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ALLEDGER

Vol. VII, No. 2 BOSTON COLLEGE LAW SCHOOL SEPTEMBER 26, 1986

Law School Bails Out Financial Aid Office

by Tom Kerner

"Hey buddy, can you spare a dime?" "I'll wash your windshield for a quarter." These and other panhandlers' expressions almost became commonplace around the Law School.

It seems that Boston College's financial aid office experienced a few problems during the summer. Rita Robertson, the graduate students' financial aid officer, left the University at the end of May. B.C. didn't replace Ms. Robertson until two months later, when it hired Lindsay Carlisle. Additionally, during the two month period when the University didn't have a graduate student financial aid officer, the U.S. Government instituted a new filing status verification procedure.

Aggregately, the "kinks" in the system prevented the financial aid office from sending law students' loan applications to their respective lending institutions. Thus, when the law students returned to school this fall, the borrowing students were informed that their loans had not *been processed.*

According to Director of Admissions Louise Clark, the reason that the loans were not processed is because the Government's new verification procedure which applied to this fall's aid did not go into effect until June. B.C.'s financial aid office then mailed the Government's verification forms to the students' permanent addresses. In most instances, since students didn't live at their permanent address during the summer, the forms were either forwarded to the students or held for students by their parents. Once the students received the forms, they realized that their parents also had to fill out certain portions. By the time the forms were completed and returned to the financial aid office, it was late in the summer, and Ms. Carlisle was just "learning the ropes."

Recently, the financial aid office began sending, to the appropriate lending institutions, the loan applications filed by the students who have completed the new verification forms. In the instances where loan money is to be applied directly to tuition, the University indicated that it has deferred tuition payment until the loan checks are issued. Unfortunately, many borrowing students rely on the loan money to pay rent, buy books and eat during the school year, and the University was unable to issue a deferment of those expenses.

When Dean Coquillette learned of the fiscal plight which many law students faced he told Mrs. Clark that the Law School would make emergency funds available to law students whose loans have been delayed and who rely on those loans for living expenses. The funds were drawn from the Law School's Publication Trust and the Law School Alumni Trust. To this date, Mrs. Clark has disbursed approximately $35,000. The borrowing students who received Law School funds were given the money interest-free for 90 days or until their loan checks are issued. The Dean has stated that the Law School will make additional funds available to any other law student whose loans have been delayed due to the mixup at B.C.'s financial aid office.

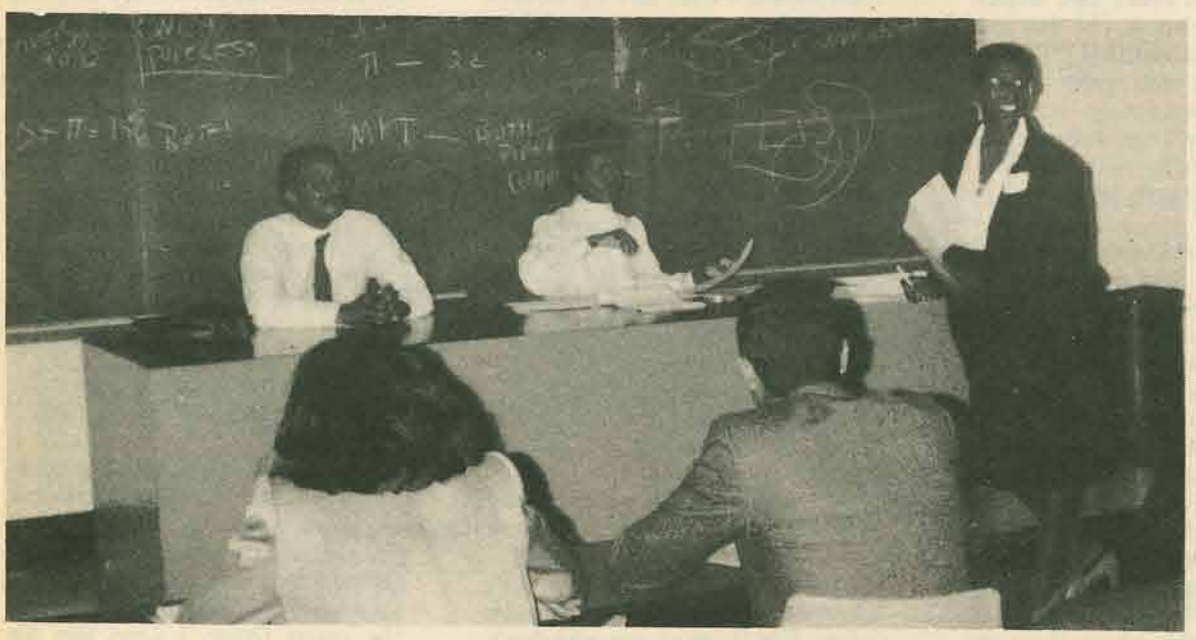
And here's the pitch—The 1986 BCLS Softball League opened its season two weeks ago with the most teams ever. Fans will recognize the "Green Monsters" in the background, but who is the first year team in the field? The 2-0 1L Eagles. (Photo by Mark Jefferson)

Minority Hiring Issues Addressed at Conference

By Bonnie C. Rowe

The question on the minds of most minority students last Friday was, "What can I do to land a legal job in a law firm?" The students sat that morning in room 315 listening to several minority attorneys relating their experiences as minority working in law. The hiring conference, entitled "How Minorities Can Pierce the Corporate Veil," was in one sense a practical "how to" for minority students. The event culminated from the hard work of representatives from APALSA, BALSA, and LALSA in conjunction with Jean French, the BCLS Director of Law Placement. The effort took several months to coordinate.

Statistics have shown that minority candidates suffer from several roadblocks in law career advancement. Most notably, the acceptance rate of minority applicants to law schools is lower than that of other candidates; the pass rate of minorities in law courses is lower, especially in the first year; general law school performance is less stellar than that of majority students; and bar pass rates of minority students are lower. In addition, minorities get fewer job offers than majority candidates. This is especially true for larger corporate law firms. And even if a minority candidate has reached this level of achievement, the prospects of being kept at the firm to reach partnership are statistically slimmer than the prospects of other lawyers.



Conference at work—Wilbur Edwards and Diane Wikerson discuss interviewing strategies. Josephine McNeil of BLSA is at right. (Photo by B.C. Rowe)

The September 19th conference attempted to address these issues for BCLS minority students. Dean Coquillette opened the proceedings, followed by a report on the findings of the 1985 ABA task force on minorities in the profession of law. The ABA is committed to increasing the numbers of minorities in the legal field. This summer, the ABA formed the Commission on Minorities in the Legal Profession to act on the task force recommendations.

Student participants each received a packet including the day's program and an incredible number of photocopied recent articles on the subject from journals and newspapers. According to one ABA publication, only 6% of the legal profession is drawn from the 23% of the United States population that consists of minorities. Several minority speakers at the ABA hearings last year

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The Dean's Got the Green

Editorial

When the check's not in the mail

As most of you know by now, the check has not been in the mail. (The GSL check, that is.) As you also probably realize, the problem has not been you. So where did the system break down? Our friendly people over at the Financial Aid office seem to have bungled the loans a bit. Just a bit.

Of course, the Financial Aid office has the excuses ready and they do have some truth to them. The well-known (infamous?) Rita Robertson decided to hang up her desktop computer and the University's replacement did not arrive and become functional for two months. (I have to admit that Rita did help me out twice, so she did have her moments even if they were few.)

The second excuse is that the new Federal Regulations fo[illegible]d the Financial Aid office to go back to everyone a second time and get more confirmation that, yes, we were law students. Now, it is tough to track down law students in the summer. (They're off to exotic cities like Buffalo and Milwaukee or that jungle in New York.) So the process could have been slowed by that.

But three months late, you say! (That's the time the loan forms were late getting out.) The Financial Aid office could have done a little advance planning to take care of these roadblocks, but you have to remember that this is the same Financial Aid office which last spring told me a few times that it didn't open its mail for two or three weeks. It's a busy place, I guess.

Anyway, back to our story of GSL's and debt-ridden law students. Our typical financial aid student was probably a little upset about this bureaucratic boondangle. He was probably wondering how he was going to come up with the spare change for his bills.

What to do? Call on Dean Coquillette, resident savior and top dog at the law school. The Dean couldn't do much about the Financial Aid office because they're not under his control, but he could call on the executive powers of the deanship to settle this crisis.

The Dean said that if any student needed money to cover his loan deficiency, the law school would take care of them with an interest-free loan. Tuition deferrals were also granted to everyone who didn't get their GSL.

A problem arose not of the Dean's making, but in the spirit of BCLS the Dean went out of his way to make up for the financial aid disaster. The money helped not only with student tuition, but also those basic necessities like food and rent.

What can we, as students, do now to ensure that the Financial Aid office will no longer give us the run-around? The Dean needs letters describing student horror stories about financial aid which he will present to the University. Now that should be a fairly easy task for many of us.

The University created this mess but the Law School has cleaned it up. As many people waiting in line during registration can attest to, when the University's daily schedule is over, their people are gone—too bad that you've been waiting in line for half an hour. Well, the Law School is different. With extra efforts we'll make this place work.

—R.T.

Dicta:

In Pursuit of the Purse Strings

by Stephen Kelly

The clerk smiles and says, "That'll be two-oh-three, fifteen." Innocently, I smile back and start jotting the number down in my checkbook. But just as I get to the line where you're supposed to write "and 15/100 of a dollar," I pause.

Why am I smiling? I'm standing at the counter of the Boston College Law School Bookstore paying two hundred bucks for textbooks, notebooks, a few paperbacks, and some xeroxes. I'm paying between $28.95 and $34 apiece for casebooks I'll throw out in May. I didn't even buy pens.

The way I figure it, I could drive my Volkswagen diesel to California and back twice for that kind of money. I've never been to California, but ever since I was 12 I've dreamed about surfing.

So what is it about these odorless, colorless, humorless, and pictureless tomes of legal knowledge that makes them worth two trips to fantasy land? How much do those textbooks really cost to make anyway? Where does my money go? To the author? The publisher? The bookstore? And, most importantly, if I'm not going to California, who is?

Well, after some furious dialing and a few casual conversations, I got some answers. Not all the answers, but enough.

First of all, the publisher's take might as well be a state secret. Calls to West Publishing in Minneapolis, the Foundation Press on Long Island, and Little Brown here in Boston were just a frustrating education in the paranoia of private enterprise.

The man at West, identified only as the assistant manager of the legal division, said:

"You can safely assume the publisher gets a fair share, the author gets a fair share, and the retailer gets a fair share."

"Does that mean they get equal shares?" I asked.

"No."

"Well, how do I know they're fair shares then?"

"You don't."

Then our conversation got ugly.

"It's not a policy of our company to divulge information about our profits."

"Fair enough. I don't want details. I'm just interested in the general picture. Of the purchase price, do you get half, two-thirds...?"

"We're a private company, and we will not divulge that information." I quit after the second "divulge."

The fellow at Foundation Press was more helpful. He talked about how he had my same question when he was in law school, and he even admitted they were "a legitimate concern." I gripped my pen in anticipation.

"But," he added, "it's against company policy to give out that kind of information on the phone. You could try writing your questions in a letter addressed to our president. I'm sure he'll read it. *This is a family type of operation.* Everyone reads their own mail."

"You think he'd answer my questions?"

"No. But you could try." Thanks.

At Little Brown, they just ignored me. I talked to a salesman, two secretaries, someone who knew who I should talk to but couldn't

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Elgin's Fronton

The Good and Bad at BC Law

Hello again, B.C. Law, Elgin here. Last week a lot of folks came up to me and said, "Hey, Professor Elgin (oops, a clue to my real identity), what's with the name "Elgin's Alley?" Apparently some people don't particularly dig bowling so I though I'd change the name of the column every week just to keep things interesting. Of course, even though I change the name every week the *Alledger* still only comes out every two weeks. Last week's column, the one you didn't see, was entitled "Elgin's Accordian." It was really a good column. Unfortunately, my biorhythm is only high every other week so the *Alledger* gets my lesser efforts. Oh well, on with the show.

One thing I've learned since I've been at law school (as a student and/or professor) is that there are two sides to every issue and somebody is always willing to espouse each. Originally, I planned to make this a column about what I don't like here at B.C. Law but I know that a hundred geeks (yeah, you) would write in to refute me so I'll save them the trouble. In the best of spineless law-student styles I'm going to give you both sides of my observations. To wit:

I love the parking here; there are no pesky meters to feed. I hate the parking here; you can never get a space in this zip code.

I love the cafeteria here; the food is so cheap. I hate the cafeteria here; the food is repulsive and the lines are too long.

I love the B.C. security force; all the guards are so mellow. I hate the B.C. Five-O; the guards are all so laze that they run out of breath writing parking tickets.

I love having lockers here; it's so convenient. I hate having lockers here; I always forget my combination and it's so reminiscent of high school.

I love law school; it's so much less structured than a job and it gives me a chance to hang out for three years before entering the real world. I hate law school; there's not enough free time and I'm not getting a weekly paycheck.

I love the *Alledger;* it's a voice of the people. I hate the *Alledger;* it'll publish any garbage submitted (evidenced by this).

Well, there you have it, a partial list of my likes/dislikes. I'm such an open-minded individual, aren't I? Or am I just a wishy-washy jellyfish who's afraid to take a stand? How about an L Stand?

By the way, I'm the new self-appointed Ombudsman of the *Alledger.* For those of you who don't know what an Ombudsman is (it's not explained by Emmanual), it's someone who handles complaints in a neutral manner. Anyone objecting to the editorial content of this periodical can address all complaints to me. Just write them on the back of a twenty-dollar bill and leave them in my mailbox.

Anyway, the reason that I mentioned my new role as Ombudsman is that I myself have a complaint about the last issue of the *Alledger.* It went out of its way to point out that this year's entering students are the best ever at B.C. Law. All I can say is if they're so smart, how come they're only first year? Na, na, na na na! Actually, I can't really rag on the first years; in fact, one of their numbers is a world-renowned astrophysisist. He told me that he designed the first rocket to land on the sun. I asked him that if the sun's heat was so intense wouldn't it melt the spaceship? But he explained, "We're going to avoid that problem by scheduling the landing at night." Silly me.

Well, it looks like that time again so I'll just end the column with my usual side-splitting joke: Did I tell you that my neighbor borrowed my stereo for a party and he broke the tone control knob? Of course I did the smart thing: I sued him for "treble" damages!

Appeals Court Releases Decision

STOOGE
v.
HAWKINS-MCGEE;
and
STOOGE
v.
MARTINELLI
New England Court of Appeals
Argued, July 8, 1986
Decided, September 2, 1986

LEARNED LEE, J.

We have before this Court two companion cases arising out of separate incidents at that hallowed institution of legal scholarship, Bostoniense Collegium. The facts are undisputed and restated below.

As one may expect, this case involves last year's entering class, the Class of 1988, and more specifically, the members of Section One. The first incident occurred on April 11, 1986. It was on that date that the mid-semester examination of the Contracts course was administered. For whatever reasons, the examination was not a written exercise; rather, it was in the form of a *skit.* The several characters of the skit were to act out a scenario involving contractual matters. Included in the skit were: two female characters both claiming to be singer-actress Madonna (one white, the other black); a recording industry executive; a clothing manufacturer from his native India; and a character greatly resembling David Letterman, host of *Late Night with David Letterman.* After having closely observed the interaction among the cast members, students were required to apply the law of Contracts to the facts in the hypothetical dispute.

One day after the exercise was completed, the members of the *S*tudents for the *T*ermination *O*f Potentially *O*ffensive *GE*stures (hereinafter, "STOOGE") brought suit against the administrator of the skit, claiming that portions of the skit were offensive, demeaning, and degrading to various groups, which included Catholics, homosexuals, blacks, women, and those members of society considered overweight. At the heart of the complaint is the allegation that the skit as a whole depicted the aforementioned groups in a disparaging, insensitive, and stereotypical manner.

Less than one month later, on May 6, 1986, the second incident which gave occasion to this action took place. That date, coincidentally, was the last day of classes for the first-year students. And quite appropriately, the last course on the day was the course Legal Process. The specific incident in controversy occurred at the conclusion of this class session.

(It is universally agreed that the professor of this course is a scholar of national prominence, whose teaching credentials are beyond reproach, and who perhaps is the greatest faculty member in Bostoniense Collegium's history. [Not to mention best-dressed.] The facts show that this eminent professor chose to leave the Newton institution after an illustrious eighteen-year association, so that she could accept a teaching position at a lesser-known school of learning. It is unfortunate that an individual of such honor must be even remotely involved in this action.)

To mark the departure of this professor, to give her the proper send-off, the members of her class planned a special farewell ceremony. The ceremony began with the presentation of several good-humored gifts, as well as gifts *inter vivos.* The professor then received no less than two standing ovations. Cheers of admiration, respect, and awe followed. But the farewell ceremony did not end here. For whatever reasons, the organizers chose to include in the festivities a *skit.* This skit had as its only character an actor who gave a comical impersonation of a southern television evangelist. The actor, with his special talents, was chosen to summarize the section's true emotions for the professor.

Again, members of STOOGE came to the rescue. They filed suit, claiming that the contents of the skit were offensive, demeaning, and degrading to members of certain groups, which included: the clerical profession (especially in the mass media); Protestants (especially Southern Protestants); women; blacks; and those people whose original residences are below the Mason-Dixon line. The complaint alleges that the perpetrators portrayed southern Christians as "fanatic cultists" and portrayed black women as "ignorant heathens."

The plaintiffs filed suit in federal district court, claiming relief for intentional infliction of mental distress, and in the alternative, negligent infliction of mental distress. Jurisdiction was based on diversity and the requisite amount in controversy. Reviewing the two companion cases as one, the trial court dismissed, holding that in both instances, the plaintiffs failed to state a claim for which relief can be granted. Fed. R. Civ. P. 12(b)(6). Plaintiffs appeal.

We first note the sterling similarities in the contents of the two complaints. In both cases, the plaintiff states: "When I came to Bostoniense Collegium, I never thought I'd be subjected to such mean-spirited, offensive material." Amicus curiae briefs also provide the following: "I didn't come to law school to watch amateur hour . . . I came to law school to take written exams, not to critique a community theater play." Also: "I can see giving the professor a hand on the last day of class, but I didn't come to law school to watch one of my classmates make an --- of himself" (expletive deleted in original). Both complaints also include the following interesting passage: "It was unfortunate that the skit could not have been presented in a written form, so that we could all enjoy it." The plaintiffs assert that the skits appealed only to the basest members of the audience, to those cold, uncaring people who lack the level of sophisticated interpretation to recognize offensive material when offensive material is present.

Commentary

The defendant in both actions claim that there was absolutely no offensive intent, nor was there any ill will, disrespect, insensitivity or the like. The defendant of the April skit states in his answer that the members of the cast were only portraying caricatures and that their words and actions were consistent with the type of characters being portrayed. The defendant of the May skit answers that his skit "was done in good fun" and universally enjoyed.

The plaintiffs, on the other hand, claim that the opposing party's intent is totally irrelevant, and that the only matter of significance is whether the defendant's actions and words could be *construed* as potentially offensive by the reasonable law student possessing the proper skills of interpretation.

We begin with the precarious assumption that there exists within the legal community an individual who possesses the attributes of a reasonable person, for purposes of tort liability analysis. Even so, the plaintiffs' claims fail on all accounts. There is simply no evidence of the requisite element of intent in the alleged act of *intentional* infliction of mental distress. The case for *negligent* infliction of mental distress is more difficult, but hardly calls for laborious legal analysis for decision.

Plaintiffs made no showing that negligence was involved in either skit. An academic course in law school may be conducted in any manner that the instructor sees fit, so long as it does not run afoul of a student's fundamental or Constitutional rights. It is not the business of the Court to meddle in such matters. It is worth noting that, in the second skit, those in attendance could have left. Their exposure to anything that was offensive was voluntary.

It appears that the actions below are precisely the type for which a legal remedy is not proper.

Law students, by their nature, must be thick-skinned. It is an educational, if not a professional, requirement. The manner in which the plaintiffs use the terms "mean-spirited" and "offensive" is grossly exaggerated. In the very near future, those in the plaintiff class will have to deal with *truly* offensive and disparaging gestures directed at them from other members of the legal community, as well as from members of the public at large.

Let it not be written that this Court is insensitive to the unique pressures and demands on the law student. The opposite is true. Indeed, the law school experience is one that involves rites of passage. As all first-year students recognize, the numerous challenges facing the individual student may be grouped as a "bundle of rites." The ability to deal with everything that is potentially offensive is one such rite of passage.

For the above reasons, the judgment of the trial court dismissing the actions is affirmed. Costs to the plaintiffs.

(Judges Hollamon, Green, and Kallay join in the above opinion.)

WEHRENBERG, J., concurs in part, dissents in part, and files the following opinion.

The opinion of the Court is the most serious example of judicial interventionism. While I agree, wholeheartedly, that the trial court's order of dismissal is proper, I cannot, in good conscience, join the opinion in its entirety.

All that was necessary here was for this Court to dismiss the appellant's motion, leaving intact the lower court's ruling. Such a denouement would have been fully consistent with common law precedence and practical jurisprudence, not to mention common sense.

Much of my Brother's language is superfluous bench verbiage. The plaintiffs' action does not call for a discourse on occupational etiquette, commentary on desirable goals of academia, nor a locker room pep-talk. This was entirely unnecessary and clearly out of the bounds of judicial authority.

I concur only in the final disposition.

The results from the Dean Ernstoff Poll:

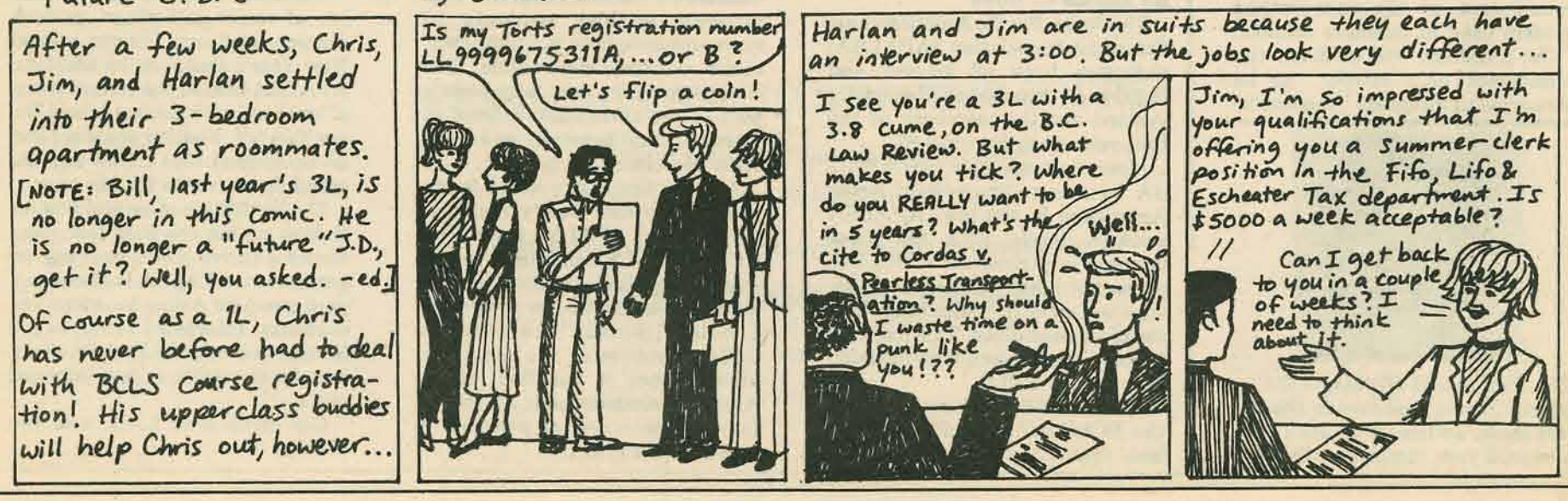
Yes, I like the new appearance of Dean Ernstoff 42%
Off with his beard! 56%
Who is Dean Ernstoff? 2%

This week's Alledger Poll:

What do you think of Willian Rehnquist's appointment as Supreme Court Chief Justice?
Strongly in favor ☐ In favor ☐
Against ☐ Strongly against ☐
Indifferent ☐
Put your vote in the Alledger box in the library.

Future J. D.'s

by B.C. Rowe



Bob Berry: He'll Remember Your Name

by Christopher Devlin

While potential sources of conversation were many among the eclectic bunch comprising this term's first-year students at Boston College Law, a disproportionate share of talk was dedicated to a single, unlikely subject: Professor Robert C. Berry's rote recitation of the entire first section's names during his opening Contracts Class. At almost 150 names, this was no mean feat.

But Berry, who has been in the habit of beginning the class in this manner for some years now, shrugs the accomplishment off as routine and compounds one's awe by admitting: "I didn't even look at the list until 10 o'clock the morning of the class."

Berry's near-photographic memory is actually one of the lesser faculties he brings with him to the Law School. An authority on sports and entertainment law and author or co-author of numerous articles and books on the subject (among the latter are this year's *Labor Relations in Professional Sports* and *Law and the Business of the Sports Industries*).

Berry hails from St. Joseph, Missouri where he attended public schools until his entrance into the University of Missouri. He studied history and political science as an undergraduate, and on taking his A.B. enrolled at Harvard Law School where he earned his LL.B. Upon graduation, Berry joined the firm of Ely Bartlett and after future work in the west returned to Boston for a two-year teaching fellowship at Harvard. He has taught full-time or as a visitor at Stanford, Florida, Illinois, Wayne State, Washington (St. Louis), and Southwestern.

Bob Berry—A specialist on sports.

Although still professionally active outside the classroom, Berry prefers academic life, saying "I like having flexibility in what I'm able to do" and in "having the ability to pick my own subject matter." And memorizing them too, we may assume.

Judy McMorrow: From the Highest Court

by Christopher Devlin

It is uncommon in most schools, as it is near impossible in colleges, to find faculty members who are of approximately the same age as an appreciable share of the students. Judith A. McMorrow, who teaches Torts, Constitutional Law, Introduction to Lawyering, and Professional Responsibility, is one professor who qualifies for this distinction. With fewer than ten years behind her since she left law school, McMorrow already brings an enviable amount of legal experience with her to B.C.

Born in Kalamazoo, Michigan, Professor McMorrow attended Catholic elementary and public high school there before beginning at Michigan's Nazareth College where her father taught philosophy. She earned a B.A. in Humanities and a B.S. in natural science there, and subsequently went on to Notre Dame Law School. Following the completion of her legal studies, McMorrow won a place as clerk to Sixth Circuit Judge Gilbert Merrit, a position which led her to a much-coveted clerkship under Chief Justice Warren Burger at the U.S. Supreme Court. The next turn her career took involved her employment with the firm of Steptoe and Johnson, which lasted until the beginning of her professorship at BCLS last year.

Judith McMorrow—Teaching to see "the big picture."

Despite the variety of her legal background, McMorrow states, "All along I knew that I would go for a teaching position." Occupied now with studies of age discrimination in employment and what she dubs "tort causes of action and the employment relation," McMorrow stresses her preference of instruction over litigation. "Teaching gives you a chance to see the big picture," she claims, "to stay unfettered by the financial interests of the client and find out what the law really is."

James Reppetti: Returning Grad

By LRM

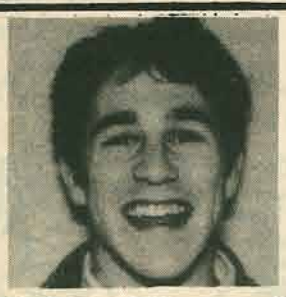
James Reppetti, a 1980 graduate of Boston College Law School and a new faculty member, returns to the law school after five years with the Boston law firm of Ropes & Gray.

Reppetti practiced general corporate and tax law downtown; he hopes to bring this contemporary real world experience to bear as he picks up Business Planning, Accounting for Lawyers, and one section of Corporations in his first year with the faculty. Reppetti, a lifelong Boston native, returned to the Law School because of two mutually dependent commitments: a "deep fondness" for B.C. and a feeling that instructing law gives one "a broader impact on society." In fact, Reppetti says that he probably would not have gone into teaching if he had not been given the opportunity to do so at B.C. His experience has demonstrated that "B.C. is doing a lot of things correctly and I wanted to be part of it."

Reppetti's approach to teaching Corporations and Accounting will generally take the traditional form of combining case and statutory law. In Business Planning, however, he plans to also introduce self-devised role-playing scenarios reminiscent of the case-method system used in business schools. "The problems will be from the standpoint of a lawyer" as he struggles to integrate "the limitations imposed by corporate law with the opportunities of tax law." In all of his courses, though, "I stress ethics . . . lawyers are really to some extent leaders of society with the responsibility to behave in an exemplary fashion in terms of using our skills to our best abilities and to maintain high ethics."

James Reppetti—Back to school for the BCLS grad.
(Photo by Art Jackson)

My advice to future lawyers is, " 'To thine own self be true' . . . people have different abilities, but that doesn't mean [representing multi-billion dollar corporations] can't be done in such a way as to benefit society."



The Real David Heyman—We missed David's picture in the last issue, so here it is. He's now a second year student at BCLS.

Did You Know That..?

by Kathleen McGrath

1) Did you know that Professor Charles "Buzzy" Baron wrote the amicus brief on behalf of the Mass. ACLU in the landmark S.J.C case on withdrawing nourishment to people with irreversible comas? Baron teaches Constitutional Law and is leading a seminar on legal-medical issues this semester.

2) Did you see Professor Arthur Berney (Constitutional Law) interviewed on CBS-TV? He wrote the letter, signed by more than 150 law professors from all over the country, that urged the Senate to examine all the facts very carefully before voting on the Rehnquist nomination.

3) Did you know that Torts/Legal History Professor Bob Cottrol is also a member of the Air Force Reserve? He's been on TV, too, explaining his position against gun control in a public television forum.

4) Speaking of television appearances, did you know that Sports Law/Contracts Professor Bob Berry was interviewed on NBC Nightly News last spring about drug testing in the NFL?

5) Did you know that Professor James Reppetti (Corporations) is married to the sister of third-year student Beth Leonard? And that he and his wife have a new baby?

6) Did you know that one of the 300 partners at Jones Day, the major national firm where new Supreme Court justice Antonin Scalia began his career, is a fellow named Coquillette? His brother, Dan, is the dean of a law school.

7) Two Who Got Away: The son of Chief Justice Willian Rehnquist faced the B.C.-B.U. choice and got it wrong. He's a member of the B.U. class of '86. John Kennedy Jr. was also accepted by B.C. for the class of '89, but opted to N.Y.U.

8) Did you know that 2L Mimi Deck Rutledge is married to a "Jeopardy" champion? You can see her sweetie if you tune in at 4 p.m. on Sept. 29 and 30, on Channel 7.

9) You probably don't know this, but Dean of Students Ken Ernstoff is pretty excited about becoming an uncle—sometime soon.

10) Did you know that Vermont senator Warren Rudman, of Graham-Rudman fame, is a B.C. Law School grad?

This Year in APALSA

By Bonnie C. Rowe

The Asian Pacific American Law Students Association (APALSA) welcomes back all second- and third-year students. Especially greeted are the members of the first-year class for 1986-87.

More than ever, this year APALSA focuses on the role of Asian Americans in the law. APALSA worked closely with the other minority organizations at BCLS to present a minority career conference last week in conjunction with the placement office. This (hopefully) ongoing project was initiated last year at BCLS.

It was at APALSA's urging that the BCLS administration agreed last year to participate in the Chinatown Clinical Program. This program enables students to represent indigents in Chinatown, under attorney supervision. The clinical program has long been a part of the curriculum offered at Harvard, Northeastern, and some other Boston law schools.

Another first is the search for an Asian-American faculty member. In this effort APALSA is working with the BCLS administration to locate qualified candidates. At present there are no law professors of Asian-American background at BCLS. Because of the relatively high number of qualified Asian-American students here, the search for an Asian-American professor is considered a priority.

The association conducts a number of social gatherings, potluck dinners, and our famous annual New Year's Banquet. In addition, APALSA hosted the second annual luncheon with the law school Deans this fall. Visiting speakers and an occasional film round out the schedule of events for the year.

The institution of several new activities within the past few years shows a thriving and growing organization. APALSA is also a support group for Asian-American law students. Interested students are invited to contact APALSA members for questions or just informal chats.

Our office is at L123, near the library.

Minority Conference: Problems and Solutions

continued from page 1

described discrimination that effectively kept minorities out of legal jobs for which they were qualified.

Many who opposed affirmative action, quotas, and other measures favoring admittance of minorities into law schools or the legal profession deny that a problem exists, or state that there are less minority attorneys because less apply for positions with large firms. These persons believe that affirmative measures will replace qualified majority candidates with unqualified minority candidates. If this were the case, then such measures ought to be censured and abandoned, right?

Of course such measures are not meant to be applied to the successful minority candidate who was voted class president or his or her prep school and was law review editor in chief at Harvard Law School with a 3.8 GPA. In the September 1986 issue of Boston Magazine, Richard Soden, the only black partner at Goodwin, Proctor & Hoar, stated that the hiring of such stellar black students at good schools is comparable to that of white "A" students.

He goes on to add, however, that there are not enough of these top students as a whole to go around for the law firms. The firms must hire a great many of their associates from a huge pool of "B" students. Soden states that black students in this latter category are not getting the callbacks and opportunities at the same rate as their white counterparts. Clearly, in this situation there is no question of whether a minority candidate is unqualified; qualified black candidates, according to Soden, are being squeezed out in favor of equally qualified white candidates. The use of race as a criterion for favoring a job candidates is an unacceptable practice.

In addition, one ABA commentator stated that the flip side of using quotas in law school is that the nonuse of a minority quota results in a 95% or so quota for white students. Of course there are always exceptions, but in effect the existence or nonexistence of an admissions quota is an arbitraty limitation. Who should the expense be taken out on—the majority or the minority? Unless everyone could be accommodated, someone will be hurt. And it often is the minority voice that is drowned out by the majority outcry.

Other commentators in the articles agree that minorities, especially from poor and/or immigrant backgrounds, do not aspire to become lawyers as often as in the case of majority students. The ABA task force recommended that outreach programs reach minority students as early as possible to assure them that law is a viable and available career choice.

The afternoon sessions at the conference dealt with networking with other minority attorneys and BCLS alumni. The students gathered in smaller groups with panels of attorneys to discuss interviewing and resume writing skills. Interviewers from several major Boston law firms also interviewed previously selected students. Several attorneys recognized that the formation of a network for referrals and general legal information transmission is sorely lacking among minority lawyers. Networking was considered the top priority among practicing minority attorneys, because minorities are generally left out of the mainstream majority attorney information and referral networks. Thus, competent counsel who happen to be minority attorneys do not get referrals to the extent that white counsel do.

The attorneys and articles particularly noted that large Boston firms have a serious image problem among the minority groups. The Boston Magazine article concedes that among the 700 partners in Boston's 11 largest law firms, one cannot count the black partners on the fingers of one hand; there are 6 of them. A table in the article shows that less than 2% of partners and associates in these firms are black, with comparable statistics for Asian/Native American lawyers and less than 1% for Hispanic attorneys. Publicity of violent incidents against blacks and Asian refugees in certain areas of Boston further discourage minorities from deciding to settle in Boston.

Yet the minority speakers from Boston firms at the conference encouraged minority candidates to interview with the firms and begin networking as much as possible. The attorneys cited their own favorable perceptions and experiences in encouraging students to consider the career opportunities in the Boston area. They stressed the fact that in the fast-paced existence of a large law firm, the establishment would ultimately look at a candidate's work rather than his or her race in assessing the value of that associate to the firm. And if that work is good, a minority associate has an excellent chance to succeed.

Overall, the situation appears to be improving. It will take the effort of minority students and attorneys as well as effort of the established legal profession to integrate. Although it may not occur within our lifetimes, the ultimate goal to be reached is for lawyers and members of the judiciary to not consider a candidate's race as a factor at all. Only then can the legal profession consider the challenge of constitutional equality to be met within its ranks.

Dicta *continued from page 2*

answer my questions, and another secretary who took a message. They were all very nice.

So I tried working backwards, and as usual I got somewhere. Through conversations with a few professors I guesstimated the typical author's royalties. An old administrator gave me a rough figure on the bookstore markup. And with a little subtraction, I got the following crude, and surely oversimplified, breakdown.

From a $30 textbook, the author gets between $3 and $4.50, minus all kinds of deductions. The bookstore gets about $6 of the $30, and that leaves about $20 for the middlemen and publisher.

So that's why the publishers were so friendly.

But I'm being unfair. After all, these books probably save me money. These weighty texts—filled with nasty disputes, sordid tales of deceit, and spicy commentary—undoubtedly have some entertainment value. Certainly, they keep me up nights.

In fact, I'm a pretty slow reader. It probably takes me ten minutes to read, underline, and take notes on each page. So, in one 1,100-page text, I get about 180 hours of fact-finding fun all for the price of maybe six movies, or five Red Sox bleacher seats. For the same price, I could barely buy enough diesel to get to Erie, Pennsylvania.

That leaves me with one question. Do they surf on Lake Erie?

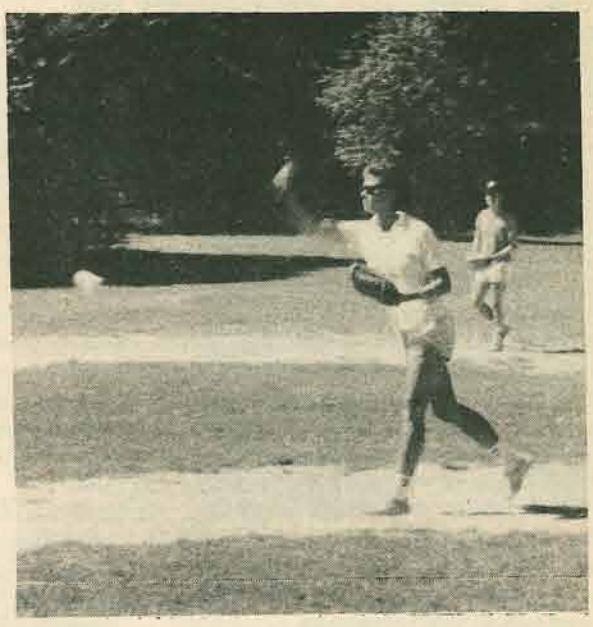
Softball Gets Off to Rocking Start

The Ferae Naturae man—Caesar Belbel of the Ferae is all set to give the ball a ride while Leslie Woodberry of the Bad News Barristers is ready if he doesn't.

BCLS Softball Standings	(Wins/Losses)
1. Ferae Naturae	2-0
2. Ill Eagles	2-0
3. In Re Kielbasa	2-0
4. W.I.M.P.S.	2-0
5. Adjudicators	1-1
6. Diamond Ringers	1-1
7. Bad News Barristers	1-1
8. Tort Sleazers	1-1
9. Ambulance Chasers III	0-2
10. Batting Barristers	0-2
11. Legal Eagles	0-2
12. Reynquist Rejects	0-2

The Boston College Softball League is off and running. With over 200 participants, the league is the best ever at BCLS. The season is one-third completed and early polls have the Ferae Naturae and W.I.M.P.S. headed for a repeat championship game. They may face some tough competition from the first-year Ill Eagles or second year In Re Kielbasa.

Come out and join us, Saturday mornings at Cold Spring Field in Newton. A good time is guaranteed for all.



She's being underhanded—Liz Rice of the Adjudicators. (Photos by Marc Jefferson)

Dressing for Success: How It's Done

by A.H. Sharp

The start of the interviewing season is a time of uncertainty and anxiety. We ask ourselves the soul-searching questions that an interviewer might ask, such as "What was your LSAT score?" or "Can you explain your grading system to me?" We want to be at our best, of course. But what we really want is to *look* our best.

Having worn a suit and tie to class a week or so ago, I received a plethora of helpful comments regarding what I would have to do differently if dressing for an interview. My first mistake was wearing a tie made of something other than silk. I was informed that my tie was composed of a man-made fabric. This gaffe could have cost me gainful employment. I was asked, "That's not a 100% cotton shirt, it is?" I lowered my head without reply. It was a blend. Waves of anxiety washed over my body. Yet, there was still time to rehabilitate myself.

As it turned out, my suit was a blend, too, but passed inspection. While it was not 100% wool, a silk-wook blend was excusable. A polyester-wool blend was, as they say, unconscionable.

Shaken, yet stirred, I began to investigate further the dynamics of dressing for an interview. What I discovered may shock the uninitiated. Yet it is a story that must be told.

Neckties may not be more than 1½ inches wide. (We all know that anyway, right?) Socks should be a solid, dark color and, of course, 100% wool. Tieclips should be selected with the necktie in mind. For instance, a thin tieclip should not be worn with a wider tie—or is it the other way around?

Moreover, colors are of particular import. A genuine "power" suit cannot be brown, unless you happen to have red hair in which case it is allowable. For women, I am told, pastels and bright colors are out. This is an important caveat for women as they must not display any more personality or verve than their male counterparts who will wear dark, serious, purposeful clothes.

A final guide line my research uncovered was what I like to call the "Accountant Rule." It states that if you look like an accountant in your interview attire then you are doing something gravely wrong. My experience tells me that this phenomenon often results from inadequacy in fabric. Check your clothes. Is anything a blend? If so, therein lies the problem.

I must emphasize that these are not mere guidelines but rules to be enforced by the interviewer. A law firm stakes its reputation as much on its "uniform" as upon legal achievement. Of course you can dress any way you like. Just don't be surprised when the interviewer leans towards you and asks, "Is that a blended fabric you're wearing?"

(My apologies to accountants for the perjorative reference to the image of the accountant; I'm sure many accountants have the good sense to wear cotton and wool.)

Movie Review
Madonna/Penn a Passing Grade

by LRM

The movie-goer in search of an escapist adventure film has every reason for high hopes in *Shanghai Surprise.* It takes place in the exotic Shanghai of the late 1930's and follows the inexhaustible pattern of boy-girl antagonism turning to love through peril. It stars Madonna, who proved her screen-worthiness in *Desperately Seeking Susan,* and Sean Penn, a seasoned actor with some decent performances under his belt. Also, in case you didn't know, these two are married and madly in love in real life; this is their first project together. Unfortunately, the direction of the film (by Jim Goddard) is so flawed as to render the picture, at best, pleasantly laughable.

The acting is, in a word, horrendous. Both Penn and Madonna are competent enough to put in credible performances in a movie of this sort. It is up to the director, however, to orchestrate their timing, and Goddard fails miserably at this task. Sean Penn plays a drifter trying to get back to California with a trunkful of tasteless Eastern ties. No one could possibly be alive in a dangerous foreign city and this dumb at the same time. Madonna, in a less-than-convincing role, plays a prim missionary who recruits the reluctant Penn to help her find a lost horde of opium for the Chinese army.

The film, naturally enough, follows the efforts of these two throughout Shanghai as they are confronted with an enormous number of betrayals, some of which even manage to be surprising. This series of betrayals was, I think, meant to make up a satisfyingly complex plot well-suited for an adventure film set in a mysterious city. But since Penn and Madonna overcome each betrayal immediately upon its coming to light, we get no complexity, only a rather tiresome series of unbelievable resolutions. This pattern gives the picture an awkward, uneven feel that lacks the smooth sense of inevitability in hindsight that is the hallmark of a well-made film.

Shanghai Surprise is not entirely unenjoyable, however, and its light-heartedness and lack of pretension make up to a certain extent for some of its gross flaws. Overall, I think, it means well, but much of its entertainment value gets swallowed up by the director's amateurish incompetence. Should it still be playing by the time this piece appears, do not avoid it at all costs. Rather, see it to enjoy as the relatively inoffensive trifle it is.

★★★★: Indispensible to your artistic awareness and growth as a person
★★★: Probably dispensible, but don't miss it just the same
★★: Well, it won't help much, but it can't do much harm either
★: Endurable, just
■: Woof

Rating: ★½

BSA Announces
Mock Trial Competition

The schedule for the 1986 Mock Trial Competition was recently announced by Robin Johnson and Jon Roellke of the Board of Student Advisors. The preliminary rounds will begin October 20th, and the playoffs will occur the week of November 18th. The full schedule is available on the bulletin board opposite the B.S.A. offices on the fourth floor of the law school.

The Mock Trial Competition is open to third-year students who compete in two-person teams. It involves the trial of a criminal case before a simulated jury, and includes two witnesses for the prosecution and two for the defense. Each team will participate in four trials over a four-week period, and will represent both the prosecution and the defense twice. Witnesses are provided by the team, and are drawn from colleagues, friends, or a pool of persons who have indicated their willingness to be witnesses. The teams with the best records after four rounds will progress to the playoffs, and the winning team members automatically gain a berth on the national team. The school can enter two three-person teams in the national competition against other law schools, and so four other persons are also selected from other teams for national team membership. Judges of the preliminary rounds come from the cream of the Boston-area trial bar, and for the playoffs there are Superior Court and U.S. District Court judges.

Prior to the first preliminary rounds, there will be a lecture given by J.W. Carney, Jr., the advisor to the Competition, on basic trial practice skills relating to opening statements and closing arguments, direct examination and cross-examination. He also will present a second lecture on practical trial evidence techniques concerning exhibits, objections, impeachment, and similar topics. In addition, there is an optional practice round in which teams can have an informal run-through with Mr. Carney or another experienced trial lawyer who will offer detailed comments and suggestions.

The Mock Trial Competition is an excellent opportunity for students to develop a variety of skills related to trial work. Beyond the obvious benefits for future court appearances at trials or motion hearings relating to commercial, corporate, or personal injury litigation, the program would prove valuable for lawyers who will be preparing interrogatories, conducting depositions, or interviewing clients. These advantages have made participation in the competition a valued credential on a resume, especially given the outstanding reputation of the mock trial program at Boston College Law School, which has won the Regional Competition against the other New England law schools five out of the past six years.

Further details on the Mock Trial Competition and a copy of this year's case materials will be provided at the informational meeting to be held on October 1st at 1:00 in Room 402. Each prospective team should have one member present, but if impossible, a packet will be available at the B.S.A. office.

Placement Answers Your Complaints

by Kathleen McGrath

As criticism of the Placement Office increases in direct proportion to the anxiety over interviewing, the *Alledger* decided to give the Placement staff a chance to answer some of these complaints. What follows is a list of the most frequently heard faults of the law school's placement system and responses from Jean French, Director of Placement:

1) *The Placement Office focuses all its energy on the people who don't need help—students in the top 20 percent of the class.* Not true, says Ms. French. If the on-campus interviewing program was the only service her office provided, it would be true to say that students in the top half of the class were the only ones getting attention because, in general, that's who these firms focus on. She says she can't control the firms and make them stay at B.C. until they have spoken to each and every student who's interested—the way Harvard can.

So to reach the students who aren't helped by the traditional on-campus interviewing program, the Placement Office has gotten more active in arranging consortium hiring programs with the five other law schools. By pooling students from several law schools in one place it becomes worthwhile for employers to visit the Boston area who don't have the budget to come to each school separately. Examples of these include the recent Minority Hiring Conference, the Small Law Firm program last spring and a new program this fall for law firms from far-away places like Colorado and Oregon.

Jean French also points out that B.C. is a relatively small law school (it's half the size of B.U., for example), which is a disadvantage in persuading some firms to come. Last year Baker McKenzie, a huge international firm based in Chicago, came to B.C. but got so few applicants it has decided not to come back. Jones Day, another very large firm, is still coming, but it has also complained about the lack of applicants. Students should also check the "Harvard" list because some firms who come to Harvard are willing to talk to B.C. people who will go over to that campus.

2) *The Placement Office only focuses on private law and doesn't do enough for students who are interested in public interest law.* This complaint has been made many times in the past and Placement is trying to improve its offerings. Here, too, it has organized consortium events with the other law schools so students can have a chance to meet potential employers and leave resumes with agencies they'd like to work for. Like small law firms, government agencies and non-profit organizations do not have the luxury of sending someone here to spend a day or two chatting with students, Ms. French says. Students who want to work in this area need to be more aggressive and apply directly. Her office has attempted to get more and better resource guides that help students find out how to get in touch with public interest jobs.

3) *The Placement Office is so understaffed and its system is so crazy, it adds to the anxiety of job hunting.* Ms. French agrees that her office is understaffed, because when she was hired four years ago, she had the same size staff she had last year and the only thing Placement did was to coordinate the on-campus interviews and keep records. Now she's down one person and hasn't been able to find a replacement and runs a lot of additional programs, such as interviewing, resume and cover letter workshops and panels of lawyers talking about career opportunities. She thinks her office is doing pretty well, considering the strain of that. Students have to admit that it's not unusual to see the Placement staff working late and weekends to handle the craziness.

In his recent speech to the law school community, Dean Coquillette said he wanted to see the Placement Office be a job network for alumni of the law school as well as for its current students. Ms. French said she feels confident that the Dean recognizes that her office needs to be computerized and probably needs another staff person in addition to the current opening if it is to offer any real career help to alumni. When that day will come, she doesn't know.

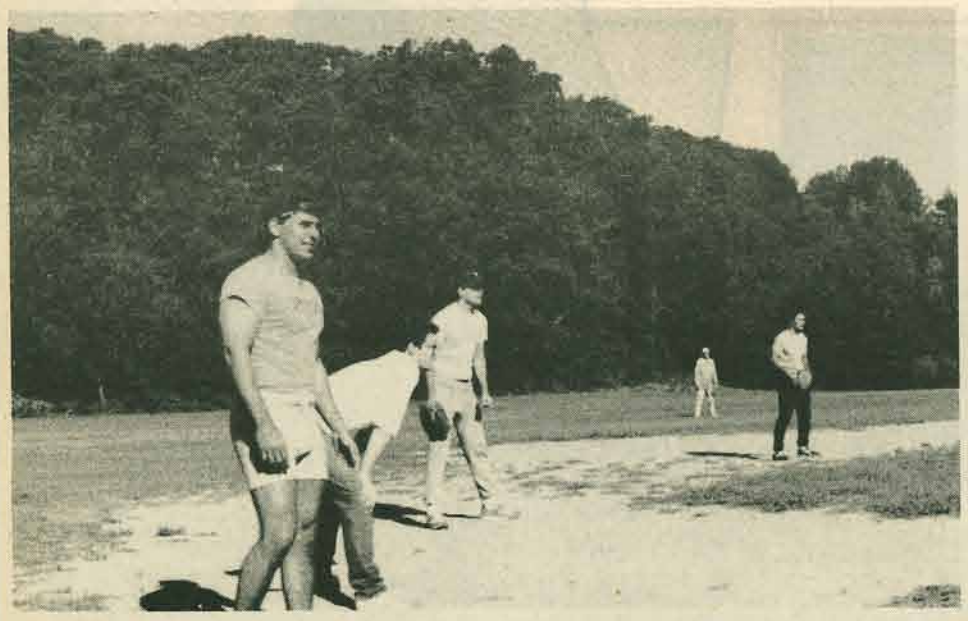
4) *Students who get lottery interviews are not treated as well by the interviewers and it's a waste of time.* It's not only Jean French who disputes this one. There are third years who had happy summer job experiences thanks to the lottery system. For one thing, the school does not require firms to participate in the lottery system. Only those firms that are willing to recognize that you can't always judge a person only by his resume participate in it—about 75 or 80 percent, according to Ms. French. (But why doesn't the Placement Office tell us who takes lottery interviews and who doesn't, so students don't waste any of their green cards?

5) *The students with top grades should be forced to limit the number of resumes they put in so other students can have a crack at more interviews.* Jean French understands the frustration students feel when they see the same names over and over again on the interview lists, but worries about setting artificial limits. She tells the students with top grades to be selective, but she is reluctant to say, "10 submissions and no more," because each student is different and has different interviewing skills. Some students with high grades may still need many interviews to get an offer because they do not come across in interviews.

The preference lottery system works well, she says, in getting students into the interviews they really want. If a student isn't selected, that doesn't mean the firm has rejected him totally and he should consider applying directly with a strong and specific cover letter that expresses why he wants the job—without referring to the fact that his resume was not one chosen for on-campus interviews.

Jean French encourages students to let her or her assistants know when they're unhappy with the process. Since she's always on the run, that can be hard to do. But the Placement Office has responded to complaints before, Ms. French says, and it's willing to listen.

Jon Roelke handles a hot shot. *(Photo by Macon McGee)*



Vinnie Trovini coaches Terry Vetter at third base.(Photo by Macon McGee)