1988

The Advocate (Vol. 20, Issue 6)

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Priorities on Minorities  

BLSA Law Day Held

by Beverly McLean

The Marshall-Wythe Black Law Students Association held its second annual Law Day on Saturday, November 12, 1988. The theme of the conference, "A Day in the Life of a Law Student" illuminated both theoretical and practical aspects of day-to-day law school life.

Twenty-five prospective students and four Marshall-Wythe alumni attended the conference. The students participated in mock classes taught by Professors Margaret Spencer and Alemante Sellaes and small group sessions in which panels of students and alumni answered questions about law school life. Law school tours and admissions interviews with Faye Shealy, Dean of Admissions, provided students with an opportunity to obtain more in-depth knowledge about law school offerings. A reception for both prospective students and alumni concluded the day-long conference.

Second-year Helvi Holland, coordinator of Law Day, said that "the idea for Law Day originated during [her] attendance at a similar event at another school." She "approached the Marshall-Wythe administration and received enthusiastic support for [her] idea."

Prospective student Sharon Phillips, a graduate of Hampton University, said, "I am really impressed by the family atmosphere and teamwork that I've seen today. I'm seriously considering Marshall-Wythe." Alumna Wanda Allen, a solo practitioner in Hampton, talked about the faculty at Marshall-Wythe. In particular, she said that her contracts professor (Dean Timothy Sullivan) helped her to "know contracts better than any other area of the law," and advised seriousness in your approach to law school.

Holland stressed that "this conference was held to encourage members of minorities to enter the legal profession and not just to attend Marshall-Wythe. This philosophy is consistent with the . . . goal of expanding the conference to a regional event including other law schools in the planning."

Forty percent more students attended this year's conference than last year's, according to Holland. Additionally, the conference included advisors and alumni for the first time. The goals for the next conference include increasing the attendance of all these groups.

Virginia Plans Response for Environmental Issues

by Steve Maloy

Describing the combined federal and state administration of environmental issues in Virginia as "chaotic" and a "hodgepodge," Keith Buttleman, chief administrator for the Council on the Environment, spoke to M-W students on how the Commonwealth distributes its power to deal with environmental matters.

Buttleman said the reason for the disparity can be traced to the Virginia Constitution. Article Eleven calls for conservation of natural resources in the state and mandates "the Commonwealth's policy to protect its atmosphere, lands and water from pollution, impairment or destruction, for the benefit, enjoyment, and general welfare of the people of the Commonwealth."

The result: a plethora of state guidelines, in addition to voluminous federal guidelines, he said, leads to an unwieldy body of law. It also creates difficulty for state attorneys, because industries can almost always find a provision or measure to lend credence to their land disturbing activities.

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Inter Alia
Whose Library
Is It Anyway?

Tuesday's SBA meeting featured extended discussion of the new library policies and student dissatisfaction with them. The discussion turned, as usual discussions often do at this school, to a larger complaint: a widespread student perception that no one is listening to these concerns.

Contrary to the opinion of new Librarian Jim Heller, the vast majority of students regularly using the library liked the old shelf slip system. The system worked: when a book was not on the shelf, others looking for it knew immediately where it was, and students, generally amicable and cooperative, worked something out. Now each missing volume triggers a trip to the circulation desk, a trip often fruitless because only books being used overnight need be checked out to a carrel. Nothing was broke, but it got fixed anyway, and we'd lay odds that the students think matters are now worse.

If Mr. Heller is unaware of student disgruntlement, it is not for want of trying on the students' part. Skepticism was expressed to Heller at the initial open meeting, meetings with SBA Library Committee members, and in personal conversations since then. Heller has consistently been unreceptive to pleas for a return to the old system, modification of the new system, or the addition of a concurrent, complementary system.

Official unresponsive: ss is no new phenomenon at Marshall-Wythe. But library policies are an area where we should call the tune, or at least sing the chorus. The library, after all, is supposed to be for us. We use it more than faculty members or visiting attorneys, and the policies governing it should accommodate that fact of life. Students should complain to Heller (at the library staff, their hands are tied), and Heller should, for once, listen.

S. J. M.

THIS IS THE LAST ISSUE OF THE ADVOCATE FOR THE SEMESTER. WE HOPE YOU ALL HAD AS MUCH FUN READING THE PAPER AS WE DID PRODUCING IT. GOOD LUCK ON EXAMS. WE'LL SEE YOU IN '89!

Letters to the Editor
ON THE PRACTICAL SIDE...

Dear Editor,

This letter is directed to those students desiring a little "practically" in their law school experience.

Last spring, the law school offered a one-credit pass/fail course (on a trial basis) titled "Law Practice Management." Approximately 15 students enrolled in the course offered Friday afternoons. I was one of them.

Dean Sullivan and a majority of the curriculum committee approved the course for this spring, but since the course is scheduled for cancellation, the reason being that only one student signed up for it during the recent registration process. The fact is that the only notice students received about the course was a memo on the bulletin board shortly before registration. The reason for this not being of the regular kind is another issue, not addressed here.

This letter is an attempt to inform students about the course and let them know that if they are interested in enrolling they should lend their support to Dean Sullivan in having it reinstated. (Apparently the Dean met some resistance from a minority of faculty members.)

The course focused on specific problems of operating a small firm practice, however, these principles are applicable to larger firms, too.

The reason for this not being on the regular list of courses is that the course which included client development, marketing, compensation schemes, computer systems, management principles, employee development and other practical aspects of the "business" of a law firm practice. This traditionally "tastless" material is becoming increasingly necessary for survival in private law firms.

If you can envision yoUself in some managerial role: at a law firm or as a solo-practitioner, you should consider taking the course.

The professor is a management consultant with 15 years experience who can charge top consultant fee for his services. His contacts brought guest speakers from out-of-state. The professor polled Marshall-Wythe alumni before suggesting the course to the law school, and out of all respondents over 90% approved of such a course. I have received nothing but favorable comments from practicing attorneys after describing the course to them.

If you think this course is worth your time, you should make it known to the administration now. Next semester is too late.

Paul Conbruck, SJ

Dymanstics
By Jeff Yeats

Late the other night, after self-destructuring during my jury trial, I felt obliged to do something constructive with the day and picked up my insurance text in a futile attempt to catch up. My mind was about as clear as a brick, as retentive as a sieve. (Interestingly enough, the Dallas Cowboys are having a very similar experience on national television just now.)

However, despite my added state, one thing stuck with me. It is the opening line of a California Supreme Court decision penned by Justice Sullivan:

"Plaintiff appeals from a judgment of dismissal entered upon an order sustaining, with leave to amend, the defendant's general demurrer to plaintiff's complaint, plaintiff having thereafter declined to amend."

(Do you really expect a cite?)

Maybe it was just my state of mind at the time, but there is more a twisted way to say it. I wonder, have you with the six or eight versions I drafted, not one of them same close.

I'm certainly not out to impinge the learned Justices of Sullivan or California. That sentence merely illustrates a great deal of legal literature, a style found in all of its various forms. It is possible that Justice Sullivan was even exercising a bit of judicial sarcasm toward a particular brief in the case which adopted that style.

In any event, after 10 or 12 attempts, I managed to distill the statement to some degree of clarity:

Plaintiff thinks he has a case and the trial court disagrees. Plaintiff appeals.

The question is one of terminology used for its own sake and find it a frustrating tendency in the law. The result is nothing more than studied diminishment of the potential for common understanding of the law. In other words, why let the jargon get in the way of what you're trying to say? This sort of thing has always gotten in the way of my understanding of the law and, while I understand why terminology is necessary to the communication of something as important as the law, its overuse always breeds a bit of resentment here. Nor do I think I'm alone in this feeling.

When and where the law can be reduced to a statement of clear meaning, I think it should be. The law applies to everyone and much of the general exasperation with the current legal system may be due to its inability to express itself in clear and certain terms. If we can't explain what we do to the people we do it for, who can determine for reasons the fact that they have to pay for it anyway?

It can't be done in every situation, but some areas are ripe for more standardized procedures. Divorces and title searches are two obvious examples. Other areas of practice could benefit from at least partial standardization: Tort and Criminal law both seem to be pretty hot topics for the reform-minded.

But talk of standardization is talk of fewer jobs and lower

Continued on Page Three
On The Fence
Exam Stress: A Survival Guide for First Years
By Karin Horwatt

By the time you take your first law school exams, you will have made it through at least sixteen and a half years of school, and have added up to a lot of tests, and you'll figure that by now, most people would be able to face this next batch with a measure of confidence and finesse—or at least of dignity. But in law school, they endeavor to teach you to think of yourself as an element of this mental toughening is reflected in the fact that law students characteristically approach their exams with a complete lack of perspective.

This essay is designed to help you get through exams as calmly and rationally—as much as possible. This is not a guide to better studying; it's only a primer on how to get good grades. Much of that information has probably been important, but it is often contradictory a fashion as possible, in the law school specialty, by second-years and third-years, and third-year students, that doesn't make sense to listen to other law students rave about stuff any more than you were an innate thing at some other institution asking other inmates about parole or outpatient halfway houses. Ask your professors.

There are several factors that contribute to the effects of a law school exam as an inspiration for insomnias, nightmares, overeating, understating, ulcers, depression, irritability, marijuana smoking, binges, bitchiness, dry mouth, irregular menses, and that lean-and-hungry look. For one thing, the exam is the only test you get for another thing, the most mega-hit will ask you your grades until you're eighty, and even if you make Chief Justice or the Supreme Court, they'll never let you work for them unless you did well on your first exam.

Some people will put up with almost anything to avoid this. Senator Weicker on November 29, 1987, indeed, you have even ever seen than at

For those grade-sensitive, your grades will matter really a lot. But by everybody who makes an A, Marshall-Wythe will get a job — even an interesting, lucrative job — and for the rest of the world, if that A job, your grades won't matter quite as much. William and Mary Law School is not Harvard, but it has a name that will sound louder-than-your grades. Not only that, but if you get low grades on those three-hour essay exams, that does not mean you have been informed by the cosmos that you have no potential as an attorney. The ability to write a mean law school essay exam is not the ability to be a good lawyer, write a mean brief, draft a coherent pleading, negotiate effectively. So not only will this awful period pass, it will be good test of your legal talent and it will not decide the rest of your life.

Next, you have gone through at least sixteen years of schooling. I repeat this because, at times like these, most people forget that about themselves. You have gotten into a high-caliber law school under intensive competitive conditions; this means that you have probably devised a damned good way to study—so use it for you. If you start looking at how everyone else is studying and wondering if you're doing it wrong, you will drive yourself crazy. A groupthink mentality emerges during exam time, and you will hear a lot of people say that marks are very important, grades that may scare you; a lot of it is wrong and comes from anxious people trying to impose order on a largely random process. Meanwhile, the key to law school grade Nirvana is not going to come from the mouth of another first-year. If a second-year or third-year has something to say about a particular professor, listen, but if he starts telling you how to outline, it's okay to take that with a grain of salt.

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Enough of that. Let's talk turkey.

Real turkey. Eddie and Heidi McNelis are smoking a turkey and they're going to coach Dan Perry as he experiments with another turkey and I will roast a turkey, because it's easier. Call it the Third Annual Orphan's Thanksgiving Dinner.

If you're in the Burg next Thursday and feel the need to participate in a hot, home-style meal, bring a dish and dine with us.

Just let me know what you're bringing and if you don't look, let me know that and I'll let you know what we need in the way of paper plates and soda and stuff. Next week I'll post some maps and on Thursday we'll celebrate the day. Enjoy.

Note: "Dynasties" was coined by the folklorist Richard Blaustein, Ph.D.; it refers to the practice of using lots and lots of jargon to cover up the fact that you have either nothing useful to contribute or absolutely no idea what you are talking about.

The Republican party will keep winning -- which is, after all, much more fun than losing. The GOP knows how to hit the issues the people will vote for.

Lighter Election Notes: One of the best things to happen to the GOP was the loss of Senator Lowell Weicker (a nominally Republican senator from Connecticut). No one is more liberal, any United States citizen, than Lowell. He was beaten, in part, by the BUC PAC. The BUC PAC was a Political Action Committee started by the Buckley (yes, William F. Buckley, Jr.) family in Connecticut. They sold bumper stickers emblazoned with the cutting slogan, "Does Lowell Weicker Make You Sick?", and other good things. The crime committed by ex-Senator (I love that ex) Weicker—other than stupidity, idle chatter, and frivolity—was that he never voted for anything the party wanted him to vote for. Senator Weicker was even so famous as to say he wouldn't back Ronald Reagan in 1984. Then, in 1987, Mr. Weicker had the gall to try to declare illegal the condition of America, removing or buying any item from the wreck of the Titanic. It did not matter to the ship, that the ship was in international waters. He reasoned that it would be detrimental to the environment. Unfortunately, Mr. Weicker was oblivious to the fact that the Titanic was only a ship, and that no ship has a mind, or a soul, or a reason to think about the ocean's murky depths: where he obviously was spending a great deal of time, Lowell Weicker had plenty of time to get acquainted with the latest developments on the ocean floor.
Profile: MOLITERNO HEADS SKILLS PROGRAM

by Cathie Ansopcher

Professor James Moliterno taught at three law schools before coming to Marshall-Wythe. At Marshall-Wythe, he has been able to combine what he has learned through teaching a wide range of courses to develop the new Legal Skills program.

Professor Moliterno received his bachelor's degree in mathematics from Youngstown State University and his law degree from the University of Akron. While a law student, Moliterno worked for one and a half years in a clinical program at his school, representing inmates in state and federal courts.

Moliterno says that his experience in the clinical program gave him an interesting perspective on the practice of law. He saw that, as a student, his performance could be "comparable to that of people on the other side of cases" - those people were professionals from places like the Department of Justice.

After graduation from law school, Moliterno worked for two years with the West Virginia Legal Services plan. About half of his duties concern work with consumer, domestic, and landlord-tenant cases. It was the other half of his work, however, that Moliterno found more interesting. He was able to act as a one-person prison project, trying numerous cases dealing with prisoners' conditions and confinement in the state penitentiary.

With this experience behind him, Moliterno began his teaching career.

ELS Speaker, cont'd

Continued from Page One

to a water-allocation system.
Virginia currently employs riparian doctrine, and overcoming that vast body of traditional law will be a protracted battle.

Another long range task will be overcoming the vestiges of Dillon's Rule in land use.

Moliterno first taught legal writing and professional responsibility at West Virginia University. After three years, he moved to the University of Puget Sound, where he spent two years. There he directed the legal writing program and was involved with the Student Assistance to Inmates Program.

At Texas Tech University School of Law, Moliterno taught Legal Analysis, Legal Profession, Civil Rights, Remedies, and Alternative Dispute Resolution. He taught a Comprehensive Dispute Resolution Development clinic for third-year students; the clinic attempted to simulate, in a classroom setting, the work which students would actually do for clients.

All of this experience has helped Moliterno develop the new Legal Skills program at Marshall-Wythe. The program combines the teaching of professional responsibility, dispute resolution, legal writing, and general legal skills with a simulated clinic. One goal of the program is to show students how these subjects are interrelated. Through the work done by the students for their simulated clients, students will have opportunities to cover all aspects of their clients' legal problems. For example, the students now are working on negotiations and are seeing how the way in which they conducted their original client interviews affect their ability to negotiate.

Moliterno is pleased with the program so far, especially with the support he has received from Dean Sullivan, the other faculty members involved, and the third-year teaching assistants.

Prof Jim Moliterno is leading the way in the new legal skills program.

Continued from Page 17, 1988 The Advocate

"Anything worth having in life is worth cheating for." - W.C. Fields

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Record Review

R.E.M. and Billy Bragg

by Tom Brooke

R.E.M.'s latest album, 'Green,' was released on...
The EEC in the 1990's
by Beverly McLean

The International Law Society hosted Professor John Bridges, Head of the Law Program at the University of Exeter in England, who spoke on 'The European Economic Community in 1992.' Approximately thirty students and faculty members attended this talk.

Bridges opened the talk stating that this was not his first visit to Marshall-Wythe. He participated in an exchange program with M-W Professor Walter Jones about ten years ago. He brought along some English 'culture' in the process, renaming a "TGF" bridge party "TGIF" or "I won the Queen it's Friday.'

The European Economic Community, bridges cited, is an attempt at economic integration of the twelve member countries. The purposes of the Community are establishment of a common market, promotion of economic development, raising the standard of living, and bringing the member states closer together.

By 1992, the Community expects to coordinate the research and development efforts of member countries. Other goals for 1992 include removal of physical barriers to travel of goods and persons; removal of such technical barriers as differing health, safety and professional standards; and removal of such fiscal barriers as tax rate fluctuations.

Bridges said that of the 300 measures needed to complete the Community's goals, approximately 100 will be done at the end of this year. He stressed that 1992 was a realistic deadline.

The Kaplan-SMH Approach

"The course was well structured and sensibly paced . . ."

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MEN'S 10K

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(M to r) Doug Smith was the first law student to cross the line in the Men's 5K race.

Jacque Waymack put some distance between herself and Advocate editor Cherri Lewis in the Women's 5K.

Katherine Spaulding edged out last-year's champion Mary Munson in the hotly-contested Women's 10K race.

WOMEN'S 10K

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WOMEN'S 5K

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SOS CON'T

Continued from Page Eight

I have to give the nod to the Bengals simply because I like Boomer Esissen.

The AFC West is a mess. Why can't Denver play against teams in its own division as it does against Cleveland? (Denver looked better against the Browns last Sunday than it has against San Diego in two years.) Still, the winner will be Denver. I think they turned this season around in time.

The AFC wild card race will feature Houston, Seattle, Indianapolis, and maybe the Raiders or Cleveland. Although the AFC at this point is too close to really get a feel for it, I'm going to go out on a limb and say that the wildcards will be Houston and Indianapolis. These teams have simply played the best football lately out of the five teams I mentioned.

Where do I think will be the Superbowl? That, fortunately, is another column.
Speaking Of Sports
by Larry Schimmels

Well, in case you didn't realize it, this is the last issue of The Advocate for this semester. Now is the time we put all fun and games aside and begin the true contest of life. Now is also the time when my staff of crack reporters (all of them) give up writing copy for the sports page and leave me without any highlights to print. Therefore, I am going to try to report on all the significant happenings myself.

After a long and tortuously drawn out fall, the annual Phi Delta Tea Star Tournament is finally over. If you are interested in knowing the division winners, you can look it up yourself. Seriously, however, sometime next semester (probably in April) we will feature a lengthy analysis of the tournament. I have already assigned one of my reporters to the story. I hope one is for Green.

All of the law school teams were eliminated from the intramural football playoffs, although not all of them were beaten. For instance, The Whining Girlfriends from Hells defeated them in the first round; a loss to the Irish Giants, all six, in the second round. The Stud Biscuits were defeated by some skinny little undergrads in the second round, although that's not as bad as it seems. Stud Biscuits, known by a variety of other names, had never passed the first round of the team's illustrious three-year career. Of course, keep in mind that all teams reach the first round of playoffs provided they don't lose.

Elsewhere, the Irish Curse and Torts were placed in the same bracket and had to play each other in the second round. Irish Curse emerged victorious from that match but subsequently lost to the eventual IM champions, The Cunning Litigants. The Torts emerged from the previous game. The Cunning Litigants were defeated in a roundabout way. It seems that the referees in their playoff game were fraternity brothers of the team the Litigants were playing. As Darren Burns put it, "They were robbed of the first place, all six, in IM sports."

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I am sure that included in the usual column.

IM Football Roundup

By Phillip Steele

"We just had more sexual prowess than they did." With that statement, Dan "He's so Very" Perry summed up the flag football playoff victory of The Irish Curse over Torts -- 19-14.

The game between these two law school powerhouses was not as close as the score appears. The Curse shut down the normally high-powered Torts offense led by Fred "take the" Helm and Mark "Buzzaww" Taylor, although Mark was cute in his lighter shorts. Perry had no explanation, for the Curse's good defense.

Torts struck first with a long pass from Helm to some first-year guy Perry didn't know. Helm then passed for the score to John "Too Tall" Taylor. The point after was good, and "it looked like the regular season romp by Torts over The Curse," Perry said.

The Curse mounted a sustained drive with Van "the Man" Dorsey making a key third and 20 catch for a first down. Perry scammed in for the TD. Al Anzini of "The Choking Anzini" made the point after which is a rarity, according to Perry.

After a Torts punt, The Curse again practiced ball control. Darren Burns "the secondary" caught a short TD pass from the finest of Torts. Anzini missed the kick.

The Curse defense came down in the second half. Perry, with revenged Heisman candidate, intercepted a pass in Torts territory. Anzini then missed a field goal that Gus could have made.

In a key series, Torts turned the ball over on downs after stellar defensive play by The Curse. Having only 20 yards to go for a score, The Curse worked it in with Perry again hitting Burns. Anzini missed.

With just under two minutes to go, Helm hit the bartender from the Green Leaf Café (Mike?) with a long TD pass. The point after was good, and The Curse then ran out the clock.

Perry said the victory could have slipped away because The Irish Curse's name sake -- Don "Namesake" Ireland -- did not show up.

MARSHALL-WYTHE POLL

It has finally happened: Marshall-Wythe has become homogeneous. This week's poll produced only 14 teams, clearly not enough for all twenty spots. Therefore, I deputized Dan Collins to select the bottom ten. If you disagree, take it up with him. Points received appear in parentheses.

1. Notre Dame (77)
2. USC (72)
3. West Virginia (62)
4. Miami (61)
5. (tie) Florida State (32), Oklahoma (32)
6. Auburn (20)
7. UCLA (25)
8. Nebraska (25)
9. Arkansas (14)
10. Oklahoma State (12).
11. Michigan
12. Cleveland
13. Washington State
14. Florida
15. Colorado
16. Georgia
17. Syracuse
18. Army

Also receiving votes were: Nevada-Reno, Houston, Villanova, and Bates. No Kathy, no one voted for St. John's. Look next semester: for the Advocate's biweekly college basketball poll.

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