1991

The Advocate (Vol. 22, Issue 10)
"Make sure you tell my story. This system has to change." After being sexually assaulted by a classmate in her dorm room after a dinner-date last fall, William and Mary first year student Katie Koestner sought justice through the College’s administration. Angered by an assault on an administrative support system in their dorm room after a dinner-date with a Colleague last fall, on September 30, Koestner turned to the administration, "I felt that there was a rape walking around campus, and something had to be done." Dean of Students Carol Disque gave Koestner four options: Do nothing, call an administrative hearing, press criminal charges, or file a civil suit. Koestner chose the administrative route.

Since 1983 there have been only five of these type of hearings on campus. Two have resulted in guilty verdicts with expulsion of the perpetrators. There has been one guilty verdict where mitigating circumstances resulted in a no-separation punishment. In one complaint, a student in a private encounter did not want to report her assailant’s behavior. Koestner knew of no mitigating circumstances which would have resulted in the accuser being found guilty of a sexual assault and had been placed on probation. In addition, he cannot enter any residence hall, except his own and his fraternity. Koestner knows of no mitigating circumstances which would have made her feel safe in her residence hall.

A day after the assault, Koestner was accompanied by her Resident Assistant, went to the Health Center. The nurse’s attendance gave her a sleeping pill to calm her down, but did not administer a rape kit. No attempt to preserve the physical evidence of the assault was made, nor was Koestner counseled to see the police. The Health Center has no record of her visit that day.

After her individual attempts to confront her attacker were rebuffed, Koestner turned to the administration. "I felt that there was a rape walking around campus, and something had to be done." Dean of Students Carol Disque gave Koestner four options: Do nothing, call an administrative hearing, press criminal charges, or file a civil suit. Koestner chose the administrative route.

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Another testified that the because the accused was from Greece his perceptions of male-female sexuality were different and that he was not aware that he was committing a sexual assault. What qualified the witness to make this analysis of the accused’s behavior was a vacation in Greece taken by the witness. The hearing itself lasted over seven hours and ended after two in the morning.

The Monday following the hearing Koestner, in violation of her resolution to support Koestner, could have had her opening statement, Koestner was not allowed a reciprocal privilege of cross-examination. Irregular aspects of the proceeding disturbed Koestner. First was a brief exchange in which Koestner was asked if she had history of sex with the accused, who is a Greek national. Regardless of what was actually said in that exchange, Koestner is troubled by what equates functionally to an ex parte statement between accused and presiding administrator. Koestner cannot access the audiotape in order to get the statements translated. Second were the statements and manner of the accused’s questions. Witness testified off of an index card.

Not In My Backyard: The Pro Bono Debate Continues

Proposed Resolution for the Adoption of a Pro Bono Requirement

WHEREAS the College of William and Mary, Marshall-Wythe School of Law, is concerned by the lack of legal services for the poor and underrepresented, by the low number of attorneys providing pro bono services and by the legal education’s failure to instill an appreciation of the great need that exists for pro bono services and to do so that attorneys have a professional obligation to provide such legal services.

WHEREAS the American Bar Association/Law Student Division has adopted a similar policy,

BE IT RESOLVED that the College of William and Mary, Marshall-Wythe School of Law, adopt a "pro bono requirement," the fulfillment of which would be necessary in order to graduate.

BE IT FURTHER RESOLVED that the requirement consists of twenty hours of pro bono service to be completed after the second year of law school.

BE IT FURTHER RESOLVED that "pro bono" work be defined as any legal work performed without compensation which is provided for underrepresented individuals or interest at no cost to the client, which may include legal work for non-profit organizations or non-profits or private not for profit agencies.

BE IT FURTHER RESOLVED that pro bono work must be done in a timely manner, which is defined as within thirty days of assignment.

BE IT FURTHER RESOLVED that pro bono work must be done in a manner that is consistent with the ethical and professional standards of the legal award.

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An intense flare of future debate was lit this past Wednesday, April 3, as over 100 students and faculty crowded into Room 127 to debate the pro bono requirement.

Five initial presentations and against the requirement lasted approximately 45 minutes and the hour-long open forum was rounded out with comments from the audience.

Professor Glenn Coven and John Edwards (2L) argued against the policy while Professor Lynda Butler, Lisa Turell (3L) and Robert Church (3L) argued in favor of the policy. Professor Rod Smolla moderated the forum.

The proposed resolution would require that, to graduate, all students complete 20 hours of pro bono service after their second year of law school. If the requirement were established it would affect only incoming students who would have notice of the requirements. Work that would qualify for the "pro bono requirement" would include any work done without compensation that "furthers justice, fairness, and the public good rather than the interests of a client who is represented on familiar commercial terms."

Church noted the discrepancy between the 7 to 10 percent of the practicing profession who actually perform pro bono service and the 84 percent that would like to but lack the time and the expertise to get involved. He said a way to solve the problem would be to instill professional responsibility in students for helping those that are not adequately represented.

Coven called the proposed requirement "elitist, continued to page eleven"
INTER ALIA

by Peter Kay

My name is Peter Kay and I will be the editor of this publication next year. Here are some changes and additions I am planning for next year's Advocate:

1. A more eclectic sensibility. Asking law students to write like real journalists results in, well, articles that read like they've been written by law students trying to write like real journalists. Boring. I want and will encourage Advocate writers to infuse their work with personal style as there is a wealth of untapped creativity in the Marshall-Wythe community. Visually, I will be asking for better photography and hopefully some artwork. The coverage itself will expand beyond the walls of Marshall-Wythe.

2. Palatable Legal Writing. At the very moment my write-on comment was sliding down the side of the discard pile in the law review office, I thought it would be nice to provide a more middlebrow forum for writing on legal issues ranging from maritime law, the death penalty, to the role of legal education. No subheads, footnotes, or pending circuit splits required.

3. The Advocate Alternative. There is more to do in this area on Saturday night than drink at the 'Leave. The Alternative will provide listings for concerts, clubs, restaurants, and anything else interesting that may occur on the stretch of 1-64 between Richmond and Virginia Beach. I also want this section to include record, movie, and book reviews.

4. A Comic Strip. I have found a cartoonist. The tenor of the strip is "Law School Charlie." Charlie's job will be to peer into the law school's heart of darkness.

5. An active editorial stance. My politics can be most closely characterized as 'liberal' with a few significant departures from the party line, and many of my writings will undoubtedly reflect that. More than any particular viewpoint, I value independent thinking and good writing. The Advocate will be open to every student and every student's viewpoint. I also feel strongly that in a small community such as ours, a newspaper should not provide a forum for students personally attack their classmates; law school can be a mean-spirited enough experience without written venom. Such statements are simply not newsworthy.

I am grateful to the Amicus Curiae (and fellow Bronxite Pete Liakos) for reporting my ascension to editor. However, I would like to correct one error: The editorship of the Advocate is not a paid position. The College does pay the production staff (layout, etc.) two dollars an hour. At this moment let me disclose that over the two years I have worked for the Advocate I have garnered about thirty dollars in this manner.

As far as the failed "merger" between the papers is concerned, the Law School can only benefit from the existence of two newspapers, if at least to provide more reading material for naugahyde-bound lounge dwellers. The Amicus has found its niche and fills it quite well. I am confident Jenny Clik will do a great job next year.

CORRECTIONS

My last column was rife with errors: Approximately fourteen years ago, midwesterner John Koeppen (3L) attended "Disco Destruction" night, which took place in Chicago's Comiskey park and not in Cleveland as I reported. John does not remember whether the disco single he brought for free admission was "Push (Push in the Bush)," a la "Push (Push in the Bush)." Actually, John claims that he did not participate in the shenanigans in any way.

The writer Mosley's first name is Walter, not Harold as was printed. His novel is called Devil in a Blue Dress and it is excellent.

THE SOUND OF ONE HAND CLAPPING

RISING EDITOR PLANS FOR NEXT YEAR

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He May Be Gone, But He’s Definitely Not Forgotten

by Wendy Watson

Long before Watergate, before the bombings of Cambodia, even before the Kennedy debates, Richard Nixon made what is arguably his most important contribution to political history: the “Checkers” Speech. In the fall of 1952, Nixon spent one half-hour saving his career, winning the heart of the nation, and teaching us all a lesson in the remarkable power of sentiment.

Dwight Eisenhower was running for his second term, with then-California Senator Nixon on the ticket for Vice-President. But Eisenhower almost dropped Nixon when the story of an $18,000 slush-fund, set up by California supporters to provide Nixon with the money to campaign for GOP programs and candidates, went public. In an effort to save his candidacy, Nixon arranged to televise a speech in which he made public all of the money he had received from his California constituency, and to persuade the American people that he had not personally benefitted from the financial fiasco.

So Nixon came clean (probably). He told America that he had used the money only for postage for Christmas cards to supporters and plane fare to and from California. But that alone probably wouldn’t have saved him. No, honestly didn’t save Nixon.

A dog saved Nixon. The dog’s name was Checkers, and at the time of the speech he was only a puppy. A big Eisenhower/Nixon fan from Texas had somehow heard that Nixon’s daughters wanted a puppy, and obliged by sending them a pedigreed cocker spaniel puppy which Tricia dubbed Checkers.

Nixon closed his speech by saying that he knew Checkers had been a campaign contribution and that, by gosh, no matter what the consequences, he and his kids weren’t going to give up that dog. And it worked. The American people sat in their living rooms and collectively decided “To heck with the $18,000, as long as he gets to keep the dog.” A man who loves his dog and his kids this much can’t be all bad.” Eisenhower kept him on the ticket.

Today, Nixon’s name is synonymous with corruption. Virtually every good thing the man did has been overshadowed by the scandal of Watergate. Even Nixon’s tremendous strides in the area of foreign policy are fading from the public memory. But many writing and public speaking professors still harbor a soft-spot for Nixon . . . at least for the Nixon of that September night. There he was, a man of national importance, successfully gaining political power by hiding possible corruption behind the innocent and heart-warming facade of a cocker spaniel puppy.

Many years later, Nixon admitted he had realized that speech was crucial to his career and had known he would need some really powerful material to turn the situation around. He used Franklin Roosevelt’s campaign remarks about his dog, Fala, as his inspiration for the verbal sucker-punch to end all sucker-punches. He wasn’t just a nice man whose true character came through in a moment of public self-revelation. It was purposefully manipulating the public sentiment to meet his own ends. On whether that is a moral thing to do, reasonable minds may differ.

So why does any of this matter? Because it reminds us of a couple of important lessons. First, when push comes to shove even important, and presumably upright people, will resort to some of the most brazen trickery. More importantly, though, it reminds us that no matter how noble a person or a cause may seem, we must always be critical of motives. Because something that is noble on its face, but has no substance or sincerity, will only draw attention away from the truly important issues.

Letters to the Editor:

To the Editor:

We write in our capacity as Co-Chairs of the Public Service Fund to clarify a misconception that may exist among the student body at Marshall-Wythe. The Public Service Fund is an organization whose goal is to encourage students to participate in public interest work. Our primary means of achieving this goal is by raising money to provide stipends to law students who want to work in the public sector during the summer; our secondary means is simply to increase student awareness of ways to become involved in public interest work. In pursuit of these goals, however, the Public Service Fund is no way either condones or condemns the movement at Marshall-Wythe to institute a mandatory pro bono requirement within the Legal Skills Program. Although some of PSF’s members support this project in their individual capacities, the PSF Board itself has taken no official position on the subject; nor do we believe it should. We would like to take this opportunity to assure the student body that all PSF funds are used to encourage and assist, but not mandate, students at Marshall-Wythe to pursue public interest employment.

Stephanie Burks
PSF Co-Chairs

ZEN cont’d.

continued from page two

actually prefaced a question with the word “query”? File this with “vis-a-vis,” “linkage,” “interface,” “impacted,” and “aspace.”

Go read Hemmingway, you wordy windbags.

Why would you name your town Short Pump? Or Pungo?

What more must Moot Court do to get credit? Beat the Supreme Court in a foot race? I think the Law Review should lend Moot Court a few credits. They’ve got plenty of spare credits out in the garage.

Did you know that if you look down on the library carrels from above that they’re shaped like sweatkiss? Why isn’t there a volume knob on the control panel for all those nice T.V.s in the classrooms?

Why doesn’t the law school get cable? Hey, we’ve got a video store, right? We want HBO.

Shouldn’t it be called “Slender Night?”

In what year will that space underneath the moving chalk boards fill up with small pieces of chalk?

The bottom line is that these questions and observations are of gargantuan importance. I’m sure you’ll think of a few more before you leave. Write them down and preserve them. I hereby will you my space.
Sexual Assault Policy cont'd.

continued from page one

...an assault, even when the outcome is unsatisfactory, Radford explained that most of the women who have gone through the system have become active in monitoring or even changing the system.

Despite the infrequent use made in sexual assault cases of the College’s administrative disciplinary procedures, the procedures have been undergoing extensive modification over the past four years, and remain under fire.

Radford explains that the imperfections in the College’s system draw heat from the administration. For instance, if a sexual assault occurs, the procedures are not as strict as is needed. There are mitigating circumstances, which the administration must consider. The penalties handed down by the administration, however, range from expulsion to dorm restriction or “probation.”

Ann Goldberg of the Women’s Issues Group says that she feels the reasons for the discrepancy in the penalties are twofold. First, under the college system there is only one official charge of “sexual assault,” which incorporates everything from unwanted sexual contact (for example, a kiss or a pinch) to violent rape. A finding that any accused is guilty of sexual assault could reflect a decision that the accused had committed any number of distinct criminal acts, and the severity of the penalties may be influenced by the type of assault even though the official verdict does not differentiate.

Second, the Administration has never defined “mitigating circumstances.” Because this clause remains nebulous, Goldberg feels that the procedure remains open to inaccuracies. Goldberg said that it is important that the Administration consider defining mitigating so that the college knows what to expect.

Currently, the College’s Statement of Rights and Responsibilities requires that the Administration keep information about verdicts and penalties entirely confidential. In the case of Katie Koestner, however, the Administration told Koestner the verdict and the penalty given to the man accused of sexually assaulting. According to Goldberg, the Administration has been breaking that rule of confidentiality consistently.

Goldberg said that the Women’s Issues Group, which has been instrumental in some of the past policy reforms and which heavily involved in fighting sexism on campus, heard about Koestner’s situation. They were “frightened and outraged.” The group approached Koestner and offered to assist her in her fight to change the current system. Goldberg indicated that the group has been careful to “try to only do what [Koestner] is comfortable with.”

According to Goldberg, the Women’s Issues Group drafted a letter to the Administration before they met Koestner, but refrained from mailing it until they received Koestner’s input and approval. The letter called for an enforcement of the already existing Health Center policy providing victims of sexual assault with the Avalon phone number, a rape kit, and an explanation of both the importance of prompt collection of physical evidence and the method of collection. In addition, the letter suggested that while the five-member panel was overwhelming for sexual-assault victims, the single Administrator route left too much room for gender bias (either male or female). To remedy that situation, the group requested that the single Administrator option be replaced by a team of two Administrators, one male and one female.

The group sent out five copies of the letter and requested a reply within one week. When the reply came, Koestner, Goldberg and Jenny Worley (also of the Women’s Issues Group) met with Deans Sadler and Disque to discuss the feasibility of the group’s demands, as well as the possibility of changing the Statement of Rights and Responsibilities to allow legitimate disclosure of hearing results. A follow-up meeting was arranged to begin actually implementing the changes. The follow-up meeting was also attended by representatives from Avalon and Residence Life.

Goldberg indicated that the administration was cooperative in implementing the changes. Radford, from Avalon, confirmed that the Administration seems committed to the reforms: “The Administration isn’t afraid to keep doing it until they get it right.” Nevertheless, Goldberg said that throughout the negotiations the Women’s Issues Group tried to work with the Administration but made it clear that the group would “go outside” to publicize the situation and gather support.

Currently, the Women’s Issues Group is attempting to facilitate the Administration’s proposed changes to the Statement of Rights and Responsibilities. Until recently, Federal law required that the verdicts of Administrative disciplinary hearings be kept confidential, and the William and Mary Statement reflects that policy. Recently, however, the Biden Bill on Violence Against Women passed, opening the door for reform. According to Goldberg, the bill contains a clause on making campuses safer for women which makes all Federal grants to colleges and universities for programs on sexual assault and safety contingent on a policy of making hearing decisions available to the victims.

Although the bill does not officially mandate a policy of disclosure, Goldberg points out that it provides incentives for the change and “strongly suggests that [disclosure] should be a uniform policy.”

In order to amend the William and Mary Statement of Rights and Responsibilities, the entire student body, all of the faculty, all of the administration, and the board of visitors must vote on the proposal. The Statement has remained unchanged since 1977. Goldberg says that the Women’s Issues Group and the Administration hope to pass the proposal by May, so that it will be in effect by the beginning of the 1991-92 Academic year.

The Women’s Issues Group is a campus organization involved with issues of women on every level, from campus concerns to international efforts. Although it is technically an undergraduate organization, anyone is welcome. The group meets every Thursday at 6:30 p.m., in the Charles Center (basement of Tucker).

Avalon is a community program dedicated to helping the women and children who are victims of violence. In addition to providing a safehouse for victims of domestic violence, Avalon offers counseling and shelter to women who are sexually assaulted. Avalon staff and volunteers are available to accompany rape victims through any step of the medical or legal procedure. Avalon also operates a 24-hour Women’s Help-Line. Kathleen Radford encourages anyone who has been a victim of sexual assault or domestic violence to call the help-line at 229-7585.

The William and Mary Bill of Rights and Public Policy Law Journal

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Ex-Prof Delivers Cutler Lecture

by Scan Sell

Gene R. Nichol, Jr., Dean of the University of Colorado School of Law, gave this year’s Cutler Lecture entitled "The Left, the Right, and Certainty in Constitutional Law." The speech was delivered March 27 to a packed Room 127. Nichol addressed the contentions of conservatives who rail against any deviation from the clear intent of the framers, and liberals who cry for an interpretation with a guiding vision of an ideal society. Both viewpoints Nichol feels, are unduly critical of the uncertainty in judicial discretion.

The Cutler Lectures were established in 1927 by James Goold Cutler, of Rochester, New York, to provide for an annual lecture at the College of William and Mary by "an outstanding authority in the Constitution of the United States." The first series ran from 1927 to 1944. The Cutler Lectures were revived in the 1980-1981 academic year, with each lecture published as an article in the William and Mary Law Review.

Dean Nichol is a graduate of Oklahoma University and the University of Texas (J.D.). Nichol began his teaching career at the University of West Virginia. He was a member of the William and Mary law faculty as a visiting associate professor in the academic year 1982-1983, and returned from 1985 until 1988 as the James Goold Cutler Professor of Law and Director of the Institute of Bill of Rights Law. He assumed his current position at the University of Colorado in 1988.

Dean Sullivan introduced Nichol. He explained that the law faculty feels they have someone who is a "first class teacher, a quality scholar, and someone you both seek and heed." Such loss was felt, Sullivan said, when Nichol left for Colorado, because the Marshall-Wythe faculty realized they would be losing Nichol’s wife, Professor Gloria Gergen. Gergen was also a faculty member here, and is now a professor at the University of Colorado.

Nichol also felt that Madison would have rejected the critique from the left - that all interpretive moves beyond the specific intentions of the founders are illegitimate. Nichol also felt that Madison would have rejected the critique from the left - that all interpretive moves beyond the specific intentions of the founders are illegitimate.

Nichol surveyed the history of constitutional decisionmaking to show the need for judicial discretion. He started with the Madison, the decision, who, Nichol explained, did not use his first-hand knowledge of the drafting of the Constitution to claim superior insight. As evidence, Nichol used Madison’s decision not to veto the Second National Bank Act, even though "Twentv years earlier, as a congressman rather than president, Madison had argued that a national bank act was unconstitutional... . Two decades of contrary practice had rendered his private recollection irrelevant, in favor of... a construction put on the Constitution by the nation, which having made it, had the supreme right to declare its meaning." Nichol felt this was an explicit rejection of "The critique from the right - that all interpretive moves beyond the specific intentions of the founders are illegitimate...

Nichol then examined the lawyers of early America, whose view of their calling "sits uneasily with a claim that the art of judging is a mechanical enterprise that must be clearly rooted in what has been deemed before." Aspiring lawyers were expected to "master Greek, Latin, the classics, moral philosophy, history, logic, [and] mathematics... . This 'antiquated vision' of lawyers as masters of moral philosophy did not survive the nineteenth century, according to Nichol. "I don’t suppose we would want to go back to that." Those who call for legal decisions to be based on "unambiguous, positive and specific legal commands," are hearkening back to a group of people whose views of the law were quite different.

Nichol next turned his talk to the Fourteenth Amendment, saying, "Debate over the way the Fourteenth Amendment should be interpreted is, to a significant extent, the debate of modern constitutional law. Some argue for a tight interpretive stance - based allegedly on intention. Others seek the vigorous use of the 'majestic generalities' of the Amendment in order to improve our social order." But the purpose of the Amendment, Nichol said, was mainly for the Reconstruction Congress "to codify, in dramatic terms, its victory over the South" by affirming the principles of equality, individual rights and local self-rule. Those concepts might seem vague and sometimes contradictory, but "[t]he ambiguity and the capaciousness of the continued to page nine

So You’ve Decided You Don’t Want To Be a Lawyer

by Jeff Crabill

Between five and eight percent of graduating law students nationwide take non-traditional jobs, and as many as 40,000 practicing attorneys switch jobs and pursue non-traditional careers, according to Associate Dean Robert Kaplan. In his talk to law students, Kaplan shared these statistics to introduce two seminars on non-traditional careers for law students. Seven Marshall-Wythe alumni spoke on both the benefits and drawbacks of a non-traditional career path. Most said their jobs were more flexible and less stressful than a position at a law firm. The biggest drawback for most was the lower pay. They all agreed that a law degree can lead down many paths.

Paula Caplinger, a 1986 graduate, wanted to work for a small firm and quickly attain partnership. But the small firms she worked for kept getting taken over by larger firms. She has finally settled for a non-partner position with the law firm of Caplinger, Borden, and Levitan. Caplinger’s law degree helps her as a lawyer in smaller firms. "Only a certain type of person can do well as a partner," Meyes said. They must be self-disciplined, get published and "feel comfortable talking in front of a group."

To find law-related teaching jobs she suggested looking into the Chronicle of Higher Education. She also suggested joining the AB Law Association. The members of the association are professionals who teach law to graduate and undergraduate students. She continued to page nine

Nichols unwinds after presentation

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page five
FROM THE WORLD OF GOLF

Golf Clinic for any interested law students: Friday, April 12 at the Deer Run Driving Range at Noon.

Intramural Golf Tournament

Will take place April 19 at Deer Run Driving Range. Registration will begin on April 8 or 10 at the Rec. Center. Call Bill Jonas at 221-3319 for more details.

PSF is pleased to announce its first 14 stipend recipients for the summer of 1991:

- Timothy Belevetz
- Stephanie Brodacz
- John Brown
- Jennifer Click
- David Dalke
- Elizabeth Dopp
- Caitlin Dyk
- Peter Kay
- Mark Matney
- Donna Prideaux
- Ann Rogers
- Ann Rosen
- Jane Sherman
- Mary Ellen West

Pay Discrimination Institute
Portsmouth Public Defender
Coalition Against Domestic Violence
Government Accountability Project
Peninsula Legal Aid
Nassau/Suffolk County Legal Services
Alexandria Public Defender
Harmon, Curran, Gallagher & Spielberg (public interest law firm)
Philadelphia Community Legal Services
Peninsula Legal Aid (Farmer Workers’ Project)
Southern Environmental Law Center
Coalition Against Domestic Violence
Aspey, Watkins & Diesel (Native American pro bono work)
Williamsburg Battered Women’s Shelter
Buffalo Legal Aid Bureau

As you may know, PSF works in conjunction with College Work Study (CWS) to stretch all funds as far as possible. Once CWS decisions have been made, PSF will be able to award an undetermined number of additional stipends. PSF awards are based on three criteria:

1. applicant’s past, present and future commitment to public service;
2. employer organization and how its goals serve the legally underrepresented; and
3. applicant’s personal statement.

This year, for the first time, PSF received many more applications (31) than the organization has the funds to support. In spirit, however, PSF supports all Marshall-Wythe students who have chosen to work in the public sector. Thank you to everyone who has assisted us in our fundraising efforts!

CONGRATULATIONS to the ABA Moot Court team of Price Shapiro, Steve Shebest and Steve Gerber who won the ABA Regionals held March 30 and 31 in Durham, North Carolina. GooD LUCK AT NATIONALS IN ATLANTA!!
NO DISPUTE??
April 4 at THE CAJUN
$2.00 at the door

SBA ELECTION RESULTS

President: Richard Brooks
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Secretary: G. Scott Lesmes
Treasurer: Stephanie Cangin
Third-Year Representatives:
John Maxwell
Kevin Walsh
Dee Cohen
Chris Smith

Second-Year Representatives:

HONOR CODE REFERENDUM: Passed
(282/362 (78%) voted YES)

COLONIAL ECHO POSITIONS

The Colonial Echo is looking for editors of sections, photography, layouts, computers and copy for the 1991-92 yearbook. Business and office managers are also needed. Applications are now available. They may be picked up from the Colonial Echo office in the Campus Center basement. These applications must be returned by April 10, 1991 to the office or Tina Reynolds. If there are any questions, please contact the Echo office at 221-3317 or Tina Reynolds at 221-5825.
CALVO-SOTELO SPEAKS ON FUTURE OF EEC
by Tamara Maddox

On Tuesday, March 27, members of the International Law Society gathered to hear Professor Leopoldo Calvo-Sotelo speak about Europe’s progress towards the widely anticipated European Economic Community, scheduled to culminate in 1992. Professor Calvo-Sotelo resides in Madrid, Spain, and has been teaching public international law at the University of Madrid for the past five years. Having been involved with the Marshall-Wythe summer program in Madrid since its inception, he was greeted warmly by several of his former students, who are currently members of the ILS.

After chatting amicably with assorted students and faculty, Professor Calvo-Sotelo proceeded to discuss the background of the European project. Explaining that the EEC really began with the Treaty of Rome back in 1957, Calvo-Sotelo presented a basic sketch of significant events. Although the Treaty of Rome caused tariff barriers to be abolished by the late 1960s, he noted that “non-tariff barriers still remain.” These barriers include physical border stoppages and their related impediments (e.g. customs and transport controls), as well as technical and fiscal barriers. These latter types of barriers appear to be the most difficult hurdles to surmount, since they involve divergencies in technical or product standards, which can thwart innovation, in addition to varying tax rates and goods valuation methods.

According to Calvo-Sotelo, the goal of the Internal Market Project is remove these barriers, thereby “insuring free movement of persons, goods and capital.” A harmonization system for encoding goods, for example, could allow relaxation of some of the physical barriers. Additionally, “the 1992 project will enormously simplify business by providing a unitary standard [to be met by producers of goods],” said Calvo-Sotelo.

For those students unfamiliar with recent events in this area, the European parliament passed a Treaty of Union in February 1984, followed by elaboration of a White Paper on the European market in 1985. The 1992 project was established by the Single European Act, which was signed on February 17, 1986, and became effective July 1, 1987. This Act, signed by twelve European nations, established December 1992, as the goal for completion of the project. Presently, two intergovernmental conferences are underway: One working towards the goal of economic union, the other working towards the goal of political union. These conferences are “acting like a true Constitutional convention” to replace the old Treaty of Rome and its Amendments.

In response to a question about whether the EEC will really meet its December 1992, deadline, continued to page ten...
Amendment's terms allowed the framers to retain the support of . . . [why] should it be the case that the least ambitious interpreters, in every instance, win the day?" The left, Nichol said, would have to assume that since the provision is so subject to varying interpretations, it "cannot actually be deemed law. . . But can you imagine any conclusion more at odds with the perceptions of the American populace?"

Nichol's last "historical forsy" was to look at Lincoln's view of the Declaration of Independence in his debates with Stephen Douglas. Nichol quoted Lincoln's statement that the framers "did not mean to assert the obvious untruth, that all were then actually enjoying equality. . . . They meant simply to declare the right, so that enforcement of it might follow as circumstances should permit." The problem with the Dred Scott decision was that it "failed to reflect the national striving to fulfill the substantive ideals of the Constitution and the Declaration." That striving continued, but according to Nichol, it is, by definition, an imperfect process - one that moves with . . . our culture - allowing "enforcement as circumstances should permit." Nichol's conclusion, then, is that the call for certainty, whether from left or right, "sells short our constitutional tradition. . . . [The] general principles which make up the central features of our constitution . . . produce uncertainty in law, not certainty."

The audience for Nichol's lecture consisted of several faculty members as well as students. Constitutional Law Professor Neil Devins was pleased with the large number of first years in attendance. "Nichol's historical examples brought out important Constitutional Law themes that are not generally covered in class. It was a way to show political coalitions who concurred only in vague ideas, not specific programs."

What purpose should the Amendment have today? "Originalists apparently would allow only the ideas on which all or virtually all framers agreed," Nichol attested. "But students that what they had learned really was significant."

Constitutional Law Professor Michael Gerhardt agreed, saying he thought Nichol's viewpoint would help first year law students react to Supreme Court inconsistency. "[The lecture] provided one nice perspective on how critical commentary and the court's own constitutional decisionmaking can be put into some sort of cohesive framework."

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**ALTERNATIVES cont'd.**

said that "once you get your foot in the door, it is easy to move from one place to another."

After eight years as a solo practitioner, Mitch Osborne, a 1986 Marshall-Wythe graduate, switched to reporting the law for the Virginia Lawyer's Weekly and is now a news editor. He said he likes getting paid to learn, and because he's a reporter "now [attorneys] return my calls." Although he would not recommend spending three years in law school to become a journalist, "it's nice to know there's an escape valve if you need it."

Sometimes you can't always get what you want right after law school, according to Lisa Marshall, a 1985 Marshall-Wythe graduate, who serves as complaint counsel and investigator for the Virginia State Bar in Richmond. "The first job I got after law school certainly wasn't the job I wanted five years down the road," Marshall said. She suggested being flexible and using all available resources. "Keep bringing [your] legal skills to the forefront. Don't be taken advantage of."

The panelists suggested that taking certain law school classes can help in non-traditional fields. Ken Pankey, a 1988 graduate, said that having taken business and administration classes helps him in his position as staff attorney for the National Center of State Courts in Williamsburg. He now has great opportunities for networking as he routinely talks to state chief justices.

Hazel Buckingham Jenkins, a 1984 graduate with an L.L.M. in Tax, said that she has taken jobs that have fit in with her family life. She serves as a contracts administrator for Virginia Power in Richmond. She suggests when looking for a position in a corporation to look beyond the typical "attorney" positions.

Ken Wolfe, a 1983 graduate with an L.L.M. in Tax, said that she has taken jobs that have fit in with her family life. She serves as a contracts administrator for Virginia Power in Richmond. She suggests when looking for a position in a corporation to look beyond the typical "attorney" positions.

A bibliography of non-traditional careers is in the OCPP office.
"ORIGINAL" VIRGINIANS: Rose Powhatan Addresses Tribal Future

by Wendy Watson

On March 25, during the last week of Women's History Month, Rose Powhatan, whose artwork has been on display in the most court of law, spoke at Praise of Women's History Month.

Powhatan, who married a woman named Mattaponi when the previous chief died with no male heir, has been lobbying the tribal council to change their policies and accord women equal rights, but thus far have met with little success.

During his stay here in Williamsburg, his talk was particularly informative to this reporter, whose knowledge of International law and economic events is sadly deficient. Even strict Anglophiles will be interested to know that the EEC learned a lesson from the American civil war: in order to avoid the ordeal suffered by United States, the EEC plans to allow members states to leave the union at will.

As a result of her signature, however, the Native Americans of Virginia grew reluctant to allow women into tribal councils or vote on tribal decisions. And if a woman from one of the Virginia tribes marries someone not in the tribe, she is forbidden from living on the reservation.

According to Powhatan, who married a Jamaican native and thus is excluded from the reservation, this policy encourages intermarriage and leads to high rate of birth defects. It also drives many of the young people away from the reservation, leaving it sparsely populated.

Powhatan explained that the U.S. government considers the reservations to be sovereign nations, and so will not enforce the U.S. Constitution or the Bill of Rights with respect to issues that arise on the reservation. The women of Powhatan's tribe, including Powhatan herself, have been lobbying the tribal council to change their policies and accord women equal rights, but thus far have met with little success.

On a more personal level, Powhatan strives for a greater sense of "Indian-ness" through her traditional artwork. According to Powhatan, women were responsible for preserving the material culture of the Native Americans through the creation of pottery, featherwork and beadwork. Today, artisans like Powhatan and potters such as Daisy Bradby and Dora Cooke-Brady carry on this tradition of craftsmanship.

Powhatan recommended that anyone interested in Native Virginian or Native American culture should attend a powwow. One such powwow, sponsored by the Upper Mattaponi Tribe, will be held nearby on Memorial Day. The powwow will feature dancing and traditional pottery displays. Anyone interested in this or other Native American events should contact the Virginia Council on Indians, 8007 Discovery Drive, Richmond, 23229-8699 (tel. (804) 662-9285).

Rose Powhatan: Preserving a culture

continued from page eight

Calvo-Sotelo admitted that it’s true there are lots of problems,” but that “the project won’t stop.” In support of this statement, he described former Prime Minister Thatcher’s ineffective attempts to save the project. “If the [most] formidable Prime Minister Britain has had in years could not stop the project, then no one can,” concluded Calvo-Sotelo.

In addition to teaching International Law, Calvo-Sotelo works in the Foreign Affairs and Justice section of the Council for State. One of several lectures given by Calvo-Sotelo that day here in Williamsburg, his talk was particularly informative to this reporter, whose knowledge of International law and economic events is sadly deficient. Even strict Anglophiles will be interested to know that the EEC learned a lesson from the American civil war: in order to avoid the ordeal suffered by United States, the EEC plans to allow members states to leave the union at will.
continued from page one

d be found in the area
surrounding Williamsburg
including Richmond, Hampton
Roads and Virginia Beach.

Another reason
implementing the requirement
would not involve an undue
amount of work, according to
Tazewell, is that the law school
has good legal service programs
already established.

Edwards said the real
issue was whether or not we
want to add an additional
graduation requirement. He
argued that the education value
the requirement would provide
is already met through current
programs and that service to
the community would be weakened
by those students who look at the requirement as
something they just have to
pass. Butler favors the
requirement because it would help
to rebuild a lawyer's sense of
moral obligation. Lawyers
have a bad reputation in the community, Butler said, and the
current approach to providing
legal services isn't working to
improve that reputation.

Although only seven
members of the audience were
able to speak at the forum
because of time limitations,
Church said a second forum
would probably have to wait
until next semester. Church
would also like to conduct a
referendum on establishing
mandatory pro bono.

Church said the proposal was loosely based on
the policy established at
Valparaiso's law school. The
size of the student body and the
surrounding community of
Valparaiso are similar to those of
Marshall-Wythe. Church
said. Valparaiso did a target
marketing of legal needs in the
area and then implemented the
program that includes services
in Chicago and the surrounding
area. The administration
required for the Valparaiso
program includes a part-time
clerical person and two faculty
supervisors.

continued from page twelve

defense. Belfour is not the
only reason Chicago is the best
in goals against.

Runner up: Scott
Stevens, worth the money;
Rob Garnier -- can blocks more
shots than pedestrians do in an
Arnold Schwarzenegger movie,
also speaks with an Austrian
accent when playing.

6. Bob's Owly Trophy
(Best Offensive Defensor)

This is not a league
trophy, but I think it should be,
given the Norris' recent history
of picking the most prolific
scorer who also happens to
play defense occasionally.

Al MacInnis, Calgary
-- may not have the most
points, but has the closest
shot in the NHL, leads Calgary in
scoring, and has improved his
defensive skills.

Runner up: Paul
Coffey, Pittsburgh -- great puck
handler andusher. E.G. Allen
-- the ACC (All Condlin
Conference) Player of Many
Years. To my knowledge, has
never scored a goal, but if the
other team had no goalie, and
everyone else was in the
penalty box . . .

7. Lady Byng Trophy
(Most Gentlemanly Player)

Joe Sakic, Quebec --
plays on a team with only 16
wins and 50 losses and faces
every team's best checker and
evenough cheap shots without
complaint to deserve a lot more
than this.

Runner up: Greg
Cassier -- could potentially run
forever if he was not forced to
stop and has become an all-
around reliable center without
asking for more money. Jim
Reynolds -- so unassuming, we
did not even know he was on
the team until he got a penalty
in the last minute of a very
close and important game.
After we won we went on
ignoring him again.

GRADUATION COUNTDOWN

45 days and counting!!

ATTENTION 3L'S!!! The Advocate wants
your pictures, comments, reminiscences,
et al, for a SPECIAL GRADUATION ISSUE
The deadline for submissions is April
15. Please contact Steffi Garrett for
more details!!

Toothless cont'd.

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After we won we went on
ignoring him again.
Playoff Fever: Men on Ice Without Teeth

by Andy Condon

The short game is a crucial aspect of any player’s game. A well-executed, properly chip the ball can allow a player to save par or bogey on the occasions that the player does not have a chance at regulation. The most important aspect of chipping is to plan the shot before attempting to chip the ball.

First, the player should realize that he or she has two options; preparing to chip. The player may use a wedge to lob the ball or the player may decide to hit a pitch and run with the six, seven, or nine iron. In order to decide which shot to hit, the player should first read the green. The green can be heavily undulated with complicated breaks, the player should probably hit at least one lobe to avoid unexpected rolls. If the green is flat, however, the player should probably hit a pitch and run. When hitting a pitch and run the player can center the ball of the run by varying club selection.

Another important point about chipping is that the player should never have his or her arms and wrists stiff throughout the swing. By keeping the arms and wrists soft, the player can allow the club to swing naturally. Also remember to follow through when chipping. The length of follow through should be approximately 1/2 length of the back swing.

Finally, plan the chip before taking it. The player should know where the ball is supposed to land and should read the green just as though he or she were going to hit a put-put.

Hopefully, these tips will help you improve your chipping game and lower your scores.

SWINGING WITH DR. LOVE

by Tom Love

The short game is a crucial aspect of any player’s game. A well-executed, properly chip the ball can allow a player to save par or bogey on the occasions that the player does not have a chance at regulation. The most important aspect of chipping is to plan the shot before attempting to chip the ball.

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