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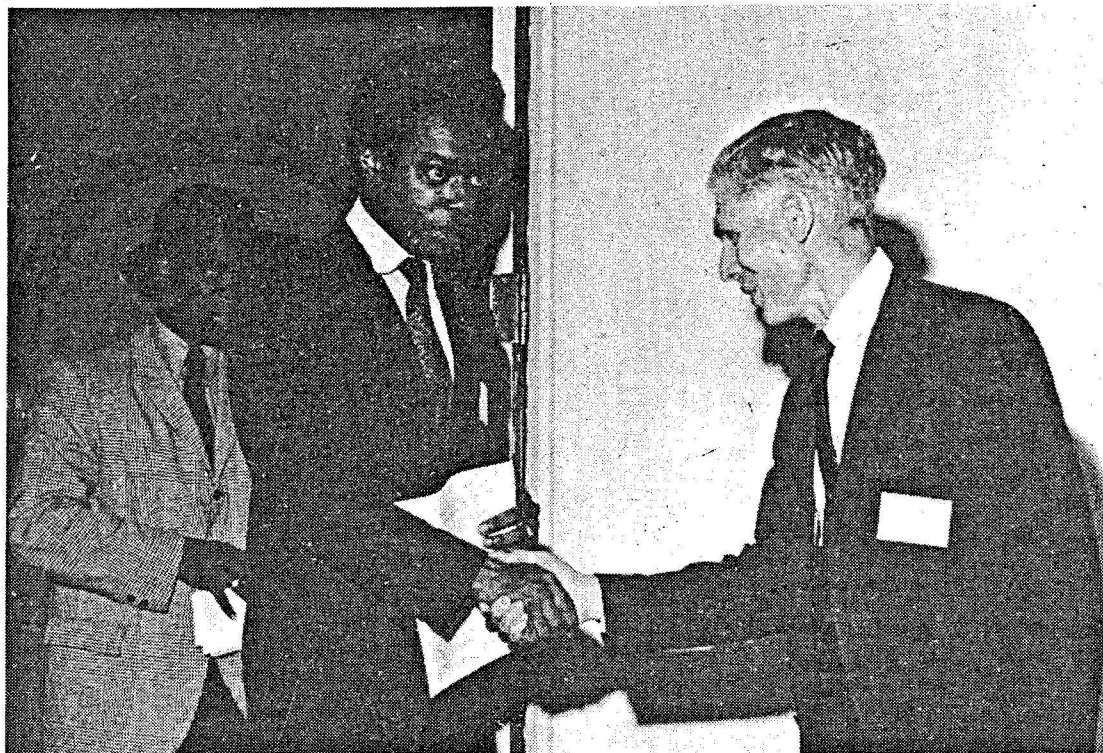
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The Advocate

Volume 3, Number 5

Student Newspaper of the National Law Center, The George Washington University

December 6, 1971



Dean Robert Kramer (right) greeted all first year students including Donald L. McClure, as they entered the Grand Ballroom for the 1971 First Year Law Student Breakfast. Story, along with more pictures, are in the Alumni Section.

GW Defeats GU In Moot Court Regional Finals

by Gary Strausberg

George Washington University Law School defeated Georgetown Law Center in the final round of the 22nd National Moot Court Competition's Regional Championships held on November 19, and thereby gained entrance into the National finals to be held in New York in mid-December.

Seven law schools participated in the Regional Competition besides GW and Georgetown. They were Catholic University, Dickinson, Duquesne, Howard, Temple, the University of Maryland and the University of Pittsburgh.

Jonathan Broome, Joel Birken and Bill Babcock represented GW. Both Broome and Birken were finalists in last year's competition, while Babcock was a semi-finalist last year. The team has been preparing for the competition since August, under the guidance of GW Professor Dave Seidelson.

The constitutional questions raised by the Calley trial are the issue for this year's competition. GW represented the petitioner in their brief, although the team had to prepare an oral argument for both sides.

GW lost the first round to Duquesne, with Broome and Babcock arguing. The validity of the loss, however, is open to debate, since the particular District of Columbia Superior Court judges who were presiding at the event seemed quite unknowledgeable on the subject being argued and failed to confront Duquesne with obviously pertinent questions. Duquesne merely had to read through their prepared text.

The first round loss to Duquesne, however, did not totally eliminate GW and they were able to rebound to defeat Pittsburgh in the second round. Birken and Babcock argued for GW and managed to barely snatch away victory from a fine

Pittsburgh team. It was an extremely fascinating contest, with the judges showing a deep understanding of the issues and asking very provocative questions. Both teams demonstrated that they had a full grasp of the issues, and answered the judges' questions ably.

The decision was extremely close, with Pittsburgh gaining a two-to-one edge on the oral presentation vote, but GW receiving the overall victory because of their superior brief.

The victory over Pittsburgh was followed by the semi-final round, with GW facing Temple. In the other semi-final, Georgetown went up against Maryland. Broome and Babcock, with a fine performance, managed to beat a Temple team which was not as powerful as Pittsburgh. The match against Temple was as crucial to GW as the finals, since both victors in the semi-final rounds were allowed to enter the Finals in New York.

However, much pride was at stake during the contest between the Washington rivals. GW was handicapped not only because of Georgetown's fine reputation, but also since the GW team argued the respondent's position for the first time.

The regional finals were held in the United States Court of Military Appeals. The presiding judges were Charles R. Richey, a judge for the U.S. District Court of the District of Columbia; William H. Darden, judge for the U.S. Court of Military Appeals; and well-known Washington civil liberties attorney Phillip J. Hirschkop. The judges complimented GW for having given an excellent argument, and for writing a fine brief. GW has never before established their right to enter the National finals, but based on their regional performance the participants are looking towards victory.

The George Washington University
Office of Law Alumni Relations
Washington, D.C. 20006

Accountability and Discretion: An Analysis of the Law School

by Greg Siggers

Editor's Note: Greg Siggers graduated from George Washington University Law School in September, 1971. Mr. Siggers has recently completed a report on federal housing programs, which will be published in the near future. Presently, he is working as an attorney in Los Angeles, California. The following article is the first section of a two part memorandum which is based on notes which Mr. Siggers took while attending the Law Center. The section below, consists of his views on the problems which many law students face while attending NLC. Mr. Siggers proposal of a potentially viable program to alleviate those problems will appear in the next ADVOCATE issue.

This past summer, a friend of mine, having just completed his exam, walked up to the professor who was proctoring his own final and attempted to hand in the work only to discover that the professor would not accept it, since the student had not attended his classes.

An argument followed during which the professor emphatically said that no excuses would help, and noted that another student commuted daily from Baltimore just to attend the class. Eventually the professor realized that he might be required to grade the exam and therefore would accept the

paper. However, he implied that my friend would not pass the course. The student grabbed back the exam and ran to one of the deans, who allowed him to drop the course.

Because the student was registered for two courses with he above professor, the dean allowed him to drop the second course as well, before another discriminatory evaluation of his work product could be made. Of course tuition and fees were forfeited, so the student was essentially fined \$350 for deciding to forego classes in deference to his highly educative legal job, while still studying the course material and taking the exam.

In the same system which creates pressures solely to develop forced examination skills, this professor had ruled, in his boundless discretion and in accordance with his "academic freedom" as a teacher, that the penalty for not attending classes would be permanent garnishment of the student's intellectual credit rating and a fine of \$350. The administration modified the penalty to the \$350 fine.

The student was outraged by the professor's behavior, but thankful that a higher official in the law school structure had intervened. My friend promised not to openly discuss the incident in order to avoid the possibility that masses of student would try to drop courses during the exam.

The occurrence must be deemed even more interesting than similar cases, since student evaluation reports rate the professor as one who runs a

boring, unappealing class utilizing unimaginative teaching techniques.

I ask you to consider some of the other incidents which, I have either seen, heard about, or deduced through my intuition.

A night student is forced to drop most of his courses because of personal and health reasons. He loses tuition and fees. The fine is \$480 with enrichment going to the school.

A beer-drinking, long-haired student of uncertain origins and unclear political persuasion goes to the administration for emergency loan assistance. His request is refused on the grounds that no more funds are available. A straighter friend approaches the same dean several days later, with a claim both students agree has less merit, and receives the funds.

Several black students are standing around discussing the grades received from a particular professor. All feel that the faculty member is a racist. A white student approaches and the discussion changes.

A liberal professor calls, one at a time, most of his first year women students into his office to inform each of them of his belief that by his evaluation they do not have what it takes to be a lawyer.

Several students of one professor discuss their belief that the professor appropriates student material for his own use and reputation enhancement, without giving recognition to the sources of originality or research.

The faculty as a body denies tenure to its most famous and
(See DISCRETION, p. 2)

This issue of the ADVOCATE has been mailed to 10,000 NLC alumni by the Alumni Association, suppliers of the Alumni Section material.

DISCRETION, from p. 1

"Tenants . . . and . . . Consumers Have More Rights"

dynamic member.

The Dean of the Law Center unilaterally boots out the Urban Law Institute. As an afterthought, he gets faculty backing.

For those whose thinking stops with the belief that clinical education and clinical law professors are the solution and salvation of law schools, consider the student who took a much heralded clinical course. For the first half of the semester his group worked on a project which came to a dead end around late October. For the second half of the semester, his group worked on a project which came to a dead end in late December. The group felt that it had worked hard, but that not all project's hypotheses were proveable.

The student heard from his professor two days before the exam that his clinical work was unacceptable and that he would be expected to take the exam. With four other exams and two days, the student had a difficult time. He received a failing grade for the course—by one point.

He was a third-year law review student and this grade knocked him off coif. If there had not been administrative intervention he would not have graduated on time.

Many other students who knew the professor and the student, both powerful egos, and knew of their open conflicts in class on structure and politics felt the professor's action to have personal roots.

I was standing in the registration line for summer school and a couple of things happened which prompted me to write this article after all. I had previously decided, as a result of the crap in which I had been involved during the regular school year, that I would forego further student activities. After all, I was a transient and would be graduating in a couple of months. Ease yourself through the summer boy; skip town and forget it all. However, that registration line got me wound up again.

First, there was a course I wanted to take, which was a rarity for me. So there I was, blithely standing in line for half an hour, close to graduating, a senior, quietly confident that all was well with the cards resting in my hands. Not so. The nice woman in line crossed out my prime choice, handed me another card to fill out which would establish my credentials.

Apparently, my credentials were not good enough and I did not get the course, although I had all the prerequisites in the catalogue and was in my last semester. What really pissed me off was the way the bastards did it. I had no idea what it takes to get membership in the club, and I still have no idea what it takes to get into business planning. Just quietly, efficiently, and openly, with a heavy lead pencil, I was crossed off one list. Sorry you piece of shit.

Then there was that fucking piece of paper—that contract which all students sign to enable them to gain an education. All of us have made the promise to schools to be good boys and girls.

We hand in our tuition money and in return are put on notice by the Board of Trustees to an obligation which translates something like: "Student beware. If you break any school rules you will be kicked out; money not refunded. We can also change the rules at any time and you must obey. There is no structure built within our school to allow redress of grievances." After all, we are only law students.

The above carries a simple thread called discretion and control and accountability. That thread runs through the Board, the Administration, the Faculty. That thread links the conservative professors with the liberals, the traditional with the clinical—who controls what or whom, how or when, or who has the right to make the rules and why and who is catching shit for it. There is a They and there is a We—and the We catches shit sometimes and has no recourse but to beg mercy.

It would be an exaggeration to liken this school to Kesey's *One Flew Over the Cuckoo's Nest*. This is not yet a mental institution and Kramer is not Big Nurse. And the student is too well fed to be a field nigger, but the psyche of the institution and its pressures and discretionary abuses, discriminations, covering each other, pact not to talk about the faculty meeting, hiding the boners of the profs who do and have screwed us for reasons illegal or inequitable. A Dean has called me "paranoid"

on the same day a professor told me not to get "paranoid, because they do it to everybody."

Only one thing is clear and that is "they" got control and create their own boundaries of discretion and use it and are accountable to themselves, self-monitoring. And if there is shit around, we usually catch it. I think maybe equality means spreading the shit around. And I think academic freedom means spreading the shit, and improving the schools an institution means spreading also. I think maybe, at least in our narrower roles as students, "we" means female, male, black, brown, white, and red.

I propose three things:

(1) That students look beyond the needed reforms in curriculum and methodology and look into the nature of the institution itself. Clinical education is needed, is extremely important, and is a battle that will be continued, but it should not obscure the larger issue.

(2) That institutional reform should be a student created and directed clinical project. (At minimum, it could be laboratory of learning in labor law, collective bargaining, administrative law, systems analysis, community organization, and media experience.)

(3) That students create an organization, union, association, the word is irrelevant, but the collectivity and spirit and

loyalties are central—which must run the clinical project and have for its purpose the planning and implementation of a strategy to take power in the school.

Who provides the resources

for salaries anyway? Who dispenses the privileges? How is it that students pay the money to take the shit and are told to like it? Tenants, shareholders, and even consumers have more rights.

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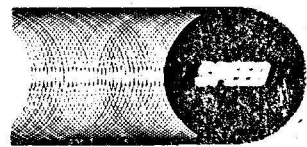
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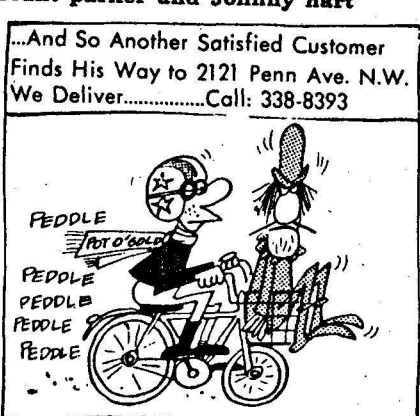
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Editorial

Students as Employees

The front page article by Greg Siggers should not be construed as a radical commentary, unrelated to the legal evaluation mechanisms and legal structure which all law students and lawyers are taught to make the determinative factor for each of their sentences. On the contrary, the essence of Mr. Siggers' analysis, which will be more fully developed in the next issue of the *ADVOCATE*, concerns implementing the principles of America's legal system into the structure of George Washington University National Law Center.

To realize this fact, an Editorial Note in, of all places, the July 1970 edition of *George Washington Law Review* (Vol. 38, No. 5), should be read. The note is entitled, "Student-Employees and Collective Bargaining Under the National Labor Relations Act: An Alternative to Violence on American College Campuses" and was written by a former GW law student, Donald F. P. O'Connor.

The note is very well documented. Mr. O'Connor's documentation leads to one infallible conclusion; the treatment of students as children does not end with legal maturity, but continues through university education and, for that matter, through law school. He says:

The existing organizational structure of the university, under which ultimate authority is vested in a board of trustees that delegates power to a chief administrative officer, has been identified as one of the prime causes for students' adoption of violence as a means of effecting change.

Students feel powerless in their routine confrontations with this authority, and frustrated by their inability to accomplish institutional reform through conventional political discourse. Students attempting to voice their opinions concerning issues which face the university have too often had their petitions met with inaction by university officials who have indicated that responsibility for the resolution of these questions rests solely with the university trustees.

O'Connor then evaluates the relationships between students and universities which have been defined through the court system. His conclusion is that although "in loco parentis" has been dropped as the defining factor in determining student rights in universities, the other criteria now used amounts to the same thing.

The contract theory has been used most frequently by the courts. "Although this theory gives the student an opportunity, through negotiation, to improve his position in relation to the university," Mr. O'Connor says "it has been impossible for the students to take advantage of this opportunity."

The contract provisions are not the product of negotiation, but have been decided unilaterally by the university before the student is admitted to the university. The student signs the contract to obey school rules and give all power to the university, automatically, or in fear that recalcitrance will result in dismissal and replacement of his position with one of the several on the waiting list.

The trust relationship definition is similar to the contract situation, for the duties owed to the student by the trustee university are based on contract. The fiduciary relationship is a "benevolent form of *in loco parentis*."

Court definitions, as pointed out by the note, often consider whether the university is a public or private institution. No modern decision has ever held that the constitutional rights of a student constitute a limitation on the power of a private university; although modern cases have held the opposite when considering public universities.

The essence of Mr. O'Connor's note is that "students can be viewed as employees of the university entitled to bargain collectively under section 7 of the National Labor Relations Act (NLRA)." To attempt to place his supporting argument in this space would do injustice to his thesis. However, Mr. O'Connor basically ascertains that students are receiving several thousand dollars of compensation for attending universities. That benefit is derived by subtracting tuition payment from the total amount of money a university must spend to support each student.

Why are universities employers and what benefit do they receive from the student-employees? O'Connor's answer is that the student's primary responsibility in his employment relationship with the university is simply to be a student. The student's presence on campus and pursuance of the degree provides a service to the institution that is essential to its maintenance. Without students, the university, a complex financial institution allocating millions of dollars to its officials and operation, could not exist.

Mr. Siggers has illuminated examples, whose truth or falsehood are irrelevant. The issue is that there is no legally valid grievance procedure in this law school. The most logical institution for using innovative legal theories which end repressiveness and unilateral discretion, would be the National Law Center. If students could get the NLRB to accept the above argument, legal equity would finally be brought to this institution.

A Funny Thing Happened On the Way to the Bar Exam

by David Kaufman

The original package doctrine, the principle of *res inter alios acta* — I mean, who cares? Your friendly District of Columbia Bar Examiners care, and you'd better know these and other exciting principles when you take the D. C. Bar Exam, a grueling three-day affair. And where do you review (would you believe learn?) such minutiae — why at the Fracelli Bar Review School! As the man said, "If your head feels like jelly, see Fracelli."

You enter the Fracelli Bar Review classroom in downtown D.C., pick up the questions for the day (Fracelli tries to teach the principles by asking questions which will bring out the principles), and sit down pen in hand and poised for action. In walks a stumpy man with a square jaw, wisp of a mustache, and a great luminous nose. He's not exactly a Beau Brummel in his baggy suit, nondescript tie, and starched white shirt (yes, white shirts are alive and well in the legal profession). His eyes squint out through heavy glasses as he announces himself, "Hello, I'm Joseph Fracelli. I'm going to prepare you for the Bar Exam. You'll learn more law from me in five weeks than you did in three years of law school."

What blasphemy is this? Three hard years of work in five weeks — does he mean to say that I spent two years and forty-seven weeks stretching things out at \$4000 a year? Then you look at your bar study notes and you realize his is no idle boast. All the torts you need to know for the Bar are contained in eleven pages of black letter law, all of of constitutional law on eight pages, and all of corporations on seven pages of black letter law. Amazing. I spent an entire semester, four hours a week in class, learning constitutional law — kicking issues around, getting the majority view, the minority view, the professor's view, the students' view — and all that can be pared down to the constitutional law running eight pages! And the kicker is that the professors spent so much kicking things around that you ended up confused as to the basic law — and now there it all is tied up in one neat little package ("spoon fed" for you, a professor might disdainfully say).

The class is about to begin. I glance around at the current cast of characters — the courtly Spanish gentleman who sounds like Jose Jimenez, the widow-thirty-three years out of law school who never practiced law a day in her life (what would

Women's Lib say?), the guy who blurts out unsolicited answers (disrupting my train of thought), and the guy who always asks stupid questions (a type indigenous to law school). Sitting in the first seat in the first row every day is a sweet, friendly, middle-aged guy who's graduating from GW this January. Then one day he doesn't appear — we learn he's had a heart attack. A strange group bonded to do battle with the Bar — some for the second or third time — and now we've lost one of our noble group. We must push on.

The class begins, as Fracelli opens his script. He's got all his answers worked out in advance, to the point where he could give them in his sleep. Fracelli reads the questions aloud, gives the answers, and spices his answers with friendly hints for passing the Bar. "Here are some of my hints," he says. "Beware of dates, words in quotations and problems involving two transactions. If there are two transactions, the chances are nine out of ten the answer for each transaction will be different, or if the answers are the same the principles will be different. If you follow my hints you can't give a wrong answer — even if you tried."

I wonder to myself whether anybody ever tried to give a wrong answer, and whether he got it right in spite of himself. But that's no concern of mine — I'll be trying to give the right answers, I'll remember Fracelli's hints and I'll pass the Bar just like 90% of Fracelli's students passed the last D.C. Bar (claims Fracelli). Then a word of reality. "I don't know why, but a lot of my students forget what we taught them and go all wrong on the Bar exam. If you don't listen to me you might as well take the money you're spending on taking the Bar and take a vacation or become a bookkeeper. One big mistake is fighting the facts given to you in the problems — most students know the law, but many don't know how to apply the law to the facts to come out with a concrete solution to the problem. If you don't know how to do that you'll be taking the exam like a pig with blinders!" Fracelli's face is contorted into the most sickening grimace, like he'd like to want to die. I think to myself of those glorious wishy-washy answers we used to get away with on law school exams ("I decide for the plaintiff, but then again the defendant has a good case too...").

The class rambles on — my writing hand is killing me. One hour gone, and I've already taken six pages of notes — why that's more notes than I took for D. C. Green in an entire semester! Fracelli tries to psyche out the Bar Examiners, anticipating what questions each will give (what Fracelli calls their "pet questions.") Sometimes he hedges his bet ("There's always a question involving either Interstate Commerce and Taxation or Interstate Commerce and Police Power. Last year Mrs. Harris gave a question on Interstate Commerce and Taxation, so I hesitate to say you'll be getting the other question this year"); sometimes he's more emphatic ("As sure as you're sitting in this room you're going to get this question...") And he drums certain key phrases into you head — during one two-hour session he must have mentioned the magic words "scope of employment" twenty times.

This studying for the Bar is a decidedly unpleasant experience. I'm "reviewing" material I never learned in law school, I'm memorizing things again as if I were studying for a high school or college exam ("Know this principle of law, and all eleven exceptions to it"), and my stomach is all upset just like it was when I studied to take my initial law school exams. Some say when you reach the point of reviewing the law it's a sign of advancement, but I would call it a regression — to high school to college, to fear of the unknown. Most of all, though, you learn how little you know ("On the last Bar exam a lot of people thought this was a contracts question, but it was really a question on constitutional law.") What kind of madness is this? — law school prepares you for the Bar exam about as well as your parents prepared you for sex. Through it all, though, Joseph Fracelli is a constant source of pleasure, especially his malapropisms ("It's against public policy to contract to restrain a woman from marrying for the first time. But it's not against public policy to restrict her from marrying for a second time — on the theory that a second marriage a luxury"). He makes the Bar Review experience as pleasant and sensible as it could be — and yet studying for the Bar Exam is still an onerous task. As for me, I'd just as soon take my chances on a Bar Exam Lottery. It makes about as much sense as the Bar Exam, and it would save a lot of meaningless aggravation and heartbreak.

Leftwich to Talk at Benefit Luncheon

STUDENT-FACULTY-ADMINISTRATION LUNCHEON: Dec. 7, 1971, 12:30 p.m., Strong Dorm Lounge, 620 21st St. Guest Speaker: Willie Leftwich, Visiting Prof. of Clinical Legal Studies, GWU Law School. Prof. Leftwich is Director of the Community Legal Clinic, which has replaced the Urban Law Institute. The Clinic coordinates the following programs: CREATE, the

placement of "ex-inmates" into a dry cleaning and laundry business, Allied Industries Project, a cooperative of several small businesses, and preparation of "how-to books" such as how the food stamp program works. Sandwiches and coffee provided, 50 cent donation. RSVP Mrs. Nance, 676-6328. Sponsored by the Bd. of Chaplains. PROF. LEFTWICH NEEDS STUDENT, FACULTY, ADMINISTRA-

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New Students at Breakfast

The first year law students entering The George Washington University Law School in September, 1971, were welcomed with a Breakfast and Program on September 8, 1971, at the Mayflower Hotel. Approximately four hundred guests including three hundred and fifty first year students, faculty members, deans and University officials, breakfasted together in the Grand Ballroom. The Program was under the direction of the Student Bar Association, ably led this year by President Peggy McAllister. The Breakfast Chairman in charge of arrangements and program was Alexis Panagakos.

The Program included welcoming remarks by Dr. Lloyd H. Elliott, President of GW, and Dean Robert Kramer, Dean of the National Law Center. The Chairman of the Board of Trustees, Mr. E. K. Morris, was introduced to the students. His regular attendance at Law School and Law Association functions has earned him an Honorary Membership in the Law Association even though he is not a lawyer.

The George Washington University Law Association, the alumni organization of the Law School, was represented by First Vice President F. Elwood Davis, who gave a very interesting and thought-provoking presentation as the main feature of the Program. His remarks were addressed to the incoming student embarking upon the study of law and looking forward to a professional life in the legal profession. His remarks provided much food for thought and many ideas for contemplation and reflection by the first year student.

A unique feature of the Program was arranged by Program Chairman Miss Panagakos. Each officer and Committee Chairman of the Student Bar Association was introduced to the incoming students and given an opportunity to give a brief description of his functions and the ways in which he proposed to serve the needs of the law student body. In addition, the major extra-curricular activities of the Law School, the Law Review, the Advocate, and other activities were described to the first-year students by the student officials in charge.

NLC Alumni Section



President Philip F. Herrick, LLB '33, of the Law Association, presents the Luther Rice Plaque to Ethan B. Stroud, LLM '56, prominent Dallas attorney, member of the Law Association Executive Committee, and past National Chairman of the Law Annual Fund. The plaque denotes members hip in the Luther Rice Society, which is composed of Annual Gift donors of \$1000 or more. The occasion was the Annual Luncheon Meeting of the Texas Law Alumni during the Texas State Bar Meeting in Dallas on July 2. Approximately 60 alumni and guests attended.



LAW ALUMNI MEETING, NEVADA—STYLE. William C. Thornton, J.D. '61, left, past member Law Association Executive Committee and Chairman of the Nevada Annual Fund, and Robert R. Herz, LLB '59, Executive Secretary of the State Bar of Nevada, prepare chargrilled steaks for a poolside dinner meeting of Law Alumni at the Thornton home in Reno, Nevada, last June 27. Philip F. Herrick, president of the Law Alumni Association, was the honored guest and speaker. Twenty-five alumni, wives and guests from the Reno area attended.

Alumni to Hear Banzhaf

NLC Professor John F. Banzhaf, III, will be the featured Speaker at a Law Alumni Luncheon during the New York State Bar Association Annual Meeting at the New York Hilton Hotel in New York City on January 28, 1972. His topic will be from SOUP to LABEL—Why Law Students "Sue the Bastards." National interest has been focused on Professor Banzhaf for his activity in connection with smoking as a hazard to health, various consumer protection projects, and his interest in ecology and environmental protection.

Interest in the New York Law Alumni Reunion during the State Bar meetings has increased each year. This program should bring out our largest attendance.

Information by anyone can be obtained by contacting the Law Alumni Office, Room 200, Bacon Hall, 2000 H Street, N.W., Washington, D.C. 20006.



Seniors at the Lawyers Club for the Annual Law Association Senior Reception enjoying a sumptuous buffet.

Seniors to be Honored

Each spring, on a day yet to be set, in co-ordination with Peggy McAllister, President of the Student Bar Association, The George Washington Law Association honors the graduating Seniors and welcomes them into active membership of the Alumni organization. The Senior Reception will be scheduled during the spring semester, on a date far enough in advance of final examinations so there should be no conflict.

Wives, husbands, and dates are invited to participate in this

festive occasion honoring those who are on the brink of entering the legal profession. There will be no speeches or formal program. This is an occasion dedicated to the finest in social enjoyment with good food, good refreshments to be indulged in by good company.

Announcement of the exact date will be made as soon as arrangements can be finalized and when it is known, be sure to mark your calendar and be sure to attend.

Herrick Visits Alumni

Philip F. Herrick, LL.B. '33, GW Law Association President and a partner in the Washington firm of Armour, Herrick, Kenipple & Allen, visited several Law Alumni Groups in the western and southern parts of the US last June and July. The trips were part of an ambitious program undertaken by Mr. Herrick to make the Association more viable and to involve more members in its activities. The effort was much appreciated by alumni located far from Washington, as was evidenced by their enthusiastic response to his personal approach.

The first stop on Herrick's tour was the alumni get-together held in Sun Valley, Idaho, on June 25, in conjunction with the Idaho State Bar meeting, where Idaho alumni meet annually. Next to the University of Idaho, the George Washington University Law School has the largest number of graduates of any school in the active Bar in the state. Outside of Idaho U., GW is the only Law school having a graduate on the State District Court.

Among the distinguished guests who attended the luncheon were Judge Henry S. Martin, J.D. '33, of the 9th Judicial District, Idaho Fall, State Senator Edith M. Klein, J.D. '46, of Boise, and several prominent attorneys and government officials who play a leading role in the Idaho legal profession.

Two meetings were held in Nevada to stimulate interest in the alumni groups on Reno and Las Vegas. William C. Thornton, J.D. '61, hosted an alumni meeting at his home in Reno on Sunday, June 27. Twenty-five alumni, wives, and guests attended an enjoyable poolside barbeque which was followed by a discussion of alumni activities, led by Herrick. The meeting

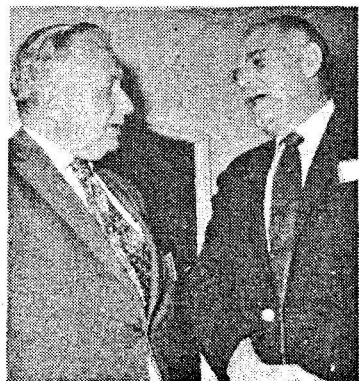
produced many constructive suggestions for future activities of the Nevada alumni. Herrick praised Thornton and the Nevadans for raising money for the Law Library, pointing out that their efforts would be recognized by a plaque in one of the Library's alcoves.

The Reno meeting was followed by a luncheon on June 29 at the Frontier Hotel in Las Vegas, which was filled by a large turnout of local civic and business leaders. Important leadership posts in the state are held by GW Law alumni, whose ranks include Lt. Gov. Harry M. Reid, J.D. '64, who was unable to attend due to pressing state business. Among the distinguished guests in attendance, however, were State Senator Reed E. Walker of Las Vegas, LL.B. '64, and Assistant US Attorney Sidney R. Whitmore, J.D. '51. Others in the group included state government officials and prominent attorneys practicing in the Las Vegas area. Once again, Herrick's efforts to bring the Law Association to the alumnus, however far he may be from the nation's Capital, were met with a pledge of renewed vigor and activity by the Nevada Association.

The Nevada meeting was followed by one in Salt Lake City, Utah. Since the days of the late Sen. Reed Smoot, this state has traditionally set large numbers of outstanding students to GW. Many of these have returned to their home state to practice law, and comprise a large body of leaders in legal, business, and government activities in Utah. The dinner meeting, held June 30 at the University Club, was hosted by State Senator M. Byron Fisher, J.D. '64, of Salt Lake City. Among the guests was State Attorney General Vernon Romney, Jr.

The final scheduled meeting was with the Texas Bar Association in Dallas at the Statler Hilton Hotel. There, on July 2, a group of approximately 60 alumni gathered for a luncheon to hear Pres. Herrick tell of the Law Association's plans to actively involve every alumnus of the Law School. Headlining the list of many distinguished guests at this gathering was Judge Sarah T. Hughes of the US District Court, Eastern District, Texas, who had the honor of swearing in Pres. Lyndon B. Johnson in Dallas after Pres. Kennedy's assassination.

The meeting of the Texas alumni during the State Bar meeting has become an established tradition. Judge Hughes, University Trustee George A. Butler, LL.B. '25, and Ethan B. Stroud, LL.M '56, have been instrumental in promoting this well-attended function. The luncheon's 1971 chairwoman was Rae Ann Fichtner, an active Dallas lawyer, who, along with Stroud, is a member of the Law Association's Executive Committee.



Vice President Seymour Alpert, M.D., representing GW at the Annual Law Alumni Reunion during the Maryland State Bar Association meeting at Ocean City, Md. (left), confers with Walter L. Green, LL.B., '29, prominent Maryland attorney and alumni leader.

GW Alumni Office Experiences Success in Interesting Grads

by Howard Rosenthal

The George Washington Law Alumni Office, directed by Col. Clifford A. Dougherty, today serves more than ten thousand law alumni, as well as promoting the interests of the law school itself.

Col. Dougherty, a retired officer in the U.S. Air Force and a graduate of the George Washington Law School, J.D. 1964, was appointed Director of the Law Alumni Office in 1965. The Office was then assigned the responsibility of coordinating activities commemorating the law school's centennial anniversary. The Office subsequently was made permanent, as a result of its success in this endeavor.

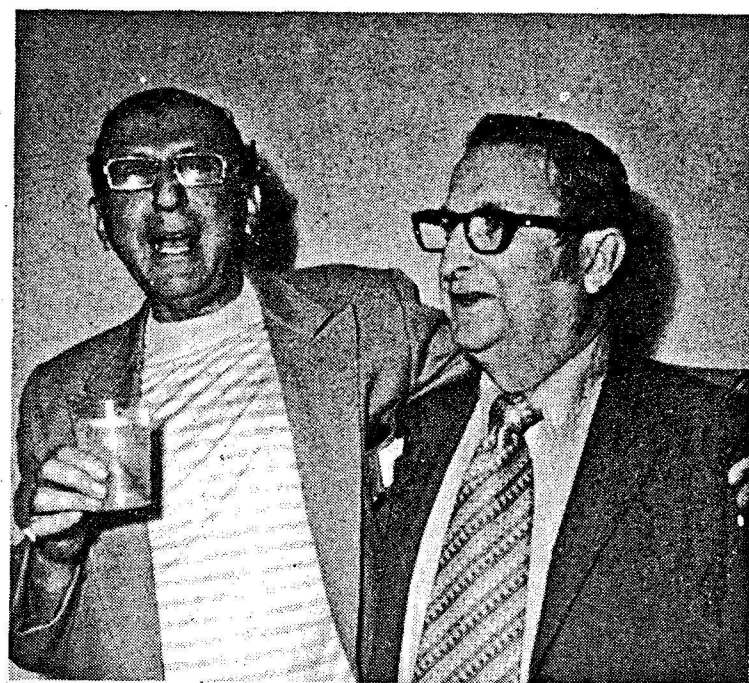
Today the Law Alumni Office is instrumental in implementing the program of the Law Alumni Association, which sponsors alumni meetings at state bar meetings across the nation, and at meetings of the American Bar Association and Federal Bar Association.

The Law Alumni Office is also responsible for the publication of the Law Alumni Directory. First published by this Office in 1965, the Directory is periodically replaced by new editions. The latest edition was published in 1969, and a new edition is already scheduled for publication within the next two years. The Law Alumni Office is the first alumni organization in

the University to completely computerize its membership lists, which greatly facilitates the Directory publication.

The success of the Law Alumni Office can be seen in the alumni response since its inception. Membership in the Law Alumni Association has doubled since 1965. Annual contributions of the alumni have quadrupled during that period, since an annual dues payment system was replaced by voluntary contributions.

The Office also organized the Law Library fund drive, for which additional pledges and contributions of 1.5 million dollars have been received from alumni.



Cliff Dougherty, J.D. '64, Law Alumni Director, spends a relaxing moment with Jacob S. Levin, J.D. '49, (left), Chairman of the Maryland State Bar Association's Annual GW Law Alumni Reunion, held at Ocean City, Maryland on May 17.

Law School Celebrates 106th Year Anniversary

The 106th Anniversary of the Founding of the George Washington University Law School was celebrated on October 29th and 30th, with activities at the Marvin Center on The George Washington University campus. The Executive Committee of The George Washington Law Association, made up of members representing the main geographical areas where alumni are concentrated across the country, met in a business session on Friday afternoon. The members of the Executive Committee were brought up to date on current problems and activities of the National Law Center, with reports by Vice-President Seymour Alpert and Dean of the National Law Center, Robert Kramer. The Nominating Committee appointed accordance with a change in the Constitution of the Law Association adopted last year, members of the Executive Committee are now elected for a four year term, after which the member is not eligible to succeed himself for a period of two years. To provide for continuity and experience in the Law Association, staggered

terms were devised so that ten members of the Executive Committee would get elected each year for a four year term. To get this started, during the meeting a year ago, Executive Committee Members were



The Honorable Oliver Gasch, LL.B. '32, is presented the Law Association Distinguished Alumnus Award by Professor Emeritus William T. Fryer, J.D. '24. Judge Gasch is the fifth recipient of this prestigious award since its inception. Professor Fryer was the recipient of the award at the Founders Day Banquet last year.

elected for one year, two year, three year, and four year terms. Thus, the ten members of the Executive Committee nominated for this year were nominated to replace the members who were elected last year for a one year term. Another provision of the

Constitution stated that those elected for the shorter terms on a one time basis would be deemed to have served the full four year term and would be ineligible for re-election at the expiration of their respective

terms. Those who completed the one year terms are as follows: Henry A. Berliner, Jr. '64, Lloyd Fletcher '39, Samuel J. L'Hommedieu, Jr. '51, Donald L. Mooers '63, Bernard I. Nordlinger '33, Paul L. Pascal '65, Janet Altman Spragens '68,

George F. Wilsey '58, Joseph E. Wright, Jr. '38, Raymond Young '57.

The nominations for the four year term are as follows: James P. Hume '26, Charles H. Landesman '63, Charles A. Marlow, Jr. '59, Robert C. McCandless '63, Robert L. Oswald '64, Edward A. Potts '52, Brice W. Rhyne '51, Alexander L. Stevas '51, Lewis H. Weiss '30, Jerry D. Williams '62.

The Nominating Committee also renominated all officers of the Association to succeed themselves for a one year term.

The gala event of the two day Celebration was the Reception held in the George Washington University Club on the third floor of the Marvin Center. The Banquet was followed by a theatre party in the Dorothy Betts Marvin Theatre in the same building. The Drama Department presented the musical comedy THE HOSTAGE, which proved to be a very entertaining presentation and enjoyed by all.

The highlight of the evening was the after-theatre party back in the University Club, where

the audience gathered for coffee and sweets. During this get-together, the cast of THE HOSTAGE joined the Theatre-goers and this proved to be a very stimulating and entertaining experience.

At the conclusion of the Banquet, and before the guests went downstairs for the theatre party, the President of the George Washington Law Association called upon Professor Emeritus William T. Fryer, J.D. '24, to present the George Washington Law Association Distinguished Alumnus Award. Professor Fryer was the recipient of the Award last year. The Distinguished Alumnus Award recipient was The Honorable Oliver Gasch, LL.B. '32, U.S. District Court Judge for the District of Columbia, and immediate past President of the George Washington Law Association. The Awards Committee appointed by President Philip F. Herrick selected the recipient on the basis of contributions to The George Washington Law Association, The George Washington University, and excellence in professional achievement.

GW Alumni: Where Are They Located?

Since the founding of the George Washington University Law School in 1865, approximately 18,000 individuals have received their first degree in law from this institution. Of this number, about 10,000 are now regularly receiving communications from the University as the result of up-to-date records in the Law Alumni Office and the General Alumni records. There are on the order of 2,000 names listed as "address unknown." Some of these, due to the year of graduation, could be deceased, but the confirmation of deceased alumni is one of the most difficult facets of the record keeping. There are approximately 6,000 known dead.

As would be expected, the largest single concentration of alumni is the greater Washington alumni. There are about 5,000 of them located in the District of Columbia, Northern Virginia, and adjacent Maryland. New York State with 548, and

California with 529, vie for the next largest groups.

The West, including the Far West and the Southwest, has a total of 1327 alumni. The Southern states claim a total of 929, and the Northern states 996.

There is a very active group of alumni distributed throughout the state of Florida, with large concentrations in the Miami area and in the west coast area around Tampa and St. Petersburg.

Another very active group is the Texas Alumni. Although numbering a little less than 200 in the entire state, there are concentrations of alumni in the Dallas-Fort Worth area and Houston. In both locations, there is an organized effort on the part of the Law Alumni.

The California Alumni have an active chapter of the Law Association in the Los Angeles area. The New York alumni are well on the way to establishing a firm tradition of a Law Alumni

Luncheon during the New York State Bar Meeting, and the Colorado Alumni, although numbering only 56 in the entire state, have a well-established tradition of a Law Alumni Luncheon during the Colorado State Bar Meeting. The turnout in Colorado for these meetings has been consistently over 50% of the alumni in the state.

Both Maryland and Virginia Law Alumni are well established, with annual meetings during the State Bar Conventions. The District of Columbia alumni turn out in large numbers for a Law Alumni Luncheon during the annual D. C. Bar Association Convention.

Other alumni groups, although smaller numbered, that have scheduled and execute reunions on a recurring basis, are Nevada with 51, Idaho with 47, and Arizona with 42.

The Massachusetts Alumni, numbering 130, sponsored an Alumni Luncheon during the Massachusetts Bar Meeting in

June of this year. They have also scheduled a luncheon for the mid-winter meeting of the Massachusetts State Bar in Boston for January of next year. Interest in following a similar path has been expressed by the Georgia Law Alumni, who cite

62 in their number.

The Washington State Law Alumni, who claim 91 in their group, have held the Alumni Breakfasts at two Washington State Bar meetings. It is expected that this will continue to be a recurring function.



Milton E. Mermelstein, LL.B. '31 (above), prominent New York attorney, received an honorary Doctor of Commercial Science Degree from St. John's University on October 26.

Professor Bernard Announces Rules For Inter—Library Use

by Hugh Y. Bernard,
Prof. and Law Librarian

Because the library space at the five law schools in Washington, D.C. is limited, and because there is a need for a uniform policy regarding the use of another school's library by students from this law school—as well as the use of our school's library by students from the other four law schools, the following policy regarding inter-law library use is set out:

It shall be the practice, in general, for students of this law school to use the library facilities of this school, rather than to resort to the library facilities at any other law school in Washington, D.C. (All persons may, of course, use the excellent law library at the Library of Congress at any time; permission is not required.)

However, realizing that there are circumstances that make it necessary for students to have additional resources and library materials at their disposal when these resources and materials may not be a part of this school's library—or may be temporarily "unavailable" at this school's library, there shall be exceptions made in the following circumstances:

(1) When a student is enrolled for course work at more than one law school, that student may use the library at each school without seeking any permission. Proof of registration

at each law school will be required.

(2) When a student is engaged in class-assigned work which requires the use of special materials which are not a part of the collections of his school's library, then the librarian of that school may issue a permit permitting that student to use needed materials at another law school's library.

(3) When a student is engaged in other research work, not assigned in his course, but related to his law studies, and this requires the use of special materials which are not a part of the collections of his school's library, or of some other area law library, then the librarian of that school may issue a permit permitting that student to use needed materials which are known to be at another school's library.

An exception WILL NOT be made in the following situations:

(1) When a student resides or is employed closer to a law school other than the school in which that student is enrolled, the student will not normally be permitted to use the library of the closer school.

(2) When a student simply prefers to use the library of another school because of "convenience of the moment," or because "materials are more readily available" at the other school, no permit will be issued.

Procedure for obtaining a permit:

When a student believes that there is a need to use the materials in another school's library, that student will apply to the librarian (or his designated alternate) at his or her own school.

If the conditions for a permit are satisfied, in the best judgment of the issuing librarian, a permit will be issued and a copy thereof transmitted to the librarian at the other school.

The permit will expire at the date and hour specified thereon. Permits will not be issued for semesters or for lengthy periods. At the other school's library, the holder of the permit must keep the permit on his or her person at all times, and show it to any library staff member when asked to do so.

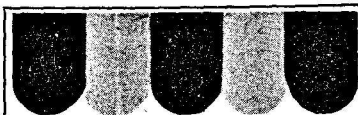
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Menick

Miscellaneous

by Jeff Menick

Although the basketball season will already have started by the time you read this the results of the GW-Maryland game are still unknown at this writing. However, since this is the alumni issue, I want to direct a special appeal to all GW alumni and students, to make an athletic fieldhouse or arena a top priority of the University.

First, it should include a swimming pool, handball courts, perhaps indoor tennis courts, certainly an arena to seat six to eight thousand people as well as room for basketball and volleyball. This would provide recreational facilities for all members of the GW community, students faculty, staff, and administration.

It would encourage greater intramural activity, as well as providing a place for students to spend leisure time in the campus area. It would help provide a better basketball team which could improve the financial situation of the university.

It could also be leased to a professional team, thereby helping the entire community. It would provide a facility that would enable the university to run programs that would benefit all young people of Washington, as well as just the university community, and could actually create a warmer atmosphere at the school. I urge all of you, particularly the alumni, to write to the President of the school urging the construction of such a facility.

While we are on the subject of basketball, I just want to throw in my predictions for the top twenty college teams in the coming season. The following ten schools will be listed in alphabetical order, as there are far too many variables to actually rank them in order of how good they ought to be. 1. Jacksonville 2. Kentucky 3. Long Beach 4. Marquette 5. Maryland 6. North Carolina 7. Ohio State 8. St. John's 9. Southern California and 10. UCLA. My personal choices for the March tournaments are as follows: Long Beach will take the West Regional, Marquette the Midwest, Ohio State the Mideast, and UNC the Eastern regional in the NCAA. Lefty will have to settle for the NIT title this year.

Still in the sports vein, much has been written about the reaction of the Redskins fans to the booing that occurred at the Dallas game. How ridiculous. It again shows that football, an entertainment has become too important in the scheme of the American way of life. It began as a game. It is now certainly a business. It reflects the overwhelming competitiveness of our society. It's as if it really mattered who the hell wins the game. The men who play the game do so for a much higher income than perhaps most of us will make during our lifetimes, but certainly higher than our income will be three or four years after law school; and most of them only have bachelors degrees. Don't get me wrong. I like football. I enjoy watching almost all sports except baseball, whether they are played by professionals or sandlotters.

But again we have lost sight of the purpose of sports. Instead of being primarily entertainment for both viewer and participant, they have come to embody a lifestyle and value orientation that represents only how many razor blades they sell and whose deodorant keeps you driest. Sorry, put back some smiles into these games, and enjoy them more for what they are than for what they represent today.

Other Items

There may be some hope for commercial television yet. Although former FCC Commissioner Newton Minow's characterization is still applicable, the past year has shown some hope for the medium. The CBS documentary on the Selling of the Pentagon, the hoopla over "All in the Family," and particularly Dick Cavett's interviews with literate, interesting and controversial people, have provided some life in a very dull area of mass entertainment. Perhaps some of the creativity shown by the people working for the PBS will further stimulate commercial TV.

While it is still in town, I heartily recommend The French Connection. It is a real thriller and very entertaining. It doesn't hold up as being valid if you analyze the events, but like good theater, it encourages the wilful suspension of disbelief and is one of those rare flicks where you'll not think you've wasted your money.

Since my first column, several people have come up to me and recommended favorite restaurants of their own. If any of you wish to have me review any particular favorites just drop a note to me in the ADVOCATE box in Harlan-Brewer. In the meantime I'll briefly comment on three of my favorite cheap eateries in the downtown area.

Mexican food is always inexpensive, and Don Pedro's in the Ebbitt Hotel at 10th & H Sts. has the best in the city. They have mixed platters for \$2.00 to \$3.50, and a couple can have dinner and drinks for well under \$10. Be advised that most Mexican food can be prepared in either mild or well-seasoned versions, and Don Pedro's are very very well-seasoned.

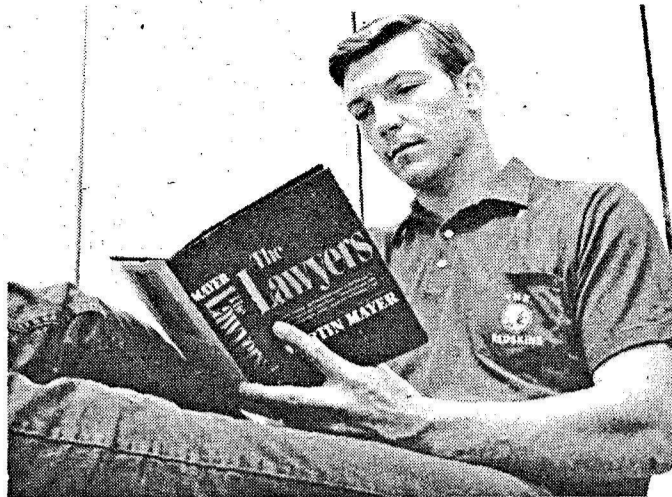
Who has the best pizza in town? It all depends on how you like your pizza. For a fairly dry, but very cheesy pizza with a medium crust, Luigi's, on 19th St. can't be beat. Generous portions and fairly good additions, particularly the sausage and meatballs, make Luigi's one of the most popular Italian restaurants in town. My personal favorite is a dirty little dive in a horrible neighborhood, the A.V. Italian Ristornate. Their pizza is not as cheesy as Luigi's, but they don't use canned tomato sauce either.

Consumers Win Case in Denver

In two March 1971 cases, the Denver County Court ruled in *Columbia Credit Corporation v. Baca* (Civil Action No. Z-79907)

and *Arapahoe County Credit Agency v. Mascarenas* (Civil Action No. Z-79041) that a health club cannot collect on its full contract price, even if

payment was made with a promissory note, where the facilities were not used by the defendant for the complete term.



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McAllister Graduates in January, MacIntosh to Succeed to Office

by Buffy Crow

Student Bar Association President Peggy McAllister has announced that she is taking a leave of absence from her duties as President. Ms. McAllister, who will graduate this January, is presently studying for the D.C. Bar Exam, a task leaving little time for other activities. SBA Secretary Manning Warren will serve as Acting President until the end of the semester, at which time the present SBA Day Vice President, Ernie MacIntosh, will assume the Presidency, according to sources from the SBA office.

Three weeks ago, Ms. McAllister announced plans to

establish an Ad Hoc Committee on Legal Education, to be composed of student, faculty and administration representatives. The purpose for such a committee was to organize and structure hearings to enable voices from all segments of the law school and legal community to be heard, in the hope of openly evaluating the curriculum structure at the National Law Center. Since Ms. McAllister's leave of absence is a prelude to her termination as President upon graduation next month, such legal education review by the SBA is uncertain.

Several issues have been raised by Ms. McAllister's

termination as SBA President. First, some students feel that Ms. McAllister should have notified the student body of the law school, prior to last spring's SBA election, that she would be able to serve for only one semester, and would not be able to give the full year commitment to effectuating progressive programs which some of last year's other candidates had promised.

Another significant issue raised concerns the right of the

Day Vice President to assume the Presidency for an entire semester without calling for a new election. SBA critics believe that such a failure on Mr. MacIntosh's part would add legitimacy to their argument that SBA merely perpetuates itself for its own sake and is not a student organization representing student views and grievances.

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