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AMICUS CURIAE

Marshall-Wythe School of Law College of William & Mary

Vol. IV, No. 7

Williamsburg, Virginia

Wednesday, February 13, 1974



Buzz Gilbert and Dan Forbes represented Marshall-Wythe in the regional Client Counseling competition in Washington, D.C. Finishing second in their division to North Carolina, Buzz and Dan are already preparing for next year.

Assembly Considers Building; College Authorities Hopeful

By Charlie Burr

According to Assistant Dean Sullivan, College and Law School officials are "guardedly optimistic" about the General Assembly's approval of a new law school building for Marshall-Wythe.

Faculty and administrators in both the College and law school have expressed support for the plan that would relocate Marshall-Wythe next to the proposed State Courts Center.

Alumni have pledged \$500,000 over the next ten years toward the project if the new building is approved. The Virginia Bar Association has also endorsed the plan, but the extent of their support in securing passage is uncertain.

In his budget submitted before he left office in January, former Governor Linwood Holton requested funds for both plan-

ning and construction in the same biennium. The usual practice is to separate the two into different bienniums. Holton's objective in combining them was to have the new school ready for dedication in 1976 as part of the American Bicentennial celebration. The total cost involved would be \$4.8 million.

Governor Godwin's position has not yet been publicly stated. However, he apparently is not opposed to the project and it is believed he shares his predecessor's view that expansion of Marshall-Wythe into a new building is a more economical response to rising law school applications than would be the establishment of a third state law school.

In spite of the project's lack of clear opposition, the new school could encounter difficulties in the area of available finances. A number of other demands on Virginia's capital building funds are expected, particularly with regard to the state's prison system. Priorities attached to

these competing concerns are expected to have great bearing on the approval of the new school in this budget, particularly since no new taxes are expected to be enacted by this session of the General Assembly.

Testimony on the new school will begin in mid-February when the House Education Committee holds hearings on state college budget requests. As this project is the largest single capital outlay requested by William and Mary, President Graves is expected to devote considerable time discussing it in detail. SBA president Jim Murray has asked to testify before the House Appropriations Committee which was to begin consideration of the proposal yesterday.

Noting that a final vote is not anticipated until late in the session, school officials expressed a desire for students to contact their state representatives, and noted that enthusiastic student sentiment could be very significant in securing final approval.

M-W Team Loses in D.C. Meet

By Mike Geffen

On February 2, Marshall-Wythe's Client Counseling team consisting of Buzz Gilbert and Dan Forbes traveled to Washington, D.C., to engage in regional competition against six other schools.

Client counseling competition offers the law students who wish practical experience a chance to discover how well he reacts to real life office situations. Each team of two students meets with a "client," and then goes to work discovering what problems their client will face and how the client may be best served by counsel. Judges look for knowledge of the law, the establishment of rapport between client and counsel, and proficiency in drawing information which is vital from the client who may be reluctant to explain his situation in sufficient detail.

After a meeting with the client, the teams swing into action in determining what they as members of the legal profession must do to protect their client. Preventive law is emphasized.

The Marshall-Wythe team performed in an outstanding manner, coming in second only to North Carolina's entry, which last year was ranked second in the nation.

According to Dan Forbes, who acted in the capacity of associate member of the two-man team, "Since the judges in client counseling are practicing attorneys, with a day-to-day

understanding of the problems faced in practice, competition in this manner provides an excellent opportunity to find out how you rate in the real world. Ninety percent of our time in law school is spent with appellate work, yet 90 percent of our time when we become attorneys will be spent doing the type of thing client counseling competition represents. Practice in this area of meeting and counseling individuals is necessary and important."

Added Buzz Gilbert, "Client counseling competition forces you to think on your feet, consider problems which are separate from trial work itself, and design alternative courses of action for your client. This is

what law is all about. I hope that more people come to understand what client counseling is all about, and, consequently, that more people become interested in trying out for the team. No special information is required that a first year student could not cope with, and the more people who do decide to come out, the more chances each of those people will have to practice with their teammate prior to actual competition. The experience itself has proved to be invaluable."

In addition to Marshall-Wythe and North Carolina, which won the competition, other schools participating included Washington & Lee, University of Maryland, George Washington, Howard, and American.

M-W Students Pass Exam

Fifteen Marshall-Wythe graduates were among the 115 persons who passed the Virginia bar exam held in December. Only 55 percent of those persons taking the December exam passed, as compared with the 90.7 percent pass rate for the June 1973 bar exam. Eighteen M-W graduates took the December exam.

Those Marshall-Wythe graduates who passed the December exam include Rebecca J. April, Nancy Battaglia, Mason Burnette, Curtis M. Coward, Eleanor S. Dobson, Charles L. Gregory, David W. Holland, Jerry K. Jebo, and Hugh N. Johnston.

Other successful examinees included Stoddard D. Jones, Larry D. King, Robert O. King, Louis Lerner, Gay E. McGuire, and James J. Wilson.

The 83 percent pass rate of Marshall-Wythe graduates obviously compares favorably with the 55 percent total pass rate.

Law School Hit Hard By State Budget Cut

By Cliff Weckstein

State agencies have been ordered to cut their budgets, and the law school is being caught in the squeeze.

Dean James P. Whyte has received orders from the college administration to cut the school's operating budget by seven and one-half percent for the remainder of the school year.

This means that, from January through June, the school has \$5,000 on which to operate. This amount is exclusive of faculty salaries, which come from a separate budget (and will continue to be paid).

The cutback means, among other things, that the library will buy no more books this year. Also, funds are not available to pay student library assistants at the previous level, so library hours have been curtailed.

The Dean also noted that Xerox expenses and office supplies must be sharply cut, and that faculty travel (for example, to conventions) will be almost completely eliminated.

The cutback has hit the school hard. As one faculty member said, "the law school has always

existed on bones thrown to it at the last minute. Now they've taken away the bone."

It is Dean Whyte's understanding that the present budget cutback will last through June 30, the end of the current fiscal year. He is due to submit next year's budget this week, and it remains to be seen whether an across-the-board cut will be made in that request.

As an additional money and fuel-saving measure, the college has turned thermostats down again, this time to 64 degrees.

The inexactness of thermostats means that the main office is now approximately 60 degrees on cold days.

The entire budget cut is an indirect result of the energy crisis. According to ex-Governor A. Linwood Holton, who ordered the cut by all state agencies, the crisis will result in revenues approximately ten percent less than those projected at the beginning of the current fiscal year.

This revenue loss is primarily due to losses in money generated by the tourists trade and to a drop in fuel tax revenue.

Editorials

Student Inaction Hit

As we begin the second half of this academic year, an appraisal of the base of support for the *Amicus* would seem to be in order. Among our most significant supporters have been members of the Administration and the Faculty. Their interest and participation in the publication of the paper has been outstanding; an indication of their realization of the importance of the *Amicus* as a viable means of communication within the Law School.

But because of the nature of the *Amicus*, our broadest base of support must come from the students whose needs and desires we try to represent. Yet, the vast majority of law students at Marshall-Wythe do little to contribute to the paper as a vehicle for communication.

The space normally provided for Letters to the Editor in this issue has gone unfilled. Why no letters from those students who read the *Amicus*? We can't believe that the majority of students don't have some feeling regarding the subjects which are dealt with on the pages on this paper, but for the most part, communication with our readers has been a one-way process.

Unless students make better use of the paper as a means whereby their opinions and sentiments can be made known, one goal of the *Amicus* — that of affording the student body a device whereby individual opinions can be openly expressed — will continue to go unrealized.

Grades Revisited

In our last issue, if you remember, we commented in this column on the subject of grades — something that figured quite prominently in our minds throughout December and January. In our previous editorial, we noted the significant discrepancy between the grades that many other law schools seem to give with those given here. Now that we have had an opportunity to view the grade distributions in various courses for the fall semester, there appears to be an additional problem. There not only is some discrepancy between the grades given at other schools and those given here at M-W, but there is also an all too recognizable and growing discrepancy between grades given by the individual professors within this law school.

Some courses seem to reflect a shift from the "C presumption" toward a presumption that the "good" exam should receive a higher grade. Grades in other courses remained at a more traditional level. The result of all this unorchestrated action is that some students are being benefited by a new presumption of a higher median grade, while others are receiving lower grades — some in different sections of the same course. Needless to say, there are some very happy students, and there are others who are justifiably disgruntled.

Our central argument remains: If those law schools whose graduates will be our competitors in the job market follow a more lenient grading policy, it is untenable to argue that somehow M-W graduates will encounter understanding law firms willing to take our word that "a C is a good grade." But in light of the striking divergence in grading policies as reflected in the fall semester grades, we hope the faculty and administration will take action to arrive at an agreement as to a general grading policy similar to those existing at other schools. Otherwise, too many students will take the courses which are believed to produce higher grades on that rationale only, and the profession, the school, and the students in particular, will be the losers.

M-W Needs Budget Hike

Associate Dean Sullivan made a most cogent point at the most recent SBA meeting, that point being Marshall-Wythe's need for sufficient funding. Our attention has been captured this year by the prospect of gaining a new building for the law school at a site near the National Center for State Courts. While we, as well as all concerned with the law school, hope that the Virginia legislature will see fit to appropriate funds for the new building, which is not only much-needed but, we feel, much-deserved, it is imperative that the legislature not ignore the law school's desperate need for sufficient funding in the new budget.

The current budget cutback, which has resulted in curtailed library hours and has left Dean Whyte only a meager sum with which to operate the school, really is nothing new for Marshall-Wythe. For too long, this law school has existed on a shoestring and a prayer. If Virginia is truly interested in offering quality legal education, it is time the legislature appropriated sufficient funds for Marshall-Wythe. Write to your delegate and your senator, and remind them that there is a law school in Williamsburg, too.

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

Amicus, Post-Conviction Start Book Drive for Va. Prisoners

The following letter was received by the *Amicus* shortly before Christmas recess. The identity of the author is omitted in the interest of confidentiality.

12-7-73

Dear George,

You don't know me but I know you. Seriously, I have been speaking with Clint Hubbard for a few months now on legal stuff here at the prison. Today I asked who was the editor of the papers there. We are trying to get a newspaper started on the compound and I would appreciate it if you could mail me a copy of one of your issues and one of the Flat Hat's issues.

This is also a mission of mercy. The library here does not exist. I thought that maybe your paper and the Flat Hat could print a small thing asking for old paperback books to be donated to the prison library — hardbacks too but I feel we would get more paperbacks. The subject matter does not count just so it is a legitimate book and of course not contraband (defined as sex and/or fiend books). Perhaps the students from the law school could bring them up or I guess since they won't be here for a while, someone else could. All you would have to do is drop them off at the administration building.

If this sounds legit, let me know. If it doesn't, it was worth a shot. Please excuse me but I have been here too long and we all get this way once and a while. Today is my while. We will appreciate any help though — we can have books sent in and I do but a lot of guys cannot afford it. So tell everybody to play Santa to a con.

Chip

Students Sought for Library Help

The curtailed hours of the Law Library have prompted action to form a group of students who would volunteer to sit at the library desk for only two hours each month.

The drastic budget cuts that have been recently implemented have forced the Law Library to close at 10:00 each evening, in an effort to limit payroll expenditures. The reaction of law students has been generally unfavorable, but fiscal realities preclude the reinstatement of the former library hours with paid help.

At the SBA meeting of January 31, the problem was brought up, and it was informally decided to try to get 31 law students who would sit at the desk between 10:00 p.m. and midnight only one evening per month.

Anyone willing to help out can get in touch with Cliff Weckstein or Malcolm Parks.

In response to the accompanying request for books for the inmates at the prison at Petersburg, Va., the *Amicus* — in conjunction with the Post-Conviction Assistance Project, has undertaken a book drive for the Federal Penitentiary inmates.

Any reader who has used

books and who desires to assist the prisoners is encouraged to participate in this effort. Books may be deposited in the *Amicus* office. Anyone wishing to participate more directly, by offering some of their time to the project, should contact Steve Edwards, Director of Post-Conviction, or a member of the Editorial Board of the *Amicus*.



THE DOGS' DISPUTE

Two Dogs, unable to agree which had the right to use the ox's manger, hired lawyers to represent them. The two lawyers held a conference.

"The rights of ex post facto must be respected," said the first lawyer, "as in *Fox v. Ox*."

"But de mortuis nil nisi bonum," the second lawyer countered, "which is nine points of the law. See *Ass v. Wisconsin*."

A compromise was then worked out, which, though inconvenient to both parties—not to mention the ox—was highly satisfactory to the lawyers.

MORAL: Not only must justice be done; everyone must be done. See *People v. Platypus*.

—J. B. HANDELSMAN

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AMICUS CURIAE



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Legal Education Could Benefit From Revision

Faculty Commentary

By Irma Lang

My assignment for the *Amicus* was to select a controversial topic and take a strong position on either side. With the first part of the assignment, I had no hesitation in choosing one of my favorite themes — legal education and the role of clinical training as one segment of it. But, being a dialectician by nature and a believer in the Aristotelian mean, I find it impossible to adopt a partisan stance on the subject. My apologies to the editors.

Law schools seem to be undergoing an identity crisis of some magnitude just now, especially in regard to the third year. My ears are still unbelieving when I hear a student comment that this whole last year is a waste of time, or a professor ask, "What shall we do with the third year?" Parenthetically, I have even heard second-year students, having reached that exalted level of their legal careers, complain of being thoroughly bored in school.

Three Years Was Not Enough

When I was working for my law degree in the late fifties, the problem was rather one of finding the time in three short years to take all the courses we wanted to. And I venture to say that I remember hearing rumblings then of making law a four-year course because of its increasing expansion and complexity. In my own case, I was such a glutton for study that if someone had told me upon walking up to get my diploma (actually it was sent to me) that the administration had decided retroactively to add a fourth year, I would have cheerfully agreed that that was exactly what I needed.

The identity crisis, therefore, must have arisen sometime between 1960 and 1973, the year I crossed to the teaching side of legal education. I use the phrase "identity crisis" advisedly, because certainly if not only law students, but law professors, administrators, and judges are questioning the very right-to-exist of the third year, then the problem cannot be ignored as fabricated or trivial. Coincidentally, the concern with the superannuated third-year paralleled the rise of the fashion of the clinical programs as a vital part of legal education, but I suspect that these two phenomena are logically related and not coincidental at all. At any rate, I am not categorically in favor of, or opposed to, clinical programs in the generic sense. The very term embraces too much variety. One must ask: What specifically is the program? Furthermore, I do not censure anyone who, as a student at least, is enamored of the clinical approach. My own decision to study law was the result of an infatuation with the court room, and throughout my entire tenure at school I was litigation-happy. Fortunately, this was but one phase of a career which saw many metamorphoses of attitudes and goals, but it took me five years of a solo practice in the wilderness of Stateline (Lake Tahoe) Nevada to cure me of that affliction.

I should insert here in my own defense that this long affair with the court room was a reaction to a previous immersion in graduate research projects which often seemed totally divorced from the ordinary problems of humanity. In short, at school I took everything there was to take in the "clinical" field (the word itself was unknown then), and I might add that both moot court and trial practice were required non-credit courses.

Traditional Approach Appreciated

As my perspective grows longer and my years older, however, I find myself respecting more the traditional law school education. I honestly have no quarrel with it. Mine has served me well. To the horror of some of my readers, I shall now go so far as to say that within the existing legal curriculum, I should include in the group of required courses not only Constitutional Law, but Legal History and Jurisprudence. Let no one think that this statement is made to build up the enrollment in courses which I happen to teach, because, on the contrary, I prefer small classes. Rather, I believe that these three courses are essential to the well-educated, thoroughly-trained lawyer.

This raises the subject of what a law school is all about and what it is supposed to be doing. Looking toward the possibility of inserting a clinical program into the traditional three-year structure, I would advise any school to think carefully before establishing a full-blown program. In the first place, I think it is faddish, and in the second, I doubt if the law schools can teach anyone to be a good trial lawyer.

One Trial Practice Course Needed

My course at Georgetown was fun, but valuable mainly for training in preparing the trial brief. The simulated trial was not worth much as I discovered after I tried my first case. Nevertheless, I would require that one trial course in any standard curriculum. Again, if the traditional approach is to

be followed (with the object of training well-rounded lawyers for all seasons and contingencies), then, just as Legal History, Constitutional Law, and Jurisprudence are important, so are trial practice and moot court, and evidence and procedure, and equity and administrative law. Very few electives would be allowed in my plan, and there would be no difficulty in filling three years. Electives might be reserved for a few choice courses in the third year, like "The Theory of Tort Liability," which incidentally I would love to teach someday, or "Problems of Evidence." Positing such a solid structure (some will dare call it reactionary), I see no place for a bar exam, and I thoroughly disagree with former Dean Griswold of Harvard who maintains that the high standards of the law schools are attributable to the "continuing substance of the bar examinations." On the contrary, it is my opinion that law schools would strive even harder to meet their professional responsibility without such an examination. A case in point is Mississippi, which has one accredited school in the state and no bar exam for its graduates. The school stands behind every graduate of the Ole Miss Law School and it is vitally aware of this. There is no diminution of effort or dilution of curricula because the ordeal of a bar exam does not haunt the lives of their students.

Adapt Approach Taken To The School

Of course, there is certainly some room for clinical work in some law schools, but I hope the fad will not develop into a monkey-see, monkey-do pattern. Each school must decide for itself what emphasis it wishes to put on a clinical approach, given the location, resources, and basic objectives of that school. We need all kinds of good law schools — some stressing theory, others policy, and still others the clinical approach, but all geared to the traditional goal of turning out a balanced general practitioner. To turn every law school into a trade school would be to debase the profession.

A student, too, should be able to have some variety in his choice of law schools (to apply to, at least), but here again, I should hope that a student who chose Harvard over the University of San Francisco would not then complain because he was not in the Cambridge jail interviewing inmates in his first semester.

Adaptable Program Offered

Every person being a product and to some extent a prisoner of his time, the views which I have expressed so far obviously reflect my age, experience, and background. Yet, I am willing to re-examine the whole edifice of legal education with a view toward some major structural revisions. Along this line, I am reminded of Chief Justice Burger's recent lecture at Forham Law School wherein he indirectly reprimanded the law schools for turning out incompetents in the court room and advocated the requirement of special certification for trial practice. Much of what Chief Justice Burger says offends my ego and sense of professional pride, but he did needle me to think.

Perhaps the basic law course should be reduced to two years. Everyone would take a rigorous prescribed curriculum of procedural and substantive law, exclusive of moot court and trial practice. At the end of two years, a student would have three options. First, if he chose not to practice at all, but to use his legal training in research, government work, or any occupation not entailing the giving of advice to clients, he should be able to do so without having taken a bar examination.

Second, if he chose to enter the active practice of law, he should be required to serve as an intern for one year in the field of his choice under a specialist in that field. For example, an intern in criminal law might work in a prosecutor's or public defender's office. A potential civil trial lawyer would intern in a private firm doing civil trial work; a corporation lawyer would try for a spot in a corporation law office. At the end of his internship, he should be required to prove his qualifications by either a written or "practical" examination.

Third, if a student chose to teach law, he should be required to spend an additional year in academia pursuing truly independent study with guidance from the faculty. This would eliminate the current LL.M. from the scene entirely. At the end of this third year, our promising professor ought to have produced a publishable paper of some length and take a qualifying oral examination before four senior professors in four areas of law selected by him.

Whatever happens in legal education, my time, as well as space in the *Amicus*, has expired, leaving unaddressed the question of what type of clinical program I would consider appropriate for Marshall-Wythe. Upon the invitation of the *Amicus*, I shall be happy to satisfy the curiosity of my readers on this subject in a future Commentary.



Irma Lang joined the Marshall-Wythe faculty in September 1973. Miss Lang is teaching Legal History and Introduction to Law

CLEO Program Set

By Ken Leonard

This summer, Marshall-Wythe will play host to thirty or forty economically disadvantaged college graduates to ascertain their outlook and capacity for the study of law and the possibility of their profiting from the law school process. Participation by Marshall-Wythe in the program will be under the auspices of the Council on Legal Education Opportunity (CLEO), which is a federally funded program seeking to provide economically disadvantaged students, many with marginal or less than conventional law school admissions credentials, an opportunity to attend an accredited law school. CLEO is sponsored jointly by the American Bar Association, the Associations of American Law Schools, La Raza National Lawyers Association, the Law School Admission Council, and the National Bar Association.

The program's purpose is to determine the legal ability of students of disadvantaged backgrounds. The appeal of the CLEO program is to any person who is from a low income or economically disadvantaged background, who will graduate from college in June of 1974, and seeks to attend law school. Applications to CLEO are usually made by minority students who may not have the conventional admissions standards to attend law school, since those who have are eagerly recruited by law schools and can successfully compete for institutional and university financial assistance. The program's prime interest is to fill a void left by lack of financial assistance except to the most highly qualified disadvantaged students. This is accomplished by giving minority group students a chance to attend law school, which they have been precluded in the past because of marginal admissions credentials. CLEO does not set rigid academic bounds within which applicants must fall before they will be considered for the program. Greater attention is given to the motivation of the student as a prerequisite to law study.

Summer Programs Crucial

To promote its purpose of significantly increasing the law school enrollment of underprivileged persons, CLEO operates with the cooperation of several accredited law schools. Six-week summer institutes provide students who have been accepted to the program a means of identifying their capacity for law study. The summer institutes offer courses derivative of traditional law school curricula, as well as a sophisticated writing course. The substantive courses are specifically tailored to the six-week experience and are designed to introduce students to skills necessary for success in law school rather than merely expose students to regular law school courses reduced to a six-week format. In addition to providing the students with an introduction to the study of law, the summer institutes will provide law schools with a "screening process" to determine those institute participants who have manifested an ability to succeed in law school.

Students who attend the summer institutes will have taken the LSAT, and have been accepted to the CLEO program. Many will receive conditional acceptances to law schools based on their participation in the program. Other participants, who have no prior acceptances but who demonstrate a high probability of future success in law school will also be placed. It is the hope of Marshall-Wythe that many of the CLEO candidates who have performed successfully in the summer institutes will choose to pursue their legal studies here.

M-W To Participate

CLEO institutes have been in operation since 1968, but this is the first year that William and Mary will participate in the program. Students will come from throughout Eastern United States to attend the program at Marshall-Wythe and receive instruction from four law professors. Six law students will assist in helping the institute. See Summer Program, p. 5

New Feature

Amicus Ombudsman

By Dave Holmes

Ever seeking to provide more timely and relevant news about Marshall-Wythe, the Amicus is initiating yet another information service. Entitled "Amicus Ombudsman," our new column will attempt to answer quickly and objectively any written questions, comments, or complaints about any facet of the law school, submitted by students or faculty.

We prefer that the column have a positive tone and that it be used to answer questions and provide information, rather than dealing with complaints generated by the ever-active rumor mill. However, since the latter source often provides the most interesting material, we also will consider such questions.

Several articles done last semester serve as good examples of the type of question

we hope will be submitted. In response to student inquiries, the Amicus carried articles concerning Law Review qualification standards, Placement Office policies, and course scheduling considerations.

Examples of questions which bear answering in forthcoming issues of the Amicus include the degree of success which the Placement Office has had in obtaining jobs for graduates; the reasons for having classes in Washington Hall, and the recurring question of the possibility of having a separate commencement for the law school.

We encourage anyone with questions to submit them to the Amicus office or to this writer. We regret that we will not be able to answer questions privately, but we do promise to deal with all questions as quickly as possible.



Second-year student Ann Perinchief was appointed recently by SBA President Jim Murray to fill the position on the Judicial Council left vacant by the January graduation of Paul Clifford. Ms. Perinchief joins Lewis Puller, Steve Edwards, Gary Roth, and Chief Justice George Campbell as members of the Council.

Rush to Climax With Initiations

By David Osborn

For those law students who are not already aware of the fact, it is fraternity "rush" time again at Marshall-Wythe and the friendly competition among the three legal fraternities for new members is fast approaching its climax at initiation, tentatively scheduled for February 22. Perhaps inappropriately termed "rush," the process by which PAD, PDP, and DTP sign up new members is an extremely informal and friendly affair, consisting mainly of the initiation program itself and a final "rush" party where the first year student has a chance to meet other members of the fraternity.

The two components of the fraternities' February activities, the rush party and initiation, are indicative of their non-exclusive nature. There are really no requirements for the prospective member except that he or she show up for the fun and festivities. PAD and PDP's rush parties, which have already taken place, are primarily designed to let the prospective member meet the other members of the fraternity and get to know the general tone and purpose of the organization.

DTP's party, to be held February 16 at the Little Theatre, will provide the same opportunity and will have some national officers of the fraternity in attendance.

Initiation for all three fraternities will be at the same place and time and will be similar. The three fraternities will set up in different rooms of the Wren building and all the interested student need do is find the correct room. The new member is normally expected to pay his semester dues at initiation but all three fraternities will be happy to make arrangements for those unable to pay at that time. Following the signing period, the organizations will hold a short ceremony followed by an informal party with refreshments supplied.

Though all three fraternities are matched in their desire to recruit new members during February there are differences in approach and prospective programs. For example, Sue Cornelius characterizes PAD's emphasis as more "professional than social." PAD tentatively plans a banquet program or symposium on a relevant law issue in the spring. Its past

semester's activities have included an oyster roast-car rally, the introductory law program with Professors Scott and Donaldson, and the juvenile seminar program.

PDP seeks new members with "enthusiasm and leadership" and offers says John Heard, for the coming semester a two-day Washington trip with an interview with Chief Justice Burger as well as a boat trip around the Hampton Roads area in May. During the last semester PDP sponsored several keg parties, a bloody mary party and the greaser party in connection with the SBA.

DTP, the smallest fraternity with only nine members, expects the new members "to have to work hard," according to Dave Altizer, with the personal reward of playing a significant role in a small but growing organization. Delta Theta Phi's emphasis is to be primarily academic and has tentative plans to organize a judicial research council. It hopes to sponsor attorney conducted seminars for practical benefit. Last semester, DTP organized and sponsored review sessions for first year students.

Libel Night Goes TV

By Debbie Dickson

Plans are in the final stages for that long-awaited event, Libel Night. According to those already hard at work, this year's Libel Night will surpass last year's in wit, humor, and all-around good fun.

Libel Night will be held March 21 in the auditorium of the Williamsburg Lodge. Tickets for the 500 student seats will be sold on a first-come first-served basis, for a nominal price, beginning March 18.

Although the script is almost completed, much work remains to be done to put it into production. There will be a meeting on February 14 at 3:30 in the Amicus Office for all those interested in doing technical work such as lighting, sound, props, costuming, publicity, etc.

This year's show will feature a large cast and participants are needed. Anyone interested in Acting should meet in the Amicus Office Tuesday, February 19 at 3:30. Experience is not necessary.

Rehearsals, which will occupy the minimum amount of time possible, will begin on March 4 in the Little Theater of the Campus Center. Anyone who desires more information should contact Gary Roth, David Joanis, George Campbell or Ellen Pirog.

Remember, March 21 is the night when M-W students can safely laugh at and with their favorite professors.

EDITOR'S NOTE—You will see Tim Sullivan undress, Harper Anderson sing, Bob Scott burn, Emeric Fischer rise, Tom Collins' revenge, as well as a host of other common occurrences. Don't miss an evening of uncensored Television when WARP goes on the air. This event is rated X-ceptionally hilarious.

Law Day Plans Begin

By Ellen Pirog

The first-year class has been given two projects for second semester: Law Day and ticket sales for the Von Hoffman-Kilpatrick Dialogue. For two consecutive years, Marshall-Wythe has won first prize for the best law day program in the fourth circuit and the nation, and we desperately need the cooperation of the entire first-year class to do justice to this project.

Our major undertaking is organizing the Law Day activities for Wednesday, May 1. We have scheduled a naturalization ceremony in the morning followed by the presentation of the Marshall-Wythe medallion by Dean Whyte to a distinguished member of the legal profession. A mock trial has been tentatively scheduled that afternoon in the Moot Courtroom with a panel discussion of several freshmen Virginia legislators for the evening. During the first week of May, students will be sent to high schools and colleges in the area to speak on various law-related topics.

Our second project is selling tickets for the Von Hoffman-Kilpatrick Dialogue on Monday, March 11. Tickets will cost \$1 and anyone selling tickets will receive a 25 percent commission on their sales. We also need people willing to contact other organizations and to publicize the sale.

Some work has already been done on Law Day, but we are seeking help in arranging for the high school visits and volunteers to speak at the schools. We need people to plan for the mock trial, to participate in the trial itself, and to work with the other committees. There will be a meeting for all those interested in these projects on Thursday, February 14, at 1:00 p.m. Notices will be posted with the location.

These projects are doomed to failure without the active support of the first-year class. With the organizational capability we have, and with the willingness to spend only a few hours to make these projects a success, we can do great things. Anyone wanting to do their part should speak with their first-year representatives.

First Colonial Lawyer Issue Due This Month

By Dianne O'Donnell

The first issue of the Colonial Lawyer to appear this year will come out in February, according to Editor-in-Chief Charles Poston. The contents of the issue reflect the magazine's wide range of topics, and includes articles on environmental protection agencies in Virginia and exclusionary zoning.

is scheduled for Sunday, June 2. Cliff Weckstein, the law school's representative on the committee planning the ceremony, told the Board that the committee is seeking law school sentiment regarding the possibility of a separate commencement ceremony for the law school graduates. Fifteen of the nineteen students in attendance favored a separate ceremony, and the suggestion was raised that the law school have a separate ceremony after its participation in the College commencement.

In the past, the Colonial Lawyer appeared three times a year, but reductions in its budget made by the college's Board of Student Affairs led to the elimination of its fall issue. The second issue is scheduled to appear in May.

Poston said the magazine is looking for articles on any topic of general legal interest, and added that articles in the Colonial Lawyer treat their topics with a broader scope and are "less scholarly" than those appearing in the Law Review.

The Colonial Lawyer welcomes student contributions. First-year students interested in writing for the magazine might submit articles developed from the writing assignments in their small section, Poston said. Any student wishing to contribute should consult Poston or a member of the editorial staff: third-year students Alan Karch, Leslie Hoffman, and Gerry Kirkpatrick, or second-year student Daralyn Gordon.

Hearings Begin on New Building

Legislative hearings are scheduled to begin sometime this month on the proposed budget allocation for the new law school building. SBA President Jim Murray told the Board of Directors at its January 31 meeting. Murray told the Board that he has asked to appear before the General Assembly committees which will consider the proposed allocation, but had received no response as of the Board meeting. Associate Dean Sullivan pointed out to the Board that, while the administration strongly supports efforts for a new building, which would be located near the National Center for State Courts, the law school's urgent need is for adequate funding for its general operations for the next biennium.

Third-year representative Cliff Weckstein told the Board that the present law school

budget has been cut 7½ percent, and that Dean Whyte has only \$5000 to handle operating expenses, excluding salaries, for the remainder of the term. The cutback in library hours has resulted from this budget cut, and Cliff Weckstein and second-year representative Malcolm Parks were named to organize a volunteer program which, if approved by Dean Whyte, could maintain normal evening library hours.

In other Board business, Bob Quadros revealed that the PDP-SBA "Original Greaser" party held December 8 was more successful financially than anticipated, thus freeing social funds for the March SBA party. The March party will feature a band, which has not yet been contracted, and will probably have a small cover charge.

Problems have developed in the operation of the Coffee Bar, and Treasurer Nettie Bailes has

sought the assistance of the Law Wives. The Board tentatively approved operation of the Coffee Bar by the Law Wives if that organization agrees to oversee or provide volunteers for its operation.

Bob Sichta informed the Board that his committee is presently soliciting ticket sales for the von Hoffman-Kilpatrick dialogue from law school alumni and businesses in the area. First-year representatives Ellen Pirog, Bill Bridge, and John Ellis will coordinate student ticket sales, and publicity for the March event will begin later this month.

This year's Libel Night will be held at the Williamsburg Lodge on March 21. The script is almost completed, and Nettie Bailes told the Board that "a cast of thousands" will be needed. Those "thousands" should see Nettie Bailes.

The College's Commencement

Downing, Spong to Speak At M-W in February

By Everett Moore

On Friday, February 15, at 3:00 p.m. in the Little Theater of the Campus Center, Congressman Thomas N. Downing will address a meeting of the International Law Society. On Friday, February 22, at 3:00 in the Moot Court Room, former U.S. Senator William B. Spong, Jr. will address a meeting of the Society. All law students and faculty are invited to attend, and at the February 15 meeting, free cocktails will be served.

Refreshments will also be served on February 22.

Thomas Downing is the 1st District Congressman from Virginia and has served in this office for six consecutive terms. He serves on the Science and Astronautics and the Merchant Marine and Fisheries Committees of the Congress. Rep. Downing will speak about a recent U.N. Conference which he attended in Geneva.

William Spong was a lecturer

in law at William and Mary in 1948, and was a member of the State House of Delegates and the State Senate from 1954-1955 and 1956-1966 respectively. He served in the U.S. Senate from 1966-1973 where he served on the powerful Foreign Relations Committee. Senator Spong is presently General Counsel for the Commission on the Organization of the Government for the Conduct of Foreign Policy and is considered to be a leading authority on U.S. International Relations.

Ed Blumberg, president of the International Law Society, points out that all law students and faculty are welcome at these meetings and that at the present time membership to the Society is open to all students.



Rep. Thomas N. Downing and former Sen. William B. Spong, Jr., will speak to International Law Society meetings this month.

Group Submits Report

The Financial Advisory Committee submitted, late in the fall semester, its report to Dean Whyte concerning the manner in which funds obtained from the 1973 alumni fund raising drive will be appropriated.

The Committee, comprised of Professors Jolls, Scott, Collins, and Donaldson, and SBA President Jim Murray, was created to formulate an advisory opinion to serve as a guideline for allocation of the incoming funds. The Alumni Association has also formed a committee which will make recommendations regarding the funds. The final decision as to specific expenditures will be made by the administration.

Although the Committee's report has not been made public, it is thought to recommend substantial expenditures for increased faculty support, student aid, and additional library resources. The Amicus has been informed that the committee has given student aid a very high priority in recognition of the need for increased student assistance.

The total amount which will accrue from the alumni fund raising drive should be around \$46,000, although this figure is purely speculative as, first, it is comprised of pledges and promised gifts, and, second, a substantial amount of the money will not be received until the end of the year.

Alumni Pledge Aid for Building

By John Mizroch

The Alumni Association of the Marshall-Wythe School of Law has pledged \$500,000 over a ten-year period in support of the law school if the new law facility wins approval in the Virginia General Assembly. The Law School Association, Marshall-Wythe's alumni association, through its president, Mr. D. Wayne O'Brian, of the Richmond law firm of White, Cabel, Paris, and Lowenstein, has

indicated that the support will be given in donations of \$50,000 each year for ten years, contingent on the approval of the new facility. There will, of course, still be alumni support even if the new school is not built.

According to Bill Miller, the student director of alumni relations, the pledge was decided on at a recent meeting of the Board of Directors of the Law School Association. The funds in support of the pledge will be collected by a solicitation of alumni, probably on a year to year basis. There is currently a fund drive every spring.

Meanwhile, action on the new law school is proceeding in the General Assembly. President Graves and possibly Dean Whyte and SBA President Jim Murray will be in Richmond in the next two weeks to testify before hearings of the House of Delegates Appropriation Committee. Former Governor Holton has already indicated his support of the new M-W law facility and indications are that Governor Godwin is favorably disposed toward a new law building. Alumni, hopeful over the possibility of a new law school, are engaging in lobby-

ing activities in the House of Delegates. A letter has been sent out by the Dean to all alumni requesting that they write letters to legislators from their areas who are members of the Finance Committee and the Appropriations Committee (each committee holds hearings on the budget).

One reason for the increased alumni interest is undoubtedly the tripling of the size of the law school, thus increasing the number of alumni. But another, more significant, reason for the increased alumni interest is the energy of the Board of Directors of the Law School Association. The fund drive last spring, for example, raised over \$60,000 in support of the law school and over 400 alumni attended homecoming activities last fall.

It is said that a new law school will further stimulate student-alumni ties. With a facility informally associated with the National Center for State Courts, Marshall-Wythe's prestige could get a boost.

Students are also urged to write members of the Finance and Appropriations Committees recommending approval of the new law school.

Chickens, Gang Set for Playoffs

By John Fletcher

With the intramural basketball season drawing to a close, M-W sports two undefeated first place teams, Thunderchickens and the Over the Hill Gang.

As awesome as they were in football, third-year's 'Chickens have rolled over a sampling of relatively tame opponents, posting a 6-0 record to date. Playmaker Buzz Schultz feeds top scorers Doug Brown and Julian Raney in a fast-moving, high-scoring offense. Though the Thunderchickens have had little trouble in the Intellectual League, the going will get much tougher in the playoffs this week.

Second year's Over the Hill Gang is another power-packed squad. The star-studded cast includes Anthony Radd, Bob Fitzgerald, Wayne Lee, Glenn Hampton, and Jeff Fairbanks. Undefeated in six outings, the team is a sure bet for a playoff berth. Yet its playoff chances have been severely hurt with the loss of guard Jeff Fairbanks due to a semester break knee operation. A Thunderchicken-Over the Hill Gang matchup in the playoffs is a good possibility, but with Fairbanks out, the 'Chickens have to have an edge.

Second year's "B" team, Plutey's Catfish, has had to settle for a mediocre season, heading for its last contest with a 3-4 record. Notable bright spots have been rookie guard Jimmy Howard and the always-

tough "Cousin" Bruce Kimble, with Calvin Dewep and third-year draft choice Rick Mitchell turning in consistently fine performances. This has been a building year for the Catfish, and a .500 season would set things in good stead for next year.

Dog Meat has only next year to look to, completing its second consecutive 0-7 season last week. Still, player-coach Rich McCue had nothing but praise for his boys in an interview conducted immediately after a "hard-fought" 87-31 loss to Apple Pie. McCue mumbled something about the virtues of consistency while making intermittent hand gestures at the

departing referees and opposing players. Amidst jeers (not cheers) from his teammates, the "coach" assured this reporter that Dog Meat would be back to hold up the rest of the league next year.

Editor's Note. Since this article was written, both the Thunderchickens and the Over the Hill Gang managed to lose their final regular season contests. The 'Chickens lost to the Baptist Student Union, 57-48 last Wednesday, and the Gang lost to the Jags the same day, 43-39. Both teams still will earn spots in the playoffs. Thanks guys, for demonstrating how time can change things!

Summer Program Set

Continued from p. 3
participants to become oriented to the legal process. At the end of the six-week program, Marshall-Wythe will make evaluations of the students' performance and provide recommendations to the law schools to which the CLEO institute graduates have applied.

Many law schools, including Marshall-Wythe, have declared their willingness to devote substantial attention and resources to students who have demonstrated an ability to perform in the study of law while in the CLEO summer institutes. CLEO students have often received tuition waivers, loans,

grants or a combination of loans and grants to cover tuition. In addition, summer institute graduates who continue on in law school receive a minimum of \$1,000 per year as a stipend from the Office of Education of the Department of Health, Education and Welfare.

The average number of participants in the CLEO program who have gone on to study at accredited law schools is 200 per year, and statistics have shown that the attrition rate for CLEO students is about the same as the rate for students with conventional admissions credentials.

Library Clarifies System

Editor's Note. For those students and faculty who have had difficulty finding books in the law library, it should be noted that the library itself offers a simple, concise guide.

ARRANGEMENT OF CLASS NUMBERS

All class numbers are to be treated as pure decimal fractions — that is, as if there were a decimal point in front of each class number. Thus, the place value of a digit in a class number is as in a decimal fraction. Arranged by their absolute values, the digits used in class numbers fall in the following ascending sequence:

<OL.;, -abyz1289ABYZ(>

The starter bracket given at the beginning has the least value; and the arrester bracket given at the end has the largest value.

ANTERIORISING VALUE

Any number followed by a lower case letter precedes the original host number. For example, Bm precedes B. L85:4k precedes L85:4.

As you can see, the phenomenal system adapted for our use by the library is easily understood, and will help you quickly find the book you are seeking.

New Society Members Chosen

Last Thursday, at the February meeting of the faculty, ten third-year students were named as founding members of the St. George Tucker Society. The students honored for their academic and extra-curricular excellence were Timothy A. Coyle, Greg A. Giordano, Ross J. Lloyd, John N. Miri, Anita O. Poston, Bryan D. Rosenberger, Gary F. Roth, Daniel Z. Shapiro, Starr J. Sinton, and Douglas J. Stanard.

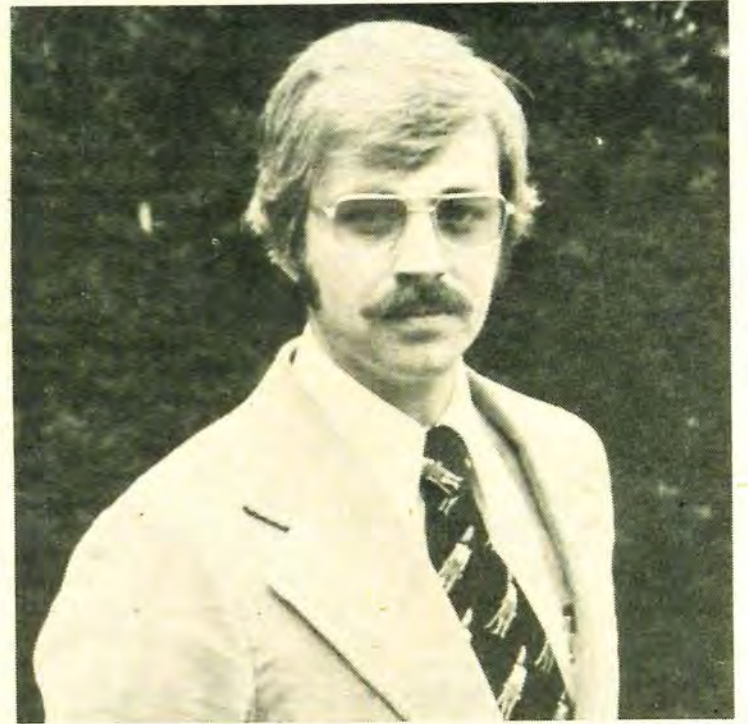
The ten were actually chosen by the Honor Society Study Committee which was established by the faculty on October 4, 1973 at the behest of the SBA. The Committee first drafted a Charter for the proposed Society, and the Charter was approved by the

faculty at their December 6 meeting. It was pursuant to the terms of this Charter that, on January 24, 1974, the Study Committee held their final meeting and tapped the founding members.

The Charter of the St. George Tucker Society stipulates that membership shall be limited to ten percent of each graduating class. Eligible students include those who have completed at least three semesters, who rank in the top third of their class, and who have demonstrated outstanding achievement in extra-curricular activities. Following these criteria the Study Committee, composed of three students and three faculty members, endeavored to select a core membership and in compliance with the Charter the

names were submitted to the faculty for their advice and consent.

The St. George Tucker Society is now an established self-perpetuating organization which is intended to bring honor not only to its members but to the Law School as well. All future members will be chosen by the active membership of the Society as they deem it appropriate. It should be noted that, while the Society's Charter indicates that a full complement of ten percent need not be chosen from any given class, several places remain for members of the third year class should they be chosen by the Society. The Charter also provides that the membership may draw up a Constitution to govern the future activities of the Society.



Bob Little and John Kruchko were recently named to liaison positions with ABA-LSD. Little's appointment will be for the rest of this term, while Kruchko received an open-ended national liaison term.

If Faint Heart Never Won Fair Maiden, Try An Action for Specific Performance

The following article is a report of an in camera proceeding in the New York State Supreme Court for New York County. Although the case may soon appear in all sorts of legal journals, students, especially first year students, are advised not to assert it as a precedent in support of an argument in one of their classes. (Reprinted by permission of the Village Voice. Copyright by the Village Voice, Inc., 1973. A special acknowledgement to the Virginia Law Weekly, December 14, 1973.)

By Stephen Gillers

Emphasizing that "the law must keep up with the times," State Supreme Court Justice Lloyd P. McDermott has handed down a decision that could revolutionize the computer dating industry. Justice McDermott has ordered a 22-year-old woman from the Upper East Side to submit to a young man whom she enticed into dating her by misrepresenting her sexual attitudes in a computer dating questionnaire. The woman's lawyer says he will immediately appeal.

Justice McDermott has sealed the court records to spare both sides embarrassment. But according to his opinion, which identifies the parties only as James Doe and Jane Smith, this is essentially what happened:

Jane Smith came to New York 16 months ago from an unidentified Midwestern state after graduating from a small liberal arts college. She stayed at a hotel for women until she could find an apartment to share with three other women and a secretarial job at a midtown brokerage office. Her salary, according to the judge, was "the going rate — that is, enough to pay her share of the high rental and little else beyond real necessities."

James Doe, a native New Yorker and graduate student, was handed a computer dating questionnaire last June outside the City University Graduate Center on East 42nd Street. Although he had never completed one before, he did this time "for the hell of it" and sent it and his \$12 check to the computer dating company.

The company's form asks applicants, among other things, to indicate their sexual attitudes by checking one of five boxes: Conservative, Moderate, Liberal, Very Liberal and Anything Goes. The applicant is also asked to indicate the corresponding attitude he wishes to find in his ideal mate.

According to Justice McDermott's opinion: "Mr. Doe, who claims to be an adherent to the ideas of Wilhelm Reich, checked the fifth box, Anything Goes, in both instances. Miss Smith did the same." The remainder of the story follows from the opinion:

"Mr. Doe and Miss Smith were instantly matched by the computer because they were the only applicants then on file who had checked Anything Goes twice. They dated nearly three months. Suffice it to say that Miss Smith's attitudes are not Anything Goes, nor Very Liberal, nor Liberal, nor even Moderate. Generosity impels us to call them Conservative, though that description may even be arguable. At the end of three months, Mr. Doe was prepared to give up in disgust — 'Why throw good money after bad' I believe was his testimony. He grudgingly accepted Miss Smith's insistence that she had simply checked the wrong box on her questionnaire. She had meant, she told him, to indicate the opposite end of the spectrum."

"If this matter had ended there, this Court, like Mr. Doe, would accept Miss Smith's claim of error and dismiss the suit. But on cross-examination, Mr. Doe's counsel elicited the fact that Miss Smith had done the identical thing in at least nine other computer dating applications in the last 11 months."

"Under questioning, Miss Smith admitted that she had checked Anything Goes intentionally, but attempted to justify her action. She said that she didn't know many people in New York, that the only places she knew to meet young men were the singles bars in her neighborhood, which she found distasteful, and that she was becoming terribly lonely. Although I find this all a little hard to believe, since Miss Smith is a remarkably at-

tractive young woman, I accept her explanation as true.

"That, however, does not excuse her deliberate falsifications on 10 questionnaires in about as many months. One wonders how many frustrating dates and confused young men resulted from this duplicity. In this modern age, the computer dating questionnaire should be no less binding a contract that its more formal counterparts. Miss Smith has contractually obligated herself to perform with Mr. Doe in a sexual capacity, as it were. Her attorney argues that she should simply be allowed to reimburse Mr. Doe his monetary expenses and perhaps something extra for pain and suffering, but I believe that that result would be essentially inequitable. Nothing short of full performance will repair the breach here. It is so ordered."

Current Job Situation Similar to Last Year

By Debby Dickson

Last fall, many first-year students were rather surprised to see their blue-jeaned third-year friends suddenly coming to classes in three-piece tweed suits. No, it was not a revival of conservatism, but was part of a necessity of life — the job interview.

The students are now getting the results of those interviews. Some, like Tim Coyle, who received a Federal clerkship with the Eastern District of Virginia, are very pleased with the results, while others are still looking.

At registration time, the admissions office took a poll of third-year students to ascertain how many had jobs. Out of 90 responses, about 50 had offers, with 25 already committing themselves. The office indicated that these figures were comparable to those of last year's class.

Private firms were the choice of most of the students accepting positions, with a few opting for military or government jobs. Generally, however, the government agencies had not sent out offers at the time of the poll in late November.

This picture of the job situation may be even brighter now since these statistics are two months old. The admissions office requests that all students who did not respond to the poll, or whose unemployed status may have changed, notify the office of their current status either by visiting the office on the third floor of Blair Hall or by putting a note in the admissions box in the main office.

For those who are still looking for a job, more firms are coming to interview in late February and March. Students should have resumes on file in the admissions office so that it can fill all requests for them.

Interviews are now being set up for summer jobs. Notices of dates and times will be on the job bulletin board. Virginia Beach is again sponsoring its summer peach police program. The interviews for that program will be on March 21.

Kruchko, Little Named To ABA Liaison Posts

By Greg Welsh

Two Marshall-Wythe students have recently received appointments to important national positions in the Law Student Division-American Bar Association. Second-year man John Kruchko received an open-ended appointment on January 15 as Law Student Liaison to the ABA Section on Labor Relations Law, becoming the only law student in the country on the important Section governing body.

Kruchko has been involved intensively in the field of labor law, as is evidenced by several publications on the National Labor Relations Act, and prior membership on the ABA's

Committee on the Development of the Law Under the NLRA.

Third-year student Bob Little has been appointed as Marshall-Wythe's liaison to the American Bar Association's Section on Public Contracts Law. Since this school has an active and growing interest in the several areas of labor law, it was considered essential that Marshall-Wythe have a student liaison to serve as a conduit of information from the students to the Section, and from the Section to the school. Little's appointment will cover the remainder of his stay at Marshall-Wythe.

ACLU Reps See Students

On Wednesday, January 30, two representatives of the American Civil Liberties Union came to Marshall-Wythe to discuss issues they thought important to law students. Professor Collins was on hand to introduce the representatives to the small crowd.

The representatives were Kelly Shaver, Vice-Chairman of the State ACLU and Mr. Arthur G. Barnes, Chairman of the local chapter. They discussed formation of a legal panel to handle issues involving civil liberties in this locality. One area of the law that they thought could yield fruitful results was the Eastern State Mental Hospital. The State organization has done considerable work in the State Legislature to guarantee the rights of mental patients, but the feeling of the ACLU was that a local panel needed to be established to look after the rights of the Eastern State patients.

Anyone desiring further information can contact Professor Collins or Arthur G. Barnes.

Dean Dashes Richmond Rumor

By Evan Adair

Despite a Richmond radio station's report last Thursday to the contrary, Dean James P. Whyte assured students that Marshall-Wythe is in no danger of "losing its accreditation" due to the admittedly low salaries paid to professors here. The Richmond report allegedly was based on testimony by College President Graves before the Appropriations Committee of the Virginia House of Delegates last week, during which Graves, according to the radio report, warned of a possible mass exodus of underpaid law professors.

Dean Whyte's comments came during the SBA's much-publicized meeting with the Dean. A sparse crowd of students was in attendance at the session, apparently dashing rumors of abundant problems existing in the law school.

After dismissing the radio report, Dean Whyte noted that the median faculty salary at Marshall-Wythe is \$17,000 — approximately \$2000 below the national median. But the Dean added that, although salaries here are conceded to be low, a number of schools, of which M-W is one, are grouped at about the same position on the scale. In response to a student's question, Dean Whyte pointed out that the College pays less per law student for instruction and maintenance than for the upper level undergraduate. Though the law school has "been at war with the College" over this stark inequity, the Dean noted, as a source of possible consolation, that other law schools — Georgetown and Syracuse, for instance — are treated even

worse by their parent institution.

Marshall-Wythe, under "intense" pressure, is in the process of moving from the present 61-39 in-state, out-of-state student ratio toward an eventual ratio of 70-30, a fact of life which the Dean argues is a practical necessity in view of the pressure from state politicians. In defense of the necessary shift, the Dean pointed out that the change will not result in a "significant" decline in the academic profile. Only a slight drop in the average student's LSAT score is anticipated.

As College officials study the possibility of adopting a new academic calendar in which first semester finals are scheduled prior to the Christmas recess, Dean Whyte told the students that the law school has been given "a green light" to proceed with its independent calendar. The Dean expressed mixed emotions as to the possibility of the law school's adopting such a calendar. Admitting the obvious advantages of such a change, the Dean countered with the problems inherent in the new calendar. Although some schools have opted to a 4-1-4 calendar, the Dean stated that the idea has not worked anywhere. Dean Whyte fears also that a calendar similar to that being considered by the College would soon become a quarters system, under which law students would be taking exams all the time — or so it would seem.

Another article in this issue discusses the law school's participation in a CLEO

program this summer. Further enlivening the students on the program, the Dean explained that Marshall-Wythe will be one of several law schools participating in the program, with CLEO funds being matched by non-cash funds, such as dormitory residence. In defense of the program, the Dean said: "It's an unfortunate fact of our multi-cultural society that minorities have a difficult time communicating with the white-dominated majority." Contrary to their description in local press accounts, these students are "really not marginal." Students must qualify for the CLEO sessions, and they will have above average undergraduate records, being "marginal" only in terms of LSAT scores.

The summer program will provide instruction in speaking the majority's language and some legal methodology. After completing the program, these students will have to apply to law schools for admission.

Dean Whyte, in response to another question, estimated that the number of women enrolled at Marshall-Wythe may well increase next year. The Dean explained that the law school is "not attempting to enroll women." The increasing enrollment is a result of an increase in female applicants and of the qualifications of these applicants. While not attempting to increase the enrollment of women, the law school is "trying to enroll blacks," as are most all law schools in the country.

A second session with Dean Whyte is tentatively scheduled for late March.

Hanes Briefs

Virginia's Lt. Governor John Dalton yesterday opened the Student Bar Association's \$1 ticket sales for the March 11 "Dialogue" between James J. Kilpatrick and Nicholas von Hoffman. Lt. Gov. Dalton purchased the ticket in a ceremony conducted at the State Capitol.

Hearings will be held in Richmond on Friday, February 15, regarding the Virginia Beverage Container Control Act, now pending before the General Assembly. Tom Knowles, having written an Environmental Law I paper endorsing such an approach to the beverage container problem in Virginia, will testify on that date at the committee hearing.

Dorrit Edwards, wife of third-year student Steve Edwards, was the winner of the Law Wives' recent book scholarship. In past years the Law Wives had contributed toward the maintenance of a student loan fund, but the fund was discontinued last year because students failed to take advantage of it. Under the present system, a dues-paying Law Wife is selected at random as the winner of the scholarship.

Anyone interested in learning about the status of the proposed student parking at the Baptist Church parking lot should contact SBA Vice President Daralyn Gordon, who has been in charge of the project since October. The Amicus has been unable to ascertain anything definite. Ms. Gordon having difficulties in part with the college parking committee.

Dean Whyte has sent a letter to Registrar Dudley Jensen, requesting that Mr. Jensen order a change in the law school diploma, to have the much-criticized seal engraved. Second-year student Bob Fitzgerald, assigned by SBA President Jim Murray to the project, has contacted the printer and supplied Dean Whyte with a picture which, hopefully, should enable the printer to engrave a less cartoon-like seal.

Bob and Carmeleen Sichta took time off from preparation for the von Hoffman-Kilpatrick Dialogue, long enough to have a baby. Carm did all the work. Christina Marie Sichta was born on the evening of Super Sunday.

Delta Theta Phi will hold its rush party this Saturday evening in the Little Theatre of the Campus Center, beginning at 8 p.m. All first-year students and unaffiliated second- and third-year students are invited to attend.

Second-year student Frib Bergman is Field Action Representative for the Williamsburg chapter of the Virginia Citizen Consumers Council (VCCC), and is presently working under the auspices of Del. George Grayson. Bergman also spent two weeks working with Del. Grayson in Richmond in January, and has been involved in the Seaford sewage treatment dispute.

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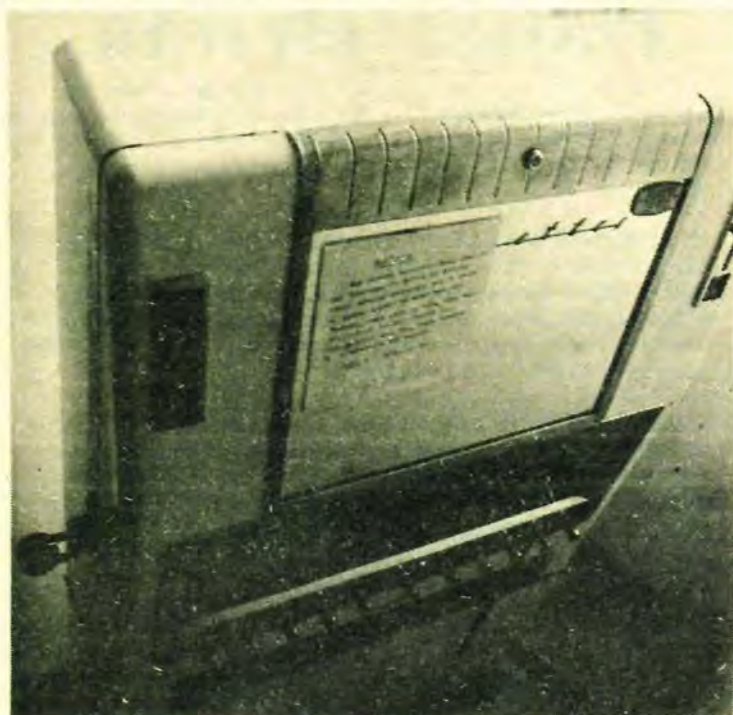
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Vending machine representatives promise prompt repairs of inoperable machines. Marshall-Wythe is even graced with a new candy machine. The candy inside will cost you more, but it's a new machine.

M-W Automation Sets Back Age of Technology

By Daniel W. Stolper

It seems a certainty that automation, which is threatening to take over the world elsewhere, will have a difficult time at Marshall-Wythe. The vending machines and copying machines in the law school are of such an inferior quality that no one is being threatened by automation. These machines, the bane of a law student's existence, are frustratingly consistent. Not a day goes by without someone being deprived of his or her just desserts for the coin deposited. Fifty years from now when machines elsewhere control our lives, the one bastion of humanity will be at Marshall-Wythe, where there will be the same inferior machines. Meanwhile, since we have to live with them we may as well know the reason for their perpetuity and a few ways to increase their efficiency.

It now appears that the Xerox machine that broke down about once a day during its heavy pre-exam use, is now functioning fairly well. On December 12th the repairman finally isolated the problem as a faulty electronic eye. Since the machine has regained its sight, Bobbie Crump, the library assistant, informed me that there has been only one slight malfunction. It is hopeful now that exams are over and the need to use the machine has abated that it will continue to function. One hint to useful results: Make sure that one of the two auditrans is in the machine at all times.

It also appears that with the end of the trouble with the Xerox machine, comes the end of the frustration of trying to put one-fifth of a quarter into it. We now have a new coin changing machine next to the Xerox machine. Due to a great deal of painstaking inquiry by second year representative Malcolm Parks and the donation of \$275 from Dean Whyte's operating fund, the suggestion of a change machine was finally actualized.

But it seems that the coin-changer is picking up some bad habits from its friend the copier. Ms. Crump states that at least once a day she has to open up the changer and retrieve the quarter that was carelessly deposited. She says that unless the quarter is carefully placed in the machine it will become wedged inside.

One other problem with the coin machine is its anonymity. But hopefully the word will get around that it does exist. While I was talking to Bobbie, someone came in to ask for change. But despite these faults it certainly is a welcome addition to the library.

Another source of financial agony is the four machines in the third floor coffee bar. Anyone who has walked up three flights of stairs, only to have the machines empty or his coin rejected, knows their operational dependability. They are the exclusive possession of Ace Vending Co. The SBA tried last fall to negotiate a new contract with a different company, but despite their efforts, the Athletic Department got a renewal with Ace. SBA president, James Murray, called the renewal with Ace a "travesty" because their service in the past has been either minimal or non-existent.

On January 3 Murray talked to the sales manager from Ace. As a result, the soft drink dispenser now works and the candy machine is functioning. There is hope that we can get some service from them. There is now a toll free number available in the SBA office that can be used by anyone whenever the machines are empty or malfunctioning. Everyone is encouraged to call the company whenever a problem arises. The machines are not monitored by the SBA office so the burden of ensuring performance falls on us all.

Part of the problem of our poor service is that the machines are located on the third floor. Ace does not like walking up three flights of stairs. Because of this, they will not replace the old machines with new ones, until they can be relocated on the ground floor. Since this is impractical in our present building, we will just have to make do with what we have. Meanwhile the machines get richer and the law students get poorer.

Expose: Grades

The Gripes of Roth



By Gary Roth

The Good Fairy that sent Dorothy and Toto back to Kansas finally got around to visiting Marshall-Wythe. The faculty is to be commended for helping to put 75 percent of the school on Law Review; now that the new grading policy has become effective, anybody who gets a C in a course is sure not to get a job. Our new grading policy, however, is not a result of a desire on the part of the faculty to raise the overall law school median. If all the factors that go into a grade are examined, you will see that the grades you got were not dependent upon your legal knowledge, but instead upon the kind of test you took and the speed with which the professor graded the exams.

I have spent the last several weeks analyzing the reasons for this change of heart, and based on extensive interviews, mathematical calculations, hours of concentration and unproven fact, I will now reveal the inside scoop on why January 1974 was the month of the A. It has nothing whatsoever to do with that stinking comet.

First, you must realize that there are five different types of exam graders on the faculty. Each category has its peculiar methodology, and any professor could float between them. Assuming that once a professor adopts a style he is reluctant to change it, if you can classify your fall semester professors you should have no trouble figuring out why you got what you did.

1) **Overnight Oscar** — This professor has his grades posted the day after the exam. Since he prefers to read the unabridged version of *War and Peace* in Russian while standing on his head rather than grade papers, he gives an objective test or an open-ended essay test. His objective test will usually be multiple-choice. In the olden pre-1974 days, he would go to Food Fair and buy a package of the holiest Swiss cheese. Then he would construct his exam so that the correct answers would show through the holes in the cheese when he laid it on top of your answer sheet. You see, this way he could be sure that nobody would look for the answer key in his refrigerator. This year, however, Oscar accidentally had the answer key with boiled ham for lunch, and he couldn't figure out the right answers in the thirty-five minutes he gave himself to correct the tests. So he stumbled on an ingenious alternative: he connected all the black dots on your answer sheet. If the finished picture looked like him, he gave you an A. For each feature that was less like his, he lowered your grade. If you got a C from Oscar, your answer sheet drew into a one-legged chimpanzee smoking a cigar.

If Oscar gave you an open-ended essay test last semester and you got an A, it was because you wrote something on every page of your blue book. In the past, Essey Oscar would put your exam in his toaster, and if it burned would give you a C. Last month, however, his toaster was being repaired so instead he gave you the most credit for having every page covered with ink. The book award went to a student who didn't have time to study and wrote an essay on the care and feeding of whooping cranes in his blue book.

2) **Medium Mel** — This professor takes an average of one week to post his grades. He prepares an answer key by taking the test himself and comparing his answers with yours. He used to read through one question in everybody's bluebook and give comparative point credit. This year, however, he decided to grade each student's exam as a whole in comparison to the best entire exam, his. He read through each bluebook, and made neat little piles according to his opinion of your test. One pile he labeled "Best," one he labeled "Fair," and the third he labeled "Garbage." In the middle of grading the exams, Mel went to the bathroom. While he was gone, one of the cleaning ladies went into his office to dust, saw the pile of tests labeled "Garbage" and threw them out. When Mel discovered what had happened, he decided the only fair thing to do was to have the cleaning lady take the test and use her answers as the median. As a result, most of the class got A's and B's, and those that got C's have left to work construction.

3) **Practiced Pete** — This professor has taught law elsewhere before but has never been confronted with our anonymous grading system. He wants to get on the good side of both the student body and the administration. At his other school, he graded

according to the number of brownie points a particular student had accumulated. Since our system prevents that, he did the next best thing. One of his classes' exams he decides to grade for the students and the other for the administration. He designates a C as a failing grade. Then he adds up each student's social security number to get a one digit figure. On the student exams, 0-1 is an A, 2-3 is an A-, etc. On the administration exams, the scale works backwards. This way the administration figures he has a balanced perspective toward grades and the students in the higher-graded class are numerous enough to spread tales of his popularity. The class that was designated the administration class was the one that had the most social security numbers with nines in it, since Pete hates to do difficult addition.

4) **Tyro Ted** — This professor has never taught law before and doesn't know what an A exam looks like. So Ted doesn't even look at the bluebooks until ¾ of the other professors' grades are up. Then he carefully copies down all of his students' social security numbers. He goes into the hallway and finds out the other grades of each student on his list. He decides that the number with the most A's must be a brilliant student so he uses that bluebook as a best answer criterion, figuring there's safety in numbers. Unfortunately, he failed to notice what courses those other A's were in. So he posts his exams, giving the top grade to that student who got an A in Office Practice, Legal Aid and Post-Conviction Assistance.

5) **Creeping Charlie** — This professor has been grading exams for years and takes years to grade exams. He hates the drudgery of reading repetitious answers but feels he has a responsibility to do an accurate and complete job. So he sits down in his living room with a six-pack of beer, a carton of cigarettes, a bowl of Fritos or any combination thereof. He is skilled enough to be able to categorize each bluebook by a thorough reading, not needing to mark anything on it. Formerly, he had complete concentration while he was grading, but in January there were a lot of good specials on television so he watched them simultaneously. Charlie's attention was distracted so often that he forgot what was a good answer. Since he hates to go through the exams even once, he certainly wasn't going to plow through them again to find that A paper. So Charlie gave them to his wife to grade. She is a handwriting analyst and therefore gave A's to those students whose dotted i's and crossed t's showed superior intelligence, B's to those that showed average intelligence, and C's to those that showed imbecilism. There was only one D and Charlie's wife said that was because the student used a typewriter.

There you have the story behind the new grading policy. I hope I have given you enough peace of mind to face the current semester. But don't get too attached to it. At the last faculty meeting, a resolution was passed to do away with exams altogether. You will be graded on the basis of the number of letters in your last name. I don't know how many you need to get an A, but I hear that Bryan Rosenberger is the most likely candidate to become the median.

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