Amicus Curiae (Vol. 4, Issue 7)

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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 to the next to the proposed State Courts Center. Alumni have pledged $500,000 over the next five 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 unknown.

In his budget submitted before the House Education Committee in January, his predecessor Linwood Holton requested funds for both planning and construction. 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 of expansion of Marshall-Wythe into a new building is a more economical response to rising law school construction costs. The amount would be the establishment of a third law school.

In spite of the project's lack of clear opposition, the new school could encounter difficulties in the area of available funds. A number of other demands on Virginia's capital building funds are expected to be made, 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 law 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. Governor's position was to begin consideration of the proposal yesterday. Noting that a final vote is not anticipated until late in the session, school officials expressed hope to contact their state representatives, and noted that enthusiasm for the new school could very significant in securing final approval.

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 bread."

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 the school's revised budget to the House Finance Committee 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 hall will not only be comfortably cool, but also 10 degrees cooler than the outside air. 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 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 for your client. This is what law is all about. I hope that more people come to understand what counseling is all about, and, consequently, that more people become interested is trying to do it, 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 team in order to encounter difficulties rather than 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 60.1 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, Charles L. Gregory, David W. Holland, Jerry K. Jebo, and James J. Wilson.

The 83 percent pass rate of Marshall-Wythe graduates obviously compares favorably with the 56 percent total pass rate.

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 they react 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 in 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 one of the most important areas of 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 for your client. This is what law is all about. I hope that more people come to understand what counseling is all about, and, consequently, that more people become interested in trying to do it, 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 team in order to encounter difficulties rather than those people will have to practice with their teammate prior to actual competition. The experience itself has proved to be invaluable.

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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. 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 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 schools 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 not letters from those students who read the Amicus? We can’t believe that the many students who have some feeling regarding the subjects which are dealt with on the pages of 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 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 "C" exam should equate with a grade of B. Grades in other courses remained at a more traditional level. The result of all this unorchestrated action is that some students are being benefited and denied 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 revealed by the grade distributions, 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 more money. 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 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 curtailment of many student interests, left Dean Whyte only a margin 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. The identity of the author is omitted in the interest of confidentiality.

12-31-73

Dear George,

You don't know me but I know you. Seriously. I have been sitting here 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 wanted to find out 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 has not existed. I thought that maybe your paper and the Flat Hat could print a small thing asking for old paperbacks 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 friend 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 try. Since I am here, I have had much time to read and I get this way once and a while. Today is my white. We will appreciate any help though—we can have books sent in and I don't think anyone can't afford it. So tell everybody to play Santa to a cop.

Chip

The Dog's Debate

Two Dogs, unable to agree which had the right to use the oak's manager, barked at each other. Two of the lawyers held a conference.

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

"But de morsu nihil nini bonum," the second lawyer countered, "which is nine points of the law. See Aus v. Wisconsin."

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

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

—J. B. Handelsman


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 recently been implemented have forced the Law Library to curtail its services in an effort to limit payroll expenditures. The reduction of law library hours has generally been 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.

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Legal Education Could Benefit From Revision

By Irma Lang

My assignment for the Amicus was to select a topic of interest and write a commentary on it. One of my favorite topics is legal education and the role of clinical training as one segment of it. This topic is particularly relevant to me after I tried my first case. I was quite surprised by the experience, and I realized that the simulated trial was not worth much as I discovered after the real trial. Nevertheless, I would like to share my experience with you.

In the past, I have been involved in teaching and researching the metamorphoses of attitudes and goals, but it took a great deal of effort and attention to study that subject. I am interested in the process of legal education, particularly in the role of clinical work in some law schools. I hope that the fad of embedding clinical work in the traditional law school education will not develop into a monkey-see, monkey-do phenomenon. It is important to consider the benefits and drawbacks of clinical work.

I was asked to provide an opinion on the requirement of special certification for trial practitioners. I believe that the requirement of special certification is necessary to ensure the quality of legal education. I am willing to re-examine the requirement, but I think that the certification should be based on the quality of legal education and the professional standards.

I am interested in the possibility of inserting a clinical experience into the traditional law school education. I happen to teach, because, on the contrary, I prefer an older, traditional law school education. I honestly have no interest in the Cambridge jail interviewing inmates, but it took me five years to complete a solo practice in the wilderness of Stateline (Lake Tahoe), Nevada to cure me of that affliction.

I am interested in the programs of clinical education, particularly in programs that are specifically tailored to the six-week experience and are designed to introduce students to skills necessary for success in law school. I am interested in programs that provide economically disadvantaged persons with a means of identifying their specialty for law school. The summer institutes offer courses that are designed to introduce students to skills necessary for success in law school, particularly in programs that are specifically tailored to the six-week experience.

The programs' purpose is to determine the legal ability of students who have manifested an ability to succeed in law school. Students who have been accepted to the CLEO program are provided with a means of identifying their specialty for law school. The summer institutes will choose to offer the CLEO program to students who have demonstrated an ability to succeed in law school.

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By Ken Leonard

This summer, Marshall-Wythe will play host to thirty or forty undeterred college graduates to ascertain their outlook and whether they have the professional standards and the possibility of their profiting from the law school process. This is part of the problem of law that they have been interviewed by the American Bar Association, the Associations of American Law Schools, La Raza National Lawyers Association, the Law School Admission Council, and National Bar Association.

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Students who attend the summer institutes will have the LSAT, but many have not been accepted to the CLEO program. Many will receive conditional or non-conditional acceptances. Students who have been accepted will provide law schools with a means of identifying their specialty for law school. The summer institutes will choose to offer the CLEO program to students who have demonstrated an ability to succeed in law school. Students who have been accepted will provide law schools with a means of identifying their specialty for law school.

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By Dave Holmes

Amicus Ombudsman

Informal and friendly, Sullivan pointed out to the Board that the present law school funding for its general purpose of the organization.

“Amicus Ombudsman,” our new column, will seek to answer questions quickly and objectively on any written questions, comments, or complaints about any matters, or to the Amicus Office or to this writer. We regret that we will not be able to answer questions promptly to deal with all questions as quickly as possible.

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 Application, SBA’s policies, and the Placement Office policies, and course scheduling considerations.

Examples of questions which bear answering in forthcoming issues of the magazine will include the degree of success which the Placement Office has had in obtaining placements for candidates, the reasons for having classes in Washington Hall, and the possibility of having a separate commencement for the law school.

We encourage anyone with questions to submit them to the Amicus. We will do our best to answer questions quickly and objectively. We will consider such questions.

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 W & L. Fraternity members are in the midst of a friendly competition among the three legal fraternities for new members. The present climate of crisis at initiation, tentatively scheduled for February 22. Pennsylvania’s first-informed term of “rush,” the process by which PAD, PDP, and DTP sign up new members, is an incredibly informal and friendly affair, consisting mainly of the initiation ceremony, the final “rush” party where the first year student has a chance to meet other members of the fraternity.

Two of the components of the fraternities’ February activities, the rush party and initiation, are indicative of their non-exclusive nature. There really are no requirements for the prospective member except that he be a second-year student. PAD and PDP’s rush parties, which have already taken place, were designed to get the prospective member to meet the other members of his fraternity and also get to know the general tone and purpose of the organization.

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. President Jim Murray told the Board of Directors at its January meeting that he expected the State Senate to pass legislation which will consider the proposed allocation, but he received no indication that the House would act on the measure for a while. Associate Dean Sullivan pointed out to the Board that the present law school budget has been cut 71 percent, and that Dean Whyte has only $5000 to handle operating expenses, excluding salaries, for the remainder of the fiscal year. The cutback in library hours has resulted from this budget cut, and Chief Justice Perinchief told the Board that he has asked to appear before the General Assembly this session to consider these legislative hearings which will do nothing to help with the problems resulting from the budget cut.

In other Board business, Bob Quadeiro revealed that the PAD-SBA-Ombudsman forums, which are held December 8, was more successful financially than anticipated and that the Student Senate has asked for State funds for the March SBA party. The March party will feature a dance, a variety show, and a midnight coffee hand with music. The event is open to anyone and will probably have a small cover charge. Problems have occurred in the operation of the Coffee Bar, and Treasurer Nettie Bailes has asked for the assistance of the Law Wives. The Board tentatively approved operation of the Coffee Bar by the Law Wives and that organization agreed to oversee or provide volunteers for its operation.

By Ellen Pirog

Libel Night Goes TV

Planes are in the final stages for that long-awaited event, Libel Night. According to those already involved, 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. The proceeds from a first-rate, first-class evening, for a nominal price and beginning March 18. Although the script is almost completed, much work remains to be done to put on a first-class show. There will be a rush to find mid-week time, should a separate commencement for the law school’s graduates. Fifteen of the final students in attendance and the suggestion was made that the law school have a separate ceremony after its participation in the College commencement.

Law Day Plans Begin

The first-year class has been given two projects for second semester: Law and Day ticket sales for the Von Hoffman-Kilpatrick Dialogue. For the second-year class, the students will plan a banquet program or festivities. The third-year class has been assigned to plan a small but growing initiative, are indicative of their non-exclusive nature. There really are no requirements for the prospective member except that he be a second-year student. PAD and PDP’s rush parties, which have already taken place, were designed to get the prospective member to meet the other members of his fraternity and also get to know the general tone and purpose of the organization.

Second-year student Ann Perinchief was appointed by second-year representative Jim Murray to fill the position of the Judicial Council vacancies. Ms. Perinchief joins Lewis Puller, Steve Edwards, and George Campbell as members of the Council.

By Brianne O’Donnell

First Colonial Lawyer Issue Due This Month

In the past, the Colonial Lawyer appeared three times a year, but reductions in its budget have made the college’s Board of Student Affairs feel it necessary to do away with that publication. The Colonial Lawyer, scheduled to begin publication in May. Poston said that the magazine is looking for articles on any topic and that no one is excluded from the possibilities. He said that it is important for the magazine to have a wide range of topics, and that it reflects the magazine’s aim to be professionally and academically oriented. The magazine has had several student officers elected, and has tentatively outlined plans to organize a judicial student research council. The magazine hopes to sponsor an attorney-conducted seminar for practical benefit. Students, faculty, and alumni are urged to participate in these projects.

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Here are the first Colonial Lawyer issue due this month. Plans for the first Colonial Lawyer issue due this month.

By Debbie Dickson

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**Downing, Spong to Speak At M-W in February**

By Everett Moore

On Friday, February 15, at 3 p.m. in the Little Theater of the Campus Activity Center, Congressman Thomas N. Downing will address a meeting of the Virginia and Maryland Senator. Thomas Downing is the 1st District Congressman from Virginia and has served in this position for a number of years. 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 1956-1956 respectively. He served in the U.S. Senate from 1956-1957 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.

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

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**Alumni Pledge Aid for Building**

By John Mitroch

The Alumni Association of the Marshall-Wythe Law School is now in its second year-lent period in support of the law school if the new law faculty was approved in the Virginia General Assembly. The Law School Association, Marshall- Wythe Alumnae Association, through its president, Mr. D. Wayne O'Brien, of the Richmond law firm of White, Cabell, 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 faculty. 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 faculty 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 lobbying 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 students. 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 Law Schools, both 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.

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**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 them. 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:

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       COL.1; +a2y1228ABY2I
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The starter bracket given at the beginning has the least value; and the arrestor bracket given at the end has the largest value.

**ANTHEROSING VALUE**

Any number followed by a lower case letter precedes the original host number. For example, Bn precedes B. L8&r precedes L8.4.

As you can see, the phonological 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. Boyle, Greg A. Giordano, Ross L. Hines, Jr., John J. Kelly, O. Poston, Bryan D. Rosenberg, Gary F. Roth, Daniel Z. Shapiro, Susan Vinton, 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.

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 has not been reported in all sorts of legal journals, students, especially first year students, are well advised not to assert it as a precedent in support of an argument in one of their classes.


By Stephen Gellers

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 20-year-old woman from the East Side to submit to a young man whom she enticed into dating her by misrepresented her sexual attitudes in a computer dating questionnaire last June outside an in camera camera application.

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 identified the respondents as James Doe and Jane Smith, this is essentially what happened:

“Miss 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 arrange to share an apartment 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 for the requirements of her living and little else beyond real necessities.

James Doe, a native New Yorker and graduate student, was handed a computer dating questionnaire at a singles bar in New York. After completing one before, he did this time “for the hell of it” and sent it in and his $2 check to a 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, Mr. Doe, who claims to be an adherent to the ideas of Wilhelm Reich, checked Nothing Goes, Anything Goes, in both instances. Miss Smith did the same. The specter of a libel suit is raised in the following 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 compatible with Anything Goes, nor Very Liberal, nor Liberal, nor even Moderate. Generously, he invites 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 graciously accepted Miss Smith’s insistence that she had simply checked the wrong box on her questionnaire. She had, after all, indicated the opposite end of the spectrum.

‘Under 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 made the identical thing in at least nine other computer dating applications in 11 states.”

“Under questioning, Miss Smith testified that she had checked Anything Goes intentionally, but attempted to have all redone. She said that since she didn’t know many people in New York, that the only places she knew the kind of young men were the singles bars in her neighborhood, which she found to be becoming terribly lonely. Although I find this all a little hard to believe, since Miss Smith’s application is a remarkably attractive young woman, I accept her explanation as true.

‘That, however, does not excuse her deliberate fabrication on 10 questionnaires in about as many months. One wonders how many times Mr. Doe looked at the questionnaire should be no less binding a contract that more than one, Mr. Doe has in fact, contracted himself to perform with Mr. Doe in everything but personal care. His attorney argues that she should simply be allowed to compensate 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.”

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 28 as Law Student Liaison to the ABA Section on Labor Relations Law, becoming the only law student in the country on the 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.

ACLU Reps See Students

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 green-capped white suits. No, it was not a revival of conservativism, but was part of a necessity of life — the 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 60 had already committed 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 as of 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 unexplored letters of recommendation are still pending, fill out 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 operating its police program. The interviews for that program will be on March 21.

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.

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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.

A 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.

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ACLU Reps See Students

By Debby Dickson

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 utilization 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 $200 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, Dean noted, as a source of possible consolation, that other law schools—Georgetown and Syracuse, for instance—are treated even worse by their parent institutions.

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 50-30, 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 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 enlightening 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 coming up against 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.

Doris 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 Carmelene Sichta took time off from preparation for the von Hoffman-Kilpatrick Dialogue, long enough to have a baby. Carmelene had 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 Fred Bergman is Field Action Representative for the Williamsburg chapter of the Virginia Citizen Consumer 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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Vending machine representatives promise prompt repairs of inoperable machines. Marshall-Westy's 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. Singer

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 bonest of humanity will be at Marshall-Westy, 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 other problem with the coin machine is its anonymity. But the coin-changer is picking up some bad habits. Oscar has been either inoperable or non-existent. So he posts his exams, giving the top grade to that student who got an A in our anonymous grading system. He wants to give comparative point credit. This year, however, Oscar accidentally had the answer key with boiled ham for 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 could be sure that 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, it would be because you wrote something on every page of your bluebook. In the past, Essey Oscar would put your exam in his refrigerator. This year, however, he decided that the number with the most A's must have spent the last several weeks analyzing the exams, giving the top grade to that student who got a C as a failing grade. Then he adds up each student's grade and makes a list of those who got A's and C's. If he gets any close a bluebook by a thorough reading, not needing to mark anything on it. Formerly, he had complete concentration while he was grading exams. 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 lines and crossed 't's showed superior intelligence, B's to those that showed average intelligence, C's to those that showed imbecility. 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. If you 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 about 40% of you have left to work construction.

First, you must realize that there are five different types of exam graders on the faculty. Each catagory has its peculiar methodology, and any professor could float between them. Assuming that once in a while he adopts a style that he is deficient in, but does not rely on from day to day. His objective test will always be the answer sheet. His subjective test will always be the essay. The olden days, he would go to Food Fair and buy a package of the holiest Swiss cheese. Then he would construct an essay 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 could be sure that 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, it would be because you wrote something on every page of your bluebook. In the past, Essey Oscar would put your exam in his refrigerator. This year, however, he decided that the number with the most A's must have spent the last several weeks analyzing the exams, giving the top grade to that student who got a C as a failing grade. Then he adds up each student's grade and makes a list of those who got A's and C's. If he gets any close a bluebook by a thorough reading, not needing to mark anything on it. Formerly, he had complete concentration while he was grading exams. 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 lines and crossed 't's showed superior intelligence, B's to those that showed average intelligence, C's to those that showed imbecility. There was only one D and Charlie's wife said that was because the student used a typewriter.

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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 the student body and 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 colleague's 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 and assigns a 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. The way this administration figures he has a balanced perspective toward grades and the students in the higher-ranked grades 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) Tyre 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 blueprints until ¾ of the other professors' grades are up. Then he carefully copies them on all 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 bluebook as a best answer criterion, figuring there's safety in numbers. Unfortunately, he fails 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 Procedures, Legal Aid and Post-Conviction Assistance.

5) Creeping Charlie - This professor has been grading exams for years and takes years to grade his exams. He hates the crudity of reading repetitious answers but feels he has a responsibility to do an accurate and complete job. 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 still able to be enough to be able to negotiate each bluebook by a thorough reading, not needing to mark anything on it. Formerly, he had complete concentration while he was grading exams. 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 lines and crossed 't's showed superior intelligence, B's to those that showed average intelligence, C's to those that showed imbecility. There was only one D and Charlie's wife said that was because the student used a typewriter.

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