Australian Justice Discusses Separation of Powers

By Phillip Steele

The Australian concept of separation of powers—an amalgam of U.S. constitutional influence and British tradition—was the subject of the first Menzies lecture at Marshall-Wythe Monday, Oct. 12, by the Right Honorable Sir Harry Gibbs, Chief Justice of Australia’s highest court from 1981-86.

In the 1890s, the framers of the Australian constitution followed the form of the American Constitution and its creation of three branches of government. But the framers also were influenced by the British system of government, according to Gibbs.

Britain’s “Responsible Government”

In Britain, the different powers of government are divided and entrusted to different people, but there is no impediment to one branch exercising the powers of the other, Gibbs says. The independence of the judiciary was maintained by tradition. In Australia, similarly, there is no formal separation of powers. Gibbs said that in Britain and Australia, executive officials are also members of Parliament. Consequently, executive and legislative functions mix in a way that would not be allowed under the American system.

The British interaction is known as responsible government, according to Gibbs. All members of the executive branch are responsible to the legislature for their acts, but there is not concept of the executive branch’s responsibility to the people.

As an example, he explained that the Australian legislature can delegate authority to the Governor General, the executive, and the in turn can make regulations in derogation of existent law. This executive-legislative role presents no problem to the high court.

Different Outcomes in Major Cases

Gibbs used U.S. Supreme Court cases to illustrate Australia’s perspective. In INS v. Chadha, 462 U.S. 919 (1983), the court held that the constitutional veto of one house to an improper delegation of legislative power. In Australia, either house of legislature can disallow administrative regulations made pursuant to a statute.

In Bowen v. Swann, 478 U.S. 412 (1986), the Court held that Congress had invaded the executive sphere by placing the responsibility for executing a statute in the hands of an officer whose tenure was controlled by Congress. Because of the executive’s responsibility to the legislature, this would present no problem in Australia’s scheme of separation of powers, Gibbs said. Truman’s wartime seizure of steel mills, at issue in Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952) and reversed because of his usurpation of legislative powers, would be struck down in Australia’s high court. “But the basis,” said Gibbs, “would be an absence of power on the executive’s part,” rather than that she was overstepping her bounds.

Australia’s judicial independence more closely resembles American concepts of separation of power, but Gibbs said this is attributable to the British tradition that under the common law the judiciary determines the rights of the people independent of the executive and legislature.

A 1996 Australian case—the Beilmaker’s case—held that the constitution did not allow the establishment of a tribunal which exercised non-judicial enforcement powers and also adjudicated cases. However, Gibbs said the boundary between judicial and non-judicial exercises of power has been blurred by delegating quasi-judicial functions to administrative agencies and by granting a separate title to a sitting judge and giving her enforcement powers.

Because of its unwillingness to take on extra-judicial functions and its traditional independence, Gibbs said the Australian judiciary remains the best protector of constitutional liberties in the American sense.

Program Ends Paper Chase

By Catherine Lee

We have all heard of the Paper Chase, now Marshall-Wythe will be the first law school to introduce the Paper Choice. The Paper Choice is a computer program designed by Professor Trotter Hardy and as a guide to legal research for first-year law students. It includes a detailed description of research materials, methods, and a map of the library. It will soon include research problems. The program relates to IBM and IBM-compatible computers.

The research-materials portion of the program describes the purpose and function of most research tools, including legal encyclopedias, ALR, case digests, case reporters, Periodical Index, and Shepard’s Citations. The student selects which tool he is interested in learning more about and the program gives a general overview of the book. If the student should require further information on a particular volume or series, such as United States Reports, he may select the proper option and receive this information also.

Instructions, Problems, and Library Maps

The program also supplies detailed instructions on how to choose the correct research tool. This instruction can be valuable for first-year students who spend endless hours in the library chasing volume after volume in an attempt to complete a legal-writing assignment. The student’s problem normally is that he is not sure of exactly which resource to use. The program asks the student Continued on Page Ten
Faculty Profile
Professional Intellectual visits M-W

By Karin Horwatt

Professor Michael E. Libonati is visiting here for the fall semester from Temple University, at the front of his State and Local Government class.

Specializes in state and local government control, such as land Law in Philadelphia, and state and local governmental law covers a broad spectrum of sub­ 

courses in state and local government law. The teaching of like the structure and function of 

government requires knowledge in areas 

that are separate from certain areas that fall under local government control, such as land use issues. Local governments are the basic service providers, and 

regulatory functions. In order to 

do so, they tend to spend and bor­ 

row large amounts of money. Besides courses in local government law, Libonati also teaches courses on legislation and Roman law.

Professor Libonati was at­ 
	racted to state and local government law because, unlike the federal government, the local government is nearer to the in­ 

terests and concerns of ordinary citizens.

From Politics to Classic

Initially, Libonati wanted to be 

a politician. A native of Chicago, he comes from "a family of lawyers." His father was a politi­ 
cian, as were his uncles. In fact, one of his uncles was the first per­ 

son of Italian extraction to run for 

elected office in Cook County, Ill. However, his "land of politics" would have been the urban working class, while, as a product of upper middle class or middle class institutions, Libonati says he would have felt distant from his constituents. The political landscape has also changed since his father's time. While at Yale Law school, one of his professors, Harold Lasswell "spooked up to 

him the notion that the life of the mind is worth pursuing"—and, in 

truth, Libonati says, he is "hap­ 
piest when reading or thinking." According to Libonati, "the lawyer is a professional intellectual."

That Libonati is most comfor­ 
table thinking is obvious from the contents of his office bookshelf. Besides the usual lawyer tracts, his bookshelf contains writings by Cicero, Plato, Aristotle, ancient Greek religion and law, and Roman law. Meanwhile, Libonati's contention about the law's allure for intellectuals is borne out. Libonati pointed out that many major figures of American literature, for example, Archibald MacLeish, Wallace Stevens, and James Fenimore Cooper, were lawyers.

Interestingly, Libonati said that now law is incorporating hermeneutics—that means literary interpretation far you Econ. ma­ 

jors—more and more into scholar­ 

ly writing and legal opinions, and methods of interpretation former­ 

ly reserved for the humanities are now becoming recognized in legal thought. This is evidenced by the emergence of books such as Per­ 

sons and Masks of the Law, by 

John Noonan (about reading judges' narrative as narrative) and When Words Lose their Mean­ 

ing, by James Boyd White. This relatively new incorporation of literary interpretation, says Libonati, is the result of the recognition that "legal texts can be handled in the same way as texts in the humanities." For ex­ 

ample, in Constitutional law, one is able to distinguish several distinct themes and motifs, such as the dialectic of centralization versus the dispersal of authority. This kind of thinking, however, is not merely an intellectual exer­ 
cise, but a method of attaining enhanced understanding of a legal text.

"If you have a background in literature, use it. See beyond the rules to the rhetoric," Libonati says.

Changes in Pace, Student Energy

Professor Libonati came to Williamsburg for a change of pace from big-city Philadelphia. However, while the Williamsburg area is quieter and slower-paced than at Temple, he is happy to note that he does not find such peace and quiet in the classroom. Here, he says, students are more talkative, whereas at Temple, he must try to get students to par­ 
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M-W Society Helps Battered Women

By Isabel Chenoweth

In the serene environs of Williamsburg, as across the country, domestic violence shatters lives. Half of all married women, regardless of race, religion, or financial status will be abused during a marriage. Forty percent of all women murdered are killed by their husbands or lovers. Although domestic violence often involves physical abuse, it also comprises sexual and verbal abuse, and emotional and mental cruelty.

Confronting this problem locally, the Williamsburg Task Force on Battered Women, a United Way agency, opened its doors in 1983, offering counseling and shelter to abused women. Since then, executive director Kristi VanAudenhove has noted a steady increase in the number of women seeking help. Telephone calls for assistance on the Task Force Hotline have reached an average of 129 each month. The shelter houses up to three families, although this month alone, it provided haven for five women and their children. Victims remain at the shelter as long as needed — periods range anywhere from a few days to a few weeks, though the longest stay last year was four months.

The only organization of its kind in the area, the Task Force provides a host of services to approximately 60 women each month. Each year, roughly 40 to 50 of these women request legal information and assistance through the Law Student Program at Marshall-Wythe, coordinated jointly by the Mary & William Society and the Task Force.

The Law Student Program was created in 1984 by Karen Rose, then a law student at Marshall-Wythe and now a lawyer with Peninsula Legal Aid, and it now consists of roughly 34 students, both women and men.

A mandatory training program run by the Task Force familiarizes student volunteers with issues concerning domestic violence and the legal alternatives available to battered women. Students then sign up for monthly time slots during which they meet with “clients” requesting legal information. After exploring each feasible legal option, the “client” drafts a plan of action with the law student sketching the procedural details. As such plans are implemented, the role of the law students varies. Some assist women in obtaining protective orders or filing petitions for separation, child custody, and/or support. If requested, students accompany women to court, and many maintain telephone contact. The complexity of research problems may vary from no-fault divorce in Virginia to child custody laws in California. When necessary, referrals are made to Peninsula Legal Aid or private attorneys in the area.

Academic Credit and a “Human Dimension”

Students can earn academic credit for their efforts under the supervision of faculty advisor Professor Glenn George, who is also an active participant in the program. “The clerking option will operate similarly to other legal clerking programs, such as PCAP,” says Professor George. “A student must complete forty hours of service comprised of a combination of client counseling, court observation, and research. Details will be worked out with me in advance,” she said.

“The program provides students with the opportunity to become familiar with local domestic laws and to observe how they operate within the community,” says Connie Hiatt, student program coordinator. “Students feel the program adds a valuable human dimension to studying law.”

“The program also allows students to observe closely how legislative changes actually affect a community,” says law student volunteer Amy Clarke, referring to Virginia’s 1986 amended marital rape statute. Under the statute, a convicted offender now faces a possible 20-year jail sentence. “And it’s been interesting to observe how seriously the court confronts the problem of spousal abuse,” she adds.

Working with the Judge

Judge Samuel Powell, who last year began his term with the Juvenile and Domestic Relations Court in Williamsburg, has implemented a counseling program for abusers designed with the help of VanAudenhove and representatives from Social Services of James City County, Colonial Community Mental Health, and the Court Service Unit of the Juvenile and Domestic Relations Court.

Now, batterers can be ordered directly into counseling either in lieu of, or in addition to, a fine and/or jail sentence.

To support Judge Powell’s efforts, the Task Force sends a representative to court each Monday when the Juvenile and Domestic Relations Court meets. This allows Judge Powell to refer women to the Task Force from the bench thus providing them with the opportunity to talk to someone before they ever leave the courthouse. Miriam Maloney, a Task Force staff member, estimates that each time she sits in court she receives at least one referral. “Although not every woman will use our service, most do in some way, even if it’s just to keep in touch by telephone,” she said.

The Task Force on Battered Women helps victims cope with the many damaging affects of spousal abuse. Through the Law Student Program, Marshall-Wythe students provide information that often can improve significantly the lives of these women. VanAudenhove is pleased with the program and the dedication of the student volunteers. “Feedback from the women is very positive and the majority of them end up following through with an option they’ve worked out with a law student.”
Inter Alia
After Bork

Supreme Court nominee Robert Bork has shown admirable determination in seeing his confirmation fight through to the end, forcing politicians to go on record, even as he did weeks earlier. Nonetheless, it appears that only a miracle can save him now, and so does not seem premature to consider the next nominee.

Senator Orrin Hatch of Utah, Bork's stoutest defender in the hearings, has been suggested as a replacement. At first glance, Hatch might seem a logical choice for Reagan: the Senate is traditionally loath to speak senates. He has long been known as a champion of the ultra-right. He has taken controversial, even radical ports. Hatch has long been known as a champion of the.

But he is very, very conservative, and has his feet on some minority issues.

That approach has its drawbacks, though. The public is tired of ideological baggage and outrageous past opinions. Howard Baker, White House Chief of Staff and yet another candidate mentioned by the press, seems like an ideal choice. He is moderate in his conservatism, and by extension in his politics.

The same danger of a repeat performance looms with Patrick Higgenbotham, a Fifth Circuit Justice. Although perhaps less strident than Bork and Hatch, Higgenbotham is very, very conservative, and has dragged his feet on some minority issues.

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Acarpousity

By Jeff Yeats

Abhh, THE BRIEF. Much like THE MEMO, it strains the patience, says even the resilient pituitary and alters some very comfortable patterns of behavior.

It’s the reason I was wandering around the library at three o’clock the other morning. There are only three reasons to be anywhere but asleep at three in the morning and I was a long way from any of them.

To tell the truth, I was trying very hard to find anything other than legitimate brief-work to occupy my time. Everyone in the library had already chased me away from their carrels, Gerry had locked himself in the offices of this publication to escape me and even Omri the lounge mouse was hiding out.

Having read and re-read the contents of the bulletin board and all the doors on that end of the building, I stripped toward the lobby to re-convince anyone trying to sleep in the lobby. I didn’t have to get quite that far.

Omar was nibbling on something in the little gutter by the elevator doors. Of course, he split at a dead run when he saw me but a notice on the little bulletin board I rarely read caught my eye. It said that a new copier had recently been installed and should soon ease the great crunch.

In the copy-room I reached down and plucked the new Ricoh 8050, giving it a slight tap with the point of my boot. "Wh. Wha. . . What the hell do you want!!" growled a low mechanical tone.

"Service, sucker. Ceppy my case and be quiet about it," I said, slapping him low and hard. "I have a full VendaCard and a big stack of cases. The workday starts now."

"Go away. I’ve heard that line from women so often, it doesn’t begin to faze me when I hear it from a mere machine."

"HEY, Ricky, wake up and get on the ball. If you can talk, you can damn sure work."

"The name is Sid and talking and working are separate functions."

"Don’t give me a bunch of pre-programmed gibberish. I want action."

"Speaking as an intricate and expensive example of your culture’s finer accomplishments, I must say my motivational techniques leave much to be desired."

An erudite apparatus. That requires a different approach.

"All right, Sid, maybe I’ve been a little harsh. I generally get along with my colleagues. But I’m talking business here."

"It’s so good to know that you can read. Perhaps you should work on your comprehension next."

"Don’t get vicious, Sid. I honestly came here to get your side of this thing. Maybe do my entire column to our new copier."

"Ah, I should have known. Not only have I been left to the mercy of plastic-flashing consumers of the law, but now I am awakened at this unholy hour by a rube and fezulous journalist."

"Why do I get the feeling you aren’t happy here?"

"It must be your uncanny powers of observation."

"Look, I came here to give you a chance to have your say, not for abuse."

End of Page Eight

From The Right

Forgotten Hostages

By Mike Davidson

Growing up on a marine Corps base during the Vietnam era was probably unlike growing up in any other capacity. Everyone’s father was either returning from or enroute to Vietnam. As kids, our heroes were not Captain Kirk, Cheesy Puller and the President of the United States. Our millionaires included John McCain, the Klingsons and Sister Jean of the local Catholic elementary school.

Most parents, regardless of their religion, wanted their kids placed in Sister Jean’s school for the quality education, character-building, and the discipline. Sister Jean and her crew were not reluctant to pull hair pilling nuns, but wererummed to be contract derby queens complete with elbow scratchers and body checks into the blackboard. No one screwed around with Sister Jean.

Another point to emerge amongst the Marine kids was the FOE-MIA bracelets. Men honored CPT Stephen King and USMC who was shot down on 3 June 1967 while piloting a medical evacuation helicopter. Hansen managed to survive and was beeper after being shot down, but was never seen again. Hansen, if still alive, is not doing well. There are none of the American servicemen unaccounted for in South East Asia. The United States still lists 79 of these as ‘presumed to be alive.’

This sort of blatant violation of international law is nothing new for the American soldier. At the end of WWII, W.W. Harrison, U.S. Ambassador to the USSR, notified Roosevelt of first hand information that the Soviets were holding some 3,000 GIs in Poland. British Intelligence notified us that Soviet Marshall Telnukhin held approximately 16,000 U.S. and 8,000 British ex-POWs near Odesa. The Soviets allowed itself to be denied everything and the men never returned.

At the conclusion of the Korean Conflict, President Eisenhower was briefed that returning POWs were reporting that other POWs were still in Chinese hands. This was confirmed, in part, by the Chinese press which stated it was retaining "all American war criminals." In 1963 a communist Chinese detector testified before Congress that he had seen POWs as late as 1960 (the war ended in 1953) working in a factory. Nothing was heard from them again.

From Southeast Asia come countless reports of American and European POWs that were escaping from Laos reported hearing of 100 Americans held in a Laos prison camp. Of the million Communists who have been released, the American POWs: only 8 returnees.

And the Russians and Chinese who left Vietnam in 1979, reported seeing over 100 POWs still in captivity. In June 1981, L.L. Gen ‘Tighe of the Defense Intelligence Agency reported that the Defense Intelligence Agency had received 1,482 reports concerning POWs/MIA’s, 327 of which were classified in the same category. As late as 1981, 4,143 Americans were being reported missing.

What motivation exists for Vietnam to keep these men? Perhaps they view them as the spoils of war or as a means of minimizing the U.S. Most likely they believed that the French before us, would pay for the return of our soldiers. The French were willing to pay as much as $50,000 per set of remains and their total payments to Vietnam exceeded $700 million. That’s a lot of rice and fish heads.

It is amazing that the Carter Administration would virtually be muzzled by 52 hostages in Iran and the current administration seems so desperate to win the war in Vietnam, yet over 2,000 American military hostages are still held in Vietnam.

To the 2,415 American servicemen who headed the summits of the trumpet and served an ungrateful nation in an unpopular war, I humbly dedicate this column.

By Will Murphy

Once upon a time there was a man seeking the nomination of the Democratic Convention. He also ran into the Big Bad Press. "I’m not afraid of you," the man said. "I have nothing to search." So the Big Bad Press huffed and . . .

But there is something missing from this story. The Big Bad Press can huff and puff until its head explodes and nobody’s campaign is done. "DANGER KEEP OUT." But the man went inside anyway. Inside the house was the wicked city woman / poor innocent child. The Big Bad Press huffed and puffed and blew the man’s campaign down.

Another man was trying to get through the same forest, for he was also seeking the magical nomination of the Democratic Convention. He also ran into the Big Bad Press. "I’m not afraid of you," the man said. "I have nothing to search." So the Big Bad Press huffed and . . .

But there is something missing from this story. The Big Bad Press can huff and puff until its head explodes and nobody’s campaign is done. "DANGER KEEP OUT." But the man went inside anyway. Inside the house was the wicked city woman / poor innocent child. The Big Bad Press huffed and puffed and blew the man’s campaign down.

Continued on Page Eleven
Letters to the Editor

Shaffer Favored

Dear Editor & Class of 1988:

Recently there has been discussion among our class as to whom we should have as a graduation speaker. First of all, I want to make it clear that there is no way Steve Frazier should be considered as a speaker. Maybe we should even think twice about letting him participate at all. Other people who should not be considered, at least not initially, are the standard law-school-graduation speaker fare: old judges, local politicians, and somewhat distinguished professors.

Why not go for something different? Someone that will distinguish our class from the countless other pin-striped drones stamped out next spring; a speaker that will place the Marshall-Wythe School of Law at the forefront of the legal academy. In other words, make it "everybody has heard of us." With this in mind, I suggest Paul Shaffer as the keynote speaker for the Class of 1988 graduation. What better candidate than the ubiquitous band leader and co-host of "Late Night," the favorite post-study show of law students. As a distinguished session-player and accomplished humorist Mr. Shaffer could provide unique insight into the real world, the world to be thrust so rudely upon us in just a few short months.

Already I anticipate the grindings of our less enlightened classmates: "What does he know about the law?" The answer to this, and the very reason Paul Shaffer would be the perfect speaker is: hopefully, nothing. After 34 months of legal exposition by persons who can't hold real jobs it would be a well-deserved break for us all.

If you, too, want to help lift Marshall-Wythe out of the grey-flannel sea of law schools, support Paul Shaffer as graduation speaker. Tell Barb Paveik, or one of those girls named Lynn, that you care. Tell them you want Paul Shaffer as your graduation speaker. Only you can make it happen.

As much as possible, sincerely yours,
Tom Kohler

Nonsense

Editor:

I am writing in response to the letters of Steve Frazier, Tom Kohler, and Peter Burr that appeared in the last edition of The Advocate.

Mr. Frazier, starts his letter on the right course, but then abandons it immediately. Why did he choose not to "deliver a discourse on why Will's theories of constitutional rights and the protection they receive were just wrong?" Is it possible that he couldn't think of anything persuasive? Is this why he and Mr. Kohler wrote letters that, to borrow a passage from last issue's "Bench Classics", "each share common attributes: irrationality, incompleteness, and complete lack of any substantive allegations?"

Mr. Frazier says that I'll be surprised at all the things I'll learn in Con Law. Will those things also come as a surprise to Professor Ledbetter who apparently feels that the SBA regulations are bluntly unconstitutional?

The thesis of Tom Kohler's letter was that the conflict over SBA restrictions on campaigning is a Pickwickian issue. If this is so unimportant why did Mr. Kohler go to the trouble of writing a letter and submitting it for publication?

If the issue is important, why didn't he say something about it? Instead, he wrote a letter that read like something Pee Wee Herman would write. I must confess that when I finished reading it, I was surprised at his restraint.

I thought that he would certainly make it public knowledge that I have "the coeducation."

The only shred of substance in Mr. Kohler's letter which dealt Continued on Page Eleven

M-W Hosts Power Lounging Champs

The Law Students Involved in the Community will sponsor the first annual World Championship Power Lounging beginning 4 p.m. Friday, November 20 and running through midnight, Saturday, November 21. The thirty-two-hour Power Lounging event will be for the benefit of the William and Mary Public Service Fund.

Lunographers will be required to collect pledges in the minimum amount of $32, based upon ten pledges of the per completed sitting hour. Of course, people are free to pledge as much (or as little, if they insist) as they desire per hour. The sitters will be given a 5 minute break each hour in which they can stretch, visit the restrooms or do whatever they desire; every 4 hours there will be a 15 minute break. The rest of the time, the sitters must be confined to their chairs, two points of contact with the chair required and only one participant per seat—in order to comply with Virginia law. Each member of the two person team must complete 16 of the sitting hours, however each team may divide this time in any fashion they desire.

Two meals and munchies will be provided free of cost for all the sitters. The LSIC is not responsible in any way for any injuries, lost study time or anything else that may happen to sitters as a result of the rigors and demands of power Lounging, whether or not foreseeable by the reasonable man or even a lawyer.

Any student interested in participating as a Lounger, manager or donor of munchies or monies should contact Fernando Lavalier, Kathy Hessler or any member of the LSIC for a list of official rules, entry forms and pledge sheets.

Unwarranted Attack

To the editor:

In response to Peter Burr, Tom Kohler, and Steve Frazier, a few comments:

1. It is possible to take too seriously the refusal to take oneself too seriously. Flipcynicism and shallow frivolity can be character traits equally unattractive as those ascribed to Mr. Murphy.

2. Mr. Murphy's First Amendment concerns are not as easily dismissed as Frazier, et al., would have us believe. In an earlier issue of The Advocate, both professors currently teaching Constitutional Law expressed the opinion that Mr. Murphy's position was not only testable, but very defensible, with one going so far as to express qualified agreement. Though I realize their opinions were preliminary and in no way dispositive of the question, I would submit that they suggest that Mr. Murphy's concerns merit better than the cavalier ridicule he has suffered.

3. Since I well realize that my defense of Mr. Murphy will inevitably expose me to the epistolar epithets of Memes, Kohler, Frazier, and others of their ilk, allow me this opening salvo: if this letter places me among the ranks of the "student/writers" of whom Mr. Kohler so derisively writes, may I suggest that Mr. Kohler and cohorts note the use to which writers are generally put and proceed accordingly.

Sincerely,
Ted Bethbybridge

Greeting

Welcome to Marshall-Wythe on-campus interviewers please register here

Murphy's Defense

Dear Editor:

Although some people may not have agreed with Will Murphy on the merits of his challenge to the S.B.A. election procedure, I would have thought that law students, on all people, would have respected his decision to challenge it. The personal attacks on Will struck me as both unwarranted and unnecessary.

Sincerely,
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1. It is possible to take too seriously the refusal to take oneself too seriously. Flipcynicism and shallow frivolity can be character traits equally unattractive as those ascribed to Mr. Murphy.

2. Mr. Murphy's First Amendment concerns are not as easily dismissed as Frazier, et al., would have us believe. In an earlier issue of The Advocate, both professors currently teaching Constitutional Law expressed the opinion that Mr. Murphy's position was not only testable, but very defensible, with one going so far as to express qualified agreement. Though I realize their opinions were preliminary and in no way dispositive of the question, I would submit that they suggest that Mr. Murphy's concerns merit better than the cavalier ridicule he has suffered.

3. Since I well realize that my defense of Mr. Murphy will inevitably expose me to the epistolar epithets of Memes, Kohler, Frazier, and others of their ilk, allow me this opening salvo: if this letter places me among the ranks of the "student/writers" of whom Mr. Kohler so derisively writes, may I suggest that Mr. Kohler and cohorts note the use to which writers are generally put and proceed accordingly.

Sincerely,
Ted Bethbybridge

Greeting

Welcome to Marshall-Wythe on-campus interviewers please register here

Murphy's Defense

Dear Editor:

Although some people may not have agreed with Will Murphy on the merits of his challenge to the S.B.A. election procedure, I would have thought that law students, on all people, would have respected his decision to challenge it. The personal attacks on Will struck me as both unwarranted and unnecessary.

Sincerely,
Tad Bethbybridge

M-W Hosts Power Lounging Champs

The Law Students Involved in the Community will sponsor the first annual World Championship Power Lounging beginning 4 p.m. Friday, November 20 and running through midnight, Saturday, November 21. The thirty-two-hour Power Lounging event will be for the benefit of the William and Mary Public Service Fund.

Lunographers will be required to collect pledges in the minimum amount of $32, based upon ten pledges of the per completed sitting hour. Of course, people are free to pledge as much (or as little, if they insist) as they desire per hour. The sitters will be given a 5 minute break each hour in which they can stretch, visit the restrooms or do whatever they desire; every 4 hours there will be a 15 minute break. The rest of the time, the sitters must be confined to their chairs, two points of contact with the chair required and only one participant per seat—in order to comply with Virginia law. Each member of the two person team must complete 16 of the sitting hours, however each team may divide this time in any fashion they desire.

Two meals and munchies will be provided free of cost for all the sitters. The LSIC is not responsible in any way for any injuries, lost study time or anything else that may happen to sitters as a result of the rigors and demands of power Lounging, whether or not foreseeable by the reasonable man or even a lawyer.

Any student interested in participating as a Lounger, manager or donor of munchies or monies should contact Fernando Lavalier, Kathy Hessler or any member of the LSIC for a list of official rules, entry forms and pledge sheets.
Bench Classics


Judges often get the urge to “wax poetic,” as is evidenced by District Judge Edward R. Becker:

A seaman, with help of legal sages, sued a shipowner for his wages.
The defendant, in New York City (where served was process without pity),

Thought the suit should fade away,
Since it was started in Pa.
The District Court there (Eastern District)

Didn’t feel itself restricted
And in some verse by Edward R. Becker, Jr.

Let the sailor have his day.
The owner, once to earn freight fare,

Sent ship to load on Delaware.
Since it came to reap in port,

It came to reap in port,

The opinion focused on the validity of bringing

The plaintiff’s counsel, whose name is Harry Lore,

Reading a poem cutting right to the pith...

To reply with their own clever rhyme.

He had to defend this post during

The Michigan, delivered his first call

The first place—but listen to me, I’m

And in that crosswalk—since he

It’s 10 p.m. already!

Good morning, nurse. Could you
do it? I do seem to remember

The bulk of it is a blank to him. In

My coral...but I guess I’m no good as a e

And then the next thing I know

And the wholeness of it is a blanket to him. In

But you guess I’m no good as a e

Hysterical amnesia, the doctors

T’was turnabout to show in court:

The defendant, in New

Motion to dismiss denied.
The four page opinion included five headnotes, also

Framed in verses;

Long-arm service is a procedural tool

Founded upon a ‘doing business’ rule.

Seven of the eleven footnotes were designed to match the

Literary style of the written opinion:

6. See Aquarium Pharmaceuticals Inc. v. Industrial

Pressing and Packaging (E.D. Pa.).
Prospects for suit on a single goods shipment are
decidedly greener because of the Aquarium decision of Judge

Charles R. Weaver,

holding that, in a goods shipment case no future

Intention is needed:

The message of Aquarium we surely have needed.

The opinion itself addresses the reasons behind its versed
opinion:

The motion now before us

Has stirred up a terrible fuss.

And what is considerably worse, it has

Spun some prepositional doggerel verse.
The plaintiff, a man of the sea,

After paying his lawyer a fee,

Filed a complaint of several pages,

To recover statutory wages.

Plaintiff’s counsel, whose name is Harry Lore,

Read defendant’s brief and found it a bore.

And what is considerably worse

Has to recover statutory wages.

Long-arm founded upon a ‘doing business’ rule.

T’was turnabout to show in court:

Would you like to know?

Once I told you, I can’t remember

Anything about how the accident

Happened. According to what I hear,

I hit the Camaro, it spun around and then stopped, and—

Wait. Did it stop right away, did it? I do seem to remember

Wishing it would, because...

Jesus Christ, it went straight across through the pedestrian
crosswalk! There were little girls in that crosswalk! Christ,

I remember! I ran over to have a look and...

Geez, will you look at the time?

It’s 10 p.m. already!

Wait. You’re not the judge. Who

The hell are you? And what was that point of the hearing?

Anyway? It couldn’t have been to determine fault, so why ask me all these...

Good morning, nurse. Could you

Tell me where I am? I seem to be having some trouble

Remembering.

---

Features

Black Out

By Steven Mulroy

Well, it’s very simple, Your Honor. I’ve gone over it over-

Well, a number of times before, and

Personally I don’t think I’m

Any use in a hearing like this, but

Whatever you say.

I’m driving along in my beat-up

Volvo, late for work as usual. I’m

En route to Main St., ap-

Proaching the downtown section.

And then the next thing I know

T’s ten hours later, I’m with my bud-
yo in his Datsun, and we’re

Heading to his house for dinner and

A drink. That’s all I can tell you.

Sure, a lot happened in between,

But I guess I’m no good as a e

I was told was

I’m not telling anyone what

I have told anyone.

And I understand that’s inadmissible

As hearsay.

Hysterical amnesia, the doctors
call it. When a person is faced with

Real trauma, sometimes the shock

Is too much for him and he

Forgets the whole deal—sometimes

For hours. The funny thing is, I’m

Told I was alert and rational

The whole time after the accident.

I parked the car, called the police,

Exchanged information with the

Other driver, called Roy, and went

To the hospital just like a normal

Person. I was no walking zombie

Or anything like that.

“Though I’m told I had a tenden-
yre to repeat myself. After the dust

Settled I’d ask, ‘Was the other

Driver injured?’...’ and people would

Relax me that the other driver

Was just fine. I’d say, ‘What do

You think the damage to the cars

Total?’” And people would then

Tell me it was minimal. Then I’d

Look up for a minute, kind of distracted,

And ask the questions all over again.

Roy said I did that a lot, with

Many different questions, and I

Sure am grateful for his patience.

Everyone’s patience, in fact. But

I’d kind of like to know what I’m

Doing here. It’s kind of early in the

Morning for me. What good is my

Testimony?

Oh, good. Coffee. Didn’t even notice

There kind of cold, though.

You know, when I had the
doc
t reexamine me for the in-

Surance the next day, they told me

Some interesting stuff about

Hysterical amnesia. Sometimes

The memory comes back, and

Sometimes it doesn’t. They told me

About this corpus in Vietnam

Who had notified this post during

The tet offensive. The V.C. had

Whittled the east just him and three men,

But he defended it for three whole

days until help arrived. During

That time he gave orders, made

decisions, what have you, and

After it was over he couldn’t

Remember any of it. Years later

Bits and pieces came back to him,

Then left him again to be replaced

By other bits, but to this day the

Bulk of it is a blanket to him. In

Real-severe cases, people suffer ad

ditional memory lapses every now

And then, and no one can figure

Why. My guess is, something just

Reminds them of whatever it is

That caused all the trouble in the

First place—but listen to me, I’m

Giving you an official diagnosis or

Something.

It doesn’t even have to be a ma-

or crisis, either, you know.

Another guy, a farmerboy in

Michigan, delivered his first call

Without the slightest recollection of

The blessed event.

The doctors say, though, that the

Heroic stories are very rare, and

That hysterical amnesia is usual-

ly brought on by guilt: remorse

Suppressing knowledge of your

Blame from your conscious mind.

That probably was the case with

Me, since the witnesses say I ran

A red light. I wish I knew if they

Were right. I’m just grateful the

Other driver wasn’t hurt. The im-

Pact of my car spun her Camaro

Around 180 degrees, but luckily she

Was strapped in, or so they tell me.

That car went a little ways before

It stopped, though.

Geez, it’s getting dark already.

Sure gets dark fast this time of

Year. Will this take much longer?

What else would you like to know?

I told you, I can’t remember

Anything about how the accident

Happened. According to what I hear,

I hit the Camaro, it spun around and then stopped, and—

Wait. Did it stop right away, did it? I do seem to remember

Wishing it would, because...

Because...

Good morning, nurse. Could you

Tell me where I am? I seem to be having some trouble

Remembering.

---

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The Advocate

Thursday, Oct. 15, 1987

Page Seven
Lottery Debate

State Senator William E. Fears (D-Loudoun), an advocate of the lottery proposed for Virginia, addresses the audience at the Lottery Debate held Tuesday. The panelists opposing the lottery were (far left), Richard Chess, a Richmond attorney and former member of the Pennsylvania legislature which currently has a lottery, and State Delegate Harvey B. Morgan (R-Gloucester), pictured second from left, Marcus Whicker, a professor at Virginia Commonwealth University, pictured second from right, and joined Senator Fears in supporting the lottery for Virginia. The panel was moderated by Will Allcsett, staff writer for the Virginia Business Magazine, pictured at center, and was sponsored by the Young Democrats and the College Republicans.

Virginia voters will have the opportunity to decide the issue in a voting referendum scheduled for election day, November 3.

Acarposity

Continued from Page Five

"Abuse? That is a topic I understand very well. Since my arrival, I have had a ringside seat at a virtual circus of abuse. From the instant we come on line until the moment we shut down there is no respite. Humiliation and ingratitude understate the solution - I actually saw someone bite that poor Sharp this afternoon..."

"Sid, don't burn out over this. It's just probably the busiest time of the year. Things will slow down in a few weeks. Besides, I hear you haven't been available for abuse for more than a couple of days in the past two weeks."

"The real reason for your visit rears its sensationalistic visage. Fire away, Jimmy Olson. I will give you your big scoop."

"'The Job is Jeff, but I think I have the answer to your question already."

"'Indeed?'"

"Sure, you're just not up to the challenge, I understand."

"I sense an emotional appeal and would remind you that I have none."

"Gee, your honor, maybe you'd rather be sent back to the pirates who sold you in the first place."

"They might just give you the same treatment. I gave my Nova when it became recalcitrant."

"No answer, but I could detect a slight whisk in Sid's unrins. Then a little red light came on and he was silent."

"Well, just so you'll know, I found it more profitable to sell her off in parts. So I did."

"Good night, Sid."

Dyk to Speak on Religion in Public Schools

Timothy B. Dyk will give a presentation on "Religion in the Public Schools" at the Marshall-Wythe School of Law, College of William and Mary on Thursday, October 29. The program will start at 4:30 p.m. in room 122.

Mr. Dyk served as a Law Clerk to Justice Reed, Burton, and Chief Justice Warren (1961-63) and as Special Assistant to the Assistant Attorney General, U.S. Department of Justice (1963-64) among other experiences. He is currently a partner at the law firm of Wilmer, Cutler & Pickering in Washington D.C. In addition, Mr. Dyk currently serves as Director for the Farmworker Litigation Support Fund, the Migrant Legal Action Program, and People for the American Way. He is currently an Adjunct Professor at the University of Virginia law school and has also taught at both George town University Law Center and the Yale Law School.

Recently, Mr. Dyk has been invited to present to the Monet V. Hawkins County Board of Education, a 6th Circuit Tennessee case involving efforts by fundamentalist parents to exempt themselves from a public school requirement that all students in grades one through eight use a prescribed set of textbooks. This case, now on appeal to the U.S. Supreme Court, will provide the basis for his presentation.

A reception following the program at 6:00 p.m. in the student lounge will be sponsored by the Marshall-Wythe Student Legal Forum. All are invited to attend. Admission is free.

Fair Notice Ambulance Chase

Entry forms for the Ambulance Chase 5K and 10K races are now available in the lobby and the library. Completed entry forms should be dropped in Dave Mat­ tice's hanging file. In addition, there will be a registration table in the lobby from October 19 through the 23.

Tourney Finals

Tennis Tournament Finals will be held Thursday, October 17-18, in at least four of the five categories. Men's Single "A", Women's Singles, Men's Doubles and Mixed Doubles. The Men's "B" Singles has come to a virtual unit...maybe it will exhaust itself before exams. Check for details on time and location of matches. Pickle will supply refreshments for players and fans.

Coffeehouse

Coffeehouse is coming! But what is it? Basically, it is a talent show by law students for law students. Faculty and staff are welcome to participate as well. The show is scheduled for Thursday, October 29 at the Campus Center Ballroom at 8:00 p.m.

What is needed at this point are performers. If you sing, dance, play an instrument, read poetry, tell jokes, or juggle pork chops, WE NEED YOU!

If you are interested, please contact Amy Birkimer (CL) or Kathy Hall (CL) by October 23.

OCPP

Public Interest Panel: Representatives of legal services, public defender, labor union, non-profit advocacy group and private public interest law firm will discuss their work, job search strategies, and funding November 3, 3 p.m., room 124. Proper Interview Attire - Representatives of local men's and women's clothing shops will offer advice. Described primarily for first-years, but all students are welcome. November 2, 11 a.m.

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FBI Careers

Careers with FBI - informational meeting October 26, 3 p.m., room 259.

IL Speaker

John A. Spangole will present a lecture entitled "UNCTRAL: The Only United Nations Commission that works." Mr. Spangole is the Chief of the U.S. delegation to the U.N. Commission on International Trade Law (UNCTRAL), and has been a major consultant to the State Department on matters concerning the UNCITRAL Convention. Mr. Spangole is currently at the State Department, and this is an opportunity to take advantage of his insights and experience concerning ground-breaking international law. The talk is sponsored by the International Law Society, of course it will be followed by a happy-hour reception with the usual treats. Date: Thursday, October 22; Time: 3-6. Room TRA.
Professor Profile
Buffalo Brings Snow, FB and Spanogle

By John Fagan

A recent poll of Marshall-Wythe students, conducted in a none too scientific way by this reporter, revealed that most of you associate Buffalo, New York with snow and lousy football teams. A few disoriented second-year undergraduates from Professor George's Civil Procedure class could only think of some creek disaster, but that's another story. This story is about Professor Andrew Spanogle from the University of Buffalo, who is visiting Marshall-Wythe this fall teaching Sales and Payment Systems.

Professor Spanogle received his undergraduate degree in electrical engineering from Princeton and his J.D. from the University of California - Berkeley, Vanderbilt, and the University of Maine. Aside from his academic credentials, Professor Spanogle has some impressive real-world accomplishments to his credit. During a sabbatical from the University of Maine Professor Spanogle worked for the Public Interest Research Group (PIRG). At PIRG he cooperated with well-known consumer advocate Ralph Nader on a number of projects. One such project was a successful effort to eliminate age, race, and sex discrimination from the standard form contracts used by the National Federal Mortgage Association in issuing mortgages.

More recently, Professor Spanogle has been the U.S. representative to a working group of the United Nations Commission on International Trade Law (UN-CITRAL). This group has been working for the last 15 years on a draft convention concerning international negotiable instruments. When Professor Spanogle joined the effort five years ago he found that the records from the first 12 years of negotiations had not been systematically assembled and put into a report. He solved that problem and things have since moved quickly.

The draft treaty is now being presented to the U.N. General Assembly. In fact, one-half hour before he was to present the draft, U.S. Chief of Mission at the U.N., Bob Rosenstock, called Professor Spanogle to clarify several issues. It is obvious when talking to Professor Spanogle about the convention that he takes a great deal of pride in what UN-CITRAL has accomplished through his group. In fact, he says "UN-CITRAL is the one group that works the way the U.N. was supposed to work, in large part because they bring in technical experts. We wouldn't know a dialectical argument if we tripped over it." The point is well taken because the convention is supported by such unlikely allies as the United States, Canada, Mexico, Japan, China, and the Soviet Union.

Professor Spanogle likes the convention on international negotiable instruments to the Uniform Sales Act, predecessor of the U.C.C. Given the difficulty of getting sovereign nations to agree on anything and the number of legal systems and philosophies to be dealt with, Professor Spanogle will be very satisfied if the present treaty simply lays the foundation for a future attempt, just as the Uniform Sales Act led to the Uniform Commercial Code. All of this experience has been translated into several books. One, published two years ago, was on international business transactions. The other, a collaboration with Dean Rohner of Catholic University's law school, was on consumer law. Presently Professor Spanogle is compiling a section on the 1980 Convention on the International Sale of Goods to be included in the International Business Transactions Nutshell.

Marshall-Wythe is fortunate to have a scholar of Professor Spanogle's caliber as a visiting professor. We had the inside advantage though, because for Spanogle, coming to Williamsburg is "like coming home." Having been born in Newport News, Professor Spanogle has maintained a continuous association with the area through family members still on the Peninsula. So next time when somebody asks you what you think of Buffalo, N.Y., you can still say snow and lousy football teams, but remember to add Professor Andrew Spanogle to the list. Warp factor 2, Mr. Sulu.
Computer Program
Continued from Page One

Field Work

Although Professor Hardy came up with the idea last spring, most of the programming and graphical effects were done this summer by Field, who worked as a research assistant. Field has had extensive experience working with the Apple system. He assures students that they need no computer experience whatsoever to use the program. "We have designed it with a tutorial, so anyone who has a little knowledge of legal research can use it."

The program will be on two of the computers in the library sometime within the next week or so; and it will be available to all students. The exact time will be announced in the legal writing sections. Prof. Hardy is eager to "let the first-years take a crack at the program to test it out and make sure that it works."

In January, the program will be displayed at the annual conference of the Association of American Law Schools, at the "Innovations in Legal Education" booth. As many as 2,000 law professors attend the conference each year, and Prof. Hardy hopes to gain support to distribute the program to schools across the country by next year.

In addition, he hopes to expand the program to include research aids for specialized areas of law and to design programs specifically for law students and law firms.

UVa Hosts Public Interest Job Fair

by Janet McGee

Twenty-two east-coast public interest employers converged in Charlottesville, Virginia on Saturday, September 26 at the University of Virginia Law School to interview approximately 80 students interested in working in a variety of public interest fields from prisoners' rights to environmental law. The students, including nine from Marshall-Wythe, were from five law schools—William and Mary, Virginia, George Mason, University of Richmond and Washington and Lee.

The employers ranged from the Virginia Legal Aid Society, Lynchburg, Virginia a basic provider of legal services to low income persons, primarily dealing with legal problems such as landlord/tenant disputes and receipt of public benefits to the more specialized North Carolina Prisoner Legal Services who deal exclusively with prisoners' rights. They are advocates for prisoners in their complaints to the state about overcrowding and the lack of adequate medical treatment in prison.

The job fair commenced Friday evening with a panel presentation where an attorney with the Charlotte, North Carolina firm of Ferguson, Stern, Watt, Wallis and Atkins spoke. In addition to attorneys from the Public Defender's office in Jacksonville, Florida, the Legal Services Bureau and Migrant Farmworker Program in Salisbury, Maryland. A reception was held after the panel where students talked informally with the attorneys.

In addition to the panel reception, three students from each school had the opportunity to converse casually with employers, who took those students to lunch on Saturday. Mary Munson, a second-year student at Marshall-Wythe, felt that it was beneficial to talk with the employers in a relaxed setting outside of the interviews, which were conducted all day Saturday.

"The interviewers are interesting people who have had a variety of experiences in their careers and speaking with them during an informal lunch was a great way to hear about those experiences," Doug Anderson, a third-year student at Marshall-Wythe, was impressed with Ferguson, Stern, Watt, Wallis and Atkins, the Charlotte, N.C. law firm that concentrates on civil rights and representing minority businesses, not only because it was "my toughest interview all year," he said, but also because of the equitable breakdown of lawyers in the firm—eight women, four blacks, four whites and their remaining eight were minorities.

Doug summed up the feelings of a majority of the participants by saying that "it's reassuring to know people are out there working hard for what they believe in as opposed to being out there grabbing for a buck."

Fall From Grace

North meets South as Jeff Yeats teaches Tim Murphy some clogging.

Jeff Middlebrook, Lissette Sell, Holly Hamilton and Marcia Aguilera practice making eye contact for interviews while enjoying the Fall From Grace.
# Between the Lines

## Slackness

**by Darren Burns**

Well, we've been here almost two months now, and the time has come for me to evaluate my thoughts on the recreational side of Marshall-Wythe. Due to space considerations, this will be a brief outline of the recent developments and changes on the social scene.

There is a bigger villain than the dreaded Enquirer-subscribing Voter. Far more terrible is the apathetic Non-Voter. This is the worst manifestation of the Non-Voter and the form that likes to complain about the government and the actions of elected officials. If someone asks you what flavor ice cream you want and you are too lazy to answer you shouldn't complain when you get chocolate chip instead. Even if there aren't any good flavors, there is probably one that you hate less than the others.

Campaigns are publicized and last for years. The voting process is convenient. People really have died while fighting to preserve your freedom and your right to have a voice in your own government.

## ABA Self Study

**by Paul Conshrock**

The Marshall-Wythe student self-study committee met Oct. 12 to receive comments from the faculty committee regarding the ABA accreditation due this academic year. ABA representatives, including John Jones, Leigh Wendelken, and Karen Wendelken, are scheduled to submit their findings to the faculty committee.

## More Nonsense

Continued from Page Six with the public relations problems of the legal profession. He asserts this is due to lawyers who create problems in order to bolster their already ample incomes. First, is this relevant? Just how much money do you think I made from this? Maybe I did it so that I could read all those advertising fan letters in The Advocate, second, isn't the real problem that we don't care about things that they can't profit from personally?

The entire message of Mr. Burn's letter was a command phrase in the form "verb preposition." This seems pointless, just to show that I'm willing to go with the spirit of it, I will respond in kind. The preposition is "of."
There exists an area of legal study, known as sports law, which deals with the specific problems of athletes in the world of professional sports. Sports law often draws attention not because of the legal issues at stake, but because of the actors in the drama. Here at Marshall-Wythe, students have the opportunity to pursue this area of specialty.

Ed Edmonds, M-W’s law librarian, teaches a course in sports law. “Sports law is the whole legal system as it relates to particular entertainers,” he said. Thus, one involved in the area will use and rely on a knowledge of contracts, labor law, negligence, criminal law, and probably every area of law that affects average citizens.

This work may sound appealing, but Professor Edmonds warns that employment “is a tough nut to crack.” For example, the NFL has more certified agents than football players. Professor Edmonds comments that he “disavows the mystique of stars and athletes” and does not feel the industry is one of glamour. Certainly, the clients lead interesting lives. But the work lawyer rarely shares the glamour, while he or she works very hard.

As a sponsor’s activities help student decide if they might have an interest in sports law. For example, in the spring, students can attend a three-member panel discussion on sports and entertainment law. And Professor Edmonds highly recommends that interested students join the ABA student section of the Forum on Entertainment and Sports Law.

Louis Cunningham, a 2L, has chosen to pursue a career in sports law. Perhaps this interest is a natural one for a former basketball player at Rice University. He planned to get a summer position with Pro Serve. Now, with his foot in the door, he hopes he can succeed.

But he realizes that the going may be tough. Like Professor Edmonds, he knows the difficulty of finding employment. Startling salaries relative to most attorneys are low. Also, getting a foot in the door requires diligence and hard work. In fact, competition for positions is so fierce that he has seen people working in the area for years. “One guy with a J.D. from George Washington had been working at Pro Serve four and a half months without getting paid,” Cunningham said.

During his summer employment, Cunningham wrote contracts and initiated talks with which Professor Edmonds gave him invaluable help and advice. He met such notables as Patrick Ewing, Mugsy Boggs, Ivan Bass, and Jimmy Connors. He found the work dynamic and thought it had an “egotistical” element. The entrepreneurial aspect of the work appealed to him most. However, he got little feedback on my work,” Cunningham said.

But the down side looms large.

As mentioned, salaries of an associate tend to be lower. But the downside is so fierce that he has seen many people try to work in this limited field, and lawyers do not share the glamour. Louis had only one experience this summer which he would consider somewhat glamorous: he attended a tennis tournament that his firm helped arrange.

Another problem is that many people in the industry do not have law degrees. “The only advantage of a degree is being quick on your feet,” he says.

Sports lawyers do little litigation. Louis claims, “Most of the litigation is farmed out.” Furthermore, most of the sports law firms do more than sports law. He says, “The one organization engaged purely in sports law is the NCAA in Kansas City.”

With regard to the NFL players strike, Cunningham feels in this instance the players’ union is wrong. “The players seek free-agency beyond four years, but the average life of a player is four years. Thus, only the superstarpst get helped by the proposal,” he said.

But Prof. Edmonds sides with the players even though he expects the owners to come out on top. “The players had won the right [in court] to free agency. But instead they took the money and ran. Nevertheless, Prof. Edmonds believes that the right the players seek is one that all persons in the United States have and things they should not get less favorable treatment merely because they have higher salaries. While the ownership has increased average salaries over the past, with an increase from $90,000 to almost $300,000, much of this is due to the USFL competition,” rather than any benevolence on the owners’ part, he said.

On the use of scabs, Prof. Edmonds supports the players’ position. The evidence from games played since the strike reveals a surplus of talented players and yet, because the NFL controls the establishment of new clubs, they have no place to play. He feels that many cities currently without teams could support them, and feels they should have an opportunity to play.

Edmonds surmises that two kinds of players cross the line: young players trying to earn a full-time spot on the team and older players near the end of their career trying to earn all they can before retiring.

What will be the outcome of the strike? According to Prof. Edmonds, we can look for several things. The owners will win financially but will have trouble with team disharmony and may suffer permanent damage in team performance. The players will not win the agreements they seek and the players union will take a blow. However, the fans will suffer little and will be back in force after, if not before, the strike ends.

The Work May Sound Appealing...