Amicus Curiae (Vol. 4, Issue 6)
Review Outlines Proposed Candidate Selection Change

Editor's Note: The Editorial Board of the Law Review has released a tentative proposal for a new system of candidate selection. The proposal is set forth below and will be offered to the faculty for their consideration and approval.

The William and Mary Law Review has been developing a new system of candidate selection, a major undertaking by the Office of Professional Affairs. The proposal represents a fundamental change in Review policy, it is subject to approval by the faculty at a meeting on December 6.

The Editorial Board has determined that the minimum number of staff members from each class is 25; however, up to 30 members from a class would be acceptable. It is proposed that the Board proceed as follows:

1. Upon completion of grades in the Fall semester, candidates will be invited to approximately 15 individuals who have attained the highest academic standing in the first-year class, including performance in summer school, if applicable. The number of invitations to the spring program, which will commence in mid-February and continue until the end of March, will depend upon an appropriate break in the Review program.

2. A summer candidate program will commence in late August. Invitations will be issued as follows:

a. To at least ten individuals selected by the Editorial Board of the Review from a list furnished by the Board of the first-year writing program. Each such instructor will be asked to provide the Review with the names and writing samples of about five individuals in his section whom he deems to have demonstrated the highest degree of writing and research ability during the course of the year. The Editorial Board of the Review will undertake an independent evaluation of the writing samples furnished and will issue candidate invitations on the basis of such samples and, if desired, recommendations from faculty members familiar with an individual's work and motivation.

b. To any individual who, at the conclusion of his first year of law study, ranks academically in the top fifteen percent of his class, and who has not previously been issued an invitation to a candidate program. This percentage may be revised upward, not to exceed twenty percent.

See Review, p. 4

Committee Suggests Formation of New M-W Honor Society

By Jim Murray

On Thursday, the faculty will vote on the adoption of a charter for the St. George Tucker Society. The Charter was proposed and drawn up by the Honor Society Steering Committee established by the faculty on October 4th, 1973.

The proposal that the law school establish an Honor Society was first made in the Fall of 1971, but the idea was abandoned in deference to the expected application for a Charter of the Order of the Coif. When the school's application was rejected, primarily on the basis of inadequate library funding, the Spring of 1973 the idea was revived. Former SBA President, Sam Powell, undertook an extensive study but his proposal came too late in the Spring to be implemented. Again this Fall the idea was revived and at the behest of the SBA the Study Committee was formed. The Committee began its work with the consensus that any Honor Society formed should recognize both academic and extracurricular achievements. The Committee, made up of professors Scott, Walck, and Sullivan and students David Johnson, John McDougal and Jim Murray, also wanted to avoid any potential conflict with ODK or the Coif. It was agreed that, because ODK membership at William and Mary was very limited in size and the idea has historically been welcomed by the administration, there would be little conflict with that group. On the other hand, should ODK, with its strict top ten percent academic requirements, accept any future application from the school any Honor Society which preceded it should See Honor Society, p. 4

SBA Plans for Spring Dialogue

By Don Lewy

An official announcement has been released by the Student Bar Association that a committee has been formed to prepare for the first major professional event ever sponsored solely by that organization. The committee is being called the "Dialogue Committee." The event will be a "Dialogue" where "an event of this type has never happened." It is being called a "dialogue" rather than a "debate" because the emphasis is on discussion and the participation of all interested parties.

The purpose of the event is to provide a forum for the exchange of ideas and opinions on a wide range of topics of interest to the members of the SBA. The event is scheduled for March 11, 1973, at 8:00 p.m., at Williamsburg Community Center. The event will consist of a discussion between the two nationally known and syndicated columnist-commentators on liberal and conservative issues and attitudes in the United States today. The guest speakers are perhaps best known for their acid wit and vehement alterations on "Point Counterpoint," from the CBS Television news program "Sixty Minutes."

A steering committee has been established under the auspices of the Student Bar Association. The steering committee consists of President, Chair, and the Steering Committee of the Faculty Committee. The Faculty Committee is to be the custodians of the event and the steering committee is to be the custodians of the event.

Ticket sales for the event are anticipated to begin during the early part of the second semester, with profits to be donated to the Student Bar Association. The Student Bar Association has previously expressed its interest in sponsoring the event and the steering committee is to be the custodians of the event.

ANNOUNCEMENT

As many students know, a mistake was made last week when a member of the Faculty Status Committee released a press statement indicating that the results of the recent student course evaluation survey were not available. The survey was conducted with the understanding that no results would be released until February.

This announcement is to assure students that the mistake was limited to a single professor and that there is no possibility that any other student course evaluations will be disclosed prior to February. The evaluations of all other courses, with the exceptions of those of three professors, remain in the hands of the Law Student Honor Council. The Faculty Status Committee has promised that the forms for the three other professors, all of whom are being considered for promotion, will be kept in the strictest confidence.

James B. Murray, Jr., President, SBA

RESOLUTION

Be it resolved that no data concerning faculty evaluations will be released to anyone other than the members of the Faculty Status Committee prior to the completion of the final examination, except to those faculty members under current evaluation and their immediate supervisor who are in the process of making a decision. The faculty members under current evaluation will be required to sign a confidentiality agreement that preserves anonymity and confidentiality.

Adopted by Faculty Status Committee November 29, 1973
Amicus Curiae

Amicus to Lose Editor

This issue of the Amicus signifies the end of the semester and the mid-year graduation of many of those who have assisted the paper in its endeavor. Our thanks to all of them. Particularly lamentable is that we are losing an able and distinguished member of our staff. Jack Sinten is graduating to pursue the practice of law in California someday.

For the past two years, Jack has been instrumental in overseeing the improved design of the Amicus Curiae. His goal has been to provide Marshall-Wythe with the effective means of intra-law-school communication, and to that end he has served students and faculty well. His understanding of journalism processes and his ability to extract the maximum of thought from a minimum volume of words will be sorely missed. The Amicus thanks him for his help and guidance and wishes him well.

George W. Campbell
Vice Editor-In-Chief

Evan E. Adair
Managing Editor

Clifford R. Weakstein
Production Editor

Raymond Villarosa
Business Manager

Amicus Curiae is published every other week by the Student Bar Association of Marshall-Wythe School of Law, College of William and Mary, Williamsburg, Va.

Letters to the Editors

Rally Planners Disregard Crisis

To the Editors:

I feel compelled to say at the outset that my question is not meant as an indictment of any organization here at Marshall-Wythe. I have been impressed with the dedication with which all such organizations approach their contributions to the overall life of the law school. However, whether it be in the organization of a seminar series or an enthusiastic display at a beer party, it seems that some students are too often, a little free with their money (i.e., SBA funds) to sponsor events that seem a bit frivolous.

It seems logically absurd to me that a situation like this—one in which the will of the general membership was consulted—be labeled abuse of power by the student representatives. Perhaps it could be argued that we did not exercise our power as we should have, abdicating to the general membership. But hardly can the reverse be said. Mr. Walsh calls the decision "a striking example of situations where those voted into power feel compelled to force their views on others..." Quite the contrary. What Kuntsler was proposing, it became clear that the members of the Board of Directors were against sponsoring him. Rather than having this small group of "those voted into power" decide to turn down the Kuntsler appearance, the decision was made to submit the question to an open meeting of all the members of the SBA. Thus, the largest possible number would be able to express its views.

As is well-known by now, an overwhelming majority of those present voted against expending their money (i.e., SBA funds) to sponsor the appearance.

Sincerely,

Jackie Benning

Kuntsler

To the Editors:

Allow me to beat a dead horse one more time.

I'm referring to the decision, made at the SBA budget meeting, not to sponsor an appearance by William Kuntsler. In a letter printed in the last Amicus, Greg Walsh demonstrated either misinformation or utter conjecture about what actually happened.

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National Interest Demands Impeachment

By William F. Swindler

After his term as Vice-President and his defeat in the 1960 race with John F. Kennedy, Richard Nixon wrote a political autobiography under the title, “Six Crimes.” There is an obvious sequel in prospect for some time after 1977 - or possibly earlier. How many crises can be enumerated in this second volume is an open question at the moment, but at the spring of 1973 new cataclysms have been added to this incredible period in the constitutional history of the United States.

Objective scholarship will require more than an ordinary interval of time to gain some perspective for the avalanche of events which has engulfs the past six months or more. Any judgments or comments made today are almost certainly to be modified or even reversed tomorrow. Still, we can begin to assemble some fairly well-established facts upon which an ultimate evaluation may be made.

Nixon’s personality a factor

One may begin with the peculiarities in the political personality of Mr. Nixon himself - withdrawn and essentially insecure and at the same time opportunistic. His choice of a political career as a professional young veteran, hypersensitive to any criticism of the status quo and readily persuaded to exaggerate matters of fact in post-World War II America was ultimately fomented or exploited by international Communism. The bizarre appearance of the Nixon phenomenon is seen from the beginning; for those who recall the labyrinthine details of the Alger Hiss-Whittaker Chambers affair - e.g., in a pumpkin - the other-worldly aspects of the revelations of 1973 are in a sense the logical continuation of a career veering into surrealism with remarkable cyclical regularity.

Then there was the famous “Checkers” folder, which almost brought early disaster to a brash young Vice-Presidential candidate who was self-righteously belaboring the crookednesses exposed in the administration, was then as much television and a national television appearance to explain the fund - which some observers at the time described as the cornerstone of the Nixonian liberal-military addressed Congress - was a classic demonstration of the technique of confession and avoidance. It was certainly a ghastly riding on the outcome; General Eisenhower, whose campaign managers had him as the crusader for honesty in government, was inevitably considering dropping his Vice-Presidential candidate if the explanation wasn’t good enough. Nixon was embarrassed and tried to blame the media for revealing what someone has called his spectacular lack of charisma. After the debacle in the California gubernatorial race of 1962, he announced his retirement from politics with the famous statement to the press. “You wouldn’t have Richard Nixon to kick around anymore.” Then, and more recently, his inability to speak candidly and promptly instead of ambivalently and belatedly, has obviously contributed to a decline in his credibility.

Bizarre history repeats

All of which is background to any commentary on the fantastic issues which have proliferated in the second volume. Nixon today is Mr. Nixon’s greatest handicap in defending himself in respect of these issues. The microfilm hidden in a pumpkin came back in the form of White House secret tape recordings; the long debate over so-called executive privilege and its inapplicability from national security grounds, and the President in refusing to release the tapes after their existence was discovered; then the attempt to make a constitutional “compromise” to make them available, followed by inexplicable delays in turning them over to the court under the terms of the grand jury subpoena. There is a series of reports that key tapes were missing or were thought never to have existed, or now to have been virtually obliterated by other recorded noise - all of these have stretched credulity far beyond reasonable limits and make any proof of the ultimate truth, if it is possible, anti-climactic.

Chicanery is a hardly a novel aspect of American political life - rather, it is almost something of a proud tradition, or at least a matter of finesse. The very least that can be said of the revelations or allegations of 1973 is that they indicate heavy-handed clumsiness, “overkill,” and a cynical disregard of the common sense of the average citizen. Arm-twisting to obtain campaign contributions has been carried on by every administration so far as the facts are known, but the inexcusable surfeit of the Nixon money-raisers in 1971 and 1972 has accounted for a new political axiom: accumulation of funds in excess of needs will almost certainly breed corruption of equal magnitude.

Constitutional crises proliferate

Without focusing upon details of the many political expulsions which are conveniently grouped under the general term “Watergate.” It may be pointed out that the constitutional crises of 1973 include the following: (1) A sequence of charges last spring which would have brought about the fall of any parliamentary government - and did in fact bring about, in quick succession, the resignation of the three top White House advisers, the acting director of the Federal Bureau of Investigation and the Attorney General of the United States (Richard Kleindienst, that is; a second Attorney General's resignation was a feature of another part of the incredible record). (2) The almost casual revelation that major business activities of the White House had been secretly “bugged” - a revelation which caused a special question period in Parliament with reference to the secret visit with the President, and which recalled the public outcry in the United States several years ago when it was revealed that the White House had been found in the great seal decorating the American embassy in Moscow. (3) The awkward responses of the White House to the revelations, and then bombastic announcements that these were “documents” clothed with executive privilege, then a statement that the tapes were obtained by various ways, then suggestions that they would refute testimony by various witnesses who were “cooperating” before them, then a long series of reversals and contradictions in White House statements climaxing in historic litigation and confrontation which threatened to bring about, in quick succession, the resignation of Vice-President Spiro T. Agnew, the firing of the prosecutor, the resignation of another Attorney General (Elliott Richardson) and the Deputy Attorney General.

Crises threaten impeachment

At last, and inevitably, the totality of these constitutional crises has led to a serious consideration of the process of impeachment of the President. Witness the signs of the times: a scholarly study by Professor Bruce Boynton of Harvard, on constitutional problems of impeachment, became an overnight authority on the subject, while a 750-page collection of documents on impeachment, prepared by the House Judiciary Committee before this current crisis was imminent, has sold out and is about to go into a second printing. Witness also the long list of unanswered constitutional questions preceding and involving the impeachment machinery and the explanation of executive privilege, which is not in terms provided for in the Constitution? Are impeachable offenses the same as crimes, and if not, what are the criteria for charging “high crimes and misdemeanors”? What is the practical effect on future constitutional legislation of the House Resolution proceeding which evoked a District Court ruling that the firing of Archibald Cox was illegal? Is Congress, in rolling back the salary of the Attorney General in order to permit Senator Saxby to qualify for the office, actually seeking a de facto modification of an explicit prohibition in the Constitution?

Impeachment is, as Alexander Hamilton described it, a legislative inquest into the great affairs of the government. An inquest may result essentially in a finding of facts rather than arraignment of impeachment to be formally tried; and with this distinction in mind it is the observer's conclusion that such as an inquest - if no more than an earnest search for facts - is justified and indeed demanded by the national interest. The formalities of impeachment have deservedly harsh connotations; yet, a dozen ex-centuries in this area have been recorded in our history, and it is with proper reluctance that Congress has moved to the brink in the present circumstance. We claim that there are no indissoluble issues to submit to the House committee, while it may be disputed, is really beside the point; indictment is a judicial process, distinguished from the legislative process of impeachment and so recognized by the language of the Constitution itself, in providing that removal from office by impeachment does not affect any liability to indictment thereafter. The claim that impeachment (by which is meant the actual bringing and trying of charges) would threaten the foundations of our government is an exaggeration; in the forty years since the last great crusade of the ide­minded men who anticipated that such a process might periodically have to be invoked and assumed that a fundamentally sound government would survive the process; in the second place, any government which has already survived the five crises outlined by the President in less than a year's time, has already demonstrated its fundamental soundness.

Nixon’s ultimate crisis?

The unparalleled majority by which Mr. Nixon was elected to his second term last year provoked all manner of pseudo-expertise which glossed over the obvious fact, that the electorate really was rejecting the extremist alternatives presumably represented in Senator McGovern to the same degree that the massive vote for Lyndon Johnson reflected a rejection of the extremist alternatives presumably represented in Senator Goldwater. In 1964. The “silent majority” conjured up by Mr. Nixon is real enough, but it is a majority preferring a stable middle course rather than being a plebiscitary endorsement of anything and everything a middle-road executive does or con­done. Failure to recognize that distinction may prove to have been the ultimate crisis in the fantastic history of Richard M. Nixon.

William F. Swindler teaches Constitutional Law, Jurisprudence seminar this semester. In addition, Dr. Swindler is serving as liaison officer for M-W on the National Center for State Courts, and is Chairman of the U.S. Supreme Court Historical Association.
ABA Delegates to Deal With October Resolution

By Randy Kley

The American Bar Association has called a special meeting of its House of Delegates to consider implementation of a resolution by the Board of Governors in late October and for the establishment of an independent prosecutor. The meeting of the House of Delegates will take place in Washington, D.C. on December 10, 1973.

The resolution by the Board of Governors last October harkened back to May, 1973 when the ABA called for the appointment of an independent prosecutor. The Board of Governor's found further support for its action by decreeing the "circumstances which produced the resignation or termination of the services of Attorney General Elliott Richardson, Deputy Attorney General William Ruckelshaus, and Special Prosecutor Archibald Cox," thought the abolishment of the Office of the Special Prosecutor which was charged and given full authority to investigate and prosecute offenses arising out of Watergate."

The resolution calling for an independent prosecutor urges Congress to establish such a position by legislation which would authorize the appointment of such a special prosecutor by the United States District Court for the District of Columbia.

In my capacity as Division Delegate of the Law Student Division to the ABA's House of Delegates, I will attend the meeting in December and respond fully to the house of delegates that steps be taken to see that the establishment of any independent prosecutor is done in a properly proper manner.

Bernard Cohen, a noted Virginia environmental lawyer, discussed environmental problems, trial tactics, and techniques involved in questioning expert witnesses in a pre-Thanksgiving speech. Mr. Cohen's "expert witness" was Dr. Joseph C. E. Zeman of U. Va.

Group Suggests New Honor Society

Continued from p. 1

have a broader membership base, recognizing more than singular academic achievement. Lastly, the Committee decided that the New Society would be a fully gesture unless membership were required to have a more than singular prestige and exclusivity which would be recognized outside the college community. The Committee agreed that it is rigid membership standards which have helped create the prestige and widespread public recognition for the McNeil Society at T. C. Williams Law School and for the Raven Society at the University of Virginia.

Starting with these premises the Committee drew up a charter which, subject to approval and possible revision by the faculty, provides as follows. Membership would be limited to no more than 10 percent of each graduating class with the express understanding that a full complement of 10 percent need not and may not necessarily be chosen from any given class. The initial members would be chosen from the Class of 1974 by the Study Committee and student members thereafter would choose new members based on several criteria. Eligible students would be those who have completed at least three semesters, who rank in the top third of their class, and who have demonstrated outstanding achievement in extracurricular activities.

St. George Tucker was the second holder of the Chair of Law at the College and a name much reckoned in American Jurisprudence. He was the author of the first American version of Blackstone's Commentaries, the preeminent legal work of its time, and he sat as both a Virginia Supreme Court and a Federal Judge during his long, distinguished career.

Review Outlines Proposal

Continued from p. 1

To any member of the ABA's House of Delegates, I will attend the meeting in December and respond fully to the house of delegates that steps be taken to see that the establishment of any independent prosecutor is done in a properly proper manner.

Third year students who wish to take the February Virginia Bar Exam must return completed applications to the Board of Bar Examiners not later than December 15, 1973. Applications are available in the law school office.
Prof's Offer Tips for Exam Technique

**Prof Looks for Analysis**

**Analyze Facts; Identify Issues; Precise Articulation Encouraged**

**Professors:**

**Professor Powell**

Prof Powell: Precise analysis of the facts stated and the accurate identification of the issue and questions presented is indispensable. If you fail to do this, you may be caught in a web of irrelevancies and worthless as an answer, notwithstanding it may be a correct application of inapplicable legal principles.

**Professor Llewellyn**

One purpose of the examination process is the elimination of the unfit from the legal profession. The advice that follows is not intended to frustrate that purpose. However, all too often the fit eliminate themselves because they do not adhere to the following maxims which are contained in The Handbook of Legal Study by Ferdinand F. Stone:

- "The test of the knowing in its use."
- "Law examinations are prepared on the assumption that you will practice law."
- "Try to spot likely questions in advance."
- "Read the instructions carefully."
- "Think before you write and write what you think.
- "Read over your answer."
- "Once the examination is over, forget it."

**Professor Walck**

A good answer to a law school examination question is composed of four parts. The issue, or questions presented, application of the law to the facts given, and a reasoned conclusion or decision based on the principles involved and stating of the dispositive legal principles involved. The development of this technique of precise analysis and concise articulation in briefs and memoranda is essential in the practice of law.

**Professors Scott and Brown**

- "Question(s) Presented "
- "Prof Looks for Analysis"
- "Mastery of Rules, Noting Issue, Sleep Advised"
- "Take Position on Exam"
- "Prof Look for Analysis"
- "Good Answer Requires Four Step Approach"
- "Take Position on Exam"
- "Prof Look for Analysis"
- "Good Answer Requires Four Step Approach"
- "Take Position on Exam"
Moot Court Produces Strong Team

By Dan Ward

Intramural competition in the fall Moot Court programs has produced one of the most promising Invitational teams ever, according to several participants.

The process of intramural arguments is conducted in the fall to select the National Team to represent this school in the competition we host in March. Spring intramurals produce the National Moot Court Team. This year's process was conducted in two rounds, the first to eliminate half of the twenty-four students enrolled.

Judges for first round argued the proposed third-year class and from the faculty, two to one respectively to go for the trials. The second round was conducted before the Moot Court Board and the faculty advisor sitting as a court. This method has never been employed in the past, but much satisfaction has been expressed with the results by board members, and the method eliminates some troublesome problems which were encountered in the straight numerical system of the past two years. It is interesting to note that even with the injection of a subjective element in final evaluation, the three selections were also those who had accumulated the highest numerical scores.

The true test of the quality of the program will of course, be the Invitational Competition. While the Moot Court competition is not yet final, the moot has attracted representatives from major schools in the southeast in the past, primarily due to a degree of success that was the result of the distinguished panel of judges. State, federal district, and appeals parties have been represented, and retired Supreme Court Justice Tom Clark will return this year.

Hanes Briefs

With this issue, the Amicus introduces a regular feature which will include timely goings-on about the school. Following in the tradition of that great proseege of Brandeis — Judge Hanes — the offerings will be informative, elucidating, and brief.

Doctor Swindler testified before the Senate Judiciary Committee regarding confirmation of Senator William B. Saxbe, R-Ohio, to the Attorney General. Swindler asserted that his confirmation would be unconstitutional because of his status as a member of Congress.

The stork has been hard at work around the law school this fall. Most recently, Curt and Midge Coward had a baby girl. Meg. Other members of the new baby set are Richard and Judy Brown with twins David and Michael, Randy and Donna Eley with sea Hunter, and Professor Ron and Carol Brown with Ashley, their third daughter.

Dean Whyte's semester gathering with the students is planned for Tuesday, December 13th, at 5:30 in Room 205. All are encouraged to attend and to ask questions and express their opinions on law school policy.

On December 8th, from 1:30-3:30, the Marshall-Wythe Law Wives will sponsor their annual party for children of law students and faculty. The party this year will be in the Stith Bull Room, second floor of the Campus Center. Santa will be present, there will be games, refreshments, music, etc. Each child is asked to bring a gift. If a little boy, then he should bring a little boy's gift tied in green ribbon; if a little girl, she should bring a gift tied in red ribbon. This way, each child present will receive a Santa from Santa. For further information, call Pasquelle Shaw at 229-4194.

Copies of Red-Shafted Flicker, the print which artist Guy Coyle has donated to the law school, are now available to students in the law library.

David Joannis, 2nd-year law student, is currently performing in "The Lady's Not For Burning," the current production of the Williamsburg Players. David is cast in the male leading role of Thomas Mendip. The play will run December 6, 7 and 8 at 8:15 p.m. at the Hilton, 17th.

Whitney Appointed to Ecological Committee

By Mary Hendrix

Marshall-Wythe's environment law professor, Scott Whitney, has been appointed to serve on the United States (Coastal Zone Management) Committee, which is an arm of the National Oceanic and Atmospheric Administration (NOAA) of the United States Department of Commerce. The function of the fifteen-member committee is to administer the Coastal Zone Management Act of 1972 in an effort to preserve the ecological balance of the coastal zone.

Professor Whitney, who has long been an environmentalist, is a member of the Washington, D.C., Safari Club, the Shikar Safari Club, and the Game Conservation Foundation International.

Prescott v. Smith, Kings Bench 1739, 11 Bullfinch 318

Replevin for a Christmas goose

By Mike Goen

On November, Governor Linwood Holton spoke to newsmen concerning the impoundment of the establishment of the Center for State Courts at Marshall-Wythe School.

The governor stated, in response to a question from the American Bar Association, that he was impounding the Center and the school should act to naturally enhance one another in the importance of furnishing a legal education. He is taken to create adjoining structures for Marshall-Wythe and the center, facilities in common such as the library will, of course, be utilized to a fuller extent than at present.

Holton also went on to speak about the proposal being mentioned for new law schools to be established in the state. It was his feeling that rather than standardize of course, be utilized to a fuller extent than at present.

The center is a great step forward in the correction of appellate delays which are now a detriment. Professional organizations of courts all over the country. New ideas concerning the standardization of supervision by courts and paralegal are expected to be forthcoming.

The center for the press conference was the annual meeting of the council of state court representatives, held at the Williamsburg Conference Center.

A Study in Replevin

A Christmas Story

By Dan Ward

It is evident that Moot Court is becoming more valuable as the competition and trial counsel improve their competence increases. High-level justicians will rejoin in the court, noting that as many as one-third of courts now lack a sufficient acumen to present a competent case. The answer to this problem is the use of Invitational programs in student, and a quality Moot Court must be considered among the most important assets in the law curriculum. This year's invitational team includes Jim Sheeran, Marc Kane, and Norm Marshall.

M-W Groups Get Grants

By Russ Pitts

A total of $750 has been awarded to the Moot Court and Minority Recruitment programs at M-W from the law student services fund of the ABA-LSD. This year this fund totals approximately $3,000, and grants are awarded to support the M-W approved law schools.

The three categories from which the grants are awarded are: one day programs, and on-going programs. John Daniels, second-year law student, evaluates each application on an elaborate point system. Out of a possible 100 points, the Moot Court received 79 points (the second highest total nationally).

The amount of the awards is based on matching funds from the local SBA. In this school, the SBA allocates $100 for Minority Recruitment and $600 for Moot Court.

The Moot Court allocation is to help defray costs of the Intramural Program, which will be held at M-W on March 16, 1974.

Further, the money can be used for expenditures agreed upon by the Moot Court Board and the Chief Justice of the Moot Court Board.

The Minority Recruitment grant will be handled by Sharon Coles.

The granting of these funds marks the first time allocations of funds have been made for on-going programs at M-W. Two years ago, a grant of $100 was awarded to produce special one-day Environmental Colloquium.

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A Christmas Story

By Dan Ward

But Whitlessoe e contra: that the taking was not tortious and therefore replevin would not lie. Further, a replevin act could not now (Michaelmas) be repleived and he doubted the action was ever properly before the court.

Adjournment to Sergeant at Law and replevin for a Christmas goose, once given, was never after affected by law.

Seddon, C. J. "I remember when I was at nisi prius my lord Willoughby said that replevin never properly lay for a goose. Indeed, a Christmas goose being given, it is doubtful whether now (Michaelmas) replevin will lie. For remembrance thereof so that it is questionable always whether to be repleived (which is necessary)."

Shaw, J. doubted whether and continued to exist when it had been given.

Laid, Christmas goose is no fit subject for replevin. Judgment for the defendant.

But Gordon, J. "Who gives a good goose properly to receive one, "
Sullivan Responsive to Student Scheduling Ideas

By Dave Holmes

A variety of considerations has limited the law school administration's flexibility in both the creation and amendment of semester course schedules, according to Associate Dean Timothy Sullivan.

The discussion with Sullivan about the scheduling process was prompted by student concerns over the administration's inability to resolve course conflicts in the spring schedule. These conflicts involve four courses traditionally taken by third-year students.

Sullivan, who inherited the current schedule, and who will shortly begin work on the 1974-75 edition, listed a variety of factors which complicate and restrict an apparently simple, flexible procedure.

Two considerations override several, more practical, limitations on flexibility in schedule-making, according to Sullivan. The first is the explosion in the number of course offerings in the last year, and the second is the desire of the law school to be self-contained, that is, not to hold classes outside the law school building.

Additionally, there is a variety of other limiting considerations, such as first- and second-year, as well as faculty preferences both as to specific terms and personal needs or problems, and as to scheduling courses so that all are available at the same time.

Furthermore, there have been unexpected resignations which have forced realignments in teaching assignments.

Another consideration which contributed directly to one of the conflicts in the current schedule is the MLT program. There are, according to Sullivan, only a limited number of courses available in this program, since MLT students may not repeat courses taken in law school.

Sullivan feels that any present attempt to resolve a conflict would probably only create additional conflicts and could disrupt student planning based on the present schedule.

Sullivan was receptive to the idea of accepting "student input" into the scheduling process. While he rejected as unwieldy the possibility of student attendance in the creation of the schedule, he did readily accept the idea of meeting with students in the spring, and incorporate student suggestions into a draft schedule. Sullivan feels this would be a workable and fair means of attempting to resolve schedule conflicts.

SBA News

College-Wide Directory Now Available for $1

By Jim Murray

SBA directories are now available in the SBA Office on the third floor. The Directory was compiled by SBA Secretary, Charlie Burr, with help from the law school office and the Marshall-Wythe Law Wives. Burr had to overcome numerous technical problems and administrative delays to produce this valuable compendium of phone numbers and addresses.

The Directories are free to all dues-paying members and are available for fifty cents to all others.

The SBA has also received an offer from Dean Olson of the College to make a limited number of the college-wide directories available to law students. These directories, for the first time, contain law students' names. They are funded in part with student activities fees paid by law students and would be sold to law students for one dollar per copy (compared to the three dollars per copy charged at the bookstore.) Anyone interested in this directory should leave his or her name with the SBA Office.

Board Covers Schedule, Indiscr...
Marshall-Wythe's National Mock Trial team was defeated in a regional competition marred by rules violations and resulting acrimony. Representing this school in the tournament are Madison, Chas. W., Va., were Dave Holmes, Steve Miller, and Cliff Weckstein. The team is managed by teams representing the University of North Carolina and Duke University, but they are more to the story than that.

In the first round, Weckstein and Holmes faced off against a Duke team. After the argument, the judges, three West Virginia attorneys, announced that they agreed that Marshall-Wythe had presented a clearly superior oral argument. However, brief scores count one-third in national competition. And, the court announced that they had gone on to defeat a weak Louisville team, and then to beat Washington, Lee and the University of Virginia. In these last two rounds, U. Va. did again score was again the determining factor. After the January-Williamsburg round, U.Va. filed a formal protest that the Carolina brief was out of the rules of the national competition. After investigation and discussion, Marshall-Wythe and U. Va. exchange the two teams beaten by that brief, joined in the protest.

The court provided that the content of briefs could be no more than 45 typed pages, in all no smaller than 11 points in size.

Therefore, the round went to U. Va. by a judgment.

In a second round the next day, Weckstein and Holmes were defeated by a Duke University team. According to one of the judges, the team were even on oral arguments. Thus, the higher score, the team did win the round.

Since the regional competition was run on a double-elimination basis, Marshall-Wythe was then eliminated.

After defeating Marshall-Wythe, U.N.C. had gone on to defeat a weak Louisville team, and then to beat Washington, Lee and the University of Virginia. In these last two rounds, U. Va. did again score was again the determining factor.

Virginia noted, however, that the Carolina brief was out of 11 point type, and the brief was the maximum length. This, the Virginia team said, enabled U.N.C. to have 15-20 percent more content in their brief, making a score likely. Other participating teams, including several teams not part of the formal protest, urged the U.N.C. team be eliminated from the competition. However, the decision was in the hands of the Young Lawyers Committee of the Association of the Bar of the Commonwealth, which sponsors the National Competition.

At New York decided that U.N.C. could not be eliminated. It was suggested by New York that Marshall-Wythe be penalized by 3.5 points. There was never any explanation of how these points were calculated. This number was determined. However, this adjustment, had it been made before the arguments, would not have affected the outcome.

And, there was considerable bitterness about the way the committee had administered the competition.

Instead, Carolina had won those rounds, and gained a berth in the final round and a trip to New York for the final rounds of the National competition.

When the score adjustment was suggested, all of the teams still present protested. Further that additional arguments be held involving Marshall-Wythe, W&L and U. Va. try to arrive at an equitable result.

However, competition officials were undetermined on this point. Even though, in fact, Marshall-Wythe had lost the two rounds, there was to be no adjustment in the results of the competition.

It is, of course, pure conjecture to speculate how Marshall-Wythe would have done if it had been awarded the round against Carolina. Our team would have been defeated. Though the weak Louisville team and, presumably, won at least those two rounds.

And, there was considerable bitterness about the way the committee had administered the competition immediately runs out to buy 86 vests.

Col. Wake shows his Criminal Law that he has the mabings of a General when he asks Dave Johnson and Steve McGrath to stand up without reading a brief. The course then gets affected and the former→

June—Marshall-Wythe graduates the first time. It's never been done. After the car and U.Va. all would have defeated Carolina.

Dolphins and Oakland Athletics, that Bud Kaatz moved from the historic second term, that people losing money on the stock market. It was, in all respects, a year filled with panic and despair, a year of surprises. But it was also a year filled with memories of you who are reading this, memories that most of the rest of the country won't know about, but memories that are dear to our hearts. So to supplement the 1974 New York Times Almanac, here is a monthly account of 1973 in School of Law, events which we hope you who are reading this, of the country won't know about, and may 1974 find you r

Petitions are solicited calling for the resignation of Dean Sullivan. William Swidder gives an announced multiple-choice exam. The William and Mary Law Plans are immediately formulated to surreptitiously remove Dr. Swindler's stance.

February—Marshall-Wythe is in a second round the next day, Weckstein and Holmes...