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### In-House, Vol. 1, No. 3

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# IN-HOUSE

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VOL. I, NO. 3

UNIVERSITY OF GEORGIA SCHOOL OF LAW

APR./MAY 1982

## CARTER ADDRESS HEADS LAW DAY ACTIVITIES

Former President Jimmy Carter headed an impressive array of political and legal figures attending Law Day 1982.

Speaking before a shirt-sleeve crowd gathered on the quadrangle, Carter shared recollections of his Presidential relationships with a number of world leaders, including Soviet Premier Leonid Brezhnev and the late Egyptian President Anwar Sadat. Carter's speech was the featured address of the Law Day celebration as well as a spring quarter Sibley Lecture.

Accompanied by his wife Rosalynn and daughter Amy, Carter later fielded questions from the audience on a variety of topics, including Middle East peace prospects and the Falkland Island crisis. Along with University President Dr. Fred C. Davison and Law School Dean J. Ralph Beard, the former President was joined in the President's Garden by former Senator Herman Talmadge and gubernatorial candidate Norman Underwood.

This year's Law Day activities began Friday, April 30th, with the final rounds of the Russell and Talmadge Moot Court competitions. Between the competitions, Dean Beard presented student academic awards, and following the moot court trials, the Student Bar Association sponsored a jam-packed cocktail party at Taylor-Grady House.

Friday evening Judge Abner J. Mikva of the District of Columbia Circuit of the U.S. Court of Appeals spoke to the Georgia Law Review and Moot Court Banquet. In an upbeat, humorous address the former Congressman expressed his faith in today's younger lawyers and decried the "me generation" tag often attached to current law students.

Saturday night the fourth annual Balsa banquet featured Atlanta attorney Mary Welcome, head of the legal defense for convicted child-slayer Wayne Williams. Initially reluctant to discuss the Williams trial, Welcome

eventually relented and indicated that the rewards of such litigation were well worth the long hours and financial sacrifices.

Other activities Saturday included the unveiling of a portrait of former Georgia Attorney General Arthur K. Bolton, with remarks by former Gover-

nor Carl E. Sanders, and the presentation of Law School Association Distinguished Service Scrolls to retiring Chief Justice of the Georgia Supreme Court Robert H. Jordan and Member of the ABA House of Delegates Kirk M. McAlpin of the law firm of King & Spalding.



## ELA Advocates Clean Air at SCOPE Festival

Picture this: It's Saturday afternoon, the sky is a semi-impossible blue and the sun is bright enough to send the most fanatical Ra-worshiper scrambling for the Johnson sun-screen. It is slightly breezy, sufficiently gentle to hold a Frisbee up a few extra feet but not blow it off course. The band is just tuning up. Not a pair of khakis in sight. Legion Field, May 1st, the SCOPE Human Rights Festival.

The purpose of the Festival went beyond providing a pleasant place to swill beer, watch members of the opposite sex and listen to good free music. The Festival planners hoped to show people how to translate their concern regarding human rights issues into effective action. The Environmental Law Association operated one of the many booths at the Festival. Armed with pens, paper and concern for clean air, they encouraged festival-goers to write their Congressmen.

The Clean Air Act is up for reauthorization by Congress this term. Two amendments have already been introduced — one favors the auto industry and was drafted by Rep. Dingell

from Detroit; the other preserves the existing Act and adds a little fine-tuning — this amendment was drafted by California Rep. Waxman. By providing the necessary utensils and a good deal of information, the ELA members manning the booth prompted people to take a few minutes to express their support for the Waxman Amendment to their representative. Then ELA collected the letters (over eighty total), stamped and mailed them to Washington, D.C.

Paul Kish, one of the ELA members who staffed the table from early afternoon until twilight, explained to those gathered at the Human Rights Festival why ELA was concerned about the future of the Clean Air Act and what they hoped to accomplish at the Festival. Paul was optimistic about the response. "Most of these people really care, if you only inform them of the issues." The ELA has taken this informing role seriously — since the fall they have solicited over 200 "Clean Air" letters and raised \$600 for the National Clean Air Coalition.

Steven Purvis

# FROM THE CLOAKROOM

Landscaping underway on the quad-range has raised more than a few eyebrows. *In-House* sources have learned that the land between the Rusk Center and the Law School has been set aside for the "Fred Davison Experimental Farm." The University will attempt to disprove the old adage that "money doesn't grow on trees" by raising crops bearing negotiable securities, municipal bonds, and South African Kruggerands. For the school's 1984 bicentennial, administration officials are planning a Six Flags-style theme park complete with monorail and jungle-boat ride....Our congratulations to recent newlyweds Rise Hegwood and Michael Weathersby of Section W and to Alice Hale Murray of Section X....Unconfirmed rumor has it that sports-minded prof Rick Holmes will publish his next article in *Golf Digest*. Entitled "Golf After Life After Death of Contracts," the monograph is an excerpt from his forthcoming compendium, "Holmes on Holmes" (Vanity Press)....Strong consideration is being given to abandoning the two rounds of mandatory oral argument in moot court competition in favor of two rounds of boxing, judo, or full-contact karate....Speaking of landscaping, the School of Environmental Design softball team, the "Landscrapers," has challenged the Law School to a softball game. If the 'scrapers win, they want exclusive use of the law school lounge for the day, and if they lose, they've promised a portrait of Dean Beard. Somehow, it seems we lose either way....Anyone interested in working for a large firm after graduation should check out the "Guide to Law Firms" recently published by *The American Lawyer*. It covers 172 big-time factories, with an eye towards inside management....We stand corrected: Ed Gartin, winning counsel in the *Hairy Dog Furriers v. Gunn Mall* case, is heading for private practice in Newnan, Georgia, and not the sunnier climes of Daytona Beach....London Calling: On several occasions recently Dean Beard has remarked that Professors Brussack and Kurtz have never been so nice to him. Seems that only one of the two Moot Court advisors will be allowed to accompany the national team to

England next year....And in case you were wondering, our statistical department says that at last count 187 of our 641 students were women, or 29%.... Close encounters of the fourth kind: several students have reported unconfirmed sightings of former SBA President Bo Jackson....And How's Your Love Life? Atlanta attorney Mary Welcome told the Balsa Alumni Banquet that the joys of litigation sometimes surpass any thrill, "even sex"....Library officials, perturbed by stockroom shortages, are on the lookout for a Windex junkie....And finally: our congratulations to Assistant to the Dean Gwen Wood on the long-awaited arrival of Katrina Danielle Wood, born Friday, May 7, 1982, red hair and all!



Judge Abner J. Mikva

## "Out in Left Field"

Muscles tensing. Bodies straining. Lungs aching. Legs pumping.

Nope, it's not a scene out of *Chariots of Fire*. It's the effects of the intramural softball program, where used-to-be, wanted-to-be, and still-hope-to-be athletes show the physical skills they possess.

These scholar athletes will probably never be found in Fulton County Stadium, except as spectators. (Would you prefer the big books over the big bucks?) Very few have the body and muscle tones the word "athlete" usually conjures up. They do, however, possess a desire to play, to compete, and, most importantly, to have fun.

As is natural, every team needs a

means of identification — a team name. Some teams have shown remarkable imagination ("Section Y"), others have tried to draw some relation between the sport and the school ("Running Covenants"). Some are indicative of what is uppermost in the team members' minds ("Bartenders"). And some names have their explanations only in the dark recesses of the minds of those who thought them up ("Assaultin' Bats").

Every team has its heroes and its goats. It is best to leave the goats unnamed. We know who we are. Some of the stars of this season (and the list is far from all-inclusive) include James McCoy, who looks like Brooks Robinson at third base; Kim Clark, who is also quite a tennis player, having won the IM tennis championship; Fred Beloins, wielding a very heavy bat; and Professor Robert Brussack, who can be one very tricky pitcher.

Unlike IM football and basketball, softball in the Law School leagues is coeducational. Three women must be on the field at all times. The cynical coaches who have little faith in their talents stick the women in such glorious positions as short field and catcher. Despite this male disbelief, the women do make important contributions. Some bat well. Some are good fielders. Most are capable of drawing a walk. And a few are so good-looking in shorts that they distract the other team. (Okay, so that's a sexist view. But give me a break — I am a normal, healthy red-blooded American male.)

And let's not forget the fans. Where would we be without them? They give the players invaluable moral support. Oh, yeah, there's also a liquid support. The powers-that-be frown on the presence of kegs at softball games, but the rules say nothing about coolers and cans. (And you thought "team spirit" had something to do with adrenalin flow.)

**Cleatmarks:** Tip of the old baseball cap to Assaultin' Bats and Lucky Strikes. The members of those two squads who braved the wrath of professors and skipped the finals of the Russell competition were rewarded by discovering that their April 30 game had been chosen as the *Red and Black* game of the week. For you sports freaks, winning and losing streaks were both stopped as the Assaultin' Bats exploded for a 13-5 victory. Mid-season league leaders are the Skandalakis and Devil's Advocates teams.

Lee Parks



## EDITORIAL UPDATE

In the last issue of the *In-House* we printed a letter from **Wesley King** to the Faculty Library Committee criticizing the policy employed by the Law Library in its allocation of stacking-permit applications. After a discussion which included several student members the committee established new guidelines. Professor Edwin Surrency took time to outline the Library's new policy:

1) Due to the scarcity of tables on which to stack the total number of permits to be issued at one time is limited to forty. Stacking will be restricted to open tables only, no stacking will be permitted at study desks.

2) Once forty permits have been issued no new permits will be released until one has been returned. No indefinite time-limit permits will be issued. They will be non-renewable and limited to periods of four weeks.

3) Allocation will be made on a 'need' basis and permits will be available for students working on a research-writing assignment as well as the traditional extra-curricular activities.

4) The number of books that may be stacked is reduced from fifteen to ten. Supreme Court reporters and federal reporters may no longer be stacked.

Most of these changes represent a compromise between retaining the former system and abolishing it entirely. Some

changes may seem restrictive but can be justified. The prohibition stacking federal court reporters is acceptable due to their rather heavy use. It's hard to justify the strict time requirements imposed. Four weeks is not a sufficient amount of time to do major research for an independent paper unless the materials are easily found. Nevertheless, it does insure that books which disappear into a stack will reappear within a reasonable waiting period.

The new system still has one glaring deficiency. Many of the changes rest upon the assumption that a copier is readily available. The necessity of stacking a book is to insure ease of retrieval. In keeping with this goal, short articles and cases should be copied instead of stacking the book itself. Hence, the number of books to be stacked with a single permit was reduced from fifteen to ten at any one time. With only one copier of questionable reliability this justification should be advanced lightly at best. No one contends that research can be done piecemeal, volume by volume being checked out from the library and returned when through. This reduces access even further as books go through the long turn-around of check-out and replace. But with stacking space limited some means has to be found to insure use for both the researcher and short-term reader.

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# GEORGE DEAN'S

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## For the Record

Law Day brought receptions, distinguished judges, Jimmy Carter, and awards. The award ceremonies spanned two days and recognized achievements in many fields. Congratulations are in order for the following professors and students.

The two faculty awards went to Robert D. Brussack, recipient of the Faculty Book Award, and Robert Leavell, recipient of the Professional Responsibility award.

The American Jurisprudence Subject Awards are given for the highest grade in each selected field. The winners for each field were:

Estate and Gift Tax — **Michael Edwin Axelrod**, **Kristen Anne Gustafson**. Trusts and Estates — **Gladys Faye Smith**, **Harriet Martineau Deal**, **James Steven Purvis**. Criminal Law — **Elizabeth Raines Cook**, **Maria Nicollette Sorolis**, **Karen Leslie Smith**. Criminal Procedure I — **Russell Anthony Tolley**. Criminal Procedure II — **Sue Carey Lindholm**. Constitutional Law — **Virginia Jane Reed**. Administrative Law — **Maija Sibilla Blaubergs**. Commercial Paper — **Kenneth Taylor Horton, Jr.** Conflicts — **Jeffrey Young Lewis**. Insurance — **Richard Dean Wilhelm**, **Sue Carey Lindholm**. Domestic Relations — **Ginger Sue McRae**, **Sue Carey Lindholm**. Estate Planning Seminar — **David Anthony McCranie**, **Wilmer Eugene Seago**. Labor Law II — **Raymond Michael Robinson**. Corporations — **George William Fryhofer, III**. Equitable Remedies — **Ted Hamby Clarkson**, **Sue Carey Lindholm**. Legal Professions — **Kristen Anne Gustafson**, **Grady Hulan Williams, Jr.** Bankruptcy Award — **James Gilber Middlebrooks**. Torts — **Harriet Martineau Deal**, **James Randolph Evans**, **George William Fryhofer, III**. Municipal Corporations — **David Lane Thompson**, **Lisa Abbot**.

The highest average in the first year class — **Harriet Martineau Deal**. The greatest improvement from first year to second year — **James William Quinlan**. The greatest improvement from second year to third year — **Elizabeth Kline Dorminey**. The highest average for a graduating third year (McDougald) — **Robert Jesse Proctor**.

The Henry Shinn Award — **Jonathan Engram**. BALSAs Senior Service Award — **Ertharin Cousin**. Georgia Association of Women Lawyers for outstanding woman law student — **Lisa Abbot**.

Aside from Law Day activities the final results are in for the SBA elections. As of our print date this seems to be the final uncontested outcome... **Tom Stoughton** — President, **Roy Copeland** — Vice-President, **Mike Cronin** — Treasurer, and **Judy Ashe** — Secretary.

Second-year student **Laura Christian** was recently elected Fifth Circuit Governor for the Law Student Division of the American Bar Association.

...The board of directors of the Citizens and Southern Banks in Georgia has established a \$50,000 scholarship fund in the School of Law in memory of the late A. Pratt Adams, Jr., of Savannah. Adams, a director of C&S for 20 years and board chairman in 1978-79, was a U.Ga. graduate of 1936, a trustee of the University of Georgia Foundation and a member of The Presidents Club. Both his father and grandfather were U.Ga. alumni, the former serving as one of the first regents of the University System and the latter serving as a trustee of U.Ga.

Newly elected officers of BALSAs are: **Samuel Matchett** — President, **Greg Adams** — Vice-President, **Sharon Baker** — Secretary, and **Vickie Graham** — Treasurer.

The Environmental Law Association elected: **Chris Worthington** — Third-year Chairperson, **Libbi Black** — Second-year Chairperson, **Melissa Heath** — Treasurer.

And WLSA election results are: **June Horne** — President, **Melissa Burkholder** — Vice-President, **Melanie Marks** — Treasurer.

The Editors of *In-House* are pleased to announce the editorial staff for the 1982-83 volume: Editors: **Steven Purvis** and **Bob Woodland**; Business Manager: **Anne Segrest**; Associate Editors: **Vince Draa** and **David A. Golden**; Production Manager: **Rebecca Durie**. We congratulate the incoming editorial staff and wish them luck for next year, when *In-House* goes to a monthly schedule, featuring a special Orientation Issue. We welcome anyone who would like to contribute to the success of *In-House* as it moves into its second year.

## Talmadge, Russell

### Competitions

### Completed

Two of the major events of law day festivities are the final rounds of the Russell and Talmadge Competitions.

The Russell Competition, open to interested first year students, is the testing ground for skills learned in the required Research and Writing class. Fledgling would-be oral advocates gained experience in the mandatory rounds held last quarter. Judged by students from the Appellate Practice class, participants bravely tested the waters of oral argument. Some 130 students signed up for the Russell competition this Spring. The competition, directed by Moot Court Board members **Ertharin Cousin** and **Ed Coleman**, is run on a single elimination basis. The four semifinalists — **Fred Bading**, **Bob Woodland**, **Kim Logue** and **Paul Weathington** — have been invited to join the Moot Court team for next year in recognition of their accomplishment. The final rounds, judged by Georgia Supreme Court and Court of Appeals justices, were very close and exciting to watch. Congratulations are extended to **Kim Logue** who defeated **Fred Bading** to win the Russell Competition. "All in all," says **Ertharin**, "the first year class was lots of fun to work with."

The second and third year students were involved in the Talmadge Moot Court Competition. The Talmadge Competition differs from Russell in that invitations are contingent upon performance in preliminary mandatory rounds. Sixteen teams were selected and seeded according to their record in the mandatory rounds. The finals were held in the Hatton Lovejoy Courtroom, Friday, April 30, along with the finals of the Russell Competition. In a split decision, **Scott Italiaander** and **Lawrence McGoldrick** defeated **Becky Bedingfield** and **Tim Toler** before Federal judges **Abner Mikva** and **Anthony Alaimo** and former presidential counselor **Robert J. Lipshutz**.

Rebecca Durie

# Jimmy Carter Speaks on Great Men, Great Events, and Great Books

The White House could be compared to Walden; although geographically and spiritually distant, both locales are inhabited by the literary muses. Thoreau found his inspiration while living at Walden, while artistic urges do not overwhelm Presidents until they leave the mansion on Pennsylvania Avenue. One of the sufferers of this post-presidential writing syndrome was the featured speaker for the 25th Annual Law Day program: Jimmy Carter. His speech could have been alternately titled "Four Years and Four Men," or, more concisely, "Buy My Book."



Former President Carter addressed the receptive crowd from the sundrenched brick courtyard in front of the Law Library. He opened by reminiscing about the first time he had spoken at a U.Ga. Law Day event. In 1974 Carter took enough time out from escorting the featured speaker, Sen. Edward Kennedy, to deliver a scathing attack on the U.S. criminal justice system. *Rolling Stone* journalist Hunter Thompson, with a paper cup of Wild Turkey in one hand, and a pen in the other, was impressed by the speech, and, as Carter said, "wrote a very fine article that later helped me to become President."

After promising that his soon-to-be-published memoirs contained many more amusing presidential anecdotes, Carter launched into his speech on his four most memorable world figures.

Anwar Sadat headed the list as Carter's "favorite foreign leader, a man who had a breadth of vision that could be breathtaking." He praised Sadat for his courageous peace initiatives, and attributed Sadat's thrust to the fact that "I'm a Southerner, and only a Southerner could understand what the Arab peoples have experienced."

Carter then told of his 1974 meeting in Vienna with Leonid Brezhnev. When the two men met to discuss the SALT II treaty Carter said Brezhnev's first words were, "Mr. President, God will never forgive us if we fail." Carter then related how he later indiscreetly mentioned the diety-laden sentence in the presence of the Soviet President's comrades, thereby embarrassing the Russian. Brezhnev's goal, Carter said, is to prevent war from ever returning to his country. Carter also suggested that President Reagan be more selective in his treatment of the USSR, "cooperating with them when possible, competing with them when necessary."

Omar Torrijos, the late Panamanian leader, was described as "a tough, patient sergeant." The former President defended his renegotiation of the Panama Canal Treaty, decrying the original as "unfair, and if it wasn't changed there wouldn't be a Panama Canal today. It would have been a communist region."

Carter then described China's Deng Xiaopeng as "an absolutely delightful little man, loved by children as much as he loved them." Carter related that when he was attempting to get Most Favored Nation status for China Deng said, "If it will help you Mr. President, I'll send you ten million Chinese." Carter said in exchange he offered ten thousand journalists to help China with its press relations. Deng countered, "I'll keep my ten million Chinese if you'll keep your ten thousand journalists." Carter told the crowd that "China got the better end of the deal." The former president also said that Deng made an extensive study of the U.S. judicial system while in the process of revamping China's bureaucracy, and "decided that he didn't want any lawyers in China."

Carter then answered several questions which enabled him to comment on current issues. In response to a question on the future of the Camp David

peace plan, Carter suggested that a high U.S. official, such as the Secretary of State, frequently travel to the Middle East to help spur further peace initiatives. The former president said he did not believe in an immediate nuclear weapons freeze, but felt that the ratification of the SALT II treaty, and the implementation of its arms reduction mechanism, would be the most efficient and effective means to reduce the threat of nuclear war. Carter praised Alexander Haig's role as a mediator between Britain and Argentina as "heroic," but said that the time had come to take the controversy to the United Nations.

Carter reminded the crowd that although he was not a lawyer, to perform his presidential duties he had to use many of the same skills taught in law school. In conclusion, he said that the aims of his administration had been to promote law, justice, arms control, honor, peace and dignity. To find out exactly how the former president tried to attain these goals, you'll have to buy his book.

David A. Golden





# TOME TOMB

The following are abstracts representing writing requirement papers selected from those submitted to *Tome Tomb* this past month.

*"When One Plus One Doesn't Equal Two": The Process and Results of Multi-Member Districting*

One must be ever aware that the Constitution forbids "sophisticated as well as simple-minded modes of discrimination...."

— Chief Justice Warren  
in *Reynolds v. Sims*

The story of malapportionment has been endlessly developing over the past two decades, and innumerable issues remain unresolved. Yet some questions have been argued and decided, and former controversies have become law for all to accept without debate. The multi-member district has had a strange traverse through the web of equal protection litigation, and has emerged virtually unscathed by adverse legal interpretations.

In this result lies the irony of Chief Justice Warren's quote. Critics of the Court's approach contend that the multi-member district is a "sophisticated mode of discrimination" which robs many of the effectiveness of their vote; this is the exact danger cautioned against in *Reynolds*. Both judges and academicians have disliked the multi-member district, and all have their own argument for their position. Some hold that such devices underrepresent the multi-member constituencies, while others peer through the mist of oversimplistic arithmetic to declare that such districts are extremely over-representative. Still another faction sees the multi-member district as a machination of the legislatures, designed to submerge racial minorities in a mire of at-large elections.

If the truth be known, the multi-member district is all of these things, and more. Although the Supreme Court maintains a deferential attitude toward these electoral nightmares, their inherent evil remains, leaving state after state technically malapportioned. In many instances, the extent of the malapportionment exceeds that present in 1962 when the Supreme Court decided *Baker v. Carr*.

The relevant cases are discussed here at length, beginning with the Court's

first, albeit oblique, reference to the multi-member districting device in *Reynolds v. Sims*. The progression will show the individual and collective importance of these cases in the shaping of the Supreme Court's present position *vis-a-vis* the at-large mechanism and will also demonstrate the merit of some arguments left behind.

The analysis following the cases develops the Court's misappraisal of the harm. An examination is made of the *results* of multi-member districting, and objections are based on both democratic and legal theories.

In the first democratic theory argument, the "one man, one vote" principle is criticized on a threshold level. The Court has consistently used a *total population* base for its redistricting decisions, although a *registered voter* base would more fully effectuate the "one man, one vote" concept. Next, an abstract of an article by Professor John Banzhaf demonstrates that simple mathematics cannot serve as the basis of legislative reapportionment, despite the Court's adamant adherence to its numbers game throughout the case law.

The legal theory section first looks at how multi-member districting law would be different had the Court maintained its "fundamental rights" analysis established in *Fortson v. Dorsey*, instead of moving to a stricter standard of proof, as in *City of Mobile v. Bolden*. The writings of Justice Thurgood Marshall and Professor John Ely form the core of the argument. The last legal theory observation is based on a student note on the Guarantee Clause of the Constitution. The observations made here go further than the note, however, and propose that the Guarantee Clause, rather than the Equal Protection Clause, is indeed the appropriate Constitutional vehicle for reapportionment reform.

The final section of the article turns the reader's attention away from the *results* of multi-member districting to the *process* by which these districts are created. "The Georgia Experience" examines the decision-making procedures of the Georgia General Assembly and the undesirability of the output of that process. Of the fifteen multi-member House districts created by the 1981 special session, most are deficient when compared to a standard enunciated in *Reynolds v. Sims*. The effects of legislative caprice will also be noted.



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Although the arguments presented herein are academic — some have been considered and discarded, others perhaps were never raised — they serve to illustrate the seriousness of the reapportionment problem and the concurrent refusal of the Supreme Court to remedy the harm being suffered.

Glen M. Vey

### *Impeachment of Juror Verdicts in Georgia: Time for a Change?*

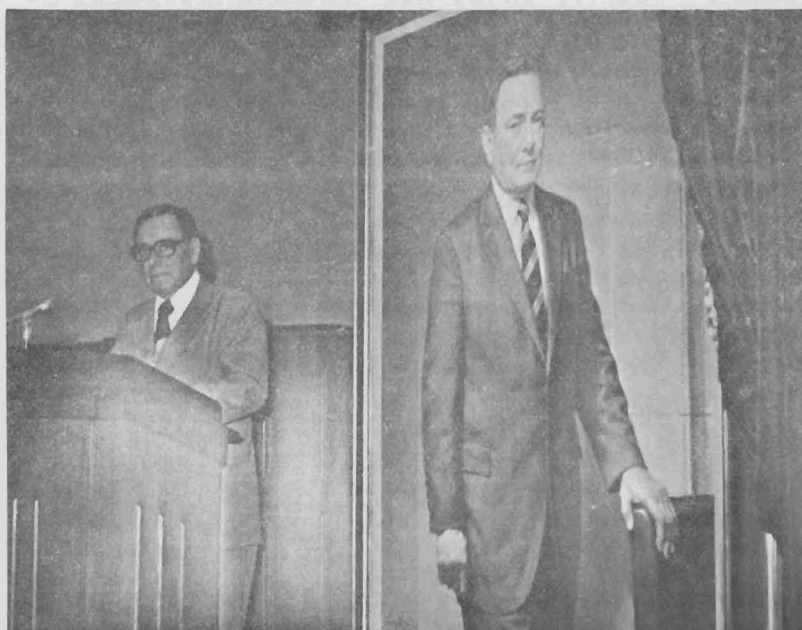
Until 1785 courts in both the United States and England permitted jurors to impeach their own verdicts. Nevertheless, for almost two hundred years courts have followed Lord Mansfield's dictate in the case of *Vaise v. Delaval* that jurors were incompetent to impeach their verdicts because "a witness shall not be heard to allege his own moral turpitude."

The theory forming the basis of the so-called Mansfield rule has become a curiosity of history, however, courts have developed various police justifications for continued use of the rule in spite of widespread criticism of the doctrine. Although many jurisdictions have abrogated the rule in certain situations, Georgia persisted in strict adherence to the rule until 1976.

In 1976 the Georgia Supreme Court in the case of *Watkins v. State* allowed jurors' affidavits to be used to impeach a verdict where members of the jury visited the scene of the crime and reported their findings to the entire panel. The court decided that the Mansfield rule was inapplicable because of the requirement of the United States Supreme Court's holding in the case of *Parker v. Gladden*. The Court in *Parker* held that a defendant was entitled to a new trial when post verdict juror affidavits showed that prejudicial comments had been made to the jury by a bailiff during a criminal trial. The decision was based on a defendant's Sixth Amendment right to confront all witnesses against him.

Although *Watkins* remains the single abrogation of the Mansfield rule in Georgia, the *Parker* decision should be a harbinger of changes in the rule to come, at least in criminal cases. This comment explores the history and policies behind the Mansfield rule, the possible effects of the *Parker* decision, and alternatives to strict application of the rule in Georgia.

David B. Manley



Arthur K. Bolton, former Georgia Attorney General, unveiling his portrait.



## Pre-Pubes Get Legal Education

The class begins with a brief discussion of the duty of each member of society to report crimes, then the teacher begins to read a newspaper report of the Kitty Genovese incident in New York City. The students are captivated and, for the most part, incredulous. Several of them ask in whispers if the story could really be true. When the story is finished, the teacher asks the students for their feelings and reactions, and all seem to agree on the importance of becoming involved in crime prevention and control, at least to the point of reporting crimes. Without warning, the classroom door bursts open, and an assailant rushes into the room and begins to stab viciously at the helpless teacher, screaming, "Take that, and that!" As the limp body of the teacher falls to the floor of the classroom, the attacker bolts out of the door and disappears down the hall.

But the teacher, Rob Wildstein, a second year law student, is not really dead. The implement of his destruction was not a six-inch blade, but an eight-inch banana, and his assailant was no bloodthirsty criminal, rather it was Betsy Bloom, a first year law student. The class, Ms. Nagao's sixth grade group at Lyons Middle School, has just been treated to the "Banana Stabbing" by two participants in the Juvenile Justice Program (JJP), a project conducted by the University of Georgia law students and sponsored by Phi Alpha Delta legal fraternity.

The "Banana Stabbing" is part of a two class program on the rights and duties of citizens of this country and is designed to show the students the difficulties inherent in a system relying on witnesses. Other programs include discussions inherent in a system relying on witnesses. Other programs include discussions of constitutional rights and consumer protection, and a mock shop-lifting trial, which allows the sixth-graders to obtain a first-hand practical feel for the workings of the trial system. These programs were developed by two heads of the Juvenile Justice Program, George Schroeder and Jim Lobb, both third year law students at U.Ga. The courses are taught to various middle school classes in the Athens area by several first, second, and third year law students.

Through their involvement in the JJP, these law student-teachers have found a way to put some of their legal education to use now, rather than waiting for the day when they begin their practices. In addition, these law students gain the satisfaction that all teachers feel, as something of themselves is left to grow in the child's mind. While the participants in the JJP cannot teach the law in detail to sixth-grade students, they can, and do, apprise their students of the practical, day-to-day effects of legal rights and duties.

Perhaps the most important function of the law student-teachers is to demonstrate to the students that the legal system is not some sort of nebulous mystery. By helping to clear up the misconceptions apparent in the endless stream of questions presented by the students, the participants in the JJP bring the legal system down to earth for the middle school students.

The response to the JJP from teachers and administrators of the area schools has been encouraging. The Program was taught at Lyons Middle School for two classes a day through the last two weeks in April and, in the near future, the law students involved will be teaching classes at Patti Hilsman Middle School.

Nonetheless, the most important response is that of the children. On the

last day of the two-week session with the Lyons Middle School sixth-graders, Ms. Nagao handed a pile of thank-you letters written by the students to George Schroeder. Though not always perfect in grammar or spelling, and though the handwriting was often difficult to interpret, the letters were clear demonstrations of the students' attentiveness, appreciation, and feeling of having gained new knowledge, as the following letter demonstrates:

*Dear George Schroeder and  
law students,*

*I have enjoyed this course on law. I may not have been that active in answering questions, but I have learned a lot from you and the law students coming to teach us. One thing I learned is it is my duty to observe and report crime. I liked how meaningful you all were. You made it sound so serious, and it is. I hope you all are very fortunate in being lawyers and telling other students about law. I hope it has the same effect on them as it did me. Thank you for answering all my questions on law and telling me things I didn't know before.*

*Virgil Gary  
Sixth Grade,  
Lyons Middle School*

Dave Johnson

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## PAY NOW, SUE LATER

Many law students can hardly wait to graduate from law school so they can sue someone. Three University of Georgia law students did not wait, and they are now suing the BAR/BRI Bar Review course.

Bar review courses are popular among third-year law students, most of whom attend a comprehensive review program or at least a short "cram" course. Several years ago two comprehensive courses, BRC and BAR/BRI, were competing for business, and a price war had lowered fees to approximately \$120 for each course. The owner of the Georgia BAR/BRI franchise, a Mr. Pelletier, then acquired the Georgia BRC franchise. BRC immediately ceased its operations in the state. BAR/BRI was left as the only bar review course in the state, with the exception of various mail-order multistate packages, and the three-day PMBR short course. BAR/BRI's fees quickly rose to over \$300.

"I was mad," said Carol Bashon, one of the named plaintiffs in a class including her BAR/BRI group. "It was a lot of money, but I still felt that I should take the course." That is a common and easily exploited sentiment among law students who feel that the increased chance of passing that most important of exams, the bar, is well worth the cost of even an overpriced review course.

Bashon, Walter Ballew, Debbie Edwards and the other students did not see themselves on the short end of the supply and demand stick; they felt they were victims of an anticompetitive practice. The students contacted the Athens firm of Nelson and Sweat which, with the help of Professor James Ponsoldt, has filed suit in the U.S. District Court for the Middle District of Georgia. The students are requesting treble and punitive damages, and they also want Pelletier to divest either his BRC or BAR/BRI franchise to foster some competition in the bar review field.

## Rusk Honored at International Law Conference

The Law School hosted an International Law conference and workshop May 7th and 8th. The conference was sponsored by the Standing Committee on Law and National Security and the International Law Section of the American Bar Association in honor of the accomplishments and contributions of Professor Dean Rusk, former Secretary of State. A spokesman for the ABA explained that: "Professor Rusk has served as counselor to the Standing Committee for years, and has participated in many similar workshops. On the occasion of this conference, the committee voted to honor Professor Rusk's many years of outstanding public service as well as the special services he has given to the committee and the ABA."

The theme of the conference/workshop was "Coping with Internal Conflicts." Prof. Rusk noted that internal conflicts, such as the civil wars in El Salvador and Afghanistan, have become a matter of growing concern to the community of nations and that the distinctions between internal and international wars seem to be melting away. The main topics discussed were the obligations of outside states in an internal conflict, the rights of the local population during the conflicts, and the roles of international and regional organizations in mediating or policing

these conflicts. These topics were discussed in the context of El Salvador and Afghanistan, as well as earlier conflicts such as the Vietnam War.

The proceedings of the conference will be published in a future issue of the *Georgia Journal of International and Comparative Law*. A law school coordinator hoped that this conference and the proceedings would have an impact on the growth of international law in this area, due to the prestige and influence of the participants. Among the participants were Gale McGee, U.S. Ambassador to the Organization of American States; John Pace, Secretary of the United Nations Commission on Human Rights; Bart DeShutter, a specialist on international penal law; as well as our own Professors Sohn and Wilner. The conference was attended by over 70 teachers of international law and by students in several international law programs.

The conference marked the occasion of a well-deserved honor for Professor Rusk. It also focused the international legal community's attention on one of the finest faculties and programs in international law in the nation. More importantly, several participants expressed the hope that conference would help clarify this area of the law, and thereby aid in a more peaceful resolution of internal conflicts.

Georgia is not the only state in which BAR/BRI has a bar review monopoly. Fourteen other states, half of them in the south, have no alternative comprehensive review program. Things could be worse, however: neither North Dakota nor West Virginia have any bar review course at all.

David Golden

Ed. Note:

The plaintiff students are now seeking class-action status for their suit. All students who have taken the BAR/BRI in the last year or who have signed up for it next year are invited to join. Those interested in becoming a member of the class should contact Walter Ballew, 549-7257, or Janet Hill 742-7319 for details.

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## Welcome Addresses Balsa Banquet

The Black American Law Student Association (BALSA) held its Fourth Annual BALSA Alumni Awards Banquet on Saturday, May 1. This affair is held each year in conjunction with Law Day festivities to recognize BALSA Members who have distinguished themselves, and to renew relationships with BALSA Alumni. The Key Note Speaker was Atlanta Attorney Mary Welcome.

After a brief introduction by Banquet Chairperson, Fannie Lewis, the program commenced with a greeting from law school Dean J. Ralph Beard. Following his address, entertainment for the evening commenced with a creative dance performed by Shondalon Lewis of DeShons Dance and Fashion productions, in recognition of the struggle taking place in South Africa. Next, the Black Theatrical Ensemble, under the direction of Micah Penn, presented a theatrical dialogue entitled "Black Sounds."

After a warm introduction by Delmarie Griffin, Ms. Welcome delivered an inspiring address. In ex-

pressing her concern over the exclusion of Black attorneys from the big money cases, she indicated that "it is time now for the Black attorneys' names to appear on the briefs of the million dollar cases."

Abandoning her original promise not to speak about the Wayne Williams trial, Ms. Welcome explained to an audience of 150 or more that there were times when she felt that she was on trial as a Black attorney. Upon reflection,



she indicated that there were a lot of things that she would do differently if she had it to do over again.

Jokingly, she compared the prosecutor's resources to the Defense's, and in portraying such a disparity, she indicated that nothing short of a direct summons from God would have turned the Wayne Williams case into a winner. In spite of her bad public reviews, her loss of revenue from her practice, and the long days and nights spent without sleep, Ms. Welcome indicated that she still believes that it is a lawyer's moral and professional duty to help insure that everyone receives a fair and just trial.

Following this address, Professor Larry Blount presented BALSA Student and Alumni Awards. Among the recipients were Student Bar Association Vice President Roy Copeland, Winner of the Meriocratic Incentive Award, and Ertharin Cousins, who received the Graduating Senior Service Award.

Fannie Lewis

## "GSU Law School Underway"

It is full steam ahead for the Georgia State University Law School. Georgia's second state-supported law school is scheduled to begin classes on September 13, 1982.

The opening is not being hampered by the withdrawal of an offer by Woodrow Wilson College of Law to donate its assets. Woodrow Wilson withdrew this offer upon a ruling by the American Bar Association that current Woodrow Wilson students would not be allowed to transfer to G.S.U.

The G.S.U. law school will be located in the first floor of the Urban Life Building, the newest building on the G.S.U. campus. Initially, the law school will occupy 30,000 square feet. Plans are underway, however, for future expansion.

The library of the new school currently contains 30,000 volumes. Most were previously in the G.S.U. main library as the University now offers a number of criminal justice classes. Thirty thousand additional volumes will be purchased by September, many

of which will be obtained on the used book market. These volumes will be the nucleus of a library sufficient for purposes of A.B.A. accreditation.

Ben Johnson, former dean and professor at Emory University Law School, has been named dean at G.S.U. He will head an initial faculty of six full-time professors, which will grow with the admission of the next two first-year classes.

Dean Johnson will work with an operating budget of \$746,000, most of which will be used for faculty and staff salaries. With the addition of faculty members and library upkeep in succeeding years, the operating budget is certain to rise.

The entering class will be limited to 150. Tuition for the 1982-83 academic year will be approximately \$1,000.00 a year. At present, the number of applications is high. Applicants will be selected for admission on a "rolling" basis, whereby applications submitted by certain dates will be considered together.

As originally contemplated by the Board of Regents, applications have come mainly from career individuals, those currently holding full-time jobs. This trend is reflected in the number of applicants wishing to attend night classes only. Of all applicants, 60% are interested in night classes only.

G.S.U. has accepted 67 applicants who met the school's criteria for automatic acceptance, a combination of a 3.0 undergraduate average and a LSAT score above 600. Forty of the 67 will attend night classes.

According to G.S.U. public relations representative David Snell, G.S.U. law school earnestly believes that it and U.Ga. law school can co-exist and prosper by serving different types of students. Although to date the applications indicate that G.S.U. will not significantly draw students away from Athens, its effect on future funding and acquisitions for U.Ga. remains to be seen.

Jack Niedrach



# ACROSS

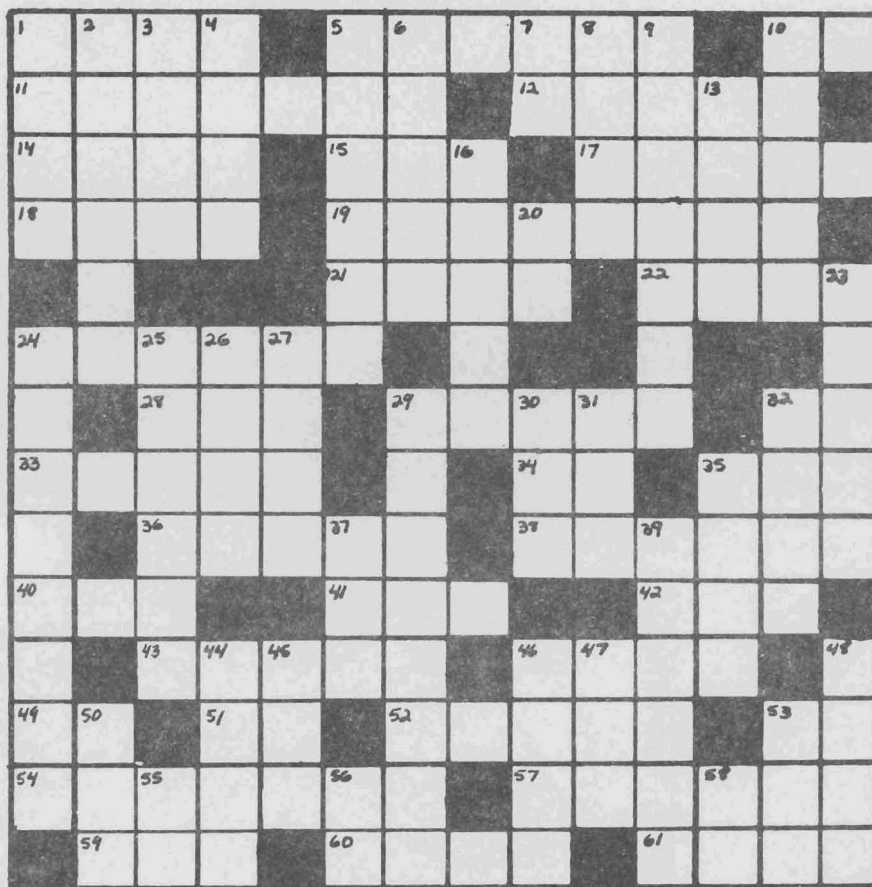
1. A thing done
5. Old Eng. sitting of court
10. Post Office
11. Opposed
12. Relating to unborn
14. Irritates
15. Help
17. And so (Latin)
18. Stink
19. Final
21. Flesh
22. Law
24. Recommendation
28. Girl's name
29. Phobias
32. Preposition
33. Fathers
34. Thus
35. — Lincoln
36. Motel in "Psycho"
38. Vendor
40. Health —
41. Consumed
42. Devour

43. Discover
46. Lots
49. Conjunction
51. Nurse
52. Watching
53. Strike Out
54. Classifications
57. Tennis player
59. Edgar A. —
60. I understand
61. Excavation

# DOWN

1. Equitable
2. Settled
3. Angel food
4. Mild Admonishment
5. Undertake
6. Took
7. Condition
8. Appear
9. Assails
10. Kept furnished
13. About

16. Situation
20. Pronoun
23. Go into
24. Appraiser
25. By word
26. Thought
27. Throw
29. Quickness
30. Donkey
31. Fish eggs
32. Encourage
35. Expression of unhappiness
37. Aural appendage
39. Long dimension
44. Landmark procedure case
45. — Bancroft
46. Prong
47. Singular
48. Painful
50. Hit lightly
53. Salt (Fr.)
55. Preposition
56. Soldier
58. Preposition



## EPSTEIN DELIVERS SPRING SIBLEY LECTURE

Professor Richard A. Epstein of the University of Chicago School of Law was the featured speaker at the Spring Quarter Sibley Lecture on April 6. Professor Epstein's lecture, entitled "Workers' Compensation: Its Rise and Possible Fall," was the 53rd in a series dating back to the inception of the Sibley lecture program in 1964. Epstein, a graduate of Oxford University and the Yale Law School, is a co-author of the widely utilized casebook *Gregory, Kalven and Epstein's Cases and Materials on Torts* and is a leading authority in the field of tort law. As such, the selection of Professor Epstein as a lecturer continues the Sibley tradition of featuring prominent legal figures and relevant topics.

Following opening remarks by Dean Beaird and Professor Walter Hellerstein, Professor Epstein quickly gave credence to Hellerstein's claim that taking notes from Epstein was comparable to "standing under a waterfall with a Dixie cup." Professor Epstein proceeded to take his listeners on a rapid fire tour of the field of workers' compensation from its dim beginnings in England 150 years ago to its current state, all in less than an hour, leaving many in the audience wishing they were equipped with a tape recorder instead of a note pad. Nevertheless, Professor Epstein presented his material in such a fashion that while verbatim transcription of it was difficult, comprehension of his major points came easily.

Epstein opened his lecture by noting that prior to 1837, there was no recourse available for the employee injured on the job. The contemporary view, according to Epstein, was "anyone lucky enough to be employed shouldn't complain" about employment connected harms. However, an 1837 English industrial accident case, while continuing to conform to the prevailing view, suggested that under certain circumstances an employer might be held liable for negligently injuring an employee. Despite this novel idea, both English and American courts continued to find for the employer.

Prompted by a rising number of industrial accidents and a corresponding increase in litigation, legislation arose in England in the late 19th century that set forth categories of prima facie cases of employer negligence and established provisions for a maximum cap on damages. While the attributes of this

early legislation are similar in many respects to modern workers' compensation statutes, Professor Epstein sees the fact that employees were allowed to contract out of the statutory requirements with their employers as the most significant factor leading to the development of the modern day provisions. These contracts set up systems of collection for on the job injuries and paid out according to a scheduled list of damages, as well as providing for arbitration in the case of any disputes, all of which are features of today's workers' compensation standards. By 1897, in the light of monumental litigation problems under the existing employer's liability acts, new statutes were enacted, codifying the private plans substantially as described above. These statutes, adopted in many cases before the turn of the century, are basically identical to the ones still in existence today.

The genius of workers' compensation, according to Epstein, is "that it worked much better than negligence and contributory negligence to allocate risk between employer and employee." Professor Epstein feels that the longevity of such compensation plans is based on the much lower transactional and administrative costs under the statutes as compared to litigation, the incentives to minimize accidents by limiting the amount of benefits to workers, and the fact that the statutes as originally adopted mirrored the consensual relationship between employer and employee.

Nevertheless, Epstein sees one factor that has contributed to success of workers' compensation in the past as a potential threat to its future. When the early statutes adopting the consensual provisions were enacted, efforts were made to make it practically impossible

to replace the statutory plans with private agreements. While this preserved what was arguably the most efficient scheme available at the time, these early statutes have become increasingly less representative of what a modern private employer-employee compensation agreement might look like. Epstein feels that the current plans are under strain from increasing trends toward the broadening of coverage to include disease cases, higher benefits that are inducing fraud, and the erosion of workers' compensation as an exclusive remedy. According to Professor Epstein, "The real mistake in modern workers' compensation is that it did not allow contracting out." Revamping of the statutes by the legislature is an unacceptable solution because of the attendant political problems involved in the law making process. Epstein believes, if the option to contract out existed, private market forces would come to the rescue of the system. Otherwise, he feels the future of workers' compensation is somewhat in doubt. In any event, Epstein concluded, "There is no doubt that workmen's compensation will be subject to increasing scrutiny as we move forward in these increasingly difficult times."

Professor Epstein made himself available on the following day to the combined first year torts classes for a question and answer session dealing with his views on law and legal theories in general. Forewarned that the students were prepared to go for the jugular, Epstein defended some seeming inconsistencies in his theories and explained the philosophical basis for much of his work, providing an interesting insight into the background of a major legal scholar.

Vince Draa



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