Chief Justice Visits College

Chief Justice William Rehnquist fielded questions from law students gathered in Millington Hall Wednesday, January 27.

The Dream Continued

by Matilda Brodax

On January 18, 1968, students and professors of Marshall-Wythe assembled at the Third Annual Birthday Celebration in the Memory of Martin Luther King, Jr. The program was sponsored by the Black Law Student Association and the Minority Recruitment Committee.

The program consisted of presentations about Dr. King’s philosophy of non-violence, his most memorable speeches, and poetry readings from the works of Langston Hughes. Karen Ashburn, a third year law student, rendered a musical selection, “If I Can Only Help Somebody” which was said to be Dr. King’s favorite song.

Victor Sneed, a first year law student, performed King’s “I See the Promised Land” which was given by King on the eve of his death in Memphis, Tennessee.

First year Mike Kracker commented, “I was really inspired by the dramatic reading by Victor. By closing my eyes, I could really imagine what King must have sounded like. I was thrown back to that age.”

Giving Moot Court Credit

By Tad Pethbridge

There are many non-classroom activities at Marshall-Wythe that offer extracurricular credit, PCAP, and other legal clerking and legal writing programs. Yet most court team members are not accorded academic credit for their work, a situation many team members feel is anomalous and unfair.

“Moot court and law review are great ways for this school to reach out, enhance its reputation and attract the attention of prospective students and faculty. But law review gets funding and academic credit, and we don’t,” said Carl Camp, a member of the moot court National Team.

The problem for the moot court program lies in the different sources of funding for the two activities. The law review is funded primarily through the law school, while the majority of funds for the moot court program come from the Student Bar Association through a grant from the Board of Student Affairs, a campuswide governing body for extracurricular activities. Because the BSA’s purpose is to promote extracurricular, not curricular, activities, one of its guidelines for granting funds provides that “No activity for which academic credit is awarded will be funded.”

One possible solution would be to replace the funding the moot court program receives from the BSA budget with monies from the annual student fees. The BSA’s budget for the 1988-89 academic year was $12,000 and the student fees were $10,000. Thus, if the BSA were to replace its funding for extracurricular activities with monies from the annual student fees, the BSA would have approximately $2,000 to replace the student fees. This sum is not enough to replace the entire amount of funds the moot court program has from the BSA.

Several of the moot court board and faculty members are looking into the possibility of seeking an exception from the Board of Student Affairs funding. Dean Sullivan has made it known that he would support such a request.

There’s no way we would come up with that kind of money. The $2,000 we’ve provided them this year is the first time we’ve ever been able to give them any significant amount of money.”

If the law school cannot find its budget sufficient funds to hand out academic credit, members of the moot court teams could create a fund to help alleviate the program’s chronic lack of funds and perhaps even-
M-W Grad Receives Hero’s Award
Damian Shows Cojones

Damian Ripoll-Horne, 29, who passed his state bar exam in September, leads the life of a Santa Fe lawyer except for one weekend a month when he dons his Army Airborne Ranger uniform with a green beret and hoons his military skills.

And it was on one of these training forays into the boonies that Lt. Ripoll-Horne had his most testing test as never before. In October in the wilds near Western New Mexico’s Fort Wingate, according to an Army citation, he heard the screams of another soldier find- ing for his life in the middle of McParren Lake. He took to the water in full uniform and gear. "The fact that he had nearly flunked his Special Forces swimming test didn’t enter his mind, he said. "The guy almost drowned me." Ripoll-Horne said of his lifesaving efforts. "But right when I thought I was going to drown, I saw my brother (Cosme) getting ready to get in the water. That’s when I thought if both of us drew our mother would kill us.”

Ripoll-Horne said he went under water a number of times. At one point he thought of “cold-cocking” the drowning soldier, figuring he’d be a lot easier to get to shore if unconscious.

That, however, wasn’t necessary. Eventually both soldiers got to shore, waterlogged but alive.

Legal Forum Speaks Out

Alex Trebek would say: Answer, L.A. law politely declined their invitation by demanding $10,000.

Like all prose of the advertising genre, this little solicitation will try to convince you that being involved with the Marshall-Wythe Student Legal Forum is more fun than you ever imagined having, with people more interesting than you’ve ever met. But, you ask, what is the Marshall-Wythe Student Legal Forum? Well, it’s a new student organization that wants to bring informative and entertaining speakers and panels to the Law School. So what, you respond. Simply, it is fun and you do meet interesting people.

For instance, the Forum recently tried to get Terry Louise Fisher to come clue us in on the back stage goings on at L.A. Law. Unfortunately, she politely declined by demanding $10,000 for the favor. But, in the meantime, the Forum member doing the dirty work got to be buddies with George, Terry’s administrative assistant, and learned all sorts of things. That was fun, and George was interesting.

The possibilities are endless. There is always someone out there trying to sell a book, a policy, an idea, or a promise NOT to invite Gary Hart, or a point of view. We’d like to get them talking to us and to each other. If you’re interested in helping out next year, drop a note in Chas Dillon’s or Susan Wincheil’s hanging file.

*Question, What is the Marshall-Wythe Student Legal Forum?

ETYMOLOGY - AND YOU

The word “law” comes from related forms of the Old English word for “lie,” as in “lie down,” since a law is something which is “laid down.” An even earlier Old Norse form meant “a layer or stratum.”

In response to the many queries we’ve received regarding the definition of “Phish”: Black’s Law Dictionary defines it as “Process that issues in the third instance, after the first and the alias have been ineffectual.” —Gladi to have helped.

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Exeter A Change of Pace for Summer

Picked up a great travel brochure in the lobby the other day! London, Devon, Exeter, Madrid—visions of cathedrals, lush English countryside, Big Ben and Parliament Square, European Masters hanging at the Royal Palace in Madrid, the Royal Palace, Madrid. Sounds like a great tour, where do you sign up? But, wait a minute, that’s in the travel brochure...law courses. There has to be a catch. And an incredibly advantageous one at that. It’s a rather attractive way to do what we have to do anyway—study and understand the law and legal procedures.

Last year’s Exeter program included about thirty-five students. In the past it has included up to 150 students or more. Competition from other programs has since siphoned off some of the attendance. Neither program is limited to William and Mary students, but students attending from other law schools will only receive Pass/Fail grades. And most law schools require no lower than a C to pass. According to some law students who attended last year’s program this may have come as a surprise to non-William and Mary students who might have received C’s. One particular course, International Business Transactions, had a particularly rigorous grading scale. According to Prof. Emeric Fischer, however, Marshall-Wythe students consistently receive the highest grades. Apparently, they have a better understanding of the standards mentioned in the information package: “A word of caution may be in order. There are many opportunities for recreation and travel to see the fascinating sights of a new and strange land and to treat studies as secondary in importance. Yet the summer courses are conducted in accordance with ABA accreditation standards not only with respect to class attendance but also with respect to the quality of examinations. The wise student will prepare himself for examinations with the same care exercised in preparation for examinations in regular sessions. Final written examinations are given in each course.”

Certainly the course titles and description listed in the brochure indicate the rigorous nature of the academic experience: The EC Legal System, European Civil Rights Law, Spanish Constitutional Law and Policy, International Law, International Business Transactions, Introduction to Civil Law, and the English Legal System. The studious aspect is nonetheless balanced by descriptions, for instance, of events taking place in Exeter while students are studying diligently:

In 1984 Devon will celebrate the anniversary of two historic events—the defeat of the Spanish Armada in 1588 by Sir Francis Drake and the landing of Prince William and Princess Mary in 1688. Drake’s defeat of the world’s most fearsome fleet will be celebrated by an Elizabethan pageant, fireworks and a parade.

Faculty Reviews Evaluation Process

by Catherine Lee

Every November the students at Marshall-Wythe evaluate the faculty. The questionnaires are distributed and collected by the committee to view their opinions and ideas. The back of the form is a statistical compilation and the comments are carefully read by the committee members and taken very seriously in considering faculty members as review.

All administrators and faculty members testify that the evaluations are taken very seriously. Prof. Barnard stated that “there are few that are not genuine. I have found some very constructive comments. We look for themes or problems that many people observe and try to correct them.” Prof. Lee admitted that he did not look at his evaluations for the first three years that he was teaching but that once he did pay attention to them he realized that they were important, that the students noticed actual difficulties in the classroom and that he changed his method of teaching as a result of them. The question remains, however, whether the evaluations are actually useful to the faculty as designed. The evaluation consists of five questions which ask students to rate the professor’s ability to teach on various levels. The back of the form is a comment section. Most of the faculty agrees that the comments are very useful to them on the whole, but that the primary questions are useless as written. Prof. Nichol feels that the questionnaire “lacks detailed inquiry but that the comments are very valuable.” He encourages all students to take the time to write constructive opinions and ideas. Prof. Owen said that the comments are important to him but the questions are inadequate and in need of revision... "They are too vague and don’t have much meaning," he said. The administrators feel that the questionnaires are vital to the efficacy of the questionnaire at least ten years.

Another recognized problem is that the survey may not accurately reflect the educational needs of the students. `One recognized problem is that the survey may not accurately reflect the educational needs of the students. Dean Sullivan also reviews all of the evaluations each year. He believes that most of the comments are constructive and corrective although he has noticed that some of them are personal and unkind. They are also used by the Faculty Status Committee which consists of seven faculty members and Dean Sullivan. The committee, which is chaired by Prof. Gene Nichol, evaluates the faculty for promotion and tenure. Prof. Nichol reported that student evaluations are used in evaluations by the committee as well as in the statistical compilation and the comments are carefully read by the committee members and taken very seriously in considering the faculty members as review. He said, Prof. Coven, a committee member, noted that he carefully considers the evaluations when sitting in on classes. “Students can see problems in the classroom and I see if I can confirm them,” he said.

In addition, when a professor is being reviewed for tenure, a notice is posted by the committee requesting written comments or evaluations from students. Students may also appear before the committee to view their opinions. Although this is a rare occurrence, the formal mechanisms exist for such student participation.

Continued on Page Two

SUMMER LAW STUDY

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STUDENT LAW PROGRAMS
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Right To Life Expanded

"I just pray that she has all her fingers and toes.

How many times have you heard an expectant mother voice this concern? The mother may sound conscientious but a simple ultrasound would reveal more than just missing fingers or toes. It would reveal exactly how those cigarettes or drinking binges affect the child growing inside—the child who will have to deal with those mental or physical defects for the rest of its life.

Fifteen years and one week ago, the Supreme Court weighed a mother’s right to privacy against the rights of an unborn child. Finding the scale tipped on the mother’s side, Roe v. Wade legitimized abortion. However, Blackmun’s opinion did not give a woman the unbridled right to destroy the fetus. The trimester theory conditioned that right. The government could regulate but not restrict abortions in the second trimester and it could restrict abortions in the third trimester. The justification is that as the fetus nears birth, its rights are worth more because its chances of surviving increase.

Subsequent Supreme Court decisions blur the fine lines established in the trimester theory. City of Akron v. Akron Center for Reproductive Health, Inc., 462 U.S. 416 (1983) suggests that a state’s right in health regulations becomes compelling at the end of the first trimester. Justice O’Connor’s dissent criticized the “analytical framework that varies according to the stages of pregnancy.” The dissenters claimed the trimester in potential human life is likewise extant throughout pregnancy” (emphasis added). A 1988 decision took this notion further. In Thornburgh v. American College of Obstetricians and Gynecologists, a narrowly divided court examined abortion regulations once again. Justice O’Connor’s points in Akron Center were apparently well taken, as Justice White’s dissent also criticized the Roe court’s choice of viability. “The state’s interest, if compelling after viability, is equal to the interest in the health of the mother at the end of the first trimester.”

This behavior is not only forbidden, but it is downright dishonest. After the evening’s round of arguments, these perpetrators then conspire and compare these notes to gain some imagined “advantage.” It frightens me but does not surprise me that there are individuals in this school who would go any length to gain an advantage over a fellow student. I do not know what the potential harm of this might be. That’s another issue reserved for another day. I do know, however, that when these so-called responsible adults grow up...

Continued on Page Six

Letters

App Ad

Ethics

Dear Editor,

Can you say ethics? I know that students have a right to privacy. However, Blackmun’s opinion did not give a woman the unbridled right to destroy the fetus. The trimester theory conditioned that right. The government could regulate but not restrict abortions in the second trimester and it could restrict abortions in the third trimester. The justification is that as the fetus nears birth, its rights are worth more because its chances of surviving increase.

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Continued on Page Six
Arguedo
By Jeff Yeats

Well, where are we now, then? Halfway through? It's a safe assumption in my particular case. Halfway through the year, halfway through the process, halfway through the average life expectancy of someone practicing my particular lifestyle. But halfway, just the same. Seems like everybody's halfway through something right about now. 

Whatever happened to the five dollar surcharge for appealing a parking ticket at the institution? Probably nothing. Well, we all had that promise to pay is insufficient — they want your money now! Unpaid parking tickets will buy you a booted automobile.

You can also become effective-ly booted by parking in the "overflow" lot on any of the 121%; rainy days each year. Don't get me wrong, the overflow idea is sound but somewhat lacking in substance thus far. Specifically, it lacks that substance commonly known as gravel and application of said substance will do just as good as the ruts get deeper out there.

Two related, and inter-related, observations:
1. People who angle in or take two spots aggravate the situation.
2. Greedheads at the parking office are of absolutely no help.

My friend JD and I are considering a joint venture aimed at establishing a commercial parking lot on the east side of South Henry, somewhere between Musical Manor and Mike's Garage.

* * *

If you have a gripe, a suggestion or even a semi-coherent comment on something you feel is important, my old colleague Mark Thomas is taking your calls on AM 740, our local radio station. That's not the campus station, but an actual commercial-type station. Old Mark has an amazingly broad frame of reference and a unique frame of mind, give him a call at 227-7400 weekday afternoons, tell him what you think.

Understand that this is not a paid announcement, just a boost from a former employee who wishes his successors well and truly believes in local radio, a medium rapidly disappearing in modern America's mad rush toward homogeneity.

* * *

When reminded me... I'd like to take this special moment to call Ed Shawhawks a preppie low dog. He knows why.

* * *

If people of wisdom don't believe this, but very soon, I will attend my First Grateful Dead concert. It's not for want of trying, they just don't play Texas mesa and I always seem to show up late for some reason. Probably because I show up late for everything.

Nevertheless, this is an experience I am looking forward to, with one slight reservation. I am told it can approach true enlightenment, which is good, but I am also told it can be habit-forming and that could be bad. You see, they told me the same two things about tobacco, women, VD, engines, beer, typewriters, living in the South, the value of old vinyl transcriptions and, most recently, the law. What I really need is one more for my collection of collections.

* * *

Speaking of the Dead, my old buddy Garrity has resurfaced (in Phoenix, no less) and sends his regards to all of those kind folks who loved him after. Although he appears to be in a state of that seems to be in some semblance of order. Still self-supporting but not the man he used to be, he has thought set out to be. He's still got a chance. 

Well, it was fun while it lasted, despite what it did to my digestive system. I can turn my back on the whole nasty process and resume a more conducive existence. We're revisiting Moot Court, of course.

It is, indeed, the rate of passage which constructively finalizes one's law school career. After this, three more rounds of exams, write a paper and it's over, just like that. But you gotta get through Moot Court first.

Unfortunately, the highest basic intensity begins to dominate this twisted little game, brows are beaten and the best don't even try to hold up late for some reason. Probably because I show up late for everything.

The above is a reiteration of what has to be avoided. Non-smokers were seen lighting cigarettes, heading folks to the fullest, the tense became veritable trip-wires and the overly ambitious, be it race-taking and number-searching.

I offer no moral to the story, it is too pointed and the story itself is simply an observation.

One final thought. Where I come from, every leap year, the spring dance is dedicated to the memory of dear old Sadie Hawkins. That means the girls have to ask the guys to go to the dance. Well, the old DB is coming up, and this is a leap year, but that idea may be too old-fashioned for a society which has left sexual stereotypes of the dust of the past. Still, somebody should bring it up at the next SBA meeting, and see if anybody salutes.

From the Right
The Beast
By Mike Dwyer

Communists never have a merry Christmas. The Communist Party does not believe in God and the Red Army does not believe in anything other than that which has the word "state" or even a "state" in it. Consequently, they want your money in the form of a parking ticket at this institution, for they are a part of the state. They know that state is a very distasteful that bribery is the only way of getting the amount of money they want.

That's not the campus station, but an actual commercial-type station. Old Mark has an amazing talent. myoid or even a "meow" can be heard as he reads the words. He knows why.

There are terrible people in the world, and that is one of them. The Trojans learned to avoid the problems listed above. Biblical and secular, will show, a Russian Beast is much more likely.

The USSR and the US are hardly what one would call drinking buddies. Since the time of the rebirth of Israel (which we support and they don't), we've been enemies. They did not like our meddling in their attempts to enslave the world, and we did not like their putting missiles in Cuba. There were "words", one thing led to another, and now we basically just let the Russian Beast get along.

In a secular vein, the evidence supports the Gorbachev-Beast link. First, Gorbachev is the first Russian leader who has fathered a wife that doesn't outweigh him, nor looks like she could take him down. Second, the evidence shows the Soviet American media seems to like Mikhail, which instantly makes it easier to like him. That's not enough, just remember that in American dog spelled backwards is God, but in Russian dog spelled backwards doesn't mean anything.

Biblically, the evidence is overwhelming. First there's the "mark" of the Beast. In the Bible the Beast is a "beast". If you look closely you will see a cleverly Anunnaki 666 in Gorbachev's forehead. Also the Bible makes reference to the Beast as a 7 headed dragon with 10 horns. The Warsaw Pact has 7 nations, but the USSR is viewed as the 8th, thus we have 7 heads with 10 horns. Also in the Bible, the forces of the Beast are always trying to do one thing, and that thing that Gorbachev has just come to power in the USSR.

Hollywood scholars and the Bible scholars also share the view that the Beast will come from England as evidence by movies The Omen and Darkness on the edge of town. However, the U.S. will be a participant in the final showdown and we are the leaders of the world, and that we have no beef with the Brits, then one must also rule out the Hollywood version of Aramis, the aardvark, and the aardvark's friends, Biblical and secular, will show, a Russian Beast is much more likely.

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Baby Barristers
By Will Murphy

Many first-years are dissatisfied with the legal writing program. I am aware that technical skills of legal writing and research to 1B first-year law students is largely by rote. So I decided to supply some unsolicited advice on how to improve the course. The following is a list of five things not to do if you want an effective legal writing program:

1. Don't appoint as director some one who lives in another state. This is particularly important, actually given by the professor of the course, we were told that the professor of that was important to the class would take place outside of it. Tim Murphy had no representation of many first-years with his riposte. "Yeah, in Georgia."

2. Don't spend too much time showing us pictures of what a real book looks like. There is a whole library full of actual books. Take groups of students into the library and walking them through a research problem would be much more constructive. The guide could explain why each step makes sense and how he/she was able to find the needed material. Dante could not have learned as much if he hadn't made the trip himself.

3. Don't cut off important sources of information. Most assignments were made to come under the honor code. That is, students should be allowed to get help from one another. I don't know what you should give any person an "A."

4. Avoiding the problems listed should improve the program. Employing any of the solutions offers at least 50% of the class, I admit that the problem of how to grade such persons. In order to encourage this sort of education, I suggest if you are in a program and you don't, you should give any person an "A."

5. The Curriculum Committee will hold a meeting on Wednesday, March 3 at 2:30 p.m. in room 119. The meeting will be among the subjects discussed. Student representatives, Ann Cantor and Tara Riley, interested students should contact these students before the meeting.
On Line - VTLS

Wouldn’t you love to push a few buttons to find out if a journal issue has been received, if it is at the bindery, or if a faculty member has it? Wouldn’t you love to stop signing your name on each card for each book you check out on a particular topic? In the near future you will be able to do all of this and more.

The law library is pleased to announce the introduction of its automated library system, VTLS (meaning libraries on-line). During the past three years, the library staff has converted over 30,000 titles to a national standard machine-readable format. This has formed the initial data base for the law library.

At the law library, a public access on-line catalog will be the first module available. Currently, only two public access terminals are available. As the system is upgraded, hopefully in the next biennium, additional terminals will be added. A circulation subsystem and reserve subsystem will be tested at the law library during the summer. The library circulation system will provide several benefits to students; it will also be used to fill out cards for each title you borrow; they will be able to use the on-line catalog to determine information in the collections, and introducing new features as they are developed. Comments and suggestions to the staff are welcomed.

“LION is the local name for the system we will be using. It includes materials from all campus libraries. The software was developed by the Virginia Polytechnic Institute and is known as VTLS. It runs on Hewlett-Packard hardware, series 3000.

Press Freedom

Continued from Page Four

Even more frightening is the scope of this unbridled censorship. The Court extended the privilege to “school sponsored publications, theatrical productions, and other expressive activities that, students and members of the public might reasonably perceive to bear the imprimatur of the school. These activities may fairly be characterized as part of the school curriculum, whether or not they occur in a traditional classroom setting, so long as they are supervised by faculty members and designed to impart particular knowledge or skills to student participants and audiences.” As Justice Brennan summed up in dissent, “The young men and women of Hazelwood East expected a civics lesson, but not the one the court thought fitting, so long as they are supervised by faculty members both before and after the fact of birth.

Right to Life

Continued from Page Four

Three laws regulate the relationship between born children and parents. A parent’s right to privacy in raising a child is not so broad as to be totally discretionary. The state has an interest in protecting the rights of the child. Certainly in Virginia, the state has the right to protect the rights of an unborn child, especially in light of Blackmun’s theory and those that follow.

Parents who neglect to feed a child and who abandon a child are criminally sanctioned. Parents who physically abuse a child are punished. Parents who use drugs and whose alcohol use affects a child have their parental rights subordinated. Perhaps the problem arises in the definition of “child.” The problem could be solved using the viability notion and the extensions that broaden viability suggested in later opinions, such as Thornburgh.

This new theory does not necessarily advocate the right to life but merely advocates the right to a healthy life if abortion is not chosen. Once this right is fully respected, the intentional harm to that life can be protected both before and after the fact of birth.

H.K.Y.
The Wailing Cats: Feline Ferocity

On the eve of their second world tour, these Cats, once described modestly as "a dance band," are proving they can show their claws...

An Advocate Exclusive
by Larry Shewin

After hanging for an hour or so in Bob Swiney's east side loft apartment with these four individuals who double as The Wailing Cats, it is hard to imagine that a few years ago, three of these guys were uptown law students. Eddie McNelis, who got up every half an hour during this interview to do a couple laps around the apartment or a few strokes on the rowing machine in the next room, is ineffably engaging. Bob, the bassist and spiritual center of the band, is friendly, accommodating and refreshingly unaffected by the band's recent surge on the music scene. Chip Turner, the quartet's statuesque lead vocalist, and Dave "Thunder Toes" Ezell, the drummer who has kept beat with Bob since their early days with The Suspenders, lend insight and authority to the Cats, balancing the energetic impetus of Swiney and McNelis, both on and offstage.

Even two years later, it is still tempting to ask these four what gave them this impetus to leave law school in their very last semester at a small college in rural Williamsburg, Virginia, to play clubs in New York City, likely to be discovered soon thereafter by an Asylum recording executive. For Dave, formerly a paramedic, it only took their first single, which was released on the Newport News-based Unger Records label and got a lot of airplay in the Southeast, for him to know that these Cats were on the prowl. The Litter Box tour, a five-city blitz, followed, and then the decision to "make the move."

Each of the Cats agree that it was the unadulterated encouragement of their first managers, Greg Hair and Mark Kallenbach, who propelled them to where they are now. But how did they make the leap from a local Southern "dance band," named by Kallenbach for their early sound which was likened to the noise made by a constipated alley cat, to their latest platinum-potential record release "Scratching At Mary's Door," and land on all four feet?

When their No Drugs Tour begins next month, the Cats will have established themselves in recording circles as an ensemble who, in an era where synth-tech studio maneuvers are making obsolete acoustic processes, are still very capable of taking their show on the road. In short, these Cats have rock and roll soul. That soul is heard when Eddie and Chip harmonize on the renditions of the assorted R.E.M. charts they choose to do in concert. That soul is felt in the grinding beat of Dave's drum and in the throbbing, pulsating lines of Be's bass lines, heard best on their new master moos mix disc. Most often, it is heard in the non-note, blinding hot leads and caustic rhythms of Eddie's lead guitar, especially in their crowd-frenzied renditions of the classic rock hits, such as "Mony, Mony," "Peace, Love and Understanding," (especially when they remember all the lyrics), "Day Tripper," and "My Generation." And then, again, sometimes it is not heard at all.

Chip, more than the others, likes to theorize about the themes and directions the band is taking next, and stresses throughout the interview that, in contrast to their first campaign circuit, the Hammer Tour, "this tour will be for the critics." For Chip, this is important because he knows that there are many individuals out there in the business who still remember his earlier days with "Patchwork," a critically-acclaimed but popularly undervalued band of the late '70's. For him, the accolades of New York Times music critic Doug Anderson, in his recent review of the quartet, are what count most. Anderson wrote, "I'll bet ya: I've come full circle on these guys. These cats really have claws." Later in the interview, Chip saunters into the next room to retrieve a copy of last month's copy of Downbeat magazine to show me what the well-regarded music reviewer Chris James had written in last month's issue: "This quartet has surpassed the expectations of everyone. They are, in fact, bigger now than both Sean Cassidy and Rick Springfield."

Bo, who assembled the band back in 1987, takes the Cats' popular success as a given. "We're an honest band. People dig honest dance bands," he says, as if the band were still packing them in at a small house in Williamsburg every Friday night. Bo recently decided to enroll in night law school to finish up his nearly-complete law degree. "Yeah, Mom wanted me to," he explains.

EDID YOU KNOW???

The hoary free speech hypothetical of shouting "Fire!" in a crowded theatre comes from Schenck v. U.S., 249 U.S. 47 (1919). As Mr. Justice Holmes put it, "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic."
Origins of the Split-infinitive Rule

By John Highbird

We all know it's wrong to split an infinitive. We know this because that's what we were told with earnest conviction by our English teachers year after year, and if we ever forgot, if a split-infinitive somehow crept into an essay or a term paper, we lost points. We accepted that splitting infinitives was wrong the same way we accepted a lot of other arbitrary rules, without questioning.

English grammar in its most familiar form, the form we were taught in school, was largely an eighteenth century invention. That was when scholars first sought to establish guidelines for speaking and writing the language in a socially acceptable manner. Those early grammarians labored under two handicaps. First, they were innocent of linguistic principles that developed in the twentieth century, principally that every language has its own distinctive grammar, i.e., the way it actually works — its descriptive grammar. Second, in common with academicians in all disciplines for several centuries, they revered classical learning to a fault. The fault arose here because the grammar they knew best was that of Latin.

When these grammarians were groping their way toward the very first codification of English grammar, they naturally reached for any familiar model that might offer them some guidance. Assuming that Latin embodied the highest developed form of grammar — after all, the Romans had developed everything else to its highest form, hadn't they? — they attempted to force English into the Latin mold. This was no less reasonable than forcing left-handed children to write with their other hands (which these pedants also did, and continued doing so until quite recently, demonstrating once again that the educational establishment is the slowest moving lifeform known to Man).

Now in Latin, as it happens, the infinitive form of a verb was one word. "To speak," for instance, was "loqueri." The same word that appears in a different form in "res ipsa loquitur," meaning the thing speaks for itself. The "ere" ending in "loqueri" told us Romans schoolchildren that this was an infinitive. In English, however, we recognize an infinitive by the combination of "to" followed by a verb. If you insert any word between "to" and the verb that follows it, you've "split" the infinitive. "To clearly speak" is a split infinitive. Clearly one cannot split a single word. Since it was impossible to split an infinitive in Latin, the classicists reasoned that ergo Q.E.D. it was improper to do so in English. If the logic here eludes you, obviously you've neglected your Aristotle.

From that day to the present, our educational establishment (and occasionally others, see infra) has enforced this command to protect him from others' criminal acts:

"Well, they'll sue you when you fail to pay the claim. They'll sue you for bad faith no matter who's to blame.

They'll sue you when you're driving to go home; then they'll sue you when you're parked and all alone.

But, I would not feel so much abused, everybody must be sued."

After dismissing more of Mr. Crain's arguments, the judge concluded:

"Well, they'll sue you when you're a little tyke; they'll sue you and everybody else in sight. In the land of the free and the home of the brave, they'll sue you when you're lying in your grave. But, I would not feel so much abused, everybody must be sued."

BENCH CLASSICS

Everybody Must Get Sued

A Mississippi state circuit court judge sang a sad song of time-consuming frivolous lawsuits, invoking the lyrics of a Bob Dylan protest song in a recent liability ruling.

Parodying the tune "Rainy Day Women," Bolivar County Circuit Judge Eugene M. Bogen concluded that while everybody must be sued, not everybody should recover.

Judge Bogen granted summary judgement in favor of the Cleveland, Miss., Moose Lodge in a suit brought by a man who claimed the lodge was responsible for injuries he received as the result of a beating and robbery.

Plaintiff W.B. Crain said he doesn't remember the incident that took place as he arrived at the lodge to play music for a party. He was found lying unconscious beside his car and didn't recover consciousness until two weeks later, according to the suit.

Using the Dylan lyrics to illustrate his decision, Judge Bogen said the law didn't require the Moose Lodge to protect him from others' criminal acts:

"Well, they'll sue you when you fail to pay the claim, they'll sue you for bad faith no matter who's to blame.

They'll sue you when you're driving to go home; then they'll sue you when you're parked and all alone.

But, I would not feel so much abused, everybody must be sued."

The Law School has a limited amount of money for distribution to students who are eligible for College Work-Study grants and who are interested in working this summer for nonprofit employers in the private or public sectors (including government). If you are interested in exploring work-study funding, see Dean Kaplan as soon as possible.

What I Did During Summer Vacation

First-years are encouraged to attend a session on summer employment Wednesday, February 3, at 11:00 a.m. in room 128. Six second-year students who worked last summer in law-related jobs, other than firms, will share their experiences. Dean Kaplan will explain the procedure for College Work-Study funding as well.

Platinum Plunger Awards

The Second Annual Platinum Plunger Rejection Letter Contest is coming up. The awards ceremony will be held sometime around April Fool's Day. Submit your entries now — don't miss your chance to be "plunged."

Judicial Clerkship Session

On Tuesday, February 2, there will be an information session on Judicial Clerkships for second-year students. Alumni who have clerked at federal, state and local courts will be on hand to discuss their experiences. The program begins at 3:15 p.m. in room 127. A reception in the student lounge will follow.
Ponder...

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**NOTES**

1. The Y-Axis for these curves is not directly readable in numbers of scores because they have been scaled so that the large class and the small class will have the same relative impact.

2. By arbitrary convention, the solid line represents the larger class.

3. The area between the curves gives a relative idea about how the professors differed and in which direction.

4. For those of you who wondered: "Old I get a raw deal by having Professor X? for that class?" — The most startling conclusion from all of this is that it probably didn't matter. The curves are very close, and the largest variations are around the center points.

5. If you wish up on a break point between standing ranges, then you might want to see how the luck of the draw placed you (different combinations of professors might be more or less beneficial to different groups). Draw your own conclusions: remembering always that these are merely rationalizations (informative for those of us with delicate egos), and that in the vast majority of cases it matters not one whit.

6. SHIT HAPPENS
Faculty Evaluations

Continued from Page Three

although his teaching ability may be excellent.

There is a difference in opinion among the faculty as to the quality of comments of first-through fourth-year students. Some professors feel that first-year comments are less thoughtful due to the inevitable reduction-first-year students experience. On the other hand, some faculty members believe that first-year students take more time to complete the questionnaire and comment section. Few third-year students actually return them.

The timing of the questionnaires is also inappropriate. They are conducted prior to exams so that students are not influenced by their grades or the test. But, as Prof. Lee points out, students have not yet reviewed for finals and “can not appreciate the course because they have not done thorough analysis of it yet.” At the same time, as Prof. Barnard noted: “If there is a problem in class, it cannot be corrected because the evaluations are not available until after finals and the grades are over.” It was suggested that a better time to conduct the evaluations is after the examination but before the grades are posted, but the logistics of this may be complicated.

In many other schools, the evaluations are available to students to review throughout the semester and are used in determining which classes to enroll in. Students and faculty are split on the propriety of this issue. At the present time, students rely on other faculty for information concerning professors, which may or may not be accurate.

As an alternative, few faculty members would favor having the questionnaires on reserve if they were improved. Prof. Nichol commented that you “might want to have them screened preliminarily but that it might be a good alternative to the rumor mill which students presently use.” On the other hand, Prof. Coven believes that there is a “valuable personal component to the comment section and having them as a matter of public record might interfere with the educational process since many students do not do a good job in evaluating certain aspects of teaching.” The administrative policy is that the evaluations are designed for faculty, not student, use and such availability of the results would hinder this process.

It appears that the evaluations are very important to this faculty and the Administration but there is genuine dissatisfaction in the construction and timing of the questionnaire. The evaluations have not been reviewed in at least ten years. A review of the procedure and the evaluation itself would benefit not only students, but the faculty as well. It was noted that in a school where the student evaluations are taken seriously, more effort should be made to make the questions more meaningful and responsive.

Jammers Spread It On Thick

The law school’s defending co-ed intramural champs, the Jammers, opened their season with a 73-31 trouncing of the Du Pont Flyers last Sunday night. Although missing star center Janet McGee and key sub Billy Power, who was recovering from a weekend of trial practice, the Jammers coasted to victory as Jean Hernon, Liz McGrail, and Pat Miller all scored in the double figures. Super-sub Leigh Ann Holt proved to be an intimidating force inside. Dave Cozad, Mark Kallenbach and Kenny Harrell did their best to stay out of the way while the women toyed with their opponents. The squad hopes to be at full force next week as Jim Lady, Power and McGee return to action.

Split-Infinitives

Continued from Page Eight

ment against splitting infinitives, blindly ignoring the lessons of structural linguistics and descriptive grammar that it made no sense whatever, that splitting infinitives is perfectly natural and proper in English. The greatest English grammarian of all, Henry Fowler, ridiculed the rule in his seminal Modern English Usage.

Although Fowler argued for American linguistic research, he recognized the perversity of imposing on English grammar a structure that led to awkward and arhythmic sentences, and he characterized the split infinitive rule as a "fetish" and a "superstition." Of course that was merely sixty years ago, so the educational establishment has scarcely had time yet to notice.

Considering the widespread adherence to this rule by those possessed (peculiarly proper term) of a superficial familiarity with grammar, some writers have continued honoring it for that reason alone. Who wants to explain about eighteen-century grammarians and classical Latin and structural linguistics whenever someone "corrects" you for splitting an infinitive?

Now, however, matters are getting out of hand. Now we are told not only not to split any other "verb forms." You’ll find this in the rules propounded for your Legal Writing course if you’re a first-year, or Appellate Advocacy if you’re a second-year, or Law Review if you’re a nerd. What’s going on here? They’ve taken a rule that was dead wrong from the outset and instead of giving it a decent burial they’ve exhumed the remains and set it to work at a task that even those original wrongheaded eighteen-century grammarians never contemplated. What’s going on here is obvious. It’s called progress.

Speaking of Sports

Superbowl

Continued from Page Eleven

shooting from the outside and Butz working up the middle, the Redskins have an impressive number of quarterback sacks.

The Redskins’ defensive game plan against the Broncos is so fundamental it has become a football cliché: contain the quarterback. If Elway is able to avoid the pressure and work outside, look for a big day. It is a tough assignment for the Redskins, but the Giants showed it could be done.

Many factors go into a football game, and I can’t comment on them all. Football, despite its team play, often will come down to simply one individual effort or error. The key to this game I believe will be how well Elway responds to the defensive pressure of the Redskins. So, in the final analysis, will the Redskins be able to "contain" Elway? Yeah, right. Redskins 24, Broncos 31.

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NO EXPERIENCE NECESSARY

Leave your name and phone number at Room 238
Part-Time Bronco, Full-Time Student

by Stephen Lee

Football fans: Have you ever had the dream of getting to play on an NFL team? What an experience it would be! One of Marshall-Wythe's students, Archie Harris, had that experience this past fall. He got a chance to play for the Denver Broncos. He seemed pleased with his experience, but his story suggests the journey began long ago and not simply with a quick flight to Denver.

Archie started playing football when he was eight years old. While he watched sports on television and was a big Cowboys fan, he became most of his interest to his father. "My father played football and was an undergraduate and played as a reserve tackle. Finally, this past fall, he got a chance to play for the Denver Broncos. That's what was a big Cowbody fan, but I never planned to be a professional football player," he said.

Archie played high school football at Jefferson-Hugonet-Wythe in Richmond. Then, he came to Marshall-Wythe as an undergraduate and played as a reserve tackle. Finally, this past year, he discovered that the Chicago Bears had chosen him in the seventh round of the draft. He went to the camp, and played in several preseason games. But the Bears dropped him from the team at the last cut.

When the strike came, Archie's chance to play pro football that fall returned. He told me that, after the strike became apparent: "The Broncos called me... and about ten other teams called me. Every team knows who everybody has playing for them, and therefore I was known. I knew I would get to play, and it was a matter of choosing the best team for me." He wanted to go with the Broncos partly because of advice from his agent, who suggested the team might be a hard to make, but would be a good team to play for. (Denver had managed to hold on to several linemen after the strike, which made the few remaining available relatively hard to get.) But he had also met a scout for the Broncos at the Blue-Grey game the previous winter. This scout impressed him with the quality of the Bronco club.

"The tryout was not much," responded Archie when asked about its difficulty. "Archie, of course, made the team."

Archie had no problems with players because of the strike. The players and replacements not on strike stayed at a hotel two blocks from the field. Because news of the conflicts between striking and nonstriking players in Washington and Philadelphia reached the West before the first practice, the Broncos' owner sent two buses from the hotel to the field. The first had no one on it, and went through the line, while the second bus slipped around the back. "Neither bus got attacked, and we had no problems with the players," Archie said. "In fact, Denver had 10 or 11 line crossers, and the problems were not as bad as elsewhere," he added.

The fans showed tremendous support as well. "Denver fans had the highest attendance at the first game (during the strike). While other teams had 9,000 fans attending, 38,000 (Denver) fans showed up for the first game," he said.

Archie has the chance to play in three games as a starter. But he did not get as much experience as he hoped to get. He started the first game at defensive tackle, but then two tackles, one on injured reserve and one starter, crossed the line. (They probably worried Archie would replace them.) The Broncos repositioned him to a starting position on special teams, and Archie saw the proverbial "rookie wall." Therefore, he shifted his attitude. He said, "I planned to ride it out as far as possible, make as much money as possible, and try to last at least three games, so that I could get retirement benefits if I ever get back again."

The three games were important to Archie because he planned to be back in professional football. "My career is not over," Archie announced. The Redskins beat the Jets, the Giants, and the Buccaneers -- and those of his fellow replacement players positively affected this outcome. He compared the Broncos to the Vikings and said, "If we had lost all of our games like they did, the playoff situation would have been much different for the Broncos."

For now, Archie will continue with law school. He had an experience many of us fans can easily imagine. The closest most of us will get is a season ticket to a box seat. Good luck next year, Archie.
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