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The

Advocate

Marshall-Wythe School of Law

AMERICA'S OLDEST LAW SCHOOL



FOUNDED 1779

Volume XVII, Number Eleven

Thursday, March 20, 1986

Eight Pages

Trial Team Advances To Nationals

BY JERRY KILGORE '86

The trial team of Jim Bucknam and Greg Davis did not spend their break in sunny Florida or skiing in New England. Instead, the team won the American Trial Lawyers Association's (ATLA) Regional Trial Competition held March 9-10 in Baltimore, Maryland. Bucknam and Davis competed three times to take the championship. By winning the regionals, the two (plus witness Dale Barney) travel to Washington, D.C. to participate in the National Finals.

Teams participating in the tournament included Dickinson, Western New England, West Virginia, University of Baltimore, George Washington University, American University and Campbell College School of Law. Bucknam and Davis defeated West Virginia in the first round and proceeded to take the Regionals by defeating Western New England and Dickinson.

The road to the Regional Championship was no easy feat. In both later rounds, the team lost the coin-flip and their opponents chose their preferred sides. In fact,

Dickinson presented the plaintiff's case all three times.

Only eight teams advanced to the National Tournament. The teams include William & Mary, Southwestern, Fordham, Texas, Colorado, Missouri, Cumberland School of Law, and Ohio Northern University. The National Tournament seeds the teams based on a written trial brief that the team submitted in February. The team received word that according to brief scores they are the number two seed. Bucknam and Davis will take on Southwestern in the first round.

In the National Tournament, actual judges will preside and ATLA lawyers will serve as jurors. The lawyer-jurors will critique each team's performance.

Both Bucknam and Davis expressed thanks for all students and faculty members who helped them in preparing for the tournament. The team begins practice for the nationals next week and will once again need volunteers to serve as witnesses and jurors. Anyone interested should contact the team via the hanging files.



The victorious ATLA Trial Team: Jim Bucknam, Greg Davis, and Dale Barney, Witness-On-Wheels.

Burger, O'Connor Write for Law Review

BY LIZ KAUFFMAN '87

William and Mary's Law Review will feature articles by such notables as Supreme Court Justice Sandra Day O'Connor and William and Mary's President Verkuil in an upcoming issue. In addition, Chief Justice Burger has written the introduction to Book Four. Entitled "Judicial Review of Administrative and Regulatory Agency Action: The Papers of the Seventh Anglo-American Exchange," the theme of this issue is comparative British and American administrative law. Scheduled for tentative publication in August, this issue will contain six articles, three each on British and American law.

The following issue, Book Five, will feature the papers presented at William and Mary's Third Annual Bill of Rights Symposium to be held on April 4th and 5th.

Principal speakers at the symposium will include Jesse H. Choper, Dean of the School of Law,

University of California at Berkeley, Philip B. Kurland, Professor of Law at the University of Chicago, and Kent Grenwalt, Cardozo Professor of Jurisprudence at Columbia University. Professor Greenwalt was the 1985-86 Visiting Distinguished Lee Professor at William and Mary.

With paper topics addressing such issues as the Establishment Clause and free exercise of religion, the symposium is sure to stir legal comment. Dean Choper's paper is entitled "The Free Exercise Clause: A Structural Overview and an Appraisal of Recent Developments." Professor Greenwalt's paper is entitled "The Limits of Rationality and the Place of Religious Conviction: Protecting Animals and the Environment."

Panelists will include Lillian Bevier (U.Va.), Norman Dorsen (NYU), Barry Fisher (Fisher & Moest, LA), Douglas Laycock

(U.Texas), William Marshall (Case Western Reserve), Michael McConnell (U.Chicago), Michael Perry (Northwestern), Fred Schauer (U.Mich), Michael Smith

(Berkley), Geoffrey Stone (U.Chicago), Mark Tushnet (Georgetown), and Dianne Zimmerman (NYU).

Professor Nichol will act as

Symposium Director and moderator. Other moderators include Robert Kamenshine (Vanderbilt) and William Van Alstyne (Duke).

Corr to Visit American University

Professor John Bernard Corr has tentatively been offered a one year visiting professorship at American University for the upcoming academic year. Further details of Professor Corr's tenure status will be forthcoming.

The Advocate

Marshall-Wythe School of Law

A student-edited newspaper, founded in 1969 as successor to the *Amicus Curiae*, serving the students, faculty and staff of the Marshall-Wythe School of Law.

Letter to the Editor

South Africa and Divestment

Last Hurrah

This editorial marks the end of this writer's association with this paper. I am leaving *The Advocate* in capable hands, and I wish my successors luck in this frustrating, vexing, thankless yet curiously rewarding task.

I have long looked forward to writing this particular editorial. Now that the time has come, I am at a loss for words. I have no desire to make a ringing statement about law in our society, the future of Marshall-Wythe, or the values of a free press. In the past three years, I have grown weary of ringing statements, brilliant discussions, and thoughtful arguments. Our library is full of greatness. I shall not add to the clamor.

I will long treasure certain memories of my association with *The Advocate*. Letting certain nameless parties convince me that "beaver" was a sports term, and the resulting furor. (Why, oh why, did so many of the dissatisfied wait until Thursday night in the Blue Rose to vent their hostility?) Digging through the Newport News sanitary landfill to find our missing camera-ready sheets. The inverted gophers on this year's Groundhog's Day issue. (Actually, that was a yellow-bellied marmot my sister photographed during a vacation in Colorado; we doubted anyone could tell the difference.)

I remember, too, the first time I found out that we had to let the *Virginia Gazette* know in advance that we were printing that week; or that our film developer couldn't process black-and-white in one hour. The typos that somehow eluded our copy editor's best efforts. The Wednesday mornings that I was too shot from Tuesday night's editing to fix breakfast, let alone learn law.

But for all that, each time someone told me I had done a good job it made it worth it. Thanks, folks; I appreciate that moral support and encouragement more than you can know.

There are (literally) dozens of people I could thank for their help, far too many to mention here. I'd be remiss not to mention my ex-co-editor, Jerry Kilgore, still one of our best reporters; my longtime newsroom companion Liz Kauffman; and Doug Klein and Melanie Morgan, whom the Publication Council has appointed to succeed me. If you would like to help them, they'd love to have your help. Watch for an announcement of their first organizational meeting.

I would like to close with a quotation from William Beaudine, the gifted director of *Billy the Kid vs. Dracula*, *Bela Lugosi Meets a Brooklyn Gorilla*, *Lassie's Great Adventure*, and the timeless classic *Jessie James Meets Frankenstein's Daughter*. One day Beaudine arrived late to a screening of his work for some studio executives. When told that the impatient producers were already there, Beaudine exclaimed, "My God, you mean someone is waiting to see this?"

Thank you very much for your time and consideration.
(J.O.A.)

In South Africa, apartheid is an invidious system of constitutionalized racism which deprives twenty-two million black South Africans of basic human rights. They are forced by a brutal police state to resettle in "homelands" which comprise only 13% of the country's land mass. The constitutionalized oppression of non-whites is frequently enforced by brutal police action which leaves thousands of men, women, and children dead and separated from their families.

The question facing the nation in general and William and Mary in particular is not whether its economic policy weakens apartheid, but whether its economic policy is the most effective means to insure the dismantling of apartheid. Our continuing investment in South Africa acts only to reinforce its economy and lend respectability to its regime.

Recently, there has been a movement among American investors to take U.S. money out of South Africa. Many colleges and universities have chosen to either divest or follow the Sullivan Principles. The Sullivan Principles, formulated over a decade ago, embody voluntary codes of fairness and nondiscrimination practices by U.S. employers doing business in South Africa. Current research suggests that few companies are in compliance with these Principles and that investors, such as William and Mary, cannot insure compliance. Even if employers did comply, only 1% of the black work force would benefit. The Principles do not affect the political nor the socio-economic aspects of apartheid and do not meaningfully benefit even those Africans employed by U.S. companies. The Sullivan Principles are ineffective and clearly allow the system of apartheid to flourish. U.S. in-

vestments legitimize and lend economic support to a regime which continues to label non-whites as non-humans. As the largest foreign investor in South Africa, the U.S. is vital to the stability of the continued existence of apartheid.

The Board of Visitors of the College of William and Mary has taken an indefensible position regarding the College's investments in U.S. companies operating in South Africa. The Board decided to adopt a plan which allows College money to be invested in American companies which may not even follow the controversial Sullivan Principles. As difficult as it is to insure that companies which follow the Principles are in compliance, it is virtually impossible for the College to insure compliance of companies which must operate only in the "spirit" of the Principles.

Opponents of divestment argue that William and Mary would be adversely affected by withdrawal of its funds. Many studies have shown this forecast to be erroneous. By choosing alternative investments, including South African-free portfolios, the College could minimize any fluctuations in the rate of its investment returns. As others continue to disinvest, it may be financially unwise for William and Mary to delay total divestment. While the unrest increases, so does the risk of investing there.

Another argument put forth by opponents of divestment is that South African blacks would be harmed. While there may be some minimal economic fallout, i.e. jobs, when balanced against the political and socio-economical hardships imposed on non-whites, the economic affect is irrelevant at best. Most black South African

leaders, including Nelson Mandela and Bishop Desmond Tutu, agree that the attainment of meaningful human rights substantially outweighs any potential adverse affects. Additionally, the largest group of independent black trade unions fully supports divestment.

In America, a nation which advocates and insures the equality of all men and women, citizens should carry the banner for freedom and justice. A government whose ideals are based on democracy and human rights cannot afford to ignore the present conditions in South Africa. As citizens of the United States and as students of the oldest law school in America, we have a duty to advocate the protection of human rights throughout the world. Berhanu Abegaz, Assistant Professor of Economics, at the College of William and Mary, noted in the March 14th issue of *Flat Hat*, that "We are a privileged community of scholars and students who are obligated to hold the mirror for the world community to take a critical look at itself."

The fact that the Board of Visitors has considered some policy of disinvestment demonstrates the need for action. Any action must be effective. In our view, selective disinvestment, including the current policy endorsed by the Board of Visitors, is not reasonably effective. We advocate total divestment by the College of William and Mary from all companies with holdings in South Africa. If we do to take meaningful action soon, peace and equality in South Africa will remain but a fleeting illusion — pursued but never attained.

Brian K. Jackson
Pleasant S. Brodnax, III

The Advocate

Marshall-Wythe School of Law

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it's spring
today !

The Four Basic Food Groups

... For Law Students

by Slim

1. The Caffeine Group



Helps build nerves and promotes alertness. At least five servings a day are necessary to meet the demands of law school. Especially important are the two breakfast servings.



Available for 33¢ a pound at Farm Fresh. One serving a day preserves the illusion of nutrition, particularly when consumed in front of other students in the lounge.

3. The Grease Group



Provides empty calories and raw bulk to counteract the irritating effects of groups 1 and 4. Four servings a day.



Provides needed sleep by soothing exam/career anxiety. Also builds arm muscles via 12-oz. curl exercises. No more than six servings on weekdays.

Cojones

By Damian Horne

"There is nothing to do in Williamsburg," is a snivel I hear entirely too much these days. Next to "I was wait-listed for UVA," it is easily the sissiest whine ever echoed at Marshall-Wythe. Worse, it is now being uttered by 1st years, who, like children, should be seen and not heard.

There is plenty to do in Williamsburg. One doesn't have to sit at home eating Doritos wondering when your roommate is going to wash the dishes so you can switch the channel to MTV. In fact, absent a particularly violent Chuck Norris film, a middle weight title defense by Marvin Hagler, or anything starring John Wayne, Charles Bronson, or Clint Eastwood, weekend nights should be spent out on the town.

Our own law school is a good starting place. On any weekend night, save for a couple of weenies, the place has been taken over by undergraduates . . . female undergraduates. Not the same old weekday faces of Kappa Kappa Gamma either. We're talking Tri Deltas, and nine times out of ten, they're alone, resplendent in squeaky new powder blue Adidas, and pretending to study upside down books of French 101. A male who has his sexual preferences in order can easily spend hours in such climes—particularly if Dale

Barney and Froggy Lehman are there (and they usually are), both of whom are always willing to bounce a superball across the sploches on our neat new floor, talk in decibels entirely too loud for indoor structures, climb on lounge furniture, and otherwise engage in activity repugnant to Professor Lederer, but immensely amusing to Tri Deltas who should be studying French. After an hour, should you not immediately be whisked away for lessons in the Gallic tongue, or, in the alternative, if you are female and/or on law review, in which case you're not interested in Tri Deltas, the night is far from over.

Frank's Truck Stop is a great place. In a town where most of the College males think the phrase "Moose Hunting" is an invitation to shop the hair care department of Drug World, Frank's provides massive relief. Untucked LaCosta shirts, gold necklaces, and freshly scrubbed post pubescent faces just aren't part of the program at Franks. There is, however, long-necked bottled beer, a juke box (sans any selections by Twisted Sister, Prince, AC DC or any other insundry weirdo) and plenty of manly company that isn't likely to bore you with a discussion even vaguely resembling the Federal Rules of Evidence. In addition,

just down the street from Frank's is Farm Fresh, an entertainment extravaganza kind of like the Pottery except slightly more urbane and dealing mostly in food. One of the benefits of Farm Fresh is that you're always bound to run into someone you know. This is particularly true if it is 1:30 in the morning and they are in the company of the opposite sex. Farm Fresh is, in fact, where all the Law students who are having affairs go public. Admittedly, you're not likely to see them holding hands, but seeing two law students together after the library closes begs the question, and, of course, makes the witnessing party a glorious and revered source of rumor and intrigue on Monday.

There are other equally fascinating alternatives to the above itinerary, but they involve travel to less salubrious places like Buck's Bar and Grill, Greer's apartment, or wherever Jimmy Boyd spends his allotted study hours. A night like the one outlined provides an ample quotient of Williamsburg fun, and if planned correctly, can last until ten p.m. when it is time to get home and flip on another episode of good Miami justice, staring Crockett, Tubbs, a few dozen welfare types, and 17,000 rounds of Uzi ammunition. . . Who could want for more?

Toxic Torts

By Doug Klein

Homesteaders are pretty self-sufficient people; give them a simple roof over their head, a few acres of good sod, a decent Chateau Margaux, and a couple grand worth of tax-exempt municipal bonds, and leave them alone. Sometimes though, the good people are forced to take a trip into town and buy things from the dry good store, like salt or cotton fabric from the east or plowshares or some fresh hazelnut pasta with a shittake mushroom garnish. The homesteaders always went as a group, because Doc Warren's boys hung out in the saloon next to the dry goods store, and there was safety in numbers.

Sandie O'Connor's buckboard led the small convoy of wagons into town. His good wife Svetlana sat next to him. She had put in a special order for more borscht and a bottle of Uncle Dmitri's Famous Icon Cleaning Liquid and Steak Sauce. His kids, Thurgood and Clementine sat in the back with their hired hand, a man they knew only as Brilliant. Clementine had taken to wearing spike heels and those kind of hose with the seam up the back to try to tempt Irving Brilliant. After all, she is the farmer's daughter, but this is a

wholesome story for the entire family, so we're not going to get into it.

The wagons pulled up in front of the dry goods store. Old Blind Man Rehnquist and Tex Blackmun (see supra Episode 1) were still sitting on the porch. Tex spat (Ibid.).

"Yep," Tex said.

As the homesteaders walked into the dry goods store, Irving saw the table in the corner of the saloon occupied by that obnoxious band of litigators, more commonly known as Doc Warren's boys.

Irving leaned over to Sandie and said, "I think I'm going to go have myself a little drink."

Sandie was a teetotaler, but if the main character of the story wanted to have a belt, so who was he to stop him?

Irving grinned a bit as he turned into the saloon. Time to clean up, he thought. He casually pushed open the swinging doors and let them swing back and forth and creak loudly as he walked past and as the background music got noticeably more dramatic. Irving sauntered up to the bar, savoring every step on the squeaky warped wooden floor. The boisterous conversation in the corner ceased. Eyes were watching Irving. He turned to the bartender Felix.

"Whiskey," Irving said.

"Yes s-sir," Felix said. Then he lowered his voice to a whisper, "I thought I told you never to come back." He put on a smile and said openly, "Would you like a Frankfurter with that whiskey, sir?"

"Whiskey," Irving said.

Felix set the whiskey onto the bar. "Don't mess my place up," he said softly.

"You know, boys." One of the litigators said, "I think I smell something nasty in here. Smells awful. You know what it smells like—done smell like a . . . like some kind of pig-farmer walked in here. Smell that, boys. Don't it smell like a pig-farmer in here."

"Yeah, Hugo," another one said.

"It do smell like a pig-farmer. I didn't think we let them in here."

Hugo got up from the table. He walked toward Irving. Irving stayed facing the bar. Felix had retreated to the far corner, cowering by the old keg of Bud Light.

"Hey, Pig-Farmer, I'm talking to you. You done tracked dirt and pig slop all over the floor of my favorite drinking establishment. You hear me, boy."

Irving turned to face him. He smiled. "Sorry, sir. Bartender. Two more whiskies."

Felix ran, poured two, set them on the counter, and ran back. Irving held both glasses in front of him. "Here, Cowboy, have a drink."

One glass of whiskey flew down the front of Hugo's shirt.

"You're still looking kind of dry. Have another."

The golden liquid splashed into Hugo's face. Irving's right fist followed. The rest of them jumped up from the table and lunged at Irving. Chairs were broken, bottles were smashed over heads, briefs were filed, a body flew into the dry goods store, and then they decided to start the fight.

Blam! Crash! Kerplooe! And then Irving was being held down by two of them while a third punched him in the stomach. The other litigators were lying in various places about the bar with bloodied faces, shattered bones, and meritless arguments. Irving had bruises under both eyes and the blood ran out of the corner of his mouth in a thin stream. His mid-section was pounded by punch after punch. Pain from his ribs shot through his head, and every breath impaled his lung further on his broken rib. Things were looking pretty darn bad for our hero, then along came Sandie....

Sandie O'Connor burst into the saloon, sporting axe handles in each hand. The odds were now two to three, and it was no contest. Sandie took out one with one handle and tossed the other to Irving. Within minutes, all of Doc Warren's boys were on the floor, either they were groaning and bleeding and claiming they were going to appeal or they were out cold altogether. Sandie and Irving shook hands and walked back into the dry goods store to finish their buying spree. Sure it was gratuitous shopping, but, shucks, this is a western.

Here's a scene from next week's episode: "Brandeis was trash," the man in the black said from porch of the saloon. "Oliver Wendell Holmes was trash."

Johnny Reb Brennan stopped walking and stood in the ankle-deep mud of the street to face the man in black. His gun hand went down to side.

"Cardozo was trash," the man in black continued, "All them jurists were....trash. Trash, like you."

Reb Brennan reached for his gun. Stay tuned for the the next distressingly pedantic episode of ... "Tax Lawyers On The Range."

SBA Self-Study

Simmons Commission Report Released

BY D. KLEIN '87

The Simmons Commission, an SBA self-study group, has handed down factual findings and has recommended a series of measures to make the SBA a more effective organization. The Commission, headed by the indefatigable Mark Simmons, examined three SBA related functions: the SBA's relationship with SBA/BSA-funded student groups; the SBA's relationship with its own committees; and the enfranchisement of third years in the SBA general elections.

The main complaint of the SBA/BSA-funded student groups was their difficulty in receiving reimbursement for group expenditures. The organizations also felt constrained by the Board of Student Affairs' line-item budget

categories. The Simmons Commission made three recommendations with regard to these groups. First, the SBA should establish a central "Canteen" for office supplies and other small items for the organizations as part of the effort to reduce reimbursement obstacles. Second, the BSA should permit the SBA treasurer to juggle line-items as much as necessary to provide flexibility. Alternatively, the BSA could broaden its line-item categories to facilitate a wider range of activities. If the BSA rejects those proposals, the Commission recommends the SBA treasurer inform the groups of their budgetary situation at the beginning of each semester. Third, the SBA treasurer should have more sessions with group treasurers.

The Commission found that the

biggest problem between the SBA and its own committees was the lack of communication. Three recommendations were made. First, each committee will have a liaison in the form of an SBA representative. Second, committee heads should be removable with a simple majority vote of the SBA. This measure would allow the SBA to control its committee heads without resorting to Judicial Council action. Third, the SBA should make clear to prospective SBA representatives what will be expected of them if they are elected.

The Simmons Commission conducted a poll concerning whether third-year students should be allowed to vote in SBA general elections. A whopping 60 people took part in the poll. The poll was based upon utterly unscientific

standards. 63 percent of those polled (38 people) thought that third-years should not be allowed to vote and be treated like the second class citizens which they are. 37 percent (22 people) supported the third-years' enfranchisement. The majority based their votes on the fact that the third-years have no stake in next year's officers, that they should not be allowed to leave a legacy, and that they will not be SBA constituents in the following year. Those in support of the third-year vote claimed that the third-years would know the candidates better than many of the first years and that the third-years would vote with the school's best interest in mind.

First year SBA representative John Polise expressed some disappointment in the scope of the

recommendations. He had hoped that the Commission would have proposed a more active role for the SBA with respect to the Administration.

"For instance," Polise said, "The Dean recently appointed a student to the committee to find a new Dean of Placement. The SBA had no say in that choice. We probably would have picked the same person, but, still, we should have had some say in the matter."

"I was satisfied with the Simmons Commission Report," said SBA President Ray Nugent, "They worked hard and made some fine recommendations."

The SBA has acted on the report and put into effect all the recommendations which it had the power to implement. Nugent added his thanks to the Commission's members.

Leading Creditors' Attorney to Speak

John J. Jerome, an attorney with the law firm of Milbank, Tweed, Hadley & McCloy, in New York City, will be one of four participants during a two day event sponsored by the Graduate School of Business.

During April 3 & 4, the Business School will host the 3rd Annual Executive Forum, which will focus on the topic of "Restructuring, Reorganizing, and Recovering." Mr. Jerome has been invited to participate in this event because of his involvement in the Manville Corp. bankruptcy case.

Representing the commercial creditors of the firm, including major banks such as Morgan Guaranty, Citicorp, and Bank of America, Mr. Jerome has recently been in the limelight due to the creditors' opposition the proposed \$1 billion compensation plan to the asbestos victim's lawyers. If the proposal should go through, this would further jeopardize the funds available to pay the creditors, particularly the interest that has accumulated since Manville filed for Chapter 11 in August 1982. The Denver-based building and forest products manufacturer filed for bankruptcy when it was hit with thousands of lawsuits from

asbestos-inflicted victims who were found to have cancer and other lung diseases after using the company's products.

A graduate of St. John's University and its Law School, Mr. Jerome has also taught at New York Law School and has written numerous pieces on bankruptcy procedures and corporate law. He has been with the firm of Milbank, Tweed, Hadley & McCloy since 1962.

The other three key speakers will be Lewis L. Glucksman, Frederick M. Dawson, and William W. Granger, Jr. An alumni of the college, Mr. Glucksman is chairman of Glucksman & Company, a private investment banking firm founded in mid-1985. Well-known in the financial industry, Mr. Glucksman was previously the Chairman and Chief Executive Officer of Lehman Brothers until its sale to Shearson/American Express in the spring of 1984.

Chairman of the Board, President and Chief Executive Officer of Beneficial Insurance Group, Inc., Mr. Dawson has been responsible for implementing strategic redirection to several subsidiaries of Beneficial Corporation. Mr. Dawson also holds a Jurisprudence degree from Drake University.

Working for Beatrice Companies, Inc. since 1946, Mr. Granger is now the Chairman of the Board and Chief Executive Officer of the Fortune 500 company. In 1984, Mr. Granger assumed a

very active role in the Esmark, Inc./Beatrice merger. Mr. Granger graduated from W&M. His concentration of study was in accounting.

On Thursday, April 3, the four

guest speakers will be lecturing in select business classes in Chancellors. On Friday, April 4 the Forum will be held in Phi Beta Kappa Hall starting with a Continental Breakfast at 8:00 a.m.-8:45 a.m. The main event will

start at 9:00 a.m. and will last till noon. All law students and faculty are invited to attend.

For more information call Leslie Hubbard at 565-1293.

Affirmative Action Speaker



BLSA officers Buddy Brodnax, Brian Jackson, and Billy Henderson with Richmond attorney and activist Sa'ad el-Amin. Mr. el-Amin spoke Monday at Marshall-Wythe on Affirmative Action.

Graduation Update

BY ELLEN ZOPFF '86

I know. It's only March. But Spring is in the air, and Graduation seems to be only every 3L's mind. So here it is—everything you wanted to know about Graduation but couldn't find me to ask!

First of all, let's review the calendar of events:

Friday, April 11—Alumni Reception for 3Ls, faculty, and alumni. This event will run from approximately 4:00 to 5:30 p.m., with cocktails and hors d'oeuvres, at a location to be announced soon (and it's free!).

Saturday, May 10—Cocktail Party/Dance for 3Ls, family, faculty, and friends, 8:30 p.m.-1:00 a.m., Campus Center Ballroom. Cocktail hour from 8:30 to 9:30, "The Essentials" (from Washington, D.C.) will begin their first set.

Sunday, May 11—Brunch, 11:30 a.m.-1:00 p.m. This will be held outside in the glen between the Sunken Gardens and Crim Dell, weather permitting. Rain location is Trinkle Hall.

Tickets for the dance and brunch (one ticket gets you into both events) are \$5.00 per person, and

will go on sale near the end of classes. By the way, first- and second-year students who will be in the Burg the weekend of Graduation are welcome to attend the dance and brunch—to party one last time with their favorite graduates!

Now for Graduation itself: the Graduation Ceremony will take place at 2:00 p.m. at William and Mary Hall. Our Diploma Ceremony will be immediately after the main ceremony, at Phi Beta Kappa Hall. Tickets for the main ceremony are unlimited. Each graduate will receive 4 tickets for his or her family to attend the Diploma Ceremony. Those wishing to have their name placed in the lottery for the chance of receiving 2 additional tickets should fill out the forms which have already been distributed via hanging files, and return them to MY hanging file by April 4. Names of the "winners" of the lottery will be posted on the SBA window.

All of the ceremonies and festivities should be completed by approximately 6:00 to 6:30 p.m. on Sunday. And that's all, folks!!

The Latest On Libel Night

BY TERRY REICHER '86

The Libel Night writers have been busy for the past month getting scripts together for the show. We are almost finished writing and now need to cast people in roles.

If you want to act, sing, or play guitar, we need you! Please keep your eyes open for announcements about a meeting next week. If you have experience with lights, sound, or staging, we also need you. If you have never performed in a theatre, but want to help out with props or anything else please come to next week's meeting.

Remember, you do not need a theatre background to do this. Most of our cast for the last two years had very little experience.

If you simply want to watch, Libel Night will be performed at Trinkle Hall on April 6 at 7 PM. After the show, we will clear the floor and have a party until 11 PM.

Questions? Ask Terri Reicher or Margy McHugh.



"Bernie, my attorney" instructs students in baseball dice in Libel Night '84.

Barristers: A Ball, Not A Sock Hop

BY CLAIRE BLACK '88

This Saturday night, March 22, at 9:00 lots of law students and professors are going to abandon their familiar niches in the library for a night of dancing and drinking at this year's Barrister's Ball. Rumor has it that this year's ball is going to be fabulous—but who needs rumors? To be truly prepared for anything the lawyer needs cold, hard facts; so I questioned a famous unnamed source and can now reveal what's going to happen in Trinkle Hall this Saturday night. What follows is a portion of my interview with the famous unnamed source.

Q: First, what's so great about this year's dance?

A: Well, this year's ball is going to be the fanciest yet! We're planning a ball not a sock-hop. The social committee has already ordered the tablecloths and flowers, not to mention carpeting to muffle echoes and cushion falls. Of course there will be plenty of dancing and drinking—but we'll do it in soft lighting so no matter what happens you'll look fabulous at all times.

Q: There's going to be an open bar, right?

A: Of course there's going to be an open bar. We're going to have plenty of booze and lots of beer—plus this year we've planned to have waiters on patrol with champagne bottles ready to fill up your glass.

Q: Champagne? Well then how much is this going to cost per couple?

A: Relax, this ball is not designed to deplete all of your checking account! For just \$10 per person you can party all night in Trinkle Hall! Also don't worry about a date, plenty of people are coming solo—the point is to be there and to dance all night.

Q: Is the music going to be any good?

A: Well, the SBA has booked The Diamond Band—and Ray Nugent says that they're terrific. They're a ten piece orchestra from Richmond and they play everything from Frankie Sinatra to Sheila E.

Q: Can I quote Ray on that?

A: Sure, why should I care?

Q: So who's going to be at this ball?

A: Everybody! Lots of the students already have plans to go and plenty of the faculty are going too! This year some alumni are coming back for the evening—and even the governor has been invited to attend.

Q: Sounds good—what sort of thing should I wear?

A: Well most of the women I've talked to are taking the opportunity to get dressed up. Of course, the meaning of dressed up varies—I just suspect that most of the women will look great!

Q: How about the men?

A: Ray Nugent is wearing a tux—what more need I say?

A: Come on—everybody knows that Ray is a fashion trendsetter—what are the real men going to wear?

A: Every man is not the black tie type! I say wear what makes you happy—if a chartreuse double

knit suit makes you irresistible then go with it.

Q: So it's \$10 for an open bar and The Diamond Band?

A: Right.

Q: Trinkle Hall, 9:00 until 1:00?

A: 9:00 to 1:00.

Q: Saturday night?

A: This Saturday night, BTA.

Remember Last Week?



Lee Bender '88 and Billy Henderson '88 in the semi-finals of the Fort Lauderdale Tanning Invitational. As can be seen from this photo, Billy has a commanding lead.

New Law Review Staff Named

BY LIZ KAUFFMAN '87

On February 27, the Law Review announced the Board selections for Volume 28. Chris Gleason takes top honors as Editor-in-Chief of the William and Mary Law Review, replacing Rob Kutz '86. Fay Spence and Mike Durrer will share rank as Symposium Editors, while Don Johnson takes the position of Managing Editor. Susan Shinn and Terry Costolo will be Professional Articles Editor and Student Articles Editor, respectively. Dave Goewey fills the Research Editor post for the upcoming year. These seven people comprise the Executive Board of the Law Review.

A second group, the "Board of Editors," was also announced. New Board members include Rob Stoney, Teresa Smith, Stan Olesh, Steve Davis, Drew Jiranek, Steve

Baicker-McKee, Norm Lent, Rob Robinson, and Eddie Isler. Steve Baicker-McKee steps in as the new Candidate's Program Director, while Stan Olesh will be Business Editor for the Law Review.

General Staff of the Law Review includes Pam Lynde, Sherri Thorstad, Bob Hicks, Pete Condron, Larry Katz, Rob Dickerson, Don McKillop, Jose Terz, and Dave Schroeder.

New members are currently working on extensive articles with topics such as insurance, UCC, RICO, and civil rights. In addition, the new Business Editor Stan Olesh is ambitiously eyeing the possibility of getting the William and Mary Law Review on LEXIS.

Good luck and congratulations to all.



Chris Gleason '87, Editor-in-Chief, and Don Johnson '87, Managing Editor of next year's Law Review.

New Advocate Regime Assumes Control

The Publications Council of the College of William and Mary has named Melanie K. Morgan and J. Douglas Klein to be the Co-Editors-in-Chief of the Advocate for next year. Morgan and Klein were selected through a rigorous process which included a grueling thirty minute session with the Pub Council.

The Council expressed some concern about the need for co-editors and whether the two new editors would be compatible. "Klein's a bit of a grammatical fascist," Morgan said, "But he has curly hair and can type nearly twenty words a minute. What more could you want?"

"Melanie's a layout ace," Klein stated, "And she's from Missouri which isn't like near any good beaches or anything, you know."

When asked what changes might be made in the next year's Advocate, Morgan replied that the paper's banner might be changed to something more colonial. Next year's Advocate will feature a regular column by the ever-popular Damian T. Horne and possibly a personals column. Klein said he would like to revive the "Road Trip of the Week" feature of several years ago. He also stated that he was tired of the title "Toxic Torts" for his column and would like something a bit more racy like "Beanface."

Liz Kauffman will be next year's news editor, and Susan Hubona will continue in her role as business manager. The staff could always use more reporters, layout staff,

and proofreaders, and Melanie and Doug invite all those interested to join them and their merry band.

Lastly, Morgan and Klein said in

unison, "We would like to thank our mentor, John "Stop-the-Presses" Alderman, for all his help."

New Moot Court Board Named

Richard Pledger has been named the Chief Justice of the 1986-87 Moot Court Board. Robert Stoney is the new Research Justice and will be in charge of drafting the problem for next year's Spong Invitational Moot Court Tournament. Marie Duesing and

Katherine Tarter have been appointed as Administrative Justices. The new Business Justice will be Joy Bryant. Jack Maxwell will be given charge of the Client Counseling, Negotiations, and Trial Teams. Elizabeth White will serve as the Tournament Justice.

New Phi Delta Phi Officers



Officers elected for the '86-'87 year: President Vanessa Valdejuli; Vice-President Eric Cantor; Secretary Jill Carson; Treasurer Bob Eveleigh; and Membership Chairman Sydney Lentz.

African And Caribbean Judges Visit

BY DAVID COFFMAN '87

On Thursday, March 13, Marshall-Wythe welcomed distinguished African and Caribbean judges and court registrars from about 3:30 p.m. to 5 p.m. as part of the U.S.I.A.'s International Judges Orientation Program. The program focuses upon the problems of court administration such as decreasing delays, application of computers in the courts, education of new judges, court records management, and court personnel systems and management. The National Center for State Courts, which specializes in such problems, coordinated the Williamsburg phase of their tour of the United States from Sunday night to late Friday morning. According to Williamsburg coordinator Mr. Richard Van Duizend, Director of the Washington Project Office of the National Center for State

Courts, the problems of court administration are cross-cultural and not tied to any particular legal system. Mr. Van Duizend stated that although the United States has a well-developed court administration system for foreign observation, he hoped that American federal and state court judges and managers might eventually go overseas to teach and to learn through the program.

The foreign court officials arrived in Washington, D.C. from their respective countries about a week before their visit to Williamsburg for a review of court administration at the federal level. From Williamsburg, the group will travel to cities such as Philadelphia and San Francisco. All of the group members spoke English, and almost all were high-court officials.



African and Caribbean jurists tour the Moot Courtroom . . .

Silkwood Lawyer Berates System

BY LAYNE RUSSELL '87

This past Saturday, March 15, 1986, the Virginia Trial Lawyers Association brought Gerry Spence from Jackson, Wyoming as their keynote speaker at their annual meeting here in Williamsburg. Gerry Spence is a top-notch litigator whose fame has reached all across America beginning with his win in the Silkwood case against Kerr-McGee in Oklahoma. Just recently he has added to his gallery a \$52 million award against McDonalds Corp. for breach of an oral contract to a small family-run business.

Spence, who hails himself as a people's lawyer, mostly represents the "underdogs" against the big corporations. Yet on Saturday, the Trial Lawyers Assn. received an unexpected scathing, not directed primarily against the large corporate "gods," but against the judiciary in America.

While discussing voir dire, cross examination and other "trial" interests, he stated, "There is a rule of law called 'Little people, little justice'." Spence explained that the judiciary has never heard this rule because nobody has ever said it to them. The rule is that little people get little justice and big people get big justice. He stated, "Big corporations get big verdicts and little people get little verdicts which are then taken away from them because they aren't supposed to have them."

"It's not that you're bad judges," he continued. "It's just that this is contrary to your concept of justice that little ol' Orby Williams living in Coldwater, Ark., or wherever, who never made more than \$40 week should get \$10 million from a corporation. That just bugs the shit out of you."

Spence then began his comparison: "If you and I, your honors, commit a crime, we go to jail. But when Corporate America commits a crime, you can't put them in the stocks. You can't put a scarlet 'A' on their brow." Spence said, "Now, the great citizens of America hide behind the corporate structure and com-

mit these crimes. But what do we do with a structured America in which the great corporations sit down and determine how much, as in the Pinto case, it costs to create a safe gas tank?" Spence answered that although after the computations have been made it becomes clear that there are going to be 700 people who are going to be burned to death in America, (and their predictions were correct), "It's cheaper to let them burn, to let the smell of their burning bodies permeate the air of America, than it is to change the gas tank. There is money to be made. You can defend the cases cheaper than you can change the gas tanks at \$7 per tank."

Spence stated if you or I went out and said "I am going to kill your wife for \$700," there is not much question about what the judiciary would do to me or you. But it would not be anymore premeditated, as Spence brought out, and it would not be anymore related to dollars and cents, than corporate mass murder.

Spence said, "Manson, who never killed anybody, except . . . to sit out and mastermind a manner in which people would be killed, (then) had them killed, is not more guilty of his crimes than the great corporate leaders of America."

Spence hammered his point home by mentioning the asbestos poisoning cases where employees with terminal cancer would drop all around the corporate employers. While the employers knew the problem, they would not tell their employees. Rather, they watched them die from their products.

Spence told the audience, "You have a judge in your own state who said that those who were involved in the Dalkon shield implanted bombs in the wombs of American women, and knew it. Now, if I go in and plant a bomb in the womb of your wife, your honor, what would you do to me?"

Spence then asked, "Why is it that a corporation, which isn't alive, which doesn't breathe,

which doesn't exist, which has no heart, which has no soul, which is a non-existent entity which is laid out there in front of these so-called respectable people of society who hide behind the corporate structure and permit this non-thing to go out and commit these crimes in the name of profit, why isn't it proper that it pay punitive damages, punishment damages?"

He chimed on, "And why do you care who gets it (the award)? When it comes down to the bottom line, the dollars and cents, as to where that money goes (to my client Orby or it stays in the huge corporate coffers), why is it that it shocks your consciences that Orby gets \$10 million?"

Perhaps the most critical statement came when he asked the judges, "If you are sitting on the bench and are making \$50,000 or \$100,000 per year, does that have anything to do with the fact that you don't like to see Orby get \$10 million?" Spence spared nothing in his criticism of the judiciary attempt to balance the rights of ordinary human beings against the rights of the formers' non-human masters. "All the lawyers can do is to bring you the cases," he said. The judges must take part in the "great crusade in seeing that the citizens get justice."

"So there is a great responsibility on your part," Spence said in closing his critical, impassioned remarks, "Not to sit back there unrelated to the people, thumping your forehead in complaisance away from the pits where people are dying and bleeding in your safe places where you read the black and white transcripts that have no relationship whatsoever to feelings."

And in the still of the room full of judges and lawyers, Spence confessed, "I don't care about being a nice man; I care about being a truthful man to you, your honors."

By the way, Spence's audience contained at least two Virginia Supreme Court Justices, several federal judges, another handful of state judges, and many Virginia trial lawyers.



. . . the lounge . . .

. . . and the library.



Intramural Basketball Season Roundup

The 1986 Basketball Season culminated last week with the All-College Playoffs. The law school was represented by three teams. In women's play, the Bouncing Barristers reached the semi-finals before losing to the ultimate champions, the Nasty Girls. The Nasty Girls avenged an early season loss to the Barristers by using a tough inside game. Erin Sheehy led the Barristers. The Barristers reached the semis after imposing a wicked press on their opponents. After trailing much of the way, the Barristers' tenacious defense created numerous turnovers, leading to easy baskets and a com-

fortable win. Virtually everyone returns to next year's team so the Barristers should remain a formidable squad.

In men's action, both OTTOTTO and the Wing Tips lost during the Round of 16. OTTOTTO won its first round game handily by pounding Who Are We Kidding in a laughter. Kenny Gresham led the offensive performers with several spectacular moves as well as a devastating first half slam. OTTOTTO lost to the Inverses in their second round game losing by one in a hard fought game.

The A-League Champion

Wingtips lost by three to a tough freshman team, the Grafflers. The Tips got off to an early lead on the strength of the astounding play by Jeff Barnes. However, the Grafflers utilized strong defensive play and converted some turnovers into baskets to get back in the game. R.J. Scaggs had an outstanding game as well and made several key baskets at the end to keep it close.

Finally, congratulations are in order for all the teams who competed this year and best of luck to the Marshall-Wythe entrants in Volleyball and Soccer leagues.



Coach Tom Cook looking very coachish in his coat and tie. Here, he is giving second half plans to Barristers Marie Duesing, Pat Miller, and Lynda Butler.



Diane Mazur '87 shoots from the inside.

Fauls Squashes Competition

Defending his 1985 title, Ted Fauls '86 recently defeated finalist Jim Lamb for top spot in this year's William and Mary Squash Tournament. Fauls emerged victorious from five rounds of play without a single defeat. Faul's winning score was an impressive 15-2, 15-7, 15-4. Over thirty students, undergraduate and graduate, competed in the tournament. Prior to his 1985 and 1986 victories, Fauls consistently reached the semi-finals as an undergraduate and placed third in the state during high school.

Fair Notice

Mary & William

On Friday, March 21, 1986, the Mary & William Law Society will present a panel discussion on "Starting Your Own Law Firm." The panelists will include Barbara Kamp of Kamp & Kamp in Newport News and Dawn Phillips and Rita Planas of Phillips & Planas in Virginia Beach. Ms. Kamp has been practicing law in Virginia for several years, and a few years ago she and her husband opened their own firm. Ms. Phillips and Ms. Planas opened their own firm after graduating from Marshall-Wythe in May 1985. Everyone is invited to attend on Friday, Mar. 21 at 3:30 p.m. in Room 239.

Intramural Wrestling

The intramural wrestling tournament will be held sometime in the vicinity of 1 April. The weight classes will probably be the standard college classes beginning at 126. Anyone interested in joining the law school wrestling team, Men Without Headgear, should drop a note in Doug Klein's hanging file or something similar. Last year, we finished third, but we need help this year.

THE ADVOCATE NEEDS HELP.

Positions Now Open For The Following:

- *Cub Reporters
- *Ace Reporters
- *Typing Jocks
- *Jocks Who Type
- *Anonymous Sources
- *Visual Image Technicians
- *Distribution Officials
- *Grammatical Engineers
- *Cut-and-Paste Specialists
- *Spelling Champions

Come on, we know you're out there. We know you worked on your high school paper. We know you can spell, and we know about that spiffy 35mm camera on the top shelf of your closet that you never use. The new Advocate staff is organizing now to do this year's last issue and plan for next year. Help! We offer great experience, something to put on a resume besides intramural sports, and the incomparable thrill of seeing your own work in print. It's a minimal time commitment and may be your last chance to join the Fourth Estate. Watch for an announcement of a big staff meeting, coming soon to a bulletin board near you.