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The Advocate (Vol. 12, Issue 8)

Repository Citation

"The Advocate (Vol. 12, Issue 8)" (1981). *Student Newspaper (Amicus, Advocate...)*. 413.
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The National Moot Court Team: 'Natural Talent and Hard Work'

by Arthur E. Gary

Marshall-Wythe's stellar National Moot Court Team, comprised of third-year students Rick Mann, Scott Harbottle, and Rich Marone, was eliminated in the third of six rounds of the National Moot Court Tournament in New York City, during the last week in January. Although the loss was a great disappointment to the team members, their standing this year rests in the top nine to sixteen teams in the nation — hardly a disappointment for Marshall-Wythe.

The team lost the first, but won the second of two preliminary rounds, becoming eligible for the third round, which was to pick the top eight of the twenty-nine competing teams. In each round, the judges decided 60 percent of the round's total scores upon the oral

arguments. The oral phase took approximately one hour, after which judges deliberated for twenty minutes, and then announced an argument winner. The other 40 percent of the team score came from the submitted briefs, of which the judges had no knowledge. Conceivably, a team could lose narrowly the oral phase, but carry the round based upon a good brief. Grading breakdowns were not published. The Marshall-Wythe team's usually accurate "gut-feeling" of a win did not come true for the third round argument against Cincinnati University Law School.

The problem questioned whether there existed an implied right of action, and an express remedy under federal law for one who has been defrauded by his broker in the trading of

commodities futures. According to Harbottle, it was an excellent problem, one with which the team never got bored during the regional and national tournaments. "We were always coming up with new angles and material, right up to each round," Harbottle stated. The problem was created by the Young Lawyers Division of the New York City Bar Association.

Marone explained the general sentiments of the team after the third round: "The loss was very hard to take. We had been a team for a full year, not just the

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The Marshall-Wythe team judging the finals of the Appellate Advocacy competition.

Open Forum Explores M-W Communication Gap

by Drew Hutcheson

Students, faculty and administrators gathered to discuss problems of interest at Marshall-Wythe in a rare Open Forum meeting held Thursday, January 29. The result of a student petition and the efforts of third year student Tom Scarr, the Open Forum was well-attended by faculty and administration but criticized by some for poor student attendance. About 100 participated in all, 70 of which were students.

The paramount issues of the Forum centered on a pervasive lack of communication within the law school community. Dean Spong attributed much of the conflict surrounding the controversial Discipline Committee last fall to

misperceptions by students, rather than secrecy by the administration. He had expected information from pre-orientation briefings for student leaders to be disseminated more broadly to inform students of changes in administration. A greater emphasis on orientation for all three classes was suggested as one way to better brief students on honor and disciplinary issues.

Wide support was voiced for a publication, such as last semester's NEXUS, to present student committee reports and notices of activities.

Dean Williamson responded to student charges that the absence of black faculty members was "res ipsa loquitur" proof of

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the advocate

February 12, 1981 vol. xii no. 8

marshall-wythe school of law

Marone Sought Removal

SBA Fires BSA Rep O'Brien

by Philip J. Kochman

Bob O'Brien, the law school's student representative to the college Board of Student Affairs, was dismissed last Thursday by the Student Bar Association. The SBA Board voted five to two, with two abstentions, to adopt President Rich Marone's request that O'Brien be removed.

In asking the SBA to act, Marone charged that O'Brien's "conduct has threatened the successful passage of the upcoming budget." The Board of Student Affairs (BSA), to which O'Brien was appointed by

Marone last spring, has final authority over the allocation of student activities fees and is presently considering the budget request of the incoming administration of Larry Willis for the 1981-82 school year.

Marone claimed that O'Brien, "has managed to alienate many members of the BSA, and to a very large degree." The SBA president revealed that certain members of the BSA had warned him privately that the law school budget request faced severe cuts unless O'Brien was removed. Marone would not identify which BSA members had been in contact with him, nor would he elaborate upon O'Brien's allegedly alienating "conduct."

O'Brien, who was not present at the Thursday afternoon SBA meeting because of a prior commitment, denied that he took any actions which could be considered detrimental to the law school. "I never put anything but the best interests of the law school first," O'Brien stated.

In an interview last Friday, O'Brien alleged that he had been removed from office without being informed of the reasons for his dismissal and without being given an opportunity to confront his accusers. He claimed there is no major

dissatisfaction with him among BSA members and that he had the votes to pass "a reasonable budget" for the SBA. BSA members either were unavailable or refused to comment on Marone's and O'Brien's claims.

O'Brien stated Marone sought his removal because he had disclosed to the BSA earlier last week that law students receive credit for working on moot court teams and law review. O'Brien claimed Marone withheld this information from the BSA in order to secure funding for these two organizations. Only those student activities which do not grant credits may be funded through the BSA. Marone acknowledged that this was part of the reason he wanted O'Brien replaced.

President Marone initially requested O'Brien's resignation on Wednesday, February 4, but O'Brien refused and Marone called a special board meeting for the following afternoon. The president undertook an intensive lobbying effort to round up the votes necessary to oust O'Brien, and by the next morning Marone apparently had succeeded. A simple majority is needed to remove an appointed official.

A half an hour before the

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New Moot Court Teams Selected Schauer Assesses A.A. Program

by Peter Stephens

Robbie Colton defeated Randy Frostick in the Appellate Advocacy oral argument competition finals last Monday, completing the first intraschool moot court competition at Marshall-Wythe since 1970.

Colton and Frostick argued in the moot courtroom before national team members Rich Marone, Scott Harbottle, and Rick Mann. The panel and

Appellate Advocacy instructor Fred Schauer agreed that the near-capacity crowd had heard "a very high quality oral argument."

The school's new national teams were selected from the competition's eight quarterfinalists and will get their first experience against other schools on March 25 and 26 in the Irving R. Kaufman Invitational Competition at Fordham University. Twenty-three teams are competing in the Fordham tournament.

"It's good for the national teams to participate in an invitational, so they'll go to the regionals in the fall with a tournament under their belt," Jeannie Estes, Chief Justice of the Moot Court Board, explained.

As in past years, the Fordham tournament involves a security law question. The team of Colton, Jack Sharpe, and Scott Caulkins is writing the petitioner's brief, and the team of John Nevin, Kevin O'Mahony and Karen Russell is writing the respondent's. Neither team can be certain which side it will argue at Fordham.

"Although we're researching different sides of the same problem, both teams are representing William and Mary. When we come across something that might be helpful to the other side, no one hesitates to exchange the information," O'Mahony said.

The Marshall-Wythe team of Rick Mann, Scott Harbottle, and

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Robbie Colton



Randi Frostick

Preparations Set For M-W Moot Court Tournament

by Charlie Pittman

Tenth anniversaries are generally special, and the tenth Marshall-Wythe Invitational Moot Court Tournament is no exception. The tournament, which is sponsored by the Moot Court Board and funded by the Virginia Trial Lawyers Association, will be held Saturday, February 28, and has more schools and judges attending than ever before.

The outstanding feature of the first decennial tournament is that very little about it is moot.

Far from merely simulating the experience of arguing before a court of appeals, each round in the tournament will be argued before panels composed entirely of federal district and circuit court judges and Virginia Supreme Court justices. Most of the tournament will take place in the new Marshall-Wythe moot courtroom, which will serve as an auxiliary Williamsburg-James City County courtroom in the future.

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VIEWPOINT

Is There Life After SBA?

Within the next few weeks we may find out the answer to this question. A group of students have submitted a referendum to the Judicial Council which calls for the abolition of the Student Bar Association. The student body will vote on the referendum very shortly.

We expect many students will jump at the opportunity to abolish the SBA. At first glance, so do we. The SBA has serious problems, many of which have been chronicled on these pages. The present administration has been plagued with many unfortunate incidents, and the SBA is now viewed in a very negative light by many students. But should we eliminate it?

Consider, if you will, life after SBA. Most certainly, a large void would exist. Who would appoint students to the various student-faculty committees, students who monitor the activities of the administration and faculty? Who would appoint the

members of the Judicial Council who decide the guilt or innocence of students accused of honor violations? Who would represent the law school and the student organizations before the various college bodies? Who would run student evaluations? Who would receive student complaints about money lost in the vending machines? And, who would run the coffee bar?

SBA has the potential to exert a strong influence on the decisionmaking process at Marshall-Wythe. Recently it has failed most miserably in this task. But the SBA has other functions, many of them menial, which must be performed, and which contribute to the happiness and well-being of many law students. Perhaps in the future, maybe even in the near future, SBA will live up to its potential. But once abolished, this potential disappears, and so does all hope of it ever being achieved.

P.J.K.

O'Brien Dismissed By SBA

Continued from page one

February 5 meeting, Marone announced he would hold the portion of the meeting dealing with the O'Brien matter in executive session, thus excluding all but SBA board members. The Advocate protested this decision by the president. Just prior to the start of the meeting, Marone reversed himself, opening the entire meeting to all interested

students.

Marone opened the meeting by explaining his reasons for requesting O'Brien's removal. "Up to now I thought Bob was doing an adequate job. But now it appears his conduct has gotten such that to assure that our budget gains a fair treatment, we must remove him," Marone argued. The president

acknowledged that to some extent the SBA was being "blackmailed by members of the BSA."

Robert Roussos, a third year representative, urged the body not to submit to "BSA blackmail" and to reject the president's request. Norman Thomas, the other third year representative, was not present, but left with Marone a letter to the body which read in part, "My conscience will not allow me to take part in his removal from office, due to the rather 'underhanded' conduct on the part of certain BSA members." These two representatives voted against the motion to dismiss O'Brien, but Marone had the votes he needed. Kevin Williams, Randi Dufresne, Larry Willis, Acie Allen, and Arthur Gary all voted yes. Jeanette Flippin and Patti Pritchard abstained in the vote.

Only a minute after the body had completed voting to remove him, O'Brien strode into the room. He did not request, nor was he granted, an opportunity to address the body.

Immediately after the vote, Roussos asked to be recognized. He shocked the membership by resigning. "I will not submit to blackmail," he stated, and walked out of the meeting.

After the body settled down it approved the nomination of Bill Mimms — the suggestion of Willis — to succeed O'Brien as the law school's representative to the BSA.



Members of the SBA deliberating over the fate of BSA rep. Bob O'Brien.

Open Forum Held

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Marshall-Wythe's failure at affirmative action, sharing his frustrations at competing with urban schools for applicants and his hopes for recruitment funding in the future.

Plans for a flexible exam schedule were reported under study, but unlikely to affect policy this semester. Despite student pleas for fairness, Spong claims to perceive mixed student opinion on such personal

exam planning.

Tom Scarr, the Forum moderator, found positive student response to the meeting. Most participants took the meeting with "a good sense of humor," he stated, finding the discourse interesting and the faculty responses thorough.

The question confronting participants now is "What next?" The success of the Open Forum came in communicating

grievances and suggesting solutions. Scarr says that students must follow up their suggestions and initiate action to improve problems identified at the Forum.

Scarr said that S.B.A. President-elect Larry Willis is "very interested" in greatly increasing communication to the students about faculty-student committees, faculty meetings, S.B.A. news, and calendar events. Willis also pledged to recruit students, other than those who usually volunteer, to serve on committees.

Letters to the Editor

Thank You

To the Editor:

I wanted to thank all the members of the Marshall-Wythe community — students, faculty and staff — who so generously supported my efforts to raise money for muscular dystrophy. Largely due to your contributions, I was one of six dancers who raised 25 percent of the grand total of \$8,900. The experience was an unforgettable one, and your pledges made it so very worthwhile. Thank you for helping make a cure for this dreaded disease more possible.

Sincerely,
Beth Holmstrup

Action Please

Editor's Note: This is a correspondence between the Marshall-Wythe Chapter of the National Lawyers Guild and Dean Spong.

Dear Dean Spong:

We, as members of the Marshall-Wythe community and future attorneys, are concerned with the most pressing problem of our law school and of the legal profession: the underrepresentation of minorities, women, and other economically deprived groups within the legal system. The law's domination by affluent white males has been alleviated but slightly over the last decade; significant changes are still necessary to create a truly representative legal profession.

The American Bar Association recently passed a resolution requiring law schools to institute affirmative action programs in order to gain or maintain accreditation. The resolution provides that "the law school shall demonstrate, or have carried out and maintained, by concrete action, a commitment to providing full opportunities for the study of law and entry into the profession by qualified members of groups . . . which have been victims of discrimination in various forms. This commitment would typically include a special concern for determining the potential of such applicants through the admissions process, special recruitment efforts, and a program which assists in meeting the unusual financial needs of many such students (emphasis added) . . ."

Clearly, the ABA has recognized the critical need for affirmative action in both the

schools and the profession. We must remedy the obvious inequities that exist here at Marshall-Wythe. We applaud the recent creation of an ad hoc committee to review our affirmative action program, but this is only a first step. We cannot change the past; we can, however, shape the future.

Specifically, we propose:

(1) That a permanent Affirmative Action Committee composed of three faculty members or administrators and two students be established;

(2) That this committee formulate and implement a comprehensive affirmative action program; and

(3) That problems this committee act upon include:

- (a) Effective recruitment of minority students;
- (b) Adequate representation of women and minorities on the faculty;
- (c) Enhanced financial assistance for these groups;
- (d) Development of a tutorial program;
- (e) Publicizing Marshall-Wythe's commitment to affirmative action; and
- (f) A placement group that better serves the needs of the school's divergent groups.

A vigorous affirmative action program will benefit everyone. We look forward to working with you to make Marshall-Wythe a leader in the quest for social justice.

Sincerely,
Susan Larson
The Marshall-Wythe Chapter of
The National Lawyers Guild

Dear Ms. Larsen:

I have your letter of January 22nd, written in behalf of the Marshall-Wythe chapter of the National Lawyers Guild, and signed by several student members of the chapter.

The faculty shares your concern about our affirmative action programs and appreciates your interest in determining that accreditation standards in this regard are met. As you know, I have appointed a faculty committee to review our minority admissions and faculty hiring procedures and the history of minority recruiting and faculty hiring procedures the past few years. The admissions office and the Faculty Appointments Committee are not satisfied with results of their efforts, but they do believe that the law school is in substantial compliance with the ABA standards. What we

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THE ADVOCATE, serving the students, faculty, and staff of the Marshall-Wythe School of Law, is published every other week during the academic year and is partially funded by the Publications Council of the College of William and Mary, Williamsburg, Va.

Remember:
Judge Higginbotham
February 20, 1981 7:00 p.m.
room 119



Schauer Evaluates A.A. Program

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Rich Marone won the Kaufman competition last year.

At Schauer's suggestion, the Moot Court Board selected this year's national team members on the basis of their performance in the Appellate Advocacy competition. "The six selected were the six of the last eight competitors who wanted to do it," Schauer said. "In previous years, the selection had been based somewhat more subjectively on performance in the moot court course run primarily by the Moot Court Board."

The present Appellate Advocacy program, required for all second year students except law review members, replaced the optional moot court class this year.

"Finding a moot court team is very important, but still secondary to the basic goals of the course. In addition to providing at least the experience of one brief and one oral argument for every student, one of the other goals is to provide more intensive experience for

those students who are particularly adept," Schauer said.

According to Schauer, a course in appellate advocacy is "absolutely vital for several reasons. First of all, most of what you do in your early years of practice will be legal writing usually in the form of briefs. The course provides experience in intensive legal research which, again, you will be doing in early years of law practice. Also, appellate argument is very similar to motion argument in practice, whether on a motion to dismiss, a motion for summary judgment, or a motion to strike evidence. That covers a significant part of what most lawyers do."

Because the course ended with the tournament finals last Monday, Schauer has been able to reflect on the effectiveness of the class. "If I teach it next year, it will be structured fundamentally the same. Of course, you learn from mistakes in the past, so I will make a few

minor adjustments." Asked if the brief deadline, which this year was the Tuesday before Thanksgiving, would be among the adjustments, Schauer responded, "Probably not. The deadline left a rather extensive period for exams. Also, the amount of time given to write the brief was somewhat more than that given for a real appellate brief."

Schauer described the overall quality of the briefs as "excellent." He will return the briefs sometime this month, and he may make a copy of the bench brief, given to the oral competition panels, available to students.

If a second-year student got hooked on appellate argument and wants to take a similar course his or her third year, "there is Trial Advocacy as well as clinical courses that involve similar skills," Schauer said. In addition, at least three other invitational teams will be selected by the Moot Court Board.

Placement Poll

Before the appointment of Dean Schoenenberger last year the placement office functioned as a passive, self-help sort of employment referral service. The student body of Marshall-Wythe anticipated invigoration of the employment effort with the arrival of an administrative officer whose dedicated position was to head up the placement office.

In the last issue, *The Advocate* interviewed Dean Schoenenberger to obtain his observations on the placement program and his perception of its successes.

Now we seek views from the other perspective — the students. How does the student body of Marshall-Wythe view the placement effort? Is it successful? Is it broad and active enough? Is it structured so as to benefit the greatest number of students?

In order to provide an opportunity for as many students to voice their opinion as

possible, we have included a questionnaire in many copies of this week's paper. It is a vehicle for expression. It will not constitute a scientific survey, but if it elicits some response, an indication of student opinion can be obtained.

Dean Schoenenberger has said that one of the impediments to accurate documentation of the placement effort is lack of feedback. Properly used, our questionnaire will provide valuable feedback. We ask that those students who have views to express, use the form provided and return it to the office of *The Advocate*. If the placement office has been beneficial to you, if it has rendered you no service, or if you have eschewed its use to go it on your own, please let us know.

The results of the questionnaire will be reported in a future issue, and will also be made available to the placement office.

M-W Tournament This Month

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The arguments will address issues which are currently the cause of great controversy in the legal community: strip searches, class actions, and civil rights actions.

The Marshall-Wythe team of Cheryl Short, Eleanor Bradley, and Mary Jane Morrison will compete against teams from Washington and Lee, the University of Virginia, the University of Richmond, Duke, Wake Forest, George Mason University, and West Virginia University.

Elva Mapp and Rick Mann are

the students most responsible for putting together the tournament. Mann wrote and researched the problem for the participating teams with the assistance of Barbara Lorentson.

Mapp has coordinated the entire event. Since September she has been lining up schools and judges to participate.

Through the combined efforts of Mann, Lorentson, Mapp, and the members of the Moot Court Board, this tenth version of the Marshall-Wythe tournament promises to be the most successful yet.

'Talent and Hard Work'

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normal six months, and had never lost." As well as overall victories, the team took Best Oralists Awards at both the Fordham invitational last spring and the regional tournament last fall. Perhaps compounding the disappointment was the perceived narrowness of any victory on the national level. All three conceded that the level of

competition was incredibly high. Mann pointed out that "even the finalists were no more prepared than we were. At the nationals all the oralists are outstanding. The differences are far more stark at the regional level." Jennie Estes, Chief Justice of Marshall-Wythe's Moot Court Board, agreed. "There are no easy wins there. When you get that far you've got to have something just a little unique about you to make you stand out."

Marone, Mann, and Harbottle all feel the moot court program has made enormous advances in the past year. Their drive has now been transferred to continuing to improve in the future. Marone summed up the team's sentiments: "We've learned much about each other and ourselves. The new team must build upon themselves through incredible dedication. They should benefit from our experience. It's a self-propagating system." This team's performance has, at the least, placed a new emphasis in developing the advocacy program in general, and the moot court program in particular.

As a final word on the retiring national team, Professor Schauer added that the three are "as good as anyone I've seen. They took it seriously, and deserve their rank. They had what it took: natural talent and a lot of hard work." Both teams will receive Order of the Barrister awards for oral advocacy.

Letters

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must do is seek to improve the results of our efforts.

There are no students on the ad hoc committee because the

work of that committee will require review of student records and transcripts, as well as personnel files regarding

faculty hiring. We are forbidden to share this information with other than faculty and administrators, and then only for valid educational purposes. I am certain that Professor Koch would welcome hearing from members of your organization concerning their views and suggestions. I urge you to meet with the committee and express your views and concern to its members. Meanwhile, I will be mindful of your suggestions in working with the admissions office and the Faculty Appointments Committee.

Once the ad hoc committee has reported to me, I intend to share its report with our faculty. We will determine what additional activity is advisable.

Thank you for writing.

Cordially,

William B. Spong, Jr.
Dean

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Learned Hands Trounce Tripods

Listen up, sportsfans, the best kept secret in I.M. roundball this year, John Hall's Learned Hands, have come out of the closet and into The Flat Hat's "Fabulous Fifteen" Referee's Poll as a result of the 62-40 spanking they delivered to the collective rear end of the previously unbeaten Tripods on Tuesday evening, January 9.

The Hands attained their number 14 ranking through a combination of ball-hawking defense, unerring shooting and total domination of the boards. To be fair to the Pods, their responsibility for this fiasco is mitigated slightly by the fact that only five players were able to dress for the game due to the flu epidemic.

Pod Coach Jack Doyle brought his team out in a 1-3-1 defense designed to trip the ball on the wings and to conserve energy. The Hands quickly forced the abandonment of this alignment as point guard Eddie Bourdon repeatedly found Greg Stewart

and Eddie Francis all alone on the baseline for short jumpers and layups. When the Pods switched to a 2-3 defense, the Hands responded with the downtown shooting of Bourdon and Mike Vulgan. At the Pod end of the court, the Hands' chest-to-chest, overplaying man-to-man defense denied high percentage shots. The muscular front line of Stewart, Francis and Vulgan vacuumed the boards and completely neutralized Pod center Rick O'Keefe, who had his worst game of the season. Only the accurate long-range shooting of Doyle and Kevin O'Mahoney kept the pods within striking distance as the Hands raced to a nine-point halftime lead.

The Pods came out in a man-to-man defense to open the second half in a desperate attempt to force some turnovers and get back into the game. The Hands made a mockery of this tactic by hitting on their first ten field goal attempts as the Pods

ran themselves into exhaustion. With a nineteen-point lead midway through the third quarter, the outcome of the game was all but decided, and the Hands cooled off somewhat. This, plus the continued hot shooting of Doyle and O'Mahoney kept the margin from going through the roof. Steve Givando-Cline applied the coup de grace when, with seven minutes left in regulation, he stole the ball at the defensive end, dribbled the length of the court and executed a nifty reverse layup under heavy pressure.

Seven minutes of garbage time followed this spectacular play as Coach Hall emptied his bench. Nothing went right for the Pods as the game wound down, but they hung in there gamely until the end. This win lifts the Hands into a tie with the Pods for second place in the Crum League. Both teams came out of the game with 4-1 records.

school organizations.

—Without the SBA, there would be no Judicial Council and thus, no student input into disciplinary matters at Marshall-Wythe. At best, a benevolent dictatorship by the administration would result.

—The SBA provides a needed social outlet for students at Marshall-Wythe.

—The SBA has fought for, and gained, increased student participation in the selection of faculty members.

Admittedly, more can always be accomplished by any organization. The solution, however, is not to discard a system of self-government without anything to replace it. Instead, the Marshall-Wythe community should recognize both the limits and the potential of the SBA. It was not designed as a vehicle to effect radical social change. It can function admirably as a liaison between students and faculty and as an expression of the professional and recreational needs of the students at Marshall-Wythe.

Sincerely,
Julie F. Tingwall

NCSC, M-W Symposium Explores State Courts and Federalism

On January 23-24, 1981, 150 academicians, state and federal judges, students, and professionals, met for the *Symposium on State Courts and Federalism in the 1980's*, which was jointly sponsored by and held at the National Center for State Courts and the Marshall-Wythe School of Law. The symposium was a unique exposure to scholarly thought of eminent law professors and practical insight of respected jurists as the participants considered the continuing roles of federal and state courts in the federalist system.

After a welcome by Dean Spong, Professor Paul M. Bator of Harvard Law School delivered the first paper of the symposium, "The State Courts and Federal Constitutional Rights." An editor of *Hart and Wechsler's The Federal Courts and the Federal System*, Professor Bator concluded that state courts are fully competent to hear federal constitutional issues. Because all courts must adhere to the dictates of the federal constitution, Professor Bator argued, collateral review by federal district courts of state court federal constitutional determinations is unnecessary.

Next Professor Robert M. Cover of Yale Law School delivered a paper entitled, "Uses of Jurisdictional Redundancy: Interest, Ideology, and Innovations." Professor Cover argued that federal court collateral review of state court determinations of federal constitutional law is a necessary method to ensure proper adjudication of constitutional issues. By providing for a second court to hear the case, to state Professor Cover's thesis simply, the chance of a correct resolution is enhanced.

On Saturday, Professor Martha A. Field of Harvard Law School delivered a paper entitled, "The Discretionary Nature of Federal Jurisdiction." Professor Field considered the continuing vitality of such doctrines as abstention and *Younger v. Harris*. Professor

Burt Neuborne of New York University School of Law was the last of the academicians to speak, his paper being entitled, "Toward Procedural Parity in Constitutional Litigation." Professor Neuborne explained that federal courts usually are preferred over state courts for federal constitutional litigation because of procedural advantages. As time passes and state court procedures grow more akin to those of the federal courts, Professor Neuborne predicts more federal constitutional litigation will occur in state courts.

The members of the judiciary present to offer views from the bench included Chief Justice Robert J. Sheran of the Supreme Court of Minnesota, Judge Robert R. Merhige, Jr., of the U.S. District Court for the Eastern District of Virginia, and the Honorable Sandra D. O'Conner of the Arizona Court of Appeals. The state judges conveyed the indignation felt when a state supreme court decision regarding federal constitutional issues is upset by a federal trial court judge through collateral review. The finality of the judicial process is undermined when such review is permitted, argued the jurists. Judge Merhige, while noting the infrequency of state-federal clashes, found the dispositive issue to be justice for the litigants regardless of whether it is dispensed by a state supreme court or a federal court acting by collateral review of the state court.

Moderator John Pagan then conducted the several participants in a roundtable discussion of recent developments. Many of those present at the symposium participated in the discussion, offering their ideas and observations.

After Edward B. McConnell, Director of the National Center for State Courts, made a few closing remarks, the symposium was concluded. The papers delivered at the symposium will be reprinted in the *William and Mary Law Review* as the final issue of this academic year.

Letters to the Editor

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Out of Order

To the Editor:

Today I read the latest issue of "Out of Order." The lead story on Bob O'Brien's removal as BSA representative was an editorial, disguised as a news story, lambasting the past SBA administration. Little need be said about Mr. O'Brien's removal. He was appointed by Rich Marone and approved by the Executive Board. They had the same right to replace him with another law student they perceived to be more effective. I doubt seriously if the editors of "Out of Order" lost any sleep over Mr. O'Brien's removal. It was merely a convenient excuse to continue a pattern of irresponsible criticism against

the SBA and Mr. Marone.

The misleading character of this type of journalism is especially dangerous now. A referendum on the continued existence of the SBA is forthcoming. If the law school community relied only on the "printed word" circulating at Marshall-Wythe, it would assume the SBA is little more than a nice thing a few people put on their resumes. Nothing could be further from the truth. Instead of indulging in futile name-calling, the law school should examine the facts. For example:

—The SBA is responsible for obtaining funds for such diverse organizations as Student Legal Services, BALSAs, Mary & William Society, and other law

edged Theresa Carroll (105) for treasurer. Daniel Delly (57) trailed in that contest.

Randy Leach and Elliot Moorman were elected third-year representatives and Acie Allen and Lynn Taylor were elected second-year representatives.

Brenda Hart, who ran unopposed, was elected alumni relations representative.

SBA Election Results

Two hundred and ninety-seven students voted in the Student Bar Association elections on January 23. Arthur Gary (183 votes) defeated Allen Grossman (95 votes) for the vice presidency by a two-to-one margin.

Patti Pritchard (137) was elected secretary by a narrow margin over Randi Dufresne (126) and Dan Cassano (109)

LEXIS

LEXIS training sessions for 2nd year, 3rd year and MLT students will be conducted throughout February by Tom Scarr.

Sessions will be arranged according to the following schedule:

Mondays	6-8 p.m.
Tuesdays	10 a.m.-noon
Wednesdays	8-10 p.m.
Thursdays	10 a.m.-noon
Sundays	2-4 p.m.

Sign up at least 2 days in advance at Library circulation desk.

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