1986

The Advocate (Vol. 18, Issue 5)
First Year Law Student To Be Joined By Soviet Wife

BY CHERI LEWIS AND MIKE McAULIFFE

A first year law student here at Marshall-Wythe recently received word that his wife, a Soviet citizen, has been granted a permanent exit visa by the Soviet government. Mark Borghesani anticipates that his wife, Nadia Gorshkova, whom he has seen only once since they were wed last March, will arrive in approximately two months and hopefully before the holiday season.

Mark met his wife two years ago while a student at the Leningrad State University and the two became better acquainted when he returned to the Soviet Union as an interpreter working out of the London office of Baker & McKenzie. A government major at the University of Virginia who studied Russian history and language extensively, Mark has travelled to the Soviet Union a total of eleven times. Since their March 18 marriage, however, Mark has spent only a week with his wife when the two took their honeymoon in Sochi, a resort on the Black Sea.

While the period of time normally expected for an exit visa to be granted is considered to be about three months, Mark and his wife, who applied for her visa shortly after their marriage, have waited a good while longer. The delay, Mark guesses, was most probably due to the fact that Nadia’s mother, an engineer, had worked developing Soviet submarines. During the past six months, the original formal, sealed “invitation” that Mark was required to extend to his wife in order for her to immigrate to the United States, has expired and recently had to be re-issued. Now that the exit visa has been granted, though, there will be two more months of waiting as Nadia attends to administrative matters relating to her departure, including obtaining the required signatures and seals on her personal documents and paying the remainder of her bills before she leaves Russia.

Nadia, an actress by profession, will most probably enroll in theatre, dance, and martial arts classes as well as English classes after she has settled in Williamsburg. She speaks English only slightly. In anticipation of her arrival, Mark has ordered personalized license tags for his wife that read “Hadka,” Russian for Nadia, but will first have to teach her to drive. He says that he really looks forward to “showing her everything, from the cities to grocery stores that carry fresh fruit,” but quickly adds that he “will not show her credit cards for a while.”

Mark, who smiles more often these days, says that while he is anxious for his wife’s arrival, he also hopes that it will not be until after he is through with his first set of exams in law school, noting that she could most definitely be a real distraction.

Coffeehouse

Matt Rau, an acoustic guitarist disguised as a law student, was so well received at Coffeeshouse that he was called back on stage for more at the end of the show. On the other hand, emcees Kevin Gaynor and Neal Cabral had to be forcibly removed from the stage several times during the show, which was held last Saturday night.
Curiosity

When Kenneth Culp Davis delivered his lecture several weeks ago, the audience consisted of the majority of the faculty and a relatively high number of students. Most of the students, though, were not in attendance of their own accord. Two professors had required (or strongly recommended) that their students attend the lecture. By a rough estimate, only about a half dozen students showed up voluntarily. The fact that so few students were interested in listening to a man who essentially founded an entire discipline of law, should lead one to ponder the intellectual curiosity of law students.

At the outset, it should be noted that a lack of intellectual curiosity among law students is not necessarily a problem this year at Marshall-Wythe. It should be labeled a condition, or a state of being.

The thesis with which we begin our analysis of this condition is that law students are not really interested in the study of law. Law students do not want to learn any more than they have to in order to stay in school and maintain their G.P.A. (a vital preoccupation based on recruitment patterns). Many professors probably come to this conclusion after seeing their students slump into class, reluctantly volunteer to answer any question, and grumble at any assignment greater than the normal reading allotment.

Marshall-Wythe students complain about having to take “enrichment” classes, and the fundamental question asked prior to enrolling in any law school class is: “Is it going to be on the bar exam?” This is an example of a course selection is usually no deeper than whether a course would materially benefit one’s future legal practice.

In the best of all possible law schools, students would show up fully faced and willing to learn anything for the sheer thrill of learning something new. Though the prior sentence is a bit exaggerated, many students of this sort exist at Marshall-Wythe.

Unfortunately, students can be no better than the circumstances which bring them to study. Law school is professional school. The undergraduate years gave one the quality of the law school and the fundamental question asked prior to enrolling in any law school class is: “Is this going to help me with my future legal career?”

The analysis for Wythe.

Let Morr Rest

Does anyone else wonder why many of the last issues of The Advocate defending Damion Horne’s racist satirical (depending on whose rantings you choose to believe) column mentioned the “hatchet job” done on Bernie Corr? I’m sorry if I’m minimizing the issue; it’s been a bit confus-ingly relevant to the issue being discussed? Why the paranoid obsession?

In the not too distant future, as our memories begin to fade, we members of the community at the “hatchet job” on Bernie Corr was the cause of all the evils of our time: the Vietnam War, the Kennedy assassinations, Watergate, the outbreak of the AIDS virus, and Waynesburg, I say, let Bernie Corr rest!

Steve Frazier

Involved Law Students

As an American of Franco-Hispanic heritage, I followed the horde of “Horn Affair” interest with considerable interest. I am not exactly sure what lessons I can draw from the events in regard to the serious issues posed by racism, student editors and publications, and the Fundamentalists of Marshall-Wythe. I am certain, however, that I can draw a conclusion from the words of the student editors at the Marshall-Wythe.

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The fundamental question asked prior to enrolling in any law school class is: and law faculty and student editors and publications of “The” “Horn Affair” solicited from the student body and the wealth of time. The expansion of Horne’s influence and responses the Advocate received. Despite the considerable time devoted to the “Horn Affair” our students are constantly subjected, the Marshall-Wythe community is animated by a high energy level and a real interest and concern for the nature and quality of the law school community.

Involved Law Students

A new student organization, Law Students Involved in the Community, is being organized by the students. I realize this is a bit premature, especially since the time between Trial Ad, The Brief, Law Review, and The Memo, but please hear me out.

The students here at Marshall-Wythe have an immense need of energy and diversified talents. The founders of this group, Fern Lavalle, Cathy With, Mary Charette, and regular hopes to provide an outlet for those energies and talents. The idea is simply to have some fundraising activities and donate the proceeds to local, non-profit, non-political organizations devoted to helping individuals.

After working for a few months at Peninsula Legal Aid Center, Inc., I became acutely aware of how great the need is for subsi- dization assistance all the way up to educational assistance. All the students here would have to do to help in these efforts is lend their support to one or more of these fundraising activities. The first of these activities will be a T-shirt sale in the near (pre-final) future. The slogan may be “Make Love Not Law Review” and/or “I Hate Law School... Charter Member.”

We are a not-too-serious group of (at least part-time) do-gooders, and we hope to have a lot of fun in the coming months and all are encouraged to join. Meetings will be held on fundraising ideas and where exactly where the proceeds will go. Meeting times will be posted.

With all the social consciences may be raised (Serry, no group is perfect).}

Kathy Hester

Fallout

From Grace

Kudos from me to Mark Brodwell, Jeff Brook, Charlotte Lamont, and Wayne Melnick. Without your assistance Fall From Grace would not have been the success it was. (Yes!) Kudos also to Jill Carson, Keith Cruz, Diane Gerner, Lisa Ng and Tina Yuerglin— I really appreciate your volunteering to help.

Kudos to the students to Professors Barnard and Koch who came early and stayed late. Seldom do we have any interaction with the faculty. Thanks to all of you. I enjoyed the lively scope of the classroom and I want to take this opportunity to thank you and the few other professors.

Endorsement

The Advocate hereby makes its official nonendorsement of Herbert Bateman for the seat of the First Congressional District of Virginia. Mr. Bateman’s greatest national exposure after four years in Congress was being included in a 1984 article on the front page of The Washington Post’s cooking section entitled “Cooking With Herbert Bateman.” This analysis of what herbs he used in cooking. Mr. Bateman replied that the only herbs he used were salt and pepper.

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Letters To The Editors

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Printed by the Virginia Gazette
By GERRY GRAY

Fred Lederer smiles briefly. "We're prosecuting Goldilocks next week for criminal trespass and destruction of property." Goldilocks is being played by his eight-year-old daughter, a veteran of the fairy tale trials Lederer promotes for local schools. "Don't expect him to go easy on her."

"She's a born tax lawyer," he says. "Don't ever try to negotiate with her, she'll take you to the cleaners," he warns.

"There is a first time for everything," the little girl retorts.

Less than a month ago, usually at Lederer's home, and with a considerable reading room and a full-sized proscenium arch and stage, some of it a substantial amount of reading, thought and preparation, though he does note it is one of the few classes where you have a choice of wine, soft drinks and the like.

"It's nice to be able to do good things or socially useful things and earn a healthy living at it. Where you come out on that continuum is another matter. Some people are in it only for the money, some only for the purpose of serving the poor or improving society, or sometimes making right things the allegedly terrible liberals may have done.

Another one of Lederer's projects is running a colloquium on Law and Social Policy. Some of the topics the group studies seem better suited for a Heinlein novel.

This semester, his Law and Social Policy class has considered the legal aspects of a bridge-playing, Dynasty-watching full-grown bear that wants to convert to Roman Catholicism, and has pondered the insoluble "burning" rights of computers and dolphins.

Next semester they will grapple with the family relationships, property, and estate rights of people remaining in marriage.

"A course in real estate, " says Lederer. "Our law school taught me a lot about real estate, but I'm not sure it's the right thing for the legal profession. I'm not sure it's what 'better' means, though we can differ on where you come out on that continuum is another matter. Some people are in it only for the money, some only for the purpose of serving the poor or improving society, or sometimes making right things the allegedly terrible liberals may have done.

"It's supposed to be a give and take. Because of the size of many classes, it's not as much of a two-way street as it ought to be, but it almost always is to some degree."

"I don't think so much that one teaches. One perhaps helps people learn if they wish to learn."

It's sometimes a rather slow but not exactly laconic legal practice for the U.S. Army before resigning his commission and joining Greenberg and Goldstein.

"We are still active in the reserves and teach Coast Guard and Army lawyers courses in criminal procedure and trial practices. He also sits as a U.S. military judge in the summer."

"It allows me to be a little more forgiving of judges than I might be otherwise."

Serving as a justice has also given him rather unique experience of having to hold on his legislative analysis as inadequate.

Lederer is a primary author of the military rules of evidence. They are the only rules in the U.S. ever codified in a binding fashion on search & seizure and confessions.

"It's a very sobering experience to be involved in writing rules that govern millions of people - it's also very humbling when you realize how many mistakes you've made."

The army "allowed" Lederer to put himself through law school. "In those days they did not provide financial assistance - however they did give me a guaranteed summer job." he says.

For three summers Lederer worked at Fort Dix, N.J. prosecuting over 300 cases in military law. After graduating he became one of the first personnel the armed forces ever allowed to accept a clerkship. He worked for the Honorable Frederick V.P. Bryan, who is probably best remembered as the judge who decided that Eugene J. Nordegren, aka "Lederer," was not an obscene novel.

Lederer was later honored as the only one of the first ten lawyers to accept a Fullbright-Hayes research scholarship. He was free to write on any legal interests for a year at the Max Planck Institute fur auslandische und internationales Sturrecht in Freiburg, Germany. He has numerous publications on evidence and the military justice.

"I think that people who are
BY ROB LANEY

It could never happen, they said. Not with this team, not with returning champion Apple Pie playing good ball, and especially not when you considered that, in order to win the title, the Love Cows would have to defeat Lambchop and Pi Lam in succession. Then too, critics pointed out that, in playing good ball and especially in the semiclassic, five of the players-Pete Burr, Rodney Young, Phil Lingale, Jeff Reilly, and R.J. Scaggs—didn't even play intramural softball last year. To top it all, the Cows had a computer, a librarian (Ed Edmonds), and a girl (the Nurse) on the mound. And the Love Cows beat all comers.

In clinching the 1986-87 College Intramural Softball Championship, the Love Cows finished the season a perfect 9-0 behind the strong arm of Pat Miller. Granted, the Cows had run thin after the defection of offensive talent (over twenty seniors in the season's two games), but in the playoffs she found herself protecting one and two runners, or trying to keep the batter trying to advance from first to third. Spectators noted that there was a visible shift of momentum from the side of the heathen Pi Lam to the sacred Cows. After benefitting from seven sixth inning walks and two sacrifice flies, the Love Cows walked off the field 9-5 winners of the much sought-after championship game. Resolute was so ecstatic at the win over his former frat brothers that he proceeded to drink for six solid hours (accompanied by Edmonds, et al) and hadn't been worth a damn since.

Meanwhile, in the C bracket of the playoffs, the Rippers—who screwed up and actually won a regular season ballgame, thereby losing the offer of free team jerseys from the manufacturer—decided they enjoyed winning ballgames. Behind the pitching of Hokie-by-product Neil Keese, the Rippers chalked up four straight playoff wins, benefited in large part by John "Fleex" Gerekst's two home runs in a twi-eight double header. In the only tense moment of the playoffs, Keese pitched out of a no outs, bases-loaded jam in game 3 to preserve a 5 run win by forcing two straight ground balls to infielders Tom "Legs" Falat and Kevin Sargis. Let the record show that, in game 2 and 3 of the playoffs, the Rippers were aided by truly major league-caliber officiating.

Last issue we reported that the Lacy Briefs had intimidated the entire women's field. And with good reason. Once an opponent was found for the five game playoff series, the Briefs swept them in three, 18-2, 15-7, and 25-14. That Darin Moody ended their season in the second round of the playoffs, having defeated the Men of Power 11-5 in the first round. Steve Frazier allowed no runs after the first inning and started two double plays from the pitch-er's mound. Parker Brugge hit a home run that gained altitude after clearing the green monster in right field. Jon Hill contributed a home run that was less than meager when compared to Brugge's blast. As D.H. Jack Docherty exclaimed when asked about the first game pitching duel, "Gooden vs. Clemens was nothing compared to Frazier vs. Dicker-son."

Moody's dream was squashed as they lost 11-16 to Opus in the sec-ond round. It was an extra inning heartbreaker which saw Moody come from behind three times. A bitter-Tom Kohler, his head buried in his hands after the game, cried, "we wouldn't have lost if it hadn't been for last Spring's hatchet job on Bernie Corn."

The team would like to thank Robert Moody for the use of his name and likeness.

Part-time librarian Ed Edmonds, who called for the curve, looks on as Pi Lam's Scott Elliot smashes a fastball for a single. Elliot was later thrown out trying to advance to third by Pete Burr.

Legal Opinions:

M-W Personae Predict

W&M-UVA Outcome

The College of William & Mary dominated intercollegiate athletics in Virginia for over 100 years after its founding in 1869. In 1919, a renegade W & M dropout named Thomas Jefferson started a school known as the University of Virginia. Emnity has existed ever since.

On Saturday, these fine institutions of higher learning will meet in the cavernous depths of Scott Stadium, The Tribe of William & Mary (6-1; 16th in the nation in Division I-A) takes on the Cavaliers of Virginia (5-5; astride the cellar of the highly-vaunted A.C.C.). Here's how the legal jocks of Marshall-Wythe call it.

LYNDA BUTLER (W&M undergrad; UVA Law; Ralph Sampson poster in office): W&M 28-21

GENE NICHL (Big 8 gridiron veteran): W&M 34-21

MIKE HILLINGER (W&M law; otherwise, an Ivy Leaguer): UVA 24-21

ED EDMUNDS (Love Cows catcher; all-time, all-star baseball trivia king): W&M 31-27

CONNIE GALLOWAY (UVA grad school; suspected Wahoo sympathizer): UVA 24-10

GLORIA TODD (case Secretary; picked W&M over Penn St. in '84): W&M 42-12

TOM COOK (UVA grad; no other significant achievements): UVA 28-28

TOM CONNALLY (quarterbacked for Northwestern, a bona fide football jiggernaught): W&M 21-27

CHRIS GLEASON (Former Tribe receiver; current Law Review stand-out): W&M 24-21

ROB DICKERSON (UVA grad; very large personage): W&M 21-29

LEE STEVENS (Loving father; plays football without a helmet): W&M 21-27

ROBBY LANEY (W&M grad; once reportedly saw a football): W&M 24-20

CHERI LEWIS (UVA grad; blonde): W&M 27-28

BILL POWER (Confirmed Wahoo, Advocate sports editor): UVA 21-21

TERRY COSTOLO (Former Princeton lineman; has never seen foot- ball): W&M 25-22

MELANIE MORGAN (W&M grad; former sorority standout): W&M 42-3

DOUG KLEIN (Sports Vince Lombardi haircut): W&M 3-2