Faculty Status Committee Votes To Deny Corr Tenure

By MARY ALICE ROWAN

Upon returning to school last week, students at Marshall-Wythe were startled to learn that the Faculty Status Committee has voted against extending tenure to John Bernard Corr, an Associate Professor at Marshall-Wythe and a member of the faculty since 1980, teaches Civil Procedure and Conflict of Laws.

Corr has declined to discuss the matter.

In response to the Committee's vote, a petition is circulating among the faculty body which calls for granting tenure of Corr. Signed by well over 300 students, this petition states that Corr "is able to teach students... in a manageable, easy-to-understand fashion," "always takes time to assist students outside of class" and lists five articles written by Corr and published in law reviews. (The text of the petition appears on page two.)

"No one is questioning any professor's judgement and no one is disparaging the school," stated one student signer who wished to remain anonymous. "We students are simply disappointed about the tenure vote and feel the need to emphasize by everyone. It demonstrates a massive show of support for Prof. Corr." A group of students planned to present the petition of Dean Timothy J. Sullivan on Wednesday, Jan. 15.

The Student Bar Association has also addressed the issue. On Monday, Jan. 13, the SBA unanimously adopted a resolution recognizing Corr's "superior publishing record," and "selfless devotion to the student body. The resolution concludes that Corr's "application for tenure and promotion... should be granted."

Several individual students have submitted their own letters in support of Corr to Dean Sullivan. Sullivan has declined to discuss the matter, stating "It is inappropriate for me to comment at this time."

The procedures for granting a faculty member tenure are outlined in a document entitled Procedures for Retention, Promotion and Tenure, now on file in the SBA office. According to Procedures, the seven-member Faculty Status Committee submits a written report containing its recommendations concerning tenure to the Dean. The Dean makes an independent investigation and prepares a report containing his recommendations. If either report recommends against tenure, the affected faculty member may request a meeting of the entire faculty to consider the matter. The faculty may make additional inquiry, and following discussion, votes on a recommendation. Based on the faculty recommendation, the Dean may reconsider and amend his recommendation and report. The written reports of the faculty and Dean are submitted then to the President of the College and the Board of Visitors. The official result is published in the Williams & Mary News in the spring.

Accordinng to Procedures, the "basic and most important criterion for... tenure shall be demonstrated excellence in classroom instruction, including helpfullness to students. Evaluation of teaching effectiveness shall be based on both peer and student opinion." Other criteria are "significant law-related intellectual achievement in activities outside the classroom," including:

Continued on Page Four.

Libel Night Approaches

Winter has come to the Colonial Capital, and the time has come for those crazy law students to prepare their annual festivity of satire, music, and self-humiliation, otherwise known as Libel Night. The 1986 edition of the popular show will be held during the first week of April. According to Terri Reicher of the S.B.A., Libel Night will tentatively be held at the Williamsburg Public Library. Due to the popularity of the show and the lack of space at the Library, the show may run for two nights.

The theme for this year's show will be loosely based on that of "Entertainment Tonight." Writers, ideas, and musicians will be selected during the month of January. Plans call for the completion of all scripts by Spring Break. Stay tuned to your hanging files for further information. If you just cannot wait for more information, please contact either Terri Reicher or Margy McHugh.
To Deny Tenure

At this writing, over half the students of Marshall-Wythe have signed a petition asking that the faculty grant Professor Corr’s appeal concerning his denial of tenure. The Advocate, too, supports Professor Corr’s appeal. This school can ill afford to lose a professor of Corr’s caliber.

First, Professor Corr possesses a classroom presence matched by few faculty this writer has encountered here or anywhere else - and I attended two colleges and worked at one before I came to Marshall-Wythe. He takes a potentially incomprehensible subject - civil procedure - and through “war stories,” hypotheticals galore, and skillful Socratic questioning, makes it as straightforward and understandable as possible.

Second, although carrying impressive academic credentials, Professor Corr has not spent his life shut within the ivory halls of academe. He spent several years in courthouses and law offices before coming to Marshall-Wythe - the courthouses and law offices of New York and Washington, D.C. He participated in big-legal litigation, with national-level firms slugging it out over incredibly large sums. A court-appointed lawyer, to have a national-level firm offer tenure, can we afford to lose a national-level professor?

Third, Professor Corr was heavily involved in his firm’s recruitment activities. He knows what firms look for in an interview, from what credentials are most impressive to what to offer if they take you to lunch. Marshall-Wythe has two full-time staff in a placement office serving over 450 students. Can we afford to lose someone like Professor Corr to supplement Dean Schoenenberger’s advice?

We could go on and on - and we take deal with only three of many reasons why Professor Corr should be granted tenure. If you too, feel this way, let the faculty know your opinion today. We can make a difference.

(J.O.A.)

Petition

P ETITION

We, the undersigned, believe that the Marshall-Wythe School of Law should grant the tenure application of Professor John B. Corr for the following reasons:

* His teaching abilities are superlativ. Through his thorough class preparation and clear manner of presentation, Professor Corr is able to teach students complex bodies of law in a manageable, easy-to-understand fashion.

* His concern for students is unparalleled. Professor Corr’s desire to help students does not stop at the end of class. In fact, he always takes time to assist students outside of class, whether offering employment advice, helping them compose resumes and cover letters, or serving as a judge in the moot court teams’ practice rounds.

* His list of publications reflects his abilities as an academic and an intellectual. As the author of the following articles, Professor Corr’s analytical ability speaks for itself.

Supreme Court Doctrine In The Trenches: The Case Of Collateral Estoppel, 27 WM. & Mary L. Rev. 35

Modern Choice Of Law And Public Policy: The Emperor Has The Same Old Clothes, 38 U. Miami L. Rev. 467

Criminal Procedure And The Conflict Of Laws, 73 Geo. L.J. 1217

Retentionary: A Study In Supreme Court Doctrine “As Applied,” 61 N.C.L. Rev. 745

Interest Analysis And Choice Of Law: The Dubious Domination Of Depositary, 1985 Utah L. Rev. 651

In short, we the undersigned firmly believe that the Marshall-Wythe School of Law, given its goal of achieving national prominence, can ill afford to lose an asset of Professor John B. Corr’s caliber.

Thank you.

Sixth Amendment

in Peril

Guest Columnist: George Spelvin

If you practice in Virginia when you graduate from Marshall-Wythe, you may well find yourself as a court-appointed defense attorney, representing criminal defendants who can’t afford to hire a lawyer. The commonwealth reimburses the court-appointed attorney—but sort of to get rich this way. In fact, don’t even expect to break even. Virginia’s maximum court-appointed attorneys are low—so low that they may well deny poor defendants effective representation.

Gerald Lee, author of “Who Will Defend the Poor in Criminal Court?”, an article in the December 1985 Virginia Bar News, surveyed several court-appointed defense attorneys. Lee found that they spent a minimum of 200 hours preparing to defend those accused of capital offenses. Yet, on the average Virginia pays court-appointed attorneys in capital murder cases only $460—about $25.25 an hour to defend someone accused of the most serious offense in our law. Lee also points out that Virginia has the lowest maximum fee for misdemeanor and juvenile cases of any of the 50 states; the lowest average cost per case for court-appointed counsel in states with a predominantly court-appointed public defender system; and, with the exception of Arkansas in certain cases, America’s lowest maximum fee for court-appointed felony cases. Wythe Lee, “The fee structure basically has not changed in fifteen years.”

Many court-appointed attorneys are young, with barely-established practices, small offices, and high bills to pay. (A note for anyone considering hanging out his own shingle: A copy of the Virginia Code alone costs almost $100.) “They must pay rent, utility bills, and secretaries. In order to stay financially afloat they may well push court-appointed tasks aside in favor of better-paying cases. The result is particularly egregious. Death is the greatest penalty the state can impose—so great that many doubt whether the state can take a man’s life. The adversary system views a fair contest between the prosecutor on one side and the defense attorney on the other. Yet what sort of representation can a defense attorney give for only $460? Some may say that lawyers have an ethical obligation to do pro bono work and that therefore, even overpaid profession. But the court-appointed lawyer, representing criminal defendants, has the lowest maximum fee for court-appointed counsel in states with a predominantly court-appointed public defender system; and, with the exception of Arkansas in certain cases, America’s lowest maximum fee for court-appointed felony cases. Wythe Lee, “The fee structure basically has not changed in fifteen years.”

SBA Resolution

RESOLVED: The Student Bar Association of the Marshall-Wythe School of Law, with the goals of maintaining the school’s high quality of education and high level of national recognition, noting that

WHEREAS Prof. John B. Corr has consistently demonstrated his abilities as an outstanding professor and teacher of law, as evidenced by his consistently high student evaluations.

WHEREAS Prof. Corr has established a superior publishing record, and

WHEREAS Prof. Corr’s superior talents as an educator, and his selfless devotion to the student body of the Marshall-Wythe School of Law, make him an indispensable part of the faculty of the School of Law,

HEREBY RESOLVES that Prof. John B. Corr’s application for tenure and promotion at the Marshall-Wythe School of Law should be granted.

Adopted Unanimously, Jan. 13, 1986

SBA President
Letter To The Editor

Moot Court Catch-22

For many of you the first round is over and the decisions to go on have been made. Having had that it's not so hard and more than a little fun, no doubt most of you are now looking forward to continuing the tournament. After all, what do you have to lose? Nothing, really. In fact, the experience you gain in the intraschool competition is quite valuable. Besides, you've already expended the time, energy, and heartache to write the brief and to prepare the first round argument, so why not go on?

While I heartily encourage each of you having the opportunity to advance to do so, I direct this letter to those of you interested in being on a moot court team. The benefits of moot court participation should be somewhat (perhaps sickeningly so) obvious to you by now. Extensive research and writing experience, as well as the opportunity to develop oral skills, are the recognized tangible rewards. Being on a team also allows one to indulge in the rewarding give and take process with teammates, a prospect that no doubt is most attractive to you after many writing sessions imposed upon you by yourselves. This association with others on a single project was for me one of the most beneficial aspects of being on a team. Finally, moot court participation provides another line on the resume, which as we all know, never hurts. According to the Administration, this is the primary benefit sought for and achieved by participating.

While I will not challenge the substantial appeal of these benefits, I should add that for many of you it will have little effect on your job search. Because you have already secured second year clerkships. For those of you not yet so fortunate, there isn't be fooled into thinking that moot court will get you a job. Although it is true that it can't hurt, it was my experience that few employers took notice of it.

So, you don't get credit (note: I did get a letter once from the Administration acknowledging my team's achievement in a tournament). What about funding then? The College (the University not M-W) provides substantial, albeit partial, funding. The Moot Court Board's operating deficit must be met by entrance fees to the M-W Tournament and by contributions from the members. In other words, team members are guaranteed only a portion of their travel and preparation expenses and must pay for all other costs, including meals.

There is where the fun begins. The College provides funds, but not enough to pick up the slack. Because the program is still partially funded, however, M-W cannot extend credits to participants. Not only has the Administration reached a deadlock in the College's policy, it has prohibited the Moot Court Board from soliciting alumni contributions to ease the financial burden team members experience.

Despite the negative tone of this letter, my purpose is not to dissuade anyone from participating on a moot court team if the opportunity arises. Rather, I hope to provide you with some facts and observations not available to me last year when I made my decision. My honest opinion is that moot court participation is not necessarily a good thing. There are other moot court team members who would take issue with me and for this reason I strongly encourage those interested in being on a team to talk with current team members so that your decision can be a well-informed one.

Jeff Barnes
Class of '88

Toxic Torts
by Doug Klein '87

Old Blind Man Rehnquist looked out to the east and saw the lone, swirling wisps of dust rising from the prairie. Tex Blackmun sat next to him, leaning back in a wooden chair against the front of the dry goods store. It was just a slight cloud, but it grew larger. Old Blind Man Rehnquist made out the shimmering, wavering outline of a dark object in the distance. It's a man, he thought.

"Shuddup," Tex said and spat on the wooden boards of the porch.

The image grew clearer and larger. A lean rider atop a lean horse. He had a dusty hat and a poncho with a stupid pattern on it. He had pin-striped pants and on a silk tie. He was the High Court Drifter. He was Irving Brilliant, only Tex and the other teller didn't know that, yet.

He rode slowly, eyeing the town through thin eyes. His horse, also named Tex, walked slowly, eyeing the town through thin eyes. The people in the few houses in the town looked out their windows, eyeing with thin eyes the long stranger and his horse bedecked with pin-striped saddle blanket.

"Howdy, Stranger," Tex Blackmun said, still reclining back in his chair. He spat onto the porch.

The Stranger didn't say anything. He just rodded and tied up his horse in front of the saloon next to the dry goods store.

"What's your name? Stranger?"

Old Blind Man Rehnquist said.

The Stranger looked him dead in the eye and said, "Shuddup."

He walked into the bar. The air was cool and dark inside. Irving wiped his face with a silk handkerchief with his initials, "I.B.," in the corner. He walked to the bar.

"What'll it be?" Felix the bartender asked, hardly looking up from the newpaper.

Irving gazed around the room. No one was there except for a group of about six cowboys wearing loose ties and packing counterfeit suits on their hips. They could mean trouble. Tex Blackmun and Rehnquist were peering over the twin swinging doors to the bar. Tex spit again. A small puddle had formed on the porch.

"Hey, you," one of the group in the corner shouted out, "Yeah, you with the face. Nice shoes, buddy. What ya buy them from a catalogue or somethin'?' The others at the table laughed.

They were Huggerites. Irving could tell by the way they talked. He turned away from them and faced the bar.

"Hey, buddy," the one at the table said, "I'm talking to you, you flamer. You're stickin' the place up. I can't concentrate on my drinking, you smell so bad. Yo, buddy, I'm talkin' to you..."

Irving assumed he meant him. Felix the bartender leaned towards him.

"Those are some of Doc War­ ren's boys. I wouldn't try anything if I was you."

"You're not me."

"Well, you best get out of here, before they sue you or something. What do you want here, anyway, Stranger?"

"Just some work, that's all."

"Well, there's no work here, so get going."

Irving looked at him and said, "I'll be back."

He walked out. Tex Blackmun stood looking at him. "If you want work, Stranger, some of the homesteaders need hands. That's if you're qualified."

Irving had a saddle bag full of resumes. "Thanks, old man," Irving said.

Rehnquist said, "Say, Stranger, what'd you say your name was?"

"I didn't."

Irving Brilliant strode to his horse and rode out of town.

Tex and the blind feller watched his image merge with the landscape under the blinding, Wyoming sun.

Old Blind Man Rehnquist said, "Gosh, I sure do love westerns."

Tex spat. "Should up."

Next Week: Will Irving find a job in the overcrowded prairie job market?

Will Irving reveal his dark, tor­ tured secret?

Will Doc Warren and his boys terrorize the peaceful homesteaders?

Will Irving find love in central Wyoming in the late 1860's?

Will Tex stop spittin'?

Stay tuned for the next thrilling episode of "Tax Lawyers On the Range."
The First Semi-Annual Marshall-Wythe Last Day of Classes Croquet Tournament was a resounding success and is sure to become a favorite tradition. Despite sub-zero temperatures, participants enthusiastically claimed that they had a wonderful time (except perhaps when freezing, queuing, and throwing down their mallet in utter frustration). Paige Foxwell surprised everyone with an early lead and stayed in front, beating the closest competitor by at least four wickets.

The event was sponsored by the Marshall-Wythe Lawn Croquet Society. J. Douglass Kline (mispeeling his name egregious­ly), the Chairman of the Society, was excited over the success of the match. "Yeah, it was thrilling," he remarked. When asked if the event would be repeated on future Last Days of classes, he replied energetically, "Yeah, sure, why not." Mr. Kline also offered this in­citative insight into Miss Foxwell's runaway victory: "Well, she's just such a W.P., of course she won at croquet."

Finishing second was Melanie Morgan, Social Chairperson of the Society. She was not at all disap­pointed by her performance, commen­ting philosophically, "Yeah! Whewee! Alright!" Mr. Kline finished third; no other par­ticipants completed the course. Miss Vanessa Valledejuli was declared Best-Dressed Com­petitor. She was attired in a black wool day-length skirt and red angora sweater, worn with black suede high-heeled pumps. She topped the ensemble with a stunning full-length mink coat. A simple string of pearls and Vuorrstades completed the look.

On a less positive note, Scott Bailey was observing cheating on several occasions during the match. Witnesses reported that Bailey was kicking his own and his opponent's balls and changing their marked discs. Mr. Bailey's case will come up before the Society's Sportsmans­hip Committee later this month for possible disciplinary action. It's easy to see why Mr. Bailey was not retained. Miss Morgan reported that the Society was thinking of holding a fundraiser, because "we're hoping to buy a croquet set. The one we had this year doesn't belong to Eric Berghold."

Marshall-Wythe can be proud of its female athletes, as the members of the two law school women's intramural football teams have demonstrated. Both teams finished high in the stand­ings, the Lawyers topping the age­class and Second Action Class.

Returning for their second season, Class Action made another strong showing, turning in a 5-2 record. Head Coach Mike Holleran was pleased with his team and attributed the team's success to the performances of QB Donna Larsen and receivers Jill Verdeyer and Marie Duesing. Other standouts included linemen Alison Vadnais and Yvonne Griffin. Holleran's assistant coaches were Ted Fauls and Phil Lingafelt, with some help from Bernie Corr. Lingafelt will be taking over as head coach next year for the graduating Holleran.

Long, Mike

Class Action received the first of two defeats from this year's cinderella team, the Learned Hands. This team came to be only because of the Valledjuli's goal of people talking about star­ting a team and not doing it. A majority of the recruits had never played football, so the first prac­tices were... interesting. As of­fensive coach Bill Power noted, "We started out just to have fun, but after we won a few games we began to take ourselves more seriously." Under the guidance of Defen­sive Coach Dale Barney, the Hands finished 5-2, losing to Delta Gamma in the championship game. Rookie QB (actually, everyone was a rookie) Leigh Ann Holt, and running backs Pat Miller and Melissa McKeithen formed a standout offense, while Jill Carson and Sarah Sullivan led an aggressive defense.

After the fun of a winning season, the Hands were disap­pointed by their loss in the cham­pionship game. The score was tied at 94 at the end of regulation time, and both teams had touchdowns called back because of penalties. As Coach Power put it, "But for a couple of plays in the overtime, we would have had a championship season."

The most exciting game of the season, however, was the match­up between Class Action and the Learned Hands. It was a hard­ fought defensive battle; both teams were unable to score. With five minutes to go, linemen Diane Mazur of the Hands and Cathe Wirth of Class Action crashed and went down, both injured. Wirth in­jured her shoulder, and Mazur suf­fered a broken wrist. She missed her exams and is still wearing a cast in expectation of her return.

The winter sports season draws nigh, watch for a killer female hoops team, a team rumored to include Professor Lyn­da Butler. Marshall-Wythe women look to continues their utter domination of the undergraduate female sports scene.

Fair Notice

Good Guys at Trinkle

The S.B.A. Social Committee, under the new leadership of Bill Casmano, has announced that the Good Guys will play at Trinkle Hall on February 8. The Good Guys are based out of Richmond and are popular at the College. With such songs as "Fighting Bodyguard," and "Killer Amoeba," the Good Guys' form of rockin' reggae should keep the dance floor packed. Admission will be $3.00. Beverages will be served.

Wadlington On Medical Law

Prof. Walter Wadlington, Visiting Professor from the University of Virginia and author of the textbook, Cases and Materials on Law and Medicine, will hold an informal discussion on legal issues in medicine on Thursday, January 30 at 5 p.m. in room 124. Issues may include the "malpractice crisis," careers in medical law, medical care of children, "death with dignity" statutes, and organ transplants. The discussion, sponsored by the Law and Medicine Club, is open to all.

Nicaragua Program

The National Lawyers Guild is planning a program on Nicaragua toward the end of January. There will be a slide show and speakers who have traveled to the country this past summer. Watch for details.

VITA

If you missed the Volunteer Income Tax Assistance (VITA) training and still would like to volunteer, please contact Emily Radford or Howard Roth.

SBA Study Group

The S.B.A. is now accepting applications for its Study Group. The purpose of the group will be to consider the relationship between the S.B.A. and its community partners and organizations. The group will make recommendations to the S.B.A., with the goal of improving the opera­tions of student government and activities at the school.

The Study Group will consist of a chairman, three members of the S.B.A. Executive Board, and two members from large at each class. Appointments from the applications received will be made at the Jan. 28 meeting of the S.B.A. The Study Group will make its report to the S.B.A. no later than February 24.