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Marshall-Wythe to host Bill of Rights bicentennial

By BRIAN GOLDEN

"It will be the largest assemblage of federal judges in American history," says Professor Rodney Smolla of an upcoming conference co-sponsored by Marshall-Wythe’s Bill of Rights Institute and the United States Judicial Conference. "We have essentially teamed up with the federal judiciary to celebrate the bicentennial of the Bill of Rights."

Smolla, who serves as director of the Institute, explained that over 400 federal judges will attend the United States Judicial Conference’s celebration of the bicentennial of the Bill of Rights, scheduled for October 20-23 in Williamsburg. The enormous number of favorable responses will make the conference "the biggest event ever for the Bill of Rights Institute, and will provide great exposure for the Institute and the law school," according to Smolla.

The United States Judicial Conference is the government agency responsible for the administration of the federal court system. Chaired by the Chief Justice, the Conference suggests assignments of judges, develops and reviews rules of practice and procedure, and submits suggestions to courts and to Congress.

Law School Dean Timothy Sullivan indicated that invitations to the conference will not be going solely to members of the federal judiciary. The law school and the university are inviting other high-level dignitaries. Sullivan said the College will be inviting "the leadership of Congress, the chairs of both Judiciary Committees and their subcommittees, and perhaps the Lord Chancellor of England." The Lord Chancellor is the chief figure in the British judiciary.

Other likely invitees are FBI Director William Sessions, U.S. Solicitor General Kenneth Starr, U.S. Attorney General Richard Thornburgh, and Virginia Governor L. Douglas Wilder. Sullivan also acknowledged a "possibility of inviting President Bush" and said that the matter is being thoroughly explored.

Most conference events will be held in Colonial Williamsburg’s auditorium because the law school has no area large enough to accommodate the expected crowd. According to Smolla, the four-day event will feature a "star-studded cast of panelists and will be as open as possible to students and faculty."

Lest the law school community begin to fret about the lack of opportunity for mixing and mingling with America’s judicial power brokers, Smolla said there are plans for at least one evening reception in the lobby of the law school.

The Bill of Rights Institute began planning the conference just over two months ago. While December 15 was the actual date on which the Bill of Rights was formally ratified, the conference will be held on December 16-20.

See LOTSA JUDGES, p. 24

Remnants dumped at law school

Galloway admonishes those who throw away newspaper

By JOHN FERNANDO

Several weeks ago a student reported to Dean Connie Galloway that he had seen a fellow law student throwing away issues of The Remnant before anyone had had the opportunity to read them. The Remnant is an independent newspaper published biweekly by William and Mary students, and has been described as having a conservative viewpoint.

In response to this information, Dean Galloway posted a notice on the administrative board which informed the student body of the incident and asked the students involved to "consider the rights of others."

Galloway explained that the notice was intended to let students and offending persons know of the detrimental effect these actions had upon everyone at Marshall-Wythe. She said her posting of the notice did not amount to disciplinary action, and she refused to speculate on whether the student’s acts might constitute an honor code violation.

(Two eyewitnesses to the incident have written letters to the Amicus Curiae. Their letters are printed on page 2 of this issue.)

Other law students brought the incident to the attention of Jim Baule, editor of The Remnant.

See DUMP, page 24

Students complain of cheating in Exeter

By STEVE SHEBEST

Reports of cheating on exams at last summer’s Exeter program have surfaced, raising questions about the scope and reach of the Honor Code. The incidents reportedly involved students from other law schools who attended the program. No students from Marshall-Wythe were reportedly to have cheated.

Last summer, forty Marshall-Wythe students took part in the school’s program at Exeter in the United Kingdom. They were joined by an almost equal number of students from law schools across the United States.

While all William and Mary students were required to take the courses for grades, the vast majority of other students took their courses on a pass-fail basis. At the end of the program, many Marshall-Wythe students were dismayed to find themselves in an unfortunate paradox: a number of the other students, attempting to achieve passing grades, decided to engage in practices that appeared to violate the William and Mary Honor Code. In doing so, these students wrecked the grade curve for some William and Mary students.

One instance involved the International Business Transactions class, taught by Professor Perre. In that course, students were told in the beginning of the semester that they would be allowed to bring their books into the exam, but that they were not permitted to write notes in them during the semester which could be used on the exam.

More than one William and Mary student was surprised to find that other students had written "copious" outlines in the blank pages of their books.

"It was an unfortunate occurrence," said Lisa Lawrence, who took International Business Transactions.

See CHEATERS, page 24
Out of our heads

On April 2nd the Honor Council will be conducting a student-wide referendum on proposed changes to the Marshall-Wythe Honor Code. These changes will affect the entire student body as well as future classes. We urge everyone to read the summaries of these changes that will be distributed by the Honor Council this week, as well as the article concerning the changes that begins on page six of this issue.

All currently enrolled students are eligible to vote, including third years. The SBA constitution requires that fifty percent of the student body vote for these proposed revisions to be considered and two-thirds of those voting must approve the revisions before they may become a part of the Honor Code.

The principles involved here and the severity of their possible implications are reason enough for each of us to make an informed decision and to tell the Honor Council where we stand through our votes. A large turn-out at the polls will provide more than a fair and accurate election, it will show that as a student body we are concerned with the fair administration of our Honor Code.

The Amicus Curiae

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We cannot print a letter without confirmation of the author’s name. We may, however, withhold the name on request.

Letters to the Editor should not be longer than 500 words (about the length of three double-spaced, typewritten pages).

Letters

Dear Editors,

Before spring break, Dean Galloway posted a note on the bulletin board asking that students respect each other’s right to read the Remnant. That law students are disposing of the Remnant in the trash is clearly not in the best interest of the University. The act was a violation of the University’s Honor Code and failed to be widely read is not an unconfirmed rumor. I witnessed just such an act and confronted the individual who was throwing numerous copies of the Remnant into a trashcan. When I asked the student why she was disposing of the paper she said, “This is a rag. No one should have to read it.” Perhaps out of shock, I did nothing more than retrieve the papers from the trashcan. In the clarity of hindsight, which so often follows a confrontation, I am disappointed in myself for not reacting in a more assertive manner.

As disappointed as I am with my response I also believe that there is little I could have done to discourage the behavior. One of the main reasons I have learned from my five semesters at Marshall-Wythe is how little the students care about creating an atmosphere where opinions and ideas are nurtured, exchanged and examined. Instead, the air of the school is stifling in its suppression of any thought that deviates from the “correct” line. Experienced a broader, more stimulating range of discussion with my fellow cadets at the United States Military Academy than I witness in the halls of Marshall-Wythe. The recent acts of censorship by those who disapprove of the ideas espoused in the Remnant no longer surprise me. Sadly, I have come to expect intolerance and small-mindedness from my fellow students. Ironically, I previously held little respect for the Remnant because of its exclusion...
By NANCY KILLEN

David Tucker (3L), SBA Treasurer, failed to show up at an SBA meeting called to discuss Board of Student Affairs (SBA) funding with student group leaders. The SBA planned the meeting after the SBA moved the funding meeting for Marshall-Wythe groups from Wednes­day, March 13 to Monday, March 18. Several student group leaders said that Tucker gave them the wrong dates for the two meetings.

Tucker said he could not attend the SBA meeting for personal reasons, and that he gave SBA President David Boles a statement to read about SBA funding. Only three leaders of the 15 groups receiving SBA funding came to the SBA meeting Wednesday: Michelle Sedge­wick (3L), BSA Treasurer; Melanie Michaelson (3L), Treasurer of the Mary and William Society; and Kurt Hammer­lee (3L) of the Environmental Law Society.

Several minutes into the meeting, Sedge­wick leapt, "I heard Mr. Tucker called me Sunday and told me about this meeting. It was just another of the two or three times this year that I’ve needed help from Dave and he hasn’t come through," Sedge­wick said.

"I was very disappointed, that the person who called the meeting didn’t attend the meeting," said Michaelson. "It took a lot of planning on our part to get here. Tucker admitted he mixed up the dates in his message to her, and that the correct dates were discovered by chance. "We’ve never received anything in our hushing files telling us what’s going on," said Michaelson. "There’s just been no communication." Michaelson said she also noticed the low turnout of student leaders from other groups, but speculated that the groups either believed the SBA process was a simple one, or that they too have received mixed signals as to the meeting dates.

Price Shapio (2L), representing the Most Court Board, and William DeVan (2L), representing the International Law Society, attended a BSA allocation meet­ing, which was held where Dean Tucker informed them that law student groups were to meet with the Board on Monday.

BSA money makes up a significant portion of student group budgets. Allocation meetings are held in the spring of each year, with student groups justifying their funding requests to the Board. According to some SBA representatives, student groups must be well-prepared to target students prior to making a request, because once the BSA cuts a group’s budget, funding is difficult to re­install.

According to Tucker, the BSA funding "is a very simple process." Tucker said that in his presentation to the BSA, wherever he takes a point where I can’t answer a question as thoroughly as they wish, I’ll defer to the appropriate student group leader."

BSA funding may be more important than ever to student groups this year in light of the state's budget cuts. The program itself also cut student group funding, placing the remaining money in a contingency fund, according to SBA records.

Chris Smith, 11, SBA representative, said this is the third meeting this year that finances have been at the top of the agenda for an SBA meeting, and the Treasurer didn’t show. "All the SBA members were disappointed," according to Smith. Tucker attended only one of the SBA meetings this semester.

The student body elects a treasurer each spring. The SBA Constitution states that finances are the sole responsibility of the Treasurer. The SBA cannot compel action by the Treasurer short of impeachment, say SBA representatives.

In February, the SBA passed a resolu­tion requesting that Tucker post the budget, originally passed in November, on the SBA bulletin board. The student group leaders repeatedly requested the information. Tucker complied with the resolu­tion. It has since been removed.

As a result of this year’s difficulties, SBA President David Boles believes an amendment to the Constitution providing for appointment of the Treasurer will make the office more accountable to the stu­dents. Other representatives believe strengthening the Treasurer’s reporting requirements is a measure that does not require an amendment.

M-W tutorial program assists at-risk law students

By GREG SCHWIN

In its second year at Marshall-Wythe, the Academic Support Program has evolved into an important tool for guiding students through the rigors of first-year law. The program, begun in the summer of 1989 by Adjunct Professor Theophelise (T) Twitty, is currently attended by 17 first year students. The students, along with five paid second and third year mentors, meet in groups two or three times per week.

In order to prepare for the meetings, each mentor must attend one substantive first year course as a student. The student-edited groups then meet for two or three hours bi-monthly to review course materials. At the meet­ings, mentors draw upon case­books, secondary sources and their own experiences to create hypotetical fact patterns against which they can "provide the necessary analytical framework," according to one mentor.

Dean Faye Shealy stated that overall the program has been valuable, particularly to a law school with a philosophy that prior academic preparation and performance are not the only indicators of success in the legal field. "Twitty’s work, full time as Virginia’s Deputy Secretary of Public Safety, is responsible for administration of the program."

Eligibility for the program is determined by Twitty, who employs a "broad spectrum of indicators" to identify students who may benefit through participation in the program. Included in the criteria are menstrual academic records, applicant writing samples and personal interviews, all of which are used to target students prior to matriculation.

At the beginning of second semester, Twitty extends offers to additional students, based on first semester grades and Legal Skills writing samples. According to Twitty, participants in the program gain no special advantages over other students, as only a regular student group forum is provided. Participants do not receive "cheat sheets," old exam problems or pro­fessor materials. Rather, in each session, the group focuses on writing, study and discussion skills. One mentor said he sees his role as being as "a confidence builder," by showing students that concrete rules do exist despite the impression left by some professors that there are no correct answers.

The program has its roots in informal tutoring sessions that Professor Lynda Butler led prior to the 1989-90 academic year. During the second semester of each year, she will work with a handful of first-year students whose participation in her guided review sessions was based on first semester exam performance.

Although the principal area of assistance was property, Butler also sought to teach valuable analytical and study skills which could be applied to all law courses. While Butler believes that the small group "help" sessions were effective, she and other faculty members recognized the importance of spotting "at risk" students earlier and giving them an opportunity for extra assistance during the first semester—before the pressured academic distress and possible forced withdrawal come into play.

Professor Susan Grover adds that the faculty felt responsible for the student attrition problem, specifically the loss of students who, in her view, had the potential to complete law school.

In Twitty’s words, Grover was instrumental in the establishment of a formal tutorial program.

Utilizing her extensive experience in drafting proposals, Grover drew up the proposal which was submitted to the State Council of Higher Education in January 1989. The Council, through its Virginia Student Retention Program, granted the request for tutorial dollars soon thereafter. It was at this point that Twitty was brought in to direct the program.

Butler maintains a limited responsibility for the current program in her role as faculty liaison. Although she does assist in the selection of the program’s teaching assistants, Butler stresses that the program is entirely "Twitty’s" to direct. According to Butler, Twitty, as an adj­unct faculty member, can administer the program yet still guarantee that participation is kept fully anonymous between fac­ulty and students.

Twitty believes that the Acad­emic Support Program has been successful in accomplishing its goal—"to successfully prepare students who, because of their academic or life backgrounds, desire formal assistance during the first semester transition period."

As an example of this success, Twitty points to the fact that no participant in the program has had to leave Marshall-Wythe for academic reasons.

Despite its obvious success, few students are aware of the Academic Support Program. Although Twitty said the program "as publicized as Tora," no member of the program is made in the Catalog or in any of the orientation materials received.

Assembly approves tuition hike

By JUDITH CORRIGAN

The College of William and Mary will probably raise tuition for the 1991-92 academic year, in an effort to deal with the loss of funds which were to have come from the Commonwealth of Virginia.

The General Assembly recently passed a measure authorizing William and Mary to raise tuition. Governor Wilder has not yet approved the bill.

Virginia’s fiscal woes have led to massive cuts in spending, including approximately $8 million, originally designated for William and Mary. According to Samuel Jones, director of plan­ning and budget for the College, this represents approximately 22 percent of all funds William and Mary expected to receive from the state for the 1991-92 year.

The College must find a way to make up for this shortfall, and an increase in cost to students has been suggested as a way of replacing some of the general funds which have been lost. However, the possibility of stu­dent fees rising seems unlikely.

"I would be very surprised if there is any increase in the fee at all," said Dean W. Samuel Sadler, Vice President for Student Affairs. Dean Sadler, who is responsible for the fees that support the Health Center, the Campus Center, and counsel­ing, indicated he did not request an increase in any of those amounts in his proposals for 1991-92. He said he is not sure if they will stay at their current level. Cur­rently the three fees total less than $300 per student, graduate and undergraduate alike.

Jones confirmed that he had asked those responsible to try to hold fees down. He explained that there are two tracks to be considered. "One is tuition. One is fees. One can go up a lot if the other one doesn’t go up any." The goal is keep the overall cost increase to each student within some sort of the orientation materials received.
Prof turns playwright: Smolla takes his act to Broadway

By KEVIN WALSH

He publishes, he teaches, he excels at all the interesting classes. Geez, he even played football at Yale! (Of course, any healthy 14-year-old could make the Yale football team.) What will he do next?

The answer to that question could come as early as next Fall.

Professor Rodney Smolla has written a play for Broadway, entitled Flynt and Brimstone, based on the Falwell v. Hustler First Amendment case. That case involved the publishing of an ad parody in Hustler magazine, which depicted Jerry Falwell’s “first time” in an outhouse with his mother. Smolla assisted in the preparation of an amicus curiae brief for the case, later using this experience to write Jerry Falwell v. Larry Flynt: The First Amendment On Trial, a fascinating account of the personalities, history and legal complexities behind the litigation.

In the book, Smolla writes “The case was once high moral drama and farcical passion play, a tragicomic mélange of bombastic lawyers, contemptuous wit­nesses, and scathing cross-examinations.” From this raw material, Smolla has fashioned his first play, Flynt and Brimstone. Smolla said he found the work exhilarating. “It was like any new intellectual enterprise. Like the first time you write a brief. The first time you try to write a book...It was a new intellectual experience and for that reason very, very enjoyable because it was so different from anything I’d tried to do before.”

Smolla is quick to point out the uncertain nature of any Broadway production, saying “These deals get made and dropped in two minutes.” Smolla says that there is a “30% to 50% likelihood” that the play will be produced in New York next year - “Next fall would be a natural time.”

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Parkway serial killer preys on young couples

Characterized as "shy and sociopathic with a phobia of women"

By NATALIE GUTTERMAN

There have been many vague rumblings throughout the Law School corridors about a serial murderer alleged to stalk courting couples along the Colonial Parkway. In such as pastoral location such as Williamsburg, it seems hard to believe that anyone could actually come to harm here.

In fact, police do believe that a string of murders, committed within the last five years near an otherwise serene 20 mile stretch of the Colonial Parkway, are the responsibility of the so-called Colonial Parkway Killer.

"There are a number of common characteristics that link all of the murders," says Campus Police Officer Sgt. Mark Johnson. "All of the victims were couples, all were college aged or near college age. None of the victims were robbed and none of the victims were believed to be sexually assaulted."

Often the victims were found in their automobiles, with the keys in the ignition and the radio playing. The still unsolved mysteries include:

- October 12, 1986: The body of William and Mary student Rebecca Ann Dowski, 21, is found, along with the body of Cathleen Marian Thomas, 27. One body is stuffed in the hatch and the other, in the back seat. Dowski's car was found down an 8 foot embankment, just east of Cheatham Annex. In addition to rope marks around their necks (indicating strangulation), each woman's throat had been slit. Both were fully clothed, but doused with diesel fuel. Several struck matches were found on the ground outside of the car. Nothing of value was taken and there were no signs of struggle.

- September 23, 1987: The bodies of David Knobling, 20, and Robin Edwards, 14, are pulled from the James River. Each has been shot once in the back of the head. Knobling's struck was found abandoned in the Ragged Island Wildlife Refuge with the driver's door ajar, keys in the ignition, radio playing, and clothes belonging to both in the cab.

- April 9, 1988: Two Christopher Newport College students, Richard Keith Call, 20, and Chrysandra Hailey, 18, are reported missing after Call's abandoned car is found on the Parkway near the Naval Weapons Station. 3 miles from the Dowski-Thomas crime scene. The car is unlocked, with the driver's side door open, keys in the ignition, and most of both students' clothes and jewelry in the back seat. Once again, nothing of value was stolen. The search for Call and Hailey continues today. During an April 16 search along the Parkway, police found the body of an unidentified man in the James River. 2 1/2 miles from where Call's car was abandoned.

- October 19, 1989: The bodies of David Lauer, 21, and Anna Marie Phelps, 18, are found in a wooded rest stop area near I-64 in New Kent County. While the location is not on the Parkway, the situations were very similar. Lauer's car was found abandoned in the rest area parking lot with the keys in the ignition, the radio playing, and Phelps' purse on the front seat. Nothing was stolen.

In addition to these four cases, there have been two other similar crimes within 20 miles of the Parkway:

- December 1987: the body of Brian Pettinger, 25, was found in the James River with the hands, feet, and neck tied. His abandoned car was found in a Newport News shopping center parking lot.

- April 1988: Laurie Powell, 19, was also pulled from the James River several months after her disappearance.

Because the crimes occurred on federal property, the FBI has primary jurisdiction over most of the cases. Last year a Federal-State Task force was formed to beef-up the overall investigative effort.

From the first incident in 1986 until fairly recently, the FBI refused to link the four incidents of couples being murdered (or disappearing in the Call-Hailey case). Finally in June 1990, the FBI acknowledged that there may be some connection after the Behavioral Sciences Unit at Quantico and the National Center for the Analysis of Violent Crime concluded that a single perpetrator (or group of perpetrators) could be responsible for all the incidents. The on-going investigation is now being conducted with a view of the incidents as serial killings.

In four of the cases, young couples in Lover's Lane areas were murdered with no theft and no signs of struggle in evidence. This has led the FBI to develop a profile of the serial murderer as shy and sociopathic with a phobia of women, which causes his resentment of dating couples.

FBI officers say it is very possible that the perpetrator is posing as a police officer or a park ranger, typical behavior of a serial killer. In fact, just after the first incident there were several reports of an unmarked car posing as a park ranger attempting to pull women over on the Parkway. This may explain why there have been no signs of struggle.

In the past it wasn't uncommon for student couples to pull over at night on the parkway to enjoy the view of the James River and spend time together. "Obviously, we strongly recommend that students refrain from pulling over on the Parkway after dark," says Sgt. Johnson.

However, Sgt. Johnson also emphasized that it is possible that some of the couples were murdered near-by, but not actually on, the Parkway. Therefore, "We ask that students exercise common sense and refrain from parking in isolated spots both on and off the Parkway," says Johnson.

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Honor council proposes dramatic revision of Code

Students to vote on April 2

By PETER LIASKOS

"The Honor Code as it exists now is a nice policy statement, with nice philosophy, but it is not a workable document," said Associate Justice Steve Gerber at the March 13th public hearing on proposed changes to the Code. According to Chief Justice Mike Flannery, the purpose of the hearing was to elicit commentary from the student body on a significant number of substantial changes being proposed by the current Judicial Council.

Last semester's amendment to the SBA constitution empowered the Honor Council with the authority to propose alterations to the Marshall-Wythe Honor Code. Under the amendment, proposed changes are put on the SBA ballot if they receive a majority vote from the justices of the Judicial Council.

Reformations are adopted, however, only if a quorum of at least 50% of the student population participates in the referendum and two-thirds of the participating students vote in favor of the proposals. The Judicial Council expects to put the proposed Honor Code revisions on the ballot with the SBA's officers election on April 2, 1991.

Flannery commented that, "the prospect of a simple 'yes or no' vote is frightening, given all of the time, work and effort that the council has given to developing the proposals." Flannery and Gerber both expressed concern over the poor student turnout at the public hearing. With only four students attending, three of whom were present in a newspaper capacity, the hearing became more of a press conference than a public meeting.

The only input from the student body came from 2L SBA representative Richard Brooks, who asked that the council accept a proposal which would mandate the maintenance of Honor Council trial transcripts. Brooks stated that an accused student should have the right to access past Judicial Council decisions to assist in case preparation. "The names of the participating students could be deleted from the record and access to the records could be limited to the accused in order to satisfy confidentiality requirements," explained Brooks.

Brooks asserted that the required maintenance of such a record would force continuity in Honor Council decisions. "We owe it to the accused students to avoid inconsistency. It would be unfair if a student was found guilty of violating the Code, when another student had been acquitted the year before for committing the same act," argued Brooks.

Gerber responded that, "the concept of a common law of precedent for Judicial Council decisions has been tossed around before." Associate Justice Tom Cody noted that the Council was concerned with "confidentiality problems." Cody and Gerber also expressed reservations about binding one generation of law students to the value decisions made by previous generations. Flannery said, "we will consider the proposal at our meetings." Gerber later commented that the proposal was "an interesting and important idea that merits further discussion."

After hearing Brooks' presentation, the Council announced the intended proposals. The Council noted, however, that the specific language of the proposals, along with a brief explanatory synopsis, will be distributed to the student body.

The proposed changes are as follows:

**Binding effect of the code on faculty**

The Council has not yet set forth a definitive proposal that deals with the issue of the faculty's role in the administration of the Honor Code. A meeting is scheduled with the Faculty Advisory Committee this week to discuss this matter in depth. The general feeling of the Judicial Council was that the faculty does have some responsibility to comply with the Honor Code's administrative requirements.

Current Code:

The issue of whether the faculty is bound by the Honor Code is not specifically addressed. The wording of the code, however, suggests a broad interpretation: "Any person who believes an honor violation has occurred must follow the honor code guidelines." Discussion and rationale:

According to Erickson the words "any person" seem to include faculty members. Erickson noted, however, that "although we feel that they [the faculty] are bound, we have no idea of what they think." Gerber stated that it was essential that the Council meet with the faculty before adopting language that the faculty might not agree to.

Cody commented that the Council was concerned not only with whether the faculty felt bound by the Code, but also with how the faculty interpreted their duties under it, for example, whether they will have to meet the confrontation requirement. Flannery expressed the opinion that the Council will probably compose language addressing the faculty's role and obligations under the Code by the time the proposals go on the ballot.

**Potential issues**

1. Are the members of the faculty bound by the Honor Code?

Are students who lie, cheat or steal?

2. Does a professor have a right to fail a student for cheating, after the student has been acquitted by the Judicial Council?

3. Are professors required to utilize the same procedures as students in bringing charges?

4. If faculty members are bound by the Code, what sanctions, if any, can be levied against them for failure to follow Code's administrative requirements?

**Composition of Council**

Proposed revisions:

- Expand the number of justices to 13 members (possibly 15). Require that seven justices be from the third year class and the remaining six justices be from the second year class.

- The number of investigators and associate justices must be increased from two to three. Investigators and prosecutors are associate justices appointed by the Chief Justice when a case arises. The positions are permanent and the justices filling the roles may change with every case.

Current Code:

The number of justices is set at nine, with six being from the third year class and the remaining three from the second year class.

Current and SBA constitution:

There are nine justices, with no requirements regarding class years. Currently, one investigator and one prosecutor are appointed for every case. In order to implement this proposal, an amendment must be made to the SBA constitution which currently requires nine justices.

Discussion and rationale:

According to Erickson, "There is too much work to be done when a trial comes around. The work can be done better by a larger council." Flannery stated that, "the interests of justice will be better served by a larger panel."

Erickson commented on a problem with the possibility of justices who arise largely from the fact that prosecutors, investigators and justices who sit on the probable cause hearing panel are precluded from adjudicating the final trial proceeding.

Additionally, Honor Code charges are usually brought during or after exams, and the accused student is frequently absent from class. The required time to prepare, examine, and present evidence, in the absence of the accused student, may be too great for the Judicial Council to proceed.

Under the current code, the Judicial Council has jurisdiction over students whenever they act as, or hold themselves out as, Marshall-Wythe students. In addition, it will establish the procedural requirement of a preliminary administrative hearing to determine whether the Judicial Council has jurisdiction and whether the matter it questions rises above the level of triviality.

Current Code:

Under the current code, the Judicial Council has jurisdiction over all Marshall-Wythe students, may "in appropriate cases, delegate reviews to judicially independent persons or to other bodies in order to provide professional, disinterested, and impartial reviews of the nature and substance of the investigation and of the proposed charges."

Role of the Accuser

Proposed revision:

An accuser who thinks or believes that an honor code violation has occurred, must:

- investigate the circumstances and refer to the Honor Code to determine if a breach has occurred;

- personally confront the person that the accuser thinks has violated the Code; and

- in every case, draft and submit a written charge stating the violation with specificity.

Current Code:

Accusers are not currently required to engage in an adversary investigation of the alleged violation. Nor are accusers consistently required to define the charges and reduce them to writing. The requirement of "confrontation" with the accused is not clearly stated.

Discussion and rationale:

"A heavy burden is placed on the accuser, but that is as it should be," declared Gerber. "This clarification will provide guidance for those students who are trying to decide whether a violation has occurred," stated Flannery. "It will at least make students conduct a preliminary investigation before bringing charges," said Erickson. Gerber noted that the heavy burden on the accuser is consistent with the spirit and philosophy of the Honor Code.

Flannery stressed the fact that the confrontation requirement was an important one in order to ensure that the accused is not surprised.

According to the Chief Justice, the accused must be given that initial chance to explain before being charged.

Flannery stated that the requirement of the charge will serve as an important mechanism for defining the scope of the trial at the very beginning of the process. Flannery also implied that the written requirement, along with the confrontation requirement, would serve to discourage frivolous or trivial charges.

**Jurisdiction**

Proposed revision:

The proposed revision will modify any clarifying language of the Honor Code in order to limit the jurisdiction of the Judicial Council over students whenever they act as, or hold themselves out as, Marshall-Wythe students. In addition, it will establish the procedural requirement of a preliminary administrative hearing to determine whether the Judicial Council has jurisdiction and whether the matter it questions rises above the level of triviality.
Due process: the phases of an honor code proceeding

1. Alleged violation

2. Accusor investigates situation and circumstances.

3. Accusor confronts accused.

4. Accusor writes formal charges if not satisfied with accused's explanation.

5. Accused and accusor go to the chief justice, who accepts the charges.

6. Chief justice presents the charges to the entire council for closed jurisdictional hearing. (The quorum is a majority, and one-third of the justices present must agree that the case should proceed.)

7. If the council finds it has jurisdiction, the chief justice appoints two investigators to find facts.

8. The investigators report their findings to a 3-person probable cause committee.

9. If the committee finds that probable cause exists, the chief justice appoints two prosecutors. The accused is allowed to have two students serve as defense counsel and may have one person sit as an observer.

10. The case is presented to a minimum of five justices, with the chief justice presiding over procedural and evidentiary matters, but not voting as to the guilt or innocence of the accused.

11. If the accused is found guilty, a sanctions hearing is held within 48 hours of the guilt phase of the trial. The same justices sit on this phase of the trial. The accused must show "extraordinary circumstances" to avoid expulsion.

12. The Judicial Council submits its factual rulings and sanction recommendations to the Dean of the Law School. The Dean renders a decision consistent with the Judicial Council's recommendations, unless unusual circumstances are present.
Grades for Legal Skills?
An idea whose time will never come . . .

John V. Edwards

Grading Legal Skills? What will they think of next?
Once on, people’s let’s get real. Grades are individu­alizing. In the context of what is said about grades not mattering in ten years (for one am a firm believer that they will not), they do matter in the short term. Whenever faculty or students begin to discuss changing a pass/fail/honors course to a graded course, one has to examine the proposition carefully. After examining this proposition carefully, I for one believe that Marshall-Wythe should not change Legal Skills to a graded course.

Grades reflect one’s performance in a course, period. They do not measure skill or intelligence, only one’s performance on the tests, papers or other subjects of grading. In Legal Skills, the student’s performance depends upon a number of these “other subjects” which in turn depend upon factors completely outside the power of the individual being graded. It would be unfair to students to either penalize or reward an individual because of a hapless or fortuitous combination of these other factors which have the potential of completely overshadowing one’s own skill and performance.

An individual must deal with one to three other associates in the firm. The litany of potential problems from this source is nearly endless. Name partners have no way to truly tell which student did what work and how well that student did it. One associate may have done all the research and may have done a decent job, while another did the writing and did a lousy job.

The opposite may have occurred. The overall project may be terrible, despite the outstanding efforts put forth by the one individual. The overall project may be fantastic, despite the appalling lack of effort put forth by one associate. Finally, the overall project may be fantastic, but the efforts of one associate, although worthy of recognition, may be overshadowed by the performance of another.

A student also must deal with one to three other associates in another firm. The catalog of conceivable difficulties from this source is also virtually limitless. A student facing opponents who do not care, who miss deadlines or refuse to cooperate can try all he/she wants, but the performance will appear pale, especially when compared to sets of opponents who both are actively involved in the Legal Skills endeavor. Further, the brilliant offense or defense the student prepared is most likely lost or unused when his/her opponents crumble under a fog.

Additionally, a student must deal with witnesses and clients. The register of plausible complications from this source is almost infinite. No matter how prepared the student is, frustrating encounters with clients who fail to play their roles, do the very minimum to get by, or altogether fail to show up or respond to communications reduce the student’s ability, and motivation, to do a good job.

Again, the student’s performance will pale when compared to the student lucky enough to have a client or witness who goes the extra mile.

Finally, the student does not work in anonymity in Legal Skills as in other law school courses, yet the argument for anonymity in grading Legal Skills would be the same. If not stronger, than the argument for anonymity in grading other courses. Numerous name partners would be grading small groups of individuals on sometimes very subjective criteria. Consistency could not be attained by requiring the name partner to give a certain number of A’s, B’s, etc. One partner’s associates may all be outstanding, but one of them would have to get the required B- or C. Another group of associates may all be mediocre, yet one would have to receive the required A- or A.

I respectfully disagree with these rationales. I at­tribute a lack of control to the structure of the Legal Skills course simply is not conducive to individual grades. Name partners should not grade on the overall performance in the course, nor should they grade solely on the sections of the course done on an individual basis. Grading only on sections of the course which are done individually violates the tenet that one’s performance should be judged in its totality.

Regrettable as it may seem, individual students take Legal Skills in very different lights. The course is vital to the success of the student in the work force. Overall, I believe the course as structured is better at preparing the student for life in the real world than individual courses in legal research, writing, and the like. I have no problem with that. Give me an opportunity to explain what I would do differently with Legal Skills and I would write volumes. One thing I will not endorse is changing Legal Skills, in its present two-year form, from a pass/fail/ honors to a graded course.

John Edwards is a second-year student who received his Bachelor’s degree in Political Science and his Master’s in Public Administration from the University of Nebraska at Omaha.

Without real grades, Legal Skills can’t achieve its goals

Keith Finch

I remember visiting a professor’s office to look at my exam after the first semester of my first year of law school. As I reviewed my neatly-written, well-organized paragraphs, I wondered what I could possibly have done wrong. Then I began flipping through the three tattered blue books labelled “high grade.” There I found the answer to my question—a collection of illegible black scribbles without form or organization, tied together with arrows and asterisks and consisting largely of cryptic abbreviations. Stunned, I finally realized that one’s writing ability has absolutely nothing to do with one’s success on law school exams. Grammar does not matter. Spelling does not matter. Introductions, transitions, and conclusions do not matter. I knew, of course, that exams were supposed to measure my knowledge of law and not my ability to write. I’d nevertheless assumed that professors would expect us to write coherent paragraphs, with complete sentences, in English. “The high grade” exam in my class looked like it had been written in Sanskrit.

Every student at Marshall-Wythe nonetheless takes one class in which writing ability does matter: the comprehensive, nationally recognized two-year clinical simulation course called “Legal Skills.” The program attempts to take up where traditional law classes leave off by teaching us to write, to research, to argue, and to perform many of the other tasks that real lawyers do.

Unfortunately, no matter how hard we work our Legal Skills grades will never affect our grade point averages. Because most of us take three, four, or five “real” courses in addition to Legal Skills, we often have difficulty finding time to complete our Legal Skills assignments.

Consequently, many students ignore their Legal Skills work. Students who spend weeks developing intricate course outlines will nevertheless sluplodge their Legal Skills memos in the last few hours before the deadline. Students skip Legal Skills large section meetings with impunity, even though they may attend their substantive courses religiously. Indeed, the law school’s competitive atmosphere makes it tempting for Legal Skills assignments to seem like a mark of true diligence. To be a real “study drone” a student must force herself to abandon friends, television, sports, novels, alcohol, and all other pursuits which do not tend directly to augment her grade point average. From this perspective, a Legal Skills assignment is a nuisance. Students who do try to produce a good work product for Legal Skills grow used to hearing their classmates chide them with exclamation marks like, “Why on earth are you working so hard? It’s only Legal Skills!”

I recently asked Professor John Levy why students do not receive grades for their Legal Skills work. He gave me three reasons, explaining that the belief (1) grading might impair the collegial relationships between students and their professors, (2) the work students perform in Legal Skills is not of a sort which easily could be evaluated on an individual basis, and (3) the professor is, in fact, better off not grading. None of these three reasons, however, is convincing.

First, the student’s performance is not of a sort which easily could be graded. To the contrary, the student’s work product must be evaluated on a subjective basis. Legal Skills is not of a sort which easily could be graded, and I would write some flunked.

Second, the student’s performance is not of a sort which easily could be evaluated on an individual basis. The course is vital to the success of the student in the work force. Overall, I believe the course as structured is better at preparing the student for life in the real world than individual courses in legal research, writing, and the like. I have no problem with that. Give me an opportunity to explain what I would do differently with Legal Skills and I would write volumes. One thing I will not endorse is changing Legal Skills, in its present two-year form, from a pass/fail/honors to a graded course.

Third, the professor is, in fact, better off not grading. Grade inflation is not of a sort which easily could be avoided.
A society that accepts alcohol should legalize marijuana

Kevin Kroner

On January 15, 1991 this country began a war against the nation of Iraq. By March, we were marching up. In January 1980, the Drug War began. It was a war on drugs, with the appointment of William Bennett as "Drug Czar." Over two years later, the Drug War seems more like an Iraqi SCUD attack—much noise, much fear, random destruction, and overall ineffectiveness. Has it occurred to anyone that we might want to rethink our priorities? The most profound evidence that our country has misplaced its priorities on this issue is that fact that marijuana is illegal while alcohol is not.

Possession of enough marijuana for anything more than 3-4 joints is a Class 5 felony in the Commonwealth of Virginia. Technically, there is no limit on the amount of alcohol that I can purchase at my local Farm Fresh. Our laws are a reflection of our values and priorities. Laws are also a reflection of the degree of knowledge our society possesses. A stranger to our land might think that marijuana must be far more dangerous and less useful drug than alcohol. Why else would laws reflect such a difference in the way the two substances are treated?

The reason is that alcohol has been an integral part of our culture since the beginning of recorded history. The West did not turn to Cannabis until Napoleon decided that Egypt would be a great place for a war. When the student body will resist the proposed campus center, I feel compeJJed to speak out against the movement, I feel compelled to speak out against the de­struction of copies of the Remnant at the law school.

Appropriately, the individual to whom I refer believes opposition to affirmative action and abortion is enough to label an individual, or a publication, a racist and sexist. Quite simply, speaking out against the movement is speaking out against racism and drug abuse. I have heard enough rhetoric and misinformation to last a lifetime. I have changed from a staunch supporter of prohibition of all drugs to a firm believer in decriminalization.

A fellow student once made the point that the widespread impact of drugs on our society is inexcusable. How many problems on our hands if marijuana were decriminalized. The problem with that argument is that it assumes that drugs are the problem; absent these horrible substances, we would all live in peace and harmony. People use and abuse drugs for reasons. If we take one drug away, another drug will substitute. All of my work in the mental health field, no single fact has become more clear to me.

The most common propaganda argument I have heard over the years is that drug use is not victimless because this people go out and drive our airplanes. Why hasn't anyone used the same logic with alcohol? No one would dare advocate prohibition in order to eliminate the risk of drunk drivers in the workplace because we realize we can set limits on acceptable behavior.

Unfortunately, it is far easier for us to throw money at plant (or powder or liquid) than it is to take a good, hard look in the mirror to see what needs changing. The problem with keeping marijuana illegal is that it does not, in any way, limit drug abuse in our society. The only effect that the status quo has is to teach our young people that laws do not always have to reflect reality.

The Reformation is considered to be a rejection of the idea that one can only interact with God through a church approved priest. I think that we are in need of a medical reform: a rejection of the idea that one can only interact with one's own body after consulting a state approved doctor. The right to self-medication — what a concept!

Kevin Kroner is a first-year student with a B.S. in Clinical Psychology and a minor in Philosophy from Vanderbilt. Before coming to law school he worked as a substance abuse counselor with adolescents.
Three percent budget freeze

The Board of Student Affairs (BSA) has placed a 3% freeze on its funds, according to a memo to the SBA from Dean Ken Smith, Assistant Vice President of Student Affairs. Smith said the freeze was needed to avoid a budget deficit, in anticipation of the BSA funding meeting Monday, March 18.

BSA money is made up of student activities fees, which are $90 per student per year. Some funding also comes from vending machine contracts. The BSA decided on the freeze because of delays in the contract monies, according to Smith.

Smith said he anticipates the freeze will be temporary, and that the BSA will lift the freeze as soon as the money comes in.

Each spring, the BSA allocates its funds among student groups that present budget requests.

-Fordham moot court team competes

Marshall-Wythe made a strong showing in the Fordham University Moot Court Tournament two weekends ago. Wesley Rice and Dan Kelly advanced to the final four while Chris Cashen and Manny Arin competed in the quarter-finals.

The two issues argued involved the application of U.S. securities laws to a foreign transaction involving an American defendant and the extent of Securities and Exchange Commission rulemaking powers.

Twenty-seven teams competed in two preliminary rounds and 16 teams advanced to the single elimination tournament. Dan and Wes defeated Albany and St. John’s to move into the semi-finals where they were eliminated by eventual runner-up Emory. Manny and Chris were eliminated by eventual champion Duke, arguably making them the second best team in the competition.

Manny nobly switched teams when Chris’s original two partners defected, putting Chris and Manny at a considerable disadvantage. Their brief was “thrown together” at the last minute and may have hampered their progress because the quality of the brief factored into the total score.

The teams noted that, as they advanced, the panels were more familiar with the case and the questions got tougher. Judges in the later rounds included a District Court Judge, an SEC arbitrator and one of the writers of the problem. The final round was judged by Justice Antonin Scalia and a Circuit Court Judge.

Wesley Rice said his first trip to New York was rather uneventful despite a bold late night expedition into Times Square with Dan. It is rumored that Wes is considering forgoing his legal career to become a New York cab driver so he can get paid for driving like “Daring” Dan Kelly and using “the foulest language I’ve ever heard.”

-PAD workshop held, activities planned

The Spong Moot Court Tournament was not the only activity keeping students busy on Saturday, February 23. Phi Alpha Delta (PAD) members met here at the law school with District Justice Annette Wenc, an attorney with the Association of Trial Lawyers of America in Washington, D.C., for an afternoon workshop.

During the workshop, PAD members discussed the projects completed this school year and made plans for next year. This year has been a rebuilding year for PAD and thanks to the hard work of several dedicated students, a lot of behind-the-scenes tasks have been completed to lay the foundation for some great programs for next year.

The activities discussed during the workshop with which the group has decided to proceed include getting the PAD Book Exchange running in full swing, starting a law related education program, and head up a Toys for Tots campaign again next Christmas. Other projects may be planned if time and energy permit.

The PAD Book Exchange operated on a limited scale this semester, but PAD currently is in the process of eliminating old, out-of-date books to make room for new ones. With the newer books, the Book Exchange will be in full operation in the fall. PAD will soon be providing students with information about how to sell books through the Book Exchange. Even if you are graduating, PAD can take your books on consignment and forward to you next year any sale proceeds or your unsold books.

For the law related education program, which is a program that is in place in many PAD chapters across the country, PAD here at Marshall-Wythe has joined forces with the Student Division of the Institute of Bill of Rights Law. PAD members and interested members of the Institute of Bill of Rights Law will go into area schools in the fall to discuss constitutional issues with the students.

The final project that is a “go” for PAD in the 1991-92 school year is the Toys for Tots Christmas campaign. PAD already has been contacted by the local Colonial Capital Kiwanis group to continue our joint efforts here at the law school for next year.

Thanks to the generosity of Marshall-Wythe students and faculty, and to the assistance of faculty members in granting immunity from class participation for those students who brought toys to class to be donated, over 250 toys were collected here at the law school. PAD thanks you, Colonial Capital Kiwanis thank you, and I am sure the children thank you.

PAD, remembering that you can’t have all work and no play, also has had various social activities. PAD informed George Ledort organized the H.Y. L.H. and 3:1 softball game at the beginning of the year as well as the CrabFest in October. There also was a patio social in the fall for students interested in joining PAD, and the last regular PAD meeting was held at Bob Dickinson’s (1L) house where we had a cookout in spite of the rain and freezing temperatures. Finally, if schedules will permit, PAD is attempting to organize a spring event at The Cajun. If the plans can be worked out, you definitely will receive information.

-PAD has many great ideas for both service and social activities. What is needed now are more hands to help carry out the plans. If you might be interested in joining, please contact any of the following members: Kate Atkins (2L), Bill Cronenberg (2L), Bob Dickinson (1L), Lisa Lawrence (2L), Mike McVicker (1L), Debbi Rauhauheimer (2L), Sandy Rizzo (2L), Vivian Seay (3L), Will Stycos (2L), or Kathleen Webber (2L).

There will be no time commitment this spring, and for the remainder of your law school career, you can devote as little or as much time as you want. You can even get involved sporadically — every now and then as you have the time or are particularly interested in a specific project. You will be hearing more about PAD; we very much hope to hear from you!!!

-Vivian Seay

New Speaker’s Committee sets goals

The newly created Speaker’s Committee held their first meeting two weeks ago and set a goal of attracting approximately five speakers per school year. Potential speakers include figures such as Attorney General Mary Sue Terry and Senator Charles Robb. Not all the speakers will necessarily speak about subjects directly related to ongoing legal developments; some speakers may be invited to discuss matters of political and social importance. The people invited to speak could range from politicians to civil rights activists to military leaders.

The speaker’s forum was initiated by the independent actions of Dean Sullivan and S.B.A. President David Boies and it will receive funding from the law school in order to help pay the speaker’s travel expenses. Currently there is no funding to provide honoraria for the speakers, but S.B.A. President David Boies hopes to encourage alumni contributions to make the payment of honoraria possible.

The faculty sponsor for the speaker’s forum is Professor Douglas. Professor Douglas intends for the students to have a large input into the operation of the forum. The speaker’s forum has three members from each of the law school classes. Current committee members include Brian Golden, Elizabeth Dopp, Joan Ziglar, Rod Barbour, Dee Cohen and Bob Dickinson.

Professor Douglas emphasizes that student involvement may be crucial to the success of the speaker’s forum. Because the forum can not presently offer honoraria to the speakers, Professor Douglas hopes that students who personally know famous public figures will persuade them to visit.

Any students who know someone that they think should visit the law school should inform either Professor Douglas or one of the student forum members.

Professor Douglas intends to encourage media coverage for the speakers’ visits. It is hoped that the media attention will help to attract more speakers.

—Tom Love

Ethics exam scheduling explained

In response to student concerns about the scheduling of this year’s ethics exam for second-year students, Professor Jim Moliterno explained that the timing of the exam was an administrative decision and not any date within the proposed exam schedule was considered fair game. Last year’s exam schedule included an option for an alternative (earlier) date, an option exercised by about 20 students. He said that even with the choice there were complaints about the “unfairness” of the schedule, so the option was discontinued for this year. Because of the controversy, the test groups’ scores were evaluated separately, but the average score and the distribution were nearly identical.

—Greg Brunnett
Museum director to speak
Barrie showed controversial Mapplethorpe art, then beat obscenity charges

Dennis Barrie, Director of the Cincinnati Contemporary Arts Center, who last year became the first museum director in American history to face criminal obscenity charges, will visit the College of William and Mary to accept this year's Cheek Award. The College gives the award annually to recognize an individual's "outstanding presentation of the Arts."

Merry Higgs of the Muscarelle Museum cited Barrie's "steadfast and leading role in defending the freedom of expression in the arts in the controversial Mapplethorpe case" as well as his efforts to further the cause of art through his exhibitions, acquisitions and programs as a museum director as factors leading to his selection for the honor.

Last spring, Mr. Barrie and the Cincinnati museum faced obscenity charges for exhibiting the works of the late gay artist Robert Mapplethorpe. Some of Mapplethorpe's works depicted homosexual acts and naked children.

After two weeks of trial, the jury deliberated only two hours before acquitting both Barrie and the museum.

Following his trial, Barrie stated that "for the short term this is certainly going to be a part of the consciousness of the museum world, it will affect everything." He added that "the next few years could be hell for all of us, and we may hurt a lot of cultural institutions that we have come to care about. And once they're damaged, they'll take a long time to repair."

Barrie has been director of the Cincinnati Contemporary Arts Center for eight years. His innovative programming at the Arts Center has included exhibitions of the works by many young artists. He was previously Midwest area director of the Archives of American Art at the Smithsonian Institution. Barrie received an M.A. from Oberlin College in 1970 and a Ph.D. in American Cultural History from Wayne State University in 1983.

The annual award is funded by an endowment established in 1986 at the College of William and Mary by Leslie Cheek, Jr. to recognize an individual for his or her "outstanding presentation of the Arts." This award is given in honor of the achievements of Cheek at the College of William and Mary from 1935 to 1959.

Cheek organized the College's art department, one of the first at a Southern university. During Cheek's tenure exhibitions were organized bringing to the College the works of prominent artists such as Frank Lloyd Wright and Georgia O'Keefe.

The recipient of the Cheek award is selected by a jury of three William and Mary faculty: the Director of the Muscarelle Museum of Art, and the Chairs of the Fine Arts and Theater Departments. Any U.S. citizen is eligible to receive the award.

Barrie will receive the Cheek Award on April 9, at 7:30 p.m. in Andrews Hall auditorium. The event will include a talk and slide/video presentation by Barrie followed by an informal question and answer period. A reception will follow at the Muscarelle Museum of Art. The event is free and the public is encouraged to attend. Interested individuals should call the Muscarelle Museum at 221-2700.

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10% OFF WITH THIS AD
Libel Night: an evening of reckless disregard

By PAIGE BUDD

The SBA's 20th annual Libel Night was held in the Campus Center Ballroom in front of a full house. Skits included "Wayne's World," "The Wizard of Oz," (complete with legal skills munchkins, a brainless professor and Dorothy's dog "tort-o"), and Moliterno as host of the game show "Legal Jeopardy."

Greg Schwind and Brian Golden received special applause for their portrayals of Neal Devins and Professor Fisher. Both were entertaining and (nearly) perfect imitations. Some members of the audience forgot where they were for a moment or two.

Rustin Polk and Lance High brought up the rear of this distinguished procession of talent.

Faculty members in attendance included Dean Timothy Sullivan, Professors Susan Grover and Dick Williamson, Dean Faye Shealy, and Dean Robert Kaplan.

Claudia Del Gross and Jesse Erwin sang a medley of Sonny and Cher tunes at the dinner-date auction.

Rich and Jimmy were the most excellent hosts of Libel Night's "Wayne's World," in which Bob Dylan and Neal Devins discussed the constitutional implications of numerous song lyrics.

Ken Golksi makes a desperate attempt to solicit a bid for his bod at the dinner-date auction. Ken was purchased by his sister.

Brian Golden (Professor Fischer) navigated the audience through the nuances of intestacy law at last Thursday's Libel Night.
Ask Miss Demeanor

Hello again Happy Students! Before answering all of your delightful questions on law school etiquette, let me first extend warm congratulations to two Happy Students who are especially happy as this issue goes to press.

Best wishes to second year students Stephanie Rever and Michael Chu who announced their engagement Wednesday, March 13th. Displaying a simply wonderful sense of romance, Michael walked his beloved through the gentle rain to the very weeping willow where they shared their first kiss and asked for her hand in marriage. Stephanie accepted Michael’s proposal and the elated young students have begun the blissful task of planning their matrimonial union.

After a quiet moment alone beneath the boughs of their very special tree, the lovely couple proceeded to the Green Leaf Café, where they were awaited by a joyous host of friends voicing heartfelt congratulations and sharing in the celebration.

Michael and Stephanie enjoy true love and devotion for each other and I would like to personally extend my wishes for many years of happiness for the handsome couple.

On the tail of that wonderful news, let us take a peek into this week’s mail bag:

Dear Miss Demeanor,

Although this may not be a strictly etiquette question, there is a problem occurring here at Marshall-Wythe that I feel only you can address. Many of us use the refrigerator in the lounge to store our lunches and/or leftovers to be warmed up during class hours. The refrigerator is in the lounge to be used for this purpose. Many times particular items or even entire packages are found missing.

Some of us have no choice but to store our food here and few of us can afford the expense of going hungry ourselves. Would you please print my letter and respond to it if possible? Thank You.

Signed “Constantly Cookieless”

Dear “C.C.”,

I most certainly will print your letter and I might add that I am severely miffed! I believe you state the problem eloquently (except, of course, for “found missing”) and frankly I am appalled at the behavior of some of the derelict elements here in the halls among us. Scouring food! I think those of you responsible for such reprehensible treatment of your fellow students should be ashamed.

To think that you care so little for those around you that you find it convenient to pilfer your Girl Scout cookies or left over dim sum, rather than purchase your own, makes me see red. I can only imagine how many of your bathroom towels have “Holiday Inn” emblazoned across them.

To all you perpetrators: Although you may consider these little acts of “borrowing” innocent, they are violations of honor and you simply should not be allowed to practice law. And if I had my way, I’d have you all spanked.

Dear Miss Demeanor,

As a first year law student, I spend many hours in the computer lab. My tender ears are constantly subjected to a stream of abusive and foul language emanating from upperclassmen using the vendamats system. How might I approach these students and request that they be more considerate of my sensibilities?

Signed “Virgin Earls”

Dear “Virgin,”

I know how difficult it can be to endure some of the linguistic tirades that high tech machinery can elicit from Happy Students. I myself have been guilty of the occasional “Darn” or “Fuddledog” when confronted with the obstinance of the law school printers.

Although I certainly do not endorse the use of foul language—under any circumstances—I must also sympathize with the unhappy Students’ plight. Possibly if the administration were to realize that what they may be saving in toner is being lost on atrocious manners and stress visits to the health center this situation could be rectified.

Until then, however, I would suggest you purchase a set of earplugs. And whatever you do, don’t even think about approaching a student in the throws of vendamat meltdowns; it could prove a serious detriment to your health.

Dear Miss Demeanor,

What should you do if you’ve invited all of your friends to a surprise engagement party before you ask the question and while they’re all waiting there at the restaurant she says “No”?

Signed “Just Wondering”

Dear Mike,

Sorry I got your letter so late. Best Wishes,

Miss Demeanor.

All letters for Miss Demeanor should be placed in George Leedom’s hanging file. He’ll make certain she gets them.

Letters can be anonymous and will remain that way unless Miss Demeanor figures out who you are.

Muskrat meat makes mouths water in Williamsburg

In an effort to enhance the cultural bonds between students and the good townfolk of Williamsburg, the Editors of the Amicus Curiae are reprinting the following article, originally run in the February 6, 1991 edition of the local Virginia Gazette.

Reprinted with the permission of Nathaniel Axtell.

When the Captain and Ten­nille first sang “Muskrat Love” in 1976, they weren’t performing an ode to something scrump­tious. Or were they? Considered a pungent rodent by most people, the muskrat has become popular dinner fare among local connoisseurs. Just ask Sue Nickerson, who runs Nick’s Seafood Market at the Williamsburg Farmers Market on Lafayette Street.

“Everybody eats muskrat,” Nickerson insists. “He eats muskrat, I eat muskrat.” She was pointing at a customer who was eating a hearty retreat, shaking his head. “I don’t eat it!” he exclaimed. “You eat it?”

Somebody must eat muskrat, because Nickerson sold all eight muskrats in stock by noon Monday. The previous Saturday, her “Fresh Muskrat Meat” sign lured even more customers.

Nickerson’s husband even makes muskrat runs from their home in Gloucester, transporting fresh ones from a Gloucester trapper to the couple’s fish truck. The cost is $3 for one 10-inch, which Nickerson admits is “not cheap meat to eat.” Most people buy two at a time, she said. As for tastes, muskrat reminds Nickerson of rabbit. “If you don’t like it, don’t blame me,” she warned. Edward Drula, who has a produce display at the farmers market, said he tried muskrat once and it reminded him of squirrel meat.

“Years ago, they used to ship them to Baltimore by the damn truckload,” Drula said. “In Ohio, you can buy them in a restaurant, all you want.” So what goes well with muskrat? “Everything,” he explained. “The males bite the females and put holes in them. Messes up their pelts, so the trappers don’t want them.

Collect them all! This week: band-beat idols of William and Mary!

More clip ‘n’ save Marshall-Wythe trading cards

Petey and Mike

Kelly

Brian

Davey
by incoming first-years. While one administration official said that uncertainty about future funding has prevented including a description of the program in application materials, the program is on a two-year funding cycle and the money was in place prior to the publication of last year's catalog.

Professor Butler said she would like to see the program expanded to offer help to more students, but doubts any state money will be available for this purpose in light of Virginia's current budget problems. As a result of these budgetary concerns, Professor Grover is attempting to solicit funding from alternative sources, including private corporations and foundations.

Despite the budget crunch, money is in place for the 1991-92 academic year. First-year students who feel they should be a part of the support program may contact Professor Twitty at 1-786-5351. At present, the Administration has no plans to directly inform all incoming first-years of the program.

DESK, from page 2

many students came to just such a conclusion.

In the meantime, the area designated to serve as additional parking during the dorm construction has been leveled. Of course, it has also been fenced off, and appears to provide a convenient parking area for heavy equipment. All the while, students scramble for curbside parking in the residential neighborhoods (to the dismay of our neighbors, who have already complained to the Virginia Gazette) with the hope of reaching classes merely fashionably late. One student has said that she will soon find a parking support group, and is seeking new members. And we wonder why so many people have nothing but contempt for lawyers?
Looking for something to do in the 'burg this Spring?

Try doing the Maze late at night—but don’t get caught!

By JUDY MCKENZIE

How often have you listened to the radio and wondered about the identity of the person behind the soft, silky voice that has become so familiar to you? You wake up to his voice in the morning, listen to it on the long ride to school, and fall asleep to it at night. How does this person know exactly which song will be popular and help you fall asleep to it at night. How does this person know exactly which song will be popular and help you fall asleep to it at night.

Two of the voices you have heard on WCWM 90.7 FM, the College of William and Mary’s radio station, belong to Michael Garvey and Jason Huh, two third-year students who share a common interest outside the world of Marshall-Wythe. They are disc jockeys for WCWM.

Michael Garvey has been a disc jockey for WCWM since the spring of 1989. He has the Tuesday afternoon progressive rock show. Disc jockeys who play progressive rock music are required to play no more than 30 minutes from the “A-list” each hour. The A-list is a list of new artists who are not played on other commercial stations.

Michael’s goal is to encourage others to listen to a wide variety of music. On occasion he has been known to feature artists such as Jean Luc Ponte. This opportunity has been a “good lease” for Michael. He is able to keep up with the new music and expose others to his favorite types of music.

Michael has some prior experience in the radio business. During his undergraduate years at Notre Dame, Michael worked in WSND’s production room. WCWM was nevertheless his first opportunity to be the voice behind the music.

Occasionally, Michael has en-listed assistance from fellow law school students Steve Nachman, Beverly Widnall, and Kurt Harn.

They lend a hand around the station during peak request times by “chasing down records” and helping out with filing.

Jason Huh began disc jockeying during the second semester of his second year. He is an avid jazz enthusiast. His interest in becoming a disc jockey was sparked by his love of music. Jason regrets not becoming a disc jockey during his undergraduate years at the University of Chicago.

Although initially Jason knew very little about jazz, he selected jazz and blues as the main themes of his show. As a jazz disc jockey, Jason is allowed to play almost anything he selects. He is required to play only one song per show from the “B-list” which consists of new artists or old artists who have a new album released.

His favorites are Louis Armstrong, Dave Brubeck, Elvis Fitzgerald, Gerald and Frank Sinatra. Being a jazz disc jockey has allowed Jason to increase his knowledge of and exposure to various types of music.

It is not difficult to become a disc jockey at WCWM. Disc jockeys must obtain FCC licenses in order to have their own show. Presently the cost of such a venture is $35.00 but the station is in the process of applying for a waiver of the fee since it is non-profit. A further requirement is participation in WCWM’s training program. The trainee must put in ten hours of menial labor, which includes the filing and labeling of albums and sitting through three shows. Upon completing the training program, the trainee is allowed to state a preference for a time slot. The time slots are awarded on seniority basis.

The philosophy of WCWM is to play a wide variety of music that is not heard on other commercial stations. The station does not limit itself to one particular type of music. WCWM has a mixed format which ranges from progressive rock to classical music with a little blues and jazz thrown in on the side.

Records are donated to the station by distributors as well as by local record stores such as Echoes and The Band Box. The station is not funded by advertisers since there are no commercial interruptions. Both Michael and Jason view this opportunity as an excellent release from the rigors of law school.

The Virginia Institute of Marine Science (VIMS) — Spend the day exploring spectacular aquariums and exotic shell collections. This place is right on the river, so pack a picnic lunch and enjoy the view to boot on warm weather. Listen to the Parkway or Route 64 to Route 17 toward Gloucester. When you get over the bridge, you will see a green sign directing you to the Institute. You can’t miss it.

Steve Nachman, a member of the class of 1991, has worked over 100 hours of station work. He has been a labeler of albums and sitting through various shows. Steve has not limit itself to one particular type of music. WCWM has a mixed format which ranges from progressive rock to classical music with a little blues and jazz thrown in on the side.

The voices behind the mike

Third-years Garvey and Huh shape the music you hear

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Results of SBA professor / course evaluation survey

The following are the results of the professor and course evaluation survey conducted by SBA President David Boies. The response rates were much higher for second- and third-year classes than for first-year classes, however, classes were omitted from the report in cases where response rates to class size was particularly low. The report lists questions from the survey, and then sets forth a class-by-class breakdown of student responses.

How well did this professor communicate the course materials to the class?

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Taking into account teaching effectiveness, scholarship, attitude and/or any other criteria that you consider important, what is your overall opinion of this professor?

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How well prepared was this professor for the class?

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How valuable was the subject matter of this course within the context of your overall legal education?

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How knowledgeable was this professor concerning the subject matter of this course?

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Disregarding the Professor, would you recommend this course to your fellow law students?

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Students should be on the lookout for the next course survey, which will be distributed just before the beginning of exams.
The press: full court
and one-on-one.


When the press faces off against public figures, it sometimes seems like a sporting event. But it's more serious than that. Because often, at the heart of the issue is the First Amendment. And its guarantee of a free press.

Some say the rights of the press should be taken away. They say the press goes too far. Sometimes even the press questions how far is too far.

Others say the rights of the press protect the rights of the people. Your right to be informed about things that affect your life and your right to decide.

The debate will continue.
But one thing is for sure: You won't always agree with what the press has to say.
And it's your right not to.
To learn more about the role of a free press and how it protects your rights, contact the First Amendment Center at 1-800-542-1600.

If the press didn't tell us, who would?

A public service message of The Ad Council and The Society of Professional Journalists.
Dancing About Architecture

R.E.M.’s Out of Time: another bright, challenging step in the evolution of a consistently intriguing band

By KEVIN WALSH

The tongue-in-cheek promotional sticker for R.E.M.’s "greatest hits" compilation, Eponymous, said "R.E.M.—The band you grew up with." As much of a joke as it was probably intended to be, in my case it’s true.

When I was a sophomore in high school, almost ten years ago, before I even had a driver’s license, I bought R.E.M.’s first album, Murmur. Initially disappointed and perplexed, the album grew on me (like the kudzu on the front cover) and is now one of the few albums in my collection that completely transcends the time period when I bought it. Their last album, Reckoning, and perplexed, the album grew on me almost ten years ago, before I even had a driver’s license, I bought it.

The album opens with “Radio Song” saying "The world is collapsing around you and I turned up the radio! But I can’t hear it." The song itself, a dense mix of riffing guitars, bouncing bass, and an organ with a string section, is certainly not going to enamour the group to Top 40 radio. Its lyrics include "DJ sucks!" and "Now our children grown up prisoners / All their life—radio listeners!" The song is a twisted duet of sorts between Stipe (world’s whitest man) and KRS-1 (reputed rapper). The biggest surprise is how well it works; KRS-1 should consider using R.E.M. in the future—he sounds more comfortable in this song than he did anywhere on his whole last album, Eponymous.

Even "Radio Song" is really about a relationship gone sour. In fact, much of the album concerns itself with disillusionment: "Losing My Religion"—the first single off the album—seems to deal with the struggle to maintain your identity and world-view as an important relationship falls apart; "Half A World Away" finds the narrator vowing to "go it alone; hold it alone, haul it along and hold it" in the midst of the "saddest dusk." The almost forced happiness of "Shiny Happy People" might have been added simply as a counter-balance to all this depression.

Other songs deal less directly with this dissatisfaction. "Belong," for example, is a spoken-word piece in which a mother advises her child “with calm, calm / Belong.” on a Sunday morning when “these creatures jumped the barricades and headed for the sea.” While I’m not personally certain exactly what that last line means, it speaks brilliantly of desperation and chaos; the mother’s advice to the child is to avoid the solitude and alienation of her own life by "belonging." Another song, “Me In Honey," deals smartly with an unwanted pregnancy from a male perspective.

Much of the brilliance on Out of Time is simply attributable to R.E.M.’s willingness to experiment with—and at times completely abandon—their established formula. "Country Feedback" is a disturbing song featuring a trembling, over-amped electric guitar, about someone experiencing legitimate spiritual loss—"I was central / I had control / I lost my head...It’s crazy what you could have had." "Eindgame" is an instrumental featuring some of the most effective, spectacular guitar work Peter Buck has ever done.

R.E.M. deserves credit, therefore, even for the experiments that don’t succeed. "Near Wild Heaven," even features a neat "Great Vibrations"—like three-part harmony break toward the end, is one of the failures. With mainly Mike Mills on vocals, "Near Wild Heaven" is maybe half of a great song and may be a kind of sneak preview of a future Mike Mills solo album, a sobering thought.

Out of Time is another bright, challenging, intelligent step in the evolution of America's most consistently intriguing band. While other bands have staked careers on entire catalogs less interesting and engaging than this album, Out of Time is not R.E.M.'s masterpiece. But it shows that they are still willing to change and take chances which suggests that their best work is still ahead. For now, however, I’m really looking forward to exploring the corners of Out of Time.
The Art Corner

Works of Auguste Rodin displayed at Muscarelle

By LISA H. NICHOLSON

Rodin: Sculpture from the B. Gerald Cantor Collections is on exhibit at the Muscarelle Museum of Art in Williamsburg. The show will run through April 28, and features over 50 bronze sculptures. The pieces chosen are indicative of Rodin’s keen and penetrating insight for they evoke an emotional response from spectators and display the rawness of beauty.

Auguste Rodin, 1840-1917, lived and worked mostly in Paris, and is considered to be one of the pre-eminent sculptors of the past two centuries. He is most well-known for works like The Thinker, The Kiss, and Three Shades. The four major large-scale works shown at the Muscarelle are The Age of Bronze (1876-77), The Gates of Hell (1880), The Burghers of Calais (1884-89), and his most controversial work, Balzac: (1892-97).

The realistic detail in Rodin’s bronze pieces is especially evident in his nude figures, which seem almost too lifelike, too “fluid.” Rodin’s contemporaries labeled this criticism at his works from The Age of Bronze, accusing him of casting his figures from living human beings. The reality, however, was that these figures were molded from clay. This technique helped catapult Rodin to fame in the 1870s.

The Gates of Hell, inspired by Dante’s Divine Comedy, was commissioned by the Decorative Museum in Paris to serve as a set of large portals. Unfortunately, the museum was never built and the work was not cast as until after Rodin’s death. An enlarged picture of the cast is on display at the Muscarelle. This item alone warrants making a trip to the museum. It demonstrates Rodin’s ability to depict the human passion for love, for pain, and for death, along with the consequences of the Fall.

It is remarkable that this one body of work contains more than 180 sculptures, some of which are on exhibit individually. These include The Thinker and Fugitive Love, both of which are on display at the Muscarelle, as well as The Kiss and The Three Shades, which are not.

Perhaps the most extraordinary piece is the cast of The Gates of Hell, although I have heard from many who were “inspired” by Fugitive Love. I must admit that both are remarkable and evoke many feelings.

The Burghers of Calais was made in remembrance of the six noblemen who, in 1347, offered their lives to save their city from English siege. They were ultimately saved from death by Queen Philippa, the pregnant wife of King Edward III. Rodin’s work, of which five maquettes and heads are present at the Muscarelle, depicts them at the precise moment when they thought death was imminent. These figures, through strong modeling and powerful expression, stand as monuments to the heroism, dignity, and noble resignation of the city’s martyrs.

Also on display are six preliminary works tracing Rodin’s studies for Balzac, which generated an outcry when Rodin first displayed it. Honoré de Balzac, prolific author of the Comédie Humaine, was a French national hero. Rodin nevertheless depicted him in a stark, simplistic manner exemplified in Naked Balzac with Folded Arms, on display at the Muscarelle. Rodin originally hoped to capture Balzac’s powerful, forceful personality, but he eventually changed his approach and clad his final Balzac in a Dominican robe. The lifelike nature of these pieces is all the more incredible when one considers that Balzac refused to pose for them. Rodin was compelled to sculpt them from memories of his days with Balzac.

Other equally awe-inspiring works by Rodin on display include The Clenched Right Hand and The Cathedral, parts of Rodin’s anatomical study, which depict the power and strength of the human body. Busts on display include Large Bust of Victor Hugo, which Rodin sculpted when commissioned to create a monumental portrait bust for the French poet’s tomb. In the atrium of the museum, visitors can view the Bust of Auguste Rodin by Camille Claudel, Rodin’s student and mistress. Rodin considered the sculpture the finest portrait ever made of him and, during his lifetime, he included the bust in exhibitions of his work.

Those interested in learning more about Rodin’s life and work may want to consider seeing the 1989 French film Camille Claudel, starring Isabelle Adjani and Gérard Depardieu, which will be showing at the Williamsburg Theatre on April 2d and 3d. (The film is also available on videocassette.) An award-winning documentary about a low-cost wax cast of The Gates of Hell is available for viewing in the exhibition area. The Muscarelle’s videotape on “Bronze Casting” is also highly informative.

“Should Marshall-Wythe have a pro bono graduation requirement?”

All members of the law school community are invited to take part in an open panel discussion of this question. Faculty and student speakers will present their points of view, and Professor Smolla will moderate.

April 4, 2:00 p.m., room 127
TUESDAY, MARCH 19
LACROSSE - Univ. of Richmond, 4 p.m.
WOMEN’S STUDIES FILM - “Entre Nous,” Tucker 120, 7:30 p.m.

WEDNESDAY, MARCH 20
SERCH - general meeting, 12:30 p.m., Room 127.
VIMS SEMINAR - “Ecosystem Response to Foreign Species,” Watermen’s Hall, 3 p.m.
LACROSSE - Univ. of Richmond, 4 p.m.
WOMEN IN 20TH CENTURY EUROPE FILM - “The White Rose,” Botetourt Theatre, Swem Library, 7 p.m.
RECITAL - Music Dept., Ewell Recital Hall, 8 p.m.
WILLIAMSBURG REGIONAL LIBRARY AND ARTS CENTER - FREE FILM, “That Hamilton Woman” (1941), 3:00 and 7:30 p.m. Free.

THURSDAY, MARCH 21
INTERNATIONAL LAW SOCIETY - Second annual Wine Tasting Event, 7:30 p.m., Williamsburg Winery. Participants will sample ten wines and will be comparing particular French varietals with their American counterparts from the states of Virginia and California. Information about the wines will be available along with a rating sheet so that tasters can keep track of their favorites. Imported cheeses, bread and crackers will be served, and winery personnel will be available to conduct informal tours of the premises. Tickets cost $14. Contact: Roxanne Hansen
“THIRD THURSDAY” DISCUSSION - Muscarelle Museum, 9:30 a.m. Free
TOWN & GOWN LUNCHEON - “Paraplegia: What Can Be Done About It?,” by Lloyd Guth, research professor in biology, CC ballroom, 12:15 p.m.
BASEBALL - vs. Brown Univ., 3 p.m.
SEMINAR - “The Crystal Ceiling in the Ivory Tower” by Jacquelyn A. Mattfeld, Arizona State University, sponsored by the Commonwealth Center for the Study of American Culture, Friends Room, Swem Library, 5 p.m.
ORCHESIS - An Evening of Dance, PBK, 8:15 p.m.
MEN’S GYMNASTICS - vs. Univ. of Wisconsin-Oshkosh, W&M Hall, 7:30 p.m.

FRIDAY, MARCH 22
LAW PARTNERS - Games Night, 7:30 at Stephanie Beyer’s house.
PHI DELTA PHI GOLF TOURNAMENT - Ford’s Colony, best ball format, cart included. All skill levels welcome.

TUESDAY, MARCH 26
INTERNATIONAL LAW SOCIETY - Pot Luck Dinner, 6:30 p.m., student lounge. Special guest: Prof. Leopoldo Calvo-Satelo of the University of Madrid.
BASEBALL - vs. Univ. of North Carolina, 3 p.m.
LACROSSE - vs. Northwestern, 4 p.m.
LECTURE - (sponsored by Muscarelle Museum) “Knowing the Life of the Artist: Does It Make Any Difference?” by Ruth Butler, professor of art history, Univ. of Mass. at Boston, noted Rodin Scholar, Andrews Hall, Newman aud., 7:30 p.m. Free.
Thursday, March 19, 1991 THE AMICUS CURIAE

Projects - PBK (through March 31)

Baseball - vs. Univ. of North Carolina, 3 p.m.

Women in 20th Century Europe Film - "Entre Nous" Botetourt Theatre, Swem Library, 7 p.m.

Ewell Concert Series - concert of contemporary percussion music by Allen Otte, Percussion Group/Cincinnati, featuring gospel quartets, Ewell Recital Hall, 8 p.m.

Williamsburg Regional Library and Arts Center - Free Film, "Anchors Aweigh" (1945), 3:00 & 7:30 p.m. Free

Thursday, March 28

PDP Bowl for Kids' Sake - Williamsburg Bowl. Bowl for free and benefit a great charity.

Town & Gown Luncheon - "Euthanasia: Is It Time For Mercy Killing?" by Hans Tiefel, professor, religion department, CC ballroom, 12:15 p.m.

Lacrosse - vs. ODU, 4 p.m.

Women's Studies Lecture - "A No Means No: The Date Rape" by Peggy Reeves Sanday, Millington aud., 7:30 p.m.

Friday, March 29

Good Friday

Psychology Colloquia - "Infant Auditory Perception" by Robin Cooper, VP&SU, Millington 211, 4 p.m. Refreshments in Millington 232, 3:30 p.m.

Women's Studies Dramatic Presentation - Tucker 120, 7:30 p.m. (tentative)

Easter Egg Hunt - sponsored by the Black Law Student Association for underprivileged children in the area. Law school, time TBA.

Saturday, March 30

Passover

Law Partners - Easter Egg Hunt for Adults and Children. Details TBA.

Lacrosse - vs. Penn State, 1 p.m.

Women's Track - vs. Kent State. Time TBA

Sunday, March 31

Easter

Lacrosse - vs. Univ. of Maryland, 1 p.m.

Monday, April 1

Italian Cinema - "Pane E Cioccolate" (Bread and Chocolate) (1973), Botetourt Theatre, Swem Library, 2 and 7 p.m. Free.

Baseball - vs. UVA, 3 p.m.

Tuesday, April 2

Women's Studies Film - "Rosie the Riveter" with comments by Elsa Diduk, professor of modern languages emerita, Tucker 120, 7:30 p.m. (tentative)

Wednesday, April 3

Lacrosse - vs. Virginia, 3 p.m.

Vims Seminar - "Environmental Response to Toxic Substances," Watermen's Hall, 3 p.m.

Writers Festival - Student winners. Great Hall, Wren Building, 4 p.m. Mark Strand and Diane Ackerman, Ewell Recital Hall, 8 p.m.

Women in 20th Century Europe Film - "Shirley Valentine," Botetourt Theatre, Swem Library, 7 p.m.

Thursday, April 4

Should There Be a Pro Bono Graduation Requirement? - come to an open panel discussion of faculty and student speakers with Professor Smolla moderating. 2:00 p.m., room 127.

International Law Society - Professor Antonio Fernos of Puerto Rico speaks on "Self-Determination and Equal Protection for U.S. Citizens: The Territorial Clause and Fundamental Rights." 11:00 a.m., location TBA.

Town & Gown Luncheon - CC Ballroom, 12:15 p.m.

Writers Festival - Elizabeth Alexander, Robert Hershon, Great Hall, Wren Building, 8 p.m.

Covenant Players - present "Kiss Me Kate" Newman aud., 8 p.m.

Yearbooks available now

By Paige Budd

Did you know that every student at the law school is entitled to a copy of the Colonial Echo, the William and Mary yearbook? Each and every one of us can walk into the yearbook editorial office, located in the basement of the Campus Center, and pick up a copy of the 1990 book.

Unfortunately, not many students realize they have this privilege. Of course there also exists an understandable lack of motivation in light of the fact that the law school community is barely represented in the book.

Every full-time student at the College, including graduate students, pays an activity fee of approximately $90.00. The dollar amount is decided each year by the Board of Student Affairs. This money is gathered into a central "bank" and divided among the various groups around campus depending on their individual funding needs. Among the activities supported with this money is the yearbook.

Although it may seem unfair that law students are indirectly funding activities to which they have no exposure, this is true of all students on campus. For example, notevery William and Mary undergraduate student listens to the radio station or takes part in intramural athletics.

Actually, the law school receives a large chunk of this money. Two law school publications, The Colonial Lawyer and The Advocate, receive funding, as do the Student Bar Association—which, in turn, funds other student groups—and this year, Moot Court. Also, many law students are involved in various intramural sports programs.

Some concerned law students have suggested that Marshall-Wythe divide the $90.00 coming from each law student among purely law school activities. At the moment, all decisions are made by the Office of Student Affairs and there appears to be no impending change.

One solution may be to approach the Board of Student Affairs about dividing the law school activities fee in a way proportionate to the perceived use of various William and Mary organizations. This way, most of the law students' money—and less of the undergraduate students'—would be involved in law school organizations.

The question remains: why are we barely represented in the yearbook? We have been represented in years past. The decision on how much space to allot the graduate communities rests with the Editor-in-Chief.

According to Dean Smith, the Vice President for Student Affairs, there have been attempts to encourage graduate participation in the past. In 1989, The Colonial Echo sent a photographer to the law school to take individual photos of students, but the student response was poor. Recently, a graduate student served as Chairman of Publications, and he tried to encourage participation from other graduate students in order to ensure that our community would be represented on the Staff.

Dean Smith realizes that the law school community needs more notice as to when the yearbook arrives and where it can be picked up. He encourages the Graduate Student Council to form some sort of liaison relationship with the yearbook which would be responsible for keeping students informed.

Even though no such office currently exists, law school organizations can be represented in next year's yearbook. Those interested are encouraged to organize some photographs and a written piece and submit them to Lisa Bailey, last year's Editor-in-Chief and a current senior at William and Mary, by the end of the month.

At the moment, it appears impossible to force the undergraduate yearbook staff members or the Office of Student Affairs to attack the problem of Graduate representation and notice. As with most changes, those concerned with the outcome must initiate negotiation. The yearbook staff is willing to listen.
Mychal’s Myriad Muss
Basketball tourney begins as the rumour mill churns

By MYCHAL SCHULZ
Basketball, basketball, basketball. This is the time of year for basketball. Not for the boring, predictable professional game, but for the one way it should be played, which means college basketball. Few events in sports generate the kinds of excitement, entertainment and victories by underdogs as does the NCAA tournament.

First, those teams that didn’t get in the field. Fordham should have been there. Period. A 24-7 record and some solid performances against Rutgers and Vanderbilt should have guaranteed them a spot. Oh, but the NCAA knew better than to ruffle old Rollie, and so Villanova, with an overwhelmingly mediocre 16-12 slate gets to play in the big dance.

Providence? Please! Despite the best guard in the league in Eric Murdock, the Friars had too many ugly losses and non-quality wins. JMU? If the NIT result, in which Providence beat the Dukes, is any indication, then the committee properly left the Colonial Atlantic League champion out.

Teams that didn’t deserve to get in are more numerous. Georgetown should have finished its season in the NIT. Sure they’re good. Sure they can play with anybody on a given night and beat them. But didn’t Tennessee prove that it could beat by almost winning the SEC tournament after a 9-21 regular season? If being “able to compete with any given team on any given night” is a prerequisite, the field should have about 500 teams. Even William and Mary beat an NCAA tournament team (Richmond, which beat Syracuse in the first round, which means the Indians are better than the Orange?).

Any team that didn’t get in the top of the conference or with winning records in the conference shouldn’t be there. Yes, that means Virginia. If you can’t win in your conference, why should you go the tournament? Any SEC team (Alabama excepted).

What a pathetic conference. After the first round, the Colonial Conference, the Midwest Collegiate Conference and the Mid-American Conference, all with one representative, had as many victories as the SEC, which had four teams. What a pathetic conference.

Speaking of a pathetic, the best team in the SEC, Kentucky, couldn’t attend the NCAA’s this year because of the program is on probation. Why? Because of rule violations that occurred under Eddie Sutton.

So, while Kentucky players sit home knowing that they should be playing, what’s Sutton doing? He is in the tournament with his Oklahoma State team. That makes him sick. The NCAA should make it simple. Whatever sanctions that attach to a school as a result of rule violations should also attach to the coach whenever he goes.

It is patently unfair to allow Sutton to leave the Kentucky program on probation and turn around and take another team to the tournament. No question he’s a good coach, but if Oklahoma wanted a coach who supposedly couldn’t control his own program, then also they should take the bad with the good and not be allowed in the tournament while Kentucky is on probation.

Unfair to Oklahoma State? How about the Kentucky players, none of whom were involved or in the subject of the rules violations?

Before we leave basketball, here’s an addendum to the All-Marshall-Wythe teams of two weeks ago. I call it My Money team, because the members either display clutch basketball ability or because they slipped me some coin to see their name in print.

- Jo-Jo English - Don’t blink on the court, you may miss him going by on the way for a lay-up.
- Jeff Huber - Boy, did his teammates get on me about leaving him off the original list. Thanks for the green, I mean advice, Bob Bua.
- Eric Chasse - Lean, lanky, the Luc Longley of the law school.
- Bobby carli - You know that some serious dinero was thrown my way to get to admit that he’s a good basketball player.
- Trotter Hardy - Not so seriously. The guy can play, and play well.

Rickey Henderson won’t play because he’s only making $3 million a year, and he considers that an insult, even though he agreed to the contract two years ago. “Stormin’ Norman” Schwartzkopf, the cleanup hitter for Operation Desert Storm, earns $10,800 a year, and he didn’t postpone the war for a better deal.

What does that tell you about the state of Major League Baseball? It tells me that a bunch of prima donnas, of which Henderson is the prime example, have a grossly inflated view of their own self worth and importance. It’s a disgrace. Let Rickey run through the Saudi desert trying to avoid bullets and missiles before he starts bricking that $3 million a year isn’t enough. Until then, shut the heck up and play.

Fans should let owners and players know that the spending in baseball is out of control. How? Don’t go to the games. Think that will wipe everybody out? It will never happen, though. The herd mentality rules. Just ask any Nittany fan.

The National Hockey League is winding down its season and I still haven’t found anybody besides Andi Condlin who really cares. Just thought I’d let you know.

News from the floor hockey front

By KEVIN KRONER
Wednesday night saw the clash of the two floor hockey titans, “Torts-R-U” and the pretender to the throne, “Torts-R-Sucks” (hereinafter referred to as “Sucks”), which had identical records (2-1) and both entered the final game of the season with great momentum. First-year classes were in town to wish talk of the game for the league lead. Nine goals later, “Torts-R-U” sits on top of the Men’s B league, ready to dive into the play-offs.

The game was at a stalemate for the first four minutes before Vic “Hat Trick” Miller’s first of four goals. By the end of the first period “Sucks” began to self-deselect. When the final whistle blew, the score was 9-0, but “Torts-R-U” won the game long before then.

The defense was fueled by Miller’s four goals, as well as Joe “Serry I’m Late Coach” English’s three goals, and Rich “I Don’t Take *[@# McDermott and Brian “That’s a F-T-U-S Ti- tus, who each provided one goal. The masterful defense was thanks to goalie Eric “Shut Out” Chasse, as well as defensemen Greg “High Sticks” Richards, Pat “Yea, Bring An- other Pitcher” Connolly, and Kevin “I Want to Mop Up” Upholstery (with “I Want To” being his nickname). Coach Kroner’s incentive program seemed to have its desired effect, to his financial detriment.

Notwithstanding the absence of their best players, Paul “The Best Player I Never Saw” Phillips, “Sucks” showed their Achilles’ heel early with a lack of team effort and cohesive- ness. By contrast, “Torts-R-U” displayed that degree of polish which is the hallmark of a truly great team.

Golf tip from Dr. Love: use the logo on your ball

By DR. LOVE
Use of a golf ball’s logos can help a player line up his shots. For example, assume that the player is using a Top-Flite golf ball. There are two types of lettering on the Top-Flite ball. One type of lettering includes the words Top-Flite in large letters and consists of the word Spalding in small letters printed along the seam of the ball.

When hitting a shot from the tee, the player should place the large lettering so that it faces upward. By looking at the words Top-Flite and the number, the player can visualize the direction in which he wants to hit the ball while keeping his head down.

When putting, the player should make use of the small Spalding lettering to help line up the putt. This means that the player should mark his ball each time before putting (unless the putt is an easy tap-in). There are two reasons for positioning the ball so that the Spalding lettering faces upward before putting.

First, the player can position the word Spalding along the line of the putt. The lettering should help the player visualize the proper line for the putt while keeping his head down.

Secondly, most balls which beginning players use are two-piece balls. This ball is constructed by joining two hemispheres of the ball. The Spalding lettering is supposed to be placed right over the line at which the two hemispheres of the ball are joined. Therefore, by turning the ball so that the Spalding lettering corresponds with the line of the putt, the player insures that he will receive the truest possible roll of the ball.

Using by the ball’s logo a player can improve the directional aspects of his game and increase the chances of making important putts.

(Note: Top-Flite was merely used as an example because it is a very common type of ball. Other balls use exactly the same type of logo system in which the name of the ball and the ball’s number appear in large lettering and in which the name of the company producing the ball appears in small lettering along the ball’s seam.)
The Williamsburg area is a golfer’s paradise

By DARBY GIBBS and DR. LOVE

Attention golfers! Right under your noses is an unappreciated resource. Williamsburg and the surrounding area is a golf mecca. Here is a guide for your pilgrimage.

KINGSMILL
100 Golf Club Road
253-3906
PGA Host Pro Al Burns
• Greens Fee $87
• Cart Fee $13
• Reservations are required
• Par 3 Course: Free if member of guest of the resort.
• Total Yards: River 6776, Plantation 6590

Kingsmill has two eighteen-hole courses: The Plantation Course and the River Course. As would be expected at the home of the Anheuser Busch Classic, both are excellent courses.

The Plantation Course offers a challenge even to the most experienced golfer and offers a fun round to the beginner. The course is long, at 6590 yards, but is relatively wide open so you probably won’t lose too many balls in the woods. Strategically placed pot bunkers provide ample opportunity to beach the ball. There are also a few large desert bunkers to attract your ball on this course. Water comes into play on eight holes so bring your scuba gear.

The River Course is where Curtis Strange brings his sticks, and breaks them. This course is challenging even to the most experienced golfers (the guys on tour). Hazards of every type and variety face the approach to many holes. The water is the major attraction to this course and your ball. Water is strategically placed to affect each aspect of your game - off the tees, near the greens and along the fairways. Wind can also be a problem when it kicks in off the James.

Either course at Kingsmill is a picturesque experience, and who wouldn’t jump at the chance to play where the big boys play?

GOLDEN HORSESHOE
South England Street (Across from Williamsburg Lodge)
229-1000
• Greens Fee $75
• Hotel Guest $52
• 9 Hole Executive Course $30
• PGA Pro Del Snyder

The Golden Horseshoe is the home course for Colonial Williamsburg. It is a beautiful, twenty-five year old course carved into the surroundings of CW by Robert Trent Jones. It has been said the course is one of Jones’s favorite designs. Wildlife abounds here so watch out for the squirrels.

Also, bring lots of balls. This course is tight and unforgiving. Leave your driver in the bag, because you are better off with a three-wood or a one-iron, as the resident golf expert prefers. The layout is interesting and holes are unique. For instance, number 7, a par three, is 207 yard drive, downhill, over water to a green surrounded by sand traps.

The Horseshoe has a great pro shop although it may be a little pricey. The clubhouse also contains one of the most overlooked restaurants in Williamsburg, with after-golf fare served overlooking the golf course and the inn.

FORD’S COLONY
One Ford’s Colony Drive, off of Longhill Road
565-4130
• Greens Fee $67
• Member Guest $35
• Par 3 Course: Free if member of guest of the resort.

This course is one of Jones’ favorite designs. It is a beautiful, twenty-five year old course for Colonial Williamsburg. It is a tight and unforgiving. Leave your driver in the bag, because you are better off with your 3 wood. Strategically placed pot bunkers provide ample opportunity to beach the ball. There are also a few large desert bunkers to attract your ball on this course. Water comes into play on eight holes so bring your scuba gear.

Ford’s Colony, the home of Fuzzy Zoeller, consists of three nines and has a course rating of 71.4 on the way. If you know golf, you’ll leave this course with a big smile on your face. The course is well laid out and well maintained; the greens are smooth and fast but the rough is tough. The best cart girl is nice and should be heavily tipped. This is the kind of course the beginning golfer can enjoy. It is a medium length course, 3774, 3163 and 3135 from the white tees. They throw in a good bit of water to make it fun though. You can hit through a lot of balls on this course as well. All the holes are lined by woods. This course is well recommended, especially because of the afternoon rate.

BROOKWOOD GOLF CLUB
72 Par Drive, Quinton Virginia
933-3737
• Weekday Greens Fees: $10
• Weekend Greens Fees: $14
• Carts: $10
• After 3 p.m. 7 days a week Cart and Greens Fees: $15

Total Yards: 6563 from the Blue Tees
Brookwood Golf Club is located on Route 60 near Richmond. To get to Brookwood take Interstate 64 to Richmond and exit at the Bottoms Bridge exit. After taking the Bottoms Bridge exit get onto Route 60 and travel towards Williamsburg.

The road to Brookwood is less than a mile down Route 60 on the left side.

Brookwood offers a variety of hole styles. Some of the holes at Brookwood are wide open for driving while other holes demand a pin-point accuracy of the tee. Overall, the course offers a good round for the price.

Brookwood is receptive to having law students, however if you go on a weekend you have a problem getting off the tee. Therefore, calling ahead for weekend tee times is, as always, strongly recommended.

DEER RUN
13564 Jefferson Avenue
Exit 60B off of Interstate 64
886-2848
• Weekday Greens Fees: 18 holes = $11.55; 9 holes = $6.83
• Weekend Greens Fees: 18 holes = $12.60; 9 holes = $7.35
• Carts: 18 holes = $15.68
• Total Yards: 6700 yards Blue Tees

Deer Run is a favorite standby. Deer Run offers 36 holes of fun. The Championship Course is wide open and offers a challenge to experienced players while allowing inexperienced players to have a good time without having to worry about losing too many balls. The Championship Course has only three holes on it with ponds and the creeks are generally easy to avoid. Carts are always required on the Championship Course.

The Cardinal Course is a tale of two nines. The front nine is wide open and long without any ponds. An experienced player will have to shoot well in order to make pars and the inexperienced player will probably not have to worry about losing a lot of balls. However, the back nine is short and requires a good deal of accuracy. There are two ponds on the back nine.

Overall Deer Run is an excellent value. For students who receive the approval of Coach Agee, there may be a discount when playing Deer Run. Call Coach Agee for details.

SLEEPY HOLE
4700 Sleepy Hole Road
393-5050
• Weekday Greens Fee $7.50
• Weekend Greens Fee $10
• Carts: $36

Call Thursday Mornings For Tee Times

Sleepy Hole is an excellent course located about an hour away in Portsmouth. The Ladies Professional Golf Association has held the Crestar Classic, Sleepy Hole in the past. Sleepy Hole is a tournament caliber course which offers a lot of challenge for experienced players. The layout of the course is excellent and the greens are very good.

Tee times are highly recommended seven days a week. It is no fun to drive all the way to Portsmouth to find out that you will not be able to get off the tee.

Overall Sleepy Hole offers excellent value for the money and the course is highly recommended.

LAKE WRIGHT
Route 13 N exit on I64
Crosses Virginia Wesleyan College
461-6251
• Weekday Greens Fees: $12
• Weekend Greens Fees: $15
• Carts: $14
• Total Yards: 6174
• Blue Tees

Fees subject to change

Lake Wright is an interesting course located about an hour down Interstate 64 towards Virginia Beach. Lake Wright is receptive to having law students. A player should not have a problem getting off the tee even without a tee time. However, a minimum tee time is a good idea.

Note that Lake Wright is considering raising its fees soon. Therefore, the conscientious player is well-advised to call to confirm the prices before playing.

THE HAMPTONS
Butler’s Farm Road
Exit: Hampton Center Parkway-East
766-9148
• Weekday Fee with Cart: 18 holes $20
• Weekend Fee with Cart: 18 holes $15; 9 holes $7
• Weekday Fee with Cart: 18 holes $23
• Weekend Fee with Cart: 18 holes $15; 9 holes $8

Total Yards: Woods 3029, Lakes 3072, Links 2911

The Hamptons is a new course located near Thomas Nelson Community College. The Hamptons has three nine-hole courses called the Woods, the Lakes and the Links. The Links is a short and wide open course without many trees or water hazards. The Links offers an experienced player an interesting golf experience while offering the beginner player an excellent learning course.

The Hamptons is receptive to receiving law students and is highly recommended as a place to play. Call in advance for weekend tee times.

GOLF SHOPS:
For the avid golfer, a good golf shop is essential. All the courses listed have pro shops, but they are expensive. Here is a list of less costly alternatives.

AMERICAN GOLF CLASSICS
12842-B Jefferson Avenue, Newport News, 874-7271
Club repair, sales and trades. These guys know golf clubs and supply most of the tour. They also have a collection of classic clubs.

FORE GOLF AND TENNIS LOVERS
Festival Marketplace, Rt. 60, 220-8173
NEVADA BOB’S
6139 B Jefferson Avenue, Newport News, 838-2456

WILLIAMSBURG GOLF CENTER
Shops at Kingsmill, 229-7273

Wonderful Wines
Exceptional Cheeses
Great Sandwiches
Picnics, Snacks
and much, much, more!

THE CHEESE SHOP
 Merchants Square
424 Prince George Street
Williamsburg, Virginia 23185

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ness Transactions, "People had outlines written in the pages of their books. It wasn't just a scribble or two. It was clearly against the intent of the professor. Maybe the Honor Code isn't as strong at other places."

Another instance involved the European Community Law class, taught by Professor Lasok. Professor Lasok not only provided the students with an outline of his course, but also allowed them to bring it into the exam.

However, Professor Lasok explicitly forbade students from annotating the outline and then referring to it during the exam. Lasok even had clean outlines available at the exam for those students who had written on theirs during the summer.

Nonetheless, some students from other schools had written extensively on their outlines for the exam. Professor Lasok, trusting in his students' integrity, left the room after passing out the exam, so students did not find it difficult to abuse the privilege.

One student, who asked to remain anonymous, noted that "once the exam is over, there is nothing you can do about it. The program is over and people go their separate ways. Back to whatever schools they came from."

Dishonesty apparently did not run rampant in Exeter, however. One student in Professor Smolla's Mass Media Law class said that he did not observe any instances of cheating by anyone in that exam. "It was a closed book exam and Professor Smolla remained in the room throughout the exam time. In any case, it was the kind of thought-provoking examination that simply did not lend itself to cheating."

The Amicus Curiae has also not heard of any incidents of dishonesty in the smaller English Legal System or Introduction to Civil Law courses.

Perhaps the most disturbing aspect of the incidents involving other students' use of unauthorized aids is the effect these practices had upon students who were required to take the courses for grades.

The professors graded all the exams anonymously, using passport numbers for identification. They did not know which students were taking courses for grades and which were taking them on a pass/fail basis. Nor did they know which school their students were from.

Consequently, all students who took the exams received numerical grades, and their grades affected the grade scale. (The Exeter program reported these grades to the schools of the other students, who received a "Pass" if their grade met their school's grade requirement, which usually was a "C").

Thus, the students from other schools may have caused William and Mary students to receive lower grades by cheating and obtaining a unique advantage.

These incidents have led some students to question the scope and reach of the William and Mary Honor Code. What duty, if any, does a William and Mary student have to report cheating by a student from another school?

The Honor Code currently imposes a duty to report violations upon all Marshall-Wythe students. One student noted, "There is no written honor policy in the admissions packet for the program. If there were, some of those students might take the program a little more seriously. There's also no mechanism for enforcement. Exams take place over three days, after which students depart for home, mainland Europe, or other places."

Some have suggested that the best solution is to require Professors to remain in their classrooms during exams. "They should take note of Professor Smolla's apparent success in presenting Mass Media Law and pass the word on," said one student. "It's unfortunate that it has come to this, but most law schools don't follow a strict honor code and consequently some students are more willing to break the rules. We shouldn't be penalized for observing higher standards."

Another possible solution would be to have the professors assign grades to the students who are taking the courses for grades, and assign "Ps" or "Fs" to the others who are not, thus eliminating them from the grade curve while retaining anonymity.

The vast majority of students interviewed were quick to point out that cheating was not the rule in Exeter, but rather was the not-quite-rare exception.

DUMP, from page 1

Batule said the students had told him that a female law student was discarding the newspaper in an apparently open manner. Batule said that similar incidents, which he calls "dumpings," are reported frequently on the undergraduate campus but have never occurred at the law school until now.

Batule said that one extreme form of "dumping" once took place at Swem Library, when it was reported that some library staff members would not permit the paper to be distributed there. Batule has become used to isolated dumpings around campus, but was extremely surprised that it would happen at the law school.

He said, "I never expected that a law student would engage in such a practice."

The Remnant distributes approximately 4500 newspapers every two weeks. The publication attempts to reach both faculty and students but gives preference to students who distribute copies in dormitories and academic buildings. Every other Tuesday 125 issues of The Remnant are dropped off at the law school. Batule feels this is a sufficient number to reach all the students under normal conditions, since students usually leave copies on tables after reading them.

Although Batule expressed his disappointment about the event, he was extremely pleased that students were concerned enough to contact him. He said that The Remnant will continue to be distributed at the law school as in the past, despite this incident.

LOTSA JUDGES, from page 1

was planned for an earlier date because the better weather would make the trip to Williamsburg more appealing for invitees. The date also corresponds with a major university's grade requirement, which usually was a "C".

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Dean Sullivan is also convinced that the Marshall-Wythe's hosting of the Judicial Conference celebration will be "very positive" for the law school. He said, "Any opportunity to show what we have causes people to come away impressed ... It should be quite an extravaganza."

Tuesday, March 19th:
• Music by "Glue"
• Dance floor

Monday, March 25th:
• Female duet "T.K. Leggs"

Tuesday, March 26th:
• "The Wallflowers"

Wednesday, March 27th:
• Special guest bartender!

Steve Cole