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The Advocate (Vol. 20, Issue 4)

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"The Advocate (Vol. 20, Issue 4)" (1988). *Student Newspaper (Amicus, Advocate...)*. 269.
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The Advocate

Marshall-Wythe School of Law

AMERICA'S OLDEST LAW SCHOOL



Vol. XX No. 4

Thursday, October 20, 1988

Twelve Pages

Policy Changes Not Making The Grade

by Steve Zweig

Student Bar Association members voiced reservations about a proposed change in the class ranking policy at a meeting September 9. Calling the proposal "manifestly unfair," SBA President Jeff Lowe opposed the change while most of those present endorsed a new GPA calculation method to eliminate rounding disparities in grade pluses and minuses.

The proposal, presented to the SBA by Professor Walter Felton, chairman of the faculty's Academic Status Committee, would rank students in the bottom 90 percent of the class according to their decile (ten-percent increments). Students in the same decile would share the same rank, instead of each being assigned a unique rank, as is currently the practice. The system would retain absolute ranks for the top 10 percent of the class, in order to keep an accurate count for selection to law review and Order of the Coif.

"The new system is manifestly unfair to the person at the top of the decile. When you're being judged by employers, it makes a big difference whether you can say you're in the top eleven percent or the top twenty percent," Lowe said.

"I'm not sure this way is any better. In a number of ways it's substantially worse," Lowe added, and said he would be present at the next faculty meeting to voice his discontent.

In addition, GPA's would be calculated by assigning points from one to twelve for grades F through A. Currently, rounding errors provide a student with, for example, a B- and a B, a slight numerical advantage over one with a B+ and a C+, even though the effects on one's GPA should technically be the same. The new algorithm, if adopted, will eliminate such disparities. Unqualified endorsement of the proposal seemed to be the general consensus at the meeting.

Uniform Grade Curve?

Lowe also suggested it was time for Marshall-Wythe faculty to adopt a set grade curve, and offered a B/B-mean as a grade curve goal.

There is a mandatory B mean in all classes at UVa law school, according to UVa law school registrar Virginia Haigh. There is neither a mandatory nor a suggested grade curve at Marshall-Wythe, according to Associate Dean of Administration Connie Galloway. But she added that the faculty is free to set up standards informally among themselves.

Out of nine area law schools surveyed by The Advocate (Duke, George Mason, Georgetown, George Washington, UNC, University of Richmond, UVa, Wake Forest, and Washington and Lee), only two - George Mason and Washington and Lee - have neither adopted a suggested nor a mandatory grade curve in all classes.

At UNC, there is a standardized curve for the first years only, while curves in the upper classes are suggested only and not binding on professors, according to UNC dean Karen Haywood. At both Duke and Georgetown, the standard is only a guideline and is not binding on professors, according to registrars there.

At the four other schools surveyed, grade curves are mandatory, ranging from a C+ at the University of Richmond to a B at UVa. What this means at those schools, for example, is that if most students in a class earned a 50 on a test, the professor would be obligated to give them a grade based on the standard, whether it be a C+ or a B.

"Perhaps changes in grading should first emanate from the faculty," said Lowe. "It seems to me that the faculty should first get together and come up with something ... It's not a solution to leave it [grading] arbitrary and just correct grading [with the decile system]."

Second year representative Matilda Brodnax expressed the same concern. "Let's have a set curve ... because we have to compete with UVA graduates," Brodnax said.

But Felton said a mandatory grade curve

Moot Court



The Final Round of the oral arguments of the Bushrod T. Washington Moot Court Tournament were held Sunday, Oct. 16. Distinguished oral advocates Sara Beiro (3rd place oralist), Jeanne Swanick (1st place oralist), and Dan Perry (2nd place oralist) revisit the killing grounds. Not pictured is Bill Van de Weghe, who placed fourth in the oral competition.

implicates academic freedom and that such a proposal would meet with strong resistance from the faculty. "It creates more problems. What if everybody in a class gets a 50, it would be unrealistic to impose a B curve. That's not intellectual honesty in my mind," said Felton.

"There is not a great diversity in what faculty is doing [in giving grades]," Felton added. He also said he was not aware of informal agreements among faculty members teaching the same classes to correct discrepancies in their grading methods, but the very fact that students were raising concerns "recreates a freshness of awareness among all the faculty of the impact on grades" on students' career opportunities.

Alternatives Discussed

While expressing his opposition to a set grade mean, Felton said his committee would consider the idea and any other ideas students might suggest between now and the time the faculty decides on a change near the end of the semester. He left open the possibility that the committee would propose no change, if students were against it.

Lowe said an advantage of the current system is that it provides an incentive for students to keep working after their first and second years, since they know that they can move from a lower rank to a higher one, while group ranking might appear set in stone and remove that incentive.

SBA representatives debated a proposal to divide up the class for ranking purposes into 5 percent groups, instead of deciles, but the reservations remained. "It might hurt a guy competing for a job against somebody with similar qualifications from a school of the same reputation. A guy in the top eleven percent might still be better off than a guy in the top 15 percent," said third year representative Steven Mulroy.

"What about no grades?" asked first year representative Robert Bua. Lowe said he thought a policy of no grades might not present a difficulty to students seeking jobs in the "immediate vicinity" but that employers elsewhere would need more details in making hiring decisions. "We're not at that stage yet," said Lowe.

Powell, Pix, Kegs

In other SBA business, Graduation Committee Chairman Robb Storm said he would know soon whether former U.S. Justice Lewis Powell would accept the class invitation to be its speaker at graduation ceremonies. He suggested that the next class extend its invitation "well before the end of the second year" to avoid scheduling conflicts.

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Fall from Grace attendees Marcia Asquith (2L) and Dave Montgomery (2L) trip the light fantastic between the refills at the open bar.

Reach Out And Teach Someone

by Caryl Lazarro

Each Monday and Wednesday after Property class, first-year Mona Mecker heads toward to the main campus to settle down with a pile of books in the basement of the Byrne dormitory, once the site of the law school library. No, Mona's not just another confused first-year looking for a quiet place to study. She is a tutor in the Rita Welsh Adult Skills Program. For the past five weeks, Mona, along with 25 or so other Marshall-Wythe students has spent two hours a week tutoring adults in a variety of educational areas.

The program, named for its original director, began in 1975 with only 24 students but has grown to serve about 165 students each semester. The participants can receive tutoring in basic reading, writing and conversation, preparation for high school equivalency tests, or English as a second language. All students join the program voluntarily; many are referred by their employers or friends who have had success at the Center.

Each student has an assigned tutor to work with on a one-to-one basis for two hours a week. While many of the tutors participate in the program as a required part of their education curriculum, more than half are non-education major undergrads, graduate students or professional students. There are also many volunteers from the Williamsburg community. This is the first year that the law school has officially recruited volunteers for the program.

Giving People Control

Mona's student is Barbara Lee, a young woman who dropped out of high school after tenth grade and is now a custodial worker for Colonial Williamsburg. A 1984 graduate of the basic literacy course, Barbara has returned to the program to prepare for her high school equivalency test, the GED. Asked why she has chosen to continue her studies, Lee replies, "It (the GED) is something I knew I should have got a long time ago. It's a step in the right direction toward getting a higher paying job." Lee would like to become a legal secretary, a real estate salesperson or possibly even a nurse. "I do want to get into a community college or something like that once I get my degree."

Although the pairing of tutors and students is less than scientific - matches are made primarily on coinciding schedules - the pairs almost always work well. With enthusiasm, Lee offered her

comments on the match. "I like my tutor. I feel like I'm learning a lot with her. I've got more confidence now than I did before. She knows that I can do more. Sometimes you need a little push. She knows that I know more than I think I do." Mona confirms this: "Sometimes, she comes in with her homework and says, 'these are all wrong'; but then we go through them, and they're all right."

Second-year student Jerome Self is responsible for bringing the literacy program to the attention of Marshall-Wythe. "Essentially, it just made sense for law students to be tutoring people and helping them learn how to read," she explained. "I've had friends who have been involved and they got me interested. I realized that with Law Students in the Community it would be a great project for us. I checked around with different programs in the community ... and the most complete and organized program was here on campus."

Mrs. Nan Cruikshank, director of the program, says she is "extremely pleased" to have the law school involved. She emphasized the importance of training in skills. "Literacy is all about giving people control over their lives. We're giving people the ability to have options, to make decisions. It's not that we literate people participate in everything, but we have the choice to participate or not; we can leave it or take it, but we're in control of that decision. People who are not literate have no choice."

Growing National Problem

Functional illiteracy is defined as the lack of ability to read and respond to written communications. It is estimated that there are 23 million people in the United States functioning at this level. Williamsburg and James City County are considered to be typical of the national average, so there are 4,000 to 5,000 functionally illiterate individuals in this area alone.

It is only within the last decade that the problem of illiteracy has come to the front of national attention. Two main types of programs have developed to combat illiteracy: government-funded and private agencies. The Rita Welsh Adult Skills Program borrows from both.

State and federal governmental efforts, known as Adult Basic Education (ABE) programs are conducted in the traditional classroom situation with a certified instructor teaching groups of at least ten students. The classes are usually held in the evenings at a high school or library and follow a prescribed curriculum. Private agencies and foundations provide more individualized instruction,



2L Jerome Self helps get law students involved in the community by tutoring in the Rita Welsh Adult Skills Program.

which may make use of standardized training and teaching materials disseminated by one of two large national literacy networks. Tutors receive extensive training and are then sent to the students' homes or workplaces.

The Adult Skills Program is unusual in that it combines aspects of both forms of tutoring. Teaching is individualized but takes place in a central location. The Center makes use of College facilities and resources but depends on United Way funding and contributions from the community and local businesses for its support. The

variety of training in skills offered also sets the William and Mary program apart from others: about half the students are developing basic literacy skills; a quarter are preparing to take their high school equivalency test; and the remainder are learning English for the first time.

Employer Involvement

The program was developed when personnel supervisors at the College realized that many of the employees lacked basic communications skills necessary for their jobs. As the program became known, others from the College, such as foreign graduate students,

came forward for assistance. Eventually, local employers became interested in the program for their illiterate or non-speaking employees. The Colonial Williamsburg Foundation is a major supporter of the program, providing employees with time and also contributing a small tuition fee for each student.

The program operates throughout the school year, with the usual breaks during the winter and spring. Although it is administered on a semester basis, new volunteers are also welcome.

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Corr Rejoinder:

*Former Prof Alleges Defamation,
Denial of First Amendment Privileges*

by Phil Steele

Asserting that he was "unquestionably one of the best, and perhaps the very best, teacher on the faculty of the Marshall-Wythe School of Law," former professor Bernard Corr responded earlier this month to a motion to strike his case.

After a bitter tenure dispute in 1985 whereby Corr was denied tenure by the Provost of William and Mary, Corr filed suit against the College, the Comptroller of Virginia, Dean Timothy Sullivan and Professor Glenn Coven. He claimed the College breached its contract for consideration of his tenure, that he was denied tenure because of an exercise of his first amendment rights, and that he was defamed in the tenure evaluation process.

Contrary to the defendants' assertion that Corr's contract claim is based upon a "unilateral expectation of tenure," Corr argues that provisions in the "Faculty Handbook" and "Procedures for Retention" were incorporated into his employment contract.

Corr alleged that two sections of the handbook and procedures were violated. First, he claimed that all information considered by the law school's Faculty Status Committee, which voted 4-2 with one abstention in favor of Corr's tenure, was not reduced to writing as required by the procedures.

Secondly, Corr alleged that he was not given a chance to respond to all the material considered in his tenure evaluation, in violation of

handbook guidelines. Specifically, Corr says that adverse evaluations of his scholarship were, unbeknownst to him, included in the Provost's file, and that Dean Sullivan engaged in communications with the Provost, of which Corr was not informed.

Whether these policies are part of his contract is a factual issue, claims Corr, citing several cases holding that policy manuals and handbooks are incorporated into a contract.

Corr claims he was specifically advised upon his hiring by former Dean William Spong, and upon his consideration for tenure by the Chairman of the Faculty Status Committee, that the handbook and procedures would be followed in evaluating his tenure application. Corr's brief states that "[u]ntil this litigation began, the defendants made not the slightest suggestion that the procedures or handbook were not binding upon them."

Corr's constitutional claim is based upon critical statements he made about former Professor Gene Nichol when Nichol was being considered for permanent employment. Corr claims he received unfavorable comments from students about Nichol's conduct in the classroom and toward female students.

Because the hiring decision affected the larger educational community, Corr says it was a "matter of legitimate public concern." The question of whether his speech was a substantial or motivating factor in the tenure denial involves

questions of motive and intent, and thus "summary judgment is especially inappropriate."

As to his defamation claim, Corr attempts to refute any allegation that statements made during the tenure evaluation were opinion. The first allegedly defamatory statement was made by Sullivan in a "secret February

27, 1986 memorandum" that Corr's file reflected the full record of documents considered in evaluating tenure. This, Corr claims, is "a statement of objective fact."

The second category of allegedly defamatory statements by Sullivan encompassed a claim that Corr's scholarship did not

meet the tenure standard. This assertion is not protected by the opinion defense "because Sullivan did not disclose the true facts underlying these opinions."

Lastly, Corr asserts that he did not consent to having the defamatory matter published.

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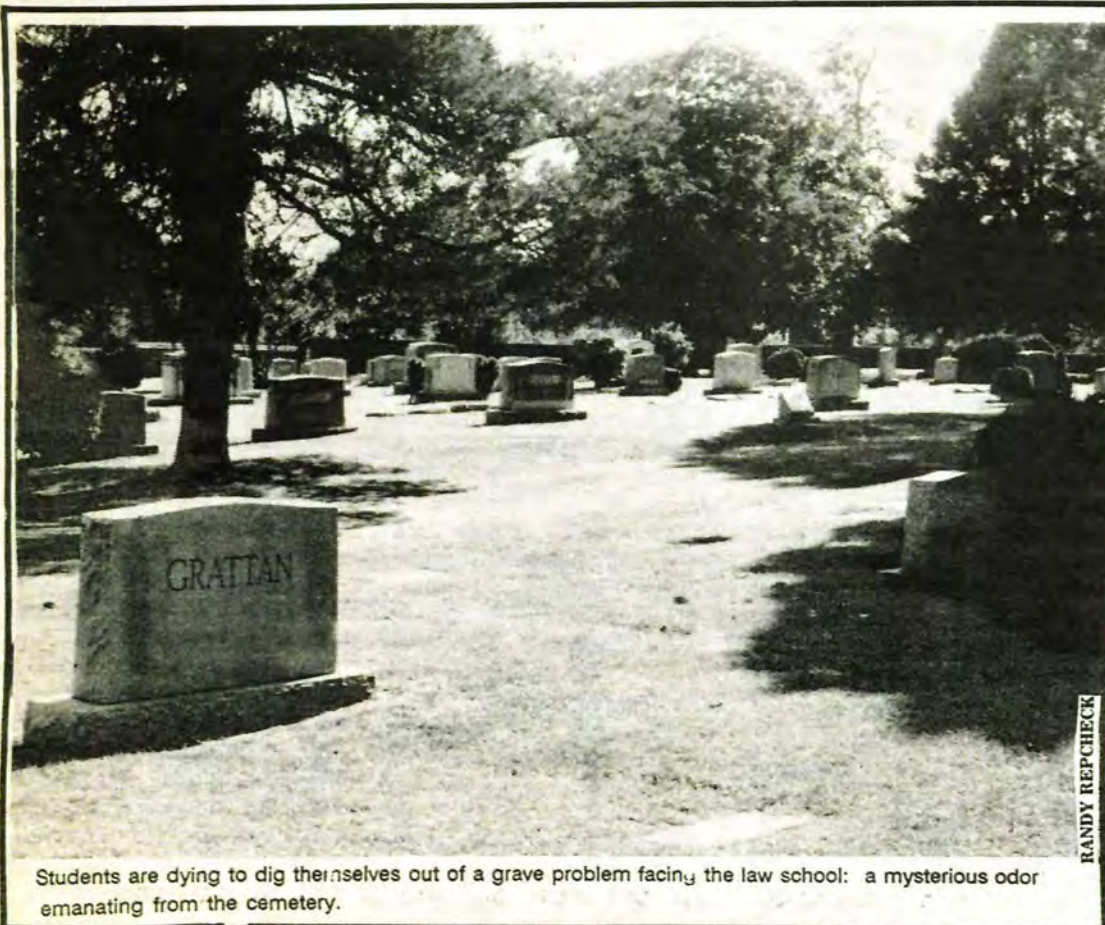
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Students are dying to dig themselves out of a grave problem facing the law school: a mysterious odor emanating from the cemetery.

SBA Business

Continued from Page One

Placement Committee Chairperson Valerie Brodsky said she would be conducting a survey to see if students wanted to limit the number of interviews with employers allowed each student. She said some highly ranked students were "hogging" the interviews, in their anxiety to get a job, while lesser qualified students - who would be more likely to accept an employment offer from such firms - were unfairly edged out.

Brodsky suggested an appropriate limit might be 30 interviews, which is the limit set for students at UVa.

First year representative Caryl Lazzaro said the law school had made a cash commitment to reprint the first year class composite, in order to correct imperfections in its layout.

Finally, Vice-President Jeff Yeats successfully pressed for two beer kegs instead of one at this year's Fall from Grace. Yeats said he made his motion "as an experienced beer drinker."



DID YOU KNOW???

The twisting, convoluted tissues of the human small intestine, if stretched to its full, straight length, would be over TWENTY-TWO FEET LONG! If the small intestines of, say, the Advocate staff were placed end to end, the resulting tort liability would be outweighed by the net gain to American journalism.



Inter Alia

But Seriously

Recently a dispute arose during the SBA appropriations process. The Christian Fellowship had been allocated funds and some of those funds were earmarked for speakers. Some SBA members expressed concern over the possibility of constitutional problems with the funding. The constitutional law professors had been consulted and had said that they thought that the question was a close one. A proposal to deny the portion of the award intended for speakers was ultimately defeated and the Fellowship received all of the money that had originally been allocated to it.

The speakers portion of the allocation was \$20, a small sum even in the context of SBA funding. Proponents of the measure to deny that part of the award acknowledged that the amount of money involved was minor, but made it clear that they thought that a principle was involved. Yet, many opponents of the measure insisted that it was making something of nothing to object to a \$20 grant on constitutional grounds. Among those raising this objection were SBA officers.

One of Marshall-Wythe's most illustrious scholars wrote, while still in law school, "It is possible to take too seriously the refusal to take oneself too seriously."¹ The remark was directed to those who found fault with a law student for taking a principle seriously. Their criticism was not that the principle cited was not implicated, but that the injury was too small to merit attention.

If there is one place where constitutional principles should carry weight without regard to the magnitude of the action challenged it is in law school. This doesn't mean that SBA officers are wrong to reject constitutional challenges to SBA actions. It means that they should take such objections seriously.

W.M.

¹ Letter from Tad Pethybridge to *The Advocate* (15 October 1987).

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.

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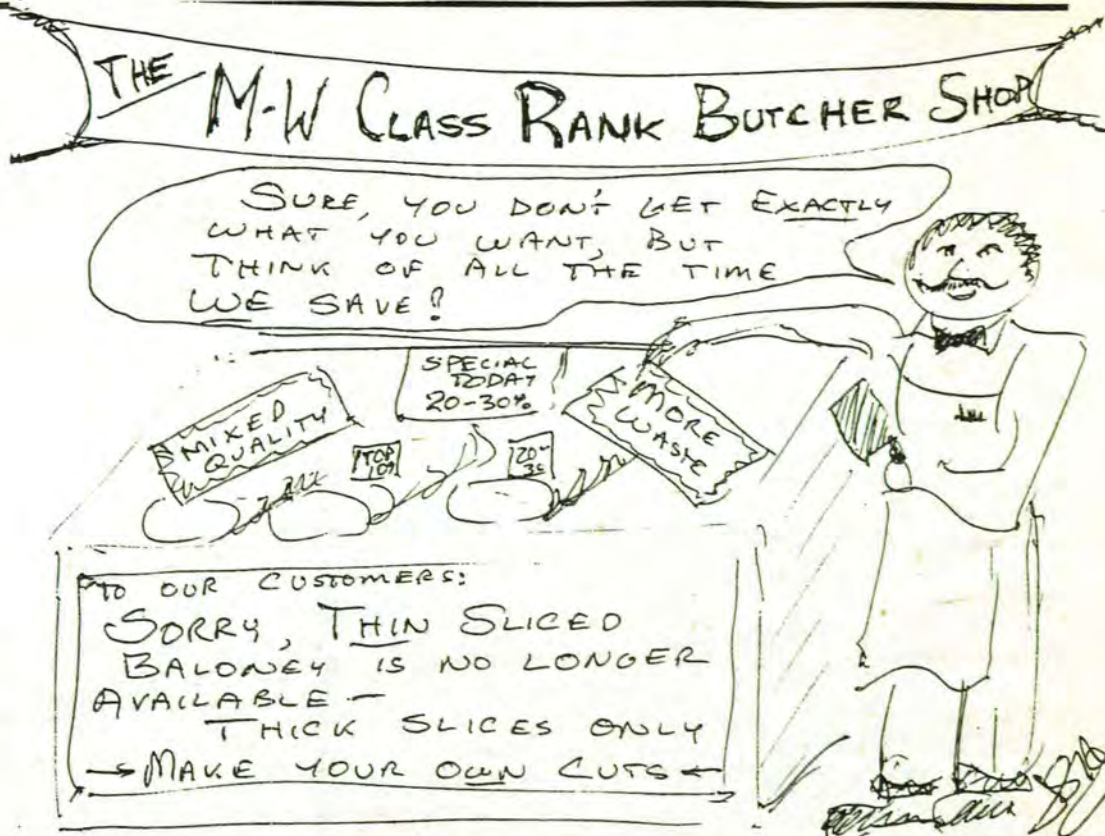
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Published every other Thursday during the academic year except during exam and vacation periods. Funded in part by the Publication Council of the College of William & Mary. Opinions expressed in this paper do not necessarily represent those of the entire editorial board or the students, faculty or administration of the Marshall-Wythe School of Law.

Letters to the Editor should be submitted as double-spaced text on 8 1/2 x 11 paper and with a copy in Word-Perfect format on a 5 1/4" floppy disk. The disk will be returned via hanging file.

Deadline for inclusion in the Thursday edition is Monday at 5 p.m. *The Advocate* reserves the right to edit submissions for reasons of space and clarity. Printed by the Virginia Gazette.



Letters to the Editor

Nuke The Duke

Dear Editor,

Considering the inadequacy of the Democrats' Presidential candidate, is it any wonder that the Democrats are trying to shift public attention to the Republican Vice-Presidential nominee?

Addressing Michael Dukakis in an open letter in *Time Magazine*, James Schlesinger, a respected official of both Democratic and Republican administrations, said "Your record is not reassuring." Schlesinger referred to Dukakis' "viscerally anti-military" record. Of the 50 governors, Michael Dukakis is the only one to refuse participation in the Ground Wave Emergency Network. GWEM is a sophisticated communication system designed to transmit warnings or presidential orders to the Strategic Air Command and the North American Aerospace Defense Command in the event of a nuclear attack. His opinion is significant because the primary radar installation for detecting a submarine-launched missile attack is located on Cape Cod.

Dukakis argued that such a communication system would lead to the "mistaken belief that nuclear war can be kept under control once it begins" and therefore would "make national leaders more inclined to let one begin." As Schlesinger pointed out to the Governor, "what deters war is the completeness and integrity of the U.S. deterrent, and secure communications enhance our deterrent. Yet you [Dukakis] seem to suggest that the way to deter war is to be unprepared to respond."

Evidence of Dukakis' twisted "peace through weakness" philosophy goes on and on. Dukakis led the fight for a unilateral nuclear freeze in the early 1980's. Fortunately, he did not prevail and the United States has

achieved genuine reductions in arms through sound negotiation with the Soviet Union. Dukakis has expressed his opposition to the MX, the ICBM, and the Midgetman missiles, and to the B-1 and Stealth bombers. He has urged a ban of missile test flights and has indicated that he would terminate or dramatically reduce the Strategic Defense Initiative.

In recent months, to avoid political suicide, Dukakis has backed off from his complete opposition to new strategic missiles but not from his stand on a missile test flight ban. Dukakis fails to realize that no new strategic system can be developed without being tested. All these anti-military stands no doubt please the radical leftists here within the sheltered confines of the law school, but they lead Schlesinger, and the average American voter with any shred of common sense, to question not only Dukakis' views, but his instincts.

But Dukakis' great strength is the economy, right? Wrong. Though he is a candidate who ridicules the job growth in the service industry, the service industry is the only employment sector that has grown in Massachusetts. As Edward King, the former Democratic governor of Massachusetts, points out, Dukakis' blatantly anti-business policies have lead many businesses to pull out of Massachusetts. With only 3.1% of the nation's total manufacturing job base, Massachusetts has accounted for over 40% of the total manufacturing jobs lost since June, 1984. In fact, the number of manufacturing jobs in Massachusetts is at a 13-year low. The decline has occurred despite the disproportionately large number

of defense contracts, and ensuing manufacturing jobs, Massachusetts' companies have gained during the Reagan defense build-up.

What about those ten Massachusetts budgets the Duke has balanced/ the law in Massachusetts requires a balanced budget. We commend the Governor for obeying the law. Unfortunately, the budget crisis in Massachusetts it the worst it has ever been. The Governor's five tax increases were not enough to compensate for his astronomical increases in state spending. State spending, up 65% in the Governor's term, is growing faster in Massachusetts than in any state in history. In order to avoid an election-year embarrassment, Dukakis has been forced to borrow hundreds of thousands of dollars from city and municipal governments to keep the state budget balanced through election day. In reviewing the economy in Massachusetts during the Duke's terms as governor, a political button sums it up: "The only miracle is Massachusetts survived."

Finally the Governor's continuance of the fire-degree murder furlough program is sufficient on its own to question Dukakis' judgment seriously. But, as the argument goes, don't 36 other states have a prison furlough system? They do, but those other states do not release first-degree murderers who are not even eligible for parole. The Massachusetts program allowed Willie Horton, a convicted murderer, to escape and brutalize a Maryland couple. Not one official from the Dukakis administration had

Continued on Page Seven

Rescription *By Jeff Yeats*

Dear Dad:

Guess by now you must know that I'm in love. If I wasn't, I would have to be crazy to do this. It feels so good and right, it's almost better than...yeah, you know. Not really better, but close, in a different way.

It keeps me excited. That's important in the third year. It's so easy so let things slide. Now, I have something to keep my interest up, a reason to keep pitchin'. Incentive.

It's a real nice car, Dad, and I just want to thank you for all your help. Obviously, this would never have been possible without your help. I would never have been possible without your help. Thanks for that, too.

Things here in the 'Burg are rolling right along. I manage to make most of my classes, a great majority of the parties and all of my interviews. That's another interesting thing. These people are actually coming to me. Quite a nice little twist. Remember how I used to have to make the rounds of the radio stations every week or so, making a real pest of myself until good old Charlie Martin broke down and hired me?

At least some of the people I've talked to seemed to take me seriously. That's encouraging. And it seems the whole process is more relaxed this year. It's like they really want to get to know who you are instead of why you're not on law review, or at least approaching that rarified academic air. That's why I'm glad I didn't get any interviews last year. That kind of employer doesn't want to hear

about the fact that most people don't even get close to that level. I guess my problem is, I don't think that being most people is a bad thing and I'm not afraid to say so.

Maybe they know that, by now, all the truly heavy hitters are taken or are in the process of cutting even better deals than they were offered. I'm not bitter or anything, it's just a logical view of the situation. At this point, they're hiring potential partners, and credentials matter less than the complete person; particular aptitudes receive more consideration, the ability to get along with one's peers is important, personal interests count for something. A more humane process, I think.

Of course, it's just probably my attitude, not the interviewers'. I'm too easy-going, I try to get along with everybody. It ain't easy, but it makes life easier if you try. Does that make sense?

We had the fall dance, the Fall from Grace, last weekend. It's a great time: everybody gets all tricked up and we invade the ballroom upstairs at the campus center and confuse all the undergrads. One thing I have learned at law school: you can have fun while wearing a suit.

Undergrads don't grasp the concept. I know I felt that way as an undergrad. If I wasn't doing something weird, I wasn't having fun. Now I realize that fun is a relative concept and can be adapted to the situation. It's the only way you can find any fun in law school: you make your own.

Times are starting to get tough, though. Six weeks before finals and a lot of

people have disappeared from the social scene. The library's probably getting crowded on weekends, but I never go in there, so I can't say for sure. It just figures, based on experience. A lot of people start camping out in there this time of year.

Even some of the third-years are beginning to study in earnest. That's a scary thought. I am holding out, my schedule being a little different. Three weeks from now I will become a hermit and do the books. It's nice to have the system figured out and to know your place within it. This time next year, I'll probably be very lost.

In the meantime, life has provided the World Series to entertain me. It's a great release, an opportunity to think about something besides law school. As I write this, the A's are trailing 2-0 but I think they'll come back. The next three games are in their park and things should change.

Even if it doesn't, I still have Notre Dame. I have it all planned out for them again this year. It's fate. They knock off U.S.C. and U.S.C. proceeds to knock off U.C.L.A., leaving the Irish #1 in the country. By then, the only remaining undefeated team of any consequence should be Arkansas and my boys can whip them up in the Cotton Bowl. Maybe we ought to get tickets for that one, since I'll be in town. I might even let you drive my car over to Dallas for the game. Hey, what are sons for anyway?

Thanks again, Dad.

On The Fence

By Karin Horwatt

I was gratuitously offered a job at the 7-11 recently. I was recently offered a job, gratuitously, at the 7-11. Recently, I was gratuitously offered a job at the 7-11, recently. No matter how many different ways I phrase this, I cannot erase the sheer thrill of being identified, by a manager who sees me almost daily, as "7-11 material." Especially since this offer came within minutes of my learning that I'd been bumped from the Moot Court Tournament after the round of 64. Well, I thought a little hysterically, at least I'll have something to fall back on now that I have no hope of putting anything substantive on my resume.

Actually, I do have a job for this summer. With the Federal Government. Which makes me almost wish for a job at the 7-11. Because for some reason, I, as a volunteer summer intern at the U.S. Attorney's office in Manhattan, am considered to occupy (prospectively) a "sensitive

position," and so I get to be on the receiving end of...AN FBI BACKGROUND CHECK. Another sheer thrill.

Since many of my readers do not know what goes into an FBI background check, I thought I'd share my adventure with the rest of the class—especially since, given that this is, after all, the Federal Government, this background check necessitates, in turn, a lot of forms that I get to fill out in quadruplicate. Filling out these forms necessitates, in turn, conducting a lot of research, because, frinstance, there are questions like: "Do you have any foreign relatives?" With a name like "Horwatt", you gotta figure that I do. I do: in Israel, Germany, Canada, Norway, and Some-Great-Aunt-Behind-the-Iron-Curtain-But-Nobody-Will-Say-Where-Because-They-All-Hate-Her. Also, she's dead. Personally, But I don't think that interests the people at the Department of Justice, so into the form she goes.

After I fill out the forms, which also contain questions

with beginnings like "Are you or have you ever been..." and "Sex (mark one box):", not to mention "Where have you lived for the past fifteen years:" and, right next to it, "People who knew you:" (presumably so that they can go ask my neighbor where I lived in 1973 how I took losing my baby teeth) the nice men at the FBI get to check up on it, if they decide to.

The detail they want me to go into is pretty amazing, but I take advantage of it, because it is the first time that anybody besides my grandmother has been that interested in me, and the last time that anybody will ask me that many questions before they meet my parents. Still, the requirement of four copies is annoying—particularly since if I make a mistake, I could get arrested. I intend to get back at them, though: the list of relatives in Norway takes the form of a family tree dating back to 1170. Since the source was baptismal records, there are also addresses. I think that I will put those in the form, too.

Rightly Speaking

Ad Hominem?

By Gerard E. Toohey, Jr.

"The poor man's Morton Downey, Jr." - my first thought on reading that statement was probably similar to the thoughts of many other students here. How long do you think it took those neolithic, penny-a-line, "Gong Show" rejects to come up with that kind intellectually infirm drivel? In the words of the great Duke of Wellington: "publish and be damned."

In all honesty, this is an excellent place to begin a column. Since WW II it has become a common theme of liberals, in debate with conservatives, to draw specious parallels between the policies of the conservative and those of the fascists of the early twentieth century. More than mere hyperbole, it is used to conjure up the most hideous images for the purposes of guilt by association. Perhaps, we might call this reverse McCarthyism, or some such thing.

I have never objected to being called a fascist for two reasons. The first is that those persons who do sprinkle their conversation with such epithets are living proof that they do not understand fascism. Second, one must always remember that if you argue with a fool, people will have trouble telling the difference. Fascism is state control over all things, including capital. The needs and desires of the individual are substituted for the needs of the best and brightest in society. One

must also remember that all good fascists are racists. Accusing me, or any other true conservative, of entertaining such notions is to destroy the eloquence of the English language.

Michael Dukakis has attempted to make a similar argument with respect to two issues. Mr. Dukakis feels that, by bringing up the fact that he vetoed the pledge bill and the fact that he is a card carrying member of the American Civil Liberties Union, George Bush is attacking his patriotism. This argument's only merit is that it deliquesces without getting your hands dirty. Mr. Dukakis does not understand that people disagree with these two positions on value grounds other than patriotism. Some, myself included, find these to be patent signs of liberalism. Mike Dukakis said that he was "a card carrying member of the ACLU." Mike Dukakis vetoed the pledge bill, and was at one time proud of that veto. The term card-carrying was used by Mr. Dukakis. He now seems to agree that it was a promiscuous use of rhetoric, to emphasize not only his participation in that organization, but his allegiance to their causes. He was telling a liberal audience; "I am one of you."

That was another day; now Mr. Dukakis wants the country to believe that he is a mainstream Democrat--poppy cock. His quarrel with Mr. Bush should

Continued on Page Eleven



2nd-year Rep reported that the new coffee-bar box has filtered out theft, which is grounds for celebration (mug shot by Randy Repcheck).

RANDY REPHECK

Faculty Profile:

by Jerome Self

Professor Linda Malone is enjoying Williamsburg. She likes small towns, finds the students at the law school conscientious and committed, and loves Bruce Hornsby's music - all good signs for us. Especially considering the devotion for her classes that students have already developed. They particularly appreciate her intensity and the obvious command she has over her subjects. Professor Malone is originally from the Southeast. She was born in Chattanooga, Tennessee and attended Duke Law School where she met her husband, Professor Rod Smolla. They both served as editors on the Duke Law Journal while there and were married a few years later. Professor Malone was in private practice for three years in Chicago and Atlanta. Her practice areas were international law and environmental law. Her interest in these areas began while she was at Vassar majoring in French and English with a minor in political science.

With her love of languages and other cultures, she became deeply interested in the Mideast, and as she put it, "I

was torn between law school and Middle Eastern studies at Columbia". Law school won out, but her interest has not diminished. Instead her interest has grown considerably and has resulted in extensive involvement in international affairs, particularly in the Middle East. In 1986 she traveled to the Mideast as a member of an Investigation Committee which conducted an investigation of human rights violations in the West Bank and Gaza Strip. Most recently, she has served in an advisory role to former Attorney General Ramsey Clark who is representing the P.L.O. in the United States. As a result of that role, she could become directly involved in future negotiations between Israel and Palestine.

Her commitment to environmental law can not be characterized as superficial. She has had approximately eight articles published in this area and will finish a book, Environmental Regulation of Land Use, next year for publication. She has also been quite active in the passage of environmental legislation, serving as an expert before Congressional Committees and providing reports on legislative

Malone Settles Into Environs



Professor Malone has earned the respect and admiration of students in her first semester at M.W.

proposals concerning environmental provisions.

In explaining the diversity of courses - International Law, Agricultural Law, Labor Law and Environmental Law - on her schedule, she points out that her strong interests umbrella the others. Environmental law naturally includes agricultural issues and well as international issues.

International law embraces many environmental issues. She claims that her exposure to labor law has not been as significant, but points out that Professor Smolla will be taking on that class in the spring semester. She will be teaching only Environmental law in the Spring in order to have preparation time for a significant event: their first baby is due in May 1989. She will continue teaching and "will find out" how to balance everything in her life with this wonderful new addition. She appreciates how "very gracious" her students have been about her pregnancy and feels that their understanding has already earned them a "special place" in her heart.

Future Election Nightmares

By Michael J. Flannery and Patrick D. Allen

The year is 2020. Since 1996, when conservative Republicans regained the White House from the Democrats, the United States has been busy battling tension and instability throughout the world. The legacy of Soviet aggression, reborn during the late 1980s and early 1990s, continues to threaten democracy all around the globe, particularly in Central America.

The last three Republican presidents responded uniformly to growing worries of expanded Soviet influence by funding massive increases in American defense spending and by stepping up American involvement in proxy wars against communist regimes. With the backing of a conservative Congress, American forces have been actively involved in beating back the red tide, while the American nuclear arsenal has been bolstered to 75,000 warheads, nearly double the size of the Soviet Union's formidable stockpile of 40,000 warheads. Once again, America is the vanguard of freedom and democracy.

But nuclear superiority and military assertiveness have not come without a price. Defense contractors, who account for three-quarters of

the United States' gross GNP (and employ nearly half of all working Americans at the minimum wage of \$3.35 per hour), have become quasi-governmental conglomerates with seemingly unlimited power to influence and dictate government policy. Corruption is rampant. In Washington, President Lowe is not only the chief executive of the United States, but also Chairman of the Board of General Dynamics.

Behind the big-business of defending the free world, behind the corruption in Washington--with 90 percent of government spending tied-up in defense--the American economy is in shambles and the American people live in squalor. The United States no longer produces enough food to feed itself, much less the rest of the world. The national debt has reached a staggering \$20 trillion. The trade deficit has quadrupled since the late 1990s. And although unemployment is at an all-time low of two percent, an inflation rate of 25percent has obliterated the middle class and condemned 150 million Americans to live below the poverty level.

For the working poor who comprise half of our population, hunger and disease

are facts of life. Food shortages, the result of fewer farmers and a depleted ozone layer, have driven food prices beyond the reach of most Americans. Malnutrition is widespread, Americans are starving.

Crime and drug use have reached all-time highs, and law enforcement agencies are powerless to battle the large, violent gangs which rule the inner cities with unchallenged terror. Meanwhile, the NRA continues to attack legislation designed to limit access to handguns and ban cop-killer bullets.

Environmental regulatory agencies have been abolished; chemical dumping goes unchecked, pollution standards no longer exist, and national parks have become oil fields and plutonium mines.

Government medical research has slowed to a near stand-still. AIDS and cancer have reached epidemic proportions, and the United States has one of the world's highest infant mortality rates.

Hawaii has been sold to the opportunistic Japanese in a desperate attempt to continue funding for the Strategic Defense Initiative.

Hardest hit, perhaps, are the homeless and the elderly. Sixty million Americans are

without homes. Every major city has witnessed the growth of cardboard and canvas shantytowns--communities of hundreds of homeless citizens, where an Army issue tent is the envy of everyone. The elderly no longer receive benefits from social assistance programs such as Social Security, Medicare, or Medicaid, all of which have been raided into oblivion by hungry hawks.

Without government assistance, most public schools have been forced to close; only

the wealthy minority, having received yet another tax break, can afford the outrageous tuition fees of private schools. Nearly half of American teenagers are illiterate.

And late at night, as President Lowe settles down to sleep, oblivious to the desperate and hateful shouts of hungry protesters outside his White House bedroom, his thoughts drift into the fluidity of a dark, murky nightmare. Unconsciously, he shouts, "Commies, damn Commies! . . ."

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Investigating A Career In The FBI

by Mary Francis

Law students interested in a career with the FBI were invited to attend an informational meeting last Tuesday afternoon. The meeting was conducted by Butch Madden, now a regional recruiter, who served 20 years as an FBI special agent.

The FBI, the investigative arm of the Department of Justice, is concerned with the internal security of the United States. Agents are assigned to their cases and typically work on 15 to 25 criminal cases each year. Although agents have no input regarding whom the FBI prosecutes, agents are accorded considerable latitude in how they pursue their investigations once their cases are assigned. Madden emphasized that investigative work for the FBI allows agents to be innovative and creative on the job.

Wanted: Law Grads

Madden began the session by sketching a brief history of the FBI. He then described current conditions facing an FBI agent.

Madden said that the Bureau especially seeks to

recruit law school graduates because the investigative and deductive skills fostered in law school are valuable to FBI operations. There is no premium offered to law graduates over other recruits in terms of starting salaries, but Madden said that law graduates have many more options available to them. For instance, law graduates can elect to be a criminal investigator, a congressional lobbyist, or a legal advisor instead of becoming a special agent. Additionally, the general requirement that new recruits have work experience prior to induction is waived for law school graduates.

Because of the large expenditure involved in training each recruit for work as an FBI agent, Madden pointed out that applicants should seriously consider certain aspects of the job before further committing their own and the government's resources. One feature of the job that frequently halts an induction into the FBI is the requirement that all agents carry a gun. "No exceptions," he said. Additionally, each new recruit must undergo sixteen weeks of intensive training at Quantico, Virginia

in areas of firearm use, physical fitness, defensive practice, and investigative techniques. Madden also pointed out that, at least for the first few years of service, agents do not have much input in terms of their own placement. "We assign people according to the needs of the FBI rather than personal preferences," he said.

Despite tough demands in terms of round-the-clock dedication, Madden

emphasized the rewards that are derived from being an FBI agent. He ventured that "there is a certain prestige to being an agent" and in a more material tone, he spoke favorably of the Bureau's attractive retirement plan and of other non-monetary benefits associated with government employment.

As testimony to the level of job satisfaction among current agents, Madden estimated a 95% retention rate of FBI

agents upon fulfillment of agents' three-year contractual obligations. Madden summarized FBI employment as "a worthwhile career and one you should consider."

Famous Last Words

The last words of a Union colonel in the field, referring to Confederacy shelling of his position: "Don't worry, they couldn't hit an elephant at this distance."



Recruiter Bruce Madden gave students a profile of the FBI.

MARY FRANCIS

More Letters To The Editor

Mister Mister Measures Measures

Dear Advocate,

Although I am usually a reporter for the *Advocate*, this week I am shedding my reporter's hat to oppose the proposed changes in the class ranking system and urge others to do the same. Unlike some of the letters that have appeared on this page recently, this one addresses an issue that should be of concern to the entire law school community. Not only would the proposal fail to improve any of the perceived deficiencies in the current system, but it would create new problems because it exacerbates the degree of imprecision, it reduces incentives for improvement, and it may make employers less confident in our student body's academic excellence.

First, I believe the grouping of students by deciles will only exacerbate statistical imprecision. Under the new system, students ranked from 18 to 34 will all be ranked as "top 20%." While the GPAs of several students may be cluttered together, it strikes me as grossly unfair to #18 to disadvantage her by lowering her to equal footing with someone 16 spaces below her. I would bet the range within most deciles is more than a few thousandths of a point. Being in the top 12% is likely

to result from truly higher grades than someone who barely makes the top 20%. Everyone within a decile is systematically disadvantaged except for the last person in that range! Moreover, the new system would arbitrarily reward every 17th person, while disadvantaging everyone else by increasing amounts as it moves up the roster within each decile.

Second, the new system would reduce the incentive structure for students to work to improve their grades. Currently, students can achieve results by working harder, even if their class rank only moves by one or two spots. Under the new system, an improvement of as much as 16 spots would go unrecognized, unless that person happened to jump into the next decile. As students realize that only dramatic improvement in class rank is apt to be rewarded, the incentive system that class rank currently provides will be eroded.

Several students and faculty have argued that revising the class rank system, or even doing away with it, will improve the law school's reputation. This assertion is completely without merit. Yale and Stanford did not become the widely revered institutions they are because they eliminated class rank.

Rather they eliminated class rank because they are such widely revered institutions. The proposal is something the school might consider after it has reached the top, not something we should do on the way up!

Fourth, I am concerned that grouping students by deciles will actually disadvantage our students in their job searches. The student at #53 (actually in the 31st percentile) will be ranked in the 40th percentile and outside the top third of his class, the cut-off point for many large employers. Recruiters will have no way to know the accurate rank and will therefore assume the worst.

With respect to the second proposal of moving to a twelve point scale, I do not take a position, but I put forth one thought for your consideration. The current complaint argues that the student with a B and a B- is advantaged over the student with a B+ and a C+. I suspect that when grading exams, professors first divide exams into groups of As, Bs, and Cs and then go back through each pile, separating the +s from the -s. If this description is accurate, shouldn't the student who made the B pile on both exams receive the slight advantage of .01 of a point? The other student made the B

range only once.

Finally, I wonder how much of the discussion of class rank is actually a concern for the validity of grades in general. Maybe grades are not the most meaningful measurement of classroom performance or future lawyering ability or even comprehension of the material, but it's the best measurement we have. As long as the school continues to use grades, we must believe that they mean something and reward students for their achievement. Class rank is not the problem but merely an accurate reflection of our faith in the

grading system. Perhaps the committee should instead consider ways to improve the validity of exam-making techniques and the fairness of the exam policy.

The concerns I raise involve fundamental issues of fairness and equity that will substantially affect all of us as well as the students who will follow us. I hope the faculty will carefully evaluate the dangers of this proposal and vote against it.

Steven M. Mister

Duke Nuked

Continued From Page Four

the human compassion or common decency to apologize to that couple. The voters had to threaten to repeal the program by referendum to provoke the governor to repeal it and avoid another political embarrassment. The American voter wants a President who will appoint federal judges who are tough on crime, not sympathetic to the criminal.

As Zbigniew Brzezinski, a prominent Carter Administration official, says,

anybody who questions Dan Quayle's qualifications to be President ought to be terrified by Michael Dukakis' qualifications. Dukakis' clear lack of understanding and experience in foreign affairs and his proven failures in domestic policy make Dan Quayle's common sense approach all the more appealing.

Bob Miller
Gary Mills

Big Bucks Bestowed by Board To Bash Beaters and Bigots

The William and Mary Public Service Fund awarded three stipends last spring to students who spent their summers working in the public interest. Wendy Wiebalk (2L), Martin Wagner (currently a 2L at U.Va.), and Robin Browder (who has since left school) worked for a wide range of public-interest concerns.

The Fund supported Robin Browder's work with the Washington D.C. Corporate Counsel's office and gave her the opportunity to work with juvenile offenders and child-abuse victims.

Battered Women

Wendy Wiebalk worked in the Williamsburg community with victims of domestic violence. She did some legal counseling at the shelter run by the Williamsburg Task Force on Battered Women and worked for the firm of McKenna & Rose. McKenna & Rose is a private firm, but Wendy said, "their clientele will never make them rich; as a result of their combined eleven years working for the Legal Aid Clinic and their strong affiliation with the Task Force, the majority of . . . clients either represent the low-income faction of Williamsburg or are battered women in need of immediate, inexpensive help."

Wendy participated in every facet of the firm's practice, interviewing clients, conducting research, drafting documents and regularly attending courtroom proceedings. Wendy explained that, "[m]y summer certainly had its rough spots, like the day I sat in on an interview and watched a client struggle to convey to us that her estranged husband had recently raped her. Or

the numerous conversations that I had with a woman from the Midwest who had fled to the Williamsburg Battered Women's Shelter, to protect herself and her children from her husband who beat them often and had repeatedly threatened her life with a gun in hand."

Our legal system's mechanisms for dealing with domestic violence are "grossly inadequate," Wendy learned. "Just last year, a client of McKenna & Rose, who had been in and out of the Battered Women's Shelter, was shot and killed by her husband in the presence of their two children. This woman had worked with the Task Force, worked with [McKenna & Rose], worked with the judicial system, and worked with the police to escape her battering husband once and for all. She followed every procedure, yet no one was able to save her from the murder that she had oft predicted."

Housing Discrimination

Martin Wagner spent his summer working for the Washington Lawyer's Committee for Civil Rights Under Law. Martin described the organization and his work to the Fund Board. The Committee was founded in 1963 in response to President Kennedy's appeal to leaders of the private bar to help address the nation's civil rights crisis. The Washington Lawyer's Committee is one of seven local affiliates which function through volunteer and financial support from member lawyers, law firms and community organizations.

Martin worked on cases involving race discrimination in housing and public

accommodations. His responsibilities included research and writing but also provided him with the opportunity to participate in "meetings held by leaders of the civil rights community to formulate the Fair Housing Act Amendment and to plan their strategy for persuading members of Congress to vote for it. This bill passed both the House and Senate and was recently signed into law by the President . . . [It] greatly strengthen[s] federal statutory protection against discrimination in housing."

The need for this legislation is clear, as "[d]iscrimination on the basis of race . . . has not become any less prevalent in the two decades since the passage of the Civil Rights Act of 1964, but has become more sophisticated and . . . more tenacious than ever. For example, a recent survey by the Fair Housing Council of Greater Washington, a group affiliated with the Lawyers' Committee, showed that in 1987, when looking for rental housing in the greater Washington metropolitan area, blacks were discriminated against 57% of the time."

Fundraising Continues

The Public Service Fund Board has already begun this year's fundraising. Letters were placed in hanging files and mailboxes either seeking contributions or asking that students fulfill the pledges made during the pledge drive last spring. The Board asks that students take the time to write out checks, payable to the William and Mary Public Service Fund, and place them in Ingrid Olson's (2L) hanging file in sealed envelopes.

Very shortly the Fund will conduct a "phone-a-thon" to raise funds by calling those Marshall-Wythe alumni who have seldom or never contributed to the law school or its specific activities.

Sales of T-shirts and sweatshirts are going well and the Board is considering some expansion. Anyone may drop a note with his or her suggestions into second year Jerome Self's hanging file. In addition, Board members are planning the Autumn fundraiser, to take place the week before Thanksgiving break.

The Board will consider applications from interested first-years for three positions on the Board of Directors. Board members are responsible for a share of the work of planning and executing fundraisers and will participate in consideration of applications for stipends. Decisions will be made sometime before the end of this semester, when the first-year Board members will be announced. Interested first-year students should drop

Fair Notice

The MARY AND WILLIAM SOCIETY is sponsoring a series of talks about various types of legal practices. Each speaker will talk about his or her personal experience and will answer any student's questions. The talks are open to all students; each will be followed by a wine & cheese reception.

3:30 p.m. THURSDAY OCT. 27 -- Topic: Hanging out your own shingle -- Karen Rose

3:30 p.m. THURSDAY NOV. 3 -- Topic: The practice of Law in the Military -- Capt. Susan Tinger (U.S. Army)

NALP GUIDELINES

The placement office would like to remind students that new National Association for Law Placement guidelines are in effect for the timing of offers and acceptances. Some of the more important new rules are:

1 - All offers remain open for at least two weeks.

2 - When employers offer summer clerks positions prior to Oct. 1, they must keep the offer open until Nov. 15. When they make offers after Oct. 1, they must keep them open to Dec. 15.

3 - When employers make offers to students who did not clerk for the employer in the summer, offers must stay open to Dec. 15.

4 - EXCEPTIONS. Rules 2 & 3 do not apply if:

A) The recipient fails to indicate continued interest within 30 days after the offer.

B) The employer has fewer than 25 attorneys.

5 - 1L'S. Employers cannot contact, interview, or make offers to first years before Dec. 15. First years cannot contact employers before Dec. 1.

6 - VIOLATIONS. Students should report violations of these standards to Dean Kaplan.

For the complete and actual text of these new guidelines, or for answers to questions about them, see Dean Kaplan.

BIKE TRIP

This Saturday (Oct. 22) you are invited on a BIKE TRIP to JAMESTOWN ISLAND. Just show up at the entrance to the law school with a bike at 12 Noon. It is only 9 miles there, with a 6 mile loop around the Island. Bring your W & M I.D. and \$2 (entrance fee). Sponsored by the Environmental Law Society.

WESTLAW LAW STUDENT REPRESENTATIVE:

\$7.50 per hour, part-time. Approximately 10 hours per week. Law Library.

Details of responsibilities on Administrative and Library Bulletin Boards with sign-up sheets for interview. Notify Jim Heller or Theresa Schmid in Law Library.

AMBULANCE CHASE.

Join the Tenth Annual Ambulance Chase 5k and 10k race Saturday, Nov. 5. The race is sponsored by Phi Delta Phi Legal Fraternity and the Student Bar Association. The race begins at 8:30 A.M. in the Marshall-Wythe School of Law parking lot on South Henry Street.

Proceeds benefit the Williamsburg Fire and Rescue Squad. The entry fee is \$10 and includes a commemorative T-shirt.

Pick up registration forms at Marshall-Wythe or call 253-1974 for more information.

WILLIAMSBURG TASK FORCE ON BATTERED WOMEN.

The Law Student Program, will have a meeting Thursday, October 27th, at 3:30 PM (room to be announced). Volunteers who cannot attend please sign up for times to work at the shelter on the Mary & William bulletin board. Contact Jacque Waymack (3-L) or Josie Austin (1-C) for further information.

The Colonial Virginia Chapter of the American Red Cross will conduct a BLOODMOBILE on Friday, October 28 at William and Mary Hall, College of William & Mary. Donor Hours are from 12:00 Noon to 5:00 P.M..

POWER LOUNGE II

Law Students Involved in the Community's Second Annual Power Lounge-a-thon will be held from 6 p.m. November 11 to 6 p.m. November 12.

Look for details in your hanging file.



Wendy Wiebalk's work for a local law firm earned her a stipend from the M-W Public Service Fund this Summer.

RANDY REPCHICK

notice of their interest into the hanging file of third-years Amy Cook or Peter Pontzer.

Those who think they might be interested in spending the summer working in the public interest, but aren't sure where to start, should begin in our

own Office of Career Planning and Placement. Dean Kaplan will be happy to discuss the possibilities with interested second-and third-years and, after November 1, with interested first-year students.

Speaker Tells of Life In Big Firms

by Judi Corrigan

"I feel like I have a chance to be on the cutting edge of the law," said Virginia Powell of her work as a litigator for a large firm. "What you do is going to have broad ramifications."

Powell is a partner at the large Richmond law firm of Hunton and Williams and an adjunct professor in the Trial Advocacy program at Marshall-Wythe. She spoke to a group of Marshall-Wythe students on Thursday, October 13 in a lecture sponsored by the Mary and William Society.

Though her presentation was entitled "Women in Large Firm Practice," Powell actually spoke about people in large firm practice, not really differentiating between men and women. She mapped out what to expect as one continues in practice with a large firm.

In the first year or two, new associates are afraid, she said. They are not afraid because they lack the necessary skills or education, but "you're

afraid of the unknown." A common fear is that "something you don't expect is going to come out of the blue." Consequently, new associates may be nervous and unsettled. From the second to fifth year, they know what to expect. Also, in a large firm, there are people to go to for advice: "It's not all on your shoulders." From year six, others start coming for advice. "It gets better and better. You acquire more and more confidence."

Powell cited two different types of support systems which are advantages to working at a large firm. First, there are secretaries and people who make the travel arrangements. There are computers and Lexis. "Lawyers can spend time being lawyers," she said. Second, a lot of different questions come up, but someone in the firm is bound to know the answer. Powell called this "a tremendous back-up."

A member of the audience asked Powell if there were more demands in a larger firm than in a smaller one. "It all

depends," she answered. "In your own firm, or with two or three others, you might find things very flexible. Or, you could work your tail off trying to survive."

Powell warned that "the time demands on new associates in large firms are very heavy." She said that one could expect to work 1800

billable hours a year, plus 500 hours for community or pro bono work.

But for all the hard work, there are many benefits. "There are terrific highs you get from succeeding, winning, doing well...having people come to you for help. When it's time to decide whether to litigate or settle, and you

decide. Once you practice for a while, it's exciting."

Powell's presentation was the first in a series sponsored by the Mary & William Women's Law Society. Every Thursday at 3:30 p.m., the group will host a speaker to talk about a different area of the legal profession. All are welcome to attend.



Bo Sweeney and Mark Bramble (3L) vie for Vanna White's coveted position by modeling the new bus schedule outside the law school.

RANDY REPCHECK

Record Review The Smiths

by Tom Brooke

Over the past two or three years, The Smiths have been one of the most popular English imports on college radio, in hip dance clubs, and on the progressive music scene. The distinctive, moaning voice of the vegetarian, celibate, introverted, and downright strange vocalist Morrissey combined with the the melodic, tremelo guitar playing of Johnny Marr gave these lads a very distinctive sound. The band announced their breakup after eight years together last summer. Since then, they've released just one studio album and now have issued a live recording "Rank," made in London during October, 1986. Although no new material is featured, many of their best tunes are performed in a driving and forceful manner.

Many of Morrissey's lyrics are rather disturbing or unsettling. For instance, the Smiths' last single, "Girlfriend in a Coma," does not carry the most optimistic message, even if one ignores the double meaning. The songs included on "Rank" are from the same mold. Morrissey growls out the lyrics to "Bigmouth Strikes Again" and he sounds like he really feels what he's singing: "Sweetness, sweetness I was only joking when I said by rights you should be bludgeoned in your bed."

Morrissey's own solo record, "Viva Hate," was moderately successful and fared well at the stylish New York discos and dance clubs. However, "Rank" demonstrates how badly someone with his limited vocal range needs to work alongside a guitar virtuoso like Johnny Marr. The guitar really sings in "The Boy With The Thorn In His Side" and "Is It Really So Strange?" Marr is also comfortable with the nastier sound featured on cuts like "The Queen Is Dead."

"Rank" is a long album, running almost 55 minutes. Crowd noise and instrument fiddling between just about every cut and occasional Morrissey yelps give the listener the feel of a live show. The band sound as though they are having fun, something one does not usually associate with The Smiths, considering the dark messages of many of their compositions. "Rank" catches the spirit and enthusiasm of an influential band at the height of their popularity and success.

John Hiatt

John Hiatt's latest album, "Slow Turning," has gotten a lot of attention in various (perhaps inferior) publications; the title track has actually received a smidgen of airplay on commercial radio stations. Hiatt has been around for a

number of years, putting out clever, catchy, unrecognized records. He is a talented songwriter. A number of his songs have been covered by other country and rock artists. Many of his tunes were depressing and full of anger and contempt for modern life. Though occasionally described as being country-music influenced, Hiatt likes to classify himself as a musical social critic, following in the footsteps of Woody Guthrie, Bob Dylan, and others.

His latest record, "Bring the Family," was a change. Hiatt's home life had stabilized and his new-found happiness showed up on record. Rolling Stone called it one of the top albums of 1987. The new attitude manifests itself on "Slow Turning," too. Even the songs expressing disgust and unhappiness seem to contain an element of hope. Every cut tells a story, often funny.

The music is good. Bernie Leadon, ex-boyfriend of Patty Davis (that's Ronald Reagan's daughter) and an original Eagle, plays along. Hiatt's originality and familiarity with several styles of music are evident. "Paper Thin" is a straight-ahead rock and roll tune, with blazing guitars and angry lyrics about the shallowness of modern life. This track is immediately preceded by "Is Anybody

There," a slow, thoughtful ballad sung by a man praying to God and/or his ex-lover for redemption. "Tennessee Plates" is just plain funny. The singer and his girl have gone to Memphis to steal a Cadillac

in honor of St. Elvis.

"Slow Turning" is a collection of intelligent stories set to good music and probably will garner critical awards for John Hiatt. If he's lucky, maybe he'll sell a few copies.

Autumn Sounds

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Soundtrack

Richard Thompson

Amnesia

Talk Talk

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Jonathan Butler

More Than Friends

Luther Vandross

Any Love

Ozzy Osbourne

No Rest For the...

Kansas

In the Spirit

THE

BAND

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517 PRINCE GEORGE STREET



Fall
From
Grace



Go To Law School, See The World

by Lit Tazewell

Another in a long list of firsts, the William and Mary Summer School of Law in England was the first American program of summer law study abroad. The program was established in 1967. There are now over 60 different study abroad programs in law, 15 in England alone. Over 1,000 future lawyers from virtually every accredited law school in the nation have attended the Marshall-Wythe program. They chose to take part in a study abroad program to broaden their intellectual perspectives on the law, to lay a foundation for a possible career in international law and to enjoy a summer in Europe.

For many students the program offers a productive and rewarding break between their first and second years of law school, but second- and third-year students and even practicing lawyers can benefit from the program. The William and Mary Summer School of Law now has two programs of study, one based at the Exeter School of Law and the other at the Complutense University of Madrid.

Every year a different member of the Marshall-Wythe faculty teaches at the Exeter program with four members of the University of Exeter School of Law faculty. Trotter Hardy will participate in the program during the summer of 1989 and will offer a course in Comparative Health Law. The

Exeter faculty will offer classes in European Community Law, International Business Transactions, Introduction to Civil Law, International Law and a course in the English Legal System. Each course is worth two credits and students can take up to three courses. Last year Monique Migneault, 2L, took part in the program and described the Exeter faculty as very good. "They know how much they could cover and how to teach American students."

Legal Clerking, worth one credit hour, provides an opportunity for a limited number of students to see first hand how the British legal system works. Students are placed with a solicitor, a barrister or possibly a judge for the week prior to the start

of classes. Participants are responsible for their own housing and spend about 40 hours in the British lawyer's company observing his or her work. Migneault described the experience as "very interesting," especially when she observed a deposition and when she witnessed a proceeding. At the end of the week the participants write a report on their observations.

After the week of Legal Clerking students return to London to meet the rest of the group. The first two weeks of classes are held at the University of London. Since classes are held in the morning, there is ample free time for students to explore London on their own. Afternoon field trips are occasionally scheduled. Last

year these trips included a visit to the Inns of Court for lunch, the Central Criminal Court (Old Bailey) to observe a trial, and Westminster for debates at the Houses of Parliament. On other afternoons, there are guest lecturers. Last year several representatives from the legal community gave talks on the British legal system, and Lord Butler Sloss, a female justice, spoke on child abuse.

The London stay was "a big plus" according to Migneault, even though it was "very expensive - worse than New York (City)." She said, "if pounds had been dollars it would have been fine." Food was particularly expensive and the housing arrangements only

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Summer Program

-Continued from Page Ten

included breakfast, leaving students on their own for lunch and dinner. Migneault found Indian and Italian restaurants were the least expensive. In contrast, Exeter is very affordable, in part because the University of Exeter's living arrangements include full board from Sunday evening through Thursday lunch.

Travelling to the ancient cathedral city of Exeter by bus gives the group a picturesque contrast to the scenes of London. Exeter is located only 12 miles from the South Devon beaches (20 minutes by rail). The Exeter Cathedral dates from the early 14th century (1280-1370), with Norman transept towers unique in England. Guildhall dates from the Middle Ages having been rebuilt in 1330. Pubs abound, including one frequented by Charles Dickens.

As in London, afternoons and weekends provide sufficient opportunities to explore the area and experience the culture. Day trips are available to Dartmouth and Dartmoor. Weekend outings to Cornwall, Bath, Tintagel Castle (believed to be King Arthur's Castle), and Stonehenge are popular, as are trips to the famous ports of Portsmouth and Plymouth. Sports enthusiasts might even take the opportunity to see the British Open or a few matches at Wimbledon.

England does have a reputation for damp dreary weather, even in the summer, but when asked about it, Migneault responded, "it rained a lot but you get used to it." Her advice was to "bring a jacket because clothes are expensive."

If the prospect of wet weather dampens your interests in the Exeter program, perhaps the hot dry climate of Spain where the Madrid Program is located would be more to your liking.

Rightly Speaking...

Continued from Page Five

actually be stated as: "when I am using political rhetoric please don't use it later to bring about my demise." Well, Mr. Dukakis: politics is an arena for grown ups. Perhaps you should grow up.

The question over the Pledge Bill is similar. At one time, while sitting comfortably in liberal Massachusetts, Dukakis touted his veto of the Pledge Bill. It was against the Constitution, he said. Odd isn't it? That same bill was passed over the Governor's veto in a ceremony where the majority of the members of the Massachusetts

Last summer was the first year that Marshall-Wythe or any other school sponsored a law program in Madrid. Professor Walter Williams explained, "the program developed out of a long-standing friendship with Jose-Luis Fernandez Flores," a distinguished professor of public and private international law who was recently elevated to Spain's Supreme Court.

"It has been an exercise in serendipity," Williams said. "Every Spanish law professor [in the program] is leading in their field." With Professor Flores's contacts the program was able to attract top specialists in the fields of public and private international law, the law of the European Economic Community, Spanish law subjects, European civil liberties law, and civil law.

According to Madrid alumna Mary Francis, 2L, Spain is a particularly good place to study law for several reasons. First, Spain is a civil law country and, "you can see in real life" how that system differs from our own. Second, Spain's constitution is new and provides an enlightening comparison which "makes you appreciate our own constitution." Third, and perhaps most important for anyone interested in a career in International Business Law, is the fact that Spain became a member of the EEC in 1986.

The impact of Spain's involvement in the EEC, the provisions of the 'Treaty of Rome' and the expectations of 1992 are very real and apparent to the Spanish faculty, and their insights and contacts will be invaluable to the prospective international lawyer. "I wasn't expecting it to be so enriching," reflected Francis.

As in Exeter, field trips and special speakers complemented the normal class work in Madrid. Participants visited the Supreme Court, the Constitutional Court, the American Embassy and law firms specializing in

international business law. The entire program is in English; however, students with Spanish fluency may have the opportunity to take part in the new Legal Clerking program next year. An ABA evaluator said that the Madrid program was the best she had ever seen. As Francis put it, "it was so much more than a summer in Europe...[it was] a great legal education."

Accommodations are exceptional in Madrid and include full board. There is a student lounge and bar, a swimming pool, tennis courts, basketball courts and a soccer field. Since Madrid is located in the center of Spain, students can spend weekends exploring the historic cities of Toledo, Barcelona and Segovia (site of a Roman aqueduct), or wandering around one of the many smaller towns. Francis warns, however, that "Spain is not a litigious culture," says Francis, "there are tort hazards everywhere."

After the first year in law school (or any year for that

matter), a summer in Europe is a worthwhile option. The problem for most law students is money. Several partial tuition scholarships are available for \$350 each and are awarded on the basis of academic performance. Last year tuition for the Marshall-Wythe programs was only \$700, room and board for the

Exeter program was \$750 and for the Madrid program, \$700. There was also a \$50 non-refundable registration fee. The price does not cover all expenses; travel arrangements and some food costs are extra (as are shopping sprees). For more details on next years program check with Professor Williams.

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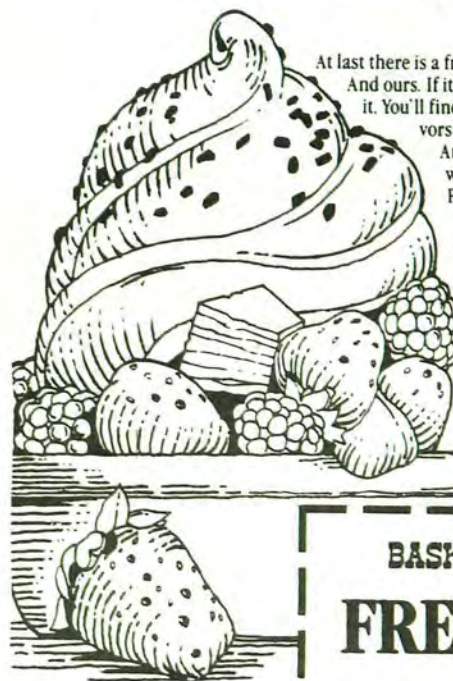
Personals

Chip -- Aloha. -- Josie

Cave Woman -- Wooga, Wooga, Wooga, Wooga? -- Og

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Speaking Of Sports

by Larry Schimmels

This was such a busy week in sports that I don't know what to write. Well, I guess I will try to comment on everything.

At the time of writing the Dodgers hold a two games to nothing lead in the World Series. This from a team that should not even have won their division. I have come to realize that the only thing I hate more than the Mets is a West Coast World Series. I am just not interested for several reasons. First, I find it hard to follow the Athletics. Although I have been a fan of Tony LaRussa since he was in Chicago, I can't stand his players. They are for the most part merely a collection of arrogant attitudes and unsophisticated presence, much like the Mets. Any person who stands at the plate and admires his home run going over the fence deserves to be hit with a pitch his next time up. The lone exception is perhaps Carney Lansford, who appears to be genuinely competitive without being arrogant.

On the other hand there are the Dodgers. This is a team full of lackluster talent and small minds who somehow find it in themselves to win. Mike Marshall reminds me of an axe murderer. Mickey Hatcher, to quote Tom Stahl, is "an *Idiot Savant*." The only thing Hatcher can do is play baseball; his mother still has to help him put on his uniform. Tommy Lasorda would rather eat than breathe, and how can one take a guy named "Orel" seriously? He doesn't even spell it correctly.

All in all I guess that the Dodgers will win. They probably won't sweep, but still I don't think the Series will go seven games. Let me say, however, that I really don't care so don't write me letters.

How 'bout the Irish? This season has produced some of the best games to watch I have seen in a long time, and that game was no exception. Both Notre Dame and Miami put on a great show. As much as it pains me to say this, I admire Jimmy Johnson for his courage. If he had kicked the extra-point and tied Notre Dame, Miami would still be ranked No.1.

Unfortunately, the bowl games are shaping up to be a disappointment. One of the Pac-10 teams will have to play in the Rose Bowl, and this will possibly prevent a No.1 vs. No.2 matchup like we have had the past couple of years. The only way to avoid this is to hope the Pac-10 teams beat up each other and are not ranked No.1 or No.2 at the end of the season. Go Stanford.

The Big Eight put on an offensive show this weekend. The three top teams in the conference, Nebraska, Oklahoma, and Oklahoma State, scored a combined 175 points, and two of them played each other. Before you say that Oklahoma ran up the score, let me point out that a third string running back for Oklahoma rushed for 161 yards. Besides, I'm not accusing Penn State of running up the score against Syracuse.

On the Pro side things are starting to look normal. Anomalies still remain, such as Phoenix. Cincinnati is not an anomaly because they are good enough to have beaten the teams they have played so far, and with Cleveland's injuries Cincinnati has a good chance of winning the division. I find it hard to describe Phoenix, but it seems that they are only as good as the way Lomax plays. I'm willing to bet that Lomax will not be as good the rest of the season.

The Bears are, of course, 6-1. I will say again and again that I don't care if Minnesota destroys the Bears every time they play, until Minnesota can beat the teams they are supposed to beat with any consistency, the Vikings will not seriously challenge the Bears in the division. Any team can get up emotionally to win the big games, but it is the games against the nobodies over the course of a long season that kill you. This explains why it is so difficult to repeat as Super Bowl Champs now; the Super Bowl winner is now the team to beat and every other team is gunning for them. If the Champs are not ready to play every game at a high emotional and physical pitch, they will lose. In these days of parity, a team emotionally keyed up can win any given game. Just call me Football Pontiff.

QUOTE OF THE WEEK

"If the world was fair, there wouldn't be any lawyers."

-- Archie Harris

"I can't wait to get my \$5.00 haircut!"

- G.G.

"I can't wait to get my free frozen yogurt!"

- C.L.

"I can't wait to get my new Acura Turtle waxed!"

- J.Y.

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I-M Roundup

The law school football team known as Torts has been tearing up the league on their way to an impressive 4-0 start. Torts, captained by 3L Mark Taylor, has won two games by the 35 point slaughter rule, and has defeated three other law school teams: Irish Curse, Cunning Litigants, and Whining Girlfriends From Hell. Torts feature mostly first years, and are led at quarterback by Fred Helm, although all members of the team play key roles.

Elsewhere, the Stud Biscuits have ridden superior quarterback play by Lou Lazon to a 3-1 start. The Stud Biscuits have impressive downfield speed in Lex "Surf Dog" Dunn, Eddie "Sparky"

McNelis, and Kurt Hammerle. The "Biscuits" one loss came in a classic choke. With two minutes left in the game, the Stud Biscuits were up two touch downs and two extra-points and lost.

The featured game this week pitted Whining Girlfriends From Hell against the Irish Curse. The Irish Curse romped by a score of 49-14. Irish Curse, last year's B-League Champions, scored at will to the astonishment of the capacity crowd which consisted of a single official. As team captain Darren Burns stated, "At least it wasn't a forfeit." The Irish Curse rose to 2-2, while the Girlfriends, who survived an early forfeit, fell to 0-4.

MARSHALL-WYTHE POLL

This week we dropped on the amount of entries solicited. If you don't like the way the poll turned out, give us a ranking next time. Informal polls are taken every other Monday (coinciding with the release of the *Advocate*) in the lobby.

Points received appear in parentheses.

1. Notre Dame (168)
2. UCLA (142)
3. USC (136)
4. Miami (106)
5. (tie)
6. Oklahoma (70)
7. West Virginia (70)
8. Nebraska (58)
9. Florida State (50)
10. Clemson (23)
11. Auburn (19)
12. (tie) Arkansas (12)
13. Michigan (12)
14. Rutgers (12)
15. Syracuse (12)
16. Washington (12)
17. (tie)
18. Boston College (10)
19. Wyoming (10)
20. Alabama (7)
21. (tie)
22. Indiana (6)
23. Oregon (6)

There were so many others receiving points that I decided I didn't want to list them. So there.



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