

College of William & Mary Law School  
**William & Mary Law School Scholarship Repository**

---

Student Newspaper (Amicus, Advocate...)

Archives and Law School History

---

1975

## Amicus Curiae (Vol. 6, Issue 5)

---

### Repository Citation

"Amicus Curiae (Vol. 6, Issue 5)" (1975). *Student Newspaper (Amicus, Advocate...)*. 226.  
<https://scholarship.law.wm.edu/newspapers/226>

Copyright c 1975 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.  
<https://scholarship.law.wm.edu/newspapers>



## ABA Consultant Explains Unaccreditation Problems

By Margaret Askew

James P. White, consultant to the Council on Accrediting of the American Bar Association, met with William and Mary President Thomas A. Graves, Acting Dean Emeric Fischer, members of the Marshall-Wythe faculty and students during his one-day visit to Marshall-Wythe Law School on October 15.

Following his meeting with faculty members, White spoke to members of the press and law students in the Moot Court Room.

White said that the original inspection by the ABA one-and-a-half years ago was a routine inspection. As a result, a report was written stressing the need for improved facilities at Marshall-Wythe. White was visiting the Law School on October 15 to discuss this action.

"Marshall-Wythe School of Law continues to be a school fully approved by the American Bar Association," White stressed. "We are convinced that the school has a very good faculty . . . The academic program of the school is a good program."

White pointed out that the primary concerns of the ABA center around the law building itself and the Law Library and staffing.

The law building is "totally inadequate to support the Law School," White said. The ABA

also has "grave concerns" about the Law Library and staff, he added.

When asked just what the ABA expected the Law School to do by the December 1 deadline imposed by the ABA, White replied that the ABA has two areas of concern — internal problems and external problems.

Although declining to comment on the exact nature of the internal problems, White said the "university is well on its way to correct these details."

The primary external problem is the request for a new law building or alternatives to relieve the current overcrowded conditions at Marshall-Wythe, with steps toward achieving a new building.

White conceded that the ABA does not expect all improvements to be made by December 1. "We're looking towards a response toward improvement in the level of support."

Cutting the enrollment and maintaining the present law facility could be one alternative "which is conceivable," White said, as long as enrollment cuts would not decrease funding for the Law School.

In response to a law student's question, White said that students currently enrolled at Marshall-Wythe would not graduate from an

unaccredited school. "Students enrolled would be considered as graduating from an accredited school."

White declined to answer questions as to the contents of the ABA report which were not made public, saying the availability of the ABA report is "something which rests with the Law School."

He did stress that the ABA can

See "ABA," p. 4

## Graves Presents Report To Va. Budgetary Comm.

By Mark Gregory

With the State of Virginia facing bleak financial circumstances in the foreseeable future, Governor Godwin and the State Budget Advisory Committee heard President Thoams A. Graves Jr. present the College's and the Law School's case for funding of the new law building and other related programs at Marshall-Wythe.

According to a report in the October 22 issue of the Newport News-Hampton Daily Press, the Governor was "bothered" by the appearance that decision to seek a new law building resulted directly from the decision of the



James P. White, consultant to the Council on Accrediting of the American Bar Association, met with students, faculty members, administration and the press on October 15. White explained the ramifications of the ABA's letter

to Marshall-Wythe, threatening loss of the school's accreditation unless certain changes are made — the primary one being a new law building or some alternative that would relieve the present overcrowding.

National Center for State Courts to locate in Williamsburg.

Godwin was assured by Graves that there was no question that a new law building would have been requested by now in view of the overcrowding and other deficiencies cited by the ABA in its letter of July 31. The Governor said he was "very pleased" that the Law School is no longer operating under the constraints of a December 1 deadline in its dealings with the ABA, terming the whole accreditation issue "very unfortunate."

In his plea for increased state support for the College and Marshall-Wythe, Graves pointed out that the budget request for the 1976-78 biennium was \$400,000 less than that for the previous biennium. Even though this represents an increase of roughly \$25.8 million from actual funding during 1974-76, it is illustrative that "every effort to hold our 1976-78 request to a figure consistant both with the clear need for economy, and with the need to retain the quality of the educational experience at the College of William and Mary," has been made.

Graves in his report to the committee also re-emphasized that new housing for Marshall-Wythe "number one priority in our capital outlay request." Even though he conceded that the "immediate threat" of the December 1st deadline is not as threatening as first perceived, this will be the case only "as long as we continue to make substantial and documented progress."

In regard to the emergency funding previously given by the legislature to bring the salaries and research activities at the Law School closer to the level of "adequacy" designated by the ABA, Graves said that "funding at a level requested in our budget will be required if we are even to maintain our competitive position in Law School salaries."

In reference to the closing statement in the College's

portion of the report to the committee, reiterating that the College was acutely aware the states' fiscal problems, Governor Godwin responded, "I appreciate your feeling, but I fail to find it in your presentation."

The following is the complete text of President Graves' Oral Presentation Statement to the Governor and Budget Advisory Committee, October 21, 1975:

Governor Godwin, Members of the Budget Advisory Committee:

This presentation will be in four parts, representing William and Mary and all its units, as requested. I shall focus on the College of William and Mary and the Virginia Associated Research Campus. Dr. Clarence Maze, new President of Richard Bland College, will present the case for the Bland College. Then President James Windsor will focus on Christopher Newport College.

Each of you has the full text of our statement on the College of William and Mary. I shall focus my brief oral presentation primarily on the Educational and General Activities and especially on the assumptions on which our requests are based. I shall make a few comments on the suggested alternatives if full requests cannot be funded from present resources, and the consequences of such actions. I shall conclude with a brief statement in support of our major capital outlay project.

First, William and Mary, its Educational and General Activities, and the assumptions on which our requests are based:

These assumptions are within the context of the Virginia Plan for Higher Education which emphasizes "accessibility, excellence and accountability" and which states that "diversity is its hallmark." The Plan defines William and Mary as a "highly selective, coeducational, full-time, residential university, with primary imphasis on a liberal

See "Graves," p. 8

## Problems With Conflicts In Scheduling Is Common

By Sue Brannan

Course schedule conflicts, examination schedule loads and a sudden change in faculty for the first-year property course are drawing student criticism of the Marshall-Wythe administration.

Student pleas to have Evidence and Criminal Law offered at separate times next semester were unsuccessful and the entire schedule for courses and examinations is apparently final.

According to Associate Dean for Administration Timothy Sullivan, some 80 percent of all suggestions for course and examination schedules were incorporated into this academic year's schedule. He said that for a week following the posting of course and exam schedules, students may comment and make suggestions for changes. The schedules will not become final until after this comment period.

Students, however, say the system of course and exam scheduling, regardless of administration efforts at flexibility, does little to take into

account the needs and desires of students.

"Students should participate before the schedule is made up," said one upper classman. "Not just before it is set in concrete."

One second-year student voiced contempt for the scheduling process and said there are mistaken assumptions about which courses will be the most popular and which will be most likely taken by students in the same semester (leaving open the possibility of heavy exam loads). The student also said more attention should be paid to the number of commuting students who leave home in the wee hours of the morning to meet an eight a.m. class.

Sullivan, who fields the scheduling comments and criticisms, said individual students will always find they might have conflicts in the schedule of courses they wish to take.

He said the administration can be "less concerned" about a course conflict if one or both courses is offered in two semesters. Sullivan added that a

schedule cannot be made up based on the preferences of students for individual faculty members.

"The projected size of classes, sensible utilization of teaching resources, rooms available" and the scheduling of major courses are all factors in making up a schedule according to Sullivan. All of these may spell potential conflicts in courses for students.

First-year property students became concerned about a related problem, the switching in mid-stream of faculty, when they learned neither first semester instructor will teach property in the second semester. Due to Emeric Fischer's appointment as acting dean, faculty teaching loads had to be juggled, leaving Richard Williamson the Property professor for second semester.

"It may not be a desirable thing to do," said Sullivan of the change. "But it's not fatal. Students have to recognize that we're in a bind." Sullivan added that a room other than the Moot Court room may be pressed into service to house the approximately 150-member first-year class.

# EDITORIALS

## Funding Control Desired

On the heels of budgetary allocations to the SBA, and in turn to the Law School organizations, comes discussion as to whether the law students are getting their fair share of the student activities fees paid each year to the Board of Student Affairs (BSA).

SBA President Guy Strong has figured out how much of the \$9.00 per semester per law student for BSA activity fees is being returned to the Law School this year.

There are 458 full and part-time students enrolled in legal studies here. Given that each student pays \$18.00 per year for student activities, that means that law students put \$8,244 into the BSA this year. In turn, the BSA this year allocated \$3,390 to the *Amicus Curiae* and \$3,280 to the SBA. This totals \$6,670 of BSA funds earmarked for Law School activities. Subtracted from the \$8,244 that the law students pay in, there is a surplus of \$1,574 that is not directly benefiting the very students who paid that money. Looked at from an individual student basis, each law student is receiving about \$14.50 per year from the \$18.00 paid in.

This is not just a problem for the Law School students. Other graduate students are receiving less than the amount they are paying into the BSA for student activities.

Added on to this situation is the fact that the Law School has only one representative on the predominately undergraduate-run BSA. In total, there are four graduate members on the 23-member BSA. This does not constitute the strength needed on the BSA when allocation of funds becomes a struggle between graduate and undergraduate activities.

While there are professors on BSA from graduate departments, only one professor, the one from the Law School, totally represents (and teaches) graduate students.

Claims of "not getting our money's worth" are countered by the College administration and BSA members with claims that the law students are also paying for the benefits of undergraduate publications and activities. While a minimal amount could perhaps be justified as going to those students, the amount siphoned off by the BSA is completely unrealistic of the benefit law students receive from these undergraduate activities.

As a result of continued complaints from graduate students that they are not getting their "fair share," efforts are being made by representatives of the various graduate departments to restructure the funding mechanism for graduate activities.

A valid proposal suggested by Strong is that the Graduate Student Council, a standing sub-committee of BSA, be responsible for funding the graduate student activities. Strong proposes that a percentage of the student activities fees from graduate students (for example, \$2.00 per year) could remain under the general funding power of BSA, with the remainder going to the Graduate Student Council, which,

# PRESIDENT'S CORNER

**Editor's Note:** Steve Conte, vice-president of the Student Bar Association, is heading an effort by students to lobby in the General Assembly for funding of a new law building at Marshall-Wythe. The following is the first report from Conte as to progress of the lobbying effort.

By Steve Conte

Student efforts towards a new law building have been gearing up during the last month through a series of meetings and personal contacts. The activities thus far have taken a profile of organization and fact-finding as to the most effective methods of articulating the student input into the appropriation decision to be made in the upcoming session of the Virginia General

Assembly.

In order to gain this needed information, a representative from the Student Lobby Group has met with Senator Fears, President Graves, Acting Dean Fischer and the Legislative Committee of the Alumni Association.

These meetings have greatly increased the working knowledge of the group and has meant that all groups involved will be able to combine their efforts rather than working in a duplication manner. The group has also been in contact with the Governor's Advisory Budget Council and the House Appropriations Committee. A tentative meeting during December with Delegate

Edward Lane of Richmond (Chairman of Appropriations) has been scheduled.

Although the work so far has been more on a one-to-one basis, there is a most important role which the students themselves can play. Being that this entire question of appropriations has developed into a political one (i.e. whether the money should be spent here or for other more publicized objectives such as prisons and mental health facilities) we must realize this fact and contact the decision makers in Richmond.

At this time, the Governor is preparing his budget recommendation to the Assembly. If the new law building is included in his budget message, we have passed the first hurdle towards success. Therefore, now is the time to be in contact with the Governor. It must be stressed upon him that not only is the need real, but equally important is the necessity that the appropriations come in this session. Years hence will probably not be any brighter for Virginia finances and we should not be content with a promise of "maybe next year."

The drive upon the General Assembly itself will be Phase Two of the concerted effort. Elections are being held in the first part of November and immediately thereafter a list of the Delegates, Senators and their districts will be posted next to the SBA office.

I urge you to be in contact with these people not only as concerned students, but also as constituents. Here the assistance of parents and relatives from the district can play a key role also. It is these people who may be able to bring added attention to the project.

During the session itself, representatives of the SBA will be in personal contact with members of the Assembly. Through a series of one-on-one visits in the Assembly offices, it is hoped that we can impress upon these people the student concern that has been generated.

By then the new committee assignments will be public and we may turn to additional help from the student body. Look for a posting of this by the SBA office.

So we move forward, but in order to increase our effectiveness, the students can not ignore their role in this project. We have a great deal at stake here.

## Letter Campaign

Students are once again reminded that the accreditation problems at Marshall-Wythe are serious, and that support of the new law building needs to come from the people most concerned — the law students themselves.

A letter from Sam Beale, President of the Law School Alumni, was distributed around the Law School, asking students to write to Gov. Mills E. Godwin, Jr.

For those who have lost or mislaid the Governor's address, letters to Gov. Godwin can be addressed: The Honorable Mills E. Godwin, Governor's Mansion, Capital Square, Richmond, Va. 23219.

## EDITORIALS, CONT.

following the guidelines currently followed by the BSA Finance Committee, could allocate funds to each graduate governing body on a pro-rated basis.

Thus, instead of the BSA in effect regulating graduate activities through the "power of the purse," each graduate body would be regulating the activities involving graduate students, with the Graduate Student Council serving as the primary governing body.

It seems hard to believe the law students have been content in the past to allow the BSA to handle the funding of our activities, with very minimal input as to how they should be handled. With recent growths both in the Law School enrollment and enrollment in other graduate departments, there is now a viable number of students to protest this system.

But, a few students alone cannot change the current situation — at least not without the visible support of the student body. Organizations cut during the recent SBA budgeting especially should be concerned with this proposal, and should be working with members of SBA and other graduate students in an effort to remove funding power from a primarily undergraduate board.

—MEA

## Autonomy For 'Golden Goose?'

It is by now painfully apparent that, in addition to receiving adequate funding, Marshall-Wythe needs to be administratively independent of the College. So far, no one has come forth with a viable solution. This may be due to a lack of proper perspective. If one views the Law School as a rich province and the College as an exploiting superior central authority the answer might be more apparent. Historically, no such authority has voluntarily let the "golden goose" slip through its fingers (at least while there is more to loot). Independence of the "subject" entity has only been achieved when one of the following occurs:

1) Support from a power greater than the dominating entity forces the latter to relinquish its rule. History provides numerous examples of this approach starting with the struggles of the Athenian colonies and continuing through to the case of Bangladesh (our own revolution is another prime example contrary to the DAR). In the present situation, the only power realistically capable of serving in this capacity is the Virginia legislature since the ABA, while it has the muscle, (through its accreditation powers) is unfortunately the "cure that kills." Considering the track record of the legislature, however, this alternative is bleak at best.

2) This approach entails making the continued rule by the central power so difficult that it overcomes any gains realized. This is the method employed by such men as Parnell for Ireland, and Ghandi for India. Simply put, the Law School must throw sand in the great machine of William & Mary. While this can take any number of forms the following might prove to be the most effective: Tuition boycotts, student demonstration (a recent example of its success is the graduation controversy), and parliamentary obstructionism by student and faculty representatives on college committees which are designed to stall committee business until demands are met. This last suggestion might prove useful in dealing with the BSA especially in view of the fact that the other graduate representatives could easily be induced to join in.

It is conceded that this second course of action is highly radical for this school and it is certainly conduct unbecoming "gentlefolk" but it stands a good chance of success if the students and faculty actively pursue it. The final choice lays with all of us. Is the final outcome — an academically free law school — worth it?

—LGG

## AMICUS CURIAE



### EDITORIAL BOARD

**Margaret Askew**  
Editor-in-Chief

**Lou Gonnella**  
Contributing Editor

**Joe Marinaro**  
News Editor

**Mark Gregory**  
Managing Editor

**Jim Margolin**  
Sports Editor

**Susan Magnotti**  
Layout Editor

**Pat McDermott**  
Copy Editor

**Peter Goergen**  
Photography Editor

**Dave Osborn**  
Advertising Manager

Staff: Wally Kleindienst, Richard Foster, Barb Kimble, Tony Nester, Jane Hickey, Kathy King, Anne Gordon Greever, Virginia Perry, Steve Ormond, Terry Grinnalds, Teddy Greene, Diane Pomeroy, Sue Brannan, Rick Adams, Joe Marinaro, Willafay McKenna, Gary Howard.

Opinions expressed in by-lined articles and initialed editorials do not necessarily represent those of the Editorial Board. The Editorial Board reserves the right to edit all copy for space and policy considerations. Letters to the editor and other submissions are encouraged.

The *Amicus Curiae*, serving the students, faculty, and staff of the Marshall-Wythe School of Law, is published every other week during the academic year by the Publications Council of the College of William and Mary.

Commentary

# Law Review Broadens The Scope Of Its Articles, Staff

By Jim Thomas

Significant and beneficial changes are taking place this year on the *William and Mary Law Review*. While the *Review* continues to be a scholarly professional journal recognizing and analyzing major developments in the evolution of the law, some changes in emphasis are being instituted in an attempt to accommodate another goal of the *Review* — the furtherance of the legal education of the individual staff members.

Although meticulous refinement of articles in an attempt to achieve optimum accuracy in both substance and form continues to be important, an attempt is being made to eliminate unnecessary, duplicated work to give staff members more time for writing and to reduce interference with class work to the extent that this is consistent with the production

of a journal of high quality. The reduction in the workload of the *Review* staff is being accomplished by streamlined editing processes and organization of the staff into departments.

This year's *Review* is striving to broaden its scope in terms of the kind of articles selected for publication. Along with the traditional kind of law review topics — those with narrow, precise, and "neat" legal arguments — the *Review* hopes to publish other kinds of legally related articles.

Included in Volume 17 will be an empirical analysis of factors significant in the disposition of juvenile delinquent cases, a controversial article concerning Justice Douglas, an article of legal historical orientation, and numerous socially-oriented articles concerning various problems of discrimination and the right to privacy. In addition,

the most exciting project of the year is the Constitutional Law Symposium, being conducted by Dr. Swindler, in celebration of the Bicentennial.

Another particularly significant change on the *Review* is the opening of the possibility of membership to any student who submits a manuscript for publication. This policy change is consistent with the emphasis, this year, on involving the whole school — students, faculty and administration — with the publication of the journal. Students are encouraged to suggest topics for articles to the *Review* office. The faculty of the Law School has been very helpful this year in manuscript evaluation and topic development. In particular, Mr. Doug Rendleman has been extremely helpful to the *Review's* research department and to many individual staff members. The administration



Jim Thomas, author of this week's commentary, is the editor of the *William and Mary Law Review*. Thomas explains

the changes being made in the *Review* this year, and lists some articles planned for this year's issues.

has been very cooperative with the *Review*, as have been Mrs. Forbes and the whole secretarial staff who were instrumental in helping get the first issue of this year's *Review* to the printer on schedule. All in all, the *Review* staff has had a great deal of help and cooperation from many people within the school and is very grateful therefor.

Finally, one of the less widely-known activities in the *Review* office is the exciting chess play between Colonel Leo Lubow and the fast-moving, but less tenacious Scott Hart. Hart's protegee, Ms. Jackie Denning, claims she can beat Leo blindfolded. That match has not yet been played.

In summary, the 1975-76 *William and Mary Law Review* is functioning very effectively and harmoniously. The *Review* is attempting to broaden its topic selection and to involve more students and faculty members in the production of the book. And notwithstanding the *Newsweek* article of September 15, this year's *Review* staff members do not regard themselves as the "officers" of the school.

**Editor's Note:** Jim Thomas is the editor of the *William and Mary Law Review* for 1975-1976. Thomas is a third-year student at Marshall-Wythe and has been a member of *Law Review* since his first year here.

## Two Professors Nearing Book Publication Dates

Within a few months two Marshall-Wythe professors will have sent the final drafts of their new books to the publishers. Acting Dean Emeric Fischer and Professor Michael Madison are each concluding major works, although on very different topics.

Madison's first book, entitled *Modern Real Estate Financing with Tax Considerations*, is co-

authored with Jeffrey Dwyer of Georgetown University. After two years in the planning stages, it will be published this spring by Warren, Gorham and Lamont.

It is a textbook for lawyers, and explores the selection of the appropriate ownership entity (i.e. corporation, partnership, or trust) for the maximization of tax shelter benefits in real estate

investment. There is detailed analysis of the legal theory and mechanics of pre-financing issues, construction-financing, and permanent financing, with a focus on tax considerations.

Madison feels that the existing textbooks in this area are simply inadequate. He offers a new approach, in which he seeks to strike a balance between the hornbook method and that of the law review article. He utilizes textual materials that are comprehensive to the average lawyer, yet provide extensive footnoting, case analysis and policy commentary in order to stimulate legal experts.

Acting Dean Fischer was also driven to his endeavor by frustration with the available resources. Unable to find an insurance law case book which satisfied the needs of his students, he decided to write one. His primary concern has been to provide a format which does not confuse the reader.

Fischer emphasizes the progressive, cumulative nature of his method. That is, he presents problems in the order in which they logically arise in the student's learning process. He likens this "building" experience to the study of mathematics. In his treatment Fischer said he relies almost entirely on cases of the past two or three years, and he feels that his book may remain "current" for as long as a decade.

Fischer has devoted the last two summers to writing, and ironically, he was only "forty hours away" from completion when he was appointed Acting Dean in August. In spite of his many new duties he is sure that his work will be on the way to the publishers very soon. He has avoided a formal contract but expresses confidence that he will reach an agreement with one of the important publishers. Thus, the success of next year's students will be "insured."

## "Need" Required For Scholarships, Grants

Law school scholarships for the 1976-'77 academic year will be awarded on the basis of both need and academic achievement, according to the new faculty committee appointed to administer scholarship grants.

Last year scholarships were awarded by the dean's office primarily on academic achievement factors alone. Next year's grants will be based on a need analysis as well to provide for distribution of limited scholarship funds to those most in need of them.

Professor Elmer J. Schaefer, chairperson of the new faculty committee appointed this fall by Dean Fischer, anticipates nearly \$50,000 in grant money to be available for distribution next fall. About \$20,000 of that total comes directly from alumni donations, and the amount varies from year to year. Most of the remainder is the income produced by trust funds earmarked for law school scholarships.

Some of the scholarship funds are designated by their donors for particular types of recipients. Among them are the Carneal and Shapiro scholarships for students in the Master of Law and Taxation program, the Hughes Endowment Scholarships for

entering students, and the Gray Joel Hirsh Memorial Award for male students. Another is earmarked for American Indians.

Non-designated funds will be awarded to applicants who demonstrate financial need and academic ability, based on information provided to the committee on scholarship application forms, which will be furnished by the dean's office. Applications deadline for 1976-'77 awards will be next spring.

A student's financial need will be determined by his income, assets, indebtedness, the amount his parents can contribute, his spouse's earnings and similar factors. The application does not require completion of the Parent's Confidential Statement or other national computerized financial need analysis forms.

Professor Schaeffer said his committee's mission will include looking for additional sources of financial aid, although other departments of the college routinely handle fundraising and processing of educational loans.

"We just don't have the money we'd like to have," Professor Schaefer commented in explaining the addition of the need factor in scholarship awards.

## EDITORIALS, CONT.

### Deadline Approaches

It is now the eleventh hour of the life of the *Colonial Lawyer*, and the date rapidly approaches for the death (no funeral) of the publication.

Attempts were made by the Environmental Law Group at last Wednesday's Publication Council meeting to redirect the *Colonial Lawyer* funds for 1974-75 to publication of an environmental law newsletter. While the Council members were not at all excited by the Environmental Law Group's proposal, the motion to kill the *Colonial Lawyer* was tabled but will definitely be voted on if no other proposal is presented to the Council before November 1.

This leaves the remainder of this week for last minute attempts to revive the dying publication. One such effort is directed at members of Law School organizations who want to publish newsletters or booklets. By joining together and presenting a united proposal to Publications Council, the *Lawyer* may be revived — to be published as a sounding board of law-related articles written by members of the various organizations in a concerted effort.

It's a good idea — if only it's not too late for the November 1 deadline. Any student interested in working on this sort of publication should contact an editor of the *Amicus* or an officer of the Environmental Law Group, who are spearheading the last minute effort.

—MEA

The Placement Office requests that any student who has accepted employment complete this form and either take the form to the Placement Office or drop in the Placement box in the General Office.

Name.....  
 I have accepted a position with:  
 Firm Name.....  
 Address.....



Festus is the name of the friendly "puppy" who inhabits the outer perimeters of the Law School. Although denied access to the porch of the front of the building, he has made a couple of brief appearances in class. He appears, however, to prefer to spend his days outside (wouldn't we all?).

## Patron 'Saint' Of M-W Will Serve As Lethargic Mascot

"God, look at the size of that thing!

"Hey, is that your dog?"

"Boy, is he ever beautiful!"

Festus. Big beautiful and there. I mean, how can you miss him?

For those students who are either using only the rear entrance to the Law School, or are completely into a world of their own, it should be mentioned that Festus is the 200 pound St. Bernard who regally inhabits the front steps to the Law School.

First-year student Leslie Ludtke is Festus' companion, chauffeur, and press agent. Leslie reluctantly reveals that Festus is almost five years old, nearly blind, and as a surprise to none, inherently lethargic.

Student reaction seems generally tolerable, and perhaps even favorable to the friendly giant. However, the general reaction has not been completely positive.

Professor Kermit Dunahoo, noting Festus' presence on the floor in front of his legal writing class, commented in his somewhat unique style, "Will the owner of dog please remove same."

Assistant Dean Timothy Sullivan has informed Ms. Ludke that she should attempt to confine Festus' presence to the steps to the Law School and try to keep him off of the porch itself. "A little bit here, a little bit there keeps everyone happy" is how Ludke reacts to Sullivan's instruction.

The most interesting reaction to Festus' presence though is that of surprised students and gawking tourists. Ludke was constantly badgered with questions regarding Festus' weight, his eating ability and the condition of his hips. Now though students seem content to give the dog a gentle, if wary, pat on the head, and for the bold of heart, perhaps a rub on the stomach.

One observant first year student, Jeff Puff, informed Ludke that indeed he thought that there was quite a resemblance between dog and

owner. This is certainly said in jest as anyone can easily see that Festus' ears are much larger than Leslie's.

Some students though are bound to perhaps disapprove of the presence of the dog. Certainly brushing past Festus and coming away with about five inches of drool could contribute to certain misgivings. People who are fearful of dogs in general area also susceptible to hesitancy in using the front door

to the school. But generally the attitude toward the dog seems pleasant and friendly. Apparently Festus is here to stay, for a while.

The library may be noisy, cramped, and understaffed. The Moot Court Room is a poor excuse for a classroom for law students. But that lovable lump of a mascot, Festus, gives Marshall-Wythe something beyond physical stature — character.

## Inadequate Law Library Presents Huge Problems

The library at Marshall-Wythe presents almost a Herculean task: woefully inadequate space, budgeting allocations, and staffing have all in their way contributed to the ABA's, not to mention the average M-W's student's discontent with the present library situation.

Though most of the problems are readily identifiable, some seem to defy solution and others fall victim to the adage of "money talks and nobody walks." Lack of funds is the root of the problem and yet the administration recognizes that something must be done.

The approach seems to follow a McNamernan Defense Department approach: That is to say, "How do we get more bang for the buck?" With this in mind, an approach to the problem has been going on. Though little has been officially adopted, it is hoped that new results can be attained in the near future.

Space is prime concern. It is apparent from a walk through the library that a somewhat less than effective use of available shelf and floor space is being utilized. A subcommittee of the Faculty Library Committee has been investigating the possibilities of fundamental rearrangement of the present stack and table situation into a layout whereby separate reading areas distinct and apart

from the stack areas would be created. The problems of concentration while someone is trying to reach for a book from the shelf are known to everyone. It has been suggested that an arrangement of reading areas would be more conducive to study as well as less conducive to conversation.

It was in an attempt to stem the conversation and break up the congestion that the administration removed the student bulletin board to the second floor; it has been suggested that such reading areas would have the same effect.

Of particular importance is the relocation of the reserve books from their present location to one where they would not only be more accessible but also less cumbersome to those who need a law review from "A" to "D". Utilization of shelf space is dependent upon reorganization of those books which are bound for storage or if not yet, at least should be.

At present there is a shortage of new storage space and a threat of ouster from some of M-W library's old storage space in Rogers Hall. Rearrangement of some of these areas to accommodate more shelving could relieve the library of some of its "dead wood" and allow the proper shelving of those books which are used.

## ABA Report Explained By ABA Consultant

Continued from p. 1

sometimes be more candid in its reports when it is expected that the entire report will not be released to the public. "More good can come . . . from candid reports, portions of which only are released."

The high percentage of Marshall-Wythe graduates which regularly pass bar examinations is not considered to be a major factor in considering a law school's accreditation, White said. "Simply to do well on the bar exam . . . according to the ABA . . . is not the only high water mark."

Following the discussion with White, President Graves met with members of the press and released a statement on the purpose of White's visit.

White met earlier on Wednesday with Graves, Vice-President for Academic Affairs George R. Healy and Acting Dean Emeric Fischer.

Graves said their discussion focused on "Mr. White's letter of July 31, 1975 in which we were advised that the accreditation of the Marshall-Wythe School of Law is jeopardized because of woefully inadequate facilities, the limited resources for the Law Library in terms of staff, space and acquisition funds, and concern over law faculty salaries."

"I believe the College's position on the matters raised by Mr. White has been clarified to his full satisfaction, although I cannot speak for him on that. I also believe that he is fully

aware of the priority which the College continues to give to the matters affecting the facilities and resources for the Marshall-Wythe School."

Graves also said that he thinks White was satisfied by the efforts being made by both the Law School and the College in general. The President's office will be making a progress report to the ABA prior to November 1, as requested by White.

"I made it clear to Mr. White that it will not be possible to hold the College to the December 1, 1975 deadline in terms of responding definitely to the questions of facilities and resources, and he now has a good understanding for the way in which the Commonwealth of Virginia prepares and completes its budgeting process."

"With regard to that process, I advised him that the General Assembly would not adopt its budget legislation until March 1976, and that this legislation would then be subject to the Governor's approval thereafter."

Graves also said that rumors that the ABA recommended that the Law School have more autonomy were unfounded as reported in the press. "There has been no recommendation, that I know of, that the Law School should be more separate from the College."

## Marshall-Wythe Sports Figures Reveal Dreams

These stories highlighted the past week in sports around Marshall-Wythe:

(1) President Graves announced that the expanded sports program at William and Mary, spearheaded by this fall's football program, will provide needed revenue for the law school. ABC Sports has agreed to televise a William and Mary NCAA football game if and when the team tries to break the record for consecutive losses. Naturally television coverage will give the College a handsome income, some of which will be allocated for Marshall-Wythe and a new building.

(2) Charlie (Chi-Chi) Stempel, who learned the game on the tiny Greek island of Miamos while a babe, continued to dominate the intramural tennis scene. Greer Ferguson and Billy Bright also moved on in the tournament, while Peter Welling defaulted by over-sleeping who-knows-where.

(3) Some of your M-W favorites revealed who they would like to be if they could be any sports figure in the world:

(a) J. Madison Whitehead — Abner Doubleday, and he would have used commas and semicolons instead of bases.

(b) Tim Sullivan — Charlie O of the Oakland A's (he did not specify if he meant the owner or the mascot).

(c) Dick Williamson — Larry Czinka (incorporated Subchapter "S" with Section 1244 stock of course).

(d) Irma Lang — Secretariat.

(e) James P. Whyte — Dizzy Dean.

That's sports, of sorts, for now.

# ABA-LSD Circuit Gov. Report On Recent Events

**Editor's Note:** The following is a report from Mary Lynn Tate, Fourth Circuit Governor, of the ABA-LSD.

### Fall Roundtable

The Fourth Circuit Fall Roundtable was held October 24-26 at Duke University in Durham, North Carolina.

The keynote speaker was Jerry Paul, Durham attorney and defense attorney for Joan Little.

### Lieutenant Governors

Frank Elmore of the University of South Carolina and Adelaide Behan of Wake Forest were named Lt. Governors for the Fourth Circuit at the Spring Meeting. Frank will especially concentrate on membership matters and will be chairing the LSD Rep. workshop at the Fall Roundtable. He may be reached at 3906 Overbrook, Columbia, South Carolina 29205. Adelaide may be reached at 1114-B Polo Road, Winston Salem, North Carolina 27106.

### Student Lawyer Editorial Board

The 4th Circuit Governor, Mary Lynn Tate, was one of three governors elected to the Editorial Board at the Spring Board of Governors meetings. Tate drafted and introduced a new editorial policy at the September Editorial Board Meeting which was unanimously adopted. The text of the new policy will appear in the October issue of *The Student Lawyer*.

In addition, the Editorial Board solicits your contributions as well as the texts of speakers visiting your school. The variety and balance of articles published depends upon solicitations and voluntary contributions because ABA policy does not permit payment for articles published.

### LSD Representative's Project Fund

The Board of Governors has approved a program for reimbursing necessary expenses incurred by LSD Representatives. Allotments must be used by February 15, 1976. Funds may be used for membership drives, program and project implementation and

attendance at Circuit and National LSD meetings. Use reimbursement forms provided by the Governor, attach receipts and forward to your Circuit Governor. To be safe, representatives should get expenditures approved by the Governor before making them so that reimbursement is assured. A check will be sent directly to each representative from Chicago.

Allotments are based on membership as of June 20, 1975, plus \$25 per school and are set forth in the adjacent chart.

### Governor's Project Fund

Each Governor has been given a \$500 discretionary fund for financing Circuit Projects ranging from \$25 to \$125.00. There are no matching or membership requirements for these funds.

A Circuit Project is one undertaken by more than one law school.

Application for these funds should be made directly to the 4th Circuit Governor.

### Law Student Services Fund Program

Deadlines for application for regular LSSF projects are as follows:

One year Projects and Fall Semester Projects  
October 15, 1975

Spring Semester Projects  
February 2, 1976

One Day Projects  
March 12, 1976

Contact the Governor or the national office if you still need application forms. Collect calls will be accepted by both if you identify your position within the Division or indicate LSD business.

### New Section Liaisons from the Fourth Circuit

The outgoing division president made three liaison appointments from the Circuit.

Elizabeth Cuadra from the University of Virginia was appointed to the Special Committee on Environmental Law. She may be reached care of the University of Virginia Law School, Charlottesville, Virginia

22904.

J. Kirk Myers of North Carolina Central University was appointed to the Special Committee on Housing and Urban Development. He may be reached at 2216 Fitzgerald St., Durham, North Carolina 27707.

Edward M. Hanson was appointed to the Standing Committee on Professional Career Development. He may be reached care of Duke University School of Law, Durham, North Carolina 28806.

The liaisons will be making a special presentation about their work with these ABA sections at the Fall Roundtable at Duke.

### Membership

In an effort to pinpoint "target" schools for membership drives the Governor requests that LSD Representatives at each school forward to her the school's present enrollment figures. Please forward before October 20 if possible.

The Board of Governor's has

School	Members	x\$.25	Plus \$25 - Total
Duke	49	\$12.25	\$37.25
NCCU	85	21.25	46.25
UNC	96	24.00	49.00
Richmond	68	17.00	42.00
USC	293	73.25	98.25
UVA	200	50.00	75.00
Wake Forest	81	20.25	45.25
W&L	53	13.25	38.25
West Virginia	56	14.00	39.00
William & Mary	155	38.75	63.75

approved a special awards program for outstanding membership efforts by LSD Representatives based both on number and percentage increases in membership. This coupled with the new L.S. Representative Fund should produce significant increases in the Fourth Circuit.

### Project Blue Book

A Project Blue Book to serve as a guide for preparation of LSSF Grant applications and implementing student programs and projects is still in the works. It will hopefully be ready for Circuit distribution in late October.

### Circuit Women's Caucus

The 4th Circuit Women's Caucus Chairperson is Linda Bridgeman from Wake Forest Law School. She may be reached at 2742-B Basswood Ct., Winston-Salem, North Carolina 27106.

Linda is working on a circuit-wide exchange of law women's groups and their activities.

A special report and program will be presented at the Fall Roundtable at Duke. Guest speaker will be Mike McGhee from the EEOC Charlotte office.

### New Relationship With Balsa

In an effort to facilitate communication and responsiveness, the Board of Governors voted in September to make the Chairperson of the Black American Law Student's Association an ex-officio, non-voting member of the Board of Governors. The vote followed a presentation by Ken Harris, present Balsa chairperson, pledging LSD recruitment activities within Balsa and open lines of communications between the two organizations.

# Recognition May Be Needed For Student Organizations

An ad hoc committee of the William and Mary Board of Student Affairs will meet soon to discuss requiring some kind of official recognition of law student organizations before they may use Campus Center facilities on a regular basis. The committee is chaired by Ken Smith who currently supervises allocation of such space to school groups and organizations.

Undergraduate organizations are currently required to obtain official recognition from the William and Mary Student Association before they may regularly use the rooms of the Campus Center. To be recognized, the petitioning group must present its constitution and by-laws to the BSA for approval. Technically, unrecognized undergraduate

groups may be required to pay a fee for use of school facilities.

At the present time, law school groups are under no compulsion to seek official recognition from any source precedent to their use of the Campus Center and Smith stressed that no law school group will be turned away due to this problem. Smith does see a need, however, to develop a recognition requirement as a way to be sure that campus resources are put to their most beneficial use and to allocate limited facilities among the many groups which request space.

In addition to Smith, the ad hoc committee is made up of Heather Dorian acting as a representative of law students, an undergraduate representative, and a member of the Faculty of Arts and Sciences. Although Smith stated that he has not developed a definite

philosophy on the matter, he does foresee a need for developing some way to control the number of groups which use the College name and resources.

Although Smith indicated that he has not made a firm decision on the matter, he stated that recognition by the MarshallWythe Student Bar Association might be the proper requirement of law school groups.

Smith indicated that an increasing problem is being encountered by the requests of faculty groups for the use of facilities. Such groups are proliferating and, like law student groups, are not required to attain recognition. The ad hoc committee will also address this problem.

Students who have opinions or recommendations for consideration by the committee are urged to contact Heather Dorian.

# Revisions Of Constitution Proposed By Committee

As a follow-up to last spring's revision of the SBA rules and by-laws, the SBA Rules and By-laws Committee is currently working on a related project, a revision of the SBA constitution.

The ten-person committee, headed by Lou Gonnella, is considering two options. The first is amendment of the current document and the second is a complete rewrite, with the latter the more likely alternative.

Several proposals are under consideration by the committee, among which are:

- making the SBA secretary, treasurer and director of alumni relations appointive positions;
- creating a special elections committee with the power of judicial review;
- increasing the number of

class SBA representatives from two to three for the second and third-year classes;

-removing the Judicial Council from supervision of elections;

-making replacement of the SBA president by the vice-president upon a presidential resignation permanent rather than temporary.

In addition to the specific proposals, the committee is attempting to consolidate various aspects of the constitution according to topic. This will include removal of various sections which are no longer applicable, such as Article Six, which gave the SBA the power to name the editor-in-chief of the Amicus Curiae. The Judicial Council recently ruled that the article was repealed by

implication when President Graves placed the Amicus under the jurisdiction of the College Publications Council.

Gonnella indicated that the committee is open to suggestions and that anyone with a proposal should contact him. The committee is aiming for completion of the revision by December, with public hearings on the revision and publication in the Amicus to precede a referendum to be held in conjunction with the April SBA elections.

In addition to Gonnella, the members of the committee are Jim Dickinson, Doug Pinter, Nate Schenker, Bill Bayer, Bill Harrison, Lynn Buchanan, Sharon Pandak, Peter Ralston and John Richardson, ex officio Judicial Council representative.

## Amicus Subscriptions

The Amicus Curiae is now soliciting subscriptions for the 1975-76 academic year. Subscription cost for graduating students is \$7.50 per year. The price of a subscription will otherwise be \$8.00. To subscribe, complete this form and send the detached version to the Amicus Curiae, Marshall-Wythe School of Law, Williamsburg, Va. 23185. Graduating students should drop off the form in the Amicus Curiae box in the Law School office.

Name \_\_\_\_\_

Address \_\_\_\_\_

Amount Enclosed \_\_\_\_\_

Please Bill Me \_\_\_\_\_

# Libel Night Planned For St. Patrick's Day

After delicate negotiations with the College of William and Mary the fourth annual Libel Night has again found a home at Phi Beta Kappa Theater for the evening of March 17, 1976. For those who are new to Marshall-Wythe, Libel Night is the show put on annually by the students in which they get a chance to utilize their creative and artistic talents in scenes based on material drawn from the experiences and personalities that abound here at William and Mary Law School. This year's extravaganza is being produced by four co-producers: Lou Gonnella, Ellen Pirog, Mike Mares and Kathy King.

The festivities will begin with a reception to prepare the faculty and students for the experience of Libel Night. The theme of this year's show will be "Libel Night at the Movies." The evening will culminate with a

cast party for those students who devote their time and talents to the production. There will be a modest admission charge of \$1 per person in order to defray the cost of the evening's entertainment.

Early in November a Libel Night Box will appear in the library and everyone is encouraged to submit scripts or rough ideas that can be developed for use in the production. Actors, actresses, dancers, singers, musicians, especially guitarists and pianists are also needed. Initial try-outs for roles as faculty members, students, judges and miscellaneous characters will be held at the beginning of second semester. Rehearsals will begin after the February bar exam and continue through the first week of March. Dress rehearsal will take place on March 15, the Monday after Spring Break. For those who prefer to operate behind the scenes there will be plenty of opportunities for costumers, set designers, stage crew and prop people.

Anyone who wants to participate in this enjoyable endeavor should see one of the Libel Night producers or put their contribution, name and telephone number into the Libel Night Box.

March 17  
Is  
Libel Night

## "Library Revisions" Up Against The Wall

By Ma Funt

In the last issue of the paper it was reported that the library was in the midst of a "planned extensive rearrangement." After some diligent bribing of highly placed unknown sources (whose names will appear below), this reporter was able to find out what changes are to occur. No matter what you hear, read, or see elsewhere these are the real changes:

1) In light of the area limitations, the school library, in its search for space, has contracted with **Ye Old Dominion Mining and Shafting Company** at their offices on Capital Square in Richmond to sink a series of shafts into curtilages adjoining the present basement (i.e. "lower level" to those employed by the ABA). The idea here is to place books at appropriate levels depending on their use. The main desk will carry helmets and flashlights to be issued to researching students. First year legal researchers are advised to make the required investment and purchase this equipment since materials relevant to their labors are sure to be found at the deepest, darkest levels.

2) Introduction of the odd-even system. This spring the school will have a lottery (rumor has it that Mrs. Forbes will do the drawing) and each student will be given a number. Those who receive an even number will be

allowed to use the library on Monday, Wednesday, and Friday, while those drawing an odd digit will be limited to Tuesday, Thursday, and Saturday use. (Sunday will be set aside for faculty members and their wives). A source close to the Dean says this project has top priority and it is hoped this system, once implemented, will relieve library congestion. In anticipation of the new operating scheme a certain third-year student from New York City is busy setting up a black market, running numbers for those law library addicts who need a daily library fix.

3) In a break with traditional classification, the library will institute a "theme" filing system. According to Mr. Whitehead, who devised the system as his own "personal tribute to Mr. Colon," each section of the law will be assigned a theme and books related to the field will be filed appropriately. For example,

Environmental Law will be shelved in notches cut into nearby trees. Property law books will be sparsely buried in the Sunken Gardens with surveyors' markers, actually used by George Washington, indicating where they may be found. Mr. Whitehead is confident that this system, once implemented, will "bring us new vistas."

4) The last big change will be in staffing. For the past few months the first-year class has gone through intensive library training under Professor Kermit "Old Simon Legree" Dunahoo. Once the program is complete Mr. Dunahoo plans to take the top thirty laborers and "give" them to Mr. Whitehead as his own personal contribution to the cause. With their help the library should have enough assistants to take up all of the available study space and maintain its present world renowned reputation for overcrowding.

## Hanes Briefs

The faculty scholarship committee has asked students who need financial aid for the current year to submit scholarship applications by Nov. 1.

Professor Elmer J. Schaefer, chairperson of the faculty committee, said that about \$4,000 designated for this session's scholarships has not yet been awarded. The committee would like to distribute the funds as soon as possible to the students who best qualify for it based on need and academic achievement.

The \$4,000 total remaining to be awarded comes from five or six trust funds, the income from which is earmarked for financial aid.

Students who have not received scholarships for this session are asked to apply, or re-apply if they filed applications last spring, by Nov. 1. Forms are available in the dean's office.

As part of an overall process of judicial revision, the Judicial Council has announced plans to revise its procedural rules covering constitutional interpretation. A final product should be ready sometime in late October.

The following students were selected as Moot Court Finalists for fall semester: Rich Foster, Pete Goergen, Lou Gonnella, Ala Hamilton, Judy Humphries, Sally Larrabee, Mike Mares, Doug Pinter, Ralph Riehl and Eric Spencer. The finals will be held November 5.

Wythe Chapter of the Phi Alpha Delta Legal Fraternity has been awarded "Most Improved Chapter" in District VIII — an area including all the Atlantic Coast states. Cited as reasons for the award were the outstanding rush program last year which resulted in close to 50 inductees to PAD and an active social and service program. A plaque signifying the award will be displayed in the lobby in the near future.

Tuition and general fee for Spring Semester must be paid before students are permitted to attend classes. Accounts for the spring Semester will be rendered by the Treasurer-Auditor's Office shortly after registration.

First year, transfer and ML&T students are requested to stop at Law School Office to sign an Honor Code Pledge Card. These cards, which must be on file before a student is permitted to take an examination, were not available at registration.

The following graduates of the Marshall-Wythe School of Law have successfully passed the July 1975 Virginia Bar Examination: Sam Boyte, Charles Burr, John Caldwell, Anthony Coles, Brian Costello, Calvin Depew, Timothy Forbes, Jack Frankel, Richard Gorman, Carl Harder, Donald Harmata, Ernest Holleman, Carl Hookstra, Carl Howard, and David Jackson.

Also, Robert Johnsen, Robert O. Johnston, Barbara Kamp, George Leach, Donald Lewy, Stanley Majors, Roger Meade, Richard McCue, Ann Palamar, Randy Palamar, Gary Peet, Charles Pompey, Eugene Shannon, Thomas Smolka, Daniel Ward, Wallace Ward, and Robert Warner.

Students are reminded that all fees (tuition, general fee, delinquent library accounts (Swem and Law Library), xerox, printing, illegal parking, etc.), must be paid before registering for the Spring 1976 Semester. Registration packets for students delinquent in the payment of any fees will be withheld until all payments are made.

### LIGHTFOOT TOBACCO COMPANY & HEAD SHOPPE

Next to Williamsburg Pottery on Rt. 60 West

**DOMESTIC CIGARETTES \* \$3.19 per carton**

• Cigars	• Tokers	• Timex Watches
• Pipes	• Bongos	• Imported Cigarettes
• Tobacco	• Papers	• Smithfield Hams
• Lighters	• Rich's Soda	• T-Shirt Machine

229-3189

**OPEN 7 DAYS A WEEK 8:30 am. TO 6:30 pm.**

# Moot Court Benefits Participating Students

By Nathan Schenker

A law school's Moot Court team is its main nationally competitive structure. Victory at the national level of competition results in benefits for both the law school and the individual team members.

For example, last year's national champions were the team from Loyola School of Law in New Orleans. As a result of that victory the school received widespread publicity in papers as prestigious as the *New York Times* and consequently a major improvement in its reputation.

The rewards to the individual members of the team were significantly greater than those received by the school. The leading oralist left New York with not only a great feeling of personal satisfaction but also a number of job offers, a collection of trophies, collections of the leading legal sourcebooks, and an invitation, all expenses paid, to the next Bar convention. This, then, is the fame, fortune and personal gratification which awaits successful contenders on the Moot Court circuit.

Moot Court here is a tripartite structure, consisting of a Moot Court class, an Invitational hosted by M-W, and a national competition team, all of which are governed by the Moot Court

Board. The members of the board are: Ms. Pirog, and Messrs. Galumbeck, Passerelli, Williams, and Glanzer.

The Moot Court class, which is offered for one credit pass-fail each semester, is run by the students on the board and advised by Kermit Dunahoo. The students taking the class are divided into two member teams and randomly assigned to opposing sides of hypothetical appellate cases which have been created by the board on the basis of current actual cases. The cases this year deal with search and seizure, habeas corpus, and spouse consent for abortion. Usually two full teams (eight students) will develop one case. Such development calls for the writing of an appellate brief and oral arguments on that brief.

Although both the brief and arguments are a team effort individual members are acknowledged for their excellence in the portions of the brief which they have written and in oral argument.

The interclass competition consists of two rounds of argument for each case. The first round is judged by one faculty member and two students, and the second round, which is optional, is judged by three students.



Each semester law students have an opportunity to "appear in court" as counselors as part of the Moot Court program. Oral arguments for this fall have already been held, with the oral finals scheduled for November 5. In addition, each team prepares and submits a brief on their side prior to the oral arguments.

The Moot Court class is the genesis of the Invitational and National teams, as the best participants in the class are asked to participate on the competitive teams.

The Invitational, at which six teams compete (M-W, Duke, Wake Forest, U. Va., University of Richmond, and University of Maryland), is held in late February. These three-member teams submit briefs and argue a hypothetical case which has been created by the M-W Moot Court Board. Lest you think that there is some basic unfairness in our team arguing a case which was created here, Board members said that they have no contact concerning the case with the M-W team.

Furthermore each participating school grades all of the submitted briefs on an anonymous basis. Last year as a result of this grading M-W's team was voted to have submitted the best brief.

Oral argument at the Invitational is before a very distinguished bench composed of such members as Justice Tom Clark, Judge John Butzner, Judge Robert Mehrige, and Senator William Spong. In last year's competition M-W placed second to the University of Maryland before this bench.

The Invitational is an activity which has a very positive effect on M-W's reputation. An example of this effect is the fact that Pepperdine University in California has heard of the tournament and has asked to compete.

Although there is no doubt that the Invitational is a very important event, the National Moot Court competition still holds the position of paramount importance, and the greatest rewards. As with the other competitions this one requires the submission of a brief and oral argument on a hypothetical appellate case.

The competition occurs in two phases. The Regionals, where the best team in any one region is chosen, and the Nationals, where the best team in the country is chosen. A school may send two three-member teams to the Regionals but only one three-member team to the Nationals. Needless to say a victory at either level is prestigious.

Board members Robert Galumbeck and Larry Glanzer, both said they think that M-W has a very talented team for this year. They would, however, like to see a larger enrollment in the Moot Court class — allowing a great opportunity to find team members. They also pointed out that besides the potential for team membership, Moot Court is one of the few practice oriented courses in law school. Add to this the fact that the course is student run and you come up with a potentially unique experience.

Moot Court participation at all levels can offer many rewards, and at the higher levels can do much to augment the reputation of a law school. This, of course, must be balanced against the challenging task of writing a good brief and developing an oral argument. The question comes to mind as to whether the work is worth the rewards. This (prepare for the cliché) is a moot question.

# Jessup Moot Ct. Team Faces Int'l Problem

Five students are poring through the International Law tomes in the library this semester to prepare Marshall-Wythe's Jessup Moot Court presentation. Glenn Gillette, Pat McDermott, Tony Gill, John Klein and Jim Dickinson must prepare briefs on both sides of a problem set by the American International Law Society. In March the five, as a team, will attend the regional conference and face other schools. Each school argues the problem numerous times, taking different sides of the argument each time.

The problem this year is titled *United States v. France*, and is concerned with amendments to the Securities and Exchange Act making it illegal for a company to buy stock without first notifying the SCC. In this problem, the pertinent provisions were not complied with and stock in a plastics company had been sold to a Canadian firm without notification to the SEC. Therefore, the U.S. government made itself trustee of the plastics company's stock.

A complication has arisen, however, because a shipment of plastics had already been sent to France and Germany before the United States seized the stock. The United States has requested that payment for the shipment be made to it and not to the Canadian firm. Neither Germany nor France has acceded to the request. Therefore, a suit has been brought by the United States in the International Court of Justice for a ruling upholding the legality of its actions and its request for payment.

This year's Jessup Moot Court

Team has hopes of bettering the excellent showing of last year's team which finished third among nine schools in the regional competition and placed one of its members, Jim Dickinson, in the Best Oralists' spot.

If they should prevail in the Regionals, there is then a United States and finally a World competition. In that competition last year, Georgetown lost to England. Perhaps in this Bicentennial year, Marshall-Wythe can evoke the spirits of its founders and bring the honors back across the water.

**We're Always Open!**



**Mister Donut®**  
AN INTERNATIONAL MULTIFOODS COMPANY

**We Promise**

- Extra Fresh Donuts
- Freshly Ground Coffee
- Friendly Service

238 - Second St.  
Williamsburg, Va.  
(Next To Tudor Car Wash)  
220-2281

**COME BY REAL OFTEN YOU DESERVE**



- Great Fountain Treats
- The Best Ice Cream
- Creative Party Desserts

Baskin-Robbins  
416 Prince George St.  
229-6385

**Berkeley Cleaners**

NEED A TUX?  
WE RENT FORTY DIFFERENT STYLES

SHEETS AND PILLOWCASES

1208 Jamestown Rd. and  
James York Shopping Plaza  
**229-7755**

**Cole & Scott**

Is Open  
Every Weeknight  
Until Nine  
In The  
Monticello Shopping  
Center



# Graves Presents Report To Budgetary Comm.; Explains Urgent Need For Capital Outlays

Continued from p. 1

education in depth and breadth at the under graduate level. It is a state university and at the same time is national and international in character and contribution . . . It offers graduate degrees in arts and sciences and graduate degrees in the professions of business, education and law."

For 1976-78, we are requesting \$400,000 less than the 1974-76 total request. We have exerted every effort to hold our 1976-78 request to a figure consistent both with the clear need for economy, and with the need to retain the quality of the educational experience offered at the College of William and Mary.

With very few exceptions, we have followed exactly the recommended guidelines in the preparation of our 1976-78 budget requests. Guidelines have been exceeded only in those few instances considered crucial to continued effective operation of the College. The number of classified positions requested in excess of guidelines is deemed essential if current levels of service are to be maintained. The amounts requested beyond guidelines for library acquisitions are specifically for the required maintenance of serial continuations in the Law Library. Other amounts which were requested beyond the designated inflation rates include only such items as postage, which we are now told will indeed increase by 30 percent during the current fiscal year; VEPCO costs, which in our case will triple after our current contract terminates early in 1976; the all-too-well-known fuel costs; and costs of operating our Computer Center as a regional facility.

The State Council of Higher Education in its preliminary budget recommendations has included an amount equal to 93.25 percent of our total request for Educational and General Activities. In our presentation of A "Request for Reconsideration" to Dr. Marvin and Members of his staff on October 14, we emphasized especially the urgency for restoring to the recommendation the funds which had been omitted from the library request and a portion of the personal service request. This includes funds for proper staffing and acquisitions in the Law Library, where the deficiencies are now of critical proportions, according to the American Bar Association resolution we have received. We also requested the inclusion of positions for security officers in order to provide protection for our students, staff, and properties.

In addition to the two areas just mentioned, we discussed with Dr. Marvin, and would respectfully call to the attention of this group, the problem of sufficient funding for automated data processing activities. Our Computer Center is at a critical

stage in its operation as a regional center. Because of inflationary pressures on our costs of operation, coupled with a simultaneous decrease in the number of other schools using the Center, we are faced with a deficit situation within the next year. Since we are precluded from operating at a deficit, we are faced with the very real possibility of going out of business as a regional center if sufficient funding is not available.

In many academic fields it is not difficult now to employ reasonably competent faculty members. However, it remains difficult to attract and retain a faculty of exceptionally high quality in almost any field, and the problem in our professional schools such as law and business administration is very acute. The College acknowledges with deep gratitude the special effort which was made in the 1974-76 Appropriation Act to provide \$309,000 "for increasing support of teaching and research in the School of Law." This enabled us to approach more closely the level of "adequacy" designated by the American Bar Association, but funding at a level of at least the level requested in our budget will be required if we are even to maintain our competitive position in Law School salaries and, at the same time, maintain other educational services and faculty salaries within reasonable limits.

Our enrollment will continue to rise modestly in the 1976-78 biennium. Actual 1974-75 enrollment was a total of 5,821 FTE students in both the regular and the summer sessions. We are projecting 6,057 FTE students for 1977-78, which number includes the regular summer session and 32 in off-campus instruction. This represents a growth of only 4.05 percent over the period, in accordance with projections approved by the State Council of Higher Education.

Our 1976-78 General Fund request for Educational and General Activities is 42 percent more than the original appropriation for 1974-76. Although this is a significant increase, at a time when the resources available to you are extremely limited, we would be remiss in trying to meet our obligations to the people of the Commonwealth if we did not request this amount in our biennium budget.

Now let me turn briefly to suggested alternatives if full requests cannot be funded from present resources, and the consequences of such actions. One obvious alternative is to increase resources from Special Funds. To increase our Special Funds would mean an increase in our already high tuition and general fee.

As a result of drastic reductions in our 1974-76 requests, we were compelled to

increase our tuition and general fee to the point where our current charges of \$944 for Virginia students and \$2,242 for out-of-state students are among the very highest in the State system of higher education. We hope that it will not be necessary to increase significantly our tuition and general fee again within the near future, since we are already charging at a rate that might be challenged as reasonable and prudent for a State institution which should serve all Virginians, regardless of their financial status.

The other alternative is to decrease proposed expenditures. In a time of financial austerity for the Commonwealth, we are very much aware of the need to monitor our budgets very carefully, and to reduce expenditures wherever possible. Fixed costs and continuing inflationary pressure make this increasingly hard to do, and to decrease our proposed expenditures further would seriously impair our essential educational effort.

The capital outlay projections for the 1976 biennium are listed at the end of the statement you have before you. I would appreciate the opportunity to speak briefly to the number one priority in our capital outlay request — the Marshall-Wythe School of Law. I shall not belabor the critical need for the new building which has already been fully documented. Let me simply remind you that at stake here are the following:

—the Law School's professional and educational status, as determined by the American Bar Association;

—The School's ability to attract and retain high quality faculty members;

—The School's ability to attract and offer legal education to a significant number of high quality Virginia students;

—The Commonwealth's and the School's relationship to the National Center for State Courts;

—The Commonwealth's ability to offer legal education of high quality to its citizens at one of its two State law schools.

Since writing most of you on September 22, I am pleased to report that we have met at length with the representative of the American Bar Association and that he seemed satisfied with the continuing efforts we have been and are making to overcome the serious deficiencies in the Law School. He now also has, I can report, a more realistic understanding of the timing, sequence and responsibilities involved in the budget-making and approval process. In view of the fact that we are making strenuous efforts to be responsive to the ABA, and provided we continue to make substantial and documented progress toward that building,

the immediate threat of the December 1st deadline earlier imposed by the ABA is, therefore, no longer before us.

This concludes my oral presentation on the College of William and Mary. I shall be happy to try to answer any questions that you may have.

The following is an excerpted text of the College's Statement to the Governor and Budget Advisory Committee, October 21, 1975:

With very few exceptions, we have followed exactly the recommended guidelines in the preparation of our 1976-78 budget requests. Guidelines have been exceeded in a few instances, all of them considered crucial to continued effective operation of the College. The number of classified positions requested in excess of guidelines is deemed essential if current levels of service are to be maintained.

The amounts requested beyond guidelines for library acquisitions are "specifically" for the maintenance of serial continuations in the Law Library. Other amounts which were requested beyond the designated inflation rates of 10.0 percent, 7.8 percent and 6.9 percent for 1975-76, 1976-77, and 1977-78 respectively include only such items as postage, which we are now told will indeed increase by 30 percent during the current fiscal year; VEPCO costs, which in our case will triple after our current contract terminates early in 1976; the all-too-well-known fuel costs; and costs of operating our Computer Center as a regional facility during a period when the number of outside users is dwindling rapidly....

William and Mary includes not only regular educational programs at the undergraduate, master's and doctoral levels in Williamsburg, in both arts and sciences and the professions, but graduate and special programs at VARC and at SREL, master's and doctoral programs at VIMS, the summer session, the evening division and a substantial continuing education program. We are not a large institution, however, and our resources are extremely limited. "We believe we can best perform our present mission by performing well." Accordingly, our fund requirements are relatively modest and relatively stable. At the same time, our budget is tight; every dollar must count; and we need every dollar asked for. The return on this investment will be to the citizens of the Commonwealth....

The State Council of Higher Education in its preliminary budget recommendations has included an amount equal to 93.25 percent of our total request for Educational and General Activities. In our presentation of a "request for Reconsideration" to Dr. Marvin and members of his staff on October 14, we emphasized the urgency for restoring to the recommendation the funds which had been omitted from the

library request and a portion of the personal service request. Funds for proper staffing and acquisitions in the Law Library, where the deficiencies are of crisis proportions, are an overall part of the ABA resolution referred to previously. We also requested the inclusion of positions for security officers in order to provide protection for our students, staff, and properties. As we stated to the Council staff on the 14th, we do not wish to imply that there are not other aspects of our budget which warrant attention, but these seem to be among the most urgent. Indeed, we believed the original budget request was justified on the basis of need at the time we prepared the budget, and we continue so to believe....

## Capital Outlays

The capital outlay projections for the 1976 biennium are listed at the end of this report. They total \$9,002,000 all of which is requested from the General Fund.

The number one priority in our capital outlay request is the new building for the Marshall-Wythe School of Law. I shall not belabor the critical need for the new building for each of you has received my letter and statement of September 22 documenting that case in detail....

The Council concludes . . . that the problems now facing the Marshall-Wythe School of Law can be remedied . . . In a time of financial exigency and increasing competition on the State's purse, it is clearly preferable to maintain and improve existing services in higher education and to increase where possible the entry-level access to higher education which clearly benefits far greater numbers of Virginians....

The Council recommends that the Commonwealth would do well to increase its support from a marginal level to one which will enable it to maintain its reputation as a strong law school of national stature....

## Judith Ewell Will Address Int'l Law Class This Friday

Judith Ewell, assistant professor of the William and Mary Department of History, will address the international Law Class at 9 a.m. Friday in Room 202 speaking on "U.S.-Latin American Practice in Extradition."

Ewell has taught at William and Mary since January 1971. Some of the courses she has taught include: Latin American history, U.S. History, History of Mexico, and social and Intellectual History of Latin America, plus a freshman seminar in U.S. and Latin American Relations since 1945.

She received a B.A. in history from Duke University in 1965 and a Ph.D. in Latin American History in 1972.

Walt Williams, professor of the International Law Class, said Friday's class will be open to all interested students.