the State Penitentiary in Richmond and the Correctional Center for Women in Goochland.

P-CAP is primarily funded by a federal grant from the Bureau of Prisons. For that reason,

(Continued on page 3)

## A 'Hole' Lot of Grief

By W.S. Fields

Authorities have yet to determine what caused the filling in of the hole at the site of what was to be the new Marshall-Wythe School of Law. The filling resulted in the loss of a substantial portion of the first year class.

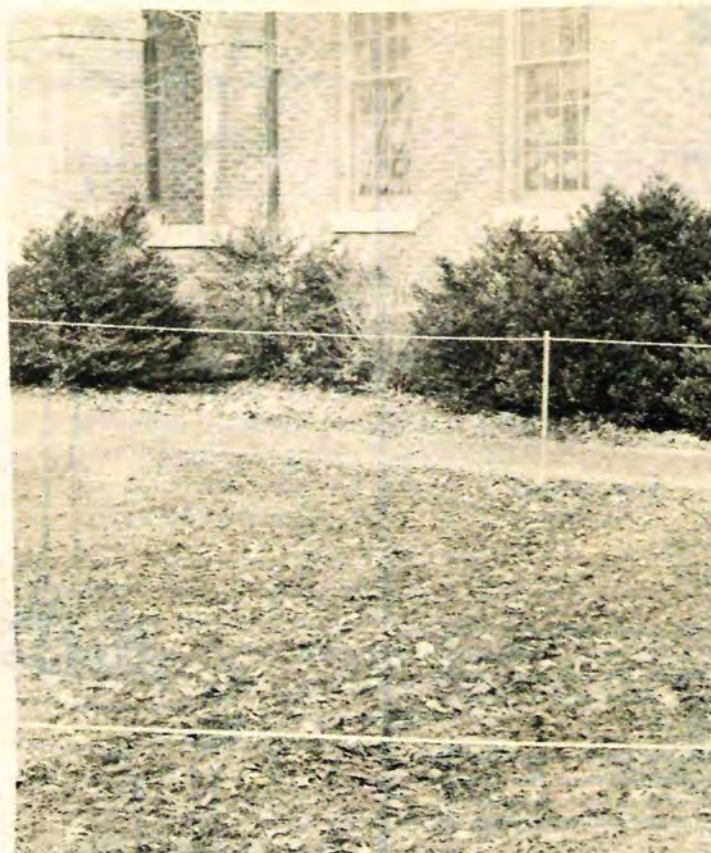
"It couldn't have happened at a worst time," said an unidentified spokesman for the hole, referring to the large number of first year students who were in the hole at the time, taking advantage of the newly dug facility. Many had come

back early from Christmas vacation in order to get a good seat in the hole from which to brief cases.

Rescue workers labored through the night in an attempt to extricate the bodies of "wasted" students from amidst the pile of casebooks, notes, and outlines. One first-year girl sobbed hysterically as the mud-stained remains of her appellate brief were removed from the wreckage and placed in the hands of an already overworked TA. The few lucky survivors were rushed to the nearby emergency aid station manned by volunteers from the Williamsburg chapter of the Starvation Army. There they were immediately wrapped in warm feathers and given a hot bowl of Kepone.

The Dean's office issued an official statement early this morning in which it termed the accident "An unforeseeable intervening cause." Spokesmen declined to release the names of the first year victims, pending notification of those next on the waiting list.

Veteran law school observers have termed the incident "not unexpected" in light of the growing number of incidences of Marshall-Wythe being "dumped on." As early as a year ago, ABA inspectors had threatened the hole with loss of accreditation if steps weren't taken to make it comply with holes "similarly situated." It is now quite likely that the investigation will be reopened.



Freak accident occurred recently at this site, where the hole for the new law school used to be.



# EDITORIALS

## NAACP

### V. BELL

When President Jimmy Carter's old friend Griffin Bell assumes his duties as attorney general he undoubtedly will receive the careful scrutiny of many concerned with civil rights. Bell, a former federal judge of the Fifth Circuit, warrants a watchful eye by civil rights activists and by the public he is about to serve. As attorney general and chief administrator of the president's legal policies it will be Bell's duty to become the central force in implementing and guiding the Justice Department's goals these next four years.

Bell will be under the gun to demonstrate his capability to serve in his new role and to show that his past is not necessarily an indication of the future. Two thorns in Bell's side have many troubled about his qualifications for the head post at the Justice Department. A letter to President Nixon in support of G. Harold Carswell's nomination to the Supreme Court by Bell, dated nearly a week after the national press disclosed membership by Carswell in a segregated club and had attributed other racial remarks to Carswell, have tarnished the image needed by an attorney general.

Perhaps equally as alarming to civil rights advocates was an opinion co-authored by Bell refusing to seat in 1968 newly-elected Georgia legislator, Julian Bond. The Georgia legislature refused to seat Bond for his endorsement of a Student Non-Violent Coordinating Committee statement opposing the Vietnam War and sympathizing with draft resisters. Bond claimed a denial of his first amendment right to free speech. In his now famous opinion, Bell disagreed, but the Supreme Court quickly reversed him in a unanimous decision.

These events do not sit lightly with those concerned with individual and civil rights. Griffin Bell, shortly after his appointment by Carter, pledged equal protection under the law for all. There are those who find themselves ill at ease with Mr. Bell; under the circumstances, he deserves their careful observation.

It is hoped that the progressive racial policies attributed to Governor Carter's administration in Georgia can be adopted and improved upon by his new administration's Justice Department. Griffin Bell now becomes the man to watch; it remains to be seen whether he will be a pleasant surprise or a big disappointment.

## Slick Business

American and international maritime concerns have come to know the flags of Panama and Liberia in these last several decades as flags of convenience. While there is no blood on these flags (as of late), there is oil — and plenty of oil at that. In a recent twenty-seven-day period, there have been twelve oil spills attributed to freighters sailing under these two flags in or near United States territorial waters. Liberia holds a commanding lead in the number of oil spills, but Panama may yet catch up.

American business concerns favor the Liberian or Panamanian flag for basic economic reasons. Ships registered under these flags pay low wages by American standards and give few, if any, benefits to their seamen. Safety measures on these ships speak for themselves.

American environmentalists, and increasingly the American public, are becoming outraged at the ability of business concerns to register under foreign flags and exempt themselves from regulations set by the federal government for American ships. As a result of this occurrence, an almost commonplace event, is the spill by Panamanian or Liberian freighters of oil into waters affecting the American shoreline.

The Argo Merchant and the Grand Zenith are ships that stand as proof that something is wrong. The results are wreaking devastation on the nation's environment. The time has come for effective legislation to guard against these occurrences. Minimum safety standards should be uniform for all who use American waters, not just for United States ships.

The new Congress has many important missions. Surely, legislation to deal with the growing number of oil spills attributed to ships sailing under flags of convenience should be high on the priority list of the new Congress.

## Definition: Students

Law students are thought by many to be a contentious lot, always sensitive about their "rights." Without wishing to add to this reputation for irascibility, the *Amicus* would like to point out, and hopefully correct, an injustice perpetrated on the law students by the College.

Law students begin classes a week earlier than the rest of the campus community. It is admittedly unreasonable to expect certain functions, such as food service, to start up for such a small portion of the student body. However, certain campus services, some merely conveniences, but others vital, were not open during that first week. They should have been.

One example is the athletic facilities. There is no reason why one of the two gyms should not be open from Jan. 10-17; the buildings are heated and lit anyway, so the costs to keep them open would be minimal. More seriously, the Health Service was not available to law students the first week, which is inexcusable. Whatever the cost, and it cannot be staggering, the college has an obligation to provide law students with adequate health services from the day classes begin. Furthermore, law students pay for health coverage.

At one point early in the first week of law classes a group of students were thrown out of Adair Gym by campus police for no other reason than the claim that the gym, which was lit, heated, and in shape for use, "will be closed until the students got back." As of Jan. 10 "the students" are back, and the College has no excuse for not providing them with the usual services, which they have paid for, in at least a limited form.

## Letter to the Editors

Dear Editors:

In re and Now Words, VII *Amicus Curiae*, No. VIII, p. 6 and p. 8.

Words numbered 19 and 36 are not defined.

Normal crossword numbering, starting at the top left and continuing consecutively through each letter beginning a word from left to right, would have made locating the proper place to put the word simpler. Furthermore, it would have prevented "Payee" from being both unnumbered and undefined. (26 Down: Person to whom a negotiable instrument, etc., is payable.)

A frustrated crossword puzzler.

## Political Commentary Write-On

By George Neuberger

NOTE: This is the first of what hopefully will be a regular feature this semester. Like Horace, I shall attempt to be brief (600 to 700 words, maximum). I'll strive for readability and, though serious as hell about what I say, I promise not to lose my sense of humor — often. Though I reserve my deepest passion for matters politic, I hope to comment on a wider range of subjects occasionally. Always, your comments are appreciated.

GOOD LUCK,  
MR. PRESIDENT

About the time this issue of the *Amicus* appears in print, we shall witness the inauguration of Jimmy Carter, the final act in our quadrennial election marathon. Rich in pageantry and martial exhibition, the inauguration has been said to be as close to a coronation as our democratic nation comes. The royalists among us will be disappointed this year, however, by far less pageantry than we (Continued on page 3)

## AMICUS CURIAE



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## Write-On, Cont'd.

recently have been accustomed, given Mr. Carter's plans for a simple affair. Simplicity and economy, following our birthday extravaganza and in light of the uncertain century we face, probably not only sets the tone desired by the incoming administration but also captures the mood of much of the country. Hopefully, it will also help us put the Presidency into a more human perspective. I'm for it.

I submit, however, that this mood actually precludes a new, still unreported national malaise. A nation hell-bent on extremes, we now seem too anxious to retreat from our painful domestic and international experiences and from the responsibilities inherent in checking the powerful agencies of the pervasive technocracy created by our government with our tacit approval and financed by our own tax dollars.

Having allowed the assembly of this monstrosity, we cannot allow the assemblers to run its machinery. If we turn our backs to the machine, it may devour us. I hope Mr. Carter and his people appreciate this. Indications are, however, to the contrary. Mr. Carter seems satisfied leaving the machinery intact and, despite all his campaign promises of fresh starts and new directions, more often than not has put control of that machinery back into the hands of those who assembled it during previous administrations.

A law student who privately admitted, shortly before the election, that his vote for Mr. Carter would be cast grudgingly rationalized his decision along these lines: To get the country "moving" again, we needed a new sense of direction — any direction. Sensing no direction in the foundering Ford campaign, he determined to vote for Mr. Carter though he readily agreed that more federal solutions for federally created problems — especially in the economic sector — were not the ideal direction.

The inescapable conclusion is that he felt that the wrong direction was more desirable than the "drift" of the still infant Ford administration. Maybe. The incident is very significant, however, because I'm satisfied that my confidant articulated the attitude of enough politically naive people to make Mr. Carter the President-elect.

The Cabinet appointments suggest, unfortunately, that Mr. Carter is following previous administrations' well-worn trails rather than setting out in any bold new directions. In the same issue of *Playboy* which circulated the amusingly quaint sexual musings of a prominent Baptist deacon and Sunday School teacher, Hamilton Jordan (hardly an altar boy, himself) said, "If, after the inauguration, you find a Cy Vance as Secretary of State and Abigniew Brzezinski as head of national security, then I would say we failed. And I'd quit. But that's not going to happen. You're going to see new faces, new ideas." So much for Mr. Jordan's prognosticatory abilities. Jordan is, incidentally, President Carter's new staff

(Continued on page 8)



Director Jane Hickey works with Post-Conviction Assistance to promote the idea of a teaching law firm.

## Post-Conviction, Cont'd.

most of the interview work is conducted at the Federal Correctional Institution, a medium security prison composed of youthful offenders between the ages of 18 and 26. Most of the inmates have been convicted of bank robbery or narcotics violations. Under the coordination of Roger Cornellier and Michael Smythers, students deal with such issues as sentencing, parole and detainers.

The Post-Conviction Project also reviews convictions for state prisoners to determine whether issues exist which will support a collateral attack on their conviction. This facet of the program is conducted mostly by mail. Since habeas corpus relief can only be based upon the record, a trial transcript is essential for a thorough review of the case. About one hundred cases are reviewed in this manner each year, however, only between five and ten cases actually develop issues which are appropriate to place before the court.

"Project members, however, learn a great deal about the practice of law by learning to elicit appropriate information from the client, focus on the precise issue in the case, research the problem and advise the client in a clear, concise and informative manner."

The P-CAP provides many services for inmates. Besides answering many legal questions, project members assist in preparing prisoners for parole, in having good time

restored, correcting clerical errors and removing detainers. The organization serves as a mouthpiece for specific and general prisoner complaints. Ms. Hickey notes the frustration and helplessness of those imprisoned in expressing their needs to the outside world.

Under the direction of Bill Talty, the Project is expanding its assistance to inmates in the area of prisoners' rights and prison conditions. Project members recently worked with inmates at the York County Jail concerning the extreme delay in transfer of convicted felons to state custody. They shared information in two cases pending before Judge Mehri on conditions in the Richmond City Jail and conditions in local jails and lock-ups.

The expanded physical facilities have enabled the organization to provide better service to clients as well. Located at 153 Richmond Road, the Project occupies four rooms on the second floor. In addition to a clerical room and office for the director, there is a conference room and a study room with research materials pertaining to the specific issues with which students deal.

First year students are encouraged to volunteer their services and can accomplish a great deal even though they have never taken a course in criminal procedure. For example, Dan Auriti, as a first year student, filed a Motion to Reduce Sentence. The motion

# ELECTION SCHEDULE

1977 STUDENT BAR ASSOCIATION ELECTION SCHEDULE

- Wednesday, Feb. 9 @ 7:30 p.m. --- Meeting of all persons interested in running for executive offices and class representative positions in the Student Bar Association Office.
- Tuesday, Feb. 15 @ 5:00 p.m. --- Deadline for filing candidates' platforms with Amicus.
- Saturday, Feb. 19 @ 5:00 p.m. --- Deadline for filing candidacy for President.
- Tuesday, Feb. 22 @ 7:30 p.m. --- General Membership meeting for the purpose of nominations and candidates' speeches, Moot Court.
- Thursday, Feb. 24 @ 9:00 a.m. --- Presidential election and ratification of Constitutional Amendments (if necessary).  
@ 2:00 p.m. --- Counting of ballots by Judicial Council.  
@ 5:00 p.m. --- Deadline for filing for candidates for all other elected offices.
- Defeated Presidential candidates have 24 hours after final decision of election to file candidacy for any other elected offices.
- Friday, Feb. 25 @ 9:00 a.m. --- Run-off election for Presidency (if necessary).  
@ 2:00 p.m. --- Counting of ballots by Judicial Council.
- Tuesday, March 1 @ 9:00 a.m. --- General Elections for all other elected offices.  
@ 2:00 p.m. --- Counting of ballots by Judicial Council.

\*\*\*Polls located on second floor of the Marshall-Wythe Building\*\*\*

\*\*\*File candidacy with the President of the Student Bar Association\*\*\*

## Students to Participate at World Peace Conference

Reprinted from the Newsletter of The World Peace Through Law Center, Washington, D.C.

The creation of a fourth Association — the World Association of Law Students — has been announced by the Executive Committee of the World Peace Through Law Center. The decision was the culmination of increasing interest expressed by law students as well as judges, lawyers and law professors throughout the world in such an organization.

The Association will provide law students with a greater and more respected role in promoting the utilization and development of international law. To this end the objectives of the WALs will be to promote contact and communication among the world's law students and to mobilize their talents and energies, bringing them to bear on significant transnational issues, especially the promotion of human rights.

Prior to its Organizational Meeting, the Association is undertaking, with assistance from a number of international law societies, the following projects in an effort to begin to realize its objectives:

- 1) Publication of a handbook on "Employment Opportunities in International Law."
- 2) Project to encourage and coordinate law student exchange programs and visits.
- 3) Publication of a "Registry of International Law Societies of the World."
- 4) Project to promote joint research efforts between law students of different countries.

The 1977 Manila World Law Conference, sponsored by the World Peace Through Law Center, will be held August 21-26 in Manila, the Philippines. The Conference will offer law students the opportunity to meet the judicial and law leaders of the world and to meet for the

first time law students from more than 100 nations. At the WALs Organizational Meeting scheduled for August 25, 1977, at the Conference, officers will be elected and a program of activities will be discussed. The Association is currently seeking the financial assistance of private foundations to help lessen the travel-expense burden on law students hoping to attend the 1977 Conference.

The Executive Committee of the Center has appointed Robert-John H. Sands, a third year law student attending the Washington College of Law at the American University in Washington, as Acting Chairman of the WALs. "Terrorism, denial of human rights, stratospheric pollution, and nuclear proliferation are only a few of the immense and complex problems confronting our globe," notes Sands. "Without international cooperation these problems transcending national borders cannot be effectively challenged. Attorneys, long mindful of the reality of interdependence, have dealt with these problems through private international organizations. The World Association of Lawyers and the International Bar Association are notable examples. Law students, neither less morally obligated, nor less able, than attorneys, to contribute to solutions, have had no comparable forum for communication and cooperation until the creation of the WALs."

Sands perceives the creation of the Association to be timely. "Law students throughout the world are increasingly recognizing that narrowly focused national law and legal institutions are not adequate to meet the challenges of today and tomorrow." With "imagination and global perspective" Sands contends that law students can make a significant contribution to realistic and equitable solutions to problems confronting the globe.

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## Briefs of the Burg

We were tremendously disappointed with a situation which we discovered upon our return to Williamsburg last week. We had been traveling during the holiday break, for the most part on the West Coast, and consequently we were both unfamiliar with and unprepared for the conditions we encountered in Williamsburg on our return. Until we arrived in Virginia we had not had to deal with it, and we were indeed outraged that there had been an outbreak here, where it is supposedly rare.

We refer, of course, to snow.

Now we have been told that there is a small, and assuredly demented, segment of the population that actually is fond of snow; we would prefer not to credit this rumor. It seems that there are those who indulge in the barbarian rite of skiing; we prefer more comfortable and civilized forms of suicide, and anyway, if God had meant man to ski, He would have given him flat feet.

Other arguments are advanced in favor of snow: many admire the peculiar life forms, plows and sanders and the like, which are native to snow; we find them ugly and distasteful. In short, there is no philosophical or intellectual justification for snow, and it should be abolished.

Furthermore, there was nothing in our contract that said it snowed down here.

Therefore, it was with the injured air of one who feels himself ill-used that we decided to do a little investigation into the incidence of snow in Williamsburg. After several phone calls, including conversations with WBCI, the airport (Did you know there was an airport in Williamsburg?), and finally the public library, we ascertained that the Williamsburg weather records compiled and stored at the City Filter Plant, which may explain why the man on the radio is never right about the weather. For those few of you who do not know, the City Filter Plant is located at the extreme snowbound end of a little road off the 60 bypass. We bravely drove there to find out the truth about snow in Williamsburg.

We must admit that the results were encouraging, if not entirely satisfactory. Meteorologically speaking, it does not snow very much in Williamsburg. Indeed, the town's heaviest recorded 24 hour snowfall for Jan.-Feb. in the 70's was on the day of Jan. 10, 1973: 2.5 inches. For most of Jan.-Feb. there are only "traces" of snow; that is, less than .3 of an inch.

However, there was a fearful portent of things to come this year; the very day we chose for our researches, Jan. 17, 1977, was the coldest in 42 years: 1 degree.

There is hope, however; on Feb. 16, 1975, it was 81 degrees outside.

... and Remembrances

The new year has the tendency to bring out the saccharinly sentimental in the best of us; we are no exception. In our few sober moments on Dec. 31 we reflected on the new year, and, as usual, felt both sadness and anticipation.

Indeed, we suspect that this is the rationale behind New Year's Eve parties; one has a few glasses of bubbly to ease regret at the passing of the old year, and then has the next morning to temper the anticipation of the new. (We might express our felicitations to the faculty of M-W, and especially Mr. Dunahoo, who have developed the latter stage into an art form; we suspect that most first years have found the Appellate Brief a more unpleasant way to begin '77 than a hangover). However, to cut these musings deservedly short, we would like to express to all our fellows the hope that your memories of the past year are fond, and your thoughts of the coming year pleasant.

## Allen Lecture Honors Wythe

By Karen Kemps

The Moot Court Room was filled to near capacity, not only with the customary gathering of William & Mary law students and faculty, but also with such notables as Justice & Mrs. Clark and Dean and Mrs. Spong. The occasion — the first annual George Wythe Lecture, commemorating the 250th birthday of Mr. Wythe, the initiate of university law training.

The evening's speaker, Dean Francis A. Allen, was befitting the occasion. Introduced by Dean Spong as an itinerate law professor — "understandably so, he being the son of a Kansas Methodist minister" — and a man who strengthens the character of the young, Mr. Allen had a captive audience for an hour-long address, as he probed the purpose of university training.

He began by a notation, well received by the audience, that the College of William and Mary, "the cradle of university-based law training," the place "from which so much that is best in our

national life has sprung," was an appropriate place to consider the prospects of legal education in America. Limiting his remarks about the man in whose honor the lecture was given, Mr. Allen observed that George Wythe personified the values that have induced American universities to adopt the study of law. Recently, however, these traditional values have been undermined, and a reexamination is required.

As a part of the university, the law school has an obligation "to discover and communicate new knowledge." It has a duty "to be deeply concerned with the values given expression in the law," and to be "both a critic of the law and a source of new law." In its approach, university law training ought to be "intellectually based and humanistically motivated," concentrating not only on "how to do it," but also on "why we do it."

Beginning with World War II, the conception of the university as a place "where thought is

(Continued on page 6)



Professor Timothy Sullivan takes a few quick gulps upon learning that Libel Nite will be held once again.

## Foolish Pleasure

When Dean Sullivan heard the news, he reached for his bottle of Chianti. When Colonel Walck heard the news, he reached for his flintlock, saying, "If it wasn't a Tort, I'd shoot those boys... That is a Tort, isn't it?" No, there was no joy in the faculty library this week when it was learned that there would be another libel night on March 31. Spearheaded by Messrs. Christman and Mares, this year's production is in the advanced planning stages, according to an anonymous informant of proven reliability. Mike Mares, who preferred to remain anonymous, explained, "Libel Nite will not make fools out of the faculty, they do a good enough job of that themselves."

For the uninitiated, Libel Nite is the yearly SBA production that satirizes Marshall-Wythe, the faculty and the law school lifestyle. While refusing steadfastly to discuss specifics, the head hams did reveal the general content of this year's show. In the works are a tale of that great French detective Furrseau, Name That Cite and the Spong Show — a gathering of some unique and uniformly poor faculty talent. The Amicus Curiae has received word that Libel Nite producers have obtained the mysterious services of an Eastern seer and soothsayer, the Magnificent Brionak. It is also rumored that the bad joke twins, the Taylor Tazwell Professors of Law will be returning for another year.

All in all, it promises to be an unsobering evening.

On a more serious note, Libel Nite does need ideas, scripts, actors, agents, stage hands and other support personnel. Persons interested in stardom or

in working in this worthwhile project are urged to contact Doug Christman or Mike Mares. There will be a general meeting of all interested persons in the near future.

# PHAD

... ANNUAL RUSH ...  
ANNOUNCEMENT

The members of Phi Alpha Delta Law Fraternity extend a cordial invitation to all Marshall-Wythe faculty and all law students interested in affiliating with its local chapter to attend its annual rush party. An informal cocktail party will be held Friday, January 28th, in the Grand Ballroom of the Campus Center beginning at 8 p.m.

Initiation will be held for those who wish to join on February 4th at 1:30 p.m. in the Great Hall of the Wren Building.

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WHO IS THIS PERSON  
AND WHAT IS SHE DOING  
AT THE LAW SCHOOL?

## JUST HEARSAY

Reminder that the PAD Used Book Sale is an ongoing concern this semester. Check with PAD members or the SBA for times when the books will be available for viewing.

The Student Bar Association will print a supplement to the student directory this semester. Any student wishing to add or change a listing in the directory, please use the form printed below. All additions or corrections should be turned into the SBA office by January 31. Copies of the supplement will be placed in the library on the materials table.

The Dean announces the forthcoming visit on Friday, January 28, of Dick Merrill, Chief Counsel of the Food and Drug Administration. He will arrive at 3 p.m. from Washington. Professor Merrill is a graduate of Columbia Law School. He has practiced in Washington, taught at the University of Virginia and still offers courses there. Professor Merrill plans to talk about the FDA, Congress and Regulatory Reform.

Dean Spong would like to encourage student participation in the following contests.

**NATHAN BURKAN MEMORIAL COMPETITION** (sponsored by American Society of Composers, Authors and Publishers). This is the 39th ANNUAL NATHAN BURKAN MEMORIAL COMPETITION — 1977.

A First Prize of \$250 and a Second Prize of \$100 will be awarded to students at each participating law school whose papers are certified by the Dean as the best essays on any phase of Copyright Law. Papers are then submitted to a National Panel of Judges for other awards. (See Bulletin Board for details.)

**1977 HOWARD C. SCHWAB MEMORIAL AWARD ESSAY CONTEST IN THE FIELD OF FAMILY LAW.** Deadline April 18, 1977. (See Bulletin Board for details.)

**SEVENTH ANNUAL ENVIRONMENTAL LAW ESSAY CONTEST.** Due date for all essays is April 10, 1977. (See Professor Whitney.)

Each year the Women's Auxiliary to the Norfolk and Portsmouth Bar Association awards a scholarship to a student attending one of the Virginia law schools. This student must be from the Tidewater Virginia area and the emphasis is primarily on financial need. Their scholarship award this year will be in the amount of \$600.00.

Application forms for use in applying for this scholarship are available in the Law School office. Applications will not be accepted after March 15.

### SBA DIRECTORY FORM

Name \_\_\_\_\_  
Spouse \_\_\_\_\_  
Year \_\_\_\_\_  
Local Address \_\_\_\_\_  
Local Phone \_\_\_\_\_

## Law Day Volunteers Needed

By Janine Bourassa

Mike Giguere, chairman of the 1977 Law Day Committee at Marshall-Wythe, has announced he is looking for volunteers for various committees for the event.

Among the activities planned in conjunction with the National Law Day are a series of programs in area high school. These programs will be based on a theme of "A Day in Court" and "Know Your Court." Mike urges that any law students who have an interest in conveying their love of the law to high school students, contact him as soon as possible; any suggestions as to the format of such activities will be appreciated. These programs are planned for the second week in April so they will not interfere with exams.

Ideas and suggestions are also being solicited for seminars or speakers for Law Day at the College. Vice President Mondale, Congressman Tribble, Judge Mehrgig and Ralph Nader have already been contacted in connection with this event. To make Law Day a success, the cooperation of all students is needed. If you have any schemes that you think might be implemented (remembering, of course, that the theme is Law Day), contact Mike Giguere about their suitability. We need your help.

### Merrill

#### To Lecture

The Chief Counsel of the U.S. Food and Drug Administration, Mr. Richard Merrill, will speak at Marshall-Wythe on Jan. 28.

Mr. Merrill, a thirty-nine year old native of Utah, received his bachelor's degree from Columbia with magna cum laude honors in 1959. He was awarded a Rhodes Scholarship, and studied at Oxford, where he received both a bachelor's and master's degree. He returned to Columbia, where he received a L.L.B. in 1964. In addition to the Rhodes Scholarship, he was the recipient of many academic awards, including the Woodrow Wilson Fellowship, Milch Prize, Brainard Prize, and Elsborg Prize.

His law career has been varied; he has served as a law professor at both the University of Virginia, where he taught Administrative, Constitutional, and Food and Drug Law, as well as acting as associate dean, from 1969-1975, and the University of Utah, where he was visiting professor in the summer of 1973. He was also associated in private practice with the D.C. firm of Covington & Burling from 1965-1969. He has authored several articles which have appeared in the law reviews of Columbia, Virginia, and Georgia, and has developed two textbooks: *Introduction of the American Public Law System: Cases and Materials*, with Jerry L. Mashaw, published by West; and *Cases and Materials on Food and Drug Law*.

## GUEST EDITORIAL Murder?

By Rosalyn Vegara

How different is the crime committed at dawn, January 17, in Utah than the crime for which that scene was the ugly culmination? Gary Mark Gilmore was a murderer; he killed two young men in cold blood; but are those involved in restoring and carrying out the barbaric anachronism known as the death penalty any less guilty of a similar act? Will any of those five marksmen paid by the state of Utah ever be able to erase from his memory the sight of a man in a black hood helplessly strapped down in a chair as they willfully ended his life? I hope not.

The term penalty implies punishment. In this case it would have been more punishment to keep Gilmore alive and force him to remember the heinousness of his actions every day for the rest of his natural life. Killing him was giving into him, assisting him in his desperate desire to commit suicide to block out the dirty traces of memory. The Judeo-Christian principle of an eye for an eye was archaic and meaningless in this situation. It should be in all similar situations.

The proponents of the death penalty claim it is a deterrent to capital crimes and it is, to those rational, reasonable people who cannot conceive of taking another's life. It is meaningless to those who are already pre-disposed to violence and indifference for life. Televising future executions will only follow the same pattern — normal people won't watch them, but one can envision the sickies glued in front of their sets, beer cans in hand.

It is easy to see this ghastly tragedy from the point of view of Mrs. Jensen and Mrs. Bushnell and their children. But how easy would it be if we had to make the decision to deprive a person of life? To flip the switch? Pull the trigger? Isn't it more humane to allow these people to live out their lives in prison with no chance for parole than to savagely seek revenge against them? We would all be more compassionate if the person on death row was someone we knew — a relative, an acquaintance, a client.

We are supposed to be a compassionate, democratic society but we cannot be until we rid ourselves of the death penalty permanently.

## D.C. Is Closer Than You Think

By E. Haskell

As the prelaw handbook tells us, M-V is within "easy reach" of Washington. Our fellow student, Holden, took those words to heart and, over the Christmas break, he made the most of our proximity to D.C. by travelling to the capital. Holden says that the natives are already calling their town, "Amy's Oyster." Holden shares with us the following, for the benefit of those who may in the future find "easy reach" on their holiday road maps.

### Lodging

Holden stayed with friends in the Washington suburbs and recommends that others do the same unless (1) they have a friend who lives in the city whose home is under police surveillance or, (2) they can afford the bill at a secure hotel (in which case the traveler is too wealthy to be wasting his time in D.C. — better he should go to Ibiza or St. Tropez). Tenting is not recommended (particularly not during the Xmas vacation as there are no campsites (as far as Holden knows) and because camping in another's yard or on the side of the highway tends to attract law officers and citizens with either self-help or civil damages on their mind(s).

Holden doesn't like "R.V.'s" and he wouldn't discuss them with me; presumably one could sleep in his "R.V." while visiting

D.C. One should perhaps expect occasional awakening and requests to "move along," in conjunction with requests for evidence of ownership of the "R.V." and evidence of ability to drive.

### Timing and Parking

Holden tried to explain the importance of "timing" to me and it is given here as clearly as it was explained to me:

Don't drive anywhere between 6 a.m. and 8:30 a.m.

Don't drive in the city between 11 a.m. and 2 p.m.

Don't drive anywhere between 4 p.m. and 7 p.m.

During those times the "rush hour" occurs in Washington. During the rush hour everyone swears, many accidents occur and strong men cry (or so Holden says). Holden obtained these times from the "Can-and-Can't-Park" signs scattered throughout the metropolis and through direct observation. As far as Holden can determine, "Can-and-Can't-Park" signs permit one to park when there is no rush but all the spots are taken, but prohibit parking when everyone is rushing and there are plenty of spots.

It appears that the only exceptions to the parking laws are for diplomats, "home rulers" and scofflaws. Apparently these people may park anywhere except in designated parking zones, i.e. (Continued on page 7)



# NON COMPOS MENTIS

By Raskolnikov



Raskolnikov comes out of the closet for the new year.

## Are You Singing Summer Job Blues? Remedy: Self-Employment and a Trickle

Editor's note: The following article is reprinted from *Juris Publici*, Vol. III, No. 5.

Associate Editor Michael Aheron, a third-year student, tells of his experiences as a self-employed legal assistant — one alternative in today's job market for law students.

By Michael Aheron

If you are the first or second year student and have already secured a summer job, this article was not written for you. But if you are a part of what I consider the great majority and are still looking for a summer job, I suggest the following solution: self-employment.

The concept is a simple one. Instead of seeking full-time summer employment with a single firm, why not establish a "service" that provides part-time legal work on a case-by-case basis with numerous firms in the Richmond area? That was exactly how Roger McDonald, another third-year law student, and myself spent this past summer.

We felt that there were many firms that needed student help but could not afford a full-time summer intern. Our service provided them with that help only when it was needed, and thus avoided any extra overhead cost to the firm. By keeping their

greater use of student research than was previously economically justifiable in the Richmond area.

There are several advantages to such an approach. By working with numerous law firms, we developed more contacts than we would have while working for a single employer. We were also exposed to the different facets of the law, as many firms specialized in particular areas. In addition, we were our own bosses; our hours were completely flexible. If we did not want to work one day, we had no one to answer to but ourselves.

Another big advantage of this type of job, in addition to the variety, is the fact that it continues throughout the year. You can devote as much or as little time to it as you like during the school year. And just like any business, the more time that is devoted to it, the better the reputation that is developed and the greater the business opportunities. Perhaps the greatest advantage, however, was being able to work with many different lawyers and observe their individual techniques, strengths, and weaknesses. Until one has observed first-hand the degrees

(Continued on page 8)

# Allen Lecture, Cont'd.

cultivated and honored" was changed to that of an "indispensable utilitarian tool." Recognizing that democratic societies are entitled to decide what their universities will be, still, the deference to practical involvements — whether teaching macrame or motel management — has its price: the compromise of intellectual and humanistic concerns.

American educational processes play but a small part in the current discontent with legal training. In the "twilight age" we are living in, when our social and political institutional are viewed with skepticism and doubt, the process of reasoning itself is attacked. Broad social tendencies, "many of them aggressively anti-intellectual in nature," challenge Holmes' dictum that "law is a profession of thinkers." There is quest for certainty to resolve some of the insecurities of our time. "But the demand for certitude in a world and a discipline in which much is inevitably contingent and indeterminate attacks the integrity of thought; for the demands are at war with reality, and to maintain the quest requires the closing of minds." Such an approach, cannot sustain the "life of the mind," "that ability which underlies all intellectual and much professional achievement."

Some of the origins of the present discontent with the study of law can be found in the schools, as well as in the legal profession. "It is a typically American reaction to assume that societal failures must be related to educational failures, and hence the scrutiny of the law schools to discover the sources of the profession's difficulties." There is merit to this approach. However, much of the criticism expresses "hostility to legal education intellectually based and humanistically motivated. It tends toward a narrowing of educational purpose and a lowering of aspirations." The emphasis is on the practical.

What about the philosophical? queries Dean Allen. There is a need for the "philosophical category known as justice," and the "ethical category concerned with right and wrong action."

Mr. Allen continued by noting that, "one of the myths of the recent past is that basic ethical concerns can be maintained and enlarged without appropriate

attention being given to the arts of reason." However, the "life of the mind" requires intellectual and ethical training in combination. Explicit attention to the ethics of law practice —

the "dialogue of values" — must permeate every law school classroom. The life of the mind is nurtured by the process of reason and analysis. "Evidence to support propositions must be sought and respected."

Once collected, however, they must be ruthlessly tested for adequacy." Social thought must concede to imperfection of knowledge, and conclusions must be modified when new knowledge appears. "The besetting intellectual sin is the narrowing and closing of minds, even when apparent security and repose may be gained by doing so." Morality and intellect cannot stand apart. "Thought about a community's basic values urgently requires the decent humility that results from awareness of what we do not know."

Thus, Mr. Allen contends, the most urgent challenge facing university law training today arises from attitudes that weaken the role of intellect and values in legal education. He points to new genetics and computer and electronics technology as areas of cultural change which will require a corresponding change in the law and its administration, much as the industrial revolution once did. "The development and refining of legal doctrine becomes of greater, rather than less, importance as social changes accelerate in the closing years of the century." Socio-legal research must be expanded and intensified to identify social needs, to evaluate public policy and to plan intelligently.

Emphasis on practical skills is not necessarily at odds with a legal education intellectually based and humanistically motivated. It becomes a threat "only at the point at which it ignores the broad range of values and social interests that legal education is called upon to cultivate."

Mr. Allen forcefully concludes: The time has come to break this silence. Quoting John Stuart Mills: "The only security against narrowness is a liberal mental cultivation...."

Mr. Jones, Visiting Professor for Legal Ethics, will be holding a mini-course on Legal Research in Law Offices on Saturday mornings, January 22, January 29 and February 5. The sessions will include researching techniques and problem-solving for students interested in eventually researching for pay. Interested students should report to Room 216 at 9:30 a.m.

# EARN MONEY FOR RESEARCHING

## PHI DELTA PHI (PDP)

which brought you, among other things,  
DISCO NIGHT AT LAKE MATOAKA  
&  
HALLOWEEN WITH JACK DANIELS

would now like to invite all first-years and other non-fraternized members of the student body, including faculty, to an evening of dancing and drinking at the Graduate Center. Come find out about PDP.

SATURDAY JANUARY 29th  
8:00 pm



## D.C. Travels, Cont'd.

double parking, parking at bus stops, and parking in front of fire hydrants are all permitted. Holden says that a "home ruler" is a big wig in the D.C. government.

One of the best bets for parking is in one of the privately owned garages. They can always be found near the "never-park" signs, usually on one way streets. One is given the opportunity to leave his car with an expert ten-yard-racer, receiving in exchange a small piece of paper with a large red number on it. A ten-yard racer is also called a "garage jockey." These sportsmen park large cars in small spaces at blinding speed while smoking, singing, masticating and changing the station on the car's radio.

Various bets can be made: that one's car will be gone upon return; that it will have a new dent(s); or, one might bet that his new tires will be exchanged for retreads. Parking is expensive in Washington. Holden spent over \$10.00 in two days. He asked us to emphasize the importance of obtaining a claim check before departing the lot. This red-numbered document is evidence of the bailment of the automobile and might conceivably be the basis for finding the bailee liable for breach of contract or warranty. (Be sure not to read the disclaimer(s) on the claim check so that you cannot be found to have, at most, constructive notice of it.)

After discussing "timing" and parking with Holden, I asked him what alternative he would recommend. He came out unequivocally for a helicopter. He says that one can move fast, see more and eliminate parking difficulties with a helicopter. Intra-city flying has not really caught on yet so this may be a "best bet."

### Recreation

Holden was limited to siteseeing due to pecuniary difficulties. Hence he tells us nothing of Washington nightlife, but does volunteers that, "A Schmidts is a Schmidts, whether you buy it in Washington or Williamsburg." What with parking problems and timing difficulties, Holden saw only a few sites before he lost his car and ran out of money. He does recommend what he was able to see and endorse just as heartily that which he missed. for one and a half hours in the morning on certain weekdays. One should be in line at five a.m. to be sure of seeing it. Holden didn't. The King "Tut" exhibit is open from 9 a.m. until 5 p.m. on weekdays. The wait in line to view it is from two to four hours. Holden didn't. Because he doesn't like long queues. From what I've read about it, it is worth trying to cut in line to see it.

Holden did see the Renwick and Hirschorn galleries. One should "have his head together" before going to either of these because they include some "pretty heavy stuff." Holden was particularly struck by an empty ledger book which was glued to the wall in the Renwick.

The Kennedy Center (which has its own parking facility) and the Centennial Exhibition (at the Smithsonian) are "great."

Holden was let down when he visited the National Archives because the scale model of the safe in which the major documents are kept has been removed. Holden was able to see the actual documents — the Declaration of Independence, the Constitution and the Bill of Rights — which are kept in a safe purportedly able to withstand Brezhnev's best. The safe is below the ground; the documents are raised and lowered by an elaborate elevator arrangement, so that they can be viewed during the day. Holden thinks this set-up is "really neat" and says that it's "pretty dumb" that he model is gone — it allegedly performs the same feats as the full size elevator-safe for the benefit of tourists during viewing hours.

Nevertheless, Holden recommends not being disappointed at missing what one has come to see, but enjoying what one didn't know was there. Taking one's grandmother to the Hirschorn is probably not a good idea however.

### Dining

Holden recommends eating at your friend's home unless he charges you more than you'd pay at a good restaurant. If your friend's home is under police surveillance you may wish to be careful not to eat any sugar cubes. If your friend does charge you, or asks you to buy the groceries, don't tip your friend.

Holden was on a student budget so he can't tell us much about cuisine in Washington. He was, however, the guest of a friend one evening and did have an occasion to "dine-out" at an Indian restaurant. He thinks the prices were too high and isn't going to recommend it to us, but he shares what he learned there: If the waiter's jacket has food stains on the front, it isn't an unclean establishment. It is an indication of the authenticity of the restaurant's ethnicity.

Holden says that he heard that all the good chefs are leaving with the Republicans, and that true gourmets should avoid Washington restaurants after January 20. Holden recommends Mario's Pizza in Arlington. He normally eschews fast food eateries but says the food there is "greasy and great." Mario's is not a chain. Holden never eats at chains.

### Caveat

Holden was the victim of a scare while in D.C. He left his car at a parking-lot and didn't obtain a claim check for it. He figured it was okay because the attendant locked the car and returned the keys. Holden wasn't worried when he left the lot. He figured that the absence of a claim check just obviated any necessity of his having to argue that the disclaimers were ineffective (in the event that anything should happen to his car). Holden was right, he doesn't have to show the ineffectiveness of the disclaimer. On the other hand, all he can show to prove the bailment are his car keys.

Any of you who do travel to D.C., say hello to Holden. He went back to look for his car. Ask him for some more great tips.

## Is Law School a Fairy Tale?

The following is a fairy tale. Like all fantasy, it is substantially grounded in fact.

Once upon a time there was a high school senior named Buddy Budeep. While in his senior year, Buddy was accepted to the friendly neighborhood state university. Buddy was very happy. He made a pact with two friends of his who were going to different schools that, seven years hence, they would all return to the kingdom and form a law partnership.

Now Buddy was a good student in high school, even though he didn't work very hard at all. Unfortunately, it soon became apparent that he would have to work quite a bit harder to do as well in his new school. This was a crushing blow to Buddy, and it took the better part of a semester to recover from the shock of that discovery, and from the evil effects of the wicked food from the sorcerer Food Services. But Buddy persevered, because he wanted to open a law practice at the end of seven years.

But alas, Fate threw Buddy another knuckleball. Buddy had always been interested in the history of all the many and ancient kingdoms that he had heard of but had never seen, such as Afghanistan. Buddy now learned, to his chagrin, that should he fail to qualify for one of the shrines that taught the mystic ways of the law, it might be tough for him to find a job in the kingdom's industry, despite

his great knowledge of the history of Afghanistan. While Buddy could not understand this xenophobic hatred for Afghanistan, he was shrewd enough to realize that he must augment his education with the knowledge of economics and commerce.

But this raised new problems. For Buddy to be successful in his pursuit of an understanding of the science of his kingdom's economy, he would have to refresh his knowledge of algebra; in order to do that he would have to refresh his memory regarding counting without taking off his shoes. Buddy had never been a mathematical whiz. Nevertheless, Buddy worked hard and (helped by easy courses on the aristocracy of Afghanistan) managed to keep very high grades, because he wanted to open a law practice at the end of (now) five years.

In the summer before his senior year at the friendly neighborhood state university, Buddy took a long examination which the law shrines used, in addition to his grades, to determine whether he was worthy. Buddy was very good at spewing out facts, and if the exam had been such an exercise he would have done quite well. However, the evil conjurers of the kingdom of Princeton included questions on the exam which would test Buddy's ability to use deductive logic, which is a quality reserved for those who

practice black magic. As a result, poor Buddy blew it.

Buddy's ship, while rerouted, was not sunk. There were many shrines that were acceptable to the Almighty Board of Attorneys, and Buddy secured admissions to one, even though he slept an enchanted sleep his entire senior year. Buddy was very happy. His new school was near his ancestral home (which was not, by the way, in Afghanistan), and he was now but three years away from rejoining his childhood friends in blissful partnership in his home kingdom.

But Fate now threw Buddy a beanball named Bubbles. Bubbles was a visiting nursing student, and Buddy met her at a party. Bubbles was the type of person who enjoyed drinking wine and mead, which is not bad. Bubbles was also the type of person who, after several paper cups of mead, would raise men's eyebrows, which is also not bad. After this party, Bubbles spent the night raising Buddy's eyebrows as they had never been raised before. (Buddy, you see, had been both deprived and depraved for the last couple of years.)

Bubbles visited several more times, each time engaging in the aforementioned pattern of behavior. As time went on, Bubbles and Buddy would spend weekends doing nothing but raising eyebrows.

(Continued on page 8)

## Let us show you how to wash your face without drying your skin.

Many soaps, even those with lanolin, glycerine or cold cream, are alkaline by nature. (The opposite of your skin which is slightly acidic.) Alkalinity can counteract your skin's natural acid balance and help make it dry and taut.

Redken's Amino Pon Beauty Bar has been scientifically formulated without soap so you can wash your face without drying your skin. This non-soap is wheat-based and contains vitamins, natural protein humectants and other beneficial ingredients. And, like all Redken products found in our salon, it's acid-balanced to be compatible with your skin.

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# EDITORIAL

## All Work, No Play

The upcoming weekend, January 28 and 29, will see what is loosely termed in legal circles as "Fraternity Rush." Devoid of beanies, black robes or hazing, fraternity rush consists simply of two evenings of parties aimed at acquainting first-year students and non-fraternity second and third year students with the members and functions of Marshall-Wythe's two legal fraternities. Phi Delta Phi and Phi Alpha Delta offer both professional and social benefits to their members. In the law school context, the social benefits are most obvious, and the majority of fraternity functions are open to the entire student body. Providing an opportunity for rest and relaxation among others similarly situated, the frat parties this past semester have proven imminently, if not sometimes intoxicatingly, successful.

But then why join a fraternity if you can go to the parties anyway? The answer is two-fold: first, the fraternities are national in scope, and can provide such services as student loan programs, employment referral contacts, and the like. Second, to quote Colonel Richard E. Walck, a fine upstanding fraternity member himself:

There is an additional, more personal and perhaps more pragmatic reason for your participation. When you graduate and are seeking employment you will be asking members of the faculty for references. If all that can be said about the applicant is that he or she is an average student who attended classes regularly, it is about as effective as saying that they do not beat their spouse. To be able to say that an applicant was a leader in extra-curricular activities or even that he was a regular participant helps and, *inter alia*, warms a reference and hopefully makes him stand a little above the mob.

The *Amicus Curiae* urges you to consider the decision (not such a weighty one, after all) of whether to join a fraternity. If you are interested, go to the parties: PAD's is Friday, January 28, PDP's is Saturday, January 29 (see advertisements, this issue). The fraternities serve a vital function both in and out of law school, and they deserve the support of the students.

## January 28th Lecture, Cont'd.

Commission on Crime in the District of Columbia and the President's Commission on Law Enforcement and the Administration of Justice. He has also worked as a volunteer attorney for the ACLU, participating as co-counsel for amicus curiae in cases contesting the conviction of

alcoholics for drunkenness, including *Driver v Hinnant* and *Powell v Texas*.

His professional activities in the field of public law have been outstanding. In addition to his work with the FDA, he has been a consultant on alcoholism and drunkenness to the President's

## Job Remedy, Cont'd.

costs low, we hoped to encourage of professional competency among law firms, it is simply hard to imagine such disparity. Just as there are good and bad law students, there are good and bad lawyers. Ironically, we often discovered that we actually learned more from the lawyers that we thought were less competent than from the more "polished" ones.

There are also disadvantages to such a summer job. Perhaps the greatest problem encountered this summer was maintaining a steady flow of income, what Roger and I referred to as the "trickle." If you can keep that "trickle" coming in, you can usually survive financially.

In order to maintain our "trickle" this summer, we personally contacted over 100 law firms in the Richmond area. We were, in effect, salesmen, selling a legal service to the firms, and our profits depended solely on our sales. As it worked out, we averaged about one "sale" in ten "calls."

Upon entering a firm, the first obstacle encountered was the ever-present secretary. I feel confident in saying that the first thing a legal secretary learns to say is, "We don't need any summer help." Repressing the urge to strangle such a person, we were fairly successful in circumventing her, with some notable exceptions.

Once we gained access to the attorneys, they were almost always impressed with our idea. It was a new approach, something that would not cost them any money until the service was needed. We found the one, two, and three-man firms to be more receptive to the idea than the larger firms, who usually employed their own paralegals and investigators full time.

Our fees were negotiable. We would charge by the hour, by the job, or take cases on a contingency fee. Consequently, our wages fluctuated from a low of \$3.50 an hour to a high of \$20.00 an hour, with more of the former than the latter, unfortunately.

The type of work we performed fluctuated greatly also. To get a "foot" inside a firm, we would do just about anything except type, which we both refused. We mainly did legal research in such varying areas as pension plan, workman's compensation, and social security benefits, corporate law, and the Longshoreman's Act. We interviewed clients and witnesses, made docket and collection calls, and performed personal injury and domestic investigation.

From our experience this summer, I believe the Richmond legal community needs a service such as this. Any student who wants to pursue the matter can do so to his or her advantage, both financially and in the legal experience and contacts gained.

## Political Commentary, Cont'd.

coordinator.

I fear that the realities of the office have proven far from simple — and I hope Mr. Carter proves to be equal of his office. Though an Imperial Presidency threatened to destroy our sense of nation, a President unable to confront and manage our sprawling and inefficient government will not serve the cause of liberty either.

So I pause now, before resuming my dedicated and loyal opposition to Mr. Carter's program — for we truly are in fundamental philosophical disagreement about the scope and functions of government — to wish him good luck, open-mindedness, and Godspeed in his term as our Chief Executive. The best of men need no less during the best of times.

## Fairy Tale, Cont'd.

But unfortunately, poor Buddy began to concentrate more on his eyebrows than his classes, and he began to realize that he had grown weary of studying, of classes, of buying books. He was, very simply, sick of the shrine. He therefore decided to postpone his triumphal splash into the legal world of the kingdom, and take a sabbatical for a year or so.

One needs money for a successful sabbatical, and Buddy was confident that he could find a bank, company, or whatever that was desperately in need of an economist who knew everything about Afghanistan. This idea may have worked beautifully if Buddy's fairy godperson had not been sleeping on the job. For try as he might, Buddy could not find a suitable job anywhere in the kingdom. In his desperation, Buddy even began learning how to manage a 7-11. His fairy godperson did get him out of this one by pointing out that he hated what he was doing, and that being a manager meant doing more of the same, plus watching other people do it. Buddy got out while the getting was good.

This went on for five months, when the fairy godperson came

up with what seemed a good idea at the time. Buddy could join the Army, and after three years give the shrines another shot. Buddy was willing, at this point, to try anything.

So Buddy, at this writing, is in Okinawa, and his fairy godperson has been caged in a bottle of the local spirit, Old Habu. The habu is a poisonous snake, the bite of which will allow the bitee to go ten steps and no further. Old Habu comes in large bottles with the head of a dead habu floating (or sinking) in it. Another pleasure of Okinawa is the weather. It is approximately the same as that of Tampa, with the added advantage of two or three typhoons a year. Buddy will be in Okinawa for 18 months, and then be transferred to a locality closer to the kingdom (Okie is about 14 hours by air from California). He is hoping his childhood friends (who are now in shrines in the kingdom of Virginia and New Jersey) will remember him when he returns.

Since this is a fairy tale, and not a fable, there is, and can be, no moral. The only requirement it must fulfill is that of a happy ending. So maybe it's not over.

(Who is this Person.)

If you don't know you are in big trouble.

## P-CAP Cont'd.

was granted and the sentence reduced to the actual time served.

Ms. Hickey asserts that the experience gained from the Project is much more rewarding than reading dry case books. "You realize that there are actual people and stories behind the case names. Each prisoner is a unique individual rather than a statistic or a proposition of law and, therefore, worthwhile."

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Professor Brion At Sleep